



northern  
beaches  
council

# MINUTES

## DEVELOPMENT DETERMINATION PANEL MEETING

held in the Walamai Room, Civic Centre, Dee Why on

**WEDNESDAY 23 OCTOBER 2019**

**Minutes of a Meeting of the Development Determination Panel  
held on Wednesday 23 October 2019  
in the Walamai Room, Civic Centre, Dee Why**

**ATTENDANCE:**

**Panel Members**

Peter Robinson (Chairperson)	Executive Manager Development Assessment	
Liza Cordoba	Manager, Strategic & Place Planning	
Anna Williams	Manager, Development Assessment	Item 3.1
Matthew Edmonds	Manager, Development Assessment	Item 3.2

## **1.0 APOLOGIES AND DECLARATIONS INTEREST**

Nil

## **2.0 MINUTES OF PREVIOUS MEETING**

### **2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 9 OCTOBER 2019**

The Minutes of the Development Determination Panel held 9 October 2019, were adopted by all Panel Members and have been posted on the Council's website

### **3.0 DEVELOPMENT DETERMINATION PANEL REPORTS**

#### **3.1 MOD2019/0110 - 4 PANIMA PLACE, NEWPORT - MODIFICATION OF DEVELOPMENT CONSENT N0057/16 GRANTED FOR ALTERATIONS AND ADDITIONS TO EXISTING DWELLING AND THE RECONSTRUCTION OF EXISTING SWIMMING POOL**

##### **PROCEEDINGS IN BRIEF**

This item was deferred from meeting of 14 August 2019 for an assessment on view impacts to occur and

The Panel viewed the site and the surrounds, including 3 Panima Place.

The Panel were addressed by objectors, the owners and applicant.

The Panel's determined that the non-compliance in height does not cause any impact on primary views and that the ridge line creating the view loss was well below the maximum height limit and that the design minimises the roof pitch and height through structural design. A condition has been applied that any structures, such as satellite dishes antennas etc are located on the eastern side of the building to reduce the impact on views.

The Panel considered privacy between numbers 3 and 4 Panima Place, understanding the level of privacy that existed before this development. Conditions have been applied for a louvered privacy screen for the landing and stairs to the pool deck and a 1.5m wide planter box along the western edge of the pool deck to create separation to enhance privacy.

The Panel concurred with the Officer's assessment report and recommendation.

##### **STATEMENT OF REASON**

The proposal generally satisfies the relevant strategy, objectives and provisions of Pittwater LEP 2014 and the Pittwater 21 DCP subject to conditions

##### **COMMUNITY CONSULTATION**

Issues raised in the submission 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 Pittwater Local Environmental Plan 2014 seeking to justify a contravention of clause 4.3 Height of Buildings 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.

##### **DECISION**

THAT Council as the consent authority **approve** Mod2019/0110 for Modification of Development

Consent N0057/16 granted for alterations and additions to existing dwelling and the reconstruction of existing swimming pool on land at Lot 5 DP 243519, 4 Panima Place, Newport, subject to the conditions outlined in the Assessment Report, subject to the following:

**B. Add Condition C. 7A Amendments to the Approved Plans to read as follows:**

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

- a) Window No. W22 – The window to have a maximum width on the western boundary of 1 metre.
- b) Window No. W20 – This window is to be fitted with obscured glazing.
- c) A Landscape Planter Box on the Pool Deck – A landscape planter box is to be provided on the pool deck, that achieves the following requirements:
  - A minimum width of 1.5m (measured from the western edge of the pool deck)
  - A minimum length of 4.0m (measured from the northern edge of the pool deck)
  - A height of 1 metre.
- d) A Privacy Screen - A minimum 1.6m high privacy screen is to be erected along the western edge of the ground floor balcony (i.e. landing at top of stairs), access stairs and pool deck to the point where it meets the conditioned landscape planter box on the pool deck. The privacy screen shall be of a vertical louver style construction (with a maximum spacing of 20mm), in materials that complement the design of the approved development.

Details demonstrating compliance are to be shown on the construction certificate plans to the satisfaction of the Certifying Authority.

Reason: To ensure development minimises unreasonable impacts in accordance with Pittwater Local Environment Plan 2014 and Pittwater 21 Development Control Plan.

**C. Add Condition D. 17A Survey Certificate to read as follows:**

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

- a) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To determine the height of buildings under construction comply with levels shown on approved plans.

**D. Add Condition D. 17B Obstruction of Access Path to read as follows:**

During the demolition and construction phase, no construction materials are to obstruct the right of way on no. 3 Panima Place. Additionally all construction fences to be located within the property boundaries.

Reason: to ensure that access is not obstructed to the neighbouring sites

**E. Add Condition D. 26B Solar Panels –**

The installation of any solar panels on the roof shall not exceed the maximum roof ridge height of RL 17.95.

Reason: In order to maintain view lines to the adjoining / nearby properties.

**F. Add Condition D. 26C Aerial, Antenna and Satellite Dish**

The existing antenna and satellite dish are to be relocated to be within a distance of 2.0m from the east elevation. Any additional antenna, aerials or satellite dishes are to only be located within 2 metres from the east elevation.

Reason: In order to maintain view lines to the adjoining / nearby properties.

Vote: 3/0

**3.2 DA2018/1989 - 104 CABARITA ROAD, AVALON - LAND SUBDIVISION OF 4 LOTS INTO 2 TORRENS TITLE LOTS TO CREATE 9 COMMUNITY TITLE RESIDENTIAL LOTS WITH 1 COMMUNITY TITLE ACCESS LOT, INCLUDING LANDSCAPING, ROADWORKS, SERVICES INFRASTRUCTURE AND ANCILLARY SITE WORKS**

**PROCEEDINGS IN BRIEF**

The Panel viewed the site and the surrounds.

The Panel were addressed by an objector and representatives of the applicant.

The Panel did not agree that a covenant was required to place on the residue lot, that current planning controls were sufficient to protect the site and that should any future development be proposed that appropriate investigations would be required to be undertaken. The Panel has applied a condition for temporary site fencing between proposed Lot 1 and Lot 2 to protect the vegetation during construction.

The Panel received a revised set of conditions from the Assessing Officer.

The Panel concurred with the Officer's assessment report, revised conditions and recommendation.

**STATEMENT OF REASON**

The proposal generally satisfies the relevant strategy, objectives and provisions of Pittwater LEP 2014 and the Pittwater 21 DCP subject to conditions

**COMMUNITY CONSULTATION**

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

**DECISION**

THAT Council as the consent authority **approve** Development Consent to DA2018/1989 for land subdivision of 4 Lots into 2 Torrens Title Lots to create 9 Community Title residential Lots with 1 Community Title access Lot, including landscaping, roadworks, services infrastructure and ancillary site works on land at Lot 8 & 9 DP 629464 & Lot 14 & 15 DP 858130, 104 Cabarita Road, Avalon Beach, subject to the conditions outlined in the revised conditions of consent, subject to the following:

1. The addition of the following condition under the heading 'Conditions That Must Be Addressed Prior To Any Commencement':

**Temporary Fence**

A temporary fence is to be erected during construction on the western boundary between proposed Lot 2 and proposed Lot 1 of the Torrens Title Subdivision for the full length of the pedestrian access to the foreshore. The project Ecologist is to approve fence structure before commencement of works.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to commencement of works.

Reason: Protect trees and vegetation

Vote: 3/0

*The meeting concluded at 12.30pm*

This is the final page of the Minutes comprising 8 pages  
numbered 1 to 8 of the Development Determination Panel meeting  
held on Wednesday 23 October 2019.