

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

Electronically determined on

MONDAY 12 AUGUST 2024

Minutes of a Meeting of the Development Determination Panel held on Monday 12 August 2024 Electronically determined

This item was deferred from the meeting of the 24 July 2024.

The minutes were electronically determined on the 12 August 2024.

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.9 REV2024/0008 - 26 THORNTON STREET FAIRLIGHT - REVIEW OF DETERMINATION OF APPLICATION DA2023/0735 FOR ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL

PANEL MEMBERS

Steve Findlay	Manager, Development Assessment
Kent Bull	Principal Planner, Strategic & Place Planning
Kelly Lynch	Principal Planner, Strategic & Place Planning

PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

The Panel was addressed by representatives of the applicant.

The Panel previously delayed the determination of this matter based on concerns in relation to the extent of non-compliance with the FSR control, the non-compliant southern side setback and the impact of the swimming pool in the rear yard and its associated impact on landscaping.

The applicant was given the opportunity to amend the scheme.

Amended plans were lodged which involved the deletion of the swimming pool, deletion of the lower floor storage extension, reduction of the ground floor extension to the north of the site and a reduction in the size and extent of the first floor addition.

The applicant also submitted a revised Clause 4.6 Variation in relation to FSR and a revised BASIX Certificate.

The amended plans were informally provided to the owners of 24 Thornton Street, and no further submission was made.

A Supplementary Memo was prepared by the Assessment Officer, providing an assessment of the amended scheme and a statement that *"The proposed amendments will reduce the overall bulk and scale of the proposed development, with the scale of the development in keeping with the recent first floor addition approval for semi-detached dwellings in the close vicinity of the subject site"*, and a recommendation that the revised application should be approved, with a suitable change to the conditions to reflect the revised plans and BASIX Certificate.

For the record, the reference to "DA2020/1228" in the Supplementary Memo is a typographical error and should read "DA2023/0735".

The Panel have considered the original assessment report, Supplementary Memo, amended plans and the revised Clause 4.6 Variation, and have concluded that the revised information submitted in response to the Panels concerns, have satisfactorily addressed the concerns.

The Panel is satisfied that the Clause 4.6 Variation (as amended due to revised plans) is well founded in relation to establishing that it is unreasonable and unnecessary to require compliance with the development standard and that there are sufficient environmental planning grounds, including compliance with the small site provisions for FSR under the Manly DCP 2013, to vary the development standard.

The other concerns raised by the owners of 24 Thornton Street have been satisfactorily addressed in the assessment report, and via conditions of consent.

Despite the delay in resolving the Panels issues, the application is still able to be determined within

the six (6) month period since the determination of the Development Application given under s8.2 of the EPA Act, 1979.

STATEMENT OF REASON

The Panels reasons for delaying the determination have been satisfactorily addressed and there are no remaining concerns in relation to the merits of the proposed development. Hence, it is the Panels decision to alter the decision from refusal of the Development Application to approval, subject to conditions.

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 submissions have been taken into account in the report and the meeting. The Panel also notes the informal notification of the revised plans to the owners of No. 24 Thornton Street, from which no further submissions were made.

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 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.

DETERMINATION OF REVIEW APPLICATION

THAT Council as the consent authority, **approves** Review Application No. REV2024/0008 for Review of Determination of Application DA2023/0735 for Alterations and additions to a semi-detached dwelling including a swimming pool at Lot A DP 442510, 26 Thornton Street FAIRLIGHT subject to the conditions set out in the Assessment Report, with the following changes:

1. The amendment to the description of the development, to read as follows:

Alterations and additions to a semi-detached dwelling.

2. The amendment of condition 1, to read as follows:

Approved Plans and Supporting Documentation

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
02	D	Site Plan	Paul Carrick	July 2024

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03	D	Floor Plan - Level 0 Street Entry	Paul Carrick	July 2024
04	D	Floor Plan - Level 1 Living	Paul Carrick	July 2024
05	D	Floor Plan - Level 2 Bedrooms	Paul Carrick	July 2024
06	D	Roof Plan	Paul Carrick	July 2024
07	D	Elevations Front - West + Rear - East	Paul Carrick	July 2024
08	D	Elevations Side - North	Paul Carrick	July 2024
09	D	Elevations Side - South	Paul Carrick	July 2024
10	D	Section- Sheet 1 - Long Section	Paul Carrick	July 2024
11	D	Section - Sheet 2 at Annexe - Stairs	Paul Carrick	July 2024
12	D	Driveway Conceptual Layout	Paul Carrick	July 2024
13	D	Landscape	Paul Carrick	July 2024
14	D	Window and Door Schedule	Paul Carrick	July 2024
16	D	Waste Management and Erosion Plan	Paul Carrick	July 2024
17	D	Drainage and Sewer Plan	Paul Carrick	July 2024
20	C	Part Wall interface/ Southern wall detail	Paul Carrick	March 2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
BASIX Certificate No. A484357_04	4	Paul Carrick	1 August 2024
Structural engineering Review	-	PelEng	4 April 2024
White Geotechnical Group	-	White Geotechnical Group	23 February 2023
Waste Management Plan	-	-	-

3. The deletion of condition 30 – Swimming Pool Requirements
4. The deletion of condition 32 – Swimming Pool/Spa Motor Noise

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 Monday 12 August 2024.