



northern
beaches
council

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

FRIDAY 18 SEPTEMBER 2020

Minutes of a Meeting of the Development Determination Panel

ATTENDANCE:

Panel Members

Peter Robinson (Chairperson)	Executive Manager Development Assessment
Steven Findlay	Manager, Development Assessment
Neil Cocks	Manager, Strategic & Place Planning

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 9 SEPTEMBER 2020

The Minutes of the Development Determination Panel held 9 September 2020, were adopted by all Panel Members and have been posted on the Council's website

DEVELOPMENT DETERMINATION PANEL REPORTS

DA2019/1447 - 27 ALAN AVENUE, SEAFORTH - DEMOLITION WORKS, TORRENS TITLE SUBDIVISION OF 1 LOT INTO 2 LOTS AND CONSTRUCTION OF A DWELLING HOUSE AND SWIMMING POOL AND FENCING ON EACH LOT

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by two objectors and representatives of the applicant.

Whilst the lots comply with the 600sqm minimum lot size, the proposal is inconsistent with the objectives under Clause 4.1 of the MLEP 2013, in that the lot layout is inconsistent with the prevailing subdivision pattern in the street and the locality. In this regard, the creation of two 10.0m wide lots does not reflect the established subdivision and streetscape character, where lots are generally 15 to 20 metres in width with wider dwellings and associated setbacks. There are a number of narrower lots in the street and surrounding area, however those lots were established well before the current subdivision controls, are not less than 13.4 metres in width and represent a minority or exception in the street.

Additionally, the proposed dwellings involve non-compliant side setbacks and wall heights and will have a visually dominant 3 storey presentation at the front elevation, which results in a proposed development that is unacceptable in terms of the impacts on residential amenity and the character of the street and locality.

In this regard, the Panel cannot support the recommendation for approval for the following reasons:

Subdivision Precedent – The approval of this application will set an undesirable precedent which could potentially transform the established character of the area in a manner that is contrary to the planning controls.

Side Setbacks – the non-compliance with side setbacks will result in inadequate building separation, unacceptable impacts on the amenity of neighbouring properties and a landscape setting for the proposed dwellings that is not envisaged by the controls, especially in relation to front and side setback areas.

Wall Heights – the non-compliant wall heights will result in excessively elevated buildings when viewed from the street and adjoining properties.

Number of Storeys/Streetscape – the proposed 3 storey configuration and presentation of the dwellings to the street is inconsistent with the prevailing character of the street.

Bulk - The proposed builds present an unacceptable visual bulk to the adjoining properties

Subdivision not consistent with the objectives of the clause – The approval of this application will set an undesirable precedent which would extend to at least 8 other lots in the street and has the potential to transform the established character of the area in a manner that is contrary to the planning controls.

Non-compliance with Side Setbacks – the non-compliance with side setbacks is not supported as they will result in inadequate building separation, unacceptable impacts on the amenity of neighbouring properties and a landscape setting for the proposed dwellings that is not envisaged by the controls, especially in relation to front and side setback areas.

Non-compliance with Wall Heights – the non-compliant wall heights are not supported as they are associated with the inadequate side setbacks and will result in excessively elevated buildings when viewed from the street and adjoining properties.

Number of Storeys/Streetscape – the proposed 3 storey configuration and presentation of the dwellings to the street is not supported as it is incompatible and inconsistent with the prevailing character of the street. The majority of dwellings are 2 storey with only one dwelling that is “part 3 storey”. The proposed dwellings will present as full 3 storey when viewed from the street. If a 3rd storeys is proposed there should be a considerable setback relative to the ground floor level to give the dwellings a stepped appearance and maintain a generally 2 storey character and reduce the wall heights and extent of visual 3 storey elements.

DECISION

THAT Council as the consent authority **refuse** Development Consent to DA2019/1447 for demolition works, torrens title subdivision of 1 lot into 2 lots and construction of a dwelling house and swimming pool and fencing on each lot on land at Lot 81 DP 4889, 27 Alan Avenue, Seaforth, for the following reasons:

1. Reasons for Refusal:

1. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the objectives of Clause 4.1 Minimum subdivision lot size of the Manly Local Environmental Plan 2013.
2. 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.
3. 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 4.1.2.1 Wall Height of the Manly Development Control Plan 2013.
4. 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 4.1.2.2 Number of Storeys of the Manly Development Control Plan 2013.
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 4.1.4.2 Side Setbacks of the Manly Development Control Plan 2013.
6. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest.

Vote: 3/0 - Friday 18 Spetember

This is the final page of the Minutes comprising 5 pages
numbered 1 to 5 of the Development Determination Panel meeting
held on Tuesday 15 September 2020.