

APPLICATION TO VARY A DEVELOPMENT STANDARD

REVISION A – 24/03/2022

(REVISIONS HIGHLIGHTED IN RED)

Description of Property: DA 2021/1558 . 25 Montpelier Place, Manly
Development: Alterations and additions to existing dwelling.
Development Standard: Northern Beaches Council
Manly LEP 2013 – cl. 4.4 Floor Space Ratio

Clause 4.6 of MLEP 2013 outlines how a development standard can be varied. The objectives of this clause are:

*(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

This application seeks, through cl 4.6, a variation to the FSR development standard contained in clause 4.4 – FSR, of the Manly LEP 2013. (FSR 0.45:1)

The proposed alterations and additions to the dwelling house are limited to:

01 LOWER GROUND

- Unaltered

02 GROUND

- Conversion of 2 existing bedrooms to master bedroom & dressing area.
- Relocate existing laundry.
- Install new external door to laundry.
- Update existing bathroom layout.
- Remove internal glazed walls bounding central enclosed living space.
- New timber flooring to central enclosed living space to match existing.
- Modify existing stairs leading to level 1.
- Minor addition to existing northern balcony.

03 LEVEL 1

- 2-bedroom addition over ground level bedrooms.
- Remove existing operable roof over ground floor central enclosed living space and install new sloped roof with skylights.
- Reconfigure existing master bedroom & ensuite into 2 bedrooms.

04 ROOF

- Construct new roof over first floor extension to match existing.

LAND ZONING

The subject site is zoned R2 – Low Density Residential under the Manly LEP 2013. Alterations and additions to a dwelling house are permissible with consent.

ZONE OBJECTIVES

R2 – Low Density Residential zone objectives are:

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

The proposed alterations to the current residence meet the relevant objectives of the zone based on the following assessment:

- The development proposal is located within the existing building footprint and has no impact upon existing natural features or view lines within the area.
- The height and bulk of the existing development is consistent with other developments in the area, and the design responds to the difficult site topography. The proposed minor works will not compromise the amenity of the surrounding area.

Clause 4.4 (FSR). of Manly LEP 2013

The objectives of the development standard at clause 4.4 of the Manly LEP 2013 are

(a) to ensure the bulk and scale of development is consistent with the existing and desired streetscape character,

(b) to control building density and bulk in relation to a site area to ensure that development does not obscure important landscape and townscape features,
(c) to maintain an appropriate visual relationship between new development and the existing character and landscape of the area,
(d) to minimise adverse environmental impacts on the use or enjoyment of adjoining land and the public domain,
(e) to provide for the viability of business zones and encourage the development, expansion and diversity of business activities that will contribute to economic growth, the retention of local services and employment opportunities in local centres.

The proposed alterations meet the objectives of the FSR standard based on the following assessment:

- The existing dwelling is consistent with the bulk and scale, and prevailing streetscape character of the surrounding area. The proposed modifications, which are located at the rear of the property, will not alter this.
- The modification presents as an extension of the existing architectural character of the building and hence will have no impact upon the existing character
- As additions are totally within the existing building footprint they have no additional impact upon the natural environment
- The proposed modifications will have no impact on the views or outlook of the adjoining neighbours, or from public spaces

Clause 4.6 of Manly LEP 2013

Clause 4.6(3) states that consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

How is strict compliance unreasonable in this case

The variation to the FSR development standard is acceptable in the circumstances of this case and compliance with the development standard is considered unreasonable and unnecessary based on the following:

- The current development GFA totals to 298m² representing the FSR of 0.52:1.
- The proposed modification increases the existing GFA by 45m² bringing total GFA to 343m² representing an FSR of 0.6:1
- The current exceedance (at 0.6:1) is modest.
- The proposed modification will have no impact on building bulk or the amenity of adjoining properties
- The proposed modification will have no impact on the existing natural environment

Does strict compliance hinder attainment of environmental planning outcomes

Compliance with the controls would serve to hinder the attainment of the following objectives of the Environmental Planning and Assessment Act 1979:

(c) the promotion and co-ordination of the orderly and economic use and development of land,

(g) to promote good design and amenity of the built environment,

Sufficient grounds for contravening the development standard

The current dwelling marginally exceeds MLEP 2013 FSR control

The proposed works have been designed to integrate with the form and scale of the current dwelling, and are compatible with the form and scale of dwellings in the immediate locality. The modification has no impact on views from adjoining neighbours, and the public domain. The modification has no environmental impact

The variation to the FSR standard does not attempt to affect the planning outcomes for the broader locality; rather to reflect the existing building form while achieving the underlying intent of the controls.

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