

## CLAUSE 4.6 – EXCEPTIONS TO DEVELOPMENT STANDARD: FLOOR SPACE RATIO VARIATION REQUEST

Project: Proposed Additions and Alterations to dwelling

Address: 33 Quinton Road, Manly, NSW

---

### 1.0 INTRODUCTION

This is an application to seek an Exemption to Development Standards under Clause 4.6 of the *Manly Local Environmental Plan 2013* (MLEP 2013), to accompany the Development Application for the Additions and Alterations to existing dwelling at 33 Quinton Road Manly, NSW

The proposed gross floor area exceeds the maximum permissible Floor Space Ratio of MLEP 2013.

The development standard for which the variation is sought is:

- Clause 4.4 of MLEP 2013 – Floor Space Ratio.

### 2.0 PROPOSED DEVELOPMENT

The proposed works to the existing dwelling comprise:

- Extension to Ground Floor level: 9.16 m<sup>2</sup> (GFA)
- Additions to First Floor level: 49.85 m<sup>2</sup> (GFA)
- Existing GFA (Gross Floor Area): 83.5 m<sup>2</sup>
- **Total GFA of proposed development: 142.51 m<sup>2</sup>**

Site area: 198.7 m<sup>2</sup>.

### 3.0 PLANNING PARAMETERS

#### 3.1 Applicable environmental planning instruments

- *Manly Local Environmental Plan 2013*
- *Manly Development Control Plan 2013*

#### 3.2 Land use zoning

**R1 General Residential** zone under MLEP 2013.

## 4.0 VARIATION TO DEVELOPMENT STANDARD

### 4.1 Development standard being varied

Clause 4.4 of MLEP 2013 – Floor Space Ratio (FSR)

### 4.2 FSR development standard (cl. 4.4)

#### 4.2.1 Objectives of the development standard

The objectives of the development standard are as follows:

- To ensure the bulk and scale of development is consistent with the existing and desired streetscape character.
- To control building density and bulk in relation to a site area to ensure that development does not obscure important landscape and townscape features.
- To maintain an appropriate visual relationship between new development and the existing character and landscape of the area.
- To minimise adverse environmental impacts on the use or enjoyment of adjoining land and the public domain.

#### 4.2.2 Numeric value of the development standard

Clause 4.4 (2) states that:

The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map, being: **FSR of 0.6 : 1.** (Figure 1)



Figure 1: Floor space ratio map (source: MLEP 2013)

### 4.3 Proposed variation to the FSR development standard

Site area: 198.7 m<sup>2</sup>.

- Maximum permissible FSR: 0.6:1
- Maximum permissible GFA: 119.22 m<sup>2</sup>
  
- Existing GFA: 83.5 m<sup>2</sup>
- Additional GFA to Ground Floor level: 9.16 m<sup>2</sup>
- Additional GFA to First Floor level: 49.85 m<sup>2</sup>
- **Total GFA of proposed development: 142.51 m<sup>2</sup>**

Variation in GFA to maximum permissible GFA: Additional 23.29 m<sup>2</sup> (19.5353 %).

## 5.0 JUSTIFICATION OF THE PROPOSED FLOOR SPACE RATIO VARIATION UNDER MLEP 2013, CLAUSE 4.6 – Exceptions to development standards

### 5.1 Clause 4.6 Objectives (Cl. 4.6 (1))

The objectives of the clause are:

- To provide an appropriate degree of flexibility in applying certain development standards to particular development.
- To achieve better outcomes for and from development by allowing flexibility in particular circumstances.

#### 5.1.1 Compliance with achieving better outcomes for and from development (cl. 4.6 (1)(b))

The proposed extension increases the size of the existing 2 bedroom and 1 bathroom dwelling of 83.5 m<sup>2</sup> to a 3 bedroom + study/ 4 bedroom dwelling of approx. 142.5 m<sup>2</sup> – improving the residential accommodation for a family within a small site.

### 5.2 Addressing Matters for Consideration under Clause 4.6 (3)

Matters for consideration under Cl. 4.6 (3) to justify the contravention of the development standard, are:

- That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- That there are sufficient environmental planning grounds to justify contravening the development standard.

#### 5.2.1 Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (cl. 4.6 (3)(a))

Compliance with the development standard of “Floor Space Ratio” is unreasonable in the circumstances of this proposal in that:

- The site is a small site with a semi-detached dwelling in a street that comprises predominantly detached dwellings on larger allotments, with a small number of semi-detached dwellings within the area. Dwellings in this residential precinct are medium to large family size dwellings of 2 storeys in height.
- The resultant gross floor area at 142.5 m<sup>2</sup> approx. is not considered a large dwelling by contemporary dwellings and proposes to accommodate 3-4 bedrooms or 3 bedrooms + study.
- Manly DCP 2013 provides an *Exception to FSR for undersized lots* (Section 4.1.3.1 of MDCP 2013) that states for sites with site areas less than the minimum lot size required in MLEP 2013 Lot Size map, an exception to the FSR requirements is permissible. (Figure 2)



Figure 2:  
Minimum Lot Size map  
(source:MLEP 2013)

The site is located within a precinct with Minimum Lot Size of 250m<sup>2</sup> (Area C). This section allows a variation to the FSR for undersized lots that permits the site to have its maximum permissible FSR calculated on the site area of 250m<sup>2</sup>. Applying this variation, the **maximum permissible FSR**, based on the site area of 250m<sup>2</sup> x 0.6 = **150m<sup>2</sup>**.

The proposed development, with a resultant GFA of 142.5 m<sup>2</sup> complies with the MDCP 2013 allowance.

### 5.2.2 Compliance on environmental planning grounds to justify contravening the development standard (cl. 4.6 (3)(b))

The proposed works justify contravening the development standard on environmental planning grounds as:

- The addition of a second storey is within the maximum permissible height of MLEP 2013 (8.5m). The majority of dwellings within this residential precinct is 2 storeys in height.
- The siting of the development, its footprint, bulk and built form are similar to 2 storey dwellings within this residential precinct and consistent with its pattern of development.
- The proposed development, 2 storeys in height, will not impact on the amenity of surrounding properties in terms of solar access, undue overshadowing, privacy and views.
- The proposed upper storey addition is in character with dwellings in the surrounding neighbourhood and will not adversely impact on the streetscape character of Quinton Road.