



Warringah Council

## LEP 2000 CLAUSE 20 (3) VARIATION TO DEVELOPMENT STANDARD

Development Application No: **DA2008/1199**  
 DA Lodgement Date: **19/08/2008**  
 DA Determined Date: **1 June 2009**  
 Site Address: **Part Lot 2743 DP 752038 Campbell Parade, Manly Vale (Manly Calabria Sports & Social Club)**  
 Proposal: **Alterations & additions to an existing bowling, sports and social club building**  
 Locality: **G3 – Manly Lagoon**  
 Officer: **Nick England**

### Built Form Standard(s) WLEP 2000:

The following table outlines compliance with the Built form Control of the above locality statement:

| Built Form Standard           | Required   | Proposed   | Compliance                          |
|-------------------------------|--|--|-------------------------------------|
| Housing Density               | Maximum 1 dwelling per 600m <sup>2</sup>                                     | Not applicable (N/A)   | N/A                                 |
| <b>Building Height</b>        | <b>Maximum 8.5m in height<br/>Maximum 7.2m NGL to ceiling to upper floor</b> | <b>9.75m</b>   | <b>NO. See Clause 20 Variation.</b> |
| <b>Front Building Setback</b> | <b>Minimum 6.5m</b>  | <b>Nil (from proposed access ramp)</b>   | <b>NO. See Clause 20 Variation.</b> |
| Rear Building Setback         | Minimum 6m   | Allotment has multiple frontages (Campbell Parade, Pittwater Road, Condamine Road, Kentwell Road and Riverview Parade) and is located on a very large allotment within District Park. Defining a boundary for the rear setback is difficult, however if measured from the boundary at the Manly Lagoon, the location of the works are approximately 56m from this boundary at its closest point. | YES                                 |
| Side Boundary Envelope        | 4m at boundary then 45 degree plane  | No breach  | YES                                 |
| Side Setback                  | Minimum 0.9m   | 49m (west)<br>9.2m (east)  | YES                                 |
| Landscaped Open Space         | Minimum 40% of site area.  | The club is located on a large site of estimated at 24 hectares, the overwhelming majority being landscaped open space. The proposed loss of landscaped area is  | YES                                 |



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| Built Form Standard | Required | Proposed   | Compliance |
|---------------------|----------|--|------------|
|                     |          | <p>estimated at 236m<sup>2</sup>.</p> <p>Given the large area of the existing site and its current state where the large majority of the site is occupied by open space, the proposed is most unlikely to breach the minimum 40% of site area.</p> |            |

The proposed development is not compliant with the Locality's Building Height and Front Setback Built Form Controls, accordingly, further assessment is provided against the provisions of Clause 20(1) hereunder.

**Clause 20(1) stipulates:**

*“Notwithstanding clause 12 (2) (b), consent may be granted to proposed development even if the development does not comply with one or more development standards, provided the resulting development is consistent with the general principles of development control, the desired future character of the locality and any relevant State environmental planning policy.”*

In determining whether the proposal qualifies for a variation under Clause 20(1) of WLEP 2000, consideration must be given to the following:

**(i) General Principles of Development Control**

The proposal is generally consistent with Clauses 50, 51, 63, 66 and 67 of the General Principles of Development Control and accordingly, qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1) (See discussion on “General Principles of Development Control” in this report for a detailed assessment of consistency).

**(ii) Desired Future Character of the Locality**

The proposal is consistent with the Locality's Desired Future Character Statement and accordingly, qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1) (See discussion on “Desired Future Character” in this report for a detailed assessment of consistency).

**(iii) Relevant State Environmental Planning Policies**

The proposal has been considered consistent with all applicable State Environmental Planning Policies. (Refer to earlier discussion under ‘State Environmental Planning Policies’ in the assessment report). Accordingly the proposal qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1).

**Description of variations sought and reasons provided:**

**Building Height**



*Required: 8.5m*

*Proposed: 9.75m*

*Response:*

In assessing this non-compliant element of the proposal, it is necessary to consider the objectives of the Building Height Built Form Control. Accordingly, compliance with the objectives are addressed below:

***Objective:*** *Ensure that development does not become visually dominant by virtue of its height and bulk*

Comment: The non-compliance with this control consists of a 1.25m variation to the building height control. This variation is caused mainly by an entry feature on the south-eastern corner of the building, which incorporates a large pole and awning structure which emphasises the revised entry to the building.

The existing building height varies between 6.55m and 8.75m. The proposed pole extends to RL 9.75m AHD, with the highest part of the proposed awning having a maximum height of RL 9.15m AHD. All other aspects of the existing building height remain unchanged.

The modified entry feature improves the visibility of the club from the public domain and provides a clear path of travel for pedestrians accessing the club. The entry feature provides a contemporary up-date of the southern elevation facing Campbell Parade and as a component of the entire facade is minor element.

In this regard, the proposed variation is considered to not be visually dominant maintains the complementary built form of the existing club to the Campbell Parade streetscape.

***Objective:*** *Preserve the amenity of surrounding land*

Comment: The visual amenity of the surrounding land uses are unlikely to be adversely affected by the proposed variation given the overall minor nature of the variation and the preponderance of non-residential land uses adjacent the site. The variation consists of an entry feature which is unlikely to have an adverse impact in regard to solar access or privacy or any other relevant aspect of neighbourhood amenity. The proposal is consistent with this objective.

***Objective:*** *Ensure that development responds to site topography and minimises excavation of the natural landform*

Comment: The site is flat, being adjacent a coastal lagoon. No excavation is required and the building height as proposed is generally consistent with the topography of the land.

***Objective:*** *Provide sufficient area for roof pitch and variation in roof design rather than a flat roof.*

Comment: The modified entry feature will improve variation to the existing roof form, which is predominantly flat. Notwithstanding the variation in the building height control, this element of the proposed design provides a varied roof design, which is consistent with this objective.

## **Front Setback**

*Required: 6.5m*

*Proposed: Nil*

*Response:*

The nil setback is provided by the disabled access ramp, which junctions on the front boundary of Campbell Parade and the terrace adjacent the entry feature. This structure does not qualify for an exemption from this Built Form control.

In assessing this non-compliant element of the proposal, it is necessary to consider the objectives of the Front Setback Built Form Control. Accordingly, compliance with the objectives are addressed below:

### ***Objective: Create a sense of openness***

Comment: The ramp consists of two pathways with solid masonry balustrades which have a maximum height of 2.4m when measured from the natural ground level of the front boundary. The structure is not roofed and is embellished with landscaping, to further reduce the visual impact when viewed from the street. The facade of the existing club will remain unchanged and the sense of openness is maintained in the proposed development, notwithstanding the variation.

### ***Objective: Provide opportunities for landscaping***

Comment: Approximately 88m<sup>2</sup> of landscaped open space is provided within the front setback area, of varying widths from 2 to 4m. This area is sufficient to propagate adequate area for landscaped open space and satisfies this objective of the front setback control.

### ***Objective: Minimise the impact of development on the streetscape***

Comment: The disabled access ramp located in the front setback is a modest structure which relates primarily to the entrance to the existing club building and generally follows the topography of the front setback area which rises up 1.5m to the existing ground floor from the front boundary. The structure and access terrace generally follow the existing topography of the land and therefore minimises the impact of the development on the existing streetscape.

### ***Objective: Maintain the visual continuity and pattern of buildings, front gardens and landscape elements***

Comment: The ramp and terrace are located adjacent the southern (front) elevation and acts to consolidate an area which is currently typified by various ad-hoc elements (driveways, parking areas etc). The new pedestrian access arrangements will emphasise the location of the entrance to the building and create a consolidated landscape area on this frontage which will make a positive contribution to the visual continuity and pattern of buildings in Campbell Parade.

As detailed above the proposed development is considered to satisfy the requirements to qualify for consideration under Clause 20(1), in addition the proposal is considered to be



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consistent with the underlying objectives of the Building Height and Front Setback Built Form Control. It is for these reasons that the variation to the Building Height and Front Setback Built Form Control (Development Standard) pursuant to Clause 20(1) is supported.

Signed

Date

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Ailsa Prendergast  
**Team Leader / Manager**