

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

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

WEDNESDAY 18 DECEMBER 2019

**Minutes of a Meeting of the Development Determination Panel
held on Wednesday 18 December 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	
Anna Williams	Manager, Development Assessment	Item 3.2 & 3.4
Matthew Edmonds	Manager, Development Assessment	Item 3.1 & 3.3

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 11 DECEMBER 2019

The Minutes of the Development Determination Panel held 11 December 2019, were adopted by all Panel Members and have been posted on the Council's website

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 MOD2019/0241 - 4 LAURA STREET, SEAFORTH - MODIFICATION OF DEVELOPMENT CONSENT DA148/2014 GRANTED FOR ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING INCLUDING A SEA WALL

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by the applicant

The Panel received a supplementary memo from the Assessing Officer.

The Panel concurred with the Officer's assessment report, supplementary memo 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

There were no submissions received for this application.

DECISION

THAT Council as the consent authority **approve** Mod2019/0241 for Modification of Development Consent DA148/2014 granted for alterations and additions to an existing dwelling including a sea wall on land at Lot 4 DP 249261, 4 Laura Street, Seaforth, subject to the conditions outlined in the Assessment Report and supplementary memo.

Vote:3/0

3.2 DA2019/0904 - 2033 PITTWATER ROAD, BAYVIEW - CONSTRUCTION OF A DWELLING HOUSE, SECONDARY DWELLING AND SWIMMING POOL

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by two objectors.

The Panel considered the view loss and whether or not the proposal was compliant with planning controls and in particular the height and building height envelope. The only non-compliance with the building height envelope is the south east elevation which does not impact on any views.

Concerns relating to the installation of photovoltaic cells have been addressed by a new condition.

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

THAT Council as the consent authority **approve** Development Consent to DA2019/0904 for construction of a dwelling house, secondary dwelling and swimming Pool on land at Lot 1 DP 562577, 2033 Pittwater Road, Bayview, subject to the conditions outlined in the Assessment Report, subject to the following:

1. The addition of the following condition under the heading 'Development Consent Operational Conditions':

Photovoltaic Cells

The installation of the photovoltaic cells, or any future photovoltaic cells on the roof of the building shall not protrude more than 0.5m above the roof nor exceed the 8.5 height limit.

Vote: 3/0

3.3 DA2019/0628 - 3 LOFTUS STREET, NARRABEEN - DEMOLITION WORKS AND THE CONSTRUCTION OF SIX ATTACHED DWELLINGS WITH A BASEMENT CARPARK, AND SUBDIVISION OF FOUR LOTS INTO SIX

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by the applicant and owners.

The panel considered the deferred commencement conditions for reduction in the roof terrace and the location of the garbage bins.

The Panel were satisfied that the configuration of the roof terraces, with the main usable area being located away from the street combined with the proposed rooftop landscaping were sufficient to ensure privacy to dwellings opposite in Loftus Street.

The Condition 2.b, to widen rooftop landscaping on the western and eastern elevations can remain as a condition to be satisfied prior to Construction Certificate.

Condition 1 can also be a condition to be satisfied prior to Construction Certificate with the additional requirements that the bins are to be screened and not result in a reduction of landscaping within the front setback.

In this regard there is no requirement for a Deferred Commencement Consent, as all conditions can be satisfied prior to Construction Certificate.

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 EXCEPTIONS TO DEVELOPMENT STANDARDS

A. The Panel is satisfied that:

- 1) the applicant's written request under clause 4.6 of the Warringah Local Environmental Plan 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.

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

DECISION

THAT Council as the consent authority **approve** Development Consent to DA2019/0628 for

demolition works and the construction of six attached dwellings with a basement carpark, and subdivision of four lots into six on land at Lot 1 & 2 DP 136684, Lot 1 DP 955553 & Lot D DP 315039, 3 Loftus Street, Narrabeen, subject to the conditions outlined in the Assessment Report, subject to the following:

1. The deletion of the following conditions:

Waste Storage to be redesigned to accommodate four (4) bins

Details for the Waste Storage Areas for each townhouse will:

- a) Be a designated area to accommodate Council's allocated number of waste and recycling containers.
- b) Have an area capable of storing -1x 80L (Red bin), 2x 140L (Blue and Yellow bin) and 1x 240L (Green Bin).
- c) Be clear of any service and utilities infrastructure and related activities.
- d) Be capable of being kept clean and tidy at all times. e) Be in accordance with the BCA, relevant AS and legislation detailed in Chapter xii of the Waste Management Guidelines.

The Waste Storage Area must be:

- a) Incorporated entirely within the site boundary and, if it is an external structure, be designed to reduce visual impact and clutter from the street.

Reason: To ensure compliance with Council's Waste Management Guidelines.

Roof terrace to be reduced in area

- a. The roof terrace to all units are to be reduced in size deleting all areas south of the alignment of the north facing lift opening (toward Loftus Street). This area is to be clearly identified as 'non-trafficable' and must contain a barrier either side of the northern end of the lift to prevent access.
- b. The landscape planter to the roof terraces along the western side of Unit 1 and the eastern side of Unit 6 are to be increased to provide a minimum width of 1.0m and a minimum soil depth of 600mm.

Reason: To ensure adequate protection of privacy to adjoining properties.

2. The addition of the following conditions under the heading 'Conditions to be Satisfied Prior to the Issue of the Construction Certificate':

Waste Storage to be redesigned to accommodate four (4) bins

Details for the Waste Storage Areas for each townhouse will:

- a) Be a designated area to accommodate Council's allocated number of waste and recycling containers.
- b) Have an area capable of storing -1x 80L (Red bin), 2x 140L (Blue and Yellow bin) and 1x 240L (Green Bin).
- c) Be clear of any service and utilities infrastructure and related activities.
- d) Be capable of being kept clean and tidy at all times.
- e) Be in accordance with the BCA, relevant AS and legislation detailed in Chapter xii of the Waste Management Guidelines.
- f) Bin storage areas within the front setback must be suitably screened from the street by fencing and/or vegetation and must not reduce the soft landscape area proposed in this location.

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

Reason: To ensure compliance with Council's Waste Management Guidelines.

Landscape Planter

The landscape planter to the roof terraces along the western side of Unit 1 and the eastern side of Unit 6 are to be increased to provide a minimum width of 1.0m and a

minimum soil depth of 600mm.

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

Reason: To ensure adequate protection of privacy to adjoining properties.

Vote: 3/0

3.4 DA2019/0661 - 22 STUART STREET, MANLY - DEMOLITION WORKS AND CONSTRUCTION OF A BOARDING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by two objectors and the owner.

The Panel accepts that several reasons for refusal could be resolved through the submission of further information and that the site is not within a landslip risk area. However the panel does not accept that the building bulk is satisfactory and that the building should address the following;

Maintain a 6 metre front setback to maintain the predominant setbacks within Stuart Street,

Reduction of the building height at the rear to a single storey in the area of communal living room and Room 5, and remove the loft from Room 11 to ensure solar access to adjoin properties and reduce the visual bulk,

The non-compliant side setbacks to southern side setback contributes to the building bulk,

Increase the open space on site, and subsequent landscaping, that will reduce the visual bulk and maintain habitat for the endangered population of Long-nose Bandicoot in the front and rear setbacks.

The Panel were of the opinion that the footprint of the excavation could be reduced thereby increasing the setbacks to side boundaries.

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

STATEMENT OF REASON

The proposal does not satisfy the objectives and provisions of Manly LEP 2014 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

THAT Council as the consent authority **refuse** Development Consent to DA2019/0661 for demolition works and construction of a boarding house on land at Lot 4 DP 82179, 22 Stuart Street, Manly, for the following reasons:

1. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* the proposed development is inconsistent with the provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009* in relation to landscaped area, private open space, and the character of the local area.
2. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* the proposed development is inconsistent with the provisions of Clause 6.2 Earthworks of the *Manly Local Environmental Plan 2013*.
3. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* the proposed development is inconsistent with the provisions of Clause 6.4 Stormwater Management of the *Manly Local Environmental Plan 2013*.
4. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* the proposed development is inconsistent with the provisions of Clause 6.5 Terrestrial Biodiversity of the *Manly Local Environmental Plan 2013*.

5. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* the proposed development is inconsistent with the provisions of Clause 6.12 Essential Services of the *Manly Local Environmental Plan 2013* in relation to stormwater drainage and onsite conservation, and vehicular access.
6. Pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* the proposed development is inconsistent with the provisions of Clause 3.1.1 Streetscape (Residential areas) of the *Manly Development Control Plan 2013*.
7. Pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* the proposed development is inconsistent with the provisions of Clause 3.3.1 Landscaping Design of the *Manly Development Control Plan 2013*.
8. Pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* the proposed development is inconsistent with the provisions of Clause 3.4.1 Sunlight Access and Overshadowing of the *Manly Development Control Plan 2013*.
9. Pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* the proposed development is inconsistent with the provisions of Clause 3.4.2 Privacy and Security of the *Manly Development Control Plan 2013*.
10. Pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* the proposed development is inconsistent with the provisions of Clause 3.7 Stormwater Management of the *Manly Development Control Plan 2013*.
11. Pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* the proposed development is inconsistent with the provisions of Clause 4.1.4 Setbacks (front, side and rear) and Building Separation of the *Manly Development Control Plan 2013*.
12. Pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* the proposed development is inconsistent with the provisions of Clause 4.1.5 Open Space and Landscaping of the *Manly Development Control Plan 2013*.
13. Pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* the proposed development is inconsistent with the provisions of Clause 4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities) of the *Manly Development Control Plan 2013* in relation to the driveway profile and the level of excavation required to achieve compliant parking.
14. Pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* the proposed development is inconsistent with the provisions of Clause 4.4.5 Earthworks (Excavation and Filling) of the *Manly Development Control Plan 2013*.
15. Pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* the proposed development is inconsistent with the provisions of Clause 4.4.9.3 Open Space of the *Manly Development Control Plan 2013*.

Vote: 3/0

The meeting concluded at 2.35pm

This is the final page of the Minutes comprising 10 pages
numbered 1 to 10 of the Development Determination Panel meeting
held on Wednesday 18 December 2019.