

# **MINUTES**

## **DEVELOPMENT DETERMINATION PANEL MEETING**

held via teleconference on

**WEDNESDAY 7 MAY 2025**

## **Minutes of a Meeting of the Development Determination Panel held on Wednesday 7 May 2025 via teleconference**

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

The minutes were determined on 7 May 2025.

## **1.0 APOLOGIES AND DECLARATIONS INTEREST**

Nil

## **2.0 MINUTES OF PREVIOUS MEETING**

### **2.1 MINUTES OF THE DEVELOPMENT DETERMINATION PANEL MEETING HELD ON 30 APRIL 2025**

The minutes of the Development Determination Panel Meeting held on 30 April 2025, were adopted by all Panel Members and have been posted on the Council's website.

## 3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

### 3.1 MOD2024/0577 - 1 OGILVY ROAD CLONTARF - MODIFICATION OF DEVELOPMENT CONSENT DA2023/0302 GRANTED FOR ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL

#### PANEL MEMBERS

Adam Richardson	Manager, Development Assessment
Steve Findlay	Manager, Development Assessment
Kent Bull	Principal Planner, Strategic & Place Planning

#### PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

The Panel was addressed by one objector.

The Panel were not satisfied that the extent of visual bulk had been minimised and felt that adjustments to the privacy screen on the rear of Level 1 were necessary to achieve an acceptable balance and that this could be achieved through Condition.

The Panel generally concurred with the Officer's Assessment Report and recommendation, however notes that despite references within the report that the application is not subject of an objection pursuant to Clause 4.6 of the MLEP 2013, that the application has been referred to the RFS as is required by Section 4.55(2)(b) of the EP&A Act and that the modified development has been supported by a modified BASIX Certificate and that the modified BASIX Certificate has been reflected in the recommended 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.

#### COMMUNITY CONSULTATION

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

#### DETERMINATION OF MODIFICATION APPLICATION

THAT Council as the consent authority, **approves** Modification Application No. Mod2024/0577 for Modification of Development Consent DA2023/0302 granted for Alterations and additions to a dwelling house including a swimming pool at Lot 11 DP 2610, 1 Ogilvy Road CLONTARF subject to amended conditions set out in the Assessment Report, with the following changes:

#### 1. The amendment to condition 10, to read as follows:

##### B. Modify Condition 10 Amendments to the approval plans

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

- The maximum fence height/wall is not to exceed 1.65m from ground level on the street side of the fence.
- The blade wall which extends from the midpoint of the spa to the south is modified to be an open louvred style privacy screen where the louvers are angled to the south east with a maximum aperture of 20mm between the louvers to a height of screen of 1.65m.

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

Construction Certificate.

Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.

Vote: 3/0

### 3.2 DA2024/1769 - 13 BALTIC STREET FAIRLIGHT - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

#### PANEL MEMBERS

Adam Richardson	Manager, Development Assessment
Steve Findlay	Manager, Development Assessment
Kent Bull	Principal Planner, Strategic & Place Planning

#### PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

There were no registered speakers.

The Panel generally concurred with the Officer's Assessment Report and recommendation, however were concerned with the streetscape presentation of the double garage and the resultant setback of the garage to the western boundary. Accordingly the Panel felt it necessary to amend the development through condition which introduces a setback from the garage to the western boundary.

#### 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

There were no submissions received for this application.

#### DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

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 clause 4.3 Height of Buildings and 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.

#### DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority, **approves** Application No. DA2024/1769 for alterations and additions to a dwelling house at Lot 15 DP 4449, 13 Baltic Street FAIRLIGHT subject to the conditions set out in the Assessment Report, with the following changes:

1. The addition of the following condition, to read as follows:

##### **Amendments to the approved plans**

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

- The garage structure shall be setback a minimum of 640mm from the western

- boundary, with the setback landscaped with screen planting.
- The planter box at the level above the garage to be setback is deleted.

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

Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.

2. The addition of the following condition, to read as follows:

#### **Boundary Identification Survey**

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on a boundary identification survey, prepared by a Registered Surveyor, 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 Certifier 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.

3. The amendment of condition 13, to read as follows:

#### **Pre-Construction Dilapidation Report**

Dilapidation reports, including photographic surveys, of the following adjoining properties must be provided to the Principal Certifier prior to any works commencing on the site (including demolition or excavation). The reports must detail the physical condition of those properties listed below, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

Property: No. 11 Baltic Street, Fairlight & 15 Baltic Street, Fairlight

The dilapidation report is to be prepared by a suitably qualified person. A copy of the report must be provided to Council, the Principal Certifier and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access. The Principal Certifier must be satisfied that the requirements of this condition have been met prior to commencement of any works. If access is denied, then no dilapidation report is required.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage rising from the works.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the commencement of any works on site.

Reason: To maintain proper records in relation to the proposed development.

Vote: 3/0



### 3.3 DA2024/1677 - 7 CLIFF STREET MANLY - ALTERATIONS AND ADDITIONS TO A SEMI-DETACHED DWELLING

#### PANEL MEMBERS

Steve Findlay	Manager, Development Assessment
Adam Richardson	Manager, Development Assessment
Kent Bull	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 concurred with the Officer's Assessment Report and recommendation, subject to the addition of a condition to ensure semi-detached dwelling house use only and no cooking facilities in the living room on level 1, and a condition relating to structural adequacy.

#### 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 submissions have been taken into account in the report and the meeting.

#### DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

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 clause 4.3 Height of Buildings and 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.

#### DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority, **approves** Application No. DA2024/1677 for alterations and additions to a semi-detached dwelling at Lot 2 DP 534838, 7 Cliff Street MANLY subject to the conditions set out in the Assessment Report, with the following changes:

1. The addition of the following condition to read as follows:

##### **Approved Land Use**

Nothing in this consent authorises the use of the building as detailed on the approved plans for any land use of the site beyond the definition of a semi-detached dwelling, in accordance with the Dictionary of the Manly Local Environmental Plan 2013, as follows:

“semi-detached dwelling”

means a dwelling that is on its own lot of land and is attached to only one other dwelling.

In this regard, the approved dwelling is to have one kitchen only, as shown on the approved plans.

Reason: To ensure compliance with the terms of this consent.

2. The addition of the following ongoing condition, to read as follows:

**No Approval for Second Occupancy/Secondary Dwelling**

No approval is granted or implied under this Development Consent for the use of any part of the semi-detached dwelling for the purpose of a secondary dwelling or separate occupancy.

Built-in cooking facilities are not permitted to be installed in the Living Area on Level 1. The only cooking facilities are those shown in the designated kitchen area on Level 2.

Reason: To ensure compliance with the terms of this consent.

3. The addition of following condition to read as follows:

**Structural adequacy (alterations and additions)**

Prior to the issue of a Construction Certificate, the Certifier shall be satisfied that those components of the building to be retained and/or altered will be structurally sound and able to withstand the excavation and demolition process, along with the additional loads imposed on the structure.

Evidence from a qualified practising structural engineer, demonstrating compliance with the above and detailing, where relevant, means of support for those parts of the retained building shall be provided to the Certifier.

Reason: To ensure that the development can be undertaken in accordance with accepted construction practices as indicated on the endorsed development plans, without the need for modification of the Development Consent.

Vote: 3/0

This is the final page of the Minutes comprising 11 pages  
numbered 1 to 11 of the Development Determination Panel meeting  
held on Wednesday 7 May 2025.