



**Clause 4.6 Variation (Height)
To Development Application
For
1 Highview Avenue, Queenscliff
NSW
For
RHETT TREGUNNA C/O- NEST RENOVATIONS**

RAPID PLANS

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Issue 1.00
April, 2024
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1 INTRODUCTION

This report pertaining to Clause 4.6 Variation accompanies the Development Application for the proposed alterations and additions at 1 Highview Avenue, Queenscliff.

1.1 Site

The residence is located on the North side of 1 Highview Avenue, Queenscliff.
Site Address: No 1 Highview Avenue, Queenscliff

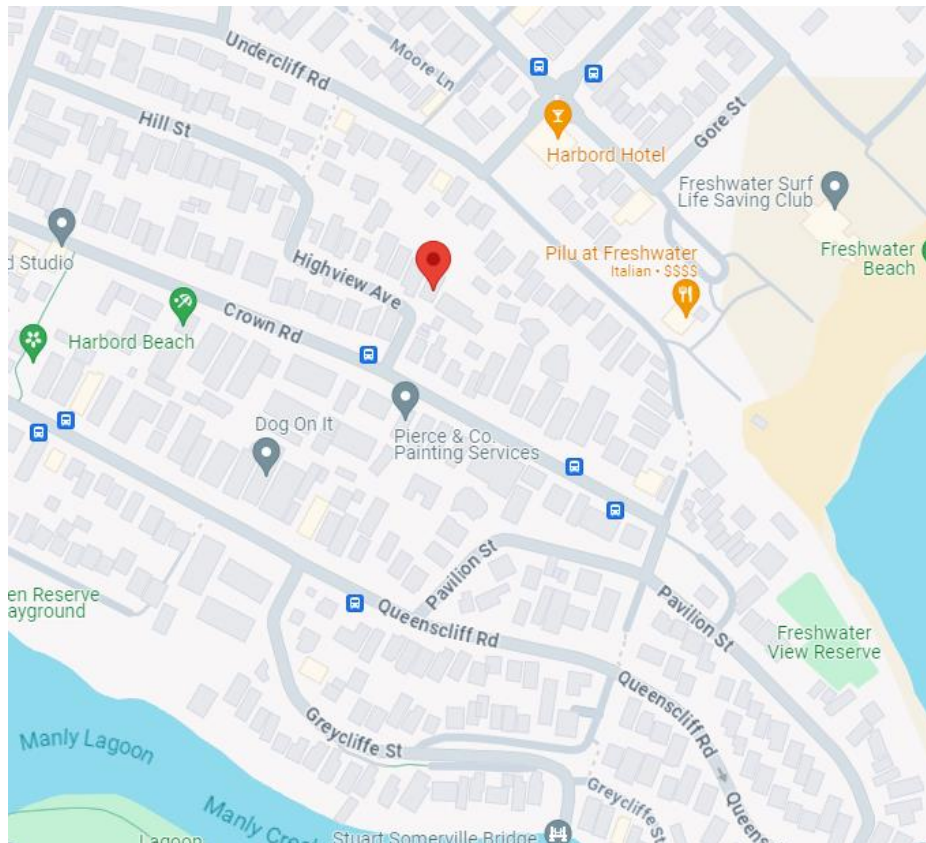


FIGURE 1: LOCATION PLAN 1 Highview Avenue, Queenscliff. ¹ Source Google Maps.

1.2 Local Authority

The local authority for this site is:
Northern Beaches Council (Warringah)
Civic Centre, 725 Pittwater Road,
Dee Why NSW 2099
DX 9118 Dee Why
Telephone: 9942 2111

¹ Location Map; <<https://www.google.com/maps/place/1+Highview+Ave,+Queenscliff+NSW+2096/@-33.7819792,151.2843708,17z/data=!4m6!3m5!1s0x6b12aafc05a4d587:0xd1e2b8c3af32f0da!8m2!3d-33.781418!4d151.2866911!16s%2Fg%2F11c17xdvn3?authuser=0&entry=ttu>>.

1.3 Environmental Planning Instrument that Applies to the Land

Warringah Local Environment Plan 2011

1.4 Zoning of the land

Lot B DP.330244 known as 1 Highview Avenue, Queenscliff, has a Zoning of R2 Low Density Residential. This property does not fall within a Conservation Area.

Permitted with consent

Bed and breakfast accommodation; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses, Dual Occupancy; Environmental protection works; Group homes; Health consulting rooms; Home-based child care; Home industries; Jetties; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Respite day care centres; Roads; Secondary dwellings; Tan k-based aquaculture; Water recreation structures

1.5 Objectives of the Zone

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

Comment:

It is considered that the proposed development meets the objectives of the Zone R2 Low density. This opinion is justified on the basis that this application provides for the owners housing needs within the area that is consistent with surrounding properties developments. The proposed development aligns closely with the objectives outlined above, ensuring that the residential development is in harmony with the surrounding ecological, scientific, and aesthetic values.

The design of the development not only takes into account the existing streetscape but also the aesthetic values of the area. By carefully integrating the proposed additions into the existing dwelling and the site, minimizing disturbance to natural features, such as mature trees and native vegetation, the development maintains a low impact on the environment.

The development ensures that residential activities do not adversely affect the identified ecological and aesthetic values of the area. This includes implementing

material storage zones, erosion control measures, and construction techniques to protect areas of the site and maintain visual harmony with the surroundings.

The development adheres to principles of low-density residential design, ensuring that the scale of the structures is compatible with the landform and landscape. This includes design features that blend seamlessly with the existing dwelling and character of the area. By respecting the existing context, the development enhances the overall aesthetic appeal of the existing dwelling and the neighbourhood.

Special attention has been given to retaining wildlife corridors within the development. This involves preserving existing vegetation where possible planting.

The proposal allows currently unusable areas to be usable for the owners to assist in day to day living without adversely impacting the environmental aspects as privacy, views and sunlight is generally compliant and minimal vegetation is proposed for removal. The works proposed will significantly improve the function and aesthetic quality of the site with the built form outcome complementing newer style properties along Highview Avenue.

2 Clause 4.6 Variation to Development Application

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.*

2.1 Development Standard Being Varied

After reviewing Warringah LEP 2011 we advised that a Clause 4.6 Exception to a Development Standard is required due to:

- This development is classified as a non-complying development due to an encroachment to the height limit.

The proposed alterations and additions effectively align with the objectives outlined in the exceptions to development standards, as they demonstrate a commitment to providing flexibility where necessary to achieve better outcomes for both the development itself and the surrounding community.

These alterations and additions acknowledge the need for flexibility in applying certain development standards to accommodate their unique characteristics and context. By recognizing that one-size-fits-all regulations may not always be suitable for every scenario, the proposal embraces a nuanced approach that allows for tailored solutions to specific challenges. This flexibility ensures that the alterations and additions can respond appropriately to site constraints, environmental considerations, and community needs without compromising overall quality.

By allowing flexibility in particular circumstances, the proposed alterations and additions aim to achieve better outcomes. This includes optimizing land use efficiency, promoting sustainable design principles, and enhancing the overall liveability of the area. Through innovative design solutions and responsive planning strategies, the proposal seeks to maximize benefits such as increased housing longevity, improved amenity, and enhanced sustainable environmental performance.

The proposed alterations and additions express the outlook of the exceptions to development standards by embracing flexibility and pursuing better outcomes for all stakeholders involved. By adopting a pragmatic approach to planning and design, the proposal strives to strike a balance between regulatory compliance and innovative problem-solving, ultimately contributing to a more vibrant, resilient, and inclusive built environment.

The favourable option for Council is to consider a Development Application with a Clause 4.6 Variation for the structures to be approved.

2.2 Clause of the Development Standard listed in the Environmental Planning Instrument

Warringah LEP 2011, Height of Buildings

2.3 The objectives of this clause are as follows—

- to ensure that buildings are compatible with the height and scale of surrounding and nearby development
- to minimise visual impact, disruption of views, loss of privacy and loss of solar access
- to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments
- to manage the visual impact of development when viewed from public places

such as parks and reserves, roads and community facilities.

Comment:

The design provides consistency with existing and desired streetscape and character. The proposed minor variation request effectively ensures that the bulk and scale of development remain consistent with the existing and desired streetscape character. By taking into account the surrounding built environment and contextual factors, the design seamlessly integrates with the streetscape, preserving the visual harmony of the area.

While deviating from the prescribed height control, the development proposal demonstrates a well-thought-out approach to control building density and bulk in relation to the site area. It specifically addresses the objective of preventing the obscuring of important landscape and building features. Through careful design considerations, the project minimizes any potential negative impact on significant features, thus enhancing the aesthetic value of the area.

The visual impacts are minimised to the neighbouring properties, and all proposed works are located to the exiting footprint of the dwelling over the existing site area, with the front dwelling and façade improved. The proposed works improve the articulation of the property from the public domain. With the existing location of the subject & adjacent dwellings enjoying an elevated position there is no adverse impact of view lines with privacy improved as well as the shadow cast from the proposed works having little impact on surrounding properties.

This Clause 4.6 variation supports the objective of the WLEP 2011. This aspect ensures a thriving and sustainable economic environment for the community.

2.4 Numeric value of the development standard in the environmental planning instrument

WLEP2011 Height = 8.5

2.5 Proposed numeric value of the development standard in your development application.

Proposed Height = 8.730m Existing Ground Level (Measured at the highest point)

2.6 Percentage variation between the proposal and the environmental planning instrument

Proposed Height = 3% (Existing Ground Level)

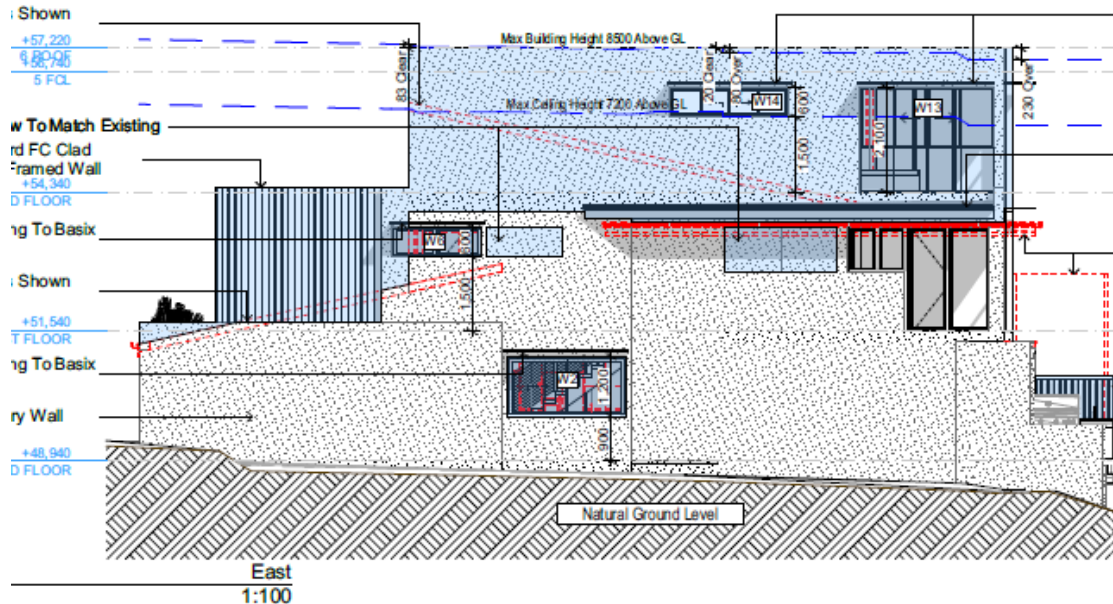


FIGURE 2: SECTION PLAN 1 Highview Avenue, Queenscliff. Source Rapid Plans.

2.7 How is strict compliance with the development standard unreasonable or unnecessary in this particular case?

This variation is considered moderate in comparison to other developments along Highview Avenue. While the maximum height of the dwelling is 8.730m this is for a small section of the north eastern elevation with the majority of the parapet less than 100mm over the height control.

The application is in keeping with a residential environmental living area desired by Council as well as the objectives of the zone. The development has no negative consequence of significance as a result of this noncompliance as the development is virtually invisible from the public domain.

In this circumstance, it is unreasonable and unnecessary to strictly comply with the building height standard given that the resulting development will be generally absent of any negative environmental or planning outcomes. The proposal would be indiscernible to a development that strictly complied with the numerical control as the bulk and scale is screened by the existing dwelling. For the reasons stated above, it

is argued that a variation be supported as it ultimately results in an improved planning outcome for the general locality along Highview Avenue.

- *Streetscape* – The aesthetic appeal of the street is a priority, and any changes to the property will align with neighbouring structures while enhancing the overall look of Highview Avenue. Alterations made are to improve the property's design, ensuring it blends seamlessly with adjacent buildings.

Any increase in height, particularly on upper floors, will be strategically positioned at the rear of the property. This ensures harmony with existing dwellings and maintains consistency throughout. A flat roof design is proposed to minimize visual disruption and maintain the street's character.

Careful attention has been given to maintain consistent building setbacks, ensuring the proposed additions harmonize with neighbouring structures. This approach respects the residential standards of Queenscliff while minimizing any visual impact on the streetscape.

- *Bulk & Scale* is maintained for the area. Although the bulk & scale of the building is increased, the overall size & bulk in relation to the surrounding neighbourhood is to be maintained throughout the development as shown by the similar developments on Highview Avenue.

There is no adverse visual impact with surrounding developments to maintain their existing visual amenity. The new flat roof has been added to the design, this is to reduce the bulk & scale of the roof line and to prevent the design from visually dwarfing surrounding properties. In our opinion that the flat roof pitch design allows for a seamless finish and for a more appealing streetscape, with the design in keeping with other properties along Highview Avenue.

It is in our opinion that approval of the proposed dwelling would be reasonable for increased amenity and longevity for the development, with the design in keeping with other properties along Highview Avenue. The proposal is a design option that supports a preferred planning outcome of a modern design, that is prevalent in the Queenscliff area, as well as complementing the existing dwelling & the surrounding neighbourhood.

- **Openness** - A sense of openness is maintained as the proposed design to the upper portion of the dwelling allows the low levels to create flow between the internal & open space areas continuing to allow for a sense of openness to support the desired future character of the Queenscliff area. The openness to the front of the property is maintained with the façade and landscaped area & access improved to assist in adequate usable outdoor recreation space & water infiltration.
- **Public & Private Views** - The public and private view lines are maintained for the subject & surrounding dwellings with minimal impact in the vicinity of the building works.
- **Site Access & Circulation** is maintained, and it is anticipated that the proposed development will have no detrimental impact on traffic flow.
- **Planting** –All works occur behind the existing front building line. It will have no significant impacts on the streetscape. There has been generous amount of area maintained and proposed for the provision of planting in the front & rear areas of the property. The proposal enhances the amenity of the site by maintaining a usable garden space that softens the visual amenity of the property. The proposed works to the rear of the property are in keeping with the adjacent property. The existing vegetation softens the streetscape & allows the development to blend in with the existing environment along Highview Avenue.

2.8 How would strict compliance hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act?

Strict adherence to the controls overlooks the challenges posed by the site constraints and location of the existing dwelling. The proposal aims to provide a design enhancing the optimization of the site, while retaining elements of the existing dwelling. It serves as a practical solution for accommodating a growing family and maintains the existing landscaping. These additions contribute to the ongoing revitalization of dwellings along Highview Avenue. Complete adherence to regulations would hinder the achievement of these objectives.

The proposed works promote efficient and orderly development, characterized by

high-quality design. This approach maximizes the site's potential while addressing the need for suitable housing in the area.

2.9 Is the development standard a performance-based control?

The objectives of the development standard provide the controls to allow a performance-based solution. For the reasons outlined herein, it is demonstrated the proposal meets the objectives of the development standard, therefore Council should consider “compliance to the standard unreasonable in the circumstances of the development”.

2.10 Would strict compliance with the standard be unreasonable or unnecessary?

Yes, please refer to answer in 2.7, 2.8 and 2.9 preceding.

2.11 Are there sufficient environmental planning grounds to justify contravening the development standard?

Section 4.6 enables a development standard within an LEP to be varied, providing sufficient and compelling arguments based on sound planning rationale and legislation are put forward to support the variation.

1.3 Objects of Act

*(c) to promote the orderly and economic use and development of land,
(g) to promote good design and amenity of the built environment,
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*

The following environmental planning grounds justify contravening the development standard.

By deviating from the development standard, the proposed project may enable more efficient and practical use of the land, potentially enhancing its economic viability. For example, adjusting heights and setback requirements could allow for better utilization of available space without compromising safety or functionality.

While not strictly adhering to the development standard, the proposed development contributes to the enhancement of the built environment through thoughtful design

considerations. This could include features such as improved aesthetics, better integration with surrounding structures, or innovative use of materials that enhance the overall visual appeal and functionality of the area.

Deviating from the development standard may enable the incorporation of additional features or improvements to building construction and maintenance practices. For instance, adjusting height restrictions could allow for the implementation of increased amenity or stronger structural elements or better ventilation systems, thereby enhancing the overall safety and well-being of occupants.

The proposed development, despite contravening the development standard, aligns with this object by potentially facilitating more efficient land use and development practices. While deviating from the standard, the proposed project still contributes to this object by promoting thoughtful design principles and enhancing the overall aesthetic and functionality of the built environment.

The proposed development, even with variations from the standard, upholds this object by potentially incorporating additional safety measures and improvements to building construction and maintenance practices, thereby safeguarding the well-being of occupants.

The location of the non-compliance is located within the existing site relates to the existing excavated areas contained on the site. When using the external natural surface levels the proposal is in fact compliant with the height controls. This relates directly to the height objectives in controlling bulk and scale as the property in fact presents as compliant with these objectives.

The proposed works maintain the existing built form and character of the site. The proposed works will be in keeping with the existing character and the desired future development in the area.

The design and location of the proposed works are located to the rear and centre portion of the existing site. This location limits the height noncompliance and bulk of the dwelling as viewed from the public domain and maintains the building mass and scale. This option promotes improved amenity and sustainable design capable of maintaining the objectives of the LEP, *Height of Buildings*, and is compatible with the adjacent dwellings.

As depicted within the proposal's shadow diagrams, there is minimal impact on the

private open space to the adjoining dwellings.

This style of design limits any potential impacts that a more substantial addition would create, with this design limiting new windows to reduce impacts on views from adjoining dwellings with little impact from the public domain.

Promoting good sustainable design and reduced costs for construction, this proposal utilizes existing structures and areas of the site. This is more cost-effective as it uses the existing roof and structure to connect to the existing building.

The proposal provides improved and increased housing in an environment living area. The proposed development provides for increased amenity and improved housing development in this area while maintaining the character of the existing dwelling.

The preceding information and the following environmental planning grounds justify contravening the development standard.

- The proposal provides a more environmentally friendly dwelling.
- The proposal utilizes existing services.
- The proposal provides improved housing in a low-density environment.
- The proposal provides increased useability for the dwelling.
- The proposal provided increased longevity for the dwelling.
- The proposal provides for increased sustainability by reducing the need for a move or a new dwelling to accommodate the occupants.

With the existing location of the subject & adjacent dwellings enjoying an elevated position there is no adverse impact of view lines with privacy improved as well as the shadow cast from the proposed works having little impact on surrounding properties.

The variation to the maximum height requirements is, in our opinion, acceptable and there are appropriate planning grounds in support of the non-compliance.

CONCLUSION

2.12 Summary

The resulting development has been designed to enhance the existing residential building by improving the amenity for the residents while maintaining, where possible, the conditions set out by Warringah Local Environment Plan 2011. The proposal would be appropriate for the site and will have minimal impact, improve the streetscape and character of the neighbourhood. We request that council support the Clause 4.6 Variation of the Development Application.