

# Memo



File/Job No: 7099  
Date: 29 May 2014

From: Scott Barwick  
Project: 2014SYW010

To	Attn	Company
•	The members	Sydney Region West JRPP
CC	• Rodney Pickles	Hornsby Council

**Re: 2014SYW010 - DA 1370/2013 - No.s 21-39 Waitara Avenue and No.s 20-30 Orara Street, Waitara**

The above Development Application has been assessed by SJB Planning on behalf of Hornsby Council.

Further submissions direct to the JRPP Secretariat have been received from Mr Bensley and Mr Baker (copies attached).

An alternate suggestion to condition 2 recommended in the assessment report has also been received from the applicant.

The further submissions are addressed below for the panel's consideration.

## **Mr Bensley's submission**

This submission is in addition to an email submission to Council of 21 January 2014 and letter dated 17 March 2014, both of which raised concerns over privacy to the level 8 dwellings at the property to the north of the development site known as 41-45 Waitara Avenue.

The 17 March 2014 submission included a floor plan and photograph of the open space area for unit 1805 at 41-45 Waitara Avenue. These are included in the attachments for the panel's reference.

The dwelling referred to in Mr Bensley's submissions is located in the south western corner of the building at 41-45 Waitara Avenue on the top most level. The survey provided with the application indicates that the roof terrace level is at RL 191.24m AHD.

The southern edge of the roof terrace of 41-45 Waitara Avenue is setback 2.8m from the boundary with the proposed public open space area. The northern edge of the proposed level 8 terrace is setback 16.54m from the boundary with 41-45 Waitara Avenue. The total physical separation is therefore 19.34m.

The proposed development to level 07 satisfies the objective considerations and numerical guidelines for the separation of buildings. The upper most level providing a separation of 19.34m is less than the numerical guideline of 24.0m in the RFDC and Hornsby DCP but has been assessed as providing appropriate visual and acoustic privacy to existing and new residents.

The conclusion was reached as the separation is predominantly accommodated within land to be dedicated to Council as open space, is deep soil planting unencumbered by significant structures and is anticipated to be landscaped with substantial trees.

Further the northern portion of the of the private open space of the upper most level of proposed building B is a 1.0m wide return, with the primary open space area being located to the western elevation and oriented to the west. The floor plan provided in the submission indicates that the internal living areas on the upper most level of 41-45 Waitara Avenue are oriented to the principal private open space areas also located towards the west. The bedroom window oriented to the south is setback approximately 3.0m from the terrace edge providing a total separation from the northern elevation of building B to this opening of approximately 22.34m.

This combination of the physical separation between the buildings, nature of the area available to be landscaped and dwelling orientation has led to the conclusion that the design provides an appropriate response to the provision of privacy in the circumstance.

### **Mr Baker's submission**

Mr Baker's submission received by the Secretariat is the same submission provided to Council via email dated 22 January 2014 and considered in the report to the JRPP.

The issues raised are addressed again below.

*Building separation between the proposed development and 11-19 Waitara Avenue is less than 24m and should be over 30m to address sunlight, privacy and amenity.*

The physical separation between the buildings is a minimum of 14.2m comprising 9.0m on the development site and 5.2m on 11-19 Waitara Avenue. The minimum side boundary setback established by the DCP is 9.0m and is complied with by the proposal. A 9.0m setback represents a 50% provision of the desired separation of 18.0m between developments which have habitable rooms oriented to habitable rooms in buildings up to 25m in height. The building adjacent to the boundary between the two sites is boundary is 26.8m to the roof.

The 18.0m separation guideline for development up to 25.0m in height can be reduced to 13.0m between habitable rooms and non-habitable rooms. For buildings above 25.0m the guideline separation of 24.0m between habitable rooms is able to be reduced to 18.0m between habitable rooms and non-habitable rooms. The design has embraced the ability to vary the guideline separation through the utilisation of screening to the openings provided to the southern elevation to preclude inter looking potential. In relation to privacy the design response achieves the objectives.

In relation to solar access the proposed building complies with the minimum DCP setback of 9.0m which can be reduced to 7.0m for 1/3<sup>rd</sup> of the wall length. A minimum setback of 9.0m is proposed for the entire elevation. The height of the wall in this location is 300mm greater than the maximum permitted maximum height of buildings. It has therefore been concluded that the level of solar access impact is consistent with the level of impact that should be expected from a complying scheme, recognising that 1/3<sup>rd</sup> of the wall could be located 2.0m closer to the boundary under the DCP provisions.

On balance the proposal was assessed as appropriately addressing privacy impacts and resulting in a solar access impact consistent with an impact that would be anticipated by the applicable built form controls

### *Car parking provision and on-street car parking availability*

The car parking provision is compliant with Council's controls and DCP requirements. It is also noted that eight driveways will be removed from Waitara Avenue, increasing the on-street car parking potential.

#### *Increased use of Mark Taylor Oval*

An underlying reason for the increased residential capacity in the location is the proximity to open space areas and public transport. On-going management of the booking and reservation system of the oval will be an operation matter for Council.

#### *Traffic flow management during construction*

Proposed condition 18 requires the preparation of and provision of a Construction Traffic Management Plan prior to the issue of a CC.

#### *Misleading photomontage*

The underlying image on page 13 of the DA design report does include the current awning of No.23 Waitara Avenue which will be demolished. The image having not photo-shopped out this awning does not undermine the graphic representation of the proposed development.

#### *Relocation of public open space to adjacent to 11-19 Waitara Avenue*

The proposed land to be dedicated as open space is in the location zoned for such purpose under the HLEP 2013. The relocation as suggested would result in a disconnection with the existing open space to the west of the site which has been planned to provide an open space linkage between Mark Taylor Oval and Romsey Street.

#### *No driveway entrance in Waitara Avenue should be provided*

The proposed basement car parking levels are accessible from two driveways. One driveway provides access to Orara Street and one driveway provides access to Waitara Avenue. Either driveway can be utilised to enter or leave the basement parking levels.

The driveway access locations have been assessed by Council's traffic engineers as appropriate and compliant with the relevant design standards.

#### *Shadow analysis*

Consideration of solar access impacts have been provided in the form of plan view shadow diagrams in the architectural design package, elevation shadow analysis in the SEE and a view from the sun assessment in the Solar Access Study. The view from the sun analysis at Appendix B of the solar access study is particularly informative in demonstrating the extent of the northern elevation of the building at 11-19 Waitara Avenue between 7.30am and 4.00pm in mid-winter. The information provided has been suitable to determine the level of impact and compare the level of impact proposed compared to the building envelope anticipated by the applicable controls.

### **Applicant's response to proposed Condition 2**

The application is recommended with proposed condition 2 requiring 58 of the proposed balconies to be increased in depth by 500mm.

The applicant has on the 27<sup>th</sup> May provided an alternate provision of increased balconies. The proponent still contemplates increasing balcony widths by 500mm but to a revised range of proposed apartments. The alternate suggestion from the architect would result in 65 balconies being increased in depth by 500mm. The architect has suggested a revised clustering of the balconies to be increased in depth while also better retaining the underlying design intent. As the alternate configuration results in 7 more balconies being increased in depth the alternate configuration is recommended to be implemented as the outcome is further improved from that originally recommended.

An alternate wording of the condition is provided below.

### **Amendment of Plans**

The approved plans are to be amended as follows:

- a) Amended plans to increase the depth of the proposed private open space balconies with a 500mm projection to the following proposed dwellings:

#### **Block A**

Level 01 - 03	Proposed dwellings 09 on each level
Level 04	Proposed dwellings 03 and 09
Level 05 - 07	Proposed dwellings 03, 09, 10 and 11 on each level
Level 08	Proposed dwelling 03

#### **Block B**

Level 01 - 02	Proposed dwellings 03 and 09 on each level
Level 03	Proposed dwellings 03 and 09
Level 04	Proposed dwellings 03,09, 10 and 11
Level 05-06	Proposed dwellings 03,04,09,10 and 11 on each level
Level 07	Proposed dwellings 03,04,09,10 and 11
Level 08	Proposed dwellings 09,10 and 11

#### **Block C**

Level 01 - 05	Proposed dwellings 02,03 and 10 on each level
Level 06 - 07	Proposed dwellings 02 and 03

### **Attachments**

Original submissions from Mr Bensley and Mr Baker

Applicant's alternate balcony configuration