

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

held via teleconference on

THURSDAY 31 AUGUST 2023

Minutes of a Meeting of the Development Determination Panel held on Thursday 31 August 2023 via teleconference

The public meeting commenced at 10.00am and concluded at 11.30am.

The minutes were determined on 31 August 2023.

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 9 AUGUST 2023

The minutes of the Development Determination Panel held 9 August 2023, were adopted by all Panel Members and have been posted on the Council's website.

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 REV2023/0013 - 15 BARINGA AVENUE SEAFORTH - REVIEW OF DETERMINATION OF DEVELOPMENT APPLICATION NO. DA2022/1821 FOR DEMOLITION WORKS AND CONSTRUCTION OF A DUAL OCCUPANCY, TWO SWIMMING POOLS, TREE REMOVAL AND ASSOCIATED STRATA SUBDIVISION

PANEL MEMBERS

Adam Richardson	Manager, Development Assessment
Phil Lane	Principal Planner, Development Assessment
Maxwell Duncan	Principal Planner, Development Assessment

PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

The Panel was addressed by representatives of the applicant.

The Panel were not persuaded by the applicant's arguments in relation to the variation to the density control prescribed by Part 4.1.1.1 of the Manly DCP 2013. The Panel were of the view that FSR regulates building mass, not dwelling density. Despite this and with regard to the prevailing character and density of the immediate locality the proposed dual occupancy, despite the variation to the density provision of the DCP, was an acceptable form of development for the proposed site.

The Panel did note that the bulk of the building could be further reduced with the deletion of the first-floor voids of each dwelling, which in themselves provided no appreciable amenity benefits to the respective dwellings. It is considered that these elements are to be removed through condition.

The Panel generally concurred with the Officer's Assessment Report and recommendation, subject to amended and additional conditions.

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 as set out within the assessment report, as amended below:

COMMUNITY CONSULTATION

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

DETERMINATION OF REVIEW APPLICATION

THAT Council as the consent authority, reviews the determination of DA2022/1821 and grants development consent to DA2022/1821 by way of Review Application No. REV2023/0013 for the demolition works and construction of a dual occupancy, two swimming pools, tree removal and associated strata subdivision at Lot 155 DP 35319, 15 Baringa Avenue SEAFORTH, subject to the conditions set out in the Assessment Report, with the following changes:

1. The addition of the following condition:

Sydney Water

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au <<http://www.sydneywater.com.au>> then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure compliance with the statutory requirements of Sydney Water.

2. The addition of the following condition:

Amendments to the approved plans

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

The proposed voids including the adjacent windows on the first-floor levels are to be removed on each of the proposed dwellings. External walls are to be constructed around these void areas and the proposed windows (2.4m in width by 0.7m in height) maybe included in wall adjacent to the hall. External walls are to be constructed of complementary materials consistent with proposed Schedule of Colours and Materials (DA600). The roof above the proposed void is to be amended accordingly (stepped in) and a roof is to be installed within this area covering the ground 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.

3. The addition of the following condition:

Provision of Services for Subdivision

The applicant is to ensure all services including water, electricity, telephone and gas are provided, located and certified by a registered surveyor on a copy of the final plan of subdivision.

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

Reason: To ensure that utility services have been provided to the newly created lots.

4. The addition of the following condition:

Subdivision Certificate Application

The Applicant shall submit a Subdivision Certificate Application to Council, which is to include a completed Subdivision Certificate form and checklist, a final plan of subdivision prepared in accordance with the requirements of the Conveyancing Act 1919, the final plan of subdivision and all relevant documents including electronic copies. This documentation is to be submitted to Council prior to the issue of the Subdivision Certificate. All plans of survey are to show connections to at least two Survey Co-ordination Permanent Marks. The fee payable is to be in accordance with Council's fees and charges.

Reason: Statutory requirement of the Conveyancing Act 1919.

5. The addition of the following condition:

Compliance with Relevant Legislation

Prior to the issue of the Strata Plan of Subdivision (including any Stratum), all relevant matters pertaining to this Plan, are to be satisfied to the satisfaction of the Certifying Authority, and evidence provided that the Plan complies with clause 17 Strata Schemes Development Regulation 2016 and the relevant parts of Section 58 Strata Schemes Development Act 2015.

In this regard where a Strata Certificate for subdivision is sought in relation to the strata plan of subdivision Council will be required to review the relevant fire safety provisions of the Building Code of Australia.

Reason: To ensure compliance with the Consent issued, compliance with relevant legislation, and to ensure adequate provision is made, where required for fire safety, occupant safety, egress, access and appropriate facilities in the premises for building occupants.

Vote: 3/0

This is the final page of the Minutes comprising 7 pages
numbered 1 to 7 of the Development Determination Panel meeting
held on Thursday 31 August 2023.