



northern
beaches
council

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

via teleconference on

TUESDAY 14 MARCH 2023

**Minutes of a Meeting of the Development Determination Panel
held on Tuesday 14 March 2023
via teleconference**

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

Nil

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.4 DA2021/2661 - 33 BEATRICE STREET CLONTARF - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL

PANEL MEMBERS

Dan Milliken	Manager, Development Assessment
Steve Findlay	Manager, Development Assessment
Neil Cocks	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by the owner and a representative of the applicant.

The Panel was not satisfied that the design had appropriately addressed the differences in height between the subject site and the two adjoining sites. The Panel was of the view that a greater setback from the southern boundary, for the upper level, would result in a more appropriate built form outcome.

The Panel was of the view that if this could be achieved, the proposal could be supported. The design changes to achieve this, subject to appropriate privacy treatments, would result in reduced impacts on neighbouring properties and the Panel decided that renotification was not necessary.

The applicant made the requested changes and submitted the amended plans through the NSW Planning Portal. The Panel is satisfied that this amended design can be approved.

In relation to the applicant's request to delete several stormwater conditions, the Panel sought further information from Council's Engineers before coming to a decision.

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

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 4.3 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.

The Panel assumes the concurrence of the Secretary, Department Planning and Environment required under clause 4.6.

DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority, **approves** Application No. DA2021/2661 for alterations and additions to a dwelling house including a swimming pool at Lot 81 DP 9517, 33 Beatrice Street CLONTARF subject to the conditions set out in the Assessment Report, subject to the following condition changes:

A. Amend Condition No. 1 to read as follows:

1. Approved Plans and Supporting Documentation

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
DA01 (Revision C) - Site Plan	6 March 2023	Castlepeake Consulting Pty Ltd
DA02 (Revision D) - Proposed Upper Level Floor Plan	6 March 2023	Castlepeake Consulting Pty Ltd
DA03 (Revision D) - Proposed Mid-Level Floor Plan	6 March 2023	Castlepeake Consulting Pty Ltd
DA04 (Revision D) - Proposed Lower Level Floor Plan	6 March 2023	Castlepeake Consulting Pty Ltd
DA05 (Revision C) - Proposed Ground Terrace Plan	6 March 2023	Castlepeake Consulting Pty Ltd
DA06 (Revision C) - Proposed Roof Plan	6 March 2023	Castlepeake Consulting Pty Ltd
DA07 (Revision C) - Proposed Elevation - North	6 March 2023	Castlepeake Consulting Pty Ltd
DA08 (Revision C) - Proposed Elevation - South	6 March 2023	Castlepeake Consulting Pty Ltd
DA09 (Revision C) - Proposed Elevation - West	6 March 2023	Castlepeake Consulting Pty Ltd
DA10 (Revision C) - Proposed Elevation - East and Street	6 March 2023	Castlepeake Consulting Pty Ltd

DA11 (Revision C) - Proposed Section A	6 March 2023	Castlepeake Consulting Pty Ltd
DA12 (Revision C) - Proposed Section B	6 March 2023	Castlepeake Consulting Pty Ltd
DA13 (Revision C) - Proposed Section C	6 March 2023	Castlepeake Consulting Pty Ltd

Engineering Plans

Drawing No.	Dated	Prepared By
SW01 A Stormwater Plan	29 November 2021	Hyve Designs
SW02 A Stormwater Details	29 November 2021	Hyve Designs
SE01 A Sediment and Erosion Control Plan	29 November 2021	Hyve Designs
SE02 A S & E Control Details	29 November 2021	Hyve Designs

Reports / Documentation – All recommendations and requirements contained within:

Report No. / Page No. / Section No.	Dated	Prepared By
Underground Pipe & Cable Inspection Report 10003650	16 September 2022	Civilscan
Underground Services Report 10003650	16 September 2022	Civilscan
Geotechnical Investigation J4015	4 February 2021	White Geotechnical Group
Basix Certificate A441623	22 December 2021	Castlepeak Consulting Pty Ltd
Arboricultural Impact Assessment	9 December 2021	Bradshaw Consulting Arborists

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
L01 (Revision A) - Landscape Concept Plan	22 December 2021	Castlepeake Consulting Pty Ltd

Waste Management Plan

Drawing No/Title.	Dated	Prepared By
Waste Management Plan	20 December 2021	Martin Hall

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.

B. Delete Condition No. 7 that reads as follows:

7. Construction, Excavation and Associated Works Bond (Drainage works)

The applicant is to lodge a bond of \$50,000 as security against any damage or failure to complete the construction of stormwater drainage works approved in the Section 68 approval as part of this consent.

Details confirming payment of the bond are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

C. Delete Condition No. 10 that reads as follows:

10. Amendments to the approved plans

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

Planter boxes are to be installed along the entire exposed/open southern edge of the western terraces at the Mid-Level and Upper-Level. The planter boxes are to be fixed and are to be of sufficient capacity to accommodate screen planting shrubs which are to have a minimum height of 1.5m (as taken from the floor level of the existing deck). The screen planting shrubs are to be of a species which have sufficient density to prevent downward viewing into the north-facing terrace and adjoining upper level windows of the neighbouring property at No. 31 Beatrice Street.

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

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

D. Delete Condition No. 13 that reads as follows:

13. Stormwater Drainage Application

The applicant is to provide a stormwater drainage application under Section 68 of the Local Government Act 1993 to Council for approval. The submission is to include Civil Engineering plans for the design of the relining of the existing Council drainage pipeline from the existing stormwater pit in the street fronting the site to the outlet within the site. The design is to be generally in accordance with Council's specification for engineering works - AUS-SPEC #1.

The form can be found on Council's website at www.northernbeaches.nsw.gov.au > Council Forms > Stormwater Drainage Application Form.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fees and Charges.

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

Reason: To ensure compliance with stormwater management arising from the development.

Vote: 3/0

This is the final page of the Minutes comprising 10 pages
numbered 1 to 10 of the Development Determination Panel meeting
held on Tuesday 14 March 2023.