



northern  
beaches  
council

# MINUTES

## DEVELOPMENT DETERMINATION PANEL MEETING

held on the

**WEDNESDAY 8 APRIL 2020**

## **Minutes of a Meeting of the Development Determination Panel determined on Wednesday 8 April 2020**

### **ATTENDANCE:**

#### **Panel Members**

Peter Robinson (Chairperson)	Executive Manager Development Assessment
Matthew Edmonds	Manager, Development Assessment
Liza Cordoba	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 25 MARCH 2020**

The Minutes of the Development Determination Panel held 25 March 2020, were adopted by all Panel Members and have been posted on the Council's website

### 3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

#### 3.1 MOD2019/0623 - 34 BEATTY STREET, BALGOWAH HEIGHTS - MODIFICATION OF DEVELOPMENT CONSENT DA2019/0080 GRANTED FOR ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING SWIMMING POOL

##### PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by two representatives of the applicant.

The Panel considered that the privacy screen for room 11 on the ground floor was satisfactory as proposed given the finished floor level of room 11 and the level of the adjoining property.

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 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.

##### DECISION

THAT Council as the consent authority **approve** Mod2019/0623 for Modification of Development Consent DA2019/0080 granted for alterations and additions to a dwelling house including swimming pool on land at Lot 21A DP 350345, 34 Beatty Street, Balgowlah Heights, subject to the conditions outlined in the Assessment Report, subject to the following:

1. The amendment of the following condition:

**B. Add Condition 13A - Design for Privacy Screens to read as follows:**

The proposed privacy screens facing the northern and southern boundaries on the second floor (identified on plan number DA-103 B) are to meet the following:

- have no individual opening more than 30 millimetres wide; and
- have a total area of all openings that is no more than 30 per cent of the surface area of the screen or barrier

Details are to be provided prior to the issue of a Construction Certificate.

Reason: To ensure the proposed privacy screens do not have openings that would give rise to unreasonable opportunity for overlooking and aural privacy impact.

Vote: 3/0

### **3.2 DA2019/1424 - 42 SEAFORTH CRESCENT, SEAFORTH - CONSTRUCTION OF A DWELLING HOUSE INCLUDING A SWIMMING POOL**

#### **PROCEEDINGS IN BRIEF**

The Panel viewed the site and the surrounds.

The Panel were addressed by an objector and representative of the applicant.

The Panel notes that the discrepancies in the FSR calculations between the applicant's Request and Council's assessment relate to Council's inclusion of floor space around the lift and stairs which were excluded as circulation space. This is a matter of interpretation and Council has taken the more conservative calculation by including this floor space.

The Panel were satisfied given the relationship of the rooms, openings and floor levels between No. 44-46 Seaforth and the subject site, that the proposed privacy screen on the second floor was appropriate.

In regards to solar access the Panel noted that the proposed works would not impact on any windows to living areas to No. 44-46 Seaforth Crescent.

The Panel notes an error in the report in the Manly Development Control Plan table. The 4.1.5.3 Private Open Space states 'Xsqm' when it should state "229sqm".

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 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 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 Council as the consent authority **approve** Development Consent to DA2019/1424 for construction of a dwelling house including a swimming pool on land at Lot 2 DP 202147, 42 Seaforth Crescent, Seaforth, subject to the conditions outlined in the Assessment Report.

Vote: 3/0

*The meeting concluded at 11.45am*

This is the final page of the Minutes comprising 6 pages  
numbered 1 to 6 of the Development Determination Panel meeting  
held on Wednesday 8 April 2020.