

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

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

WEDNESDAY 14 NOVEMBER 2018

**Minutes of a Meeting of the Development Determination Panel
held on Wednesday 14 November 2018
in the Walamai Room, Civic Centre, Dee Why**

ATTENDANCE:

Panel Members

Andrew Pigott (Chairperson)	Executive Manager Strategic Place & Planning – Item 3.1 only
Peter Robinson (Chairperson)	Executive Manager Development Assessment – Items 3.2-3.5
Steven Findlay	Manager Development Assessment
Neil Cocks	Manager Strategic Place & Planning

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 24 OCTOBER 2018

The Minutes of the Development Determination Panel held 24 October 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 REV2018/0014 - 22 HERBERT AVENUE, NEWPORT - REVIEW OF DETERMINATION OF APPLICATION N0426/17 FOR DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF A NEW DWELLING, CARPORT AND LANDSCAPING

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds. The Panel considered the application in its entirety.

The Panel was addressed by a neighbour Rod Davies from 24 Herbert Avenue, the property owner Duncan Mitchell and the applicant & town planner Sophie Litherland from Turnbull Planning.

The Panel reviewed copies of late submissions from:

- Rod Davies of 24 Herbert Avenue
- Owners of 20 Herbert Avenue

The neighbour at 24 Herbert Avenue raised concerns regarding the landscape plan, the status of existing trees and requested a further reduction in the length of the upper level deck and a solid wall in place of the translucent glazing and timber batten screen for the ensuite and shower windows on the eastern elevation as shown on the revised plans. The owner of the subject site stated that whilst the reduction in the length of the deck in the revised plans, his preference was not to include a reduction. On balance, having regard for privacy and amenity of adjoining properties, this request is not supported.

The Panel reviewed the proposed development as presented in the review application and considered the circumstances of the refusal of the development application. The Panel is satisfied that the reason for refusal of the development application, which related specifically to vehicular access to the adjoining property, has been satisfactorily addressed.

The requests made by the neighbour and owner in the meeting (as mentioned above) were considered and are not supported.

The Panel noted that the recommendations made by the previous Panel (as contained in the Minutes dated 27 June 2018) in relation to privacy have been incorporated into the revised plans. Those amendments are supported and no additional privacy measures are considered necessary.

The previous Panel recommended that the landscape plan submitted with the development application not form part of any consent and that position is agreed with, so Condition B10 and B16 are to be deleted. Additionally, the previous Panel stated that Condition B24 (maintain trees in eastern setback to 8m high) was not supported, which is agreed with as such a requirement is unable to be reasonably policed and enforced. Therefore, Condition B25 (formerly Condition B24) is to be deleted.

The Panel was concerned that the bin storage area forming part of the carport does not allow suitable physical separation to the adjoining property and so a condition will require it to be relocated from the eastern side setback area to the western edge or northern edge of the carport, however not within the western side setback area, and the setback area suitably landscaped. Similarly, the suspended timber deck adjoining the western boundary is to maintain a minimum 1.0 metre setback and the setback area suitably landscaped.

DECISION

THAT Development Application No. REV2018/0014 for review of determination of application N0426/17 for demolition of existing dwelling and construction of a new dwelling and carport on land at Lot 131 DP 13457, 22 Herbert Avenue, Newport be **approved** subject to the conditions and for the reasons set out in the Assessment Report and the following amendments to the conditions:

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

1. 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
DA-02 Site Plan	16 July 2018	Trace Architects
DA-03 Level 0 Plan	16 July 2018	Trace Architects
DA-04 Level 1 Plan	16 July 2018	Trace Architects
DA-05 Level 2 Plan	16 July 2018	Trace Architects
DA-06 Roof Plan	16 July 2018	Trace Architects
DA-07 Elevations - North	16 July 2018	Trace Architects
DA-08 Elevations - South	16 July 2018	Trace Architects
DA-09 Elevations - East	16 July 2018	Trace Architects
DA-10 Elevations - West	16 July 2018	Trace Architects
DA-11 Sections - A, B	16 July 2018	Trace Architects
DA-12 Sections - C, D	16 July 2018	Trace Architects
DA-13 Driveway Plan / Section	16 July 2018	Trace Architects
DA-19 Schedule of Finishes	16 July 2018	Trace Architects

Engineering Plans		
Drawing No.	Dated	Prepared By
D01 Stormwater Management Drainage Plan & Notes	June 2016	Northern Beaches Consulting Engineers
D02 Level One Drainage Plan	June 2016	Northern Beaches Consulting Engineers
D03 Level Two Drainage Plan	June 2016	Northern Beaches Consulting Engineers
D04 Roof Drainage Plan	June 2016	Northern Beaches Consulting Engineers
D05 Drainage Details	June 2016	Northern Beaches Consulting Engineers

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Ground Clearance Assessment	October 2018	ML Traffic Engineers
Arboricultural Impact Assessment Report	11 September 2017	Damian Green
Geotechnical Opinion Proposed Dispersion System	20 August 2017	JK Geotechnics

Geotechnical Assessment	22 March 2016	JK Geotechnics
Thermal Comfort Assessment	6 September 2017	Efficient Living

- b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.
- c) The development is to be undertaken generally in accordance with the following:

Waste Management Plan		
Drawing No.	Dated	Prepared By
Waste Management Plan	12 September 2017	Trace Architects

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 deletion of conditions B10, B16 and B25.
3. The addition of condition C17 to read as follows:
 17. The bin storage area forming part of the carport is to be relocated from the eastern side setback to the western edge or northern edge of the carport. The new location for the bin storage area is not to be within the western side setback area. The eastern side setback area is to be suitably landscaped.
4. The addition of condition C18 to read as follows:
 18. The suspended timber entry walkway deck adjoining the western boundary is to maintain a minimum 1.0 metre setback and the setback area is to be suitably landscaped.
5. The amendment of condition E9 to read as follows:
 9. Prior to the commencement of construction works, all tree protection recommendations in particular the establishment of tree protection zone fencing as specified in the approved Arborist Report by Damien Green, dated 1 May 2017 and 11 September 2017, are to be certified by the consulting arborist as being adequate and in accordance with the specifications of AS 4970 ~ 2009 Protection of Trees on Construction Sites. Certification is to be provided to the certifying body prior to the issue of the Occupation Certificate.

Vote: 3/0

3.2 DA2018/0654 - 95A CHERYL CRESCENT, NEWPORT - CONSTRUCTION OF A SECONDARY DWELLING WITH ATTACHED CARPORT

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were satisfied with the development as presented in the assessment report.

DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

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 of the Pittwater Local Environmental Plan 2014.

DECISION

THAT Development Application No. DA2018/0654 for construction of a secondary dwelling with attached carport on land at Lot 1 DP 746046, 95A Cheryl Crescent, Newport be **approved** subject to the conditions and for the reasons set out in the Assessment Report.

Vote: 3/0

3.3 DA2018/0260 - 59 CUTLER ROAD, CLONTARF - ALTERATIONS AND ADDITIONS TO THE EXISTING DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by two neighbours, the owners, the applicant and a representative on behalf of the owner.

The panel were satisfied from the plans submitted that the development involved alterations and additions to a dwelling and did not constitute a new building. The panel noted that the assessment report incorrectly stated that the MDCP requirement for height was 3 storeys and proposed was 2. That this should read required 2 storeys and proposed 3 storeys

The Panel discussed the impacts on views, shadows, and bulk that resulted from the non-compliance in height, number of storeys and FSR and were not satisfied that the design was appropriate given the impacts to surrounding properties.

DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

A) The Panel is **not** 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 and 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 decides not to assume the concurrence of the Secretary, Department Planning and Environment under clause 4.6 of the Manly Local Environmental Plan 2013.

DECISION

THAT Development Application No. DA2018/0260 for alterations and additions to the existing dwelling house on land at Lot 29 DP 25654, 59 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 Clause 4.3 Height of Buildings of the Manly Local Environmental Plan 2013.
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 Clause 4.4 Floor Space Ratio of the Manly Local Environmental Plan 2013.
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 Clause 3.4.3 Maintenance of Views 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 3.4.1 Sunlight Access and Overshadowing of the Manly Development Control Plan 2013.
5. Pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest as the proposal is inconsistent with the aims and objectives of the Manly Local Environmental Plan 2013 and Manly Development Control Plan 2013.

Vote: 3/0

3.4 DA2017/1140 - 57-59 NORTHCOTT ROAD, CROMER - SITE CLEARING AND CONSTRUCTION OF A DWELLING HOUSE, INCLUDING A GRANNY FLAT, OUTBUILDING, DRIVEWAY ACCESS AND ANCILLARY SITE WORKS

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by one neighbour and the owner.

The Panel discussed the design and layout philosophy of the development and were satisfied with how the principles were applied. The panel were not satisfied that there was sufficient information to properly assess the proposal.

DECISION

THAT Development Application No. DA2017/1140 for site clearing and construction of a dwelling house, including a granny flat, outbuilding, driveway access and ancillary site works on land at Lot 835 DP 752038 & Lot 836 DP 752038, 57-59 Northcott Road, Cromer be **refused** for the reasons set out in the Assessment Report.

Vote: 3/0

3.5 DA2018/1465 - 10 CECIL STREET, FAIRLIGHT - ALTERATIONS AND ADDITIONS TO A SEMI DETACHED DWELLING

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by one neighbour, the owner and a representative on behalf of the owner.

The panel visited the site on 19 November 2018.

The Panel discussed the issue of privacy created from the proposed development. The raised deck at the rear of the ground floor was not an appropriate outcome given the significant variation to the rear setback control and the measures that would be required to overcome the privacy impacts. Further consideration should be given to complying with the planning controls and lowering the level of the deck to reduce privacy impacts. The level 1 balcony location was also not appropriate in the context of privacy to the adjoining affected properties.

DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

A) The Panel is **not** 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 and 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 decides not to assume the concurrence of the Secretary, Department Planning and Environment under clause 4.6 of the Manly Local Environmental Plan 2013.

DECISION

THAT Development Application No. DA2018/1465 for alterations and additions to a semi-detached dwelling on land at Lot B DP 442575, 10 Cecil Street, Fairlight be **refused** for the reasons set out in the Assessment Report.

Vote: 3/0

The meeting concluded at 1.00pm

This is the final page of the Minutes comprising 11 pages numbered 1 to 11 of the Development Determination Panel meeting held on Wednesday 14 November 2018.