

42 SURFERS PARADE, FRESHWATER

Clause 4.6 – Exceptions to Development Standards

Variation of development standards may be considered under the provisions of this clause. The **height** of the proposed development exceeds the 8.5m permitted and accordingly such an assessment is provided below using the question and answer format recommended by the Department of Planning and Infrastructure.

1. *What is the name of the environmental planning instrument that applies to the land?*

Warringah Local Environmental Plan 2011

2. *What is the zoning of the land?*

R2 Low Density Residential

3. *What are the objectives of the zone?*

The objectives of the zone are fulfilled as is addressed below.

- ***To provide for the housing needs of the community within a low density residential environment.***

The improvements to the existing dwelling are consistent with this aim.

- ***To enable other land uses that provide facilities or services to meet the day to day needs of residents***

This is not applicable to the existing detached dwelling.

- ***To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.***

The landscaped setting will be retained with the alterations and additions to the dwelling that are proposed.

4. *What is the development standard being varied?*

The height control under clause 4.3 of the WLEP11 requires a maximum height of 8.5 metres for the subject site.

5. *Under what clause is the development standard listed in the environmental planning instrument?*

Clause 4.3 – Height of Buildings

6. What are the objectives of the development standard?

The objectives of the control are fulfilled as is demonstrated below.

(a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,

The proposed additions to the building are appropriate to the site and will fit with the bulk and scale of both the site and the immediate locality. The neighbouring sites within Surfers Parade are primarily 2 storey dwellings, with an upgrading and extension of older housing stock typical of the location. In particular the neighbouring dwelling to the west appears as a large dwelling on the Surfers Parade streetscape. The proposed additions present at a compatible and appropriate scale to the neighbouring structures of Surfers Parade and are consistent with the desired character and scale for the locality.

(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,

The proposed additions have a minimal visual impact, in that they are consistent with the existing built form on the site. The area of the proposed height variation is at the front on the northern elevation and does not present a dominant built form with only a very minor departure to allow for a complementary roof form. The proposed extensions do not disrupt any views, result in loss of privacy or loss of solar access for neighbours or the subject site.

(c) to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,

The additions will result in a dwelling which will remain in character with its surrounds and the streetscape. The coastal locality will remain reflected in the character of the site and the scenic quality of the area will be positively contributed to as a result of the development proposed.

(d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.

The site and the development are not visible from any significant public places other than Surfers Parade and Soldiers Avenue, from which it will be an attractive addition.

7. What is proposed numeric value of the development standard in the environmental planning instrument?

8.5 metres

8. What is the numeric value of the development standard in your development application?

8.65 metres

9. What is the percentage variation (between your proposal and the environmental planning instrument)?

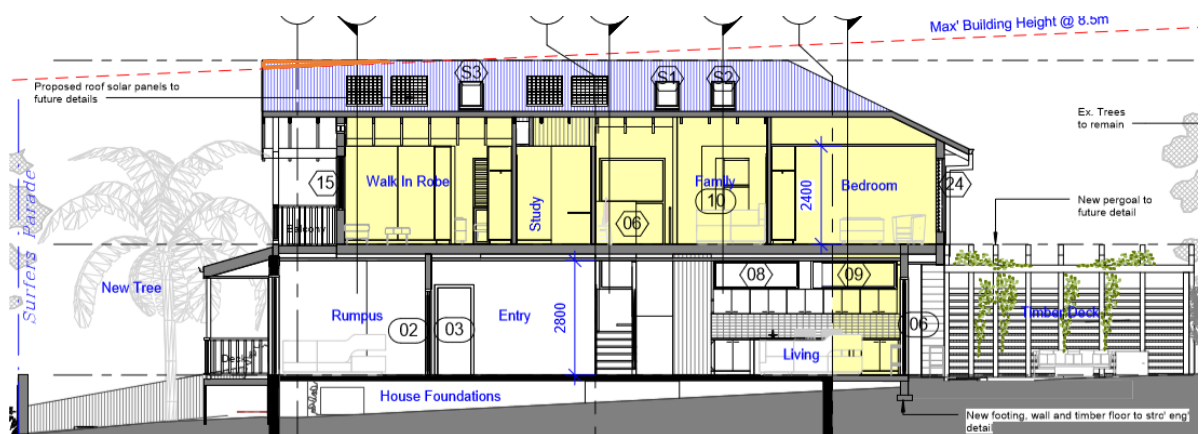
1.8% or 0.15m.

10. How is strict compliance with the development standard unreasonable or unnecessary in this particular case?

Strict compliance is unreasonable and unnecessary when the following key considerations are reviewed:

The proposed development complies with this requirement for the vast majority of the development. There is a minor breach on the northern elevation to allow the roof line of the proposed extension to achieve a complementary pitch to the typical character of the area. This is justifiable as the proposal will not impact adjoining properties and will produce a better built form, by ensuring an architecturally attractive development which will be a positive addition to the streetscape.

Additionally, the area of the breach is on the northern elevation and does not present a dominant built form to Soldiers Avenue. The building height is compliant when viewed from most areas of the site, with the breach only extending for a very limiting length of the roof line. See image below.



11. How would strict compliance hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act?

Section 5(a) (i) and (ii) of the Act states:

(a) to encourage:

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) the promotion and co-ordination of the orderly and economic use and development of land,*

Strict compliance with the 8.5 metre height development standard would hinder the achievement of these objects specified above and it would prevent an appropriate use of a site, which is to the benefit of the resident and the site. Approval of the application will not be at odds with any of the above objectives and will for the most part have a nil impact.

12. Is the development standard a performance based control? Give details.

No, the standard is numeric.

13. Would strict compliance with the standard, in your particular case, would be unreasonable or unnecessary? Why?

Strict compliance would be unreasonable and unnecessary as the proposed alteration is minimal in scale, not easily visible and will allow for a consistent built form to be applied to the proposed extension on the site. The breach results due to the existing fall of the site and the constraints which are placed on altering and existing dwelling which has foundations elevating the front of the dwelling.

14. Are there sufficient environmental planning grounds to justify contravening the development standard? Give details.

There are sufficient grounds to permit the variation of the development standard. In particular:

- The bulk of the building will not appear greater as the breach is so insignificant in height and length.
- The area of the exceedance is at the front and presents as a gable roof form, providing a positive streetscape addition.
- The building height is primarily compliant with only the minor breach on the Surfers Parade frontage proposed.
- It has no impact on solar access or privacy of neighbouring sites
- It is compatible or lesser in scale to neighbours
- The site slopes to the north and is constrained by the existing development levels and heights. The design primarily complies with height, with only a very minimal departure at the lowest point of the site.