



northern
beaches
council

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

held on

WEDNESDAY 8 JULY 2020

Minutes of a Meeting of the Development Determination Panel held on Wednesday 8 July 2020

ATTENDANCE:

Panel Members

| | | |
|------------------------------|--|---------------------|
| Peter Robinson (Chairperson) | Executive Manager Development Assessment | |
| Neil Cocks | Manager, Strategic & Place Planning | |
| Steven Findlay | Manager, Development Assessment | Item 3.1, 3.2 & 3.3 |
| Claire Ryan | Acting Manager, Development Assessment | Item 3.4 |

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 24 JUNE 2020

The Minutes of the Development Determination Panel held 24 June 2020, were adopted by all Panel Members and have been posted on the Council's website

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 MOD2019/0253 - 24 LANCASTER CRESCENT, COLLAROY - MODIFICATION OF DEVELOPMENT CONSENT DA2016/0963 GRANTED FOR DEMOLITION WORKS AND THE CONSTRUCTION OF A NEW DWELLING HOUSE AND SWIMMING POOL

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by three objectors and a representative of the applicant.

The panel deferred the determination for further consideration of the application

DECISION

THAT Council as the consent authority **defer** the determination of Mod2019/0253 for Modification of Development Consent DA2016/0963 granted for demolition works and the construction of a new dwelling house and swimming pool on land at Lot 3 Sec 10 DP 11899, 24 Lancaster Crescent, Collaroy, for further consideration.

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3.2 DA2020/0462 - 27 QUINTON ROAD, MANLY - ALTERATIONS AND ADDITIONS TO A SEMI-DETACHED DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were not addressed by any speakers.

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

There were no submissions received for this application.

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

THAT Council as the consent authority **approve** Development Consent to DA2020/0462 for alterations and additions to a semi-detached dwelling house on land at Lot X DP 442867, 27 Quinton Road, Manly, subject to the conditions outlined in the Assessment Report.

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3.3 MOD2020/0134 - 16 CAREY STREET, MANLY - MODIFICATION OF DEVELOPMENT CONSENT DA149/2010 GRANTED FOR DEMOLITION OF EXISTING AND CONSTRUCTION OF A TWO (2) STOREY DWELLING

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by an objector and the applicant and received late written submissions.

The panel did not accept that a fence adjoining the landscaped front setback to Carey St at 1.9 metres was appropriate with regards to streetscape and that the proposed condition should apply.

Condition ANS04, based on the amended design, would no longer be relevant and should be deleted.

The Panel acknowledges that the discussion under Clause 4.6 of the Assessment Report incorrectly refers to Clause 4.3 of the Pittwater LEP. The discussion should refer to Clause 4.3 of the Manly LEP.

The Panel concurred with the Officer's assessment report, 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

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 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

THAT Council as the consent authority **approve** Mod2020/0134 for Modification of Development Consent DA149/2010 granted for demolition of existing and construction of a two (2) storey dwelling on land at Lot 1 DP 166526, 16 Carey Street, Manly, subject to the conditions outlined in the Assessment Report and Supplementary Memo, subject to the following:

1. The deletion of the following condition:

Condition ANS04

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3.4 DA2019/0860 - 24 DARLEY STREET EAST, MONA VALE - DEMOLITION AND CONSTRUCTION OF A RESIDENTIAL CARE FACILITY INCLUDING BASEMENT PARKING**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.

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.

DECISION

THAT Council as the consent authority **approve** Development Consent to DA2019/0860 for demolition and construction of a Residential Care Facility including basement parking on land at Lot 52 DP 881594, 24 Darley Street East, Mona Vale, subject to the conditions outlined in the Assessment Report, subject to the following:

1. The amendment of the following conditions:

Pre-commencement Dilapidation Report

The applicant must prepare and submit a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining public and private properties and public infrastructure (including roads, gutter, footpaths, etc) for a minimum distance of 15 metres of each property boundary. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of adjoining and affected private properties prior to any works or demolition on the site.

Reason: Protection of Council's and Private Party's Infrastructure during construction.

Pre-Construction Dilapidation Report

Dilapidation reports, including photographic surveys, of the following adjoining properties must be provided to the Principal Certifying Authority prior to any works commencing on the site (including demolition or excavation). The reports must detail the physical condition of those properties listed below, both internally and externally, including walls, ceilings, roof, structural members and other similar items. Including but not limited to, subject to the direction of the Certifying Authority:

No.22 Darley Road East (Lot 2 DP 520433);

No.28 Darley Road East (Lot CP SP3100); and
No.1 Seabeach Avenue (Lot 51 881594) for minimum distance of 15 metres within this site.

The dilapidation report is to be prepared by a suitably qualified person and the extent of detail should be appropriate to the scope of works required potentially affecting adjacent land. A copy of the report must be provided to Council, the Principal Certifying Authority and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access. The Principal Certifying Authority must be satisfied that the requirements of this condition have been met prior to commencement of any works.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage rising from the works.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the commencement of any works on site.

Reason: To maintain proper records in relation to the proposed development.

2. The additions of the following conditions:

Parking

Parking spaces in the basement must be retained for the life of the development, as follows:

- 11 x staff spaces (incl. one accessible space);
- 5 x visitor spaces; and
- 1 x loading bay.

Parking spaces in the basement are to be marked accordingly.

Reason: To ensure compliance with the terms of this consent.

Post-Construction Dilapidation Report

Post-Construction Dilapidation Reports for the areas noted in the conditions titled 'Pre-Commencement Dilapidation Report' and 'Pre-Construction Dilapidation Report', including photos of any damage evident at the time of inspection, must be submitted after the completion of works. The reports must:

- Compare the post-construction report with the pre-construction report;
- Clearly identify any recent damage and whether or not it is likely to be the result of the development works; and
- Should any damage have occurred, suggest remediation methods.

Copies of the reports must be given to the property owners referred to in the Pre-Construction Dilapidation Report Condition. Copies must also be lodged with Council. Details demonstrating compliance with this condition are to be submitted to the Principal Certifying Authority prior to the issuing of any Occupation Certificate.

Reason: To maintain proper records in relation to the proposed development.

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The meeting concluded at 2.00pm

This is the final page of the Minutes comprising 9 pages
numbered 1 to 9 of the Development Determination Panel meeting
held on Wednesday 8 July 2020.