

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

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

TUESDAY 24 APRIL 2018

**Minutes of a Meeting of the Development Determination Panel
held on Tuesday 24 April 2018
at the Walamai Room, Civic Centre, Dee Why
Commencing at 11.15am**

Panel Members

Peter Robinson (Chairperson)	Executive Manager, Development Assessment
Anna Williams	Manager, Development Assessment (except for Item 3.3)
Rod Piggott	Manager Development Assessment (Item 3.3 only)
Liza Cordoba	Manager, Strategic & Place Planning

1.0 APOLOGIES AND DECLARATIONS OF PECUNIARY INTEREST

Anna Williams declared an conflict of interest in Item 3.3 - N0595/16 - 65 Grandview Drive Newport due to her involvement in the Development Application through the Development Unit in 2017 and was replaced by Rod Piggott for this item.

It was noted that an objector, Mark Hayward, to Item 3.3 - N0595/16 - 65 Grandview Drive Newport had previously worked at Pittwater Council, some 13 years ago and Warringah Council prior to Pittwater. None of the panel members had worked with or knew Mr Hayward.

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 11 APRIL 2018

RECOMMENDATION

That the Minutes of the Development Determination Panel held 11 April 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 DA2018/0030 - 10 PERONNE AVENUE CLONTARF - ALTERATIONS AND ADDITIONS TO THE EXISTING DWELLING HOUSE.

PROCEEDINGS IN BRIEF

The Panel viewed the site.

The Panel discussed the variation to height and considered the request under 4.6 to vary the control. Although the request indicated the development would not be seen from the public street, the panel could clearly see the portion of the development which exceeded the height control. Despite the incorrect statement in the 4.6 variation the panel considered the application had merit and the variation was well founded.

DECISION

That Development Application No. DA2018/0030 for Alterations and additions to the existing dwelling house at 10 Peronne Avenue, Clontarf be **approved** subject to the conditions outlined in the report.

3.2 DA2017/1197 - 4 MARINNA ROAD, ELANORA HEIGHTS - DEMOLITION OF EXISTING DWELLING HOUSE AND CONSTRUCTION OF NEW DWELLING HOUSE AND NEW SWIMMING POOL

PROCEEDINGS IN BRIEF

The Panel viewed the site.

Prior to the meeting the Panel was addressed by Vaughan Milligan, the applicant.

The Panel endorsed the assessment report in relation to privacy issues associated with the balcony off bedroom 5 and the condition to delete the section of balcony.

The Panel notes that the dwelling was designed to minimise its height and the vulnerability of the lower levels of 5 Kalang Road to view loss.

The Panel noted in the assessment report:

- Section 94 contribution section was not addressed, however noting that contributions are not applicable to this application.
- Front setback was not addressed, in particular how the proposal meet the prevalent front building setback. The Panel were satisfied that the proposal meet the prevalent front setback provisions of the Pittwater Development Control Plan (DCP) despite the adjoining properties have a significant front setback.
- Condition No. 2, the first dot point for a privacy screen on the balcony should be deleted, as the balcony has been conditioned to be removed from the development.
- Condition Nos. 36, 38 and 39 should be contained within Condition No. 2 as they relate to amendments to the design, and that the maximum height limit in Condition No. 39 excludes the installation of photovoltaic cells (solar panels).
- Condition No. 33 should reference a maximum height for landscaping in order to maintain views whilst creating a privacy screen.

DECISION

That Development Application No. DA2017/1197 for Demolition of existing dwelling house and construction of new dwelling house and new swimming pool at 4 Marina Road, Elanora Heights be **approved** subject to the conditions outlined in the report, and subject to the following:

1. Replace Condition Nos. 2 , 36, 38 and 39 with amended Condition No. 2 as follows:

2. Amendments to the approved plans

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

- a) The Bedroom 5 balcony along the northern side of the proposed first floor be deleted. The portion of this balcony at the front of the site may be retained, however the balcony is not to extend past the north-side elevation of the first floor where it intersects with the front building line.
- b) The north-side doors of Bedroom 5 are to be deleted, any may be replaced with windows. Any windows on the northern side of Bedroom 5 are to be screened, obscured or redesigned so that any unobscured glass is not less than 1700mm

above the Finished Floor Level (FFL) of the first floor. Any screen(s) on these windows shall be made from materials that are consistent with the approved colour schedule.

- c) Windows W01-G and W02-G (i.e. the north-facing windows within the kitchen) are to be fitted with obscured glass.
- d) The width of the pathway along the southwest side of the dwelling is to be reduced to a maximum width of 1 metre. The remaining area within the side setback that is not occupied by the pathway shall be landscaped; any plant species used within this area shall consist of plant species that are native to the locality
- e) The height of the dwelling shall not exceed RL. 95.55 excluding the installation of photovoltaic cells (solar panels).
- f) The height of any fence along the front boundary shall be a maximum height of one (1) metre above ground level. Any such fence shall be constructed of open, see-through and dark-coloured materials.
- g) Any gate(s) on the front boundary shall not swing outwards into the adjoining public road reserve.
- h) Any new side boundary fence within the front setback (i.e. between the front property boundary and front building line) shall not be greater than one (1) metre high.

Details demonstrating compliance with the above are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

*Reason: To ensure compliance with relevant development standards and controls and that development minimises unreasonable impacts upon surrounding land.
(DACPLB02)*

2. The amendment of Condition No. 33 to read as follows:

33. Screen boundary planting

Screen shrub or small tree planting shall be provided to the rear setback to achieve a maximum of 3 metres at maturity along the north, east and west boundaries. Shrub planting shall be planted at 25 litre size and shall be spaced at 1 metre centres.

Reason: to ensure the open space is screened to provide privacy to adjoining properties in accordance with C1.5 Visual privacy and to soften the built form of development to satisfy C1.1 Landscaping.(DACLAGOG1)

3. The addition of a new Condition No. 36 to read as follows:

36. Noise

All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

Reason: To protect the amenity of surrounding properties

3.3 N0595/16 - 65 GRANDVIEW DRIVE NEWPORT - ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING.

PROCEEDINGS IN BRIEF

The Panel viewed the site.

Prior to the meeting the Panel were addressed by Mark Hayward from 63 Grandview Drive, Newport and Mike Plested from 67 Grandview Drive, Newport. The Panel were also addressed by Vincent Bock & Claudia Mitchell from 65 Grandview Drive, Newport, and Peter Downes from Peter Downes Designs.

The site is located on the heavily vegetated, steeply sloping southern escapement at Newport. The site has an unusual orientation to the road which does not define itself to simply as having a front rear and side boundaries.

The Panel discussed the fundamental issues raised by the objectors which were building height, overshadowing and privacy impacts. The Panel notes the building height of 7.45m is below the maximum building height of 8.5m. The Panel had regard to the shadow diagram and associated expert solar access information and were satisfied that the building height and setbacks provided an outcome, in very difficult terrain, of reasonable levels of solar access to surrounding properties.

In relation to privacy, the existing conditions combined with the addition of a new condition No. B24 were considered acceptable.

The Panel noted:

- The shadow diagram information provided indicated 21 June and 22 June.
- The variation to D10.13 Landscaped Area, and is satisfied the proposal meets the outcomes of the control.

The Panel notes the following errors in the report:

- 4.0 Background (page 2 of report) should read that *"the application was **deferred** by the Development Unit (previously under delegation by the former Pittwater Council) on 13/04/17."*
- 4.3 Height of Buildings (page 7 of report) the fifth paragraph should read as follows:
The proposals is considered to allow for reasonable sharing of views (see C1.3 View Sharing).
- Condition B5 which prohibits cooking facilities in the building where the kitchen is proposed.

The panel identified that the report did not address the impacts on Pittwater Spotted Gum Endangered Ecological Community, simply addressed the removal of 2 Norfolk pine trees. Information was subsequently sought from Council Bushland and Biodiversity team with the following response:

*The submitted Arboricultural Assessment (Malcolm Bruce, June 2016) assesses five trees, including four exotic trees and one locally native tree. The locally native *Livistona australis* is a characteristic species of the Pittwater Spotted Gum Forest EEC (as listed under the Biodiversity Conservation Act 2016) and is proposed for safe retention with recommended tree protection measures. Given that no characteristic*

Pittwater Spotted Gum Forest species are proposed for removal, the proposal is unlikely to have an adverse impact on the EEC.

Furthermore, it is considered that impacts to onsite canopy associated with the removal of four exotic trees (including one dead tree) can be sufficiently mitigated through conditioned replanting with at least six locally native canopy trees consistent with the EEC species list. Replacement of exotic trees with a greater number of locally native trees will result in a better conservation outcome for the EEC than the current state.

Consequently, it is considered that, subject to recommended conditions, the proposal can be carried out without significant impact to the Pittwater Spotted Gum Forest EEC and therefore meets the outcomes of the control.

This is covered by existing condition B13 in the assessment report.

DECISION

That Development Application No. N0595/16 – 65 Grandview Drive, Newport for alterations and additions to an existing dwelling be **approved** subject to the conditions outlined in the report and, subject to the following:

1. The amendment of Condition No. B5 to read as follows:

B5

No part of the dwelling house is to be used as a separate occupancy.

2. The addition of Condition No. B24 to read as follows:

B24

The ground floor handrail/balustrade on the southern elevation of the lounge room shall be frosted glass.

The meeting concluded at 12.40pm

This is the final page of the Minutes comprising 8 pages
numbered 1 to 8 of the Development Determination Panel meeting
held on Tuesday 24 April 2018.