

STATEMENT OF ENVIRONMENTAL EFFECTS



Applicant:
Hall and Hart Homes
PO Box 602
PARRAMATTA NSW 2150

Site Address:
Lot 100 DP 16682
14 Kalang Road
ELANORA HEIGHTS NSW 2101

Construction of a new two storey dwelling.

INTRODUCTION

This Statement of Environmental Effects is submitted to Northern Beaches Council in accordance with the Environmental Planning and Assessment Act 1979, in support of a development application for the erection of a new two storey dwelling containing three (3) bedrooms, upper sitting and study rooms, guest, study, home theatre, dining and family rooms along with an attached garage and outdoor alfresco area.

The site is generally rectangular in shape, with a large frontage to Kalang Road of 24.385m and a total land area of 1114.9m². The site is vacant, with some mature trees at the rear to be retained.

The site has an irregular topography, falling to the front. Drainage is to be directed to an approved system as per the Hydraulic Details.

The neighbourhood generally consists of a mix of residential dwellings of one and two storey construction as anticipated within an existing rural residential area.

The proposed dwelling will contribute positively to the surrounding area and the streetscape of Kalang Road.

ENVIRONMENTAL EFFECTS

The following sections address the matters for consideration as listed in Section 4.15 of the Environmental Planning & Assessment Act 1979. A comment is provided against each relevant matter.

This Statement of Environmental Effects addresses the following relevant Environmental Planning Instruments:

- Pittwater Local Environmental Plan 2014
- Pittwater 21 Development Control Plan

4.15 EVALUATION

(1) Matters for Consideration – general:

(a)(i) Relevant environmental planning instruments

Pittwater Local Environmental Plan 2014

The LEP is divided into several Parts and the relevant provisions that apply to the subject development are listed, together with a comment with respect to compliance.

The subject site is zoned E4 Environmental Living pursuant to Clause 2.1 of Pittwater Local Environmental Plan 2014.

The proposed development is defined as a “dwelling house” being “a building containing only one dwelling.”

The construction of a ‘dwelling house’ is permissible in the identified zone, subject to development consent.

Clause 2.3 Zone objectives and land use table

The objectives of the E4 Zone are as follows:

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To provide for residential development of a low density and scale integrated with the landform and landscape.
- To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.

The proposed development is for a low-density residential development, being compatible with the existing and future landscape character of the locality. The dwelling is designed to provide a high level of amenity for adjoining residents whilst considering the natural constraints of the site. Maintenance of rear trees will ensure wildlife corridors are maintained and the dwelling is suitably designed to integrate with the landscape.

The proposed dwelling is considered to meet the relevant objectives of the E4 zone.

Clause 4.3 Height of Buildings

Requirement	Provision	Compliance
8.5m ridge height.	7.6m	Yes

Clause 4.6 Exceptions to Development Standards

The proposed development does not contravene the development controls.

Clause 5.10 Heritage Conservation

Upon reference to Schedule 5 in relation to local, State or Regional items of heritage significance including conservation areas, it was revealed that the subject property was not identified as having heritage significance, and is not located within the vicinity of any heritage items.

Clause 5.11 Bush fire hazard reduction

The subject site has not been identified as bushfire prone land.

Clause 7.1 Acid sulfate soils

The subject property is identified as being affected by Class 5 Acid Sulfate Soils. The proposal is not considered to lower the water table by 1 meter and requires excavation predominantly within the footprint area only. The development is not anticipated to have any specific requirement in respect to Acid Sulfate Soils.

Clause 7.2 Flood planning area

The subject site is not known to be located within a flood risk precinct area.

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Conclusion with respect to LEP requirements

The proposal is considered to generally satisfy the relevant objectives and development standards relating to dwelling houses as contained within PLEP 2014.

(a)(ii) Relevant draft environmental planning instruments

There are no draft environmental planning instruments that would prevent the subject development from proceeding.

Pittwater 21 Development Control Plan

DCP is divided into several sections of generic and individual locality-based controls. The subject site is located within the Ingleside Locality. Assessment of the subject proposal against DCP No.21 is provided as follows;

SECTION A

A4.5 Locality character statement – Elanora Heights Locality

Context (extract)

The subdivision of the Elanora Heights Estate in 1929, which included the Elanora Country Club, initiated development in the locality. Residential development increased from the 1950s with improved access to the area.

Since this time, the locality has developed into a predominantly low-density residential area, with dwellings built along plateau and slopes. The locality is characterised mainly by one and two-storey dwelling houses on 700-950 square metre allotments (some smaller blocks may exist). To the west, rural residential dwellings occupy 2 hectare allotments. The residential areas are of a diverse style and architecture, a common thread being the landscaped, treed frontages and subdued external finishes.

The locality is serviced by neighbourhood retail centres at Kalang Road and the intersection of Elanora and Anana Roads. The locality also contains the Elanora Heights Primary School, community/youth centres, and recreational facilities including the Elanora Golf Course, squash courts, and several reserves.

The locality is characterised by a plateau, spur to the east, and steep slopes. Due to the topography, significant views can be obtained to the east (over Warriewood and the Narrabeen Lakes inlet), west (over Deep Creek and bushland beyond), and south (over Narrabeen Lakes). Conversely, the slopes and ridge tops of the locality are visually prominent.

Much of the natural vegetation has been removed and replaced with non-indigenous species, and significant amount of natural vegetation has been removed in areas adjoining open space to reduce the risks associated with bushfires. Much of the tree canopy around the escarpment has been retained.

The natural features of the locality result in a high risk of bushfire and landslip.

The major roads within the locality are Powderworks Road, Anana Road, Elanora Road and Kalang Road. Powderworks Road is a common through-route from the beaches to land further west. Several pedestrian links and pathways exist within the locality.

The proposed development will be located on the existing allotment being in keeping with the typical size for the area. Mature trees at the rear are to remain and additional planting is capable of being provided following construction to ensure the landscape character of the area is maintained.

The proposed two storey dwelling is considered to be consistent with the character of Elanora Heights. The design and style chosen is desired by the market today being of a contemporary nature using appropriate building materials and articulation which ensures that the built form of the dwelling will not be out of place and will not detract from the amenity of surrounding properties.

The proposal does not present any detriment to views or streetscape setting and environmental issues are considered to be satisfactorily addressed.

This development application is supported by all the necessary documentation to address the relevant environmental triggers of this Plan, such as landscaping and stormwater plans.

Desired Character (extract)

The Elanora Heights locality will remain primarily a low-density residential area with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancies will be located only on the plateau on land that has less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Land in the vicinity of Caladenia Close and Dendrobium Crescent to the west will remain a low-density rural residential area due to the constraints and characteristics of the land, including steepness of slope, species and habitat diversity, and lack of infrastructure. Any medium density housing will be located within and around commercial centres, public transport and community facilities. Retail, community, and recreational facilities will serve the community.

Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport.

Future development will maintain a building height limit below the tree canopy, and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development on non-urban zoned land shall maintain generous spatial separation of the built form and low site coverage on large lots. Development will be designed to be safe from hazards including landslip and bushfire.

A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the

locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, and to enhance wildlife corridors.

Heritage items and conservation areas indicative of the Guringai Aboriginal people and of early settlement in the locality will be conserved.

Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities.

The erection of the dwelling house will maintain the low-density residential character of the area and is in a similar styling to development already constructed or currently under construction within the locality. The proposed dwelling is considered to be in keeping with newer development throughout the surrounding area.

Consideration has been given to the natural features and character of the surrounding area of the site during the design selection process. The design of the dwelling incorporates interactive living and outdoor areas. The dwelling will not dominate the existing landscape character as the front setback will allow for suitable landscaping to ensure the dwelling is softened from the streetscape. The appearance of the dwelling is considered to be appropriate for the area and provides a high level of articulation to the front façade.

The overall design of the dwelling has given consideration to the site's environmental constraints, the amenity of neighbouring properties, views obtained from the site and the streetscape. A number of two storey dwelling existing within the streetscape with similar design features. As the proposed dwelling will be located with a large front setback, and suitable articulation, it is not anticipated that the dwelling will dominate the street.

The proposed dwelling is considered to be in keeping with the desired character of the Elanora Heights area.

SECTION B

B1 Heritage Controls

The subject property is not identified as an item of heritage significance nor within a conservation area.

B3 Hazard Controls

The subject property is not identified to be located within a bushfire prone area following reference to Council's Certified Pittwater LGA Bushfire Prone Land Map.

The subject property is identified as being affected by Class 5 Acid Sulphate Soils. The proposal is not considered to lower the water table, however, will require minor excavation. It is anticipated that any specific requirements in this regard will be imposed as conditions of development consent.

The subject site is not known to be located within a flood risk precinct area as per Councils Mapping.

B4 Controls Relating to the Natural Environment

The subject sites are not identified as being within an area of environmental significance.

B5 Wastewater management

Drainage from the site is to be directed to an approved system as per the hydraulic details. Rainwater tanks are to be provided with the proposal in accordance with the Basix requirements. Details are included on the accompanying plans.

B6 Access and Parking

The driveway access is considered to be suitably located and will not require the removal of any street trees. The driveway crossover is to be increased to 6m to allow for the provision of the three car garage. The wider driveway and provision of additional garage will ensure residents have suitable access to convenient and safe parking on-site and will not have any detrimental impact upon the wider streetscape or objectives of the controls.

B8 Site works management

Cut and fill within the site is required as noted on the accompanying plans. A cut of 2.453m is proposed due to the topography of the site. The site has a relatively level area from the existing building platform, however, there is a slope at the front and the rear that requires earthworks to sit the proposed dwelling. The cut will be appropriately retained and landscaped to ensure there is no detrimental impact caused by the increased cut.

Stepping the dwelling would have a detrimental impact upon the internal amenity of the dwelling, and would not have any apparent benefit. The cut lowers the dwelling and will therefore not pose any impact upon the adjoining properties by way of privacy or overshadowing. A suitable drainage system has been designed to ensure the proposed cut does not result in excess stormwater run-off into adjoining properties.

An erosion and sediment control plan are attached with this application for Council's consideration. All sedimentation control devices will be in place prior to any site works for the construction of the dwelling or removal of trees.

SECTION C Development type controls

C1 Design Criteria for Residential Development

Requirements	Provision	Requirement
<u>C1.1 Landscaping</u> 60% of front setback to be landscaped.	>60% of front setback is landscaped.	Yes

<p><u>C1.2 Safety & security</u></p> <p>Casual surveillance of front yard. Be able to view visitor at front door without opening it.</p>	<p>Habitable room windows and the entry feature on the front façade allows surveillance of entry approach and street.</p>	<p>Yes</p>
<p><u>C1.3 View sharing</u></p>	<p>The proposed dwelling is not anticipated to have any unreasonable impact on views of surrounding properties. Views obtained through the site can be maintained due to appropriate side setbacks.</p>	<p>Yes</p>
<p><u>C1.4 Solar access</u></p> <p>3hrs to POS of proposed and adjoining 9am-3pm.</p> <p>3hrs to 50% glazing of proposed and adjoining living area windows.</p>	<p>3hrs capable of being provided to subject site, appropriate setbacks ensure 3hrs of solar access to rear POS areas maintained to the adjoining properties.</p> <p>3hrs provided.</p>	<p>Yes</p> <p>Yes</p>
<p><u>C1.5 Visual privacy</u></p>	<p>No loss of visual privacy anticipated from the proposed developments. The first-floor sitting room windows are oriented to overlook the front setback, with the side elevation window being suitably setback and offset to avoid any intrusion. The rear balcony is suitably setback from adjoining properties to ensure privacy is maintained, the dimensions ensure the rear balcony will not be used for entertaining purposes. The balcony is likely to be a passive area and is therefore not considered to result in any detrimental impacts upon the adjoining properties privacy. The balconies at the front are suitably setback and orientated to overlook the front setback, ensuring minimal impact upon the privacy of adjoining properties. Ground floor living areas are appropriately setback and offset from</p>	<p>Yes</p>

	adjoining living and POS areas. Suitable setbacks will ensure the privacy of living and POS areas of the adjoining and subject site are maintained.	
<u>C1.6 Acoustic privacy</u>	No significant noise source within direct proximity.	Yes
<u>C1.7 Private open space</u> 80m ² POS Min dimension 3m Principal area 4m x 4m Accessed via living area. Max 75% POS in front yard	>80m ² Min >3.0m. Provided. POS accessed via family room. POS to the rear yard.	Yes Yes Yes Yes Yes
<u>C1.9 Accessibility</u>	Appropriate access to and from the site is available.	Yes
<u>C1.12 Waste and recycling facilities</u>	Adequate area available for bin storage in the side setback.	Yes
<u>C1.20 Undergrounding of utility services</u>	Necessary services/utilities can be provided for the dwelling.	Yes
<u>C1.23 Eaves</u> 450mm eaves required.	Min. 450mm eaves provided to upper level of dwelling.	Yes

SECTION D Locality specific development controls

D5 Elanora Heights Locality

D5.1 Character as viewed from a public place (Excluding Elanora Heights Village Centre)

Site and area analysis has revealed that numerous developments of a similar style and design to the subject proposal have occurred within the area gradually setting a contemporary development theme.

Design of the residence has entailed a streetscape appearance of a two storey dwelling that has been effectively characterised. Streetscape presence has been further reinforced through articulation of the façade and the provision of entry and porch features. The front façade does not contain any unarticulated component in excess of 8m.

Car parking is provided within the attached triple garage and whilst the garage is >7.5m, it extends for only 38.5% of the site width and 47.6% of the dwelling, ensuring the garage is not a dominant feature. The articulation and protruding balcony over the garage further ensures the dwelling is the prominent feature of the streetscape. The increased setback from the street ensures the garage is not a dominant feature of the front facade. Planting within the front setback ensures the dwelling is softened. The articulation and high quality design of the dwelling will ensure the visual bulk of the dwelling is minimized.

Based upon the design of the dwelling and the nature of the proposal relative to the neighbouring properties, it is considered that the residence will appropriately blend with the intended future character of Elanora Road.

The proposed dwelling will successfully contribute to the streetscape and landscape character of the locality.

D5.2 Scenic Protection - General

The proposed development is not considered to have any detrimental impact on the scenic character of the area. The dwellings are designed with contemporary design elements to compliment the changing character of the area.

D5.3 – 5.13 Elanora Heights Locality Residential Sectors

This section of the DCP applies to all land within the Elanora Heights Locality and provides controls for sector planning (subdivision and layout) and built form. An assessment of the proposed development against the built form controls of this section of the DCP is provided in the following compliance table;

Design Guidelines	Proposed	Compliance
<u>D5.3 / Building colours and materials</u> - Dark & Earth tones	Colour schedule provided with DA of earth tones.	For consideration by Council.

<u>D5.5 / Front Building line</u>		
Land zoned R2 or E4 adjoining Wakehurst Parkway – 10m	N/A	N/A
All other land zoned R2 or E4 – 6.5m or established building line, whichever is greater.	10m to façade, 7.9m to porch.	No*

*Front Setback – The proposed dwelling has a setback of 10m to the building line and 7.9m to the porch, which remains compliant with Councils minimum control of 6.5m. However, the greater setback in this case, is the established setback. Based on the neighbouring properties, the dwelling is required to be setback 16.786m, requiring a variation to Councils control.

It is understood this control is in place to ensure dwellings achieve the desired future character of the locality, preserve views and amenity, retain vegetation, enhance existing streetscape and promote a suitable scale of development, improve pedestrian amenity and ensure dwellings respond to the spatial characteristics of the area. In this instance, despite the reduced setback, the dwelling is able to achieve these objectives.

The high quality, articulated design of the dwelling ensures the bulk and scale of the dwelling is appropriate when viewed from the street. The dwelling will not have any excessive impact upon pedestrians as a result of the decreased setback due to the suitable design provided. Although the setback is reduced along this side of the street, the opposite side has a reduced setback with which the dwelling would remain compliant. This ensures the streetscape characteristics of the street is maintained.

The high quality design of the front façade ensures the dwelling will contribute positively to the streetscape and will enhance the character. The high quality design and articulation elements ensure the visual focus is the dwelling. The setback will still allow for suitable landscaping within the front setback to ensure the built form is softened and the landscape character is maintained. Vegetation within the street is largely to rear of sites, with two large trees to be retained within the rear, and landscaping to occur within the front setback.

The dwelling will continue to make a positive contribution to the streetscape and amenity of the neighbourhood. The amenity of adjoining properties is not reduced as a result of the front setback and the suitable side and rear setbacks proposed ensures the spatial separation within the street is maintained.

The setback is unlikely to create any detrimental impact to the overall streetscape or design of the dwelling as even with the decreased setback, the development is capable of meeting with the objectives of the control through providing a high quality visual design that is compatible with the streetscape, and will not have a detrimental impact to the amenity of neighbouring properties be that through maintaining solar access or visual privacy. Other

development within the streetscape appear to have similar setbacks which will ensure the proposed dwelling remains in keeping with street and surrounds.

The variation to the front setback is considered reasonable in this instance as the dwelling is still capable of providing a suitable design and the setback provided will ensure no impact on the privacy and amenity of adjoining properties. Therefore, it is requested that a variation to Councils control be supported within this instance.

<u>D5.6 / Side and rear building line</u> Land zoned R2 or E4: 2.5m to one side; 1.0m to other side. 6.5m to rear (except land in foreshore) Swimming pools – 1m setback to coping subject to limitations.	2.615m to southern boundary 2.05m to northern boundary 19.92m N/A	Yes Yes Yes N/A
<u>D5.7 / Building envelope</u> 4.2m above ngl on side boundaries, inward at 45° to max. height. (eaves permitted outside)	Dwelling entirely within the building envelope.	Yes
<u>D5.8 / Landscaped Area R2 Zone</u> 50% landscape.	N/A	N/A
<u>D5.9 / Landscaped Area (Environmentally Sensitive Lands)</u> <u>R2, R3 & E4 Zones</u> 60% landscape.	63.4%	Yes
<u>D5.11 Fences</u>	No fencing proposed.	N/A
<u>D5.13 / Retaining Walls</u> Retaining Walls visible from	Retaining walls capable of being	Capable of

street ideally of sandstone or similar materials.	suitably constructed.	complying.
Undercroft areas limited to 3.5m and provided with landscaping.	No undercroft area proposed.	N/A

* * *

Conclusion with respect to DCP Requirements

The proposed dwelling is considered to be appropriately designed and sited to achieve the objectives of the design provisions with Pittwater 21 DCP.

(b) Likely impacts of the development, including environmental impacts on both the natural and built environment of the locality.

The following matters are considered relevant when considering onsite impacts.

Siting and Design

The proposed two storey dwelling will be compatible in terms of height, bulk and scale with surrounding developments within the area.

The siting of the dwelling provides appropriate boundary setbacks, contributing to spatial separation and openness between the dwellings. The articulated design of the dwelling will limit the impact on the adjacent properties in terms of bulk, privacy and overshadowing and will not dominate any perceived views enjoyed by others.

The front façade is appropriately articulated and contains a variety of roof forms and elements and a central entry feature. In this way, the proposal provides a clear definition of the entry and provides varied shadow lines due to the different construction elements and finishes.

Sedimentation Control

Due to the topography of the site, excavation will be required for the construction of a level building platform, as shown on the development plans. All disturbed areas will be provided with sedimentation controls in the form of geofabric fencing and/or stacked hay bales. Soil erosion control measures can easily be provided in accordance with Council's policy with compliance required as a condition of consent.

Waste Minimisation

All waste will be deposited within the waste receptacle in accordance with the waste management plan attached to this application.

Noise and Vibration

All work will be undertaken during hours specified within the development consent. No vibration damage is envisaged occur during construction.

(c) The suitability of the site for the development

The subject site is within an existing residential area, within reasonable driving distance to local commercial, retail and transport facilities. The existing road network provides easy access to all locations.

The two storey dwelling, the subject of the application, can be constructed with all services necessary and has been designed to suit site constraints and the character of the surrounding residential setting.

The dwelling is permissible with development consent under the provisions of Pittwater LEP 2014, and generally satisfies the objectives of the relevant development control plans as discussed above.

(d) Any submissions made in accordance with this Act or the regulations

Council will consider any submissions received during the relevant notification period for this development application.

(e) Public interest

As this proposal can reasonably satisfy the objectives of all relevant planning instruments and development control plans, approval of the subject development is considered to be in the public interest.

CONCLUSION

The residential use of the site is permissible with development consent under the provisions of Pittwater LEP 2014 and can satisfy the objectives of the relevant development control plan.

It is considered that the construction of a new two storey dwelling will complement and blend with the existing, and likely future character of Elanora Heights. The proposal is not expected to have an adverse impact on the surrounding natural or built environment.



Jessica Dean
Town Planner – M.Urb.Mgt&Plan
Local Consultancy Services Pty Ltd
November 2020

APPENDIX A

Clause 4.6 – Exceptions to development standards

Clause 4.3 Height of Buildings

Clause 4.6 of Pittwater Local Environment Plan (LEP) 2014 is intended to provide an appropriate level of flexibility in applying development standards to development to achieve a better outcome in certain circumstances.

Subclause (2) states:

“Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.”

This allows a variation to be sought to development standards under Clause 4.6. In accordance with Subclauses (3), (4) and (5) the following written request seeks to:

- Justify contravention of the maximum building height development standard by demonstrating that compliance is unreasonable or unnecessary in the circumstances and that there are sufficient environmental planning grounds particular to the circumstances of the proposed development and the subject site to justify the contravention;
- Demonstrate that the proposed development will be in the public interest as it remains consistent with the objectives for development in the RU2 Rural Landscape zone as well as the objectives of the building height development standard;
- Demonstrate that the contravention of the building height development standard does not raise any matter of significance for State or regional environmental planning; and
- Consider the public benefit of maintaining the building height development standard.

NSW Land and Environment Case Law

In order to clarify the extent of the matters required to be addressed within a request for a variation under Clause 4.6, consideration has been given to the following case law:

Wehbe v Pittwater [2007] NSWLEC827

Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC90

Randwick City Council v Micaul Holdings Pty LTD [2016] NSWLEC7

Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSW LEC118

Review of these cases indicates that a request for a variation under the provisions of Clause 4.6 is more onerous than previously required under SEPP 1. The case of Randwick v Micaul indicates that Council, as the consent authority, maintains a high level of discretion with regard to the level of justification required in order to support a variation request.

The following request provides an assessment of the proposed variation to the maximum building height with respect to the test methodology and requirements outlined within the relevant Case Law and requirements of NSW Councils.

Introduction and Description of the development standard to be varied

The Environmental Planning Instrument that applies to the land is Pittwater Local Environmental Plan 2014 (PLEP 2014). The subject site is zoned RU2 Rural Landscape and a variation is sought to 'Clause 4.3 Height of buildings', specifically subclause (2) which states that the maximum height of a building is not to exceed the maximum height shown on the land as per the Height of Buildings map.

The maximum permitted building height as per the height of buildings map is 8.5m. The proposed dwelling provides a maximum height of 9.004m within the middle of the roof at the ridge above the walk in linen closet. Most of the roof is below the maximum 8.5m, with the ridgelines above the sitting room, bedroom 3, hallway and bedroom having a compliant overall height of less than 8.5m.

The maximum height proposed requires a variation of 504mm to the maximum height of buildings therefore results in a percentage variation of 5.9%. The exception to the development standard is requested as a result of the topography of the site.

What are the objectives of the development standard to be varied?

(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.

Compliance with the objectives of the development standard

The proposed maximum height of 8.642m for the section of the roof impacted does not impact upon the dwelling being able to achieve the objectives of the zone or the objectives of the development standard. The proposal is considered to have a positive impact on the streetscape character of the area and a positive result for the residents of the dwelling which will have access to additional living spaces for internal amenity.

The proposed design of the addition remains in keeping with the existing dwelling, the variation is the direct result of maintaining the existing roof line with the topography below this addition resulting in a variation. The addition and proposed variation to the overall height would not be highly noticeable from the streetscape and the impacts of shadows cast from the site would not be significantly reduced if compliance was enforced.

The dwelling continues to meet objectives of the building height controls as it is considered consistent with the site constraints and will not detract from the prevailing building height or desired future streetscape character of the area. The addition proposed is considered to be appropriate in terms of scale with the existing dwelling and surrounding development. The bulk and scale of the addition as viewed from the street and surrounding properties would be consistent with the dwellings within the area.

The overall height will not result in any detrimental visual impact when viewed from the street or adjoining property as the addition is provided to the rear of the existing dwelling and has minimal impact upon the streetscape or surrounding properties. The addition will not result in any detrimental visual impact as the variation is minimal and therefore from adjoining properties and the streetscape, the height would appear compliant.

Shadows cast from the proposed addition and variation to the height do not have any significant impact upon the adjoining properties. The shadows cast as a result of the first floor addition are considered reasonable within a residential area. The neighboring property will maintain solar access to 50% of the POS despite the proposed height of the dwelling. Therefore, no impact upon solar access of adjoining properties results from the request to vary the height.

There are no heritage items within the vicinity of the proposal that would be impacted upon by the height of the addition.

The proposed height of the addition maintains the provisions of the area, and it is anticipated that the addition will blend with existing and new development as that occurs.

The proposed addition and the resultant building height variation will not result in any adverse environmental impacts. The variation to the overall height is unlikely to have any significant impacts upon adjoining properties or the wider streetscape.

Compliance with the objectives of the zone

The objectives of the R2 Zone are:

- 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.

The proposed addition to the existing dwelling will not have any detrimental impact upon surrounding dwellings or the streetscape.

The dwelling has been designed to retain a high level of amenity for adjoining residents and the streetscape, and the high quality design will ensure the dwelling enhances the streetscape. Residents will still be able to carry out a range of activities, without affecting adjoining properties.

The design of the addition will ensure a high degree of internal and external amenity to suit the needs of the residents.

As the dwelling remains able to meet the requirements for low density residential living without any detrimental impact on the amenity of the surrounding sites, the development is found to achieve the objectives of the R2 Low Density Residential Zone.

Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

The requested variation to the maximum building height provision is considered to be a reasonable and appropriate design outcome for the following reasons:

- The development standard objectives and zone objectives are able to be maintained despite contravention to the numerical requirement.
- The proposed addition responds to the constraints on the site and the addition does not extend beyond the existing built parameters to avoid any adverse impacts upon adjoining properties or the environment.
- The increase in height will not have an excessive impact upon the streetscape or adjoining properties and is considered to result in an appropriate outcome for the residents needs.
- The addition is well designed and will remain consistent with the existing and future character of Collingridge Way.
- As mentioned above, the building height variation is largely the result of maintaining the height provided to the existing dwelling. The addition maintains the objectives of the control and development standard and will have minimal impact upon the adjoining properties or the streetscape.

Sufficient environmental planning grounds that are particular to the circumstances of the proposed development

There are sufficient environmental planning grounds in these circumstances to justify contravening the building height development standard. The development is not considered to be overdevelopment of the site and sufficient grounds for the variation are provided below:

- The additions proposed are able to maintain the objectives of the R2 Low Density Residential Zone, as well as the objectives of development standards Clause 4.3 Height of buildings
- The bulk and scale of the addition is consistent with surrounding dwellings and the larger streetscape.
- The high quality design, with suitable materials and finishes ensures the dwelling remains well articulated and will further ensure the variation to the height of the dwelling will not result in any adverse environmental impacts to the adjoining properties or public domain.
- The proposal is a well considered, high quality design solution that sensitively responds to the site context and character and scale of the surrounding built form to ensure the privacy, view sharing and solar access of the subject site and surrounding properties is maintained.

Does the development remain within the public interest?

There is overall public benefit in maintaining the development standards, however, there is also benefit to providing flexibility in specific circumstances. Strict compliance with the development standards would waive the opportunity to provide a superior design outcome that is in keeping with the height, scale and character of the surrounding built form.

Council approves development applications which depart from the building height development standard with larger percentage variations than that of the proposed, subject to satisfactory environmental performance. On balance, the proposed variation to the building height development standard is considered to be an appropriate use of the provisions of Clause 4.6.

Conclusion

The contravention of the development standard in this case will not raise any issues of State or regional planning significance as it relates to local and contextual site conditions. The proposed works will provide for the housing needs of the residents by improving the functionality and amenity of the existing dwelling while retaining the low density character of the built form which will in turn assist in meeting local housing demand.

Variations under the provisions of Clause 4.6 are understood to be permitted in circumstances where the non-compliant development is found to be able to meet with the objectives of the zone, but does not expressly need to result in a better outcome than a compliant proposal. In this case, the proposed height of the addition is considered to meet with the objectives of the zone and would result in a better outcome than the roof that exists and would therefore have a better overall outcome.

Numerical provisions such as building height are considered to be in force as a guide to achieve the objectives of the control. In this instance the objectives of the building height control are achieved through the proposed siting of the dwelling, despite the increase in building height. The variation is not anticipated to result in any detrimental impact to surrounding properties and despite the minor variation is largely compliant with Councils controls.

It is requested that Council consider this variation due to the minimal impact upon the surrounding properties and the public places. The proposed height will not have any detrimental impact beyond that of the existing dwelling or a compliant proposal.