

Development Compliance – Clause 4.6 Building side boundary envelope non-compliance main section north side wall of secondary dwelling does not include meals room which complies with envelope

6 Development compliance (does not include meals room which complies with envelope).

The development complies with the LEP and DCP requirements except for the following strongly considered point.

Side boundary building envelope 4 m non-compliance to part of the north wall of the new dwelling., refer clause 4.6 (does not include meals room which complies with envelope).

- This is considered a minimal effect non-compliance not adversely affecting the subject site or adjoining properties.
- The envelope non-compliance has been discussed at Council premises with Phil Lane Duty Planner, who considered it to reasonably acceptable by Council for minimal environmental effect and favourable consideration.

Phil also agreed that it is acceptable particularly for the reason as with the planned north wall setback location of 1520 mm from the side boundary it will be able to be a Class 1A dwelling. If the building was located further away from the north side boundary it will have to move over the existing residence then becoming a Class 2 dwelling incurring highly complex and expensive fire rating and construction. Physical disturbance and modification to the existing dwelling walls, ceiling etc, not to mention disturbance to the family on a personal level. It was also discussed with Craig Formosa of Form certifiers who considered it very valid and acceptable for envelope non compliance.

In designing the new dwelling a lot of time has been spent on evolving a suitable yet minimal floor plan with this plan being the most suitable for adequate, comfortable living.

Other designs were considered with new dwelling footprint not encroaching over the existing residence habitable areas, but they proved to be impractical in bedroom width and resulted in a less functional plan and unsuitable room layout.

6.1 Clause 4.6 side boundary 4 m envelope non-compliance

(does not include meals room which complies with envelope).

Proposed non-complying development

Variation is requested for the carport in part non-compliance with this control as it is considered the development will not compromise the DCP control objectives, maintaining its desired effects.

It will not adversely effect the streetscape and adjoining properties, beyond that reasonably expected for this building environment.

The secondary dwelling is of 60 m² is sited primarily over the garage so that minimal existing landscaped open space will be occupied by it. It is the best location for sensible planning leaving generous landscaped open space at ground level.

As stated above in Cl. 6 it has been located 1520 mm from the north side boundary giving fire separation distance required for a class 1A building. The 1520 setback of the north wall is not sufficient to comply with the building envelope, with the envelope hitting the side wall approximately 435 mm below the roof eave. The eave cannot be lowered as the ceiling height is at the minimum 2420 mm.

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In designing the new dwelling a lot of time has been spent on evolving a suitable yet minimal floor plan with this plan being the most suitable for adequate, comfortable living. Other designs were considered with new dwelling footprint not encroaching over the existing residence habitable areas, but they proved to be impractical in bedroom width and resulted in a less functional plan and unsuitable room layout.

DCP objectives side boundary envelope.

Objective 1: To ensure that development does not become visually dominant by virtue of its height and bulk.

Answer: The addition at the non-complying area is designed of minimal height, low minimal ceiling, hip roof pitch, minimal bulk and scale, having minimal effect on adjoining properties and streetscape. The non-compliance is governed by the need to located the class 1A new dwelling so it does not encroach over the primary residence which would cause very high construction and fire rating expense, modifications of existing walls and ceiling, family inconvenience.

The development will be of minimal width 6.22 m facing the street thus of minimal visual appearance. It will be located primarily beside the garage of the north side property considered the best location for minimal effect on that property in privacy and visual open space, bulk and scale of building.

Objective 2: To ensure adequate light, solar access and privacy by providing spatial separation between buildings.

Answer: There is a significant distance between the addition and adjoining site buildings, addition being set in 1520 mm from side boundary. The existing privacy, amenity, and solar access will not be adversely effected.

Objective 3: To ensure that development responds to the topography of the site.

Answer: The addition respects this and has been set in from side boundary to suit site, existing building footprint, and adjoining properties. The first- floor addition at the non-compliance has a side boundary setback of 1520 mm, being very generous, providing great separation to the adjoining property.

In positioning the new dwelling primarily over the garage it will preserve the landscaped open space between the 2 properties. As it is located adjacent to the adjoining site garage, this is considered to have the least environmental effect related to locating it at other locations on site.

(end of Clause 4.6 meeting DCP objectives building envelope).

Additional compliances not in DCP or LEP:

To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.

Response: The additions achieves this in maintaining the existing natural environment, whilst providing new structures not visually or physically obscuring the local trees, views, topography, natural air movements.

The bulk and scale of the built form is minimised.

Response: The additions will achieve this being of minimal bulk and scale in character with the residence, adjoining, street, and locality residences. Its height will be at a lower level than the maximum 8.5m height line and is of similar height level to the 2 adjoining 2 storey houses and other buildings in the street and locality.

Equitable preservation of views and vistas to and/or from public/private places:

Response: The addition will not adversely remove views from local properties or public places as it does not lie in a significant view path. As the addition is only partly covering the residence it will have minimal visual impact on viewing between properties from the street or from properties.

Vegetation is retained and enhanced to visually reduce the built form:

Response: Minimal lawn area will be covered as additions are primarily over the existing building footprint. Abundant vegetation applies and will remain to the front and rear yards in lawn and large garden areas containing medium height shrubs and trees.