

DATE OF DETERMINATION	Thursday 27 June 2019
PANEL MEMBERS	Lindsay Fletcher (Chair), Mark Grayson, Peter Brennan, Steve Kennedy, Peter Biscoe
APOLOGIES	Peter Debnam, Sue Francis, John Roseth, Annelise Tuor
DECLARATIONS OF INTEREST	None

Public meeting held at Northern Beaches Council Chambers, 725 Pittwater Road Dee Why, on 27 June 2019, opened at 3pm and closed at 6.05pm.

MATTER DETERMINED

2019SNH001 – Northern Beaches – DA2018/2019 – 16 Gladys Avenue Frenchs Forest – Boarding House Development (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The Panel determined to refuse the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel unanimously refused the application 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 provisions of the Environmental Planning and Assessment Act 1979, in that the site is not suitable for the proposed development.
2. Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979 and clause 30A of the State Environmental Planning Policy (Affordable Rental Housing) 2009, the design of the development is not compatible with the character of the local area.
3. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with Clause 1.2 Aims of The Plan of the Warringah Local Environmental Plan 2011.
4. Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the objectives of the R2 Low Density Residential zone of the Warringah Local Environmental Plan 2011, in that, the development does not provide a suitable landscaped setting.
5. 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 6.4 Development on Sloping Land of the Warringah Local Environmental Plan 2011.

6. 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 B1 Wall Heights of the Warringah Development Control Plan.
7. 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 B7 Front Boundary Setbacks of the Warringah Development Control Plan.
8. 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 C2 Traffic, Access and Safety of the Warringah Development Control Plan.
9. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 and Clause C3 Parking Facilities of the Warringah Development Control Plan, the proposed development does not provide adequate off street car parking.
10. 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 C4 Stormwater of the Warringah Development Control Plan.
11. 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 C9 Waste Management of the Warringah Development Control Plan.
12. 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 D1 Landscaped Open Space and Bushland Setting of the Warringah Development Control Plan.
13. 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 D3 Noise of the Warringah Development Control Plan.
14. 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 D8 Privacy of the Warringah Development Control Plan.
15. 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 D9 Building Bulk of the Warringah Development Control Plan.
16. Pursuant to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest.

CONDITIONS

Not applicable.






CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The Panel notes that key issues of concern included:

- Character of the area
- Adverse privacy impacts
- Inadequate parking facilities
- Traffic concerns
- Impact on natural environment

- Bulk and scale in compatible with local character

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS	
 Lindsay Fletcher (Chair)	 Peter Brennan
 Mark Grayson	 Steve Kennedy
 Peter Biscoe	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2019SNH001 – Northern Beaches – DA2018/2019
2	PROPOSED DEVELOPMENT	Demolition works and construction of a boarding house with basement parking.
3	STREET ADDRESS	Lot 1 DP 548605, 16 Gladys Avenue Frenchs Forest
4	APPLICANT/OWNER	Applicant: Michael William Williamson Owner: Daniel Joseph Sheahan Debra Ann Sheahan
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy 55 - Remediation of Land State Environmental Planning Policy (Affordable Rental Housing) 2009 State Environmental Planning Policy (Infrastructure) 2007 Warringah Local Environmental Plan 2011 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Warringah Development Control Plan Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 30 May 2019 Conditions without prejudice: 25 June 2019 Written submissions during public exhibition: 117 Verbal submissions at the public meeting: <ul style="list-style-type: none"> In objection – Gopala Maurer (on behalf of the Northern Beaches Hospital Community Group), Jacob Maurer (on behalf of residents of 18, 20, 20A and 20B Gladys Avenue Frenchs Forest), Colin Mitchell, Dax Whitehead (on behalf of 10, 10A 10B, 12 and 14 Gladys Avenue Frenchs Forest), Mark Johnston, Devasha Scott (on behalf of the Northern Beaches Strategic Community Group), Roy Cosh On behalf of the applicant – Michael Williamson, Daniel McNamara, Jesus Garcia, Oleg Sannikov
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection: 27 June 2019 Briefing: 10 April 2019 Final briefing to discuss council's recommendation, 27 June 2019 at 2pm. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Lindsay Fletcher (Chair), Peter Brennan, Mark Grayson, Steve Kennedy, Peter Biscoe <u>Council assessment staff</u>: Daniel Miliken
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Conditions without prejudice: 25 June 2019