

SECTION 4.6 EXEMPTION TO A DEVELOPMENT STANDARD

Project:

33 PARR AVENUE NORTH CURL CURL

Lot 17 in DP 13900

In support of a Development Application for:

ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING HOUSE, A NEW SWIMMING POOL AND ASSOCIATE WORKS

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1 – SECTION 4.6 EXEMPTION TO A DEVELOPMENT STANDARD – CLAUSE 4.3**Development Standard to be contravened.****Clause 4.3 Height of Buildings of Warringah LEP 2011**

In regard to the objectives of Height of building for residential accommodation in Zone R2, the LEP states in clause 4.3:

- (a) *to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
- (b) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access,*
- (c) *to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,*
- (d) *to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.*

Permissible Height = 8.5m

Proposed Height = 8.62m

Establish how each of the objectives are met if the standard is to be varied

OBJECTIVES	RESPONSE/JUSTIFICATION
a. <i>to ensure that buildings are compatible with the height and scale of surrounding and nearby development,</i>	The development sits within the building setbacks and is situated on the low side of the street with adjoining double storey neighbouring buildings and 2 storey houses with garaging under on the high side of the street. The development is in keeping with the surrounding context.
b. <i>to minimise visual impact, disruption of views, loss of privacy and loss of solar access,</i>	The proposal occupies a small first floor footprint which enables view sharing of the neighbouring properties. North is to the street so the overshadowing is naturally minimised through the orientation. With the proposal being on the low side of the street, building mass is mitigated through the natural topography.
c. <i>to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,</i>	The development offers a high level architectural quality to the area through use of high level finishes and architectural detailing. Parr Avenue is situated in a developed area of Warringah's coastal fringes and does not sit within a bush setting but a residential area of Warringah.
d. <i>to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.</i>	The proposal sits within a residential street with dwellings of similar scale and bulk. The development sits on the low side of the street with the ground floor level sitting below 2.2m below the kerb RL presenting as a single level to the street. The bulk and scale are mitigated by the topography and the architecture presents a well proportioned and detailed street expression offering value to the immediate streetscape.

Demonstrate why compliance with the standard is unreasonable or unnecessary, in the circumstance

The compliance with the standard is a difference of 120mm. The R.L is taken from a spot level contained within the sub floor of the proposed development which occupies about 0.2sqm. The perimeter of the proposed footprint is compliant and sits well below the maximum height of 8.5m by approximately 900mm, due to the undulating nature of the steep sloping site and the overall ridge height of the building sitting within a 200mm circumference and the 8.62m points are both random that are spot levels and not contours and both sit on the very edge of the gutter, the breach is considered minute and we seek councils understanding on this.

Demonstrate sufficient environmental planning grounds to justify the noncompliance.

The grounds to which the environmental planning Assessment is achieved is through minimising site disturbance and the reuse of the original footings. There is no excavation required within the existing sub floor footprint to re-use the foundation materials and create a more sustainable approach by the reuse rather than going to waste. The existing earth will be retained and kept on site and will remain untouched. The overshadowing is irrelevant as the shadow will be cast upon itself.

2 – Conclusion

The proposed dwelling house is permissible within the R2 Low Density Residential under the provisions of Warringah LEP 2011.

This variation sought to section 4.6 exemption to a development standard has demonstrated that the proposal satisfies the relevant objectives and provisions of Warringah LEP 2011 and Development Control Plan 2000.

It is considered that the proposal will meet community expectations for development in the locality and approval of the application will be promoting the objectives of the Environmental Planning and Assessment Act.

On the basis of the merits of the proposal and the lack of environmental impacts, it is recommended that Council support to approve the development, subject to appropriate conditions of consent.