

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

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

WEDNESDAY 27 JUNE 2018

**Minutes of a Meeting of the Development Determination Panel
held on Wednesday 27 June 2018
at Walamai Room, Civic Centre, Dee Why
Commencing at 12.30pm**

ATTENDANCE:

Panel Members

| | |
|------------------------------|-------------------------------------------|
| Peter Robinson (Chairperson) | Executive Manager, Development Assessment |
| Rod Piggott | Manager, Development Assessment |
| Anne-Maree Newbery | Manager, Strategic & Place Planning |

1.0 APOLOGIES AND DECLARATIONS OF PECUNIARY INTEREST/CONFLICT OF INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 13 JUNE 2018

RECOMMENDATION

That the Minutes of the Development Determination Panel held 13 June 2018, were adopted by all Panel Members at the time of the meeting and have been posted on the Council's website.

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 N0426/17 - 22 HERBERT AVENUE, NEWPORT - DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF A NEW DWELLING, CARPORT AND LANDSCAPING

PROCEEDINGS IN BRIEF

The Panel viewed the site.

The Panel were addressed by Rod Davies from 24 Herbert Avenue and Bob Slaughter from 18 Herbert Avenue. The Panel were also addressed by Duncan Mitchell the applicant and owner, Graeme Bell from Trace Architects and Pierre La Bas from Turnbull Planning International Pty Ltd.

The Panel reviewed written submissions supplied by Rod Davies, Duncan Mitchell and Pierre La Bas.

The Panel noted the correction to the assessment report in regards to the description of development under Section 2.0 Proposed Development, specifically the description of each proposed level.

The proposed carport finished floor level requires an elevated concrete driveway to gain vehicular access. This elevated concrete slab will not allow for vehicular access to the adjoining property at 24 Herbert Avenue which shares the common driveway across the road reserve. In order to achieve vehicular access to No. 22 and maintain access to No. 24, further consideration must be given to the driveway and parking arrangements. In regard to this fundamental issue the Panel must refuse the application.

In consideration of the remaining merits of the proposal the Panel make the following observations:

The Panel was satisfied with the assessment report's consideration of the height of the building.

The Panel discussed the impacts of views and privacy concerns. Taking into account the recommended draft conditions, submissions and the Panel's observations from the site visit, further changes to the size of balconies and privacy screens were considered appropriate. Specifically the following changes would be required in an amended application:

- The Level 1 deck is to be reduced in depth (from north to south) by 2.0m
- The Level 2 deck is to be reduced in length on the eastern side by 1m and reduced in depth (from north to south) by 0.5m
- A privacy screen a minimum height of 1.7m above the finished floor level of the Level 2 deck is to be provided for a distance of 1.5m from the living room along the eastern edge of the deck. This privacy screen shall also return along the southern edge
- The eastern external wall of the En-suite is to be amended to a translucent glazed finish. A batten-privacy screen shall be provided for the width of the en-suite and shower and extend to a height of RL 44.75
- The kitchen window on the eastern elevation of Level 2 is to be translucent glazing

The Panel did not support the draft condition to remove the support posts to create a Level 2 cantilevered deck.

The Panel were satisfied that having regard to the above changes, a balance would be achieved to ensure that a satisfactory level of privacy would be maintained between

dwellings.

The Panel were satisfied that the development, having regard to the above changes would be consistent with the Development Control Plan and the Land & Environment Court Planning Principles for view sharing.

Concerns were raised with the extent of existing tree planting and accuracy of the existing landscaping. Disputes between neighbours in regards to trees are administered through legislation, *Trees (Disputes Between Neighbours) Act 2006* and by the Land and Environment Court. The site is heavily planted and the proposed plantings are of species suitable for the local ecosystem and the associated works can occur without consent from Council. In this regard the landscape plan would not be required to be conditioned as part of any consent.

Concerns regarding the impact of condition B24 for the pruning existing trees to a height of 8 metres could create accelerated root growth and create potential damage to surrounding structures. In this regard the draft condition would not be supported.

DECISION

THAT Development Application No. N0426/17 for Demolition of existing dwelling and construction of a new dwelling, carport and landscaping at 22 Herbert Avenue, Newport be **refused** for the following reasons:

1. Pursuant to Sections 4.15 (1) (b) of the *Environmental Planning and Assessment Act 1979*, the proposed development would create an unacceptable impact on the vehicular access to the adjoining property.

**3.2 MOD2018/0156 - 1 PALM ROAD, NEWPORT - MODIFICATION OF CONSENT
N0377/03 TO MODIFY THE OPERATION HOURS OF THE SYDNEY ANIMAL
HOSPITALS - NORTHERN BEACHES**

PROCEEDINGS IN BRIEF

The Panel viewed the site.

The Panel were addressed by Michael Haynes from Boston Blyth Fleming and Dr Ben Brown from Sydney Animal Hospitals - Northern Beaches.

The Panel were satisfied that the issues raised were adequately addressed in the assessment report and the proposed conditions in relation to acoustic concerns.

The practice is contained within a purposed built facility, with no outdoor areas for animals. In this regard the noise impacts are largely restricted to the use of the car park for which a masonry boundary wall is proposed to minimise the level of noise intrusion.

DECISION

THAT Modification Application No. Mod2018/0156 for Modification of consent N0377/03 to modify the operation hours of the Sydney Animal Hospitals - Northern Beaches at 1 Palm Road, Newport be **approved** subject to the conditions set out in the Assessment Report.

3.3 MOD2018/0039 - 73 BASSETT STREET, MONA VALE - MODIFICATION OF DEVELOPMENT CONSENT N0160/16 GRANTED FOR ALTERATIONS AND ADDITIONS, FITOUT AND USE OF AN EXISTING INDUSTRIAL BUILDING FOR A HARDWARE AND BUILDING SUPPLIES BUSINESS

PROCEEDINGS IN BRIEF

The Panel viewed the site.

The Panel were addressed by Ruby-Jo Hawke from 1 Jedda Place, Alan Walsh from 6 Jedda Place and Mario F Benitez from 94 Bassett Street. The Panel was also addressed by the applicant Robert Johnson from Johnson Bros Investments (Avalon) Pty Ltd.

Whilst the Panel understand that the application is trying to resolve the noise issue of delivery trucks parking prior to operating hours, the Panel have no certainty of the impacts from loading and unloading onsite given the submitted 2016 acoustic report was based on modelling from before the current land use commenced.

Given the context of the site in relation to residential premises the Panel were not satisfied that the application appropriately addressed the current activities or the impacts from the proposed unloading of trucks prior to 7am. An Acoustic report should be based on the measured noise emission levels of the current land use and operations onsite.

DECISION

THAT Modification Application No. Mod2018/0039 for Modification of Development Consent N0160/16 granted for alterations and additions, fitout and use of an existing industrial building for a hardware and building supplies business at 73 Bassett Street, Mona Vale be **refused** for the following reasons:

1. Pursuant to Sections 4.15 (1) (b) and 4.55 (1A) (a) of the *Environmental Planning and Assessment Act 1979*, the proposed development provides insufficient information to determine the acoustic impacts of the development on surrounding residential sites.

The meeting concluded at 3.25pm

This is the final page of the Minutes comprising 7 pages numbered 1 to 7 of the Development Determination Panel meeting held on Wednesday 27 June 2018.