

24 March 2020

General Manager  
Northern Beaches Council  
PO Box 82  
MANLY NSW 1655

**PROPERTY: LOT 23 SEC 6 DP 10609 – 911 PITTWATER ROAD, COLLAROY**  
**PROPOSAL: PROPOSED THREE STOREY DWELLING**  
**SUBJECT: RESPONSE TO COUNCIL'S CORRESPONDENCE**

Reference is made to Council's correspondence dated 18 March 2020 identifying non-compliances with Clause 4.3 of the Warringah Local Environmental Plan. It is requested that Council consider the following request for a variation under the provisions of Clause 4.6 of *Warringah Local Environmental Plan 2015 (SSLEP2015)* during assessment of this application:

The subject site is zoned 'R2 Low Density Residential' under Clause 2.1 of the SSLEP2015.

The objectives of the zone are:

- *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 Warringah.*

The requested variation relates to Clause 4.3 (2) as shown below:

4.3 Height of buildings

(2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

The subject site is identified to have a maximum height of buildings of 8.5m.

The objectives of Clause 4.3 are:

- (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.*

In this instance a maximum building height 9.1m is proposed requiring a variation to the 8.5m maximum height control.

The objective of this control is understood to be a measure to ensure the dwelling does not have an unreasonable impact on adjoining properties or the streetscape by way of overshadowing, overlooking or visual bulk.

The 600mm non-compliance is the direct result of the architectural styling of the proposed dwelling. The dwelling has been designed with consideration given to the existing topography on the site and the existing overall streetscape character. The proposed design incorporates internal stepping and standard ceiling heights with a low roof pitch which has been minimised as much as possible whilst remaining in keeping with the architectural style and surrounding area.

The required variation will not detrimentally impact on the amenity of the adjoining properties given the articulated design and varied roof forms, more than adequate side and rear setbacks and building separation distances along with the orientation of the site which will allow for a reasonable level of solar access to living areas and private open space areas of the adjoining properties. The windows proposed to the upper floor bedrooms are not likely to provide opportunities for overlooking as they are appropriately designed, setback and offset. The shadows cast by the proposed dwelling will not have an overall negative impact upon the adjoining properties, whilst there is still some overshadowing of the side setbacks of the adjoining property it will have a reasonable level of solar access throughout the day.

The front façade is anticipated to be in keeping with recent development throughout the area and will help to enhance the character of the street. The visual bulk of the dwelling as viewed from the adjoining dwellings is not considered to be excessive as a result of the variation given the appropriate setbacks and articulation provided throughout the design. As there is no perceived impact on the streetscape character of the area or the amenity of adjoining properties beyond that of a compliant proposal, the dwelling is considered to be able to meet the objectives of the height control despite the numerical non-compliance.

In the circumstances of this particular case, it is considered that strict compliance with the overall height requirements of Warringah Local Environmental Plan 2011 is considered unreasonable and unnecessary as the dwelling has been designed to reduce the height as much as possible, whilst still providing a design which is in keeping with the residents needs. The increase in height proposed for the residence can still attain the objectives of the Environmental Planning and Assessment Act 1979, R2 Low Density Residential Zone and the subject development standard.

\* \* \*

Should you require any further information or clarification with regard to this matter prior to determination please do not hesitate to contact the undersigned on Ph: 0455 456 882.

Regards

A handwritten signature in black ink, appearing to read 'M Booth', with a stylized, cursive script.

Maxine Booth  
Town Planner  
***Urban Planning & Building Consultants***