



18 August 2022

Northern Beaches Council
Attention: Steve Findlay
PO Box 82
MANLY NSW 1655

Via email: Gareth.David@northernbeaches.nsw.gov.au

Dear Steve,

Re: Request for additional information relating to DA2022/0885 at 82 Binburra Avenue, Avalon.

We acknowledge your correspondence dated 2 August 2022. In response to the matters raised, we proffer the following response:

1. Clause B6.3 (Off-Street Vehicle Parking) of P21 DCP

We acknowledge that the proposed development is non-compliant with the provisions of clause B6.3 of P21 DCP which requires 2 parking spaces in conjunction with a dwelling with more than 2 bedrooms.

However, we draw your attention to the expressed variations of this clause which provide that car parking solutions may be negotiated for each individual dwelling on steeply sloping sites. In our opinion, the proposed parking arrangement is superior to the current arrangement, providing secure parking for one car and multiple bikes at street level, avoiding the existing unsafe and non-compliant driveway.

Furthermore, we are of the opinion that the proposed variation is acceptable as the outcomes of the control are otherwise achieved, as follows:

- *An adequate number of parking and service spaces that meets the demands generated by the development.*

Comment: The family that resides at the site has one vehicle. The proposed garage has been specifically designed to house the electric vehicle and the necessary battery and charging station. The garage has also been designed to store bicycles, which are also frequently used by the family. The proposed garage meets the needs of the family, with any future demand offset by ample on-street parking available in the immediate vicinity of the site.

We note that a number of surrounding sites have less than 2 parking spaces or no parking spaces at all, which is a consequence of the slope of the land.

- *Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety.*

Comment: The proposed garage covers an area less than that of the existing driveway, resulting in a reduction of exposed hard surfaces on the site. The proposed garage comprises integrated planters atop, further minimising hard surfaces and runoff.

The proposed garage is sited perpendicular to and level with the roadway, with a significant improvement to pedestrian and vehicular safety compared to the existing driveway arrangement, which is curved and has a considerable slope, with limited pedestrian visibility.

The landscaping within the road reserve that appears to be of significance to Council acts to hinder visibly from the current driveway, significantly impacting upon public safety along the road reserve.

- *Safe and convenient parking.*

Comment: As above, the proposed parking arrangement is far superior to the current parking arrangement and has been designed to maximise convenience for the occupants of the dwellings.

The proposed garage has been designed in accordance with AS2890.1 and is supported by Council's Development Engineer. We would question whether the same could be said for the existing driveway arrangement.

2. Clause C1.1 (Landscaping) of P21 DCP

We note reference in your letter to the requirement for 60% of the total site area is to be landscaped area. The proposed development achieves a total landscaped area of 88%, far in excess of the 60% minimum prescribed.

We can only assume that you meant to highlight the requirement of clause C1.1 of P21 DCP for 60% of the front setback area to be landscaped. We note that clause C1.1 allows for the inclusion of planters within this calculation and in this respect, the proposed development provides for the enhancement of landscaping forward of the front building line compared to that which currently exists. In circumstances where the proposal is appropriately characterised as alterations and additions, such an outcome should be reasonably supportable.

We are also somewhat perplexed by the concerns regarding the landscaped percentage of the front setback, when the same letter encourages the incorporation of a double carport, which would result in a reduction of landscaped area compared to that proposed, both with respect to the footprint of the development and the planters atop.

We note that the proposed development is supported by Council's Landscape Officers, who assess the proposal with regard to clause C1.1 of P21 DCP. Nonetheless, a detailed landscaped plan has been prepared to demonstrate that an appropriate landscaped treatment will be achieved.

3. Clause D1.1 (Character as Viewed from a Public Place) of P21 DCP

We acknowledge your concerns regarding the visual dominance of the proposed garage. However, we believe the proposal is a superior outcome compared to both the current situation and the carport arrangement suggested in your correspondence, for the following reasons:

- The increased height of the garage is designed to enable roof top planters atop of the structure, to provide a green buffer between the garage and the dwelling behind. This is a common design solution for detached garages integrated into the slope of a site which has been historically encouraged by Council. One only needs to drive along Whale Beach Road to appreciate that this is the preferred built form outcome with respect to contemporary dwelling houses.
- The enclosed nature of the garage removes visual clutter associated with open carports and the necessary retaining walls that would be required on a sloping site. Whilst it is agreed that a carport has a lesser visual impact on a level site, or on a site that slopes away from the street, the same cannot be said for sloping sites where the carparking platform is cut into the slope of the land.
- The proposed single car garage is less than half the width of the site, which tapers towards the street, and will be softened by draping vegetation atop of the proposed structure. The resultant structure will also be finished in recessive tones, such that the landscaped character of the site will be retained.
- Car parking structures forward of the front building line on sloping sites are anticipated by the provisions of clauses B6.3 and D1.8 of P21 DCP.
- The proposed development is consistent with that approved at 88 Binburra Avenue, which features a double garage with roof top garden within the front setback presenting to Binburra Avenue.
- The proposed design is superior to the exposed and elevated driveways seen on adjoining sites.
- The majority of the site currently occupied by the existing curved driveway will be revegetated. The site as a whole far exceeds the minimum landscaped area prescribed by clause D1.14 (Landscaped Area – Environmentally Sensitive Land) and allows for the more significant vegetated land at the rear of the site to be preserved.

4. **Clause D1.8 (Front Building Line) of P21 DCP**

We acknowledge the proposed non-compliance with the 6.5m front building line prescribed by clause D1.8 of P21 DCP. However, we draw your attention to the expressed variations of this clause which provide that parking structures may be permitted forward of the building line on steeply sloping sites. Again, we draw your attention to Council's support of a double garage excavated into the site at 88 Binburra Avenue (N0134/15), which had a degree of excavation far in excess of that currently proposed.

We are of the opinion that the expressed variation should be applied in relation to the proposed development as said outcomes are achieved, as follows:

- Vegetation is enhanced within the front setback by virtue of the demolition of the existing driveway and the proposed roof top planters.
- The built form of the development will be softened by vegetation above and beside the development, which will soften the front façade and screens the structures as seen from either side.
- The proposed development is not unsightly and will achieve an attractive street presence. The proposed development is to be finished in dark and earthy tones, including Woodland Grey (a dark grey) and natural timber to ensure that the development is recessive to natural vegetation.
- The proposed excavated garage is responsive to the existing urban environment, in so far as it is the design response favoured by Council in such circumstances and is consistent with an established precedence for new garage construction on sloping sites throughout the LGA. Further, it is consistent with that approved on the nearby site at 88 Binburra Avenue.
- The current elevated, sweeping driveway represents an antiquated design solution that is no longer encouraged on sloping sites.

The proposed development is an appropriate response to the individual constraints and circumstances of the subject site. We acknowledge that the proposal involves non-compliances with Council's DCP controls, however we ask that Council apply flexibility in this regard, consistent with the provisions of 4.15(3A)(b) of the EP&A Act, noting that the outcomes of these controls are nonetheless achieved and that a superior parking solution for the site is achieved.

Should you have any queries regarding the information above, please do not hesitate to contact me on 0472 65 74 74.

Yours sincerely,



Rebecca Englund
Director | Northern Beaches Planning