

Exception to a development Standard

Council: Northern Beaches Council

Address: 106A Wakehurst Parkway, Elanora Heights,

Dated: 20/11/19

This letter is appended to the Development Application for the above property and is written in request to contravene a development standard in accordance with Clause 4.6 of LEP 2012.

Applicant Details

Name of applicant: Geoff Davis /care of Thodey Design

Contact person: Shaun Thodey

Postal Address: 12 Wrexham Rd, Thirroul, NSW, 2515.

Phone: 0412627455

Email: shaun@thodeydesign.com

Development Standard

Clause: Clause 4.3 Height of Buildings

LEP Standard: 8.5m

Existing height: N/A

Max Proposed Height: 10.5m (see section BB3 – top of eave to concrete porch)

Statement

Part 1: Demonstrates why compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

Compliance with the development standard is unreasonable and unnecessary in the circumstances of the subject site for the following reasons:

- a) The subject site is very steeply sloped, and without large amounts of excavation, would be very difficult to adhere to the standard in this case.
- b) The recently approved new dwelling at 1a Elanora Rd (the lot West of the subject site) is in clear breach of the development standard and was approved under the same instrument. The site is very similar to that of the subject site. See Figure 1.
- c) The recently approved new dwelling at 104a Wakehurst Parkway (the lot East of the subject site) is in clear breach of the development standard and was approved under the same instrument. The site is very similar to that of the subject site. See Figure 2.
- d) The existing recently built house at 100a Wakehurst parkway (2 lots east of the subject site) is in clear breach of the development standard and was approved under the same instrument. The site is very similar to that of the subject site. See Figure 3.
- e) Full compliance with the building heights clause would unreasonably compromise the amenity of the subject site.
- f) There are many examples in the same area of houses of a similar bulk and scale that have been allowed by council.

Part 2: Demonstrates that there are sufficient environmental grounds to justify contravening the development standard.

The contravention will have minimal adverse environmental effect on the streetscape and minimal adverse environmental effect on either neighbour. There are therefore sufficient grounds to justify contravening the development standard of Height of Buildings.

Part 3: Explains how the proposed development will be in the public interest because of its consistency with the objectives of the particular standard and the objectives of the zone in which the development is proposed to be carried out.

Adverse environmental impacts on adjoining properties and the public domain have been minimised in the proposal.

Part 4: Comments on whether contravening of the development standard will raise any matter of significance for state or regional planning.

The proposal will not raise any matter of significance for state or regional planning.

Part 5: Explains why there is no public benefit in maintaining the development standard.

Since the proposed development achieves all objectives of the zone and the objectives of the Clause 4.3 Height of Buildings development standard set out in the LEP, retains a consistent streetscape of the local area, and has little or no adverse environmental impact on neighbouring dwellings, there is no benefit in maintaining the development standard, and the proposal should be allowed on these grounds.

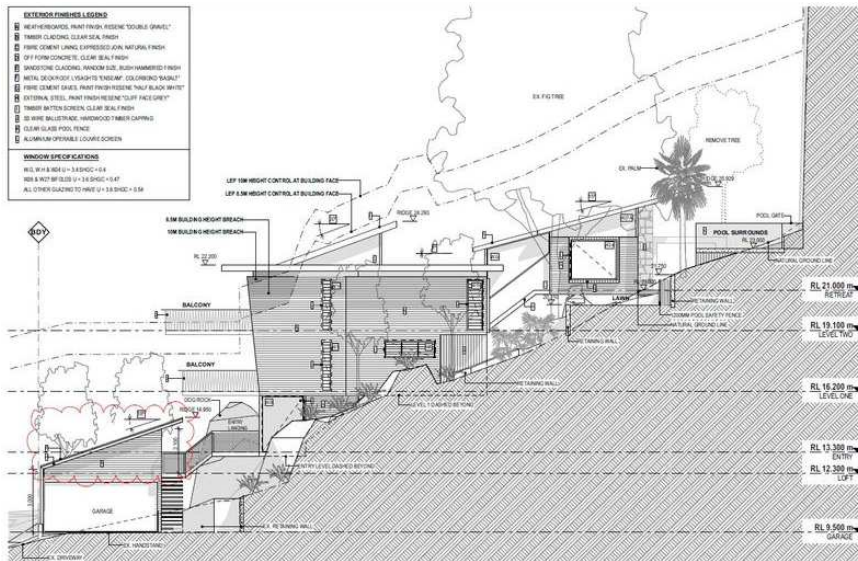


Figure 1: elevation of DA Approved House at 1a Elanora Rd, Elanora Heights(The lot west of the subject site). This house is 3 storeys high and is clearly in breach of the 8.5m maximum LEP. this house is larger in scale and bulk to that proposed at the subject site. This house was approved under the current planning instrument.

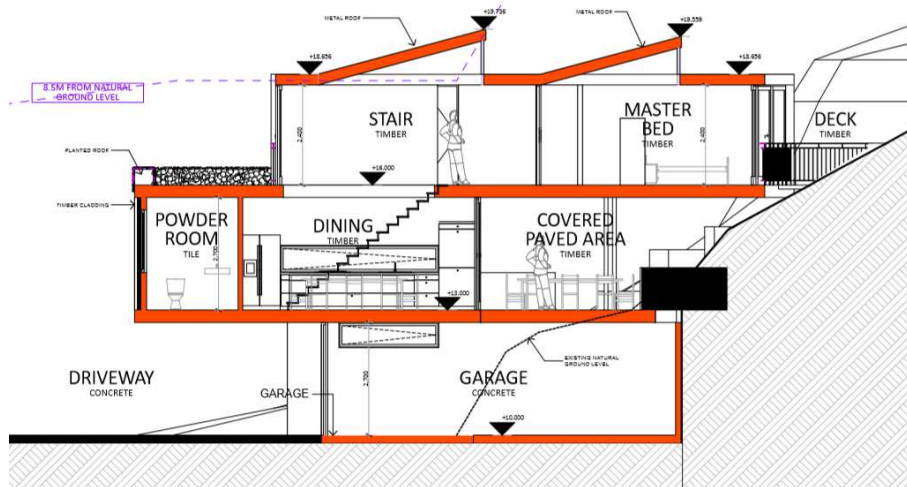


Figure 2: section of DA Approved House at 104a Wakehurst Parkway, Elanora Heights (the lot east of the subject site). This house is 3 storeys high and is clearly in breach of the 8.5m maximum LEP. this house is larger in scale and bulk to that proposed at the subject site. This house was approved under the current planning instrument.



Figure 3: Existing house at 100a Wakehurst Parkway, Elanora Heights (3 lots East of subject site). This house is 3 storeys high and is clearly in breach of the 8.5m maximum LEP. This house is similar in scale and bulk to that proposed at the subject site. This house was approved under the current planning instrument.