

# **MINUTES**

## **DEVELOPMENT DETERMINATION PANEL MEETING**

held via teleconference on

**WEDNESDAY 11 JUNE 2025**

## **Minutes of a Meeting of the Development Determination Panel held on Wednesday 11 June 2025 via teleconference**

The public meeting commenced at 10.00am and concluded at 11.37am

The minutes were determined on 11 June 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 28 MAY 2025**

The minutes of the Development Determination Panel Meeting held on 28 May 2025, were adopted by all Panel Members and have been posted on the Council's website.

### 3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

#### 3.1 DA2025/0164 - 36 AUSTIN AVENUE 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
Anne-Maree Newbery	Manager, Strategic & Place Planning

##### PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

The Panel was addressed by representatives of the applicant.

Subject to the addition of 3 conditions, 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

There were no submissions received for this application.

##### DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

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.

##### DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority, **approves** Application No. DA2025/0164 for Alterations and additions to a dwelling house including a swimming pool at Lot 138 DP 6143, 36 Austin Avenue NORTH CURL CURL 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:

##### **Boundary Identification Survey**

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on a boundary identification survey, prepared by a Registered Surveyor, with setbacks between the property boundaries and the approved works consistent

with those nominated on the Approved Plans of this consent.

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

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

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

**Sediment and Erosion Controls**

For developments that include more than 2500sqm of disturbance:

A Soil and Water Management plan (SWMP), in accordance with section 2.3 of the Blue Book, must be prepared and certified by a suitably qualified professional.

For sites larger than 250sqm and less than 2500sqm of disturbance:

An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified person in accordance with the following considerations and documents:

- Sites that have slopes exceeding 20% (measured in any direction across the site), and/or where works are within the high-water mark or adjacent to a waterway or watercourses are considered environmentally sensitive areas. These sites require a site-specific ESCP which must be prepared and certified by a suitably qualified professional,
- The guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate – Volume 1, 4th Edition (2004)' (the Blue Book), and
- The 'Guidelines for Erosion and Sediment Control on Building Sites' (Department of Planning, Housing and Infrastructure).

The ESCP must include the following as a minimum:

- Site Boundaries and contours,
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application),
- Location of site access, proposed roads and other impervious areas (e.g. parking area and site facilities),
- Existing and proposed drainage patterns with stormwater discharge points,
- Locations and methods of all erosion and sediment controls that must include sediment fences, stabilised site access, materials and waste stockpiles locations, location of any stormwater pits on the site and how they are going to be protected,
- North point and scale,
- Type of erosion control measures to divert and slow run-off around and within the site.

Environmentally sensitive areas (i.e. Sites that have slopes exceeding 20% and/or where works are within the high-water mark or adjacent to a waterway or watercourses) must also consider:

- Identify and mark any environmentally sensitive areas on and immediately next to the site and how you will protect these, including any appropriate buffer zones (for example, marking them out as 'no-go' areas),
- Details on vegetation you will clear, as well as areas of vegetation you will keep (mark

- no go areas),
- Detail on soil information and location(s) of problem soil types, especially dispersive soils and potential or actual acid sulfate soils,
- Location of any natural waterways that could receive run-off and how these will be protected these from run-off.

For sites smaller than 250sqm or where the disturbance is less than 50sqm:

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- Diverting uncontaminated run-off around cleared or disturbed areas, and
- Erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- Preventing the tracking of sediment by vehicles onto roads, and
- Stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.
- Identifying any environmentally sensitive areas on and immediately next to the site, and demonstrating how these will be protected (for example, by designation as no-go areas).

Details demonstrating compliance with the relevant requirements above are to be submitted to the Certifier, and the measures implemented, prior to the commencement of works.

Reason: To ensure no substance other than rainwater enters the stormwater system and waterways.

3. The addition of the following condition, 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 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

**3.2 MOD2025/0189 - 57 CUTLER ROAD CLONTARF - MODIFICATION OF DEVELOPMENT CONSENT DA2022/1675 FOR ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE**

**PANEL MEMBERS**

Daniel Milliken	Manager, Development Assessment
Steve Findlay	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 a representative of the applicant.

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.

**DETERMINATION OF MODIFICATION APPLICATION**

THAT Council as the consent authority, **approves** Modification Application No. Mod2025/0189 for Modification of Development Consent DA2022/1675 for alterations and additions to a dwelling house at Lot 30 DP 25654, 57 Cutler Road CLONTARF subject to the conditions set out in the Assessment Report.

Vote: 3/0

**3.3 DA2025/0312 - 93 CROWN ROAD QUEENSCLIFF - DEMOLITION WORKS AND CONSTRUCTION OF A DUAL OCCUPANCY (ATTACHED) INCLUDING SWIMMING POOLS AND STRATA SUBDIVISION**

**PANEL MEMBERS**

Adam Richardson	Manager, Development Assessment
Steve Findlay	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 representatives of the applicant including their Town Planner and Architect.

The Panel formed the view that despite strict compliance with the height control that the roof top terrace and stair access thereto had unacceptable impacts on the Crown Road streetscape. The Panel recognised that the impacts to the streetscape were new issues that were not previously raised with the applicant.

In discussions with the applicant during their address to the Panel, it was accepted that the applicant was mindful of streetscape impacts and understood the underlying reservations of the Panel about these elements of the development. As such, the Panel considered it reasonable that the applicant be afforded an opportunity to amend the roof design to better integrate the roof top terrace and access stair into the wider roof form of the development.

**DEFERRAL OF DETERMINATION OF DEVELOPMENT APPLICATION**

The Panel invites the applicant to consider the following amendments:

1. Increase the pitch of the roof to the highest extent possible below the maximum building height of 8.5 meters
2. With the increase in the pitch of the roof, modify the stair access to the roof top terrace and planter box so as to integrate as best as possible into that roof space, so that the stair access and roof top terrace is part of the roof, rather than of top of it.
3. Lower the head height of the stair to the lowest height possible permitted by the BCA and NCC, aiding in a reduction on height of the stair access structure.

Where the applicant elects to amend the application, so as to address points 1-3 above, an amended application is to be lodged on the Planning Portal prior to the COB 18 June 2025.



**3.4 DA2025/0392 - 17 HARVEY STREET SEAFORTH - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE**

**PANEL MEMBERS**

Daniel Milliken	Manager, Development Assessment
Adam Richardson	Manager, Development Assessment
Anne-Maree Newbery	Manager, Strategic & Place Planning

**PROCEEDINGS IN BRIEF**

Panel members visited the site and surrounds.

There were no registered speakers.

**DETERMINATION OF DEVELOPMENT APPLICATION**

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

This is the final page of the Minutes comprising 9 pages  
numbered 1 to 9 of the Development Determination Panel meeting  
held on Wednesday 11 June 2025.