

# ***STATEMENT OF ENVIRONMENTAL EFFECTS***

**PROPOSED ALTERATIONS AND ADDITIONS  
TO AN EXISTING RESIDENCE  
AT**

**10 TAMINGA STREET, BAYVIEW NSW 2104**

**LOT 10 DP 27133**

Prepared By *JJ Drafting*

November 2020

## **1) Introduction**

This Statement of Environmental Effects accompanies documents prepared by JJ Drafting, job number 815/20, drawing numbers DA.01 to DA.22 dated JULY 2020 to detail proposed alterations and additions to an existing residence at 10 Taminga Street, Bayview NSW 2104.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. As a result of this assessment it is concluded that the development of the site in the manner proposed is acceptable and is worthy of support by Council.

In preparation of this document, consideration has been given to the following:

*# The Environmental Planning and Assessment Act 1979 as amended*

*# The Environmental Planning and Assessment regulation 2000*

*# State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*

*# Pittwater Local Environmental Plan 2014*

*# Pittwater 21 Development Control Plan 2014*

## **2) Site Characteristics and Description**

The subject allotment is described as 10 Taminga Street, Bayview NSW 2104.

- Site area of 689.31sqm.
- The site is zoned E4 Environmental Living.
- The site is not listed as heritage or in a conservation area.
- It is not located in a bushfire area.
- The site is in Class 5 Acid Sulfate Soil Area.
- The property addresses Taminga street to the North.
- The site is currently developed with a double storey brick dwelling with a flat metal roof and concrete and brick carport. There is also extensive concrete and brick terraced areas in poor condition.
- Driveway access is provided via a shared bitumen accessway off Ilya Avenue located within the southern boundary.
- The site has a very steep fall from the south boundary down to north boundary of approx. 19m.
- Vegetation consists of dense, mixed endemic and introduced species with small, medium, and large trees and shrubs to the front and rear yard. Most of the site is dominated by very steep, overgrown bush that is inaccessible. There is no sufficient area, for outdoor use off the living areas. A concrete terrace located from the lower level services the bedrooms and laundry. However this area is in need of major repairs.
- Front, side and rear setbacks vary throughout the streetscape and that of adjoining dwellings.



### 3) The Proposal

#### Description

As detailed within the accompanying plans, the proposal seeks consent for additions and alterations to an existing double storey dwelling. It provides majority of compliance with the Pittwater Local Environmental Plan 2014 and Pittwater 21 Development Control Plan 2014. The proposed works are as follows:

#### Site – refer to DA.1

- Remove entire concrete parking platform (disrepair) on western boundary
- Remove entire concrete terrace (disrepair) on western boundary
- Remove 2 trees in front garden.
- Remove brick planter in front garden.
- Remove flat roof to dwelling and re-pitch in opposite direction (fall to north)
- Re-clad carport roof.

#### Upper Floor Plan – refer to DA.05

- Remove portion of existing entry level roof to accommodate proposed upper level addition.
- Provide an external access from the ground level up to the new balcony
- A new internal stair above an existing internal stair is provided to link the ground floor level with the new upper floor level addition.
- Construction to be lightweight timber framing with selected cladding in sympathetic and mid to dark tone finishes to blend in with the surroundings.
- Low pitched metal clad roof.

**Entry Level Plan – refer to DA.06**

- Existing carport to from a butlers pantry, laundry, storage area, and a new entry and entry portico.
- Wall between kitchen and living area to be removed to create an open plan living.
- Existing parking platform on western boundary to be rebuilt to form a partially enclosed double garage.
- An addition to the western side of the existing dwelling to include a new bedroom 1 with ensuite and walk-in-robe.
- An addition is proposed between the existing carport and existing garage consisting of a new office and a powder room.
- Existing balcony to be enclosed to form part of the kitchen, dining and living room.
- Given that there is no sufficient outdoor covered area for an outdoor living, it is requested that a balcony be provided to allow the owners have an outdoor/indoor covered entertainment area that can be used all year round. The new balcony shall be extended out by 3.5m beyond the dwelling and having a length of 5.5m, an area of 19.25m thus creating a private open space area for the occupants. The balcony to continue all along the rear of the dwelling and off the new bedroom 1.
- Provide a new external access stair to follow natural ground from entry level to lower level on western boundary.

**Lower Level Plan - refer to DA.07**

- Remove all support structure associated with above concrete terrace and rebuild with a new structure. The addition will form a new bedroom 2, wet bar and a store.
- Remove internal wall to between existing bedroom 2 and bedroom 3 to from a rumpus room.
- East facing window to bed 3 to be bricked up.
- New sliding doors provided to new rumpus room area
- Provide a new partially undercover area adjacent to the new store for clothes drying purposes.
- A balcony addition is proposed, which is an extension of the existing timber deck allowing for another area for outdoor recreational use which will service the rumpus room area.

**Basement Level Plan - refer to DA.08**

Given the steep topography of the site, it is proposed portion of the subfloor area below the lower level is to be enclosed to form a gym room with a mezzanine area for storage.

Access to the this level is via steps along the western side boundary, and created within the existing ground level.

**4) Zoning & Development Controls****4.1 Pittwater Local Environmental Plan 2014**

The site is zoned E4 Environmental Living under the provisions of the Pittwater LEP 2014. The proposed alterations and additions are permissible with the consent of council.

**4.2) State Environmental Planning Policy (Building Sustainable Index: BASIX) 2004**

The proposal will require a BASIX certificate with this application

**4.3 Height of Building (LEP 4.3)**

The maximum building height control -----8.5m.

Although a maximum building height of 10.0m is allowable if:

- (a) the consent authority is satisfied that the portion of the building above the maximum height shown for that land on the Height of Buildings Map is minor, and*
- (b) the objectives of this clause are achieved, and*
- (c) the building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and*
- (d) the buildings are sited and designed to take into account the slope of the land to minimise the need for cut and fill by designs that allow the building to step down the slope.*

a) Only a small portion of the building contravenes the 8.5m building height, and only a small portion contravenes the 10m building height limit. It is requested that this slight non compliance be supported due to the topography of the land and the siting of the existing dwelling. Currently there is very little of an outdoor living area. This will be discussed in clause 4.6

b) Please refer to Clause 4.6.

c) The building is situated on a slope that is greater than 16.7 deg –

The existing slope of the land is 36 deg

d) The proposed addition has been designed to follow the topography of the site. There will no need for cut and fill.

The proposed building height varies between 5.8m -10m. Only a small portion of the new roof over the new extended balcony contravenes the 10m building height control, it varies between 10.2m – 11.5m

**REFER TO CLAUSE 4.6 REQUEST TO VARY A DEVELOPMENT STANDARD (at the end of the statement).**

**PART 7****7.1 – Acid Sulphate soils**

The site is identified as being within Class 5 Acid Sulphate Soils Area. The proposal will not see any substantial excavations of the site, and it is therefore not anticipated that the acid sulphate soils will not be encountered.

**7.2 – Earthworks**

The proposal will not require major excavation of the site.

**7.6 Biodiversity Protection**

There will be no effect upon the biodiversity of the site in terms of flora and fauna. No significant trees or vegetation will be removed.

There will be no adverse effect on the habitat elements providing connectivity on the land.

The development has been designed and sited to avoid any adverse environmental effect.

**4.4) Development Standards and the Effects of the Proposal****Pittwater 21 Development Control Plan**

The proposed development responds to the characteristics of the site and the qualities of the surrounding neighbourhood in a sympathetic and positive manner.

**B6.3 Internal Driveways (B6.2) and Off-Street Parking**

The proposed works will provide for a double garage.

All parking facilities have been designed to comply with AS 2890

**C1.3 - View Sharing**

The proposed additions will not negatively affect adjoining dwellings

**C1.4 - Solar Access**

No loss of daylight to habitable rooms in adjacent dwellings will be experienced as a consequence of this proposal.

Adjoining properties will continue to receive a min. of 3 hours of natural solar access.

**C1.5 - Visual Privacy**

The proposed alterations and additions will not negatively affect adjoining dwellings.

**A4.4 Church Point and Bayview Locality****Desired future character**

It is proposed that the alterations and additions to the existing dwelling are consistent with the desired future character, the streetscape and the surrounding properties.

The proposed development respects the scale and form of other new and existing developments in the vicinity and therefore compliments the locality.

Majority of the existing vegetation will remain.

The proposal will be surrounded by existing canopy trees. The visual impact of the built form is secondary to landscaping and vegetation. The proposal will not dominate the streetscape as it follows the steep topography of the site. The proposal is of 'human scale' and is surrounded by existing vegetation.

The setbacks are compatible with the existing surrounding developments.

The proposal will not have any significant or adverse impact on the neighbouring properties.

**D4.1 – Character as viewed from a public place**

The proposed alterations and additions will not affect the character as view from a public place. The

proposed additions will not remove any significant vegetation. The proposal which is located to the rear of the dwelling does not dominate the streetscape and is enveloped by existing vegetation. The visual impact of the built form is secondary to the landscaping and vegetation.

#### **D4.2 – Scenic Protection - General**

There will be no change to the visual views from waterways. The proposed additions will not be visually seen from the waterways. Existing vegetation has remained on the site. A bushland landscape is the predominate feature of the site.

Additional planting will be provided to the undercroft areas of the balconies.

#### **D4.3– Building colours and materials**

The proposal will match the existing dwelling in mid tone colours

#### **D4.5 – Front Building line**

The front setback control is a minimum of 6.5 m

Front setback to the proposed new deck addition will be – 12.629m COMPLIES

#### **D4.6 – Side and rear building line**

The side setback control is a minimum of 2.5 m to one side and 1.0 m for the other.

#### **Existing side setbacks**

East side setback varies between -----885mm – 888mm – no change

West side setback to the ground floor level – to carport is-----1.456m – no change

West side setback to lower ground floor level -to terrace -----1.456m – no change

#### **Proposed Addition**

##### **ENTRY LEVEL**

East side setback to balcony – 2.2m

East side setback to pantry – 2.083m – to match existing carport setback

West side setback to garage varies between – 1.456m – 1.461m to match existing

##### **NEW UPPER LEVEL**

East side setback to balcony – 900mm

East side setback to Family - – 2.085m

West side setback ----- 3.751m

##### **LOWER LEVEL**

East side setback to balcony ----- 2.2m

West side setback to patio addition varies between – 1.456m – 1.461m to match existing

West side setback to addition varies between ----- 2.559m – 3.316m

##### **SUB FLOOR LEVEL**

West side setback to addition varies between – 1.456m – 1.461m to match existing

It is difficult to adhere the side setback control due to pre-existing structures. West side setback to garage varies between – 1.456m – 1.461m to match existing

Is requested that the slight non compliance be supported as it will not affect adjoining properties in view loss or shadow loss.

#### **D4.8m - Building envelope – refer DA.06, DA.08**

The control for this parcel of land is to maintain a building envelope that rises 3.5 m from the side boundary and projects at an angle of 45 deg.

##### West Side

- New upper level addition (Red ) – only a very small portion contravenes the side building envelope
- Ground floor addition (green and red) -The addition contravenes the side building envelope with greatest being 3.6m to a compliance.
- Lower ground floor addition (blue) – slight non compliance a small triangular area with a max. height of 900mm.

##### East side

- New upper level addition (Red ) – only a small portion contravenes the side building envelope
- Ground floor (green and red) -This is an existing wall with a new roof to replace an existing roof.
- New deck will slightly contravene the side building envelope

Due to the existing topography of the site which is very steep and pre existing building structures it is difficult to strictly adhere to the side building envelope, It is therefore requested that this non-compliance be supported as it will not affect adjoining properties in solar loss or privacy loss or view loss. It also provides a much needed covered outdoor recreational area that can be utilised throughout the year.

The existing dwelling is quite small in area and the proposed additions will provide for additional bedrooms and living areas that can be used better. The proposed additions have been designed so that there is no excavation.

There will be no detrimental impact upon adjoining dwellings.

#### **4.10 Landscaped Area – Environmentally sensitive land**

The control for this parcel of land is a minimum of 60% landscaped area.

Site area is 689.31sqm

Minimum Landscape area requirement -----60% -----413.59sqm

Existing Landscape area -----62.85%-----433.25sqm

New landscaping area -----60.83% -----419.32sqm - COMPLIES

Existing hard surface area -----256.07sqm

Hard surface to remain -----283.75sqm

There will be an increase in the hard surface area by 27.68sqm, no on-site detention will be required



**5) Matters For Consideration Under Section 79c Of The Environmental Planning And Assessment Act, 1979****5.1 The provisions of any environmental planning instrument**

The proposal is subject to the provisions of the Pittwater Development Control Plan 21 and the relevant supporting Council Local plan. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves majority of the compliance with its provisions. There are no other environmental planning instruments applying to the site.

**5.2 Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority**

It is not considered that there are any draft environmental planning instruments applying to the site.

**5.3 Any development control plan**

The development has been designed to comply with the requirements of the Church Point & Bayview locality and the general principles of Development Control 21.

It is considered that the proposal respects the aims and objectives of the DCP, however it is noted that the Environmental Planning and Assessments Amendment Act 2012 No. 93 (amendment Act) which received assent on 21 November 2012 commenced on 1<sup>st</sup> March 2013.

Key amongst the amendments are requirement to interpret DCP's flexibly and to allow reasonable alternative solutions to achieve the objectives of the DCP standards .

The new section 74BA provides that the principal purpose of the DCP's is to provide guidance on:

- \* giving effect to the aims of any applicable environmental planning instrument
- \* facilitating permissible development
- \* achieving the objectives of the relevant land zones.

The key amendment is the insertion of section 79C(3A) which:

- \* prevents the consent authority requiring more onerous standards than a DCP provides
- \* Requires the consent authority to be flexible and allow reasonable alternative solutions in applying DCP provisions with which a development application does not comply.
- \* limits the consent authority's consideration of the DCP to the development application (preventing consideration of previous or future applications of the DCP).

We request that council applies considered flexibility where the application seeks variations to the numerical development controls in the DCP as justified in this report. In particular we consider that the variation to the side boundary envelope and the building height requirements is a reasonable alternative solution to compliance as the proposal effectively responds to the site constraints.

It is considered that the proposed design respects the desired character objectives of the PDCP 2014 and PLEP 2014 in that it reinforces the existing and new residential character of the area and is compatible with the existing uses in the vicinity.

**5.4 Any matter prescribed by the regulations that apply to the land to which the development relates**

No matters of relevance area raised regarding the proposed development.

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

It is considered that the proposal, which seeks consent for alterations and additions to an existing dwelling will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area. It is considered that the resultant development is compatible with and will complement the character of the area.

The proposal is well designed having regard to the relevant provisions of the Pittwater Development Control Plan 21

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

The subject land is zone E4 Environmental Living under the Pittwater Local Environmental Plan 2014 and the proposed development is permissible as category 1 and 10 development. The site is considered suitable for the proposed development. The proposal will provide for alterations and additions to an existing dwelling without having a detrimental impact on the amenity of the adjoining properties or any impact on the streetscape.

**5.7 Submissions made in accordance with this Act or the regulations**

This is a matter for Council in the consideration of this proposal.

**5.8 The public interest**

The proposal will not impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered to be within the public interest.

**6) Conclusion**

The proposal which provides for alterations and additions will not have any detrimental impact on the adjoining properties or the locality. The proposal is in keeping with Council's aims and objectives for this locality. There will be no effect on local fauna and flora.

In scale, form and finishes, the proposal will have a positive effect on the lifestyle of its inhabitants and the visual amenity of its neighbours.

As the proposal will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.





REAR VIEW LOOKING SOUTH



EXISTING DWELLING AS VIEWED FROM TAMINGA STREET



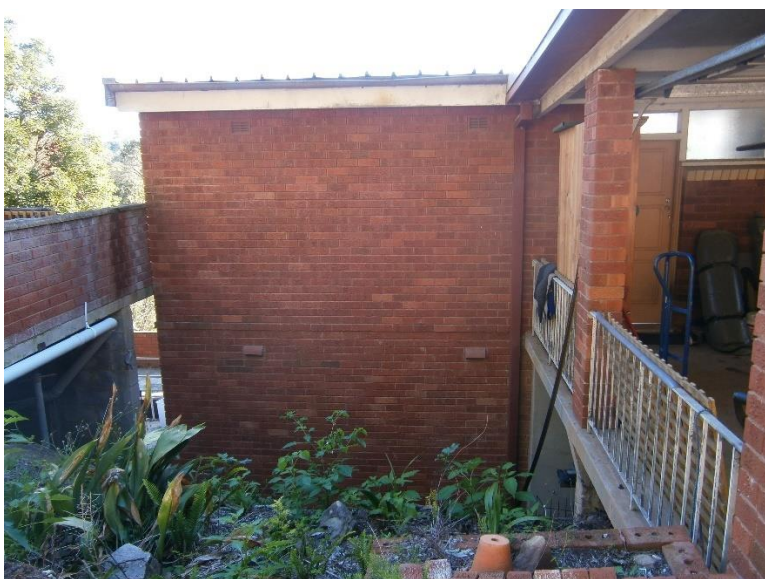


EXISTING ENTRY AND CARPORT  
VIEWED FROM THE SHARED ACCESS  
WAY LOOKING NORTH WEST.

This is to form a walk in pantry,  
laundry, storage and entry area.



EXISTING ENTRY AND  
CARPORT. LOOKING EAST.



VIEW LOOKING NORTH BETWEEN  
THE CARPORT AND CONCRETE  
PARKING AREA, FROM THE SHARED  
ACCESS WAY.

This area in between the 2  
structures to form an office and a  
powder room



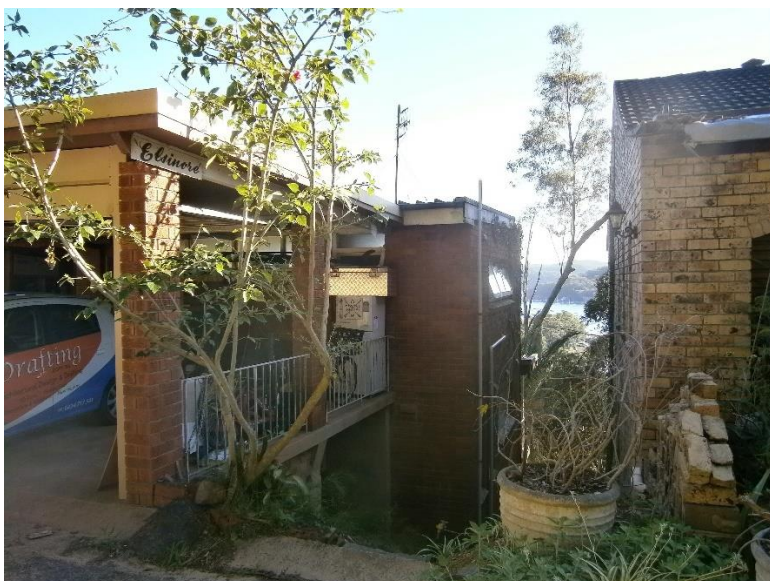


EXISTING CONCRETE PARKING AREA  
LOOKING NORTH WEST.

This is to form a new double garage



VIEW LOOKING AT CONCRETE  
PARKING AREA FROM CARPORT.



VIEW LOOKING NORTH BETWEEN  
EXISTING CARPORT AND ADJOINING  
PROPERTY





VIEW LOOKING UP AT THE CONCRETE PARKING AREA FROM THE LOWER GROUND LEVEL TERRACE. COMING OFF THE LAUNDRY AREA.

Proposed addition to consist of bedroom 2 and a store and a small patio.



VIEW LOOKING NORTH FROM THE LOWER GROUND LEVEL TERRACE.

VIEWS OUT TOWARDS PITTWATER.

Proposed new bedroom addition.



VIEW FROM THE GROUND FLOOR LIVING/DINING ARE LOOKING TOWARDS PITTWATER – NORTH DIRECTION.





VIEW LOOKING EAST FROM TOP BALCONY



VIEW LOOKING WEST FROM TOP BALCONY



VIEW LOOKING EAST FROM TERRACE ARE



VIEW LOOKING EAST -SUB FLOOR LEVEL  
STRUCTURE





PHOTOS LEFT AND BELOW –

VIEW LOOKING FROM TAMINGA STREET.

Proposed balcony addition to the left.

Bedroom 1 addition top floor

Bedroom 2 addition middle floor level.

Gym and and store sub floor





## **SCHEDULE OF EXTERIOR FINISHES**

### **10 Taminga Street Bayview**

ROOF – MID GREY

WALLS – MID TONED

OPENING FRAMES - DARK

Dear Chief Executive Officer

**PREMISES AT 10 Taminga street Bayview**  
**PROPOSED ALTERATIONS AND ADDITIONS**

**CLAUSE 4.6 REQUEST -EXCEPTION TO THE DEVELOPMENT STANDARD (HEIGHT OF BUILDINGS) -PITTWATER LOCAL ENVIRONMENTAL PLAN 2014**

This present document is a written variation request submitted under clause 4.6 of Pittwater Local Environmental Plan 2014 in connection with a development application seeking consent for alterations and additions to an existing dwelling.

**1. INTRODUCTION**

Clause 4.3 of the PLEP controls the height of building. Relevantly, clause 4.3 (2) of PLEP provides that the height of a building on any land is not to exceed the maximum height shown for the land on the height of buildings map, WHICH IS 8.5M.

The maximum building height control -----8.5m.

Although a maximum building height of 10.0m is allowable if:

- (e) the consent authority is satisfied that the portion of the building above the maximum height shown for that land on the Height of Buildings Map is minor, and*
- (f) the objectives of this clause are achieved, and*
- (g) the building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and*
- (h) the buildings are sited and designed to take into account the slope of the land to minimise the need for cut and fill by designs that allow the building to step down the slope.*

Only a small portion of the building contravenes the 8.5m building height, and only a small portion contravenes the 10m building height limit. Due to the topography of the land and the siting of the existing dwelling it is therefore requested that this slight non- compliance be supported as there is currently very little of an outdoor living area.

A variation has been requested.

**2. REQUEST TO VARY A DEVELOPMENT STANDARD**

It is requested that a variations be sought for the max height (clause 4.3) for the proposed addition to the rear of the existing dwelling.

The request is submitted to council in connection with and in support of the development application and is to be read in conjunction with the statement of environmental effects and submitted to council in support of and to inform the development application.

The SEE deals with the impacts of the development proposal in detail and provides details and compliance with the relevant planning controls and objectives.

Clause 4.6 of the PLEP allows Council to grant consent for development even though the development contravenes a development standard imposed by the LEP. The clause aims to provide an appropriate degree of flexibility in applying certain development standards to achieve better outcomes for and from development.

Clause 4.6 of the PLEP requires that a consent authority be satisfied of three matters before granting consent to a development that contravenes a development standard:

\* that the applicant has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

\* that the applicant has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard and

\* that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for the development within the zone in which the development is proposed to be carried out.

The consent authority's satisfaction as to those matters, must be informed by the objective of providing flexibility in the application of the relevant control to achieve better outcomes for and from the development in question.

The land and environment Court of NSW has provided judicial interpretation and clarification of the matters to be addressed in relation to variations to development standards lodged under the State Environmental Planning Policy 1 – Development Standards (SEPP 1) through the judgment of Justice Lloyd in “Winten Property Group Ltd v North Sydney Council (2001) 130 LGERA 79 at 89 (‘Winten’)

The ‘Winten test’ was later rephrased by Chief Justice Preston, in the decision of *Wehbe v Pittwater Council* (2007) NSW LEC 827 (‘Wehbe’). These tests and clause 4.6 of the LEP and other standard LEP instruments. Accordingly, this clause 4.6 variation request is set out using the relevant principals established by the court. Another recent one in the NSW Court of Appeal in *Four2Five Pty Ltd v Ashfiels Council* (2015) NSWCA 248 has had some very important things to say about the use and construction of clause 4.6.

### 3. DEVELOPMENT STANDARD TO BE VARIED

The site is Zoned E4 Environmental Living under the PLEP.

This written request is to justify the contravention of the standard by demonstrating that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that a sufficient environmental planning grounds to justify contravening the development standard.

The proposed development will be in the public interest as it is consistent with the objectives of the standards and are of relevance to the subject matter of the development application and the objectives for the development within the E4 Environmental Living zone under PLEP in which the development is proposed to be carried out.

The proposed addition is an extension of the existing dwelling. Currently the existing roof contravenes the 10m building height, with an existing building height of 10.6m above natural ground level. The proposed roof extension which is to cover a new deck is the only outdoor covered area which is directly accessible from the living area within. The new roof addition follows the new roof pitch and will not affect adjoining properties in view loss, privacy loss or solar loss.

Due to the topography of the land, which has a 36deg slope and this is steeper than 16.7deg as per councils DCP control, it is difficult to adhere strictly to the required building height.

### 4. THE OBJECTIVES OF THE STANDARDS

Clause 4.3 (1) of the PLEP and 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.**

The proposed additions to the existing residence is consistent with the low density character of the precinct

Landscaping of the site has not been reduced due to the proposed addition. All of the existing vegetation will remain on the site.

The scale of the proposed development is consistent with the adjoining residential lots. The proposed development does not result in any privacy issues or impacts to nearby neighbours.

**b) to ensure that the buildings are compatible with the height and scale of the surrounding and nearby development.**

Development in the area is defined to a greater or lesser extent by residential lots constrained by steeper slopes and dense vegetation.

The proposed addition and roof extension to the existing dwelling is compatible with the surround developments in the area.

**c) to minimise any overshadowing of neighbouring properties**

Neighbours privacy will also **not** be affected.

The proposed addition and roof extension will not affect adjoining properties.

Existing properties will receive a min of 3 hours of solar access.

The proposal satisfies this objective.

**d) to allow for the reasonable sharing of views.**

The proposal will not interrupt view corridors of its neighbours to any significant or material extent.

**e) to encourage buildings that are designed to respond sensitively to the natural topography.**

The proposal will not affect the existing landscaping on the site.

**f) to minimise the adverse visual impact of the development on the natural environment, heritage conservation areas and heritage items.**

The development is not a heritage item nor is it located in a heritage conservation area.

The site contains natural vegetation with some introduced species. The proposed addition and covered deck addition will not affect the natural environment.

The objective satisfies this objective.

**Conclusion to this**

In respect of the height standard which is of a minimal significance with respect to the objectives of the relevant applicable height of building development standard. The gradient of the land and the height of the existing building ridge, all assist in ensuring that a casual observer would have some difficulty in reading the additional height of the proposed addition and roof extension.

It is concluded that the development will be consistent and will still satisfy relevant height objectives, notwithstanding the numerical departure from the standard contained in clause 4.3 of PLEP.

The development is consistent with all of the abovementioned objectives of the standard.

The proposed development is consistent with such of the aims of the PLEP as are relevance to the development.

#### 5. ENVIRONMENTAL PLANNING GROUNDS TO JUSTIFY CONTRAVENING THE DEVELOPMENT CLAUES 4.6 (3)(b)

There are numerous environmental planning grounds for varying the development standard which is the preservation of appropriate residential density and the amenity, maintaining privacy for residents, preserving the natural topography and the biodiversity significance of the locality.

The proposal is consistent with the aims of the PLEP as it constitutes a good environmental planning ground justifying a contravention of the maximum height of buildings development standard contained in clause 4.3 of the PLEP.

Another good environmental planning ground justifying a contravention of the development standard in this instance is that there is no demonstrable public benefit in maintaining the development standard, clause 4.6 (5)(b) in this instance for to do would not result in any material public benefit in this situation.

The maximum height that is achieved in this case is 11.5m which is a portion of the roof extension of the existing roof level. ONLY A SMALL PORTION CONTRAVENES THE 10m HEIGHT

The proposed development will result in an improved outcome for the occupants and for the wider community in that there are likely to be no significant emenity impacts for residents and neighbours.

The proposed development is unlikely to increase the demand on local infrastructure and service and is entirely consistent with such of the zone objectives as are of relevance. The residential environment will remain characterised by a diverse range of low density dwelling styles, whilst not detracting from the consistent natural landscape setting.

This is a written request that the development will achieve the relevant zone objectives notwithstanding the numerical non-compliance with the height standard contained in clause 4.3 of the PLEP.

The above consitute good environmental planning grounds to justify contravening the development standard.

#### 6. CONCLUSION

The proposed addition has been designed to allow for better outdoor covered area that can be used by the owners throughout the year given that there is no sustantial levelled area on the site, it will not affect adjoining properties.

Amenity to adjoining properties is maintained and no view loss will be experienced by the proposal.

The proposal will not have an adverse effect on any special ecological, scientific or aesthetic values.

It is requested that this non compliance be supported as there would be no practical utility in enforcing strict compliance with the relevantly applicable height of buildings development standard. All of the above constitutes good environmental planning grounds to justify contravening the development standard in this particular instance.

The variation from the development standard will not contravene any overarching State or regional objectives or standards, it will have no effect outside the site's immediate area and rises no issue of significance for State and or regional environmental planning.

Maintaining strict numerical with the 8.5m and 10m height of buildings development standard would not result in any public benefit in this instance. To maintain, to strictly enforce and apply the development standard in this instance would prevent the carrying out of an otherwise well designed residential development which is suited to the site.

#### IN SUMMARY

It is requested that this development justifies the contravention of the height of buildings development standard contained in clause 4.3 of the PLEP by demonstrating that compliance with the development standard is unreasonable or unnecessary in the circumstances and there are sufficient environmental planning grounds to justify contravening the development standard.

The proposed development shows it will be in the public interest as it is consistent with such of the objectives of the standard as are of relevance to the subject matter of the development application and the objectives for the development within the E4 Environmental Living zone.

It is sought that this development application may be approved with the variation as proposed in accordance with the flexibility allowed under clause 4.6 of the PLEP.

Yours Sincerely

Jitka Jankovec c/- JJ DRAFTING