



Clause 4.6 Variation Request

Height of Buildings
(Clause 4.3) Manly LEP 2013

95 Bower Street and 29, 31 and 35 Reddall Street,
Manly

Submitted to Northern Beaches Council
On Behalf of mProjects

JUNE 2019

REPORT REVISION HISTORY

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Appendix No	Document Title	Prepared by
1	View Sharing Assessment	Squillace Architects
2	Survey	Chase Burke Harvey

1. INTRODUCTION

This is a formal written request that has been prepared in accordance with Clause 4.6 of the *Manly Local Environmental Plan 2013* (Manly LEP) to support a development application submitted to Northern Beaches Council for demolition works and the construction of four townhouses and two residential flat buildings containing 19 apartments at 95 Bower Street and 29, 31 and 35 Reddall Street, Manly (“the site”).

The objectives of Clause 4.6 are to provide an appropriate degree of flexibility in applying development standards to achieve better outcomes for, and from, development.

As the following request demonstrates, a better planning outcome would be achieved by exercising the flexibility afforded by Clause 4.6 in the particular circumstances of this application.

The development standard that this request seeks approval to vary is the Height of Buildings control in Clause 4.3 of the Manly LEP. The numeric value of the Height of Buildings development standard is 8.5 metres. The development standard is not specifically excluded from the operation of Clause 4.6 of the Manly LEP.

This request has been prepared having regard to the Department of Planning and Environment’s Guidelines to Varying Development Standards (August 2011) and relevant decisions in the New South Wales Land and Environment Court and New South Wales Court of Appeal¹.

In *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 (“Initial Action”), Chief Justice Preston provided further clarification on the application of cl 4.6 and the preconditions which must be satisfied for consent to be granted pursuant to cl 4.6(4). That is, the consent authority must form two positive opinions of satisfaction under cl. 4.6(4)(a), as summarised below:

- the written request has **adequately** demonstrated that the matters under cl 4.6(3) are satisfied, being that compliance with the standard is unreasonable or unnecessary, and there are sufficient environmental planning grounds to justify contravening the development standard. It is not the consent authority’s role to directly form an opinion as to whether these matters are satisfied, rather indirectly by the satisfaction that the written request has addressed these matters.
- be **directly satisfied** that the proposed development satisfies cl 4.6(4)(a)(ii), being the proposed development will be in the public interest because it is consistent with the objectives of the zone and the objectives of the development standard. The consent authority must form this opinion directly, rather than indirectly satisfied that the written request has adequately addressed these matters.

The consent authority does not have to directly form the opinion of satisfaction regarding the matters in cl 4.6(3), but only indirectly form the opinion of satisfaction that the applicant’s written request has adequately addressed the matters required to be demonstrated by cl 4.6(3) (*Initial Action* [25]).

In Sections 3 and 4 of this request, we have explained how flexibility is justified in this case in terms of the matters explicitly required by clause 4.6 to be addressed in a written request from the applicant. In Sections 4, 5, 6 and 7 we address additional matters that the consent authority is required to be satisfied of when exercising either the discretion afforded by Clause 4.6 or the assumed concurrence of the Secretary.

The following request demonstrates that by exercising the flexibility afforded by cl 4.6, in the particular circumstances of this application, not only would the variation be in the public interest because it satisfies the relevant objectives of both the R1 General Residential zone and the development standard, but it would also result in a better planning outcome.

¹ Relevant decisions include: *Winten Property Group Limited v North Sydney Council* [2001] NSWLEC 46; *Wehbe v Pittwater Council* [2007] NSWLEC 827; *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009; *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90; *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248; *Moskovich v Waverley Council* [2016] NSWLEC 1015; *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 and *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118.

2. THE SITE AND ITS CONTEXT

The site is located at 95 Bower Street and 29, 31 and 35 Reddall Street, Manly and is legally described as Lots 81-84 DP 8076. The site currently comprises four detached dwelling houses, ranging from one storey to two-storey in height. The immediate locality is predominantly residential in character, comprising a variety of dwelling houses and residential flat buildings varying in height from single storey to eight storeys. Specifically, the existing residential building located to the north-west of the site at 97 Bower Street, has an approximate height of RL 22.580 AHD. On the upper (southern) side of Reddall Street, there are 2 and 3 storey dwelling houses and residential flat buildings. These buildings have the following approximate maximum building heights:

- 28 Reddall Street (2-3 storey residential flat building) – RL 35.135 AHD
- 30 Reddall Street (2-3 storey dwelling house) – RL 36.100 AHD
- 32 Reddall Street (1 storey dwelling house) – RL 31.630 AHD

The dwellings and residential flat buildings located to the north-east of the site, across Bower Street, have the following approximate maximum building heights:

- 1 Bower Lane (2 storey dwelling house) - RL 14.580 AHD
- 94 Bower Street (2 storey residential flat building) – RL 13.930 AHD

Refer to the Survey Plan at **Appendix 2** for further detail.

An aerial view of the site is provided in **Figure 1** below.



Figure 1: Site plan of the subject site, approximate outline of development site outlined in red (Source: SIX Maps)

3. EXTENT OF VARIATION

The site has a maximum building height standard of 8.5 metres as specified under Clause 4.3 of the Manly LEP as shown in **Figure 2**.



Figure 2: Extract of the Manly LEP Height of Buildings Map (Source: NSW Legislation)

As demonstrated on the plans prepared by Squillace Architects, the variation to the 8.5 metre maximum height limit relates to minor areas of the development including roofs and awnings on Buildings B and C as well as part of the upper level of Building A which protrudes up to 800mm above the height plane. The maximum breach results in an overall height of 9.3 metres, 800mm over the permissible building height of 8.5 metres. This represents a 9% variation to the standard. The maximum breach of the height plane is situated at the lowest part of the site, on Building A.

The extent of the height breach is shown in **Figures 3, 4 and 5**. Also demonstrated in **Figures 4 and 5** is the outline of the existing building envelopes on the site. The sections demonstrate that Buildings B and C are located below the height of one of the existing dwellings on the site.

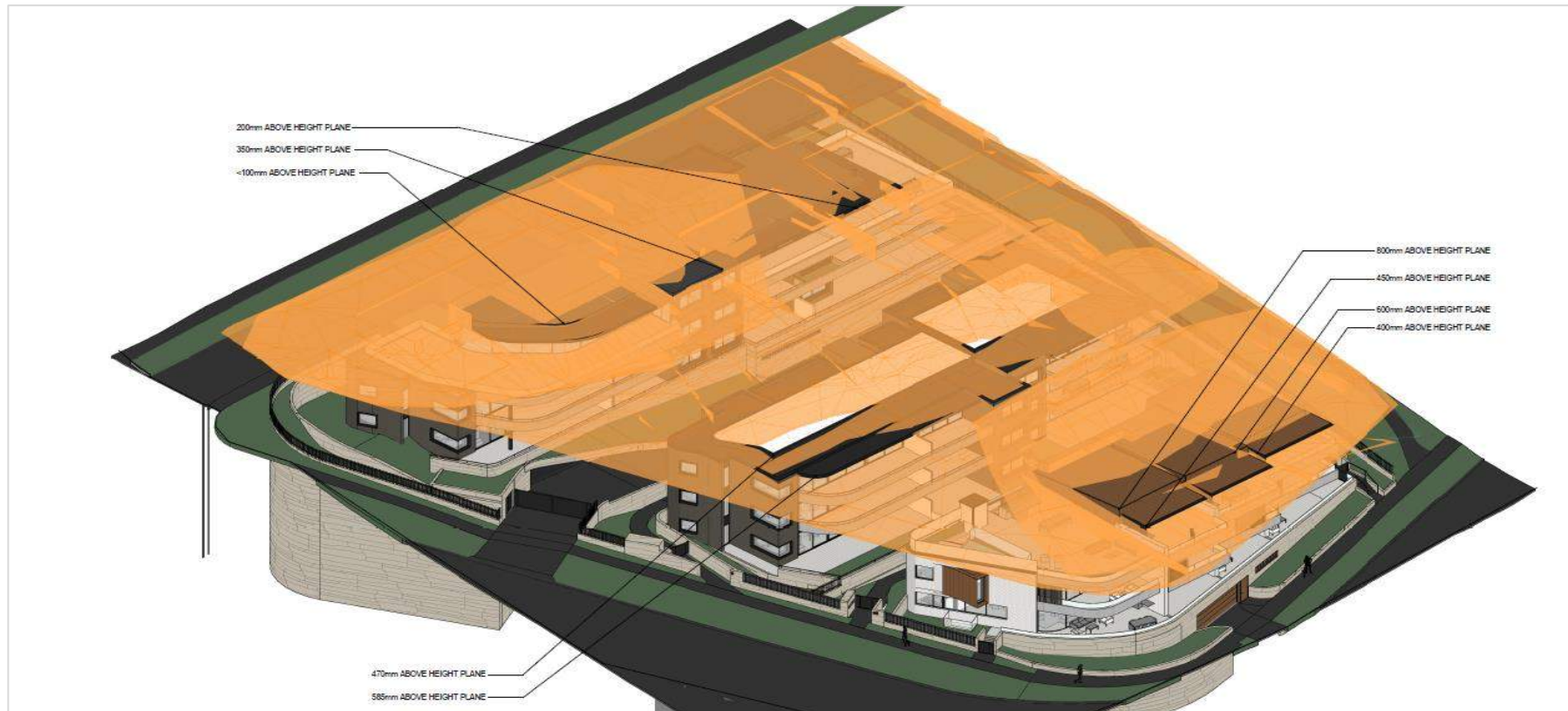


Figure 3: Building Height Plane Diagram showing the height plane in orange and the portions of the building above the height standard subject to this DA (Source: Squillace Architects)

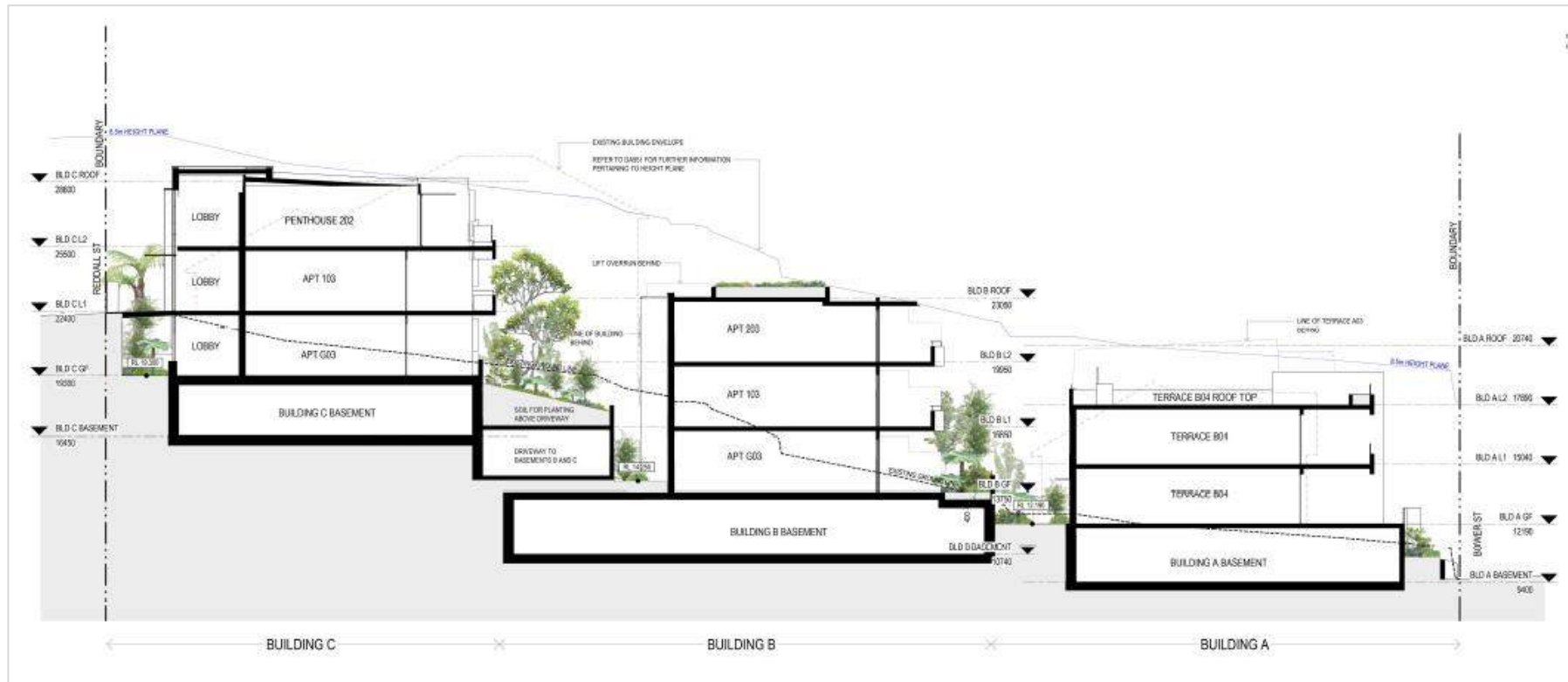


Figure 4: Section Plan A showing the 8.5m height limit in light blue and the portions above the height limit viewed from College Street (Source: Squillace Architects)

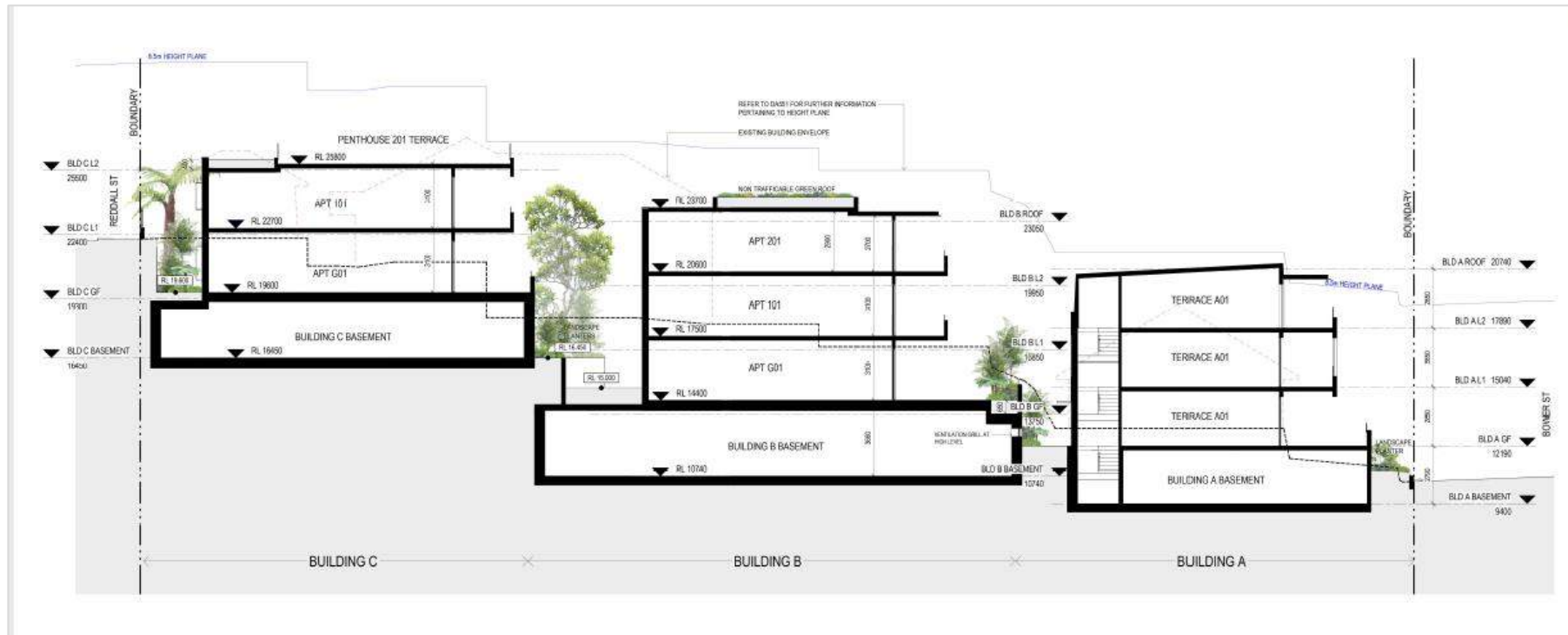


Figure 5: Section Plan B showing the 8.5m height limit in light blue and the portions above the height limit viewed from College Street (Source: Squillace Architects)

The above figures demonstrate that the breach of the maximum building height development standard is predominantly related to the steeply sloping topography of the site. The site falls from west to east towards Bower Street. The highest point of the site is located along the western site boundary (i.e. Reddall Street) with levels varying along this boundary from RL21.69 AHD to RL22.42 AHD. The lowest point of the site is located on the eastern site boundary (i.e. Bower Street) with levels varying from RL9.63A HD to RL12.07AHD.

The habitable floorspace is predominantly contained below the maximum building height line with the encroachment limited to a small extent of the roofs and upper level of the buildings across part of the site. The variation is not a means of achieving additional development yield on the site or an additional floor level, but is a site-specific design response. The proposed awnings that breach the standard could be deleted to reduce the variations to the 8.5m height plane, however this would have no public benefit and compromise amenity for future residents.

3.1. Bower Street frontage

The proposed number of storeys, being three in total, is consistent with other residential flat developments in the surrounding area. As discussed in **Section 1** of this report, the existing residential building located to the north-west at 97 Bower Street, has an approximate maximum height of RL 22.58 AHD. The proposed Building A on the site has a height of approximately RL 21.01 ADH (to the top of the roof), along its Bower Street frontage, which is approximately 1.57 metres below the height of adjacent dwelling. The figure below demonstrates the relationship between Building A and 97 Bower Street (envelope shown grey) and shows the proposed Building A does not exceed the building envelope of 97 Bower Street.



Figure 6: Building A Bower Street Elevation (Source: Squillace)

It is noted that Building B and Building C exceed the building envelope of 97 Bower Street as the buildings step up the site. However, for these buildings the variations to the 8.5m height plane are located in the centre of the site and along College Street, away from the adjoining reserve and 97 Bower Street. This would not be visible from road frontages, the reserve or adjoining properties.

Further, the buildings located to the north east of the site, across Bower Street, have a maximum height of RL13.930 AHD to RL14.580 AHD. The proposed height of the development fronting Bower Street is approximately 21.01 ADH (to the top of the roof). Building A is setback a minimum of 2 metres from Bower Street and will not result in any adverse impacts on the streetscape or adjoining dwellings in terms of overshadowing, overlooking or view loss.

3.2. Reddall Street frontage

On the upper (southern) side of Reddall Street, there are 2 and 3 storey dwelling houses and apartments, which have maximum heights of RL31.630 AHD to RL36.100 AHD. The proposed development maintains this character and proposes a maximum height of RL 29.36 AHD, which appears as a 2 storey dwelling when viewed from Reddall Street. This is consistent with the existing 1 to 3 storey dwellings located on the opposite side of Reddall Street.

The figure below demonstrates how the proposal steps down the site and is set below the building envelope of existing dwellings and apartments on Reddall Street.

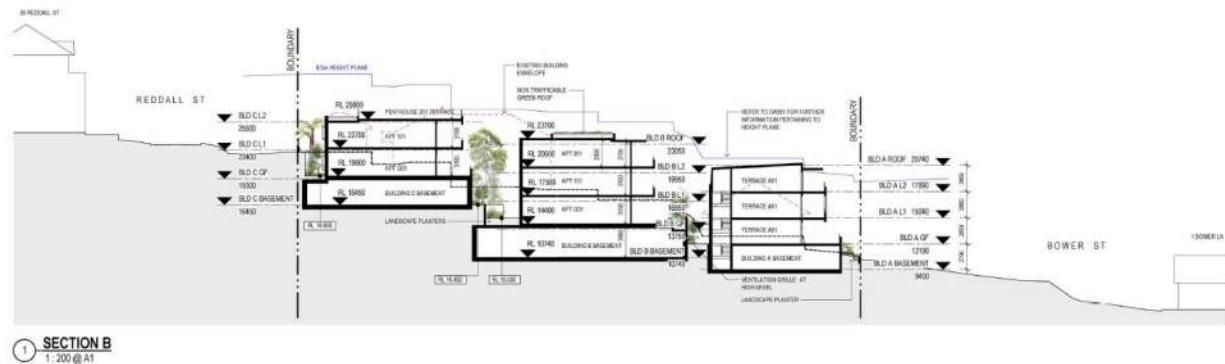


Figure 7: Extract of Section B, from College Street looking west (Source: Squillace)

3.3. Impacts

The encroachment will have no shadow, view loss and amenity impact on surrounding properties as the height breach is predominantly towards the centre of the site, with the largest breach located on the site's northern extent, at the lowest part of the site. The neighbouring properties are zoned R1 General Residential and R2 Low Density Residential and will not be unreasonably impacted by the height breach in terms of views, privacy and overshadowing. The proposed encroachments will not be discernable from street level and as such, the overall bulk and scale of the building is considered to be consistent with a compliant development.

As shown in **Figure 2**, a significant portion of the variation is related to:

- The roof of Buildings A, B & C; and
- A small portion of the upper third level floor of Building A.

The proposed development seeks a variation to the height standard to ensure that the proposal delivers an appropriate built form that is consistent with the desired future character as outlined in the Manly LEP. The proposed development in the form of townhouses and residential flat buildings will contribute positively to housing choice and dwelling numbers within this part of Manly. This is consistent with other types of development occurring in the locality.

4. COMPLIANCE WITH THE DEVELOPMENT STANDARD IS UNREASONABLE OR UNNECESSARY IN THE CIRCUMSTANCES OF THIS CASE. [CL.4.6 (3)(A)]

4.1. Achieves the objectives of the standard

Compliance with the Height of Buildings development standard is unreasonable or unnecessary in the circumstances of this case because, as explained in **Table 1** (below), the objectives of the development standard are achieved, notwithstanding non-compliance with the standard.²

In *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 [34], the Chief Justice held, “establishing that the development would not cause environmental harm and is consistent with the objectives of the development standards is an established means of demonstrating that compliance with the development standard is unreasonable or unnecessary”. Demonstrating that there will be no adverse amenity impacts is therefore one way of showing consistency with the objectives of a development standard.

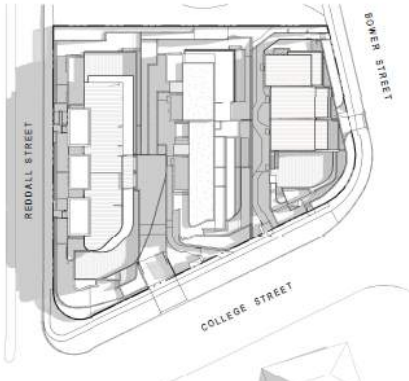
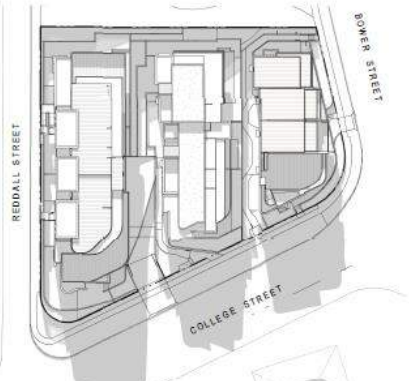
Table 1: Achievement of Height Development Standard Objectives – Clause 4.3 of MLEP.

Objective	Discussion
(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,	The proposed buildings have been designed to respond to the natural topography of the site, which slopes steeply from west to east, as clearly demonstrated in Figures 1-3. The highest point of the site is located along the western site boundary (i.e. Reddall Street) with levels varying along this boundary from RL21.69 AHD to RL22.42 AHD. The lowest point of the site is located on the eastern site boundary (i.e. Bower Street) with levels varying from RL9.63 AHD to RL12.07 AHD. The proposed buildings respond to the topography and steps down to meet the landform in order to minimise excessive height, scale and cut/fill. While the adjoining locality is prescribed a maximum building height of 8.5 metres, there is no prevailing building height in the locality. The locality contains dwelling houses and residential flat buildings comprising a variety of different building heights. Dwellings to the north of the site, closer to the water, primarily comprise residential flat building and are predominantly three and five storeys in height. To the east of the site, the adjacent residential dwellings are three and four storeys in height. To the south, buildings comprise dwelling houses and residential flat buildings ranging from eight storeys to single storey in height. Figures 6 and 7 below illustrate the existing character along Bower Street and Reddall Street.

² In *Wehbe v Pittwater Council* [2007] NSWLEC 827 Preston CJ identified 5 ways in which an applicant might establish that compliance with a development standard is unreasonable or unnecessary and that it is sufficient for only one of these ways to be established. Although the decision concerned SEPP 1, it remains relevant to requests under clause 4.6 as confirmed by Pain J in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90, notwithstanding that if the first and most commonly applied way is used, it must also be considered in 4.6(4)(a)(ii). The 5 ways in *Wehbe* are: 1. The objectives of the development standard are achieved notwithstanding non-compliance with the standard; 2. The underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary; 3. The objective would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable; 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 the standard is unreasonable and unnecessary; or 5. The zoning of the land is unreasonable or inappropriate. The five ways are not exhaustive, and it may be sufficient to establish only one.

Objective	Discussion
	 Figure 8: Bower St Streetscape (Source: Google Maps)  Figure 9: Reddall Street Streetscape (Source: Squillace Architects) The proposed development provides an appropriate building height for the site's location, which responds sympathetically to the height, scale and built form of the existing area. The proposed three-storey height of the development is consistent with the existing building heights of nearby residential flat buildings and dwelling houses, which respond to the sloping topography of the land.
(b) to control the bulk and scale of buildings,	Notwithstanding the requested variation to building height, the proposed buildings are compatible with the bulk and scale of surrounding and nearby development because: ▪ The breach predominantly occurs in the centre of the site, the perceived height of the buildings when viewed from the public domain is consistent with the neighbouring locality and the height limit, as the areas which exceed the height limit are setback from the street frontages and aligned to the sloping nature of the site. ▪ The buildings have been designed to respond sympathetically to the bulk and scale of the existing area, which is characterised by dwellings and residential flat buildings of varying heights, ranging from single storey to 8 storeys in height. The buildings' bulk and scale respond sympathetically because:

Objective	Discussion
	▫ The proposed buildings are located a substantial distance from nearby buildings and are appropriately setback from the site's boundaries; ▫ The upper storeys of the buildings are setback from the streetscape; ▫ The design, siting and materiality of the buildings results in an overall development with an appearance which will exist together in harmony with its immediate and wider environment. ▪ In relation to setbacks, the proposal is largely consistent with the DCP setbacks stipulated in the Manly DCP. The proposed setbacks have been developed following an analysis of the existing street setback conditions. These are discussed below: ▫ Along Reddall Street, a 3-metre setback is provided which is consistent with the prevailing building lines along Reddall Street to the north. ▫ Along Bower Street, a minimum 2-metre setback is provided which is largely consistent with the prevailing building lines along Bower Street to the north. While this is marginally smaller than the prevailing building line, the projections into this front setback relate to the balconies of the townhouses and will have no adverse impact on the streetscape or adjoining properties. ▫ Along College Street, there is no prevailing building line. In accordance with the DCP a 6-metre setback is provided to Buildings C & B (with a small extent of private open space projecting into the setback to Building C) and a 3-metre setback provided to Building A. The setback to Building A will have no adverse impact on the streetscape and adjoining properties and is acceptable. The variation to the height being sought is minor and does not result in a building of excessive bulk and scale. It is consistent with the existing residential buildings surrounding the site. The proposed development is consistent with and achieves this objective of the standard.
<i>(c) to minimise disruption to the following:</i> <i>(i) views to nearby residential development from public spaces (including the harbour and foreshores),</i> <i>(ii) views from nearby residential development to public spaces (including the harbour and foreshores),</i>	While the proposed development exceeds the maximum building height in some instances across the site, those areas which breach the maximum height limit are located away from the site's western boundary, and do not result in any impact on views. The areas of height exceedance are located centrally within the site, with the largest breach located on the site's northern extent, at the lowest part of the site. The proposed development has been carefully designed to take reasonable steps to maximise the sharing of views and has no unreasonable impact on views in the locality. The proposal demonstrates optimum capacity of the site to accommodate a built form that minimises the loss of views from neighbouring buildings, as well as in consideration with the planning controls applicable to the subject site. The proposed development achieves a good balance between minimising views and benefitting from the planning controls applicable to the site, providing a high-quality built form which promotes views. The extent of impact that this proposal will have on views throughout the locality is extremely minor when considered in terms of the whole of the affected properties. These properties, by virtue of their location and elevated topography, enjoy ocean views. The areas of non-compliance do not have any impact on view loss in relation to (i) and (ii). The proposal does not obscure the views reasonably attained from neighbouring properties, but on the whole, increases opportunities for view sharing as demonstrated in the View Sharing Assessment at Appendix 1.

Objective	Discussion
(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,	As demonstrated in the shadow plans extracted below, the proposed development does not cast any shadows onto any adjoining residential properties. The majority of the shadows cast by the proposed development fall onto the site itself as well as the road reserve along Reddall Street and College Street. The proposed development does not impact on neighbouring properties in terms of overshadowing.  4 SHADOW STUDY PLAN - WINTER SOLSTICE - 9AM - PROPOSED 1:400 @ A1  5 SHADOW STUDY PLAN - WINTER SOLSTICE - NOON - PROPOSED 1:400 @ A1  6 SHADOW STUDY PLAN - WINTER SOLSTICE - 3PM - PROPOSED 1:400 @ A1 Figure 10: Shadow Diagrams taken on 21 June (Source: Squillace Architects)
(e) to ensure the height and bulk of any proposed building or structure in a	N/A. The subject site is zoned R1 General Residential.

Objective	Discussion
<i>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.</i>	

5. THERE ARE SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS TO JUSTIFY CONTRAVENING THE STANDARD. [CL. 4.6(3)(B)]

In *Initial Action Pty Ltd v Woollahra Council* [2018] NSWLEC 2018, Preston CJ observed that in order for there to be 'sufficient' environmental planning grounds to justify a written request under clause 4.6 to contravene a development standard, the focus must be on the aspect or element of the development that contravenes the development standard and the environmental planning grounds advanced in the written request must justify contravening the development standard, not simply promote the benefits of carrying out the development as a whole.

As discussed earlier, the elements of the development that contravene the height standard relate to minor portions of the roof of the buildings and a small portion of habitable floorspace in Building A.

The majority of the building mass, however, sits below the maximum height limit. In this regard the environmental impacts are negligible. There are no adverse environmental impacts associated with additional overshadowing, view loss or overlooking as a result of the proposed variation of the standard.

The SEE prepared for this DA provides a holistic environmental planning assessment of the proposed development and concludes that subject to adopting a range of reasonable mitigation measures, there are sufficient environmental planning grounds to support the development.

There is robust justification through the SEE and accompanying documentation to support the overall development and contend that the outcome is appropriate on environmental planning grounds.

Some additional specific environmental grounds to justify the breach of the standard are summarised as follows:

- The breach of the standard allows for a development that is consistent with the existing and desired future character of the area;
- The development will facilitate development of additional quality housing options in a highly desirable location.
- As demonstrated by the shadow diagrams accompanying the DA, the variation of the height standard does not result in any overshadowing impacts to adjoining residential dwellings and will not impact on the availability of solar access to adjoining and nearby neighbours.
- As demonstrated by the View Sharing Assessment at **Appendix 1**, the variation to the height standard does not result in any additional view loss impacts given the breaches are located away from the site's boundaries, towards the western extent of each building and will not be discernible from the intervening streetscape and neighbouring dwellings. The built form has been designed to improve current views through the site.
- The breach of the height limit does not result in any additional overlooking or loss of privacy for neighbouring properties.
- The additional height does not change the overall bulk and scale of the development.
- The additional height will not have a detrimental visual impact on the surrounding area.
- The proposal would result in a better planning outcome than if compliance were to be achieved, as it provides a development that meets both the objectives of the standard, applicable for the residential flat buildings and by locating the building height and bulk to the south east has provided for increased water views to existing dwellings to the west.

6. THE PROPOSAL WILL BE IN THE PUBLIC INTEREST BECAUSE IT IS CONSISTENT WITH THE OBJECTIVES OF THE STANDARD AND THE OBJECTIVES OF THE ZONE. [CL.4.6(4)(A)(II)]

In section 3 (above), it was demonstrated that the proposal is consistent³ with the objectives of the development standard. The proposal is also consistent with the objectives of the zone as explained in **Table 2** (below).

Table 2: Consistency with R1 General Residential Zone Objectives.

Objective	Discussion
To provide for the housing needs of the community.	The breach of the standard does not result in an inconsistency with this objective. The proposed development will in provide additional housing within the locality of Manly, nearby to a range of local services, facilities and amenities.
To provide for a variety of housing types and densities.	The development is consistent with this objective as it provides a mix of 2-bedroom and 3-bedroom units and 3-bedroom townhouses within two residential flat buildings and attached-dwelling housing.
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	The breach of the standard does not result in an inconsistency with this objective. The proposed development for townhouses and two residential flat buildings and does not include any non-residential uses. The site is, however, located near the Manly commercial centre and will support the viability of the uses within the town centre.

As can be seen from **Table 1** and **Table 2**, the proposal is consistent with the objectives of the standard and the objectives of the zone and is therefore considered to be in the public interest.

³ In *Dem Gillespies v Warringah Council* [2002] LGERA 147 and *Addenbrooke Pty Ltd v Woollahra Municipal Council* [2008] NSWLEC the term 'consistent' was interpreted to mean 'compatible' or 'capable of existing together in harmony'

7. CONTRAVENTION OF THE DEVELOPMENT STANDARD DOES NOT RAISE ANY MATTER OF SIGNIFICANCE FOR STATE OR REGIONAL ENVIRONMENTAL PLANNING. [CL. 4.6(5)(A)]

There is no identified outcome which would be prejudicial to planning matters of state or regional significance that would result as a consequence of varying the development standard as proposed by this application.

8. THERE IS NO PUBLIC BENEFIT OF MAINTAINING THE STANDARD. [CL. 4.6(5)(B)]

There is no public benefit⁴ in maintaining strict compliance with the development standard.

The development complies with the stated objectives of the zone and the development standard seeking to be varied. The development will provide additional dwellings in an area identified as being a suitable location for the provision of housing, while still ensuring that the development is consistent with the existing and desired future character of the area. Further, there are no unreasonable environmental impacts as a result of the variation.

The breach of the standard is minor and includes parts of the roof and a minor part of the upper storey of Building A. The breach is primarily a result of the steep topography of the land and does not result in an additional storey. The proposed number of storeys, being three in total, is consistent with other residential flat building developments and dwelling houses in the immediately surrounding area.

Given the above, there is no public benefit in maintaining strict application of the standard and that the overall proposal will result in a public benefit.

9. THERE ARE NO MATTERS REQUIRED TO BE TAKEN INTO CONSIDERATION BY THE SECRETARY [CL. 4.6(5)(C)]

It is considered that all matters required to be taken into account by the Secretary before granting concurrence have been adequately addressed as part of this cl4.6 variation request to vary Clause 4.3 of the Manly LEP.

⁴ *Ex Gratia P/L v Dungog Council* (NSWLEC 148) established that the question that needs to be answered to establish whether there is a public benefit is "whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development"

10. CONCLUSION

This Clause 4.6 variation request demonstrates, as required by Clause 4.6 of the *Manly Local Environmental Plan 2013*, that:

- Compliance with the development standard would be unreasonable and unnecessary in the circumstances of this development;
- There are sufficient environmental planning grounds to justify the contravention;
- The development achieves the objectives of the development standard and is consistent with the objectives of the R1 General Residential Zone;
- The proposed development, notwithstanding the variation, is in the public interest and there is no public benefit in maintaining the standard; and
- The variation does not raise any matter of State or Regional Significance.
- The variation is minor and has no impact on overshadowing, privacy or increased bulk and scale.

On this basis, therefore, it is considered appropriate to exercise the flexibility provided by Clause 4.6 in the circumstances of this application.

APPENDIX 1

View Sharing Assessment

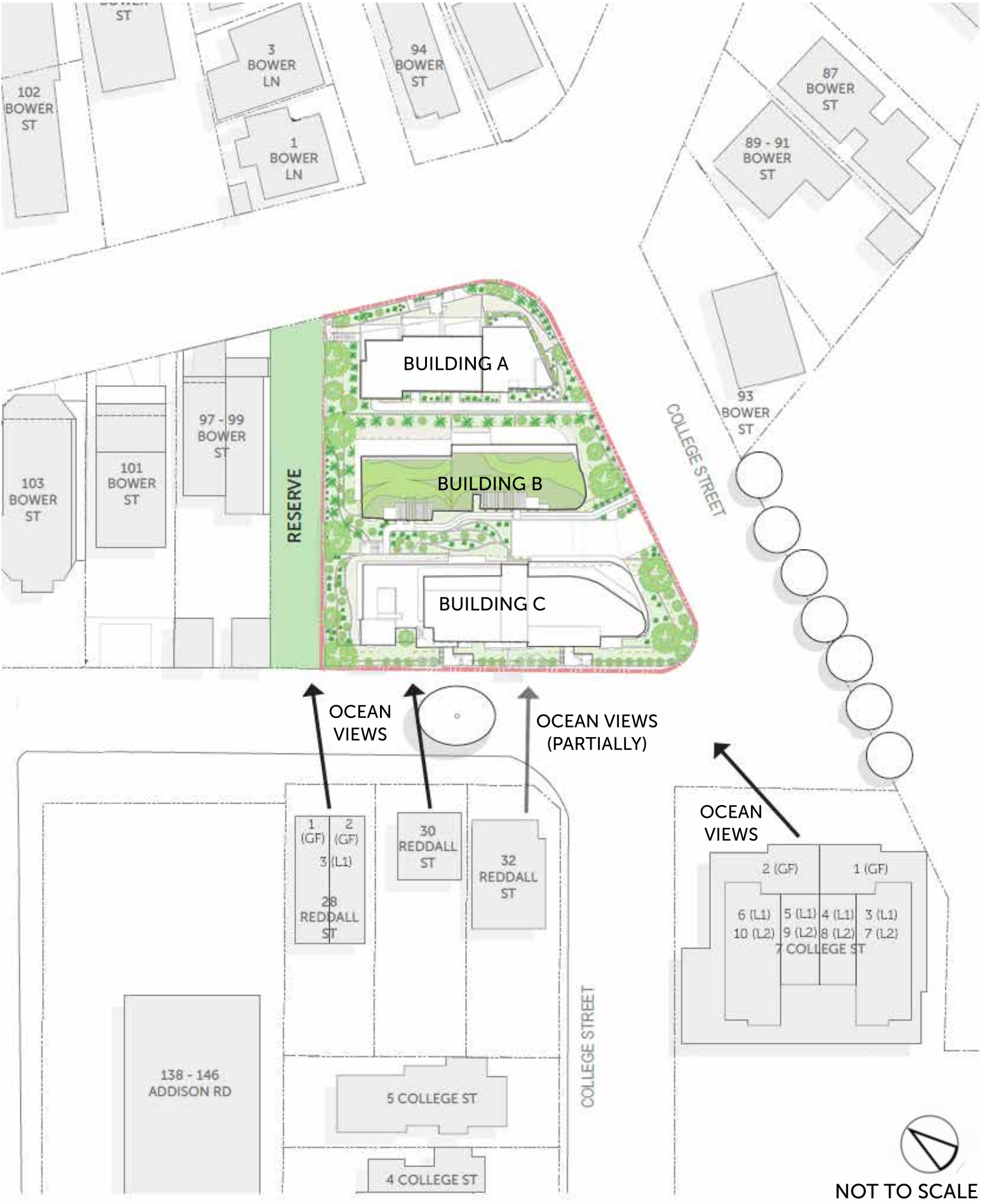
BOWER ST MANLY APARTMENTS

95 BOWER ST & 29, 31, 35 REDDALL ST MANLY

VIEW SHARING ASSESSMENT

June 2019

squillace

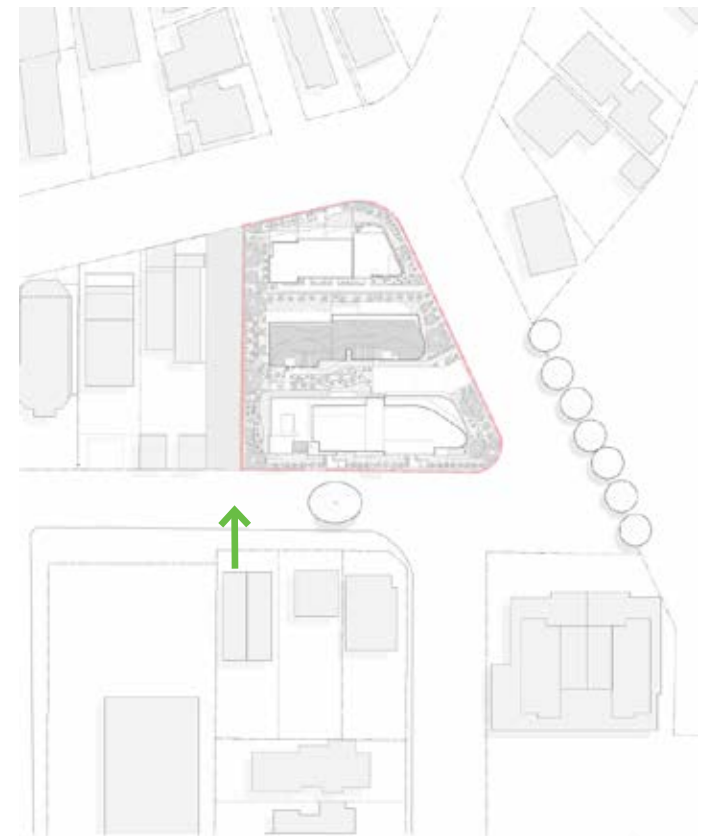


SITE PLAN



EXISTING VIEW

APT 1/28 REDDALL ST
GROUND LEVEL BALCONY



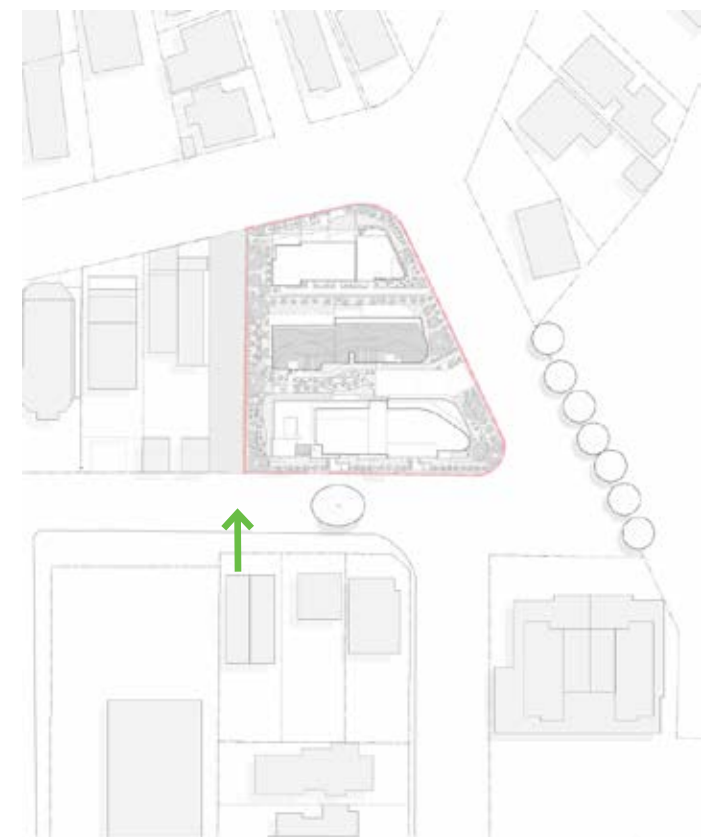
Key:
Increase in water views
Decrease in water views

squillace



PROPOSED VIEW

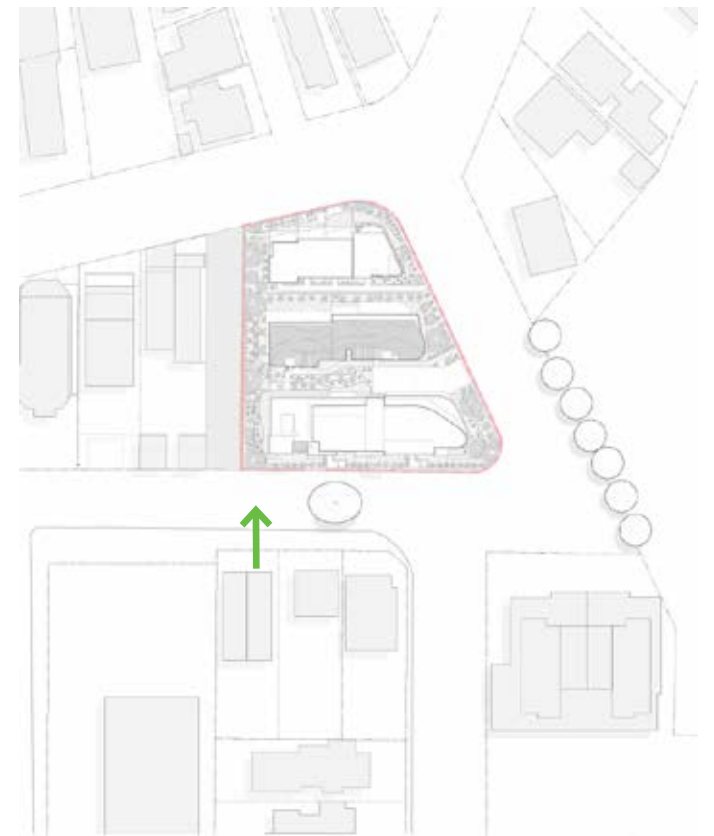
APT 1/28 REDDALL ST
GROUND LEVEL BALCONY





EXISTING VIEW

APT 2/28 REDDALL ST
GROUND LEVEL BALCONY



Key:

█ Increase in water views

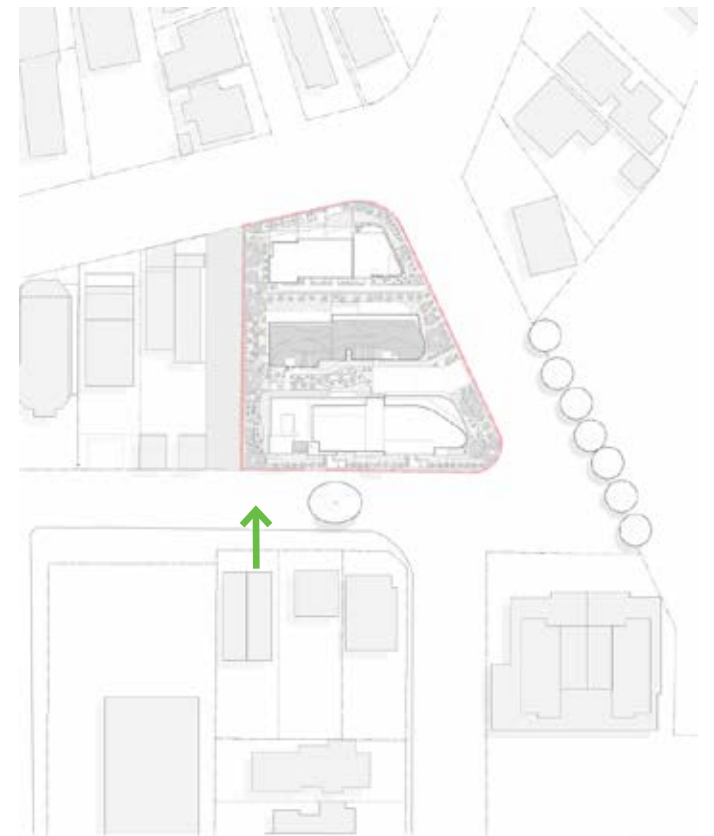
█ Decrease in water views

squillace



PROPOSED VIEW

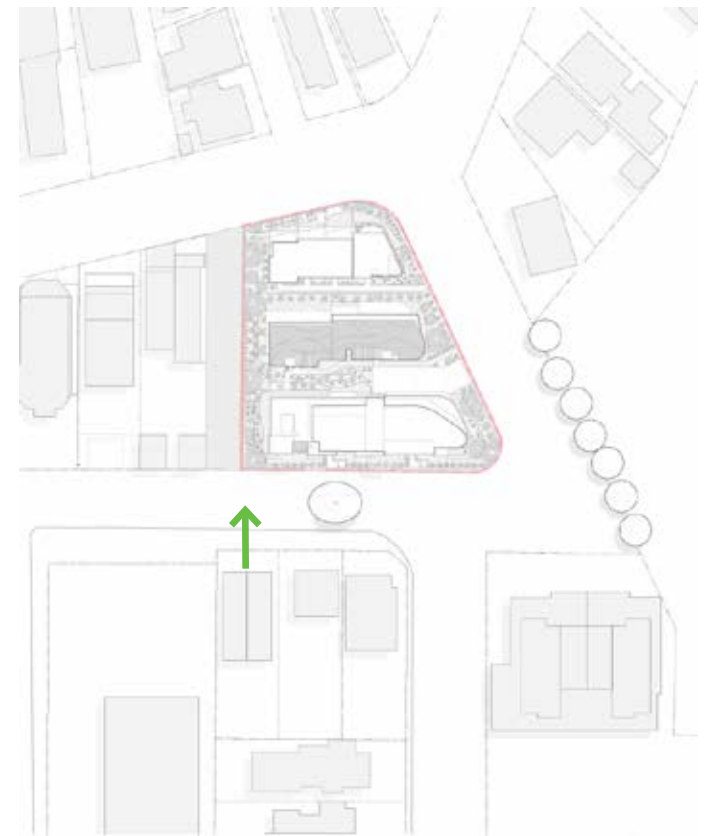
APT 2/28 REDDALL ST
GROUND LEVEL BALCONY





EXISTING VIEW

APT 3/28 REDDALL ST
LEVEL 1 BALCONY



Key:

■ Increase in water views

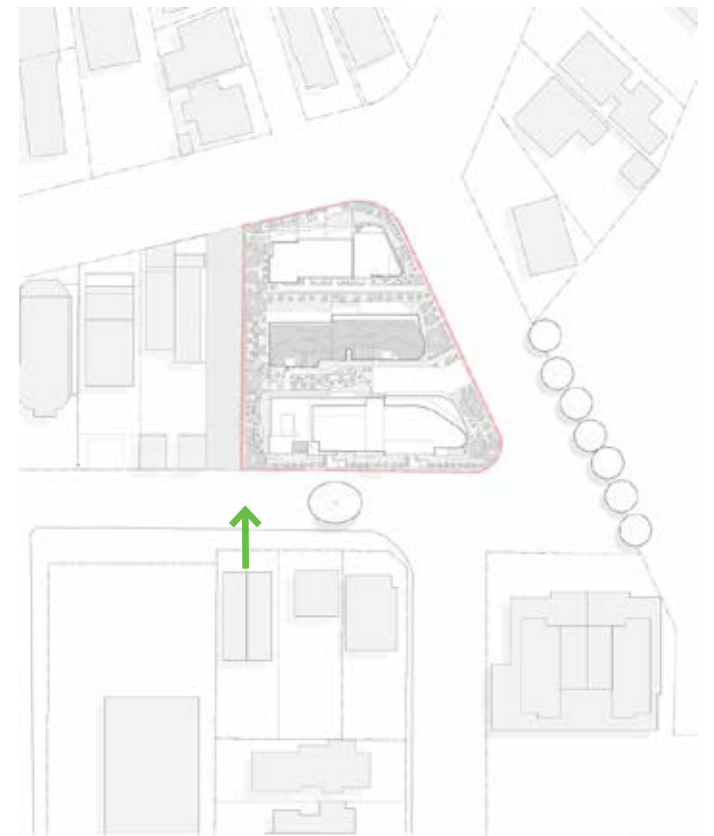
■ Decrease in water views

squillace



PROPOSED VIEW

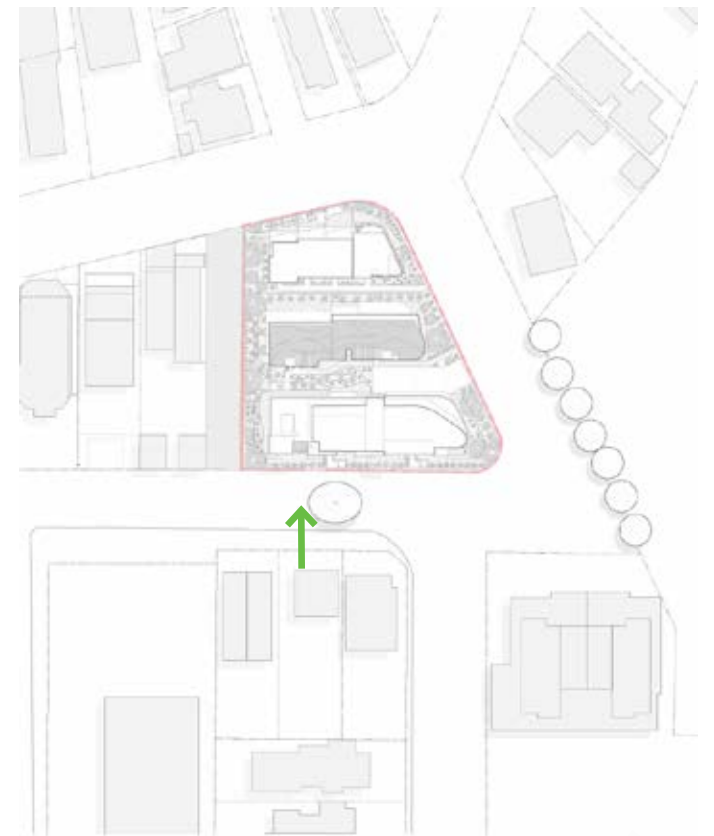
APT 3/28 REDDALL ST
LEVEL 1 BALCONY





EXISTING VIEW

30 REDDALL ST
GROUND LEVEL BALCONY

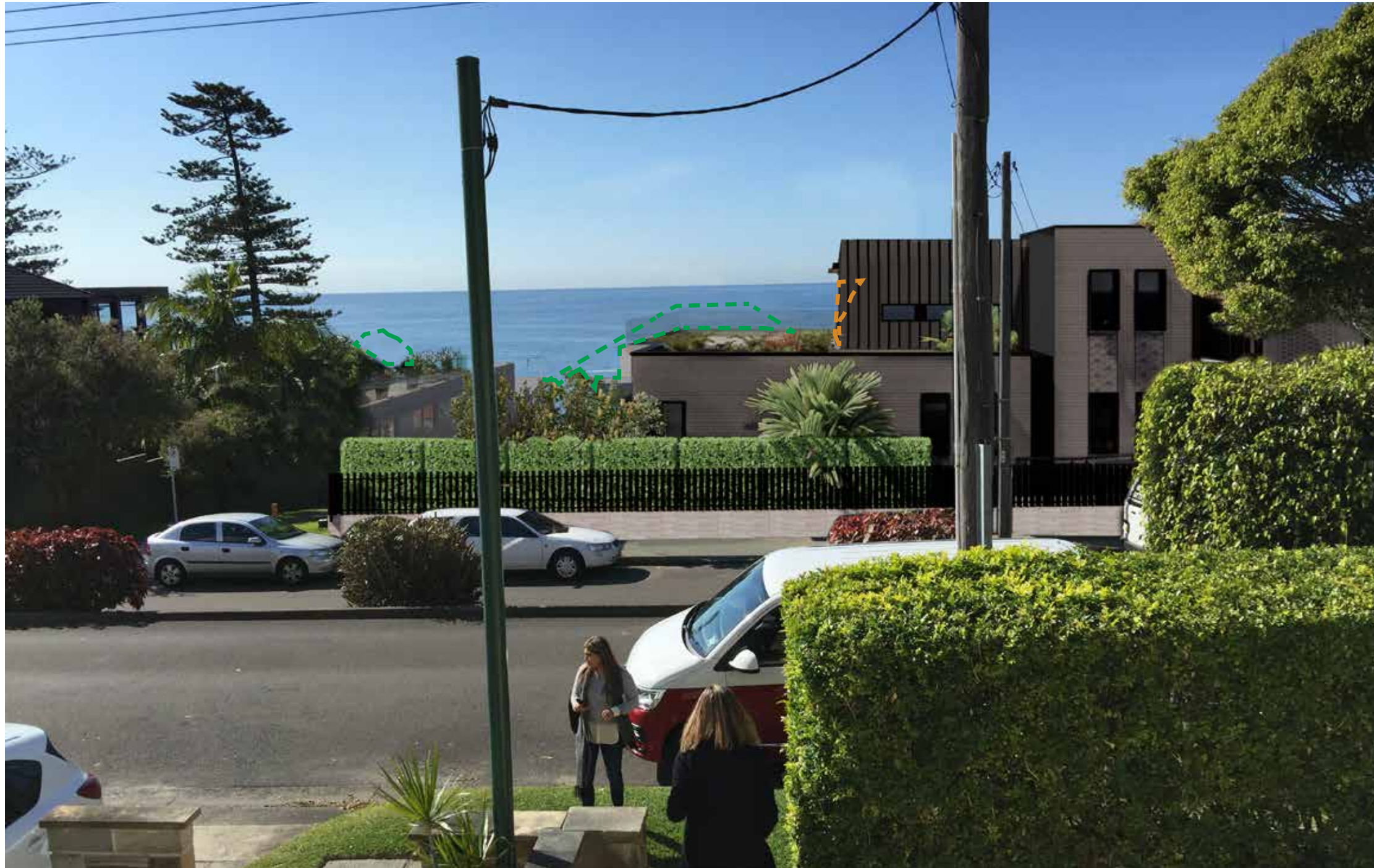


Key:

 Increase in water views

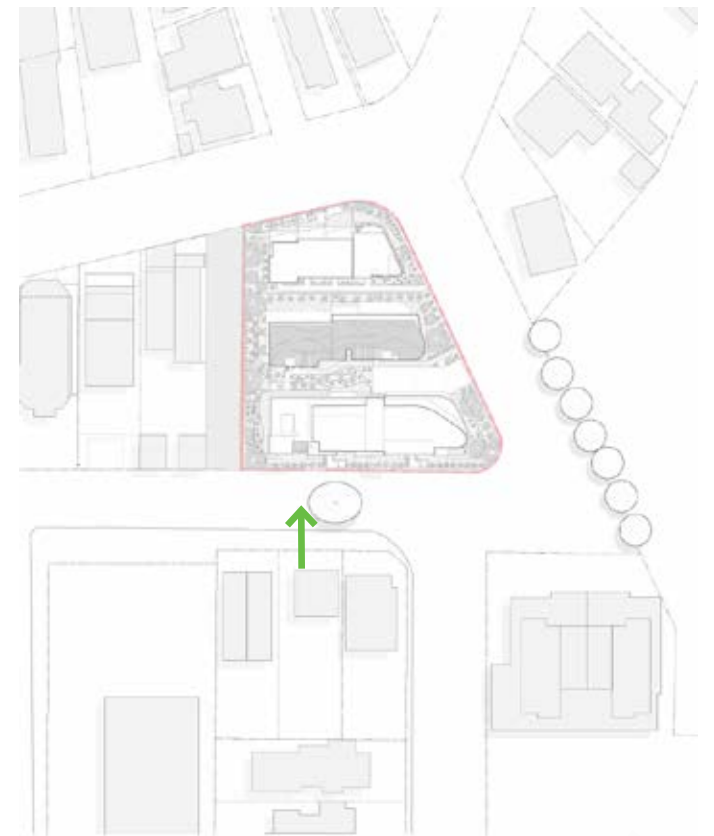
 Decrease in water views

squillace



PROPOSED VIEW

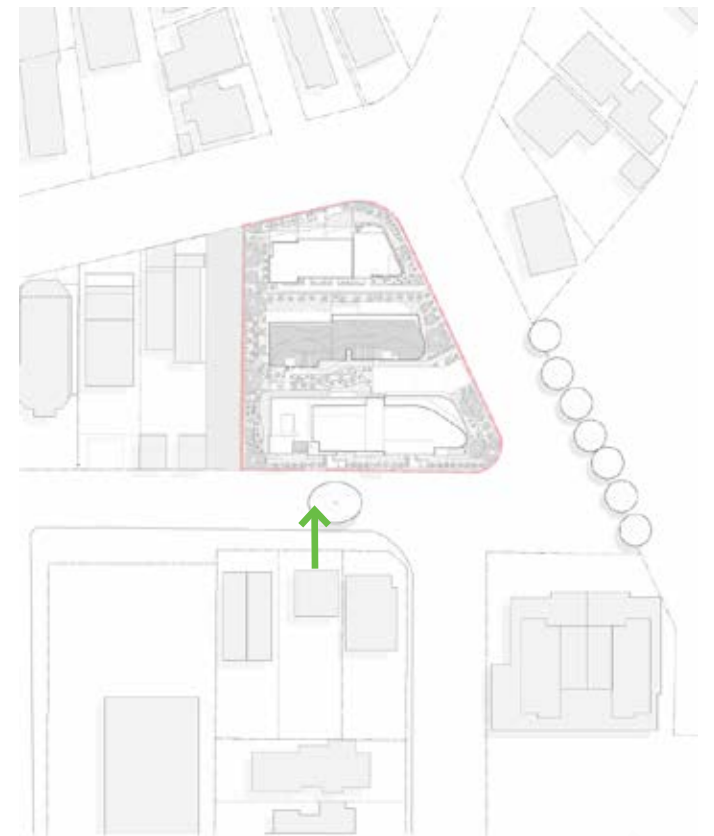
30 REDDALL ST
GROUND LEVEL BALCONY





EXISTING VIEW

30 REDDALL ST
GROUND LEVEL BALCONY

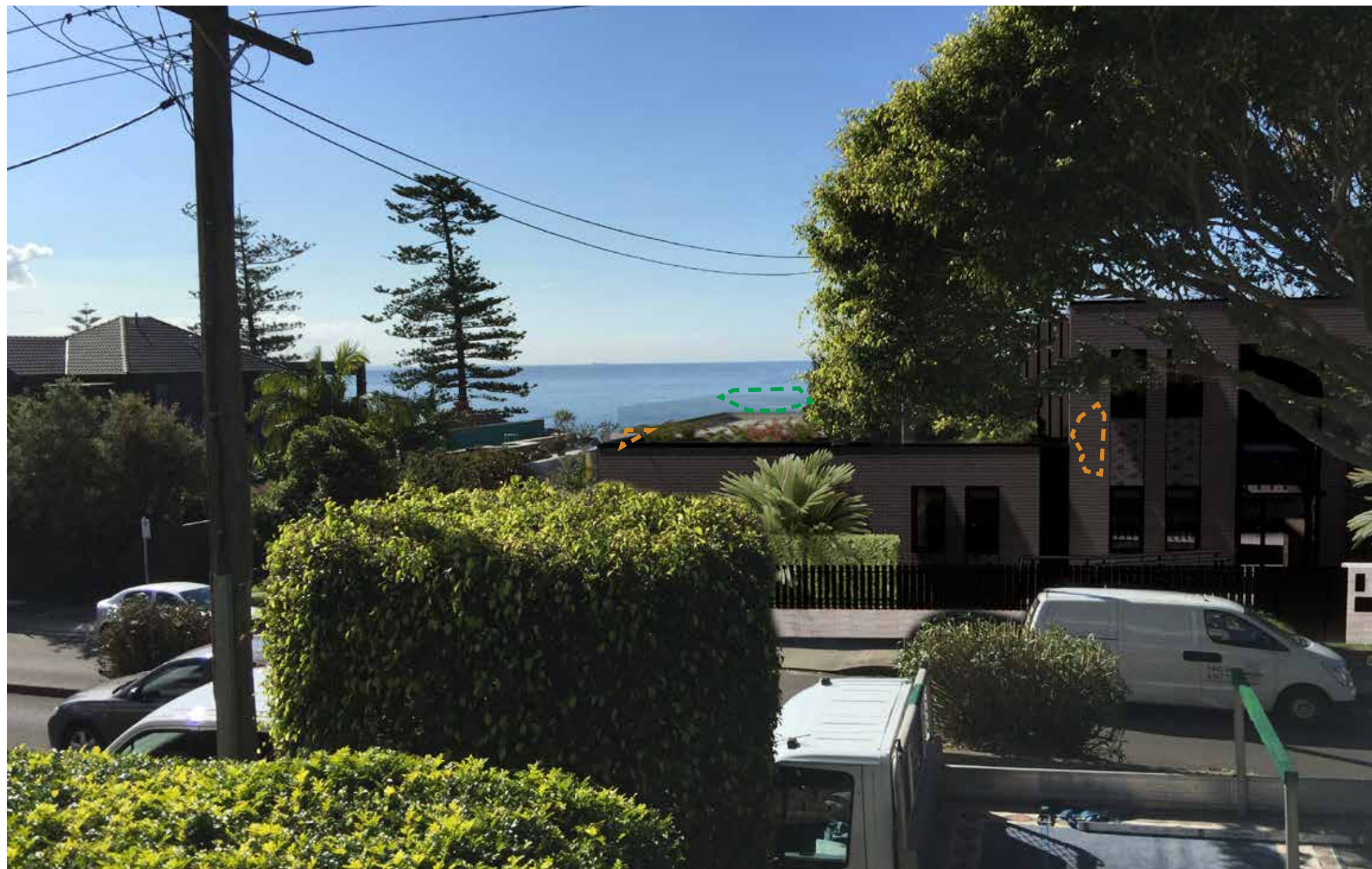


Key:

 Increase in water views

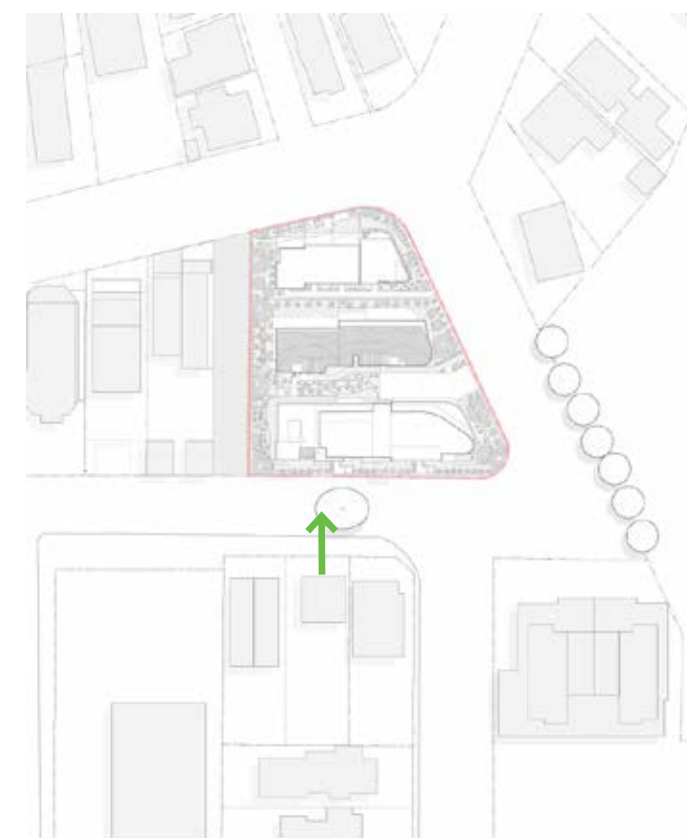
 Decrease in water views

squillace



PROPOSED VIEW

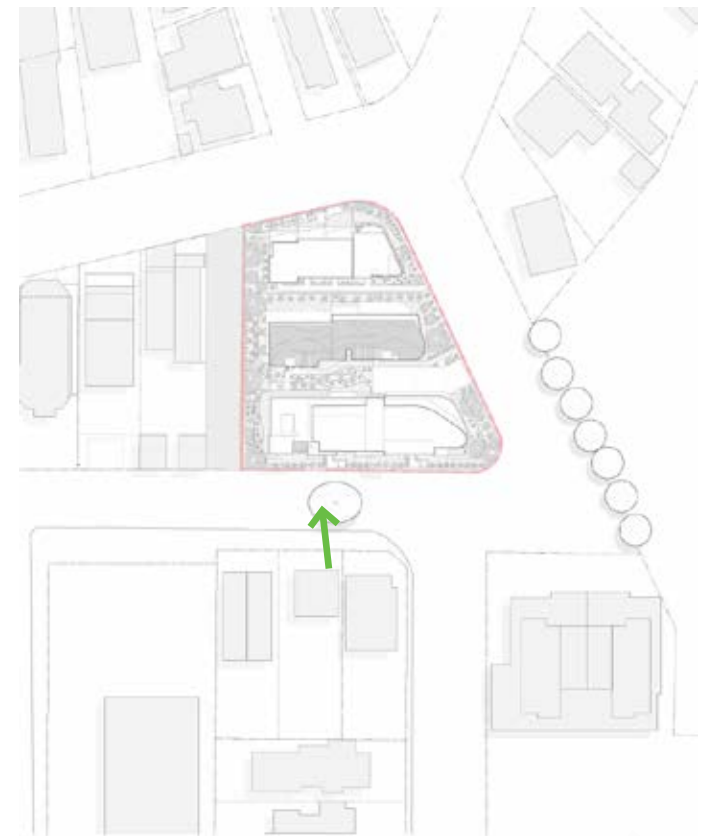
30 REDDALL ST
GROUND LEVEL BALCONY





EXISTING VIEW

30 REDDALL ST
LEVEL 1 BALCONY



Key:

 Increase in water views

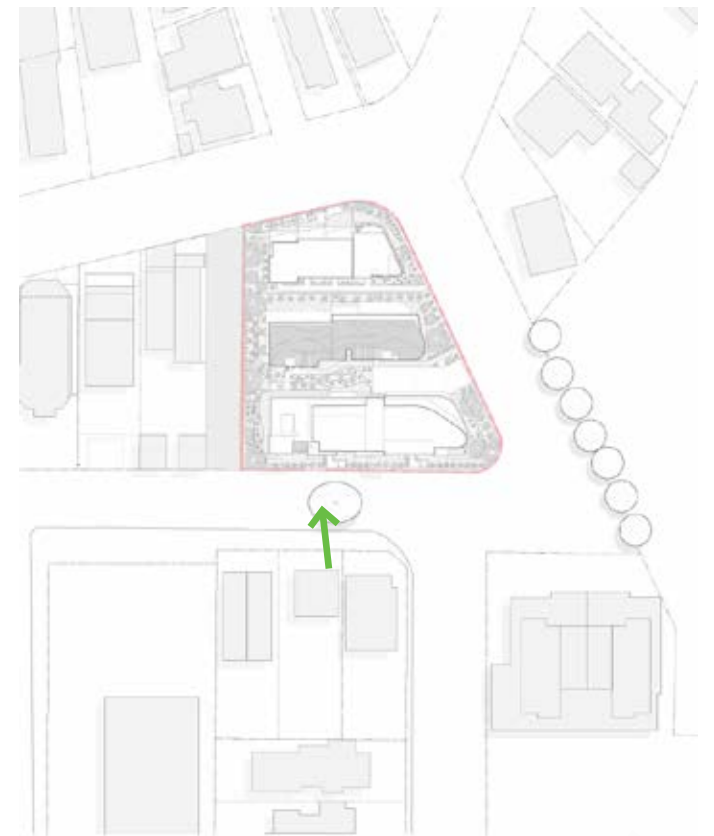
 Decrease in water views

squillace



PROPOSED VIEW

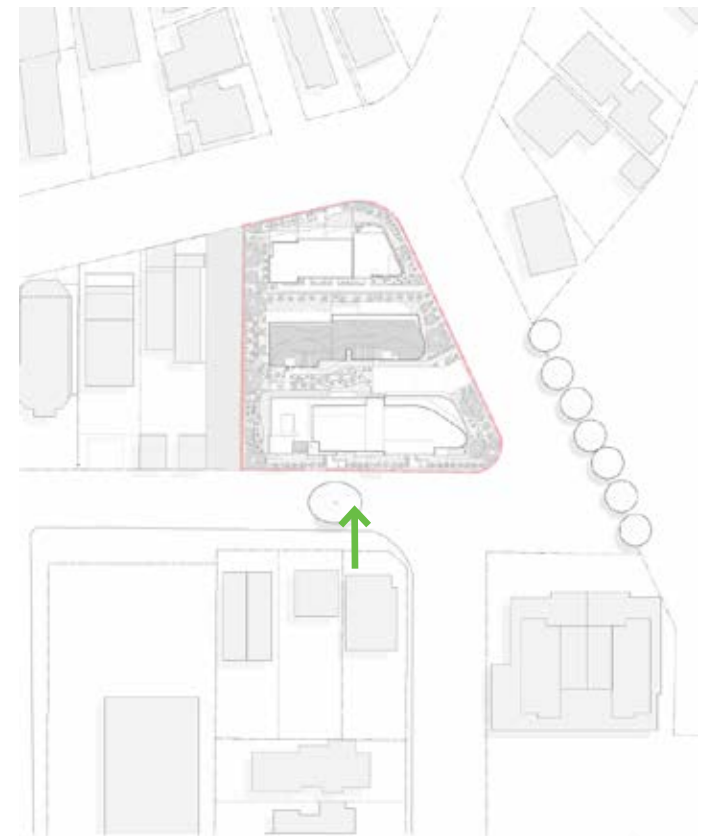
30 REDDALL ST
LEVEL 1 BALCONY





EXISTING VIEW

32 REDDALL ST
GROUND LEVEL LIVING (NEAR ENTRY)



Key:

■ Increase in water views

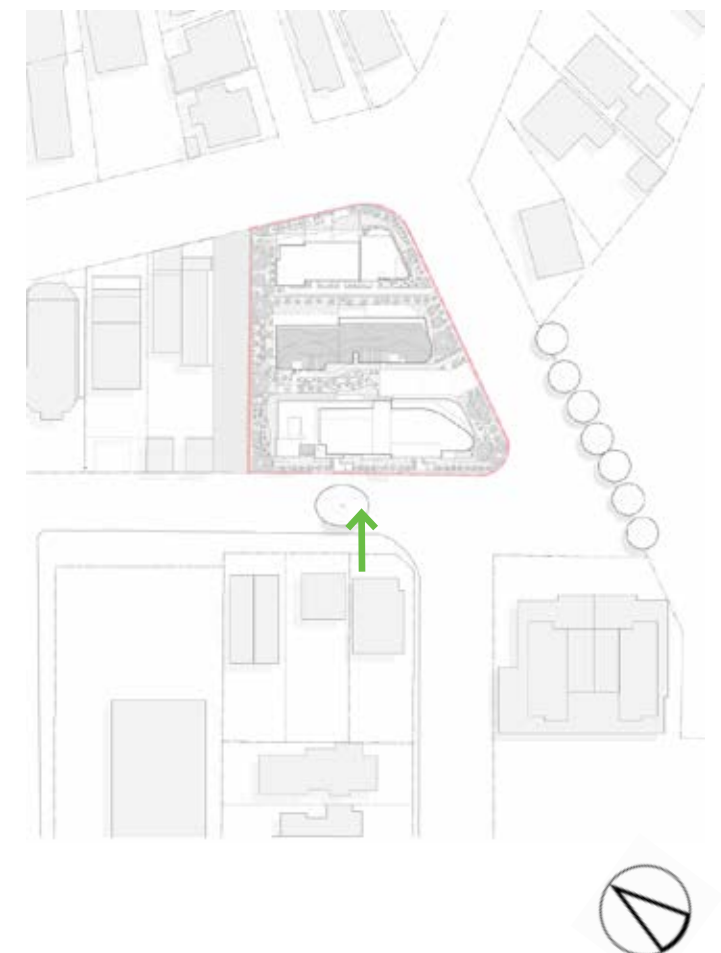
■ Decrease in water views

squillace



PROPOSED VIEW

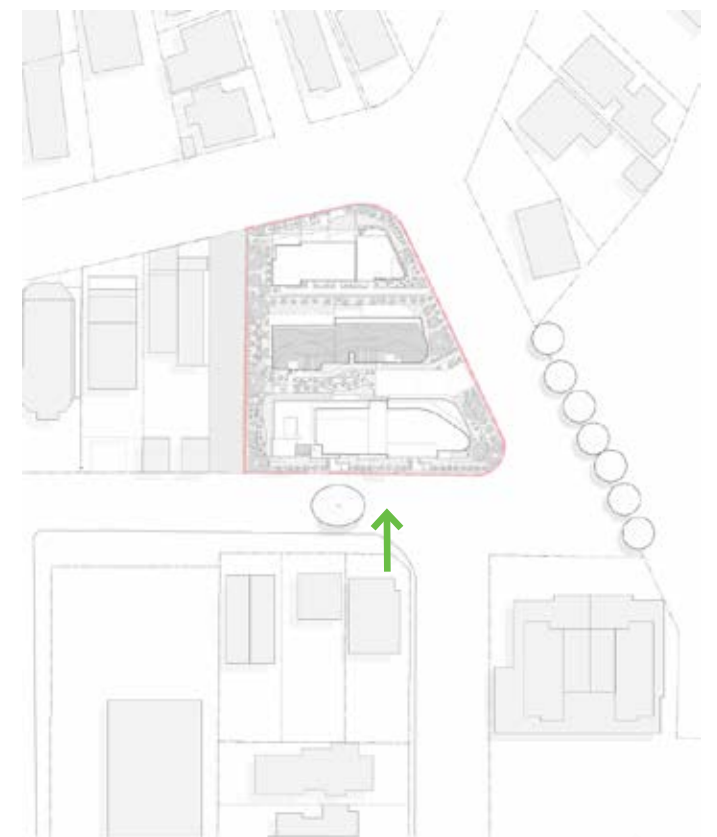
32 REDDALL ST
GROUND LEVEL LIVING (NEAR ENTRY)





EXISTING VIEW

32 REDDALL ST
GROUND LEVEL LIVING (CORNER)



Key:

■ Increase in water views

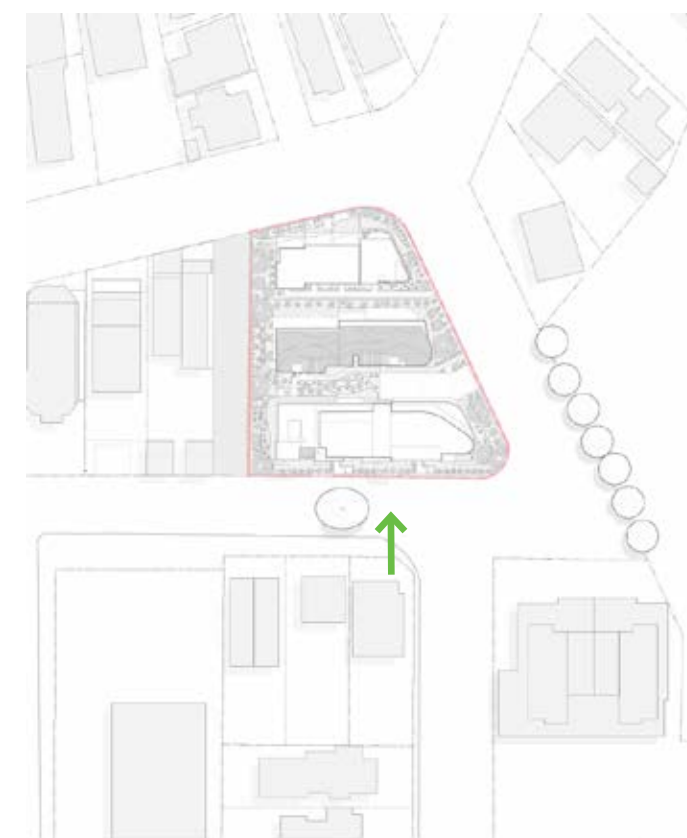
■ Decrease in water views

squillace



PROPOSED VIEW

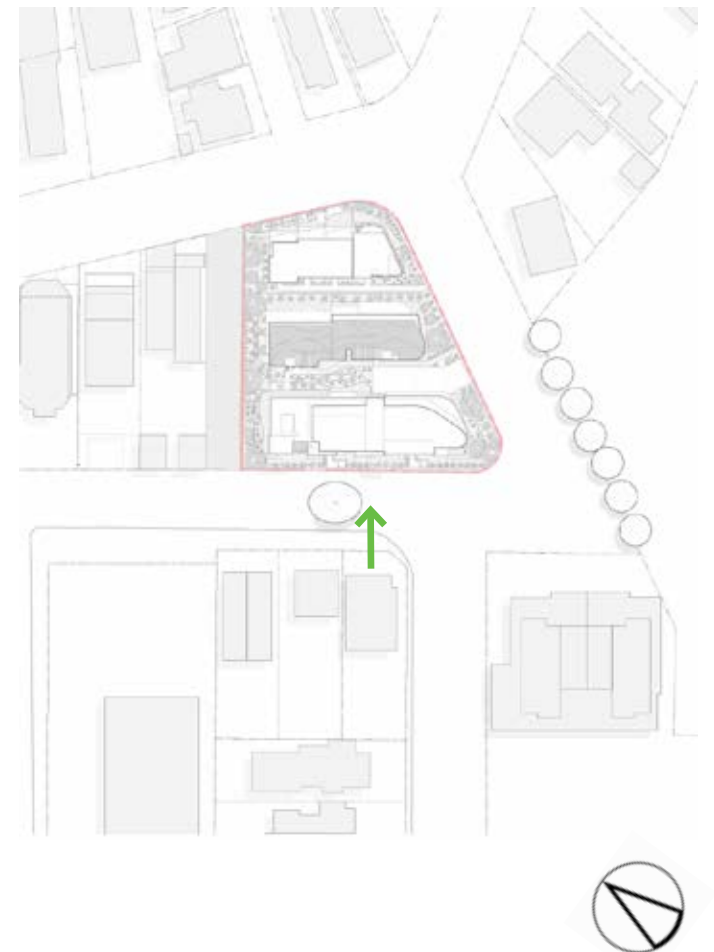
32 REDDALL ST
GROUND LEVEL LIVING (CORNER)





EXISTING VIEW

32 REDDALL ST
LEVEL 1 POTENTIAL VIEW (NEW FLOOR EXTENSION)



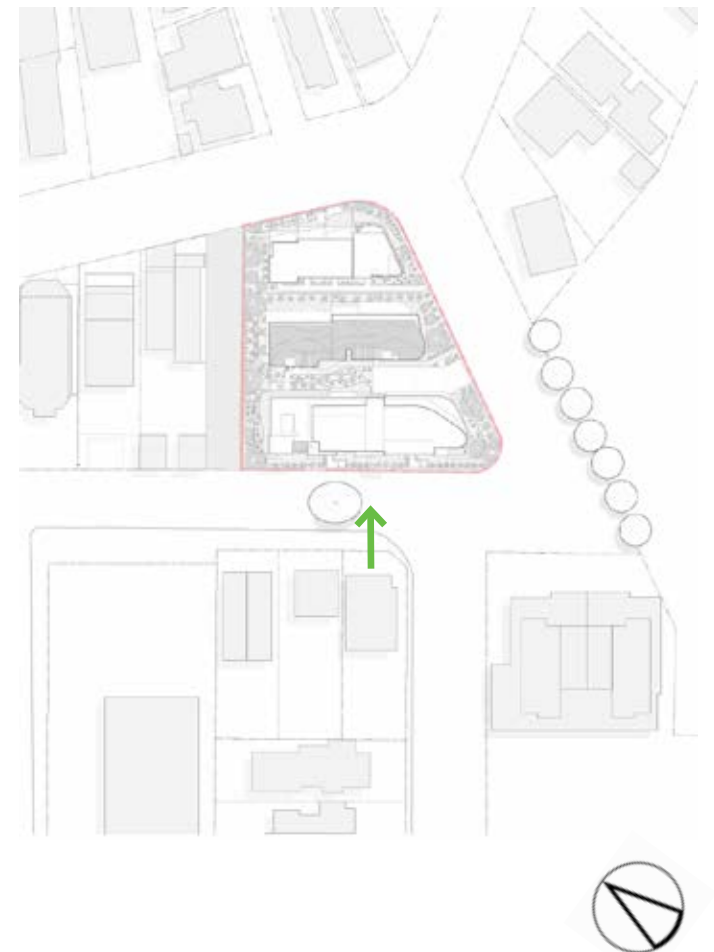
Key:
Increase in water views
Decrease in water views

squillace



PROPOSED VIEW

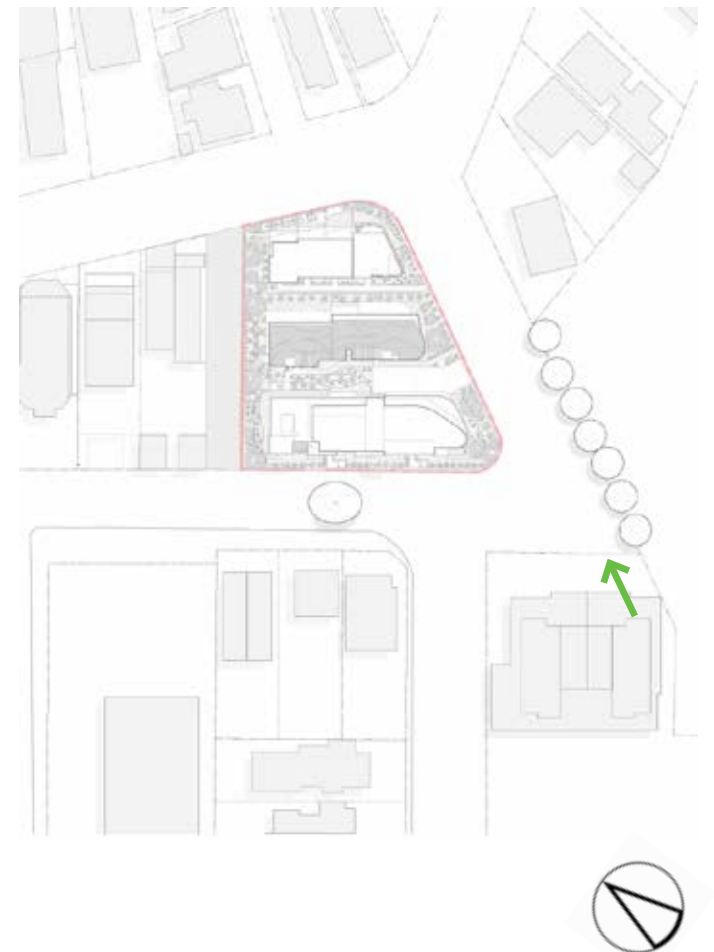
32 REDDALL ST
LEVEL 1 POTENTIAL VIEW (NEW FLOOR EXTENSION)





EXISTING VIEW

APT 3/7 COLLEGE ST
LEVEL 1 BALCONY VIEW



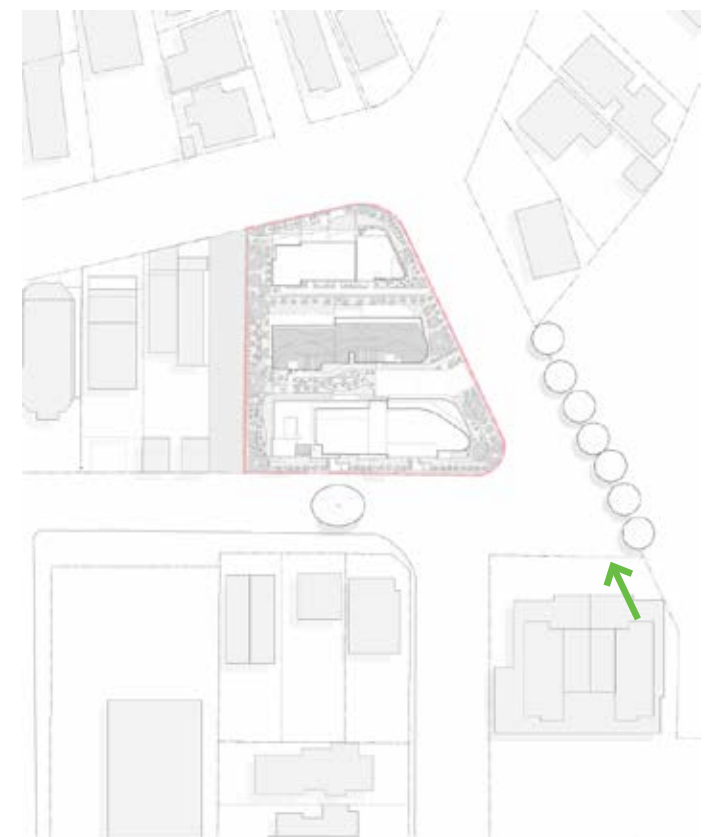
Key:
Increase in water views
Decrease in water views

squillace



PROPOSED VIEW

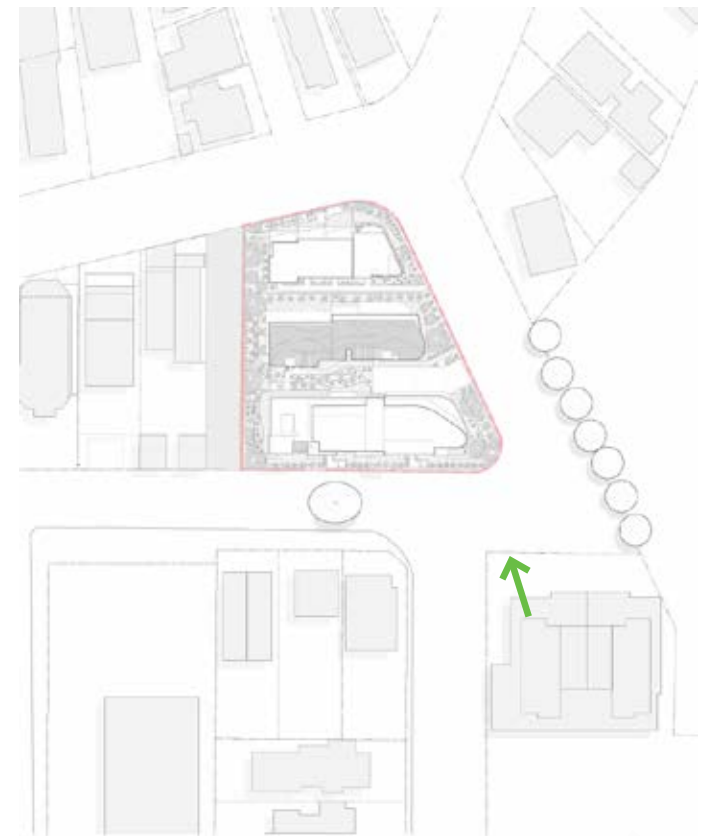
APT 3/7 COLLEGE ST
LEVEL 1 BALCONY VIEW





EXISTING VIEW

APT 6/7 COLLEGE ST
LEVEL 1 BALCONY VIEW



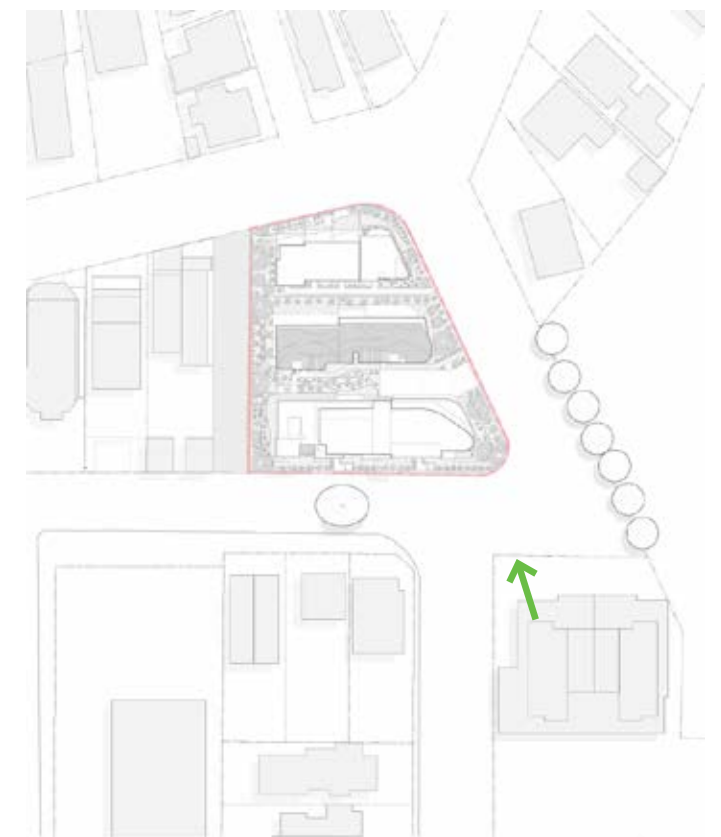
Key:
Increase in water views
Decrease in water views

squillace



PROPOSED VIEW

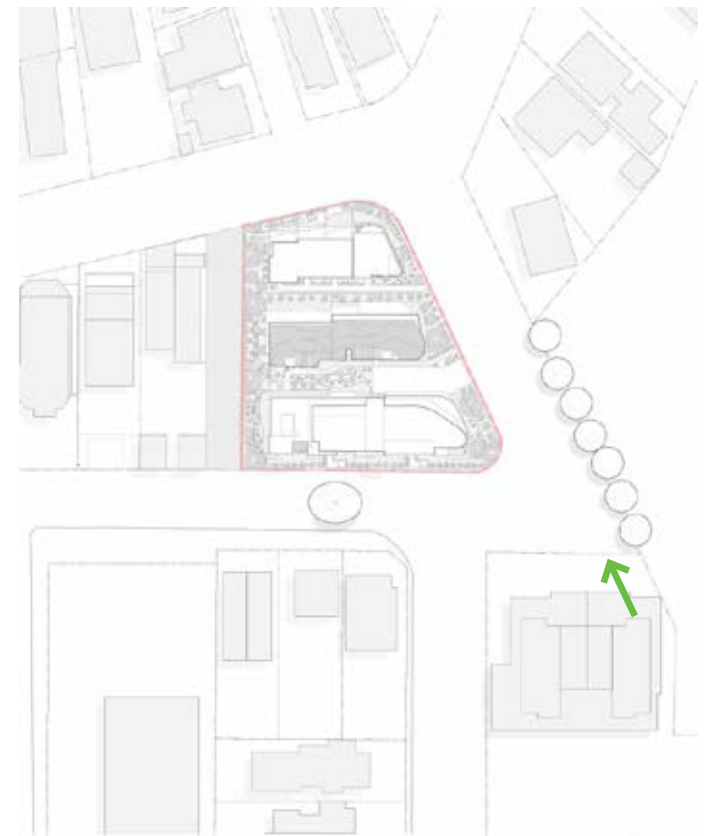
APT 6/7 COLLEGE ST
LEVEL 1 BALCONY VIEW





EXISTING VIEW

APT 7/7 COLLEGE ST
LEVEL 2 BALCONY VIEW

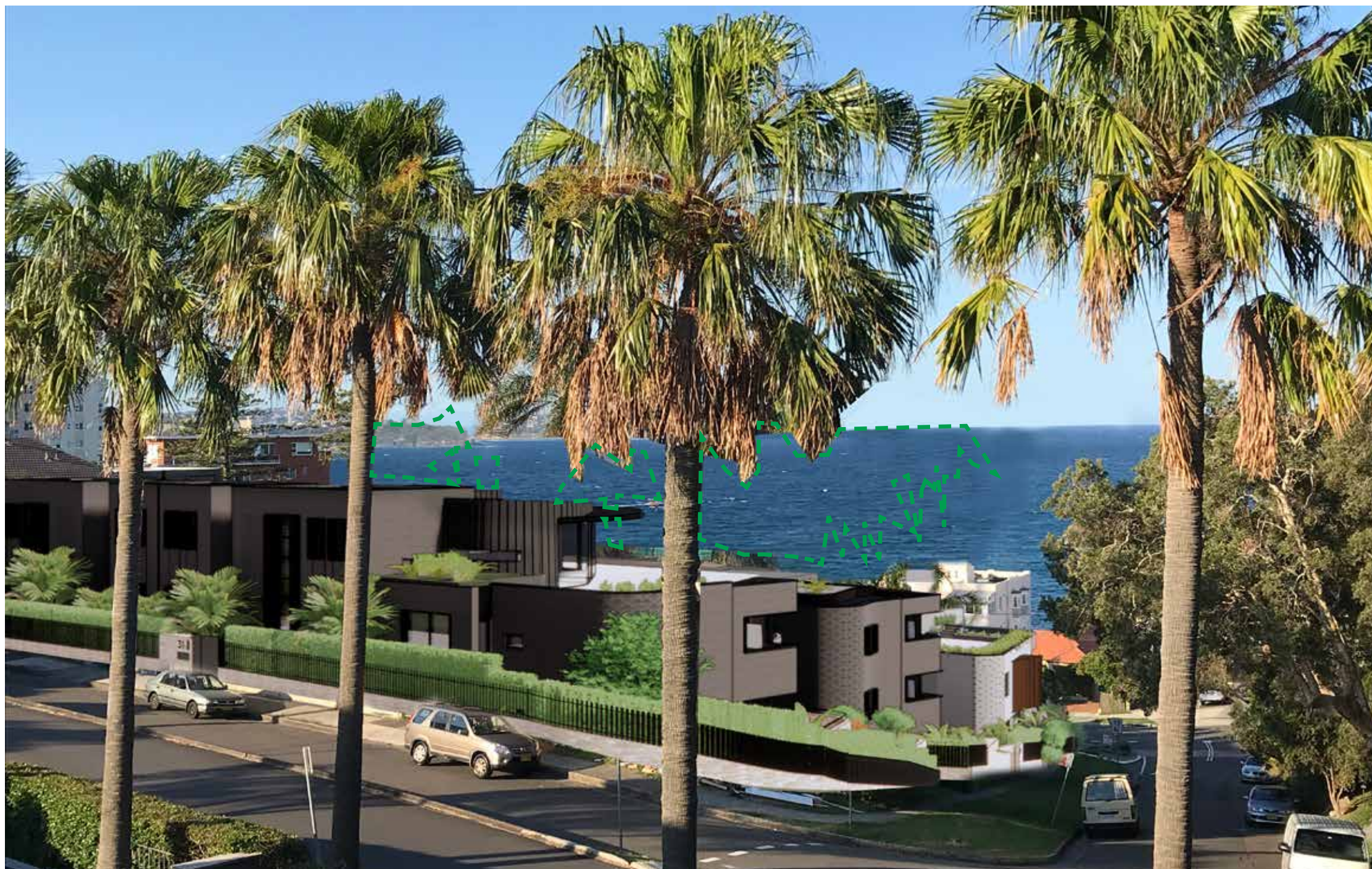


Key:

 Increase in water views

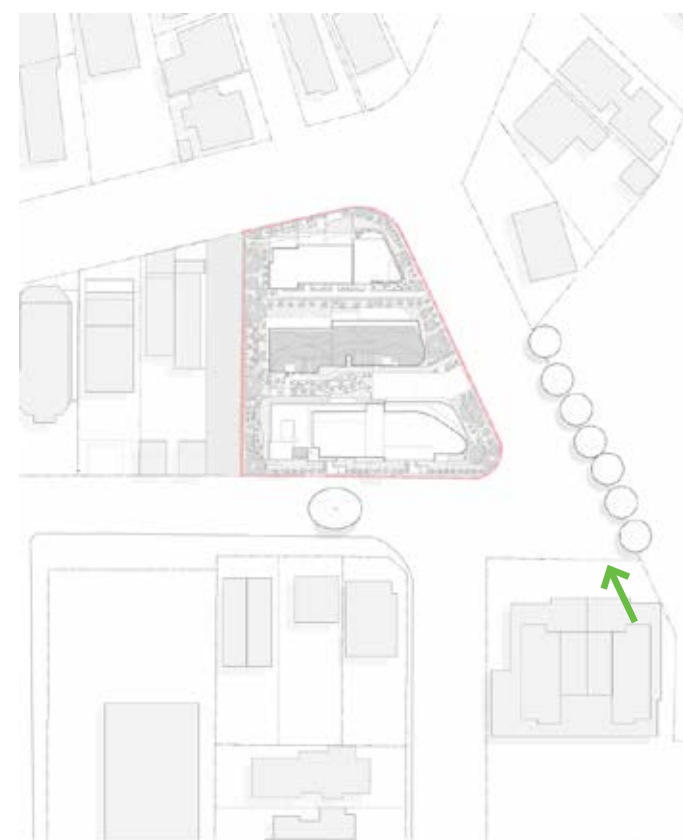
 Decrease in water views

squillace



PROPOSED VIEW

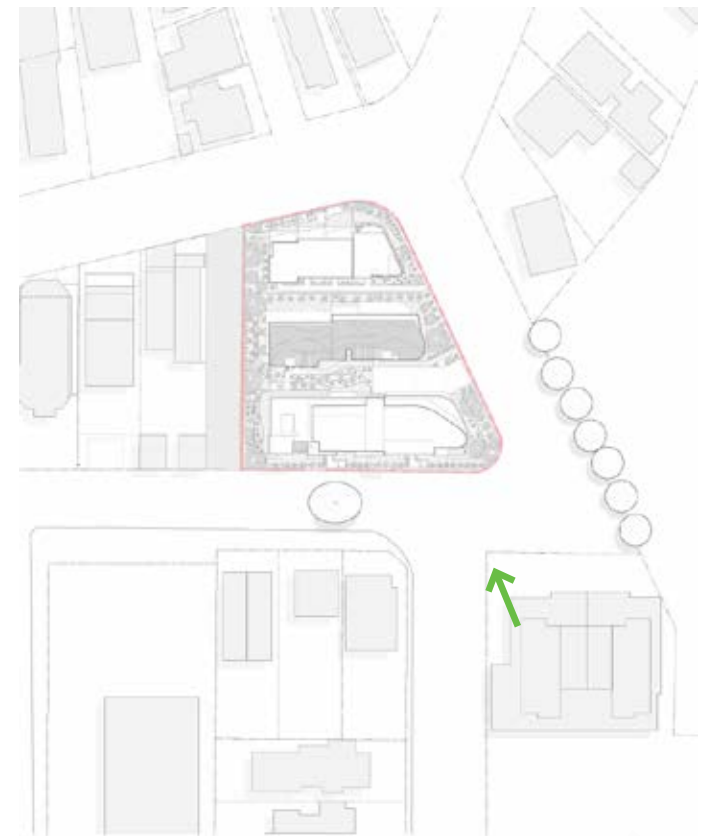
APT 7/7 COLLEGE ST
LEVEL 2 BALCONY VIEW





EXISTING VIEW

APT 10/7 COLLEGE ST
LEVEL 2 BALCONY VIEW



Key:

 Increase in water views

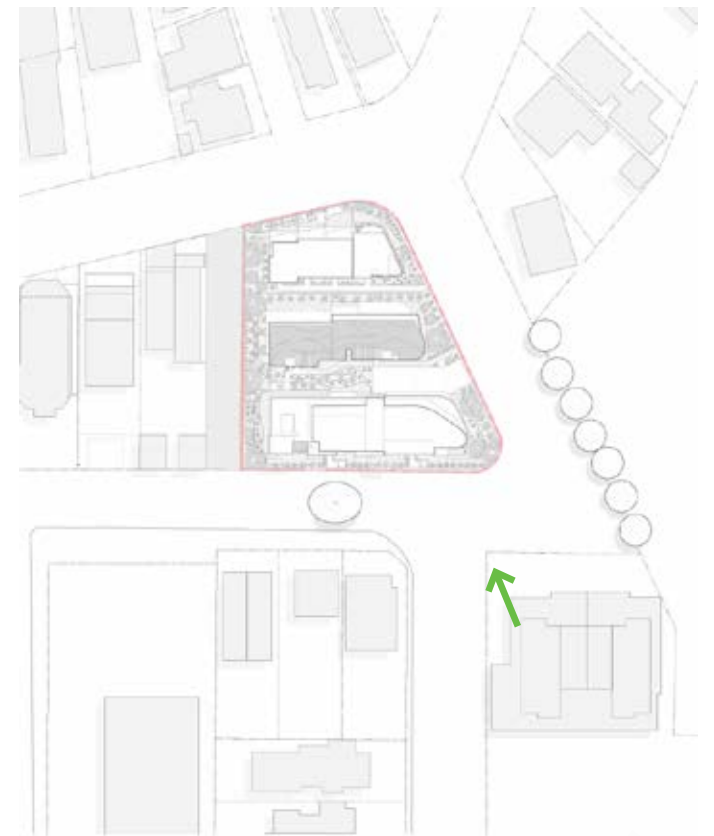
 Decrease in water views

squillace



PROPOSED VIEW

APT 10/7 COLLEGE ST
LEVEL 2 BALCONY VIEW



APPENDIX 2

Survey Plan

CAUTION: ONLY CLEARLY VISIBLE SERVICES OR UTILITY STRUCTURES, ON OR ABOVE GROUND LEVEL, HAVE BEEN SURVEYED. THE LOCATION OF ALL SERVICES OR UTILITY LINES/STRUCTURES SHOWN IN THIS DIAGRAM ARE APPROXIMATE ONLY. YOU ARE ADVISED TO SEEK INFORMATION FROM THE RELEVANT SERVICE OR UTILITY AUTHORITY FOR ALL DETAILS OF DEPTH AND/OR LOCATION OF SERVICE OR UTILITY LINES/ STRUCTURES WHICH SUPPLY THE SUBJECT PROPERTY.

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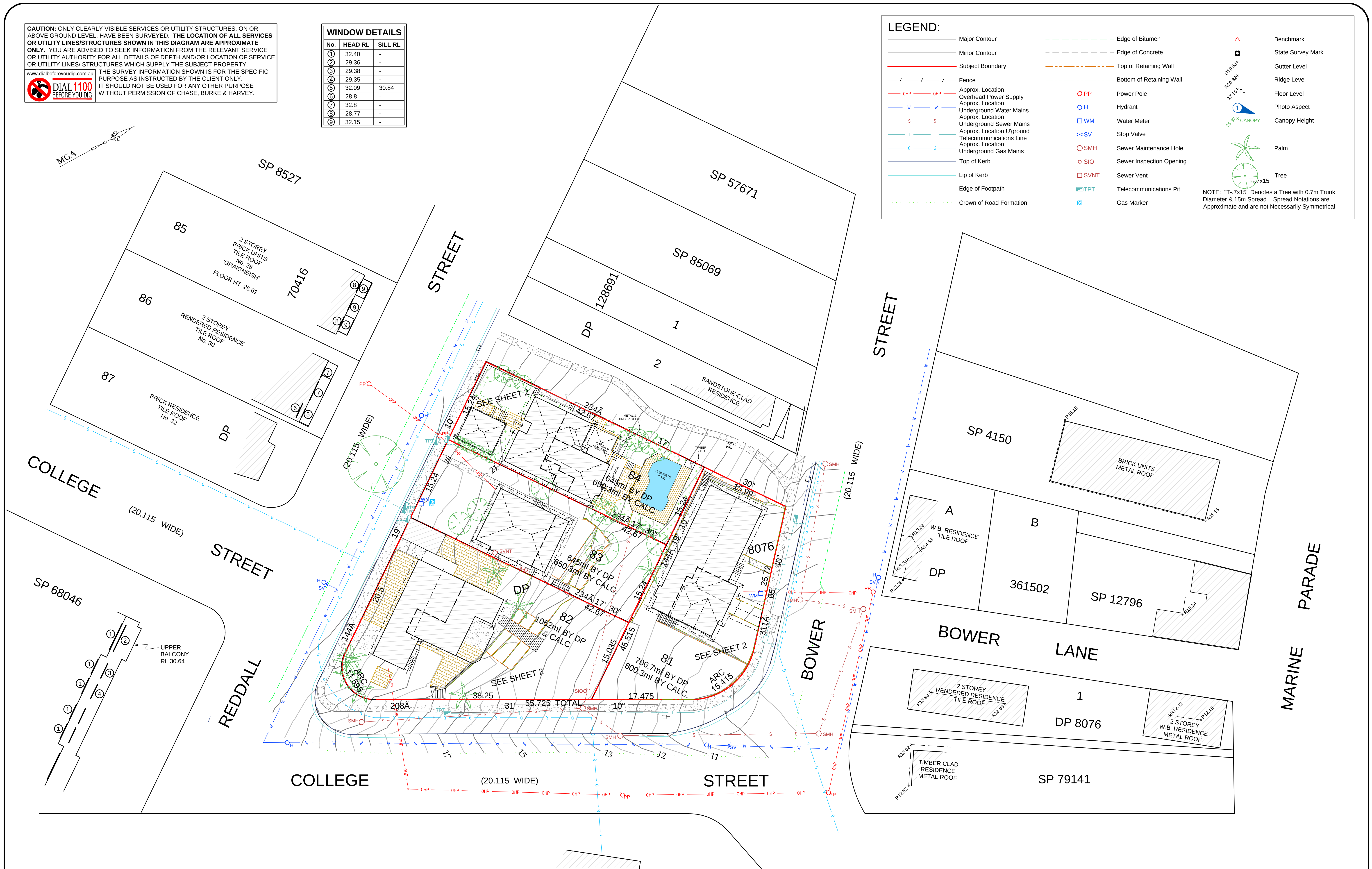
THE SURVEY INFORMATION SHOWN IS FOR THE SPECIFIC PURPOSE AS INSTRUCTED BY THE CLIENT ONLY. IT SHOULD NOT BE USED FOR ANY OTHER PURPOSE WITHOUT PERMISSION OF CHASE, BURKE & HARVEY.

WINDOW DETAILS		
No.	HEAD RL	SILL RL
①	32.40	-
②	29.36	-
③	29.38	-
④	29.35	-
⑤	32.09	30.84
⑥	28.8	-
⑦	32.8	-
⑧	28.77	-
⑨	32.15	-

LEGEND:

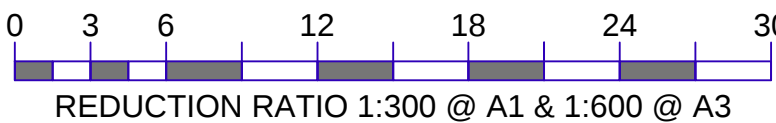
Major Contour	Edge of Bitumen	Benchmark
Minor Contour	Edge of Concrete	State Survey Mark
Subject Boundary	Top of Retaining Wall	Gutter Level
Fence	Bottom of Retaining Wall	Ridge Level
Approx. Location Overhead Power Supply	Power Pole	Floor Level
Approx. Location Underground Water Mains	Hydrant	Photo Aspect
Approx. Location Underground Sewer Mains	Water Meter	Canopy Height
Approx. Location U'ground Telecommunications Line	Stop Valve	
Approx. Location Underground Gas Mains	Sewer Maintenance Hole	
Top of Kerb	Sewer Inspection Opening	
Lip of Kerb	Sewer Vent	
Edge of Footpath	Telecommunications Pit	
Crown of Road Formation	Gas Marker	

NOTE: "T-7x15" Denotes a Tree with 0.7m Trunk Diameter & 15m Spread. Spread Notations are Approximate and are not Necessarily Symmetrical



Signature
11/06/2019
REGISTERED SURVEYOR
THIS PLAN TO BE READ IN CONJUNCTION WITH CBH REPORT WITH REFERENCE: 2015305
DRAWING No: D15305-3

REV	REVISION DETAILS	DATE
1	INITIAL ISSUE	
2	LOT 84 DETAILS ADDED	19/05/17
3	CALCULATED LOT AREAS ADDED	11/06/19



CLIENT:	M PROJECTS PTY LTD
REF:	2015305
SURVEY FILE:	15-305MG
SURVEYED BY:	D JOHNSON & J CLEASBY
DATE OF SURVEY:	30/09/15
DRAWN BY:	E JACK
CHECKED BY:	S BISHOP

LOT No.	81-83
SECTION	-
PLAN No.	DP 8706
SUBURB	MANLY
LGA	MANLY
PARISH	MANLY COVE
COUNTY	CUMBERLAND

CONTOUR INTERVAL:	0.5m
DATUM:	AHD
AUSTRALIAN HEIGHT DATUM	
ORIGIN OF LEVELS:	PM 891
R.L.:	9.95

SURVEYING | CIVIL | DEVELOPMENT
Erina: (02) 4367 7334
Hornsby: (02) 9482 9498
www.cbhsurvey.com.au

CHASE BURKE HARVEY

PLAN SHOWING LEVELS, FEATURES & CONTOURS FOR LOTS 81- 84 IN DP 8076
"Nos.29-35" REDDALL STREET & "No.95" BOWER STREET, MANLY

SHEET No.	1
No. of SHEETS:	3
DRAWING No:	D15305-3
REV:	2



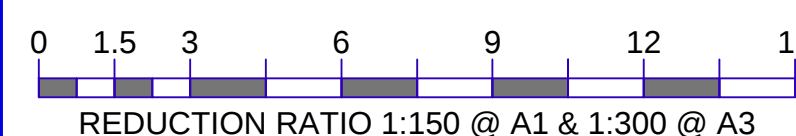
CAUTION: ONLY CLEARLY VISIBLE SERVICES OR UTILITY STRUCTURES, ON OR ABOVE GROUND LEVEL, HAVE BEEN SURVEYED. THE LOCATION OF ALL SERVICES OR UTILITY LINES/STRUCTURES SHOWN IN THIS DIAGRAM ARE APPROXIMATE ONLY. YOU ARE ADVISED TO SEEK INFORMATION FROM THE RELEVANT SERVICE OR UTILITY AUTHORITY FOR ALL DETAILS OF DEPTH AND/OR LOCATION OF SERVICE OR UTILITY LINES/ STRUCTURES WHICH SUPPLY THE SUBJECT PROPERTY.

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THE SURVEY INFORMATION SHOWN IS FOR THE SPECIFIC PURPOSE AS INSTRUCTED BY THE CLIENT ONLY. IT SHOULD NOT BE USED FOR ANY OTHER PURPOSE WITHOUT PERMISSION OF CHASE, BURKE & HARVEY.

Chase Burke Harvey
REGISTERED SURVEYOR
THIS PLAN TO BE READ IN CONJUNCTION WITH CBH REPORT WITH REFERENCE: 2015305
DRAWING No: D15305-3

REV	REVISION DETAILS	DATE
1	INITIAL ISSUE	19/05/17
2	LOT 84 DETAILS ADDED	19/05/17
3	CALCULATED LOT AREAS ADDED	11/06/19



CLIENT: M PROJECTS PTY LTD
REF: 2015305
SURVEYED BY: D JOHNSON & J CLEASBY
DRAWN BY: E JACK

SURVEY FILE: 15-305MG
DATE OF SURVEY: 30/09/15
CHECKED BY: S BISHOP

LOT No. 81-83
SECTION -
PLAN No. DP 8706
SUBURB MANLY
LGA MANLY
PARISH MANLY COVE
COUNTY CUMBERLAND

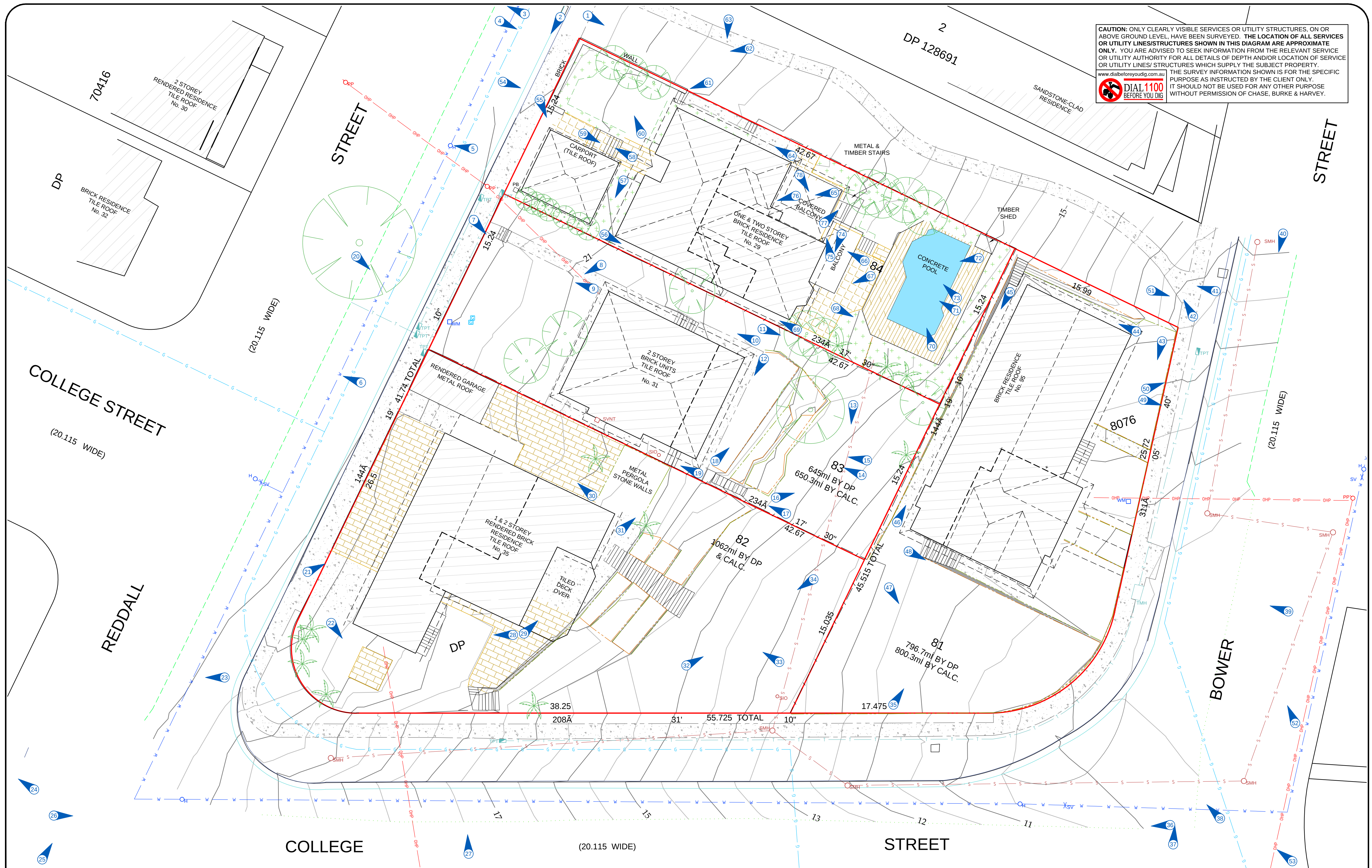
CONTOUR INTERVAL: 0.5m
DATUM: AHD
AUSTRALIAN HEIGHT DATUM
ORIGIN OF LEVELS: PM 891
R.L.: 9.95

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CHASE BURKE HARVEY

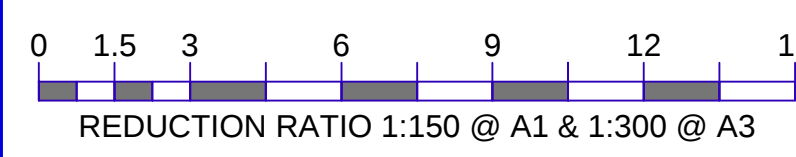
PLAN SHOWING LEVELS, FEATURES & CONTOURS FOR LOTS 81- 84 IN DP 8076
"Nos.29-35" REDDALL STREET & "No.95" BOWER STREET, MANLY

SHEET No. 2
No. of SHEETS: 3
DRAWING No: D15305-3
REV: 2



[Signature]
11/06/2019
REGISTERED SURVEYOR
THIS PLAN TO BE READ IN CONJUNCTION
WITH CBH REPORT WITH REFERENCE: 2015305
DRAWING No: D15305-3

REV	REVISION DETAILS	DATE
1	INITIAL ISSUE	19/05/17
2	LOT 84 DETAILS ADDED	11/06/19
3	CALCULATED LOT AREAS ADDED	



CLIENT: M PROJECTS PTY LTD
REF: 2015305
SURVEYED BY: D JOHNSON & J CLEASBY
DRAWN BY: E JACK
SURVEY FILE: 15-305MG
DATE OF SURVEY: 30/09/15
CHECKED BY: S BISHOP

LOT No. 81-83
SECTION -
PLAN No. DP 8706
SUBURB MANLY
LGA MANLY
PARISH MANLY COVE
COUNTY CUMBERLAND

CONTOUR INTERVAL: 0.5m
DATUM: AHD
AUSTRALIAN HEIGHT DATUM
ORIGIN OF LEVELS: PM 891
R.L.: 9.95

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Hornsby: (02) 9482 9498
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CHASE BURKE HARVEY

PLAN SHOWING LEVELS, FEATURES & CONTOURS FOR LOTS 81- 84 IN DP 8076
"Nos.29-35" REDDALL STREET & "No.95" BOWER STREET, MANLY
SHEET No. 3
No. of SHEETS: 3
DRAWING No: D15305-3
REV: 2