

**SUBJECT: N0525/16 - 2 OLD BARRENJOEY ROAD, AVALON BEACH NSW 2107 New secondary dwelling**

**Determination Level:**

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**SUMMARY OF RECOMMENDATION:**

**APPROVAL SUBJECT TO CONDITIONS**

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**REPORT PREPARED BY:** Kevin Short

**APPLICATION SUBMITTED ON:** 15 November 2016

**APPLICATION SUBMITTED BY:** R TUGWELL GEEVES  
C/- VAUGHAN MILLIGAN DEVELOPMENT CONSULTING  
P/L  
PO BOX 49  
NEWPORT NSW 2106

**OWNER(S):** MR RICHARD TUGWELL GEEVES  
MS RINA CHHOEUN

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## **1.0 SITE DETAILS**

The subject site is rectangular in shape, has an area of 906.7m<sup>2</sup> and is located on the low northern side of the road. Avalon Golf course and a vacant allotment adjoins the site to the north and east, respectively.

A single storey dwelling house occupies the front southern portion of the site. Vehicular access to the site is provided from Old Barrenjoey Road.

Vegetation on site consists of grass lawn areas interspersed by small to large size canopy trees located within all setback areas of the subject site as well as the road reserve.

The subject site has dual zoning comprising R2 - Low Density Residential and SP2 - Infrastructure zone. A vast majority of the site is zoned R2 with exception of the far south-east portion of the front setback area of the site. This area is zoned SP2, is triangular in shape and is an easement for batter for the RMS as well as being affected by a "County Road Reservation".

The vacant adjoining site to the east, No. 2A Old Barrenjoey Road is also dual zoned SP2 - Infrastructure zone and R2 - Low Density Residential zone.

Also, the site is identified as being affected by Class 5 Acid Sulphate Soils and located within the vicinity of a heritage item (Avalon Golf club house, former kiosk and green keeper's cottage located at No. 32 Old Barrenjoey Road). The site is characterised by a moderate slope, varying from 10° to 25°, which falls from the street to the northern rear boundary.

Adjoining and surrounding development is characterised by a mixture of modern and traditional style one and two storey dwelling houses in landscaped settings.

## **2.0 PROPOSAL IN DETAIL**

The proposal seeks development consent for the construction of a secondary dwelling and deck located within the rear northern portion of the site.

External materials and finishes include timber decking, timber screening for the undercroft area, aluminium framed glass doors and windows, weatherboard cladding and metal skillion roof form.

## **3.0 STATUTORY AND POLICY CONSIDERATIONS**

The area where the secondary dwelling is to be located is within the R2 Low Density Residential zone and is permissible with consent in this zone.

The following relevant state, regional and local policies and instruments apply:

- Environmental Planning and Assessment Act, 1979 (the Act)
- Environmental Planning and Assessment Regulation 2000 (the Regulation)
- State Environmental Planning Policy No. 55 - Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Pittwater Local Environmental Plan 2014 (PLEP 2014)
- Acid Sulphate Soils Map - Area 5
- Height of Buildings Map - I maximum 8.5m
- Lot Size Map - Q ~ 700sqm
- Geotechnical Risk Management Policy for Pittwater
- Landscaped Area Map: Area 3

### **Variation to development standards:**

No variation.

## **4.0 BACKGROUND**

No relevant background for this development application or the subject site.

## **5.0 NOTIFICATION**

In accordance with Pittwater 21 Development Control Plan (DCP), the subject application was notified for a minimum 14 day period from 18 November to 6 December 2016.

A site inspection carried out showed that the notification sign was erected.

As a result of the notification period, one (1) submission was received from No. 2A Old Barrenjoey Road, the owner being the Roads and Maritime Authority (RMS).

## **6.0 ISSUES**

- B6.5 Off-Street Vehicle Parking Requirements - Low Density Residential (Amended 14/11/15 See B6.3)
- D1.9 Side and rear building line

## 7.0 COMPLIANCE TABLE

- T - Can the proposal satisfy the technical requirements of the control?
- O - Can the proposal achieve the control outcomes?
- N - Is the control free from objection?

Control	Standard	Proposal	T	O	N
<b>Pittwater Local Environmental Plan 2014</b>					
1.9A Suspension of covenants, agreements and instruments			Y	Y	Y
Zone R2 Low Density Residential			Y	Y	Y
4.3 Height of buildings	8.5m	4.2m	Y	Y	Y
4.6 Exceptions to development standards		No variation.	-	-	-
5.4 Controls relating to miscellaneous permissible uses			Y	Y	Y
5.10 Heritage conservation			Y	Y	Y
7.1 Acid sulfate soils		Acid Sulfate Region 5.	Y	Y	Y
7.7 Geotechnical hazards			Y	Y	Y
7.10 Essential services			-	-	-
<b>Pittwater 21 Development Control Plan 2014</b>					
3.1 Submission of a Development Application and payment of appropriate fee			Y	Y	Y
3.2 Submission of a Statement of Environmental Effects			Y	Y	Y
3.3 Submission of supporting documentation - Site Plan / Survey Plan / Development Drawings			Y	Y	Y
3.4 Notification			Y	Y	Y
3.5 Building Code of Australia			Y	Y	Y
3.6 State Environment Planning Policies (SEPPs) and Sydney Regional Environmental Policies (SREPs)			Y	Y	Y
A1.7 Considerations before consent is granted			Y	Y	Y
A4.1 Avalon Beach Locality			Y	Y	Y
B1.2 Heritage Conservation - Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites			Y	Y	Y
B1.4 Aboriginal Heritage Significance		No apparent issues.	Y	Y	Y
B3.1 Landslip Hazard			Y	Y	Y
B3.6 Contaminated Land and Potentially Contaminated Land			Y	Y	Y

Control	Standard	Proposal	T	O	N
B4.3 Flora and Fauna Habitat Enhancement Category 2 Land		The property contains a modified landscape typical of a suburban garden. The proposed works include construction of a secondary dwelling in the rear yard. No trees are proposed for removal. The majority of the larger vegetation in the rear yard surrounding the area for the proposed secondary dwelling is exotic. Native trees are present however they should only have minimal impacts during construction provided appropriate care is taken. No change to landscaping has been proposed.	Y	Y	Y
B5.4 Stormwater Harvesting			Y	Y	Y
B5.7 Stormwater Management - On-Site Stormwater Detention			Y	Y	Y
B5.8 Stormwater Management - Water Quality - Low Density Residential			Y	Y	Y
B5.10 Stormwater Discharge into Public Drainage System			Y	Y	Y
B6.2 Internal Driveways		No change to existing driveway.	-	-	-
B6.3 Off-Street Vehicle Parking Requirements	3 spaces required: 2 spaces for the dwelling: 1 space for the secondary dwelling.	Refer to comments provided in table below in cl. B6.5 Off-Street Vehicle Parking Requirements - Low Density Residential (Amended 14/11/15 See B6.3).	N	Y	Y
B6.5 Off-Street Vehicle Parking Requirements - Low Density Residential (Amended 14/11/15 See B6.3)	3 spaces required: 2 spaces for the dwelling: 1 space for the secondary dwelling.	2 spaces provided on site. Non-compliance supported on merit and discussed in detail under Section 8 - Discussion of Issues section of this report.	N	Y	Y
B8.2 Construction and Demolition - Erosion and Sediment Management			Y	Y	Y
B8.5 Construction and Demolition - Works in the Public Domain			Y	Y	Y
C1.1 Landscaping		Comments in B4.3	Y	Y	Y
C1.2 Safety and Security			Y	Y	Y
C1.3 View Sharing			Y	Y	Y
C1.4 Solar Access			Y	Y	Y
C1.5 Visual Privacy		Privacy maintained to adjoining property to the west, No.4 Old Barrenjoey Road by adequate spatial separation and intervening vegetation.	Y	Y	Y
C1.6 Acoustic Privacy			Y	Y	Y
C1.7 Private Open Space			Y	Y	Y
C1.11 Secondary Dwellings and Rural Worker's Dwellings			Y	Y	Y
C1.12 Waste and Recycling Facilities			Y	Y	Y

<b>Control</b>	<b>Standard</b>	<b>Proposal</b>	<b>T</b>	<b>O</b>	<b>N</b>
C1.13 Pollution Control			Y	Y	Y
C1.23 Eaves			Y	Y	Y
D1.1 Character as viewed from a public place			Y	Y	Y
D1.4 Scenic protection - General			Y	Y	Y
D1.5 Building colours and materials			Y	Y	Y
D1.8 Front building line			-	-	-
D1.9 Side and rear building line	Side: 2.5m to at least one side & 1.0m for other side  Rear: 6.5m	Side: 3.0m & 3.94m  Rear 3.0m (Rear building line non-compliance discussed under Section 8 - Discussion of Issues section of this report).	N	Y	Y
D1.11 Building envelope			Y	Y	Y
D1.13 Landscaped Area - General	50%	59.7%	Y	Y	Y
D1.16 Fences - Flora and Fauna Conservation Areas			-	-	-
D1.17 Construction, Retaining walls, terracing and undercroft areas			Y	Y	Y
<b>State Environmental Planning Policies and other</b>					
SEPP (Building Sustainability Index: BASIX) 2004		A BASIX certificate has been submitted with the application (see Certificate No. 771679S dated 27 October 2016). A condition has been included in the recommendation requiring compliance with the commitments indicated in the BASIX Certificate.	Y	Y	Y

## 8.0 DISCUSSION OF ISSUES

- **B6.5 Off-Street Vehicle Parking Requirements - Low Density Residential (Amended 14/11/15 See B6.3)**

The control requires a minimum of one additional car parking space for a secondary dwelling in addition to two (2) car parking spaces for the existing principal dwelling.

The existing principal dwelling has a total of two (2) designated parking spaces located within the front setback area of the site, comprising a hardstand space and single garage. No parking spaces are proposed for the secondary dwelling. As per the requirements of the control, the development has a shortfall of one (1) parking space.

However, the control also provides that a reduction in the car parking requirements for a secondary dwelling to a minimum of 2 spaces per allotment may be considered on merit.

In this regard, a variation to the control on merit is supported for the following reasons:

- The provision of an additional car parking space would require additional building works and hard surface areas within the front setback which would detract from the existing landscape setting of the site and streetscape;
  - The development of an additional car parking space within the front setback area is constrained by the location of the existing dwelling, driveway and hardstand parking area in conjunction with the RMS "easement for batter" located within the far south-east corner of the site;
  - Adequate kerbside street parking is provided on Old Barrenjoey Road and surrounding streets; and
  - The site is located within close vicinity to public transport bus routes on Barrenjoey Road.
- **D1.9 Side and rear building line**

A 3.0m rear building line is proposed to the secondary dwelling which does not comply with the minimum 6.5m requirement of the control. Notwithstanding, the non-compliance is supported on merit for the following reasons:

- The secondary dwelling is single storey in height and has a maximum height of 4.2m which complies with the maximum 8.5m Building Height control;
- The rear boundary of the site adjoins a golf course and the development is located within a suitable location to be sufficiently spatially separated from adjoining and surrounding residential development so that it does not adversely impact on surrounding amenity and streetscape, including view loss, overlooking, overshadowing, visual outlook impacts, bulk and scale and stormwater overflow;
- The development is compliant with all the other Avalon Beach locality specific development controls, including the front and side building line, building envelope and landscaped area; and
- The resultant built form is articulated with recessive building elements, including an open deck area, skillion metal roof form and appropriately considered façade fenestration and satisfactory external materials and finishes.

Having regard to the above, the numerical non-compliance to the control is supported on merit.

## 9.0 CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, Pittwater Local Environmental Plan, Pittwater 21 Development Control Plan and other relevant policies as listed at item 3.0.

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP;
- Consistent with the zone objectives of the LEP;
- Consistent with the aims of the LEP;
- Consistent with the objectives of the relevant EPIs; and
- Consistent with the objects of the Environmental Planning and Assessment Act 1979.

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

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## RECOMMENDATION OF DEVELOPMENT OFFICER/PLANNER

THAT Council as the consent authority grant Development Consent N0525/16 for Construction of a secondary dwelling at 2 Old Barrenjoey Road, Avalon, subject to recommended conditions.

Report prepared by

Kevin Short  
**SENIOR PLANNER**

Date: 24 January 2017

