



northern
beaches
council

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

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

WEDNESDAY 28 AUGUST 2019

**Minutes of a Meeting of the Development Determination Panel
held on Wednesday 28 August 2019
in the Walamai Room, Civic Centre, Dee Why**

ATTENDANCE:

Panel Members

Peter Robinson (Chairperson)	Executive Manager Development Assessment	
Rod Piggott	Manager, Development Assessment	Items 3.1 & 3.2
Steven Findlay	Manager, Development Assessment	Items 3.1, 3.3 & 3.4
Liza Cordoba	Manager, Strategic & Place Planning	Items 3.2, 3.3 & 3.4

1.0 APOLOGIES AND DECLARATIONS INTEREST

Due to a previously disclosed conflict of interest, Liza Cordoba was not involved in Item 3.1 and Rodney Piggott was the alternate member.

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 14 AUGUST 2019

RECOMMENDATION

That the Minutes of the Development Determination Panel held 14 August 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 DA2019/0055 - 9 MINKARA ROAD, BAYVIEW - CONSTRUCTION OF A DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by a representative of the applicant.

The Panel requested additional referral comments from the Biodiversity Team. The minutes will be reconvened once the comments are received.

DECISION ON DEVELOPMENT APPLICATION

THAT deliberations of Development Application DA2019/0055 for construction of a dwelling house on land at Lot 40 DP 28908, 9 Minkara Road, Bayview be **delayed**, in order to consider further advice on the impacts on biodiversity and that the Panel reconvene to determine the application once the advice is received.

Vote: 3/0

3.2 DA2019/0519 - 37 CARRINGTON PARADE, CURL CURL - CONSTRUCTION OF A DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by the owners and a representative of the owners.

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

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

DECISION ON DEVELOPMENT APPLICATION

THAT Development Application DA2019/0519 for construction of a dwelling house on land at Lot 26 DP 14040, 37 Carrington Parade, Curl Curl be **approved** subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

1. The amendment of the following condition:

16. Obscured Glazing - Eastern Elevation Windows and Southern Elevation Windows

The following windows are to be frosted and/or treated with obscured glazing treatment and/or fitted with external louvers (fixed panels or louver style construction (with a maximum spacing of 20mm), in materials that complement the design of the approved development) to ensure privacy and amenity of the adjoining property to the east (No. 36 Carrington Parade):

- First floor (W30) adjacent to the stairwell o Ground floor (W16) adjacent to the stairwell o Window (W17) adjacent to the entry on the ground floor

Additionally, the (W33) within the roof area facing the street (southern elevation) are to be frosted and/or treated with obscured glazing/treatment to ensure privacy and amenity of the properties to the south (Nos. 35/2 and 36/2 Beach Street).

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. (DACPLC06)

2. The amendment of the following condition:

Privacy Screen

A 1.65 metre high privacy screen (measured from finished floor level) is to be erected for a length of 2m commencing at the southern end of the outermost eastern edge of the first floor balcony located off the lounge room as shown on the approved plans. The privacy screen shall be of fixed panels or louver style construction (with a maximum spacing of 20mm), in materials that complement the design of the approved development.

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. (DACPLC06)

Vote: 3/0

3.3 DA2019/0464 - 20 RICHMOND ROAD, SEAFORTH - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by a representative of the applicant.

On viewing the site and reviewing historical plans, the site levels in the location of the height variation, were modified through historical excavation for the current dwelling.

Taking into account the modified ground levels and that the impact on views is primarily restricted to the lower ground floor of adjoining dwellings, with the primary living areas and bedrooms largely unaffected, the Panel was satisfied with the assessment on view impacts contained in the assessment report.

The panel noted that, for that portion of building exceeding the height, the ground level immediately below had been modified by preceding approved building works. The ground levels were unlikely to be natural due to previous excavations and that the non-compliance was likely caused by the modified ground levels.

Whilst the proposal technically complies with the building height control due to the historical excavation of the site, the assessment has been based on how the application was lodged and assessed in the officers report and the variation is nevertheless supported under Clause 4.6.

Concerns from neighbouring properties were raised with the applicant in relation to the design. The design philosophy involved minimising the pitch of the roof to reduce the impact on views. Massing of the roof could have occurred in the western portion of the building that would have been under the 8.5 height limit, however would have had severe impact on views from adjoining properties. It was offered by the applicant that the eaves could be reduced on the south east elevation of the dwelling and the sides of the building in further response to concerns.

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

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 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.

B. 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.

C. The Panel assumes the concurrence of the Secretary, Department Planning and Environment required under clause 4.6.

DECISION ON DEVELOPMENT APPLICATION

THAT Development Application DA2019/0464 for alterations and additions to a dwelling house on land at Lot A DP 402252, 20 Richmond Road, Seaforth be **approved** subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

1. The amendment of condition 1 to include the following:

d) The development is to be undertaken generally in accordance with the following:

Waste Management Plan & Stormwater Management Plan		
Drawing No/Title.	Dated	Prepared By
Dwg No. 10/ Stormwater Management Plan	October 2018	Raven Fisher and Associates Pty Ltd
Waste Management Plan	8 May 2019	Stephen Grist

2. The addition of the following condition under the heading 'Prior to the issue of the Occupation Certificate':

Height Survey

A survey prepared by a Registered Surveyor shall be provided as evidence that all buildings are constructed in accordance with the approved RL's for each of the floor levels and roof ridge levels of the building. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To ensure the dwelling and associated structures are constructed in accordance with the approved levels.

3. The addition of the following condition under the heading 'Prior to the issue of the Construction Certificate':

Eaves

The eaves to the first floor are to be amended as follows:

North East and South West Elevations – maximum width 300mm

South East Elevation – Excluding the eaves directly above the balcony, the remaining eaves shall not exceed a maximum width of 300mm.

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

Reason: Improved amenity to surrounding development

Vote: 3/0

3.4 DA2018/1830 - 1 ADEN STREET, SEAFORTH - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by an objector.

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

DECISION ON DEVELOPMENT APPLICATION

THAT Development Application DA2018/1830 for alterations and additions to a dwelling house on land at Lot 4 DP 17574, 1 Aden Street, Seaforth be **approved** subject to the conditions and for the reasons set out in the Assessment Report, subject to the following.

Vote: 3/0

This is the final page of the Minutes comprising 10 pages
numbered 1 to 10 of the Development Determination Panel meeting
held on Wednesday 28 August 2019.