

STATEMENT OF ENVIRONMENTAL EFFECTS

DEVELOPMENT APPLICATION
ALTERATIONS AND ADDITIONS TO EXISTING DWELLING

13 WYADRA AVENUE
FRESHWATER NSW 2096

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REV A



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1. INTRODUCTION

This report is submitted to Northern Beaches Council in support of a Development Application for alterations and additions to the existing dwelling on site and associated landscaping at no. 13 Wyadra Avenue, Freshwater.

This statement addresses the nature of the proposed development, the characteristics of the site and the proposal within the surrounding area. It also provides an assessment of the proposed development under the provisions of the Warringah Local Environment Plan (LEP) 2011 and Warringah Development Control Plan (DCP) 2011.

This report is to be read in conjunction with the following documents:

- Architectural Drawings prepared by *Alex Bryden Architecture (ABA)*
- Site Survey prepared by *Osum Surveying*
- BASIX report by *Alex Bryden Architecture (ABA)*
- Landscape Concept plan by *Alex Bryden Architecture (ABA)*
- Stormwater Concept Plans by *Alex Bryden Architecture (ABA)*

2. THE SITE & PROPERTY DESCRIPTION

The subject allotment is Lot 29, DP 13915 and is known as 13 Wyadra Avenue, Freshwater. It is located on the north-western corner of the intersection of Wyadra Avenue and Cooksey Avenue.

The site is roughly rectilinear with a depth of approximately 35.775m and a width of 14.02m running from south (Wyadra Avenue) to north (side boundary). The total site area is 477.7m².

The site falls from the north-east corner on Cooksey Avenue to the south-east corner on Wyadra Avenue by around 2.9m, with stormwater connected to the street gutter.

The site currently accommodates a single storey detached dwelling of brick construction with a tiled roof, over enclosed basement subfloor area and detached single carport to the Cooksey Avenue frontage.

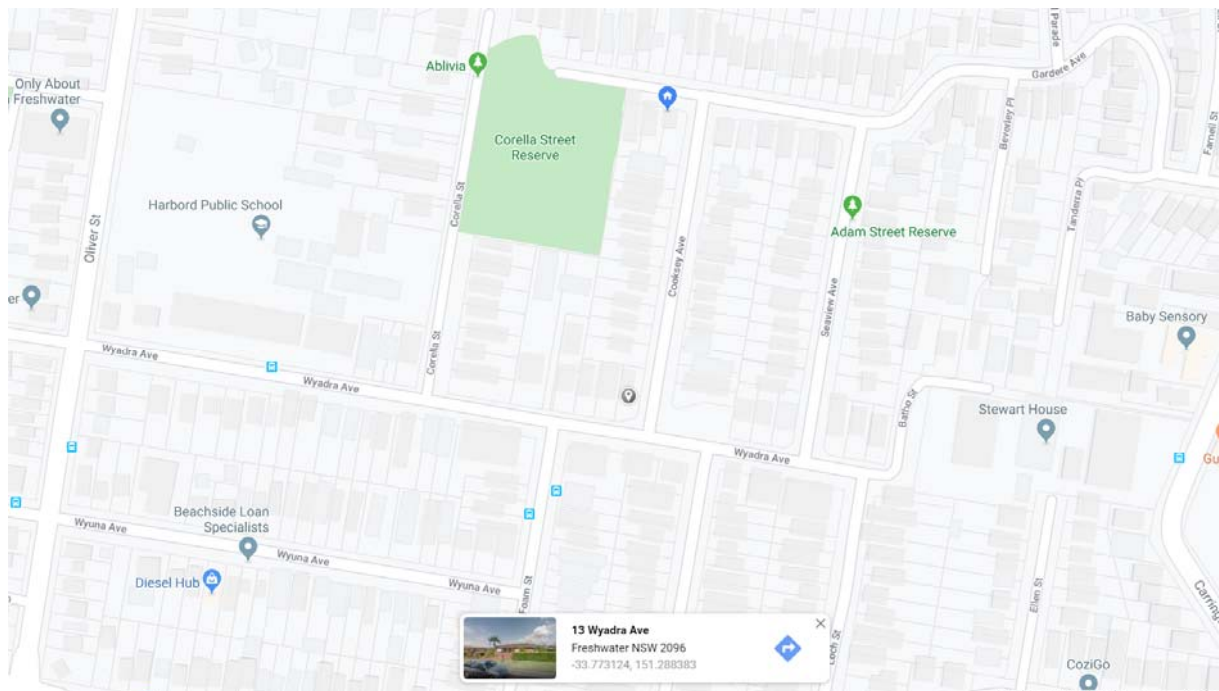


Figure 1 – site location (source: maps.google.com.au)

3. NEIGHBOURING PROPERTIES

The site is bounded by Wyadra Avenue to the south, Cooksey Avenue to the east, and to the west and north are single detached residential dwellings.

The residence to the west at 15 Wyadra Avenue is a contemporary light part-rendered, part-clad two-storey house with pitched metal roof. The residential development to the north at 2 Cooksey Avenue is a single storey red brick interwar bungalow with a traditional pitched tiled roof.

The surrounding streetscape is fairly consistent with single detached dwelling houses and ancillary structures such as garages, car ports and swimming pools sited on large blocks. Almost all surrounding dwellings have multiple off-street car spaces including double car spaces or garages to Wyadra Avenue and Cooksey Avenue.



Figure 2 – aerial photograph (source: Google Maps)

4. DESIGN STATEMENT

The proposed application for development involves the following:

- Construction of a first floor addition to existing dwelling
- Internal alterations to the existing ground floor

The proposal is illustrated in the attached DA drawings prepared by *Alex Bryden Architecture* and has been designed to respect the provisions of Warringah Local Environment Plan (LEP) 2011 and Warringah Development Control Plan (DCP) 2011.

	Consideration
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	Consideration of Warringah Local Environment Plan (LEP) 2011 is contained in Section 4 of this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	Not applicable to this proposal.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Consideration of Warringah Development Control Plan (DCP) 2011 is contained in Section 4 of this report
Section 79C (1) (a) (iia) - Any planning agreement that has been entered into under Section 93F	Not applicable to this proposal.
Section 79C (1) (a)(iii) – Provisions of the regulations	All building work will be carried out in accordance with Clause 78 of the EPA Regulations 2000 and considers the provisions of the Building Code of Australia.
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	Consideration of the likely impacts of this development is contained in Sections 4.1, 4.4 and 4.5 of this report
Section 79C (1) (c) – the suitability of the site for the development	The subject land is not affected by any policy that restricts development due to the likelihood of land slip, bush fire, coastal impacts, tidal inundation, subsidence, acid sulphate soils or any other risk. There are no physical, environmental, heritage or utility constraints that would make this site unsuitable for development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	The consent authority will need to consider any submissions received in response to the public exhibition of the proposed development.
Section 79C (1) (e) – the public interest	The proposal has minimal impact on neighbouring properties and is therefore not against the public interest

The compliance of the proposal with the individual controls and objectives of these documents are outlined in the following sections and the tables below.

Warringah LEP 2011 – Part 4 Principal Development Standards

Control	Standard	Proposed	Compliance
Land Use	R2 Low Density Residential	Dwelling house	Yes
Min Lot Size	450 sqm	477.7 sqm	Yes
Height of Buildings (LEP)	8.5m	9.6m	On merit (see clause 4.6)
Heritage	Item 177 (Harbord PS)		Yes
Acid Sulphate Soils	N/A		N/A
Earthworks	N/A		N/A
Landslip Risk	Area B – flanking slopes 5-25 deg	No substantial changes to stormwater discharge or existing subsurface flow conditions	Yes

Warringah DCP 2011 – Part B Built Form Controls

Control	Standard	Proposed	Compliance
B1 – Wall heights	Max 7.2m	6.5m East elevation 7.55m West elevation 8.3m maximum in section	On merit (see section 4.2 below)
B2 – Number of storeys	Not identified on map	N/A	N/A
B3 – Side boundary envelope	Envelope - 45 degrees from 5m height. Side setback – 0.9m	Building envelope generally meets control. Non-compliance is due to existing excavated sub-floor. Side setback min 0.9m.	On merit (see section 4.2 below)
B4 – Site coverage	Not identified on map	N/A	N/A
B5 – Side boundary setbacks	0.9m	No change to existing	Yes
B6 – Merit assessment of side boundary setbacks	Not identified on map	N/A	N/A
B7 – Front boundary setbacks	6.5m On corner allotments, where the min front building setback is 6.5m to both frontages, the front building setback may be reduced to min 3.5m for the secondary frontage. Secondary street frontage variations must consider the character of the secondary street and the predominant setbacks existing to the street	Existing front setback to Wyadra Ave is 7.6m. No change is proposed. Proposed front setback to Wyadra Ave of the first floor addition is 16.23m. Existing secondary street frontage setback to Cooksey Ave is 3.74m. No change is proposed. Proposed secondary street frontage setback to Cooksey Ave of the first floor addition is in-line with the existing ground floor.	Yes
B8 – Merit assessment of front boundary setbacks	Not identified on map	N/A	N/A
B9 – Rear boundary setbacks	Min. 6m On corner allotments where the min rear building setback is 6m the rear building setback does not apply	N/A	N/A
B10 – Merit assessment of rear boundary setbacks	Not identified on map	N/A	N/A
B11 – Foreshore building setback	Not identified on map	N/A	N/A
B12 – National Parks setback	Not identified on map	N/A	N/A
B13 – Coastal cliffs setback	Not identified on map	N/A	N/A

B14 – Main roads setback	Not identified on map	N/A	N/A
B15 – Minimum floor to ceiling height	Not identified on map	N/A	N/A

Warringah DCP 2011 – Part C Siting Factors

Control	Standard	Proposed	Compliance
C2 – Traffic, access and safety	Vehicular crossing to be provided in accordance with Council's Vehicle Crossing Policy	N/A	N/A
C3 – Parking facilities	Garages not to visually dominate façade. Parking to be in accordance with AS 2890.1	N/A	N/A
C4 – Stormwater	Hydraulic design to be provided in accordance with council's stormwater drainage design guidelines for minor developments and minor works specification	Drainage from proposed new roof area to be connected to existing stormwater system.	Yes
C5 – Erosion and sedimentation	Soil and water management required	Application includes and Erosion and Sediment Control Plan outlining the appropriate measures to be taken during construction	Yes
C6 – Building over or adjacent to constructed council drainage easements	N/A	N/A	N/A
C7 – Excavation and landfill	Site stability to be maintained	N/A	N/A
C8 – Demolition and construction	Waste management plan required	Submitted waste management plan measures to be met	Yes
C9 – Waste management	Waste storage area to be provided	Existing waste storage area in garage to be retained	Yes

Warringah DCP 2011 – Part D Design

Control	Standard	Proposed	Compliance
D1 – Landscaped open space and bushland	Min 40% landscape area to be maintained	The existing condition provides a landscaped area of 162.5sqm / 34.3%, with no change proposed. There area good areas of deep soil planting in both the rear yard and front setback, with a suitable area of private open space.	On merit
D2 – Private open space	Dwelling houses with three or more bedrooms – min 60sqm with min 5m dimension	The private open space will be directly accessed from the living area. This is a result of the internal alterations to the existing ground floor level, to allow better connection to the rear yard. The main private open space to the rear of the property is 89sqm with a minimum dimension of 6.5m.	Yes
D3 – Noise	Mechanical noise is to be attenuated to maintain adjoining unit amenity. Compliance with NSW Industrial Noise Policy Requirements	New air-conditioning to achieve compliance with the NSW INPR	Yes
D4 – Electromagnetic	N/A	N/A	N/A

radiation			
D5 – Orientation and energy efficiency	Dwellings to be orientated to receive northern sun. Appropriate construction to enhance thermal properties and ventilation/natural cooling. Compliance with SEPP (BASIX) requirements	The proposed first floor addition is located to maximise access to northern sun, as is the enlarged glazing to the existing ground floor. Proposed construction is a well-insulated timber framed structure, ample north facing glazing and cross ventilation. A BASIX certificate is provided with the application	Yes
D6 – Access to sunlight	Sunlight to at least 50% of private open space to adjoining properties is not to be reduced to less than 2 hours between 9am and 3pm on the winter solstice	Due to the orientation of the site, there is no reduction in sunlight to the adjoining property at no. 15.	Yes
D7 – Views	View sharing to be maintained	The proposal will not create any unreasonable reduction of views from adjoining properties.	Yes
D8 - Privacy	Development is not to cause unreasonable overlooking of habitable rooms and principal private open space of adjoining properties	The proposal will not create any unreasonable overlooking of adjoining properties, due to strategic placement of windows and louvres.	Yes
D9 – Building bulk	Buildings are to have a visual bulk and scale that is consistent with structures on nearby and adjoining properties and not to visually dominate the street or surrounding spaces	The proposed alterations and first floor addition, complement the surrounding streetscape of detached one and two-storey dwellings, with similar pitched roofs	Yes
D10 – Building colours and materials		The proposed building colours and materials will complement the existing dwelling and be sympathetic to the streetscapes of Wyadra Ave and Cooksey Ave.	Yes
D11 – Roofs	Roofs should not dominate the surrounding skyline	The proposed roof form of the first floor addition has a relatively low roof pitch of 16.8 degrees, to match the existing. As such, it will not dominate the skyline.	Yes
D12 – Glare and reflection	Glare impacts from artificial illumination minimised. Reflective building materials to be minimised	New colours and finishes will be provided to the dwelling to ensure the new works complement the existing dwelling. No significant glare impacts will result from the proposed works.	Yes
D13 – Front fences and walls	Front fences to be generally to a maximum of 1200mm, of an open style to complement the streetscape and not to encroach onto street	N/A	N/A
D14 – Site facilities	Garbage storage areas and mailboxes to have minimal visual impact to the street Landscaping to be provided to reduce the view of the site facilities	Existing garbage store area to be retained. No proposed changes to existing landscaping	Yes
D15 – Side and rear fences	Side and rear fences to be maximum 1.8m and have regard for Dividing Fences Act 1991	N/A	N/A
D16 – Swimming pools and spa pools	N/A	N/A	N/A

D17 – Tennis courts	N/A	N/A	N/A
D18 – Accessibility	N/A	N/A	N/A
D19 – Site consolidation in the R3 and IN1 zone	N/A	N/A	N/A
D20 – Safety and security	Buildings to enhance the security of the community. Buildings are to provide for casual surveillance of the street.	The proposed works will not reduce the security of the street area or the subject site. Casual surveillance of the street is available from the room windows to both street frontages.	Yes
D21 – Provision and location of utility services	Utility services to be provided	Normal utility services are available to the site	Yes
D22 – Conservation of energy and water	Compliance with SEPP (BASIX)	A BASIX certificate is provided with the DA	Yes
D23 – Signs	N/A		N/A

Warringah DCP 2011 – Part D Design

Control	Standard	Proposed	Compliance
E1 – Private property tree management	Arboricultural report to be provided to support development where impacts to trees are presented	No significant protected trees are affected by the works.	Yes
E2 – Prescribed vegetation	Not identified on map		N/A
E3 – Threatened species, populations, ecological communities	Not identified on map		N/A
E4 – Wildlife corridors	Not identified on map		N/A
E5 – Native vegetation	Not identified on map		N/A
E6 – Retaining unique environmental features	Not identified on map		N/A
E7 – Development on land adjoining public open space	Not identified on map		N/A
E8 – Waterways and riparian lands	Not identified on map		N/A
E9 – Coastline hazard	Not identified on map		N/A
E10 – Landslip risk	Identified on map as Area B. Flanking slopes 5 to 25 degrees. The requirements of the control are: <i>ii) For land identified as being in Area B or Area D:</i> <i>A preliminary assessment of site conditions prepared in accordance with the Checklist for Council's assessment of site conditions (see Notes) must be carried out for development. The preliminary assessment must be prepared by a suitably qualified geotechnical engineer/ engineering geologist and must be submitted with the development application.</i>	The proposal has no additional excavation or roof area. As such, it is considered an assessment of site conditions is unnecessary	Yes
E11 – Flood prone land	Not identified on map		N/A

4.1. ZONING AND SITE CONTEXT

The zoning is 2(a) Residential – low density.

Objectives of zone

The objectives of this zone are:

- *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.*

The zoning allows for:

Development for the purpose of:

*advertisements; aged persons' care centres; bed and breakfast establishments; boarding houses; child care centres; dual occupancies; **dwelling house**; educational establishments; home based child care services; hostels; places of public worship; professional consulting rooms; roads; small shops; utility installations (other than gas holders or generating works).*

Given the above, the proposal is an allowable use and complies with the objectives of the zone.

The general streetscape of Wyadra Avenue (north) is characterised by a mixture of contemporary one to two-storey detached houses. Wyadra Avenue (south) is characterised by predominantly two to three-storey, pitched-roof detached houses and contemporary three-storey residential flat buildings. The design proposes to retain the front setback of the existing building line to Wyadra Ave and, although a rear setback does not apply to this corner allotment, match the existing predominant rear setback line. This will respect the scale and form of other developments within the area and compliment the streetscape.

4.2. BUILDING ENVELOPE AND SETBACKS

The proposal complies with the B7 front setback, secondary street frontage and B5 side setback controls.

The proposal exceeds the LEP building height control of 8.5m, being a maximum of 9.6m. A objection pursuant to clause 4.6 addressing this item is attached to this report in Appendix A.

The proposal exceeds the wall height control of 7.2m. Due to the sloping nature of the site and existing sub-floor garage/store area, the resultant wall heights are:

- 6.5m East elevation
- 7.55m West elevation
- 8.3m maximum in section

The objectives of B1 Wall Heights are:

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*
- *To ensure development is generally beneath the existing tree canopy level.*
- *To provide a reasonable sharing of views to and from public and private properties.*
- *To minimise the impact of development on adjoining or nearby properties.*
- *To ensure that development responds to site topography and to discourage excavation of the natural landform.*
- *To provide sufficient scope for innovative roof pitch and variation in roof design.*

From both street frontages, the visual impact of the proposal has been minimised by locating the first floor addition to the northern and highest part of the site. It is situated over the portion of the existing building that reads as a single storey form.

The proposal will provide a reasonable sharing of views to adjacent properties and public areas.

By isolating the proposed first floor area to be contained wholly within the footprint of the existing dwelling, the development's impact on adjoining properties is minimised.

The development responds appropriately to the site topography and proposes no excavation of the natural landform. The existing excavated lower ground floor contributes greatly to the non-compliance, as it is lower than the natural ground line.

The roof form has been designed to match existing roof form in pitch, to integrate the new and old elements harmoniously.

The objectives of B3 Side Boundary Envelope are:

- *To ensure that development does not become visually dominant by virtue of its height and bulk.*
- *To ensure adequate light, solar access and privacy by providing spatial separation between buildings.*
- *To ensure that development responds to the topography of the site.*

The proposed first floor is not visually dominant and its height and bulk is in keeping with the surrounding streetscape of predominantly two-storey detached houses on sloping sites.

The adjacent dwelling at 15 Wyadra is built to the boundary, as such compliance with the envelope control would have no change to the amenity of light, solar access or privacy.

The proposed first floor reads as a second-storey at the rear of the sloping site, with the existing two-storey form to the front/lower portion of the site stepped to follow the topography of the site. The non-compliance is generated in the area above the existing lower ground floor garage/store area, which is unusually below the natural ground line, and is amplified by the sloping nature of the site. When viewed from the northern elevation/rear yard the proposal is comfortably under within the envelope.

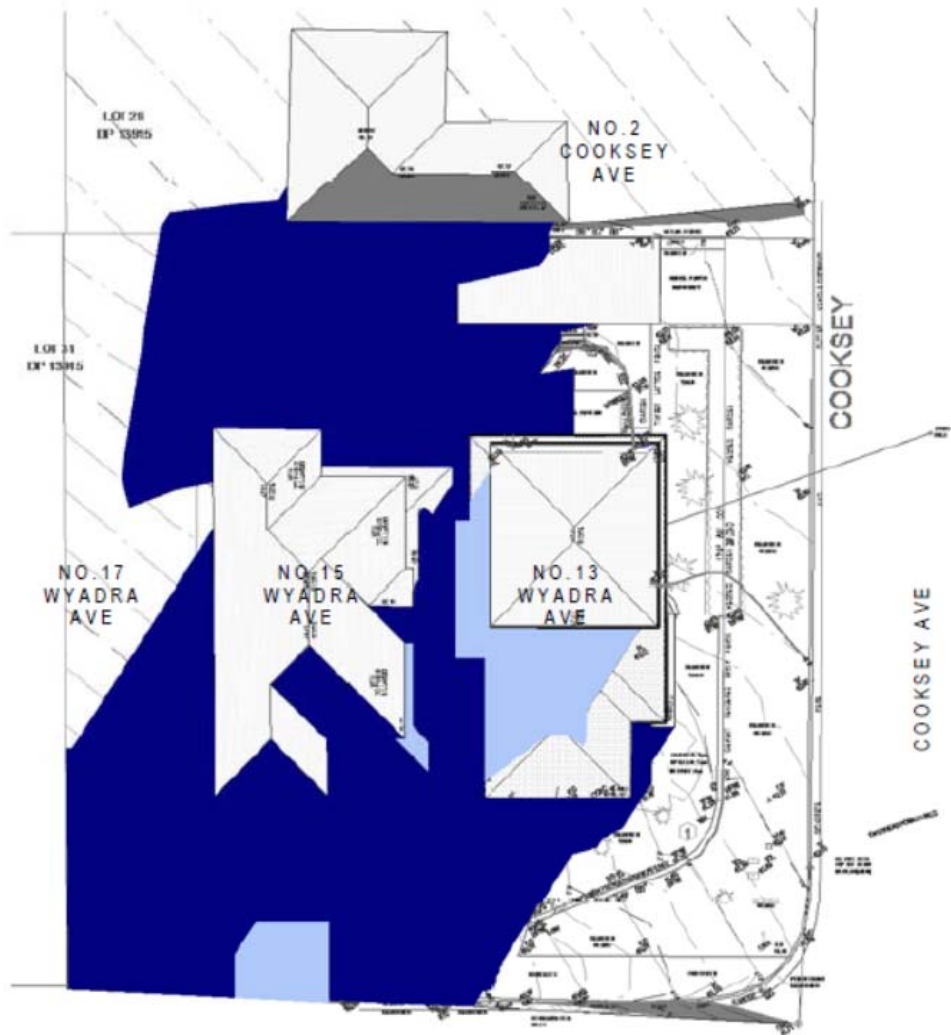
4.3. PRIVACY, VIEWS AND OVERSHADOWING

The proposed development does not impact on the privacy or views of any adjoining sites. The proposed dwelling addition is of a modest second-storey form, utilising large amounts of glazing to the north, east and south, avoiding minimising glazing to the west, which looks at the adjacent property at 15 Wyadra Ave.

The proposal is mindful of the privacy impacts on adjacent properties, with the glazing facing the neighbour at 15 Wyadra having a sill height of at least 1.6m above the new finished floor level.

The only property overshadowed by the proposed development is 15 Wyadra Ave to the west. From the submitted shadow diagrams on June 21 at 9am, it can be seen there is minor additional overshadowing to roof of the adjacent garage, which has a nil boundary offset.

Given the above, it is considered that the overshadowing impact of the proposal is acceptable as the numerical requirements of the DCP for solar access (3 hours direct sunlight to at least 50% of private open space on June 21) are achieved.



Overshadowing at 9am on June 21, Dark blue = existing, light blue = proposed

4.4. ON-SITE CAR PARKING AND ACCESS

The existing dwelling has a double garage at the lower ground floor, contained wholly within the existing footprint. No changes are proposed.

4.5. OPEN SPACE AND LANDSCAPING

The existing condition provides for 34.3% landscape open space and there are no changes proposed to the size or location of this open space or landscaping as part of the proposal. The new northern glazing and reconfigured internal layout of the ground floor significantly improves the connection of the living area to the rear private open space, resulting in improved amenity and better use of the main landscaped area for the occupants.

4.6. DESIGN FOR CLIMATE

The internal alterations relocate the living area and introduce larger glazing to the northern part of the ground floor, whilst retaining significant eaves above, which provide shading from solar gain during the summer months and good solar access in winter. The new glazing provides the opportunity for substantial natural cross ventilation. The development is proposed to be constructed with well-insulated timber framed floors, walls and roof, and when combined with operable glazing provides a building that "breathes" well in its coastal setting, assisting with regulating building temperatures throughout the year.

The proposal passes BASIX and achieves or substantial betters the required heating and cooling figures. For more detailed information please refer to the BASIX assessment included with this application.

4.7. WASTE

The existing garage area will be utilised for storage of bins. No changes are proposed.

4.8. SEPP (COASTAL MANAGEMENT) 2018

The subject site falls within the *Coastal Environment Area* under *State Environmental Planning Policy (Coastal Management 2018)*. The SEPP outlines as below:

(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:

- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
- (b) coastal environmental values and natural coastal processes,*
- (c) the water quality of the marine estate (within the meaning of the [Marine Estate Management Act 2014](#)), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
- (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
- (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (f) Aboriginal cultural heritage, practices and places,*
- (g) the use of the surf zone.*

The proposal is considered to have no or minimal impact on any of these areas. The proposed removal of any native vegetation is proposed to be replaced with other native vegetation, as outlined elsewhere in this submission.

(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

- (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

The proposal is considered to have no or minimal impact on any of these areas.

5. CONCLUSION

The proposed development at 13 Wyadra Avenue provides a permissible dwelling house that utilises the site efficiently. It is consistent with the surrounding development context in relation to scale and bulk, particularly with the properties on both Wyadra Avenue and Cooksey Avenue, and should provide a positive contribution to the streetscape.

The design generally meets or exceeds the provisions of the Warringah Local Environment Plan (LEP) 2011 and Warringah Development Control Plan (DCP) 2011, with the exception of the maximum building height control. This is considered a minor departure from the numerical controls of the LEP given it does not result in additional impacts over and above a fully complying scheme and the proposal meets the stated objectives of Council's controls, as well as the suitability to streetscape and well incorporated roof form design.

The scheme has significant merit as a sensitive infill development for the area and is consistent with the contemporary dwellings of the surrounding context. Because of this and the reasons stated in this report, this proposal should be considered worthy of approval.

APPENDIX 1 – CLAUSE 4.6: MAXIMUM BUILDING HEIGHT

OBJECTION PURSUANT TO CLAUSE 4.6 OF WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

ADDRESS: 13 WYADRA AVENUE, FRESHWATER

FOR: PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING DWELLING, INCLUDING FIRST FLOOR ADDITION

VARIATION OF A DEVELOPMENT STANDARD REGARDING COUNCIL'S MAXIMUM BUILDING HEIGHT AS DETAILED IN CLAUSE 4.3 OF THE WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

Warringah Local Environmental Plan 2011 (WLEP 2011)

Clause 4.3 restricts the height of a building within this area of the Freshwater locality and refers to the maximum height noted within the "Height of Buildings Map." The maximum building height for this site is 8.5m.

Due to the existing lower ground floor, which has been excavated below the natural ground line, and sloping topography of the site, a small portion of the proposed new works will be up to 9.6m in height. The variation to the control will be up to 1.1m or 12.9%. Most of the proposed works are compliant with Council's maximum building height control, when viewed against the existing ground line outside of the building footprint.

Objectives of Clause 4.6

The controls of Clause 4.3 are considered to be a development standard as defined by Section 4 of the Environmental Planning and Assessment Act, 1979.

- *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.*

The Warringah Local Environmental Plan 2011 contains a variation clause (Clause 4.6) to allow a departure from a development standard. The objectives of Clause 4.6 are as follows:

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

The proposed development will achieve a better outcome in this instance as the site will provide for construction of an improved dwelling thereby creating work for the locality. This is consistent with the stated Objectives of the R2 Low Density Residential Zone, noted as:

- *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.*

As desired by the zone objectives, the proposal will provide for a dwelling with improved facilities, with minimal additional environmental impact, that is considerate of the context and the topography of the site and provides for greatly improved amenity to the occupants. The proposal includes a restrained material palette and finishes, to provide a high-quality development that will enhance and complement the existing streetscape.

Notwithstanding the non-compliance with the maximum building height control, the development will provide a high-quality residential development that will add positively to the character and function of the local residential neighbourhood.

Justification of Proposed Variation

Consistency with zone objectives

It is considered that the proposed development will be consistent with the desired future character of the surrounding locality

for the following reasons:

- The proposal will be consistent with and complement the existing residential development within the surrounding context.
- The proposed development respects the scale and form of other new development in the vicinity and thus suits the locality.
- The setbacks match and therefore maintain compatibility with the existing surrounding development.
- The proposal does not have any unreasonable impact on overshadowing or views to/from adjacent dwellings.

Accordingly, it is believed that the site may be developed with a variation to the numerical limit of the maximum building height control, whilst meeting the zone objectives.

Consistency with the objectives of the standard

The objectives of Clause 4.3(1) are:

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

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

Despite the minor variation to the numerical height control which are due to the sloping topography of the site, existing lower ground floor area, below natural ground level and the design's intent to provide for a roof shape that matches the form and slope of the existing roof form and streetscape, the proposed development is held to be in keeping with the desired future character of the context.

The proposed development will not result in any unreasonable impacts on adjoining properties in terms of views, privacy or overshadowing. It is generally consistent with the height and scale of surrounding developments, and the isolation of the additional form to the northern, highest part of the site minimises the visual impact of the development. The maximum building height is 8.5m, which most of the new works are in compliance with. Therefore, we are of the belief that the proposed development is consistent with the objectives of the development standard.

To consider a written request that demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

In this instance, we deem it unreasonable and unnecessary to require strict compliance with the development standard. It is considered that the proposal achieves the Objectives of Clause 4.3 and that the development is justified for the following reasons:

- The proposed works will maintain consistency with the general height, scale and character of surrounding residential development. The biggest departure from the height limit is the roof ridge of the sloping roof form, chosen to match the existing roof form and predominant design character of the area.
- The proposed height, bulk and scale of the proposed works will maintain amenity and appropriate solar access for the subject site and neighbouring properties.
- The proposal provides for a greatly improved dwelling, which is constrained by the sloping nature of the subject and neighbouring sites, as well as the unusual condition of an existing sub-floor garage/store area.

To consider a written request that demonstrates that there are sufficient environmental planning grounds to justify contravening the development standard and with the Court [or consent authority] finding that the matters required to be demonstrated have been adequately addressed

Council's controls in Clause 4.3 provide a maximum building height of 8.5m for the subject development. Due to the existing lower ground floor garage/store, the sloping nature of the site and the desire to match the new roof form to the existing roof form, the proposed new works will have a maximum height of 9.6m for the roof ridge. The proposal is justified for the following planning reasons:

- The non-compliances result primarily from the proposed roof ridge level, attempting to match the existing roof form and complement the design of adjacent dwellings.
- The majority of the new works are comply with Council's maximum height control of 8.5m above existing ground level.
- The proposal will be consistent with and complement the existing detached style housing within the locality.
- The proposed development respects the scale and form of other new development in the vicinity and therefore compliments the context, maintaining a high level of amenity to adjacent dwellings

- The development maintains setbacks which are compatible with the existing surrounding development.
- The proposal does not have any significant impact on long distance views for the neighbouring properties.
- The site is utilised as a permissible use and will continue to maintain this residential use.
- The works will provide for construction works to the area, providing economic benefits to local businesses.
- The extent of the proposed new works where they are not compliant with Council's maximum height control are restricted to the roof ridge and middle part of the site, thus do not have any significant impacts on the amenity of adjacent dwellings or the desired future streetscape.

Because of the reasons, and other justifications presented in this report, we believe there are sufficient environmental planning grounds to justify a variation of the development standard for maximum building height.

Conclusion

This development proposes a departure from the maximum building height development standard, with the proposed first floor addition to provide a maximum building height of 9.6m. This variation occurs as a result of the sloping topography of the site, the existing lower ground floor below natural ground line, and the well-considered design which seeks to marry the new form with the existing roof form. The bulk and scale of the proposed development is appropriate for the site and context, as such strict compliance with the maximum building height control would be unreasonable and unnecessary.

APPENDIX 2 – SITE PHOTOS



The existing dwelling on the subject site from the corner of Wyadra Avenue and Cooksey Avenue.



The adjacent properties at 15 (R), 17 (middle) and 19A (L) Wyadra Avenue (image courtesy maps.google.com.au)



The adjacent property at 2 Cooksey Avenue (image courtesy maps.google.com.au)



The adjacent properties opposite at 1 and 3 Cooksey Avenue (image courtesy maps.google.com.au)



The adjacent properties opposite at 10 Wyadra Avenue and 33 Foam Street (image courtesy maps.google.com.au)