

Memo

Development Assessment

To: Development Determination Panel

Cc: Rod Piggott
Development Assessment Manager

From: Phil Lane
Principal Planner

Date: 9 September 2020

Subject: DA2019/1447 - 27 Alan Avenue Seaforth (Demolition works,
Torrens title subdivision of 1 lot into 2 lots and construction of a
dwelling house and swimming pool and fencing on each lot)

Record Number: 2020/532708

Dear Panel,

Council has received a number of submissions as the application was renotified due to an error within the description of works.

This has now been corrected and the application was re-notified from 19 August 2020 to 7 September 2020.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 24/08/2020 to 07/09/2020 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan/Community Participation Plan.

As a result of the public exhibition process council is in receipt of 3 submission/s from:

Name:	Address:
Mrs Rose Ferragina Mr Don Ferragina	64A Edgecliffe Esplanade SEAFORTH NSW 2092
Mr William Victor Anderson	29 Alan Avenue SEAFORTH NSW 2092
SM & MR Kotecha	25 Alan Avenue SEAFORTH NSW 2092
John Coumanias	23 Alan Avenue SEAFORTH NSW 2092

The following issues were raised in the submissions and each have been addressed below:

- Planting along the rear boundary
- Swimming pool filters (noise)
- Building Bulk
- Non compliances
 - Clause 4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)
 - Clause 4.1.3 Floor Space Ratio (FSR)
 - Clause 4.1.4 Setbacks (front, side and rear) and Building Separation
- Negative and excessive impact on the streetscape and adjoining properties
- Subdivision
- Clause 3.4.1 Sunlight Access and Overshadowing (factual errors)

Planting along the rear boundary

Comment: Issues were raised about landscaping on the rear boundary and the impact on solar access to the adjoining property to the south (62A Edgecliffe Esplanade) as the height could grow to 3m – 4.5m.

Comment: A review of landscaping was completed by Council's Senior Landscape Architect and conditioned by Council's Landscape Advisor. A review of the Landscape Plans two (2) native replacement tree in the southeast corner of the new lots (tristanopsis 'luscious') Water Gum and screen planting of (bambusa 'gold stripe') Bamboo and (alternanthera dentate).

It is considered that the proposed planting is not unreasonable and will maintain some level of reasonable amenity between the rear yards of the adjoining properties. It is considered that a reasonable level of solar access will be maintained to 62A Edgecliffe Esplanade that would not be a reason for refusal or require further amendment via condition for this application.

Swimming pool filters (noise)

Comment: Addressed within assessment report.

Building Bulk

Comment: Addressed within assessment report.

Non-compliances

"It is noted that as the proposed development is for the Torrens title subdivision of the site from one lot into two with each of the lot containing a future dwelling that the proposed internal side boundary needs to be considered in the assessment of the setbacks."

The assessment below will include the proposed side boundary between 27 & 27A Alan Avenue and the previously assessment of each respective control.

Clause 4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)

Clause 4.1.2.1 Wall Height (amended)

27 Alan Avenue:

West: 6.4m – 7.5m (Nil to 10.3%) & East: 6m – 7.7m (Variation - Nil to 13.2%)

27A Alan Avenue:

West: 5.9m – 7.6m (Nil to 11.8%) & East: 5.8m – 7.3m (Variation - Nil to 7.4%)

Based on a gradient of 1:20, the maximum permitted wall height is 6.8m. The proposed dwellings have a maximum wall heights of 7.6m - 7.7m. This represents an 11.8% - 13.2% variation to the control requirement.

Clause 4.1.2.2 Number of Storeys: 2/3 (Variation - Nil to 50%) – unaltered

Clause 4.1.3 Floor Space Ratio (FSR) – unaltered

Comment: The variation to this control of the MLEP 2013 (11.1% variation) and the Clause 4.6 Exceptions to development standard are supported as detailed in the Clause 4.6 section of this report.

Given the above it is considered subject to the addition of condition(s) that the proposal is supportable and does not warrant refusal of the application and the overall bulk, scale and presentation of the dwellings is reasonable and consistent with the objectives of the control and zone.

Clause 4.1.4.2 Side Setbacks (amended)

Comment: The side setbacks of both 27 Alan Avenue & 27A Alan Avenue (including the proposed side boundary between 27 Alan & 27A Alan) has been adjusted accordingly. The windows for both 27 Alan & 27A Alan Avenues have also been adjusted accordingly in the table below:-

Built Form	Requirement	Proposed	Variation %	Complies
4.1.4.2 Side Setbacks	E: 2.27m (based on wall height)	(27 Alan) 1.509m - 3.559m	Nil - 33.5%	No
		(27A Alan) 0.95m - 2.9m	Nil - 58.1%	No

	W: 2.27m (based on wall height)	(27 Alan) 0.9m - 2.9m (27A Alan) 1.559m - 3.509m	Nil - 60.3% Nil - 31.3%	No No
	Windows: 3m	(27 Alan) 0.9m -1.509m (27A Alan) 0.9m -1.559m	49.7% - 70% 48% - 70%	No No

Negative and excessive impact on the streetscape and adjoining properties

Comment: Alan Avenue consists of a mix of single and double storey dwelling houses with landscaped front gardens. It is noted that surrounding development within the vicinity of this site has a mixture of single, double and three storey residential dwelling houses.

The proposed dwellings demonstrate sufficient modulation and are well articulated with a selection of materials and colours. The front building setbacks are varied which ensures a good breakup and difference between the dwellings while maintaining a consistent front setback alignment with adjoining dwellings/structures.

The dwelling at 27 Alan Avenue will retain the existing Port Jackson Fig Tree within the front setback area. This coupled with the Brush Box Tree within the road reserve at the front of the site and the proposed landscape plan will ensure a good presentation to the street.

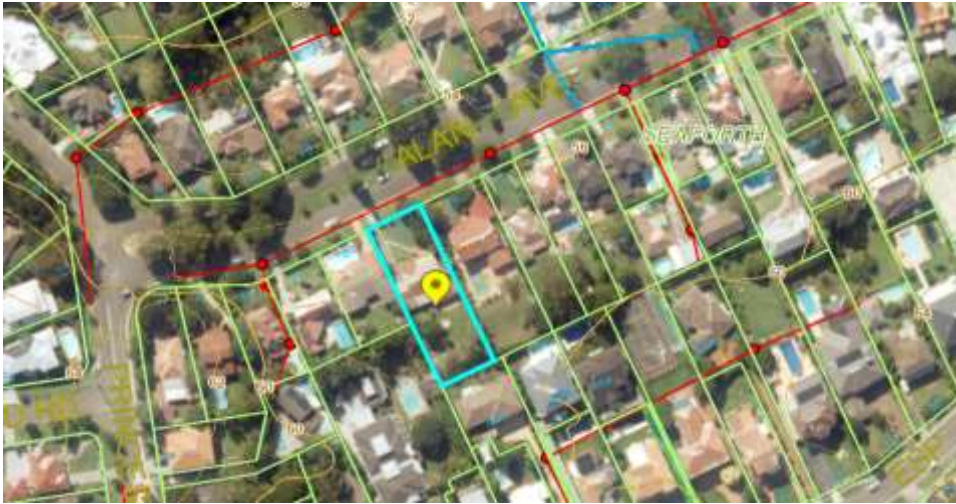
Additionally, the proposed design is suitable in that it maintains the character of the site and consistency with surrounding development. The proposed development will sit appropriately within the residential setting in a manner that is consistent with the character and landscape of the area.

Given the above it is considered that the proposal demonstrates sufficient consistency with the streetscape and does not create excessive impacts on the streetscape and/or adjoining properties that would warrant further amendment or refusal of the application.

Subdivision

Comment: The proposed development is for the subdivision of the existing allotment which is 1226sqm in area. Under the current controls of the MLEP 2013 this area allows for a minimum allotment size of 600sqm. The proposed allotments are 613sqm in area and are of adequate width and length to allow for a dwelling house, associated structures/outbuildings and landscaped gardens.

A review of Council's Spatially Enabled Application (SEA) displays many allotments of a similar size as the lots proposed:-



Source:SEA

- 4 Princes Promenade - 608sqm
- 9 Alan Avenue - 650.3sqm
 - 11 Alan Avenue - 556.4sqm
 - 11A Alan Avenue - 656sqm
 - 13A Alan Avenue - 603.8sqm
 - 15 Alan Avenue - 575.4sqm
 - 15A Alan Avenue - 635sqm
 - 17 Alan Avenue - 573sq
 - 17A Alan Avenue - 638sqm

The proposed development is for a Torrens title subdivision of one lot into two lots (not dual occupancy) including the demolition of the existing dwelling, construction of two (2) dwelling houses, swimming pools and landscaped gardens.

Given the above it is considered that the proposed allotment sizes and configurations are consistent with the minimum lot size requirements and consistent with the allotments in Alan Avenue and the surrounding locality.

It is considered that this issue has been adequately addressed and does not warrant refusal and/or further amendment via condition(s).

Clause 3.4.1 Sunlight Access and Overshadowing (factual errors)

*“The living room window referred to is in fact located on the **eastern** side (not northern side) of the dwelling. The second window is located on the **southern** (not eastern) end.”*

Comment: Council’s Planner acknowledges that the living room window facing the side boundary is on the eastern side of the dwelling (not the northern) and that the second window facing the rear boundary is located on the southern end (not eastern end).

Notification & Submissions Received (Original Assessment)

Additionally it is noted that issues were raised within the original assessment which were covered in the assessment report, however not under this heading within the assessment report:-

Privacy

Comment: Concerns were raised by both 25 and 29 Alan Avenue about privacy to their respective properties and dwellings. Assessment of these issues were considered and assessed under Clause 3.4.2 Privacy and Security of the Manly Development Control Plan (MDCP) and additionally conditioned via Condition 7. Amendments to the approved plans.

Subject to these conditions it is considered that reasonable amenity will be maintained between the proposed dwellings and 25 & 29 Alan Avenue.

Amended plans

Comment: The applicant submitted amendments on 18 June 2020 and further details were received on 23 June 2020. The amendments included:

- Reduction in the general ceiling height at ground floor level from 2.98m to 2.70m (-0.28m reduction)
- Reduction in the general ceiling height at first floor level from 2.85m to 2.70m (-0.15m reduction)
- Overall roof levels will therefore be reduced by 0.43m

Additional information in relation to the solar access diagrams and calculations was also submitted by the applicants architect (Nick Bell Architects).

Building Setback

Comment: Please refer to assessment on page 3 of this supplementary report - Clause 4.1.4.2 Side Setbacks.

Landscaping

Comment: Please refer to assessment on page 2 of this supplementary report - . Planting along the rear boundary.

**Manly Development Control Plan
Built Form Controls (amended table)**

Built Form Controls - Site Area: 1226.3sqm	Requirement	Proposed	% Variation*	Complies
4.1.1.1 Residential Density and Dwelling Size	Density: 2 dwellings	2 dwellings (1 dwelling per new lot)	N/A	Yes
	Dwelling Size: 124sqm (minimum)	(27 Alan) - 306.1sqm	N/A	Yes
		(27A Alan) - 308.9sqm	N/A	Yes
4.1.2.1 Wall Height	E: 6.8m (based on gradient 1:20)	(27 Alan) 6m – 7.7m	Nil to 13.2%	No
		(27A Alan) 5.8m – 7.3m	Nil to 7.4%	No
	W: 6.8m (based on gradient 1:20)	(27 Alan) 6.4m – 7.5m	(Nil to 10.3%)	No
		(27A Alan) 5.9m – 7.6m	(Nil to 11.8%)	No
4.1.2.2 Number of Storeys	2	2/3*	Nil - 50%	No*
4.1.2.3 Roof Height	Height: 2.5m	1.1m	N/A	Yes
	Parapet Height: 0.6m	0.6m	N/A	Yes
	Pitch: maximum 35 degrees	2 degrees	N/A	Yes
4.1.4.1 Street Front Setbacks	Prevailing building line 7.85m / 6m (minimum)	(27 Alan) 10.55m - 12.75m	N/A	Yes
		(27A Alan) 10.3m - 13.4m	N/A	Yes
4.1.4.2 Side Setbacks	E: 2.27m (based on wall height)	(27 Alan) 1.509m - 3.559m	Nil - 33.5%	No
		(27A Alan) 0.95m - 2.9m	Nil - 58.1%	No

	W: 2.27m (based on wall height)	(27 Alan) 0.9m - 2.9m	Nil - 60.3%	No
		(27A Alan) 1.559m - 3.509m	Nil - 31.3%	No
	Windows: 3m	(27 Alan) 0.9m -1.509m (27A Alan) 0.9m -1.559m	49.7% - 70% 48% - 70%	No No
4.1.4.4 Rear Setbacks	8m	(27 Alan) 18.3m (dwelling) & 9.5m (pool)	N/A	Yes
		(27A Alan) 17.2m & 8.7m (pool)	N/A	Yes
4.1.5.1 Minimum Residential Total Open Space Requirements Residential Open Space Area: OS3	Open space 55% (674.5sqm) of site area	55% (674.9sqm)	N/A	Yes
	Open space above ground 25% (168.7sqm) of total open	Nil	N/A	Yes
4.1.5.2 Landscaped Area	Landscaped area 35% (236.1sqm) of open space	58% (394.6sqm)	N/A	Yes
4.1.5.3 Private Open Space	18sqm per dwelling	65.8sqm (min)	N/A	Yes
4.1.6.1 Parking Design and the Location of Garages, Carports or Hardstand Areas	Maximum 50% of frontage up to maximum 6.2m	4.9m	N/A	Yes
4.1.9 Swimming Pools, Spas and Water Features	1m height above ground	-0.1m to -0.3m	N/A	Yes
	1m curtilage/1.5m water side/rear setback	0.7m curtilage/1m water side	N/A	Yes**
Schedule 3 Parking and Access	Dwelling 2 spaces	2 spaces	N/A	Yes

* Lot 1 (27 Alan) - only 11.2% of the dwelling is 3 storeys & Lot 2 27A Alan) - only 22.3% of the dwelling is 3 storeys

** Conditioned swimming pools 1m curtilage and 1.5m water side