



Exceptions to Development Standards

1. Section 4.6 Pittwater LEP, 2014

The proposed Inclinator is intended to be constructed partially below the Foreshore Building Line as mapped on Pittwater Council's Foreshore Building Line Map. Construction of an Inclinator below the Foreshore Building Line (FBL) requires lodgement of an 'Exception to Development Standards' as outlined in Section 7.8, PLEP, 2014, 'Limited Development on Foreshore Area'.

Pursuant to clauses (1), (3) and (4) of Section 4.6 PLEP, 2014, the applicant seeks flexibility in the application of the development standards & consent to the construction of the Inclinator in the zone of the Foreshore Building Line as detailed in the following section.

2 Section 7.8 Pittwater LEP, 2014

Inclinator is not listed in clause (2) (a) as a use that can be consented to in the foreshore area.

However, the following aspects of the 'Inclinator' proposal demonstrate that the installation will not contravene the objectives of the development standard or the zone.

The 'Inclinator';

- * will not require the removal of trees for its construction,
- * is not set in a 'natural environment',
- * will not impede the passage of wildlife,
- * will not impede access along the waterfront of the land as the structure will be situated wholly within private land.
- * will be situated within the Mean High Water Mark boundary of the subject land above the existing paved and reclaimed land.
- * There will be an adequate buffer zone to ensure no negative impacts on foreshore vegetation, scenic quality of the waterway or aquatic species.
- * will not require excessive excavation for its construction,
- * rail will predominantly sit as close as possible to the terraced ground levels of the land. Hence, there will be no significant impact on the visual qualities of the land as viewed from the waterway,

- * be screened by existing structures and vegetation on the subject and adjoining lands,
- * be painted to blend in with the natural landscape,
- * be wholly located on private land,
- * not emit any waste products in its continued operation.

3. Why Compliance with the Standard is Unnecessary

As demonstrated above the installation of the 'Inclinators' will not contravene any of the objectives of the zone or locality pursuant to Council's 'PLEP, 2014' or 'DCP 21'.

'Inclinators' provide property owners, visitors and any person having impaired mobility with access between their dwelling and the waterfront boundary. The Inclinators also provide improved access within a private property for maintenance purposes.

They also assist with access to enable maintenance of waterfront structures and the cleaning up of any water borne debris that may litter the foreshore from other sources.

Approval in this instance will not cause a precedent for future approvals as the Inclinators do not require any vegetation removal or significant ground disturbance and will not be highly visible from adjoining properties or the waterway of Pittwater.