

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

held via teleconference on

WEDNESDAY 12 MARCH 2025

Minutes of a Meeting of the Development Determination Panel held on Wednesday 12 March 2025 via teleconference

The public meeting commenced at 10.00am and concluded at 1.30pm.

The minutes were determined on 12 March 2025.

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF THE DEVELOPMENT DETERMINATION PANEL MEETING HELD ON 26 FEBRUARY 2025

The minutes of the Development Determination Panel Meeting held on 26 February 2025, were adopted by all Panel Members and have been posted on the Council's website.

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 DA2024/1729 - 10 SMITH STREET MANLY - ALTERATIONS AND ADDITIONS TO A SEMI-DETACHED DWELLING

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Adam Richardson	Manager, Development Assessment
Phil Jemison	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

The Panel was addressed by a representative of the applicant.

The Panel queried the accuracy of the Clause 4.6 request and delayed the decision to allow the applicant to submit an updated request. This has been done and reviewed by the Panel.

Subject to the amended Clause 4.6 request, 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

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 4.4 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.

DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority, **grants deferred commencement approval** to Application No. DA2024/1729 for alterations and additions to a semi-detached dwelling at Lot B DP 437840, 10 Smith Street MANLY subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.2 DA2024/0715 - 11 TAYLOR STREET NORTH CURL CURL - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Steve Findlay	Manager, Development Assessment
Phil Jemison	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

As this application has received ten or more unique submissions, it is now a matter for the Local Planning Panel to determine as the consent authority, as per the Minister's directions.

3.3 DA2024/1427 - 14 BAREENA DRIVE BALGOWLAH HEIGHTS - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Adam Richardson	Manager, Development Assessment
Phil Jemison	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

The Panel was addressed by two objectors and representatives of the applicant.

The Panel carefully considered the concerns raised in regards to privacy, particularly in the case of window W09 which is associated with the first floor family room. The Panel reviewed the Manly DCP privacy control in considering this matter. The development complies with the Manly DCP control in that all windows close to boundaries do not have direct viewing. In the case of window W09, there is a significant, compliant setback to the rear boundary that mitigates any privacy impacts.

The Panel sought clarification from the applicant on the design of the upper level rear windows. The Panel will impose a condition which amends the design of the rear windows, so that the left hand side section of windows W09 and W13 that are operable louvers.

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.

DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority, **approves** Application No. DA2024/1427 for alterations and additions to a dwelling house at Lot 4 DP 758044, 14 Bareena Drive BALGOWLAH HEIGHTS subject to the conditions set out in the Assessment Report, with the following changes:

1. The addition of the following condition, to read as follows:

Amendments to the approved plans

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

- The horizontal elements on the left side of windows W09 and W13 are to be operable louvers.

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

3.4 DA2024/1501 - 90 BRIGHTON STREET FRESHWATER - SUBDIVISION OF ONE LOT INTO TWO, DEMOLITION WORKS AND CONSTRUCTION OF TWO DWELLING HOUSES INCLUDING SWIMMING POOLS

PANEL MEMBERS

Adam Richardson	Manager, Development Assessment
Steve Findlay	Manager, Development Assessment
Phil Jemison	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

The Panel was addressed by two objectors and representatives of the applicant. The Panel was also in receipt of three submissions that were made after the publishing of the business paper. These submissions were addressed in a Supplementary Memo from the Assessing Officer dated 12 March 2025.

The Panel agreed in part with the privacy concerns raised by the objectors and through amendment to condition 14, requires additional privacy measures to both the dwellings on Lot 1 and Lot 2.

As such the Panel concurred with the Officer's Assessment Report, Supplementary Memo subject to the amendment to condition 14.

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.

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 4.1 Minimum subdivision lot size 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.

DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority, **approves** Application No. DA2024/1501 for Subdivision of one lot into two, demolition works and construction of two dwelling houses including swimming pools at Lot 11 DP 14450, 90 Brighton Street FRESHWATER subject to the conditions set out in the Assessment Report, with the following changes:

1. The amendment of condition 14, to read as follows:

Amendments to the Approved Plans

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

- Windows on the eastern elevation of the dwelling house on Lot 1 are to be amended as follows:
 - The window adjoining the stairwell (W2.01) is to be of translucent glazing from its lowest sill to a minimum height of RL 32.10.
 - The two first-floor windows either side of the stairwell (W3.02 and W2.02) are to have a minimum sill height of 1 metre above their corresponding finished floor levels.
- The western window to the first floor bathroom in the dwelling house on Lot 2 is to be fitted with translucent glazing.
- The northern balcony adjoining the first floor main bedroom of the dwelling house on Lot 2 is to be fitted with privacy screening to the eastern and western elevations. The screening is to be constructed of louvres fixed in place and angled to prevent direct viewing to 88 Brighton Street to the east and 92 Brighton Street to the west, spaced such that the gaps between louvres are no more than 20 millimetres in width. The screening is to be to a minimum height of 1.5 metres above finished floor level of the balcony.
- Where windows of the dwellings of Lot 1 & Lot 2 are shown to have an operable privacy screen, these screens shall be fixed with the louvers angled to the north with a maximum aperture between the louvers of 20mm.
- The privacy screen shown on the western side of the first floor balcony of the dwelling on Lot 2 shall return along the front of the balcony to the north to the extent of the eastern wall of the en-suite. This privacy screen shall be full height, and the louvers shall angle to the east with a maximum aperture of no more than 20mm in width.

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

3.5 REV2024/0031 - 179 RIVERVIEW ROAD AVALON BEACH - REVIEW OF DETERMINATION OF APPLICATION DA2024/0725 FOR DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE AND ASSOCIATED SITE WORKS

PANEL MEMBERS

Steve Findlay	Manager, Development Assessment
Mal McDonald	Executive Manager, Strategic & Place Planning
Phil Jemison	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

The Panel was addressed by representatives of the applicant.

DETERMINATION OF REVIEW APPLICATION

A decision on this matter has been delayed to allow additional time for the Panel to consider the application, including the late submissions made by the applicant, the Clause 4.6 Variation request, and the Supplementary Memo by the assessing external planning consultants

This is the final page of the Minutes comprising 11 pages
numbered 1 to 11 of the Development Determination Panel meeting
held on Wednesday 12 March 2025.