



northern
beaches
council

MEMORANDUM

DATE: 20 July 2023

TO: Northern Beaches Local Planning Panel (NBLPP)

CC: Adam Richardson, Executive Manager Development Assessment

FROM: Maxwell Duncan- Principal Planner

SUBJECT: Item No. 5.1 – DA2023/0304 – 87 Blackbutts Road, Frenchs Forest

TRIM REFERENCE: 2023/59319

The purpose of this memo is to provide a response to the Panel in relation a letter addressed to the Panel from the Applicant in relation to the recommended Conditions of Consent. Further, the memo also seeks to provide clarification with regard to Condition No. 23 as requested by the panel.

Written submission from the Applicant

The letter from the applicant seeks to delete and/or amend the following conditions.

Condition 1 - Approved Plans and Supporting Documentation

The applicant has noted an error in condition 1 in which the revision numbers on the ground floor, first floor and section plan do not reflect the latest set of amendments. Condition 1 includes an error in which three plans noted within the recommended condition (DA101, DA102 and DA200) reference the wrong revision number and date. This is a typographical error; the revision numbers and date are amended through an amended Condition 1.

Condition 16 – Amendments to the approved plans

The applicant has requested Condition 16 be amended to delete the fixed privacy screen to the first-floor western facing windows of TH3 and TH4. The applicant noted that a fixed privacy screen will not allow for reasonable levels of solar access to the bedrooms. To restrict overlooking from these windows and to allow for adequate solar access to the bedroom of these dwellings the condition is to be amended to delete the privacy screen and ensure that the sill height of the proposed windows is raised to a minimum 1.7m above the finished floor level to reduce the potential for direct overlooking.

Condition 21 – External Finishes to Roof

The application has requested this condition be deleted. The applicant confirmed with Council that

they are wanting to have the roof colour “shale grey”. Shale grey has a M BCA classification. BCA classification of M and D are supported in residential areas. No objection is made to this change.

Questions from the Panel:

The panel seek clarification with regard to the following Condition in relation to State Environmental Planning Policy (Housing) (SEPP Housing) 2021 compliance.

Condition No. 23 - Requirements for Seniors Housing or Housing for Persons with a Disability

This condition was recommended to ensure that standards considered at assessment stage are carried through and certified at construction certificate stage. Council raises no concern in extending this component to include the whole of Part 5 Div 3 cl.85 of SEPP (Housing) 2021.

Proposed new condition

It has been suggested that a condition to be recommended to ensure that the lift proposed to TH1 which allows access to level 1 be maintained for the life of the development. Council raises no issue such an ‘Ongoing’ condition which ensures the lift is maintained for the life of the development if the application is to be approved.

RECOMMENDATION

The following changes to the conditions contained in the assessment report:

- Amend **Condition 1 - Approved Plans and Supporting Documentation** as follows:

The development must be carried out in compliance with the endorsed stamped plans and documentation listed below, except as amended by any other condition of consent:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA020/ Revision 1	15 February 2023	Walsh Architects
DA100/ Revision 1	15 February 2023	Walsh Architects
DA101/ Revision 2	28 June 2023	Walsh Architects
DA102/ Revision 2	28 June 2023	Walsh Architects
DA103/ Revision 1	15 February 2023	Walsh Architects
DA200/ Revision 2	28 June 2023	Walsh Architects
DA201/ Revision 1	15 February 2023	Walsh Architects
DA300/ Revision 1	15 February 2023	Walsh Architects
DA301/ Revision 1	15 February 2023	Walsh Architects

Engineering Plans		
Drawing No.	Dated	Prepared By
D01/ Revision B	February 2023	Smart structures Australia
D04/ Revision B	February 2023	Smart structures Australia

D05/ Revision C	February 2023	Smart structures Australia
D10/ Revision A	February 2023	Smart structures Australia
D11/ Revision A	February 2023	Smart structures Australia

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX certificate No. 1376440M	10 March 2023	Building Sustainability Assessments
Arboricultural Impact Assessment Report/ Revision A	24 February 2023	Hugh the Arborist
Access Assessment Report	14 March 2023	Jensen Hughes
Geotechnical Report	4 December 2019	Ascent
Traffic and Parking Impact Statement	14 March 2023	Mclaren Traffic

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) The development is to be undertaken generally in accordance with the following:

Landscape Plans		
Drawing No.	Dated	Prepared By
Landscape Plan/ Revision A	20 June 2023	iScape

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	Khosrow Ataii	20 March 2020

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

- Amend **Condition 16 – Amendments to the approved plans** to read as follows:

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

- **The western facing bedroom 2 windows in dwellings TH3 and TH4 are to be frosted glass below 1.6m or be highlight windows with a minimum sill height of 1.7m from the finished floor level.**
- The southern facing bedroom 2 window in dwellings TH4 is to be frosted glass below 1.6m or be highlight windows with a minimum sill height of 1.6m from the finished floor level.

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

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

- Amend **Condition 21 – External Finishes to Roof** to read as follows:

The external finish to the roof shall be ‘Shale Grey’. No metallic finish steel finish is permitted.

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

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the

- Amend **Condition 23 - Requirements for Seniors Housing or Housing for Persons with a Disability** to read as follows:

The development is for the purposes of Seniors Housing or Housing for Persons with a Disability and is required to comply with all the standards specified in Part 5, Division 3 Cl. 85 (Schedule 4) within State Environmental Planning Policy (Housing) 2021, with exception of Clause 85(1) Schedule 4, Clause 17 'Access to kitchen, main bedroom, bathroom and toilet'

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

Reason: To ensure public safety and equitable access for seniors or people with a disability.

- Add **Condition 66 – Maintenance of lift TH1** to read as follows:

The lift in TH1 as shall be maintained in a functioning and serviceable state for the life of the development, by the owner(s) of the dwelling. This requirement shall be registered on the title of that unit or form part of a by-law if the development is strata subdivided. Northern Beaches Council shall be empowered to vary release or modify such restriction or by-law.

Reason: To ensure suitable accessibility is maintained at all times