

# Stephen Crosby & Assoc. Pty Ltd

12th December 2018

The General Manager  
Northern Beaches Council  
1 Park St.  
MONA VALE NSW 2103

Dear Sir/Madam,

**RE: DA for No.9 MINKARA ROAD,  
BAYVIEW Lot 40 DP 28908  
For J. Dick**

## Exceptions to development standard LEP 2014 Clause 4.6

Concurrent with the above Development Application we submit this letter addressing the provisions of Pittwater Council **LEP 2014**, specifically **cl. 4.3– Height of buildings** regarding development that exceeds the maximum height on Council's Heights of Buildings Map under the provisions of **LEP 2014 cl.4.6 Exceptions to development standards**.

This document shall demonstrate compliance with the outcomes of **LEP control 4.3 Height of buildings** with regard to the proposed family dwelling.

The proposed development has a roof ridge at 147.35m AHD along its southern wing, 7.1m above natural ground at the western end up to 9.25m at its stepped down eastern end. This ridge point is 50m from the neighbouring property boundary to the south and 54m from the street alignment.

The building height limit for this site is 8.5m above natural ground level on the Height of Buildings Map. This means the roof structure exceeds the height limit by up to 0.75m at its eastern end. The highest wall height above natural ground is 9.1m in the same location, exceeding the height limit by 0.6m.

Due to the large distances between the building and neighbouring properties, and Minkara Road, the additional height shall cause no overshadowing problems or loss of view issues.

A large portion of the site shall be left in its natural woodland state where canopy trees exceeding the height of the building will ensure the dwelling doesn't dominate the landscape.

### **LEP 2014 Section 4.3 Height of buildings – assessment:**

#### **(1) Objectives:**

- (a) The proposed dwelling is entirely consistent in form and height with similar dwellings on large sloping sites in the Pittwater area.
- (b) Due to the size of this, and neighbouring properties, buildings are seen as isolated entities, when visible at all.

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(c) Due to the large boundary setbacks for the dwelling there are no overshadowing issues affecting neighbouring properties as a result of the proposal.

(d) No residences overlook this site and views from neighbouring properties are unaffected as a result of the proposal.

(e) The building sits comfortably on the existing terrain, stepping down the hillside.

(f) There are no heritage items affected by the proposal.

(2D) (a) That portion of the south facade above the 8.5m height limit is 3m<sup>2</sup> (75% eaves), being 1.2% of the total 248m<sup>2</sup> south elevation.

(b) The objectives of the clause are met as outlined above.

**Pittwater LEP 2014 cl. 4.6 Exceptions to development standards** sets out the parameters for varying a development standard such as cl. 4.3 Height of buildings described above. Compliance with the relevant provisions of cl 4.6 is achieved as follows:

- (1) (a) It is appropriate to allow the small increase in wall height in this instance.  
(b) Consistency in building form as a whole is better achieved by allowing this small height increase.
- (2) Development consent may be granted for this development.
- (3) (a) As demonstrated above compliance with the development standard cl.4.3 is unreasonable and unnecessary in this case, and,  
(b) there are sufficient environmental planning grounds to justify contravening the development standard in this instance.
- (4) (a) (i) the proposed non-compliance with the development standard is modest in scale and typical of current roof forms.  
(ii) the architectural merit of the proposed development will be in the public interest.
- (5) The minor contravention in the height control is not of State significance.
- (6) The development doesn't involve sub-division.
- (8) A BASIX Certificate shall be lodged the Development Application

This development application demonstrates compliance with the outcomes of LEP control **4.3 Height of buildings** with regard to the proposed dwelling.

The applicant looks forward to Council's concurrence with the merits of the arguments put forward here, and using its discretion under LEP 2014 cl. 4.6 Exceptions to development standards sets aside the requirements under cl. 4.3 Height of buildings where they might impact the proposal.

Yours sincerely,



**STEPHEN CROSBY** for the applicant