

Clause 4.6 Exception to Development Standard Statement

This Clause 4.6 Exception to Development Standard Statement supports the request for Council approval of an exception to Clause 4.3 (Building Height) related to the proposed erection of a louvered pergola roof on the balcony of an existing property **25/832 Wentworth Street, Manly NSW 2095** submitted under Development Application DA2024/1735.



The Property

The subject property is part of a unit strata located within an E1 Local Centre Zone of the Local Government Area of Northern Beaches Council.

The objectives of the Zone are:

- *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*
- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*
- *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.*

- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To minimise conflict between land uses in the zone and adjoining zones and ensure amenity for the people who live in the local centre in relation to noise, odour, delivery of materials and use of machinery.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To create urban form that relates favourably in scale and in architectural and landscape treatment to neighbouring land uses and to the natural environment.*

The proposal is consistent with the above objectives.

The Proposal

The proposed development consists of a **louvered roof pergola** to be erected on the balcony of the property. The total area of the louvered roof is approx. 19.46m².

The principal purpose of the proposed pergola roof is to provide protection to the property and to users of the property's balcony from weather impacts, particularly fierce morning sun and rains, which currently pose a limitation to the use and enjoyment of the balcony and enjoyment of the views.

The louvered roof pergola is to consist of an open framing, made up of Colorbond steel posts, which support the pergola roof. The pergola roof will be made up of fully adjustable louvers. The louvers will also be made from Colorbond steel. It will be attached to the existing fascia, which is located below the roof edge of the existing building.

The colors of the frame and louvered roof will complement the colors of the existing building

The framing and louvered roof will be constructed to relevant Australian Standards and be installed in compliance with the Building Code of Australia.

The proposal complies with all the relevant requirements of MLEP 2013 except for a minor breach of the maximum height requirement of 25m.

Height

The maximum height of the proposed pergola roof, as measured vertically 'through the building' to the ground level directly below, is 25.1m. The measured line is shown on the submitted section drawing.

This is 0.1m (10%) in excess of the formal standard of 25m.

Manly Local Environmental Plan 2013 Clause 4.3 (Height of Buildings)

As detailed below, the development is considered to be fully compatible with the height of buildings objectives set out in the MLEP Cl 4.3.

(1) The objectives of this clause are as follows—

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To minimise conflict between land uses in the zone and adjoining zones and ensure amenity for the people who live in the local centre in relation to noise, odour, delivery of materials and use of machinery.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To create urban form that relates favourably in scale and in architectural and landscape treatment to neighbouring land uses and to the natural environment.
- The proposed pergola roof will be attached below roof level to the rear of an existing building.
- The maximum height of the proposed pergola roof will be well below the overall height of the existing building.
- The overall height of the sides and rear of the existing building already exceeds the 25 m standard by approx. 1 m.
- The height of the building at street level is not affected and is in compliance.
- The development will have no impact on the streetscape.

(b) to control the bulk and scale of buildings,

- **The proposed pergola is fully compatible with the scale and height of surrounding developments, many of which exceed the 25m height standard. The overall height of 832 Wentworth Street, Manly NSW 2095 is 26 m.**

(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),

- **The proposed pergola is an open structure on all sides and the louvered roof section will be fully or partially open much of the time, meaning that the structure will mainly appear open when viewed from below.**
- **The development, which is open-sided, will have no impact on views to or from nearby residential developments or to or from public spaces and will have no impact on views between public spaces.**

(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,

- **The development will have no impact on solar access to private or public open spaces.**
- **Because the roof is louvered and fully adjustable, it will facilitate the ability to ensure that, during sunny weather, any shade generated will fall only on desired areas of the balcony.**
- **The rear areas of the two neighboring properties are located either further forward from or further back from the property and the louvered roof will not result in shade being cast on any part of those properties.**

(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.

- **The height and bulk of this ancillary structure will have no impact on surrounding vegetation or topography or on surrounding land use**

*(2) The height of a building on any land is not to exceed the maximum height shown for the land on the *Height of Buildings Map* .*

- **Although the height of the pergola roof, when considered independently, exceeds the maximum permitted height by 0.1m, the development has no impact on the overall height of the building, which already exceeds 25m.**

Manly Local Environmental Plan 2013 Clause 4.6.3

(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—

(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and

- **The development will be attached to an existing building, which already exceeds the maximum height because it is built on a slope.**
- **The development will be located below the lowest edge of the roof of the existing building and will result in no addition to the overall height of the existing building.**

- **The maximum height of the development itself down to vertical ground level exceeds the development standard by an insignificant amount.**

(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

- **It is not possible to attach the pergola roof to the existing building at a lower level.**

In summary, it is believed that sufficient grounds exist to approval of the breach in line with by Cl 4.6 (3) of the MLEP.

We respectfully request council to view this application favorably.

Kind Regards,

Connect Drafting