



**DESCRIPTION OF DEVELOPMENT &  
STATEMENT OF ENVIRONMENTAL EFFECTS**

**DEVELOPMENT APPLICATION  
ALTERATIONS & ADDITIONS**

**205 RIVERVIEW ROAD  
AVALON BEACH**

**Submitted to**

**NORTHERN BEACHES COUNCIL**

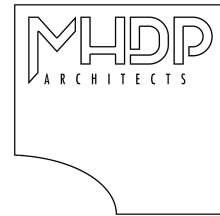
**On behalf of**

**MR S AND MRS K ROONEY**

**Prepared by**

**MARK HURCUM DESIGN PRACTICE ARCHITECTS**

**SEPTEMBER 2019**



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## **1.0 INTRODUCTION**

This report provides a description of the proposed development at 205 Riverview Road Avalon Beach and an analysis of the development against planning issues. Development consent N0334/15 was granted for alterations and additions to the existing dwelling and carport on the subject site. The proposed development in this application similarly proposes alterations and additions to the existing dwelling and carport, but with changes to the configuration and internal planning.

The proposed development addresses issues with the design of development consent N0334/15, especially regarding buildability. The design considers issues raised by council in the assessment of the approved development and following a pre-lodgement meeting with council (PLM2019/0037), including bulk and scale, overshadowing of neighbours and views.

## **2.0 SITE DESCRIPTION**

The subject site is identified as Lot 4, DP 18667 and is known as 205 Riverview Road, Avalon Beach. The property is located on the western side of Riverview Road, a regular lot with east-west orientation. The site has a steep fall, approximately 30m, from the street down to Pittwater. It has a frontage to Riverview Road of approximately 15.3m and approximate side boundaries of 51.8m to the north and 50.3m to the south. The total site area is approximately 762.4 sq.m.

The site is currently occupied by a multi-level freestanding dwelling of brick construction with tile roof. This building is located on the upper part of the site with pathways and garden areas down to the foreshore. A timber boatshed sits at the western foreshore boundary along with a timber boat ramp, jetty, pontoon and inclinor up to the lower ground floor level. A carport of brick construction with two car spaces is on the street boundary.

## **3.0 PREVIOUS DEVELOPMENT APPLICATIONS AND CONSENT**

Development application N0389/14 for alterations and additions to the existing dwelling and carport was submitted on 29 October 2014. The design was for a new level above the existing top level with master bedroom suite, and alterations and additions to the three levels below resulting in a four storey building. This application was refused on 2 April 2015. The design was revised following this determination.

Development application N0334/15 was submitted on 26 August 2015 and consent was granted on 28 July 2016 for alterations and additions to the existing dwelling and carport.

The approved application proposed alterations to the existing upper floor to be the main living level of the house. The existing pitched roof was to be demolished and replaced with a low-pitched metal roof with clerestory pop-up roof. The proposal included alterations to the existing lower level to contain master and guest bedrooms.

The approved application proposed a new third storey below the existing lower floor to contain bedrooms and rumpus room. Significant excavation is required to create this new third storey, as shown in the section of drawing DA12 of the approved plans. Following consultation with a builder it has been discovered that this amount of

excavation would be impossible to achieve while still retaining the existing structure. In particular, the stair and lift providing access to this level would require two storeys of excavation to construct. In short, the approved scheme as an alterations and additions is unbuildable.

#### **4.0 PROPOSED DEVELOPMENT**

The proposed development involves alterations and additions to the existing dwelling house and carport. Similar to the first development application N0389/14, the design proposes a new storey above the existing upper level and at the same level as the carport. However, this new storey has a smaller footprint than the first DA. The proposed design will not require excavation of the foundations (unlike the proposed additional level of the approved scheme) and retains existing footings and retaining walls. This allows the existing walls and structure above to be retained.

The proposed new upper level has a pedestrian entry from street level, carport and a master bedroom suite. The entry and master bedroom is located behind the existing carport to maintain public views from the street to Pittwater and to the national park opposite, compared with the first DA which extended the full width of the existing building and would block public views.

The proposed ground level (existing upper level) contains living areas with a deck to the west. The space below the existing carport will be enclosed for additional living space and service areas (laundry, store, etc.).

The proposed lower ground level will have bedrooms. The lower level will maintain the existing building footprint at this level and require no excavation.

The proposed development includes a new pool and associated landscaping. An internal stair connects the lower ground level to the pool level. The pool level has an outdoor room, store and bathroom. The proposed design retains the footings of the existing house and will involve a minimal amount of excavation.

A substantial portion of the existing fabric is to be retained, significantly the external walls and structure.

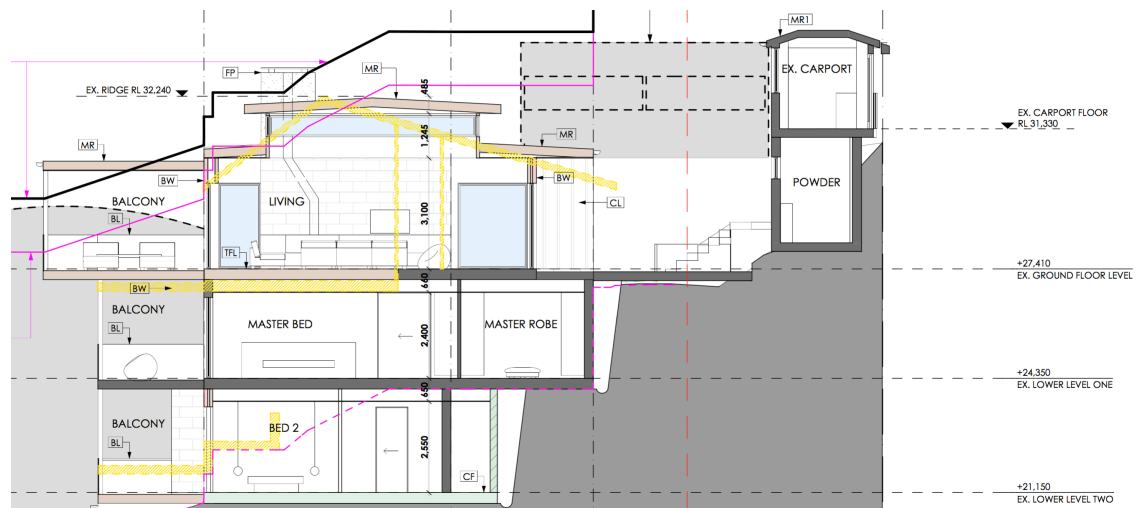


## 5.0 DESIGN ANALYSIS

The design of the proposed development application addresses issues with the two previous submitted DAs, development application N0389/14 and development consent N0334/15.

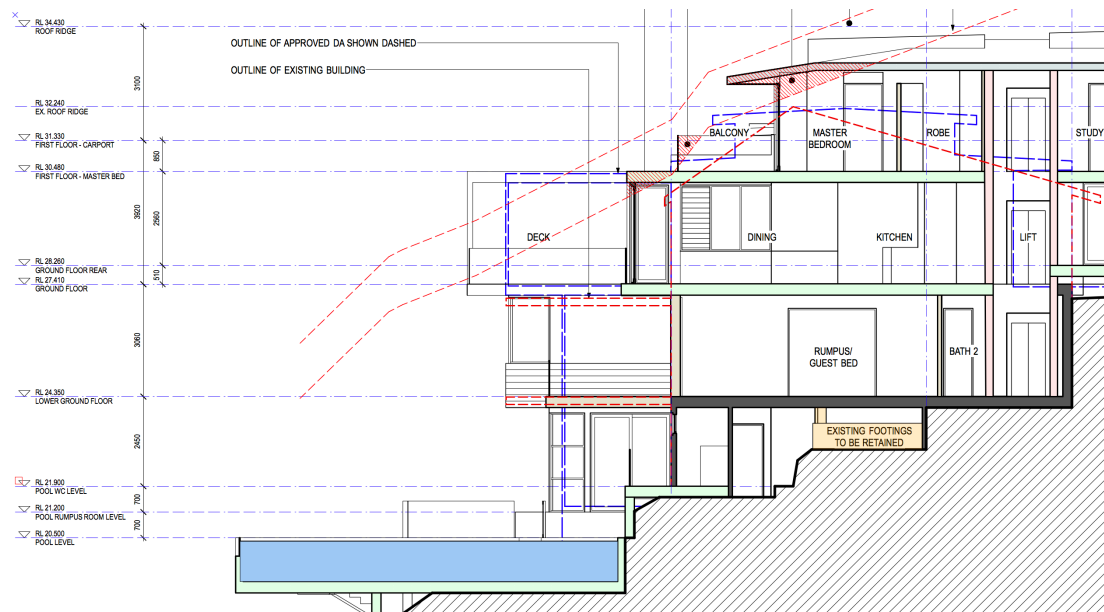
### Excavation and existing footings

The most significant issue with the design of development consent N0334/15 is the extent of excavation required to construct the lower ground floor. The design requires the demolition of existing concrete footings and further excavation to achieve this lower level as shown below. The removal of these footings would require the demolition of the structure supported above, making it impossible to construct the approved design as an alterations and additions.



*Lower ground floor excavation approved in development consent N0334/15  
(Refer DA12 Section A-A)*

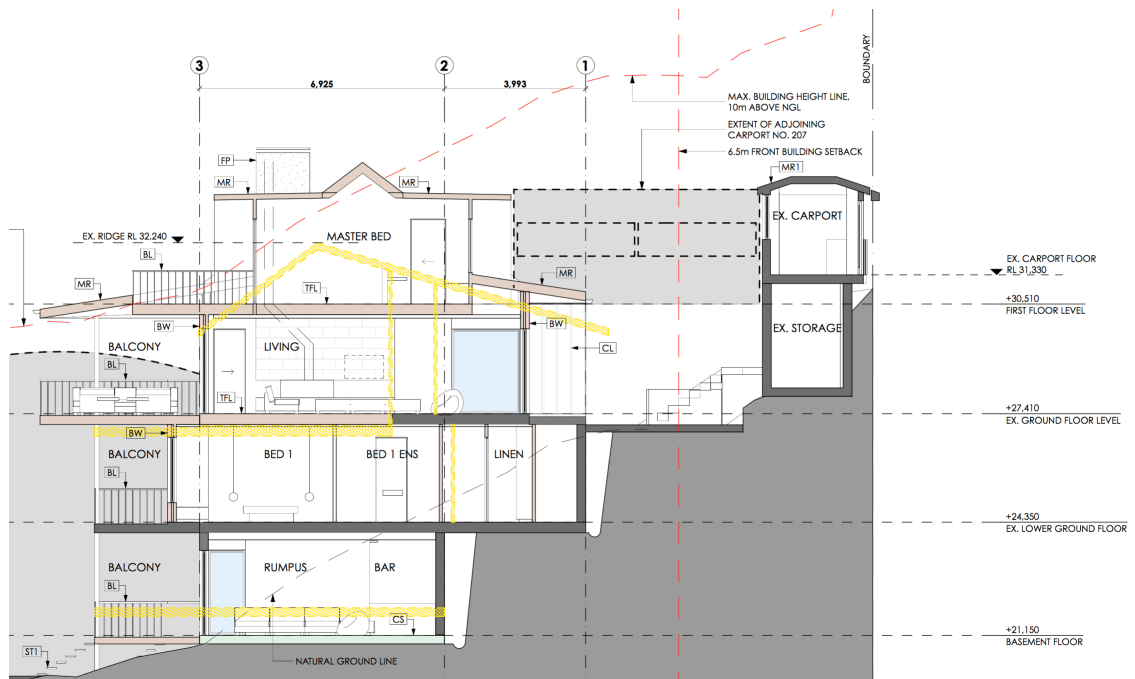
The proposed DA retains these existing footings and does not require any excavation below these footings. This ensures the existing structure above can be retained and the works can be constructed as alterations and additions.



*Existing concrete footings to be retained in proposed building  
(Refer A301A Section A-A)*

In addition to issues of buildability of development consent N0334/15, the excavation required will also result in the removal of natural sandstone outcrops that are located just below the existing building. These rock outcrops are visible from the water and are features of the garden to the rear of the site. Construction of development consent N0334/15 would likely result in the removal of these natural rock formations.

In order to eliminate excavation but also provide the required amenity for the occupants, the proposed design includes a new floor level above the existing ground floor in lieu of a new level below. The first development application (N0389/14) similarly proposed a new storey above the existing ground floor but did not adequately address bulk and scale issues that are the result of an additional storey. The proposed design addresses these issues with the location of its massing.



First floor addition proposed in first DA N0389/14.  
(Refer DA12 Section A-A)

## Views

The existing structures on site includes a carport at street level constructed of masonry and tiled roof. The present state of the site permits some views to Pittwater for pedestrians on Riverview Road through the carport, and unobstructed views over the existing roof of the house to the north of the carport. Council planners stressed the importance of maintaining these existing views at the Pre-Lodgement Meeting. The design of the parking structure has been changed from an enclosed garage to an open carport following the Pre-Lodgement Meeting in order to address council's concerns about public views.

The proposed DA maintains a carport in this location and places the massing of the new first floor level behind this carport. The unobstructed views to the north of the carport are maintained and also increased with a lowering of the proposed roof compared with the height of the existing roof ridge. The proposed carport is a more transparent structure than the existing, with steel columns and a flat metal roof. While the new first floor obscures some views directly west through the carport, the light and transparent carport structure maintains angled views to Pittwater.

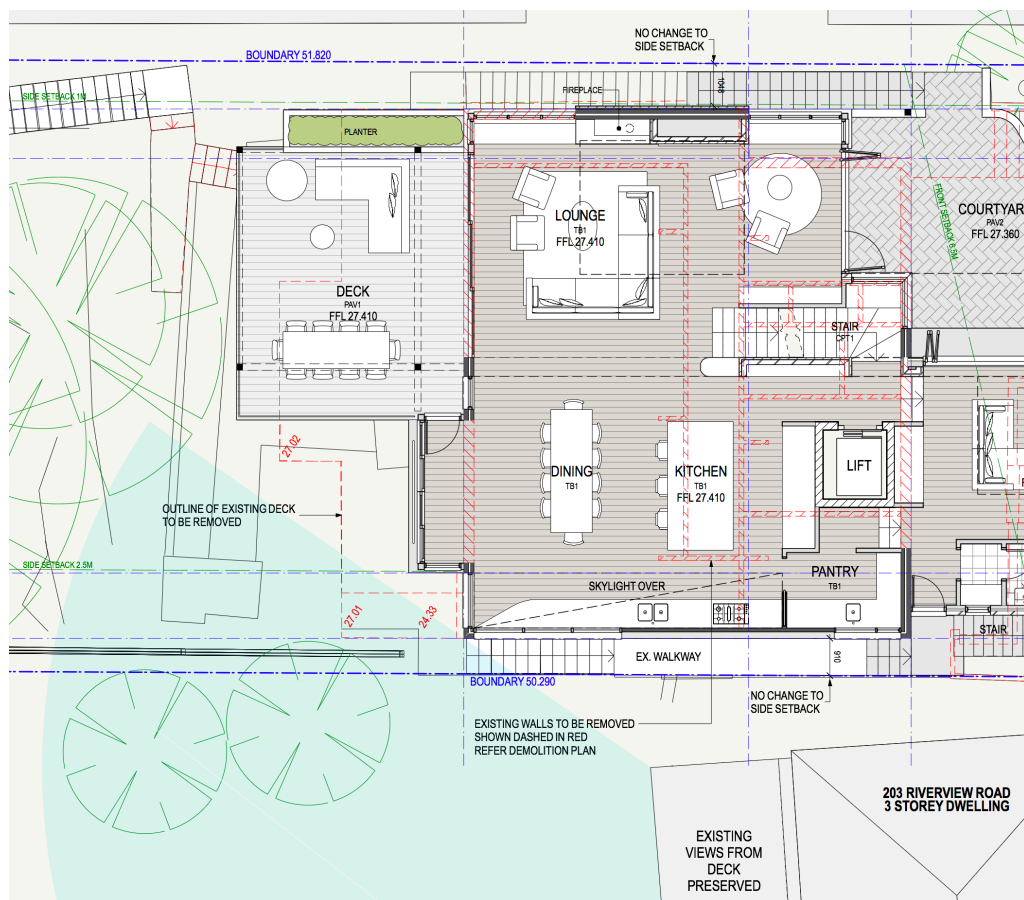


*Existing Carport looking north from Riverview Road.*



*Proposed Building looking north from Riverview Road.*

The proposed design also considers views from neighbours. The neighbours on the opposite side of Riverview Road have living areas significantly elevated above the subject site so the proposed development will have negligible impact on their views of Pittwater. However, the rear massing of the proposed development has been designed to minimize impact on horizontal field of view from the adjoining neighbours. A condition of development consent N0334/15 required amendment to the rear deck on the ground floor, increasing its setback to the southern boundary. The proposed design addresses this condition of consent relocating the rear deck to the northern side of the site and increasing the deck's southern setback to 6.1m. This deck will be outside of the view of the rear balconies to 203 Riverview Road as they are obscured by the south-western corner of the existing dwelling on the subject site. The living areas to 207 Riverview Road are farther west than the proposed development so views are not impacted.



*Proposed Ground Floor Deck setback well back from the existing view line from the deck of 203 Riverview Road.*



**Overshadowing**

The proposed development addresses issues of overshadowing the adjoining neighbour at 203 Riverview Road. The additional storey in development application N0389/14 had a roof design of building height greater than 10m above ground, with a gable end facing south within 1m from the side boundary. This design results in significant overshadowing of 203 Riverview Road, especially compared with the existing roof that is one storey below. The elimination of the additional storey and reduction in height to below 10m in development consent N0334/15 resulted in overshadowing that was roughly equivalent to the existing building.

The additional storey of the proposed design is below 10m from ground level and has a predominant side setback of 2.5m to the southern boundary. The roof is pitched to fall to the side boundary compared with the gable end facing the southern neighbour of the existing building and development application N0389/14. This design locates the building massing lower and away from the southern neighbour which results in a shadow impact that is equivalent to the development consent. Refer to the submitted shadow diagrams.

## 6.0 DEVELOPMENT CONTROLS

The following legislation and planning documents are relevant to the assessment of the subject DA:

- Coastal Management Act 2016 and State Environmental Planning Policy (Coastal Management) 2018;
- State Environmental Planning Policy (BASIX) 2004;
- Pittwater Local Environmental Plan 2014;
- Pittwater 21 Development Control Plan.

## 6.1 ENVIRONMENTAL PLANNING INSTRUMENTS

### 6.1.1 SEPP (COASTAL MANAGEMENT) 2018

The subject land is identified as being within the 'Coastal Environment Area' and the 'Coastal Use Area' on the relevant maps. As these areas comprise the 'Coastal Zone' the provisions of the Coastal Management Act 2015 (CMA) apply. These provisions are generally addressed by the relevant clauses of the SEPP and generally relate to foreshore access and the protection of the environment. There is currently no public access to the foreshore along the western boundary of the property. This development application does not propose any changes to the foreshore area of the site. Accordingly, the proposed development will have no impact on foreshore access. The proposed building retains all but one of the existing trees on site and will have a minimal environmental impact.

### 6.1.2 PITTWATER LOCAL ENVIRONMENT PLAN 2014

The proposed development has been assessed against the clauses of the Pittwater LEP and the relevant clauses have been discussed below.

#### **Zone of land**

The site is zoned E4 Environmental Living under the Pittwater LEP. Alterations and additions to a dwelling house is permitted under this zoning with the consent of the consent authority.

#### **LEP Clause 4.3 – Height of buildings**

The objectives of this clause are as follows:

- (a) *to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,*
- (b) *to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
- (c) *to minimise any overshadowing of neighbouring properties,*
- (d) *to allow for the reasonable sharing of views,*
- (e) *to encourage buildings that are designed to respond sensitively to the natural topography,*
- (f) *to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.*

Maximum building height for the subject site is 8.5m. Clause 4.3 (2D) allows for development to exceed the maximum building height of 8.5m but not more than 10m if the following apply:

- (a) *the consent authority is satisfied that the portion of the building above the maximum height shown for that land on the [Height of Buildings Map](#) is minor, and*
- (b) *the objectives of this clause are achieved, and*
- (c) *the building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and*
- (d) *the buildings are sited and designed to take into account the slope of the land to minimise the need for cut and fill by designs that allow the building to step down the slope.*

The existing building exceeds the 8.5m maximum building height, including a portion at the south-western corner that will be retained. A small portion of the proposed building exceeds the 8.5m maximum building height, all of which is below 10m. The extent of building that exceeds 8.5m is minor, a portion of which is existing building. A lightweight pergola structure to the Ground Floor Deck exceeds 10m. This structure is to allow for sun protection of the deck with the installation of a shade cloth. The deck is below 10m, with the majority being under 8.5m.

The design of this roof has been changed following Pre-Lodgement Meeting and following consultation with council planners. The original design had a steeper gable roof facing west. The proposed design has a lower, pitched roof following the slope of the land, significantly reducing the amount of building above 8.5m compared to the design presented at the Pre-Lodgement Meeting.

The majority of the new first floor addition is below the 8.5m building height limit with only a small portion of the Master Bedroom and ensuite roof extending beyond 8.5m. The width of this portion is approximately 2.6m. A small portion of the roof to the ground floor (above the Dining Room) extends beyond 8.5m. The width of this portion is approximately 1.2m. The proposed design results in a minor amount of building extending beyond 8.5m, satisfying clause 4.3 (2D)(a).

The proposed design achieves the objectives of the Height of buildings clause of Pittwater LEP 2014. This is addressed in the Clause 4.6 variation that has been submitted with this development application in support of this technical non-compliance with the Height of buildings control. In general, the portion of building above 8.5m will have minimal impact on the amenity of neighbours. The design of the upper level addition features pitched and stepping roofs to minimise overshadowing of the southern neighbour. The upper level addition is located behind the existing carport so will have no impact on existing public views. The roof will also have no impact on water views for neighbours on the opposite side of Riverview Road.

The proposed building footprint is located on land with slope of 23 degrees, greater than 16.7 degrees and satisfying clause 4.3 (2D)(c).

Minimisation of cut and fill is a primary driver of the proposed design, eliminating the excavation required to create the new lower ground floor in development consent N0334/15. The new first floor addition is set back from the rear façade to minimise the extent of the building that exceeds the 8.5m maximum building height.

The proposed design has a technical non-compliance with the 8.5m building height limit, however it complies with the 10m concessional height limit in clause 4.3 (2D).



**LEP Clause 5.10 – Heritage Conservation**

The subject site is not a heritage item and not located within a heritage conservation area. The nearest Heritage Item (No. I2270086) is located north of the subject site at the end of Stokes Point and the proposed development will have no impact on this item.

**LEP Clause 7.1 – Acid Sulfate Soils**

The majority of the site is identified as containing Class 5 acid sulfate soils with Class 1 acid sulphate soils adjoining the shoreline. As the works will not lower the water table below the 1 metre Australian Height Datum on the adjacent Class 1 Land an acid sulfate management plan is not required.

**LEP Clause 7.2 – Earthworks**

The proposed alterations and additions have substantially reduced the amount of excavation that was previously approved under development consent N0334/15. Development consent N0334/15 proposed a new storey that required significant excavation below the existing lower floor resulting in the demolition of existing footings. The excavation would also result in the removal of natural sandstone outcrops that are located just below the existing building.

This extent of excavation has been removed in the proposed design. Accordingly the proposed amount of cut and fill has been minimised and achieves the objectives of this clause.

**LEP Clause 7.3 – Flood Planning**

The lot is not subject to flood risk.

**LEP Clause 7.5 – Coastal Risk Planning**

The subject site is not identified as being at risk on the Coastal Risk Map.

**LEP Clause 7.6 – Biodiversity**

The lot is identified as being subject to this clause. The proposed extent of the alterations and additions are largely contained within the footprint of the existing dwelling and existing hard paved surfaces in order to minimise any significant adverse environmental impact. The proposed development retains the extensive landscaping and mature trees to the rear of the site and preserves the trees at the front of the property and within the road reserve. The proposed landscaping of the site consists of native species that will assist in improving biodiversity.

Refer to Landscape Design Statement dated 22 August 2019 prepared by Landforms for further details.

**LEP Clause 7.7 – Geotechnical Hazards**

The subject site is identified as Geotechnical Hazard H1. Unlike the dwelling approved under development application N0334/15 the proposed alterations and additions retain the existing footings of the dwelling and minimise the amount of excavation required in order to minimise any unreasonable adverse impacts. The accompanying Geotechnical Report outlines how the proposed dwelling meets the objectives of this clause and minimises any geotechnical risk.

## 6.2 PITTWATER DEVELOPMENT CONTROL PLAN

### **DCP Clause A3.4 – Key objectives of the Pittwater DCP**

The proposed development achieves the applicable key environmental and social objectives of the Pittwater DCP. In comparison to the dwelling approved under development application N0334/15 the proposed development retains the natural landforms of the site by minimising the amount of excavation required. The proposed development also provides a more accessible dwelling that will allow it to better cater for the changing needs of its occupants.

### **DCP Clause A4.1 – Avalon Beach Locality**

The proposed development achieves the desired future character of the Avalon Beach Locality in which it is located. The proposed development is designed to step down the slope of the land to integrate with the landform and landscape. The first floor addition is set back from the existing rear building alignment, following the contours of the site. Similar to the design of development consent N0334/15, the proposed design results in a building that is three storeys in any one place. However, the proposed design has a highly articulated rear elevation compared with the three aligned storeys of the development consent. This serves to reduce the appearance of bulk when viewing the building from the water. Three and four storey developments are prevalent along the western side of Riverview Road, with many being more prominent than the proposed development which is screened by existing trees.

The works do not extend beyond the Foreshore Building Line.

The use as a single dwelling house does not increase density to the locality.

Alterations and additions to an existing building ensures the building appears to sit among the trees on site. All works are below the tree canopy. The proposed development retains all significant trees, with the removal of only one smaller tree. The proposed materials harmonise with the natural environment, being timber and sandstone, with a neutral grey zinc roof.

The gardens to the rear are to be upgraded and integrated with the development. Significant sandstone outcrops and boulders are to be retained and featured in the proposed garden. The desire to keep these sandstone features is a primary driver of this proposed design, eliminating excavation to the lower level that could have an impact on these rocks. The proposed development also minimises the amount of hard landscape and impervious area, retaining the existing footprint and building over previously paved area. Native plants are proposed to be planted.

### **DCP Clause B1.4 – Aboriginal Heritage Significance**

The site is not identified as one of aboriginal archaeological significance.

### **DCP Clause B3.1 – Landslip Hazard**

The proposed development fulfils the outcomes of this clause as outlined in the accompanying Geotechnical Report that has been prepared in accordance with the Geotechnical Risk Management Policy for Pittwater.

**DCP Clause B3.2 – Bushfire Hazard**

The subject site is not identified as being subject to Bushfire Hazard on the Pittwater Bush Fire Prone Land Map 2013 nor the Draft Northern Beaches Bush Fire Prone Land Map 2018.

**DCP Clause B3.6 – Contaminated Land**

The land is unlikely to have been used for any use that could cause contamination.

**DCP Clause B4 – Controls Relating to the Natural Environment**

The proposed development will not result in adverse impacts to vegetation. The proposed development requires the removal of one tree, and this has been addressed in the Arborist Report prepared by NSW Tree Services. This development application includes a concept landscape design prepared by Landforms. The proposed planting selections have been made with at least 80% of plantings that are species remnant to the Pittwater Spotted Gum EEC.

Refer to landscape design and Landscape Design Statement dated 22 August 2019 prepared by Landforms for further details.

**DCP Clause B5 – Water Management**

As the development does not result in an additional hard (impervious) surface area of greater than 50m<sup>2</sup>, an On-Site Detention (OSD) facility or any improvement to the stormwater system is not required.

**DCP Clause B6 - Off-street Vehicle Parking requirements**

The existing carport will be demolished and replaced with a new carport in the same location. The proposed carport will provide two parking spaces as required by the DCP.

- The existing zero front setback of the carport is retained and is consistent with the two adjoining properties. Both the garage of No. 203 Riverview Road to the south of the subject site and the carport at No. 207 are built on the street boundary.
- Retaining the existing street level parking provided by the proposed carport achieves the outcome for safe and convenient parking of this clause and provides better site lines of the street than a carport with a lower floor level.

**DCP Clause B8 - Site Works Management**

The submitted Erosion and Sediment Control plan details the measures that will be during construction to prevent the migration of sediment into the adjacent Pittwater waterway or adjoining sites.

**DCP Clause C1.1 – Landscaping**

This development application includes a concept landscape design prepared by Landforms. The proposed planting selections have been made with at least 80% of plantings that are species remnant to the Pittwater Spotted Gum EEC.

Refer to landscape design and Landscape Design Statement dated 22 August 2019 prepared by Landforms for further details.

**DCP Clause C1.3 – View Sharing**

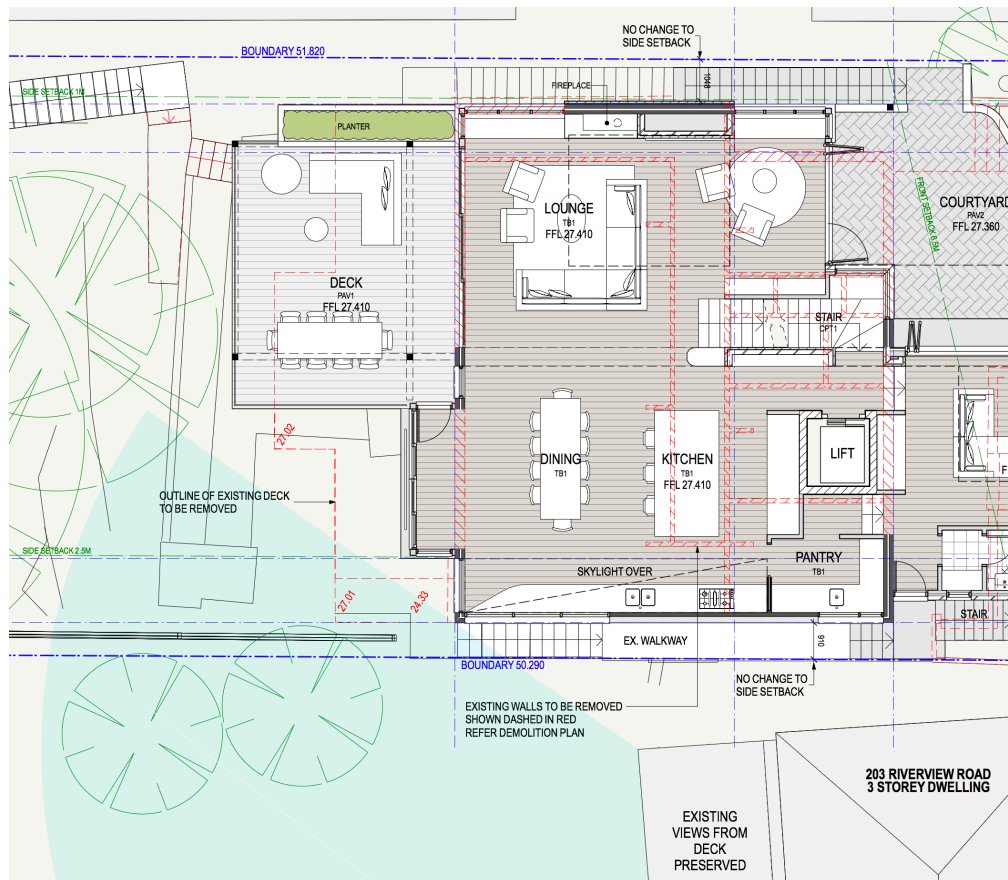
The primary difference between the design of development consent N0334/15 and this proposed design is the construction of a new floor level above the existing upper level. The issue of view sharing was a major aspect in the development of this design.

The upper storey addition is located entirely behind the footprint of the existing carport when viewed from the street. This ensures public views to Pittwater for pedestrians on Riverview Road is maintained to the north of the carport. A new roof over the existing ground floor level with a lower ridge level means the proposed design allows more public views than the existing condition.

It is noted that council have emphasised public views through the existing glazed panels to the carport doors. The proposed design will eliminate public views directly west due to the proposed master bedroom located behind the carport. However, we believe the proposed design offers a compromise in providing additional public view with the lowering of the roof ridge, and views through the carport are less desirable compared to the unobstructed view over the roof. Additionally, angled views to Pittwater through the carport are maintained with a lighter and more transparent carport structure.

As noted previously, there is minimal impact to views from neighbouring properties on the opposite side of Riverview Road. The houses of the properties opposite are elevated above the subject site and any impact of the development on views are assessed as negligible.

It is noted that there is concern from the neighbour at 203 Riverview Road that the previously approved design would have impact to the horizontal angle of views currently afforded with the existing building. The development consent required a reduction in width to the balcony in light of this. This proposed design aims to have no impact to the horizontal angle of view to the neighbour at 203 Riverview Road. The proposed deck is located to the north and all new development is located outside of the field of view restricted by the south-western corner of the existing building.



*Proposed Ground Floor Deck setback well back from the existing view line from the deck of 203 Riverview Road.*

#### **DCP Clause C1.4 – Solar Access**

The proposed building has been designed to ensure the impact of overshadowing on neighbours is minimised. To achieve this, the design of the new upper floor has been carefully articulated to keep the roof set back from the southern boundary and as low as possible.

The proposed building attempts to minimise overshadowing of 203 Riverview Road by stepping the roof, the pitched roof and an increased south boundary setback to the upper level addition. The proposed rear decks are located towards the north and there are no elevated decks on the southern side of the building.

It is important to note that the existing building has non-compliances in building height, building envelope and side boundary setbacks. The existing building also has a gable end roof form facing the neighbour. This results in overshadowing of north-facing windows and the rear decks to the neighbour at 203 Riverview Road.

While the existing building causes overshadowing of 203 Riverview Road, the proposed building also causes overshadowing but the extent has been minimised with careful design. As seen in the elevation shadow diagram submitted, the extent of additional shadows is minimal.

It is also a substantial reduction of shadow impact compared to the first development application N0389/14. The new proposed design has addressed issues raised by the neighbours at that time.

#### **DCP Clause C1.5 – Visual Privacy**

The proposed development has been designed to minimise overlooking of neighbours. Windows to the side boundary have been minimised and are located primarily for solar access and views to Pittwater.

The elevated decks and balconies have been designed with increased side setbacks. A condition of development consent N0334/15 required amendment to the rear deck on the ground floor, increasing its setback to the southern boundary. The proposed design addresses this condition of consent relocating the rear deck to the northern side of the site and increasing the deck's southern setback to 6.1m, limiting overlooking of 203 Riverview Road. Planters for screening are incorporated in the design of the balcony on the first floor and the deck on the ground floor. There is no change to the deck on the Lower Ground Floor.

Privacy screening is to be installed to the northern side of the elevated external stair providing access to the lower parts of the site.

#### **DCP Clause D1.1 – Character as viewed from a public place**

The site currently has a carport at the street boundary that is forward of the building line, similar to most properties on the lower side of Riverview Road. The carport provides two off-street parking spaces and is a reasonable solution to providing parking on the steep site.

A carport is proposed to be built in the same location with a more transparent structure than the existing, with steel columns and a flat metal roof. This is consistent with the recommendations raised in the Pre-Lodgement Meeting. The carport has width less than 50% of the lot frontage. The carport is a carefully designed structure and does not dominate the street frontage.

#### **DCP Clause D1.4 – Scenic protection – General**

Similar to the approved design, the proposed development presents as three storeys when viewed from the water. However, the proposed design is more articulated than the approved design with depth variation between the three levels and within each level. The articulation and stepping in the rear façade will ensure the proposed development will not appear bulky. The development will not dominate and will sit among the large trees at the rear of the site.

#### **DCP Clause D1.8 – Front building line**

#### **DCP Clause D1.9 – Side and rear building line**

As addressed above, the existing structure of the carport at the street boundary is to be rebuilt as a more lightweight structure. While this does not comply with front building line numeric control of 6.5m, this is typical of the properties on the western side of Riverview Road including both neighbours to the subject site, providing off-street parking. The first floor addition located behind the carport, comprising the street entry and master bedroom suite, is mostly located behind the front building line, with a minor non-compliance of a corner of the entry encroaching the front building line by 0.7m.

The side setbacks of the existing building are 1.1m to the north and 0.9m to the south. The existing building does not comply with the controls requiring setbacks of 1m and

2.5m. The proposed development retains the existing structure and maintains these existing side setbacks on the lower levels and does not reduce them further. The proposed new upper level complies with the side setback controls with setbacks of 5.1m to the north, 1.9m and 2.5m to the southern boundary. The large side setback to the north allows for public views across the site.

The proposed lower level extends the building back 3m past the existing rear building line. The upper levels maintain the rear setback of the existing building. The balcony on the middle extends beyond the rear building line. There is no development that extends beyond the foreshore building line.

#### **DCP Clause D1.11 – Building envelope**

The development controls specify a building envelope to the side boundary 45 degrees extending from 3.5m above existing ground level to the maximum building height. Similar to the building height control, a variation may be considered where the building footprint is situated on a slope greater than 16.7 degrees, which is the circumstance of this development.

The existing building does not comply with the building envelope control. This non-compliance occurs to both boundaries and is up to one storey in height at the south-western corner of the existing building. These portions of the building are to be retained so this non-compliance will remain.

The proposed additions have a minor non-compliance with the building envelope control to the southern elevation and have been designed to reduce the amount of non-compliance, primarily with a side setback to the southern boundary of 1.9m and 2.5m. As noted previously, the additions are located behind the existing carport to reduce impact on views, and the building steps and the roof is pitched to fall to the south to reduce overshadowing and the appearance of bulk. As discussed previously the additional overshadowing to the southern neighbour is minimal.

#### DCP Clause D1.14 – Landscaped Area - Environmentally Sensitive Land

Total landscaped area to be 60% of site area.

Site Area	762.4m <sup>2</sup>	
<b>Existing</b>		
Landscaped Area	406.8m <sup>2</sup>	
Variation – 6% of site area for impervious landscape treatments	45.7m <sup>2</sup>	
<hr/>		
Total Landscape Open Space (including Variation)	452.5m <sup>2</sup>	(59% of Site Area)
<b>Proposed</b>		
Landscaped Area	395.4m <sup>2</sup>	
Variation – 6% of site area for impervious landscape treatments	45.7m <sup>2</sup>	
<hr/>		
Total Landscape Open Space (including Variation)	441.1m <sup>2</sup>	(57% of Site Area)

The existing condition has a landscaped area that is 57% of the site area. This is a minor non-compliance with the controls.

The proposed development provides landscaped area that is 57% of the site area. This is a minor non-compliance with the controls of less than 3% variation.

The decrease in landscaped area from existing to proposed is only 11.4m<sup>2</sup>.

The proposed building is built on the footprint of the existing building, with some additional building in the location of paved area between the existing carport and dwelling house. The proposed development retains the extensive landscaping and mature trees to the rear of the site. The western portion of the pool has been cantilevered above the existing landscaping and rock ledge in order to maintain landscaped area below.

The minor non-compliance in landscaped area of the proposed development is justifiable given the existing condition does not comply with landscaped area, the decrease in landscaped area is minor, and the site retains extensive existing landscaping including significant trees.



## **7.0 CONCLUSION**

This proposal has been designed to address issues with development consent N0334/15 and to reduce any amenity impact. The primary issues are bulk and scale when viewed from the water, public views from Riverview Road and from neighbouring properties, and overshadowing of the neighbour at 203 Riverview Road. This is a carefully considered design and addresses the interests of council, neighbours and the public, while providing the amenity for the occupants of the home.