



~ DESIGN & CONSTRUCTION OF INDUSTRIAL / COMMERCIAL BUILDINGS ~

# Clause 4.6 - Exception to Development Standard Clause 4.3 Height of Building

For

## Proposed Toyota Showroom

61 Darley Street,  
Mona Vale

**Owners Name:** AMG Headquarters Six Pty Ltd

**Applicant Name:** Williams River Steel

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**Address of Land to be developed:** 61 Darley Street, Mona Vale

**Site Area:** 1032m<sup>2</sup>

**Local Authority:** Northern Beaches Council

**Status:** D.A Submission

**Zoning:** Zone E4 -General Industrial



Aerial Map

## Proposal

The proposed works include the total demolition of the existing sales office & associated external paving, site preparation, and the construction of the proposed new Toyota Showroom.

## Introduction

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This is a written request to seek an exception to a development standard under Clause 4.6 – Exceptions to Development Standards of the Pittwater Local Environmental Plan 2014 permitting variation to the Height of Building Clause 4.3 of (PLEP).

Clause 4.3 provides the following objectives;

- (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.*

## Proposed Development

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The proposed works include the construction of a three (3) store Toyota Showroom. The lower / basement level will be accessed via the vehicle access ramp and contains Eighteen (18) parking spaces. The ground floor level will be accessed by motor vehicle via the vehicle delivery bay & the vehicle lift while pedestrian access will be provided via the main entry on the Darley street & Pittwater road frontages which will accommodate wheelchair bound customers via the disabled complaint facilities.

The upper level will be accessed by motor vehicles via the vehicle lift while pedestrian access will be via the central staircase & passenger lift. Housed on the upper floor will be offices, staff lunch room & amenities, a dedicated training / boardroom, customer lounge & vehicle display.

New landscaping is proposed to the frontage of the lot with all redundant vehicle crossovers to be replaced and made good. The proposed development will make provision for undercover parking for all customers and staff vehicles.

Clause 4.3 of the Pittwater Local Environmental Plan 2014 requires development on this site to have a maximum Building Height of 8.5m.

The proposal does not comply with Clause 4.3 as such an exception to the standard is requested.

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## **What is the name of the environmental Planning Instrument that applies to the Land**

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The Pittwater Local Environmental Plan 2014 (PLEP 2014).

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## **What is the Zoning of the Land?**

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The zoning of the Land is Zone E4 -General Industrial.

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## **What Are the Objectives of the Zone?**

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The objectives of the Zone E4 -General Industrial are;

*Objectives of Zone;*

- To promote businesses along main roads and to encourage a mix of compatible uses.*
- To provide a range of employment uses (including business, office, retail and light industrial uses).*
- To maintain the economic strength of centres by limiting retailing activity.*
- To provide for residential uses, but only as part of a mixed use development.*

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## **What is the Development Standard being varied**

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The development standard being varied is the Height of Building development standard.

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## **Under what clause is the Development Standard listed in the environmental Planning Instrument**

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The development standard is listed under Clause 4.3 of the PLEP 2014.

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## **What are the objectives of the development standard**

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The objectives of Clause 4.3 are;

*(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,*

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*(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.*

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## **What is the Numeric Value of the Development Standard in the Environmental Planning Instrument**

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The numeric value of the development standard is 8.5m .

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## **What is the proposed numeric value of the development standard in your development application**

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The numeric value proposed presents is 9.18m

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## **What is the percentage variation (between your proposal and the Environmental Planning instrument).**

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The percentage variation is 7.7%

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## **How is strict compliance with the development standard unreasonable or unnecessary in this particular case?**

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In the circumstances of this case, the provision of strict numerical compliance would be unreasonable due to the following:

- The proposal has been designed to optimise showroom access for pedestrian & vehicles utilising existing natural ground levels.
- The site has a restriction for access limiting the driveway access to be only in the location proposed.
- The development has been designed to maintain compliant disabled access from the footpath in Barrenjoey road & vehicle access off Darley street as required.
- The proposal has already adopted a cut of 4m from natural ground level in the southern corner of the site.
- The development provides a range of employment opportunities & will strengthen the existing motor dealer precinct.
- The immediately adjacent building to the south west (Amber Tiles) present a similar & or larger proportion to that proposed.
- The proposal will result in a building form that compliments the existing & likely future built environment in terms of bulk and scale.
- The floor to floor height and building form is dictated by the necessity to comply with global corporate image documentation.
- The sites position coupled with the adjacent and surrounding developments confirm the minor increase to height would not manifest itself visually, cause privacy or overshadowing issues.
- The non compliance only accrues on the very northern corner of the site where the site slopes steeply away to the boundary.
- Pittwater council does not adopt clause 5.6 Architectural roof features in line with the standard instrument, if clause 5.6 applied the proposal would comply 100% with the LEP requirements

Given the circumstances of the case, the provision of a strict numerical compliance would be unreasonable on the basis that the proposed development achieves compliance with the objectives of the zoning of the area & is consistent with the existing built environment.

### **How would strict compliance hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the act?**

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Clause 5 (a)(i) & (ii) of the Environmental Planning and Assessment Act specifies the objects of the act as follows:

*(a) to encourage:*

*(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*

*(ii) the promotion and co-ordination of the orderly and economic use and development of land.*

Compliance with the standard would hinder the attainment of the objects of section 5(a)(i) and (ii) of the act which are, as outlined above to encourage development that promotes the social and economic welfare of the community, with the development to provide business growth and potential employment opportunities to the area.

The development will be compatible in bulk and scale with the existing buildings that surround the property and will not result in any significant adverse impact to neighbours in terms of privacy, views, noise or visual impact.

The proposed development promotes the orderly and economic use and development of land, by providing maximum exposure for the type of development to the Barrenjoey road frontage.

### **Is the development a performance based control? Give Details**

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The Building Height development standard is a performance based control as the control contains objectives which compliance with the standard is targeted to achieve.

### **Conclusion**

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The proposed development presents a height of 9.18m which is above the maximum 8.5m limit outlined in Clause 4.3 of Pittwater LEP but will enhance the architectural appearance of the site & its locality.

The proposal will enhance the economic strength & provide employment for the area, In the context of the sites locality, this development will not contribute to any adverse impacts by ways of overshadowing or privacy.

We request that council support the minor variation to the development standard and grant approval for the proposed development.

If you require any further information please don't hesitate to contact our office to discuss.