

Northern Beaches Council
275 Pittwater Road,
Dee Why NSW 2099

30th June 2021

CLAUSE 4.6 - VARIATION

61 Aubreen Street, Collaroy Plateau

It is proposed to build a new first floor addition at the front of the home, extending the existing first floor roof, at the front and the back of the existing home. The existing dwelling is undersized for the new occupants, which consist of a blended family requiring six bedrooms and multiple bathrooms. It is also proposed to add a new in ground concrete pool at the back of the house with the existing deck to have privacy screens added. Due to the existing topography of the site, falling away from the street, the existing roof of the house already sits above the 8.5m envelope at 8.68m. This is located at the rear of house over an existing first floor deck. It is proposed to extend this roof to provide some enclosure to the deck from the harsh summer sun, and strong ocean breezes. This roof design is a 'dutch gable', meaning that it has a hipped end on it.

View from front of the Site



With the sloping site, and due to the existing location of the house, the existing first floor deck off the primary Bedroom is 4.3m above the ground at the rear of the house to capture the significant view to Collaroy Beach and the ocean. It is the rear gable of the existing first floor roof which is above the maximum 8.5m height, at 8.68m, as seen in the South and North Elevations on DA05, and DA06. However, if you look at the North Elevation you will see that due to the proposed shape of the extended roof, only 1.55m of the roof over the deck sits above the height, which is only 7% of the first floor roof length.



Detailed Assessment

Clause 4.6, Exceptions to Development standards for the variation to Clause 4.3 – Height of Building development standard WLEP 2011.

The prescribed height of Buildings Clause 4.3 of the WLEP 2011 is a Development Standard.

The required height is 8.5m, the proposed is 8.68m, seeking a 2% variation to a numerical performance.

Using NSW Caselaw established in Winten Property Group Ltd v's North Sydney Council (2001)

Underlying Objectives to Clause 4.3 Height of Buildings;

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

In response the land has a sloping topography with an existing two storey dwelling on the centre of the site with a proposed first floor addition at the front of the site, and a roof addition to the rear. Due to the sloping terrain, and existing structure this existing home already has a breach in height at the rear of the house. The first floor addition is setback from the streetfront, behind a carport and deck, following the objectives of reduced bulk and scale from the streetfront.



House numbers 61, 59, 57 Aubreen Street

The neighbouring dwellings are also in a similar situation with the falling terrain, having increasing wall and roof heights towards the rear to accommodate the level two storey homes. (As seen in the photograph above). The proposal is compatible with the height and scale of surrounding properties.

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

This 'Dutch gable' roof shape has a small hipped end to it, with only 1.55m of additional roof over the 8.5m guidelines. Being in a similar line and height to the neighbouring roof, it will have no impact on views out and across to the ocean. The proposed infill of the balustrades and the privacy screens added will only enhance privacy between dwellings.

The shadow diagrams submitted show compliance with the requirement of natural daylight to neighbouring dwellings.

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

In response the proposal is a traditional beach cottage aesthetic, with an open carport, and the main two storey home setback behind a series of decks and landscaping.

As you can see in the photograph on page 1, the existing streetfront has minimal vegetation, and the proposal will actually increase the vegetation in the frontyard, enhancing the scenic quality of Warringah's coastal environment.

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

In response the proposal has modified the ground floor to create a safe and level access from the street, similar to neighbouring properties. The house sits behind gardens and decks, complimenting the neighbouring dwellings within the street, as seen in the photograph on page 3. The proposed height and scale and setbacks are in keeping with the neighbouring dwellings and with the introduced landscaping will create a humanscale when viewed from the street.

R2 Low Density Development

The proposal is for a six bedroom home, with multiple bathrooms and associated living spaces which meets the objectives of the low density area. It is proposed to be a single detached dwelling within a landscaped setting which is in keeping with the surrounding developments, and so satisfies the objectives of the zoning.

Underlying Objectives to Clause 4.6 Variation;

- a) *to provide an appropriate degree of flexibility in applying certain development standards to a particular development,*

In response the proposal seeks a 2% variation to the numerical height compliance of 8.5m which is only for a small proportion of the development and for a first floor roof addition over an existing first floor.

- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

In response the existing four bedroom home is substantially improved with a first floor addition allowing two more bedrooms to accommodate the needs of the blended family. The bulk of the first floor addition sits under the existing roof shape, below the 8.5m maximum height for 93% of the first floor. The location of this addition will not impact the amenity of neighbouring dwellings and will not create unreasonable environmental impacts on neighbouring sites.

- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other*

environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*
- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

It is reasonable to allow for a first floor addition to this dwelling at the front of the home and create a usable covered deck area to the rear, however due to the existing circumstances of the site and built form, it is unreasonable to require strict compliance with the code for maximum height.

Conclusion

We request a variation to the development standard in respect to the maximum height as we believe it unreasonable due to the nature of the sloping site and existing dwelling and levels.

The proposal is in keeping with the aims and objectives of the R2 Low Density zoning in Warringah LEP 2011, compatible with surrounding developments, and does not cause an unreasonable impact on views, solar access, or amenity of neighbouring properties.

The first floor roof location slightly extends the existing height of 8.68m on the rear of the home is consistent with councils general principles by:

- being a first floor addition over an existing dwelling
- promotes a building scale and density that is below the height of the trees of the natural environment.
- responds to, reinforces and sensitively relates to the spatial characteristics of the environment.
- equitable preservation of views and vistas across the site.
- A reasonable level of privacy, amenity, and solar access provided within the site and to neighbouring properties
- responds to the topography and existing landscape features

As the proposal satisfies all the requirements of Clause 4.6 WLEP 2011, we believe the exception to the development standard is reasonable and appropriate in this circumstance.

Sheralee Hogan B.Sc(Arch)B.(Arch)U.Syd

SITE SPECIFIC DESIGNS

0416 954 635