

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

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

WEDNESDAY 12 DECEMBER 2018

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

ATTENDANCE:

Panel Members

Anna Williams (Chairperson)	Manager, Development Assessment	Items 3.1 – 3.2
Peter Robinson (Chairperson)	Executive Manager Development Assessment	Items 3.3 – 3.6
Karen Buckingham	Acting Manager, Strategic & Place Planning	Items 3.1 – 3.3
Liza Cordoba	Manager, Strategic & Place Planning	Items 3.4 – 3.6
Matthew Edmonds	Manager, Development Assessment	All Items

1.0 APOLOGIES AND DECLARATIONS OF INTEREST

- Peter Robinson – REV2018/0018 and REV2018/0029
- Liza Cordoba – REV2018/0018 and REV2018/0029

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 28 NOVEMBER 2018

The Minutes of the Development Determination Panel held 28 November 2018, were adopted by all Panel Members and have been posted on the Council's website.

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 REV2018/0029 - 27 ALMA STREET, CLONTARF - REVIEW OF DETERMINATION OF APPLICATION DA2018/0747 FOR ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and neighbouring property at 25 Alma Street.

There were no registered speakers at the meeting.

The Panel considered the clause 4.6 variation and lesser nature of the proposal compared to the original design and noted the minimal impacts on privacy and views to the neighbouring properties resulting from the amendment.

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 of Planning and Environment required under clause 4.6.

DECISION

THAT Review of Determination Application REV2018/0029 for Review of Determination of Application DA2018/0747 for alterations and additions to an existing dwelling house on land at Lot 7 DP 2610, 27 Alma Street, Clontarf be **approved** subject to the conditions and for the reasons set out in the Assessment Report.

3.2 REV2018/0018 - 61 CUTLER ROAD, CLONTARF - REVIEW OF DETERMINATION OF APPLICATION DA2017/1300 FOR DEMOLITION AND CONSTRUCTION OF A NEW DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and neighbouring properties at 57 Cutler Road, and in the vicinity of 6 Castle Rock Road.

The Panel were addressed by three neighbours and the applicant. The Panel considered a written submission from 66 Cutler Road.

The Panel considered the constraints of the site, amendments to the plans and impacts upon neighbours.

The Panel was not satisfied that the clause 4.6 variation was adequate or that view sharing had been achieved.

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 4.3 Height of Buildings development standard and 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 not 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 of Planning and Environment required under clause 4.6.

DECISION

THAT Review of Determination Application REV2018/0018 for Review of Determination of Application DA2017/1300 for demolition and construction of a new dwelling house on land at Lot B DP 404022, 61 Cutler Road, Clontarf be **refused** subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

1. The deletion of reason 11.

3.3 DA2018/1366 - 3 STEINTON STREET, MANLY - ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

There were no registered speakers at the meeting.

The Panel concurred with the Officer's assessment report and recommendation.

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 Determination Application DA2018/1366 for alterations and additions to an existing dwelling house on land at Lot B DP 956360, 3 Steinton Street, Manly be **approved** subject to the conditions and for the reasons set out in the Assessment Report.

3.4 DA2018/1599 - 124 WOODLAND STREET, BALGOWLAH - ALTERATIONS AND ADDITIONS TO A SEMI-DETACHED DWELLING

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

There were no registered speakers at the meeting.

The Panel received a further submission from Mr Yeates and the applicant in regards to the privacy screen between the two properties that appears on the elevation plan. They indicate that the privacy screen could be reduced and that, as neighbours, they would mutually like to determine the size of the screen at a later date. In this regard the panel is satisfied to remove the privacy screen from the plans.

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 Determination Application DA2018/1599 for alterations and additions to a semi-detached dwelling on land at Lot 2 DP 549424, 124 Woodland Street, Balgowlah be **approved** subject to the conditions and for the reasons set out in the Assessment Report.

1. The addition of condition 5A to read as follows:

Privacy Screen

The privacy screen depicted on the elevation plan is not required to be constructed as part of the Construction Certificate.

Reason: Both parties have agreed to determine if it is required.

3.5 DA2018/1290 - 2 TOURMALINE STREET, NARRABEEN - ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING HOUSE

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 applicant presented a written submission on the reasons for refusal.

The submitted Clause 4.6 written request to vary the building height was incomplete and does not meet the legal requires which must be addressed in order to satisfy Council that there are sufficient environmental grounds to justify the variation. The Panel in consideration the variation to the building height, have no other lawful option but to refuse any application without a valid clause 4.6 written request.

It was also noted that the proposal is likely to have an impact on the Norfolk Pine. An arborists to address the construction and building impacts was not submitted with the application.

The Panel in considering the proposal requires a complete application in order to make a determination.

DESICION

THAT Determination Application DA2018/1290 for alterations and additions to an existing dwelling house on land at Lot B DP 377414, 2 Tourmaline Street, Narrabeen be **deferred** for the following reasons:

- a. The Clause 4.6 written exception as submitted fails to meet the requirements as set out in the decision of Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118 to enable the Panel to determine the application. The applicant is invited to submit an amended Clause 4.6 written exception that addresses the requirements set out above.
- b. An arborists report addressing the impacts of the development on the Norfolk Pine.

The outstanding information must be amended and submitted to the Council otherwise the application will be determined on the information currently provided. Following receipt of this information, the Panel will determine the application.

3.6 DA2018/0567 - 39 CABBAGE TREE ROAD, BAYVIEW - CONSTRUCTION OF A RECREATION FACILITY (INDOOR) COMPRISING A TWO (2) LANE COMMERCIAL SWIMMING POOL AND GYM WITH ASSOCIATED FACILITIES, CAR PARKING AND LANDSCAPING

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by one neighbour.

The Panel concurred with the Officer's assessment report and recommendation for refusal.

DESICION

THAT Determination Application DA2018/0567 for construction of a recreation facility (indoor) comprising a two (2) lane commercial swimming pool and gym with associated facilities, car parking and landscaping on land at Lot 2 DP 531960, 39 Cabbage Tree Road, Bayview be **refused** subject to the conditions and for the reasons set out in the Assessment Report.

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 December 2018.