



northern  
beaches  
council

# MINUTES

## **DEVELOPMENT DETERMINATION PANEL MEETING**

held via teleconference on

**WEDNESDAY 11 MAY 2022**

**Minutes of a Meeting of the Development Determination Panel  
held on Wednesday 11 May 2022  
via teleconference**

## **1.0 APOLOGIES AND DECLARATIONS INTEREST**

Nil

## **2.0 MINUTES OF PREVIOUS MEETING**

### **2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 27 APRIL 2022**

The minutes of the Development Determination Panel held 27 April 2022, were adopted by all Panel Members and have been posted on the Council's website

## 3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

### 3.1 DA2021/2149 - 2 TOURMALINE STREET NARRABEEN - CONSTRUCTION OF DWELLING HOUSE

#### PANEL MEMBERS

Rodney Piggott	Manager, Development Assessment
Daniel Milliken	Acting Manager, Development Assessment
Phil Jemison	Manager, Strategic & Place Planning

#### PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

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

The Panel concurred with the Officer's assessment report and supplementary report and recommendation subject to a condition amendment as detailed below.

The Panel considered the implications of proposed Condition 13 and were satisfied that the proposal would result in reasonable levels of privacy and overshadowing subject to some design changes as detailed in the amended Condition 13.

The Panel considered the applicants request to delete Condition 21 – Solar Panels, however were not satisfied that it should be deleted therefore it is to be retained.

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

#### DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority **approves** Development Consent to DA2021/2149 for construction of dwelling house on land at Lot B DP 377414, 2 Tourmaline Street NARRABEEN, subject to the conditions set out in the Assessment Report and the following:

1. The amendment of Condition 13 to read as follows:

##### 13. Amendments to the Approved Plans

- a. The elevated external first floor passage along the western and southern sides of the dwelling house shall be non-trafficable.
- b. Windows referenced (W6) to the first floor master bedroom and associated WIR shall include the installation of external fixed angled privacy screen or alternatively have a sill height a minimum height 1.5m above the finished floor level.
- c. The roof ridge RL shall be reduced by 500mm from RL 16.65 to RL 16.15 and maintain the proposed roof form.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

Vote:3/0

### 3.2 DA2021/2170 - 106 ILUKA ROAD PALM BEACH - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

#### PANEL MEMBERS

Rodney Piggott	Manager, Development Assessment
Daniel Milliken	Acting Manager, Development Assessment
Phil Jemison	Manager, Strategic & Place Planning

#### PROCEEDINGS IN BRIEF

The Panel viewed the site and the 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 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.

#### DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority **approves** Development Consent to DA2021/2170 for alterations and additions to a dwelling house on land at Lot 13 DP 12979, 106 Iluka Road PALM BEACH, subject to the conditions set out in the Assessment Report.

Vote: 3/0

**3.3 REV2021/0044 - 46 RUSKIN ROWE AVALON BEACH - REVIEW OF DETERMINATION OF APPLICATION DA2020/1004 FOR DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING A CAR PORT**

**PANEL MEMBERS**

Rodney Piggott	Manager, Development Assessment
Daniel Milliken	Acting Manager, Development Assessment
Phil Jemison	Manager, Strategic & Place Planning

**PROCEEDINGS IN BRIEF**

The Panel viewed the site and the 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 Pittwater LEP 2014 and the Pittwater 21 DCP subject to conditions.

**COMMUNITY CONSULTATION**

There were no submissions received for this application.

**DETERMINATION OF DEVELOPMENT APPLICATION**

THAT Council as the consent authority **approves** Development Consent to REV2021/0044 for Review of Determination of Application DA2020/1004 for demolition works and construction of a dwelling house including a car port on land at Lot 23 DP 22361, 46 Ruskin Rowe AVALON BEACH, subject to the conditions set out in the Assessment Report.

Vote: 3/0

### 3.4 DA2021/1400 - 88 BOWER STREET MANLY - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

#### PANEL MEMBERS

Daniel Milliken	Acting Manager, Development Assessment
Phil Lane	Acting Manager, Development Assessment
Phil Jemison	Manager, Strategic & Place Planning

#### PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by representatives of the applicant.

The Panel concurred with the Officer's assessment report and recommendation, subject to the following:

The Panel notes that the reference to the R2 Low Density Residential zone on page 177 and page 183 of the agenda should read C4 Environmental Living. This reference is within the Clause 4.6 assessment and the Panel notes that the remainder of the assessment correctly references the C4 Environmental Living zone. The applicant requested that the C1 section of Condition 9 be amended.

#### 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.

Council's Flood Engineers have been consulted on the change to Condition 9 and raise no objections.

#### 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 4.3 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.

#### DETERMINATION OF DEVELOPMENT APPLICATION

THAT council as the consent authority **approves** development consent to DA2021/1400 for alterations and additions to a dwelling house on land at lot 1 DP 1279468, 88 Bower Street Manly, subject to the conditions set out in the Assessment Report, and subject to the following:

1. The amendment of part C1 of condition 9 to read as follows:

**Floor Levels – C1**

New habitable floor space within the development shall be set at or above the relevant Flood Planning Level of (4.5mAHD for the lower ground floor level).

Vote: 3/0



### 3.5 DA2021/2038 - 12B WEST STREET BALGOWLAH - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING A GARAGE AND SWIMMING POOL

#### PANEL MEMBERS

Daniel Milliken	Acting Manager, Development Assessment
Phil Lane	Acting Manager, Development Assessment
Phil Jemison	Manager, Strategic & Place Planning

#### PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by two representatives of the applicant.

A supplementary memo was received from Council's Planner which addressed an issue within the assessment report under S4.15 Evaluation and included a standard condition for the proposed swimming pool.

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 4.3 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** Development Consent to DA2021/2038 for demolition works and construction of a dwelling house including a garage and swimming pool on land at Lot B2 DP 337111, 12B West Street BALGOWLAH, subject to the conditions set out in the Assessment Report and the supplementary memo as follows: -

## Swimming Pool Requirements

The Swimming Pool shall not be filled with water nor be permitted to retain water until:

- (a) All required safety fencing has been erected in accordance with and all other requirements have been fulfilled with regard to the relevant legislative requirements and relevant Australian Standards (including but not limited) to:
  - (i) Swimming Pools Act 1992;
  - (ii) Swimming Pools Amendment Act 2009;
  - (iii) Swimming Pools Regulation 2008
  - (iv) Australian Standard AS1926 Swimming Pool Safety
  - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
  - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools
- (b) A certificate of compliance prepared by the manufacturer of the pool safety fencing, shall be submitted to the Principal Certifying Authority, certifying compliance with Australian Standard 1926.
- (c) Filter backwash waters shall be discharged to the Sydney Water sewer mains in accordance with Sydney Water's requirements. Where Sydney Water mains are not available in rural areas, the backwash waters shall be managed onsite in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system. Appropriate instructions of artificial resuscitation methods.
- (d) A warning sign stating 'YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL' has been installed.
- (e) Signage showing resuscitation methods and emergency contact
- (f) All signage shall be located in a prominent position within the pool area.
- (g) Swimming pools and spas must be registered with the Division of Local Government.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of an Interim / Final Occupation Certificate.

Reason: To protect human life.

Vote: 3/0

*The meeting concluded at 11:00am*

This is the final page of the Minutes comprising 11 pages numbered 1 to 11 of the Development Determination Panel meeting held on Wednesday 11 May 2022.