

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

Electronically determined on

TUESDAY 1 NOVEMBER 2022

Minutes of a Meeting of the Development Determination Panel
Electronically determined on Tuesday 1 November 2022

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.3 DA2021/2390 - 29 MONASH CRESCENT CLONTARF ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PANEL MEMBERS

Daniel Milliken	Acting Manager, Development Assessment
Adam Richardson	Manager, Development Assessment
Anne-Maree Newbery	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel originally deferred the determination of this application as the Panel was not satisfied that the clause 4.6 request provided an accurate calculation of the floor space of the dwelling or provided sufficient environmental planning grounds to justify the variation to the development standard.

The Panel also raised concerns in relation to the size and bulk of the first floor, particularly the void space above the kitchen/living/dining area and the non-compliances with the side and rear setback controls. The Panel was not satisfied that the non-compliances were reasonable in these circumstances.

Finally, the Panel was concerned with the amenity impacts of the ground floor rear deck, the non-compliant rear setback and the subsequent lack of deep soil areas in the rear yard.

The Panel decided to defer the decision to allow for amended plans and a new clause 4.6 request to be submitted.

These were then renotified for 14 days.

The Panel has received two supplementary memos from two different Assessment Officers summarising the amendments, providing an assessment of the clause 4.6 request, and addressing the issues in the submissions. These memos together recommend approval of the application.

STATEMENT OF REASON

The Panel is now able to support an approval of the application as the proposal complies with the FSR standard for undersized lots. The Panel is of the view that any greater quantum of floor space on the site would represent excessive development, would not satisfy the test under clause 4.6 and would not be appropriate.

The void above the kitchen/living/dining area is accepted as a design feature that improves the internal amenity while not resulting in unreasonable impacts to surrounding properties as a result of its bulk and scale.

The amended proposal and written request has satisfied clause 4.6 of the Manly LEP 2013.

The amended proposal does not result in unreasonable amenity impacts on surrounding properties.

The proposal satisfies the relevant strategy, objectives and provisions of Manly LEP 2013 and the Manly DCP 2013.

COMMUNITY CONSULTATION

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

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 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.

DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority, **approves** Application No. DA2021/2390 for alterations and additions to a dwelling house on land at Lot 55 DP 9745, 29 Monash Crescent CLONTARF, subject to the conditions of consent outlined in the Assessment Report, subject to the following:

1. The replacement of condition 1 with the following condition:

Condition 1 – Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

- a) Approved Plans

Architectural Plans - Endorsed with Council's stamp

Drawing No.	Dated	Prepared By
DA 01/ Issue E	19 October 2022	Campbell architecture
DA 02/ Issue D	9 September 2022	Campbell architecture
DA 03/ Issue D	19 October 2022	Campbell architecture
DA 04/ Issue E	9 September 2022	Campbell architecture
DA 05/ Issue D	9 September 2022	Campbell architecture
DA 06/ Issue D	9 September 2022	Campbell architecture
DA 07/ Issue D	9 September 2022	Campbell architecture
DA 08/ Issue D	9 September 2022	Campbell architecture
DA 09/ Issue D	9 September 2022	Campbell architecture
DA 10/ Issue D	9 September 2022	Campbell architecture
DA 22/ Issue D	9 September 2022	Campbell architecture

Reports / Documentation – All recommendations and requirements contained within:

Report No. / Page No. / Section No.	Dated	Prepared By
Flood Risk Management Plan/ Issue B	16 February 2022	SGC
BASIX Certificate No. A432666_03	9 September 2022	Campbell Architecture
Flora and Fauna Assessment Report	November 2021	Narla Environmental
Geotechnical Investigation	November 2021	Grozier Geotechnical Consultants

- b) Any plans and / or documentation submitted to satisfy the Conditions of this consent. The development is to be undertaken generally in accordance with the following:

Landscape Plans

Drawing No.	Dated	Prepared By
LP 01/ Revision E	20 October 2022	Mariko Fraser
LP 02/ Revision D	September 2022	Mariko Fraser

Waste Management Plan

Drawing No/Title.	Dated	Prepared By
Waste Management Plan	9 November 2021	Hugh Campbell

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.

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 Tuesday 1 November 2022.