

## **CLAUSE 4.6 VARIATION STATEMENT**

23 Dobroyd Road, Balgowlah Heights

04/11/2021

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

Manly Local Environmental Plan 2013.

### **2. What is the zoning of the land and what are the objectives of the zone? (Select applicable zone and follow link to find objectives for that zone. Copy the list of objectives for the relevant zone into the document).**

(a) R2 Low Density Residential

Objectives:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

### **3. Identify the Development Standard to which this Clause 4.6 Variation applies?**

- Clause 4.3 Height of buildings

### **4. What are the objectives of the development standard?**

- Height of buildings objectives:

- (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.*

### **5. What is the numeric value of the development standard in the environmental planning instrument?**

R2 Low Density Zone requires a maximum building height of 8.5m.

6. How do the existing and proposed numeric values relate to the development standard? What is the percentage variation (between your proposal and the environmental planning instrument)?

<b>Height of Building</b>			
<b>Current Height of Building (m)</b>	<b>Maximum Height of Building under SSLEP2015 (m)</b>	<b>Proposed Height of Building (m)</b>	<b>Percentage Variation</b>
5.60m	8.50m	9.05m	6.47%

7. How is compliance with the development standard unreasonable or unnecessary in the circumstances of this particular case?

*Test 1: The objectives of the standard are achieved notwithstanding non-compliance with the standard: (Answer below in Q.8)*

The proposed dwelling works will not adversely affect the scale or bulk of the building since the overall height is largely due to the slope of the site and will not cause any disruption to the surrounding areas, so does not oppose the objectives of the development standard.

*Test 2: The underlying object or purpose of the standard is not relevant to the development and compliance is unnecessary: (Give details)*

*Test 3: The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable: (Give details)*

As the proposed development is on a sloping site, it would be unreasonable to require an 8.5m maximum building height in this case since this would make it unrealistic to proceed with the proposed first floor.

*Test 4: The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable: (Give details)*

*Test 5: The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone: (Give details)*

8. Are there sufficient environmental planning grounds to justify contravening the development standard?

The proposed works include renovating the façade of the dwelling to improve the character of the streetscape and include a gable and hipped roof to match with the existing aesthetic of the surrounding properties in the local area. It is only the gable roof which is causing the overall height to slightly exceed the 8.5m maximum, so this will not be a detriment to the neighbouring properties in any way.

**9. Is the proposed development, despite the contravention to the development standard, in the public interest?**

There are several dwellings in the area with living areas and bedrooms within their upper floors, so the proposed development will not look out of place in the area and will improve the appearance of the dwelling overall. It will greatly increase the amount of usable space in the property, and the inclusion of multiple living areas will allow for a more harmonious and comfortable home life for the family.