

# MINUTES

## **DEVELOPMENT DETERMINATION PANEL MEETING**

held in the Walamai Room, Northern Beaches Council, Dee Why on

**WEDNESDAY 13 JUNE 2018**

**Minutes of a Meeting of the Development Determination Panel  
held on Wednesday 13 June 2018  
at the Walamai Room, Northern Beaches Council, Dee Why  
Commencing at 11.50am**

**ATTENDANCE:**

**Panel Members**

Peter Robinson (Chairperson)	Executive Manager Development Assessment
Liza Cordoba	Manager, Strategic & Place Planning
Phil Jemison	Manager, Strategic & 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 23 MAY 2018**

#### **RECOMMENDATION**

That the Minutes of the Development Determination Panel held 23 May 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 DA2017/1062 - 97 LAGOON STREET, NARRABEEN - DEMOLITION WORK, CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING AND STRATA SUBDIVISION

##### PROCEEDINGS IN BRIEF

The Panel viewed the site.

The Panel were addressed by Sean Gartner from Gartner Trovato Architects and Stephen Simpson the applicant. The Panel also considered additional information from Gartner Trovato Architects regarding site consolidation, and written submissions from Barbara Crowe of 12 Tourmaline Street, Narrabeen and Michael Smith of 2/93 Lagoon Street, Narrabeen.

In consideration of the reduced side setbacks for the residential flat building, the Panel were not satisfied with the level of solar impact on the private open space to the attached dwellings to the south. The panel considered whether conditions could be imposed to reduce the shadowing, however limitations on changes under conditions would not result in satisfactory outcomes for solar access. In addition the externally screened stairs were not considered to provide sufficient setback to the boundary creating visual bulk and potential privacy issues. The treatment of finishes on the southern elevation could be better enhanced to reduce the visual bulk created from the large areas of wall planes.

For these reasons the proposal with the reduced side setbacks cannot be supported.

##### DECISION

THAT Development Application No. DA2017/1062 for Demolition work, construction of a residential flat building and strata subdivision at 97 Lagoon Street, NARRABEEN, be **refused** for the reasons set out below:

1. 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 *Part D6 Access to Sunlight* of the *Warringah Development Control Plan 2011*, having regard to the requirements and objectives of the control.
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 *Part D9 Building Bulk* of the *Warringah Development Control Plan 2011*, having regard to the requirements and objectives of the control.

### 3.2 DA2017/1300 - 61 CUTLER ROAD, CLONTARF - DEMOLITION AND CONSTRUCTION OF A NEW DWELLING HOUSE

#### PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounding properties.

The Panel were addressed by Mark Raymundo from Max Developments on behalf of 59 Cutler Road, and Stephen Griffiths from Bartier Perry Lawyers on behalf of 6 Castle Rock Road. On behalf of the applicant the Panel was addressed by Jessica Hee Jin Jun and Frank Jeremy Hopson, the owners, Cristina Renner from Dentons, Luke Trovato from Gartner Trovato Architects and Craig Schulman from Myriad Consulting.

The Panel noted that the report referred to the *Local Planning Panel* as the Consent Authority, which should have read *Development Determination Panel* due to concurrence received from the Department of Planning and Environment on 4 May 2018 for class 1 dwelling houses which exceed a development standard by more than 10%.

The Panel considered the request under clause 4.6 to vary development standards of height and floor space ratio, however the impact to views from surrounding development, and the visual bulk of the building, created by the non-compliance from the eastern end of the dwelling, was considered unacceptable.

The Panel were satisfied that the geotechnical, sunlight and stormwater issues were adequately addressed in the assessment report and through draft conditions in the recommendation.

The proposal seeks to maximise views in terms of extensive balconies/decks along the southern boundary which would cause privacy impacts to the development potential of the 6 Castle Rock Crescent, Clontarf. In this regard further consideration should be given in the design and landscaping of the proposal.

#### DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS – Height of Building

The Panel is felt that the applicants written request under clause 4.6 of the Manly Local Environmental Plan 2013 seeking to justify a contravention of clause 4.3 Height of Buildings development standards was not justified in this instance.

#### DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS – Floor Space Ratio

The Panel felt that the applicant's written request under clause 4.6 of the Manly Local Environmental Plan seeking to justify a contravention of clause 4.4 Floor Space Ratio development standard was not justified in this instance.

#### DECISION

THAT Development Application No. DA2017/1300 for Demolition and construction of a new dwelling house at 61 Cutler Road, CLONTARF, be **refused** for the following reasons:

1. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Part 4.3 Height of Buildings of the Manly Local Environmental Plan 2013, having regard to the requirements and objectives of the control.
2. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Part 4.4 Floor Space Ratio of the Manly Local Environmental Plan 2013, having regard to the requirements and objectives of the control.

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 *Part 3.4.3 Maintenance of Views* of the *Manly Development Control Plan 2013*, having regard to the requirements and objectives of the control.
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 *Part 3.4.2 Privacy and Security* of the *Manly Development Control Plan 2013*, having regard to the requirements and objectives of the control.

### 3.3 DA2018/0284 - 24A DARLEY ROAD, MANLY - USE OF PREMISES AS A BUSINESS PREMISES (TATTOO PARLOUR)

#### PROCEEDINGS IN BRIEF

The Panel viewed the site.

The Panel were not addressed by any speakers.

The Panel discussed the proposed opening hours and the context of the site with surrounding residential development. The site benefits from existing use rights and based on the restricted hours, the panel were satisfied that the business would not impact on the amenity of the surrounding residential premises.

It was noted that the draft condition restricting hours permitted an additional 30 minutes per day to the trading hours sought under the application. This condition has been amended to provide clarity and certainty.

#### DECISION

THAT Development Application No. DA2018/0284 for Use of premises as a business premises (tattoo parlour) at 24A Darley Road, MANLY, be **approved** subject to the conditions outlined in the Assessment Report, and subject to the following:

1. Replace condition No. 2 to read as follows:
2. The following conditions apply to this application:

*“Surveillance:*

*CCTV cameras to be installed both inside and outside the premises.*

*Coverage:*

- *all internal areas accessible to the public except for toilets/ bathrooms*
- *outside the premises covering the footpath to Victoria Parade and toward Ashburner Street*

*The CCTV system should be recording 24 hours a day.*

*The CCTV should be stored/ kept for a minimum of 30 days.*

*The resolution should be at minimum 15 frames per second.*

*The CCTV should be able to adequately identify the face of a person beyond reasonable doubt.*

*The CCTV must be provided within 24 hours of request by a Police Officer or relevant Council employee.*

*The CCTV system should be accessible by all staff on site at all times.*

*Access Control/ Security:*

*Police require that should this use be permitted the operator install panic alarms at the front reception desk/ counter area.*

*Should there be staff at the premises after hours, they should be equipped with a portable panic alarm which when pressed will alert emergency services/ Police.*

*Tattoo Parlours are also at risk of armed hold up or aggravated break and enters. These security measures would be in place to reduce the risk but also ensure adequate response by Police.*

*Roller shutters should be installed at the entry/ front of the premises.*

*The shutters must be used to secure the premises once business/ trade has ceased and all persons are no longer on the premises. This reduces the risk of break and enters to the property, significant malicious damage, for example, by deliberate fire etc."*

2. Amend Condition No. 11 to read as follows:

11. **Hours of Operation**

The hours of operation are to be restricted to:

- Monday to Sunday – 10am to 6pm

Upon expiration of the permitted hours, all services shall immediately cease, and all patrons are to immediately leave the premises.

Reason: To ensure the amenity of the surrounding locality is maintained.



### **3.4 DA2018/0250 - 179 WOODLAND STREET, BALGOWLAH - ALTERATIONS AND ADDITIONS TO THE EXISTING DWELLING HOUSE.**

#### **PROCEEDINGS IN BRIEF**

The Panel viewed the site.

The Panel were addressed by Vaughan Milligan on behalf of the applicant.

The Panel supports the assessment and recommendation contained in the officer's report.

#### **DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS – Height of Building**

- A) The Panel assumes the concurrence of the Secretary, Department Planning and Environment required under clause 4.6 to determine variations greater than 10% to class 1 buildings.
- B) 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 4.3 Height of Buildings development standard has adequately addressed and demonstrated 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 contraventions.
  - 2) The proposed development will be in the public interest because it is consistent with the objectives of the standards and the objectives for development within the zone in which the development is proposed to be carried out.

#### **DECISION**

THAT Council as the consent authority grant Development Consent to DA2018/0250 for Alterations and additions to the existing dwelling house at 179 Woodland Street, BALGOWLAH, be **approved** subject to the conditions outlined in the Assessment Report.

**3.5 MOD2018/0089 - 30 ARTHUR STREET, FAIRLIGHT - MODIFICATION OF DEVELOPMENT CONSENT DA0144/2014 GRANTED FOR ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING HOUSE**

**PROCEEDINGS IN BRIEF**

The Panel viewed the site.

The Panel were addressed by Ben and Jennifer Harvey the applicants. The Panel also considered a written submission from Ben Harvey.

The Panel supports the assessment and recommendation contained in the officer's report.

**DECISION**

THAT Council as the consent authority grant approval to Modification Application No. Mod2018/0089 for Modification of Development Consent DA0144/2014 granted for Alterations and additions to an existing dwelling house at 30 Arthur Street, FAIRLIGHT, be **approved** subject to the conditions outlined in the Assessment Report.

*The meeting concluded at 3pm*

This is the final page of the Minutes comprising 10 pages  
numbered 1 to 10 of the Development Determination Panel meeting  
held on Wednesday 13 June 2018.