

3/28 REDDALL STREET MANLY

LEP CLAUSE 4.6 - APPLICATION TO VARY A DEVELOPMENT STANDARD (HOB)

This application is to be read in conjunction with the Development Application for alterations and additions to this property as per EP& A Regulation 2000

Item 1 **What is the name of the environmental planning instrument that applies to the land?**

Manly LEP 2013

Item 2 **What is the zoning of the land?**

the site is zoned R1 General Residential

item 3 **what are the objectives of the zone?**

Objectives of zone:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents

Item 4 **what is the development standards being varied?**

Height of Buildings

Item 5 **under what clause is the development standard listed in the environmental planning instrument.**

4.3

Item 6 **what are the objectives of the development standard?**

The objectives of the respective clause are as follows:

- (a) to provide for building heights and roof forms that are consistent with the topographic landscape, prevailing building height and desired future streetscape character in the locality
- (b) to control the bulk and scale of buildings
- (c) to minimise disruption to the following—
 - (i) views to nearby residential development from public spaces (including the harbour and foreshores),

- (ii) views from nearby residential development to public spaces (including the harbour and foreshores),
- (iii) views between public spaces (including the harbour and foreshores)
- (d) to provide solar access to public and private open spaces and maintain adequate sunlight access to private open spaces and to habitable rooms of adjacent dwellings
- (e) to ensure the height and bulk of any proposed building or structure in a recreation or environmental protection zone has regard to existing vegetation and topography and any other aspect that might conflict with bushland and surrounding land uses.

Item 7 what is the numeric value of the development standard in environmental planning instrument?

Height of Buildings are prescribed at 8.5m for structures in this area.

Item 8 what is the numeric value of the development standard in your development application?

11.35m

Item 9 what is the percentage variation?

the proposal applies for a 33% variation to the 'broad area' HOB designation, but does not vary the existing height – the works are improvement to the existing building with most of the work contained within the existing built form.

Item 10 How is strict compliance with the development standard unreasonable or unnecessary in this particular case?

The proposed works do not vary the existing building height; they are alterations and additions to the existing building that is higher than the prescribed 8.5 height limit. The existing ridgeline is retained; consistency is preserved.

The LEP and DCP allow for alterations and additions to existing structures that are over current prescribed height limits.

There is no real impact associated with the proposed works and their composition and material are appropriate.

The existing street has numerous taller buildings; the property adjacent to the north is a 10 storey tower approximately 30m high which is clearly higher than the existing subject building comprising 3 storey with a height of 11.35m. There is clear context and precedent. Newer dwellings are at least 3 storey developments, though generally more densely composed. View corridors and building separation remain in place and are large for such a close proximity to the ocean.

The objectives of clause 4.3 are satisfied, there is no variation to height, there are no associated impacts, the building retains a high level of separation, solar access and view corridors and is typical, if not lower than some adjacent buildings in the contextual setting.

Item 11 how would strict compliance hinder the attainment of the objects specified in Section 3 above

Strict compliance would unreasonably allow for works to the existing upper part of this building that is appropriate and pre-dated this control by 80-90 years. The dwelling is a typical low rise apartment of 3 units only on a sloping site.

The works constitute alterations and additions to the existing structure which is over the prescribed height limit to a small degree. The works are required to provide for the housing needs of the community and are commonplace in the precinct. It is necessary planning controls allow for a variety of housing types and densities and enable utility and adaptability of existing housing to provide facilities or services to meet the day to day needs of residents

Item 12 is the development standard a performance based control?

No, the control is numerical. Nonetheless the objectives can be assessed on their performance and effect; the objectives of the LEP are satisfied and planning controls need to allow for alteration and additions to existing housing.

Item 13 Would strict compliance with the standard, in your particular case, would be unreasonable or unnecessary? Why?

As articulated in Item 10 and 11 above, the alterations and additions are to an existing building and do not propose a variation to height.

The existing building is deemed appropriate and consistent with the context and the objectives of the LEP and DCP are satisfied. There are no real impact attributable to the proposed alterations and additions.

Strict compliance is not necessary or reasonable to achieve in this instance; noting the HOB objectives are satisfied.

- (a) the desired future character of the neighbourhood is achieved; the proposed height, architectural form, composition, setting, landscaping and street engagement are consistent with the streetscape and 'prevailing building height'
- (b) local amenity is unaffected
- (c) solar access to existing buildings and open space is unaffected
- (d) there is no resultant impact on adjoining or nearby properties or a disruption of views, loss of privacy, overshadowing or visual intrusion from this minor and integrated variation
- (e) there is no impact to the amenity of the public domain in providing public views of the harbour and surrounding areas.

Item 14 Are there sufficient environmental planning grounds to justify contravening the development standard? Give Details?

Yes; please refer to items 10, 11 & 13 above.

There are further grounds in addition to those described above:

- the stated objectives are satisfied
- The variation sought is reasonable and necessary as described above and constitutes alterations and additions to an existing building that is a little over the prescribed height for the precinct.
- the variation is typical and of a commensurate scale with properties in this area; it is actually 7 stories below the abutting property to the North West
- much of the proposed alterations are within the exiting building envelope limiting variance from the existing conditions and appropriately serving to retain the primacy and character of the existing building
- there is no attributable impact
- the design fundamentally improves the amenity whilst retaining the existing character and form of the existing building
- the public domain is unaffected

- The variation is considered to be in the public interest and represents appropriate, responsive planning and architecture