



northern  
beaches  
council

# MINUTES

## DEVELOPMENT DETERMINATION PANEL MEETING

WEDNESDAY 10 MARCH 2021

## Minutes of a Meeting of the Development Determination Panel held on Wednesday 10 March 2021

### ATTENDANCE:

#### Panel Members

Peter Robinson (Chairperson)	Executive Manager Development Assessment	
Steven Findlay	Manager, Development Assessment	Item 3.1
Rod Piggott	Manager, Development Assessment	Items 3.2, 3.3, 3.4 & 3.5
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 2 MARCH 2021**

The Minutes of the Development Determination Panel held 2 March 2021, were adopted by all Panel Members and have been posted on the Council's website

### 3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

#### 3.1 DA2020/1745 - 92 ADDISON ROAD, MANLY - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

##### PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by a representative of the applicant, requesting re-consideration of condition 6 which required the retention of stone wall. This would reduce the size of the opening of the window and reduce light entering the new room. The Panel were supportive of removing the condition as it would not contribute to the streetscape character and it detract from the light and ventilation to the proposed room.

##### STATEMENT OF REASON

The proposal generally satisfies the relevant strategy, objectives and provisions of Manly LEP 2013 and the Manly DCP 2013 subject to conditions.

##### COMMUNITY CONSULTATION

There were no submissions received for this application.

##### 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 LEP 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 ON APPLICATION

THAT Council, as the consent authority, **approves** Development Consent to DA2020/1745 for alterations and additions to a dwelling house on land at Lot 4 DP 258309, 92 Addison Road, Manly, subject to the conditions outlined in the Assessment Report with the following changes:

1. **Deletion of condition 6**  
Retention of the external stone wall

2. **Add standard condition -**

Prior to the issue of a Construction Certificate, Architectural Plans accompanied by a Structural Certificate must be provided to the Certifying Authority. The certificate must verify that the architectural plans that are the subject of the Construction Certificate application do not rely on the Party Wall for lateral or vertical support and that the works are independently supported, unless consent is obtained from the all owners of the party wall and a structure engineer's certification has been provided. A copy of the certificate and plans must be provided to the consent authority and all owners of the party wall/s.

Reason: To ensure the support of the adjoining property.

Vote: 3/0

**3.2 DA2020/1058 - 23 PARKVIEW ROAD, FAIRLIGHT - ALTERATIONS AND ADDITIONS TO AN EXISTING SEMI-DETACHED DWELLING**

**PROCEEDINGS IN BRIEF**

The Panel viewed the site and the surrounds.

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

*The Panel deferred this item to allow the applicant to provide further information for consideration by the Panel.*

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**DECISION ON APPLICATION**

THAT Council, as the consent authority, **defers** Development Consent to DA2020/1058 for alterations and additions to an existing semi-detached dwelling on land at Lot A DP 443750, 23 Parkview Road, Fairlight.

Vote: 3/0

### **3.3 MOD2020/0586 - 3 MULGOWRIE CRESCENT, BALGOWLAH HEIGHTS - MODIFICATION OF DEVELOPMENT CONSENT 10.2013.45.1 GRANTED FOR ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING**

#### **PROCEEDINGS IN BRIEF**

The Panel viewed the site and the surrounds.

The Panel were addressed by one objector.

The Panel acknowledged the changes to the first floor would improve the view corridors and reduce the bulk of the building. However the proposed changes to the roof created a further non-compliance with the height and this could easily be changed with an adjustment to the pitch angle of the roof, whilst maintaining the architectural style of the dwelling.

In regards to the front fence, the lightweight, open style fencing and the gates being setback from the boundary the additional height would be acceptable.

The Panel concurred with the Officer's assessment report and recommendation subject to these changes.

#### **STATEMENT OF REASON**

The proposal generally satisfies the relevant strategy, objectives and provisions of Manly LEP 2013 and the Manly DCP 2013 subject to conditions.

#### **COMMUNITY CONSULTATION**

Issues raised in the submission have been taken into account in the report and the meeting.

#### **DECISION ON APPLICATION**

THAT Council as the consent authority **approves** Mod2020/0586 for Modification of Development Consent 10.2013.45.1 granted for alterations and additions to an existing dwelling including second floor addition, front and rear additions to the ground floor and first floor, double carport, driveway, rear deck, rear terraces, above ground swimming pool, pavilion with bathroom and kitchen facilities and landscaping, on land at Lot 8 Sec 58 DP 758044, 3 Mulgowrie Crescent, Balgowlah Heights, subject to the conditions outlined in the Assessment Report with the following changes:

**1. Insert the following condition:**

Building Height

The approved plans are to be amended so that the building is not to exceed a height of RL 88.34.

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

A survey certificate to be provided from a Registered Surveyor to the Certifier to confirm the height prior to sheeting being placed on the roof trusses.

Reason: Maintain amenity of views to surrounding properties

**2. Amend draft condition 22A to read:**

**Front Fence**

The front fence height is not to exceed a maximum 1600 mm above ground level at the front boundary with the exception of the pedestrian and driveway gates. These gates to be a maximum 1800mm above ground level, be open style (transparent) and setback a minimum 900mm from the front boundary. Gates are not to swing out into public road reserve, all gate movements to be contained within the property.

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

Reason: Maintain streetscape and public safety

Vote: 3/0

### **3.4 DA2020/1372 - 15 OYAMA AVENUE MANLY - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE**

#### **PROCEEDINGS IN BRIEF**

The Panel viewed the site and the surrounds.

The Panel were addressed by representatives of the applicant.

The Panel received amended plans which detailed materials, colours and finishes and therefore condition 11 is no longer required.

The Panel accepted that the roof changes were required to maintain waterproofing, however the parapet wall on the western elevation of bedroom 1 is the area of non-compliance which would also impact on the views of surrounding properties. The box gutter design would provide opportunities to views to be maintained, the parapet could be lowered to keep these views.

The Panel concurred with the Officer's assessment report and recommendation subject to the above changes.

#### **STATEMENT OF REASON**

The proposal generally satisfies the relevant strategy, objectives and provisions of Manly LEP 2013 and the Manly DCP 2013 subject to conditions.

#### **COMMUNITY CONSULTATION**

Issues raised in the submission have been taken into account in the report and the meeting.

#### **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 DCP 2013 seeking to justify a contravention of clause 4.3 Height of Buildings and 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 ON APPLICATION

THAT Council as the consent authority **approves** Development Consent to DA2020/1372 for alterations and additions to a dwelling house on land at Lot 1 DP 1087597 & Lot 2 DP 1087597 & Lot CP SP 13460, 15 Oyama Avenue, Manly, subject to the conditions outlined in the Assessment Report, subject to the following:

1. Amend Condition 1 to include heritage materials and finishes.
  - a. Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
A-DA-000 Revision B	9/3/2021	Chrofi Architecture
A-DA-006 Revision A	11/9/20	Chrofi Architecture
A-DA-007 Revision A	11/9/20	Chrofi Architecture
A-DA-009 Revision A	11/9/20	Chrofi Architecture
A-DA-010 Revision A	11/9/20	Chrofi Architecture
A-DA-011 Revision A	11/9/20	Chrofi Architecture
A-DA-012 Revision A	11/9/20	Chrofi Architecture
A-DA-013 Revision A	11/9/20	Chrofi Architecture
A-DA-101 Revision A	11/9/20	Chrofi Architecture
A-DA-102 Revision A	11/9/20	Chrofi Architecture
A-DA-103 Revision A	11/9/20	Chrofi Architecture
A-DA-104 Revision A	11/9/20	Chrofi Architecture
A-DA-105 Revision A	11/9/20	Chrofi Architecture
A-DA-202 Revision B	9/3/2021	Chrofi Architecture
A-DA-204 Revision B	9/3/2021	Chrofi Architecture
A-DA-206 Revision B	9/3/2021	Chrofi Architecture
A-DA-208 Revision B	9/3/2021	Chrofi Architecture
A-DA-301 Revision A	11/9/20	Chrofi Architecture
A-DA-302 Revision A	11/9/20	Chrofi Architecture
A-DA-303 Revision A	11/9/20	Chrofi Architecture
A-DA-304 Revision A	11/9/20	Chrofi Architecture
A-DA-305 Revision A	11/9/20	Chrofi Architecture
Soil and Sediment Management Plan Project no. 20217 DrawingNo. SS01 Issue P2	July 2020	Michael Frost
Soil and Sediment Management Plan Project no. 20217 DrawingNo. SS02 Issue P2	July 2020	Michael Frost
Soil and Sediment Management Plan Project no. 20217 DrawingNo. SS03 Issue P2	July 2020	Michael Frost

2. Delete Condition 11  
Materials, finishes and external colour scheme
  
3. Amend condition 9 to read:  
Amendments to Approved plans  
The approved plans are to be amended as follows:
  - a) The height of the parapet wall on the western elevation above bedroom 1 is to be reduced to a height to RL 18.51.
  - b) The height of the front fence is to be a maximum height of 1800mm above ground level at the front boundary

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

Reason: Maintain streetscape and views to surrounding properties

4. Insert the following condition:

**Boundary Identification Survey**

A boundary identification survey, prepared by a Registered Surveyor, is to be prepared in respect of the subject site.

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on the boundary identification survey, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

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

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

Vote: 3/0

### **3.5 DA2020/1072 - 1 DREW PLACE BELROSE - CONSTRUCTION OF A SENIORS HOUSING DEVELOPMENT, INCLUDING DEMOLITION WORKS, NEW ACCESS DRIVEWAY AND FRONT FENCE**

#### **PROCEEDINGS IN BRIEF**

The Panel viewed the site and the surrounds.

The Panel were addressed by the owners and two representatives of the applicant.

The Panel acknowledged an error on the first page of the report, that a 4.6 variation was submitted under the SEPP (HSPD)

The Panel had regard to the Design and Sustainability Advisory Panel recommendations, conditioning landscaping along the eastern boundary and planter box for climbers on the balcony of unit 6.

A condition is required to ensure occupation is in accordance with SEPP (HSPD)

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

#### **STATEMENT OF REASON**

The proposal generally satisfies the relevant strategy, objectives and provisions of Warringah LEP 2011 and the Warringah DCP 2011 subject to conditions.

#### **COMMUNITY CONSULTATION**

Issues raised in the submission have been taken into account in the report and the meeting.

#### **DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS**

A. The Panel is satisfied that:

- 1) the applicant's written request under clause 4.6 of the SEPP (HSPD) seeking to justify a contravention of clause 40(4)(c) height development standards 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.

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## DECISION ON APPLICATION

THAT Council as the consent authority **approves** Development Consent to DA2020/1072 for construction of a Seniors Housing development, including demolition works, new access driveway and front fence on land at Lot 1 DP 228962 & Lot 2 DP 228962, 1 Drew Place, Belrose, subject to the conditions outlined in the Assessment Report, subject to the following:

1. Positive covenant for occupancy and survey condition.
2. Amend condition 16 to read –  
An Amended Landscape Plan shall be issued to the Certifying Authority prior to the issue of a Construction Certificate to include the following details:
  - i) two native small trees: Scribbly Gum (*Eucalyptus haemastoma*) as listed in the Northern Beaches Council's Native Plant Species Guide - Frenchs Forest Ward, shall be documented to the southern boundary deep soil area, nominated at a 75 litre pot container size. One of these trees is to replace the *Tristaniopsis/Magnolia* proposed behind the bin store.
  - ii) two native small trees: Scribbly Gum (*Eucalyptus haemastoma*) as listed in the Northern Beaches Council's Native Plant Species Guide - Frenchs Forest Ward, shall be documented to the western boundary deep soil area, nominated at a 75 litre pot container size. One of these trees is to replace the *Lagerstroemia* in the NW corner of Unit 2 garden.
  - iii) tree planting shall be located to minimise impact to adjoining properties and shall be located at least 2 metres from common boundaries, and accordingly garden areas shall be expanded to support such planting locations,
  - iv) two street trees: Water Gum (*Tristaniopsis laurina*) shall be documented within the road verge installed at 6 metre centres within the western road verge, nominated at a 75 litre pot container size, and centred within the road verge between footpath and kerb.
3. Condition 12 to be amended to read:  
**Amendments to the approved plans:**  
The following amendments are to be made to the approved plans:
  - a) A planter box with an internal dimension of 600mm x 400mm is to be provided located adjacent to northern balustrade of the balconies for Units 5 and 6. Climbers to be planted into the planter boxes with wires or trellis provided 400mm above the top of the balustrade to encourage the climber to provide visual softening and enhanced privacy to adjoining properties.
  - b) The study shall remain open to the living room, no doors are permitted to enclose the space which cannot be used as a bedroom.
  - c) The Landscape Plan is to be amended to include landscaping plantings along the eastern boundary with mixture of species and heights to soften the visual impact of the two storey elevation.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

4. Insert the following condition  
**Occupation of Seniors Housing or Housing for Persons with a Disability**  
A positive covenant pursuant to s88E of the Conveyancing Act 1919 is to be registered on the title of the land to which this development consent applies.

The covenant shall stipulate that Council is the sole authority to release or modify the covenant and that the development is only permitted to be occupied by persons detailed as follows:

- (a) seniors or people who have a disability;
- (b) people who live within the same household with seniors or people who have a disability;
- (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

(Note: Under State Environmental Planning Policy (Housing for Seniors or People with a Disability 2004):

Seniors are people aged 55 or more years, people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 <http://www.comlaw.gov.au/> of the Commonwealth) is provided and/or people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

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

Reason: Statutory requirements.

Vote: 3/0

This is the final page of the Minutes comprising 14 pages numbered 1 to 14 of the Development Determination Panel meeting held on Wednesday 10 March 2021.