

**DEVELOPMENT APPLICATION REPORT  
ALTERATIONS AND ADDITIONS TO EXISTING APARTMENT  
UNIT 5, 20 DOWLING STREET QUEENSCLIFF  
SEPTEMBER 2020**

**1.0 INTRODUCTION**

This report is submitted to Northern Beaches Council in support of a Development Application for an extension of existing unit (No.5) on the top floor of 20 Dowling Street Queenscliff. This DA application has the support of the Owners Corporation via an EGM.

This submission has been prepared by MHDP Architects on behalf of the applicant, Ms Elizabeth Askew, owner of Unit 5.

**2.0 DESCRIPTION OF PROPOSAL**

The proposed works come as a direct result of investigations works for rectification of issues that exist in the existing building. There are several locations where the existing building membrane has failed, and water leaks down through the building. During these investigations it was determined that the entire roof terrace belonging to Unit 5 needed to be re-waterproofed and the existing brick balustrading removed. This encouraged the owners to consider other options.

The proposed extension utilises the large roof terrace that already exists and forms part of the strata title for Unit 5. The existing building is a 4-storey (three levels plus garages) face-brickwork apartment building. Through obtaining information off Council's archives, it would appear the roof terrace outside No.5 may previously have been roofed.

The extension adds a separate living room and bathroom to the unit as well as improves the access to the roof terrace. The placement of the extension is very specific – the new bathroom has been located over the top of an existing sewer vent pipe stack, which therefore gives access to sewer without disturbing the unit below.

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The extension has been designed to reduce any impact to adjoining properties as much as possible. The current unit 5 has very low ceiling heights throughout (2400) and the eave line is only 2100mm throughout. The new extension retains this low gutter line along the Southern edge, pitching up from this at 7 degrees to give height in the centre. This means that the shadow impact on the building to the south is reduced as much as possible.

As with much of the area, the previously approved and constructed development does not comply with the current R2 zoning. The neighbouring site (No.16) is also a 4 storey apartment building of similar age and style. They are separated by two driveways.

### **3.0 STATEMENT OF ENVIRONMENTAL EFFECTS**

#### **3.1 EXISTING USE RIGHTS**

The Applicant received from Council the file for the property and contained within this is sufficient evidence for the previous approval of the residential flat building, including a Land use Consent document (attached) for Consent No. 70/55. Dated 24<sup>th</sup> March 1970. It is therefore considered that there is sufficient evidence to rely on existing use rights for development of Unit 5.

#### **3.2 BUILDING HEIGHT**

Maximum possible height: 8.5m (WLEP 2011)  
Maximum existing height: 11.9m  
Maximum proposed height: 11.6m

The entire of the top floor is above the 8.5m height limit. As noted at Pre-DA however pursuant to Clause 4.67(3) of the EPA Act 1979 the provisions within the WLEP 2011 do not apply to an existing use. Therefore assessment of height is a merit assessment.

The impact of additional height was considered one of the factors to address due to the possibility of overshadowing the neighbour. In consideration of this the height of the southern edge of the extension was kept in alignment with the existing gutter line – which is quite low. The extension utilises a skillion roof arrangement and a sloping ceiling so that for the new Lounge area and WC the southern ceiling height is 2.3m and it angles up to 3m.

Similarly on the North side the roof over the northern balcony starts at the existing gutter height in order to reduce the bulk and scale of the addition when viewed from below.

In terms of impacts, overshadowing was carefully analysed by model and survey information and this is covered in the overshadowing point below. Similarly view impacts are addressed below.

The height of the additional roof is also well below the existing roof ridge and as such does not represent an obtrusive extension of the existing bulk and scale.

It can be argued that the proposal does not cause any negative impacts to the public area or neighbours and that despite the technical non-compliance of the WLEP height control it can be considered appropriate.

### **3.3 VIEWS**

The building sits at the crown of the road overlooking Oliver Street. The only views that may be affected by the development would be from the first floor of No.16, and they have a privacy screen along the subject site side of their unit.

### **3.4 PRIVACY AND OVERLOOKING**

The roof terrace already have fairly unimpeded ability to overlook all neighbours. Adding the extension actually has the result in reducing overlooking. The outlook from the proposed extension is specifically North and West over the remaining section of roof terrace.

### **3.5 BULK AND SCALE**

The proposed extension will add bulk and scale to the building, however this impact is regarded as minimal for a number of reasons. Firstly, Unit 5 is at the rear of the property. There will be no visible change to the building when viewed from Dowling Street. Secondly, the crown of the hill aspect means views are also always looking up at the property and other than from Dowling Street the building can also be seen from Oliver Street to the North East. However – this is the area where the roof terrace remains – and as such is not the extension will not be overly prominent from this location.

Of all the walls of the extension, only the South is an increase on the bulk of that existing wall. The West and North walls are all within the existing roof terrace. One way that the proposal deals with bulk and scale of the new south wall is in the materiality of the extension. The proposal retains the look of the brick balustrade at the 1m height and then changes to a painted FC sheet with expressed joints above – that itself ties in with the West and North FC walls. In this way it marries together the face brick building with the new addition.

### **3.6 OVERSHADOWING**

The works do have the potential to overshadow the neighbouring residential flat building at No.16, however the existing building already casts shadow onto these

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units. Most of the windows facing the subject site are bathroom or bedroom windows and the main living windows face East and West out the Western end of the property or over Dowling Street. A survey of the site and neighbour has been completed and elevational sun shadowing undertaken. As demonstrated clearly in the elevational shadow diagrams, the additional mid-winter shadow falls on wall area of the adjacent building to the south and does not cause a reduction in sunlight to any windows. This was determined at Pre-DA to be a critical factor in determining the impact of the proposed additions and with this analysis complete it is submitted that the shadow impact is not a reason to refuse approval.

As noted above, this potential was recognised early and is the reason for retaining the very low eaves along that side of the extension. This was vindicated by the shadow analysis.

### **3.7 SEPP 65 PRINCIPLES**

As noted at Pre-DA, as an extension of an existing residential flat building SEPP 65 principles do not apply. However it is submitted that the proposed addition to the living space is in line with SEPP65 principles as the entire existing flat is only 2.4m ceiling height – well below current SEPP65 standards. The new Lounge gives a relief from that, giving an area with substantially higher space. This would be the main point of difference between existing and new. The design of the extension is also about utilising the roof terrace better.

### **3.8 BCA REPORT**

The Pre-DA minutes call for a full BCA report to be undertaken, however it also notes that this is actually a requirement for CC, not DA. In respect of this, the architect, MHDP Architects, have produced their own initial BCA assessment as per below.

The main point that needs to be acknowledged is that the proposed addition is a single unit (Unit 5) entirely within the approved strata area for Unit 5. The proposed DA is for works to Unit 5 only and does not affect the remainder of the building. While it increases the area of the SOU, it does not increase the occupancy rate and therefore this will not increase any egress provisions of the existing building.

#### **NCC Section C – Fire Resistance Part C1 Fire resistance and stability**

Under current provisions the Class 2 residential flat building will require Type A construction.

While the existing building, constructed in 1970, may not comply fully to the current NCC, the proposed works do not diminish the existing level of compliance in terms of fire resistance/spread of fire from the building to other buildings or from SOU to SOU.

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All external materials (framing, lining, cladding and insulation) will be constructed in non-combustible materials (brickwork, steel stud and FC sheet). The proposed works are greater than 3m from any Fire-Source feature and as such have no required FRL.

Internal walls are capable of complying with FRL provisions

The works are constructed over an existing concrete slab most likely capable of complying to current standards.

**Part C2 Compartmentation and separation**

N.A.

**Part C3 Protection of openings:**

The new windows (either the new window for Bed 1 in the South wall or the new windows and doors to the extension) retain the required spandrel separation to the unit below.

**NCC Section D – Access and Egress**

As noted above, while the works increase the area of the SOU, it does not increase the occupancy rate and therefore this will not increase any egress provisions of the existing building.

Everything happening outside of the existing SOU front doorway (fire door) is existing and not affected by the works and should not for this reason be required to be upgraded as a result of the works.

As a result, the main body of Section D can be regarded as N.A. for this application. All provisions for travel paths, stairs etc remain exactly as existing. Under D1.13 (Number of persons accommodated) it states that the calculation of number of persons can be determined by any other suitable means of assessing its capacity. As such, it is possible to determine that with the addition of an extra lounge and WC the accommodation numbers have not altered from existing.

**Part D3 Access for people with a disability**

Under part D3.1 it states the requirements for access for people with a disability for a residential flat building, as follows:

From a pedestrian entrance *required* to be *accessible* to at least 1 floor containing *sole-occupancy units* and to the entrance doorway of each *sole-occupancy unit* located on that level. And,

Where a ramp complying with AS1428.1 or a passenger lift is installed – a) to the entrance doorway of each SOU and b) to and within rooms or spaces for use in common by the residents located on the levels served by the lift and ramp.

The existing building does **not** have an accessible ramp or lift. As such the provision does not apply. But for the proposed works to unit 5, this floor is also not accessible. The proposed works therefore do not trigger any need to upgrade the accessible compliance of the building.

**NCC Section E – Services and Equipment**

A detailed analysis of the existing level of compliance of the building's services has not been undertaken. Some basic assumptions can be made that the building would not fully comply with current standards. However, it is noted that the new additions do not include any new kitchen or any change to the relative position of kitchen, bedrooms and SOU entrance door. As such, the existing smoke detection system can remain as it is and additional smoke detection can be added to the new Lounge Area just for additional safety.

It is submitted that the proposed works do not diminish the existing fire safety systems and as such the works should not trigger an upgrade to the existing building.

**NCC Section F – Health and Amenity**

As noted above, the existing building barely complies with current ceiling height requirements, and doesn't comply with SEPP65 ceiling heights, but the proposed addition will comply with the NCC.

The works will comply with light and ventilation controls for the new works and all new construction must comply with the NCC in respect to construction methodology, condensation management and waterproofing etc

Acoustic requirements are not applicable as the works do not bound another SOU

In summary, while all new works are capable of complying with the NCC it should be noted this should not trigger an upgrade in the level of compliance of any of the remainder of the existing building. In determining the application and noting the DA conditions, it should be noted specifically that NEW WORKS only are expected to be undertaken in compliance with the current NCC.

**4.0 CONCLUSION**

This application seeks approval for the proposed extension in order to provide amenity for the occupants. While the proposal is non-complying with the building height control, the proposal has been well considered in terms of impacts.

It is submitted that this proposal can be approved by Northern Beaches Council.