



22 December 2022

Chief Executive Officer  
725 Pittwater Road  
Dee Why NSW 2099

Attention: Dean Pattalis – Planner

**RE: DA2022/1619 – 65 Dolphin Crescent, Avalon Beach – Request for Information**

Dear Dean,

I refer to your letter, dated 6 December 2022, relating to the abovementioned DA. This letter is supported by an amended set of architectural plans, prepared by Giles Tribes Architects, Rev F, dated 22 December 2022.

**1. Building Height**

It is understood that Council cannot support the proposed building height. The plans, as submitted, propose a building height of 11.1m, a variation of 2.6m, or 30.59%. Following discussions with Council, it was determined that the proposed building height could not be supported. To address this, the architectural plans have been amended by reducing the extent of the proposed roof structure over the existing ground floor balcony along the southern elevation by 1.18m. The amendment has resulted in a reduced building height of 9.9m, a variation of 1.4m, or 16.47%.

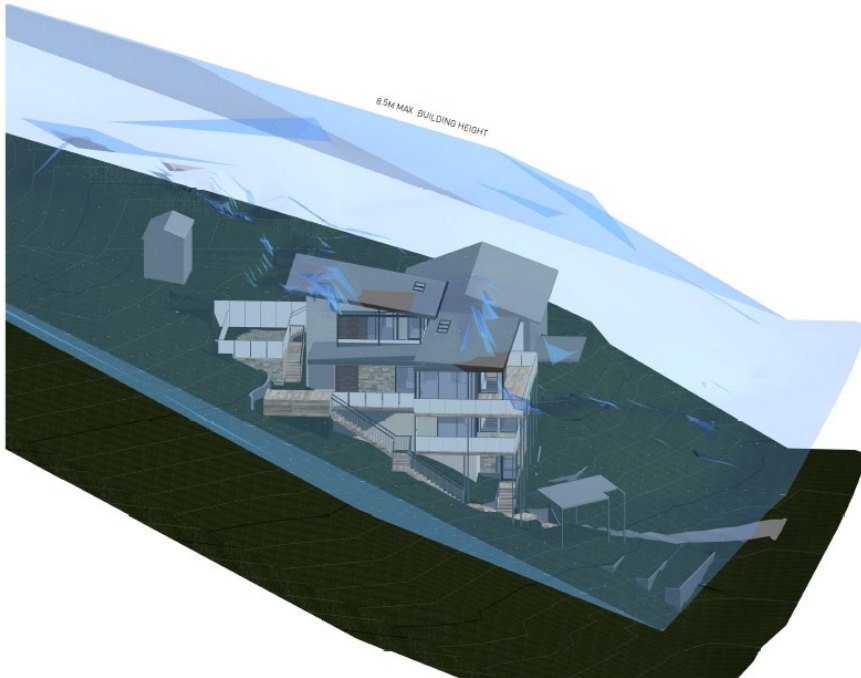
Pursuant to Clause 4.3(2D) of Pittwater LEP 2014, a building height of 10m may be permitted, in the following circumstance:

*(2D) Despite subclause (2), development on land that has a maximum building height of 8.5 metres shown for that land on the Height of Buildings Map may exceed a height of 8.5 metres, but not be more than 10.0 metres if—*

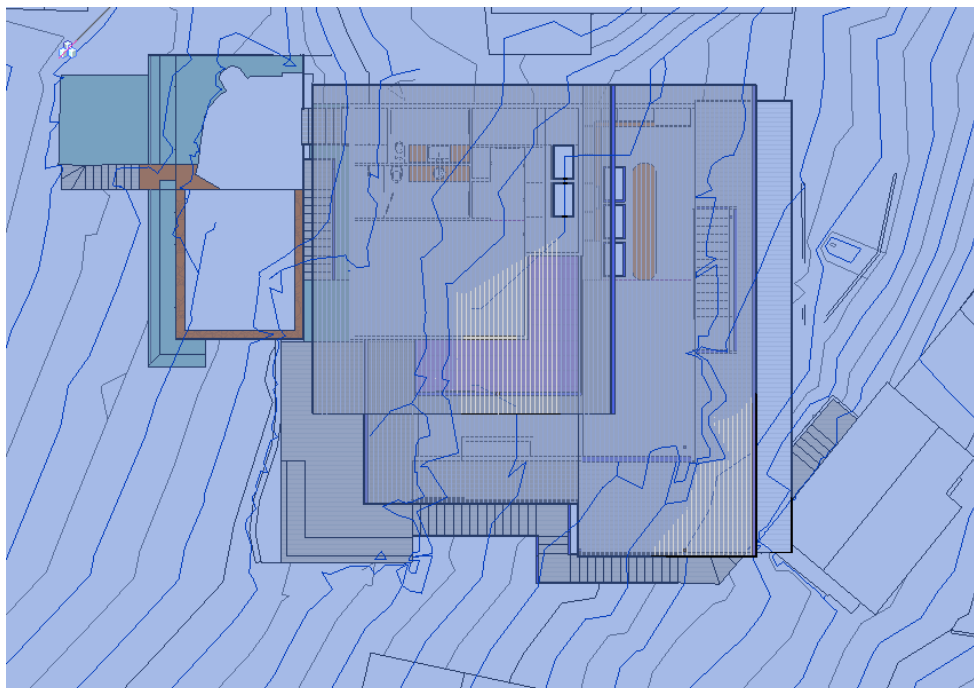
- (a) the consent authority is satisfied that the portion of the building above the maximum height shown for that land on the Height of Buildings Map is minor, and*
- (b) the objectives of this clause are achieved, and*
- (c) the building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and*
- (d) the buildings are sited and designed to take into account the slope of the land to minimise the need for cut and fill by designs that allow the building to step down the slope.*

**(a) the consent authority is satisfied that the portion of the building above the maximum height shown for that land on the Height of Buildings Map is minor, and**

The plans, as amended, while numerically non-compliant, consist entirely of roof structure over the existing balcony on the ground floor. However, the extent of encroachment at the first floor comprises a minor component of internal floor area (4sqm), but the encroachment consists of the roof in this area (refer to **Figure 2**). As such, the portion of the dwelling above the maximum building height control is found to be minor and consistent with subclause (2D)(a).



**Figure 1.** 3D 8.5m building height blanket (Source: Giles Tribe Architects)



**Figure 2.** 2D 8.5m building height blanket (Source: Giles Tribe Architects)

**(b) the objectives of this clause are achieved, and**

The building height encroachment is not inconsistent with the desired character of the Avalon Beach locality with steep topography and similar building height encroachments common in the surrounding area.

A review of the built form in the surrounding area indicates that the height and scale of the proposal, specifically the first floor and ground floor balcony roof remain compatible with the surrounding and nearby development. The area of encroachments on the ground floor and first floor are imperceptible from surrounding private and public property.

Due to the predominately north-south orientation of the site, the encroachments do not give rise to additional overshadowing of neighbouring properties with adjoining properties continuing to receive reasonable solar access. The subject site enjoys views to the west to the Pittwater waterway. The proposal maintains reasonable sharing of views for adjoining properties, including those uphill.

The works have been designed to respond sensitively to the natural topography of the land by minimising the extent of encroachment by reducing the roof structure above the ground floor balcony. The design has been carefully considered with respect to minimising the extent of cut and fill on the site, therefore minimising impact on the topography of the land.

The area of encroachment does not adversely impact on the natural environment by not requiring the removal of any native vegetation. The site is not located in proximity to a heritage item or conservation area.

It is considered that the proposal satisfies the objectives of Clause 4.3.

**(c) the building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and**

The slope on which the building footprint is situated is approximately 20 degrees, thereby satisfying the minimum slope requirement.

**(d) the buildings are sited and designed to take into account the slope of the land to minimise the need for cut and fill by designs that allow the building to step down the slope.**

As discussed above, the design of the works have accounted for the steep topography of the land by reducing the need for cut and fill, and allow for a development that appropriately responds to the slope of the land.

## **2. Fireplace**

The proposed fireplace is to be gas operated. The plans have been amended to reflect this.

## **3. Biodiversity**

The inconsistency between the architectural plans and landscape plan with respect to the timber fence is noted and has been corrected. Refer to updated architectural and landscape plans. Further amendments have been made to the landscape plan to ensure at least 80% of all new plantings is native vegetation.

The stockpiling of materials has been relocated to ensure any materials is located outside the area mapped on the Biodiversity Values Map.

Control B4.7 Pittwater Spotted Gum Forest – Endangered Ecological Community has been addressed within the DCP compliance assessment provided under Appendix 10 of the DA package.

We note Council's comments relating to part of the site being mapped on the Biodiversity Values Map and request for clarification in relation to this, in particular the extent of removal of native vegetation. A response to this has been prepared by Enviro Ecology, dated 22 December 2022, and can be found under separate cover.

We trust the above addresses the matters raised in your letter. Should you require any further information or wish to discuss the contents of this letter, please do not hesitate to contact me at [gsedgmen@mecone.com.au](mailto:gsedgmen@mecone.com.au) or 0405 505 228.

Yours sincerely



Georgia Sedgmen  
**Director**