

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

Papers circulated electronically between 24 June 2019 and 27 June 2019.

MATTER DETERMINED

2018SNH067 – Northern Beaches – DA2018/1708 – 195 Sydney Road Fairlight for a 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 determined to approve 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 determined to approve the application for the reasons outlined in its reasons for deferral date 11 June 2019 and in the council supplementary assessment report dated 20 June 2019 subject to amendments to condition 13 and new condition 63.

CONDITIONS

The development application was approved subject to the conditions in the Council Supplementary Report dated 20 June 2019 with the following amendments:

- Condition 13 amended to read as follows:
Condition 13 Boarding House Plan of Management
Prior to the issue of any Construction Certificate a Plan of Management is to be prepared for the premises to be submitted to Council for approval. The plan shall include detail to manage the requirements detailed as follows:
 1. *The maximum number of boarders and lodgers*
 - a) *The building is to contain a maximum of 126 persons (not including children under the age of 5 years), being no more than 2 persons per designated double bedroom and 1 person per designated single bedroom.*
 - b) *The occupier of premises must not allow any room or cubicle in the premises to be used for the purposes of sleeping accommodation unless the room or cubicle has a floor area of 5.5 square metres or more for each person sleeping in it (in the case of long-term sleeping accommodation) or 2 square metres or more for each person sleeping in it (in any other case)*

Note: The Public Health Regulation 2012 provides that long-term sleeping accommodation means accommodation that is provided to the same person for a period of more than 28 consecutive days

2. *The requirements detailed within Schedule 2 Part 1, Clauses 2 – 7 under the Local Government (General) Regulation 2005*
3. *Use of the premises, including indoor and outdoor communal areas, to minimise impacts on amenity of occupants of the development and adjoining properties.*
4. *Complaints handling procedures.*

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






- New condition 63 to read as follows:
63. Boarding House Management Plan
The boarding house shall operate in accordance with the Management Plan approved under Condition 13.

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 at the meeting 11 June 2019.

The Panel notes that issues of concern included setbacks, landscaping, inappropriate character, internal amenity, traffic and parking, public transport, geotechnical concerns, scale and density, privacy, loss of property value, safety and management.

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Sue Francis
 Peter Brennan	 Annelise Tuor
 Steve Kennedy	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SNH067 – Northern Beaches – DA2018/1708
2	PROPOSED DEVELOPMENT	Demolition works and construction of a boarding house.
3	STREET ADDRESS	Lot 2 DP 589654, 197 Sydney Road FAIRLIGHT NSW 2094 Lot 87 DP 1729, 195 Sydney Road FAIRLIGHT NSW 2094
4	APPLICANT/OWNER	Michael Ben Vance, Kelly Maree Vance, Kevin Bruce Andrews, Joan Lynette Andrews
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No.55 – Remediation of Land State Environmental Planning Policy (Affordable Rental Housing) 2009 State Environmental Planning Policy (Building Sustainability Index BASIX) 2004 State Environmental Planning Policy (Infrastructure) 2007 Manly Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Manly Development Control Plan Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil 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 Council supplementary report: 20 June 2019 Conditions of Consent: 20 June 2019 Written submissions during public exhibition: 251 Verbal submissions at the public meeting: <ul style="list-style-type: none"> In objection – Sandra Hudspith on behalf of residents of Tarquin Apartments, Agi Zenon, Kirsty Pawley, Kirsty Pawley on behalf of Gopala Maurer (President Northern Beaches Strategic Community Group), Chris Naftel, James Forsyth, Marina Dunshea on behalf of Fiona McAuley, Harry Hammond, Council assessment officer – Claire Ryan
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL / PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> Site inspection: 30 January 2019 Briefing: 30 January 2019 Final briefing to discuss council's recommendation, 11 June 2019 at. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Sue Francis, Peter Brennan, Annelise Tuor, Steve Kennedy <u>Council assessment staff</u>: Claire Ryan Papers were circulated electronically between 24 June 2019 and 27 June 2019

9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Attached to the council assessment report