



northern
beaches
council

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

WEDNESDAY 24 MARCH 2021

Minutes of a Meeting of the Development Determination Panel held on Wednesday 24 March 2021

ATTENDANCE:

Panel Members

Peter Robinson (Chairperson)	Executive Manager Development Assessment	
Steven Findlay	Manager, Development Assessment	Items 3.1, 3.2 & 3.6
Lashta Haidari	Manager, Development Assessment	Items 3.3, 3.4 & 3.5
Liza Cordoba	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 10 MARCH 2021

The Minutes of the Development Determination Panel held 10 March 2021, were adopted by all Panel Members and have been posted on the Council's website

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 MOD2020/0712 - 1/834 PITTWATER ROAD DEE WHY - MODIFICATION OF DEVELOPMENT CONSENT DA2010/0917 AND L&E COURT ORDER 10273 OF 2012 GRANTED FOR USE OF PREMISES AS A PAY PARKING SCHEME

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

There were no registered speakers

The Panel sought a change to the condition to simplify the fees, the process for changing the fees and to clarify that staff are not charged for parking.

The Panel concurred with the Officer's assessment report and recommendation with the change to condition 1.

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 and the meeting.

DECISION ON APPLICATION

THAT Council, as the consent authority **approves** MOD2020/0712 for Modification of Development Consent DA2010/0917 and L&E Court Order 10273 of 2012 granted for use of premises as a pay parking scheme on land at Lot 1 DP 1146740, 1/834 Pittwater Road Dee Why, subject to the conditions outlined in the Assessment Report and the following change:

Modify Condition 1 'Carpark Operations' to read as follows:

- a) Deleted
- b) The pay parking scheme is to provide for a 2 hour (minimum) free parking period (applying to the first 2 hours of any stay).
- c) The Parking Rates to be applied in the operation of the pay parking scheme are to be in accordance with the schedule submitted to Council within the Operational Management Plan, prepared by PTC Consultants and dated 16/12/2020. The above rates can only be amended by the applicant submitting a revised Operational Plan of Management to Council for review and must be authorised by Council prior to any changes.
- d) A minimum of 53 of the retail/hotel spaces shall be maintained exclusively for staff car parking within the basement levels for no fee.
- e) Deleted
- f) Deleted
- g) Deleted

Reason: To ensure an orderly and efficient use and management of parking facilities.

Vote 3/0

3.2 MOD2020/0232 - 29-33 PITTWATER ROAD, MANLY - MODIFICATION OF DEVELOPMENT CONSENT DA2019/0083 GRANTED FOR ALTERATIONS AND ADDITIONS TO AN EXISTING MIXED USE DEVELOPMENT

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by a representative of the applicant.

The Panel sought to clarify the condition for commercial floor space contributions by including the floor space on which the calculations were based.

The Panel recognised an error in the recommendation that *Recommendation D* should read *Amend condition 7*, not condition 6

The Panel concurred with the Officer's assessment report and recommendation subject to these changes.

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 APPLICATION

THAT Council, as the consent authority, **approves** Mod2020/0232 for Modification of Development Consent DA2019/0083 granted for alterations and additions to an existing Mixed Use Development on land at Lot 1 DP 76807, 29-33 Pittwater Road, Manly, subject to the conditions outlined in the Assessment Report.

- A. Recommendation C. **Modify Condition 6 'Development Contributions - Commercial' to read as follows:**

Stage 2 - Development Contribution – Commercial

A contribution of \$83,860.17 for 291.6sqm GFA commercial floorspace (286.3sqm approved under DA plus 5.3sqm under this Modification) is to be paid for the provision, extension or augmentation of local infrastructure that will, or is likely to, be required as a consequence this development pursuant to section 7.11 of the Environmental Planning and Assessment Act 1979 and the Manly Section 94 Contributions Plan 2004 (as amended).

The contribution shall be paid to Council prior to the release of the Construction Certificate for Stage 2.

The contribution must be adjusted by CPI at the time of payment. CPI should be taken from the date of consent for MOD2020/0232.

Total contribution applicable to 286sqm approved under DA2019/0083 is \$80,268.04

CPI adjustment to Dec 2020 is 1.02519548

CPI adjusted total contribution for DA2019/0087 as at Feb2021 is \$82,290.43

Additional floor area of 5.3sqm under MOD2020/0232 5.3sqm

Commercial/ Retail rate in Manly Precinct is \$29,617.62 per 100sqm GFA

Total contribution applicable for additional 5.3sqm is \$1,569.73

Total contribution for commercial development is \$83,860.17

Reason: To enable the provision of public amenities and services required/anticipated as a consequence of increased demand resulting from the development

B. Amend Condition 7 'Development Contributions - Car Parking' to read as follows:

Stage 2 - Development Contribution – Car Parking

A contribution of \$191,674.55 for car parking is to be paid for the provision, extension or augmentation of local infrastructure that will, or is likely to, be required as a consequence this development pursuant to section 7.11 of the Environmental Planning and Assessment Act 1979 and the Manly Section 94 Contributions Plan 2004 (as amended).

The contribution shall be paid to Council prior to the release of the Construction Certificate for Stage 2.

The contribution must be adjusted by CPI at the time of payment. CPI should be taken from the date of consent for MOD2020/0232.

Total contribution for parking spaces, imposed under consent for DA2019/0083

5 parking spaces x \$37,392.78 = \$186,963.90

CPI adjustment to Dec 2020 is 1.02519548

CPI adjusted total contribution applicable per DA2019/0087 as at Feb 2021

Total contribution for Car Parking is \$191,674.55

Reason: To enable the provision of public amenities and services required/anticipated as a consequence of increased demand resulting from the development.

Vote 3/0

3.3 DA2020/1478 - 291 HUDSON PARADE, CLAREVILLE - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

There were no registered 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 Pittwater LEP 2014 and the Pittwater 21 DCP 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 Pittwater Local Environmental Plan 2014 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 ON APPLICATION

THAT Council, as the consent authority, **approves** Development Consent to DA2020/1478 for Alterations and additions to a dwelling house on land at Lot 30 DP 228119, 291 Hudson Parade, Clareville, subject to the conditions outlined in the Assessment Report.

Vote 3/0

3.4 DA2020/1338 - 55 BOWER STREET, MANLY - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by one objector and the owners and their representatives

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

STATEMENT OF REASON

The proposal included variations to the development standard relating to height which causes impacts of view loss to surrounding properties. In this regard the proposal has unacceptable impacts which does not satisfy the provisions of Manly LEP 2013 and the Manly DCP 2013 or Land and Environment Court Planning Principles.

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 not satisfied that:

- 1) the applicant's written request under clause 4.6 of the Manly 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 ON APPLICATION

THAT Council, as the consent authority, **refuses** Development Consent to DA2020/1338 for Alterations and additions to a dwelling house on land at Lot 63 DP 8075, 55 Bower Street, Manly, subject to the conditions outlined in the Assessment Report.

Vote 3/0

3.5 DA2020/1419 - 23 CRESCENT STREET, FAIRLIGHT - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

There were no registered speakers.

The Panel required a further condition to address the structural management of the common Party Wall between the two dwellings.

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 2011 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 ON APPLICATION

THAT Council, as the consent authority, **approves** Development Consent to DA2020/1419 for Alterations and additions to a dwelling house on land at Lot B DP 33413, 23 Crescent Street, Fairlight, subject to the conditions outlined in the Assessment Report with the following changes:

Insert the following condition

Common Party Wall

Prior to the issue of a Construction Certificate, Architectural Plans accompanied by a Structural Certificate must be provided to the Certifying Authority. The certificate must verify that the architectural plans that are the subject of the Construction Certificate application do not rely on the Party Wall for lateral or vertical support and that the works are independently supported, unless consent is obtained from the all owners of the party wall and a structure engineer's certification has been provided. A copy of the certificate and plans must be provided to the consent authority and all owners of the party wall/s.

Reason: Protect the public and private proerty

Vote 3/0

3.6 DA2020/1667 - 80 HILMA STREET COLLAROY PLATEAU - DEMOLITION WORKS AND THE CONSTRUCTION OF A DWELLING HOUSE INCLUDING SWIMMING POOL

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by one objector.

Works are proposed on the existing boundary fences and new boundary fences, including retaining walls on or adjacent to the boundary. The panel supports the conditions relating to the fences, given no owners consent has been provided by the co-owner of the fences. In regards to retaining structures, all works, excavation, drainage etc must occur within the property boundaries and this has been conditioned.

Further landscaping should be provided along the boundary adjoining the pool to assist in containing water runoff, and increase the landscape open space of the site.

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 and the meeting.

RECOMMENDATION OF DEVELOPMENT ASSESSMENT MANAGER

THAT Council, as the consent authority, **approves** Development Consent to DA2020/1667 for Demolition works and the construction of a dwelling house including swimming pool on land at Lot 33 Sec L DP 33000, 80 Hilma Street, Collaroy Plateau, subject to the conditions outlined in the Assessment Report and as follows:

A. Insert new condition:

Retaining Structures adjoining Boundaries

All retaining walls, excavations, footings and sub-soil drainage behind the retaining all to be located with the property boundaries. Structural engineers details to be submitted with the Construction Certificate to the Principal Certifier to ensure appropriate design, excavation and construction techniques are applied.

Reason: To protect property

B. Amend condition 7 to read

Amendments to the approved plans

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

- a) All references to boundary fencing are to be deleted. For clarity, nothing in this consent shall authorise the demolition or erection of any fencing located on a common boundary with an adjoining property. (Note: Provisions of SEPP Exempt and Complying may be applicable, any works to structures on common boundaries

- requires the consent of both property owners)
- b) A 900mm wide landscape strip is to be incorporated along the northern side boundary adjoining the pool area connecting the two landscaped areas.

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 3/0

This is the final page of the Minutes comprising 12 pages
numbered 1 to 12 of the Development Determination Panel meeting
held on Wednesday 24 March 2021.