

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

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

WEDNESDAY 26 SEPTEMBER 2018

**Minutes of a Meeting of the Development Determination Panel
held on Wednesday 26 September 2018
in the Walami Room, Civic Centre, Dee Why**

ATTENDANCE:

Panel Members

Peter Robinson (Chairperson)	Executive Manager, Development Assessment
Neil Cocks	Manager, Strategic Place and Planning
Steven Findlay	Manager, Development Assessment – Items 3.1, 3.2, 3.3, 3.5 & 3.6
Anna Williams	Manager, Development Assessment – Item 3.4 only

1.0 APOLOGIES AND DECLARATIONS OF INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 12 SEPTEMBER 2018

The Minutes of the Development Determination Panel held 12 September 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 DA2018/0852 - 12 MOORE STREET, CLONTARF - ALTERATIONS AND ADDITIONS TO THE EXISTING DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and its surrounds.

The Panel were addressed by the applicant.

The Panel were satisfied that the design appropriately considered the issue of view loss, bulk and privacy as detailed in the assessment report.

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. DA2018/0852 for alterations and additions to the existing dwelling house on land at Lot 24 Sec C DP 2610, 12 Moore Street, Clontarf be **approved** subject to the conditions outlined in the Assessment Report.

3.2 DA2018/0764 - 98 CUTLER ROAD, CLONTARF - ALTERATIONS AND ADDITIONS TO THE EXISTING DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and its surrounds.

The Panel were addressed by two neighbours and the applicant and owner.

The Panel considered the visual bulk and scale of the building and were satisfied with the design. In response to concerns of the view loss created from the privacy screen on Level 4 of the eastern elevation the Panel require the screen to be reduced in length.

With regards to the extensive excavations, the panel were satisfied that the applicant's Geotechnical report had addressed issues which would require further details and oversight prior to the Construction Certificate, during excavation/construction and prior to occupation. Further conditions have been included to clarify the responsibilities during works.

Condition 9 addressed works (retaining walls and garden beds) within the road reserve which was raised with the applicant. The applicant indicated that no such new works were proposed. In this regard the condition should be deleted.

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. DA2018/0764 for alterations and additions to the existing dwelling house on land at Lot 35 DP 2610, 98 Cutler Road, Clontarf be **approved** for the reasons outlined in the Assessment Report, subject to the following:

1. The deletion of condition 9 and replace with a new condition to read as follows:

Amendment to the Approved Plans

The privacy screen on Level 4 on the eastern elevation is to be reduced in length so that it does not extend beyond the roofline above. Details to be provided to the Certifying Authority with the Construction Certificate to ensure compliance.

Reason: To maintain amenity to adjoining properties.

2. The addition of the following condition under the heading **‘Conditions to be satisfied prior to the issue of the construction certificate’**:

Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans

The recommendations of the Geotechnical Assessment Report required to manage the hazards as identified in the Geotechnical Report prepared by Jack Hodgson Consultants Pty Limited dated 17 August 2017 are to be incorporated into the construction plans.

The following details must also be provided:

- A geotechnical investigation with rock cored boreholes to below the proposed excavation depth to confirm the soil and rock profile.
- Shoring plans and methodology
- Excavation plan and methodology
- Risk assessment of adjoining properties and assessment of potential ground movements
- Geotechnical and vibration monitoring plan identifying various stages of the excavation with hold points, trigger levels and contingency

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Note: If rock bolts or any stabilisation works are required which extend across the property boundary into adjoining land, owner's consent is required from the affected property owner prior to such works.

Reason: To ensure geotechnical risk is mitigated appropriately.

3. The addition of the following condition under the heading **‘Conditions to be satisfied prior to the issue of the construction certificate’**:

Noise Management Plan

A Noise Management Plan is to be prepared for the excavation phase of the development. The Plan is to be in accordance with the provisions of the Industrial Noise Policy and prepared by a suitably qualified Acoustic Consultant. The Plan is to specifically provide for measures to minimise the noise impacts of the excavation phase of the development on adjoining properties.

The measures to be incorporated into the Plan are to include, but not be limited to, the scheduling of different activities at different hours during the day to provide respite to surrounding dwellings from constant noise, the movement of the noisiest activities around the site and techniques and use of machinery to minimise the noise impacts.

Reason: To ensure the noise impacts of the excavation on adjoining properties are minimised and to provide some relief to neighbours through the orderly management of the excavation activities.

4. The addition of the following condition under the heading **‘Conditions which must be complied with prior to the issue of the occupation certificate’**:

Geotechnical Certification Prior to Occupation Certificate

Prior to issue of an Occupation Certificate, a Geotechnical Engineer is to certify the stability of the site and development.

Reason: To ensure geotechnical risk is mitigated appropriately.

3.3 DA2018/0696 - 58 GREYCLIFFE STREET, QUEENSCLIFF - DEMOLITION WORKS AND CONSTRUCTION OF NEW DWELLING HOUSE WITH SWIMMING POOL AND A SECONDARY DWELLING

PROCEEDINGS IN BRIEF

The Panel viewed the site and its surrounds.

The Panel were addressed by the applicant and owner.

The Panel was satisfied that the concerns raised in the submission were satisfactorily addressed in the assessment report and conditions.

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 2011 seeking to justify a contravention of clause 4.3 Building Height 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. DA2018/0696 for demolition works and construction of a new dwelling house with swimming pool and a secondary dwelling on land at Lot 8 DP 13442, 58 Greycliffe Street, Queenscliff be **approved** subject to the conditions outlined in the Assessment Report.

3.4 DA2018/0894 - 157 VICTOR ROAD, DEE WHY - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and its surrounds.

The Panel were addressed by the applicant and owner.

The Panel considered a written submission from a neighbour.

The Panel were not satisfied that the issue of view loss, even if to a minor extent, was satisfactory given the non-compliant height, wall height and building envelope. The Panel supported the recommendation in the assessment report with the exception of reasons for refusal on front boundary setback and private open space.

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 Warringah Local Environmental Plan 2011 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 not 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. DA2018/0894 for alterations and additions to a dwelling house on land at Lot A DP 378435, 157 Victor Road, Dee Why be **refused** for the reasons outlined in the Assessment Report, with the following changes to the reasons for refusal:

1. The deletion of reasons for refusal 4 and 5
2. The addition of the following reason for refusal:

The proposed development exceeds the Height of Buildings development standard contained within Clause 4.3 of the Warringah Local Environmental Plan (WLEP) 2011 without adequate justification and is therefore inconsistent with the requirements of Clause 4.6 under the WLEP 2011; having regard to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

3.5 DA2018/0570 - 10 MOUNTVIEW PLACE, BILGOLA PLATEAU - CONSTRUCTION OF A NEW DWELLING HOUSE INCLUDING THE RETENTION OF A SUBSTANTIAL PORTION OF THE EXISTING DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and its surrounds.

The Panel were addressed by three neighbours and the applicant and owner.

The Panel were aware of previous applications and the changes to the design to address the previous refusal.

The Panel considered that given the context of the site, being on a steep slope with a southerly aspect that on merit the design, with a minor change to the solid wall to the alfresco area, was acceptable.

The Panel did not accept that views of the ocean/horizon to be iconic from 1A Mountview Place, Bilgola Plateau. The applicant agreed to the removal of hedging vegetation within the front setback along the eastern boundary and that any future vegetation is to be restricted to species which would not achieve a height such that it would impact on the retained view corridor.

Concerns relating to stormwater runoff from the site would be improved through the development, i.e. roof water will now be piped to the street, as currently all stormwater discharge is uncontrolled.

Further, the Panel was satisfied that the concerns raised in the submissions were satisfactorily addressed in the assessment report and conditions.

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 Building Height 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. DA2018/0570 for construction of a new dwelling house including the retention of a substantial portion of the existing dwelling house on land at Lot 42 DP 236798, 10 Mountview Place, Bilgola Plateau be **approved** for the reasons outlined in the Assessment Report, and the following changes to the conditions:

1. The amendment of condition 2 to read as follows:

2. Amendments to the Approved Plans

The existing hedge located within the front setback along the eastern boundary of the subject site on Drawing No. 1510.1327.17 Site Plan (Landscape Plan) Issue C dated 03

April 2018 is to be deleted and replaced with planting of species that reach a mature height of no more than 1.0m. No additional canopy trees or vegetation that shall obstruct the view corridor obtained through the eastern side setback are permitted. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises view impacts upon surrounding land.

2. The addition of the following condition under **‘Conditions to be satisfied prior to the issue of the construction certificate’**:

Alfresco Wall Length

The eastern wall to the ground floor rear Alfresco terrace is to extend no more than 2m from the southern Kitchen/Meals room wall. Plans demonstrating compliance with this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To reduce overshadowing impacts while retaining adequate privacy for the subject property and adjacent properties.

3. The addition of the following condition under **‘Conditions to be satisfied prior to the issue of the construction certificate’**:

Ridge Height

The maximum ridge height of the development is to be RL 132.15. Plans demonstrating compliance with this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure compliance with the maximum ridge height demonstrated on Drawing No. 1510.1327.06 Elevations dated 3 April 2018.

4. The addition of the following condition under **‘Conditions to be satisfied during the works’**:

Confirmation of Ridge Height

The surveyor is to confirm that the overall ridge height of the roof will not exceed the maximum of RL 132.15 prior to the roof covering being installed. Details are to be provided to the Certifying Authority.

Reason: To ensure compliance with the maximum ridge height demonstrated on Drawing No. 1510.1327.06 Elevations dated 3 April 2018.

3.6 DA2018/1018 - 52 PERONNE AVENUE, CLONTARF - DEMOLITION WORK AND CONSTRUCTION OF A DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and its surrounds.

The Panel were addressed by the applicant and owner.

The Panel considered a further written submission from a neighbour.

The Panel discussed considered the request to remove the conditions for privacy screens and translucent glass glazing to the northern elevations, however these conditions were considered appropriate in the context of the adjoining swimming pool area.

The Panel concurred with the assessment report which adequately addressed concerns raised in regards to this proposal.

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 4.3 Building Height 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. DA2018/1018 for demolition work and construction of a dwelling house on land at Lot 11 DP 29355, 52 Peronne Avenue, Clontarf be **approved** subject to the conditions outlined in the Assessment Report.

The meeting concluded at 2.45pm

This is the final page of the Minutes comprising 11 pages
numbered 1 to 11 of the Development Determination Panel meeting
held on Wednesday 26 September 2018.