

# STATEMENT OF ENVIRONMENTAL EFFECTS



Applicant:  
Clarendon Homes  
21 Solent Circuit  
NORWEST NSW 2153

Site Address:  
Lot 80 Sec B DP 11784  
12 Ingleside Road  
INGLESIDE NSW 2101

Construction of a new two storey dwelling.

## INTRODUCTION

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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 four (4) bedrooms, upper leisure and sitting rooms, guest, home theatre, dining, games, family and meals rooms along with an attached garage and outdoor alfresco area.

The site is generally rectangular in shape, with a large, angled primary frontage to Ingleside Road and a total land area of 3053m<sup>2</sup>. The site currently contains a dwelling and associated structures which are to be removed under a separate application to Council, with some trees requiring removal in order to site the proposed dwelling.

The site has a moderate fall to the rear, with drainage to be directed an easement via a rainwater tank and OSD 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 Ingleside Road.

## ENVIRONMENTAL EFFECTS

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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

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### (1) Matters for Consideration – general:

#### (a)(i) Relevant environmental planning instruments

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#### 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 RU2 Rural Landscape 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 RU2 Zone are as follows:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

The proposed development is for a low-density residential development, being compatible with the existing and future landscape character of the locality. The large setbacks ensure the rural landscape character is appropriately maintained and will minimise conflict between land uses. The dwelling is designed to provide a high level of amenity for adjoining residents whilst considering the natural constraints of the site. The proposed dwelling is considered to meet the relevant objectives of the RU2 zone.

#### Clause 4.3 Height of Buildings

Requirement	Provision	Compliance
8.5m ridge height.	9.004m	No – Please refer to Clause 4.6

#### Clause 4.6 Exceptions to Development Standards

The proposed development contravenes Clause 4.3 Height of Buildings. As such, a variation is sought under Clause 4.6. Please refer to Appendix A.

#### 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 been identified as bushfire prone land. Please refer to the attached bushfire report.

#### 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.

#### Clause 7.6 Biodiversity

The subject site has been identified as environmentally sensitive land with regard to biodiversity. It is not anticipated that the development will detrimentally impact upon the ecological value and significance of the fauna and flora on the land as the development does not require the removal of any trees towards the rear of the site which provides for connectivity. The dense network of trees adjoining the site to the rear would provide more connectivity and undisturbed habitat for species. It is not anticipated that the development will detrimentally impact upon the ecological value and significance of the fauna and flora on the land as the development proposes minimal tree removal largely around the footprint areas of the dwelling.

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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

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

## (a)(iii) Relevant development control plans

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### Pittwater 21 Development Control Plan

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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

#### A4.6 Locality character statement – Ingleside Locality

##### Context (extract)

Ingleside remained an isolated small farming settlement until the 1850s. By 1886, land speculation had resulted in the subdivision of land into rural allotments ranging in size from 20 to 640 acres (8 to 259 hectares). In 1923, land in Ingleside was further subdivided and designated for residential development under the Ingleside Heights Plan, with allotments ranging in size from 0.2 to 8 acres (0.08 to 3.2 hectares), although some smaller allotments may exist. This area is now known as the blue-hatched area. In 1951, subdivision of land was restricted to a minimum allotment size of 2 hectares (4.9 acres). In 1991, land at Ingleside was included on the State Government Urban Development Program, although due to environmental and infrastructure difficulties, the land has not yet been rezoned for urban purposes.

The rural residential and bushland character of the locality has remained to the present day. The locality is characterised mainly by dwellings, agricultural, horticultural and like land uses on 2 hectare allotments, although allotments up to 13 hectares are evident. Smaller allotments characterise the blue-hatched area, generally north of Powderworks Road and south of Lane Cove Road. The locality is not fully serviced by sewerage or water main, or sealed roads.

The locality does not contain any retail centres. The locality contains several schools, a youth centre, Ingleside Scout Camp, Bahai House of Worship, Minkara Retirement Village, and Rural Fire Service, and recreational facilities including the Monash Golf Course and several reserves.

The ruins of the Powder Works, Ingleside House, and vegetation in the vicinity of Manor Road and Mona Vale Road, indicative of the early entrepreneurial and farming history of Ingleside, have been identified as heritage items. The Bahai House of Worship on Mona Vale Road has also been identified.

The locality is characterised by an elevated and undulating plateau. Due to the topography, significant and panoramic views can be obtained to the east. Conversely, the slopes and ridge tops of the locality are visually prominent.

There are extensive stands of natural and secondary regrowth bushland containing flora and fauna habitats, particularly along the ridgelines and creeklines, which have high conservation and visual value. However large areas have been cleared for development.

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

The major roads within the locality are Mona Vale Road, Powderworks Road, Lane Cove Road, and Walter Road. Mona Vale Road is a major link with land to the west. Few, if any, 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. Minimal tree removal is required over the building footprint, with mature trees at the rear to remain and additional planting 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 Ingleside. 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 Ingleside locality will remain a low-density area consisting of rural residential, agricultural, horticultural and other permissible development on large lots in a natural landscaped setting, integrated with the landform and landscape. The high visual significance of the escarpment will be maintained, and development limited on this land. Development will also be limited in the "blue-hatched Area" due to a lack of infrastructure and small lot sizes. 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. Currently, few of these services exist, and development for anything other than a dwelling house will need to ensure that these services can be provided to the site. Care will need to be taken with future developments to ensure that outbuildings and ancillary recreational structures do not dominate the natural landscape and bushland setting.



Future development will maintain a building height limit below the tree canopy and minimise bulk and scale. Single storey buildings will be preferred where the site has little opportunity for canopy trees or is visually prominent. Existing and new native vegetation, including canopy trees, will be integrated with the development. Development shall maintain generous spatial separation of the built form and low site coverage on large lots. 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 will be designed to be safe from hazards.

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. Fencing where provided, shall enable the native fauna to pass through yet contain livestock animals where needed.

Heritage items and conservation areas indicative of the Guringai Aboriginal people, of early settlement, entrepreneurial and farming history in the locality, and the Baha'i House of Worship, 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 rural 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. Single storey designs are preferred, however, the two storey is more appropriate for the shape of the lot, being longer rather than wider. 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 Ingleside 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 identified to be located within a bushfire prone area following reference to Council's Certified Pittwater LGA Bushfire Prone Land Map. Please refer to the accompanying Bushfire Report.

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.

### B8 Site works management

Cut and fill within the site is required as noted on the accompanying plans. Cut of approximately 0.7m is required and fill contained within a drop edge beam with a height of 0.874H is required. The stepped design provided for the dwelling is considered reasonable and minuses the excavation and fill required to the site. 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
<p><u>C1.1 Landscaping</u></p> <p>60% of front setback to be landscaped.</p>	<p>&gt;60% of front setback is landscaped.</p>	<p>Yes</p>
<p><u>C1.2 Safety &amp; 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 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 and the upper leisure room windows are orientated to overlook the rear setback and are provided so to ensure privacy between adjoining properties is maintained. The rear balcony is suitably setback from adjoining properties to ensure privacy is maintained. The</p>	<p>Yes</p>

	<p>balcony is provided to take advantage of the northern solar access, however, is not likely to be highly trafficable as it would be a secondary entertaining space, with adequate space on the ground floor provided. 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.</p> <p>Minimal overlooking and privacy intrusion are anticipated from the leisure room. Ground floor living areas are appropriately setback and offset from adjoining living and POS areas. Suitable setbacks will ensure the privacy of living and POS areas of the adjoining and subject site are maintained.</p>	
<u>C1.6 Acoustic privacy</u>	No significant noise source within direct proximity.	Yes
<u>C1.7 Private open space</u>  80m <sup>2</sup> POS Min dimension 3m Principal area 4m x 4m Accessed via living area.  Max 75% POS in front yard	>80m <sup>2</sup> Min >3.0m. Provided. POS accessed via open games, meals and family rooms.  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

C1.23 Eaves 450mm eaves required.	Min. 450mm eaves provided to upper level of dwelling.	Yes
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## SECTION D Locality specific development controls

### D6 Ingleside Locality

An assessment of the proposed development against the built form controls of this section of the DCP is provided in the following compliance tables provided for each allotment;

Design Guidelines	Proposed	Compliance
<u>D6.1 Character as viewed from a public space</u>		
Buildings to incorporate design elements that are compatible with other designs in the locality.	Site and area analysis have 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.	Yes
Articulation to be provided to walls facing the street that have a length of >8m.	The front façade does not contain any unarticulated component in excess of 8m.	Yes
Front façade to include two of the design features listed in the DCP.	Entry feature and portico provided along with recessing and projecting architectural elements.	Yes
Bulk and scale to be minimised.	The appropriate setbacks and articulation provided to the dwelling ensures the bulk and scale of the dwelling is appropriately minimised.	Yes
Garages to have a maximum width of 7.5m or 50% of the lot frontage, whichever is the lesser.	Triple garage provided, 9.58m and <50% of the lot frontage.	No*
Landscaping to be integrated with the building design to screen visual impact of the built form.	Additional planting within the front and side setbacks are capable of being provided to ensure the dwelling is softened and does not dominate the street.	Yes

\*Garage Width – The dwelling in this instance proposes a triple garage to accommodate the vehicles of the residents. In this case, the proposed triple garage results in a non-compliance with Council's maximum garage width controls. The proposed garage in this case is 9.58m wide, and as the lesser value in this case is 7.5m, a variation of 2.58m is required to accommodate the third garage.

The garage is 50.5% of the dwelling width and less than 50% of the lot width. The articulation of the front façade, with the protruding porch feature and parapet designs around the garage ensure the garage is not a dominant feature of the dwelling. The triple garage is not considered excessive on the site given the large frontage and has been appropriately integrated in the design of the dwelling. The single garage has been stepped back to reduce its visual bulk which, along with the articulation provided, ensures the garage doesn't appear as a dominant feature of the façade. The triple garage proposed is to meet with the needs of the future residents and provide them with safe, sufficient parking without detracting from the streetscape character of the area.

The triple garage in this instance has a large setback from the street, following the landscape works which will occur on the site following construction, the garage is unlikely to be highly noticeable from the street.

The garage is considered to be in context to the overall scale of the dwelling which provides adequate design features within the front façade to ensure the garage is not the dominant feature. The proposed garage is considered a suitable outcome for this site and will not compromise the objectives of this control despite the non-compliance. As there is not considered to be any impact beyond that of a compliant proposal, it is considered reasonable for the variation to be supported in this instance.

<u>D6.3 Building colours and materials</u> - Dark & Earth tones	Colour schedule provided with DA of earth tones.	For Council's Consideration.
<u>D6.5 Front Building line</u> Land zoned RU2 'blue hatched' – 15m	20m to building line.	Yes
<u>D6.6 Side and rear building line</u> Land zoned RU2 'blue hatched' adjoining land other than a road or reserve –  2.5m one side, 1m other  6.5m to rear	4m to one side, 2.109m to other.   >6.5m to rear.	Yes   Yes

<u>D6.7 Building envelope</u> 3.5m above ngl on side boundaries, inward at 45° to max. height. (eaves permitted outside)	Minor encroachment of gutters and eaves project beyond the building envelope, as per DCP, these are considered acceptable projections.	Yes
<u>D6.9 Landscaped Area – Blue hatched area</u> <2ha: 96% minus 300sqm	Required: 2630qm Provided: 2570sqm	Yes
<u>D6.10 Fences</u>	No fencing proposed as part of this proposal.	N/A
<u>D6.12 Construction, retaining walls, terracing and undercroft areas</u> Retaining Walls visible from street ideally of sandstone or similar materials.  Undercroft areas limited to 3.5m and provided with landscaping.	Retaining walls capable of being suitably constructed.  No undercroft area proposed.	Capable of complying.  N/A

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#### 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.

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The following matters are considered relevant when considering onsite impacts.

**Siting and Design**

The proposed developments 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

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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 Ingleside. 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  
June 2020



## APPENDIX A

### Clause 4.6 – Exceptions to development standards

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#### Clause 4.3 Height of Buildings

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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.