

## **Clause 4.6 Exception to development standards- Building Height**

### **Alteration and Additions 62 Riviera Ave Avalon**

This statement constitutes a request for a variation to a development standard, in accordance with Clause 4.6 of Pittwater Council Local Environmental Plan 2014 for Pittwater Council.

The objectives of Clause 4.6 are as follows:

- a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

In accordance with this, the Development Application is to be supported by a written application that compliance with that development standard is unreasonable or unnecessary in the circumstances of this proposal. This application should be read in conjunction with the accompanying Development Application drawings and Statement of Environmental effects as prepared by Duktig Design.

### **1.0 Zoning of the land**

The subject site is zoned E4 Living

### **2.0 Objectives of the Zone**

The objectives of the zone are as follows:

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To provide for residential development of a low density and scale integrated with the landform and landscape.
- To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.

### **3.0 Standard to be varied**

The standard to be varied is Part 4, Clause 4.3 of LEP2014, which sets the maximum building height for a building as shown on the building height Map. The maximum building height for 62 Riviera Ave located in E4 Living is 8.5 metres.

This standard applies to new and works to existing building.

#### **4.0 Objectives Pertaining to standard to be varied.**

The objectives that relate to the building height standard can be found in Pittwater Local Environmental Plan LEP 2014.

The objectives of this clause are as follows:

- to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,
- to ensure that buildings are compatible with the height and scale of surrounding and nearby development,
- to minimise any overshadowing of neighbouring properties,
- to allow for the reasonable sharing of views,
- to encourage buildings that are designed to respond sensitively to the natural topography,
- to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.

#### **5.0 Extent of non conformity to the standard**

The proposal generally complies with this standard. However, the following elements require Council to approve variations to the standard.

##### **Building Height**

There is a minor breach of this standard to a small portion of upper floor addition juliet balcony master bedroom and associated eave overhang.

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

Compliance would necessitate an inflexible application of the development standard in circumstances where the development otherwise satisfies the objectives of the standard.

The non-compliance is a direct result of relocating the proposed upper floor addition forward of the initial proposed compliant location to minimize view loss and preserve view corridors to adjacent residences.

Compliance would result in reduced protection of the glazing that is situated within the building height and would result in an undesirable planning outcome

involving inadequate protection from driving rain and excessive solar protection.

Compliance would not result in a better outcome as the proposal is consistent with the surrounding development which is characterized by buildings of a similar height bulk and scale to that which is proposed.

Compliance would result in further significant impact to adjacent properties in terms of loss of views, privacy or overshadowing. reducing views from adjacent residence.

## **7.0 Compliance with the Objectives Pertaining to Standard to be varied**

The primary consideration for varying a development standard in accordance with Clause 4.6 is whether the objectives or intent of the Development Standard are achieved despite this non-compliance with the numerical standard.

The proposed alterations and additions comply with the relevant Objectives of Clause 4.3 of the Pittwater Council L.E.P. 2014 as demonstrated below:

### **a) Bulk and Scale**

The proposed alterations and additions are consistent with the height and scale of the surrounding buildings and provide a contextually sympathetic contribution to the streetscape. The visual bulk has been minimised by the proposals conformity to the natural landform/ topography further reinforced by the siting of the design consistent and sensitively to adjacent residences. The design consciously sets out to preserve a minimal footprint on the site, subsequently preserving and reinstating generous native landscaping to the frontage resulting in a heavily landscaped screened residence. Furthermore the building has been designed so that it results in a well- modulated and articulated built form with a proposed FSR that is significantly less than that permitted on the site.

### **b) Retention of Shared Views**

The proposed works have been designed to preserve generous side setbacks particularly to the west with minimal pitched roofs to maintain shared views from neighbouring dwellings and minimise overshadowing. The proposed upper extension has been carefully located forward on existing footprint and consolidated to one side to ensure the property maintains public and private view corridors and view sharing.

### **b) High Quality Streetscape Addition**

The proposed addition has been architecturally designed in a contemporary fashion that is consistent with the existing and future desired character of the locality. Materials and external finishes have been selected to be contextually

sympathetic and the height and roof form is compatible with existing buildings consistently present in The Riviera Ave streetscape.

### **c) Solar Amenity**

The proposed works have been located to ensure that there is minimal overshadowing resulting from the proposal as any overshadowing falls for the most on the subject properties roof space or within the existing shadow cast by the existing residence. Subsequently solar access to existing dwellings, public reserves and streets be maintained.

### **d) Retention of Privacy to surrounding properties.**

The proposed windows of the works have been orientated primarily to the front and rear to maintain existing privacy of subject and adjacent properties. Privacy screens have been incorporated to further protect privacy to and from adjacent residences.

## **8.0 Conclusion**

It is submitted that a variation to Pittwater Council LEP 2014 is warranted for this project. The non-conformity does not impact adjacent properties and complies with the standards objectives while providing better utilization of the existing property for the changing demands of the occupant.

As demonstrated above, strict compliance with this standard is “unreasonable” to this Development Application.

We therefore request in light of the above information and the considered design that the variation to Clause 4.3 (Height of buildings) be granted in accordance with Clause 4.6 (Exceptions to development standards) in the Pittwater Council’s LEP for the proposed development in relation to proposed building height.