

Memo

Department

To: Development Determination Panel - 12 April 2023

Cc: Max Duncan – Acting Manager Development Assessments

From: Principal Planner – Alex Keller

Date: 12 April 2023

Subject: Item 3.7 DA2022/1573– 32 Ian Avenue North Curl Curl
Alterations and additions to a dwelling house

Record Number: TRIM 2023/228598

1.0 Purpose

The purpose of this Memo is to advise the Panel of matters raised by a late submission received from No.2 Phyllis Street for consideration.

2.0 Content

The submission matters are addressed as follow for the assistance of the Panel

2.1 Solar access / Overshadowing.

Solar access diagrams are provided by the applicant on drawing SD-001 to SD-003. The Assessment report includes consideration of No.2 Phyllis Street solar access on page 21 and page 28. In consideration of the objectives the solar access diagrams show that reasonable solar access is maintained across the private open space between 9am and 3pm on 21 June, and the design solution of a flat roof and setbacks suit the urban environment.

The proposal is consistent with the objectives of *Part D6 Access to Sunlight* of the Warringah DCP 2011 and will not create an unreasonable overshadowing impact on No.2 Phyllis Street.

2.2 Privacy Impact

The proposed additions of Bed 1 and Bed 2 are directly to the north of the rear yard of No.2 Phyllis Street. There are no windows on the southern side of the bedroom / ensuite additions and a setback of 1.6m is provided. The bedrooms have no balcony and windows face east over the roof / courtyard within No.32 Ian Avenue.

The proposal is consistent with the objectives of *Part D8 Privacy* of the

Warringah DCP 2011 and will not create an unreasonable privacy impact on No.2 Phyllis Street.

2.32.3 View Loss.

The proposal allows for a reasonable sharing of views, achieves consistency with the objectives of *Clause D7 Views* under WDCP 2011 and with the planning principles outlined within the Land and Environment Court of '*Tenacity Consulting Pty Ltd v Warringah Council (2004) NSWLEC 140*'. In assessing the view consideration, the following site photos from within No.2 Phyllis Street are available (additional photos are also on file).



Image: View from upstairs living area. Long Reef headland is visible on left hand (north facing) window. The subject additions of 'bed 1 and bed 2 at No.32 Ian Avenue are proposed on the far left, approximate to the white flat roof house visible.



Image: Alternate view to south-east from upper living area.

- In summary, the nature of the view are of the coastal interface (including distant view of Long Reef headland and ocean).
- The view is across a side boundary and from the upstairs living area. The top storey living area has views to the north, east and south. The balcony has outdoor dining space.
- The extent of the impact if minor by analysis of the plans and photo images in conjunction with the pattern of surrounding development, whole view and living space.
- The proposed additions comply with the height and side boundary envelope requirements and seek to provide bedroom space to the occupants. The design is considered to be sufficiently accommodating of view sharing.

The proposal is consistent with the objectives of *Part D7 Views* of the Warringah DCP 2011 and will not create an unreasonable view sharing impact on No.2 Phyllis Street.

3.0 Conclusion

The above information is provided to the DDP for their assistance in considering the subject Item 3.7 DA2022/1573 for alterations and additions to a dwelling house. The submission issues raised by No.2 Phyllis Street do not change the assessment report recommendation or conditions.

4.0 Recommendation

The DDP have regard to the above details for Item 3.7 DA2022/1573 for alterations and additions to a dwelling house as part of the consideration of Assessment Report.