

# **MINUTES**

## **DEVELOPMENT DETERMINATION PANEL MEETING**

held via teleconference on

**WEDNESDAY 12 JUNE 2024**

## **Minutes of a Meeting of the Development Determination Panel held on Wednesday 12 June 2024 via teleconference**

The public meeting commenced at 10.00am and concluded at 12.05pm.

The minutes were determined on 14 June 2024.

## **1.0 APOLOGIES AND DECLARATIONS INTEREST**

Nil

## **2.0 MINUTES OF PREVIOUS MEETING**

### **2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD ON 22 MAY 2024**

The minutes of the Development Determination Panel held on 22 May 2024, were adopted by all Panel Members and have been posted on the Council's website.

### 3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

#### 3.1 DA2024/0081 - 21 A WARILI ROAD & 49 BLACKBUTTS ROAD FRENCHS FOREST - DEMOLITION OF ALL EXISTING STRUCTURES ON SITE

##### PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Adam Richardson	Manager, Development Assessment
Kent Bull	Principal Planner, Strategic & Place Planning

##### PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

The Panel was addressed by one objector and representatives of the applicant.

The Panel raised concerns with the timing of the replacement tree planting condition, wanting to ensure that the site regains a reasonable canopy as soon as possible. The Panel questioned the applicant about the timing of their works and requested the applicant to provide their preferred timing option. The Panel has reviewed the Applicant's response and is of the view that a period of nine months from the date of the notice of commencement of demolition works is reasonable for the planting of the replacement trees.

Subject to the above, the Panel concurred with the Officer's Assessment Report and recommendation.

##### STATEMENT OF REASON

The proposal generally satisfies the relevant strategy, objectives and provisions of Warringah LEP 2011 and the Warringah DCP 2011 subject to conditions.

##### COMMUNITY CONSULTATION

Issues raised in the submissions have been taken into account in the report and the meeting.

##### DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority, **approves** Application No. DA2024/0081 for demolition of all existing structures on site at Lot 1 DP 524083 & Lot 1 DP 1298188, 21 A Warili Road FRENCHS FOREST & 49 Blackbutts Road FRENCHS FOREST subject to the conditions set out in the Assessment Report, with the following changes:

1. The amendment of condition 18, to read as follows:

##### **Replacement of Canopy Trees**

At least 6 locally native canopy trees are to be planted that will include at least 2 (two) *Corymbia gummifera* and 1 (one) *Eucalyptus botroyides* on the site to replace native protected trees approved for removal. Species are to have a minimum mature height of 8.5m, a minimum pot size of 45L, be consistent with the Native Planting Guide available on Council's website, and be planted within 9 months of the date of the notice of commencement of demolition, that is provided to Council.

Tree plantings are to be retained for the life of the development and/or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.

Replacement plantings are to be certified as being completed in accordance with these conditions of consent by a qualified landscape architect, and details submitted to the Principal Certifier.

Reason: To establish appropriate native landscaping.

Vote: 3/0

### **3.2 DA2023/0696 - 60 CASTLE CIRCUIT SEAFORTH - CONSTRUCTION OF A DWELLING HOUSE INCLUDING SWIMMING POOL**

#### **PANEL MEMBERS**

Daniel Milliken	Manager, Development Assessment
Adam Richardson	Manager, Development Assessment
Kent Bull	Principal Planner, Strategic & Place Planning

#### **PROCEEDINGS IN BRIEF**

Panel members visited the site and surrounds.

The Panel was addressed by representatives of the applicant.

The Panel had regard to DA2020/1585 when considering this application. The Panel also notes the very unique location, topography, setting and dimensions of this particular lot. The Panel was satisfied that this DA represented less visual building mass, than what was approved under DA2020/1585.

The Panel with regard to the above, concurred with the Officer's Assessment Report and recommendation.

#### **STATEMENT OF REASON**

The proposal generally satisfies the relevant strategy, objectives and provisions of Manly LEP 2013 and the Manly DCP 2013 subject to conditions.

#### **COMMUNITY CONSULTATION**

Issues raised in the submissions have been taken into account in the report and the meeting.

#### **DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS**

A. The Panel is satisfied that:

- 1) the applicant's written request under clause 4.6 of the Manly LEP 2013 seeking to justify a contravention of clause 4.3 Height of Buildings and 4.4 Floor Space Ratio development standard has adequately addressed and demonstrated that:
  - a) compliance with the standard is unreasonable or unnecessary in the circumstances of the case; and
  - b) there are sufficient environmental planning grounds to justify the contravention.
- 2) the proposed development will be in the public interest because it is consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.

B. The Panel assumes the concurrence of the Secretary, Department Planning and Environment required under clause 4.6.

#### **DETERMINATION OF DEVELOPMENT APPLICATION**

THAT Council as the consent authority, **approves** Application No. DA2023/0696 for construction of a dwelling house including swimming pool at Lot 16 DP 200638, 60 Castle Circuit SEAFORTH subject to the conditions set out in the Assessment Report.

Vote: 3/0

**3.3 DA2024/0230 - 27 PERONNE AVENUE CLONTARF - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING GARAGE, SWIMMING POOL AND ASSOCIATED LANDSCAPING WORKS**

**PANEL MEMBERS**

Daniel Milliken	Manager, Development Assessment
Adam Richardson	Manager, Development Assessment
Kent Bull	Principal Planner, Strategic & Place Planning

**PROCEEDINGS IN BRIEF**

Panel members visited the site and surrounds.

The Panel was addressed by representatives of the applicant.

The Panel notes that conditions requiring Sydney Water 'Tap in' and compliance with the waste management plan were not included. These have been added to the determination below.

Subject to the above, the Panel concurred with the Officer's Assessment Report and recommendation.

**STATEMENT OF REASON**

The proposal generally satisfies the relevant strategy, objectives and provisions of Manly LEP 2013 and the Manly DCP 2013 subject to conditions.

**COMMUNITY CONSULTATION**

Issues raised in the submissions have been taken into account in the report and the meeting.

**DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS**

A. The Panel is satisfied that:

- 1) the applicant's written request under clause 4.6 of the Manly LEP 2013 seeking to justify a contravention of clause 4.3 Height of Buildings development standard has adequately addressed and demonstrated that:
  - a) compliance with the standard is unreasonable or unnecessary in the circumstances of the case; and
  - b) there are sufficient environmental planning grounds to justify the contravention.
- 2) the proposed development will be in the public interest because it is consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.

B. The Panel assumes the concurrence of the Secretary, Department Planning and Environment required under clause 4.6.

**DETERMINATION OF DEVELOPMENT APPLICATION**

THAT Council as the consent authority, **approves** Application No. DA2024/0230 for demolition works and construction of a dwelling house including garage, swimming pool and associated landscaping works at Lot 2 DP 534829, 27 Peronne Avenue CLONTARF subject to the conditions set out in the Assessment Report, with the following changes:

1. The addition of the following condition:

**Sydney Water "Tap In"**

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifier demonstrating the works are in compliance with Sydney Water requirements.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for: "Tap in" details - see <http://www.sydneywater.com.au/tapin>

Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

Reason: To ensure compliance with the statutory requirements of Sydney Water.

2. The addition of the following condition:

**Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifier.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

3. The addition of the following condition:

**Waste Management Confirmation**

Prior to the issue of an Occupation Certificate, evidence / documentation must be submitted to the Principal Certifier that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

Vote: 3/0



**3.4 DA2023/1317 - 76 CONDAMINE STREET BALGOWLAH -DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING SWIMMING POOL**

**PANEL MEMBERS**

Daniel Milliken	Manager, Development Assessment
Adam Richardson	Manager, Development Assessment
Kent Bull	Principal Planner, Strategic & Place Planning

**PROCEEDINGS IN BRIEF**

Panel members visited the site and surrounds.

The Panel was addressed by one objector and representatives of the applicant.

**DETERMINATION OF DEVELOPMENT APPLICATION**

Deliberations are delayed to provide the Panel additional time to consider the application.

### 3.5 DA2024/0065 - 7 LOWER BEACH STREET BALGOWLAH -ALTERATIONS AND ADDITIONS TO A SEMI-DETACHED DWELLING INCLUDING SWIMMING POOL

#### PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Adam Richardson	Manager, Development Assessment
Kent Bull	Principal Planner, Strategic & Place Planning

#### PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

The Panel concurred with the Officer's Assessment Report and recommendation.

#### STATEMENT OF REASON

The proposal generally satisfies the relevant strategy, objectives and provisions of Manly LEP 2013 and the Manly DCP 2013 subject to conditions.

#### COMMUNITY CONSULTATION

Issues raised in the submission have been taken into account in the report and the meeting.

#### DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

A. The Panel is satisfied that:

- 1) the applicant's written request under clause 4.6 of the Manly LEP 2013 seeking to justify a contravention of clause 4.4 Floor Space Ratio development standard has adequately addressed and demonstrated that:
  - a) compliance with the standard is unreasonable or unnecessary in the circumstances of the case; and
  - b) there are sufficient environmental planning grounds to justify the contravention.
- 2) the proposed development will be in the public interest because it is consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.

B. The Panel assumes the concurrence of the Secretary, Department Planning and Environment required under clause 4.6.

#### DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority, **approves** Application No. DA2024/0065 for alterations and additions to a semi-detached dwelling including swimming pool at Lot B DP 106732, 7 Lower Beach Street BALGOWLAH subject to the conditions set out in the Assessment Report.

Vote: 3/0

### **3.6 DA2023/1484 - 2013 PITTWATER ROAD BAYVIEW - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE AND SWIMMING POOL**

#### **PANEL MEMBERS**

Daniel Milliken	Manager, Development Assessment
Rodney Piggott	Manager, Development Assessment
Kent Bull	Principal Planner, Strategic & Place Planning

#### **PROCEEDINGS IN BRIEF**

Panel members visited the site and surrounds.

There were no registered speakers.

Subject to a minor amendment to condition 12, the Panel concurred with the Officer's Assessment Report and recommendation.

#### **STATEMENT OF REASON**

The proposal generally satisfies the relevant strategy, objectives and provisions of Pittwater LEP 2014 and the Pittwater 21 DCP subject to conditions.

#### **COMMUNITY CONSULTATION**

Issues raised in the submission have been taken into account in the report and the meeting.

#### **DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS**

A. The Panel is satisfied that:

- 1) the applicant's written request under clause 4.6 of the Pittwater LEP 2014 seeking to justify a contravention of clause 4.3 Height of Buildings development standard has adequately addressed and demonstrated that:
  - a) compliance with the standard is unreasonable or unnecessary in the circumstances of the case; and
  - b) there are sufficient environmental planning grounds to justify the contravention.
- 2) the proposed development will be in the public interest because it is consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.

B. The Panel assumes the concurrence of the Secretary, Department Planning and Environment required under clause 4.6.

#### **DETERMINATION OF DEVELOPMENT APPLICATION**

THAT Council as the consent authority, **approves** Application No. DA2023/1484 for alterations and additions to a dwelling house and swimming pool at Lot 3 DP 231194, 2013 Pittwater Road BAYVIEW subject to the conditions set out in the Assessment Report, with the following changes:

1. The amendment of condition 12, to read as follows:

##### **External Finishes to Roof**

The external finish to the roof shall have a Solar Absorptance (SA) greater than 0.43 in accordance with the requirements of the BASIX Certificate to minimise solar reflections to neighbouring properties. Any roof with a metallic steel or reflective

finish is not permitted.

Green roofs and areas where solar panels (PV) are installed are excluded from conforming to the SA range. Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the construction certificate.

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development.

Vote: 3/0

**3.7 MOD2024/0032 - 11 CURL CURL PARADE CURL CURL - MODIFICATION OF DEVELOPMENT CONSENT DA2001/1116 GRANTED FOR ALTERATIONS AND ADDITIONS EXTEND FIRST FLOOR AND ADD NEW ATTIC LEVEL**

**PANEL MEMBERS**

Daniel Milliken	Manager, Development Assessment
Rodney Piggott	Manager, Development Assessment
Kent Bull	Principal Planner, Strategic & Place Planning

**PROCEEDINGS IN BRIEF**

Panel members visited the site and surrounds.

There were no registered speakers.

The Panel concurred with the Officer's Assessment Report and recommendation.

**STATEMENT OF REASON**

The proposal generally satisfies the relevant strategy, objectives and provisions of Warringah LEP 2011 and the Warringah DCP 2011 subject to conditions.

**COMMUNITY CONSULTATION**

Issues raised in the submissions have been taken into account in the report and the meeting.

**DETERMINATION OF MODIFICATION APPLICATION**

THAT Council as the consent authority, **approves** Modification Application No. Mod2024/0032 for modification of Development Consent DA2001/1116 granted for Alterations and Additions Extend First Floor and ADD New Attic Level at Lot 78 DP 5539, 11 Curl Curl Parade CURL CURL subject to the conditions set out in the Assessment Report.

Vote: 3/0

**3.8 REV2024/0011 - 11 WEARDEN ROAD BELROSE - REVIEW OF DETERMINATION OF APPLICATION DA2023/1442 CONSTRUCTION OF A RETAINING WALL**

**PANEL MEMBERS**

Daniel Milliken	Manager, Development Assessment
Adam Richardson	Manager, Development Assessment
Kent Bull	Principal Planner, Strategic & Place Planning

**PROCEEDINGS IN BRIEF**

Panel members visited the site and surrounds.

The Panel was addressed by a representative of the applicant.

**DETERMINATION OF REVIEW APPLICATION**

Deliberations are delayed to provide the Panel additional time to consider the application.

### 3.9 DA2024/0171 - 37 CABARITA ROAD AVALON BEACH - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL AND ASSOCIATED LANDSCAPING

#### PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Rodney Piggott	Manager, Development Assessment
Kent Bull	Principal Planner, Strategic & Place Planning

#### PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

The Panel was addressed by two representatives of the applicant.

The Panel was concerned about the nil side setback to the 'Studio' and associated balcony, and the potential amenity impacts. The Panel is of the view that the balcony should be reduced in size, so that it is a maximum of 300mm deep so that it will function as a Juliet style balcony.

Subject to the above, the Panel concurred with the Officer's Assessment Report and recommendation.

#### STATEMENT OF REASON

The proposal generally satisfies the relevant strategy, objectives and provisions of Pittwater LEP 2014 and the Pittwater 21 DCP subject to conditions.

#### COMMUNITY CONSULTATION

Issues raised in the submissions have been taken into account in the report and the meeting.

#### DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority, **approves** Application No. DA2024/0171 for alterations and additions to a dwelling house including a swimming pool and associated landscaping at Lot 37 DP 24563, 37 Cabarita Road AVALON BEACH subject to the conditions set out in the Assessment Report, with the following changes:

1. The amendment of condition 13, to read as follows:

##### **Amendments to the approved plans**

The following amendments are to be made to the approved plans:

The stairs on the southern side of the dwelling must be shown as not encroaching beyond the lot boundary.

A 1.8m high privacy screen/fence shall be built along the outer edge of the stairs on the southern side of the dwelling. The balcony adjoining the studio is to be reduced in depth to a maximum of 300mm, to function as a Juliet style balcony.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.

Vote: 3/0

This is the final page of the Minutes comprising 16 pages  
numbered 1 to 16 of the Development Determination Panel meeting  
held on Wednesday 12 June 2024.