



**Clause 4.6 Variation (Height)  
To Development Application  
For  
31 WALWORTH AVENUE, NEWPORT  
NSW  
For  
Olivia and Luke Mitchell**

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**RAPID PLANS**

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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 31 Walworth Avenue, Newport. This written request is made pursuant to the provisions of Part 4 Clause 4.3 of the Pittwater Local Environmental Plan 2014 (PLEP 2014). In this regard, we request Council's support for a variation concerning compliance with the maximum building height as described in Clause 4.3 of the PLEP 2014.

The subject site is characterised by a steep rise from the front northeast corner (RL28.00) of Walworth Avenue, with the rear northeast corner (RL34.00), of the site. This presents unique topographical challenges that have contributed to the non-compliance with the building height standard. The existing site also consists of an existing dwelling known as 31 Walworth Avenue, Newport. The location of the existing dwelling further complicates adherence to modern-day development controls, necessitating this request for a variation

This non-compliance is primarily a result of the significant slope of the site, combined with previous construction and the established ground levels of the existing dwelling. Importantly, the proposed variation does not result in any detrimental impacts on adjoining properties, and careful consideration has been given to ensure that the development integrates harmoniously with the surrounding environment.

## 1.1 Site

The residence is located on the northern side of Walworth Road in the residential neighbourhood of Clontarf .

Site Address: 31 Walworth Avenue, Newport

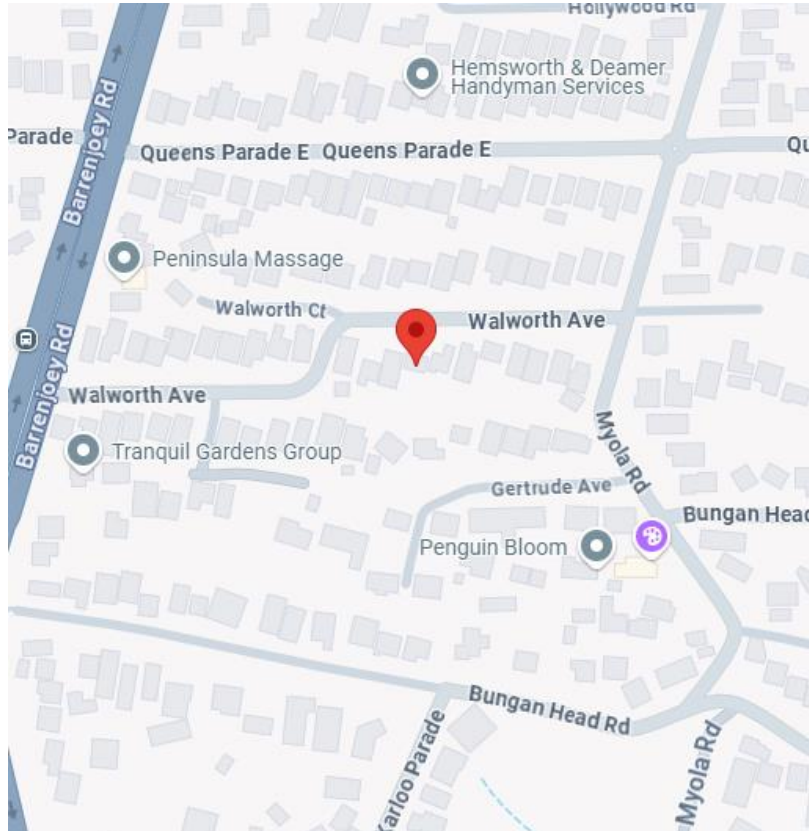


FIGURE 1: LOCATION PLAN 31 Walworth Avenue, Newport. <sup>1</sup> Source Google Maps.

## 1.2 Local Authority

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

## 1.3 Environmental Planning Instrument that Applies to the Land

Pittwater Local Environmental Plan 2014

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<sup>1</sup> Location Map; <[https://www.google.com/maps/place/31+Walworth+Ave,+Newport+NSW+2106/@-33.6611097,151.3190389,17z/data=!3m1!4b1!4m6!3m5!1s0x6b0d5351d902304d:0x7eed70a06632ea8!8m2!3d-33.6611097!4d151.3190389!16s%2Fg%2F11c5qcpz7t?entry=tту&g\\_ep=EgoyMDI0MTIxMS4wIKXMDSoASAFQAw%3D%3D](https://www.google.com/maps/place/31+Walworth+Ave,+Newport+NSW+2106/@-33.6611097,151.3190389,17z/data=!3m1!4b1!4m6!3m5!1s0x6b0d5351d902304d:0x7eed70a06632ea8!8m2!3d-33.6611097!4d151.3190389!16s%2Fg%2F11c5qcpz7t?entry=tту&g_ep=EgoyMDI0MTIxMS4wIKXMDSoASAFQAw%3D%3D)>.

## **1.4 Zoning of the land**

Lot 26 DP.9877 known as 31 WALWORTH AVENUE, NEWPORT, has a Zoning of R2 Low Density Residential. This property does not fall within a Conservation Area. The property is located within Class 5 Acid Sulphates.

### Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental protection works; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Hostels; Information and education facilities; Jetties; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Shop top housing; Signage; Tank-based aquaculture; Water recreation structures; Water recycling facilities; Water supply systems

## **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 provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.

### Comment:

The proposed development involves carefully considered alterations and additions to the existing dwelling, with a minor exceedance of the 8.5-meter height restriction. Despite this, the proposal demonstrably aligns with the objectives of the R2 Low Density Residential zone and contributes positively to the character and amenity of the area.

The primary objective of this development is to provide a well-designed and functional living space that meets the owners' housing needs while remaining consistent with the built form and scale of surrounding properties. The proposal ensures that the residential character is maintained and enhanced, with a design that integrates harmoniously into the streetscape and broader locality.

### Site-Specific Considerations and Design Response

The development responds directly to the challenging site constraints, including difficult access and topographical variations. Rather than imposing an intrusive built form, the design works with the natural landform, ensuring minimal disruption to existing environmental features.

Key design elements that mitigate any potential impact include:

- **Sensitive Site Integration:** The new structure follows the contours of the site, reducing bulk and scale perception while complementing the surrounding landscape.
- **Environmental Sustainability:** The proposal incorporates rainwater harvesting, solar panels, and permeable surfaces, significantly reducing its ecological footprint.
- **Retention of Vegetation and Wildlife Corridors:** Existing vegetation is preserved where feasible, with additional native plantings and habitat features to support biodiversity.

### Alignment with Planning Objectives

While the proposal marginally exceeds the numerical height control, it upholds the intent of the low-density residential zoning objectives by:

- Ensuring the development is visually and functionally compatible with neighbouring properties.
- Respecting and enhancing the ecological, scientific, and aesthetic values of the area.
- Introducing high-quality design features that elevate the overall appeal of the streetscape.

Furthermore, the built form outcome will significantly improve the site's function and appearance, reinforcing its compatibility with newer properties along Walworth Avenue. This ensures a cohesive urban form while maintaining the low-density residential character of the precinct.

Given these factors, the proposal is entirely consistent with the strategic intent of the

planning controls, ensuring a development outcome that is both sustainable and respectful of its context. We respectfully request council's support in approving the proposal.

## **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**

Following a detailed review of the Pittwater Local Environmental Plan (LEP) 2014, we confirm that the proposed development requires a Clause 4.6 Exception to a Development Standard due to an encroachment beyond the 8.5-meter height limit under Clause 4.3 – Height of Buildings.

While this results in a technical non-compliance, the proposal remains consistent with the intent of the planning controls and is entirely appropriate in its specific context. This submission seeks Council's approval for the proposed alterations and additions, which align with the objectives of the R2 Low Density Residential zone and demonstrate significant environmental, aesthetic, and community benefits.

#### **Justification for Clause 4.6 Variation**

The Clause 4.6 provision exists to provide necessary flexibility where strict compliance with development standards would hinder an otherwise well-designed, contextually appropriate, and beneficial development outcome. This proposal effectively meets the objectives of the exceptions to development standards, ensuring:

A High-Quality Built Form Outcome:

- The design integrates seamlessly with the surrounding built environment, ensuring consistency with existing residential character.
- The development reflects best-practice architectural and environmental principles, enhancing the streetscape and overall urban cohesion.

Optimized Land Use Efficiency & Sustainable Planning:

- The design leverages the natural topography, ensuring minimal disruption to the site while maintaining a sympathetic relationship with the surrounding properties.
- Sustainable initiatives such as rainwater harvesting, solar panel installation, and permeable landscaping ensure the proposal contributes to environmental sustainability and reduces its ecological footprint.

Appropriate Response to Site Constraints & Context:

- The site presents specific challenges, including difficult access and variable landform, which necessitate a tailored design solution.
- A strict adherence to height limits would compromise functionality, aesthetic integration, and the overall liveability of the dwelling, without offering any tangible benefits to the community or environment.

Enhanced Community & Environmental Benefits:

- The development retains and reinforces wildlife corridors, protecting existing vegetation while incorporating new native plantings and habitat features to promote biodiversity.
- The proposal improves the overall visual and functional quality of the site, delivering a positive contribution to the streetscape and complementing newer developments along Walworth Avenue.

Alignment with the Intent of the LEP & Clause 4.6 Provisions

The spirit of Clause 4.6 recognizes that rigid adherence to numerical controls may not always produce the best planning outcomes. This development embodies that principle by offering a balanced, site-responsive solution that upholds the broader objectives of the LEP and Development Control Plan (DCP).

Key justifications for allowing this variation include:

- No Unreasonable Adverse Impact: The proposed alterations will not detract from the existing amenity of adjacent properties, ensuring no unreasonable overshadowing, view loss, or privacy issues.



- **Maintaining Low-Density Character:** Despite the minor height exceedance, the development remains entirely in keeping with the intent of the R2 Low Density Residential zoning, ensuring compatibility with the broader residential framework.
- **A Pragmatic & Well-Considered Planning Approach:** The proposal demonstrates innovation and flexibility, balancing compliance with development standards and the need for contextually responsive design.

### Council's Favourable Consideration of Clause 4.6 Variation

Given the significant site-specific constraints and design-driven justifications, a Development Application with a Clause 4.6 Variation is the most appropriate and logical planning pathway for Council to consider this proposal.

The development fully meets the objectives of Clause 4.6, ensuring that the requested variation:

- Is well-founded and justified on planning merit
- Delivers superior design and environmental outcomes
- Has no adverse impacts on neighbouring properties or the local character
- Enhances the sustainability and functionality of the site

For these reasons, we respectfully request Council's support for this proposal, recognising its contribution to a more vibrant, resilient, and high-quality built environment.

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

Pittwater LEP 2014, Clause 4.3 Height of Buildings

### ***2.3 The objectives of this clause are as follows—***

#### **4.3 Height of buildings**

(1) The objectives of this clause are as follows—

- (a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,
- (b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,
- (c) to minimise any overshadowing of neighbouring properties,
- (d) to allow for the reasonable sharing of views,
- (e) to encourage buildings that are designed to respond sensitively to the natural topography,
- (f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.

Comment:

The proposed development is fully aligned with the key objectives of the Pittwater Local Environmental Plan (PLEP) 2014 and represents a well-designed, contextually appropriate response to the site constraints.

It is important to emphasize that Council has previously approved a development at 7 Kananook Avenue, Bayview (DA2023/1666), which exhibited significantly greater non-compliances in building height, along with multiple substantial breaches of front and side setbacks and the building envelope. Furthermore, the approved development at 7 Kananook Avenue had a considerably greater impact on view loss, demonstrating that Council has exercised flexibility where a proposal meets the broader planning objectives.

Given that Council deemed DA2023/1666 compliant with the objectives of the building height control despite its significant exceedances, it stands to reason that this proposal—which has far less impact in comparison—must also be considered consistent with these objectives. Additionally, when height is measured appropriately from natural ground levels, the degree of non-compliance is further minimized under this proposal. Therefore, it must be concluded that this development equally satisfies the intent of the building height standard and should receive Council's approval.

Reference to Approved Precedent at 7 Kananook Avenue, Bayview (DA2023/1666)

In comparison, this proposal presents a far lesser degree of non-compliance, making it entirely reasonable, justified, and appropriate for Council's approval. The minor height exceedance in this case does not detract from the objectives of the height control, and when assessed in the proper context, the proposal is predominantly

compliant.

#### Height Compliance and Justification

The building height development standard is met in principle, as the true extent of height exceedance is minimal and limited to only the northern and eastern façades for a small maximum exceedance of just 255mm. This minor variation:

- Has no material impact on bulk and scale when viewed externally.
- Remains visually compatible with the surrounding built form and existing character.
- Reflects a logical height assessment when measured from the natural surface levels.

Had the height been measured from a more appropriate datum point, specifically the external "NATURAL" ground levels, the proposal would be largely compliant. The exceedance is purely technical in nature and does not undermine the intent of the height control.

#### Consistency with Streetscape and Surrounding Character

The proposal ensures that the bulk, scale, and built form are entirely consistent with the existing and desired future streetscape. This is achieved through:

- A very well-articulated façade design that minimizes visual dominance.
- Respecting the established character of the area through appropriate materiality and built form.
- Ensuring compatibility with neighbouring properties, both in terms of height and streetscape integration.

Given that Council has already approved a far more substantial variation at 7 Kananook Avenue, it would be entirely reasonable to grant approval for this proposal, which presents a much smaller and more negligible variation and far more skilful design.

#### Minimization of Visual and Environmental Impacts

The development carefully considers and mitigates any potential adverse impacts on

adjoining properties:

- No Adverse Impact on Views – The subject and adjacent dwellings enjoy an elevated position, and the proposal does not interfere with significant view corridors.
- Minimal Overshadowing – The shadow impact is negligible, ensuring continued access to sunlight for neighbouring properties.
- improved Privacy – The design incorporates measures to enhance privacy and reduce overlooking, ensuring a better outcome for both the occupants and neighbouring residents.

#### Clause 4.6 Variation – Justification in Line with PLEP 2014 Objectives

The Clause 4.6 variation request is entirely consistent with the objectives of the Pittwater LEP 2014. By approving this variation, Council would:

- Support a logical, site-responsive design that minimizes bulk and scale.
- Ensure fairness and consistency in decision-making, given the precedent of 7 Kananook Avenue, where significantly larger non-compliances were approved.
- Enhance the built environment in a sustainable manner, reinforcing the area's character while allowing for necessary and functional improvements.

This proposal represents a balanced and well-considered approach to site constraints while maintaining compliance with the broader planning objectives. The minor non-compliance in height is insignificant in practical terms and does not impact the streetscape, amenity, or environmental values of the area.

Given the far greater concessions granted at 7 Kananook Avenue (DA2023/1666), it is both justifiable and reasonable for Council to approve this application under Clause 4.6. The development contributes positively to the streetscape, environmental sustainability, and overall character of the area, ensuring an appropriate, high-quality built outcome.

For these reasons, we respectfully request Council's approval of the proposed alterations and additions.

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

PLEP2013 Height = 8.5

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

Proposed Height = 8.755m Existing Ground (Measured at the highest point)

## 2.6 Percentage variation between the proposal and the environmental planning instrument

Proposed Height = 3% (Existing Ground Level)

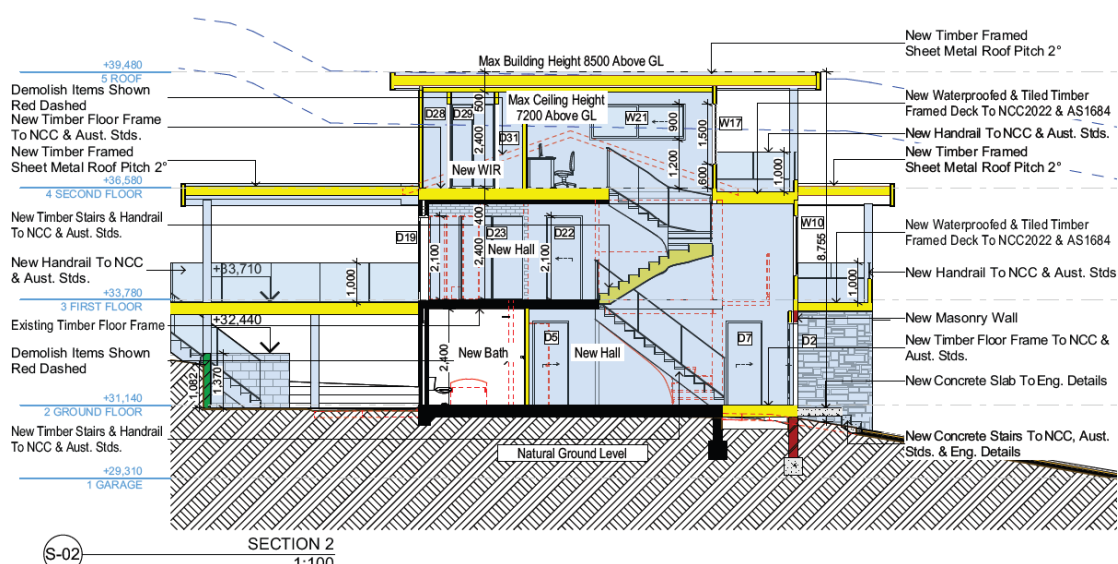


FIGURE 2: SECTION PLAN 31 Walworth Avenue, Newport. Source Rapid Plans.

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

This Clause 4.6 Variation request is considered moderate in comparison to other recently approved developments, particularly 7 Kananook Avenue, Bayview (DA2023/1666), which exhibited significantly greater non-compliances in height, front and side setbacks, and building envelope controls. Similarly, 31 Walworth Avenue serves as an example of an approved development that integrates well into the streetscape while exceeding certain planning controls.

In contrast, this proposal presents a far lesser degree of non-compliance, making it

entirely reasonable, justified, and appropriate for Council's approval. The minor height exceedance in this case does not detract from the objectives of the height control, and when assessed in the proper context, the proposal is predominantly compliant. Additionally, when height is measured appropriately from natural ground levels, the degree of non-compliance is further minimized. Given that Council has previously approved more substantial variations, it stands to reason that this proposal—which has far less impact in comparison—must also be considered compliant with these objectives and should be supported accordingly.

#### Consistency with the R2 Zone & Streetscape Considerations

This application is entirely consistent with Council's strategic vision for a well-planned, low-density residential area, ensuring a sensitive response to the built environment and minimal impact on the surrounding properties.

- The proposed alterations and additions are well-articulated and set back from the public domain, minimizing any perceived bulk and ensuring compatibility with the existing and desired future streetscape.
- The scale of the dwelling remains consistent with the surrounding built form, reinforcing the established character of Walworth Avenue.
- Landscaping and vegetation retention strategies will further enhance the streetscape, improve environmental sustainability, and contribute to local biodiversity.

#### Justification for the Clause 4.6 Variation (Height Standard Compliance)

Strict compliance with the numerical height standard would be both unreasonable and unnecessary, given that:

- No Adverse Planning or Environmental Impacts:
- The bulk and scale are comparable to the surrounding built form, and the development is largely indiscernible from one that fully complies with the numerical height standard.
- The height exceedance is minimal, affecting only a small portion of the northern and eastern façades, with a maximum non-compliance of just 255mm.

- The visual impact is mitigated through strategic design articulation, setbacks, and material selection, ensuring no adverse impact on surrounding properties.

Consistency with Council's Decision-Making Approach:

Council has previously exercised reasonable flexibility in approving developments with substantially greater non-compliances, such as 7 Kananook Avenue, Bayview (DA2023/1666) and 31 Walworth Avenue. The planning outcomes associated with this proposal are demonstrably better than those referenced approvals, further justifying its support.

Minimal Impact on Views, Privacy, and Amenity:

- The building design and setback placement ensure that view corridors are preserved, with no unreasonable impact on public or private views.
- The proposal enhances privacy by screening the dwelling through landscaping elements and strategic positioning.
- Shadowing impacts are minimal, and the flat roof design further mitigates bulk perception, ensuring consistency with the built character of Walworth Avenue.

Key Planning Considerations & Compliance with Strategic Planning Goals

Streetscape Integration & Architectural Compatibility

- Aesthetics and visual cohesion are prioritized, ensuring that the alterations align with neighbouring structures and contribute positively to the streetscape of Walworth Avenue.
- The proposed design is compatible with surrounding dwellings, maintaining a cohesive streetscape while enhancing the architectural character of the area.
- The flat roof design minimizes visual disruption and maintains the street's established character, reducing unnecessary bulk.

Bulk & Scale Considerations

- The perceived bulk and scale of the dwelling are effectively managed through articulation and design techniques.
- The roofline is carefully considered, with a flat design to reduce visual dominance and maintain cohesion with adjacent properties.

#### Openness & Connection to Public Domain

- The sense of openness is preserved, ensuring a smooth transition between internal and open space areas.
- The landscaped frontage and setback positioning provide a buffer that softens the built form, ensuring visual integration with the surrounding environment.

#### Public & Private Views

- View lines are maintained, with minimal impact on private and public view corridors in the vicinity of the development.
- The strategic placement of built elements ensures that the proposal does not obstruct key sightlines.

#### Site Access & Traffic Considerations

- The development ensures that site access and circulation remain unimpeded, with no detrimental impact on traffic flow or pedestrian movement.

#### Landscaping & Environmental Contributions

- The proposal enhances the landscaped open space, introducing new and improved green spaces that positively impact both site amenity and streetscape presentation.
- Generous planting areas in the front and rear of the property provide a buffer that softens the built form, ensuring visual integration with the surrounding environment.
- The preservation of existing vegetation maintains the natural streetscape and promotes environmental sustainability.

#### Conclusion & Justification for Approval



This proposal represents a balanced, well-integrated, and contextually responsive development outcome. The minor height exceedance is justified on planning merit, with the bulk and scale mitigated through thoughtful design and contextual integration.

Given the precedents set by Council's approval of 7 Kananook Avenue, Bayview (DA2023/1666) and 31 Walworth Avenue, both of which had significantly greater non-compliances, it is entirely reasonable and justified that this application be approved.

#### Request for Council's Support

For the reasons outlined above, we respectfully request Council's approval for this application under Clause 4.6, as it delivers a balanced and high-quality built outcome that is entirely in keeping with the strategic planning objectives for the area.

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

The proposed development seeks to enhance the existing dwelling through well-considered alterations and additions, optimizing the site while retaining landscaped areas wherever possible. The design balances functionality and aesthetics, providing a practical and sustainable solution to accommodate a growing family while ensuring the residential character of the area is preserved. These improvements contribute to the ongoing revitalization of dwellings along Walworth Avenue, reinforcing the quality and consistency of the streetscape.

Strict adherence to the numerical development standards would unnecessarily restrict the site's potential, preventing a design-driven outcome that enhances liveability, sustainability, and architectural integrity. The proposed works embody efficient and orderly development principles, demonstrating a high-quality design approach that respects the local context while addressing the increasing demand for appropriate and adaptable 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,*

### **Justification for Contravention of Development Standards – Environmental Planning Grounds**

The proposed development represents a balanced and well-considered approach to site optimization, ensuring that the objectives of the planning controls are met while delivering superior environmental, functional, and aesthetic outcomes. While a minor contravention of the development standard occurs, this variation is justified on strong environmental planning grounds and results in an improved planning outcome for the site and broader locality.

### **Optimized Land Use and Economic Viability**

By allowing a flexible and practical approach to the development standards, this

proposal facilitates the more efficient use of land, ensuring that the site is utilized to its fullest potential without compromising its character, functionality, or environmental integrity.

- The adjustment of height requirements allows for the better utilization of available space, creating a high-quality, liveable dwelling that enhances the site's usability and economic viability.
- The proposed design minimizes unnecessary site disturbance, retaining existing landscaped areas while ensuring modern and efficient construction methods that reduce costs and environmental impact.
- Sustainability is prioritized, with the incorporation of passive design strategies, energy-efficient materials, and improved site orientation, reducing long-term operational costs and improving overall environmental performance.

#### Enhancement of the Built Environment

The design philosophy behind this proposal prioritizes harmonious integration with the surrounding built form, contributing positively to the streetscape and character of the area. The careful articulation of form and materiality ensures that the development:

- Enhances visual appeal through a contemporary design that complements the existing architectural fabric of the area.
- Reduces bulk and scale impacts, ensuring a sympathetic interface with surrounding properties while maintaining the human scale and residential character of the neighbourhood.
- Incorporates innovative construction materials and finishes that improve durability, energy efficiency, and overall building performance.

These design enhancements ensure that, while not strictly adhering to the development standard, the project still meets the broader strategic objectives of the LEP and DCP, reinforcing a cohesive, well-designed, and aesthetically pleasing built environment.

### Improved Safety, Well-Being, and Structural Integrity

- Stronger and more resilient structural elements, ensuring that the building is capable of withstanding environmental stressors and extreme weather conditions.
- Improved ventilation and natural light penetration, promoting healthier indoor environments and reducing reliance on artificial lighting and mechanical ventilation.
- Enhanced privacy and acoustic insulation, minimizing overlooking and noise transmission, creating a more comfortable living environment for both occupants and neighbouring properties.

By applying thoughtful design principles, the development ensures long-term sustainability and resilience, directly supporting the intent of the planning controls while allowing for an improved standard of living.

### Minimization of Visual and Environmental Impacts

The non-compliance in height and setbacks is carefully positioned within the existing site, ensuring minimal visual or environmental intrusion:

- The location of the proposed works is concentrated towards the central portions of the site, limiting visibility from the public domain.
- The building mass and scale remain consistent with adjacent dwellings, ensuring a harmonious streetscape and minimal impact on local character.
- The flat roof design reduces perceived height and bulk, ensuring that the development blends seamlessly with its surroundings.
- Existing vegetation is retained, and new landscaping elements will be incorporated to further soften the built form and improve biodiversity and ecological value.

### Minimal Overshadowing and View Impacts

The shadow diagrams included in the proposal demonstrate that the impact on adjoining properties is minimal. The strategic placement of built elements ensures:

- Private open space of neighbouring dwellings is largely unaffected, maintaining solar access and outdoor amenity.
- View corridors are preserved, with the design limiting new windows and openings to mitigate any potential privacy concerns.
- The height exceedance does not significantly alter the visual experience from key vantage points, ensuring that the proposal is in keeping with the established character of Walworth Avenue.

By carefully managing the built form, the proposal avoids significant adverse impacts while enhancing the usability and functionality of the site.

#### Sustainability and Cost-Effectiveness

The proposed alterations and additions incorporate sustainable building practices and cost-efficient construction methods, ensuring a responsible approach to development:

- Utilization of existing structures minimizes demolition waste, reducing construction costs and environmental impact.
- Energy-efficient design strategies, such as natural ventilation, solar access optimization, and water-sensitive landscaping, improve the site's long-term environmental performance.
- The flat roof structure and efficient material use reduce ongoing maintenance costs, ensuring that the development remains economically and environmentally sustainable.

By leveraging existing site attributes and enhancing environmental efficiency, this proposal delivers superior sustainability outcomes while reducing unnecessary costs for both construction and long-term operation.

#### Alignment with Strategic Planning Objectives

Despite deviating from the numerical development standard, the proposal remains entirely consistent with the overarching objectives of the LEP and DCP, including:

- Encouraging efficient land use and housing diversity, while maintaining the character of the local area.
- Enhancing environmental sustainability by incorporating energy-efficient materials, improved landscaping, and passive design strategies.
- Ensuring development is compatible with the surrounding built form, maintaining cohesion with existing and future residential growth.
- Delivering a high-quality architectural outcome that contributes to the revitalization and enhancement of the built environment along Walworth Avenue.

#### Conclusion & Justification for Approval

This proposal presents a logical, sustainable, and well-integrated development outcome, demonstrating strong environmental planning merit while ensuring compliance with the broader strategic objectives of local planning instruments.

Given the site-responsive design, minimal environmental impact, and strong alignment with planning objectives, it is entirely reasonable and justified for Council to support this variation under Clause 4.6, recognizing that it:

- Optimizes land use while maintaining local character
- Minimizes adverse impacts on neighbouring properties and the environment
- Incorporates sustainable and cost-effective construction solutions
- Enhances the streetscape and architectural quality of Walworth Avenue

For these reasons, we respectfully request Council's approval, recognizing that this minor variation results in a superior built outcome that is consistent with both the intent and long-term vision of the Pittwater LEP 2014.

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 provides increased longevity for the dwelling.

The proposed development has been carefully designed to minimize visual impacts and ensure compatibility with the surrounding built environment. The height remains sympathetic to and consistent with nearby dwellings, preserving the existing character and rhythm of the streetscape. By positioning the works at the centre of the property, the development maintains the integrity of the front façade, ensuring that the overall bulk and scale remain appropriate when viewed from Walworth Avenue. This considered approach ensures that the proposed works blend seamlessly into the existing built form without disrupting the visual balance of the public domain.

Given that both the subject site and adjacent dwellings are already elevated, there is no adverse impact on existing view lines. The placement of the additions enhances privacy by reducing direct sightlines between properties while ensuring that the overall amenity of the area is maintained. Shadow diagrams further demonstrate that the shadow cast by the proposed works has little to no impact on surrounding properties, preserving access to natural light for neighbouring dwellings and private open spaces.

The variation to the maximum height requirements is appropriate in this context, as it is both reasonable and justified based on strong planning principles. The minor non-compliance does not result in any adverse visual, environmental, or functional impacts and ensures that the development remains in keeping with the surrounding properties. Given these factors, it is submitted that the proposed height variation should be supported by Council.

## **CONCLUSION**

### ***2.12 Summary***

The proposed development has been carefully designed to provide well considered alterations and additions that maximize the potential of the existing dwelling while significantly improving the amenity for residents. At the same time, the design remains respectful of the intent and objectives outlined in the Pittwater Local Environmental Plan 2014, ensuring that the development aligns with the broader planning framework set by Northern Beaches Council.

The proposed dwellings are reasonable and appropriate within the context of the local character, as they integrate harmoniously with the surrounding built environment without adversely impacting neighbouring properties. The design maintains visual consistency with the streetscape, enhances residential functionality, and contributes positively to the long-term character of the neighbourhood.

This proposal is well-suited to the site and has been carefully considered to ensure minimal environmental and visual impact. By improving the streetscape and reinforcing the identity of the area, the development achieves a balanced and desirable planning outcome. Given these factors and considering the precedent set by the approval at 7 Kananook Avenue, we respectfully request that Council support the Clause 4.6 Variation, recognizing that the proposal meets the principles of good planning and sustainable urban development while maintaining consistency with Council's previous decisions.