

# MINUTES

## **DEVELOPMENT DETERMINATION PANEL MEETING**

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

**WEDNESDAY 23 MAY 2018**

**Minutes of a Meeting of the Development Determination Panel  
held on Wednesday 23 May 2018  
at the Walamai Room, Civic Centre, Dee Why  
Commencing at 12 noon**

**ATTENDANCE:**

**Panel Members**

Peter Robinson (Chairperson)	Executive Manager Development Assessment
Rod Piggott	Manager Development Assessment (Items 3.2 & 3.2 only)
Matthew Edmonds	Manager Development Assessment (Item 3.3 only)
Neil Cocks	Manager, Strategic & Place Planning

## **1.0 APOLOGIES AND DECLARATIONS OF PECUNIARY INTEREST/CONFLICT OF INTEREST**

Item 3.1 and 3.2

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

Item 3.3

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

## **2.0 MINUTES OF PREVIOUS MEETING**

### **2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 9 MAY 2018**

#### **RECOMMENDATION**

That the Minutes of the Development Determination Panel held 9 May 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 DA2018/0068 - 199 RIVERVIEW ROAD, AVALON BEACH - ADDITIONS AND ALTERATIONS TO EXISTING DWELLING HOUSE AND GARAGE

##### PROCEEDINGS IN BRIEF

The Panel viewed the site.

The Panel were addressed by David Busch, the owner of 199 Riverview Road.

The Panel discussed issues related to the proposed amendments to the design by conditions of consent. Based in the site inspection and the positioning of the proposed works against the adjoining dwellings, the Panel did not agree with the proposed conditions to provide additional privacy screens or the complete removal of the deck from the workshop. It was also noted that the plans indicated landscape steps in the location of the existing inclinator. This was confirmed as an error with the owner and a condition applied to remove this element from the plans. The panel are satisfied the proposal resulted in a reasonable outcome, subject to amended conditions as detailed below.

Condition 5, *Telecommunications in New Development*, and condition 23 *House Numbering* are not required on this development.

The Panel noted that this application received no objections.

The Panel notes that on page 28 of the Agenda refers to the "Pittwater Section 94 Development Contributions Plan" which is not applicable to this development.

##### DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

A) The Panel is satisfied that:

- 1) The applicants 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 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.

##### DECISION

THAT Development Application No. DA2018/0068 for Additions and alterations to existing dwelling house and garage at 199 Riverview Road, AVALON BEACH, be **approved** subject to the conditions set out in the Assessment Report, and subject to the following:

1. The amendment of 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) Screens consisting of fixed louvres are to be fixed to Windows 12 and 24. The louvres shall be angled so they prevent views towards the dwelling at 197

- Riverview Road (i.e. the dwelling on the site adjoining the southern side boundary). The screens shall be finished in colours and materials that are consistent with the remainder of the dwelling.
- b) The balcony on the eastern side of the workshop shall be reduced in length by 1.6m shall not extend to the south of the sliding doors.
  - c) The existing timber stairs within the front setback located on the northern boundary shall be removed.
  - d) The proposed landscape steps between the dwelling and the waterfront located along the northern boundary identified on plan No. A101 and elevations do not form part of this approval.

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)

- 2. The deletion of Condition No. 5
- 3. The deletion of Condition No. 23

### 3.2 DA2017/1259 - 45 RIVERVIEW ROAD, AVALON BEACH - ALTERATIONS AND ADDITIONS TO DWELLING HOUSE

#### PROCEEDINGS IN BRIEF

The Panel viewed the site.

The Panel were addressed by Robert Schiuff from 43 Riverview Road, Prue Warn from 47 Riverview Road, Jane King from 38 Riverview Road, Catherine Kerr from 1A Paradise Avenue. The Panel were also addressed by Tony and Ursula Lang, the owners and Michael King, Architect.

The Panel received and reviewed further information from Council's Water Management Team regarding ground water.

It is noted that many concerns raised did not related to the subject application but rather the previous application for this site. The Panel clarified with all parties that addressed the panel that the development application seeks to amends the existing approval by constructing a rumpus room, store room and workshop within the approved footprint of the building on the lower ground level. The previous approval, N0088/16 is not open for revisiting concerns beyond the impacts of the proposed 3 room in this application.

In relation to the issues raised to the application, the Panel considered the impacts of the proposed excavation, impact on trees, drainage, use and size of the proposed rumpus area and construction/demolition access and impacts. The Panel considered these issues and were satisfied, that subject to this application being linked to Consent No. N0088/16 and all associated conditions of consent the proposal would not result in any additional unreasonable impacts and therefore could be supported.

The Panel heard concerns from objectors about possible future issues and development but these are beyond the scope of the current application.

The Panel agreed that this application must be linked via a condition of consent to Consent No. N0088/16, as such resulted in duplicate conditions being deleted as detailed in the decision below.

The description of the consent should be amended to clearly reflect the application as follows:

*Amendments to Consent No. N0088/16 involving alterations and additions to an approved dwelling house.*

#### DECISION

THAT Development Application No. DA2017/1259 for Amendments to Consent No. N0088/2016 involving alterations and additions to an approved dwelling house at 45 Riverview Road, AVALON BEACH, be **approved** subject to the conditions set out in the Assessment Report, and subject to the following:

1. The addition of Condition No. 1A to read as follows:

**1A Consent in conjunction with No. N0088/16**

This consent amends consent No. N0088/16 and must be read in conjunction with Consent No. N0088/16. All conditions of consent in N0088/16 apply to this approval.

Reason: To ensure consistency between consents and the actioning of applied conditions.

2. The deletion of Condition No. 3
3. The deletion of Condition No. 4

4. The deletion of Condition No. 5
5. The deletion of Condition No. 7
6. The deletion of Condition No. 8
7. The deletion of Condition No. 9
8. The deletion of Condition No. 10
9. The deletion of Condition No. 11
10. The deletion of Condition No. 12
11. The deletion of Condition No. 14

### 3.3 DA2017/1285 - 29 GULLIVER STREET, BROOKVALE - DEMOLITION WORKS AND THE CONSTRUCTION OF MULTI DWELLING HOUSING CONSISTING OF FOUR DWELLINGS AND BASEMENT CAR PARKING

#### PROCEEDINGS IN BRIEF

The Panel viewed the site.

The Panel were addressed by Michael Haynes from Boston Blyth Fleming and Natalie Loveridge on behalf of the applicant.

The Panel considered that the architectural merits of the building aided in addressing the variations to the setbacks of the street and the transition from medium density zone to the low density zone opposite on Consul Rd. The panel agreed with the assessment report with the exception of proposed condition 2. Privacy into the proposed townhouses is a matter for the tenants and the use of internal fixtures and curtains.

The panel were concerned that further fencing/balustrading atop the basement required for Building Code of Australia compliance, could be visually unappealing and a condition proposed to ensure it would not be visually dominant. A condition was also proposed that landscaping required for privacy be maintained for the life of the development.

#### DECISION

THAT Development Application No. DA2017/1285 for Demolition works and the construction of multi dwelling housing consisting of four dwellings and basement car parking at 29 Gulliver Street, BROOKVALE, be **approved** subject to the conditions set out in the Assessment Report, and subject to the following:

1. The deletion of Condition No. 2
2. The addition of new Condition No. 2 to read as follows:
  - 2 **Boundary structures above the basement**

Any balustrading or fence along the eastern boundary above the basement shall not be of masonry construction. Any structure shall have high quality finishes facing the adjoining property and have a light weight visual appearance. In this regard the structure should have minimum 30% openings and privacy maintained through the required landscaping.

Reason: To protect amenity to adjoining properties
3. The amendment of Condition No. 30 to read as follows:
  30. **Required Planting**
    - i) Trees and screen planting shall be planted in accordance with the Landscape Site Plan, Dwg No. 2 B dated 8.12.2017 prepared by Banksia Design Group.
    - ii) The screen planting along the eastern boundary shall have a minimum height at planting of 1500mm to ensure privacy to the adjoining property.
    - iii) Street tree planting is to be provided as identified in the following table:

No. of Trees Required.	Species	Location	Min Pot Size
3	Tristaniopsis laurina	Consul Rd frontage forward of the site	45 litre

Trees not to be planted within 15m of the Consul Rd Gulliver St Intersection

Trees are to be planted generally in alignment with other street trees
    - iv) Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.



Reason: To maintain environmental amenity. (DACLAF01)

4. The addition of a new Condition No. 37 to read as follows:

37. **Privacy Landscaping**

Landscaping along the eastern boundary to be maintained or replaced if required, for the life of the development to ensure privacy to adjoining development.

Reason: To protect amenity to adjoining properties

*The meeting concluded at 2.15pm*

This is the final page of the Minutes comprising 9 pages  
numbered 1 to 9 of the Development Determination Panel meeting  
held on Wednesday 23 May 2018.