



**Clause 4.6 Variation
To Development Application
For
5 Duneba Place,
Frenchs Forest
NSW 2086
For
Selena Knight**

RAPID PLANS

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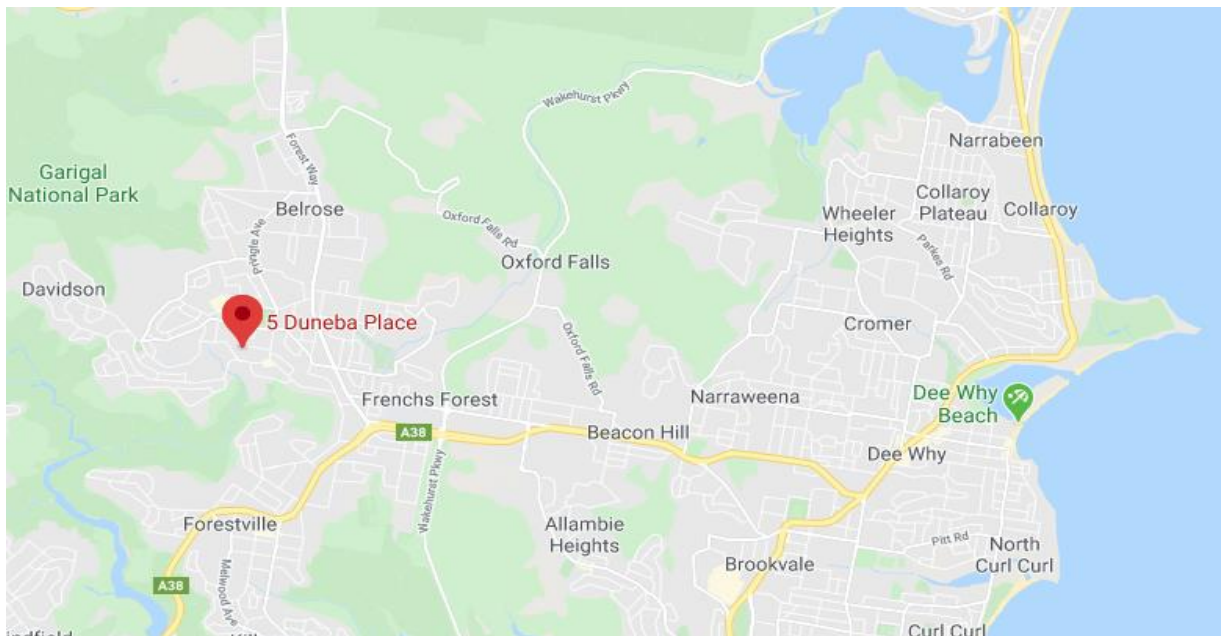
1 INTRODUCTION

This report pertaining to Clause 4.6 Variation accompanies the Development Application for the proposed alterations & additions at 5 Duneba Place in Frenchs Forest.

1.1 Site

The residence is located on the northern side of the cul-de-sac side of Duneba Place in the residential neighbourhood of Frenchs Forest.

LOCATION PLAN



1.2 Local Authority

The local authority for this site is:
Northern Beaches Council (Warringah)
Civic Centre, 725 Pittwater Road,
Dee Why NSW 2099
DX 9118 Dee Why
Telephone: 9942 2111

1.3 Environmental Planning Instrument that Applies to the Land

Warringah Local Environment Plan 2011

1.4 Zoning of the land

R2 Low Density Residential

1.5 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 Warringah.

Comment:

It is considered that the proposed development meets the objectives of the Zone R2 Low-Density Residential. This opinion is justified on the basis that this application provides for the owner's housing needs within the low-density area that is consistent with surrounding properties elevated decks. The proposal allows front areas to be usable for the owners to assist in day to day living without adversely impacting the low-density environmental aspects as no substantial vegetation is proposed for removal. The works proposed will significantly improve the design and aesthetic quality of the site with the built form outcome complimenting newer style properties along Duneba Place.

There are no statutory zoning or zone objectives that are an impediment to the granting of approval to the proposed development.

2 Clause 4.6 Variation to Development Application

4.6 Exceptions to development standards

(1) The objectives of this clause are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

2.1 Development Standard Being Varied

After reviewing WLEP 2011 we advised that a Clause 4.6 Exception to Development Standard is required due to:

- This development is classified as a non-complying development due to the upper ridge of the roof being over the 8.5m building height
- The favourable option for Council is a Development Application with a Clause 4.6 Variation for the structures to be considered for approval.

2.2 Clause of the Development Standard listed in the Environmental Planning Instrument

- Warringah LEP 2011 Part 4 4.3 Height of Buildings

2.3 Objectives of the Development Standard

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

Comment:

It is considered that the proposed development meets the objectives of the height of buildings development standard. This opinion is justified on the basis that this application is compatible with surrounding properties that have substantial height & scale namely the adjacent property at 4 Duneba Place as well as the properties at the top of the escarpment located at 12A & 14A Warili Road that all have expansive elevated decks. The visual impacts are minimal as there is substantial vegetation from Duneba Place with the dwelling barely visible from the street due to the existing large trees & vegetation. The proposal is to be built behind the existing trees which includes improved access to the dwelling. The new access stairs provided from the garage up to the dwelling is hidden & assists in maintaining the scenic quality of the Frenchs Forest area. With the existing location of the subject & adjacent dwellings enjoying an elevated position there is no adverse impact of view lines with privacy improved as well as the shadow cast from the proposed works having no impact on surrounding properties. The significantly sloping site provides a concession to controls in terms of height & therefore meets the objectives of the development standard.

2.4 Numeric value of the development standard in the environmental planning instrument

WLEP2011 Height = 8.5m

2.5 Proposed numeric value of the development standard in your development application

Proposed Height Deck East = 8.861m

Proposed Height Deck at Landing = 8.940m

Proposed Height Deck West = 12.731m

2.6 Percentage variation between the proposal and the environmental planning instrument

Proposed Height East = 0.041%

Proposed Height Centre = 0.049%

Proposed Height West = 0.332%

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

The variation in this case is moderate as the subject site has topographical constraints & the existing built form. This application is in keeping with a low-density residential environment desired by Council in this area as well as the objectives of the zone. The development has no negative consequence of significance as a result of this noncompliance, further it meets the objectives of the development standard, and therefore strict compliance with the development standard would be unreasonable and unnecessary.

In this circumstance, it is unreasonable and unnecessary to strictly comply with the building height standard given that the resulting development will be absent of any negative environmental or planning outcomes. The proposal would be indiscernible to a development that strictly complied with the numerical control. For the reasons stated above, it is argued that a variation be supported as it ultimately results in an improved planning outcome for the streetscape and general locality along Duneba Place.

- *Streetscape* – The visual quality of the streetscape is to be enhanced with the alterations to the front of the dwelling. As the deck parapet is lower than the existing roof the proposal maintains the bulk as viewed from the street as well as the deck design improving the streetscape to be in keeping with surrounding new & renovated properties including the adjacent property at 4 Duneba Place using a front deck & rooftop deck that looks down onto the subject dwelling as shown in the aerial photo below with the subject site front deck location indicated by a red circle.



The intention for the front addition to the dwelling is to provide a deck design that utilises the district views to the south & does not detract from the streetscape along Duneba Place. The proposed additions provide a generally consistent pattern of development with regard to adjoining front building setbacks, and as such, the proposal will not result in any visually prominent element that will result in an unreasonable impact on the streetscape & is not out of character for the neighbourhood as most dwellings have front decks to take advantage of the district views. These characteristics for the building height conform to the R2 low density residential requirements for the Frenchs Forest area & modifying the structure would, in our opinion, contravene the R2 zoning objectives by adversely affecting the streetscape along Duneba Place & the desired future character of the area.

- *Bulk & Scale* is maintained for the area. Although the bulk & scale of the building is slightly increased with the deck addition, the overall size & bulk in relation to the surrounding neighbourhood is to be maintained throughout the development. There is no adverse visual impact as viewed from Duneba Place & Sorlie Road to the south with surrounding properties to maintain their existing visual amenity.



No. 5 Duneba Place with deck location indicated by red arrow

The existing topography & built form prevents the proposed ridges from adhering to the 8.5m building height. This is largely due to the existing dwelling being constructed into the steeply sloping site. As per WDCP2011 Part B1 Wall Heights an exception to the wall height control, & in turn, the height control under WLEP2011 is requested due to the slope between each end of the building footprint being 25%. For example, to make the top of the parapet at the south-western corner of the deck compliant it would need to be lowered 4240mm to the height line, which is unfeasible & is lower than the ceiling of the ground floor deck. As the height encroachment does not adversely impact neighbouring properties the proposal is a design option that supports a preferred planning outcome of a design that compliments the existing dwelling & the surrounding neighbourhood.

- Openness - A sense of openness has been maintained with the existing front drive & stairs to be maintained as well as the heavily sloped front yard to remain to prevent landslip. The proposed design to the front creates flow between the internal & external areas for the owners with elements of the proposal over the height limit to continue to allow for a sense of openness to support the desired future character of the Frenchs Forest low density area. In addition, the proposed landscaped area of 58% far exceeds the minimum

40% required that allows adequate usable outdoor recreation space & water infiltration.

- *Public & Private Views* - The view lines are maintained for the subject & surrounding dwellings as there is substantial vegetation on the adjacent properties with district views directly to the south. The aerial photo on the next page indicates the height encroachment area shown with a red circle & the substantial separation to the surrounding dwellings.



5 Duneba Place highlighted with area of height encroachment circled in red

- *Site Access & Circulation* is maintained with the vehicular access drive to Duneba Place to continue to allow for parking for 2 vehicles & the pedestrian access to the front door via the winding stairs to remain unchanged. As parts of the property are unusable due to the steep terrain the decks & stairs to the front, side & rear provides improved & safer access & circulation around the property for the owners. It is anticipated that the proposed development will have no detrimental impact on traffic flow.
- *Planting* – There has been generous amount of area maintained for the provision of planting in the front & rear areas of the property. The existing vegetation softens the

streetscape & allows the development to blend in with the existing environment along Duneba Place.

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

The proposal extends the existing built form of the subject property with well-designed additions improving on the ageing traditional dwelling. The proposed works add to the already renovated dwellings along Duneba Place, and as such strict compliance in this regard would limit the objects being fully attained. The proposed works provide a more efficient and orderly development on the land that is of high-quality architectural design which maximises the sites development potential along with providing appropriate housing stock within the locality.

2.9 Is the development standard a performance based control?

The objectives of the development standard provide the controls to allow a performance based solution. For the reasons outlined herein, it is demonstrated the proposal meets the objectives of the development standard, therefore Council should consider “compliance to the standard unreasonable in the circumstances of the development”.

2.10 Would strict compliance with the standard be unreasonable or unnecessary?

Yes, please refer to answer in 2.7, 2.8 and 2.9 preceding.

2.11 Are there sufficient environmental planning grounds to justify contravening the development standard?

Yes, Section 4.6 enables a development standard within an LEP to be varied, providing sufficient and compelling arguments based on sound planning rationale and legislation are put forward to support the variation. The following environmental planning grounds justify contravening the development standard.

- The proposal provides a more environmentally friendly dwelling.
- The proposal utilizes existing services.
- The proposal provides compliant private open space and landscaping.

- The proposal provides compliant setbacks.
- The proposal provides onsite parking.
- The proposal provides improved housing in a low-density environment.

The variation to the maximum building height requirements is, in our opinion, acceptable and there are appropriate planning grounds in support of the non-compliance.

CONCLUSION

2.12 Summary

The resulting development has been designed to enhance the existing residential building by improving the amenity for the residents while maintaining, where possible, the conditions set out by Warringah Local Environment Plan 2011. The proposed works included in this report are, in our opinion, reasonable in relation to the existing built works & do not adversely impact the surrounding properties whilst justifying the environmental planning grounds for Northern Beaches Council. We consider that the proposal will impose minimal impact and maintains the streetscape & character of the neighbourhood & request that council support the Clause 4.6 Variation of the Development Application.