

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

16th December 2019

Dear Sir,

**RE: DA for No.121 FLORENCE TCE,  
SCOTLAND ISLAND Lot 158 DP 12749  
For S. & C. Towers**

## **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 new boat shed to supplement the existing water access only family dwelling.

The proposed development is to raise the floor level of the replacement boat shed to protect the structure from rising sea levels. The finished floor level of the boat shed is nominated at 1.85m AHD and the ridge is 5.45m AHD. From the LEP Heights of buildings map the maximum height of the boat shed is to be no more than 4.0m above astronomical height tide (1.17m AHD), giving a total of 5.17m AHD. The proposed boat shed exceeds this height by 0.28m or 7%.

The location of the boat shed is in accordance with Pittwater Council's DCP P21 Section D15.15 Waterfront Development, Clause c) Boat sheds part i. "Boat sheds shall be located above the MHWL on freehold land, **where practicable**." The form of the land makes it impracticable to locate the boat shed on freehold land.

The height of the boat shed is entirely in accordance with Pittwater Council's DCP P21 Section D15.15 Waterfront Development, Clause c) Boat sheds part ii. "Boat sheds shall be no greater than 4.5m in building height above the platform on which it is built..." In regard to height limits the DCP makes no distinction as to the location of the boat shed.

The nominated Highest Astronomical Tide (HAT) of 1.17m AHD has been in the Council's LEP documents unchanged for over 30 years. As such it takes no account of sea level rise, or the Council's more recent (Cardno 2015) report into sea levels in Pittwater. This Cardno report puts a sea level rise of 0.42m at 2078 (relative to 2010), giving a tide level of 1.59m AHD, with the 1 in 100 year ARI still water level at 1.94m AHD.

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

(1) Objectives:

- (a) The proposed boat shed floor level is entirely consistent in form and height with the guidelines for boat sheds as set down in PDGP21 D15.15, with the ridge level similar to many of these structures built over that last 20 years in Pittwater.
- (b) Many of the boat sheds on Scotland Is. and in Elvina and Lovett Bays, are similar or higher than the proposed boat shed.
- (c) There are no overshadowing issues affecting neighbouring properties as a result of the proposal.
- (d) Views from neighbouring properties are unaffected as a result of the proposal.
- (e) The building sits lightly on the existing terrain.
- (f) There are no heritage items affected by the proposal, and the building will have a similar visual impact on the existing environment being entirely consistent with waterfront boat sheds in this area of Pittwater.

**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:

- (3)
  - (a) as demonstrated above compliance with the development standard cl.4.3 is unreasonable or 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 modification to the existing development is modest in scale and typical of boat sheds for water access only properties in Pittwater.
  - (ii) the proposed raising of the boat shed will not affect public access along the waterfront.

This development application demonstrates compliance with the outcomes of LEP control **4.3 Height of buildings** with regard to the proposed boat shed to supplement the existing water access only 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

