

6.1 Floor Space Ratio FSR_006 LEP Clause 4.6 Exception

The applicant requests a variation to the Floor Space Ratio FSR standard, as prescribed in clause 4.4 of Manly Local Environmental Plan LEP 2013.

The proposed development is located within Zone N of the Manly LEP Floor Space Ratio Map FSR_003 which has a floor space ratio to site area control for the zone of 1.0:1. With 360.0m² of site area, the allowable floor space permitted on the site is 360.0m². The existing mixed use building identified as heritage item I-65 of local environmental significance is understood to have been built in 1934 in the style described as *Inter War Spanish Mission*. The existing development on Lot 1 of DP 329155 contains 4x retail units and 4x residential units which have an approximate existing GFA gross floor area of 523.5m² resulting in an existing floor space ratio of 1.46:1. The existing heritage listed mixed use building has a percentage variation of 146% of the development standard.

The proposed development includes a redistribution of the residential units 2 & 4 floor areas and a reduction to the level 4 common areas without any net change to the building footprint on levels 2, 3 or 4. The new works proposed include a new retail Bin Store on level 1 which increases the retail floor space by 6.5m². The total proposed net combined residential & retail GFA is 522.6m² which results in a total net GFA reduction of -0.9m².

The additional 6.5m² of retail floor space on level 1 arises from the owners initiative to relocate the retail waste generated on site and provide a new retail bin storage facility on the subject site.

The existing retail waste storage consist of 1x 1100L & 1X 600L wheelie bins which are collected by contract waste services multiple times per week. After the proposed development, the existing waste collection service will be ongoing & the current collection times are as follows:

660L Red Bin M W F between 5.00am - 6.00am

1100L Blue Bin Tu Th between 9.00am - 10.00am

As per the table below, the proposed new GFA = 522.6m² which retains the existing floor space ratio of 1.46:1. The proposed alterations to the heritage listed mixed use building retains the existing percentage variation of 146% of the development standard.

The objectives of LEP floor space ratio clause 4.4 include ensuring the bulk and scale of development are consistent with the existing and desired streetscape character and to minimise adverse environmental impacts on the use or enjoyment of the adjoining land & public domain. With the proposed location of the new retail bin store within the rear courtyard and the proposed landscape screening and new roof garden, there are no increased adverse environmental impacts anticipated and the proposed reduction of 0.9m² of gross floor area does not create any additional building bulk that is visible from the public domain. The proposed bulk and scale of the development will be consistent with the bulk & scale of the existing mixed use building. The proposal is compliant with the objectives of the clause 4.4 for floor space ratio.

The large retail bins require generally level & convenient access to the street & the proposed new retail bin store could not reasonably be located within the existing heritage listed building without modifying the existing streetscape and changing the façade of the heritage listed building which would result in an undesirable outcome.

Manly Local Environment Plan – Clause 4.4 – Floor Space Ratio				
Development Control	LEP Requirements	Existing	Proposed	Comments
Floor Space Ratio MAP FSR_003	Zone N = 1.0:1 site area = 360.0 m ² x 1.0 = 360.0m ²	523.5m ² = 1.46:1	522.6m ² = 1.46:1	* Areas are Approximate
GFA = Gross Floor Area m ² Retail + Commercial	GFA – Level 1	44.2m ²	50.7m ²	*
	GFA – Level 2	224.5m ²	224.8m ²	*
	GFA – Level 3	206.3m ²	206.3m ²	*
	GFA – Level 4	48.5m ²	40.8m ²	*
	Total GFA	523.5m ²	522.6m ²	*
	% Variation from LEP Standard	146%	146%	*

With a proposed total reduction of 0.9m² of floor area, the resulting floor space to site ratio will remain unchanged from existing at 1.46:1 with the existing percentage variation of 146% of the development standard. With the objectives of the clause being met for building bulk & streetscape, strict compliance with LEP clause 4.4 for floor space ratio is not possible without a detrimental impact upon the existing heritage listed building and considered unreasonable & unnecessary in this case.

The proposed works will result in a development that is “substantially the same” and the environmental impacts of the proposed development are minimal. The proposed development will be in the public interest because it is consistent with the objectives of the standard and there are sufficient environmental & heritage grounds to justify contravening the development standard. The consent authority can use their degree of flexibility to grant development consent under clause 4.6 of Manly Local Environment Plan to permit a variation to development standard clause 4.4 of Manly Local Environment Plan 2013, in this particular case.

6.2 Height of Buildings HOB_003 LEP Clause 4.6 Exception

The applicant requests a variation to the HOB Height of Buildings standard, as prescribed in clause 4.3 of Manly Local Environmental Plan LEP 2013.

The proposed development is located within Zone I of the Manly LEP Height of Buildings Map HOB_003 which permits a maximum building height of 8.5m. The existing mixed use building identified as heritage item I-65 of local environmental significance is understood to have been built in 1934 in the style described as *Inter War Spanish Mission*. The existing building presents as a 2 storey retail and shop top housing development to Sydney Road forming part of the Fairlight Shops. On the corner allotment fronting William Street the land falls approximately 4m from Sydney Road towards the northern boundary & adjacent 2 storey town houses at No 2 William Street.

The existing maximum building height facing the western boundary is 12.3m above ground level existing. The existing heritage listed mixed use building has a percentage variation of 145% of the development standard. The proposed development includes re-sheeting the original roof with battens & a new metal deck roof sheeting laid over the existing. A nominal allowance of 80mm has been allowed to top-up & or replace the original roof sheeting. As per the table below, the proposed heritage listed mixed use building new height of building HOB = 12.4m resulting in a proposed percentage variation of 146% of the development standard.

The objectives of LEP height of buildings clause 4.3 include providing for building heights and roof forms that are consistent with the topographical landscape, prevailing building heights and desired future character of the streetscape. The Manly LEP 2013 recognises the significance of the existing building and its role as a strategic neighbourhood centre with its B1 Land Zoning resulting from its contribution to the local streetscape and as a community landmark, forming part of the "Fairlight Shops".

The proposed bulk and scale of the development will be consistent with the bulk & scale of the existing mixed use building. The proposal is compliant with the objectives of the clause 4.3 for building height.

Manly Local Environment Plan – Clause 4.3 – Height of Buildings				
Development Control	LEP Requirements	Existing	Proposed	Comments
Height of Buildings MAP HOB_003	Zone I = 8.5m	12.3m	12.4m	Similar to & consistent with the existing building & streetscape
	% Variation from LEP Standard	145%	146%	

With only 80mm of additional building height proposed, the resulting height of building will remain similar to the existing at 146% of the standard which will result in only a 1% increase to the percentage variation from the standard. With the objectives of the clause being met for building bulk & streetscape, strict compliance with LEP clause 4.3 for height of buildings is not possible without a detrimental impact upon the existing heritage listed building and considered unreasonable & unnecessary in this case.

The proposed works will result in a development that is "substantially the same" and the environmental impacts of the proposed development are minimal. The proposed development will be in the public interest because it is consistent with the objectives of the standard and there are sufficient environmental & heritage grounds to justify contravening the development standard. The consent authority can use their degree of flexibility to grant development consent under clause 4.6 of Manly Local Environment Plan to permit a variation to development standard clause 4.3 of Manly Local Environment Plan 2013, in this particular case.