

3.10 Variations to a Development Standard (Section 4.6 of the Warringah Local Environmental Plan 2011)

Clause 4.6 of the Warringah Local Environmental Plan 2011 allows an applicant to request to vary a development standard as part of a development application.

This application includes a Clause 4.6 variation to vary Clause 4.3 Height of Buildings of the *Warringah Local Environmental Plan 2011*.

The proposed variation to the height control is from the standard of 8.5m to a maximum height of 8.9m for the dwelling house. The proposed pavilion complied with the height control at a proposed height of 4.7m.

The encroachment is not across the whole of the roof and the area that the roof is higher than the allowable height limit is limited to a small section of the roof as will be demonstrated more clearly in the diagrams below.

Importantly, the height encroachment is 0.4m which represents less than a 5% variation to the height control.

The diagrams below known as Figure 3.5 and 3.6 prepared by Jared Poole Design as part of the Architectural package demonstrate the proposed variation to the height control limit. These areas are shown in red in the first elevation which shows that the non-compliance is limited and would be virtually impossible to detect if one was looking up at the building or walking along the street. This is important as the variation does not impact on the public domain, create issues of bulk or hinder neighbourhood amenity.

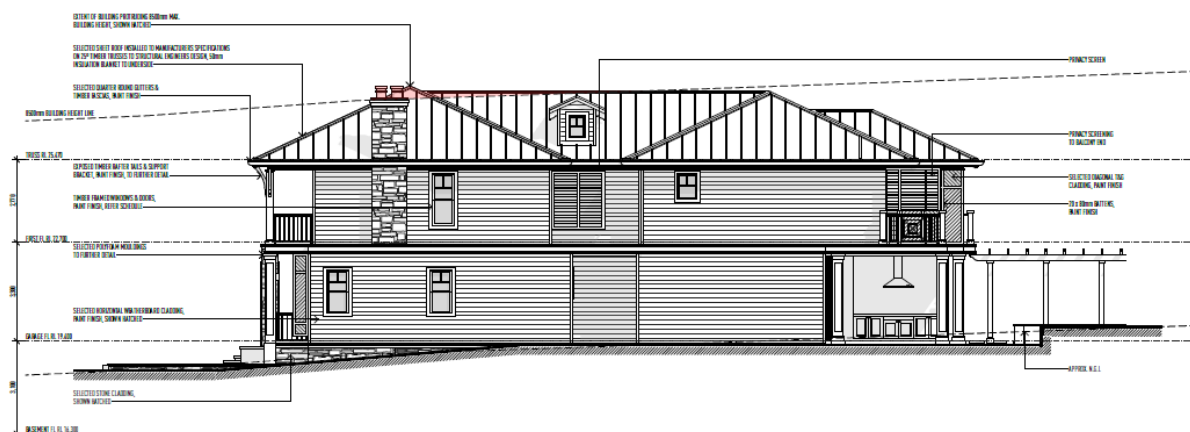


Figure 3.5 Elevation Showing Building Height Variation (Source: Jared Poole Design)

The building height plane shown below in Figure 3.6 clearly shows the extent of the roof that extends above the height limit (this area is shown in grey in the diagram).

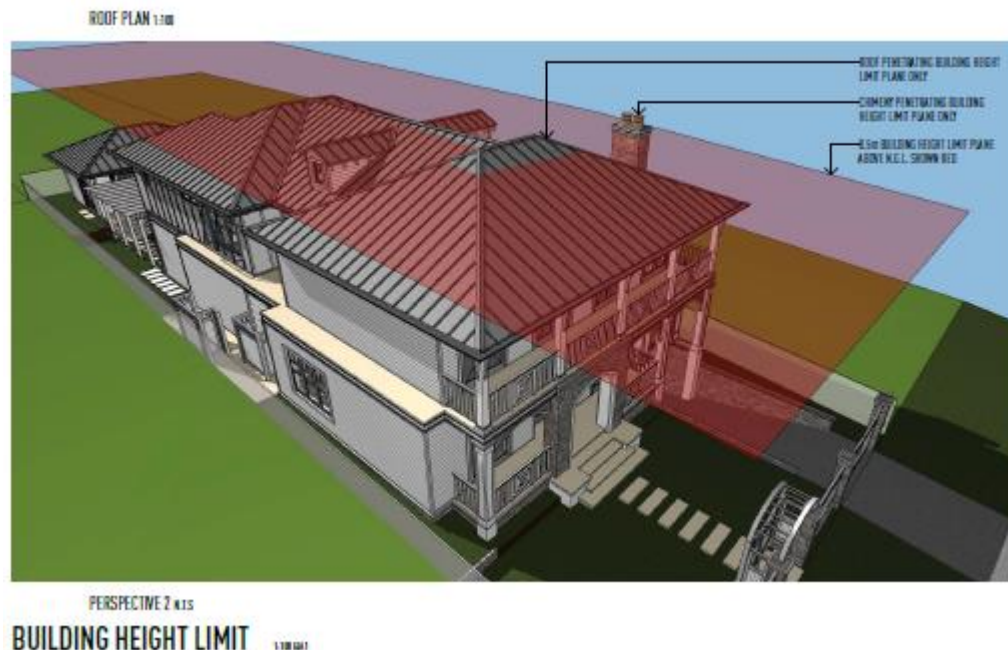


Figure 3.6 Perspective Showing Building Height Variation (Source: Jared Poole Design)

The objectives of Clause 4.3 of the *Warringah Local Environmental Plan 2011* are included below:

4.3 Height of buildings

(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.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

(2A) If the Height of Buildings Map specifies, in relation to any land shown on that map, a Reduced Level for any building on that land, any such building is not to exceed the specified Reduced Level.

The proposal meets these objectives as the building is compatible with the height and scale of surrounding dwellings, including the adjoining property to the north, which is also a two storey dwelling. The dwelling has been designed to minimise bulk and to protect the privacy of neighbouring dwellings and the occupants of the new dwelling through the positioning of windows, screening and balcony placement, together with landscaping. The property is located away from public parks, community facilities and bush environments and is outside of the coastal protection area. The height of the building control has been identified on the height

of buildings map as 8.5m and the highest proposed point of the roof is 8.9m, representing a variation of 0.4m across a minimal section of the roof, towards the front of the dwelling.

The streetscape will benefit from a high quality architecturally designed dwelling in a landscape setting and the variation to the height control is of public benefit in the overall effect created, with the variation so minor that it would be indistinguishable to the general public over a fully complying design. As such, the building height variation is considered to be acceptable and Council is asked to consider it upon merit in the assessment of this development application.