



## **30 LANCASTER CRESCENT COLLARROY**

### **STATEMENT OF ENVIRONMENTAL EFFECTS FOR ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING & SECONDARY DWELLING**



Report prepared for  
**Mr Chris Kelly**  
November 2018

# Contents

1. INTRODUCTION
2. THE SITE AND ITS LOCALITY
3. BACKGROUND
4. PROPOSED DEVELOPMENT
5. STATUTORY FRAMEWORK
6. SECTION 4.15
7. CONCLUSIONS

## **1.0 Introduction**

- 1.1 This is a statement of environmental effects for alterations and additions to an existing dwelling including a second storey and the addition of a secondary dwelling at 30 Lancaster Crescent, Collaroy.
- The report describes how the application addresses and satisfies the objectives and standards of the Warringah Local Environmental Plan 2011, the Warringah Development Control Plan 2000 and the heads of consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).
- 1.2 This statement of environmental effects has been prepared with reference to the following:
- ◆ Site visit
  - ◆ Architectural drawings prepared by Davis Architect
  - ◆ Survey (included in architectural set)
  - ◆ Geotechnical report prepared by White Geotechnical Group
- 1.3 The proposed development is compliant with the objectives of all Council controls, considerate of neighbouring residents and streetscape and results in improved amenity for the residents of the site. It is an appropriate development worthy of Council consent.

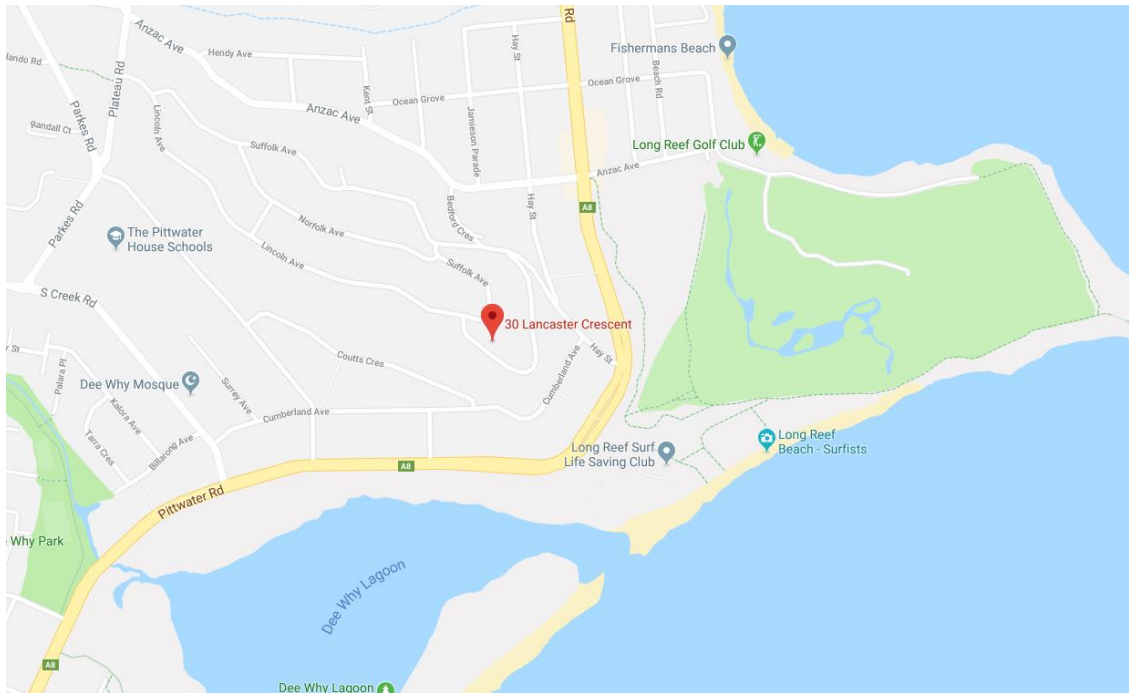
## 2.0 The site and its locality

- 2.1 The site is located on the northern side of Lancaster Crescent in Collaroy, approximately 50m south of its intersection with Lincoln Avenue.
- 2.2 It is an irregular shaped lot with a frontage of 18.29 metres, splayed rear boundary of 19.875 metres and side boundaries of 34.085 metres and 26.215 metres. The lot has an area of 550.1m<sup>2</sup>.
- 2.3 The site is currently occupied by a one - two storey brick dwelling with a metal roof and a detached double garage at the front of the site. The site is set within terraced landscaped gardens with the lot falling steeply from the rear to the street frontage. A large bush rock sits on the frontage of the site adjacent the north western side of the garage.
- 2.4 The site is surrounded by detached residential dwellings in all directions with Long Reef Beach located nearby. The site is also in close proximity to the retail and public transport services on Pittwater Road.

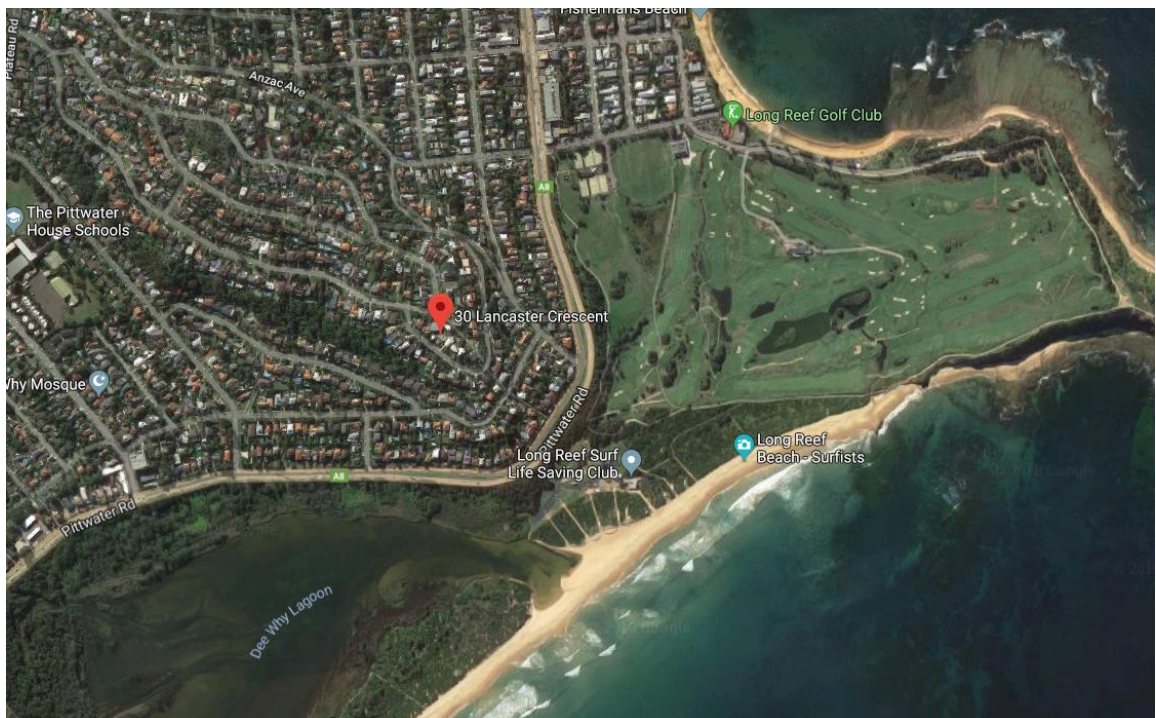


Figure 1. The site and it's immediate surrounds





**Figure 2. The site within the locality**



**Figure 3. Aerial photograph of the site and its immediate surrounds**

### 3. Background

3.1 A pre-lodgement meeting (PLM20/18/0196) was attended on 20 September 2018 with Council planners Catriona Shirley and Alex Keller.

3.2 Issues raised by Council during the meeting included:

- Excessive visual bulk
- Excessive height
- Potential loss of views and privacy for adjoining properties.
- Car parking – located within the front setback area should be moved further back into the site.
- Rear Setback of the decking and associated roofing – located within the rear setback area and should provide a minimum of 1.5m from the rear boundary.
- Side Boundary Envelope - level of breach is excessive and should be reduced.
- Landscaping - additional landscaped area required to provide screening and softening of the built form to reduce hard surface.

3.3 The advice provided in these meeting notes has been incorporated into the plans that form this Development Application with changes made to the original set based on this advice including:

1. The car spaces have been moved north to increase the front setback
2. The existing ground line is provided and demonstrates compliance with the exception of minor breaches where the subfloor has been set into the original exiting ground level.
3. The building envelope breach on the north western elevation has been reduced with an increase in the side setback to 3.364 metres from 2.364 metres.
4. The entrance to the proposed secondary dwelling has been relocated to the south-eastern side allowing for the frontage to include more landscaped screening.
5. The rear deck has been reoriented and reduced to allow for a greater rear setback.
6. The rear setback for the kitchen addition has been increased to 1.5 metres from 0.9 metres.

3.3 The revised plans lodged with the current proposal are considered to be a minimised and appropriate solution, which will meet the needs of the site and address the streetscape and site issues as discussed with the Council officers at the meeting.

## 4. Proposed Development

- 4.1 It is proposed to add to the existing dwelling with the ground floor being altered and minimally extended, the addition of a first floor, a new level parking area and the conversion of the existing disused garage to a secondary dwelling with associated landscape works.
- 4.2 The alterations and additions have been designed to ensure that the appearance of the dwelling is improved and remains consistent with the existing streetscape. The proposed additions maintain a lesser scale than many of the dwellings in the immediate vicinity and has been designed to retain a low level to ensure minimised bulk and maximised views.
- 4.3 The additions to the dwelling will be made up as follows:

### Existing garage

To be refit as a secondary dwelling with pedestrian access from the street frontage:

- New windows on southern street front elevation
- Replacement of roller door with external wall and entrance door
- New sliding door on western elevation
- Bathroom and kitchenette
- Open plan studio space
- Roof top paving and turfed area accessible from main dwelling.

### Driveway

- Top section extended and levelled to provide parking platform for 2 vehicles with setback of 5.4m.
- Driveway renewed and improved to provide access to new parking platform.

### Sub- floor

- To be retained as storage
- Note that habitable ceiling heights not achieved.

### Ground floor

- Front deck with new access stairs
- Balcony on southern elevation accessed from the lounge
- Decking and covered vergola at rear
- Pantry addition proposed at the rear eastern corner of the site
- Internal modification to the dwelling to provide:
  - 2 bedrooms

- Bathroom
- Study
- Entry
- Stairs to level 1
- Lounge/dining/kitchen

#### **First floor**

New level constructed on north western side of the existing dwelling including:

- Master bedroom with ensuite and WIR and balcony
- Bedroom 2 with balcony
- Bathroom
- Stairs to ground floor

#### **Front garden**

- Levelling of grass area on north western side of site to create useable yard
- Paving and turf on top of secondary dwelling
- Glass balustrade on top of secondary dwelling

The additions have been designed to ensure privacy, solar access and views are maintained for both neighbours and the subject site.



**Figure 4. The existing single storey dwelling with garage in front**





Figure 5. Rear yard viewed from south-eastern boundary



Figure 6. Existing garage roof / patio accessed from front garden area

## 5. Statutory Framework

### 5.1 Warringah Local Environment Plan 2011

#### Zoning

The site is zoned R2 pursuant to the provisions of the Warringah Local Environment Plan 2011. The proposed development is a permissible use in the R2 zone which permits residential dwelling with development consent.

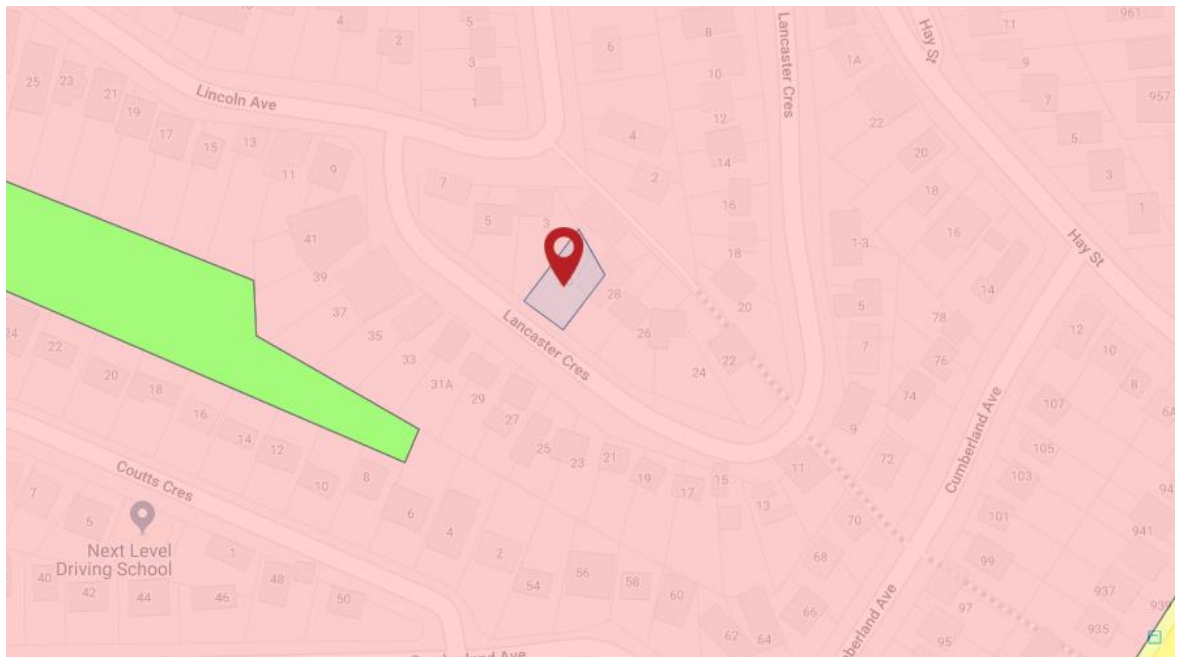


Figure 7. Extract from Warringah LEP zoning map

#### Height

The LEP restricts the height of any development on the subject site to 8.5 metres. The proposed development complies with this requirement for the vast majority of the development. There is a minor breach where the sub floor sits on the south eastern area of the dwelling and the natural ground level has already been altered resulting in a height to existing ground level of 8.763m.

This is justifiable as the impact will appear the same as a dwelling that is within 8.5 metres, were it to be built new on an undeveloped site. Additionally, the area of the breach is at the front of the site with an RL below that of the rear of the site and accordingly does not impact the views of neighbours.

A clause 4.6 variation is provided as Appendix A in support of the proposed height.

#### Heritage

The site is not a heritage item, located within a heritage conservation area or located near any heritage items which will be impacted by the proposed development.

**Acid Sulfate Soils**

The site is not located in an area nominated as Acid Sulfate soils.

**Earthworks**

Some minimal earthworks are proposed to allow for the new parking spaces and revised driveway. The cut proposed will be appropriately disposed of as detailed in the waste management plan, and drainage patterns will be unaffected by the works.

**Development on Sloping Land**

The site is located in the area nominated the LEP maps as Area D – Collaroy Plateau Area Flanking Slopes. Accordingly a geotechnical report has been provided by White Geotechnical Engineers confirming that the development is appropriate as proposed.

**5.2 Warringah Development Control Plan 2000**

The relevant sections of the DCP are addressed below.

**5.2.1 Part B General Controls****Wall Heights**

A maximum wall height of 7.2 metres is permitted. The proposed development will result in varying wall heights with maximum wall height of 6.08metres on the northern side elevation and 3.2 metres of the southern side elevation and 7.1 on the rear which are all easily compliant with Council's DCP control.

A small departures from the 7.2 metre wall height are proposed on the front elevation. This departure is appropriate as the impacts will be negligible with the front elevation broken up by the use of decks and balconies and within an area where the height of the dwelling is fully compliant. The appearance of the dwelling from the streetscape will be lesser than the surrounding dwellings and appropriate to the location.

Additionally, we note that the ability to provide an additional storey for the existing dwelling is constrained by the siting and levels of the existing structure. The modest addition does not propose excessive setbacks or ceiling heights or roof form. It has been designed to ensure limited impacts and positive results for neighbours.

**Side Building Envelope**

The site requires a side boundary envelope of 4m/45°. We note that the existing dwelling minimally breaches the envelope on the north western side of the site. The proposed additions will provide an additional level which has been designed to sit within the provisions of the envelope with the small exception of the eaves which is an acceptable variation, and which will have no impact on neighbours due to building siting and the fall of the land.

### Side Boundary Setbacks

The side setbacks of 900mm are permitted on the subject site. All proposed side boundaries are easily compliant with required setbacks.

| Side setback                               | Proposed |
|--------------------------------------------|----------|
| South - East (First floor)                 | 4.924m   |
| South - East (secondary dwelling existing) | 6.2m     |
| South - East (Ground existing and pantry ) | 1.084m   |
| North -West (First Floor)                  | 3.34m    |
| North -West (secondary dwelling existing)  | 6.7m     |
| North – West (Ground floor existing)       | 1.464m   |

### Front Setback

A front setback of 6.5 metres is permitted on the site. The existing dwelling is setback significantly from this and easily compliant. The new decking at the front of the dwelling is also easily within the 6.5 metres. The existing garage, proposed to be converted to a secondary dwelling sits within the front setback, but is not proposed to be extended or altered with regard to the setback.

The parking spaces, which form part of the existing driveway, already used for parking, will have a setback of 5 metres, which is minimally non-compliant but is justifiable based on the fact that there is no structure, it is back from the secondary dwelling and cut into the site and essentially retains the existing practical use of this space. The impact from the street will be appropriate, consistent with neighbours and not to the detriment of the streetscape.

| Front setback                    | Proposed |
|----------------------------------|----------|
| Existing dwelling (ground floor) | 13.046m  |
| First floor                      | 14.481m  |
| Deck                             | 13.041m  |
| Secondary dwelling               | 1.9-2.1m |
| Car spaces                       | 5m       |

It is acknowledged that at the pre-DA Council requested that the car spaces be setback further. This has been undertaken with the new design. The area of setback is 5 metres, which is considered ample to provide space for a car to pull up in the driveway, but also allows for ample area between the cut for the car spaces and the dwelling to ensure that there is not a large wall/ elevation apparent from the streetscape. The proposed solution is an appropriate balance of all issues and requirements for this use and space.

### Rear Setback

A rear setback of 6 metres is required by the DCP. The existing dwelling has a varying rear setback due to the splayed rear boundary from 3.175m – 9.545m. The first floor addition will have a setback varying from 12.905m to 5.8 metres, which is appropriate in

this location where the site is set lower than the rear neighbour and not visible to the neighbour due to their garage immediately adjacent the boundary.

The ground floor alterations and additions will result in a rear setback for the pantry and the vergola of 1.5m. the remainder of the dwelling will be unchanged. There will be a setback for the open deck of 1.5m to 3.683m. This varied deck setback was a result of discussion with Council officers at the pre-DA meeting. The vast majority of the rear yard remains open and the small area which is enclosed by neighbouring buildings will be utilised in part for the deck structure. The impacts on neighbours will be nil with the deck within a space which is more appropriately treated as a side, rather than rear boundary when neighbouring setbacks and uses are taken into consideration. The impacts for the site are positive with ample usable yard available still in both the rear and front gardens spaces.

## **5.2.2 Part C Siting Factors**

### **Traffic Access and safety**

Proposed parking and driveways will be upgraded as a part of the proposed development and will comply with Council controls.

We note that the existing garage is not usable due to the non-compliant turning space and slope of the driveway. The improvement will be of great benefit to the site.

### **Parking**

The garage and driveway areas are existing. The conversion of the garage to the secondary dwelling and the upgrading of the driveway space to create parking spaces will not impact the area of space used on the frontage which is just over 50%. The impact of the development will be improvements to the overall appearance of these existing structures and spaces and accordingly, this is to the benefit of the site and results in compliance with the objectives of the control.

### **Storm water**

The dwelling will be connected to Council's existing stormwater system.

### **Demolition and Construction**

All works will be undertaken as required by Council controls and compliant with any relevant conditions of consent.

### **Waste Management**

Appropriate waste management will be undertaken during the demolition and construction process. All demolished materials will be recycled with very limited waste resulting from the small demolition proposed. This is detailed further in the accompanying Waste Management Plan.

The existing dwelling has appropriate waste storage areas which will be retained with the additions proposed.



### 5.2.3 Part D Design

#### **Landscaping and Open space and bush land setting**

The DCP requires 40% landscaping on the site which is equivalent to 220.04m<sup>2</sup> for the site area of 551m<sup>2</sup>. The proposed development achieves a landscaped area of 233.1m<sup>2</sup> or 45.5%. In the pre-DA meeting Council stated, *"A design review should be made to achieve at least 35% LOS."* This advice has been incorporated into the design with a significantly greater area achieved.

The landscape setting of the site is maintained and the overall appearance will be green, and in character with the coastal Collaroy location.

#### **Private open space**

Private open space area in excess of 60m<sup>2</sup> will be retained for the site in the rear yard as required by the DCP.

#### **Noise**

The development is appropriate and will not result in noise levels inappropriate to a residential area. The site is not located in close proximity to a noise generating activity.

#### **Access to sunlight**

The site has a skewed orientation and, accordingly, the minimal additional shadow will primarily fall partly over the front yard of the neighbour to the south-east. As demonstrated by the Shadow Diagrams, the extent of shadow is limited and reasonable. The alterations will allow for the neighbour and the subject site to retain ample solar access to living areas and open space.

#### **Views**

In determining the extent of potential view loss to adjoining properties, the 4 planning principles outlined within land and Environment Court case of tenacity Consulting Pty Ltd V Warringah Council (2004) NSWLEC 140, are applied to the proposal.

A site inspection of the subject site has been taken. It is noted that the properties surrounding the site all have valuable views. Each of these is considered below.



Views are available over approximately a 180° area due to the elevation of the site. We note that the two properties immediately adjacent on Lancaster Crescent will retain significant views out the front of their dwellings towards the beach. If a small sections were to be lost, it would be a fraction of the existing view and not of great significance.

The dwelling to the rear of the site is oriented so that deck is on the western elevation and it would accordingly be assumed that the living area and deck retain views in this direction. Should a small area of views be lost due to the addition of the first floor, it will be limited with the new floor not taking the entire building footprint and ample views also be retained though a corridor.

*The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured*

#### Comment

The existing views 28 Lancaster Crescent and 3 Lincoln Avenue will be essentially unchanged with the key views from their front windows retained. These views are 180° to the water and remain.

The existing views 1 Lincoln Avenue, to the rear of the site, will also be primarily maintained with key views to the east from this site retained and a corridor over the top of the proposed site also allowing views to the south over the side of their site. Views are to the Long Reef Beach and Ocean.

*The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

#### Comment

The views from 28 Lancaster Crescent and 3 Lincoln Avenue would be from the front of the dwellings including living rooms.

The views over the subject site from 1 Lincoln Avenue, can be assumed to be side views from various rooms, with the main living room and deck oriented away from the subject site to the east.

*The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*

#### Comment

View loss for 28 Lancaster Avenue would be nil.

View loss for 3 Lincoln Avenue would be minimal and negligible with the subject site set a little forward of the neighbouring dwelling.

View loss for 1 Lincoln Avenue would be secondary with their key views to the east as their dwelling is oriented in this manner.

*The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same*

*development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.”*

#### **Comment**

The overall view loss is not so great as to refuse the development. The design as proposed incorporates adequate setbacks and allows for some view to be retained over the rear portion of the site. The impact is considered reasonable.

Having regard to the above assessment, it is concluded that the proposed development is inconsistent with the relevant objectives of WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is not supported, in this particular circumstance.

#### **Privacy**

Privacy will be retained for neighbours with ample setbacks and no direct overlooking into any key living areas. The siting of the dwelling additions aids in ensuring that privacy is maximised and the alterations to the existing dwelling are not to the detriment of privacy.

The upper level balcony proposed is off a bedroom and not an entertaining space. The orientation of this and its setbacks ensure that it will not overlook neighbours.

Neighbouring properties are at varying levels, are oriented to views and do not have any key windows or areas which will be impacted detrimentally as a result of the development proposal.

The patio area over the front of the garage is existing and this is not a new or problematic privacy issue.

#### **Building Bulk**

The building bulk is increased to a compliant its surrounds. The building will be consistent with the streetscape and surrounding dwellings. The overall impact of the additions to the existing dwelling is an aesthetically pleasing and complimentary addition to Lancaster Crescent.

#### **Building Colours and Materials**

Natural colours to match the existing dwelling and the bushland surrounds are proposed.

#### **Roofs**

The addition to the existing dwelling will provide for a new roof which has been designed to ensure continuity with the existing dwelling and complement the locality. Additionally, the roof has been kept as a low line structure to ensure compliance with height and retention of views.

**Glare & Reflection**

Materials have been chosen to ensure no glare or reflection issues.

**Site Facilities**

The existing dwelling has appropriate waste, recycling areas and drying facilities. These will be retained as part of the proposed application.

**Safety and Security**

An ability to view the street frontage is retained allowing for casual surveillance which is to the benefit of the safety and security.

**Conservation of Energy and Water**

The design has achieved a BASIX Certificate which accompanies the application.

**5.2.4 Part E Design****Preservation of Trees or Bushland Vegetation**

No trees are to be removed or detrimentally impacted as a result of the proposed development which primarily sits within the envelope of the portion of the dwelling which is to be demolished.

**Retaining unique Environmental Factors**

The development will have no impact on any unique environmental factors, with the existing natural rock forms on the street frontage retained in their current form.

**Wildlife Corridors**

There will be no impact on any valued wildlife as a result of the minimal replacement and improvement deck constructions.

**Landslip Risk**

A geotechnical report has been prepared in support of the application in its current form.



## 6. Section 4.15 Considerations

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines to help identify the issues to be considered have been prepared by the former Department of Urban Affairs and Planning. The relevant issues are:

### **The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations**

This report clearly and comprehensively addresses the statutory regime applicable to the application and demonstrates that the proposed land use is complimentary and compatible with adjoining development. The proposal achieves the aims of the Warringah LEP and DCP.

The development is permissible in the zone.

### **The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economical impacts in the locality**

#### 6.1. Context and Setting

*What is the relationship to the region and local context in terms of:*

- the scenic qualities and features of the landscape?*
- *the character and amenity of the locality and streetscape?*
- *the scale, bulk, height, mass, form, character, density and design of development in the locality?*
- *the previous and existing land uses and activities in the locality?*

These matters have been discussed in detail in the body of the statement.

*What are the potential impacts on adjacent properties in terms of:*

- *relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)?*
- *visual and acoustic privacy?*
- *views and vistas?*
- *edge conditions such as boundary treatments and fencing?*

The proposed additions to the existing dwelling have been designed to complement the site and its surrounds. The alterations are appropriate and will have negligible impact on adjacent properties.

## **6.2. Access, transport and traffic**

*Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:*

- *travel demand?*
- *dependency on motor vehicles?*
- *traffic generation and the capacity of the local and arterial road network?*
- *public transport availability and use (including freight rail where relevant)?*
- *conflicts within and between transport modes?*
- *traffic management schemes?*
- *vehicular parking spaces?*

The additions will be suitable for the site, meet the demands of the dwelling and improve parking facilities. No conflict or issues will arise as a result of the proposed development.

## **6.3. Public domain**

The proposed development will have a positive impact on the public domain as the proposal is consistent with the character of the existing dwelling and streetscape of the area.

## **6.4. Utilities**

There will be no impact on the site, which is already serviced.

## **6.5. Flora and fauna**

There will be no impact.

## **6.6. Waste**

There will be no impact.

## **6.7. Natural hazards**

The site is affected by slip. A report has been provided by an expert with regard to the geotechnical aspects of the site and is supportive of the proposal subject to recommendations. This report accompanies the development application.

## **6.8. Economic impact in the locality**

There will be no impact, other than the possibility of a small amount of employment during construction.

## **6.9. Site design and internal design**

*Is the development design sensitive to environmental conditions and site attributes including:*

- *size, shape and design of allotments?*
- *the proportion of site covered by buildings?*
- *the position of buildings?*
- *the size (bulk, height, mass), form, appearance and design of buildings?*
- *the amount, location, design, use and management of private and communal open space?*
- *landscaping?*

The proposed additions are highly appropriate to the site with regard to all of the above factors. The development fits well within the context of the surrounds and the buildings on the site will remain of minimal scale and well-suited to its residential surrounds.

*How would the development affect the health and safety of the occupants in terms of:*

- *lighting, ventilation and insulation?*
- *building fire risk – prevention and suppression/*
- *building materials and finishes?*
- *a common wall structure and design?*
- *access and facilities for the disabled?*
- *likely compliance with the Building Code of Australia?*

The proposed development will comply with the provisions of the Building Code of Australia. Additionally finishes, building materials and all facilities will be compliant with all relevant Council controls.

## **6.10. Construction**

*What would be the impacts of construction activities in terms of:*

- *the environmental planning issues listed above?*
- *site safety?*

Site safety measures and procedures compliant with relevant legislation will ensure that no site safety or environmental impacts will arise during construction.

### **The suitability of the site for the development**

*Does the proposal fit in the locality?*

- *are the constraints posed by adjacent developments prohibitive?*

- *would development lead to unmanageable transport demands and are there adequate transport facilities in the area?*
- *are utilities and services available to the site adequate for the development?*

The adjacent development does not impose any unusual development constraints.

*Are the site attributes conducive to development?*

The site is appropriate for the minimal additions proposed.

#### **Any submissions received in accordance with this Act or the regulations**

It is envisaged that the consent authority will consider any submissions made in relation to the proposed development.

#### **The public interest**

It is considered that the proposal is in the public interest as it allows for appropriate and positive additions to an existing residential site.

Section 4.15(1) of the Environmental Planning and Assessment Act has been considered and the development is considered to fully comply with all relevant elements of this section of the Environmental Planning and Assessment Act 1979.

## **7. Conclusions**

- 7.1 The proposed development application for the alterations and additions to an existing dwelling at 30 Lancaster Crescent, Collaroy is appropriate considering all State and Council controls.
- 7.2 When assessed under the relevant heads of consideration of s4.15 of the Environmental Planning and Assessment Act, the proposed development is meritorious and should be granted consent.
- 7.3 Considering all the issues, the fully compliant development is considered worthy of Council's consent.

**Sarah McNeilly**  
Town planner  
BTP MEL



## APPENDIX A APPENDIX ONE

### ***Clause 4.6 – Exceptions to Development Standards***

Variation of development standards may be considered under the provisions of this clause. The **height** of the proposed development exceeds the 8.5m permitted and accordingly such an assessment is provided below using the question and answer format recommended by the Department of Planning and Infrastructure.

***1. What is the name of the environmental planning instrument that applies to the land?***

Warringah Local Environmental Plan 2011

***2. What is the zoning of the land?***

R2 Low Density Residential

***3. What are the objectives of the zone?***

The objectives of the zone are fulfilled as is addressed below.

- ***To provide for the housing needs of the community within a low density residential environment.***

The improvements to the existing dwelling are consistent with this aim.

- ***To enable other land uses that provide facilities or services to meet the day to day needs of residents***

This is not applicable to the existing detached dwelling.

- ***To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.***

The landscaped setting will be retained and improved with the additions to the site and the dwelling that are proposed.

***4. What is the development standard being varied?***

The height control under clause 4.3 of the WLEP11 requires a maximum height of 8.5 metres for the subject site.

***5. Under what clause is the development standard listed in the environmental planning instrument?***

#### Clause 4.3 – Height of Buildings

### **6. What are the objectives of the development standard?**

The objectives of the control are fulfilled as is demonstrated below.

*(a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*

The addition to the building is an appropriate addition to the site and will fit with the bulk and scale of the site and the immediate locality. The neighbouring sites to both sides are large 2-3 storey dwellings and the proposed additions to the existing single storey dwelling will result in a dwelling which is of a scale which is easily compatible and even of a lesser scale as it steps in on the side boundaries which significantly reduces the bulk in comparison to the neighbouring structures.

*(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,*

The alterations proposed have been sited to ensure that views are retained for neighbours. The second storey is set in, has a low line roof and provides significant side setback separation between neighbours ensuring privacy. Solar access is also retained at a compliant level and is appropriate for both the neighbours and the subject site.

*(c) to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,*

The additions will result in a dwelling which will remain in character with its surrounds and the streetscape. The coastal locality will remain reflected in the character of the site and the scenic quality of the area will be positively contributed to as a result of the development proposed.

*(d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.*

The site and the development are not visible from any significant public places other than Lancaster Crescent, from which it will be an attractive addition.

### **7. What is proposed numeric value of the development standard in the environmental planning instrument?**

8.5 metres

### **8. What is the numeric value of the development standard in your development application?**

8.763 metres

**9. What is the percentage variation (between your proposal and the environmental planning instrument)?**

3% or 263mm.

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

Strict compliance is unreasonable and unnecessary when the following key considerations are reviewed:

- The sub-floor areas  
The existing sub-floor basement areas where the site has been excavated during previous constructions works are where the key variation to the eight results. If the site were being developed new, the original natural ground level would have been considered and the height in this area would have been compliant. The impact of the additional height in this area is negligible as the sub-floor space is below natural ground and the apparent height is lesser.
- The bulk of the building  
The site is neighboured by large dwellings with no setbacks to the upper levels which appear vastly greater in scale than is proposed by the subject development. The proposal, steps within the neighbouring sites and appears highly appropriate and even lesser in scale.
- It has no impact on solar access of neighbouring sites  
Shadows from the development will fall primarily over the front and parking area of the existing site. Neighbours will not be impacted inappropriately and compliance is easily retained for their living and private open space areas.
- It has no privacy impact on neighbouring sites  
The small area of height will have no impact with regard to overlooking and is at the front of the site away from the neighbouring dwellings. Height has been limited in the areas where neighbours' views and privacy are key.

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

Section 5(a) (i) and (ii) of the Act states:

*(a) to encourage:*

*(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water,*

*cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*  
*(ii) the promotion and co-ordination of the orderly and economic use and development of land,*

Strict compliance with the 8.5 metre height development standard would hinder the achievement of these objects specified above and it would prevent an appropriate use of a site, which is to the benefit of the resident and the site. Approval of the application will not be at odds with any of the above objects and will for the most part have a nil impact.

**12. Is the development standard a performance based control? Give details.**

No, the standard is numeric.

**13. Would strict compliance with the standard, in your particular case, would be unreasonable or unnecessary? Why?**

Strict compliance would be unreasonable and unnecessary as the proposed alteration is minimal in scale, not easily visible and a will allow for floor levels to be retained whilst building over the existing excavated sub-floor area of the site.

**14. Are there sufficient environmental planning grounds to justify contravening the development standard? Give details.**

There are sufficient grounds to permit the variation of the development standard. In particular:

- The bulk of the building will not appear greater
- It has no impact on solar access of neighbouring sites
- It has no privacy impact on neighbouring sites
- It is compatible or lesser in scale to neighbours
- It would be fully compliant if natural ground level were considered.