

15 December 2023

Northern Beaches Council

Attn: Brittney Harrison

RE: ADDITIONAL INFORMATION REGARDING 6 NET ROAD, AVALON

On the 7th of December Northern Beaches Council ('Council') requested additional information with regard to the proposed works on the subject site.

With regard to Council's enquiries we provide the following:

Permissibility Issues

It is acknowledged that the proposal would result in the site having 3 kitchens which raises concerns with the regard the sites potential use multi-dwelling housing which is not permissible in the zone. The existing rumpus room includes cooking facilities which have been shown to be demolished and would welcome a condition on the consent to have those facilities removed.

Height of Buildings

A clause 4.6 request has been provided with regard to the minor height breach.

Excavation & Fill

Concern was raised with regard to the amount of fill proposed to convert the swimming pool into a lawned terrace. The amount of fill has been reduced by providing steps down to the terrace garden from the dwelling which, in turn, has reduced the height of the retaining wall.

Clause C1.11 Secondary Dwellings and Rural Worker's Dwellings

Additional commentary has been provided against the outcomes and controls of clause C1.11 of the DCP. Firstly, the controls of the clause are addressed:

The development of a secondary dwelling or rural worker's dwelling will result in not more than two (2) dwellings being erected on an allotment of land.

Response: Achieved. Cooking facilities are to be removed from the principal dwelling rumpus to ensure that only 2 dwellings are on the site.

A secondary dwelling or rural worker's dwelling contains not more than two (2) bedrooms and not more than one (1) bathroom.

Response: Achieved.

A landscaping strip of 1.5m minimum width shall be provided along the side boundary where any driveway is located adjacent to an existing dwelling.

Response: No driveway located adjacent to an existing dwelling. The existing driveway in front of the secondary dwelling location is to be removed with new landscaping treatments provided along the front and side boundaries to surround the secondary dwelling.

Where the secondary dwelling or rural worker's dwelling is separate from the principal dwelling, only one storey will be allowed.

Response: The proposal deviates from this control however is considered a reasonable outcome in this instance and in which Council also gave tacit support for via a pre-lodgement meeting.

The secondary dwelling seeks to convert the garage/studio with carport above into a 2 storey secondary dwelling. Council questioned whether the existing storage area could be incorporated into the design and achieve a single storey form. This was explored however it could not achieve a 60m² maximum including 2 bedrooms which formed the client brief.

We can deduce the intent of this control from the objectives which seeks to limit the visual bulk and scale of the development. The existing site topographical characteristics slopes down from street level into the site. The existing lower level garage cannot be seen from the street with the open carport currently visible from Net Road. The open carport is to be replaced with the first floor secondary dwelling which is acknowledged to come with increased visual bulk however will still maintain a single storey presentation to the street. Replacing an open structure with the first floor level is not a significant increase in streetscape impacts compared to if there was no existing carport. Furthermore, the existing crossover is to be removed with new landscaping treatments proposed along the front boundary which will make a positive contribution to the streetscape and provide additional softening and screening of the development.

Where the secondary dwelling or rural worker's dwelling is located within, or is attached to the principal dwelling (including the garage) the maximum building height is to be in accordance with the height controls contained within Pittwater Local Environmental Plan 2014.

Response: If the secondary dwelling was attached to the principal dwelling the 2 storey nature would not be an issue. When viewing the north elevation drawing the 3 structures all sit within the 8.5m height and building envelope controls, with the encroachments of eaves being an allowable exception to the envelope control.

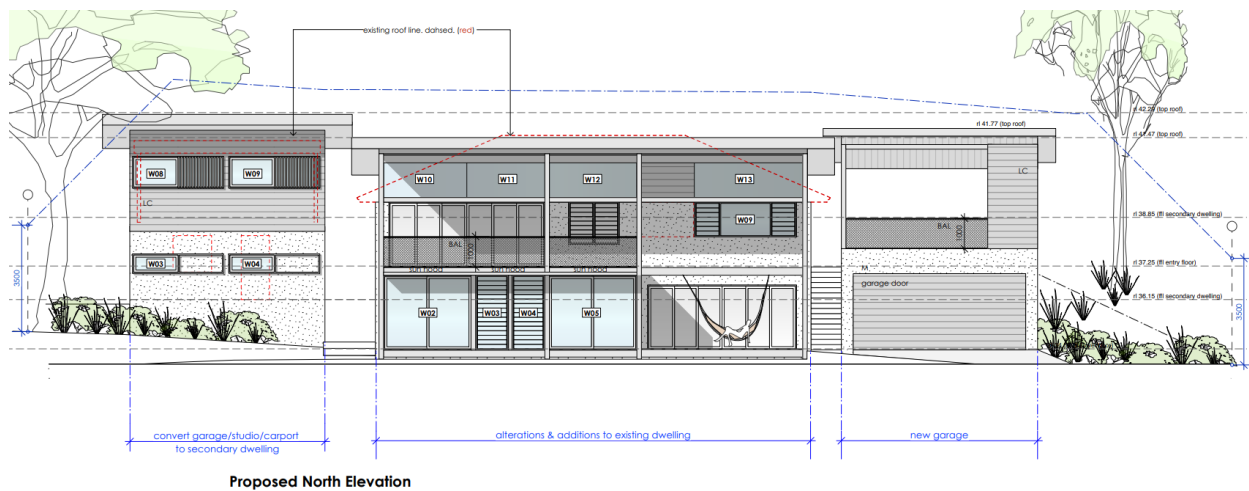


Image 1: North Elevation

The same single storey streetscape presentation would be achieved with a compliant new dwelling or an extension to the existing dwelling. As such, it could not be seen as unreasonable with regard to visual bulk to have a 2 storey secondary dwelling in the proposed location. A development application could propose a new dwelling or an extension to the existing in the same location as the secondary dwelling and result in the same visual bulk within the streetscape and when viewed from adjoining properties.

A secondary dwelling above a detached garage is not supported.

Response: Achieved.

When assessed against the controls the only variation relates to the single storey form. The 2 storey secondary dwelling as proposed has been demonstrated to be reasonable in this instance, as detailed above, and warrants support. The identified non-compliances with the number of storeys control pursuant to Clause C1.11 have been acknowledged and appropriately justified. Such variations succeed pursuant to section 4.15(3A)(b) of the EP&A Act which

requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.

For completeness, the outcomes of clause C1.11 have been addressed also:

Limitation of the visual bulk and scale of development.

Response: As mentioned above, the 2 storey form does not contribute to any unreasonable visual bulk. A single storey presentation to the street is maintained. When viewed from neighbouring properties it would not be seen as offensive or jarring within the landscape notwithstanding a principal dwelling could be located in the same area. Existing and proposed landscaping treatments will further soften and screen the development.

Provision of design flexibility for second storey development.

Response: Flexibility is achieved by providing a 2 storey secondary dwelling which is considered reasonable in this instance as detailed in this letter.

Restriction of the footprint of development site.

Response: The existing footprint of the proposed secondary dwelling is as per the existing. The first floor to the secondary dwelling allows the existing footprint to be maintained.

Retention of natural vegetation and facilitation planting of additional landscaping.

Response: The application is supported by a landscape plan which shows a significant increase in soft landscaping across the site with existing trees to be retained. The area around the secondary dwelling was hard surface as it was associated with car parking. The proposal will convert the bulk of the hard surface around the secondary dwelling into soft landscaping, as detailed within the landscape plan. The new garage is better located where the existing driveway is located accessed from Gunyah Place.

Provision of rental accommodation

Response: Achieved.

It is submitted that the secondary dwelling is consistent with the outcomes of clause C1.11.

If you require any more information please do not hesitate to contact me.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'William Fleming', written in a cursive style.

William Fleming

BS, MPLAN

Boston Blyth Fleming Pty Ltd

Director