

## **LEP and DCP non-Compliance**

LEP and DCP non-complying items and request for variation to same.  
Building 8.5m height, 4m Building Envelope, Side boundary 900mm setback.

### **Proposed Alterations & Additions to Single Detached Residence 6 Stephen Street Beacon Hill For Craig and Leanne Haack**

November 2021

Prepared by Newbuild Design and Drafting  
Robert Geoghegan

17 Jocelyn Street North Curl Curl NSW 2099  
Mob. 0419907222  
Email. robge@bigpond.com  
ABN 53 622 554 507

#### **1 Building Height 8.5m. Partly non-compliant.**

**Clause 4.6 Please refer to Town Planner's report by Planning progress lodged with this DA application.**

#### **2 Building side boundary envelope. Non-compliant. DCP 3 Side boundary envelope**

Variation is requested for the first-floor side walls non-compliance with this control as it is considered the development will not compromise the DCP control objectives, will maintain its desired effects.

- The development west wall is a continuation of the existing ground floor wall being necessary for the internal design outcome. Side setback 1390 – 1420mm.  
Wall height of 630mm north and 880mm south end exceed the envelope.  
The non-complying east wall has been set in 3110mm from east side boundary, a very considerable distance. To set the side wall in further would adversely effect the internal room layouts producing unsatisfactory functioning and family amenity. Wall height of 770mm north and 720mm south end exceed the envelope.
- The deep recession in landform and garage under existing situation is the cause of the non-compliance.



**DCP 3 Side boundary envelope objectives.**

- *To ensure that development does not become visually dominant by virtue of its height and bulk.*

Response: When viewed from the street, rear, and side properties the development will appear similar and appropriate height to other 2 story homes in the area. The unusual recession in the centre of the land causes the non-compliance. Related to the front, rear and west sides of the site the non-complying roof parts are within the 8.5m height.

- (b) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access,*
- (c) *To ensure adequate light, solar access and privacy by providing spatial separation between buildings.*

(b,c) Response: The new design house and roof structure is tiered in form, stepping in from the east high side to the roof ridge, being highly desired planning and allowing afternoon sunlight to reach the east side property. This also reduces the effect of bulk and scale in the building.

The west wall is a continuation of existing ground floor wall.

The new roof planes will have minimal pitch to help minimize the overall height, bulk and scale.

It is considered adequate light and solar access will be maintained to adjoining properties.

- (d) *To ensure that development responds to the topography of the site.*

Response: The development has successfully followed the topography of site in having the garage under in the low recession area of the site and the new development stepped (tiered) in over this area, minimising height, bulk and scale.

**3 Side boundary 900mm setback. Part non-compliant garage side wall.**

Variation is requested for the first-floor side walls non-compliance with this control as it is considered the development will not compromise the DCP control objectives, will maintain its desired effects.

- The 900 minimum setback is non-compliant with the garage extension east side wall at south and north ends. The existing garage wall of 7.34m is setback 220mm off boundary.
- The south end wall extension of 2.3m of existing wall will be setback 220mm in line with existing. The north end wall extension of 3.5m will be on the boundary.
- This has been discussed with Duty planner Dee Why who stated it may be acceptable as it is a garage wall and continuation of existing situation.

**DCP 5 Side boundary setback objectives**

- *To provide opportunities for deep soil landscape areas.*



Response: The garage extension will not adversely effect deep soil landscaping as it is not applied in this location on site currently nor on adjoining site. Paving exists on adjoining site area, no planting at no. 6.

- *To ensure that development does not become visually dominant.*

Response: Location of wall will not render it visually dominant as it is in a deep recess in land partly beside existing land. At the north end of wall neighbour can plant shrubs to obscure wall if required.

- *To ensure that the scale and bulk of buildings is minimised.*

Response: Location of wall in the deep recess in land and tiered design of the development over will minimise the bulk and scale. At the north end of wall neighbour can plant shrubs to obscure wall if required.

- *To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.*

Response: These items will be maintained to a reasonable level with no windows in the garage side wall. The wall height of approx. 2.3m will allow for plentiful light and sunlight penetration to adjoining site.

- *To provide reasonable sharing of views to and from public and private properties.*

Response: The wall height of approx. 2.3m set in a low recess in the land will not interrupt any views.