

3/28 REDDALL STREET MANLY

LEP CLAUSE 4.6 - APPLICATION TO VARY A DEVELOPMENT STANDARD (FSR)

This application is to be read in conjunction with the Development Application for alterations and additions to this property as per EP& A Regulation 2000

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

Manly LEP 2013

Item 2 **What is the zoning of the land?**

the site is zoned R1 General Residential

item 3 **what are the objectives of the zone?**

Objectives of zone:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents

Item 4 **what is the development standards being varied?**

Floor Space Ratio

Item 5 **under what clause is the development standard listed in the environmental planning instrument.**

4.4

Item 6 **what are the objectives of the development standard?**

The objectives of the respective clause are as follows:

- (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.

Item 7 what is the numeric value of the development standard in environmental planning instrument?

Floor Space Ratio is prescribed at 0.6:1 for this area.

Item 8 what is the numeric value of the development standard in your development application?

0.76:1

Item 9 what is the percentage variation?

the proposal applies for an overall variation of 26% to the precinct FSR designation; noting the existing apartment building from circa 1920 has an existing FSR of 8% above the current prescribed value* – the proposed increase relating to this application for alterations and additions increases the FSR 7%, though most of the area relates to the transformation of the existing 91m² of approved attic space into habitable floor space of 77m² and is contained within the existing building envelope. The proposed unit would comprise 298m² with the addition of the proposed Loft. If including the approved attic space the FSR variation would be reduced by 1%, noting the existing floor area is 312m².

(*anticipated wholistic building calculation)

Item 10 How is strict compliance with the development standard unreasonable or unnecessary in this particular case?

The building is circa 1920 and has an existing FSR above the current level for this precinct. The existing building is a typical of apartment building within the street, which is the typical building typology in the street. They range from 3 – 10 storey apartments; the existing building is a 3 storey complex containing 3 apartments, the lowest level being a partial garage level to the street, which has a fall to the North East with views to the ocean.

The proposed works largely involve the conversion of an existing attic to a habitable loft, with much of the area already contained within the building envelope. The existing attic area is reduced in floor area as a result of this application from 91m² to 77m²; the proposal might alternatively be considered a reduction in overall floor area. Naturally the proposed works have limited environmental impact given they are largely contained within the existing roof structure and building envelope. There is only a modest variation to perceived scale and bulk and the Loft works have been inset from the sides of the building such that they are not visible from the street in front of the building. The height remains as existing.

Adaptability of existing buildings to improve amenity, quality, environmental performance and accessibility, so as to better to provide for families into the future, are all stated objectives of the planning codes and are encouraged. There is similar precedent in the precinct. The proposed alterations are in line with the specific controls relating to roof additions, which are typically a more sympathetic approach to additions, involving the retention of existing period fabric such as this building exhibits and inherently minimises the perceived scale and extent of work, and consequently typically exhibit reduced environmental impact as in this case.

There is no unreasonable attributable environmental impact as a result of the proposed works. There

remains a high degree of building separation, landscaped area, retention of sight lines, privacy and solar access.

The proposed works are deemed appropriate and consistent with the stated objectives and exhibit negligible impact.

Item 11 how would strict compliance hinder the attainment of the objects specified in Section 3 above

Strict compliance will prohibit any modification to the existing period apartment building by virtue of already being in excess of the current FSR control. This is not the intent of the control; this 4.6 application is a necessary means of granting approval for the modest and appropriate works that do not have unreasonable attributable impact.

Strict compliance is not necessary or reasonable to achieve the objectives – it would in fact detrimentally prohibit improvements to the existing building. Variation is necessary to:

- create expected and appropriate development for the housing needs of the community
- facilitate a variety of housing types and densities that accommodate dwellings
- improve and maintain existing residential development that exceed the current standard

Item 12 is the development standard a performance based control?

No, the control is numerical. Nonetheless the objectives can be assessed on their performance and/or effect; the objectives are all clearly satisfied and it is clear the proposed works are consistent with the relevant planning controls and have no appreciable impact. The proposed works are consistent with the intent of the control.

Item 13 Would strict compliance with the standard, in your particular case, would be unreasonable or unnecessary? Why?

As articulated in Item 10 and 11 above, the proposed works are deemed appropriate and consistent with the context.

They satisfy the objectives of the applicable controls and have no appreciable impact.

The works are to an existing period building that predates this control and has an FSR above the current designation. The controls are not intended to prohibit work to buildings that have more floor space, but rather provide ideal objectives for works to embody and encompass with a view to enabling adaption and improvement of housing, but with sensitivity and appropriate form.

Hence, strict compliance is not necessary, appropriate or reasonable. The proposed works satisfy the objectives and enhance the quality and accessibility of this family dwelling. Such a variation is common in this precinct where existing apartment buildings often are above the current FSR and Height controls.

Item 14 Are there sufficient environmental planning grounds to justify contravening the development standard? Give Details?

Yes; please refer to items 10,11 & 13 above.

There are further grounds in addition to those described above:

- the LEP allows for variation to FSR and this clause allows for such a variation provided the objectives are satisfied and the variation is reasonable as described in cl4.6(3)
- the stated objectives are satisfied

- the variation is typical in this precinct with period apartment having larger FSR than the controls
- there is no resultant impact from the variation sought
- the proposed alterations and additions reduce the floor area by 15.4m² and fundamentally improve the amenity of the family apartment
- the proposed works are largely contained within the existing building envelope and are of an appropriate scale to be read as a harmonious secondary layer that appropriately preserves the existing character of the building
- Landscaped area and a consistent landscape setting are maintained
- the public domain is unaffected
- The variation is considered to be in the public interest