

VARIATIONS REQUEST

Request to vary Controls under Clause 4.6 of The Pittwater LEP 2014

Owner:

Luke & Julie Preston

Project:

Alterations and additions to residence at:

1 Harewood Place, Warriewood NSW 2102

Prepared by:

HOT HOUSE STUDIO

Date:

April 2015

1.0 INTRODUCTION

This variation request forms part of the development application for Alterations and Additions to 1 Harewood Place, Warriewood. It should be read in conjunction with the accompanying Statement of Environmental Effects and proposed plans by Hot House Studio.

The proposal includes three minor non-compliance issues:

1. Landscaping Ratio
2. Front Boundary Setback
3. Front fence height

Clause 4.6 of Pittwater Local Environmental Plan 2014 states:

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 for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Note. When this Plan was made it did not include Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E3 Environmental Management or Zone E4 Environmental Living.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

(c) clause 5.4.

2.0 THE PROPOSAL

2.1 Landscaping Ratio

This site is located within area zoned E4 Environmental Living. Pittwater LEP 2014 controls state a minimum 60% of site area be allocated to landscaping.

As a result of the double car garage and the requirement of a larger driveway to service it, the landscaped area will obviously need to be reduced. In the existing state there is 574.7m² of landscaping, equating to 67.2% of site. The proposal seeks to reduce the landscaping area to 498.4m² or 58.3% of site. The control states a minimum of 60% for this locality representing a 1.7% shortfall. A slight variation to this control is sought for a number of reasons:

- It is within a 2% tolerance of this control.
- The rear yard is undergoing no change and this represents a very generous 375.2m² open plan landscaped area.
- Extensive additional planting is proposed along the front boundary retaining wall.

An exception to the control is sought as the proposal satisfies the objectives of the Pittwater LEP 2014 in that:

- The desired future character of the locality is maintained. The proposal with inclusion of a detached garage is of a style that is sympathetic to the surrounding dwellings and suburb.
- There is low impact on bulk and scale as the garage does not visually dominate the streetscape. It sits adjacent to the Northern boundary and is set slightly into the slope (approx. 350mm). Solar access to all adjoining properties is maintained due to its location on the Northern boundary.
- The proposed planting along the Northern boundary will also soften any perceived bulk as seen from the adjacent property. This in addition to the proposed front boundary planting visually reduces the built form.
- Additional run-off will be produced by the proposal, however a water tank is proposed to be positioned behind the garage which will reduce overall property run off. Additionally the driveway will fall to lawn and planters where appropriate.

The objectives of Clause 4.6 of the Pittwater LEP 2014 are:

(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.

Permission for this non-compliance is sought with regard to Clause 4.6 due to:

- It being within an appropriate degree of flexibility. It is within 1.7% of the required control.
- It will better address the modern day family housing needs of the community by providing lock-up garage space for two large vehicles and removing them from the street.

We believe an exception to the Landscaping ratio control is warranted in this circumstance.

2.2 Front Boundary Setback

The proposal also seeks a minor variation request in relation to the West South West front boundary setback. A 0.5m variation to the 6.5m front building line setback control is sought.

The proposal involves placing the garage 0.5 m into this zone. This is as a result of a number of reasons. Due to the slope of the land and the zone of influence of the lateral forces of the dwelling's brick wall and footing, it is necessary to offset the garage from the house to avoid structural complexities of underpinning the dwelling walls in this zone. This position also means slightly less cut into the slope and a lower finished floor level and ridge height of the garage.

In addition, to maintain access between the dwelling and the garage, it is necessary to have the garage offset by approximately 2.3m. The entry to the dwelling is via a timber and steel stair structure that delivers a person to the Northern edge of the front veranda. If the garage was placed closer to the dwelling access between the garage and stairs would be very much restricted and a new way of entering the building would have to be constructed.

There is no established building line in the street as most of the sites and dwellings rotate due to the cul de sac shape. However the site to the North, number 12 Hunter Street has a wall position that sits within the 6.5m building setback line as can be seen in drawing no. DA_002. It is true that 12 Hunter Street would be assessed as a corner block, however it does set a noticeable building line as you enter the street. The proposed garage sits further back from the street in comparison to 12 Hunter Street and therefore does not interrupt or visually dominate the perceived building line.

The Pittwater DCP 2014 states in Section D14.7 Front Building Line:

The minimum front building line shall be:

All other land zoned R2 Low Density Residential, R3 Medium Density Residential or E4 Environmental Living: 6.5, or established building line, whichever is the greater.

An exception to the control is sought as the proposal satisfies the objectives of Pittwater LEP 2014 in that:

- The desired future character of the locality is maintained
- Preservation of view from public/private places is maintained
- Vegetation screening is increased in order to visually reduce the built form.
- Vehicle manoeuvring is improved by providing enough space to reverse and turnaround on the driveway.
- A 6.6m wide garage allows parking for larger vehicles.
- An appropriate scale of built form is maintained. Main house, garage and front fence gradually reduce scale to the public domain.
- It is an improvement to the street frontage.
- The proposal is sensitive and relates to the characteristics of the surrounding environment.

Permission for this non-compliance is sought with regard to Clause 4.6 due to:

- It being within an appropriate degree of flexibility. It is within 0.5m of the 6.5m front boundary control (7.7% variance)
- It will provide a better outcome for the development in that significant structural complexities will be avoided.
- It will provide a better outcome for the development in that modern day requirements of the family home may be achieved through the functions of a large two car lock up garage.

We believe an exception to the Front building setback control is warranted in this circumstance.

2.3 Front Fence Height

The proposal also seeks a variation request in relation to the front fence wall height maximum of 1m above existing ground level. The proposal involves the construction of a new front boundary retaining wall as can be seen in drawing no. DA_201 Elevation West.

As can be seen, the main portion of the retaining wall is designed to line up with the top of wall height of the neighbour at No. 12 Hunter Street, which is approximately 1530mm high at the boundary. A variation to the 1m maximum height is sought due to a number of reasons.

The necessary retaining wall height required for the front yard to be reasonably level ranges from 1530mm on the Northern boundary and 530mm on the Southern boundary. This is due to the substantial front boundary slope exaggerating the height at the Northern corner. A site sloping significantly in two directions unfairly hinders the sites ability to maintain a 1m wall height. At the Northern boundary extreme, a level yard requires a wall of approximately 1.5m to provide the retaining functions. There is also a necessity to provide some level of privacy and security to the front yard, which is an additional function of this wall. When viewed in elevation, the front fence does not look visually dominating and appears a very reasonable proposal.

Boundary planting is also proposed in order to reduce the scale and bulk of the boundary wall. Extensive Australian Native vegetation is proposed along this boundary. The wall is not a dominating feature and it is proportionally appropriate to the rising building form of fence, garage and house.

An exception to the control is sought as the proposal satisfies the objectives of Pittwater LEP 2014 in that:

- It maintains the desired future character of the locality
- It complements the visual character of the street, especially the neighbour adjacent to it at 12 Hunter Street, which also employs the similar use of retaining wall.
- It defines the boundary edge between the public and private domain
- It contributes positively to the public domain by providing an aesthetically pleasing boundary fence and planting.
- Casual surveillance of the street is maintained. The rising slope of the site allows an elevated position of the dwelling to do this.
- Safe sight distances and clear view of the street is maintained. The wall is lowest at the driveway zone and a 4.3m layback allows ample distance to view street pedestrians from the driveway.

Permission for this non-compliance is sought with regard to Clause 4.6 due to:

- It being considered within an appropriate degree of flexibility relating to the sloping characteristics of the site.
- It will provide a better outcome for the development in that modern day requirements of the family home may be achieved through the functions of a level lawn with appropriate privacy and security provisions.

We believe an exception to the Front building setback control is warranted in this circumstance.

3.0 CONCLUSION

The non-compliance of the Landscaping ratio, front boundary setback and front fence wall height pose no adverse effect for the dwelling, adjoining properties or the municipality of Pittwater. The infringements of 1.7% (landscaping minimum), 0.5m (Front Boundary Setback) and 1.5m to 0.5m fence heights are warranted within the flexibility of applying standards and the achievement of better development standards afforded within Clause 4.6 of the Pittwater LEP 2014. Objectives of Pittwater Council's LEP and DCP are satisfied and the objectives of Clause 4.6 are met. We trust that Pittwater Council will find the proposed variations fit for approval.