



northern
beaches
council

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

held via teleconference on

WEDNESDAY 23 OCTOBER 2024

**Minutes of a Meeting of the Development Determination Panel
held on Wednesday 23 October 2024 via teleconference**

The public meeting commenced at 10.11am and concluded at 12.39pm.

The minutes were determined on Wednesday 23 October 2024.

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF THE DEVELOPMENT DETERMINATION PANEL MEETING HELD ON 9 OCTOBER 2024

The minutes of the Development Determination Panel Meeting held on 9 October 2024, were adopted by all Panel Members and have been posted on the Council's website.

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 DA2024/0967 - 1858 PITTWATER ROAD CHURCH POINT - ALTERATIONS AND ADDITIONS TO AN EXISTING RESTAURANT AND CAFE

PANEL MEMBERS

Rodney Piggott	Manager, Development Assessment
Thomas Prosser	Acting, Manager, Development Assessment
Toby Philp	Principal Planner, Strategic & Place Planning

PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

The Panel was addressed by one objector and two representatives of the applicant. The applicant requested the deletion of condition 7b and 8 and the amendment of condition 9.

The Panel considered the request to delete condition 7b and required its retention to offset any glared or reflectivity issues.

The Panel agrees to delete condition 8 as a Sydney Water tap end requirement is not necessary for works proposed which are related a roof over existing structures.

The Panel considered the request to amend condition 9 and concurred that some amendments could be made as detailed below.

The Panel generally 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. DA2024/0967 for alterations and additions to an existing restaurant and cafe at Lot 142 DP 752046, Lot LIC 502589, Lot 1 DP 1148738 & Lot 3 DP 1148738, 1858 Pittwater Road CHURCH POINT subject to the conditions set out in the Assessment Report, with the following changes:

1. The deletion of condition 8.
2. The amendment of condition 9 to read as follows:

9. Construction Traffic Management Plan

A Construction Traffic Management Plan (CTMP) and report shall be prepared by an appropriately qualified person prior to issue of any Construction Certificate.

The CTMP must address following:

- Make provision for all construction materials to be stored on site, at all times.
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and

type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed.

- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site.
- Make provision for parking onsite.
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety.
- Specify that the public roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- The location and operation of any on site crane.

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

A copy of the approved CTMP must be kept on-site at all times while work is being carried out.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

Vote: 3/0

3.2 MOD2024/0355 - 120 PRINCE ALFRED PARADE NEWPORT - MODIFICATION OF CONSENT TO DA2022/0246 GRANTED FOR DEMOLITION WORKS, SUBDIVISION OF 4 LOTS INTO 2 LOTS AND THE CONSTRUCTION OF 1 DWELLING ON EACH LOT INCLUDING SWIMMING POOLS AND LANDSCAPING WORKS

PANEL MEMBERS

Rodney Piggott	Manager, Development Assessment
Thomas Prosser	Acting, Manager, Development Assessment
Toby Philp	Principal Planner, Strategic & Place Planning

PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

The Panel was addressed by one representative of the applicant.

The Panel generally 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

There were no submissions received for this application.

DETERMINATION OF MODIFICATION APPLICATION

THAT Council as the consent authority, **approves** Modification Application No. Mod204/0355 for modification of consent to DA2022/0246 granted for demolition works, subdivision of 4 lots into 2 lots and the construction of 1 dwelling on each lot including swimming pools and landscaping works at Lot 9 DP 752046, Lot 34 DP 13457, Lot 35 DP 13457, Lot B DP 391307 & LIC 190387, 120 Prince Alfred Parade, Newport subject to the conditions set out in the Assessment Report, with the following changes:

- The amendment of condition 1 to read as follows:

1. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

- Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Driveway profile, DA01, revision D	11.11.2022	Corben Architects
Site plan, MOD101, revision B	28.08.2024	ARCLAB Pty Ltd
Ground level plan, MOD102, revision B	28.08.2024	ARCLAB Pty Ltd
First floor plan, MOD103, revision B	28.08.2024	ARCLAB Pty Ltd
Entry level plan, MOD104, revision B	28.08.2024	ARCLAB Pty Ltd
North and south elevations, MOD105, revision B	28.08.2024	ARCLAB Pty Ltd
Eastern elevations, MOD106, revision B	28.08.2024	ARCLAB Pty Ltd
Western elevations, MOD107, revision B	28.08.2024	ARCLAB Pty Ltd
Sections, MOD108, revision B	28.08.2024	ARCLAB Pty Ltd
Sections Driveway, MOD109, revision B	28.08.2024	ARCLAB Pty Ltd

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Section Stairs MOD110, revision B	28.08.2024	ARCLAB Pty Ltd
Streetscape and materials/finishes schedule, DA12, revision D	11.11.2022	Corben Architects
Building envelope section, DA13, revision D	11.11.2022	Corben Architects
Sediment and Erosion, MOD114, revision B	28.08.2024	ARCLAB Pty Ltd
Window and Door schedule P1, MOD115, revision B	28.08.2024	ARCLAB Pty Ltd
Window and Door schedule P2, MOD116, revision B	28.08.2024	ARCLAB Pty Ltd
Window and Door schedule P3, MOD 117, revision B	28.08.2024	ARCLAB Pty Ltd
Window and Door schedule P4, MOD 118, revision B	28.08.2024	ARCLAB Pty Ltd

Engineering Plans		
Report No. / Page No. / Section No.	Dated	Prepared By
Subdivision Plan	15.07.2022	DP Surveying
Stormwater Management Plan – 120A Prince Alfred Pde	14.04.2022	Taylor Consulting
Stormwater Management Details – 120A Prince Alfred Pde	04.02.2022	Taylor Consulting
Excavation plan	4.02.2022	Taylor Consulting
Driveway plan – 120A Prince Alfred Pde	4.02.2022	Taylor Consulting
Stormwater Management Plan – 120 Prince Alfred Pde	14.04.2022	Taylor Consulting
Stormwater Management Details – 120 Prince Alfred Pde	04.02.2022	Taylor Consulting
Excavation plan	4.02.2022	Taylor Consulting
Driveway plan and long sections – 120 Prince Alfred Pde	4.02.2022	Taylor Consulting
Swept path analysis TX16422.00, C1.00, C1.01, C2.00, C2.01, C2.02	11.02.2022	Taylor Consulting

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Statement of Environmental Effects	11 February 2022	Four Towns Pty Ltd
Statement of Modification	26 June 2024	Four Towns Pty Ltd
Geotechnical Report Ref: J3814B	27 September 2024	White Geotechnical Group
BASIX Certificate 1258806S_02 (120A Prince Alfred Pde)	26 June 2024	Chapman Environmental Services Pty Ltd
BASIX Certificate 1258883S_03 (120 Prince Alfred Pde)	26 June 2024	Chapman Environmental Services Pty Ltd
Arboricultural Impact Assessment	11 February 2022	Michael Shaw
Letter - Existing Crib Retaining Wall - 120 & 120a Prince Alfred Parade, Newport	13 September 2022	Taylor Consulting
NatHERS Certificate 000955177 (120 Prince Alfred Pde)	26 June 2024	Chapman Environmental Services Pty Ltd
NatHERS Certificate 0009565193	26 June 2024	Chapman Environmental

(120a Prince Alfred Pde)		Services Pty Ltd
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Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

- a) Any plans and / or documentation submitted to satisfy the Conditions of this consent.
- b) The development is to be undertaken generally in accordance with the following:

Landscape Plans		
Drawing No.	Dated	Prepared By
Landscape concept plan, sheet 1, issue F	21.11.2022	Interlink
Landscape concept plan, sheet 2, issue F	21.11.2022	Interlink

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	08.02.2022	Ella and Luke Miles

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

Vote: 3/0

3.3 DA2024/0915 - 18 BLIGH CRESCENT SEAFORTH - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE AND SECONDARY DWELLING INCLUDING SWIMMING POOL, RUMPUS AND CARPORT

PANEL MEMBERS

Steve Findlay	Manager, Development Assessment
Thomas Prosser	Acting, Manager, Development Assessment
Toby Philp	Principal Planner, Strategic & Place Planning

PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

The Panel was addressed by one representative of the applicant.

The Panel discussed the protection of privacy for the adjoining property to the east from the new elevated deck and it was decided to impose a requirement for a privacy screen on the eastern edge of the deck.

The Panel also discussed the streetscape presentation of the carport and rumpus room structure as it presents to the southern frontage to Bligh Crescent and it was decided to impose a requirement for the southern façade of the structure to be finished in sandstone.

The Panel concurred with the officer's Assessment Report and recommendation for approval, subject to the conditions contained in the assessment report, plus the additional conditions.

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 at 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. DA2024/0915 for alterations and additions to a dwelling house and secondary dwelling including swimming pool, rumpus and

carport at Lot 1 DP 1268833, 18 Bligh Crescent SEAFORTH 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:

- All references to 'inclinators' are to be deleted from the approved plans. No consent is granted for an inclinators.
- The approved landscape plans are to be amended to demonstrate retention of the sandstone rock outcrop between the secondary dwelling deck and the southern carport.
- Window W0.6 is to be amended as follows:
 - The window is to be fixed and fitted with obscured glazing to a minimum height of 1.5 metres above finished floor level.
 - The remainder of the window above the fitted and obscured portion may be openable and may be of clear glazing.
- Privacy screening is to be provided to the eastern elevation of the 'LGF DECK' adjoining the secondary dwelling. The screening is to be constructed of louvres fixed in place at a 45 degree angle to prevent direct viewing to the adjoining property to the east, spaced such that the gaps between louvres are no more than 20mm in width. The screening is to be constructed to a height of 1.65m above the finished floor level of the deck.
- The southern elevation of the southern carport is to be finished with sandstone.

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.

2. The addition of the following condition. New condition to be inserted in "Building Work - Prior to Issue of a Construction Certificate":

Construction Traffic Management Plan

A Construction Traffic Management Plan (CTMP) and report shall be prepared by a Transport for NSW accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of any Construction Certificate.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase.
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken.
- Make provision for all construction materials to be stored on site, at all times.
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period.
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed.
- Where access is required across private property not in the direct ownership of the

proponent, such as a private road/driveway, community title road or right of way, the CTMP is to include:

- Evidence of the legal right and terms to use the access route or provide owners consent from the owners/strata/community association.
- Demonstrate that direct access from a public space/road is not viable for each stage of works.
- An assessment to be carried out of the physical constraints of the Right of Carriageway to determine the maximum size of vehicle that may access the site via the Right of Carriageway during construction.
- Unless owner/strata/community associations consent is obtained, vehicles are not to exceed 24 tonnes or 7.5 metres in length (an assessment must be undertaken that the surface is capable of supporting up to 24 tonnes, otherwise the weight limit should be reduced in the CTMP). If consent is obtained, a copy must be included in the CTMP.
- No construction vehicles, materials or plant are to be located or parked in the private road/driveway, community title road or right of way.
- How any disruption to other users of the private road/driveway, community title road or right of way will be minimised and all users kept informed of likely disruption where the access will be closed or blocked for any given time.
- If trees are located within or overhang the access route, a tree protection plan prepared by an Arborist with minimum AQF Level 5 in arboriculture demonstrating how any trees within the Right of Carriageway will be protected from damage by construction vehicles. Should any tree protection measures be required on private land in accordance with AS4970-2009 Protection of trees on development sites, owner's consent must be obtained.
- A Dilapidation report, including photographic surveys, of the private road/driveway/right of way must be included prior to any works commencing on the site. The report must detail the physical condition of the private road/driveway/right of way, and any other adjacent private property assets (including trees) or adjacent public property that may be adversely affected by vehicles servicing the development site to undertake works or activity during site works.
- A requirement for Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, to be submitted after the completion of works and prior to the Occupation certificate. The report must:
 - Compare the post-construction report with the pre-construction report,
 - Clearly identify any recent damage or change to the private road/driveway/right of way and whether or not it is likely to be the result of the development works,
 - Should any damage have occurred, identify remediation actions taken.
 - Be submitted to Council with the Occupation Certificate.
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site.
- Make provision for parking onsite. All Staff and Contractors are to use any basement parking once available.
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety.
- The proposed manner in which adjoining property owners will be kept advised of the

timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.

- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.
- Specify that the public roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent.
- Proposed protection for Council and adjoining properties.
- The location and operation of any on site crane.

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

A copy of the approved CTMP must be kept on-site at all times while work is being carried out.

The development is to be undertaken in accordance with the Construction Traffic Management Plan approved by Northern Beaches Council Traffic Team.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

Vote: 3/0

3.4 DA2024/1100 - 11 BOWER STREET MANLY - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PANEL MEMBERS

Steve Findlay	Manager, Development Assessment
Thomas Prosser	Acting, Manager, Development Assessment
Anne-Maree Newbery	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

The Panel was addressed by one representative of the applicant.

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

STATEMENT OF REASON

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

COMMUNITY CONSULTATION

Issues raised in the submissions have been taken into account in the report and at 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. DA2024/1100 for Alterations and additions to a dwelling house at Lot 42 DP 8075, 11 Bower Street MANLY subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.5 DA2024/0705 - 19 CLIFFORD AVENUE FAIRLIGHT - ALTERATIONS AND ADDITIONS TO A SEMI-DETACHED DWELLING

PANEL MEMBERS

Steve Findlay	Manager, Development Assessment
Thomas Prosser	Acting, Manager, Development Assessment
Anne-Maree Newbery	Manager, 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 concurred with the Officer's Assessment Report and recommendation for approval subject to the conditions contained in the assessment report, plus an additional condition in relation to construction traffic management on Clifford Avenue.

STATEMENT OF REASON

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

COMMUNITY CONSULTATION

There were no submissions received for this application.

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. DA2024/0705 for alterations and additions to a semi-detached dwelling at Lot A DP 445431, 19 Clifford Avenue FAIRLIGHT subject to the conditions set out in the Assessment Report, and the following additional condition:

1. The addition of the following condition:

Construction Traffic Management on Clifford Avenue (southern/lower section)

Construction vehicles and materials are not to impede access for the properties that use the lower (southern) portion of Clifford Avenue (adjoining the subject site) throughout the construction phase. The applicant must provide neighbours who use the lower (southern)

portion of Clifford Avenue with contact details of the contractor in the event that access to the lower (southern) portion of Clifford Road is blocked.

Reason: To ensure access is available to all property owners who benefit from the lower (southern) portion of Clifford Avenue during the construction phase.

Vote: 3/0

3.6 DA2024/1048 - 19 BARANBALI AVENUE SEAFORTH - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PANEL MEMBERS

Steve Findlay	Manager, Development Assessment
Thomas Prosser	Acting, Manager, Development Assessment
Anne-Maree Newbery	Manager, 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 concurred with the Officer's Assessment Report and recommendation for approval.

STATEMENT OF REASON

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

COMMUNITY CONSULTATION

There were no submissions received for this application.

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. DA2024/1048 for Alterations and additions to a dwelling house at Lot 9 DP 27239, 19 Baranbali Avenue SEAFORTH subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.7 DA2024/0962 - 62 BOWER STREET MANLY - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PANEL MEMBERS

Adam Richardson	Manager, Development Assessment
Thomas Prosser	Acting, Manager, Development Assessment
Anne-Maree Newbery	Manager, Strategic & Place Planning

DEFERRAL FOR FURTHER CONSIDERATION OF DEVELOPMENT APPLICATION

Panel members visited the site and surrounds.

There were no registered speakers.

The Development Determination Panel, **defers** further consideration of Application No. DA2024/0962 for alterations and additions to a dwelling house at Lot 14 DP 8075, 62 Bower Street MANLY to give the applicant the opportunity to submit to Council by Wednesday 30 October 2024 the following:

- a) To provide gross floor area calculations for the existing dwelling and proposed addition that includes all areas provided for within the definition of gross floor area under the Manly Local Environmental Plan 2013. In particular the gross floor area calculations are only to exclude car parking to meet the requirements of the consent authority, which is 2 spaces.
- b) That the written clause 4.6 variation request that relates to FSR be amended so that it is consistent with the gross floor calculations provided in relation to point A above.
- c) A Supplementary Development Assessment Report be prepared and provided that has regard to the information provide to Council in relation to points A & B above.

If the requested information is not received by the date above, the Panel may proceed to determine the application on the material before it. The Chair will have the discretion to extend the above date if reasonable grounds are provided by the applicant.

REASONS FOR DEFERRAL: The Panel's preliminary view is that gross floor area has been incorrectly calculated and therefore the Floor Space Ratio calculation is incorrect.

3.8 DA2024/1139 - 83 CROWN ROAD QUEENSCLIFF - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL AND CARPORT

PANEL MEMBERS

Adam Richardson	Manager, Development Assessment
Thomas Prosser	Acting, Manager, Development Assessment
Anne-Maree Newbery	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

The Panel was addressed by one representative of the applicant, and was in receipt of written representations from them in relation to the recommended conditions of consent.

The Panel generally concurred with the Assessment Officer's Report and recommendation, subject to the deletion of the last sentence in recommended condition number 5 and deletion of recommended condition 11.

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 as set out in the Assessment Report, subject to the amendments listed above.

COMMUNITY CONSULTATION

There were no submissions received for this application.

DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

A. The Panel is satisfied that:

- 1) the applicant's written request under clause 4.6 of the Warringah LEP 2011 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. DA2024/1139 for alterations and additions to a dwelling house including a swimming pool and carport at Lot 6 DP 17127, 83 Crown Road QUEENSCLIFF subject to the conditions set out in the Assessment Report, with the following changes:

1. The deletion of the last sentence of condition 5.
2. The deletion of condition 11.

Vote: 3/0

3.9 MOD2024/0398 - 23 HAY STREET COLLAROY - MODIFICATION OF DEVELOPMENT CONSENT DA2021/1824 GRANTED FOR ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL AND CABANA

PANEL MEMBERS

Adam Richardson	Manager, Development Assessment
Rodney Piggott	Manager, Development Assessment
Anne-Maree Newbery	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

The Panel was addressed by one objector, and was also in receipt of a late submission from that objector. The Panel expressly noted that it had available to it, and considered, a submission made to Council on 16 September 2024.

The Panel notes that the Assessment Report failed to consider the BASIX SEPP which is an applicable consideration. Despite this erroneous omission the Panel have considered the proposal in the context of the considerations necessary under the BASIX SEPP and are satisfied that the development as to be modified is consistent with the necessary considerations.

The Panel are also satisfied that the Assessment Report satisfactorily considers the obligations on the consent authority when making a decision in relation to Section 4.55 (3) of the Act.

The Panel notes that the demolition plans seek to retrospectively approve demolition. This is not something that the Panel can legitimately consider pursuant to *Buyozo v Ku-Ring-Gai*.

The Panel is of the view that the development as to be modified would still have an association with conditions 15, 26 & 33.

The Panel is of the view that the level of building non-compliance is excessive and there is no impediment for the building to be further reduced on the southern elevation of the first floor relating specifically to bedroom 1 and its associated balcony.

The Panel generally concurred with the Officer's Assessment Report and recommendation, subject to amended conditions listed below.

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, subject to amended conditions listed below.

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. Mod2024/0398 for modification of Development Consent DA2021/1824 granted for Alterations and additions to a dwelling house including a swimming pool and cabana at Lot 36 DP 10648, 23 Hay Street

COLLARROY subject to the conditions set out in the Assessment Report, with the following changes:

- A) The conditions 15, 26 & 33 are to be retained.
- B) The BASIX certificate submitted with the application to be listed in condition 1A.
- C) Condition 7 is to be amended to include the following additional dot points:
 - The first floor southern side setback to bedroom 1 and its associated balcony is to be setback 3 metres from the southern boundary.
 - No approval is granted or implied for the demolition work shown hatched in green on drawings MC02 and MC03 revision F, prepared by Sammy Fedele. The demolition plans shall be amended to delete any reference to the demolition work shown hatched in green.

Vote: 3/0

This is the final page of the Minutes comprising 21 pages numbered 1 to 21 of the Development Determination Panel meeting held on Wednesday 23 October 2024.