

6 April 2021

Chief Executive Officer
Northern Beaches Council
725 Pittwater Road
DEE WHY NSW 2099

Dear Chief Executive Officer

**PROPERTY: 13 VISTA AVENUE BALGOWLAH HEIGHTS
ADDENDUM TO STATEMENT OF ENVIRONMENTAL EFFECTS
DA2021/0002 & DA2021/0003**

INTRODUCTION

This letter responds to Northern Beaches Councils letter dated the 19th of March 2021, in respect of both modification application (Mod2021/0002) and development application (DA2021/0003) submitted for alterations and additions to a dwelling house and use of storage area at 13 Vista Avenue Balgowlah Heights.

The letter raised issues with both applications that we seek to rectify and clarify in this response to Councils concerns. These issues matters were the following:

1. Streetscape impact (Residential areas).
2. Setbacks (front, side and rear) and Building Separation impact.
3. Owners consent detail (This issue has already been resolved with Mr Nick Keeler).

This addendum will address the proposed amendments to the scheme.

In our view with the amendments development consent is warranted, subject to reasonable conditions of consent.

Amendments to the Scheme

The proposed modification involves a reduction in the wall height along the southern boundary, specifically along the southern elevation. A glass panel will be provided between the boundaries of Nos 11 and 13 Vista Avenue. The glass panel will be installed above the shortened cupboard approximately 600mm in height across the southern elevation. Additionally, the internal face of the storage structure, will be lowered in height to match the height reduction on the southern elevation. This would allow the structure to appear open, whilst addressing any waterproofing issue. Please refer to the amended plans prepared by 'Action Plans'.

In our view the amended scheme appropriately addresses the planning issues and the applicant would of course submit to any reasonable condition of consent. See under:

1. Streetscape (Residential Areas)

A concern of Council was the impact of the storage structure on the streetscape and surrounding residential amenity, specifically impact on the 11 Vista Avenue.

Streetscape is defined as follows in the MDCP 2013 Dictionary:

means the spatial arrangement and appearance of built and natural elements (in the private and public domain) within a street, which create the character of that street. Such elements include the appearance of positively contributing building forms and styles, vistas, road, driveway and footpath surfaces, street trees, other vegetation, fences, walls, street furniture, utility services and traffic devices.

To ensure consistency with the definition of streetscape, to protect the surrounding residential character and contribute positively to the surrounding precinct, the amended proposal incorporates a complementary open design. The proposal has adequately address these issues for the following reasons:

- 1) The reduction in the storage wall 'apparent' height will make the enclosure of the carport and the cupboards, substantially less 'jarring' in streetscape terms as well as in respect of the bulk appearance to the adjoining property on the southern side of the carport.
- 2) The glass placed above the cupboard will be transparent and will not interfere with visual or solar amenity for the southern neighbouring occupier, to any unreasonable extent. This will create an open appearing structure and ensure compatibility of development with the immediate locality.

- 3) The glass will ensure the protection of the storage space, from the natural elements. The glass structure will also provide a form of security which will reduce the likelihood of potential break-ins, reducing crime risk.
- 4) The amended design recognises the streetscape qualities, by minimising visual impact.
- 5) This reduction in height will also ensure the bulk and scale of the southern elevation does not detract from the scenic quality of the area.
- 6) Whilst the structure is still is partially enclosed, the reduction in the apparent wall height brings the enclosed element of the carport and storage space, to the same level as a boundary fence.

There is no unreasonable view loss, visual amenity impact or unacceptable bulk and scale issue.

2. Setbacks (Front Side and Rear) and Building Separation

Whilst the proposal does not comply with the guideline 900mm boundary setback under the MDCP, the amendment aims to address issues associated with a nil setback by appropriate design.

For the following reasons, we believe the non-compliance with the control is acceptable on the merits:

- 1) To address the visual bulk of the wall, it is proposed to drop the southern elevation wall approx. 600mm and provide a glass window.
- 2) The scheme addresses the objectives of the setback control, and does not unreasonably impact as regards view loss, overshadowing, or privacy.
- 3) The encroachment into the setback, relates to an uninhabited store area and as such impact on the adjoining neighbour is mitigated.
- 4) As the dwelling house is located in residential density area D5 the 'variation' provisions under clause 4.1.4.3 may apply.
- 5) The site complies with the 6m front setback requirement, as such the impact of the non-compliance as regards the side setback is mitigated.
- 6) The height of the wall in the previous iteration of the scheme was 2.710m and 2.361m, however given the apparent reduction of the wall height (600mm) through a glass panel the wall height from existing ground level will be 2.110m to 1.761m.

- 7) The revised southern elevation wall heights will be roughly consistent with a boundary fence.
- 8) The proposed amendment will create a structure that better reflects the local character and streetscape.

The amended scheme adequately addresses non-compliance with the setback control within the MDCP 2013. The amended design addresses the objectives of the control, notwithstanding the numerical requirements.

Conclusion

This letter addresses the planning concerns outlined in Council's letter and provides an appropriate design solution, to achieve an acceptable outcome for adjoining neighbours and our clients.

Despite the non-compliance with the side setback requirement, the amended scheme adequately addresses the objectives of the control and maintains the local character of the area.

In our opinion, there are no remaining matters which would prevent Council from granting consent to the proposed development, subject to the imposition of appropriate and reasonable conditions of consent.

Yours faithfully

TURNBULL PLANNING INTERNATIONAL PTY LIMITED



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