

Memo

Development Assessment

To: Northern Beaches Local Planning Panel

Cc: Peter Robinson, Executive Manager Development Assessment

From: Adam Mitchell, Principal Planner

Date: 17 March 2022

Subject: DA2021/1522 – 189 Riverview Road, Avalon Beach

Record Number: 2022/162667

On 2 February 2022, the Northern Beaches Local Planning Panel (**NBLPP**) reviewed DA2021/1522 for demolition works and the construction of a dwelling house (**the application**) at 189 Riverview Road, Avalon Beach (**site**).

The Panel adjourned the meeting and deferred consideration for the following reasons:

1. **Procedural fairness.** *The original Assessment Report published on Council's website on Tuesday 25 January 2022 accidentally omitted significant parts due to a technical error. The corrected Assessment Report was published on Council's website on Tuesday 1 February 2022. The Panel considers that is inadequate notice to the community of the correct contents of the Assessment Report. In addition, the Council letter dated 25 January 2022 advising objectors of the Panel meeting on 2 February 2022 erroneously indicated that the meeting would be livestreamed on Council's website. For technical reasons that has not been possible.*
2. **Survey considerations.** *There appear to be discrepancies related to the height of the proposed buildings on the subject land between, on the one hand, a survey report provided by the applicant and, on the other hand, a survey report obtained by the neighbour at 187 Riverview Road, Avalon Beach. The Panel wishes Council to further investigate the apparent discrepancies and provide a report. The applicant is requested to investigate the apparent discrepancies and to make a submission to Council by 16 February 2022.*
3. **Clarification.** *The applicant is requested to provide by 16 February 2022 updated Site, Floor, Landscape and Northern Elevation Plans clarifying the location of the external stairs, inclinators, their respective landings and the supports for the proposed inclinators, including the location of same in relation to Tree 27; and details of such supports including materials, dimensions, and whether they are in the location of the sub-root zones of trees that are to be retained.*
4. **Geotechnical Report.** *The applicant is requested to provide by 16 February 2022 an updated Geotechnical Report which takes into account the most recent plans and includes details and recommendations for the stabilisation of the*

boulder/rock shelf near the north boundary and the extent of excavation associated with the lowest level.

A response to these issues is as follows:

1. Procedural fairness

Comment: The matters raised within reason 1 as above are out of the applicant's control and there is no further action required on this item. The application is to be reported back to the NBLPP for a public meeting on 25 March 2022 to ensure that adequate opportunities are provided to the community and applicant to respond to Council's Assessment Report. The full report has been available online since 2 February 2022.

For clarity, the extent of information missing was a portion of a text box which contained the Internal Referral Responses. Each referral responses is also available on Council's website under Application Search.

2. Survey considerations

Comment: An unresolved discrepancy between two surveys exists. A survey undertaken on behalf of the occupants of 187 Riverview Road for their approved DA2021/1910 and the survey submitted with the subject development application provided different reduced levels (RL) at various points on the two sites.

The most evident example of this discrepancy is the roof ridge height of the building on the subject site, identified as RL 27.20 on the survey accompanying the current DA, but RL 28.49 on the survey accompanying the neighbours DA, accounting for a difference of 1.29m. There are other corresponding level differences between the two surveys.

The applicant has provided five (5) surveys of their site dated between 2016 and 2021, which have all been consistent, with the same ridge height of the building on the subject site. In response to the Panel's comments, the surveyor has reviewed the survey and has confirmed its correctness by way of signing the survey.

The source of the inconsistency has not been resolved and is presently unknown, but it is thought to stem from a difference taken in datum height (ADH71 and AHD1.34). There are five (5) surveys that are all consistent, which differ to the one (1) survey from the neighbour. Therefore, on the balance of probabilities, it is likely that five surveys, undertaken by different surveyors and across a six year period (all being registered surveyors), contain the same error or miscalculation, and it can therefore only be assumed that the applicant's survey is correct and reliable.

Notwithstanding the above, the assessment of building height and view loss has been undertaken in consideration of one survey, including the RLs of neighbouring buildings. In this regard, the assessment has not relied on survey data of adjoining sites. Council's position remains that the development will not have any unreasonable impact on the sharing of views.

3. Clarification

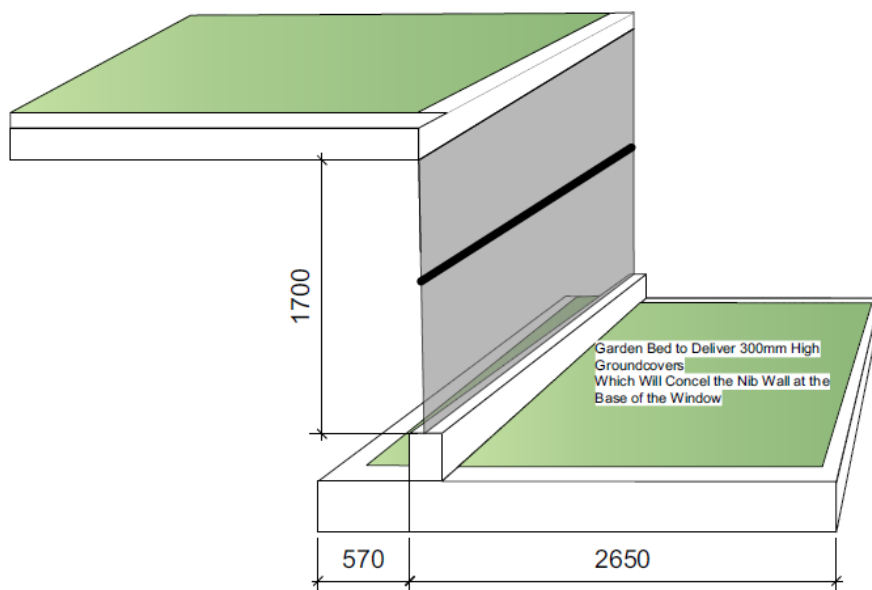
Comment: The applicant has provided a revised northern elevation, site plan, landscape plan and additional construction details of the main living room clerestory windows. The plans show details of the proposed inclinator, including footing locations and the structures relationship to Tree T27.

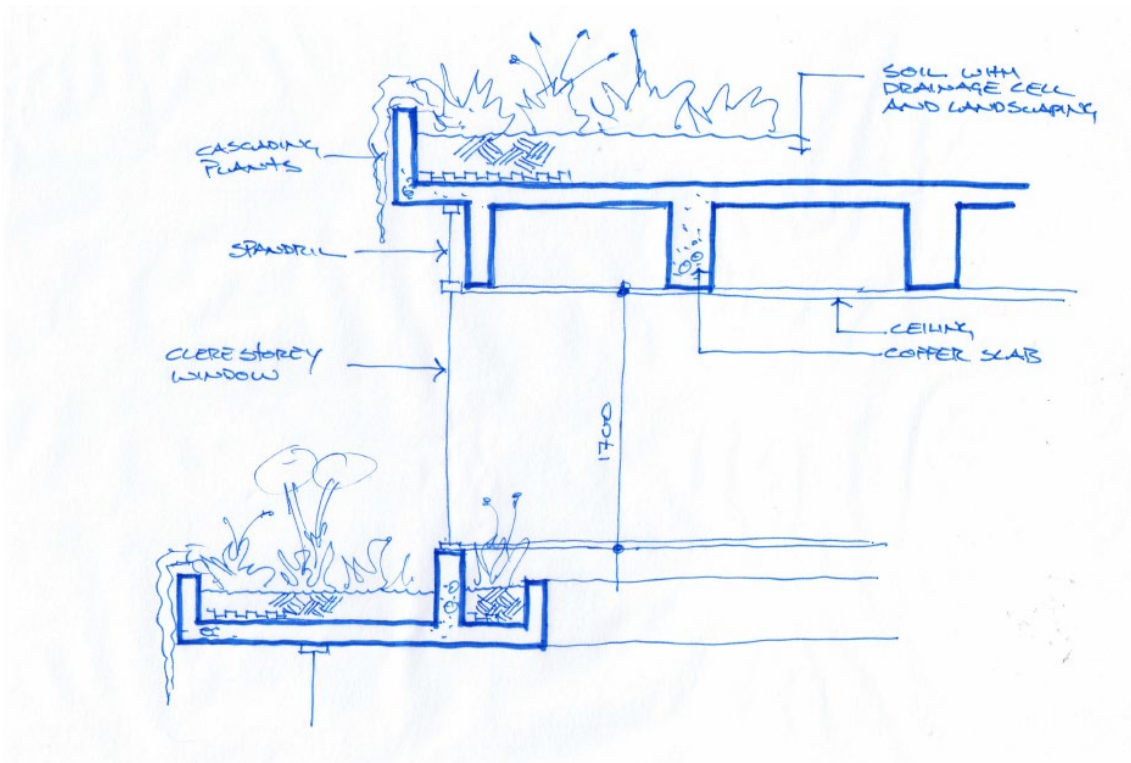
The plans submitted demonstrate that the inclinator and external stairwell can be constructed whilst maintaining the existing Tree T27 and some boundary landscaping.

The applicant contends that the exact cut-out for the tree (as indicated on the plans) cannot be accurately detailed as the tree trunk is not vertical, but rather twists and knots in various directions, and thus the cut-out would be required to be determined at construction stage.

The additional details for the clerestory windows show that there is glazing in the upper portion of the void to a maximum dimension of 1.7m in height. Internally, a 0.57m wide slab garden projects indoors. The effect of this glazing being raised in a second floor void space, being positioned several metres from the side boundary and having a landscaped buffer both internally and externally, limits the ability for users of the living space to have any direct views outwards that could prejudice the privacy of neighbouring properties.

This detail is depicted in the following two drawings:





4. Geotechnical Report

The applicant provided a revised Geotechnical Assessment by *Ascent Geotechnical Consulting*, dated 21 February 2022.

Comment: The submitted report takes into account the most recent set of plans and makes appropriate recommendations for a DA stage report, as requested by the Panel.

Recommendations:

1. That the information submitted by the Applicant addresses the concerns raised by the Panel.
2. That the following changes to the conditions are proposed:
 - Condition 1 – to be amended to address the new Geotechnical Report and Plans.