

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

held in the Walamai Room, Civic Centre, Dee Why

WEDNESDAY 10 OCTOBER 2018

**Minutes of a Meeting of the Development Determination Panel
held on Wednesday 10 October 2018
in the Walamai Room, Civic Centre, Dee Why**

ATTENDANCE:

Panel Members

Peter Robinson (Chairperson)	Executive Manager Development Assessment
Phil Jemison	Manager, Strategic Place & Planning
Matthew Edmonds	Manager, Development Assessment – Items 3.1, 3.2 & 3.3
Rod Piggott	Manager, Development Assessment – Items 3.4 & 3.5

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 26 SEPTEMBER 2018

The Minutes of the Development Determination Panel held 26 September 2018, were adopted by all Panel Members and have been posted on the Council's website.

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 DA2018/0850 - 3 WOLLOMBI ROAD, BILGOLA PLATEAU - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING THE CONSTRUCTION OF A NEW DETACHED GARAGE, SECONDARY DWELLING AND SWIMMING POOL

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel discussed that the development contribution was not addressed in the report. The Panel acknowledges that the developer contributions is not applicable.

The Panel identified that the clause 4.6 variation request for height referenced Willoughby Local Environmental Plan, objectives and the proposal being single storey. A revised request was received which correctly addressed Pittwater Local Environmental Plan and the loft room in the secondary dwelling.

The Panel noted that the proposal does not trigger developer contributions.

The Panel concurs with the recommendation of 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 4.3 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. DA2018/0850 for alterations and additions to a dwelling house including the construction of a new detached garage, secondary dwelling and swimming pool on land at Lot 192 DP 16902, 3 Wollombi Road, Bilgola Plateau, be **approved** subject to the conditions and for the reasons set out in the Assessment Report.

Voting 3/0

3.2 DA2018/0628 - 8 BOWER STREET, MANLY - ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING HOUSE INCLUDING A SECONDARY DWELLING

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by one neighbour and the applicant.

The Panel discussed the characterisation of the proposal, as to whether the development could be considered alterations and additions or if the development constituted a new development as guided by Land and Environment Court Planning Principles. The size and extent of building works beyond the retained components of the existing dwelling were not accepted by the panel as constituting alterations and additions.

In this regard the development was not satisfactory in regards to the special height provisions of the Local Environmental Plan and could not be supported.

The proposed development was not consistent with the streetscape or front setback requirements and in combination with the additional floor space, these also contributed to the impacts on views from public places.

In regards to concerns of privacy solar access and view loss to adjoining the property, the panel were satisfied that the development did not cause unreasonable impacts.

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 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. DA2018/0628 for alterations and additions to an existing dwelling house including a secondary dwelling on land at Lot 34 DP 8075, 8 Bower Street, Manly be **refused** for the following reasons:

1. The proposal is a new dwelling in accordance with the Land and Environment Court established principle for Demolition (Coorey v Municipality of Hunters Hill [2013] NSWLEC 1187). In assessing this development as a new dwelling (rather than alterations and additions), the proposal is unreasonable.
2. The proposal is not consistent with the objective for for Special height provisions under the development standard contained within Clause 4.3A of the Manly Local Environmental Plan (MLEP) 2013.

3. 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.
4. The proposed development contravenes Clause 3.4.3 Maintenance of Views of the MDCP 2013 (in regards to the public domain); having regard to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
5. The proposed development contravenes Clause 4.1.4.1 Street Front Setbacks of the MDCP 2013; having regard to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
6. 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.
7. The proposed development exceeds the requirement for Special height provisions under the development standard contained within Clause 4.3A 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.

Voting 3/0

3.3 DA2018/1187 - 4 PACIFIC PARADE, MANLY - ALTERATIONS AND ADDITIONS TO AN EXISTING SEMI-DETACHED DWELLING INCLUDING A SWIMMING POOL

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel concurs with the recommendation of 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. DA2018/1187 for alterations and additions to an existing semi-detached dwelling including a swimming pool on land at Lot 1 DP 511797, 4 Pacific Parade, Manly be **approved** subject to the conditions and for the reasons set out in the Assessment Report.

Voting 3/0

3.4 DA2018/1043 - 57 ROBERTSON ROAD, SCOTLAND ISLAND - ALTERATIONS AND ADDITIONS TO AN EXISTING BOAT SHED

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by one neighbour and a representative of the applicant.

The Panel discussed concerns raised relating to privacy and overshadowing from the development and were satisfied that the proposed works would not have a detrimental impact on adjoining properties.

Concerns raised with the accuracy of plans was discussed by the panel. The panel are aware that works have occurred on the boathouse and elsewhere on site, and this is subject of investigations from Council's Environmental Compliance Team. Conditions of consent requiring a Building Certificate as a solution to alleged unauthorised works is not appropriate (as a Building Certificate may not always be able to be issued), and the condition should be amended.

The Panel has clarified that the development only relates to the raising of the floor level within the boathouse and roof by 320mm and amendment to the ramp to correspond to the new floor level. This has been conditioned as part of the recommendation.

The Panel is satisfied that the proposed increase floor level is not excessive.

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. DA2018/1043 for alterations and additions to an existing boat shed on land at Lot 121 DP 12749, 57 Robertson Road, Scotland Island be **approved** subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

1. The following condition is to be renumbered as condition 1 and amended to read as follows:

3. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA01-Site Plan, Section and Elevations	April 2018	Stephen Crosby & Associates

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Bushfire Report, Ref. 1246	01/04/2018	Planning for Bushfire Protection

- b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.
- c) This consent only relates to the raising of the floor and roof of the boatshed by 320mm and alterations to the skid ramp. This consent does not include any works which have been carried out prior to this approval being issued including, but not limited to:
- Changes to window and door openings of the existing boatshed
 - Internal fit out of the existing boatshed

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

2. The following condition is to be renumbered and moved under the heading '**On-going conditions that must be complied with at all times**':

1. Boat Shed Not to be Used for Habitable Purposes

At no time shall the boat shed be utilised or converted to provide for habitation. The boat shed must not be used for any other purpose than the storage of small boats, light watercraft and boating and marine equipment. The incorporation of any internal kitchen facilities, habitable rooms, shower or toilet facilities is not permitted.

Reason: To minimise risk to life associated with estuarine hazards for development in the coastal zone.

3. The following condition is to be renumbered and moved under the heading '**Conditions to be complied with during demolition and building work**':

2. Building materials, sedimentation

No building materials or other materials are to be placed on or enter areas of bushland, wetland, saltmarsh, seagrass or foreshore vegetation. Appropriate sediment fencing is to be installed.

Reason: Environmental Protection

4. The deletion of condition 7:

7. Unauthorised Works
DELETED

Vote 3/0

3.5 DA2018/0339 - 2 MACPHERSON STREET, WARRIEWOOD - COMMUNITY TITLE SUBDIVISION OF 1 LOT INTO 24 LOTS, INCLUSIVE OF 22 LOTS FOR FUTURE DWELLING HOUSES

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel concurs with the recommendation of the assessment report.

DECISION

THAT Development Application No. DA2018/0339 for Community Title subdivision of 1 lot into 24 lots, inclusive of 22 lots for future dwelling houses on land at Lot 25 DP 5464, 2 Macpherson Street, Warriewood be **refused** subject to the reasons for refusal outlined in the Assessment Report.

Vote 3/0

The meeting concluded at 1.00pm

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