



northern  
beaches  
council

# MINUTES

## DEVELOPMENT DETERMINATION PANEL MEETING

Electronically determined on

**TUESDAY 23 MARCH 2021**

## **Minutes of a Meeting of the Development Determination Panel**

### **Electronically determined on Tuesday 23 March 2021**

#### **ATTENDANCE:**

##### **Item 3.1 Panel Members – Deferred from DDP meeting 2 March 2021**

Peter Robinson (Chairperson)	Executive Manager Development Assessment
Lashta Haidari	Manager, Development Assessment
Anne-Maree Newbery	Manager, Strategic & Place Planning

##### **Item 3.2 Panel Members – Deferred from DDP meeting 10 March 2021**

Peter Robinson (Chairperson)	Executive Manager Development Assessment
Rod Piggott	Manager, Development Assessment
Neil Cocks	Manager, Strategic & Place Planning

### 3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

#### 3.1 DA2020/1173 - 14 ERNEST STREET, BALGOWLAH HEIGHTS - ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING INCLUDING LANDSCAPE WORKS AND THE CONSTRUCTION OF A SWIMMING POOL

##### PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by two objectors

The application was deferred on 24 February for the applicant to address concerns of height and building bulk.

The applicant submitted amended plans that increased the site setback to the first floor and reduced the overall height of the building. The Panel was satisfied with the amendments which reduced the bulk and visual appearance of the building.

##### 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 4.3 Height of Buildings 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.

---

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 DA2020/1173 for alterations and additions to an existing dwelling including landscape works and the construction of a swimming pool on land at Lot 15A DP 31138, 14 Ernest Street, Balgowlah Heights, subject to the conditions outlined in the Assessment Report as amended by the supplementary memo.

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 applicant submitted amended plans which increased the rear setback to 5 metres, to maintain the existing setback to the rear boundary.

In addition the front library was reverted back to an open porch.

These changes resulted in a reduction of the floor space ratio to 0.7:1 and a reduction in the variation to 14.2% (from 25.2%). Further the visual bulk of the streetscape was improved with the open porch.

The panel were satisfied with these changes and the reduced variation to FSR and landscaped open space.

Condition to be included in the recommendation that require a tree to be planted in the north west corner which will reach a minimum mature height of 4 metres to provide increase privacy to neighbouring properties from the first floor balcony, and that the soft landscaped areas be maintained for the life of the development.

Additional standard conditions have been included to address structural issues with the party wall and a boundary identification survey.

---

#### **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 4.4 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.

---

THAT Council, as the consent authority, approves 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 subject to the conditions in the report, as amended by the supplementary memo and the following:

Insert the following conditions:

#### **1. Amendments to the approved plans:**

The following amendments are to be made to the approved plans:

- a) The outdoor kitchen is to be setback a minimum 2 metres from the rear boundary.
- b) A suitable native tree to be planted in the north west corner of the yard with a pot size of 45 litres which will reach a minimum mature height of 4 metres
- c) The rear yard side setbacks to remain as turf as presented in the architectural plans.

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.

## **2. Landscaping**

The tree in the north west corner of the rear yard, and the areas of soft landscaping, as detailed in drawing DA4 dated 6 March 2021, to be maintained for the life of development with no increased paving or hard surfaces introduced.

Reason: To ensure landscaping is maintained.

## **3. Add standard condition -**

### **Party wall**

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.

## **4. Survey**

### **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

This is the final page of the Minutes comprising 5 pages  
numbered 1 to 5 of the Development Determination Panel meeting  
Electronically determined on Tuesday 23 March 2021.