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DEVELOPMENT DETERMINATION PANEL SUPPLEMENTARY REPORT

Panel Reference	Wednesday 28 March
DA Number	DA2017/1333
LGA	Northern Beaches Council
Proposed Development	Demolition and construction of a new dwelling house
Street Address	Lot 1 DP 305993, 50 Lauderdale Avenue FAIRLIGHT NSW 2094
Applicant/Owner	Platform Architects Pty Ltd
Date of DA lodgement	22 December 2017
Number of Submissions	4
Recommendation	Approval subject to conditions
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none">• Environmental Planning and Assessment Act 1979• Environmental Planning and Assessment Regulation 2000• Manly Local Environmental Plan 2013• Manly Development Control Plan 2013
Report by	Tom Prosser- Planner
Report date	24 April 2017

Background

The Development Determination Planning Panel considered an application (DA2017/1333) for Demolition and construction of a new dwelling house at 50 Lauderdale Avenue, Fairlight at its public meeting on Thursday, 28 March 2018.

In considering the Council Assessment Report and Recommendation, the Panel resolved to defer its decision on the matter for a joint site inspection at 48 Lauderdale Avenue, Fairlight.

Assessment Officers Additional Assessment

The panel identified that the assessment of certain planning controls was omitted from the assessment report due to a technical error/system issue. This was in the form of the objectives being addressed under Part 4 of the Manly DCP, 2013 for the numerical non-compliances listed in the table provided in the report. The only assessment for setbacks was under Part 3 of the Manly DCP and the only assessment in the report submitted for height was building height under the Manly LEP, 2013. The following is an assessment of the two sections omitted in the report (being the objectives for setbacks, wall heights/number of storeys):

Setbacks

Description of non-compliance

The proposal is non-compliant with the control for side setbacks under the Manly DCP as the control is 2.83m and the proposed side setbacks are 1.6m. The proposal is also non-compliant with the control of 5.8m for front setback, with the proposal of 6m.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

Objective 1) To maintain and enhance the existing streetscape including the desired spatial proportions of the street, the street edge and the landscape character of the street.

The proposed dwelling has a minor numerical non-compliance with the control for front setbacks and is also non-compliant with the control for side setbacks. As a result of the reasonable and compliant landscaped area and the modulated frontage of the dwelling, the proposal would present reasonably in the streetscape and match desired spatial proportions.

Objective 2) To ensure and enhance local amenity by:

- *providing privacy;*
- *providing equitable access to light, sunshine and air movement; and*
- *facilitating view sharing and maintaining adequate space between buildings to limit impacts on views and vistas from private and public spaces.*
- *defining and adding character to the streetscape including the provision of adequate space between buildings to create a rhythm or pattern of spaces; and*
- *facilitating safe and adequate traffic conditions including levels of visibility around corner lots at the street intersection.*

The non-compliant side setbacks do not result in any substantiative contribution to amenity loss, subject to the condition for a non-trafficable area for the western side of the proposed terrace. It is noted that the main views for surrounding dwellings are to the front of and over the site and as such the non-compliant side setbacks will have little to no impact on water views. In relation to sunlight access, as a result of the orientation of the dwelling, the majority of sunlight penetrates through the rear of the site and as such compliant side setbacks would not provide any substantial increase to sunlight access.

Objective 3) To promote flexibility in the siting of buildings.

The proposal for a minor non-compliance to the front setback along with a large rear setback is a reasonable siting. This is as a result of the dwelling causing little amenity impact at the front of the site and being reasonable in terms of the visual presentation of the streetscape. In addition, the large rear setback provides a better outcome for sunlight particularly in relation to sunlight access.

Objective 4) To enhance and maintain natural features by:

- *accommodating planting, including deep soil zones, vegetation consolidated across sites, native vegetation and native trees;*
- *ensuring the nature of development does not unduly detract from the context of the site and particularly in relation to the nature of any adjoining Open Space lands and National Parks; and*
- *ensuring the provisions of State Environmental Planning Policy No 19 - Urban Bushland are satisfied.*

The proposed total open space and landscaped areas are compliant with the numerical controls and contribute to a reasonable opportunity for the enhancement and maintenance of natural features.

Objective 5) To assist in appropriate bush fire asset protection zones.

Comment:

Not applicable.

Wall height/ Number of Storeys

Description of non-compliance

The proposal is non-compliant with the control for wall height with the requirement being 8m and the proposed being 8.5m. The proposed number of storeys for 4 is non-compliant with the control for 2.

Merit consideration:

Clause 4.1.2 provides that the objectives for height of buildings under the Manly LEP are particularly relevant when considering the above numerical non-compliances. The underlying objectives of the standard, pursuant to Clause 4.3 – ‘Height of buildings’ of the MLEP 2013 are:

(1) The objectives of this clause are as follows:

a) to provide for building heights and roof forms that are consistent with the topographic landscape, prevailing building height and desired future streetscape character in the locality,

Comment:

Although non-compliant with the controls for wall height and number of storeys, the proposed dwelling has a large rear setback, a reasonable front setback and appropriate modulation of bulk across the site. This assists in providing a dwelling that is desired in the streetscape and consistent with other building heights in the area.

b) to control the bulk and scale of buildings,

Comment:

The proposal has a compliant floor space ratio and a design which is modulated to reduce the impact of bulk and scale. This includes the building generally stepping with the topography of the land and reducing bulk in areas where there is potential for greater amenity impact. This is shown by one less storey being on the eastern side of the development, where the closest adjoining neighbour exists.

c) to minimise disruption to the following:

(i) views to nearby residential development from public spaces (including the harbour and foreshores),

(ii) views from nearby residential development to public spaces (including the harbour and foreshores),

(iii) views between public spaces (including the harbour and foreshores),

Comment:

The proposed development has been assessed as having negligible to minor view loss for the surrounding properties. This view loss is acceptable, for the reasons detailed in the section of this report relating to Part 3 of the Manly DCP 2013, Maintenance of Views. The proposed development does not unreasonably disrupt views to, from or between public.

d) to provide solar access to public and private open spaces and maintain adequate sunlight access to private open spaces and to habitable rooms of adjacent dwellings,

Comment:

The proposed development is acceptable in relation to solar access, for the reasons detailed in the section of this report relating Sunlight Access and Overshadowing under Part 3 of the Manly DCP, 2013.

e) to ensure the height and bulk of any proposed building or structure in a recreation or environmental protection zone has regard to existing vegetation and topography and any other aspect that might conflict with bushland and surrounding land uses.

Comment:

Not applicable.

It has also come to the attention of the assessing officer that the following condition was omitted from the report:

The proposed terrace is to have a non-trafficable area at the western side of the terrace. This is to be 2 metres from the side boundary of the property. Details are to be provided prior to the issue of a Construction Certificate.

Reason: To ensure appropriate privacy between the subject site and the adjoining dwelling.

Conclusion and Recommendation

THAT the Development Determination Panel as the consent authority grant Development Consent to DA2017/1333 for Demolition and construction of a new dwelling house on land at Lot 1 DP 305993, 50 Lauderdale Avenue FAIRLIGHT NSW 2094, subject to the conditions attached to the original assessment report and the omitted condition in relation to the setback to the roof terrace.