

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

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

WEDNESDAY 14 AUGUST 2019

**Minutes of a Meeting of the Development Determination Panel
held on Wednesday 14 August 2019
in the Walamai Room, Civic Centre, Dee Why**

ATTENDANCE:

Panel Members

Peter Robinson (Chairperson)	Executive Manager Development Assessment	
Anne-Maree Newbery	Manager, Strategic & Place Planning	
Rod Piggott	Manager, Development Assessment	Item 3.1 & 3.5
Anna Williams	Manager, Development Assessment	Item 3.2, 3.3 & 3.4

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 24 JULY 2019

RECOMMENDATION

That the Minutes of the Development Determination Panel held 24 July 2019, 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 DA2019/0206 - 9 MONASH CRESCENT, CLONTARF - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by 2 residents.

New issues raised in regards to the height of the fence proposed between the building and the foreshore, that appear only on the landscape plans, that currently the open nature allowed for cross viewing of adjacent properties towards the Spit Bridge and that the propose tree within the foreshore setback would also obstruct views.

The panel agreed that fencing should be restricted to a maximum height of 1 metre. In regards to the proposed tree, alternate species and locations were considered, however the requirement for specific species of replacement trees and alternate locations on site would not warrant a change to the locations. The condition for the boundary fence on the frontage to clarify the location being to the street frontage.

The Panel is satisfied that the proposal is not likely to cause increased risk of coastal hazards on that land or other land.

The Panel concurred with the Officer's assessment report and recommendation with changes proposed to 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 INTEREST

Issues raised in the submission have been taken into account in the report and these minutes.

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 4.4 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.

DECISION ON DEVELOPMENT APPLICATION

THAT Development Application DA2019/0206 for demolition works and construction of a dwelling house on land at Lot 13 DP 9517, 9 Monash Crescent, Clontarf be **approved** subject to the following:

Insert new condition:

Boundary Fencing from the Rear of the Dwelling

The boundary fencing on the eastern and western boundaries of the site shall step down from 1.8m high to 1.0m high in alignment with the rear, south-western extent of the building footprint. Amended plans demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. Note: Fences constructed on the boundary require owners consent from

Reason: To allow for view sharing. (DACPLCPCC1)

Amend condition 23 to read:

Landscape works

Landscaping is to be implemented in accordance with the Landscape Plans L-100 E and L-101 E, as prepared by Grant Clement Landscape Architect, including the following requirements:

- i) existing ground levels around existing trees are to be retained unless authorised and certified by the Project Arborist,
- ii) existing planting not impacted by the works shall be retained,
- iii) all tree planting (1 x Banksia integrifolia and 2 x Tristaniopsis) shall be at 75 litre container sizes,
- iv) the proposed fencing to the street frontage proposed at 1.5m high must be at least 30 percent 'open/transparent' in accordance with control 4.1.10.

Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the landscape plans and the conditions of consent.

Reason: to ensure that the landscape treatments are installed to provide landscape amenity.

Vote: 3/0

3.2 MOD2019/0106 - 19 TUTUS STREET, BALGOWLAH HEIGHTS - MODIFICATION OF DEVELOPMENT CONSENT DA2018/1312 GRANTED FOR DEMOLITION WORKS AND CONSTRUCTION OF A NEW DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

No speakers addressed The Panel.

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 INTEREST

Issues raised in the submission have been taken into account in the report.

DECISION ON DEVELOPMENT APPLICATION

THAT Development Application Mod2019/0106 for Modification of Development Consent DA2018/1312 granted 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.

Vote: 3/0

3.3 MOD2018/0696 - 15 PERONNE AVENUE, CLONTARF - MODIFICATION OF DEVELOPMENT CONSENT DA665/2001 GRANTED FOR NEW BUILDING DWELLING

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by 4 residents and the owner of 15 Peronne Avenue Clontarf.

The Panel notes that the modification of consent application involves unauthorised works which the authority to retrospectively determine these works is available through the Land and Environment Court judgement *Windy Dropdown Pty Ltd v Warringah Council*.

Further, given the application is a modification of consent, a formal variation to development standards under cl 4.6 of the Manly LEP 2013 is not legally required. The assessment report addresses the variation to the floor space ratio through the same procedure as the cl 4.6 and the panel agree with the merits of the findings and recommendations in the report.

The Panel concurred with the Officer's assessment report and recommendation, with additional conditions to ensure landscaping and privacy screens are maintained. Further conditions that a Building Information Certificate is obtained for unauthorised building works prior to a Construction Certificate being issued for all works yet to be complete.

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 INTEREST

Issues raised in the submission have been taken into account in the report these minutes.

DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

DECISION ON DEVELOPMENT APPLICATION

THAT Development Application Mod2018/0696 for Modification of Development Consent DA665/2001 granted for new building dwelling on land at Lot 180 DP 9999, 15 Peronne Avenue, Clontarf be **approved** subject to the conditions and for the reasons set out in the Assessment Report.

Condition – Construction Certificate

A Construction Certificate is to be obtained prior to any further works commencing on the site to complete this application.

Reason: Legislative Requirements

Condition - Garden Roof - Ongoing

The proposed roof garden is not to be a trafficable area and the balustrade is to be located between the trafficable area and the garden. All landscape plantings and balustrades are to be maintained for the life of the development. If any landscape plantings under this consent fails, they are to be replaced with similar species to maintain the landscape theme of the landscape plan.

Reason: To maintain the environmental amenity and ensure landscaping continues to soften the built form.

Condition – Privacy Screen - Ongoing

The proposed privacy screen to the northern side of the dwelling at lower ground floor level is to be maintained for the life of the development.

Reason: To maintain suitable visual and acoustic privacy to neighbouring properties.

Condition- Certification – Prior to CC

An application for a Building Certificate is to be lodged and approved for all unauthorised works onsite.

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

Reason: To ensure unauthorised works are fit for purpose.

Vote: 3/0

3.4 MOD2019/0110 - 4 PANIMA PLACE, NEWPORT - MODIFICATION OF DEVELOPMENT CONSENT N0057/16 GRANTED FOR ALTERATIONS AND ADDITIONS TO EXISTING DWELLING AND THE RECONSTRUCTION OF EXISTING SWIMMING POOL

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by 5 residents, the applicant and owner.

The Panel has deferred the matter to enable corrections to the assessment report, including an assessment of view loss prior to further consideration of the Panel.

DECISION ON DEVELOPMENT APPLICATION

THAT Development Application Mod2019/0110 for Modification of Development Consent N0057/16 granted for alterations and additions to existing dwelling and the reconstruction of existing swimming pool on land at Lot 5 DP 243519, 4 Panima Place, Newport be **deferred** for the preparation of a new assessment report and be presented back to the Panel.

Vote: 3/0

3.5 MOD2019/0177 - 5/9 THE CRESCENT, MANLY - SECTION 4.55(2) MODIFICATION OF DEVELOPMENT CONSENT 219/2015 FOR THE REMOVAL OF REAR EXTERNAL STAIRS, INSTALLATION OF REAR LIFT AND STAIRS AND PARTIAL ENCLOSURE OF FRONT BALCONY - UNIT 5

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel received a Submission and was addressed by a representative on behalf of an adjoining property owner.

The Panel concurred with the Officer's assessment report and recommendation with new condition that the proposed 1800mm solid high balustrading to extend for 1 meter on the northwest elevation of the second floor landing.

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 INTEREST

Issues raised in the submission have been taken into account in the report and these minutes.

DECISION ON DEVELOPMENT APPLICATION

THAT Development Application Mod2019/0177 for Section 4.55(2) Modification of Development Consent 219/2015 for the removal of rear external stairs, installation of rear lift and stairs and partial enclosure of front balcony - Unit 5 on land at Lot 5 SP 12289, 5/9 The Crescent, Manly be **approved** for the reasons set out in the Assessment Report and subject to the new condition as follows:

Extension of Solid Balustrade

The 1800mm height solid balustrade shall be extended for 1 metre along the north-western elevation off the first-floor landing.

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

Reason: In order to maintain privacy to the adjoining / nearby property.

Vote: 3/0

This is the final page of the Minutes comprising 11 pages
numbered 1 to 11 of the Development Determination Panel meeting
held on Wednesday 14 August 2019.