

# MINUTES

## **DEVELOPMENT DETERMINATION PANEL MEETING**

held in the Walamai Room, Civic Centre, Dee Why on

**WEDNESDAY 22 AUGUST 2018**

**Minutes of a Meeting of the Development Determination Panel  
held on Wednesday 22 August 2018  
at Walamai Room, Civic Centre, Dee Why  
Commencing at 1pm**

**ATTENDANCE:**

**Panel Members**

Peter Robinson (Chairperson)	Executive Manager, Development Assessment
Steven Findlay	Manager, Development Assessments
Neil Cocks	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 8 AUGUST 2018**

#### **RECOMMENDATION**

That the Minutes of the Development Determination Panel held 8 August 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 DA2018/0344 - 206 WHALE BEACH ROAD, WHALE BEACH - DEMOLITION OF EXISTING DWELLING HOUSE AND STUDIO AND CONSTRUCTION OF A NEW DWELLING HOUSE INCLUDING SWIMMING POOL AND GARAGE

##### PROCEEDINGS IN BRIEF

The Panel viewed the site and its surrounds.

The Panel reviewed a written submission provided by a neighbour.

The Panel discussed the concerns raised by adjoining property owners in regards to view loss and considered that the proposal was well sited and would not create a significant impact on views.

Reviewing the landscape plans the Panel were concerned with the potential height of proposed landscaping along the rear boundary and proposed to amend a condition to restrict the height through alternate hedging species.

##### DECISION

THAT Development Application No. DA2018/0344 for Demolition of existing dwelling house and studio and construction of a new dwelling house including swimming pool and garage at 206 Whale Beach Road, Whale Beach be **approved** subject to the conditions outlined in the Assessment Report and subject to the following:

1. Amend Condition No. 32 to read as follows:

##### 32. Landscape completion

Landscaping is to be implemented in accordance with the approved landscape plan, inclusive of the following amendment:

- i) At least 2 canopy trees in the front setback are to be provided on site to soften the built form. Each tree shall be planted at minimum 75 litre pot size and shall be capable of attaining 10 metres at maturity,
- ii) all other trees as nominated on the Landscape Concept Plan shall be planted at minimum 45 litre pot size and shall be capable of attaining 6 metres at maturity,
- iii) All canopy trees, and a majority (more than 50%) of other vegetation, shall be locally native species,
- iv) the planting to the planter box in front of the pool shall consist of shrub planting planted at minimum 300mm pot size and shall be capable of attaining 2 metres at maturity,
- v) Prior to the issue of any Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the approved landscape plan and inclusive of any conditions of consent.
- vi) The species for the hedge located along the rear boundary, is to comprise of native species capable of not exceeding a maximum height of 6.0 metres at maturity.

Reason: To ensure the built form is softened and complemented by landscaping, reflecting the scale and form of development.

### 3.2 DA2018/0508 - 5 JOANNE PLACE, BILGOLA PLATEAU - CONSTRUCTION OF TWO STOREY DECK

#### PROCEEDINGS IN BRIEF

The Panel viewed the site and its surrounds.

The Panel were addressed by a representative on behalf of the applicant.

The Panel concurs with the recommendation for approval in the Assessment Report.

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

A) The Panel is satisfied that:

- 1) The applicants 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 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.

B) The Panel assumes the concurrence of the Secretary, Department Planning and Environment required under clause 4.6.

#### DECISION

THAT Development Application No. DA2018/0508 for Construction of two storey deck at 5 Joanne Place, Bilgola Plateau be **approved** subject to the conditions outlined in the Assessment Report.

### 3.3 DA2018/0816 - 5 EDGECLIFFE ESPLANADE, SEAFORTH - ALTERATIONS AND ADDITIONS TO THE EXISTING DWELLING HOUSE

#### PROCEEDINGS IN BRIEF

The Panel viewed the site and its surrounds.

The Panel concurs with the recommendation for approval in the Assessment Report.

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

A) The Panel is satisfied that:

- 1) 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 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.

B) The Panel assumes the concurrence of the Secretary, Department Planning and Environment required under clause 4.6

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

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.

#### DECISION

THAT Development Application No. DA2018/0816 for Alterations and additions to the existing dwelling house at 5 Edgecliffe Esplanade, Seaforth be **approved** subject to the conditions outlined in the Assessment Report.

### **3.4 DA2018/0747 - 27 ALMA STREET, CLONTARF - ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING HOUSE**

#### **PROCEEDINGS IN BRIEF**

The Panel viewed the site and its surrounds.

The Panel were addressed by one neighbour.

The Panel discussed that the proposed works which totally enclose the existing terrace (open space adjoining the living areas of the dwelling) will result in excessive building bulk and is inconsistent with the objectives of the Manly Development Control Plan (DCP) 2013 which requires development to step down a sloping site. Any proposal to enclose the terrace would need to be reduced in its depth. Also, the total enclosure of the terrace removes the Principal Private Open Space (minimum 18m<sup>2</sup>) for the dwelling (which is required to be directly accessible from the living areas of the dwelling).

In regards to the non-compliance with the number of storeys control under the DCP, the proposal does not meet the requirement to comply with the development standards under the Manly Local Environmental Plan 2013 (specifically, the Floor Space Ratio control).

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

A) The Panel is satisfied that:

- 1) 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 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.

B) The Panel assumes the concurrence of the Secretary, Department Planning and Environment required under clause 4.6.

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

A) The Panel is not 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.

## DECISION

THAT Development Application No. DA2018/0747 for Alterations and additions to an existing dwelling house at 27 Alma Street, 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 bulk and scale of the proposed development is excessive and inconsistent with the objectives of Clause 4.4 Floor Space Ratio 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 4.1.5 Open Space and Landscaping 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 number of storeys is inconsistent with the provisions of Clause 4.1.2 Height of Buildings, with respect to 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 4.1.8 Development on Sloping Sites of the Manly Development Control Plan 2013.



### 3.5 DA2018/0046 - 36 MALVERN AVENUE, MANLY - ALTERATIONS AND ADDITIONS TO THE EXISTING BUILDING

#### PROCEEDINGS IN BRIEF

The Panel viewed the site and its surrounds.

The Panel were addressed by one neighbour and one representative on behalf of a neighbour. The Panel were also addressed by two representatives on behalf of the applicant.

The Panel considered a written submission provided by a neighbour.

The Panel requires further time to fully consider all the issues. Following further deliberation, a decision will be minuted and released.

#### DECISION

THAT Development Application No. DA2018/0046 for Alterations and additions to the existing building at 36 Malvern Avenue, Manly be **deferred** for further consideration.

*The meeting concluded at 4pm*

This is the final page of the Minutes comprising 9 pages  
numbered 1 to 9 of the Development Determination Panel meeting  
held on Wednesday 22 August 2018.