

Appendix J-3



northern
beaches
council

FLOOR SPACE RATIO ANALYSIS OF LOW-DENSITY RESIDENTIAL ZONED LAND

TO INFORM CONTROLS IN THE NORTHERN BEACHES LOCAL ENVIRONMENTAL PLAN

November 2023

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EXECUTIVE SUMMARY

Overview of methodology

This report provides a summary of data analysis undertaken to inform controls for floor space ratio (FSR) for low-density residential zoned land in the Northern Beaches Local Environmental Plan (LEP).

The analysis considered FSR data for 2,177 properties sourced from development applications lodged with the Northern Beaches Council (and former Manly, Warringah and Pittwater Councils) during the period 2011-2022.

The report also considers existing controls for FSR (where applicable) in the Manly, Warringah and Pittwater LEPs and DCPs, as well as such controls applied in other council areas throughout Sydney and under the NSW Housing Code.

Key findings

The key findings of the FSR data analysis are:

- There is a correlation between FSR and property location.
- There is a strong correlation between FSR and lot size.
- There is minimal correlation between FSR and land use zone within a suburb.
- There is a low rate of compliance with current FSR requirements in the Manly LEP.

Recommendation

The recommendation of this report is that:

1. FSR be applied to low-density residential zoned land in the Northern Beaches Local Environmental Plan that is varied by location and lot size as outlined in Table 10 and Figure 8 in Part E of this report; and
2. This replace the current FSR requirements in the Manly LEP for R2 and C3 zoned land, and the Manly DCP Clause 4.1.3.1 'Exceptions to FSR for Undersized Lots'.

A - INTRODUCTION

A1. Purpose of this report

The purpose of this report is to outline the analysis work undertaken to inform controls for floor space ratio (FSR) for low-density residential zoned land in the Northern Beaches Local Environmental Plan (LEP). This report has been drafted as a supplement to Council’s Planning Proposal for the new comprehensive Northern Beaches LEP.

In this report, “low-density residential zoned land” means land that is zoned:

- R2 Low Density Residential,
- C3 Environmental Management, or
- C4 Environmental Living;

However, it excludes C3 or C4 zoned land within non-urban or rural areas; and C4 zoned land under the current Manly LEP 2013 as this permits multi-unit housing and is not a typical low-density zone.

A2. Policy context

Local Strategic Planning Statement – Towards 2040 (March 2020)

Council’s *Northern Beaches Local Strategic Planning Statement (LSPS) – Towards 2040* (March 2020) identifies planning priorities and actions to guide land use planning on the Northern Beaches over the next 20 years.

Many of these actions relate to developing planning controls for inclusion in the Northern Beaches LEP and Development Control Plan (DCP), often to harmonise inconsistencies in the current Manly, Warringah and Pittwater LEPs and DCPs.

Of relevance is Priority 15, Action 15.2, outlined in Table 1 below.

Priority	Action
15 – Housing Supply, choice and affordability in the right locations	15.2 – Develop LEP and DCP controls informed by the local housing strategy to ensure the supply and mix of housing responds to community needs and minimises land use conflicts , including... removal of floor space ratio (FSR) controls for dwellings in Manly...

Table 1: Extract from Northern Beaches LSPS - Towards 2040

LEP/DCP Discussion Paper: Planning Our Sustainable Future (June 2021)

In June 2021, Council published *LEP/DCP Discussion Paper: Planning Our Sustainable Future* seeking community feedback on a range of land use planning issues to inform preparation of the Northern Beaches LEP and DCP.

The Discussion Paper sought feedback on whether the FSR requirements for dwelling houses and semi-detached dwellings in the Manly LEP should be removed (as indicated in the LSPS – see extract above) and to instead manage development through a range of other controls.

Feedback published in the Community and Stakeholder Engagement Report (June 2022) included the following:

- *Some objections to the proposed removal of FSR controls in the Manly LEP, noting that Council should consider extending FSR controls across the LGA.*
- *Recent developments in the E4 zone [now known as C4] do not meet objectives, e.g., they are not low impact and have inappropriate landscaping.*

B - BACKGROUND

B1. What is Floor Space Ratio (FSR)?

Floor space ratio (FSR) is a development control used to control the size of a development relative to the size of the land upon which it is located. Defined as “*the ratio of the gross floor area of all buildings within the site to the site area*”¹, FSR is calculated by adding together the floor areas of all buildings on a site and dividing it by the site area.

For example, on a site measuring 800sqm in area, a building with a floor area of 400sqm has an FSR of 0.5:1 (that is, 50% of the site). This floor area may be located all at ground level as shown in example 1 below, or over two storeys taking up less area of the block as shown in example 2.

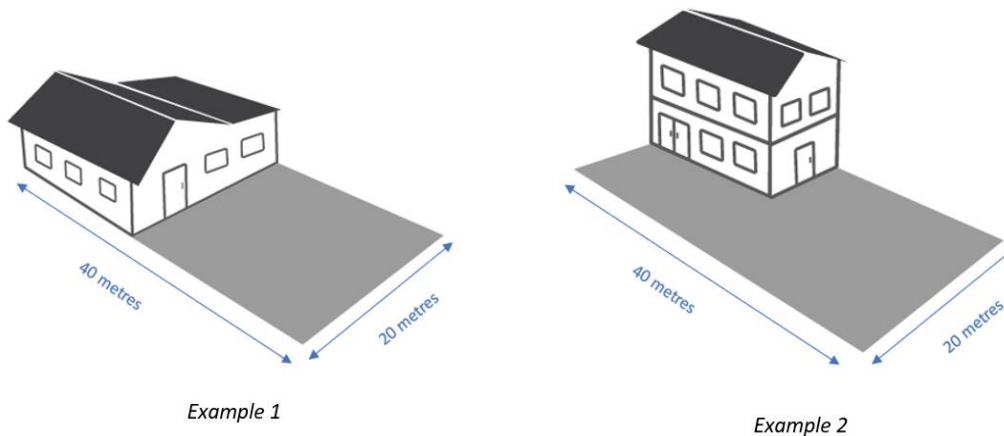


Figure 1: The floor space ratio of a building.
Source: NSW Department of Planning and Environment

The floor area of all levels of a building are counted, however under the definition of “gross floor area”² some areas are excluded such as car parking to meet any requirements of the consent authority, any area for common vertical circulation such as lifts and stairs, and certain areas within a basement. Refer to Box 1 below.

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

- (a) the area of a mezzanine, and*
- (b) habitable rooms in a basement or an attic, and*
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,*

but excludes—

- (d) any area for common vertical circulation, such as lifts and stairs, and*
- (e) any basement—*
 - (i) storage, and*
 - (ii) vehicular access, loading areas, garbage and services, and*
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and*
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and*
- (h) any space used for the loading or unloading of goods (including access to it), and*
- (i) terraces and balconies with outer walls less than 1.4 metres high, and*
- (j) voids above a floor at the level of a storey or storey above.*

Box 1:
Definition of
gross floor
area in LEP

¹ FSR is defined in the Standard Instrument – Principal Local Environmental Plan (2006).

² Gross Floor Area is defined in the Dictionary of the Standard Instrument – Principal Local Environmental Plan (2006).

B2. What FSR controls currently apply on the Northern Beaches?

Currently, FSR is applied inconsistently across the Northern Beaches.

Only Manly LEP 2013 contains development standards for FSR for low-density residential zoned land. The maximum FSR applied is predominantly 0.4:1 or 0.45:1 as shown on the Manly LEP FSR Map – land closer to the harbour tends to be 0.4:1, whilst 0.45:1 is applied further inland – and a small number of sites in Boronia Lane, Seaforth, have an FSR of between 0.26:1 to 0.37:1. The Manly LEP also applies FSR to medium-density residential and employment zoned land.

Clause 4.1.3.1 of the Manly DCP 'Exceptions to FSR for Undersized Lots' provides that on existing sites in a residential zone (including C3) with a site area less than the minimum lot size required on the Manly LEP Lot Size Map, Council may consider exceptions to the maximum FSR under LEP Clause 4.6 'Exceptions to development Standards' when both the relevant LEP objectives and the provisions of the Manly DCP are satisfied. In some instances, an FSR of greater than 1:1 is facilitated by this clause notwithstanding the Manly LEP 2013 FSR Map indicating a maximum permitted FSR of 0.4:1 or 0.45:1. Refer to Attachment 1 to this report.

Warringah LEP 2011 applies FSR only to certain land within the Dee Why Town Centre and the Frenchs Forest Precinct (around the Northern Beaches Hospital) zoned for certain residential or employment purposes – it does not apply FSR to any other land more generally.

Pittwater LEP 2014 applies FSR only to industrial land in North Narrabeen, Warriewood, and Mona Vale within an employment zone – it does not apply FSR to any other land. Pittwater DCP applies a maximum FSR to dual occupancy development in residential zones of 0.3:1 to 0.4:1 depending on the property location.

A summary of the different approaches across the Manly, Warringah and Pittwater LEP/DCPs is included in Table 2 below.

Zone	Manly LEP 2013 and Manly DCP	Warringah LEP 2011 and Warringah DCP	Warringah LEP 2000 (deferred lands)	Pittwater LEP 2014 and Pittwater DCP
Residential zones	The LEP applies a maximum permitted FSR of 0.4:1 to 0.45:1 for most low-density zones, and up to 1.5:1 for higher density zones. The DCP includes an exceptions clause facilitating a higher FSR on small lots.	The LEP applies a maximum permitted FSR to certain land in the Dee Why Town Centre and Frenchs Forest precinct around the hospital only. The DCP explains how the FSR is applied.	No	The DCP applies a maximum permitted FSR to dual occupancy development of 0.3:1 to 0.4:1. There are no FSR controls in the LEP.
Employment zones	The LEP applies a maximum permitted FSR to all employment zoned land.	As above.	No	A maximum permitted FSR applies in the LEP to industrial areas in Warriewood, Mona Vale, and North Narrabeen.
Non-Urban Zones	N/A	No	No	The DCP applies a maximum permitted FSR to dual occupancy development of 0.3:1 to 0.4:1. There are no FSR controls in the LEP.

Table 2: Is an FSR control included in the LEP or DCP currently?

B3. What FSR controls apply in other Sydney council areas and under the NSW Housing Code?

FSR is a commonly applied planning control in NSW to regulate the bulk and scale of buildings.

A review of council local environmental plans applying in the Greater Sydney region found that different FSRs are applied to low-density residential zoned land between council areas, and even within a council area. Some councils apply a 'flat rate' FSR on a map, and others apply a sliding or stepped scale FSR based on lot size.

Waverley, Canterbury, Randwick and Strathfield LEPs permit higher FSRs for smaller lots (0.65:1 or more); this then plateaus out to 0.5:1-0.55:1 generally. Bankstown, Lane Cove, Ryde, Liverpool, and Sutherland permit 0.5:1 or 0.55:1 regardless of lot size, and 0.6:1 for some.

The NSW Housing Code similarly begins with high FSRs for small lots, but this reduces significantly as lot size increases. Georges River, Mosman, Willoughby, and Ku-ring-gai tend to permit FSRs at 0.5:1-0.55:1 for smaller lots, reducing this to 0.4:1–0.45:1, or to 0.3:1 or even lower for larger lots. Refer to Table 3 below.

Planning document	Max FSR permitted in LEP – R2, C3, C4 zones
NSW Housing Code SEPP	Up to 0.78:1 depending on lot size
Bankstown LEP 2015	0.5:1
Bayside LEP 2021	0.5:1 to 0.55:1 depending on lot size and location on map
Canterbury LEP 2012	0.5:1 to 0.65:1 depending on lot size; but 0.5:1 for any dual occupancy
Georges River LEP 2021	0.375:1 to 0.55:1 depending on lot size
Hornsby LEP 2013	None applied, except certain sites including 0.3:1 at Berowra Creek/Waters
Ku Ring Gai LEP 2015	R2 zone: range 0.3:1 to 0.4:1 depending on lot size C4 zone: range 0.2:1 to 0.32:1 depending on lot size
Lane Cove LEP 2010	0.5:1 for most, 0.6:1 for some, depending on location on map
Liverpool LEP 2008	0.5:1 to 0.6:1 depending on location on map
Mosman LEP 2012	0.4:1 to 0.5:1 depending on lot size
Randwick LEP 2012	0.6:1 to 0.65:1 depending on lot size primarily
Ryde LEP 2014	0.5:1 for most
Strathfield LEP 2012	0.5:1 to 0.65:1 depending on lot size
Sutherland LEP 2015	0.5:1 to 0.55:1 depending on location on map
Waverley LEP 2012	0.5:1 to 1:1 depending on lot size
Willoughby LEP 2012	R2 zone: 0.4:1 to 0.65:1 depending on lot size C4 zone: 0.24:1 to 0.5:1 depending on lot size But 0.4:1 for any dual occupancy

Table 3: FSR applied in other council areas and in the NSW Housing Code

C - METHODOLOGY

C1. Data analysis overview

An analysis of FSR data for 2,177 properties located across the Northern Beaches was undertaken to ascertain the average and x^{th} percentile FSR, and to consider whether any correlation existed between FSR and location, lot size, zone, or other factors. The FSR data was obtained from development applications (DAs) lodged with the Northern Beaches Council and former Manly, Warringah and Pittwater Councils for dwelling-house developments on low-density residential zoned land over an 11-year period from 2011 to 2022.

C2. Source of data

For each DA, the data was sourced from either 'floor area' calculations on BASIX³ certificates, or Council planner calculations for FSR in DA assessment. A quality check was undertaken to ensure that the data sourced from BASIX certificates was comparable with the data obtained from DA assessment reports given that different definitions and methods of calculation exist under BASIX and Council LEPs.

The BASIX data included figures for 'conditioned floor area m²' and 'unconditioned floor area m²' for each property which when combined into a 'total floor area' was found to be generally equivalent to the figures calculated from the LEP definition of 'gross floor area'. Calculating this against the lot size of the property derived the FSR. The breakdown of the data sourced is indicated in Table 4.

Data Source	Period	Development Type	No. sample properties	Percentage of sample
BASIX certificate data lodged with DA across Northern Beaches	2011-2021	New detached dwelling-houses only	2,015	92.6%
DA assessment reports for Manly LEP area	2013-2022	New detached dwelling-houses, and alterations / additions to existing dwelling-houses	103	4.7%
Staff calculation for Pittwater LEP and Warringah LEP areas	2022	New detached dwelling-houses, and alterations / additions to existing dwelling-houses	59	2.7%
		Total	2,177	100%

Table 4: Source of FSR data sampled in data analysis

C3. Location and zone of properties sampled

The data was sourced for properties located across the Northern Beaches within the range of low-density residential zones that currently apply. A breakdown of the location of properties sampled based on current LEP area and current zone is outlined in Table 5 below.

This breakdown generally aligns with the distribution of low-density residential zoned land across the Northern Beaches – that is, the Warringah LEP area is a larger area and so represented the bulk of properties sampled (1,333, 61.2%), followed by Pittwater (26.6%) then Manly (12.2%). Similarly, zone R2 is the predominant zone applied to low-density residential areas on the Northern Beaches and was reflected in the high proportion of such properties sampled (1,772, 81.4%), followed by C3 and C4 zoned properties (18.6%).

³ Building Sustainability Index (BASIX) is a NSW Government planning tool which aims to reduce energy and water consumption in homes across NSW. It applies to all residential dwelling types and is part of the DA process in NSW.

Land zoned C4 in the Manly LEP area was excluded from the data sample as this is akin to a medium-density zone (permitting multi-dwelling housing and residential flat buildings) and not a low-density residential zone.

Location	Zone R2	Zone C3	Zone C4	No. sample properties
Manly LEP/DCP area	233	33	-	266
Warringah LEP/DCP area	1,326	-	7	1,333
Pittwater LEP/DCP area	213	25	340	578
	1,772	58	347	2,177

Table 5: Location and zone of properties sampled for FSR data analysis

D - FINDINGS

The four key findings of the FSR data analysis are:

D1. There is a correlation between FSR and property location

Whilst the average FSR for all 2,177 properties sampled across the Northern Beaches was 0.41:1, the data indicates some difference in FSR based on location. Table 6 below indicates the average FSR for each suburb and the number of low-density residential zoned properties sampled within that suburb. See also Figure 2 below.

The suburbs of Queenscliff, Freshwater, Curl Curl, and North Curl Curl have the highest average FSR exceeding 0.5:1 and reaching as high at 0.66:1 in Queenscliff, whilst the Pittwater offshore areas and Church Point have the lowest average FSR below 0.3:1.

Almost all suburbs in the Pittwater LEP area (except for Whale Beach) and bushland suburbs in the Warringah LEP area (such as Belrose and Allambie Heights) tended to have an average FSR between 0.3:1 and up to 0.4:1, while all suburbs in the Manly LEP area and in the more urban Warringah LEP areas (such as Beacon Hill and Dee Why) tended to have an average FSR between 0.4:1 and up to 0.5:1.

Suburb	Average FSR (x:1)	No. properties sampled	Suburb	Average FSR (x:1)	No. properties sampled
Queenscliff	0.66	20	Davidson	0.39	6
Freshwater	0.53	116	Palm Beach	0.39	61
Curl Curl	0.53	59	Forestville	0.37	135
Brookvale	0.52	5	Cromer	0.37	42
North Curl Curl	0.51	105	North Narrabeen	0.37	46
Manly	0.48	15	Frenchs Forest	0.37	89
Dee Why	0.48	71	Newport	0.37	109
Clontarf	0.48	36	Allambie Heights	0.37	64
Collaroy Plateau	0.47	87	Bayview	0.36	14
Collaroy	0.47	87	Mona Vale	0.36	84
Narrabeen	0.46	24	Warriewood	0.34	14
Manly Vale	0.46	51	Elanora Heights	0.34	41
Wheeler Heights	0.45	9	Belrose	0.34	50
North Manly	0.44	46	Bilgola Plateau	0.33	18
Beacon Hill	0.43	57	Avalon	0.33	103
Bilgola Beach	0.42	8	Clareville	0.32	14
Balgowlah	0.42	15	Cottage Point	0.31	6
Balgowlah Heights	0.41	57	Church Point	0.28	21
Narraweena	0.41	58	Great Mackerel Beach	0.25	3
North Balgowlah	0.41	90	Scotland Island	0.23	17
Terrey Hills	0.41	12	Lovett Bay	0.22	2
Whale Beach	0.40	20	Morning Bay	0.14	1
Seaforth	0.40	143	Coasters Retreat	0.10	2
Killarney Heights	0.40	44	Total	0.41:1	2,177

Table 6: By Suburb: Average FSR and sample size

Note that an insufficient number of sample properties was obtained for some suburbs. The data is considered to be an unreliable reflection of average FSR for a suburb where fewer than ten properties were sampled.

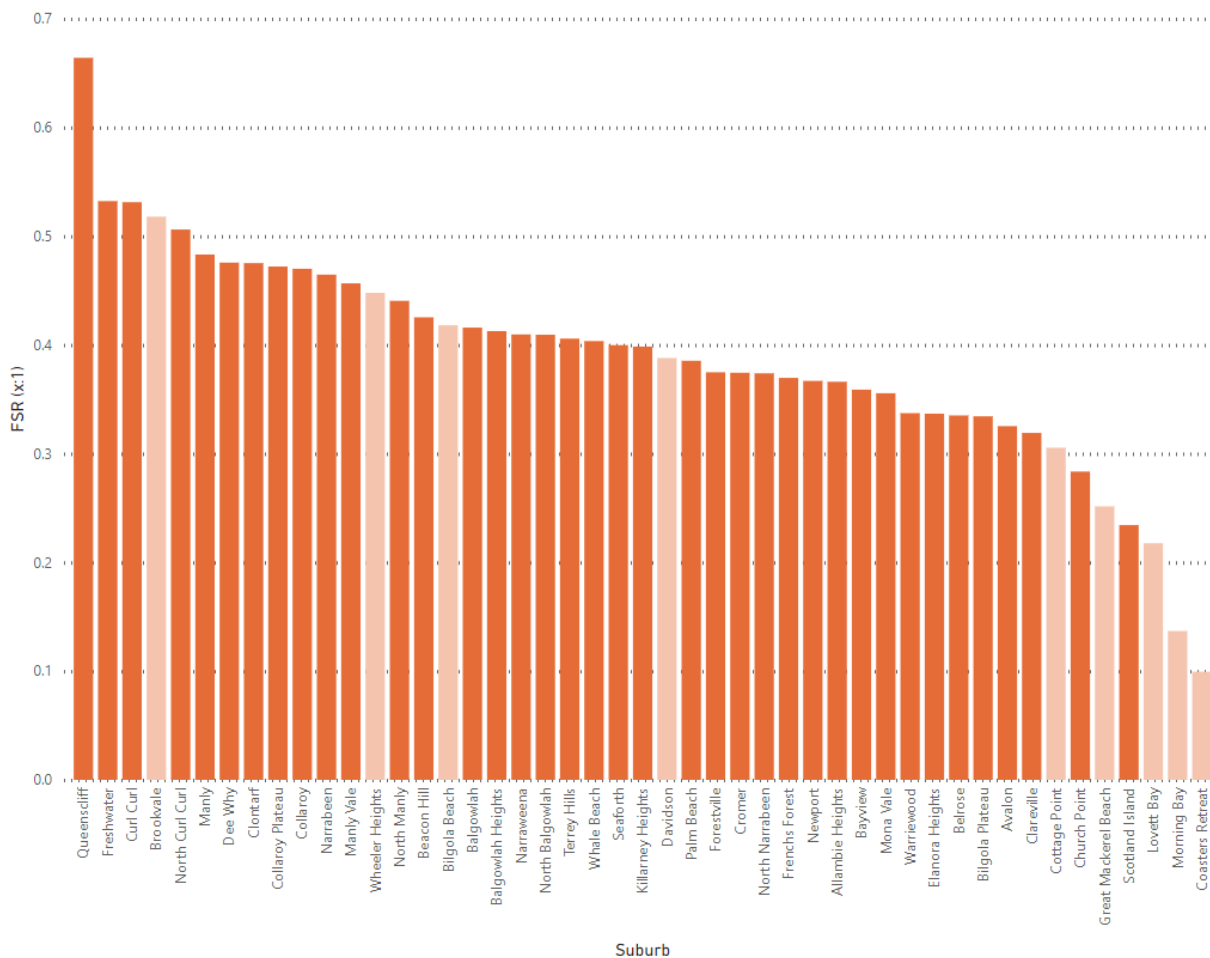


Figure 2: Average FSR by Suburb.
(Suburbs with a low sample size of fewer than ten properties are shown in pale orange).

D2. There is a strong correlation between FSR and lot size

The data shows a clear correlation between FSR and lot size, with smaller lots having a higher average FSR which reduces as the lot size increased. This pattern is evident across the Northern Beaches LGA as a whole, in all suburbs, and in all zones, as demonstrated in the graphs below.

For example, broadly across the Northern Beaches, the average FSR for very small lots (below 300sqm) is 0.77:1 which then reduced to 0.54:1 for lots 300-499sqm, 0.43:1 for lots 500-699sqm and so on, reaching a low of 0.17:1 for very large lots (2,000sqm and greater). The high FSR for very small lots can be primarily attributed to sample properties in Queenscliff and surrounds, while the low FSR for larger lots generally applies in the Pittwater region.

Breaking down the data by suburb, in Avalon, for example, the average FSR is 0.4:1 for properties with a lot size up to 700sqm, and then this gradually reduces to 0.34:1 for lots 700-899sqm in area, and further reduces to 0.28:1 for lots 900-1199sqm in area.

Similarly, in Forestville, the average FSR is generally 0.4:1 for properties with a lot size up to 700sqm, gradually reducing to 0.38:1 for lots 700-899sqm in area, and to 0.31:1 for lots 900-1199sqm in area. Mona Vale and Seaforth also follow this same trend. Refer to Figures 3-5 and Table 7 below.

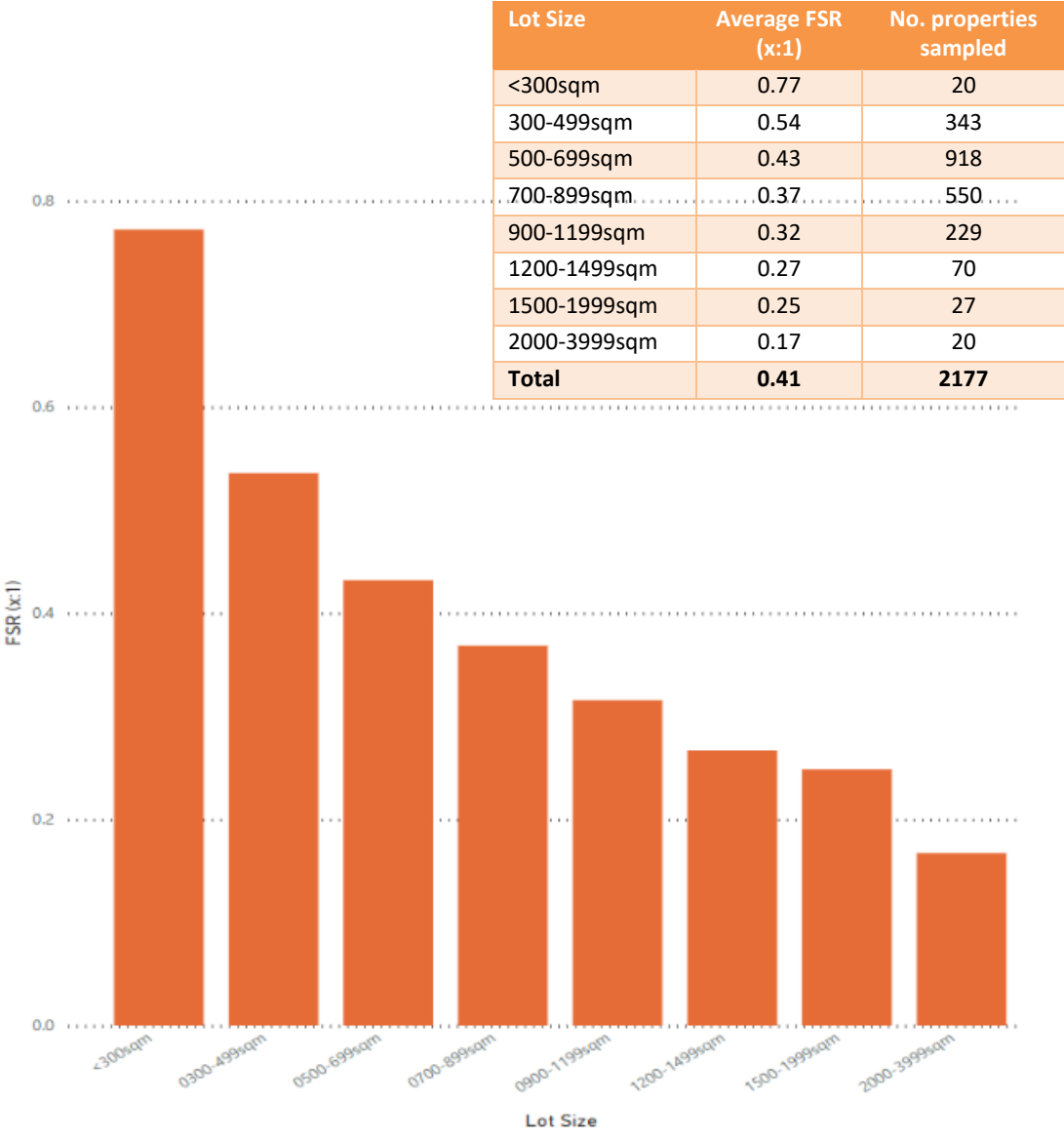
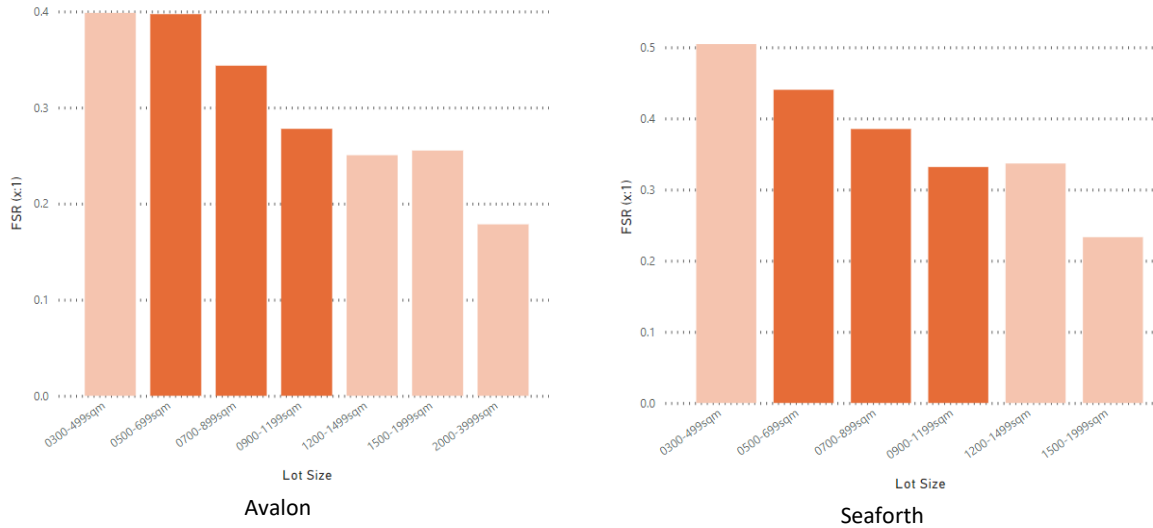


Figure 3 and Table 7: Average FSR by lot size of all properties sampled across the Northern Beaches LGA



Figures 4 and 5: Average FSR by lot size in Avalon and Seaforth.
(Lot size ranges with a low sample size of fewer than ten properties are shown in pale orange).

D3. There is minimal correlation between FSR and land use zone within a suburb

The data shows that the average FSR for land zoned R2, C3 or C4 is often very similar within a suburb, that is, the land use zone had no influence on the FSR of the development.

For example, in Newport a total of 109 properties were sampled with a mix of zones: R2 (39 properties) and C4 (70 properties). The average FSR for Newport by zone was found to be very similar: 0.38:1 for zone R2 and 0.36:1 for zone C4. Similarly, in Mona Vale a total of 84 properties were sampled with the average FSR almost the same for the R2 zone (0.35:1, 45 properties) compared to the C4 zone (0.36:1, 39 properties). This same trend was found in Seaforth, Clontarf and other suburbs shown in Table 8 below.

Note that an insufficient number of sample properties was obtained for some suburbs. The data is considered to be an unreliable reflection of average FSR for a suburb where fewer than ten properties were sampled.

Suburb	Current Zone	No. properties sampled	Average FSR (x:1)	Current Zone	No. properties sampled	Average FSR (x:1)
Avalon	R2	66	0.33	C4	37	0.31
Balgowlah	R2	14	0.42	C3	1	0.42
Balgowlah Heights	R2	55	0.41	C3	2	0.47
Bayview	R2	4	0.35	C4	10	0.36
Bilgola Plateau	R2	2	0.44	C4	16	0.32
Clontarf	R2	28	0.48	C3	8	0.46
Elanora Heights	R2	19	0.35	C4	22	0.32
Manly	R2	1	0.48	C3	14	0.48
Manly Vale	R2	50	0.46	C4	1	0.45
Mona Vale	R2	45	0.35	C4	39	0.36
Newport	R2	39	0.38	C4	70	0.36
North Narrabeen	R2	31	0.37	C4	15	0.38
Palm Beach	R2	4	0.41	C4	57	0.38

Suburb	Current Zone	No. properties sampled	Average FSR (x:1)	Current Zone	No. properties sampled	Average FSR (x:1)
Seaforth	R2	135	0.40	C3	8	0.37
Warriewood	R2	3	0.36	C4	11	0.33

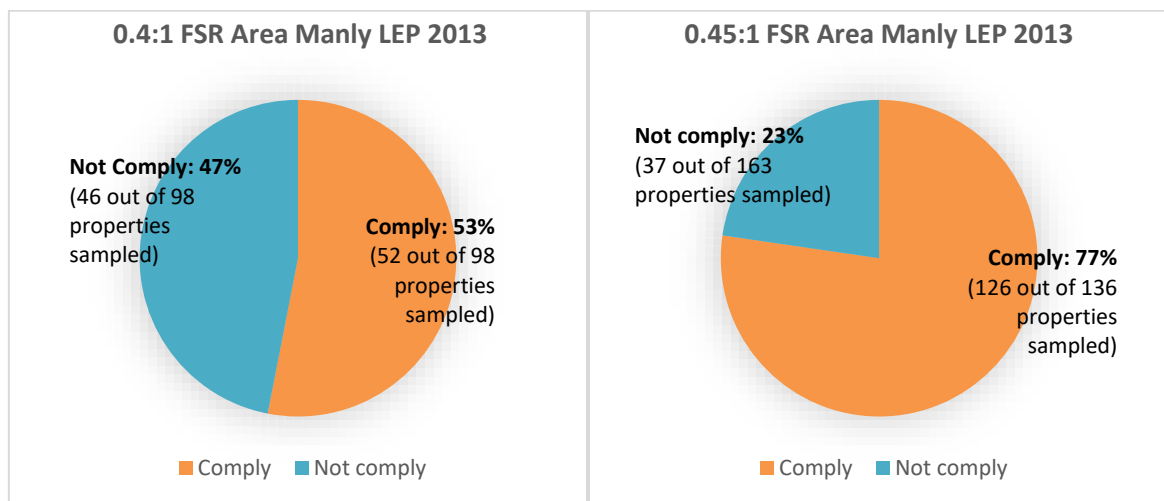
Table 8: By Suburb: Average FSR and sample size for R2 v C3/C4 zoned land

D4. There is a low rate of compliance with current FSR requirements in the Manly LEP

The data shows a low rate of compliance with the Manly LEP FSR requirements. Of the 266 properties sampled within the Manly LEP area, an overall rate of 68% compliance with the current Manly LEP maximum permitted FSR was found.

Most (261) of the properties sampled are located within a 0.4:1 or 0.45:1 FSR area as shown on the Manly LEP FSR Map. When considering the data separately for these different FSR areas, it was found that the 0.4:1 FSR area had the lowest rate of compliance at just 53.1%, while the compliance rate for the 0.45:1 FSR area was higher at 77.3%.

Refer to Figures 6 and 7 below.



Figures 6 and 7: Rate of compliance with maximum permitted FSR in Manly LEP: 0.4:1 v 0.45:1 FSR Area

The current 0.4:1 FSR area in Manly LEP applies to suburbs by the harbour including Balgowlah Heights, Clontarf, and Seaforth. A breakdown of the properties sampled in these suburbs shows that Clontarf had the lowest rate of compliance with the LEP at just 34.3%. In the current 0.45:1 FSR area, the lowest rate of compliance was found in Manly (54.5%) – although small sample sizes for this suburb may skew the data. Refer to Table 9 below.

Suburb	Current 0.4:1 FSR Area			Current 0.45:1 FSR Area		
	No. properties sampled that:		Total no. properties sampled	No. properties sampled that:		Total no. properties sampled
	Comply with FSR	Do not comply with FSR		Comply with FSR	Do not comply with FSR	
Balgowlah	-	-	-	10 (66.7%)	5 (33.3%)	15
Balgowlah Heights	11 (61.1%)	7 (38.9%)	18	33 (84.6%)	6 (15.4%)	39
Clontarf	12 (34.3%)	23 (65.7%)	35	0 (0%)	1 (100%)	1
Seaforth	29 (64.4%)	16 (35.6%)	45	77 (79.4%)	20 (20.6%)	97
Manly	-	-	-	6 (54.5%)	5 (45.5%)	11

Table 9: Breakdown by Suburb: Average FSR and sample size for R2 v C3/C4 zoned land

Manly DCP clause 4.1.3.1 'Exceptions to FSR for Undersized Lots' facilitates higher FSRs to be achieved on undersized lots. Attachment 1 to this report provides an extract from the DCP and tables showing the maximum FSR that may be facilitated under the clause if the relevant LEP objectives and the provisions of the DCP are satisfied. It facilitates FSRs to 1:1 and higher for very small lots (under 325sqm in area), although review of the cadastre indicates that few such small lots exist in the Manly LEP 2013 R2 and C3 zones.

FSR is a development standard under Manly LEP 2013, and as such, to vary the standard and apply DCP clause 4.1.3.1, first LEP clause 4.6 'Exceptions to development standards'⁴ must be considered. This requires a consent authority to be satisfied that the applicant has demonstrated several matters as outlined below:

- (3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*
- (a) *compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
 - (b) *there are sufficient environmental planning grounds to justify the contravention of the development standard.*

While varying an FSR based on lot size is not uncommon – the current approach taken in Manly LEP and DCP relying on LEP clause 4.6 places burden on both applicants and Council in the DA process to respond to the detailed criteria to justify varying the standard.

An alternative approach that is evident in many other council LEPs is to apply a sliding scale within the LEP that varies the maximum permitted FSR based on lot size. This approach is applied, for example, in the LEPs for Bayside, Canterbury, Georges River, Ku-Ring-Gai, Mosman, and Willoughby, and in the NSW Housing Code. See B1 Background of this report.

⁴ Clause 4.6 of the Manly LEP 2013 provides a degree of flexibility in applying certain development standards. It is a compulsory mandated clause included in council LEPs by the NSW Government under the 'Standard Instrument' LEP template.

E - CONCLUSION

E1. Recommendation

It is recommended that:

1. FSR be applied to low-density residential zoned land in the Northern Beaches Local Environmental Plan that is varied by location and lot size as outlined in Table 10 and Figure 8 below; and
2. This replace the current FSR requirements in the Manly LEP for R2 and C3 zoned land, and the Manly DCP Clause 4.1.3.1 'Exceptions to FSR for Undersized Lots'.

This recommendation is based on the findings of the FSR data analysis, acknowledging the difference in the bulk and scale of development across the LGA and strong correlation between FSR and lot size that was apparent. It better reflects the FSR of development in the Manly LEP area and will reduce Council's reliance on LEP clause 4.6 'Exceptions to development Standards' (that is facilitated currently by Manly DCP Clause 4.1.3.1).

FSR Area	Description of FSR Area	Suburbs included in FSR Area	Max. permitted FSR by lot size	
Area 1: Bushland Suburban	Most suburbs in the current Pittwater LEP area, as well as bushland suburbs in the current Warringah LEP area. These areas tended to have an average FSR of 0.3:1 to 0.4:1.	Allambie Heights, Avalon, Bayview, Belrose, Bilgola Beach, Bilgola Plateau, Clareville, Cromer, Davidson, Elanora Heights, Forestville, Frenchs Forest, Killarney Heights, Mona Vale, Newport, North Narrabeen, Palm Beach, Terrey Hills, Warriewood, Whale Beach, Wheeler Heights	Under 500sqm	0.5:1
			500-699sqm	0.45:1
			700-899sqm	0.4:1
			900-1199sqm	0.35:1
			1200sqm and over	0.3:1
Area 2: Urban Suburban	The more urban suburbs in the current Warringah LEP area, and Manly LEP areas. These areas tended to have an average FSR of 0.4:1 to 0.5:1.	Balgowlah, Balgowlah Heights, Beacon Hill, Brookvale, Clontarf, Collaroy, Collaroy Plateau, Dee Why, Manly, Manly Vale, Narrabeen, Narrabeena, North Balgowlah, North Manly, Seaforth	Under 500sqm	0.55:1
			500-699sqm	0.5:1
			700-899sqm	0.45:1
			900-1199sqm	0.4:1
			1200sqm and over	0.35:1
Area 3: Denser Urban Suburban	The higher FSR suburbs. These areas tended to have an average FSR of 0.5:1 or greater.	Curl Curl, Freshwater, North Curl Curl, Queenscliff	Under 300sqm	0.65:1
			300-499sqm	0.6:1
			500-699sqm	0.55:1
			700-899sqm	0.5:1
			900-1199sqm	0.45:1
Area 4: Offshore and isolated	The lower FSR suburbs – primarily isolated / offshore communities. These areas tended to have an average FSR of 0.3:1 or lower.	Pittwater offshore communities (i.e., Coasters Retreat, Great Mackerel Beach, Lovett Bay, Morning Bay, and Scotland Island), Church Point, Cottage Point	Under 700sqm	0.38:1
			700-899sqm	0.33:1
			900-1199sqm	0.28:1
			1200sqm and over	0.23:1

Table 10: Recommended FSR Area and maximum permitted FSR for low-density residential zoned land

The FSR values indicated in the table are aligned with the 70th percentile⁵ FSR – that is, at which 70% of the more than 2,000 properties sampled had an FSR at or below the value indicated. Applying the

⁵ Percentile is a term that describes how a given value compares to other values from the same set. It is commonly expressed as the percentage of values in a set of data that fall below a given value.

70th percentile value responds to the predominant trend in dwelling-house developments occurring on the Northern Beaches yet excludes developments with more excessive bulk and scale that are of concern. It should be noted that the analysis is based on new development, which is likely to be larger in terms of FSR than existing “traditional” low density development which is not accounted for in the analysis. It is a realistic therefore to use this threshold to determine the maximum permitted FSR that should be applied in the LEP.

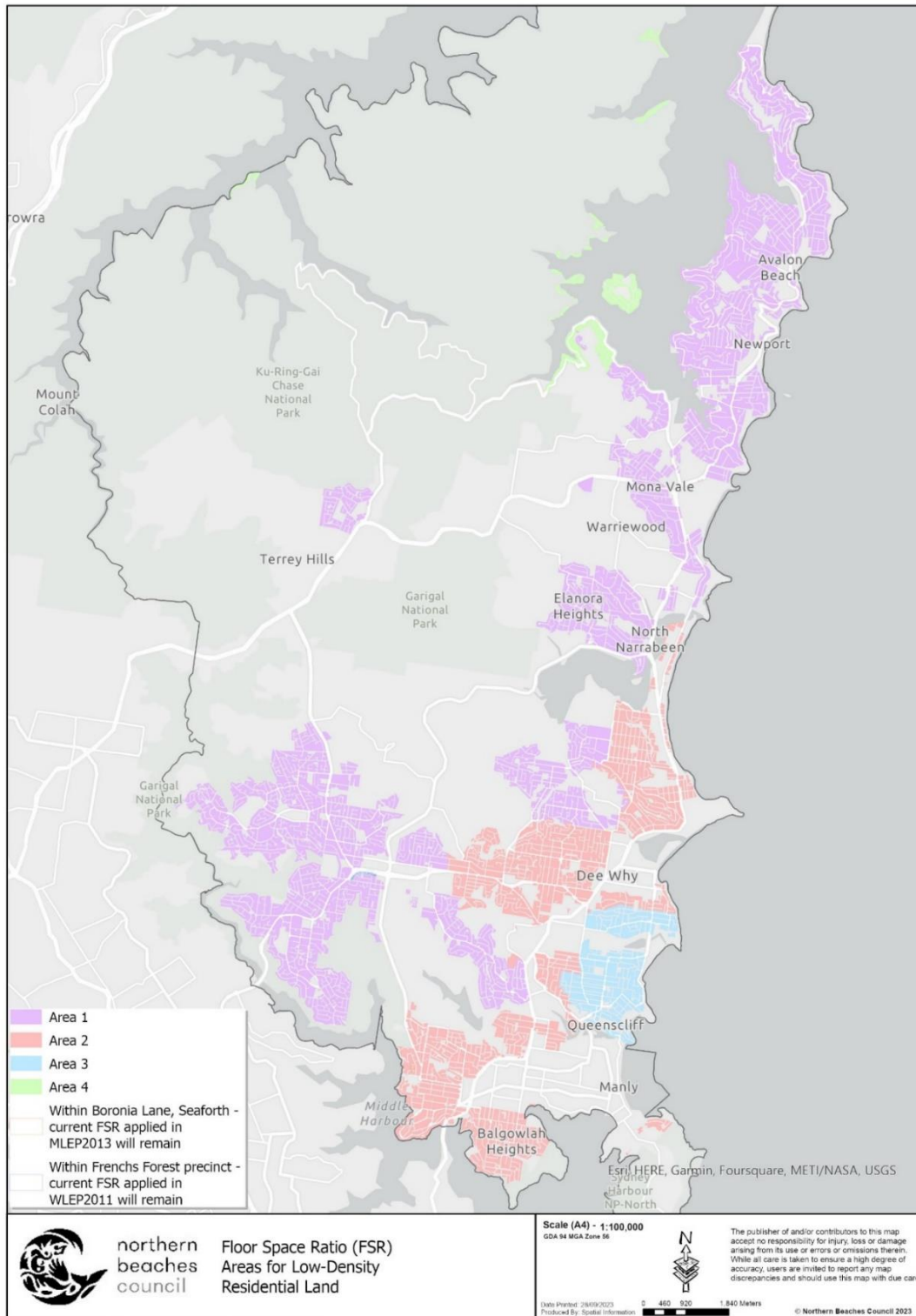


Figure 8: Proposed FSR Areas for low-density residential zoned land

E2. Testing recommended FSRs

Testing the recommended maximum permitted FSRs outlined above indicates an overall compliance rate of 73%, with a similar rate found for each FSR Area and lot size range (although noting that some small sample sizes may skew the data). See Table 11 below.

Of those properties that were found to not comply with the recommended FSR (27%; 584 of the 2,177 sampled), for almost half (259 properties) the FSR breach was by less than 10%, indicating that compliance with the recommended FSR could readily be achieved with a varied design reducing bulk and scale. See Figure 9.

FSR Area	Lot Size	Recommended FSR	Total no. properties sampled	No. properties sampled that COMPLY with Recommended FSR	% COMPLIANCE RATE
Area 1	Under 500sqm:	0.5:1	40	26	65%
	500-699sqm:	0.45:1	362	259	72%
	700-899sqm:	0.4:1	348	243	70%
	900-1199sqm:	0.35:1	156	117	75%
	1200sqm and over:	0.3:1	77	62	81%
		TOTAL		983	707
Area 2	Under 500sqm:	0.55:1	168	114	68%
	500-699sqm:	0.5:1	431	336	78%
	700-899sqm:	0.45:1	163	133	82%
	900-1199sqm:	0.4:1	56	43	77%
	1200sqm and over:	0.35:1	24	17	71%
		TOTAL		842	643
Area 3	Under 300sqm:	0.65:1	13	1	8%
	300-499sqm:	0.6:1	141	89	63%
	500-699sqm:	0.55:1	112	90	80%
	700-899sqm:	0.5:1	26	19	73%
	900-1199sqm:	0.45:1	7	4	57%*
	1200sqm and over:	0.4:1	1	1	100%*
		TOTAL		300	204
Area 4	Under 700sqm:	0.38:1	14	10	71%
	700-899sqm:	0.33:1	13	10	77%
	900-1199sqm:	0.28:1	10	7	70%*
	1200sqm and over:	0.23:1	15	12	80%
		TOTAL		52	39
OVERALL TOTAL			2177	1593	73%

Table 11: Testing recommended FSRs and rate of compliance.

**Small sample sizes may skew the outcomes reflected in the table.*

The compliance rate was found to be lowest at around 63% in the smaller lot size range (under 500sqm), however the breach was by less than 10% for almost half of the non-complying properties sampled. The compliance rate was poorest for under 300sqm lots in Area 3 (being the denser urban suburbs of Curl Curl, Freshwater, North Curl Curl and Queenscliff) – just one of the 13 properties sampled satisfied the 0.65:1 FSR recommended as noted in the above table.

Notwithstanding, it is argued that the recommended FSRs strike a reasonable balance between building bulk/scale, facilitating permeable areas for canopy tree planting and stormwater management, and maintaining the character of Northern Beaches' low density residential zones.

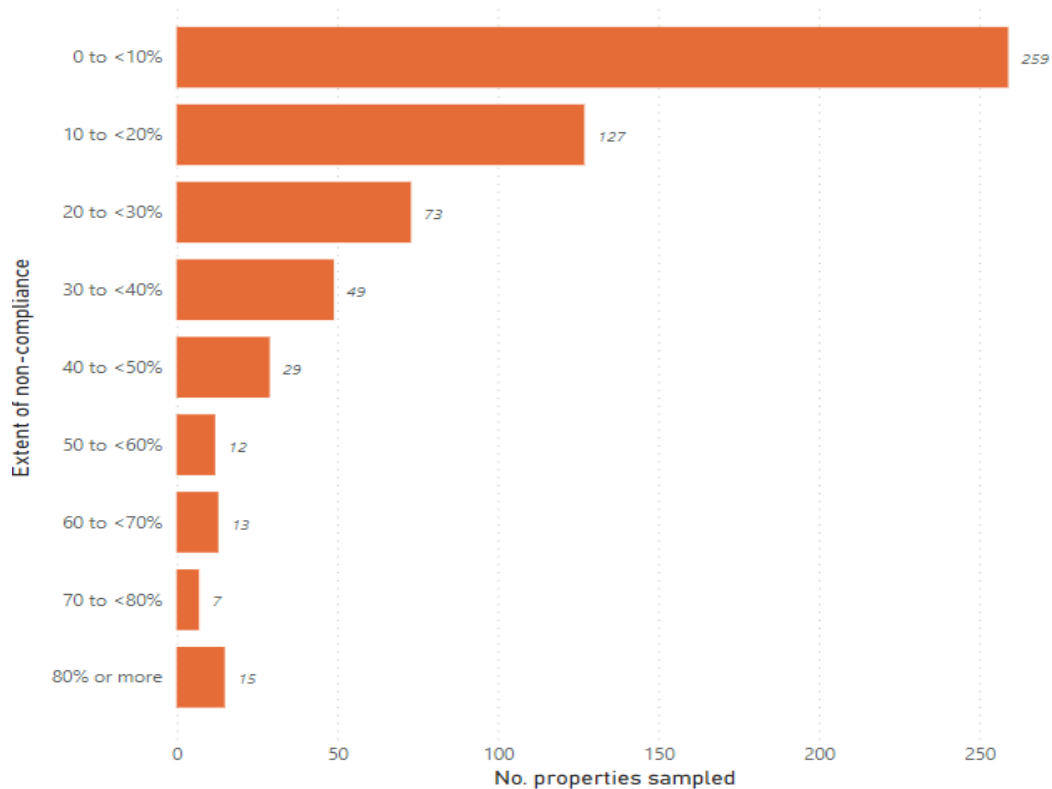


Figure 9: Extent of non-compliance or breach over the recommended FSR.

E3. Recommended change to FSR in Manly LEP area

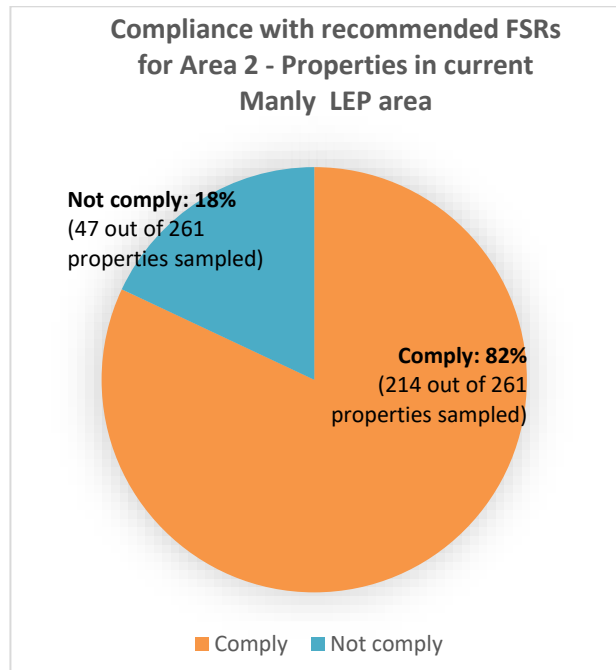
For the current Manly LEP area, based on the above recommendation the maximum permitted FSR would change from 0.4:1 or 0.45:1 (as currently permitted for R2 and C4 zoned land) to that for Area 2 shown in Table 10 above, that is, 0.55:1 for smaller lots under 500sqm in area, and gradually reducing to 0.35:1 for lots 1200sqm and over.

Aligning FSR with lot size is a consideration currently in the Manly DCP Clause 4.1.3.1 'Exceptions to FSR for Undersized Lots'. This approach would continue with FSR values brought into the LEP to reduce reliance on clause 4.6 variations in DA assessment, and adjusted to reflect the 70th percentile of data sampled for Area 2.

Testing indicates a compliance rate for the Manly area properties of 82% overall based on the recommended FSRs – a significant improvement to the low rate of compliance evident in data analysis for the current Manly LEP FSRs (that is, 68% overall, but just 53% for the 0.4:1 area, and 77% for the 0.45:1 area).

See Figure 10 below.

Figure 10: Compliance rate with recommended FSRs for properties currently located within Manly LEP area (low-density residential zones R2 and C3)



E4. Comparison with other Sydney Councils

The recommended FSR values are generally comparable with that of other councils in Greater Sydney, as shown in Figure 11. See also Table 3 earlier in this report. Some councils permit considerably more FSR in their low-density residential zones – such as Randwick and Waverley – and some permit less – such as Willoughby and Ku-ring-gai in the C4 zones. The rates differ depending on the existing/desired character of the area.

For Area 1 (Bushland Suburban) and Area 2 (Urban Suburban) recommended to apply to most low-density residential zoned land across the Northern Beaches – shown as the dotted purple and pink lines in Figure 10 below – the recommended FSRs commencing at 0.5:1 and 0.55:1 respectively are comparable with that applied by Willoughby, Bankstown, Ryde, Lane Cove, Liverpool, Sutherland and Mosman LEPs. The main difference is that the Area 1 and 2 FSRs then decrease as lot size increases to reduce the bulk and scale of buildings on larger lots. This same approach occurs in Willoughby and Mosman only, with the other LEPs maintaining the same FSR regardless of lot size.

For Area 3 (Denser Urban Suburban) applying to Queenscliff and surrounding suburbs – shown as the dotted blue line – the recommended FSR commencing at 0.65:1 is comparable with FSRs applied to Strathfield and somewhat to Bayside, with some difference in how the FSR reduces by lot size.

For Area 4 (Isolated and Offshore) applying to Scotland Island, the Pittwater Western Foreshores and the like – shown as the dotted green line – the recommended FSRs commencing at 0.38:1 are comparable with that applied to the more sensitive C4 zoned land in Willoughby and Ku-ring-gai shown in Figure 10, and to Berowra Creek/Waters (of 0.3:1 in Hornsby LEP).

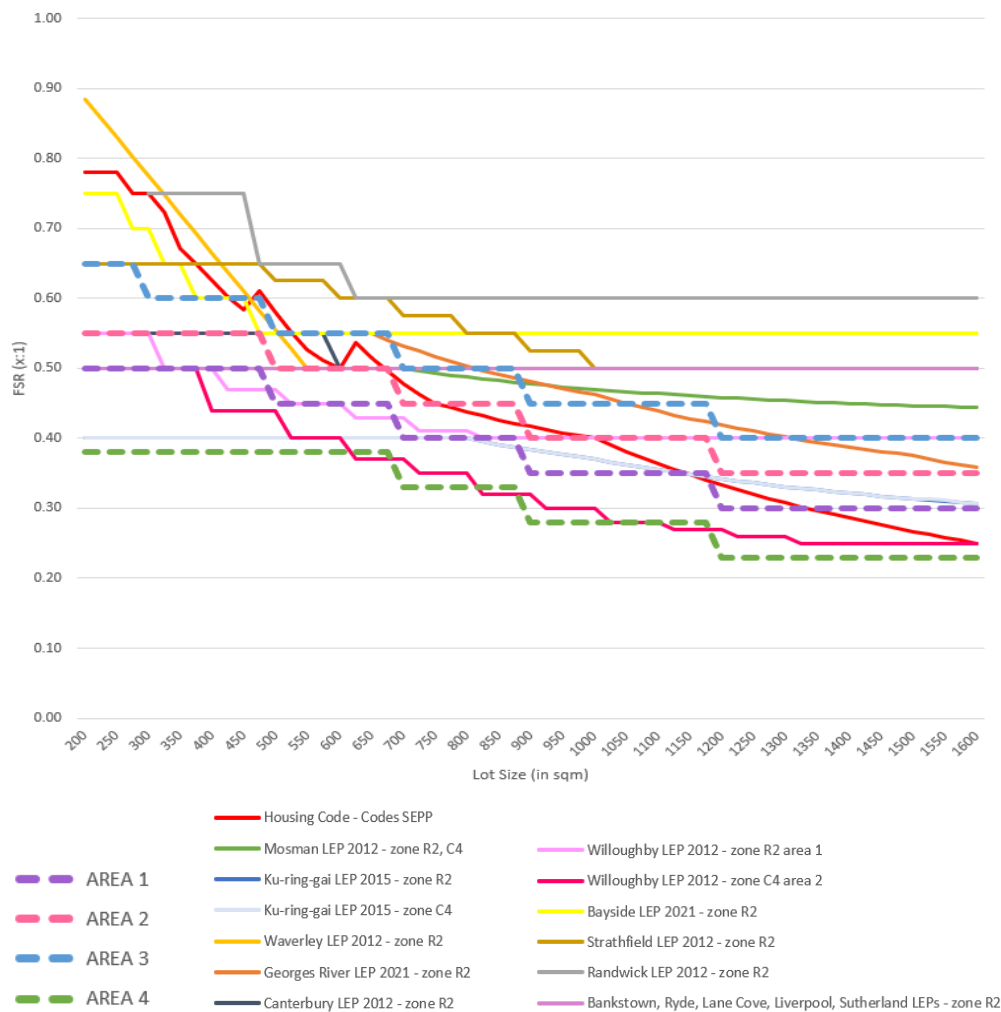


Figure 11: Comparison of Recommended FSRs (Areas 1, 2, 3 and 4) with FSRs applied by other Councils and the NSW Housing Code

E5. Limitations

Stepped sliding scale

The recommended FSRs outlined above are aligned with lot size, reducing as lot size increases. They are mostly based on 200sqm lot size increments which results in a stepped scale (as illustrated in Figure 11 above). A limitation with this model is that for a property with a lot size on the cusp of a lot size range, there is big difference in the maximum FSR that would be permitted if the lot was a few square metres larger.

For example, the maximum permitted FSR for a property in Area 1 with a lot size of 695sqm would be 0.45:1, yet it would be 0.4:1 for a neighbouring property with a lot size of 700sqm. There are only a few square metres in area between the properties, yet a difference of 0.05:1 in FSR that could be permitted. The difference equates to around 33sqm in gross floor area, as shown in the calculations below.

Property 1:
Lot size: 695sqm
Location: Area 1
Maximum permitted FSR: 0.45:1
Allowable GFA*: 695 x 0.45 = 312.75sqm

*GFA = gross floor area

Property 2:
Lot size: 700sqm
Location: Area 1
Maximum permitted FSR: 0.4:1
Allowable GFA*: 700 x 0.4 = 280sqm

Difference: 312.75 – 280 = 32.75sqm

A more nuanced FSR scale could be achieved by either:

1. Reducing the lot size range increments – for example, to 100sqm increments (500-599sqm) or lower (500-559sqm). There would still be some difference in the permitted FSR for properties located on the cusp of a lot size range, but the impact of this would be less.
2. Applying a formula – for example, Georges River, Ku-ring-gai and Waverley LEPs all apply a formula related to the size of a lot to determine the maximum FSR permitted – see links below. Although it may seem complex, it is an option to further refine the recommended FSRs outlined in this report. This option would require further analysis and testing to determine a suitable formula to align with the recommended FSRs outlined in Table 10.

Georges River LEP 2021, clause 4.4A Exceptions to floor space ratio—certain residential accommodation, <https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0587#sec.4.4A>

Ku-ring-gai LEP 2015, clause 4.4 Floor space ratio, <https://legislation.nsw.gov.au/view/html/inforce/current/epi-2015-0134#sec.4.4>

Waverley LEP 2012, clause 4.4A Exceptions to floor space ratio, <https://legislation.nsw.gov.au/view/html/inforce/current/epi-2012-0540#sec.4.4A>

Small sample sizes

Although 2,177 properties were sampled as part of the FSR data analysis, when breaking the data down to focus on a particular suburb or lot size range, some small sample sizes were evident. This may result in skewed results in the analysis. Where analysis resulted in a sample of ten properties or less, this is generally noted in the report.

E6. Land excluded

The recommended FSRs outlined in this report do not apply to the following land:

- R2 zoned land in Karingal Crescent, Frenchs Forest – this land, located within the Frenchs Forest Hospital Precinct and subject to previous detailed analysis, has an existing FSR of 0.9:1 in Warringah LEP 2011. This will be carried over into the Northern Beaches LEP without change.
- C3 zoned Land in Boronia Lane, Seaforth (Nos. 10, 12, 14, 16, 18, 20 and 24) – this land was subject to previous site-specific study and has a unique FSR range of 0.26:1 to 0.37:1 (depending on the property) in the Manly LEP 2013. These existing FSRs will be carried over into the Northern Beaches LEP without change.

ATTACHMENT 1: MANLY DCP EXCEPTIONS CLAUSE

Extract from current Manly DCP –

4.1.3.1 Exceptions to FSR for Undersized Lots

See also LEP clause 4.6 *Exceptions to Development Standards*.
 See also paragraph 3.2.5.2 *Exceptions to FSR Development Standards* (for the development of Heritage).

Note: On existing sites in Residential LEP Zones (including E3 & E4) with a site area less than the minimum lot size required on the LEP Lot Size (LSZ) Map, Council may consider exceptions to the maximum FSR under LEP clause 4.6 when both the relevant LEP objectives and the provisions of this DCP are satisfied. See LEP clause 4.6(4)(a).

The undersized nature of a lot is a matter that Council may consider in determining whether 'compliance with the standard is unreasonable or unnecessary in the circumstances of the case' and 'there is sufficient environment planning grounds to justify contravening the development standard' under LEP clause 4.6(3).

- a) The extent of any exception to the LEP FSR development standard pursuant to LEP clause 4.6 in this plan is to be no greater than the achievable FSR for the lot size indicated in Figure 30 - Extent of FSR Variation for Undersized Lots.

Figure 30 - Extent of FSR Variation for Undersized Lots

Subzones on the LEP Lot Size (LSZ) Map	Maximum variation to FSR for undersized lots
Area 'C' on the LEP LSZ map	Calculation of FSR based on 250 sqm lot size/ site area
Area 'D' on the LEP LSZ map	Calculation of FSR based on 300 sqm lot size/ site area
Area 'I' on the LEP LSZ map	Calculation of FSR based on 500 sqm lot size/ site area
Area 'M' on the LEP LSZ map	Calculation of FSR based on 600 sqm lot size/ site area
Areas 'R', 'T' & 'U' on the LEP LSZ map	Calculation of FSR based on 750 sqm lot size/ site area

0.4:1 FSR Area -

	Allowable FSR (x:1) under Manly DCP Exceptions Clause for smaller lots - 0.4:1 Area				
	Area C (250sqm on Lot Size Map)	Area D (300sqm on Lot Size Map)	Area I (500sqm on Lot Size Map)	Area M (600sqm on Lot Size Map)	Areas R, T, U (750sqm on Lot Size Map)
Lot Size					
200	0.50	0.60	1.00	1.20	1.50
225	0.44	0.53	0.89	1.07	1.33
250	0.40	0.48	0.80	0.96	1.20
275	0.40	0.44	0.73	0.87	1.09
300	0.40	0.40	0.67	0.80	1.00
325	0.40	0.40	0.62	0.74	0.92
350	0.40	0.40	0.57	0.69	0.86
375	0.40	0.40	0.53	0.64	0.80
400	0.40	0.40	0.50	0.60	0.75
425	0.40	0.40	0.47	0.56	0.71
450	0.40	0.40	0.44	0.53	0.67
475	0.40	0.40	0.42	0.51	0.63
500	0.40	0.40	0.40	0.48	0.60
525	0.40	0.40	0.40	0.46	0.57
550	0.40	0.40	0.40	0.44	0.55
575	0.40	0.40	0.40	0.42	0.52
600	0.40	0.40	0.40	0.40	0.50
625	0.40	0.40	0.40	0.40	0.48
650	0.40	0.40	0.40	0.40	0.46
675	0.40	0.40	0.40	0.40	0.44
700	0.40	0.40	0.40	0.40	0.43
725	0.40	0.40	0.40	0.40	0.41
750	0.40	0.40	0.40	0.40	0.40

0.45:1 FSR Area -

Allowable FSR (x:1) under Manly DCP Exceptions Clause for smaller lots - 0.45:1 Area					
	Area C (250sqm on Lot Size Map)	Area D (300sqm on Lot Size Map)	Area I (500sqm on Lot Size Map)	Area M (600sqm on Lot Size Map)	Areas R, T, U (750sqm on Lot Size Map)
Lot Size					
200	0.56	0.68	1.13	1.35	1.69
225	0.50	0.60	1.00	1.20	1.50
250	0.45	0.54	0.90	1.08	1.35
275	0.45	0.49	0.82	0.98	1.23
300	0.45	0.45	0.75	0.90	1.13
325	0.45	0.45	0.69	0.83	1.04
350	0.45	0.45	0.64	0.77	0.96
375	0.45	0.45	0.60	0.72	0.90
400	0.45	0.45	0.56	0.68	0.84
425	0.45	0.45	0.53	0.64	0.79
450	0.45	0.45	0.50	0.60	0.75
475	0.45	0.45	0.47	0.57	0.71
500	0.45	0.45	0.45	0.54	0.68
525	0.45	0.45	0.45	0.51	0.64
550	0.45	0.45	0.45	0.49	0.61
575	0.45	0.45	0.45	0.47	0.59
600	0.45	0.45	0.45	0.45	0.56
625	0.45	0.45	0.45	0.45	0.54
650	0.45	0.45	0.45	0.45	0.52
675	0.45	0.45	0.45	0.45	0.50
700	0.45	0.45	0.45	0.45	0.48
725	0.45	0.45	0.45	0.45	0.47
750	0.45	0.45	0.45	0.45	0.45