

BALLINA SHIRE COUNCIL – MEMORANDUM

Memo To: All Councillors
Copy: File
File Reference: 2011/546
Memo From: Rod Willis
Date: 20 March 2012
Subject: Addendum Report to Council re Item 8.1 - DA 2011/546 -
7 Monivae Place, Skennars Head

Please find **attached** an addendum report to the subject application that has been reported to the Council's Ordinary Meeting of 22 March 2012. The need for this addendum has arisen due to the applicants submitting amended plans for the application following consideration of the report and recommendations made to the Council by Council's assessment planner. Essentially the amended plans seek to resolve one of the unresolved issues with the application and involve a redesign of the garaging for the development. The addendum report assesses this and modifies the recommendation of the report that is presented in the business paper.

Regards

Rod Willis
Group Manager
Regulatory Services

Encl.

Addendum to Item 8.1 - DA 2011/546 - 7 Monivae Place, Skennars Head

File Reference	DA 2011/546
Applicant	Peter Turner & Associates
Property	Lot 5 DP 880333 7 Monivae Place, Skennars Head
Proposal	To undertake alterations and additions to an existing dwelling house
Effect of Planning Instrument	The land is zoned 2 (b) Village Area Zone under the provisions of the Ballina LEP

Introduction

Since the preparation of the initial report the applicant has submitted additional information and an amended plan (attached) to address the concerns expressed in the objections.

Report

The additional information relates particularly to the three conditions contained in the recommendation that were made in response to submissions made against the proposed development.

Proposed Condition No. 1

The solid wall on the western side of the balcony off the Kitchen/Dining Room being increased in height from 1000mm to 1700mm with louvers above.

This condition was imposed as a result of the concern expressed by the owners of the adjoining property that: *"Noise from 7 Monivae Place is already an issue. It is constant, often offensive and can be heard from the inside of our home. Due to the proximity and use of this proposed extension it would be pertinent to say that this would result in an increase in noise."*

The 1m high wall and selected louvers 'will not' protect the privacy of the adjoining property, nor will it address the issue of noise & lighting. In addition, to create an outdoor room over the proposed balcony extension, the proposed roof over this area will amplify even the most modest noise. Should the proposed selected louvers be installed and fixed into a position to reduce viewing, this will not address the issue of noise and lighting.

As there is no view to the west other than our house, it is reasonable to suggest that this will allow privacy/functionality to the users and significantly reduce the impact of this extension on the adjoining property."

In response the applicant has submitted;

“Council would appreciate that full privacy is able to be achieved by using horizontal louvers that are angled upwards from the surface upon which they are affixed. Such louvers will enable access to natural light and breezes whilst being spaced and angled such that one is not able to look downwards through the louvers.

Should this not be acceptable, it is submitted that a condition be imposed such that the requirements for any screening on this western balcony be duly considered upon erection of the frame/super-structure of the balcony.”

Comment

The statement by the applicant only refers to over looking of the adjoining property whereas the objectors main concern appears to be noise. It is considered that whilst the proposal offered by the applicant will address the privacy issue it will not address the intrusive noise issue.

It is recommended that the condition remain.

Proposed Condition No. 2

A solid screen being constructed on the western side of the balcony off the parents retreat for a height of 1700mm.

This condition was imposed as a result of the concern expressed by the owners of the adjoining property: *“that the proposed first floor addition would result in loss of amenity to the privacy of our bedroom-balcony, courtyards and pool area as the viewing from this elevated position looks down into our property.”*

In response the applicant has submitted;

“it is submitted that due to the location and separation of the proposed Parent’s Retreat Balcony (in excess of 19m from and not able to overlook No 5 Monivae Place) that no privacy screening is warranted thereon.

Further to the above, you will note from the plans of the house, that overlooking of the adjoining property from the balcony will be obstructed via the intervening roof of the subject house. It is therefore submitted that there should not be any requirement for a privacy screen on the western side of this balcony.”

Comment

It is considered that the comments by the applicant are relevant in that the proposed balcony is a considerable distance from the adjoining property, and the view into the adjoining property is partially restricted by the intervening roof. It also needs to be noted that this balcony is off a parent’s retreat which would indicate that it would receive limited use.

It is recommended that this condition no longer be required.

Proposed Condition No. 3

The garage is to be moved closer to the building. The two doored section of the garage is to be moved 2 metres closer to the existing building, and the single door section of the garage is to be moved 4 metres closer to the existing building than that shown on the submitted plan.

This condition was imposed as a result of a concern expressed by two property owners, who reside some 50 metres from the subject site, whose views of the sea would be impacted by the proposed construction of the garage.

In response the applicant has submitted;

“the proponent has agreed to amend the proposed location and configuration of the garage so as to improve the view corridor that will be provided to the objector (and more distant neighbours).”

The proposed modification involves moving the garage structure a further 1m off the eastern property boundary and a further 1m to the north. An approximate 2.6m deep recess/articulation is also provided on the south-eastern corner of the building.”

Comment

The proposed relocation of the garage maintains the same view line from the most affected objector as that proposed to be achieved by the recommended condition of consent whilst at the same time providing a better outcome for the second objector.

It is recommended that this condition no longer be required.

Options

- 1 The application be approved subject to normal building conditions, which would include a reference to the amended plans.
- 2 The application be approved subject to normal building conditions plus the additional condition mentioned in the amended report, requiring the screening of the rear balcony.
- 3 Refuse the application for non-compliance with the provisions of the Ballina Development Control Plan.

Option two is recommended as the application has been assessed as being worthy of approval.

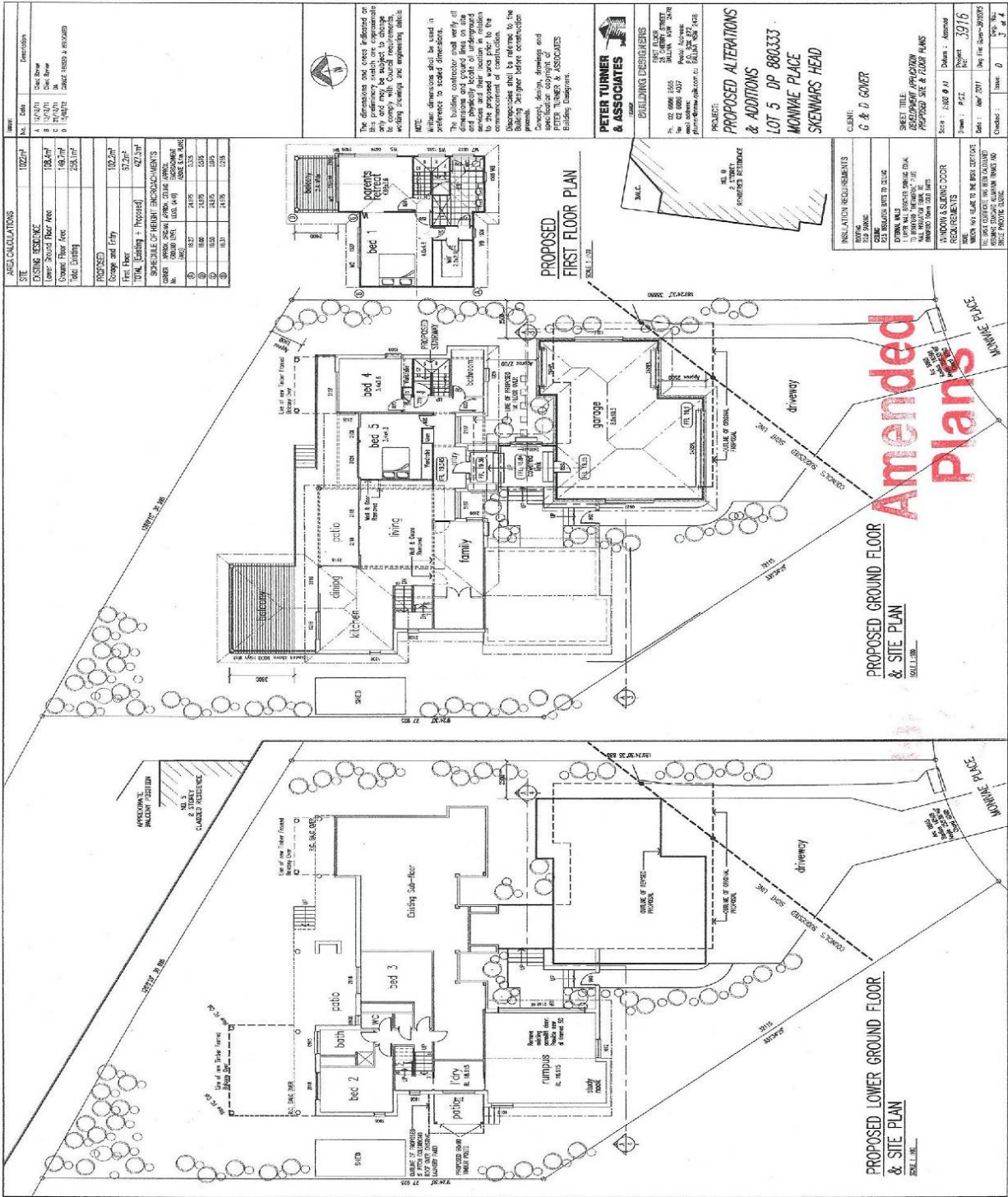
RECOMMENDATIONS

That development application 2011/546 for the construction of additions and alterations to a dwelling at Lot 5 DP 880353 No 7 Monivae Place, Skennars Head be **APPROVED** subject to the standard building conditions of consent and the following specific condition.

1. The solid wall on the western side of the balcony off the Kitchen/Dining room being increased in height from 1000mm to 1700mm with louvers above.

Attachment(s)

1. Amended Plan (Site and Floor Plan)



AREA CALCULATIONS

SITE	1027m ²		
EXISTING RESERVE			
Lower Road Bear Area	108.7m ²		
Lower Road Area	149.7m ²		
Total Existing	258.4m ²		
PROPOSED			
Garage and Entry	102.2m ²		
First Floor	57.2m ²		
TOTAL (Existing + Proposed)	422.7m²		
SCHEDULE OF HEIGHT REQUIREMENTS			
ORDER	AREA (SQM)	ORDER	AREA (SQM)
1	102.2	1	102.2
2	149.7	2	149.7
3	108.7	3	108.7
4	108.7	4	108.7
5	108.7	5	108.7
6	108.7	6	108.7
7	108.7	7	108.7
8	108.7	8	108.7
9	108.7	9	108.7
10	108.7	10	108.7

NOTES

1. The dimensions and areas indicated on this preliminary sketch are approximate and are for information only. Final dimensions and areas shall be determined by a professional surveyor to comply with Council requirements, existing drawings and engineering details.

2. Where dimensions are used in preference to scaled dimensions.

3. The building contractor shall verify all dimensions and areas on site and shall provide a copy of the final dimensions and areas to the architect and their location in relation to the proposed construction.

4. Dimensions shall be referred to the Building Act prior to construction.

5. Proposed alterations and additions shall be in accordance with the specification of PETER TURNER & ASSOCIATES Building Designers.

PETER TURNER & ASSOCIATES
 BUILDING DESIGNERS
 25 VICTORIA STREET
 SYDNEY NSW 2000
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 FAX: 02 9388 4237
 EMAIL: peter.turner@peterturner.com.au

PROPOSED ALTERATIONS & ADDITIONS
 LOT 5 DP 880333
 MONIVALE PLACE
 SKENNARS HEAD

CLIENT:
 C & D COVER

SHEET TITLE:
 DEVELOPMENT APPLICATION
 PROPOSED SITE & FLOOR PLANS

Scale: 1:100 @ A1
Drawn: Approved
Checked: P.T.Z.
Project: 3316

DATE: 16/07/2011
By: Peter Turner
Checked: Peter Turner

INSULATION REQUIREMENTS

Room	Insulation
Garage	R1.0
Entry	R1.0
Living	R1.0
Dining	R1.0
Kitchen	R1.0
Bathroom	R1.0
Bedroom	R1.0
Staircase	R1.0
Roof	R1.0
Subfloor	R1.0
Walls	R1.0
Floors	R1.0