

## APPLICATION UNDER MANLY LOCAL ENVIRONMENT PLAN CLAUSE 4.6

Project:	Alterations and Additions – 77 Clontarf Street, Seaforth - Lot 165 in DP 11162	Date:	16/08/2022
Client:	Jose and Oliver Gilbert	Page:	Page 1 of 2
Author:	David Hunt	Job No:	2106GHS

### LEP Clause 4.6 Exceptions to development standards

Clause 4.6 of the Manly LEP 2013 allows for flexibility to be applied to development standards where objectives can be obtained notwithstanding the variation. The proposal does not comply with Council's numerical control for Floor Space Ratio FSR, in the LEP Clause 4.4 Floor Space Ratio.

Approval is therefore requested through LEP Clause 4.6 Exceptions to Development Standards which allows for Council to grant development consent where it can be demonstrated:

- 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.

### LEP Numerical Control:

FSR = 0.45:1 (Site Area 520.3sqm, therefore maximum allowable GFA = 234.1sqm)

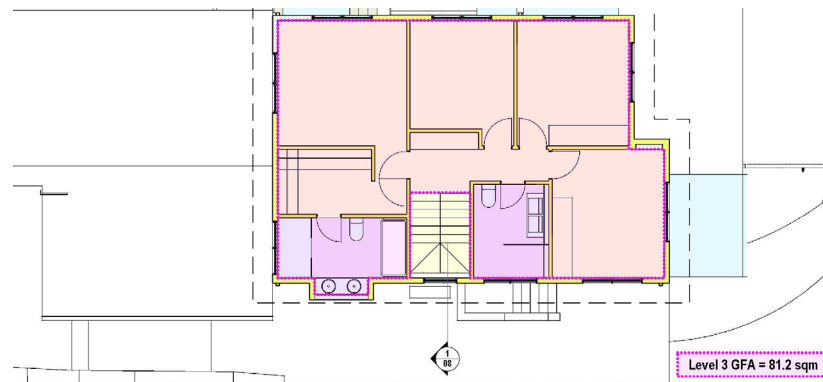
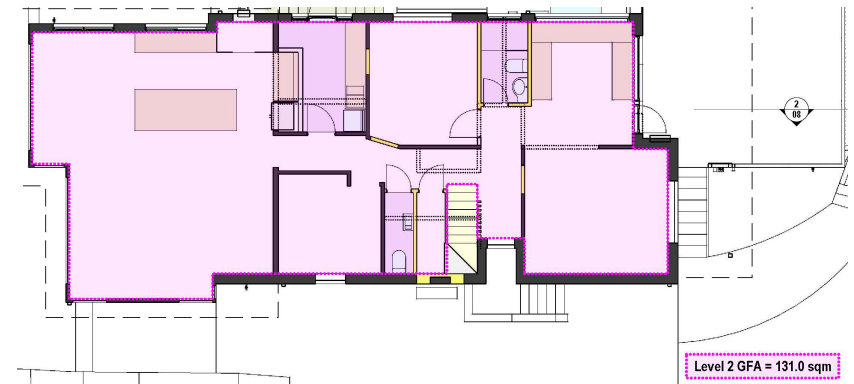
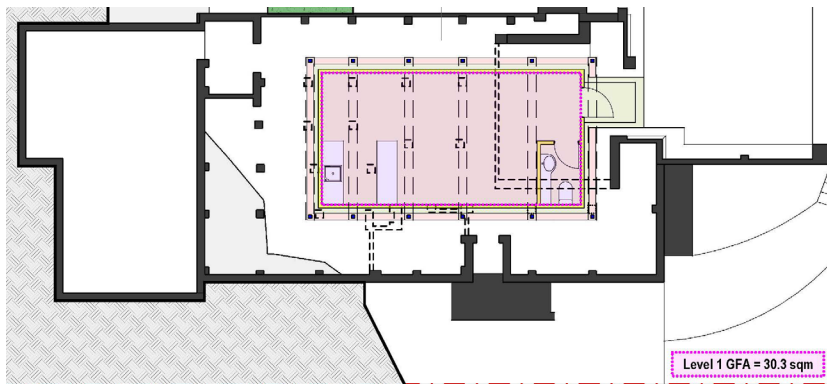
### Proposed FSR:

FSR = 0.47:1 (GFA = Lvl1 30.5 + Lvl12 131.0 + Lvl3 81.2 = 242.7sqm)

### Non-compliance:

3.7% = 8.6sqm

Area calculation diagrams:



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### Assessment of proposal against the Manly LEP objectives

The proposal includes a storage and workshop area on level 1, under the existing house, which although designed as a basement, does not comply with the Manly LEP definition of a basement storage area: **basement** means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

Although not strictly compliant the proposal does meet the objectives for development as set out in the Clause 4.4 Floor Space Ratio:

Objective	Proposal Compliance
<i>(a) to ensure the bulk and scale of development is consistent with the existing and desired streetscape character,</i>	The proposal presents as an upper-level addition on an existing single storey dwelling, the additions adopt the existing style and character to the dwelling. The existing fencing, vegetation and view corridors associated with the site are maintained. The proposal is consistent with other dwellings in the immediate vicinity, the existing and desired streetscape character is not adversely impacted by the proposed increase in gross floor area.
<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>	The proposed additional gross floor area is part of the Level 1 storage and workshop area which is below the existing dwelling with walls setback within the existing external wall lines. The additional gross floor area does not increase the bulk or scale of the existing dwelling or obscure any landscape or townscape features on or around the site.
<i>(c) to maintain an appropriate visual relationship between new development and the existing character and landscape of the area,</i>	The proposed is for alterations and additions to a dwelling, designed to be consistent with the existing character and style of that dwelling, no landscaping is impacted by the proposal. The original dwelling was built following the initial subdivision of the land, so it is an integral part of the existing areas character. The proposal will maintain the existing character and landscaping of the area.
<i>(d) to minimise adverse environmental impacts on the use or enjoyment of adjoining land and the public domain,</i>	The additional gross floor area does not increase the bulk or scale of the existing dwelling so it will not cause any adverse environmental impact on the use or enjoyment of the adjoining land and the public domain.

### Summary

The proposal is consistent with Council's objectives for floor space ratio controls for the site with the following noted for consideration by Council:

- The proposed level 1 storage and workshop is designed as a basement space, basements and storage are not included in FSR calculations, but due to the existing retained main floor level, the space does not meet Council's definition of a basement.
- The proposed space is accessed through the garage and does not have internal access to the dwelling.
- Strict compliance with the numerical control is unreasonable as the additional gross floor area is below the existing dwelling it does not increase the appearance, bulk or height of the proposal.
- Strict compliance with the numerical control is unnecessary as the proposal meets the objects for the floor space ratio as set out in the Manly LEP.
- There are sufficient environmental planning grounds to approve the numerical variation to the floor space ratio control, as there is no adverse impact on the amenity of the adjacent properties or public spaces within the vicinity of the site by the increase in the level 1 gross floor area.
- There are sufficient environmental planning grounds to approve the numerical variation to the floor space ratio standard as the addition of a second storey on top of an existing dwelling is encouraged in Council's planning controls, retention of existing dwellings is important for the history of the area and reduces the environmental impact of a complete demolition.
- The basement area has been maximised whilst not impacting the structure for the external walls of the existing dwelling.
- The non-compliance is minor in area (8.6sqm) and minor in percentage increase over the numerical controls (3.7%)

The proposal responds positively to the streetscape character and landscape of the locality, the proposed additional gross floor area is modest and not noticed in the overall design. We trust the proposal will meet with Council prompt approval.