

26/09/2024

Megan Surtees
Northern Beaches Council

Dear Megan,

RE: RESPONSE TO REQUEST FOR FURTHER INFORMATION FOR DEVELOPMENT APPLICATION DA2024/0939 AT 2 ORANA ROAD MONA VALE NSW 2103

On behalf of the applicant Metricon Homes, please find below response and attached amended/additional documentation in response to Council's Request for Further Information (RFI) dated 12/08/2024.

Council RFI	Applicant Response
(a) D9.6 Front building line This control requires development to be setback 6.5 metres from the front boundary line. The proposed development, at its closest point, has a front setback distance of 5.8 metres (sited to the ground floor level). This presents a variation of 10.7%. The proposed development seeks consent to construct a new dwelling. As such, compliance with the relevant built form requirements is expected, particularly noting that there are no site constraints that restrict compliance. As such, the plans shall be amended to increase the front setback to a minimum distance of 6.5 metres to ensure compliance with this control.	The proposed front setback of the dwelling house is approximately 5.8m to the portico structure, which complies with intent regarding the 6.5m standard front setback as per DCP requirements. It is to be noted that the portico acts as a building element that provides interest and breaks to the dwelling façade, and is not considered to be the dwelling's main building line. The dwelling main building line is to be setback at 7.77m from the primary frontage, which complies with the minimum 6.5m as per the DCP. In addition, the two adjoining properties have an approximate average setback of 4.46m and therefore the proposed front setback is recessed approximately 1.3m if compared to the average setbacks of the adjoining dwellings on either side of the allotment. It is asserted that this proposed technical 0.7m encroachment will not cause any loss of privacy and amenity and will not cause any material detriment to adjoining land-owners and streetscape. Moreover, the proposed front setback is seen to be in line with the streetscape character of the locality, and the proposed dwellings front façade will be recessed behind the front setback of the following properties: 2A Orana Road, 2 Orana Road (development site as existing), 4A Orana Road, 4 Orana Road, 6 Orana Road, 8 Orana Road and 10 Orana Road. In addition, repositioning the proposed dwelling towards the rear to achieve full compliance with the front setback is not seen to be beneficial in this instance, as it would only increase the extent of overshadowing into the POS area of the adjoining

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	property, and would not result in a noticeable change when the proposed development is viewed from the public domain. Therefore, the proposed variation to the frontage alignment is deemed to be appropriate in this instance and should be supported as it is a technical non-compliance (calculated to be 0.7m), where the proposal will still sit well within the locality and provide a built form, scale and bulk that is compatible with existing dwellings in the surrounding vicinity, and streetscape. Due to the reduced setbacks of adjoining dwellings and the vegetation screening on the lot frontage, it is asserted that the proposed frontage setback encroachment will not adversely impact on the amenity of the streetscape, will not increase building dominance and bulk, it is in line with the existing built form of the locality and therefore should be supported.
(b) D9.7 Side and rear building line This control requires development to be setback 1.0 metres to one side boundary and 2.5 metres to the other side boundary, as well as setback a minimum distance of 6.5 metres to the rear boundary. The proposed development achieves compliance with the rear setback requirement, as well as the side setback requirement of 1.0 metre to the southern side boundary. However, the northern side setback distance ranges between 1.50 metres to 1.860 metres on the ground floor level, which presents a maximum variation of 40.0%. As detailed above, as the proposal seeks consent to construct a new dwelling, compliance with the relevant built form controls is expected, particularly noting that there are no site constraints that restrict compliance. As such, the plans shall be amended to increase the northern side setback on the ground floor level to a minimum distance of 2.5 metres to the ground floor level.	Please find attached updated Architectural Plans where the proposal has been amended to fully comply with the required 2.5m side setback control on the Southern side of the subject property. In addition, the proposed dwelling has also been amended to fully comply with the envelope plan that applies to the subject site.
(c) C1.4 Solar Access This control stipulates the following requirements: • The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.	The proposed dwelling house is designed in such a way that it allows solar access to habitable areas, recreational spaces and solar panels on the site and on neighbouring sites. It is to be noted that the adjoining property towards South (2A Orana Road) is impacted by overshadowing from the proposed development due to the allotment orientation, which is within 20° west to 30° east of north, and

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• Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows). • Solar collectors for hot water or electricity shall receive at least 6 hours of sunshine between 8.00am and 4.00pm during mid winter. • Developments should maximise sunshine to clothes drying areas of the proposed development or adjoining dwellings. The existing solar panels on the roof of 2A Orana Road have not been shown on the shadow diagrams. As consideration of sunlight to solar panels is required under this control, these should be indicated on the dwelling and secondary dwelling of 2A Orana Road in order to accurately ascertain the extent of impact upon the solar access of 2A Orana Road.	also have a topographic difference in levels, and therefore should be subject to a merit-based assessment as per Clause C1.4 of the DCP. With regards to the POS area and solar panels at 2A Orana Road, it is asserted that the POS area of this property will receive a minimum of 3 hours of sunlight between noon and 3pm on June 21st, and most of the overshadowing onto its rear yard is caused by the existing dwelling and existing vegetation within this property, due to the rear yard position and development layout. The existing solar panels at 2A Orana Road will receive at least 6 hours of solar access as per attached Shadow Diagrams provided for most of their entirety, with overshadowing only occurring over the solar panels present on the single storey portion of the existing dwelling which is in closer proximity with the Northern boundary. Although, it is to be noted that these solar panels are already overshadowed by the existing vegetation along the shared boundary, and that the difference in the solar access levels achieved post development would remain similar to existing conditions pre-development. The other solar panels within the second storey of the principal dwelling and within the detached single storey element at the Southern side of the property will still receive at least 6h of solar access, and therefore the proposed development is seen to comply with the DCP intent regarding solar access to the dwelling and to the adjoining dwellings. In addition, the rear yard of 2A Orana Road will not be overshadowed by the proposed new dwelling from noon onwards, and therefore alternative measures can be explored in order to adapt to the new solar access and overshadowing levels that affect the site. It is also to be noted that the locality consists of an established residential area where re-developments are starting to occur. Once new developments adjoin established single storey dwellings / components, amenity impacts are unavoidable. However, it is to be noted that future developments are envisaged to occur on the locality, which are considered to outweigh the unavoidable amenity impacts as they represent on-going investment towards the locality which is seen to be in line with Council's vision.

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	The proposed dwelling house is considered appropriate noting the size of the allotment and intended character of the area, with the appropriate amenity able to be maintained. The proposed dwelling is seen to be well recessed from the southern boundary, and it seen to allow for solar access to habitable areas, recreational space and private open spaces on the site and on neighbouring sites, despite the site orientation. It is to be noted that the site orientation and existing topographic conditions will result in unavoidable overshadowing onto adjoining properties as a result of any 2 storey development. However, as per above, it is to be noted that future developments are envisaged to occur on the locality, which are considered to outweigh the unavoidable amenity impacts as they represent on-going investment towards the locality which is seen to be in line with Council's vision. Accordingly, Council's agreement is sought to the proposed variation in regards to the solar access to the site, and to adjacent sites. In addition to the above, please refer to the attached response letter prepared by Blackwattle Planning, dated 13 September 2024 for a further detailed assessment on solar access.
(d) 9.3 Building colours and materials This control stipulates that external colours shall be dark and earthy tones, and that white, light coloured, red or orange roofs and walls are not permitted. The proposed schedule of colours, materials and finishes indicates that the external walls will be a 'natural white' colour. This fails to achieve compliance with this requirement and, therefore, it is not supported. The proposed colour scheme shall be amended to ensure the external walls are of a darker colour, consistent with this control.	Please find attached updated Schedule of Colours and Materials, where the proposal has been amended to be consistent with this DCP control.

Please do not hesitate to contact the undersigned on the below details for further discussion or if any further information is required.

Kind Regards,

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