

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

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

WEDNESDAY 25 JULY 2018

**Minutes of a Meeting of the Development Determination Panel
held on Wednesday 25 July 2018
at Walamai Room, Civic Centre, Dee Why
Commencing at 11.40am**

ATTENDANCE:

Panel Members

Peter Robinson (Chairperson)	Executive Manager Development Assessment
Rod Piggott	Manager, Development Assessment (Items 3.1 to 3.3)
Matthew Edmonds	Manager, Development Assessment (Item 3.4 only)
Liza Cordoba	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 11 JULY 2018

RECOMMENDATION

That the Minutes of the Development Determination Panel held 11 July 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 DA2018/0397 - 34 NEPTUNE ROAD, NEWPORT - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING NEW SWIMMING POOL AND LANDSCAPING

PROCEEDINGS IN BRIEF

The Panel viewed the site.

The Panel were addressed by Greg Barr-Jones from Rapid Plans Pty Ltd.

A supplementary assessment to address the excavation of the rear yard was provided by the Assessing Officer to address the Pittwater 21 Development Control Plan (DCP) 2014. The Panel also noted that the development was not subject to developer contributions.

The Panel discussed the issue of privacy and were satisfied with the assessment report regarding the extension to the balcony at the front of the dwelling. In regards to the rear deck, additional landscaping was considered appropriate along the side boundaries to embellish the existing landscaping. To avoid ambiguity, a condition has been applied to ensure the proposed privacy screen is provided on the western elevation of the rear deck as the screen only appears on the elevation plans.

DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS – Height of Building

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. DA2018/0397 for Alterations and additions to a dwelling house including new swimming pool and landscaping be **approved** at 34 Neptune Road, NEWPORT, subject to the conditions outlined in the Assessment Report, and subject to the following:

1. Amend Condition No. 20 to read as follows:

20. Landscaping

Landscaping is to be implemented in accordance with the Landscape Plans DA-01 to DA-04 inclusive, prepared by Space Landscape Designs, and any associated condition, including the following:

- a) The proposed retaining wall at the rear of the site shall limit any excavation from the existing tree trunk to no more than 2.5m. Tree Protection conditions within this consent apply to working near this tree, including:
 - i) no tree roots greater than 50mm diameter are to be cut from protected trees unless authorized by a Arborist on site,
 - ii) all structures are to bridge tree roots greater than 50mm diameter unless directed by a AQF Level 5 Arborist on site,
 - iii) should either or both i) and ii) occur during site establishment and construction works, a AQF Level 5 Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority.
- b) In the rear yard to complement existing vegetation, a single screening plant with a minimum mature height of 3.5m to be planted in each of the garden beds, which are created by the retaining walls with a top of wall height of 18.89m, and a single screening plant with a minimum mature height of 3m to be planted in each of the garden beds which are created by the retaining walls with a top of wall height of 19.49m. The plants to be of a minimum 1.5m height at time of planting.

The new landscaping is to be approved as completed by the Certifying Authority upon the issue of the Occupation Certificate unless further conditions regarding the completion timeframe are imposed.

This landscaping is to then be maintained for the life of the development.

Reason: To ensure the built form is softened, privacy is maintained and complemented by landscaping, reflecting the scale and form of development.
(Control C1.1)

- 2. Addition of the following condition under the heading "Conditions to be Satisfied Prior to the Issue of Construction Certificate" to read as follows:

Privacy Screen

A privacy screen to be construction along the western elevation of the first floor deck as appears in drawing No. DA4002.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure privacy to the neighbouring properties.

3.2 DA2018/0309 - 8 NARLA ROAD, BAYVIEW - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site.

The Panel were addressed by neighbours Peter Vincent from 16 Narla Road, Bayview and Rod Last from 10 Narla Road, Bayview. On behalf of the applicant the Panel were addressed by Glen Botha from Gbot Investments Pty Ltd, Kerry Nash and Yiou Tan.

The Panel noted that the development was not subject to developer contributions.

The Panel discussed issues of the stormwater, greywater and waste water seeking clarification from the Environmental Compliance Team. Conditions have been amended and added to address these issues.

In regards to privacy from the elevated terrace, a condition requiring the west facing balustrade to be translucent and setback from the edge of the terrace to reduce the impacts to the adjoining property.

It was noted that the current colour of the building is an undercoat and that the proposed colour was acceptable in regards to the Development Control Plan (DCP) requirements. A condition has been applied to this affect.

In regards to view loss from the public roadway, the Panel were satisfied that the impacts were acceptable.

DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS – Height of Building

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. DA2018/0309 for Alterations and additions to a dwelling house at 8 Narla Road, BAYVIEW be **approved** subject to the conditions outlined in the Assessment Report, and subject to the following:

1. Amend Condition No. 12 to read as follows:

Wastewater Disposal

The wastewater system is to employ a pressure dosed absorption trench for effluent disposal. An amended wastewater report is to be prepared, detailing the final design and location of the trench, and provision of a deflection drain or swale to minimise any discharge of wastewater onto any adjoining property in the case of the wastewater application area's failure. The location of the trench must not be between the stormwater absorption trench and the rear boundary. Soil depth and capability, taking into account the location of the stormwater absorption trench, must be considered in the final placement of the wastewater trench. The report is to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate. A copy of the amended wastewater report is to be submitted to Council with the Construction Certificate.

Reason: To ensure the treated wastewater land application disposal system and location is documented and approved.

2. Addition of the following condition under the heading "Conditions to be Satisfied Prior to the Issue of Construction Certificate" to read as follows:

Balustrade

The west facing balustrade to the proposed master bedroom balcony is to be set back 1.5m from the western edge of the balcony. This section of balustrade is to have obscure glazing. The western portion of the balcony beyond the amended balustrade is to be non-trafficable.

Reason: To ensure adequate privacy for adjoining neighbours.

3. Addition of the following condition under the heading "Conditions to be Satisfied Prior to the Issue of Construction Certificate" to read as follows:

Greywater

No approval is given to works relating to a greywater system. Any works relating to a greywater system must be subject to a future application.

Reason: To ensure adequate approval for works.

4. Addition of the following condition under the heading "Conditions to be Satisfied Prior to the Issue of Construction Certificate" to read as follows:

External Colours and Finishes

The external colours to the development shall have a medium to dark range (BCA classification M and D) in accordance with Clause D2.3 of the Pittwater 21 DCP 2014. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that the development does not result in unreasonable visual dominance of the locality.

5. Amend Condition No. 18 to read as follows:

Stormwater Disposal

Prior to issue of Occupation Certificate a suitably qualified person shall certify that the overflow stormwater disposal is adequate. Any absorption trenches are not to be located within the rear 20m of the site.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development.

6. Addition of the following condition under the heading "Conditions which must be complied with Prior to the Issue of the Occupation Certificate" to read as follows:

Waste Water

Prior to the issuing of any interim / final occupation certificate, a copy of a s68 (Local Government Act 1993) approval to operate the Waste Water System, and the waste water system must be activated and effectively operating to the satisfaction of the Principal Certifying Authority. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure the premises a maintained in an appropriate manner in perpetuity.

3.3 DA2018/0434 - 1A ELANORA ROAD, ELANORA HEIGHTS - CONSTRUCTION OF A NEW DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site.

The Panel were addressed by Sean Gartner from Gartner Trovato Architects.

The Panel were satisfied with the recommendation in the Assessment Officers report.

DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS – Height of Building

- 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. DA2018/0434 for Construction of a new dwelling house at 1A Elanora Road, ELANORA HEIGHTS be **approved** subject to the conditions outlined in the Assessment Report.

3.4 DA2017/0793 - 22 IAN LANE, NORTH CURL CURL - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PROCEEDINGS IN BRIEF

This application was deferred by the Panel on 28 March 2018 for amendments to the design and further clarifications on overland flow of stormwater.

The Panel viewed the site.

The Panel were addressed by Vaughan Milligan from Vaughan Milligan Development Consulting Pty Ltd and Mark Kougall from Watershed Design. The Panel reviewed a late written submission received from Melissa and Brian Chapman and a supplementary assessment addressing the late submission.

The Panel consider the amended plans and information and were satisfied that they addressed the Panel's previous concerns regarding view loss and stormwater.

Further, safety issues raised regarding gated access into the drainage channel are resolved as a result of the proposed metal grate platform. The platform sits above the channel and restricts access into the channel.

The Panel were satisfied that the bin storage area is adequately screened by the masonry boundary wall.

The Panel were satisfied that the privacy concerns were adequately addressed in the Assessment Officer report.

DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS – Height of Building

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.

DECISION

THAT Development Application No. DA2017/0793 for Alterations and additions to a dwelling house on land at 22 Ian Lane North Curl Curl be **approved** subject to the conditions outlined in the Assessment Report.

The meeting concluded at 2.20pm

This is the final page of the Minutes comprising 11 pages
numbered 1 to 11 of the Development Determination Panel meeting
held on Wednesday 25 July 2018.