

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2018/1275
<b>Responsible Officer:</b>	Rebecca Englund
<b>Land to be developed (Address):</b>	Lot 16 DP 31294, 11 Crane Lodge Place PALM BEACH NSW 2108
<b>Proposed Development:</b>	Alterations and Additions to a dwelling house
<b>Zoning:</b>	E4 Environmental Living
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Marcus James Ryan Jaime Lee Farrell
<b>Applicant:</b>	Blue Sky Building Designs Pty Ltd
<b>Application lodged:</b>	30/07/2018
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Alterations and additions
<b>Notified:</b>	03/08/2018 to 21/08/2018
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	2
<b>Recommendation:</b>	Refusal
<b>Estimated Cost of Works:</b>	\$ 582,790.00

### ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;

- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

## SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - 4.3 Height of buildings  
 Pittwater 21 Development Control Plan - A4.12 Palm Beach Locality  
 Pittwater 21 Development Control Plan - C1.3 View Sharing  
 Pittwater 21 Development Control Plan - C1.4 Solar Access  
 Pittwater 21 Development Control Plan - D12.1 Character as viewed from a public place  
 Pittwater 21 Development Control Plan - D12.8 Building envelope  
 Pittwater 21 Development Control Plan - D12.12 Fences - Flora and Fauna Conservation Areas

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 16 DP 31294 , 11 Crane Lodge Place PALM BEACH NSW 2108
<b>Detailed Site Description:</b>	The site is legally described as Lot 16 in Deposited Plan 31294, and is commonly known as 11 Crane Lodge Place, Palm Beach. The site is a battle-axe handle allotment, with a total area of 1427.8m <sup>2</sup> . The site is accessed by a shared driveway which extends from the cul-de-sac of Crane Lodge Place, that is partially located within the battle-axe handle of the subject site and those of adjoining sites. The site is burdened by a right of carriageway, which extends along the entire battle-axe handle and the southern boundary of the site. An existing 3 storey dwelling and swimming pool is sited immediately adjacent to the driveway and right of carriageway, and the northern portion of the site is generally free of development. The site experiences a considerable slope and features a number of significant canopy trees and rock outcrops.

Map:



## SITE HISTORY

On 30 July 2018, the development application was lodged with Council.

On 23 October 2018, the applicant was requested to withdraw the subject application due to concerns relating to:

- impacts upon existing rock outcrops
- building envelope non-compliance
- lack of information, including building height calculations
- non-conforming building colours
- works in the right of way and access during construction

On 31 October 2018, the applicant submitted additional information (without the prior approval of Council).

On 1 November 2018, the applicant and assessing officer discussed the presentation of amended information. The assessing officer advised that the additional information presented would not be accepted, as the information was not requested and did not address the concerns raised.

On 7 November 2018, the applicant presented further additional information and advised that they would not be withdrawing the DA or making any further amendments.

## PROPOSED DEVELOPMENT IN DETAIL

The application seeks consent for alterations and additions to the existing dwelling.

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters can be addressed via a condition of consent.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter can be addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter can be addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter can be addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that

Section 4.15 Matters for Consideration'	Comments
	would justify the refusal of the application in the public interest.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition process council is in receipt of 2 submission/s from:

Name:	Address:
Mr Franck Papin	12 Crane Lodge Place PALM BEACH NSW 2108
Mr Wayne John Sheather	13 Crane Lodge Place PALM BEACH NSW 2108

The submission received from Mr Sheather is in support of the proposed development.

The submission received from Mr Papin is in objection to the proposed development, and the concerns raised in the submission are considered as follows:

- **Request for dilapidation report**

Comment: The plans provided at lodgement proposed significant excavation and removal of rock, however the extent of earthworks has been considerably reduced in the amended plans subsequently provided to Council. The revised proposal is not considered to warrant the production of a dilapidation report.

- **Overshadowing**

Comment: Concern has been raised with regard to additional overshadowing arising from the proposed development. As discussed with regard to clauses C1.4 (Solar Access) and D12.8 (Building Envelope) of P21 DCP, the applicant has not satisfactorily demonstrated that the proposal will not result in unreasonable overshadowing impacts during mid-winter.

- **Removal of trees**

Comment: The submission received from Mr Papin suggests that trees nominated as 'exempt trees' in the arborist report are not listed in Council's Exempt Species List. The three trees in question are *Syagrus romansoffiana* and *Archontophoenix alexandere*, being two different species of palms. Council's Exempt Species List nominates that all palms, excluding Cabbage Tree Palms, are exempt species.

- **Works in the ROW & Access along ROW**

Comment: Concern has been raised in the objection received in regards to works proposed in the Right of Carriageway ("ROW") and potential impacts upon access along the ROW during construction. If the development was to be approved, conditions of consent could be included to prevent any new works within the ROW and to require consistency with a Construction Methodology Plan designed to maintain access along the ROW during construction.

- **Setback of pool and associated fence**

Comment: Concern has been raised with regard to potential impacts to the existing boundary fence. The application does not propose to demolish the fence, and any works or impacts to the fence would be a civil matter under the Dividing Fences Act.

- **Sediment control**

Comment: The submission received in objection to the development raises concerns with regard to sediment and erosion. Should the application be approved, conditions of consent could be included to require the installation and maintenance of appropriate sediment barriers during construction.

- **Spatial separation, overlooking & view loss**

Comment: Concern has been raised in relation to the proximity of the proposed additions to the adjoining dwelling at 12 Crane Lodge Place, and associated potential for overlooking. As discussed with regard to clauses C1.3 (View Sharing) and D12.8 (Building Envelope) of P21 DCP, the proximity of the proposed additions is considered to result in unreasonable impacts upon the amenity of the adjoining property, and the proposal is not supported in this regard. However, it is noted that the concerns regarding visual privacy were addressed in the amended plans by virtue of the inclusion of privacy screens.

- **Building height**

Comment: Objection has been raised with regard to the height of the proposal. Whilst the assessing officer does not agree with the building height calculation nominated in the submission, the non-compliant building height is considered to warrant refusal of the subject application.

## MEDIATION

No requests for mediation have been made in relation to this application.

## REFERRALS

Internal Referral Body	Comments
Landscape Officer	The landscape component of the proposal is acceptable subject to completion of landscaping and protection of existing trees and vegetation.

Internal Referral Body	Comments
	<p>Council's Landscape section has assessed the proposal against the following Pittwater 21 DCP 2014 Controls:</p> <p>B4.22 Preservation of Trees and Bushland Vegetation</p> <p>C1.1 Landscaping</p>
NECC (Bushland and Biodiversity)	<p>Council's Bushland and Biodiversity section considers the Development Application to be consistent with the following Pittwater 21 DCP 2014 Controls:</p> <p>B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community</p> <p>Outcomes: Conservation of intact Pittwater Spotted Gum Forest EEC. Regeneration and/or restoration of fragmented and / or degraded Pittwater Spotted Gum Forest EEC. Reinstatement of Pittwater Spotted Gum Forest to link remnants. Long-term viability of locally native flora and fauna and their habitats through conservation, enhancement and/or creation of habitats and wildlife corridors.</p>
NECC (Development Engineering)	<p>Comments for Development Engineers:</p> <ol style="list-style-type: none"> <li>1. The site is located within Geotechnical Hazard H1 Area, An "Acceptable Risk Management Level" is achieved in accordance with the geotechnical report is provided by White Geotechnical Group, dated 25 May 2018.</li> <li>2. No flood risk.</li> <li>3. An additional hard stand parking space is provided by excavating the sandstone rock.</li> <li>4 No OSD tank required since the impervious area increase is less than 50 square meters.</li> </ol> <p>No objection to approval, subject to conditions as recommended.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<p>The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.</p>

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

## State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

### SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55.

### SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application. A condition can be included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

### Pittwater Local Environmental Plan 2014

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

### Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	10.1m	18.8%	No

### Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	No
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

### Detailed Assessment

### 4.3 Height of buildings

The application seeks consent to add new forward projecting covered balconies and to extend the existing third floor roof. These new structures appear to exceed the 8.5m building height development standard, however this was not entirely evident as the plans presented did not include a building height plane or any height measurements. This was raised in the withdrawal request sent to the applicant during the assessment process.

The applicant provided amended plans (which still fail to demonstrate the building height plane or any building height calculations) and an amended statement prepared by a town planner, stating that *'the height of the proposed new structures is 7 metres from natural ground level'*. Upon review, it is apparent that the new enclosed roof on the upper/third floor will have a building height of approximately 10.1m, and the roof over the second floor will have a building height of approximately 8.8m above existing ground level.

Without a request to vary the 8.5m building height made in accordance with the provisions of clause 4.6 of PLEP 2014, Council cannot approve a development that is in contravention of the maximum building height development standard. The application is recommended for refusal in this regard.

### Pittwater 21 Development Control Plan

#### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	>66m (battle-axe handle)	-	Yes
Rear building line	6.5m	31m	-	Yes
Side building line	2.5m	2.5m	-	Yes
	1m	Nil (pool) & 1.2m (dwelling)	100%	No
Building envelope	3.5m (west)	Outside envelope	1.5m	No
	3.5m (east)	Outside envelope	3.9m	No
Landscaped area	60%	72.5%	-	Yes

#### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.12 Palm Beach Locality	No	No
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community	Yes	Yes
B5.1 Water Management Plan	Yes	Yes
B5.4 Stormwater Harvesting	Yes	Yes
B5.7 Stormwater Management - On-Site Stormwater Detention	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.6 Construction and Demolition - Traffic Management Plan	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	No	No
C1.4 Solar Access	No	No
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.23 Eaves	Yes	Yes
D12.1 Character as viewed from a public place	No	No
D12.3 Building colours and materials	Yes	Yes
D12.5 Front building line	Yes	Yes
D12.6 Side and rear building line	Yes	Yes
D12.8 Building envelope	No	No
D12.10 Landscaped Area - Environmentally Sensitive Land	Yes	Yes
D12.12 Fences - Flora and Fauna Conservation Areas	No	Yes
D12.13 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes
D12.14 Scenic Protection Category One Areas	No	No

#### Detailed Assessment

#### **A4.12 Palm Beach Locality**

The application seeks consent to increase the height, bulk and scale of the dwelling to a point where it is inconsistent with the building height development standard prescribed by PLEP 2014 and building envelope prescribed by P21 DCP, such that it cannot be said that the bulk and scale of the development has been appropriately minimised. Furthermore, the non-conforming elements add to the visual appearance of the three storey structure, without any enhancement of landscaping to ensure that the visual impact of the development is secondary to landscaping. Overall, it cannot be said that the proposal achieves consistency with the desired future character of the locality.

#### **C1.3 View Sharing**

The adjoining property at 12 Crane Lodge Place currently enjoys views of the Pittwater Waterway towards the south-west, over the common side boundary. The views are obtained from windows associated with the primary living room on the western side elevation of the dwelling, over the swimming pool at the subject site. Furthermore, views are available at the rear of the property, in the primary area of open space, which will ultimately be the new kitchen of the dwelling, subject to development consent N0453/17 (currently under construction). As discussed with regard to clause D12.8 of P21 DCP, the application proposes to extend an elevated deck to within 1.2m -1.5m (plans are inconsistent) from the side boundary, at a height of approximately 8.7m above existing ground level, protruding well beyond the building envelope prescribed. The application has not demonstrated the likely impacts of the structure upon these views currently enjoyed, and as such, the application has not demonstrated that view sharing has been achieved.

#### **C1.4 Solar Access**

The application was supported by shadow diagrams that demonstrate that the proposed development will result in additional overshadowing of the roof of the adjoining property at 3pm in midwinter. However, of particular concern is the potential additional impact to windows on the western side elevation between midday and 3pm, as these windows are associated with the primary living areas of the dwelling.

Despite specific request, the application was not supported by elevational solar access diagrams demonstrating the impact on these windows at hourly intervals between midday and 3pm. As such, it cannot be demonstrated that these windows will retain current levels of direct solar access and consistency with the requirements and outcomes of this control cannot be determined.

#### **D12.1 Character as viewed from a public place**

#### **and D12.14 Scenic Protection Category One Areas**

Concern is raised with regard to the scale of the proposal and the lack of landscaping proposed forward of the non-compliant built form. The dwelling is located in an elevated position that is visible from a wide catchment, and as no vegetation is provided to the west of the dwelling, the site becomes entirely reliant upon landscaping down slope to screen and soften the built form. However, given the increased height, width and prominence of the site, down slope landscaping is not considered to ensure that the development will be secondary to landscaping, resulting in inconsistency with the requirements and outcomes of this clause.

#### **D12.8 Building envelope**

The existing development protrudes beyond the prescribed envelope, and proposed development will significantly increase these areas of existing non-compliance to a point where the outcomes of the control will not be achieved, as follows:

- *To achieve the desired future character of the Locality.*

Comment: The proposed development seeks to increase the 3 storey presentation of the existing dwelling, and widen the presentation of the middle level of the dwelling to a point where it cannot be said that the bulk and scale of the development has been minimised. Whilst the built form has been stepped up the slope of the site, the proposed development does not blend with surrounding vegetation and is not considered to appropriately reflect the desired future character of the locality.

- *To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.*

Comment: The proposed development is not overly visible as seen from Crane Lodge Place. Despite a proposed height non-compliance, the proposal will be seen as sitting below the height of canopy trees, particularly given the elevated nature of canopy trees to be retained at the rear of the subject site.

- *To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.*

Comment: The proposed development has been amended to retain existing significant vegetation and rock outcrops at the subject site.

- *The bulk and scale of the built form is minimised.*

Comment: The proposed development seeks to considerably enlarge the width of the dwelling and intensify the scale of the upper levels, increasing the bulk and scale of the proposal as seen from down slope, the common shared driveway and adjoining properties. Whilst the additional area on the middle floor is largely associated with a covered balcony, the openness and transparency of this structure is eroded by the privacy screens proposed along the entire eastern boundary, which are required to reduce the impact of overlooking of the adjoining property. Particular concern is raised with regard to the south-eastern corner of the front, first level balcony, where the elevated structure extends more than a whole storey above the prescribed building envelope, and removes an existing vegetated buffer between the adjoining dwellings.

- *Equitable preservation of views and vistas to and/or from public/private places.*

Comment: The application has not demonstrated that equitable views and vistas will be retained, with concern that the proposed non-compliant element will impact upon existing views of the Pittwater Waterway as seen from 12 Crane Lodge Place.

- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to neighbouring properties.*

Comment: The application has not demonstrated that a reasonable level of solar access will be retained.

- *Vegetation is retained and enhanced to visually reduce the built form.*

Comment: The proposal does not enhance vegetation on the site to actively reduce the visual impact of the proposal.

## **D12.12 Fences - Flora and Fauna Conservation Areas**

The application proposes a privacy screen immediately adjacent to the swimming pool, along the common boundary. The privacy screen is to reach a maximum height of 2.5m above the FFL of the deck around the swimming pool, with a total height of approximately 4m above the existing ground level on the adjoining property. The proposed screen exceeds the 1.8m maximum fence height permitted under the provisions of this control, exceeds the existing fence/screen at the site and results in

technical non-compliance with the building envelope prescribed by clause D12.8 of P21 DCP. If approved, it is recommended that this screen be reduced in height to be no more than 1.8m in height above the FFL of the deck around the swimming pool.

## **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

The proposal will not significantly effect threatened species, populations or ecological communities, or their habitats.

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

## **CONCLUSION**

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, in this regard the application is not considered to be acceptable and is recommended for refusal.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Inconsistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Inconsistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Inconsistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development does not satisfy the appropriate controls and that all processes and assessments have been satisfactorily addressed.

## **RECOMMENDATION**

THAT Council, as the consent authority REFUSE Development Consent to Development Application No DA2018/1275 for the Alterations and Additions to a dwelling house on land at Lot 16 DP 31294,11 Crane Lodge Place, PALM BEACH, for the reasons outlined as follows:

1. The height of the proposed works exceed 8.5m above existing ground level, resulting in inconsistency with the maximum building height development standard prescribed by clause 4.3 (Height of buildings) of PLEP 2014. The maximum building height development standard cannot be varied without the submission and consideration of a variation request under the provisions

of clause 4.6 of PLEP 2014. The subject application has not addressed the proposed building height non-compliance and a submission requesting a variation to the building height development standard has not been provided.

2. The proposed development extends well beyond the building envelope prescribed by clause D12.8 (Building Envelope) of P21 DCP, and any variations associated with the slope of the site are not considered to be warranted, as consistency with the outcomes of the control is not achieved. In particular, the application has not demonstrated that the resultant development will be consistent with the desired future character of the Palm Beach locality or that the bulk and scale of the proposal has been minimised. Furthermore, it is unclear as to whether the non-compliant elements of the proposal will result in any unreasonable impacts upon the amenity of adjoining properties, particularly with regard to solar access and view sharing.

In signing this report, I declare that I do not have a Conflict of Interest.

**Signed**



**Rebecca Englund, Principal Planner**

The application is determined on //, under the delegated authority of:



**Matthew Edmonds, Manager Development Assessments**