

Clause 4.6 – Request to vary a development standard

Under **Clause 4.6** of the Manly DCP 2013 we propose to justify the variation to part 4.1.4 Setbacks (front, side and rear) and Building Separation`

- **Name of environmental planning instrument -**
Manly Council DCP 2013
- **Zoning of land** -
E4 Environmental Living
- **Objectives of the Zone** -
 - *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
 - *To ensure the residential development does not have an adverse effect on those values.*
 - *To protect tree canopies and ensure the new development does not dominate the natural scenic qualities of the foreshore.*
 - *To ensure that development does not negatively impact on nearby foreshores, significant geological features and bushland, including loss of natural vegetation.*
 - *To encourage revegetation and rehabilitation of the immediate foreshore, where appropriate, and minimise the impact of hard surfaces and associated pollutants in stormwater runoff on the ecological characteristics of the locality, including water quality.*
 - *To ensure that the height and bulk of any proposed buildings or structures have regard to existing vegetation, topography and surrounding land uses.*

Objectives of Setbacks (front, side and rear) and Building Separation

Objective 1) To maintain and enhance the existing streetscape including the desired spatial proportions of the street, the street edge and the landscape character of the street.

Objective 2) To ensure and enhance local amenity by:
providing privacy;
providing equitable access to light, sunshine and air movement; and

facilitating view sharing and maintaining adequate space between buildings to limit impacts on views and vistas from private and public spaces.
defining and adding character to the streetscape including the provision of adequate space between buildings to create a rhythm or pattern of spaces; and
Facilitating safe and adequate traffic conditions including levels of visibility around corner lots at the street intersection.
See also objectives at paragraph 3.4 Amenity.

Objective 3) To promote flexibility in the siting of buildings.

Objective 4) To enhance and maintain natural features by:
accommodating planting, including deep soil zones, vegetation consolidated across sites, native vegetation and native trees;
ensuring the nature of development does not unduly detract from the context of the site and particularly in relation to the nature of any adjoining Open Space lands and National Parks; and
ensuring the provisions of State Environmental Planning Policy No 19 - Urban Bushland are satisfied.

Objective 5) To assist in appropriate bush fire asset protection zones

- **Development standard to be varied** -
Part 4.1.4 Setbacks (front, side and rear) and Building Separation`
- **Development standard Clause** -
Manly Council DCP 2013 - Part 4.1.4.1 & 2 - Setbacks (front, side and rear) and Building Separation`
- **Numerical value of the development standard in the environmental planning instrument** -
Varies
- **Proposed numerical value of the development standard in the Development Application** -
Built to boundary
- **Percentage variation between proposed and the environmental planning instrument** -
Varies

Subclause 3 - Justification of the contravention of the development standard is sought by demonstrating:

- **Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case**

The existing studio has been constructed on the northern boundary of the subject property and southern boundary of 79a Lauderdale Avenue. It sits above existing garages, on an existing terrace both built to the boundary.

The studio is built up against an existing brick wall (with timber slat infills that sits around 3m above the ground floor level (courtyard) of 79a Lauderdale Avenue. The studio roof ridge sits approximately 3.3m above the same courtyard.

The studio rear wall has been shown on approved DA plans REV 2020/0006 for 79a Lauderdale Avenue and has no impact on that proposal.

Given 79b Lauderdale has minimal street presence (or front boundary facing the street), the existing studio's location can be justified as it has;

- Minimal impact on neighbouring properties
- Sits marginally higher than the 3m height restriction of walls built to boundaries
- Infilled an existing pergola structure of similar height and built to the boundary
- Cannot be seen from properties to the east or west and cannot see into any neighbouring properties.

• **There are sufficient environmental planning grounds to justify contravening the development standard** -

The existing studio is of a domestic bulk and scale, compliments the dual occupancy dwellings and local built environment. It has been built in accordance with building code requirements and is structurally sound.

The existing studio has negligible impact on neighbouring properties or public domain, including;

- No overshadowing
- No visual line of site into neighbouring properties from the studio
- Minimal difference to existing northern boundary brick wall and fencing
- No loss of view to the foreshore or public domain

The existing studio improves the privacy of the terrace (for users) from neighbouring properties directly overlooking the terrace (79a and 77 Lauderdale Avenue).

The existing studio has no impact on any existing vegetation/ trees and greatly improves the view down onto the terrace from neighbouring properties.

The studio is not a separate dwelling and is currently a part of the level 1 apartment area. It will form part of the strata area of the of level 1 apartment.

Subclause 4 - The existing studio addresses subclause (3) as set out above. The existing studio is in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which it sits. It is considered to meet the objectives on the basis that:

- The existing studio has negligible impact on neighbouring properties or public domain through view loss, overshadowing, privacy or loss of amenity
- While it sits on the property's northern boundary, the existing studio is mostly behind an existing brick wall of similar height.
- The scale of the existing studio is of a domestic nature and complimentary to the streetscape and does not obscure any important land features or vegetation.
- The existing studio compliments the design and finish of the dual occupancy dwellings