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MEMORANDUM

DATE: 13 February 2018

TO: Northern Beaches Independent Assessment Panel

CC: Anna Williams (Manager, Planning Assessments), Rodney Piggott (Manager, Planning Assessments), Peter Robinson (Manager, Development Assessment)

FROM: Tyson Ek-Moller, Principal Planner

SUBJECT: Submission of additional information regarding planning assessment of DA N0380/17 for panel meeting on 14 February 2018

A planning report for Development Application No. N0380/17 was prepared for Northern Beaches Independent Assessment Panel at its February 14 meeting. Prior to this meeting, it was identified that a detailed assessment and discussion of Part C1.5 (Visual Privacy) of Pittwater 21 Development Control Plan was missing from the report, despite having been previously assessed and reviewed.

This assessment has subsequently been provided below for the review of the panel and any interested parties (including the authors of any submissions) prior to the meeting:

C1.5 Visual Privacy

As indicated within Part 5 of this report, submissions have raised concerns regarding adverse impacts on the visual privacy of surrounding sites. The plans would mostly satisfy visual privacy considerations by proposing appropriately located and screened bedrooms along both the side and elevations.

A submission from 19 Bilgola Avenue regarding visual privacy is noted, however the element that is of concern to the owners of that property (i.e. the elevated terrace on the front balcony) is located approximately 40m from the front building line of the dwelling at of 19 Bilgola Avenue, and potential views between the two sites would likely be filtered by existing vegetation within 19 Bilgola Avenue and proposed landscaping treatments within the subject site. Aside from the substantial distance between the two areas that would satisfy DCP requirements, it is considered that reasonable steps have been taken by the applicant to minimise visual privacy impacts on the opposite side of Allen/Bilgola Avenues. Aside from landscaping treatments at ground level, the semi-recessed design of the proposed first floor terrace (which would enclose it on two and a half sides) and the enclosure of the remainder terrace by 1m high solid landscape planters would minimise direct views to/from the proposed terrace area. The objectives of the controls would therefore be satisfied.



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One element that is of potential concern is a doorway from the living areas within the southern pavilion to the rear Private Open Space area. The floor level of this door/passageway is RL9.40, which would be approximately 1.43m and 4.1m below the respective sill heights of windows on the ground and first floor of the adjoining site at 6 Bilgola Avenue. While the doorway is at a similar level to the ground floor windows, direct lines of sight would be mitigated via the boundary fence and proposed landscaped treatments along the subject site's western boundary. Further, views from the doorway would be incapable of substantially looking into the windows and the first floor terrace area of the site due to the substantial elevational difference between the two properties. The terrace which adjoins the doorway is mostly screened and would also adjoin the laundry, which is not expected to be a high-use area. The design and placement of the doorway is therefore considered to be satisfactory.

Despite the above, the balcony associated with the proposed master bedroom would not comply with the controls within Part C1.5 of the DCP. No structures (apart from a 1m high balustrade) are proposed to screen the northern elevation of this structure, which would be approximately 3.4m from the Primary Private Open Space (PPOS) area of the adjoining site at 2 Allen Avenue; the floor levels of that PPOS area are also approximately the same height as the proposed balcony. The noncompliance is considered to be supportable in this instance for the following reasons:

- The PPOS area at 2 Allen Avenue is not screened; the lack of screening on the southern elevation permits views from that area (and associated living areas) across the proposed front setback of the subject site towards Bilgola Beach and headland/foreshore areas on the southern side of the beach (refer to the assessment of Part C1.3 of the DCP above, with specific reference made to figures 16 and 17 which show the existing and proposed conditions from this location). If the northern elevation of the proposed balcony were to be screened in accordance with the controls, then such privacy measures would likely have a considerable adverse impact on the most significant views from 2 Allen Avenue. It is also noted that impacts on these views were the subject of submissions from 2 Allen Avenue.*
- As indicated above, the proposed balcony would be associated with a master bedroom, and would not be directly accessible from any other part of the proposed dwelling. With regard to the above and the location of likely high-use balcony areas elsewhere on the first floor, it is unlikely that the proposed balcony would be a frequently area that would result in significant and/or constant overlooking of the PPOS area at 2 Allen Avenue. Further, the design of the proposed dwelling would prevent any direct overlooking of 2 Allen Avenue from internal areas.*

In summary, the proposed development would broadly satisfy the outcomes and development controls that relate to visual privacy. While the master bedroom balcony would not comply with privacy controls, the screening of what would likely be a relatively low-use area would have a considerable impact on views from an adjoining site that is subject to objections. The noncomplying element is therefore considered to be satisfactory.

Tyson Ek-Moller
PRINCIPAL PLANNER
DEVELOPMENT ASSESSMENT