



northern
beaches
council

**NORTHERN BEACHES LOCAL PLANNING PANEL
SUPPLEMENTARY REPORT**

DA Number	DA2019/1265
LGA	Northern Beaches Council
Proposed Development	Alterations and additions to a dwelling house and garage
Street Address	Lot 54 DP 9745, 15 Monash Crescent CLONTARF NSW 2093
Applicant/Owner	Milenka Kolenda
Date of DA lodgement	12/11/2019
Number of Submissions	11 (unique)
Recommendation	Refusal
Report by	Tom Prosser- Planner
Report date	30 March 2020
Panel Meeting	1 April 2020

Introduction

Further consideration has been given to this application in regard to Clause 14 of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, and the Sydney Harbour Foreshores and Waterways Area Development Control Plan.

An assessment of each of the above follows:

Clause 14 of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

An assessment is made against the planning principles of this clause as follows:

- (a) *development should protect, maintain and enhance the natural assets and unique environmental qualities of Sydney Harbour and its islands and foreshores,*

Comment:

The application proposes predominantly hard surface at the rear of the site. This is excessive and does not provide a presentation with well integrated vegetative features to enhance the natural and environmental qualities of the harbour. It is further noted that the general character of nearby properties involves a reasonable amount of landscaped area to contribute to a natural presentation toward the harbour.

The proposal does not meet this planning principle.

- (b) *public access to and along the foreshore should be increased, maintained and improved, while minimising its impact on watercourses, wetlands, riparian lands and remnant vegetation,*

Comment:

The public access to and from the foreshore is maintained and the proposed development would sufficiently minimise its impact on watercourses, wetlands, riparian lands and remnant vegetation.

- (c) *access to and from the waterways should be increased, maintained and improved for public recreational purposes (such as swimming, fishing and boating), while minimising its impact on watercourses, wetlands, riparian lands and remnant vegetation,*

Comment:

The public access to and from the waterways is maintained and the proposed development would sufficiently minimise its impact on watercourses, wetlands, riparian lands and remnant vegetation.

- (d) *development along the foreshore and waterways should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands and foreshores,*

Comment:

The proposed development does not comply with the local development standards for Building Height or Floor Space Ratio. Along with this excessive presentation of built form and excessive hard surface at the rear, this provides an overall presentation of the dwelling that does not complement surrounding development. As such, the size, scale and presentation of the single dwelling in this area is overbearing for the unique visual qualities of the Sydney Harbour.

The proposal does not meet this planning principle.

- (e) *adequate provision should be made for the retention of foreshore land to meet existing and future demand for working harbour uses,*

Comment:

The proposal provides reasonable maintenance of land to meet existing and future demand for working harbour uses.

- (f) *public access along foreshore land should be provided on land used for industrial or commercial maritime purposes where such access does not interfere with the use of the land for those purposes,*

Comment:

Not applicable

- (g) *the use of foreshore land adjacent to land used for industrial or commercial maritime purposes should be compatible with those purposes,*

Comment:

Not applicable.

- (h) *water-based public transport (such as ferries) should be encouraged to link with land-based public transport (such as buses and trains) at appropriate public spaces along the waterfront,*

Comment:

Not applicable.

- (i) the provision and use of public boating facilities along the waterfront should be encouraged.

Comment:
Not applicable.

Sydney Harbour Foreshores and Waterways Area Development Control Plan

Part 3 – Landscape Assessment

An assessment is made against the performance criteria for Landscape Character Type 5 (Clontarf) as follows:

- *headlands, points and shorelines are retained in their current, generally undeveloped, state;*

Comment:

The proposal would not have any unreasonable impact on headlands, points or shorelines.

- *it is sited and designed to maintain the visual character of shorelines and to maximise retention of existing vegetation;*

Comment:

The proposal does not provide sufficient area for landscaping and vegetation at the rear of the site. As a result, the proposal provides a presentation of built form toward the foreshore that does not result in an appropriate visual character given the natural context of the area.

The proposal does not comply with this criterion.

- *visual continuity of elements such as beaches is not lost or broken by development;*

Comment:

The visual continuity of landscaped and natural areas to the rear of dwellings on subject site side of Monash Crescent is broken by the proposed development.

The proposal does not comply with this criterion.

- *the scale of the built form of development is consistent with predominantly low density residential;*

Comment:

The proposal involves a three level building with lift structure and Floor Space Ratio of 0.64:1 (a variation to the local development standard of 59.5%). This scale of built form is more akin to higher density style development rather than a low density style development.

The proposal does not comply with this criterion.

- *it is sited so that it follows the topography and minimises cut and fill of slopes; and*

Comment:

The proposal is sited to be consistent with the flat topography of the land.

- *overall colours should match native vegetation as closely as possible with trim colours drawn from natural elements such as tree trunks and stone.*

Comment:

The proposal involves colours that are drawn from natural elements.

Part 5- Design Guidelines for Water-Based and Land Based Developments

An assessment made against the guidelines of *Clause 5.3 Siting of Buildings and Structures* follows:

- *where there is existing native vegetation, buildings should be set back from this vegetation to avoid disturbing it;*

Comment:

The proposal is well set back from existing vegetation.

- *buildings should address the waterway;*

Comment:

The proposed development does not sufficiently address the waterway by intergarting natural features with the hard surface at the rear of the site.

The proposal does not comply with this criterion.

- *buildings should not obstruct views and vistas from public places to the waterway;*

Comment:

The proposal would not have an unreasonable impact on views from public places to the waterway. This is as a result of the lack of existing opportunity for views from nearby public places due to the flat nature of the land.

- *buildings should not obstruct views of landmarks and features identified on the maps accompanying this DCP; and*

Comment:

As previously discussed under the Manly DCP section of the assessment report. The proposal would have an unreasonable impact on views toward the harbour as a result of the lift structure rising above the level of existing roof lines and interrupting the harbour view.

- *where there are cliffs or steep slopes, buildings should be sited on the top of the cliff or rise rather than on the flat land at the foreshore*

Comment:

Not applicable.

An assessment has been made against guidelines of 5.4 *Built Form* as follows:

- *where buildings would be of a contrasting scale or design to existing buildings, care will be needed to ensure that this contrast would enhance the setting;*

Comment:

The proposed dwelling would be of a greater bulk and scale than the predominant form of surrounding dwellings. This bulk and scale would contrast with existing character so as to be inappropriate for the setting. In particular, it is noted that the predominant form consists of two level dwellings with modulation at the top level or landscaped area to the rear of the dwelling.

The proposal does not comply with this criterion.

- *where undeveloped ridgelines occur, buildings should not break these unless they have a backdrop of trees;*

Comment:

There is an introduction of a lift structure above the level of the existing roofline. This will have an unreasonable impact on the harbour backdrop.

The proposal does not comply with this criterion.

- *while no shapes are intrinsically unacceptable, rectangular boxy shapes with flat or skillion roofs usually do not harmonise with their surroundings. It is preferable to break up facades and roof lines into smaller elements and to use pitched roofs;*

Comment:

The proposal involves a box style form at all three levels of the development. This results in the proposal presenting as one large and overbearing element rather than a number of smaller elements that would harmonise with surroundings.

- *walls and fences should be kept low enough to allow views of private gardens from the waterway;*

Walls and fences would be low enough to allow views to the paving and pool area at the rear of the site.

- *bright lighting and especially floodlighting which reflects on the water, can cause problems with night navigation and should be avoided. External lights should be directed downward, away from the*

water. Australian Standards AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting should be observed;
The proposal does not involve lighting which would be unreasonable. If the application was recommended for approval, conditions may be further applied to ensure compliance with the above.

- use of reflective materials is minimised and the relevant provisions of the Building Code of Australia are satisfied;
The proposal does not involve reflective materials that would be unreasonable. If the application was recommended for approval, conditions be further applied to ensure compliance with the above.
- colours should be sympathetic with their surrounds and consistent with the colour criteria, where specified, for particular landscape character types in Part 3 of this DCP;

Comment:

The proposal is consistent with the colour criteria prescribed.

- the cumulative visual impact of a number of built elements on a single lot should be mitigated through bands of vegetation and by articulating walls and using smaller elements; and the cumulative impact of development along the foreshore is considered having regard to preserving views of special natural features, landmarks or heritage items.

Comment:

The proposal does not involve any substantial articulation of the built form or bands of vegetation to mitigate the bulky presentation of the built form. This results in a cumulative impact of the built elements on site that is overbearing and inconsistent with the desired values of the area.

Conclusion

Further consideration of Clause 14 of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, and the Sydney Harbour Foreshores and Waterways Area Development Control Plan (as above) has found the proposal is on consistent with the requirements of these plans. As such it is recommended that the following reasons for refusal be added to the recommendation:

8. *Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*
9. *Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Sydney Harbour Foreshores and Waterways Area Development Control Plan.*