

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

held in Walamai Room, Northern Beaches Council on

WEDNESDAY 11 APRIL 2018

**Minutes of a Meeting of the Development Determination Panel
held on Wednesday 11 April 2018
at the Walamai Room, Dee Why Civic Centre
Commencing at 11.45am**

Panel Members

Peter Robinson (Chairperson)	Executive Manager, Development Assessment
Anna Williams	Manager, Development Assessment
Phil Jemison	Manager, Strategic and Place Planning

1.0 APOLOGIES AND DECLARATIONS OF PECUNIARY INTEREST/CONFLICT OF INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 28 MARCH 2018

RECOMMENDATION

That the Minutes of the Development Determination Panel held 28 March 2018, were adopted by all Panel Members at the time of the meeting and have been posted on the Council's website

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 DA2017/1200 - 73 MARINE PARADE AVALON BEACH - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site.

The Panel considered the additional correspondence from the applicant and neighbour.

The Panel noted that an appeal to the Land and Environment Court has been lodged on this application and that the Court is the consent authority.

Whilst the applicant has indicated that they have employed a coastal engineer to provide certification, this is not currently before the Panel and as such certification is required by the consent authority.

The Panel also considered the garage structure, including the indoor manoeuvring space for vehicles, which is located forward of, and contrary to the established building line, and considers the size to be excessive. The structure over the internal manoeuvring area to the north of the car spaces could be removed or considerably reduced to allow for less built form in the front setback area which would be a more appropriate outcome given the variation to this control.

DECISION

THAT the panel supports the recommendations in the report for Development Application No DA2017/1200 for the Alterations and additions to a dwelling house on land at Lot 114 DP 8394, 73 Marine Parade, AVALON BEACH, that is currently before the Land and Environment Court for determination.

3.2 N0316/17 - 2069 PITTWATER ROAD BAYVIEW - NEW DWELLING AND POOL

PROCEEDINGS IN BRIEF

The Panel viewed the site.

Prior to the meeting the Panel were addressed by Lance Doyle, Town Planner and Richard Boyle from 2071 Pittwater Road, Bayview, and Peter McGill and Julie Weske from 32 Cananook Avenue, Bayview. The Panel were also addressed by Sophie Litherland from Turnbull Planning on behalf of the applicant.

The Panel gave consideration to the extent of non-compliance created by the roof form over excavated levels beneath, and found that any potential view loss would be created from the compliant portions of the proposed building's roof structure.

The Panel considered that the development despite minor non-compliances with height and envelope is not unreasonable in bulk and scale.

The Panel considered 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 and accepted that:

- a) compliance with the standards is unreasonable or unnecessary in the circumstances of the case; and
- b) there are sufficient environmental planning grounds to justify the contravention.

DECISION

That Development Application No. N0316/17 for a new dwelling and pool at 2069 Pittwater Road, Bayview NSW 2101 (Lot 6Y DP 411732), be **approved** subject to the conditions outlined in the report and the addition of Condition No. B-42 as follows:

B - 42

The privacy screen off the master bedroom is to be raised from 1600mm to 1700mm above finished floor level.

Reason: To maintain the privacy in accordance with Councils DCP.

3.3 DA2017/1151 - 39 UNDERCLIFF ROAD FRESHWATER - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site.

Prior to the meeting the Panel considered an additional submission from, and were addressed by Fran and Stuart Boag from 41 Undercliff Road, Freshwater. The Panel was also addressed by Alex Chiknaikin from Norrsken Ko, the applicant.

The Panel was concerned with the height and bulk of the proposed development, created through non-compliance of the height control and building height envelope at the front of the second floor where the proposal is not responding to the topography of the site.

The application did not go far enough to address the issues of privacy in both design and ameliorative measures with the side balcony and the large windows off the living spaces on the second floor.

The panel considered the applicant's written request under clause 4.6 of the Warringah Local Environmental Plan 2011 seeking to justify a contravention of clause 4.3 Height of Buildings development standard and did not accept that the contravention was well founded.

DECISION

THAT Development Application No. DA2017/1151 for Alterations and additions to a dwelling house on land at Lot 22 DP 17127, 39 Undercliff Road, FRESHWATER, be **refused** for the following reasons:

1. The proposed design does not comply with Clause 4.3 Height of Buildings WLEP2011, including failing to meet the objective (b) of the Clause 4.3 with particular reference to visual impact and loss of privacy. The statement seeking a variation to the development standard pursuant to Clause 4.6 of WLEP2011 was not considered to be well founded.
2. The proposed design results in significant overlooking impacts upon the neighbour at No. 41 Undercliff Road Freshwater. The resulting impacts are contrary to the objectives and requirements of D8 Privacy of Warringah DCP
3. The proposed design results in significant additional building bulk when viewed from the neighbour at No. 41 Undercliff Road Freshwater. The resulting impacts are contrary to the objectives and requirements of D9 Building Bulk of Warringah DCP in that the visual impact has not been minimised when viewed from the neighbouring property, and that the building height and scale does not adequately relate to the topography and site conditions.
4. The proposed design does not comply with the objectives and requirements of B3 Side Boundary Envelope of WDCP. The design does not meet the specific objectives of the control to respond to the topography of the site and to ensure adequate privacy through spatial separation.

3.4 DA 230/2015 - 21 BELGRAVE STREET MANLY - SECTION 96(2) TO MODIFY APPROVED ALTERATIONS AND ADDITIONS TO EXISTING BUILDING - PART 3

PROCEEDINGS IN BRIEF

The Panel viewed the site.

Prior to the meeting the Panel were addressed by Kate Tudehope from Ethos Urban and Thanh Quach from Grocon, the applicant who provided further detail justifying the variation to the commercial floor space requirement which included reasons relating to the extent to which the Telstra exchange floor space (320m²) burdens the site at the ground floor level, and that commercial floor space at the first floor level was not preferred on the basis of accessibility, security and economic viability.

The Panel discussed the proposal and the reduction in the commercial floor space and was considered reasonably in these circumstances.

The Panel notes there was an error in Condition No. 27 error in the total which shall be amended to reflect the correct total contribution amount.

DECISION

That proposed modification to Development Consent No. 230/2015 for alterations and additions to an existing building at 21 Belgrave Street, Manly be **Approved** subject to the conditions outlined in the report and amendment of condition No. ANS27 as follows:

ANS27

A contribution is to be paid for the provision, extension or augmentation of traffic and parking, environmental programs, streetscape and landscaping, community facilities and administration that will, or are likely to be, required as a consequence of development in the area.

Total contribution for this development for Alterations and additions to existing Telstra building including construction of a new shop top housing development containing retail, commercial uses to part of the building is currently \$643,079.53 the amount of the payment shall be in accordance with the Section 94 charges as at the date of the payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions plan to effect changes in land values, construction costs and the Consumer Price Index.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with Council's adopted Section 94 Contributions Plan effective July 2017/18 as follows;

The calculations for contributions relating to the commercial portion of the development are as follows:

Commercial gross floor area = 439m²
Rate = \$ 28,036.34 per 100m² of additional commercial gross floor area
= \$280.3634 per square metre
\$280.3634 x 439
= \$123,079.53

The calculations for contributions relating to the residential portion of the development are as follows:

A Section 94 contribution is to be paid for the provision of or increase the demand for public amenities and public services as a consequence of the development in the area. The total contribution for this development with the addition of 26 new dwelling units is $26 \times \$20,000 = \$520,000$, being \$20,000.00 per additional dwelling. This contribution shall be paid to Council prior to the release of the Construction Certificate.

The total calculations for contributions relating to the development are as follows:

Commercial: \$123,079.53
Residential: \$520,000
Total: \$643,079.53

Note: Section 94 Contribution fees are adjusted on the 1st July each year and are based on the March CPI figures.

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

3.5 MOD2017/0314 - 7/7-9 MARINE PARADE MANLY - MODIFICATION OF DEVELOPMENT CONSENT DA3754/1990 GRANTED FOR APPROVED RESTAURANT INVOLVING A 2 YEAR TRIAL PERIOD FOR TRADING HOURS

PROCEEDINGS IN BRIEF

The Panel viewed the site.

Prior to the meeting the Panel were addressed by Greg Boston from Boston Blyth Fleming on behalf of the applicant and Hartmut Schacker, the applicant.

The Panel discussed the amended Plan of Management and endorsed recommendation of a 1 year trial period for Thursday, and 2 year trial period for Friday and Saturday. Further a restriction on the collection of waste from the property should be applied to be consistent with existing requirements for the movement of waste from the restaurant into the collection bins.

It was noted that Condition No. 2, as appears in the recommendation, does not form part of this modification however the condition remains valid as a part of the court consent.

DECISION

THAT Modification Application No. Mod2017/0314 for Modification of Development Consent DA3754/1990 granted for approved restaurant involving a 2 year trial period for trading hours on land at Lot 7 SP 12796, 7/7-9 Marine Parade, MANLY, be **approved** subject to the conditions outlined in the report and the addition of condition No. 3 as follows:

3

The Plan of Management to be amended to include a restriction on the collection of waste from the property. Waste collection shall not occur between 7pm to 7am.

Reason: To maintain the amenity of surrounding properties.

The meeting concluded at 2pm

This is the final page of the Minutes comprising 9 pages
numbered 1 to 9 of the Development Determination Panel meeting
held on Wednesday 11 April 2018.