

Clause 4.6 Application to Vary a Development Standard

The proposal requires an alteration to the height of buildings standard, under Pittwater LEP 2014 Principal Development Standards Clause 4.3 Height of Buildings. An exemption to the development standard as is allowed by Clause 4.6 of Pittwater LEP 2014.

The site is zoned E4 Environmental Living.

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.

The proposed development seeks an exception to Clause 4.3 - Height of Buildings of the Pittwater LEP 2014.

Relevant Development Standard

Clause 4.3 of Pittwater LEP 2014 sets a maximum Building height as shown on the building height map (HOB_17). The site is identified as having a maximum building height of 8.5m.

Extent of Variation to Development Standard

The proposed development has a glazed lift structure and open walkway with a ceiling height of 10.57m and an overall height of 10.87m. The additional height of 2.37m at the highest point is a 28% variation to the development standard.

Reason for the Variation

The height variation has arisen due to the steep slope of the lot and safe access required between the road, proposed carport and existing dwelling lower down the slope.

Why compliance with the development standard is unreasonable or unnecessary in this circumstance.

Compliance with the 8.5m maximum height of buildings requirement is considered unreasonable given the conditions of this site, for the following reasons.

The lift and walkway being at a lower level to the carport roof are obscured from the western street view by the proposed carport. Additionally, due to the small footprint of the lift shaft, views across the site will be impacted minimally.

Objectives of the development standard (cl. 4.3 Pittwater LEP 2014)

The proposal is consistent with the objectives of the development standard as follows:

(a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,

Comment: Given the sloping natural topography of the site, the proposal is consistent with the character of the Pittwater locality and neighbouring waterfront properties. The proposed carport roof is lower set than adjacent solid clad parking structures.

(b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,

Comment: The carport location and elevation is similar to the neighbouring lots. The proposed carport will be lower building scale in response to the site topography, along with the minimal impact by a compact footprint of the Lift and ramp design.

(c) to minimise any overshadowing of neighbouring properties,

Comment: Due to the topography of the sloping site and existing vegetation within and adjoining the site overshadowing will be minimal, the small footprint of the walkway and lift in addition to the proposed open nature of its construction will create minimal shadowing to the Lots to the south.

(d) to allow for the reasonable sharing of views,

Comment: Given the proposed open design of the carport and walkway, minimal impact will be imposed on views across the site. Neighbouring buildings are similar in height and the proposal will not take away from their primary views towards the water.

The proposed carport at 14 Prince Alfred will be 685mm lower set than the adjacent solid clad garage structure at 12 Prince Alfred Parade.

The proposal at 14 Prince Alfred Parade allows for greater view sharing than the neighbouring structures.

(e) to encourage buildings that are designed to respond sensitively to the natural topography,

Comment: As the carport and storage under are set into the slope of the lot, nested into an existing excavation, the proposal responds to the site's natural topography. Additionally, the open walkway and lift provide safe access to the existing dwelling on site.

(f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.

Comment: Building over existing structures on site and utilising open construction methods, for the elevated ramp and lift, the visual impact on the natural environment will be impacted minimally as discussed in point (d).

The lot is not specified as being in a heritage conservation area and no heritage items are present.

LEP

<https://www.legislation.nsw.gov.au/view/html/inforce/current/epi-2014-0320>

DCP

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Pages/Plan/Book.aspx?exhibit=PDGP&hid=11913>