

ITEM 3.6	PLANNING PROPOSAL - REAR OF 88 BOWER ST, MANLY (PEX2020/0008)
REPORTING OFFICER	PLANNER
TRIM FILE REF	2020/663914
ATTACHMENTS	1 Referral comments and public submissions 2 Planning Proposal

PURPOSE

To seek endorsement of the Panel for a Planning Proposal to re-zone land under Manly Local Environmental Plan 2013 (MLEP) at the rear of 88 Bower St, Manly, from RE1 Public Recreation to E4 Environmental Living and to progress the Planning Proposal to a Gateway Determination.

BACKGROUND

A Planning Proposal (PEX 2020/0008) for land at the rear of 88 Bower St, Manly (the site) was lodged with Council on 18 August 2020 by Robinson Urban Planning Pty Ltd on behalf of the Trustees of the Roman Catholic Church for the Archdiocese of Sydney (the proponent). The proposal is to amend the Manly Local Environmental Plan 2013 (MLEP 2013) to rezone the site from RE1 Public Recreation to E4 Environmental Living and apply associated map amendments.

The subject site has been leased for private purposes in conjunction with the residential use of 88 Bower Street since 1964, despite its current zoning, and was sold by the Department of Industry to the Archdiocese of Sydney in 2018. The proponent purchased the property from the former Department of Industry - Lands (DoI – Lands) on 28 August 2018.

SITE DESCRIPTION

The site is legally described as Lot 1, DP 1244511 and is approximately 56.8m² with a frontage of approximately 4.49m to Marine Parade. The site is bound by Marine Parade to the north, 92 Bower St to the west which contains a three storey residential flat building, 88 Bower St to the south and 86 Bower St to the west which contains a three storey residential dwelling.

The site is used as private open space for the two/three storey house at 88 Bower St and contains a lawn, pathway and rockery.



Figure 1. Aerial Photo of site and adjoining residential property 88 Bower St

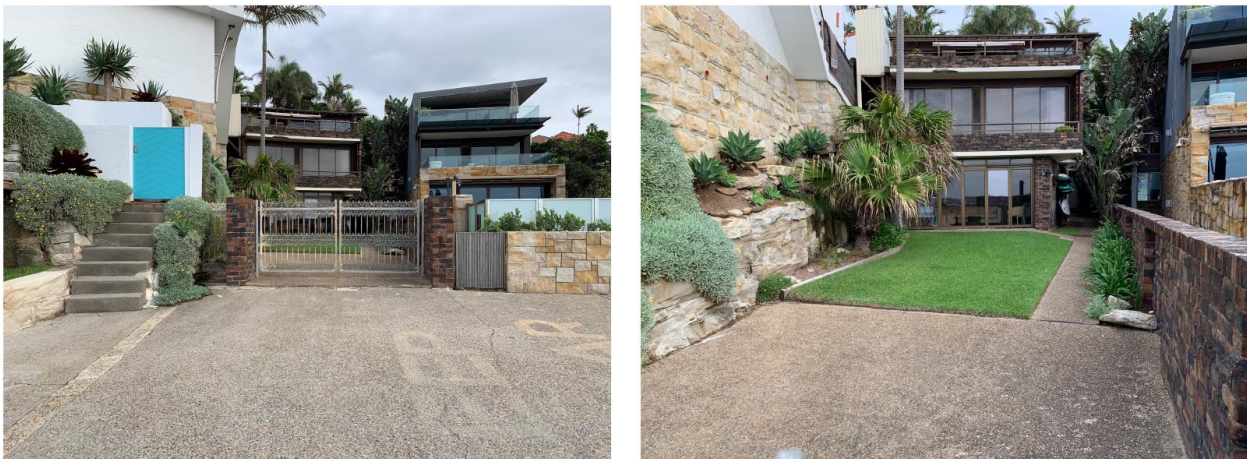


Figure 2. The subject site from Marine Parade (left) and the subject site and North façade of house at 88 Bower St, Manly (right).

SITE HISTORY AND OWNERSHIP

The site is currently owned by the proponent who purchased the site from DoI – Lands on 28 August 2018. The proponent also owns the adjoining property at 88 Bower St.

The proponent currently leases the site to the occupants of 88 Bower St. Prior to the disposal of the site, the Crown leased the site to various occupants of 88 Bower St under a Permissive Occupancy Licence for the purpose of lawn area, footpath, rockery and beautification since 1964. The site, along with the adjoining land, is reclaimed foreshore land and was originally below the mean high water mark before associated works on surrounding residential development and public foreshore improvements.

In 2011, the Archdiocese Trustees approached the Department of Industries – Land (DoI – Lands) to purchase the site with the intention to consolidate the subject site with 88 Bower St, Manly. DoI – Lands agreed to investigate a potential direct private sale.

DoI - Lands wrote to Manly Council in January 2016 to seek Council's view to establish 'whether Council may have any interests and/or objections to the sale of the subject area'. No objection to the sale was received by DoI – Lands from Manly Council and the DoI – Lands agreed to the direct sale of the site and waived the need for a land assessment. Key reasons for the disposal by Crown Lands were:

- No objections were received from Manly Council regarding the sale.
- The site is surplus to public and government requirements.
- The site being small in size and relatively enclosed by adjoining private uses, did not offer much public amenity or value and the continued use of the site as private open space for 88 Bower St would not impact on the public use of adjoining Crown Land and reserves.
- The site as a standalone lot is severely constrained due to its small size and location and is only considered of value to the landowner of the adjoining property at 88 Bower St.

The subject site previously formed parts of two larger lots (Lot 7338 DP 1154560 and Lot 7336 DP 1153371) and two land reservations (Shelley Beach Reserve and Manly Freshwater National Surfing Reserve). A new lot was registered to reflect the boundaries of the site on 13 July 2018 and the land reservations were revoked after the sale of the site was approved on 29 June 2018.

PROPOSED AMENDMENTS TO MLEP 2013

The following amendments to MLEP 2013 are proposed:

- rezone the site from RE1 Public Recreation to E4 Environmental Living (see Figure 2)
- introduce a 500m² minimum lot size for the site (no minimum lot size control currently applies to the site) (see Figure 3)
- introduce a maximum building height of 8.5m (no maximum building height control currently applies to the site) (see Figure 4)
- introduce a maximum floor space ratio of 0.45:1 (no maximum floor space ratio control currently applies to the site) (see Figure 5)

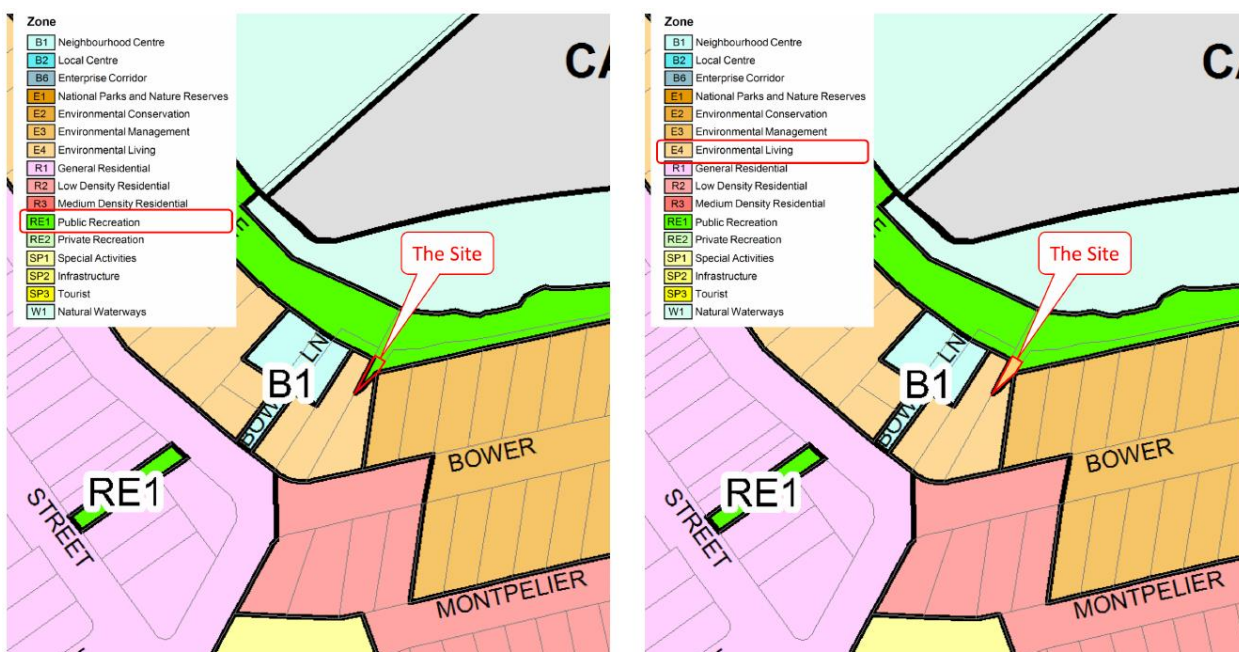


Figure 3. Existing site zoning (left) and proposed zoning (right)

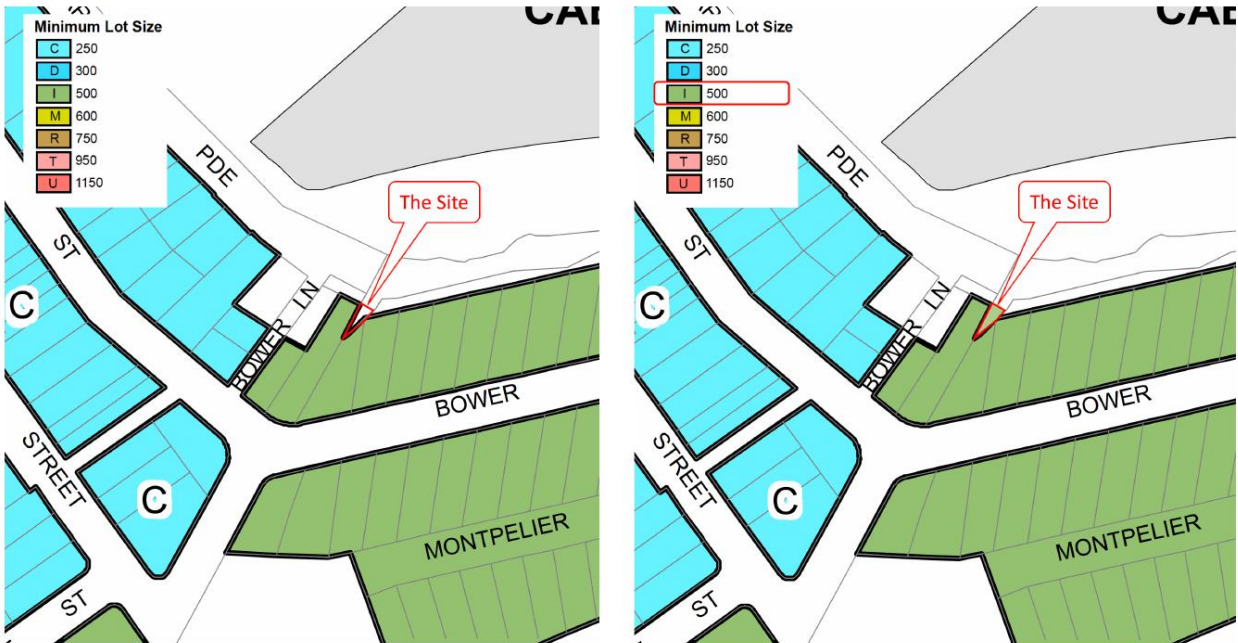


Figure 4. Existing minimum lot size (left) and proposed minimum lot size (right)

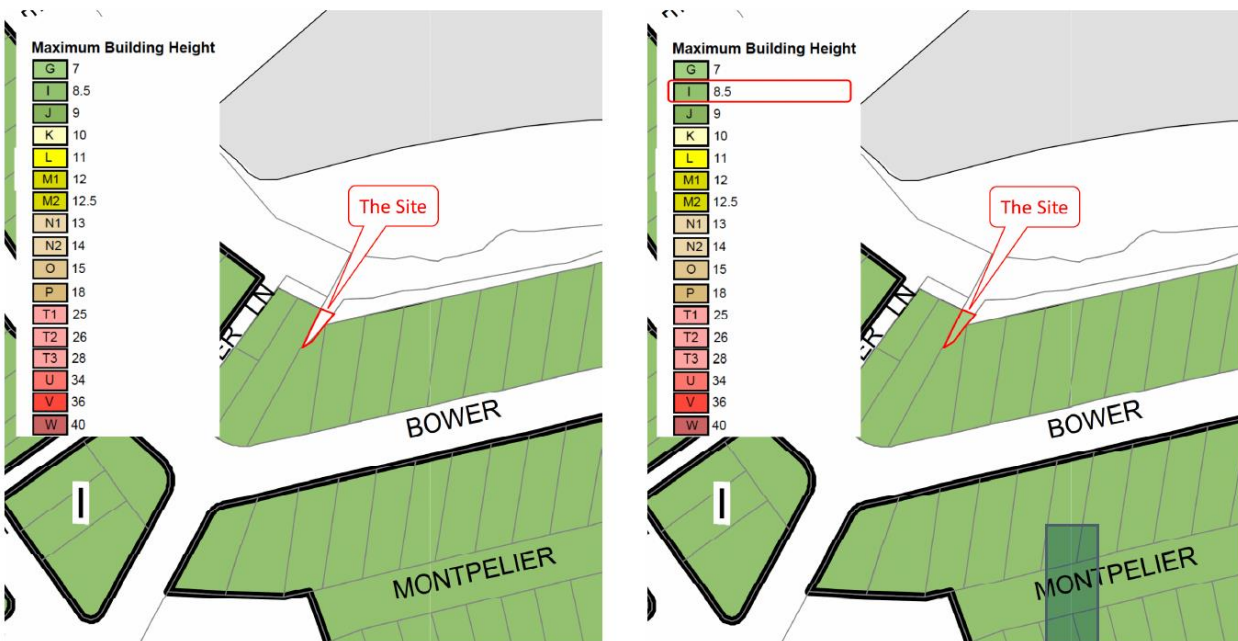


Figure 5. Existing maximum building height (left) and proposed maximum building height (right)

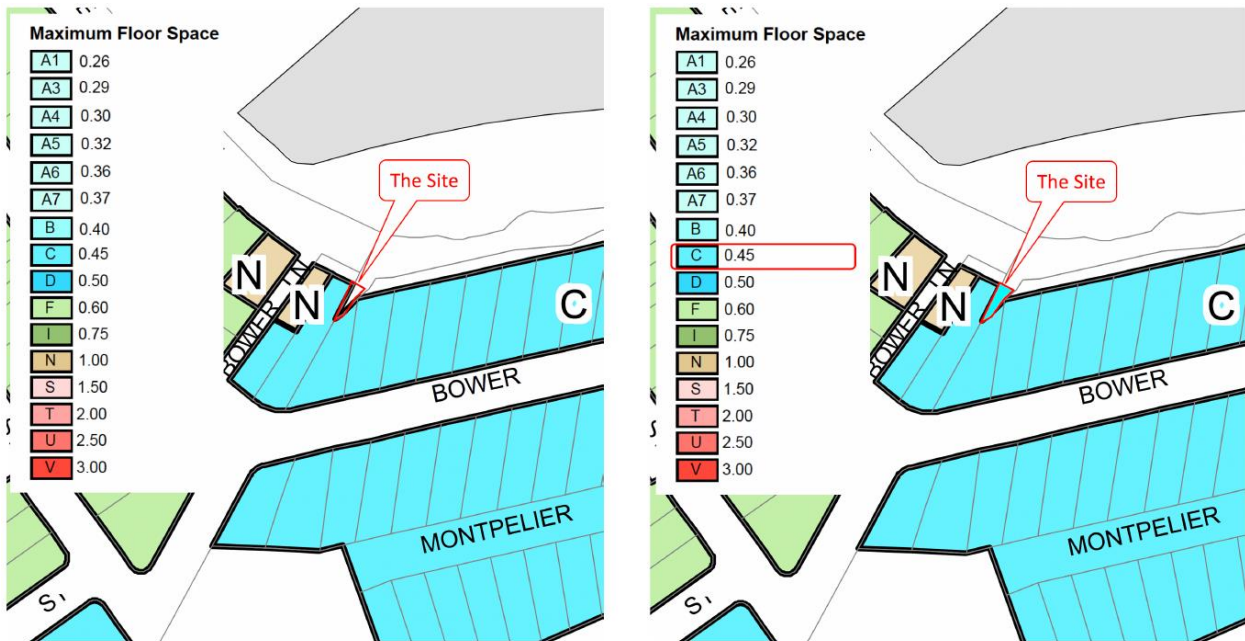


Figure 6. Existing maximum floor space ratio (left) and proposed maximum floor space ratio (right)

ASSESSMENT OF PLANNING PROPOSAL

The following assessment is undertaken in accordance with the NSW Department of Planning, Industry and Environment's '*Planning Proposals: A Guide to Preparing Planning Proposals*'.

Part 1 – Objectives or Intended Outcomes

The Planning Proposal seeks to amend the Manly Local Environmental Plan 2013 to enable the orderly and economic use of the site for residential purposes, consistent with the site's private ownership and adjoining uses.

Part 2 – Explanation of Provisions

The proposed outcome will be achieved by:

- amending the Manly Local Environmental Plan 2013 land zoning map (LZN_006) from RE1 Public Recreation to E4 Environmental Living
- amending the Manly Local Environmental Plan 2013 lot size map (LSZ_006) to apply a minimum lot size of 500m² in accordance with the proposed lot size map shown in Figure 2 below
- amending the Manly Local Environmental Plan 2013 height of buildings map (HOB_006) to apply a maximum height of 8.5m in accordance with the proposed height of buildings map shown in Figure 3
- amending the floor space ratio map (FSR_006) to apply a maximum floor space ratio of 0.45:1 in accordance with the proposed floor space ratio map shown in Figure 3 below.

Part 3 – JUSTIFICATION

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of an endorsed Local Strategic Planning Statement, Strategic Study or report?

The Planning proposal is not the result of any endorsed Local Strategic Planning Statement, strategic study or report. The planning proposal responds to:

- the disposal of the site into private ownership in 2018
- the landowner's intention to consolidate the site and align the site's zoning with the adjoining property at 88 Bower St
- its status as surplus to government and public needs.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal will allow the orderly and economic use and development of the land in conjunction with the adjoining principal residential property (88 Bower St, Manly) and is the most appropriate recourse for achieving the objectives of the proposal.

Section B - Relationship to Strategic Planning Framework

3. Will the planning proposal give effect to the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategy?)

a) Does the proposal have strategic merit?

Greater Sydney Region Plan – A Metropolis of Three Cities

The proposal supports the following objectives outlined in the *Greater Sydney Region Plan*:

Table 1. Consistency with relevant priorities in the *Greater Sydney Region Plan*:

Relevant Planning Priorities	Consistency
<i>Objective 10 – Greater housing supply</i>	The proposal will support residential uses on the site.
<i>Objective 11 – Housing is more diverse and affordable</i>	The proposal will support residential uses on the site.
<i>Objective 14 – Integrated land use and transport creates walkable and 30-minute cities</i>	The proposal will support residential uses on a site close to public transport, jobs, public services and open space.
<i>Objective 31 – Public open space is accessible, protected and enhanced</i>	The proposed amendments would not impact access to surrounding open space and reserves.

North District Plan

The proposal supports the following priorities outlined in the *North District Plan*:

Table 2. Consistency with relevant priorities in the *North District Plan*:

Relevant Planning Priorities	Consistency
<i>Planning Priority N1 – Planning for a city supported by infrastructure (a 30-minute city)</i>	The proposal would provide for residential accommodation in an accessible and well-serviced location to support a 30-minute city
<i>Planning Priority N5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport</i>	The proposal would provide for residential accommodation close to jobs, services and public transport.

b) Does the proposal have site-specific merit, having regard to the following?

Table 3. Commentary on site-specific merit

<i>The natural environment (including known significant environmental values, resources or hazards).</i>	<p>The site has been identified as generally affected by potential coastal inundation. The planning proposal is supported by coastal engineering advice which found that potential impacts of coastal inundation could be managed through various mitigation measures e.g. elevated floor levels, setbacks and/or wave rump trip barriers and that future development at the site could be designed to have an acceptably low risk of damage by coastal processes and hazards over an acceptably long life.</p> <p>The site will be used as open space for the dwelling house.</p>
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<i>The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal.</i>	The proposed amendments will enable the site to continue to be used as private open space and support and align with surrounding residential uses.
<i>The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.</i>	The site is already supported by adequate services and infrastructure serving the surrounding area.

4. Will the planning proposal give effect to a council’s local strategy or other local strategic plan?

The planning proposal will give effect to *Towards 2040*, the Northern Beaches Local Strategic Planning Statement (LSPS) as outlined in the table below.

Table 4. Consistency with the LSPS

Relevant Planning Priorities	Comment
<u>Landscape</u> <i>Priority 1 – Healthy and valued coast and waterways</i> <i>Priority 3 – Protected scenic and cultural landscapes</i> <i>Priority 6 – High quality open space for recreation</i>	<p>Due to the relatively enclosed position of the irregularly shaped site, the proposed amendments will not affect access to surrounding recreation areas, reserves and foreshore. The site has not been used for public access to surrounding open space and recreation areas.</p> <p>The proposed amendments will have minimal impact on the adjacent coastline and waterway, surrounding scenic and cultural landscapes and open space for recreation.</p>
<u>Resilience</u> <i>Priority 8 – Adapted to the impacts of natural and urban hazards and climate change</i>	<p>The proposed amendments are supported by coastal engineering advice which found that any future development on the site as consolidated with the adjoining 88 Bower St could be designed to have an acceptably low risk of damage from impacts of climate change including coastal inundation and sea level rise.</p>
<u>Housing</u> <i>Priority 15 – Housing supply, choice and affordability in the right locations</i>	<p>The planning proposal provides for the provision of additional land for residential purposes. The site is located in a well-serviced and accessible location.</p>
<u>Great Places</u> <i>Priority 18 – Protected, conserved and celebrated heritage</i>	<p>The proposed amendments will have minimal impact on surrounding heritage items. The site is not listed as a heritage item and is not located within a heritage conservation area. There are also no Aboriginal land claims registered on the site.</p>

5. Is this Planning proposal consistent with applicable State Environmental Planning Policies?

State Environmental Planning Policy No. 55 – Remediation of Land

The site is reclaimed land and has historically been used for landscaping works and open space adjacent to residential properties and is therefore unlikely to be affected by contamination.

State Environmental Planning Policy (Coastal Management) 2018 (SEPP Coastal Management)

The site is located within a “coastal environment area” and “coastal use area” as mapped in SEPP Coastal Management where the consent authority must consider whether a proposed development is likely to cause adverse impacts as outlined in the SEPP. Coastal engineering advice prepared by Horton Coastal Engineering reviewed the Planning Proposal against the provisions in SEPP Coastal Management and found that any future development on the site consolidated with 88 Bower St, under the proposed amendments could be designed and sited to satisfy the requirements of the SEPP.

Table 5: Compliance with State Environmental Planning Policies (SEPPs)

SEPPs (as at October 2020)		Applicable	Consistent
19	Bushland in Urban Areas	No	N/A
21	Caravan Parks	No	N/A
33	Hazardous and Offensive Development	No	N/A
36	Manufactured Home Estates	No	N/A
44	Koala Habitat Protection	No	N/A
47	Moore Park Showground	No	N/A
50	Canal Estate Development	No	N/A
55	Remediation of Land	Yes	Yes
64	Advertising and Signage	No	N/A
65	Design Quality of Residential Apartment Development	No	N/A
70	Affordable Housing (Revised Schemes)	No	N/A
	(Aboriginal Land) 2019	No	N/A
	(Affordable Rental Housing) 2009	No	N/A
	(Building Sustainability Index: BASIX) 2004	No	N/A
	(Coastal Management) 2018	Yes	Yes
	(Concurrences) 2018	No	N/A
	(Education Establishments and Child Care Facilities) 2017	No	N/A
	(Exempt and Complying Development Codes) 2008	No	N/A
	(Gosford City Centre) 2018	No	N/A
	(Housing for Seniors or People with a Disability) 2004	No	N/A
	(Infrastructure) 2007	No	N/A
	(Kosciuszko National Park – Alpine Resorts) 2007	No	N/A
	(Kurnell Peninsula) 1989	No	N/A
	(Mining, Petroleum Production and Extractive Industries) 2007	No	N/A
	(Miscellaneous Consent Provisions) 2007	No	N/A
	(Penrith Lakes Scheme) 1989	No	N/A
	(Primary Production and Rural Development) 2019	No	N/A
	(State and Regional Development) 2011	No	N/A
	(State Significant Precincts) 2005	No	N/A
	(Sydney Drinking Water Catchment) 2011	No	N/A
	(Sydney Region Growth Centres) 2006	No	N/A
	(Three Ports) 2013	No	N/A

SEPPs (as at October 2020)		Applicable	Consistent
	(Urban Renewal) 2010	No	N/A
	(Vegetation in Non-Rural Areas) 2017	No	N/A
	(Western Sydney Employment Area) 2009	No	N/A
	(Western Sydney Parklands) 2009	No	N/A
Sydney Regional Environmental Plans (Deemed SEPPs):			
8	(Central Coast Plateau Areas)	No	N/A
9	Extractive Industry (No 2 -1995)	No	N/A
16	Walsh Bay	No	N/A
20	Hawkesbury – Nepean River (No 2 – 1997)	No	N/A
24	Homebush Bay Area	No	N/A
26	City West	No	N/A
30	St Marys	No	N/A
33	Cooks Cove	No	N/A
	(Sydney Harbour Catchment) 2005	No	N/A

6. Is the Planning Proposal consistent with applicable Ministerial Directions (s9.1 directions)?

Direction 2.1: Environment Protection Zones

The site does not contain any threatened/endangered species populations or ecological communities or their habitats.

Direction 2.2: Coastal Management

The site has been identified as being generally affected by coastal inundation by the *Manly Ocean Beach and Cabbage Tree Bay Coastline Hazard Definition Study 2003*. Therefore the planning proposal is inconsistent with item 5 of Direction 2.2 – Coastal Management which states that a planning proposal must not rezone land which would enable increased development or more intensive land-use on land that has been identified as land affected by current or future coastal hazard in a local environmental plan, development control plan, study or assessment by or on behalf of the relevant planning proposal authority.

Direction 2.2 does allow for planning proposals to be inconsistent with the Direction if it can be satisfied that the provisions of the planning proposal that are inconsistent are of minor significance. The proposed rezoning is considered of minor significance since the site would be subject to planning controls for including setback requirements and foreshore scenic protection area provisions, which would preclude any significant intensification on the site.

Coastal engineering advice prepared by Horton Coastal Engineering reviewed the Planning Proposal against the provisions in SEPP Coastal and found that future development at the site could be designed to have an acceptably low risk of being damaged by coastal processes and hazards, such that the planning proposal should not be precluded from a coastal engineering perspective.

Direction 2.3: Heritage Conservation

The site is not identified as a heritage item and is not located within a heritage conservation area. The proposed amendments would have minimal impact on nearby heritage items, including Heritage Item No. I167 (Fairy Bower Pool) and Landscape Item No. I168 (Ocean Foreshores), as they are not in the immediate vicinity.

Direction 2.4: Recreation Vehicle Areas

The planning proposal does not enable land to be developed for the purpose of a recreation vehicle area.

Direction 3.1: Residential Zones

The proposed amendments support the provision of housing on the site and are consistent with the objectives of Direction 3.1.

Direction 3.2: Caravan Parks and Manufactured Home Estates

The planning proposal does not include provisions for caravan parks and manufactured home estates.

Direction 3.3: Home Occupations

It is proposed that the subject site be rezoned to E4 – Environmental Living under the Manly Local Environmental Plan 2013 which permits home occupation without consent.

Direction 3.4: Integrating Land Use and Transport

The proposed amendments are consistent with Direction 3.4 as they support the provision of residential accommodation in an accessible location within a walkable distance to services, jobs and public transport.

Direction 6.1: Approval and Referral Requirements

The planning proposal does not include any provisions that require unnecessary requirements for concurrence, consultation or referrals.

Direction 6.2: Reserving Land for Public Purposes

As part of the site's disposal into private ownership, the reservations applying to the site were revoked as they were no longer required for acquisition and were considered surplus to government and public requirements.

Direction 6.3: Site Specific Provisions

The proposed amendments are consistent with the adjoining lot at 88 Bower St and do not include any unnecessarily restrictive site specific planning controls.

Direction 7.1: Implementation of A Plan for Growing Sydney

The proposed amendments are consistent with the strategic plans as outlined in Question 3 of this report.

Table 6: Compliance with Ministerial Directions

Directions (as at October 2020)		Applicable	Consistency
1	Employment and Resources		
1.1	Business and Industrial Zones	No	N/A
1.2	Rural Zones	No	N/A
1.3	Mining, Petroleum Production and Extractive Industries	No	N/A
1.4	Oyster Aquaculture	No	N/A
1.5	Rural Lands	No	N/A
2	Environment and Heritage		
2.1	Environment Protection Zones	Yes	N/A
2.2	Coastal Management	Yes	No (acceptable on balance as discussed above)
2.3	Heritage Conservation	Yes	Yes

Directions (as at October 2020)		Applicable	Consistency
2.4	Recreation Vehicle Areas	Yes	Yes
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEP's	No	N/A
2.6	Remediation of Contaminated Land	No	N/A
3	Housing, Infrastructure and Urban Development		
3.1	Residential Zones	Yes	Yes
3.2	Caravan Parks and Manufactured Home Estates	Yes	Yes
3.3	Home Occupations	Yes	Yes
3.4	Integrating Land Use and Transport	Yes	Yes
3.5	Development Near Licensed Aerodromes	No	N/A
3.6	Shooting Ranges	No	N/A
3.7	Reduction in non-hosted short term rental accommodation period	No	N/A
4	Hazard and Risk		
4.1	Acid Sulfate Soils	No	N/A
4.2	Mine Subsidence and Unstable Land	No	N/A
4.3	Flood Prone Land	No	N/A
4.4	Planning for Bushfire Protection	No	N/A
5	Regional Planning		
5.2	Sydney Drinking Water Catchments	No	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A
5.9	North West Rail Link Corridor Strategy	No	N/A
5.10	Implementation of Regional Plans	No	N/A
5.11	Development of Aboriginal Land Council land	No	N/A
6	Local Plan Making		
6.1	Approval and Referral Requirements	Yes	Yes
6.2	Reserving Land for Public Purposes	Yes	Yes
6.3	Site Specific Provisions	Yes	Yes
7	Metropolitan Planning		
7.1	Implementation of A Plan for Growing Sydney	Yes	Yes
7.2	Implementation of Greater Macarthur Land Release Investigation	No	N/A
7.3	Parramatta Road Corridor Urban Transformation Strategy	No	N/A
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	No	N/A

Directions (as at October 2020)		Applicable	Consistency
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	No	N/A
7.8	Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	No	N/A
7.9	Implementation of Bayside West Precincts 2036 Plan	No	N/A
7.10	Implementation of Planning Principles for the Cooks Cove Precinct	No	N/A

COMMUNITY ENGAGEMENT

Council placed the Applicant's Planning Proposal on a non-statutory public exhibition in accordance with the Northern Beaches Community Participation Plan from 31 August 2020 – 14 September 2020] (2 weeks). Notification included:

- Letters to land owners and occupiers within the vicinity of the subject site including:
 - Properties at 7-9 Marine Parade, Manly
 - 3 Bower Lane, Manly
 - 1 Bower Lane, Manly
 - 95 Bower St, Manly
 - Properties at 94 Bower St, Manly
 - 5 Marine Pde, Manly
 - Properties at 92 Bower St, Manly
 - 88 Bower St, Manly
 - 86 Bower St, Manly
 - Properties at 82-84 Bower St, Manly
 - 80 Bower St, Manly
- Electronic copies of the exhibition material on Council's website
- Emails to registered community members who have listed their interest on Council's Community Engagement Register

Submissions

Three submissions were received in response to the public exhibition period objecting to the proposal. Issues raised include:

- loss of scarce public recreation land
- loss of amenity caused by proposed rezoning
- potential for land to be used for public uses in the future
- opposition to historical and potential future use of land for private purposes.

Response

It is accepted that Council should where possible retain, enhance and increase public recreation land at every opportunity. However, the site has been leased for private purposes in conjunction with the residential use of the front section of the land since 1964, despite its current zoning, and was sold by the Department of Industry to the Archdiocese of Sydney in 2018.

Council has no record of objection by the former Manly Council to this sale.

The size and shape of the land restrict its use for recreational purposes and Council's Coast and Catchments team, Property Commercial and Tourist Assets team and Open Space and Recreation team have raised no objection to the Planning Proposal.

Retention of the current zoning of the land could trigger Council acquisition provisions under the LEP.

The proposed rezoning will not result in amenity impacts provided the current use is maintained. However, the rezoning would make a range of additional land uses permitted. For example, a development application could be submitted for a dwelling house on the site. Whilst this may be unlikely, given the very small size of the land, it is appropriate that the site is consolidated with the front half of 88 The Bower to guarantee its continued use in conjunction with that land.

The proposed recommendation addresses this matter.

AGENCY REFERRALS

The Planning Proposal was not referred to any government agencies for comment. This will occur following any Gateway approval.

INTERNAL REFERRALS

Referrals were sent to the following Northern Beaches Council business units requesting specialist feedback on the planning proposal:

- Coast and Catchments
- Property Commercial and Tourist Assets
- Open Space and Recreation

No internal referrals raised issues or concerns in regard to the proposed amendments.

TIMING

It is anticipated that the timeframe for the completion of the Planning Proposal is approximately 10 – 12 months from the date of Council's approval to proceed. Following the issue of a Gateway

Determination, Council will be required to formally exhibit the Planning Proposal for 28 days. The matter will be reported back to Council for final consideration following exhibition.

LINK TO COUNCIL STRATEGY

FINANCIAL CONSIDERATIONS

The assessment of the Planning Proposal is funded by the prescribed Planning Proposal fee as set out in Councils Fees and Charges 2020/21 and does not have an adverse impact on Council's budget.

SOCIAL CONSIDERATIONS

The proposed amendments will allow for the site to align with surrounding residential uses and will have minimal social impact on surrounding areas.

ENVIRONMENTAL CONSIDERATIONS

The proposed amendments will have minimal environmental impact on surrounding areas. The planning proposal is supported by coastal engineering advice which found that risks and impacts associated with coastal processes can be mitigated to allow for residential uses to continue with an acceptable level of risk.

CONCLUSION

The Planning Proposal which seeks to amend the MLEP 2013 by rezoning the rear of 88 Bower St, Manly from RE1 Public Recreation to E4 Environmental Living and apply a minimum lot size of 500m², a maximum building height of 8.5m and a maximum floor space ratio of 0.45:1 is supported to progress to Gateway.

The proposed amendments are consistent with relevant strategic and statutory planning policies and considered appropriate given its disposal as land surplus to public needs, historical use in conjunction with the adjoining principal residential property and minimal impact on the surrounding environment.

RECOMMENDATION OF PLANNER

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- A. That the Local Planning Panel endorse the Planning Proposal lodged for the rear of 88 Bower St, Manly, to be submitted to the Department of Planning, Infrastructure and Environment to seek a Gateway Determination.
 - B. That prior to any post-Gateway Planning Proposal being formally exhibited, evidence is provided that the site has been consolidated with the front part of the site fronting 88 Bower Street.
-