



**Clause 4.6 Variation
To Development Application
For
153 Queenscliff Road,
Queenscliff
NSW 2096
For
Jasmine Tan & Domenico Capogreco**

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 153 Queenscliff Road in Queenscliff.

1.1 Site

The residence is located on the northern side of Queenscliff Road in the residential neighbourhood of Queenscliff.

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 developments. The proposal allows currently unusable 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 Queenscliff Road.

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 Warringah LEP 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 155 Queenscliff Road that makes use of 4 stories & an excavated garage of similar bulk & scale to the subject site. The visual impacts are minimised as there is proposed vegetation to soften the streetscape as well tiering the stories to step back each floor from Queenscliff Road & improved access to the dwelling with the new access stairs provided from the new garage up to the dwelling that assists in maintaining the scenic quality of the Queenscliff area as well as. 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 only a minor impact on the adjacent easterly property roof.

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

MLEP2012 Height = 8.5m

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

Proposed Height = 9.127m (measured at the SE roof corner of upper floor)

2.6 Percentage variation between the proposal and the environmental planning instrument

Proposed Height = 0.073%

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

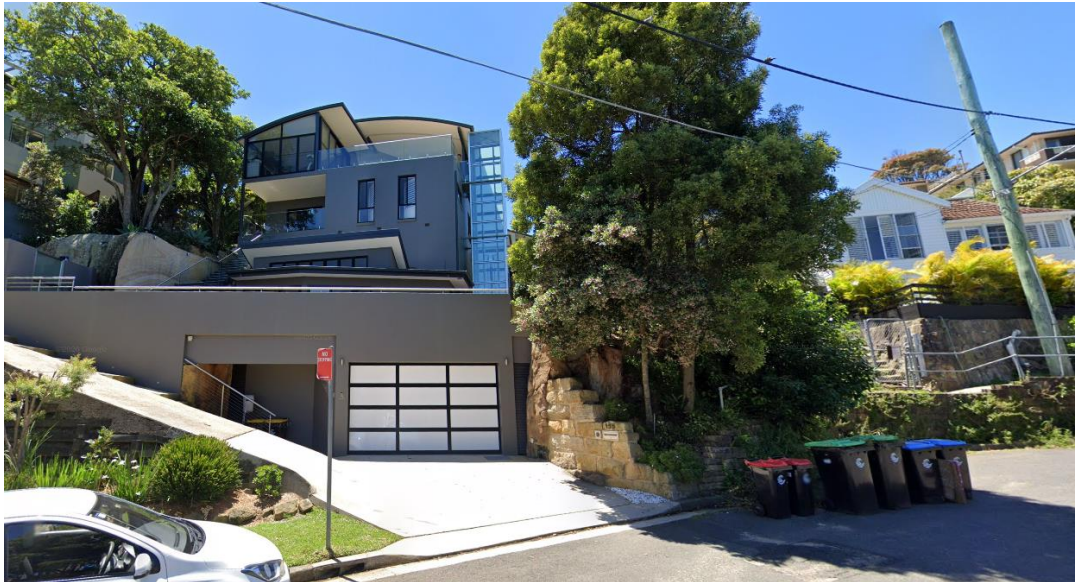
The minor variation is considered moderate in comparison to other developments along Queenscliff Road. This application is in keeping with a low-density residential environment desired by Council in this area as well as the objectives of the zone. The development has no negative consequence of significance as a result of this minor 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 Queenscliff Road.

- *Streetscape* – The visual quality of the streetscape is to be enhanced with the alterations to the property improving the bulk in keeping with the adjacent westerly property with the proposed landscaping improving the streetscape to complement the existing built form along Queenscliff Road. The height encroachment for the upper floor is more than halfway up the block with the intention for the rear addition to the dwelling is to match the surrounding designs & present a dwelling that is consistent front to back. The proposed roof increases the height slightly but does not detract from the streetscape along Queenscliff Road as a flat pitched roof is used along with a high fascia to reduce pitch & height. The proposed additions provide a generally consistent pattern of development with regard to adjoining 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. These characteristics for the building height conform to the R2 low density residential requirements for the Queenscliff area & modifying the structure would, in our opinion, contravene the R2 zoning objectives by adversely affecting the streetscape along

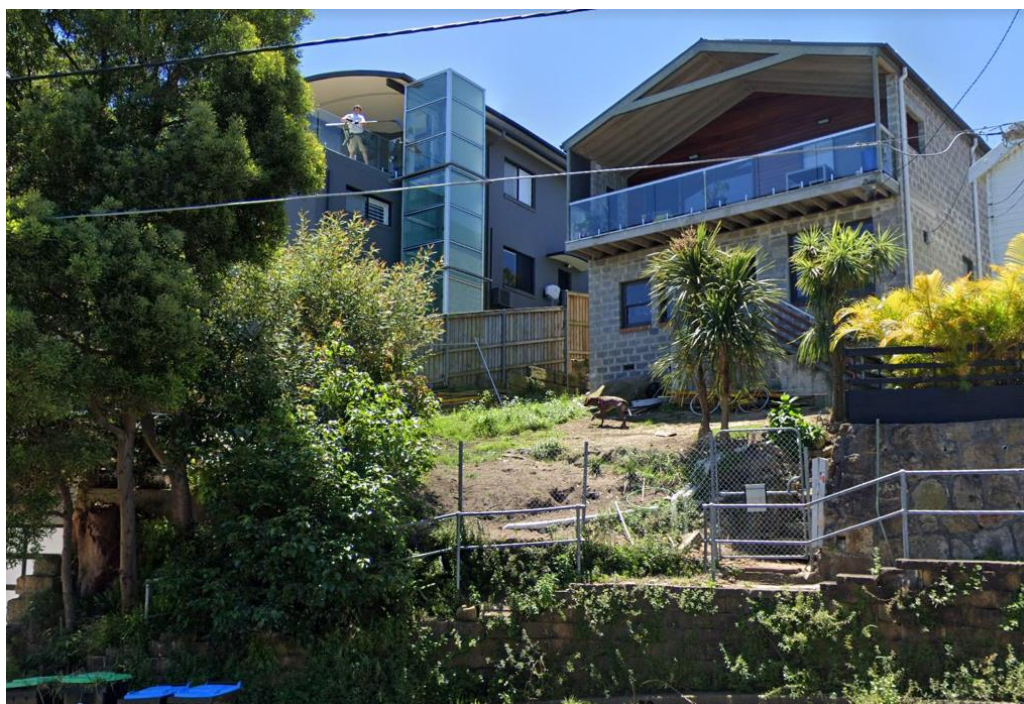
Queenscliff Road & the desired future character of the area.

- *Bulk & Scale* is maintained for the area. Although the bulk & scale of the building is slightly increased, the overall size & bulk in relation to the surrounding neighbourhood is to be maintained throughout the development as shown by the similar development on the adjacent westerly property below



Adjacent development at No.155 Queenscliff Road

There is no adverse visual impact with surrounding developments to maintain their existing visual amenity. The flat roof has been added to the design to reduce the bulk & scale of the roof line from the existing raked pitched roof to the dwelling to prevent the design from visually dwarfing surrounding properties as the roof height is approximately 3m lower than the westerly roof at its highest point. It is in our opinion that to remove the upper floor would be unreasonable with the flat roof pitch design allowing for a more appealing streetscape with the design in keeping with other properties along Queenscliff Road.



Existing front façade of the subject property

The existing topography & built form prevents the proposed ridges from adhering to the 8.5m building height. This is largely due to the existing roof ridge having been constructed above the height limit 200mm above ground level. The proposal removes the existing to be replaced with the upper floor & pushed back into the back rear area with the proposed roof 1.31m higher than the existing ridge & set back approximately 3.5m farther back into the block. For example, to make the ridge over the master bed compliant it would need to be lowered 1310mm to the height line, which would have the internal floor to ceiling out of code & less than the minimum 2.4m floor to ceiling & the dwelling would not present as 2 stories from the rear that is out of character for the neighbourhood. The proposal is a design option that supports a preferred planning outcome of a modern design, that is prevalent in the Queenscliff area, as well as complimenting the existing dwelling & the surrounding neighbourhood.

In addition, the removal of the master addition is justified as the addition is barely visible from the street as it is set back well behind the roof line below & visually maintains the bulk of the upper portion of the dwelling without adversely affecting the streetscape. The intention is to provide a balance between the proposed additions to the existing built form with the majority of the improvements to the front of the property.

- **Openness** - A sense of openness has been created with an improved landscaping to the front of the property with tiering & stepping the floors back to integrate in with the exiting topography. The proposed design to the upper portion of the dwelling allows the low levels to create flow between the internal & open space 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 Queenscliff low density area. The openness to the front of the property is improved with the landscaped area & access to compliment the proposed structures to assist in adequate usable outdoor recreation space & water infiltration.
- **Public & Private Views** - The view lines are maintained for the subject & surrounding dwellings with minimal impact in the vicinity of the height encroachment. The aerial photo below indicates the area of the height encroachment area shown with a red circle with substantial separation to the surrounding dwellings & maintained view lines from the dwelling to west with their roof line 3m above the subject properties proposed roof.



153 Queenscliff Road highlighted with area of height encroachment circled in red & maintained view lines in green

- *Site Access & Circulation* is improved with vehicular access provided to Queenscliff Road to allow for parking for 2 vehicles & the pedestrian stair access, pathways & a levelled grassed area to the front door. The rear deck on the first floor provides access & circulation to the rear yard for the owners that is currently being underutilised. 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 proposal enhances the amenity of the site by providing a usable garden space that softens the visual amenity of the front of the property. The proposed works to the front of the property are in keeping with the adjacent property at No.155 with an excavated garage with this proposal to provide planted areas over the garage, where the adjacent property does not. The existing vegetation softens the streetscape & allows the development to blend in with the existing environment along Queenscliff Road.

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 dwelling & assists landscaping onsite. The proposed works add to the already renovated & rebuilt dwellings along Queenscliff Road, 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 steeply sloping 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 improved private open space and landscaping.
- The proposal provides onsite parking.
- The proposal provides improved housing in a low-density environment.

The variation to the maximum building height requirements are, 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 improves the streetscape & character of the neighbourhood & request that council support the Clause 4.6 Variation of the Development Application.