

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

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

WEDNESDAY 12 SEPTEMBER 2018

**Minutes of a Meeting of the Development Determination Panel
held on Wednesday 12 September 2018
in the Walamai Room, Civic Centre, Dee Why**

ATTENDANCE:

Panel Members

Peter Robinson (Chairperson)	Executive Manager Development Assessment
Anne-Maree Newbery	Manager Strategic Planning
Anna Williams	Manager Development Assessment – Items 3.1, 3.2, 3.3 & 3.4
Matthew Edmonds	Manager Development Assessment – Item 3.5 only

1.0 APOLOGIES AND DECLARATIONS OF INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 22 AUGUST 2018

The Minutes of the Development Determination Panel held 22 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 DA2018/0814 - 66 HERBERT AVENUE, NEWPORT - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING NEW CARPORT WITH STUDIO BELOW AND PASSENGER LIFT

PROCEEDINGS IN BRIEF

The Panel viewed the site and its surrounds.

The Panel discussed the significant gradient of the site.

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

THAT Development Application No. DA2018/0814 for alterations and additions to a dwelling house including new carport with studio below and passenger lift on land at Lot 153 DP 13457 and Lot 203 DP 1219179, 66 Herbert Avenue, Newport be **approved** subject to the conditions outlined in the Assessment Report.

3.2 DA2018/0871 - 203 MONA VALE ROAD, TERREY HILLS - CONSTRUCTION OF A DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and its surrounds.

The Panel discussed the significant level change on the site and how this constrained the location of the proposed dwelling.

DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

A. The Panel is satisfied that:

- 1) the applicant's written request under clause 4.6 of the Warringah 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

THAT Development Application No. DA2018/0871 for construction of a dwelling house on land at Lot 109 DP 752017, 203 Mona Vale Road, Terrey Hills be **approved** subject to the conditions outlined in the Assessment Report.

3.3 DA2018/1062 - 12 ROSEDALE AVENUE, FAIRLIGHT - ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and its surrounds.

The Panel discussed the proposed increase of floorspace being approximately 5m², to the existing dwelling.

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.

DECISION

THAT Development Application No. DA2018/1062 for alterations and additions to an existing dwelling house on land at Lot 3 DP 665287, 12 Rosedale Avenue, Fairlight be **approved** subject to the conditions outlined in the Assessment Report.

3.4 DA2018/0832 - 149A SEAFORTH CRESCENT, SEAFORTH - CONSTRUCTION OF A DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site, adjoin properties concerning view loss and the surrounds.

The Panel were addressed by one objector and four representatives of the applicant.

The Panel reviewed a written submission by Greg Boston on behalf of the owners of 74 Seaforth Crescent, Seaforth.

The Panel discovered that an addendum to the report containing the view loss assessment had not been uploaded to the webpage until the day before the meeting. The Panel considered that to maintain procedural fairness, the public must have access to the complete assessment report.

The Panel will **delay** the determination of this application to allow all interested parties to have 7 days access to review the complete assessment, and make further submissions if desired.

3.5 DA2018/0195 - 22 STUART STREET, MANLY - DEMOLITION AND CONSTRUCTION OF A DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and its surrounds.

The Panel were addressed by one objector and two representatives for the applicant.

The Panel discussed the level of proposed excavation finding the significant volume and extent outside the footprint of the building to be unreasonable and unjustified and non-compliant with the exceptions provided in the Development Control Plan.

Excavations and retaining walls to the boundary were supported by the findings/recommendations contained in the geotechnical report that rely on subsoil drainage beyond the walls.

Further, excavations in the side and front setbacks support additional habitable floorspace in the basement level which contributes to the variation in FSR.

The sunken front setback created from excavations forward of the building do not contribute to the current streetscape character.

The Panel also had concerns with privacy and visual bulk from the elevated lawn area built to the side boundary. This area should be setback from the boundary and further separation and landscaping provided to ensure privacy to the adjoining property.

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 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. DA2018/0195 for demolition and construction of a dwelling house on land at Lot 4 DP 82179, 22 Stuart Street Manly be **refused** subject to the following reasons:

1. The proposed development exceeds the floor space ratio development standard contained within Clause 4.4 of the Manly Local Environmental Plan (MLEP) 2013 without adequate justification that is consistent with the requirements of Clause 4.6 under the MLEP 2013; having regard to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
2. The proposed development contravenes *Clause 3.1 Streetscapes and Townscapes* of the MDCP 2013; having regard to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

3. The proposed development contravenes *Clause 3.4.2 Privacy and Security* of the MDCP 2013; having regard to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
4. The proposed development contravenes *Clause 4.1.5 Open Space and Landscaping* of the MDCP 2013; having regard to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
5. The proposed development contravenes *Clause 4.4.5 Earthworks (Excavation and Filling)* of the MDCP 2013; having regard to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

The meeting concluded at 3.00pm

This is the final page of the Minutes comprising 9 pages
numbered 1 to 9 of the Development Determination Panel meeting
held on Wednesday 12 September 2018.