

DCP Variation Request

Clause 3.1.3.1e & c **Front setback to Hawkesbury River &
Side boundary setback**

Clause 3.1.2.1 **Building height**

Clause 3.1.4.3 **Private open space**

**Lot 60 LITTLE WOBBY, HAWKESBURY RIVER
Lot 60 DP 7842**

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Prepared By: Stephen Crosby & Associates Pty. Ltd.
PO Box 204, Church Point, NSW 2105

For: Ian Thew

Introduction

Concurrent with the above Development Application we submit this letter addressing the provisions of Gosford **DCP 2013**, specifically **cl. 3.1.3.1e– Setbacks** regarding development that encroaches on the front setback to the Hawkesbury River under the provisions of **DCP 2013**.

We shall also address **cl. 3.1.2.1- Building Height** regarding the proposed ridge height that exceeds the maximum height in the DCP, and **cl.3.1.4.3 Private Open Space** where the site doesn't allow for 24m² of natural ground at a slope less than 1:50.

This document shall demonstrate compliance with the outcomes of **DCP controls 3.1.3.1e, 3.1.2.1 and 3.1.4.3** with regard to the proposed water access only family dwelling.

This variation request demonstrates that compliance with the foreshore setback, building height and private open space standards are unreasonable and unnecessary in the circumstances of this case, and there are sufficient environmental planning grounds to justify contravention of the standards.

This variation request demonstrates that the proposed development:

- Satisfies the objectives for the nominated development standards,
- Satisfies the objectives of the Scenic Quality and Character of Little Wobby,
- Is consistent with applicable state and regional planning policies,
- Provides for a better planning outcome,
- Has sufficient environmental planning grounds to permit the variation, and
- Is in the public interest.

The DA may be approved with the variations as proposed in accordance with the flexibility allowed under the Gosford LEP 2014 and DCP 2013.

VARIATION TO CLAUSE 3.1.3.1e & c SETBACKS

The proposed dwelling has been sited close to the front building line, the Mean High Water Mark to the Hawkesbury River. This is in keeping with the majority of existing dwellings at Little Wobby, a small waterside community of a single level of dwellings sitting on the banks of the Hawkesbury River. Access to the community is by water only with a number of jetties and boat sheds dotted along the riverbank.

By positioning the proposed dwelling as close to the MHWM as is practical the maximum distance to the bushfire hazard, the National Park to the east is achieved. The site is zoned bushfire prone land, refer the Bushfire Hazard report submitted with the development application.

This siting maximises the inner and outer asset protection areas to the east reducing the fire

hazard to the dwelling and the occupants.

The screening of the dwelling offered by the mangroves and Casuarinas along the riverbank shall allow the dwelling to site unobtrusively in its bush setting.

The southern facade of the proposed dwelling is 8.4m high at the western, waterfront, corner and 5.2m above natural ground level at the eastern corner. The average height of the southern facade is 6.8m above natural ground level, and the boundary setback is 1.55m. The width of the site is 15.2m.

Under DCP Cl.3.1.3.1c the side boundary setback requirement is 0.9m, plus one quarter of 6.8m - 4.5m or 0.575m, which totals 1.475m. This is less than the 1.55m setback proposed. The portion of the facade that exceeds the height limit for this setback of 7.1m is the western 38% of the wall. This section of wall is over 8m from the neighbouring dwelling to the south.

The dwelling is located in this part of the site to maximise the clearance from the boundary to the north, to maximise the asset protection zone to the bushfire risk threat to the north. The neighbouring dwelling to the south is well separated with a group of water tanks between it and the boundary. Mid-winter Shadow Diagrams submitted with the development application show the part of the dwelling encroaching on the theoretical setback has no impact on neighbouring dwelling. Shadows generally fall on the water tanks of the dwelling to the south of the subject site.

VARIATION TO CLAUSE 3.1.2.1 BUILDING HEIGHT

The proposed dwelling models the character of the "Hillside Localities Light weight structure" in Cl 2.1.11.7 with post and beam framing and skillion roof to efficiently collect roof water, as there is no water supply to Little Wobby. There are covered decks to the river front facade. The dwelling generally complies with the 8.5m height limit along both neighbouring property boundaries, with only small eaves and awning overhangs exceeding the height limit.

The part of the dwelling where walls, and roof, exceed the 8.5m height limit is in the middle of the site, 12m from the neighbouring dwellings. To Change the roof form by removing that part of the roof exceeding the height limit would reduce the catchment of rainwater the dwelling occupants depend upon.

Mid-winter Shadow Diagrams show the part of the dwelling exceeding the height limit has no impact on neighbouring dwellings. Shadows generally fall on the water tanks of the dwelling to the south of the subject site. The west facing orientation of the site makes large eaves on the western elevation a design benefit in terms of sun protection from excessive solar heat gain.

The finished upper floor level of the proposed dwelling is nominated at 8.60m AHD and the maximum ridge is 12.20m AHD. The existing natural ground level under the highest ridge point is 2.60m AHD, giving a ridge height 9.60m above natural ground level. From the LEP Heights of buildings map the maximum height of the dwelling should be no more than 8.5m above natural ground. The proposed dwelling ridge exceeds this height by 1.10m.

The area of roof exceeding the 8.5m height limit amounts to 9.87sqm, with the floor area, including external walls, amounting to 4.81sqm. The edge of the roof exceeding the 8.5m height limit is 5.8m from the northern neighbouring side boundary, and 4.6m from the southern side boundary.

Of the roof that exceeds the 8.50m height limit 50% is made up of a west facing eaves projection to shade the bedroom from the afternoon sun. The internal area where the roof exceeds the 8.5m height limit amounts to 2.8sqm of bedroom floor space.

The Architectural form and details in 2.1.11.7 describe light weight structures with light weight cladding, as is the case with this proposal, along with pitched roofs and shady eaves. The west facing orientation of the site makes large eaves on the western elevation a design benefit in terms of sun protection from excessive solar heat gain.

The site has no reticulated water supply so all water must be collected from the roof and stored in tanks on the site. A simple roof design with a fall to one gutter makes for a more efficient water collection system, to operate and maintain. With this proposal the collecting roofs are in one plane falling to one gutter to the rear of the dwelling. The low 7deg. roof pitch makes it safer to walk on for cleaning of tree and leaf debris on this woodland site. Falling the roof contrary to the ground slope allows the gutter to be lower to the ground and closer to the water tanks behind the dwelling.

LEP Clause 5.6 Architectural roof features allows for decorative roof features to exceed the building height limit provided the feature does not allow for the creation of additional floor area, such as a loft, create overshadowing or be used as an advertising feature. These issues are not the case with this application. The simple skillion roof design is a classic feature of this simple post and beam light weight dwelling perched on the hillside.

VARIATION TO CLAUSE 3.1.4.3 PRIVATE OPEN SPACE

The site has a width of 15.2m requiring a private open space area of 24sqm, with a minimum width of 3m and a gradient of less than 1:50.

The site rises from the mean high water mark at a grade of 1:3 where the proposed dwelling is to be sited, increasing to a grade of 1:2 up the remainder of the site to the rear boundary with the National Park. This renders the site impractical for 24sqm of landscaped natural open space at a grade less than 1:50. The proposal does include waterfront decks on the two levels, the lower off the living areas of 21.9m², with a width of 3.0m, and the upper decks off the bedrooms totalling 17.5m². This provides 39.4sqm of level outdoor recreation space.

COMPLIANCE WITH THE DEVELOPMENT STANDARDS ARE UNREASONABLE OR UNNECESSARY

The objectives of the three DCP standards are achieved notwithstanding non-compliances with

standards. The objectives of the standards are:

- (a) to ensure that any building, by virtue of its height and scale, and location on the site is consistent with the desired character of the little Wobby locality,
- (b) to ensure that buildings are compatible with 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.

The proposal respects all these objectives despite some technical non-compliance with the nominated DCP standards.

CONCLUSION

The assessment above demonstrates that compliance with the maximum building height development standard in Clauses 3.1.2.1 of the Gosford DCP 2014, Clause 3.1.3.1c & e dealing with setbacks, and Clause 3.1.4.3 dealing with private open space, are unreasonable and unnecessary in the circumstances of this case and that the justification is well founded. It is considered that the variations allow an orderly and economic use and development of the land, and that the structure is of good design that will reasonably protect and improve the amenity of the surrounding built environment.

STEPHEN CROSBY