

14 South Steyne, Manly

Justification for a Variation to a Development Standard

FSR Control – Manly Local Environmental Plan, 2013.

1 Purpose

A variation to the Floor Space Ratio (FSR) development standard contained in clause 4.4 of the Manly Local Environmental Plan, 2013 (MLEP) is requested pursuant to the provisions contained in clause 4.6 of the instrument. The proposed development is assessed in terms of permissibility and environmental impact in the accompanying Statement of Environmental Effects.

2 The Site and its locality.

The subject site is located at 14 South Steyne Manly 2095. The land is described as lot 501 in DP 736679 in the Northern Beaches Council Area.

The land is irregularly shaped with a total area of approximately 175.5m². The property is a two-storey brick building, located on a corner block bounded on the north by Victoria Parade and on the east by South Steyne Street. Dungowan Lane is located on the western boundary of the property.

The panoramic view of the residents from surrounding units will be unaffected as the height and boundaries of the building are unchanged by the proposed alterations and additions.

3 The Development Standard and the extent of non-compliance

Clause 4 of MLEP provides that the maximum floor space ratio for a building on any land is not to exceed the floor space ratio for the land as shown on the relevant floor space ratio map. The subject property is within an area mapped as “S” on the floor space ratio map. Buildings on land in area “S” have a maximum FSR of 1.5:1.

As shown in the statement of environmental effects (SEE) accompanying the application for the proposed alterations and additions, current and proposed FSR are as follows:

Site Area:	175.5 m ² .		
Existing Floor Space	252 m ²² .	Existing FSR:	1.43:1
Proposed Floor Space	273 m ² .	Resulting FSR:	1.55:1

The calculation of the existing and proposed FSR is documented on Drawing DA 100 in the Architectural Drawing set contained accompanying the SEE.

The main reasons for the additional FSR are:

- To include areas freed up by the rationalisation of existing accessways and staircases: and
- To enclose various bay windows and balconies to improve safety and reduce noise impacts.

The additional 21m² of floor space above the existing floor space includes the following:

- ground floor part verandah enclosed 4.5m²,
- rear yard niche enclosed 2m²,
- original building has two stair void, new proposal only one smaller stair void, this adds 5 m², and
- first floor enclosed balcony 9.75m².

4 Flexibility in the Application of Development Standards

Clause 4.6 of MLEP provides that development consent may be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. The purpose of this provision is to provide flexibility in the application of development standards and to achieve better environmental and planning outcomes.

In order to vary a development standard Council must receive in writing a justification from the applicant which demonstrates the following:

- Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;
- There are sufficient environmental planning grounds to justify contravening the development standard;
- The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out;
- Whether the contravention of the development standard raises any matter of significance for State or Regional Planning; and
- The public benefit of maintaining the development standard.

5 Justification

The justification for an increase in the FSR from 1.50:1 to 1.55:1 resulting from the proposed alterations and additions to 14 South Steyne, Manly is based on the following considerations.

5.1 Compliance with the development standard is unreasonable.

Strict compliance with the standard would be unreasonable given the relatively small departure of 21m² from the standard proposed compared to the significant improvement to the environmental benefits of the proposed alterations, improved operation of the premises, and the lack of adverse impacts on neighbouring properties.

Compliance with the standard would also be unreasonable because the proposed development is consistent with the objectives of the FSR development standard, the objectives of the R3 Medium Density Residential Zone, and is in the public interest.

5.2 Compliance with the development standard is unnecessary.

Compliance with the standard is unnecessary in this instance because the overall scale and height of the development will be unchanged. The impact of the existing building is largely unaltered as demonstrated in the accompanying SEE.

The development will not have an adverse impact on the character of the locality or the streetscape of South Steyne and Victoria Parade.

5.3 The proposed variation is justified on environmental planning grounds

A variation to the FSR control is justified on environmental planning grounds because:

- The operation of the restaurant will be improved as follows:
 - The alterations provides a better designed and more efficient restaurant layout over two levels; and
 - The current handling of waste has been improved to reduce impacts on the neighbourhood.
- The proposed enclosure of balconies and window boxes will reduce noise levels from the restaurant (see acoustic report in the accompanying SEE).
- The increase in floor area has no impact on the visual impact of the building.
- The increase in floor space will not reduce the environmental amenity of neighbouring properties through loss of views, again because the overall height of the building and its setbacks are unchanged; and
- The increase in floor space as proposed will not change the character of the locality.

5.4 The proposed development is in the public interest

The proposed development is in the public interest because it is consistent with:

- (a) the objectives of the particular standard, and
- (b) the objectives for the development within the R3 Medium Density Zone in which the development is located.

This is demonstrated in the following summary:

Objective	Consistency
Floor Space Development Standard Objectives	
<i>(a) to ensure the bulk and scale of development is consistent with the existing and desired streetscape character,</i>	Consistent. The bulk and scale of the building is unchanged by the proposed alterations and additions.
<i>(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,</i>	Consistent. Important landscape and townscape features will not be obscured by the proposed development.
<i>(c) to maintain an appropriate visual relationship between new development and the existing character and landscape of the area,</i>	Consistent. The visual relationship between the proposed development and the existing character and landscape of the area will not be changed by this proposal.
<i>(d) to minimise adverse environmental impacts on the use or enjoyment of adjoining land and the public domain,</i>	<p>Consistent. The amenity of the locality will be unaltered by the proposed changes. The impacts on views, overshadowing of the current building are unchanged.</p> <p>In terms of noise, particular attention has been given to enclosing spaces and areas of the restaurant and acoustically treating external doors at the rear of the restaurant.</p>
<i>(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.</i>	Consistent The proposed alteration to an existing building, although not in a business zone, will assist in retaining a local services and employment opportunities.
R3 Medium Density Zone Objectives	
<ul style="list-style-type: none"> <i>To provide for the housing needs of the community within a medium density residential environment.</i> 	Not applicable. The alterations and additions are to an existing building which is currently lawfully used for restaurant purposes.
<ul style="list-style-type: none"> <i>To provide a variety of housing types within a medium density residential environment</i> 	Not applicable for the above reasons.
<ul style="list-style-type: none"> <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> 	Consistent. The proposal improves the design and operation of an existing facility which is used by residents and visitors on a daily basis.

5.5 Matter of significance for State or Regional Planning.

There are no matters of State or Regional Planning significant which have a bearing on this development application and the proposed variation of the FSR development standard.

5.6 The public benefit of maintaining the development standard.

There is no public benefit involved in maintaining the standard and no precedent will be created if the standard is varied. On the contrary, the application of flexible standards to individual cases is of itself a public planning benefit.

6 Conclusions

Under the proposed development application, the existing FSR is increased from 1.43:1 to 1.55:1. This represent only an increase of 9.75m² above the maximum floor space of 263.25m². This is only a 3.7% variation. For the reasons made in this written statement, Council is justified in varying the FSR development standard that applies to the proposed alterations and additions to the existing building at 14 South Steyne, Manly