

Brittany Harrison
Development Assessment Officer
Northern Beaches Council

Response to Request for Further Information Letter - DA2024/0389

PROJECT DETAILS

Applicant:	Andy's Home Design PTY LTD
Owners:	Luke & Sally Eagle
Subject land:	26 Alexander Street, COLLAROY
Lot Description:	Lot 13 in Deposited Plan 6984
Proposed development:	Dwelling house alterations and additions.
Council:	Northern Beaches Council

I refer to the Northern Beaches Council letter dated 4th of June 2024 revealing numerous issues and non-compliances with the Development Application DA2024/0389. Specifically, the letter raises concerns towards building height compliance, Landscaped Open Space and Bushland Setting compliance, Front Fences and Front Walls, Side Boundary Setbacks, Side Boundary Envelope compliance, Building Bulk and Scale issues, Wall Heights & the lodged Bushfire Report.

The amended drawings dated 19th of June 2024 have been amended in the following ways which address the concerns raised in the letter:

1. Warringah Local Environmental Plan 2011 - Clause 4.3 Height of Buildings

Council raised the following issue towards the proposal - *'In accordance with recent caselaw via the NSW Land and Environment Court (Merman Investments Pty Ltd v Woollahra Municipal Council [2021] NSWLEC 1582), and the definition of building height in the Dictionary of the Warringah Local Environmental Plan 2011 (WLEP 2011), it is established that the submitted architectural plans demonstrate a maximum building height of 8.503m where Clause 4.3 Height of Buildings of the WLEP 2011 permits a maximum of 8.5m.*

The proposed building height is noted as below 8.5m in the submitted Statement of Environmental Effects. Clarification is therefore needed, and the building height should strictly comply.'

Referring to the height dimension shown on S-03, Drawing sheet number DA401 that presented as 8.503m, this was a discrepancy shown in the plans lodged with council. The dimension has been corrected and presents a height of 8.276m. This is still shown on the same drawing sheet in the amended plans.

2. Warringah Development Control Plan 2011 - Clause D1 Landscaped Open Space and Bushland Setting.

Council raised the following issue towards the proposal - *'Clause D1 prescribes a total landscaped area on land zoned R2 Low Density Residential of 40.0% of the site area. This is to achieve enhance and retain the natural vegetation of the area and to visually reduce built form. The subject site is therefore required to achieve 217.52m² of landscaped open space.*

The proposed development exhibits a landscaped area of approximately 35.7% or 194.3m. Such a variation to the clause requirements is not supported, and landscaping should be increased at a minimum to comply with the 40.0% requirement.

It should be noted that any open space areas with a dimension of less than 2.0m are excluded from the calculation..'

In order to meet the 40% minimum Landscaped Open Space and Bushland Setting requirements, we have shown the concrete hardstand at the rear of the garage as being demolished and replaced with deep soil for planting. This has brought the sites Landscaped Open Space calculation up to 40%. These changes are best depicted on Sheets DA103, DA104, DA301 & DA302.

3. Development Control Plan 2011 – Clause D13 Front Fences and Front Walls

Council raised the following issue towards the proposal – *‘Fences located within the front building setback area are to complement the existing character and avoid a ‘walled in’ streetscape.*

The front fence atop a retaining wall will result in a structure that is not of consistent height and scale when compared to existing fences within the area. The entire fence structure is to be reduced to a maximum of 1.2m in height, when measured from existing ground line. The eastern end of the fence may have slight variation to this height due to the sloped nature of the site. However, 2.0m is not acceptable.’

To remove the concerns raised in this issue, we’ve removed the front fence from the design whilst keeping the masonry retaining wall base to the front fence. These changes are best depicted on Sheets DA301, DA302 & DA508.

4. Warringah Development Control Plan 2011 – Clause B5 Side Boundary Setbacks

Council raised the following matter towards the proposal – *‘The submitted survey indicates that a few elements encroach onto and/or past common side boundary lines i.e. existing rear awning attached to fence, concrete to the rear, the rendered wall that supports the existing front porch area and various existing retaining walls. It is also noted that these elements are not shown on the architectural plans or do not reflect the exact location when compared to the survey.*

If any of these structures are to be removed this needs to be indicated on the demolition plan and their exact location demonstrated on all relevant plans. Equally, if these elements are to be removed or modified owner’s consent would be required from those adjoining properties.

The new retaining wall to the western boundary is located atop the boundary, this should be setback that this does not occur, or owner’s consent will be required from adjoining neighbour.

The rendered wall extension to the eastern boundary for the front porch is excessively bulky and should be revised to remain at a similar bulk and scale to what is existing or modified to provide visual relief. A structure of that scale would not be supported so close to the adjoining boundary line.’

Owners consent from Craig Jervis and Nicole Winn, owners of 24 Alexander Street, Collaroy has been obtained and is accompanying the resubmitted plans and documents.

Regarding the small masonry retaining wall in front yard on the western side of the property, this has been setback from the boundary by 137mm. This is depicted on DA303.

The extension to the rendered masonry wall on the eastern boundary, this has been removed from the application. It is now shown on the plans that we will retain & render the existing masonry columns and infill between the columns with a timber framed handrail. These changes are best depicted on Sheets DA303, DA400, DA502 & DA503.

5. Warringah Development Control Plan 2011 - Clause B3 Side Boundary Envelope

Council raised the following matter towards the proposal – *‘Clause B3 requires development to be sited within a 4.0m boundary envelope to ensure the bulk and scale of the built form is minimised.*

The proposed development encroaches both the eastern and western elevations, with both breaches spanning the length of the entire upper floor. It is noted that the extent of breach to the western elevation is excessive. The envelope breach is also evident on the eastern rendered wall extension to the porch area.

An envelope breach to such an extent is not supported and the upper floor design should be reviewed with the extent of non-compliance to be significantly reduced. Refer to point 4 in relation to the rendered front porch wall.’

Substantial changes have been made to the first-floor design to alleviate the concerns towards the side boundary envelope non-compliances, reducing the overall habitable space of this level from the existing 109m² to 94.55m². The width of the building from the stairwell towards the rear has been reduced to sit within the side boundary envelopes. Although this still presents a fairly minor encroachment towards the front façade of the first floor of the building, the remainder of this floor now presents as compliant.

These changes are best depicted on Sheets DA304, DA305, DA400, DA504.

6. Warringah Development Control Plan 2011 – Clause D9 Building Bulk

Council raised the following matter towards the proposal – *‘The proposal presents a visually dominant design by virtue of its overall scale in conjunction with several built form non-compliances and lack of landscaping. The proposal does not meet the following requirements:*

- Side and rear setbacks are to be progressively increased as wall height increases.
- Building height and scale needs to relate to topography and site conditions.
- Articulate walls to reduce building mass.

- Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief.

A review of the design is requested to demonstrate compliance with the objectives of the clause. Amendments to the design to sufficiently reduce building bulk shall include an increase to side setbacks in relation to the upper storey (particular to the western elevation), further articulation, significant reduction in proposed envelope breaches, and increase in landscaping to demonstrate compliance.'

The concerns raised in this point have been addressed in the changes made to the first floor, previously mentioned in point 5.

7. Warringah Development Control Plan 2011 – Clause B1 Wall Heights

Council raised the following matter towards the proposal – *'Clause B1 stipulates that height of walls are not to exceed 7.2m, when measured from existing ground level to the underside of the ceiling on the uppermost floor of the building.*

As stated within the submitted SEE the proposed development does not comply with this requirement. Given the context of the site and existing building this noncompliance may be supported, subject to all other concerns noted within this letter being addressed.'

The concerns raised in this point have been addressed in the changes made to the first floor, previously mentioned in point 5.

8. Bushfire Report

Council raised the following matter towards the proposal – *The Bushfire Report must be accompanied by a Bushfire Risk Assessment Certificate completed by an RFS recognised FPA accredited consultant and in accordance with Section 4.14 of the Environmental Planning and Assessment Act 1979.'*

A signed Bushfire Risk Assessment Certificate is accompanying the resubmitted plans and documents.

These changes are considered to overcome the concerns raised and achieve compliance with the objectives of Northern Beaches Development Control Plan, rendering the proposal in its revised form suitable for approval by Northern Beaches Council.

Accompanying this letter are the following plan sets and report documents:

- Amended Architectural Plans by Andy's Home Design - Dated 19th of June 2024
- Amended BASIX report by Andy's Home Design - Dated 19th of June 2024
- Bushfire Risk Assessment Certificate by Blackash Bushfire Consulting - Dated 14th of June 2024
- Owners Consent Form for the owners at 24 Alexander Street, Collaroy - Dated 19th of June 2024

Conclusion:

The proposed works to 26 Alexander Street, COLLAROY in their revised form are considered to satisfy the requirements of the Northern Beaches Development Control Plan and the Northern Beaches Local Environmental Plan and overcome the matters raised in Council's letter dated 4th of June 2024. As such, the proposal is suitable for approval by Northern Beaches Council.

Please do not hesitate to contact me on 0430 592 043 or info@andyshome.design if you have any questions, or would like to discuss the contents of this letter.

This report was prepared by:

Andy James Seller

Director

Cert. 3 Carpentry, Cert. 4 Build. & Const.

Cert 3. Arch. Tech., Dip. in B. Design

ANDY'S HOME DESIGN PTY LTD

