

Red Rock design
10 / 246 Pacific Highway
Crows Nest 2065 N.S.W.
Tel / Fax 9460 7532

24 April 2008

The General Manager
Warringah Council
Civic Centre, 725 Pittwater Road
Dee Why NSW 2099

**5 RONALD AVENUE HARBORD 2096 NSW
CLAUSE 20 VARIATION TO REAR BUILDING SETBACK
Warringah Local Environmental Plan 2000 (Part 4 section 63A)**

The development application submitted to Warringah Council for the above property contains a breach of rear building setback control as stated in the Warringah Council Local Environmental Plan 2000.

A double garage is proposed to be constructed up to the western boundary of the site.

This garage will have a zero rear boundary setback from the western boundary of the site and is therefore in breach of the minimum rear building setback control of six metres.

The Warringah Local Environmental Plan 2000 states that where the rear building setback applies, the objectives of the rear building setback controls are :

- . to create a sense of openness in rear yards, and
- . to preserve the amenity of adjacent land, and
- . to maintain visual continuity and pattern of buildings, rear gardens and landscape elements, and
- . to provide opportunities to maintain privacy between dwellings, and
- . in medium density areas, to minimise the visual effect of podiums and to control the density of development , and
- . to provide opportunities for planting of substantial native trees.

We consider that the imposition of the rear boundary setback control in relation to this application to be unreasonable and unnecessary and the proposed double garage location with proposed zero rear boundary setback will meet the objectives stated in the Warringah Local Environmental Plan 2000 in the following ways ;

Due to the topography of the site which slopes away from the east to the west and exhibits areas of naturally elevated rock outcrops at the western end of the site, it is proposed to conceal much of the garage structure under the existing natural ground level of the site as illustrated on the enclosed section-A on drawing No 3 of this application.

This section read in conjunction with the topographical survey submitted with this application illustrates that it is proposed to replace the existing natural ground level of the site retaining the existing contours of the site and thereby recreating the existing openness of the rear yard with no loss of landscaped area over the site.

The proposed garage will be setback from the side boundaries of the site to the north by 4.22 metres and 2.54 metres from the south boundary of the site. These substantial side boundary setbacks will maintain the existing site contours, landscape area and amenity of the adjacent land without compromise.

The streetscape of Ronald Avenue is made up of a wide variety of build form and has varied topography throughout the street and as such there is no visual continuity and distinct pattern of buildings, rear gardens and landscape elements.

The subject site and the adjoining site to the north No 3 Ronald Avenue have areas of elevated rear gardens with areas of natural rock outcrops highly visible to the streetscape. These elevated natural rock forms largely conceal the rear yards from the Ronald Avenue streetscape, while the adjoining property to the south No 7 Ronald Avenue has no rear elevated rock outcrops to the streetscape and the dwelling and garage are highly visible to the streetscape, in particular the garage with open terrace over which has been constructed to within 0.4 metres of the rear boundary of its site and has an elevated facade 5.55 metres from natural ground level to parapet level. (*Refer Detail Survey*)

The proposed garage will be setback from the side boundaries of the site to the north by 4.22 metres and 2.54 metres from the south boundary of the site. These substantial side boundary setbacks will provide opportunities to maintain privacy between dwellings and provide opportunities for the planting of substantial native trees.

In view of the above argument in favour of our application, we seek council's acquiescence in approving our application in spite of this breach.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Richard Monckton', written over a horizontal line.

Richard Monckton
Red Rock design (Applicant)