



northern  
beaches  
council

## MEMORANDUM

**DATE:** 2 May 2023

**TO:** Development Determination Panel (DDP)

**CC:** Rod Piggott, Manager Development Assessment

**FROM:** Nick Keeler, Planner

**SUBJECT:** Item No. 3.4 - DA2022/1784 - 35 Fisher Street BALGOWLAH HEIGHTS

**TRIM REFERENCE:** 2023/277156

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The purpose of this memo is to advise the Panel that a revised Statement of Environmental Effects and Clause 4.6 variation request has been submitted by the applicant and to provide further information regarding the view sharing impact of the development upon the dwelling at 23 Fisher Street.

The revision to the SEE expands upon the view sharing analysis pursuant to Part 3.4.3 of MDCP with specific consideration of the view impact from the western and southern adjacent dwellings. The revision to the Clause 4.6 variation request expands upon the environmental planning grounds.

The applicant's revised environmental planning grounds to justify contravening the building height development standard are as follows:

### ***Topography and excavation***

- *The steep nature of the topography at 35 Fisher Street is the primary reason the proposed roof line breaches the height limit. Together with the cross fall on the site, the roof line breaches the 8.5m as the land falls away despite the skillion form of the roof. The existing site includes excavation at the garage level that results in non-compliance of the proposal when measured from the existing slab.*
- *Notwithstanding the height above ground level (existing) as defined, it is relevant to note that an objective of the Height of Buildings development standard places significant emphasis on the response of buildings to the topography of the site. When comparing the proposal to the natural fall of land in both an easterly and northerly direction, the numerical performance of the proposal's height is much improved and highly compliant.*

### ***Retention of the existing structure***

- *The approach taken to the design on the site is to minimise site disturbance and maximise performance on sustainability grounds through the reuse and renewal of the existing structure in its current footprint as much as possible. The balance achieved between these initiatives and*

*providing for the needs of the occupants results in a dwelling which marginally exceeds the Height of buildings development standard. Notwithstanding this, the variation comes with minimal adverse impact and maximises a positive outcome in relation to environmental and sustainability considerations.*

#### **View impacts and alternate design consideration**

- View impacts have been minimised through the use of a skillion roofline. Impact upon views from the lower level of No. 27 Fisher Road are negligible. Height profiles erected on the site indicate that due to the shallow viewing angle, the sightlines from the lower level of No. 27 Fisher Road are interrupted by the western points of the proposed skillion roof, which comply with the height limit. The non-compliant portion of the new roof (the eastern leading edge) sits below the level already interrupted by the western eaveline such that any view loss is not caused by the breaching element of the roof.*
- Alternative designs that achieve compliance with 8.5m were considered in the design process. Shifting the upper floor further westward would eventually achieve compliance, however this would result in a greater loss of views for neighbours to the west, as the land levels increase in this part of the site.*
- The design proposed has already lowered the level 2 floor level to eliminate the split level at this point and keep the upper level as low as possible. The proposed roofline is significantly lower than the original design presented to Council at prelodgement, despite the ridge of that previous roofline being compliant with the 8.5m.*
- In order to avoid impacts (notwithstanding that they arise from a compliant part of the roof) and due to the split-level nature of the existing dwelling, the western portion of the dwelling (bed 2, bathroom and laundry) would need to be demolished, and the site excavated to the rear. This would significantly compromise the design, increase the footprint of the building overall, and result in other policy variations including the rear setback.*
- The floor plate of the proposed living level is not excessive. To achieve a greater level of compliance would require a significant reduction in floor space at the eastern end of the living room. As indicated above however, this would have no impact upon view loss as the western eaveline is the control point for the sightline at No. 27 Fisher Road. To require compliance in this way would be unreasonable noting that it would not result in an improved situation in relation to views.*

#### **Planner Response:**

Council generally concurs with the applicant's justification to vary the building height development standard. It is considered the proposed development is appropriately sited to minimise site disturbance given its steep topography and generally utilises the existing building footprint and maintains appropriate landscaped area. The proposal is designed to ensure adequate view sharing between dwelling is achieved. It is considered that a revised building design with a compliant building height will likely result in unreasonable view loss to properties to the south. The design of the development is commensurate to other development in the locality and appropriately balances the impacts of its built form and view impact on adjacent properties.

#### **View loss assessment – 23 Fisher Street**

The view impact of the proposed development upon the dwelling at 23 Fisher Street was considered in the assessment of the application.

Views between north and east can be obtained from the front rooms and raised terrace of the dwelling. The view corridor that has the potential to be impacted is obtained towards the north across several side boundaries and is mostly obscured by the dwelling at 27 Fisher Street. This view corridor does not contain any noteworthy or iconic elements. The view impact upon the dwelling is not expected to be significant due to the reasons above and that the northern view corridor represents a small portion of the overall view that is able to be obtained. It is therefore unrealistic to expect full retention of the view corridor towards the north.

Views obtained towards the northeast and east, which include iconic elements such as Manly Town Centre and North Head will not be impacted as a result of the proposed development.

On balance, it is considered that the proposed development will not unreasonably impact upon the views obtained from the dwelling at 23 Fisher Street. Iconic elements in the existing view corridor towards the northeast and east will not be impacted. The proposed development is considered to demonstrate reasonable view sharing between dwellings.

### **Recommendation**

The Panel note the receipt of the revised SEE and Clause 4.6.

Note the consideration of view impact of the proposal upon 23 Fisher Street.

No changes required to the recommendation, including support of variation to the building height development standard, or conditions contained in the assessment report.