

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

held in the Walamai Room, Civic Centre, Dee Why on

WEDNESDAY 30 JANUARY 2019

**Minutes of a Meeting of the Development Determination Panel
held on Wednesday 30 January 2019
in the Walamai Room, Civic Centre, Dee Why**

ATTENDANCE:

Panel Members

Peter Robinson (Chairperson)	Executive Manager Development Assessment
Matthew Edmonds	Manager, Development Assessment
Liza Cordoba	Manager, Strategic & Place Planning

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 12 DECEMBER 2018

The Minutes of the Development Determination Panel held 12 December 2018, were adopted by all Panel Members at the time of the meeting and have been posted on the Council's website

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 DA2018/1703 - 2 PANORAMA PARADE, SEAFORTH - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by the applicant.

The Panel concurred with the Officer's assessment report and recommendation.

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 Local Environmental Plan 2013 seeking to justify a contravention of clause 4.3 Height of Building 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.

DECISION

THAT Development Application DA2018/1703 for alterations and additions to a dwelling house on land at Lot 1 DP 1221902, 2 Panorama Parade, Seaforth be **approved** subject to the conditions and for the reasons set out in the Assessment Report.

3.2 MOD2018/0506 - 7 FLORIDA ROAD, PALM BEACH - MODIFICATION OF DEVELOPMENT CONSENT N0417/15 GRANTED FOR DEMOLITION OF EXISTING DWELLING AND PROPOSED NEW DWELLING

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel concurred with the Officer's assessment report and recommendation. As the application is a *modification of consent* a request to vary the development standard is not required. The panel considered the variation, which was approximately 400mm lower in height than the original proposal (which submitted a request to vary under cl 4.6), and were satisfied with the amended design.

DECISION

THAT Modification Application Mod2018/0506 for Modification of Development Consent N0417/15 granted for demolition of existing dwelling and proposed new dwelling on land at Lot 2 DP 633579, 7 Florida Road, Palm Beach be **approved** subject to the conditions and for the reasons set out in the Assessment Report.

3.3 MOD2018/0388 - 204 WHALE BEACH ROAD, WHALE BEACH - MODIFICATION OF DEVELOPMENT CONSENT N0280/15 GRANTED FOR ALTERATIONS AND ADDITIONS TO DWELLING INCLUDING FIRST FLOOR ADDITION RENOVATIONS TO EXISTING GROUND FLOOR AREA AND ALTERATIONS TO THE EXISTING FOUNDATION AREA

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The panel were satisfied with the assessment of the modification, noting an error in Build Form Controls Table which should have read '60%' not '50%', under the column 'Required' against Landscape area.

The Panel discussed the location of the cabana and including whether the cabana could be considered as part of the modification.

The Panel considered that the cabana could be included as part of the modification of consent. The cabana consists of a 2metre x 3metre platform partially excavated into the slope with a roof and no walls. Supplementary information on the cabana was provided by the assessing officer. In considering the cabana, the issues of view loss and privacy were assessed. The panel were satisfied that there would be no significant impact on views to surrounding properties and that if the cabana were to be constructed towards the centre of the site, the increased distance to the neighbours property and supplemented with additional landscaping, that privacy would be satisfactory.

DECISION

THAT Modification Application Mod2018/0388 for Modification of Development Consent N0280/15 granted for alterations and additions to dwelling including first floor addition renovations to existing ground floor area and alterations to the existing foundation area on land at Lot 57 DP 11067, 204 Whale Beach Road, Whale Beach be **approved** subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

1. The amendment to proposed condition B to read as follows:

Cabana

The cabana to be relocated a minimum 5 metres from the side boundaries and not be elevated above ground level or enclosed. The cabana is not to exceed 3 metres in height above the existing ground level. Plantings of species that will achieve a minimum height of 3 metres to be provided to filter any views from the cabana into the swimming pools or indoor living spaces of adjoining properties. Details to be submitted to the Principle Certifier prior to issue of a construction certificate.

Reason: To maintain amenity to surrounding properties.

3.4 DA2018/1615 - 30 ALMA STREET, CLONTARF - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel concurred with the assessment and recommendation of the assessing officer except in relation to the extent of removal of landscaping within the front setback. The proposal does not maintain and enhance the landscape character of the street along the front boundary. In this regard the extent of non-landscaping is to be reduced and landscape plantings to be established to the east of the stairs. The pedestrian gate will be required to be relocated to the west and the bin storage also relocated.

The Panel also require a condition to ensure that the carport gates do not swing outwards onto the road reserve, that any form of gates are completely contained within the property boundary when operating.

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 Local Environmental Plan 2013 seeking to justify a contravention of clause 4.3 Height of Building 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.

DECISION

THAT Determination Application DA2018/1615 for alterations and additions to a dwelling house on land at Lot 26 DP 2610, 30 Alma Street, Clontarf be **approved** subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

1. The addition of the following condition:

Pedestrian Entry

The proposed Entry Floor Plan and Landscape Plan are to be amended as follows:

- i) The proposed pedestrian entry is to be relocated to align with the stair/path adjacent to the carport;
- ii) The area to the east of the relocated pedestrian entry adjoining the front boundary is to be landscaped, free of any hard surfaces and to include plantings similar to the adjoining landscaped area to the north;
- iii) The proposed bin storage area is to be relocated a minimum 3 metres away from the front boundary, and avoiding all Tree Protection Zones;
- iv) The proposed vehicle entry gates are not to swing outwards onto the road reserve.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

Reason: To maximise landscaping within the front setback and maintain the character of the streetscape.

3.5 DA2018/1528 - 11 COOLANGATTA AVENUE, ELANORA HEIGHTS - DEMOLITION OF EXISTING STRUCTURES

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

There were no registered speakers at the meeting.

It is noted there was an error stating 'Warringah Development Control Plan' instead of 'Pittwater 21 Development Control Plan' in *Section 4.15 (1) (a)(iii) – Provisions of any development control plan, Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality in the Environmental Planning and Assessment Act 1979 Section* and the *DCP Built Form Controls* section where it says: This application seeks to demolish an existing structure, as no new development has been proposed no Warringah Development Control Plan Built Form Controls apply.

It is noted the following wording was missing from the Assessment Report in response to the submission:

'A submission was raised in relation to this DA outlining expectations for expert and safe asbestos removal, and appropriate working hours and treatment of the neighbourhood by the construction team. Four conditions of consent have been attached to this Development Application to ensure that the issues identified in the submission have been appropriately addressed. Three relate to the safe and expert removal of asbestos and the other ensures that the construction work does not interfere with the general amenity of residents and the community.'

Supplementary conditions were received from the Assessing Officer regarding the removal of asbestos and have been included in the recommendation.

The panel were satisfied with the corrections and the recommendations, as supplemented, in the assessment report.

DECISION

THAT Determination Application DA2018/1528 for demolition of existing structures on land at Lot 12 DP 13643, 11 Coolangatta Avenue, Elanora Heights be **approved** subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

1. The addition of the following condition:

Prior and during: Demolition - Asbestos

Demolition works must be carried out in compliance with WorkCover Short Guide to Working with Asbestos Cement and Australian Standard AS 2601 2001 The Demolition of Structures. The site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400 mm x 300 mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility. All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifying Authority, all receipts issued by the receiving tip as evidence of proper disposal.

Adjoining property owners are to be given at least seven (7) days' notice in writing of the intention to disturb and remove asbestos from the development site.

Reason: Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily

2. The addition of the following condition:

Removing, Handling and Disposing of Asbestos

Any works involving asbestos based products in relation to removal, handling and disposing of material must be undertaken in accordance with the following requirements:

- Work Health and Safety Act
- Work Health and Safety Regulation
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)] and
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)]
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005.
- The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily

3. The addition of the following condition:

Requirement to notify about new contamination evidence

Any new information revealed during demolition works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.

Reason: To protect human health and the environment.

3.6 DA2018/1312 - 19 TUTUS STREET, BALGOWLAH HEIGHTS - DEMOLITION WORKS AND CONSTRUCTION OF A NEW DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were generally satisfied with the assessment report and recommendations except in relation to side setbacks and wall height.

Wall heights exceeded the DCP requirements and the side setbacks requirements are a function of the wall height, i.e. setbacks to be one third the wall height. The side setbacks proposed are a significant variation to this control. An objective of these controls is to *achieve a desired spatial proportions of the street*. The proposed variation to both controls and subsequent building does not achieve this objective. A reduction in the building height by 600mm, and corresponding wall heights could be achieved through various options involving adjustments to floor to ceiling heights and finished floor level and could be achieved through a condition. This would contribute to the development more positively meeting the objectives of the control.

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 Local Environmental Plan 2013 seeking to justify a contravention of clause 4.3 Height of Building 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.

DECISION

THAT Determination Application DA2018/1312 for demolition works and construction of a new dwelling house on land at Lot 14 DP 9561, 19 Tutus Street, Balgowlah Heights be **approved** subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

1. The addition of the following condition:

Building Height

The building height shall be reduced by a minimum 600mm (maximum roof RL at highest point being RL 55.063), resulting in a minimum 600mm reduction of the external wall's Relative Levels (RLs) on either side.

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

Reason: To achieve a more appropriate design in relation to the spatial proportions of the street.

The meeting concluded at 11.30am

This is the final page of the Minutes comprising 12 pages
numbered 1 to 12 of the Development Determination Panel meeting
held on Wednesday 30 January 2019.