

LOT 61 DP 1062443
4 Daisy Street
North Balgowlah
NSW 2093

Request to Vary a Development Standard



Prepared by:
Cradle Design
The Studio
316 Sydney Road
Balgowlah
NSW 2093

info@cradledesign.com.au

Nom. Architects: Paul Lucas - 8786 | Regan VanderWert-Walsh - 7904

February 2019

© 2019 Cradle Design

This document contains material protected under copyright and intellectual property laws and is to be used only by and for the intended client. Any unauthorized reprint or use of this material beyond the purpose for which it was created is prohibited. No part of this work may be copied, reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system without express written permission from Cradle Design.

Forward

Cradle Design has prepared this Request on behalf of the owners of 4 Daisy, North Balgoolah, NSW, 2093. It supports a Development Application to Northern Beaches Council for the alterations and additions to an existing dwelling.

Clause 4.6 - variation to vary the **Landscape open space and bush land setting** development standard.

Under **Clause 4.6** of the Warringah LEP 2011 we propose to justify the variation to the **Landscape open Space and bush land setting** development standard.

- **Name of Environmental Planning Instrument:**
Warringah Council DCP 2011
- **Zoning of land:**
Warringah Council LEP 2011 - R2 Low Density Residential Housing
- **Objectives of the Zone:**
 - *To provide for the housing needs of the community within a low-density residential environment.*
 - *To enable other land uses that provide facilities or services to meet the day-to-day needs of residents.*
 - *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of the Northern Beaches.*
- **Development standard to be varied:**
Warringah Council DCP 2011 – Part D – Design - D1 Landscaped Open Space and bush land setting
- **Development standard Clause:**
40% of site area minimum landscaped open space
- **Objectives of the Landscaped Open Space and bush land setting development standard:**
 - *To enable planting to maintain and enhance the streetscape.*
 - *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*
 - *To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*
 - *To enhance privacy between buildings.*
 - *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*
 - *To provide space for service functions, including clothes drying.*
 - *To facilitate water management, including on-site detention and infiltration of stormwater.*

- **Numerical value of the development standard in the Environmental Planning Instrument:**

- 40% of site area minimum landscaped open space. The site is not shown as a bush land setting.
- Development standard area requirement – $507\text{m}^2 \times 40\% = 202.8\text{m}^2$
 - *Driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks, etc, and any open space areas with a dimension of less than 2 metres are excluded from the calculation;*
 - *The water surface of swimming pools and impervious surfaces which occur naturally such as rock outcrops are included in the calculation;*
 - *Landscaped open space must be at ground level (finished); and*
 - *The minimum soil depth of land that can be included as landscaped open space is 1 metre*

- **Proposed numerical value of the development standard in the Development Application:**

Existing complying landscape open space (minimum 2m) – 169.5m^2 (33%)
Existing non complying landscape open space (less than 2m) – 24.7m^2
Total existing landscape open space – 194.5m^2 (38%)

Proposed complying landscape open space (minimum 2m) – 175m^2 (35%)
Proposed non complying landscape open space (less than 2m) – 13m^2
Proposed non complying landscaping open space to under croft – 15m^2
Total proposed landscape open space – 203m^2 (40.6%)

- **Percentage variation between proposed and the Environmental Planning Instrument:**

5% variation between development standard requirement and proposed area

Subclause 3 - Justification of the contravention of the Side Boundary Envelope development standard is sought by demonstrating:

- **Strict compliance with the development standard is unreasonable in this case:**

The current battle axe site has a concrete driveway access easement to the dwelling 4b Daisy Street (behind), running along the south boundary. This hampers the sites ability to comply with the landscape open space site control of 40%.

The concrete driveway access easement occupies around 75m^2 , with around 35m^2 located behind the line of the front of the dwelling. This 35m^2 would not typically be allocated to a concrete driveway and would allow the site area to easily comply with the development control.

The current situation falls short of the development standard and the proposed seeks to improve the open landscape space by around 10m^2 - 2%. This includes the introduction of a 4m^2 courtyard within the new dwelling.

Total site landscaping coverage (complying and non- complying) is around 203m^2 which meets the development standard.

- **There are sufficient environmental planning grounds to justify contravening the development standard:**

The proposed works will;

- Orientate the house towards the street and entry driveway, while providing a street presence to match neighbouring properties.
- Improving privacy of neighbouring properties by placing the entry of the existing driveway and not on the northern boundary facing neighbouring bedrooms
- Connect the existing dwelling to the existing freestanding garage, while maintaining the front street setback.
- Landscape open space will be marginally improved and use of the largely unusable landscaped area between the dwelling and garage will be improved.
- Connection of the dwelling to the front landscaped open space will be improved.
- The proposed courtyard to the centre of the dwelling will allow natural light and ventilation into the main living areas of the dwelling.
- There is little to no impact to neighbouring properties by the proposed alterations and contravention of the development standard.

Subclause 4 - The proposed development addresses the matters to be demonstrated by Subclause (3) as set out above. The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is to be carried out. It is considered to meet the objectives on the basis that:

- The proposed works are for a low-density dwelling that generally complies to the built form standards set-down to control Low Density development.
- The works proposed will significantly improve on the design and aesthetic quality of the existing building while addressing and improving the streetscape.
- The proposed dwelling has been designed as a predominately single storey structure that responds to the topography of the site.
- The maximum building height sits below, the height limit, that of its neighbours and is comparable in bulk and scale.
- There is minimal site excavation proposed and land slip risk has been assessed as suitable.
- The non-compliance of the landscaped open space is 5% and seeks to improve the existing situation by 5m².
- Existing front and rear landscaped recreational and clothes drying areas are to be retained.
- Water management (infiltration) of the site will be improved by the increased landscape area
- Total site landscaping coverage (complying and non-complying) is around 206m² which meets the development standard.

Based on the above information we would request that consent be granted for the variation to the Landscaped Open Space and bush land setting