

Clause 4.6 – Request to vary a development standard

Clause 4.6 – to vary the **Minimum Side Boundary Setback** development standard.

Under **Clause 4.6** of the Manly DCP 2013 we propose to justify the variation to the **Minimum Side Boundary Setback** development standard.

- **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 'Side Setbacks & Secondary Street frontages' development Standard** -
 - a) *Setbacks between any part of a building and the side boundary must not be less than one third of the height of the adjacent external wall of the proposed building*
 - b) *Projections into the side setback may be accepted for unenclosed balconies, roof eaves, sun-hoods, and the like, if it can demonstrate there will be no adverse impact on adjoining properties including loss of privacy from a deck or balcony.*
 - c) *All new windows from habitable dwellings of dwellings that face the side boundary are to be setback at least 3m from side boundaries;*
 - d) *For secondary street frontages of corner allotments, the side boundary setback control will apply unless a prevailing building line exists. In such cases the prevailing setback of the neighbouring properties must be used. Architecturally the building must address both streets.*
 - e) *Side setbacks must provide sufficient access to the side of properties to allow for property maintenance, planting of vegetation and sufficient separation from neighbouring properties*
 - f) *In relation to the setback at the street corner of a corner allotment the setback must consider the need to facilitate any improved traffic conditions including adequate and safe levels of visibility at the street intersection. In this regard Council may consider the need for building works including front fence to be setback at this corner of the site to provide for an unobstructed splay. The maximum dimension of this triangular shaped splay would be typically up to 3m along the length of the site boundaries either side of the site corner.*

- **Development standard to be varied** -
Part 4.1.4.2 - Side Setbacks and secondary street frontages

- **Development standard Clause** -
Manly Council DCP 2013 - Part 4.1.4.2 Side Setbacks & secondary street frontages

- **Numerical value of the development standard in the environmental planning instrument** -
1.48m

- **Proposed numerical value of the development standard in the Development Application** -
0.9m

- **Percentage variation between proposed and the environmental planning instrument** -
39%

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

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

The existing concrete stair and double landing currently sits over the control by approximately 0.7m and currently allows for overlooking into the neighbouring property's (No.81) rooflights.

The proposed works allow for relocation of the stair against the subject sites western wall, moving it further away and providing enhanced privacy for the neighbours to this boundary. The proposal also seeks to maintain the dense bamboo screening along the Western boundary, which currently serves a living visual barrier in addition to intermittent metal mesh screening.

The proposed pergola structure to the western boundary is over the prescribed control definition by approximately 0.57m.

It is considered that this change will greatly improve upon the current format of the site in both functionality and aesthetic while providing an even greater level of privacy for the Western neighbours. Careful consideration has been given to visual aspect and appearance to maintain a harmony within it's context.

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

The proposal is of a domestic scale and the bulk and scale of the pergola has been designed to compliment the built environment and assimilate with the streetscape. The existing access and delineation to either residence is not well defined. The proposal aims to improve this by providing 2 separate entrances with improved amenity and increased privacy for both the subject site and its neighbours.

The existing concrete stair currently sits over the easement by approx. 0.15m. The proposal will greatly improve on this by removal of the concrete stair and ensuring placement of the pergola clear of the easement allowing free access

Subclause 4 - The proposed development addresses subclause (3) as set out above. The proposed development will be 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 the development is to be carried out. It is considered to meet the objectives on the basis that:

- The proposal looks to replace an existing, stair and entry arrangement while improving amenity to both residences while increasing visual privacy to both the subject site and immediate neighbours
- The works proposed will significantly improve the design and aesthetic quality of the existing building with the built form outcome complimenting newer style properties along Lauderdale Avenue
- The scale of the development is of a domestic nature and complimentary to the streetscape and does not obscure any important land features.
- No existing views from adjacent and nearby developments have been compromised.

- The bulk of the proposal has been designed to allow environmental amenity, air, sunlight and privacy, to both the proposal and adjacent residential properties.