

MEMORANDUM

DATE: 2 February 2021

TO: Northern Beaches Local Planning Panel

CC: Rodney Piggott, Manager Development Assessments

FROM: Megan Surtees, Student Planner

SUBJECT: DA2020/1163 – 24 Wandeen Road, Clareville

Dear Panel,

Supplementary to the assessment report for DA2020/1163, below are responses to a further submission from Michael and Anna Henry, owners of 22 Wandeen Road, Clareville. The submission was provided outside of the notification period, after the preparation of the assessment report, but prior to the date of determination.

The matters raised within this additional submission reiterate previous concerns relating to the following:

1. An incompatible design for the site constraints.

Objector concern:

While minor amendments have been made to the design of the proposed development, it does not detract from the overall design which is incompatible with the Clareville locality. Of particular concern is that the areas of non-compliance result in a design that has not alleviated potential impacts upon neighbouring properties. Further concern is that this design will create a precedence of a house of this size within the Clareville locality.

Comment:

The overall design of the proposed development has been assessed in accordance with the relevant controls within the P21 DCP and clauses of the PLEP 2014, and addressed within the assessment report. For the reasons outlined within the assessment report, Council is satisfied that the proposed development will result in a dwelling house that is generally compliant with the relevant controls of P21 DCP and PLEP 2014 and is consistent with the outcomes of the controls. This issue does not warrant refusal of the application.

2. Non-compliant maximum building height

Objector concern:

The proposed building height cannot be measured from ridge to ridge. The proposal must be amended to comply with the 8.5m maximum building height and the proposed plans must be amended to show the numeric value on the plans. Further concern is that this has not occurred because the non-compliance is so severe. The non-compliance will result in an unreasonable bulk and scale that will detrimentally impact on the deck and house located at 22 Wandeen Road.

Comment:

Council has conducted an independent assessment on the proposed plans and determined the maximum building height. The maximum building height has been assessed and addressed within the assessment report under section Pittwater Local Environmental Plan 2014 – Principal Development Standards. For the reasons outlined within the assessment report, Council is satisfied that, while it exceeds the 8.5m maximum building height, it achieves compliance with the requirements of Clause 4.3, subclause 2D of PLEP 2014 which permits a maximum building height of 10.0m. This issue does not warrant refusal of the application.

3. Privacy

Objector concern:

The amended plans indicate an opaque treatment which is only to the lower half of the windows along the western elevation – this is unsatisfactory and direct overlooking into our property remains. In this instance, the amendments to the window schedule along the western elevation is to enhance privacy for the occupants of the subject site, not to 22 Wandeen Road. We request all windows along the western elevation be removed and the design must be orientated to the north, not the west. Further concern is that the size of the windows have not been included on the plans. The plans indicate high ceilings, therefore the proposed windows must be increased to a sill height of 1600mm.

Comment:

The privacy concerns have been assessed and addressed throughout the assessment report, but particularly within the following sections: Submissions and C1.5 Visual Privacy. The objector's request to remove all windows along the western elevation is unreasonable as it will significantly reduce the amount of natural light for the kitchen, dining and living rooms. Further, the dimensions of the proposed windows and doors can be found in the NatHERS Certificate report which was lodged with this application. For the reasons outlined within the assessment report, Council is satisfied that the amended plans satisfactorily address the privacy concerns. This issue does not warrant refusal of the application.

4. Bulk and scale

Objector concern:

As the proposed maximum building height remains, so to does the unreasonable bulk and scale of the proposal. The ceiling height is 2700mm. This must be reduced to 2400mm, which would then reduce the maximum building height, and subsequently the bulk and scale is minimised.

Comment:

The bulk and scale of the proposed development has been assessed and addressed throughout the assessment report. For the reasons outlined within the assessment report, Council is satisfied that the proposed development results in a reasonable bulk and scale. This issue does not warrant refusal of the application.

5. Recommended additional conditions

Objector concern:

Due to the abovementioned concerns, we request the following three (3) conditions be added to any consent so as to protect the visual privacy of 22 Wandeen Road and to provide visual relief of the overall design:

1. *All windows to the western elevation require a 1.65m high obscured glass.*

Reason: Privacy.

2. *Additional screen planting of native trees, to achieve a maximum height at maturity of 8.0m, is to be planted for the entire length of the dwelling along the western boundary.*

Reason: Screen the development, protect trees and privacy.

3. *Reduce the building envelope to be more compliant to the side boundary envelope by reduction of all gutter heights facing west by 1m.*

Reason: Visual bulk, privacy and overshadowing.

Comment:

The amended plans include alterations to the proposed windows along the western elevation. This results in a maximum sill height (measured from the finished floor level to the top of the opaque treatment) of 1.61m. For the reasons outlined within the assessment report, Council is satisfied that the amended plans satisfactorily address the privacy concerns, therefore a further condition of consent to address this is not required.

The Landscape Plan indicates the planting of nine (9) *Elaeocarpus Reticulatus* plants along the western boundary for the length of the dwelling, which will achieve a maximum height of 8.0m. Therefore, an additional condition relating to additional planting along the western boundary is not required. This issue does not warrant refusal of the application.

The building envelope non-compliance has been assessed and addressed within the assessment report. For the reasons outlined within the assessment report, Council is satisfied that the proposed development satisfies the outcomes of Clause D1.11 Building Envelope. This does not warrant refusal of the application.

Megan Surtees
Student Development Assessment Officer