

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

held via teleconference on

WEDNESDAY 15 DECEMBER 2021

**Minutes of a Meeting of the Development Determination Panel
held via teleconference on Wednesday 15 December 2021**

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 8 DECEMBER 2021

The Minutes of the Development Determination Panel held 8 December 2021, were adopted by all Panel Members and have been posted on the Council's website

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 DA2021/2023 - 35 BEATTY STREET, BALGOWLAH HEIGHTS - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PANEL MEMBERS

Rebecca Englund (Chairperson)
Lashta Haidari
Phil Jemison

Acting Manager, Development Assessment
Principal Planner, Development Assessment
Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

There were no registered speakers.

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

The Panel considered the supplementary memo presented by the Assessment Officer.

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.

DETERMINATION OF DEVELOPMENT APPLICATION

That Council as the consent authority **approves** Development Consent to DA2021/2023 for Alterations and additions to a dwelling house on land at Lot 8 DP 663586, 35 Beatty Street Balgowlah Heights, subject to the draft determination, as amended by the supplementary memo.

Vote: 3/0

3.2 DA2021/1450 - 117 HUDSON PARADE, CLAREVILLE - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SECONDARY DWELLING

PANEL MEMBERS

Rebecca Englund (Chairperson)
Lashta Haidari
Phil Jemison

Acting Manager, Development Assessment
Principal Planner, Development Assessment
Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

There were no registered speakers.

The Panel confirms that the site is zoned E4 Environmental Living under PLEP 2014, and the provisions of SEPP ARH are not applicable to the development.

The Panel notes that the proposed secondary dwelling exceeds the 5.5m building height development standard prescribed by clause 4.3 of PLEP 2011, which has not been addressed in the Assessment Report. In consideration of the generous floor to ceiling heights proposed, it is considered that this non-compliance can be readily avoided.

STATEMENT OF REASON

The proposal does not satisfy the relevant strategy, objectives and provisions of Pittwater LEP 2014 and the Pittwater 21 DCP as currently proposed.

COMMUNITY CONSULTATION

Issues raised in the submission have been taken into account in the report and the meeting.

DETERMINATION OF DEVELOPMENT APPLICATION

That Council as the consent authority **defers** Development Consent to DA2021/1450 for Alterations and additions to a dwelling house including a secondary dwelling on land at Lot 55 DP 13291, 117 Hudson Parade, Clareville, to allow for the following:

1. The submission of amended plans demonstrating compliance with the 5.5m building height development standard applicable in relation to the secondary dwelling.

The amended plans are to be submitted to Council by 19 January 2022 otherwise the application will be determined on the information currently provided. Following receipt of this information, the Panel (as constituted on 15 December 2021) will determine the application electronically, unless the Chair determines that a further public meeting is required.

An extension has been granted by the Panel to allow the required information to be submitted by 2 February 2022.

3.3 DA2021/2087 - 156 WHALE BEACH ROAD, WHALE BEACH - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PANEL MEMBERS

Rebecca Englund (Chairperson)
Lashta Haidari
Phil Jemison

Acting Manager, Development Assessment
Principal Planner, Development Assessment
Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

There were no registered speakers.

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

The Panel confirms that the site is zoned E4 Environmental Living under the provisions of Pittwater Local Environment Plan 2014, and that the proposed development is permissible with consent.

The Development Application does not rely upon existing use rights.

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.

DETERMINATION OF DEVELOPMENT APPLICATION

That Council as the consent authority **approves** Development Consent to DA2021/2087 for alterations and additions to a dwelling house on land at Lot B DP 355059, 156 Whale Beach Road, Whale Beach, subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.4 REV2021/0040 - 64 WOODLAND STREET, BALGOWLAH HEIGHTS - REVIEW OF DETERMINATION OF APPLICATION DA2020/1380 FOR ALTERATIONS AND ADDITIONS TO DWELLING HOUSE

PANEL MEMBERS

Rebecca Englund (Chairperson)
Lashta Haidari
Phil Jemison

Acting Manager, Development Assessment
Principal Planner, Development Assessment
Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by two objectors and the owner.

The Panel were made aware of a late submission received from an adjoining property owner that has not been considered in the Assessment Report.

DETERMINATION OF DEVELOPMENT APPLICATION

That Council as the consent authority **defers** Development Consent to REV2021/0040 for Review of Determination of Application DA2020/1380 for alterations and additions to dwelling house on land at Lot 5 DP 9928, 64 Woodland Street, Balgowlah Heights, to allow for the following:

1. Consideration of the new submission received.
2. Further clarification from all relevant parties (land owner, adjoining land owner and Council's Development Engineers) in relation to the potential for a drainage connection to Bungaloe Avenue and associated easements.

These matters are to be addressed in a supplementary memo to the Panel by 19 January 2022, otherwise the application will be determined on the information currently provided. Following receipt of this information, the Panel (as constituted on 15 December 2021) will determine the application electronically, unless the Chair determines that a further public meeting is required.

An extension has been granted by the Panel to allow the required information to be submitted by 2 February 2022.

3.5 DA2021/0356 - 32 REDDALL STREET, MANLY - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL

PANEL MEMBERS

Tony Collier (Chairperson)
Lashta Haidari
Phil Jemison

Acting Manager, Development Assessment
Principal Planner, Development Assessment
Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel has viewed the site and its surrounds.

The Panel was addressed by the applicant and architect. The recommendation of the Assessment Officer's report was generally agreed with exception to the inclusion of Conditions 11, 16 and 17. Condition 18 was questioned by the applicant but it was agreed that Condition 18 could be retained as proposed.

With respect to the deletion of Conditions 11, 16 and 17, the Panel agree that Condition 17 could be deleted as the minor amendment proposed would not have any demonstrable improvement to the outcome of the proposal and its visual impact upon the heritage item.

With regard to the requested deletion of Condition 11, the Panel has considered both bullet points which form the condition and have formed the view that Condition 11 remain imposed but in the following amended form:

11. Amendments to the approved plans

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

- The ridge height of the garage gable it to be lowered to RL 32.255 and the garage parapet to RL 30.5 in order to lower the overall bulk of this ancillary parking structure.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimised amenity impacts of bulk and scale to adjacent land and streetscape.

With respect to the deletion of Condition 16, this matter appears to have more of a visual impact on the heritage item (being the dormer window) and the Panel consulted further with Council's Heritage Officer who advised that Condition 16 is to remain as imposed.

Therefore, the Panel concur with the Officer's assessment report and recommendation to approve the development subject to the following:

- Amendment to Condition 11; and
- Deletion of Condition 17.

STATEMENT OF REASON

The proposal generally satisfies the relevant strategy, objectives and provisions of LEP 2013 and the Manly DCP 2013 subject to conditions.

COMMUNITY CONSULTATION

Issues raised in the submissions have been taken into account in the report and the meeting. There were no speakers objecting to the proposal.

DETERMINATION OF DEVELOPMENT APPLICATION

That Council as the consent authority **approves** Development Consent to DA2021/0356 for Alterations and additions to a dwelling house including a swimming pool on land at Lot 87 DP 70416, 32 Reddall Street, Manly, subject to the conditions set out in the Assessment Report, as amended by the following:

1. The amendment of condition 11 to read as follows:

11. Amendments to the approved plans

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

- The ridge height of the garage gable it to be lowered to RL 32.255 and the garage parapet to RL 30.5 in order to lower the overall bulk of this ancillary parking structure.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimised amenity impacts of bulk and scale to adjacent land and streetscape.

2. The deletion of condition 17

Vote: 3/0

3.6 DA2020/0563 - 16 & 18 RALSTON AVENUE, BELROSE - DEMOLITION WORKS AND CONSTRUCTION OF A SENIORS HOUSING DEVELOPMENT

PANEL MEMBERS

Tony Collier (Chairperson)
Lashta Haidari
Phil Jemison

Acting Manager, Development Assessment
Principal Planner, Development Assessment
Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel has viewed the site and its surrounds.

On 15 December 2021, the Panel received additional cross sections through the development upon request. This was sought to clarify the proposed building heights.

The Panel was addressed by the consultant planner on behalf of the applicant.

The consultant Planner questioned the validity of the reasons for refusal pertaining to building height and solar access (contained in Reasons 1 and 2) and that indicated that these matters may be easily addressed via amended plans and/or supporting documentation. The consultant planner did concede that the provision of solar access is deficient to a minor extent and that the core reasons for refusal are focussed on flooding.

The consulting planner requested that the determination of the application be deferred to respond to the reasons for refusal primarily pertaining to flooding. Given the considerable period in which this application has been with Council, and that the matters raised (namely flooding) have still not been satisfactorily addressed, the Panel sees no justifiable reason to defer the determination of this application.

In its consideration, the Panel formed the opinion that the development does not satisfactorily respond to the low density residential character of the area. The bulk and scale of the proposal, together with a lack of sufficient breaks between long and linear blocks of buildings, is more representative of residential flat development than detached style dwellings. Therefore, additional reasons for refusal have been added to address this.

Therefore, the Panel concur with the Officer's assessment report and recommendation to refuse the development. The reasons for refusal contained in the Recommendation of the Assessment Report have been consolidated and expanded upon to include particulars to the relevant standard/control as well as the additional reasons for refusal.

STATEMENT OF REASON

The proposal does not satisfy the relevant strategy, objectives and provisions of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004; the Warringah Local Environmental Plan 2011; and the Warringah Development Control Plan 2011.

COMMUNITY CONSULTATION

Issues raised in the submission have been taken into account in the report and the meeting.

DETERMINATION OF DEVELOPMENT APPLICATION

That Council as the consent authority **refuses** Development Consent to DA2020/0563 for Demolition works and construction of a Seniors Housing Development on land at Lot 10 DP 565686, 18 Ralston Avenue, Belrose & Lot 11 DP 565686, 16 Ralston Avenue, Belrose, for the following reasons for refusal:

1. State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (the 'SEPP')

The proposed development should not be approved in its current form as it is inconsistent with the requirements of the SEPP for the following reasons:

- a) The development does not comply with Clause 40 (4) (a) and (c) Development Standard of the SEPP, and the contravention of the development standard is not justified under Clause 4.6.
- b) The proposed development is inconsistent with Aims of Policy (namely Clause 2 (1) (c)) in relation to design and compatibility.
- c) The proposed development is inconsistent with the requirement of Clause 25 (5) (b) (i) & (v) with regards to bulk and scale.
- d) The scale, bulk and height of the proposal is not compatible with the existing and future character of the area and does not contribute to the quality and identity of the area as required by Clause 33 (a) of the SEPP.
- e) The proposed development does not comply with the requirement of Clause 50 with regards to Building Height requirements.
- f) The proposal is inconsistent with:
 - i. Clause 35 – Solar Access and Design for Climate.
 - ii. Clause 36 – Stormwater.

2. Warringah Local Environmental Plan (WLEP 2011)

The proposed development is unsatisfactory in respect to Section 4.15 (1) (a) (i) of the EPA Act, as the application is found to be inconsistent with the provisions of WLEP 2011 for the following reasons:

- a) The development is inconsistent with the aims of the Plan, as it relates to promoting development that is compatible with neighbouring development in terms of bulk, scale and appearance.
- b) The development is inconsistent with the provisions of Clause 5.21 - Flood Planning.

3. Warringah Development Control Plan 2011 (WDCP 2011)

The proposed development does not comply with the following provisions of WDCP 2011.

- a) Clause C4 - Stormwater.
- b) Clause D9 - Building Bulk.
- c) Clause E11 - Flood Prone Land.

4. Public Interest

The proposal is not in the public interest for the following reasons:

- a) A number of objections have been received from surrounding properties raising a range of concerns with the proposal and on this basis, the proposal is not in the public interest.
- b) The development is inconsistent with the scale and intensity of development that the community can reasonably expect to be provided on this site and within the respective localities.

Vote: 3/0

The meeting concluded at 11.46am

This is the final page of the Minutes comprising 12 pages
numbered 1 to 12 of the Development Determination Panel meeting
held on Wednesday 15 December 2021.