



Memo

Department

To: Development Determination Panel
Cc: Adam Richardson
From: Luke Zajac (Consultant Planner - Mecone)
Date: 16 January 2023
Subject: Supplementary Assessment Report
Record Number: DA2022/0742

Dear Development Determination Panel,

SUPPLEMENTARY ASSESSMENT REPORT

DA2022/0742 was considered by Council's Development Determination Panel (DDP) on 9 November 2022. The Panel deferred determination of the DA for the following reasons:

1. *Amended plans are to be prepared that reduces the side boundary envelope breach along the southern elevation of the proposal. A minimum 2.0m reduction in the worst of the breach is to be achieved. The plans are to be submitted to Council via the Planning Portal.*

Response: The applicant provided amended plans that increased the side setback from 1.5m to 2.6m at the south-western corner of the dwelling, the location of the greatest proposed breach.

2. *The assessing officer is to prepare a supplementary memo on the amended plans.*

Response: Further assessment is undertaken in the Supplementary Assessment Report below.

3. *Both the plans and the memo are to be provided to the Panel who will then make a determination electronically.*

Response: The requisite memo and plans are attached herewith.

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	Carport: 0.2m	6.3m (96%)	No
		Dwelling: 9.6m	N/A	Yes
Rear building line	6.5m	13.1m	N/A	Yes
Side building line	S: 2.5m	Privacy screen: 1.2m	1.3m (52%)	No
		Dwelling: 1.5m	1.5m (40%)	No
		South-western corner: 2.6m	N/A	Yes
	N: 1m	1.4m	N/A	Yes
Building envelope	S: 3.5m	Encroachment of 0m to 2.5m for a length of 7.8m	Up to 41.6%	No
	N: 3.5m	Encroachment of 0m to 1.8m for a length of 2.7m	Up to 51.4%	No
Landscaped area	60%	468.01sqm across site area of 745.6sqm (62.8%)	N/A	Yes

D1.9 Side and rear building line

Description of non-compliance

The control requires development to be setback 2.5 metres from one side boundary and 1 metre from the other side boundary. For the purpose of this assessment the 2.5 metres side building line is applied to the southern elevation, whilst the 1 metre side building line is applied to the northern elevation. The proposed dwelling house includes the following side setbacks:

- Southern setback: 1.2 metres - Representing a 52% variation.
- Northern setback: 1.4 metres - Complies with the 1 metre requirement.

The non-compliance results from the proposed alterations and additions to the existing dwelling house, consisting a southern wing of the dwelling which contains a bed and bath on the lower ground floor, and a master bedroom, ensuite and walk in robe on the ground floor. The alterations are constrained by the location of the existing dwelling towards the frontage of the site, at the narrower portion of the irregular shaped lot.

Amended plans received following the DDP assessment increased the side setback of the south-western corner of the additions from 1.5m to 2.6m, with this portion of the dwelling now compliant with the side setback control.

The underlying outcomes of the control are addressed as follows:

Merit consideration

To achieve the desired future character of the Locality.

Comment:

The proposed development is consistent with Clause A4.1 Avalon Beach Locality of the P21 DCP,

which details the desired future character of the site's locality.

The bulk and scale of the built form is minimised.

Comment:

The overall size of the dwelling is minimised through the articulated design of the southern and western facades. The amended south-western corner now provides an articulated 2.6m setback from the adjoining dwelling, in excess of the 2.5m requirement. Visual impact or imposition on the principal dwelling of the adjacent site to the south (80 Chisholm Ave) is minimised due to the proposal's siting and angle, which presents a building corner as opposed to a long stretch of wall.

Equitable preservation of views and vistas to and/or from public/private places.

Comment:

The proposed development does not obstruct any views or vistas to or from public or private places and is therefore consistent with Clause C1.3 View Sharing of the P21 DCP.

To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.

Comment:

As above, the proposed development allows for view sharing in that its siting and design does not obstruct and views or vistas to Pittwater.

To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.

Comment:

The proposed development is compliant in relation to amenity and solar access. Visual privacy will continue to be protected by existing fencing maintained along the side boundaries. Privacy screens are proposed to the bedroom and bathroom located on the ground floor level, reducing the opportunity for overlooking whilst maintaining amenity for the subject site. The windows from the ensuite and master bedroom are setback beyond the 2.5m requirement and are not expected to result in adverse privacy impacts. Windows to the southern elevation are limited to non-habitable rooms on the ground floor consisting the en-suite and walk in robe, whilst privacy screens are proposed to the western facade windows of the master bedroom and en-suite.

The shadow diagrams submitted by the applicant confirm that the existing dwelling overshadows the lower ground floor window of the dwelling at 80 Chisholm Ave, with the proposed extensions to extend shadowing to 12pm. Notwithstanding, the window still receives sunlight for 3 hours between 12pm and 3pm on Jun 21, and the principle private open space area, being the deck located on the upper floor, still receives 3 hours solar access between 12pm and 3pm on June 21. The proposal is therefore compliant with clause C1.4 Solar Access of PDCCP 21, and will not have adverse solar access impacts on the adjoining dwelling at 80 Chisholm Ave.

Substantial landscaping, a mature tree canopy and an attractive streetscape.

Comment:

The proposed development does not seek removal of trees, maintaining the existing landscape character of the site.

Flexibility in the siting of buildings and access.

Comment:

The proposed development is constrained by the location of the existing dwelling towards the frontage of the site, at the narrower portion of the irregular shaped lot. Whilst not complying with the numerical side setback control, the proposal is a direct response to the siting of the existing dwelling, the steep slope of the site and its irregular lot shape. Amended plans submitted resolved the non-compliance in the south-western corner of the proposal, which was considered the portion of the breach likely to result in adverse visual and bulk impacts to the adjoining dwelling at 80 Chisholm Ave. The siting of the proposed building footprint is considered acceptable in this instance and will not result in adverse view, solar access, privacy or bulk and scale impacts on the existing dwelling to the south at 80 Chisholm Ave.

Vegetation is retained and enhanced to visually reduce the built form.

Comment:

The proposal does not result in any unreasonable adverse impacts to existing on-site vegetation, and the application has been reviewed by Council's Landscape Officer, who is supportive of the proposal, subject to recommended conditions of consent.

A landscaped buffer between commercial and residential zones is achieved.

Comment:

Not applicable. The subject site does not adjoin commercial land.

D1.11 Building envelope

Description of non-compliance:

Part D1.11 of the PDCP 21 requires a building envelope of 3.5 metres plus the setback of a flank elevation to the correlating boundary. The proposed alterations and additions provide the following building envelope non-compliances:

- Southern setback: Encroachment of 0 metres to 2.5 metres for a length of 7.8 metres (up to 41.6% variation)
- Northern setback: Encroachment of 0 metres to 1.8 metres for a length of 2.7 metres (up to 51.4% variation)

Amended plans were submitted by the applicant, in which the side setback at the southwestern corner was increased from 1.5m to 2.6m. This has reduced the extent of the building envelope variation in this location, from 3.9m to 1m.

A diagram of the approximate encroachments is below:

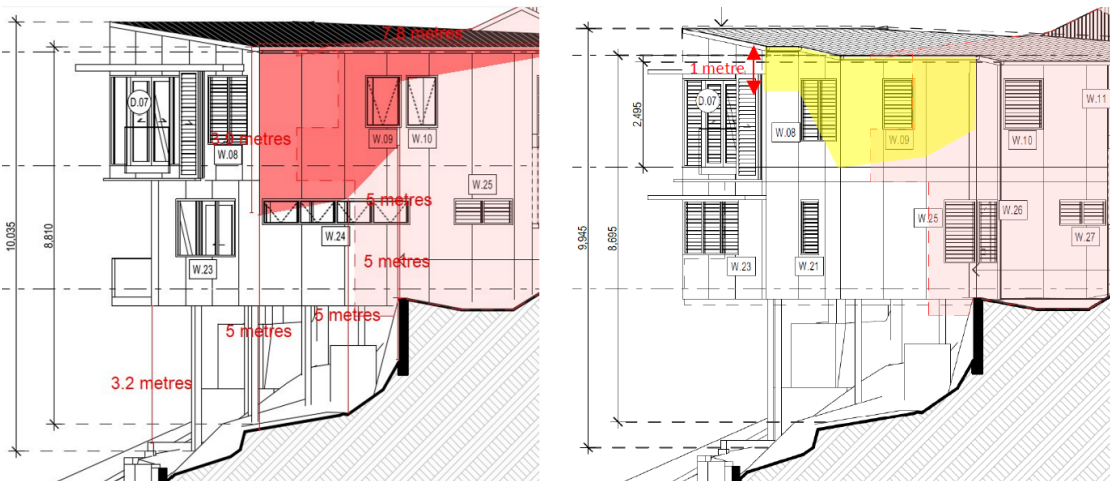


Figure 1: Comparison of original (red) and amended (yellow) schemes – south elevation.

It is recognised that clause D1.11 of P21 DCP provides an expressed variation for steeply sloping sites where the dwelling is located on a slope in excess of 30%. The application of this variation is considered acceptable in the circumstances of this application, as the building is situated on a slope in excess of 30% and achieves the outcomes of the control:

Merit Assessment

With regards to the request for a variation, the proposal is considered against the underlying outcomes of the control as follows:

- *To achieve the desired future character of the Locality.*

Comment:

The proposed encroachments into the building envelope are deemed acceptable on the basis of the design's response to site constraints including its steep slope and the siting of the existing dwelling close to the site frontage, at the narrower portion of the irregular shaped lot. Due to the slope of the site from Chisholm Ave, the alterations and additions, including the breaching elements, will largely be hidden from the public domain. The amended design reduces the variation at the point of greatest impact to the adjoining dwelling, the south-western corner. The alterations will not result in adverse privacy, bulk and scale, overshadowing or view loss impacts to the adjoining dwellings at 76 and 80 Chisholm Ave. In doing so, the proposal will continue to provide for a low density residential area with dwelling houses of two storeys located in a landscaped setting, a achieving the desired character of the Avalon Beach Locality, pursuant to clause A4.1 of the PDCP 21.

To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.

Comment:

The works as are characterised as alterations and additions to an existing dwelling house and sit below the existing tree canopy level. The works are limited to the side and rear setbacks and will for the most part not be visible from the streetscape. The encroachment of the building envelope does not result in any excessive scale.

- *To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.*

Comment:

The proposed additions sit beneath the existing tree canopy height and are well setback from the street edge. They do not require the removal of any trees and thus the works appropriately relate to the spatial characteristics of the natural environment.

- *The bulk and scale of the built form is minimised.*

Comment:

As described throughout this report, the bulk and scale of the built form is appropriate.

- *Equitable preservation of views and vistas to and/or from public/private places, complying with clause C1.3 of the PDCP 21.*

Comment:

The proposal inclusive of envelope encroachments do not result in any unreasonable view

loss from the public or private domain.

- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.*

Comment:

The proposal has not been found to result in any unreasonable impacts upon the amenity of adjacent land.

- *Vegetation is retained and enhanced to visually reduce the built form.*

Comment:

The proposal retains existing vegetation on the site.

Recommendation:

That Northern Beaches Council as the consent authority vary clause 4.3 Height of Building development standard pursuant to clause 4.6 of the PLEP 2014 as the applicant's written request has adequately addressed the merits required to be demonstrated by subclause (3) and the proposed development will be in the public interest and is consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.

Accordingly, Council as the consent authority grant Development Consent to the amended DA2022/0742 for Alterations and additions to a dwelling house on land at Lot 2 DP 25969, 78 Chisholm Avenue, AVALON BEACH, subject to the conditions in the assessment report tabled at the Development Determination Panel meeting of 9 November 2022, except with amendment to Condition 1 as listed below:

1. Approved Plans and Supporting Documentation

The development must be carried out in compliance with the endorsed stamped plans and documentation listed below, except as amended by any other condition of consent:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A01 - Rev H - Site Plan	13/12/2022	EJE Architecture
A02 - Rev L - Lower Ground Floor Plan	13/12/2022	EJE Architecture
A03 - Rev L - Ground Floor Plan	13/12/2022	EJE Architecture
A04 - Rev H - Roof Plan	13/12/2022	EJE Architecture
A05 - Rev I - North Elevation	13/12/2022	EJE Architecture
A06 - Rev H - South Elevation	13/12/2022	EJE Architecture
A07 - Rev H - West Elevation	13/12/2022	EJE Architecture
A08 - Rev C - Sections	13/12/2022	EJE Architecture