

Memo

Development Assessment

To: Northern Beaches Local Planning Panel
Cc: Peter Robinson, Executive Manager Development Assessment
From: Adam Mitchell, Principal Planner
Date: 24 March 2022
Subject: DA2021/1522 – 189 Riverview Road, Avalon Beach
Record Number: 2022/163023

On 2 February 2022, the Northern Beaches Local Planning Panel (**NBLPP**) reviewed DA2021/1522 for demolition works and the construction of a dwelling house (**the application**) at 189 Riverview Road, Avalon Beach (**site**).

The Panel elected to defer consideration of that item for several reasons as detailed within the accompanying Supplementary Report, and the Meeting Minutes.

The purpose of this memorandum is to notify the Panel of submissions that have been received since the deferral of this item.

Revised submissions have been received from the following properties:

- 174 Riverview Road, Avalon Beach (2022/126007)
- 187 Riverview Road, Avalon Beach (2022/086445)
- 191 Riverview Road, Avalon Beach (2022/125958)
- (unaddressed) “Clareville and Bilgola Plateau Residents Association” (2022/132290)

Those four (4) objections have been provided to the Panel for their consideration.

This memorandum will not repeat submission content that has already been raised and addressed in the Assessment Report. New and/or substantially revised concerns received are noted below:

- **Acoustic impacts from the inclinator**
Comment: It is generally not anticipated that the inclinator would be used on a very frequent basis, however in the event that it is, it is not likely to generate noise that is unreasonable in this context and setting.
- **Inclinator impacts on vegetation/ability to screen the inclinator with vegetation**
Comment: Refer to revised Landscape Plan.
- **Use of lower levels are a separate dwelling or “AirBnB”**
Comment: No approval is sought for use of the lower level as anything other than being part of the dwelling house. Condition 2 secures this.

- **Photomontage inaccuracies**
Comment: Council does not rely on photomontages for detailed assessment purposes. Photomontages are generally provided as visual aids for the community/interested persons to appreciate and understand the proposal, in the event that they may have difficulty understanding architectural plans. They are also beneficial for the Panel to quickly appreciate the general character and merits of the design. Photomontages do not form part of the approved documents.
- **Condition privacy measures to the southern elevation**
Comment: The Panel is drawn to the Lenthall submission from 187 Riverview Road for specifics.
- **Accuracy of shadow diagrams**
Comment: Concern is raised that the shadow diagrams are incorrect. It is concurred with that some of the three-dimensional diagrams appear inaccurate, however on balance, sufficient information is shown on those diagrams, and is evident for the orientation of the sites, that compliance with the solar access requirements of Clause C1.4 of the Pittwater 21 DCP is achieved.
- **Vergola not shown on building envelope diagram.**
Comment: This is correct. However, a vergola/ pergola structure would not be assessed as part of the envelope as it is not part of the building. Further, Clause D1.11 Building Envelope of the Pittwater 21 DCP permits shading devices which provide protection in summer and maximise sunlight in winter, to be permitted outside of the building envelope.
- **Accusation of procedural fairness**
Comment: The submission received from Herbst/Zonca at 174 Riverview Road raises procedural fairness as a concern, both in relation to the first NBLPP meeting and the assessment of the application.

The NBLPP proceedings are addressed under a separate cover.

No evidence has been submitted to support the claim that Council have acted in a procedurally unfair way. Therefore, this unsubstantiated claim is not discussed any further. Should the objector have any evidence to the contrary, that should be provided to senior management and/or the integrity officer at Council.

- **Quality of plans / consistency**
Comment: The plans submitted are of a sufficient quality to enable assessment.
- **Impact on trees and landscaping**
Comment: This is assessed and considered in the Assessment Report.
- **Building materials**
Comment: This has been considered in the assessment of the application and sufficient details are provided.
- **Excavation details**
Comment: Refer to Geotechnical Report.

In summary, it is concluded that the concerns raised do not warrant the refusal of the application.