

## Clause 4.6 Variation to Development Standard

### Landscape Area

April 2025

Proposed Swimming Pool, Hardstand & Driveway Crossing  
to an Existing Dwelling

at

**No.14 Addiscombe Road, MANLY VALE**

## INTRODUCTION

This Clause 4.6 Variation has been prepared to be submitted to Northern Beaches Council as part of a Development Application for proposed works at No.14 Addiscombe Road, Manly Vale.

This variation statement seeks to provides justification, in accordance with Clause 4.6 of the Warringah Local Environmental Plan 2011, for the contravention of the minimum landscaped open space and bushland setting development standard.

## SITE DESCRIPTION

The subject site is described as Lot 20 in DP 12186 and is known as No.14 Addiscombe Road, Manly Vale. Pursuant to the Northern Beaches Council Local Planning Controls, the subject site has the following characteristics:

- Zoned R2 Low Density Residential
- Landslip Risk - Area A + B
- Minimum Landscape Area - Landscaped Open Space and Bushland Setting 40% of site.
- Maximum Building Height - 8.5m
- Flood Hazard - Low + Medium Risk

The subject site is a rectangular corner lot. The front boundary faces east and fronts Addiscombe Road, while the northern side boundary fronts Innes Road. The subject site has a boundary width of 14.435m and a boundary length of 39.625m. The subject site slopes from the rear boundary down towards the front boundary. However, the Council verge and Innes road slope more steeply toward Addiscombe road than the subject site. The implications of this topography mean that the rear of the subject site is relatively level with Innes Road, but with the more gradual slope of the subject site, the front of the site is approximately 1m higher than the footpath and verge of Addiscombe Road. As a result, the existing front boundary fence and part of the northern boundary fence also serve as a retaining wall for the subject site.

## THE PROPOSAL

The proposed works consist of:

- Proposed Swimming Pool
- Relocated Driveway Crossing & Associated Hardstand Area

## **DEVELOPMENT STANDARD**

### *Clause 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. *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 to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that:*
  - a. *compliance with the development standard is unreasonable or unnecessary in the circumstances and*
  - b. *there are sufficient environmental planning grounds to justify contravening the development standard.*

The Development Application proposes a departure from the following development standard:

### *Warringah Development Control Plan 2011 (DCP)*

#### *D1 Landscaped Open Space and Bushland Setting*

##### *Objectives:*

- *To enable planting to maintain and enhance the streetscape.*
- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*
- *To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*
- *To enhance privacy between buildings.*
- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*
- *To provide space for service functions, including clothes drying.*
- *To facilitate water management, including on-site detention and infiltration of stormwater.*

##### *Requirements:*

1. *The required minimum area of landscaped open space is shown on DCP Map Landscaped Open Space and Bushland Setting. To measure the area of landscaped open space:*
  - a. *Driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks, etc, and any open space area with a dimension of less than 2m are excluded from the calculation.*
  - b. *The water surface of swimming pools and impervious surfaces which occur naturally such as rock outcrops are included in the calculation.*
  - c. *Landscaped open space must be at ground level (finished) and*
  - d. *The minimum soil depth of land that can be included as landscaped open space is 1m.*

## **VARIATION PROPOSED**

### D1 Landscaped Open Space and Bushland Setting

Minimum Landscape Requirement 40% of site area	Landscape Area Prior to Proposed Works	Landscape Area Post Proposed Works
Site Area = 565.30m <sup>2</sup> Min. Landscape Open Space = 226.12m <sup>2</sup>	132.10m <sup>2</sup> 23.4%	124.06m <sup>2</sup> 22%

## **DOES THE PROPOSED DEVELOPMENT MEET THE REQUIRED OBJECTIVES OF THE STANDARD**

### Required Objectives:

- *To enable planting to maintain and enhance the streetscape.*

Much of the existing landscaped space, planting and canopy trees are to be maintained. The proposed swimming pool is to be located where the existing concrete hardstand is currently and therefore will not impact the existing landscaped areas. The proposed hardstand area will involve excavation and removal of a small portion of the existing landscaped area; however much of this space consists of lawn, small hedging and other grasses. No existing canopy or significant trees will be impacted by these proposed works.

As much of the existing planting is to be maintained on the subject site, the proposed works are deemed to satisfy the above objective.

- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*

As stated above, most of the existing landscaped space and planting is to be maintained. The area of landscape space that is to be removed consists largely of lawn area and other grasses. All existing canopy trees and substantial planting is to be maintained which will preserve the subject sites' habitat for surrounding birdlife.

The proposed location of the swimming pool is currently a concrete hardstand. This hardstand is to be removed and replaced with the new swimming pool which will also include additional perimeter planting further enhancing the landscaped space of the subject site.

The proposed works are deemed to satisfy the above objective.

- *To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*

Currently, the subject site enjoys a large lawned area at the back of the dwelling along with large areas of established hedges, low lying shrubs, medium high shrubs and canopy trees that run along the northern boundary of the site. An existing paved pathway also runs down the northern side of the dwelling which effectively reduces the width of this landscaped space. As a result, these long-established plants and trees are unable to be counted in the landscape area calculations despite the fact that they are all well established and provide all the requirements that the above objective seeks to provide. The following site photos show this established landscaping which is to be maintained. As a result, the proposed works are deemed to satisfy the above objective.



*Figure 1: Existing rear lawn area and established planting*



*Figure 2: Established planting and paved pathway*



*Figure 3: Established planting and paved pathway*



- *To enhance privacy between buildings.*

The subject site is a corner block with primary frontage to Addiscombe Road and secondary frontage to Innes Road. As the below photos illustrate, there is currently ample privacy between the southern neighbour No.12 Addiscombe Road and the western neighbour No.81 Innes Road. As a result, the proposed works are deemed to satisfy the above objective.



*Figure 4: Primary frontage Addiscombe Road – ample privacy to No.12 Addiscombe Road.*



*Figure 5: Secondary frontage Innes Road – ample privacy to No.81 Innes Road.*

- *To accommodate outdoor recreational opportunities that meet the needs of the occupants.*

The existing subject site currently has private open space that is directly accessible from the primary living area of the dwelling. This private open space is also connected to the rear lawn space and surrounding planted areas and canopy trees. The proposed swimming pool and associated landscaping is replacing an existing concrete hardstand which is currently disconnected from the rear yard. These proposed works will enhance the outdoor recreational opportunities that the subject site currently enjoys. As a result, the proposed works are deemed to satisfy the above objective.

- *To provide space for service functions, including clothes drying.*

The existing service functions, including clothes drying, are to be maintained and will not be impacted by the proposed works. As a result, the proposed works are deemed to satisfy the above objective.

- *To facilitate water management, including on-site detention and infiltration of stormwater.*

The majority of the existing water management that occurs on the subject site is to be maintained. The proposed works will be designed and constructed in accordance with the Stormwater Engineers details and specifications so that there is no detrimental impact placed on the subject site or surrounding area. As a result, the proposed works are deemed to satisfy the above objective.

## **ENVIRONMENTAL PLANNING GROUNDS FOR THE VARIATION**

Strict compliance with the above development standard is unreasonable and unnecessary for the following reasons:

1. The existing property does not currently comply with the numerical requirement of 40% landscaped open space.
2. The landscaped areas resulting from the proposed development will not be out of character with the landscaped areas characteristic of numerous other existing and approved developments in the street and wider area.
3. The amenity to adjacent properties (ie, sunlight, privacy, views) is protected and compliance with solar access controls of the DCP is achieved.
4. The neighbouring residents are protected from overlooking.
5. Much of the existing established planting and canopy trees are to be maintained.
6. The proposal is of a compatible density to other development within the street and wider area, and together with its acceptable scale, and its siting in a location where additions and built forms at this site can be reasonably expected to be carried out, the proposal is of an appropriate building location/scale in its context.
7. The proposal satisfies the objectives of the Warringah Development Control Plan 2011.

## **CONCLUSION**

The proposed works at No.14 Addiscombe Road, Manly Vale seek to comply with all the relevant development controls in both the DCP and the LEP.

The non-compliance with the minimum landscaped area requirement is due to existing site conditions with much of the extensive planting unable to be counted as landscaped area due to existing paved pathways reducing the planted area to less than 2m. Therefore, it is considered that compliance with these clauses is unreasonable and unnecessary in respect of the proposed works. These proposed works will not have a negative effect on the presentation of the property to the public domain. They have been designed with appropriate scale, materials and form to be sympathetic to the surrounding streetscape.