

Chapter D1, Byron Development Control Plan 2014

Variation Assessment

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Assessment

D1.2.1 Building Height Plane

Objectives

1. To ensure that residential development is designed to minimise impacts on solar access and privacy on adjoining properties, and on the views from adjacent existing buildings.

The Architectural Plans include a detailed site placement justification report, that should be read when considering the proposal and reasoning for pursuing variations to the building height plane control.

Further to this analysis it is also noted that:

- The subject site is in a low-density housing area and private housing estate, comprising a mixture of 1 – 2 storey homes with minimal building separation. Many building elements throughout the estate sit within the building height plane.
- The subject site is a battle-axe allotment adjoined on all edges by residential development.
- Significant views and view fields have not been identified from the subject site, or across it.
- The existing vegetation near the site is a key contributor to shadows at the site and for adjoining land, and this vegetation is proposed to be retained except for the 1 tuckeroo tree that sits within the site.

The proposed development comprises a predominately single storey form, with a reduced second storey floorplate that accommodates 2x bedrooms and a bathroom.

Encroachment to the building height plan is relatively minor, and in the most part is limited to upper extents of lower-level rooms and the roofline, which provides no opportunity for privacy intrusion for neighbouring land.

The living spaces on the second level that are within the building height plane are confined to a 'low traffic' bedroom and bathroom area. These elements are setback from the lower floor plate and hidden behind permanent privacy screening / vertical battening to reduce any potential loss of privacy for residents to the south.

Shadow analysis demonstrates that despite encroachment to the building height plan, the proposal does not result in a detrimental loss of sunlight access for neighbouring land.

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2. To ensure that the occupants of the building or buildings will enjoy the optimum use of winter sunlight and summer shade.

Accordingly, the proposal is designed to minimise impacts on solar access and privacy on adjoining properties, and on the views from adjacent existing buildings.

The proposal primarily orients the living spaces and bedrooms towards the north, allowing optimum solar access and efficiency. The roof form is complimented with window placement, allowing additional natural light into the internal spaces.

The positioning of the proposed second storey element away from the side boundary primarily confines overshadowing impacts to the south in winter months when the sun is positioned lower in the sky.

The existing buildings to the south (including southeast and southwest) of the site are not anticipated to be detrimentally impacted upon by a reduction of winter sunlight, particularly as the majority of the area to be overshadowed is already shadowed by existing vegetation and is not the primary and orientated living spaces for these adjoining residences.

Performance Criteria

1. Developments must be set back progressively from the site boundaries as height increases so that they do not adversely affect existing or future development on adjoining properties by way of overshadowing, impinging on privacy or obstructing views.

Setbacks throughout the site are already generous, above the minimum 900mm for single storey elements and greater than 1.5m for second storey elements. The proposal steps in its building form for the second level as required under the control.

The dwelling is low-profile throughout, with typical 2.7m ceilings on the ground floor and 2.5m ceilings on the upper floor. Low profile roofing on the west ensures that the Western neighbour is not denied views to the sky and beyond from their alfresco areas.

All windows on the south are screened where they extend into the building height plane. This ensures that residents in southern lots retain their privacy and outlook.

2. Developments must be designed so that they will promote energy efficiency and so that residents may enjoy optimum use of winter sunlight and summer shade.

The proposal orientates its living spaces primarily towards the north, allowing passive energy efficiency and optimum solar access. While screens are included to manage privacy, windows are utilised to the south to capture diffuse light and allow temperature control.

3. Development applications must demonstrate that the windows of living areas (decks, living rooms, bedrooms, kitchens, etc.) of development on adjoining properties will, as a minimum, retain full solar

The battle-axe shaped allotment and orientation, justifies and in some way dictates the building form being setback from the northern property boundary. That said, greater side setbacks to the southern boundary are proposed that in some way reduces opportunity on the site but in turn reduces overshadowing to the southern properties.

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access between the hours of 9.00am to 3.00pm on any day.

The shadow diagrams indicate that in the worst instance of 9AM Winter the proposal does not over-shadow the north facing deck area of the dwelling to the south-east.

Due to the east-west orientation of the lot and side setbacks evident throughout the locale, this extent of overshadowing is effectively inevitable.

Although a variation to the building height plane is sought, this variation is considered minor and justified. It is considered that while there may be a minor degree of overshadowing to the properties to the south during winter months, this minimal impact should be reasonably expected for the site and within an urbanised area and will not unacceptably compromise residential amenity of the adjoining properties.

Prescriptive Measures

1. The building height plane in combination with boundary setbacks prescribed in this DCP, and building height prescribed in the Byron LEP 2014, form the maximum building envelope for all residential development other than for shop top housing and ancillary dwellings in Zones IN1, IN2 and B7.

Compliance with the Building Height Plane is not affected by a non-compliance within the building height prescribed within the Byron LEP 2014, or the established setback provisions.

The shadow diagrams submitted demonstrate adjoining development will retain appropriate levels of solar access between the hours of 9.00am to 3.00pm on the winter and summer solstice extremes.

Building setbacks are more than the minimum requirements under Council's DCP on all property edges and the building includes a stepped in and reduced upper floor plate. Opportunity for overlooking and noise emission is limited.

2. An exemption from the building height plane may be considered in relation to one or more boundaries in the following circumstances:

The site is not required to be filled for flooding purposes. The proposal does involve minor earthworks to accommodate the pool area.

a) where the floor level is required to be above ground level to comply with Council's requirements for flood protection; or

The proposal does not involve zero lot line, semi-detached or multi-dwelling housing development.

b) for the zero lot line boundaries of semi-detached dwellings and multi dwelling housing; or

The proposal is identified as compliant with the setback provisions of Prescriptive Measure 2 of Section D1.2.2.

c) in circumstances referred to in Prescriptive Measure 2. of Section D1.2.2.