



northern
beaches
council

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

held on

WEDNESDAY 25 MARCH 2020

Minutes of a Meeting of the Development Determination Panel determined on Wednesday 8 April 2020

ATTENDANCE:

Panel Members

Peter Robinson (Chairperson)	Executive Manager Development Assessment	
Steven Findlay	Manager, Development Assessment	Item 3.1, 3.2 & 3.3
Anne-Maree Newbery	Manager, Strategic & Place Planning	
Liza Cordoba	Manager, Strategic & Place Planning	Item 3.4

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 11 MARCH 2020

The Minutes of the Development Determination Panel held 11 March 2020, were adopted by all Panel Members and have been posted on the Council's website

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 DA2019/1460 - 2C EDGECLIFFE ESPLANADE, SEAFORTH - ALTERATIONS AND ADDITIONS TO EXISTING DWELLING

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

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

C. 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.

D. 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 DA2019/1460 for alterations and additions to existing dwelling on land at Lot 11 DP 1035012, 2C Edgecliffe Esplanade, Seaforth, subject to the conditions outlined in the Assessment Report, subject to the following:

1. The amendment of the following condition to read as follows:

18. Swimming Pool Mechanical Plant

All plant equipment must be installed and operated at times so as not to cause 'offensive noise'. It must be demonstrated that the noise level will not exceed 5dBA above background noise when measured from the nearest property boundary, as defined by the Protection of the Environments Operation Act 1997.

The assessment shall include the noise and vibration generating plant including, but not limited to air conditioners and swimming pool filter on the approved plans.

Reason: To ensure compliance with legislation and to protect the acoustic amenity of neighbouring properties.

2. The deletion of the following condition:

12. Balustrade

The balustrade to the front of the property on council land is to be deleted.

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

Reason: No owners consent has been given for development on Council land.

3. The addition of the following conditions under the heading 'Conditions To Be Satisfied Prior To The Issue Of The Construction Certificate':

Air Conditioning Units

All air conditioning units shown on the western elevation are to be located at ground level, so as to reduce the visual and acoustic impact on the adjoining western property.

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.

Solid Fire Heater

No approval is given for the installation of any solid wood fire heater which would need a separate application for consideration.

Reason: To ensure compliance with Section 68 of The Local Government Act

Vote: 3/0

3.2 DA2019/0964 - 1 LOVERING PLACE, NEWPORT - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING INCLUDING SWIMMING POOL

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by an objector, the applicant and a representative of the applicant.

The Panel concurred with the Officer's assessment report and recommendation, except for the setback of the external wall (glass line) of the Living Room element on Level 1. Two members of the Panel considered the setback should be increased by an additional 2.0 metres to minimise the overshadowing of the first floor level eastern terrace of the adjoining dwelling to the south and provide for an appropriate transitional setback to that adjoining dwelling. The other Panel member did not concur and casted a dissenting vote.

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 DA2019/0964 for demolition works and construction of a dwelling including swimming pool on land at Lot 7 DP 21686, 1 Lovering Place, Newport, subject to the conditions outlined in the Assessment Report, subject to the following:

1. Amendment of Condition 7 to read as follows:

Amendments to the approved plans

The following amendments are to be made to the approved plans:

- The aluminium vertical louvred panels used on the northern elevation are also to be installed on the south facing first floor master bedroom windows. This is to protect the privacy of the neighbouring property.
- The setback of the Living Room (external eastern glass line wall) as shown on the Site Level 1 Plan (DA-03B) and Southern Elevation Plan (DA-06B) is to be increased by 2.0m to the eastern boundary of the site. This amendment allows the building element comprising the Living Room, Study and Bath to be moved 2.0m to the west to facilitate the increased setback, with associated amendments.

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: 2/1

3.3 DA2019/1303 - 11 ADELAIDE STREET, BALGOWLAH HEIGHTS - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by three objectors and 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 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 are not 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 not 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 **refuse** DA2019/1303 for alterations and additions to a dwelling house on land at Lot 17 Sec D DP 2610, 11 Adelaide Street, Balgowlah Heights, subject to the following:

The deletion of the following reasons for refusal:

5. 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 3.4.3 Maintenance of Views of the Manly Development Control Plan. The total impact of the development as a result of the non-compliant floor space will result in an outcome that has an unreasonable impact.

Vote: 3/0

3.4 DA2019/0865 - 30-38 ETHEL STREET, SEAFORTH - USE OF BALGOWLAH RSL CARPARK FOR AN ORGANIC FOOD MARKET

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were not addressed by any speakers.

The panel considered the likely economic impact on the local retail centre and were informed that the local retail centre did not contain a grocery store, butcher or fruit and vegetable store.

In regards to the likely impacts on local parking, the panel were satisfied that the trial period and conditions of consent for a parking review would ensure that any unforeseen issues could be addressed.

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

THAT Council as the consent authority **approve** Development Consent to DA2019/0865 for Use of Balgowlah RSL carpark for an Organic Food Market on land at Lot 1 DP 1102512, 30-38 Ethel Street, Seaforth, subject to the conditions outlined in the Assessment Report, subject to the following:

1. The amendment of the following condition:

11. 18 Month Trial Period

This consent shall expire in 18 months from the date of commencement of the market operations, unless by no later than 13 months after the date of commencement, the applicant lodges a S4.55 Modification of Consent Application to extend the expiry date to 5 years and Council thereafter approves the modification. Council is to be informed 7 days prior to the first operation of the markets.

Reason: To monitor the operation of the consent to ensure no adverse impact on any adjoining land or the amenity of the neighbourhood and the temporary use of the land in accordance with the consent.

Vote: 3/0

This is the final page of the Minutes comprising 8 pages
numbered 1 to 8 of the Development Determination Panel meeting
held on Wednesday 25 March 2020.