

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

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

WEDNESDAY 9 MAY 2018

**Minutes of a Meeting of the Development Determination Panel
held on Wednesday 9 May 2018
at the Walamai Room, Civic Centre, Dee Why
Commencing at 10.35am**

ATTENDANCE:

Panel Members

Rod Piggott (Chairperson)	Acting Executive Manager Development Assessments (except for Item 3.2)
Jill Camara (Chairperson)	Business Performance Executive Planning, Place & Community (Item 3.2 only)
Matthew Edmonds	Manager, Development Assessments (Item 3.1 and Item 3.4)
Steven Findlay	Manager, Development Assessments (Item 3.2 and Item 3.3)
Anne-Maree Newbery	Manager, Strategic & Place Planning

Note: Jill Camara assumed the role of Chairperson for Item 3.2 - DA2017/1353 - 6 Carinya Close, Allambie Heights.

1.0 APOLOGIES AND DECLARATIONS OF PECUNIARY INTEREST/CONFLICT OF INTEREST

Item 3.2

- As the manager of the reporting officer, Rod Piggott was replaced by Jill Camara for this item in accordance with the charter.
- Matthew Edmonds declared a conflict of interest in Item 3.2 due to an acquaintance with the applicants father, Matthew Edmonds was replaced by Steve Findlay for this item.

Item 3.3

- As the manager of the reporting officer, Matthew Edmonds was replaced by Steven Findlay for this item in accordance with the Charter.

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 24 APRIL 2018

RECOMMENDATION

That the Minutes of the Development Determination Panel held 24 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 DA2017/1321 - 47 MCDONALD STREET, FRESHWATER - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site.

There were no speakers for this item.

The Panel notes there have been 2 submissions received relating to stormwater disposal which have not been addressed in the assessment report. It was further determined that the objectors were not notified of the DDP meeting which is inconsistent with the Charter and therefore the Panel cannot determine this application at this time. The Panel propose to notify the objectors of a future DDP meeting so they can address the Panel if they wish to do so.

Further to this a supplementary report needs to be prepared addressing the following:

- Submissions addressed
- Building Height clarified
- Car parking arrangements clarified
- Overshadowing commentary clarified
- Clause 4.6 concurrence comments updated
- Additional condition relating to roof colours

This supplementary report shall be submitted back to the same panel (Rod Piggott, Matthew Edmonds and Anne-Maree Newbery) for determination.

DECISION

That Development Application No. DA2017/1321 for alterations and additions to a dwelling house at 47 Mcdonald Street, Freshwater be **deferred** for the reasons set out in the proceedings in brief.

3.2 DA2017/1353 - 6 CARINYA CLOSE, ALLAMBIE HEIGHTS - ALTERATIONS AND ADDITIONS TO THE DWELLING HOUSE AND THE CONSTRUCTION OF A SWIMMING POOL

PROCEEDINGS IN BRIEF

The Panel viewed the site.

The Panel were addressed by Andrew Watson from 5 Carinya Close, Allambie Heights and Alex Chiknaikin from Norrsken Ko, the applicant.

The Panel noted that the shadow diagrams submitted with the DA are dated "July" instead of "June" as required under the WDCP 2011. The Panel requested confirmation of the accuracy of the plans and an updated version. The Panel received revised shadow diagrams on 10 May 2018 which demonstrates that the shadows for June are different to those in the July plans, hence it was not simply a typo on the plans. The assessment officer has reviewed the plans and it is confirmed that the proposal complies with the solar access provisions of the WDCP. The Panel is satisfied that the proposal meets the requirements of the WDCP.

The Panel discussed the privacy issue in relation to the first floor rear deck and considers a privacy screen is required on the south-western side of the deck. A suitable condition is to be imposed.

The Panel concurs with the recommendation of the assessment officer regarding the increased setback to the ground floor level deck and associated condition, however the Panel requires the condition to also include a reduction in the roof overhang. The Panel notes that this change will result in the proposal complying with the 6.5m front building setback control.

DECISION ON EXEPTIONS TO DEVELOPMENT STANDARDS

A) The Panel is satisfied that:

- 1) The applicants written request under clause 4.6 of the Warringah Local Environment Plan 2011 seeking to justify a contravention of clause 4.3 Height of Buildings development standard has adequately addressed and demonstrated that:
 - a) compliance with the standards is unreasonable or unnecessary in the circumstances of the case; and
 - b) there are sufficient environmental planning grounds to justify the contraventions.
- 2) The proposed development will be in the public interest because it is consistent with the objectives of the standards 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

The Panel concur with the assessment of the Clause 4.6 with the assessment report.

DECISION

That Development Application No. DA2017/1353 for Alterations and additions to the dwelling house and the construction of a swimming pool at 6 Carinya Close, Allambie Heights be **approved** subject to the conditions set out in the Assessment Report, and subject to the following:

1. Amend condition No. 2 to read as follows:

2. **Amendments to the approved plans**

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

- a) The balcony and roof overhang located off Bed 3 and Bed 4 is to be reduced in depth to a maximum of 900mm. In this regard, a minimum front setback of 6.5m is to be maintained.
- b) Reference to 'Existing Granny Flat' is to be deleted from the architectural plans.
- c) A privacy screen is to be erected on the south-western side of the rear deck on the first floor level, situated off the master suite. The screen is to be full height, from finished floor level to the underside of the eave.

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 (DACPLB02).

3.3 N0563/17 - 40 TASMAN ROAD, AVALON BEACH - ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING

PROCEEDINGS IN BRIEF

The Panel viewed the site.

There were no speakers on this item.

Prior to the meeting, the Panel was provided with a Memo prepared by the co-ordinating Assessment Officer (Kevin Short) dated 9 May 2018 which corrected anomalies in the consultants assessment report, identified inconsistencies in the plans, dealt with omitted plans [Western Elevation (Garage) and Northern Elevation (Entry Stair), Drawing Nos. Plan **1 and **2 dated November 2017 respectively] and included supplementary assessment of the timber platforms in the front setback by the independent consultant.

The Memo was forwarded to the independent consultant (Natalie Nolan) and she provided her concurrence to the contents of the memo and maintained the recommendation of approval.

The outcome is that there will not be a window in the southern side wall of the garage/store/workshop building fronting Tasman Road and hence the privacy concerns of the neighbour are addressed. The remaining roof highlight widows in the southern elevation will not result in any privacy loss and are satisfactory.

The Panel were satisfied that there will be no unreasonable privacy impacts to the southern adjoining properties and a suitable landscaped front setback will be maintained.

DECISION

That Development Application No. N0563/17 for alterations and additions to the existing dwelling at 40 Tasman Road, Avalon Beach be **approved** subject to the conditions set out in the Assessment Report, and subject to the following:

1. Amend condition No. 1 to read as follows:

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) Architectural plans prepared by Mitch Clarke Design & Draft Services, Job No. DA. A1, A6, A7, A8, A9, A10, A11, A12, A13, A14, A16, A17, A19, Job No. DA.74 and Drawing Nos. Plan **1 labelled Northern Elevation (Entry Stair) and **2 labelled Western Elevation (Garage), dated November 2017.
- b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

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 (DACPLB01).

2. Addition of condition No. 1A to read as follows:

1A. **Amendments to the Approved Plans**

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

- a) Drawing No. A7 is to be amended to show the deletion of window "W4" on the southern side wall of the garage building.

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

Reason: To ensure consistency in the approved plans.

3.4 REV2018/0001 - 1344 PITTWATER ROAD, NARRABEEN - REVIEW OF DETERMINATION OF APPLICATION USE AND FITOUT OF PREMISES AS A RECREATION FACILITY INDOOR

PROCEEDINGS IN BRIEF

The Panel viewed the site.

There were no speakers for this item.

The Panel discussed the review particularly issues relating to noise and car parking. The Panel noted the car parking rate for the gym is less intense than it is for a business use and had regard to the revised parking and traffic study and were satisfied that based on the existing situation and use the proposal could be supported.

The Panel discussed issues relating to acoustic impacts and were satisfied that the proposal will not have any unreasonable impacts based on the type of use and particularly condition Nos. 9, 10, 13, 14, 15 and 16.

It is noted that one of the objectors works in a separate division of Council and the Panel declares there are no conflicts of interest.

DECISION

That Application No. REV2018/0001 for Review of Determination of application use and fitout of premises as a recreation facility indoor at 1344 Pittwater Road, NARRABEEN be **approved** subject to the conditions set out in the Assessment Report, and subject to the following:

1. Amendment of condition No. 9 to read as follows:

9. **Generation of Noise**

The use of the premises shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the generation of any noise at any time.

Reason: To ensure the surrounding area and people within the neighbourhood are not affected adversely.

2. Amendment of condition No. 14 to read as follows:

14. **Noise Impact**

The premises must not generate any noise above 5 decibels (dBA) above the existing background level of noise, when measured from the nearest residential dwelling.

Reason: To ensure no adverse impact on the amenity of surrounding residents (DACPLGOG1).

3. Addition of condition No. 16 to read as follows:

16. **Hours of Operation:**

The hours of operation are 24 hours per day, 7 days a week, inclusive of all bank and public holidays.

Reason: Information to clarify the hours of operation. (DACPLG08)

4. Addition of condition No. 17 to read as follows:

17. **Loading and Unloading:**

All loading and unloading of vehicles and the delivery of goods must be carried out

wholly within the site and not be collected between the hours of 10pm and 6am on any day.

Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian safety and amenity (DACPLG20).

The meeting concluded at 12.30pm

This is the final page of the Minutes comprising 10 pages
numbered 1 to 10 of the Development Determination Panel meeting
held on Wednesday 9 May 2018.