





 DEVELOPMENT ASSESSMENT REPORT				
Application No.	DA/2022/0030			
Address	35B Glassop Street BALMAIN NSW 2041			
Proposal	The addition of a new pitched roof providing an upper level attic space and a new internal lift within the existing stair well			
Date of Lodgement	31 January 2022			
Applicant	Mr Dimitri Janchek			
Owner	Mr Dimitri Janchek Mrs Wendy A Janchek			
Number of Submissions	Initial: 3			
Value of works	\$95,000.00			
Reason for determination at Planning Panel	Clause 4.6 variation exceeds 10%			
Main Issues	FSR breach View Loss			
Recommendation	Approved with Conditions			
Attachment A	Recommended conditions of consent			
Attachment B	Plans of proposed development			
Attachment C	Clause 4.6 Exception to Development Standards			
				
LOCALITY MAP				
Subject Site		Objectors		 N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for the addition of a new pitched roof providing an upper level attic space and a new internal lift within the existing stair well at 35B Glassop Street Balmain.

The application was notified to surrounding properties and 3 submissions were received in response to the initial notification.

The main issues that have arisen from the application include:

- Departure from the Floor Space Ratio development standard pursuant to the *Leichhardt Local Environmental Plan 2013*
- Potential view loss.

The non-compliances are acceptable given minimal environmental impacts. The departure from the Floor Space Ratio (FSR) development standard has also been assessed to be acceptable where the proposal complies with the provisions of Clause 4.6 of the *Leichhardt Local Environmental Plan 2013* including the relevant zone and development standard objectives therefore the application is recommended for approval.

2. Proposal

Detailed description of the proposal is as follows:

Existing Lower ground floor level 1

Modify existing steel stairs treads to enable installation of a 2 person passenger home lift. (900x1200).

Existing Upper ground floor level 2

Modify existing steel stairs treads to enable installation of a 2 person passenger home lift. (900x1200).

Existing Upper ground floor level 3

Modify existing steel stairs treads to enable installation of a 2 person passenger home lift. (900x1200). Provide additional steel stairs to attic Level 4.

New Attic Level 4

Construct a roof attic space with a minimum ceiling height of 2400 and external balcony

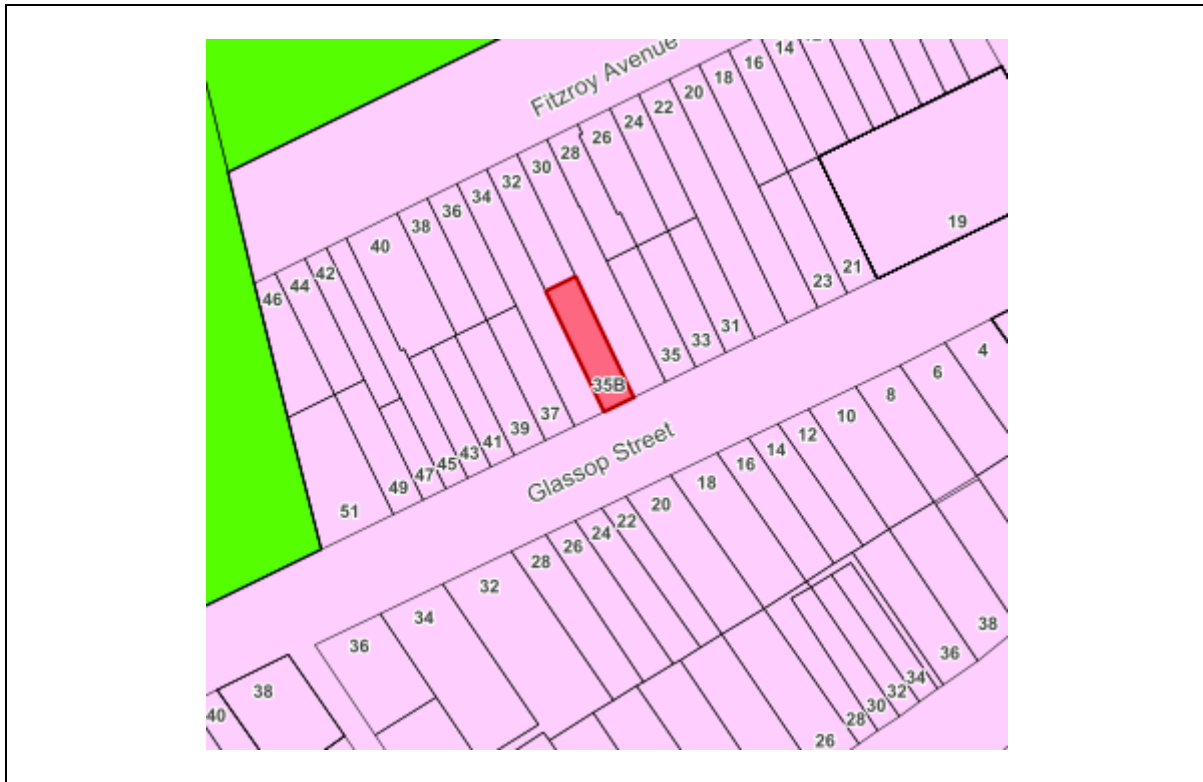
3. Site Description

The subject site is located on the northern side of Glassop Street, between Punch and White Streets. The site consists of one allotment and is generally rectangular in shape with a total area of approximately 148.62sqm and is legally described as lot 15 in DP 1352.

The site has a frontage to Glassop Street of 6.05 metres

The site supports a three-storey detached dwelling with a street presentation of two storeys.

Surrounding land uses are predominantly single, two and three storey dwelling houses either detached or attached in nature. Properties in the vicinity of Glassop street are benefited from the land fall towards Fitzroy Street to the north with clear or obstructed views of the Parramatta River, Cockatoo Island to the north and Iron Cove Bridge to the west.



4. Background

4(a) Site history

The following application outlines the relevant development history of the subject site and any relevant applications on surrounding properties.

Subject Site

Application	Proposal	Decision & Date
PDA/2021/0406	Additional level to dwelling including new roof form	Issued 10/12/2021
DA/199/1987	Erect 2 storey dwelling house	Approved 03/06/1987
DA/439/1984	Erect 3 storey dwelling house	Approved 11/12/1984

4(b) Application history

Not applicable

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

5(a) Environmental Planning Instruments

The application has been assessed against the relevant Environmental Planning Instruments listed below:

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*

The following provides further discussion of the relevant issues:

5(a)(i) *State Environmental Planning Policy (Resilience and Hazards) 2021*

Chapter 4 Remediation of land

Section 4.16 (1) of the SEPP requires the consent authority not consent to the carrying out of any development on land unless:

*“(a) it has considered whether the land is contaminated, and
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”*

In considering the above, there is no evidence of contamination on the site. There is also no indication of uses listed in Table 1 of the contaminated land planning guidelines within Council's records. The land will be suitable for the proposed use as there is no indication of contamination. On the basis of this report the consent authority can be satisfied that the land will be suitable for the proposed use and that the land can be remediated.

5(a)(ii) *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*

A BASIX Certificate was submitted with the application and will be referenced in any consent granted.

5(a)(iii) *State Environmental Planning Policy (Biodiversity and Conservation) 2021*

Chapter 2 Vegetation in non-rural areas

The protection/removal of vegetation identified under the SEPP and gives effect to the local tree preservation provisions of Council's DCP. No trees are proposed to be removed as part of the Development Application.

Chapter 10 Sydney Harbour Catchment

The site is not located within the foreshores and waterways area, a Strategic Foreshore site or listed as an item of environmental heritage under the SEPP and as such only the aims of the plan are applicable. The proposal is consistent with these aims.

5(a)(iv) *Leichhardt Local Environment Plan 2013 (LLEP 2013)*

The application was assessed against the following relevant clauses of *the Leichhardt Local Environmental Plan 2013*:

- Clause 1.2 - Aims of the Plan
- Clause 2.3 - Zone objectives and Land Use Table
- Clause 2.7 - Demolition
- Clause 4.3A - Landscaped areas for residential accommodation in Zone R1
- Clause 4.4 – Floor Space Ratio
- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 4.6 - Exceptions to development standards
- Clause 5.10 - Heritage Conservation
- Clause 6.1 - Acid Sulfate Soils
- Clause 6.2 - Earthworks
- Clause 6.4 - Stormwater management

(i) Clause 2.3 - Land Use Table and Zone Objectives

The site is zoned LR1 under the *LLEP 2013*. The proposed development is for alterations and additions to the existing dwelling which is permissible with consent in the zone.

The Objectives of zone are as follows:

- *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.*
- *To improve opportunities to work from home.*

- *To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.*
- *To provide landscaped areas for the use and enjoyment of existing and future residents.*
- *To ensure that subdivision creates lots of regular shapes that are complementary to, and compatible with, the character, style, orientation and pattern of the surrounding area.*
- *To protect and enhance the amenity of existing and future residents and the Neighbourhood.*

The proposal, subject to conditions, is considered to be consistent with the above zone objectives.

The following table provides an assessment of the application against the development standards:

Standard	Proposal	Non compliance	Complies
Floor Space Ratio Maximum permissible: 1:1 or 148.62sqm	1.55:1 or 230.57sqm	87.95sqm or 55%	No
Landscape Area Minimum permissible: 15% or 22.29sqm	13% or 20.41sqm	NA 1.89sqm or 0.8% however no change from existing	No
Site Coverage Maximum permissible: 60% or 89.1sqm	53% or 80sqm	N/A	Yes

(ii) Clause 4.6 Exceptions to Development Standards

As outlined in table above, the proposal results in a breach of the following development standards:

- Clause 4.4 – Floor Space Ratio

The proposed FSR for the site will exceed the maximum permissible floor space ratio of 1:1 as required by Clause 4.4 of Leichhardt Local Environmental Plan 2013. The site currently exceeds the maximum FSR by virtue of its existing form and provides for a total floor area of 205.57sqm or 1.38:1.

The site area of 148.62sqm allows a gross floor area (GFA) of 148.62sqm. The proposal will increase the GFA of the house from 205.57sqm to 230.57sqm, which represents an FSR of 1.55:1 and does not comply with the standard.

Clause 4.6 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of Clause 4.6 of the LLEP 2013 below.

A written request has been submitted to Council in accordance with Clause 4.6(4)(a)(i) of the *Leichhardt Local Environment Plan 2013* justifying the proposed contravention of the development standard which is summarised as follows:

Clause 4.4 – Floor Space Ratio

- *The proposed alterations and additions meets the housing needs of the existing owners and will provide additional housing option for a aging community in the future. The alteration and addition will ensure that older people within the Balmain area will be able to stay in Balmain, rather than selling up and leaving the area to obtain accessible accommodation and to work from home option.*
- *The provision of a lift and additional space will provide a point of difference thus provides a variety of housing type and density.*
- *The addition of an isolated space within the roof structure will provide an ideal location for a home office or studio space.*
- *The existing dwelling was built in 1989 at the style that was popular at the time (post modern). The style of architecture along Glassop Street varies according to the time it was built over the past 170 years.*
- *The design is consistent with the desired future character of the neighbourhood under the DCP.*
- *An additional 15sqm of living area is provided which is statistically insignificant in terms of the definition of site density.*
- *The foot print remains the same that now exists.*

Clause 4.6(4)(a)(ii) requires the consent authority to consider whether the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

The applicant's written rationale adequately demonstrates compliance with the development standard is unreasonable / unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

It is considered the development is in the public interest because it is consistent with the objectives of the zone (LR1- General Residential), in accordance with Clause 4.6(4)(a)(ii) of the LLEP 2013 for the following reasons:

- *To provide for the housing needs of the community*

The proposed development caters for the housing needs of the community by improving upon existing development for ongoing residential uses and will accommodate family on a site in close proximity to services and public transport.

- *To provide for a variety of housing types and densities.*

The proposal retains the existing dwelling on the site.

- *To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.*

The proposed additions have been designed in a manner to be compatible with the character, style, orientation and pattern of surrounding development in the streetscape. As the existing building footprint will be retained, there is no proposed departure to site coverage requirements.

- *To provide landscaped areas for the use and enjoyment of existing and future residents.*

Despite significantly small site constraints, the proposed development retains the existing landscaped area and private open space provision that will provide for ongoing amenity of current and future occupants.

- *To protect and enhance the amenity of existing and future residents and the neighbourhood.*

The proposed development will not have any adverse impacts on the amenity of surrounding properties, with particular regard for solar access, visual privacy and bulk and scale. The proposed development is otherwise generally compliant with the Leichhardt LEP 2013 and Leichhardt DCP 2013 controls and thus will protect the existing amenity of adjoining developments.

It is considered the development is in the public interest because it is consistent with the objectives of the FSR development standard, in accordance with Clause 4.6(4)(a)(ii) of the *Leichhardt Local Environment Plan 2013* for the following reasons:

- The proposal will enhance existing built form consistent with heritage conservation values and the qualitative criteria for development in the neighbourhood.
- The proposed built form will maintain the contribution of the site to the streetscape of Glassop Street.
- With regard to the other applicable development standards, the proposal complies with site coverage and in this instance the building footprint is unchanged and the landscape area remains unaltered.
- The proposal will provide a good contemporary standard of inner-suburban accommodation on the subject site.
- The proposal will not materially increase mid-winter shading to adjoining properties. The proposal will reasonably maintain existing levels of privacy.

Therefore, compliance with the development standard is unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. The concurrence of the Planning Secretary may be assumed for matters dealt with by the Local Planning Panel. In light of the above, the applicant's request to vary the development standards is considered reasonable in the circumstances and is supported.

(iii) Clause 5.10 – Heritage Conservation

The development has been reviewed by Councils Heritage Officer against the provisions of the LLEP and LDCP 2013 in terms of the contemporary design in the Conservation Area. The proposal is considered satisfactory having regard to the form, bulk, scale and assessment of the distinct neighbourhood, and the design can be supported. The referral advice concludes: *The proposal is generally acceptable from a heritage perspective as it will not detract from the heritage significance of the Iron Cove Heritage Conservation Area providing the conditions*

recommended are included in the consent to ensure the development is in accordance with Clause 5.10 Objectives 1(a) and (b) in the Leichhardt LEP 2013 and the relevant objectives and controls in the Leichhardt DCP 2013

Having regard to the above the proposal is considered compatible with the style and character of the dwelling and is unlikely to result in adverse impacts to the HCA and therefore complies with the provisions of Clause 5.10 of LLEP 2013.

5(b) Draft Environmental Planning Instruments

There are no relevant draft SEPPs pertaining to the subject proposal.

5(c) Draft Inner West Local Environmental Plan 2020 (Draft IWLEP 2020)

The Draft IWLEP 2020 was placed on public exhibition commencing on 16 March 2020 and accordingly is a matter for consideration in the assessment of the application under *Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979*.

The development is considered acceptable having regard to the provisions of the Draft IWLEP 2020.

5(d) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Leichhardt Development Control Plan 2013.

LDCP2013	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	N/A
B3.1 Social Impact Assessment	N/A
B3.2 Events and Activities in the Public Domain (Special Events)	N/A
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	Yes
C1.4 Heritage Conservation Areas and Heritage Items	Yes
C1.5 Corner Sites	N/A
C1.6 Subdivision	N/A
C1.7 Site Facilities	Yes
C1.8 Contamination	N/A
C1.9 Safety by Design	N/A
C1.10 Equity of Access and Mobility	N/A
C1.11 Parking	Yes

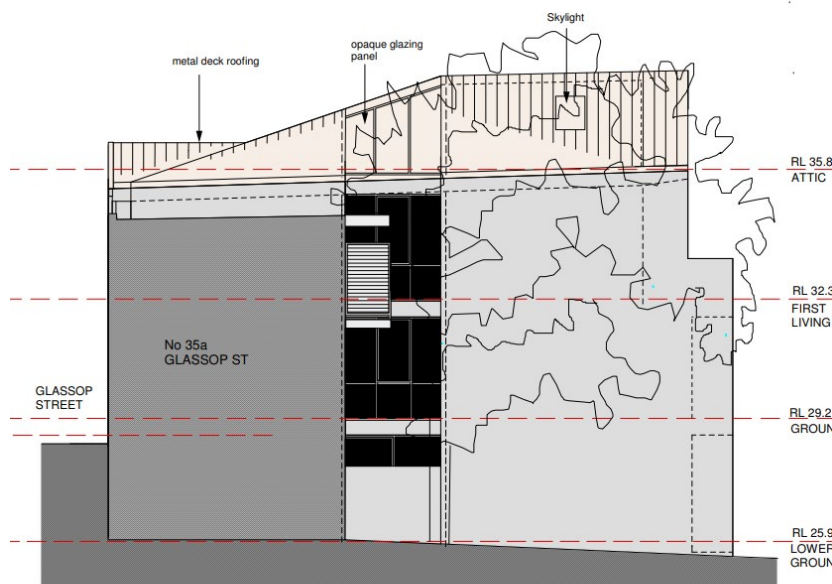
C1.12 Landscaping	Yes
C1.13 Open Space Design Within the Public Domain	N/A
C1.14 Tree Management	Yes
C1.15 Signs and Outdoor Advertising	N/A
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	N/A
C1.17 Minor Architectural Details	N/A
C1.18 Laneways	N/A
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	N/A
C1.20 Foreshore Land	N/A
C1.21 Green Roofs and Green Living Walls	N/A
Part C: Place – Section 2 Urban Character	
C2.2.2.6 Birchgrove Distinctive Neighbourhood	Yes
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	Yes - See Discussion
C3.3 Elevation and Materials	Yes
C3.4 Dormer Windows	N/A
C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	Yes
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes
C3.10 Views	Yes – see discussion
C3.11 Visual Privacy	Yes
C3.12 Acoustic Privacy	Yes
C3.13 Conversion of Existing Non-Residential Buildings	N/A
C3.14 Adaptable Housing	N/A
Part C: Place – Section 4 – Non-Residential Provisions	
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
D2.4 Non-Residential Development	N/A
D2.5 Mixed Use Development	N/A
Part E: Water	
Section 1 – Sustainable Water and Risk Management	
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	Yes
E1.1.2 Integrated Water Cycle Plan	N/A
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.1.4 Flood Risk Management Report	N/A
E1.1.5 Foreshore Risk Management Report	N/A
E1.2 Water Management	Yes

E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	N/A
E1.2.4 Stormwater Treatment	Yes
E1.2.5 Water Disposal	Yes
E1.2.6 Building in the vicinity of a Public Drainage System	N/A
E1.2.7 Wastewater Management	Yes
E1.3 Hazard Management	N/A
E1.3.1 Flood Risk Management	N/A
E1.3.2 Foreshore Risk Management	N/A
Part F: Food	N/A
Part G: Site Specific Controls	N/A

The following provides discussion of the relevant issues:

C3.2 Site Layout and Building Design

There are technical breaches of the existing building on the site. The side setback is in breach, and there is a technical breach of rear BLZ to the adjacent allotment to the east by virtue of this site running north south with frontages to both Glassop and Fitzroy Streets. The breach with regard to shadowing is compliant and the addition of an attic level results in minimal impacts and is considered to comply with the objectives of the clause.



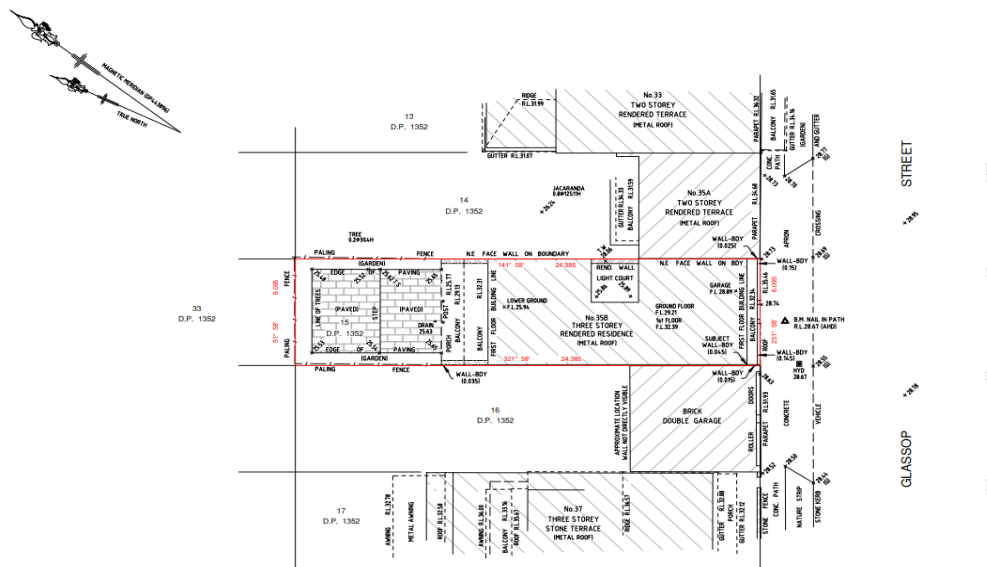
NORTH EAST ELEVATION

Side elevation demonstrating location and scale of proposed additional bulk

C3.9 Solar Access

The shadow diagrams submitted demonstrate compliance with the prescribed controls for solar access. Council is satisfied that the forecast shadows are absorbed by existing tall buildings, built to the common boundaries, with structures/dwellings located on the boundaries

on surrounding lots. This is largely due to the orientation of the lots, wherein the rear gardens face north, and the fact that the building on the adjoining southerly lot is a garage only.



The proposed addition to the roof would not result in any additional shadow falling onto the north facing glazing of any dwelling nor would it result in additional overshadowing of the private outdoor space of either adjoining lot.

C3.10 Views

The Land and Environment Court accepts that the attribution to the values to views is subjective and has established a planning principle (*Tenacity Consulting v Warringah Council [2004] NSWLEC 140*) to help provide a more structured approach in assessing the impact of development in terms of view loss. An assessment of the potential view loss is provided below;

The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

The properties known as No. 20, 26 and 28 Glassopp Street, Balmain benefit from filtered views and an outlook over properties located on the northern side of the street, from living areas, bedrooms and roof top terraces northerly towards Parramatta River, Cockatoo Island, Drummoyne Foreshore and distance view of Chatswood.

20 Glassopp Street - enjoys obstructed views of Parramatta River, western edge of Cockatoo Island and foreshore of Drummoyne predominantly between the subject site and No. 37 Glassopp Street over the single garage to the rear of No. 34 Fitzroy Street whose block runs north south with two street frontages.

26 Glassopp Street - enjoys obstructed views of Parramatta River, Cockatoo Island, Drummoyne foreshore and distance Chatswood Skyline over the ridges and parapets over

Glassop Street northern allotments from the Roof top terrace. From the living room there are glimpse of Parramatta River and Chatswood Skyline.

28 Glassop Street - enjoys obstructed views of Parramatta River, Cockatoo Island, Drummoyne foreshore and distance Chatswood Skyline over the ridges and parapets over Glassop Street northern allotments from the Roof top terrace. From the living room there is a view of distant Chatswood Skyline.

Potential features of views within the locality include:

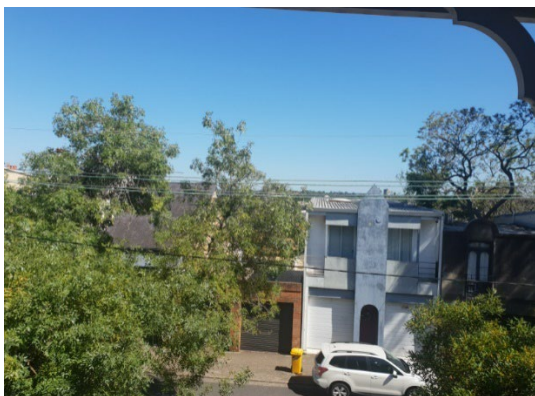
- Parramatta River
- Cockatoo Island
- Drummoyne foreshore
- Chatswood Skyline

*The **second step** is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

Comment: The views obtained from the dwellings 26 and 28 Glassop Street from the roof top terrace are standing or elevated stool positions and are the predominate featured views of Parramatta River, Drummoyne Foreshore, Cockatoo Island and Chatswood Skyline. The furniture position of No. 28 Glassop Street has a distant view of Chatswood Skyline in a seated position over the top of the roof of the subject site.

No. 20 Glassop Street second floor balcony view in the standing position over the roof and parapets of the northern allotments and over the single garage of 34 Fitzroy Street.

20 Glassop Street



Second floor opposite subject site



North West over single garage of 34 Fitzroy St

26 Glassop Street



View looking north east, north and north west from roof top terrace.



View looking north east, north and north west from second floor living room balcony.

28 Glassop Street



View looking north east, north and north west from roof top terrace.



View looking north east, north and north west from second floor living room balcony



View from the living room in the seated position

*The **third step** is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*

Comment: The proposed development, a fourth-floor roof form attic addition, will predominantly have impact to the north east view towards Chatswood skyline for both 26 and 28 Glassop Street from the second floor balcony in the standing and seated position (namely No. 28 due to furniture position) with the obstruction considered moderate to severe, due to the tapered angle of the proposed roof form approximately 50% of the view will be lost at the seated position of no 28 and less than in the standing position in both cases of No's 26 and 28 Glassop Street. The view from the standing position from the roof top terrace will be negligible and views of Parramatta River, Cockatoo Island and Drummoyne foreshore are unaffected.

No. 20 Glassop street will lose views of the tree lines/horizon however no impact to the view over the rear of 34 Fitzroy Street is impacted.

*The **fourth step** is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a*

complying development would probably be considered acceptable and the view sharing reasonable.

Comment: The development has been designed to minimise impacts and loss of views, this is namely the result of the proposed bulk being a roof form as opposed to a storey. Chatswood skyline is not considered iconic and is the only view impacted by the proposal. All other existing views remain intact and not lost as a result of the proposal. It is considered that the proposal is reasonable, and satisfactory with respect to the impact on views meeting the test under the clause.

5(e) The Likely Impacts

The assessment of the Development Application demonstrates that, subject to the recommended conditions, the proposal will have minimal impact in the locality.

5(f) The suitability of the site for the development

Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

5(g) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties.

3 submissions were received in response to the initial notification.

The following issues raised in submissions have been discussed in this report:

- View Loss – see Section 5(d)
- Bulk and Scale – see Section 5(d)

5(h) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed.

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

The application was referred to the following internal sections/officers and issues raised in those referrals have been discussed in section 5 above.

Engineering

The proposal is acceptable subject to conditions.

Heritage

An assessment of the application has been completed and the conclusion of the advice is the proposal is acceptable with the following conditions of consent:

- e) The detail of the guttering on the north-east and south-west elevations must be tucked below a parapet wall, rather than sitting on top of the wall, to ensure the guttering is not visible from the public domain..
- f) A pre-coloured traditional corrugated steel shall be used for the roofing, finished in a colour equivalent to Colorbond colours "Windspray" or "Wallaby". Alternatively, standing seam may be used as an alternative.

7. Section 7.11 Contributions/7.12 Levy

Section 7.12 levies are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$475.00 would be required for the development under the following plan:

- Former Leichhardt Local Government Area Section 7.12 Development Contributions Plan 2020
- A condition requiring that contribution to be paid is included in the recommendation.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Leichhardt Local Environmental Plan 2013* and *Leichhardt Development Control Plan 2013*.

The development will not result in any significant impacts on the amenity of the adjoining premises/properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

9. Recommendation

- A. The applicant has made a written request pursuant to Clause 4.6 of the *Leichhardt Local Environmental Plan 2013*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the FSR development standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2022/0030 for the addition of a new pitched roof on the existing flat roof adding an upper level attic space to the rear within the new roof and the provision of a internal lift within the existing stair well at 35B Glassop Street, Balmain subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent

The development must be carried out in accordance with plans and documents listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
DA06B - Issue B	Landscape, Attic & Roof Plan	20/12/2021	Jancheck Associates P/L Architects
DA07B - Issue B	Street Elevations	20/12/2021	Jancheck Associates P/L Architects
DA08B - Issue B	South East & North East Elevations	20/12/2021	Jancheck Associates P/L Architects
DA09B - Issue B	South West & North West Elevations	20/12/2021	Jancheck Associates P/L Architects
DA010B - Issue B	Section AA & BB	20/12/2021	Jancheck Associates P/L Architects
DA016A - Issue A	Stormwater Plan	December 2021	Jancheck Associates P/L Architects
-	Site Waste Management Plan	18/01/2022	Jancheck Associates P/L Architects
A445120	BASIX Certificate	24/12/2021	The House Energy Rating company of Aust. P/L

As amended by the conditions of consent.

DESIGN CHANGE

2. Design Change

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following:

- a. The detail of the guttering on the north-east and south-west elevations must be tucked below a parapet wall, rather than sitting on top of the wall.

FEES

3. Long Service Levy

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more.

4. Section 7.12 (formerly section 94A) Development Contribution Payments

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that a monetary contribution to the Inner West Council has been paid, towards the provision of infrastructure, required to address increased demand for local services generated by additional development within the Local Government Area (LGA). This condition is imposed in accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979* and in accordance with *Former Leichhardt Local Government Area Section 7.12 Development Contributions Plan 2020*.

Note: Copies of these contribution plans can be inspected at any of the Inner West Council Service Centres or viewed online at <https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

Payment amount*:

\$475.00

*Indexing of the Section 7.12 contribution payment:

The contribution amount to be paid to the Council is to be adjusted at the time of the actual payment in accordance with the provisions of the relevant contributions plan. In this regard,

you are recommended to make contact with Inner West Council *prior to arranging your payment method* to confirm the correct current payment amount (at the expected time of payment).

Payment methods:

The required contribution must be paid either *by BPAY (to a maximum of \$500,000); unendorsed bank cheque (from an Australian Bank only); EFTPOS (Debit only); credit card (Note: A 1% credit card transaction fee applies to all credit card transactions; cash (to a maximum of \$10,000))*. It should be noted that personal cheques or bank guarantees cannot be accepted for the payment of these contributions. **Prior to payment contact Council's Planning Team to review charges to current indexed quarter, please allow a minimum of 2 business days for the invoice to be issued before payment can be accepted.**

5. Security Deposit - Custom

Prior to the commencement of demolition works or prior to the issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit:	Min \$2,254.00
Inspection Fee:	\$241.50

Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee. Bank Guarantees must not have an expiry date.

The inspection fee is required for the Council to determine the condition of the adjacent road reserve and footpath prior to and on completion of the works being carried out.

Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, or if any road, footpath or drainage works required by this consent are not completed satisfactorily, Council may carry out any works necessary to repair the damage, remove the risk or complete the works. Council may utilise part or all of the security deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

A request for release of the security may be made to the Council after all construction work has been completed and a final Occupation Certificate issued.

The amount nominated is only current for the financial year in which the initial consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.

GENERAL CONDITIONS

6. Works Outside the Property Boundary

This development consent does not authorise works outside the property boundaries on adjoining lands.

7. Standard Street Tree Protection

Prior to the commencement of any work, the Certifying Authority must be provided with details of the methods of protection of all street trees adjacent to the site during demolition and construction.

8. Erosion and Sediment Control

Prior to the issue of a commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan and specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site.

9. Waste Management Plan

Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a Recycling and Waste Management Plan (RWMP) in accordance with the relevant Development Control Plan.

10. Stormwater Drainage System – Simple

Stormwater runoff from proposed new or altered roof areas may be discharged to the existing site drainage system.

Any existing component of the stormwater system that is to be retained, including any absorption trench or rubble pit drainage system, must be checked and certified by a Licensed Plumber or qualified practising Civil Engineer to be in good condition and operating satisfactorily.

If any component of the existing system is not in good condition and /or not operating satisfactorily and/or impacted by the works and/or legal rights for drainage do not exist, the drainage system must be upgraded to discharge legally by gravity to the kerb and gutter of a public road. Minor roof or paved areas that cannot reasonably be drained by gravity to a public road may be disposed on site subject to ensuring no concentration of flows or nuisance to other properties.

11. Boundary Alignment Levels

Alignment levels for the site at all pedestrian and vehicular access locations must match the existing back of footpath levels at the boundary.

PRIOR TO ANY DEMOLITION

12. Hoardings

The person acting on this consent must ensure the site is secured with temporary fencing prior to any works commencing.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property.

Separate approval is required from the Council under the *Roads Act 1993* to erect a hoarding or temporary fence or awning on public property.

PRIOR TO CONSTRUCTION CERTIFICATE

13. Sydney Water – Tap In

Prior to the issue of a Construction Certificate, the Certifying Authority is required to ensure approval has been granted through Sydney Water's online 'Tap In' program to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

Note: Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 13 20 92

14. Structural Certificate for retained elements of the building

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with a Structural Certificate prepared by a practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction. The certificate must also include all details of the methodology to be employed in construction phases to achieve the above requirements without result in demolition of elements marked on the approved plans for retention.

15. Dilapidation Report – Pre-Development – Minor

Prior to the issue of a Construction Certificate or any demolition, the Certifying Authority must be provided with a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site.

DURING DEMOLITION AND CONSTRUCTION**16. Construction Hours – Class 1 and 10**

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work are only permitted between the hours of 7:00am to 5:00pm, Mondays to Saturdays (inclusive) with no works permitted on, Sundays or Public Holidays.

17. Roof Sheeting

During Construction work, a pre-coloured traditional corrugated steel shall be used for the roofing, finished in a colour equivalent to Colorbond colours "Windspray" or "Wallaby". Alternatively, standing seam may be used as an alternative.

PRIOR TO OCCUPATION CERTIFICATE**18. Protect Sandstone Kerb**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any stone kerb, damaged as a consequence of the work that is the subject of this development consent, has been replaced.

19. No Encroachments

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any encroachments on to Council road or footpath resulting from the building works have been removed, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council.

ADVISORY NOTES

Useful Contacts

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 www.dialprior toyoudig.com.au
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Corporation	Payments 131441 www.lspc.nsw.gov.au
NSW Food Authority	1300 552 406 www.foodnotify.nsw.gov.au

NSW Government	www.nsw.gov.au/fibro www.diySAFE.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555 www.environment.nsw.gov.au
Sydney Water	13 20 92 www.sydneywater.com.au
Waste Service - SITA Environmental Solutions	1300 651 116 www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)	www.waterrating.gov.au
WorkCover Authority of NSW	13 10 50 www.workcover.nsw.gov.au Enquiries relating to work safety and asbestos removal and disposal.

Dial before you dig

Contact "Dial Prior to You Dig" prior to commencing any building activity on the site.

Amenity Impacts General

The use of the premises must not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations. The use of the premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage other premises.

Noise

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.

Permits from Council under Other Acts

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the *Local Government Act 1993* and/or Section 138 of the *Roads Act 1993*. Permits are required for the following activities:

- a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;
- b. A concrete pump across the roadway/footpath;
- c. Mobile crane or any standing plant;
- d. Skip bins;
- e. Scaffolding/Hoardings (fencing on public land);
- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- g. Awning or street verandah over footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. A lease fee is payable for all occupations.

Notification of commencement of works

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the PCA (not being the council) has given the Council written notice of the following information:

- a. In the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor; and
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
- b. In the case of work to be done by an owner-builder:
 - i. The name of the owner-builder; and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

National Construction Code (Building Code of Australia)

A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by this consent must be carried out in accordance with the requirements of the National Construction Code.

Obtaining Relevant Certification

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):

- a. Application for any activity under that Act, including any erection of a hoarding;
- b. Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*;
- c. Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*;
- d. Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed;
- e. Application for Strata Title Subdivision if strata title subdivision of the development is proposed;
- f. Development Application for demolition if demolition is not approved by this consent;
or
- g. Development Application for subdivision if consent for subdivision is not granted by this consent.

Other works

Works or activities other than those approved by this Development Consent will require the submission of a new Development Application or an application to modify the consent under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

Failure to comply with conditions

Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.

Other Approvals may be needed

Approvals under other acts and regulations may be required to carry out the development. It is the responsibility of property owners to ensure that they comply with all relevant legislation. Council takes no responsibility for informing applicants of any separate approvals required.

Infrastructure

The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be undertaken before occupation of the site.

Storage of Materials on public property

The placing of any materials on Council's footpath or roadway is prohibited, without the prior consent of Council.

Notification of commencement of works

At least 7 days before any demolition work commences:

- a. The Council must be notified of the following particulars:
 - i. the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - ii. the date the work is due to commence and the expected completion date; and
- b. A written notice must be placed in the letter box of each directly adjoining property identified advising of the date the work is due to commence.

Prescribed Conditions

This consent is subject to the prescribed conditions of consent within clause 98-98E of the *Environmental Planning and Assessment Regulations 2021*.

Insurances

Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands is required to take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.

Permits

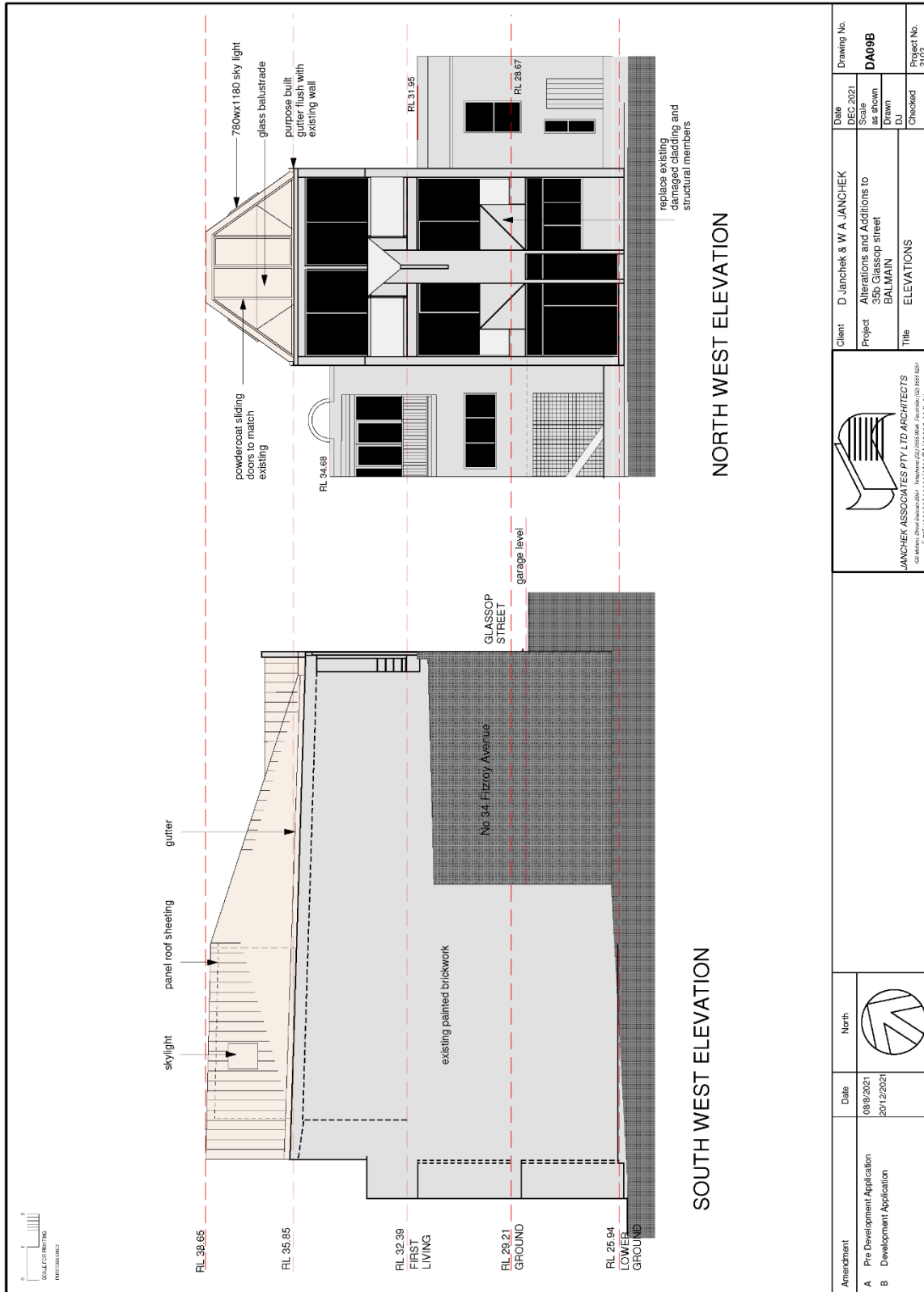
Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in

accordance with Section 68 (Approvals) of the *Local Government Act 1993* and/or Section 138 of the *Roads Act 1993*. Permits are required for the following activities:

- a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;
- b. A concrete pump across the roadway/footpath;
- c. Mobile crane or any standing plant;
- d. Skip Bins;
- e. Scaffolding/Hoardings (fencing on public land);
- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- g. Awning or street veranda over the footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

If required contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. Applications for such Permits must be submitted and approved by Council prior to the commencement of the works associated with such activity.

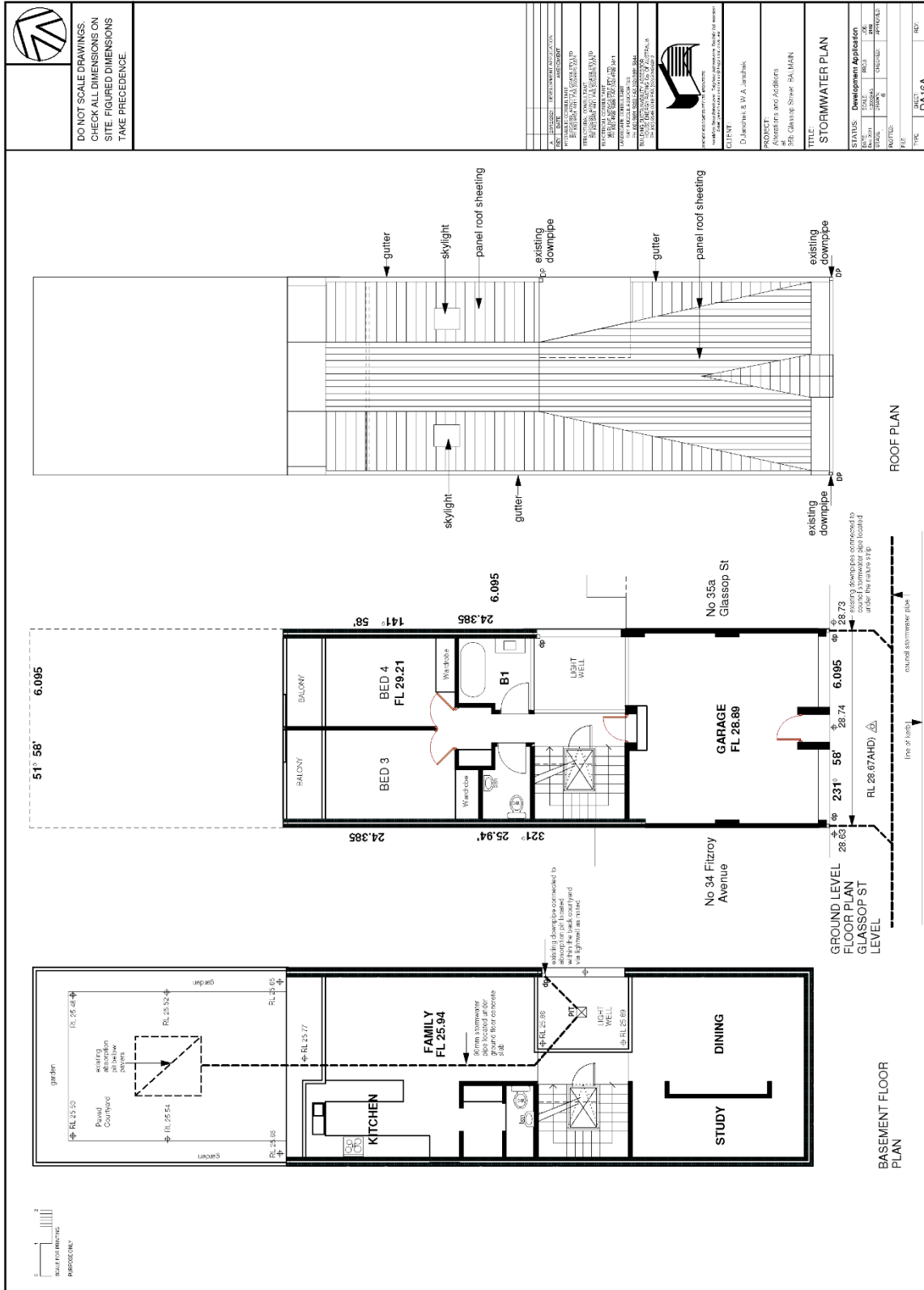
Attachment B – Plans of proposed development



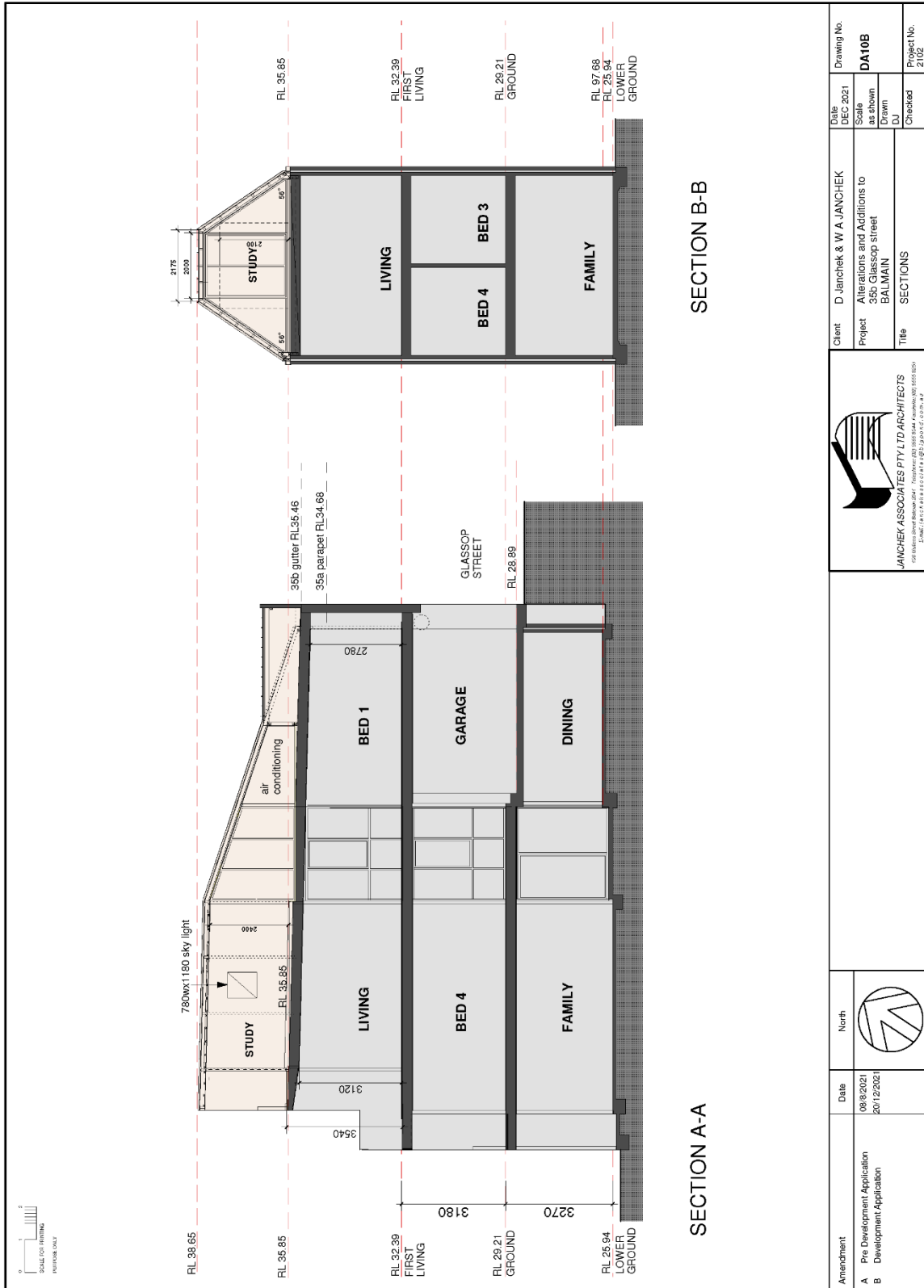
SCALE FOR PRINTING
METERS ONLY


Amendment A Pre Development Application B Development Application	Date 08/08/2021 20/12/2021	North	
	Client: D Janczek & W A JANCZEK Project: Alterations and Additions to 356 Glasscop Street BALMAIN Title: ELEVATIONS		
Date: DEC 2021 Scale: as shown Drawn: CU Checked:		Drawing No. DA09B Project No. 2102	
JANCZEK ASSOCIATES PTY LTD ARCHITECTS 106 MILNE STREET BALMAIN NSW 1510 Phone: (02) 9559 6044 Fax: (02) 9559 6050 Email: j@janczek.com.au www.janczek.com.au			

Document Set ID: 36603114
Version: 1, Version Date: 22/07/2022

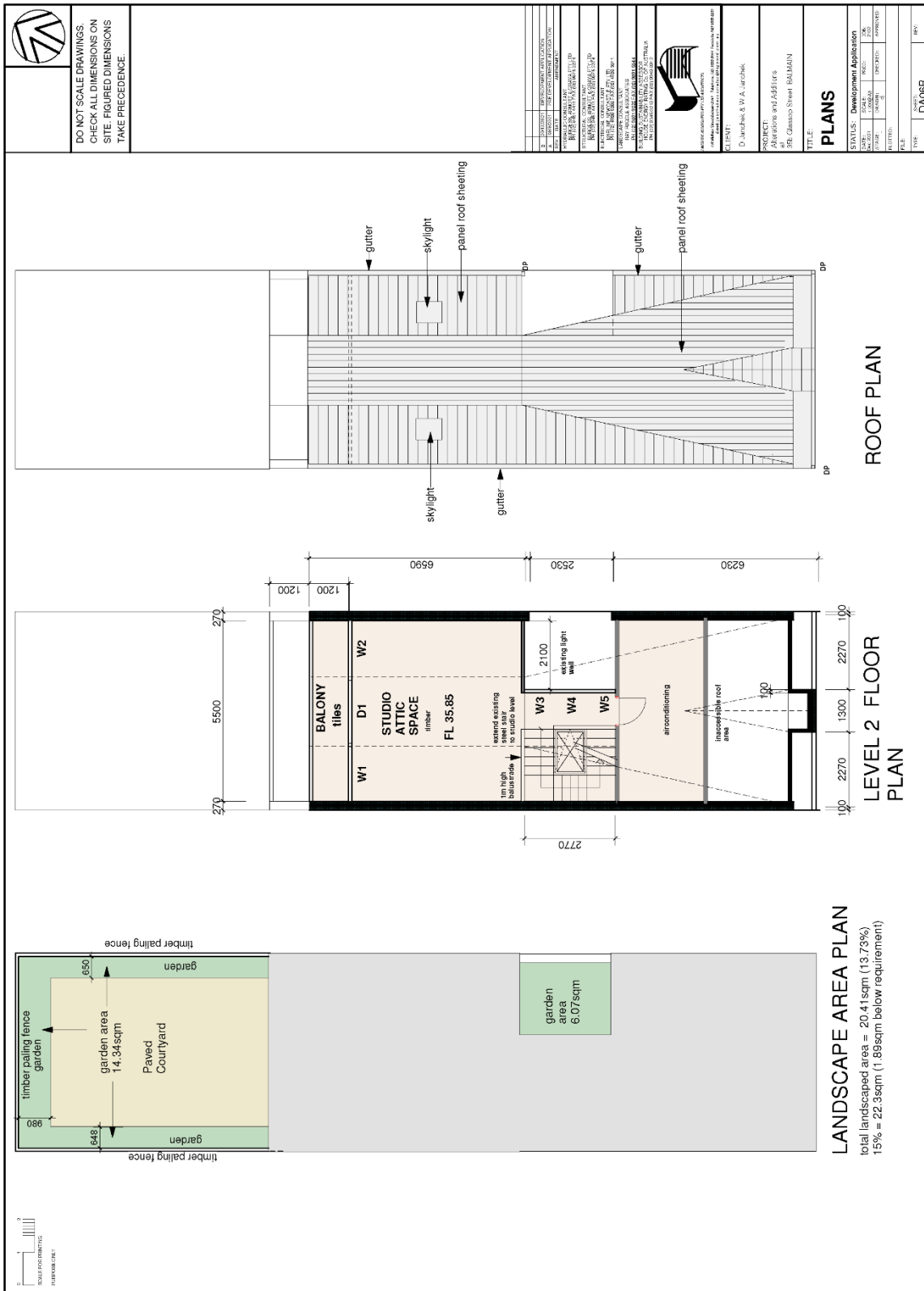


Document ID: 36803114
 Version: 1, Version Date: 22/07/2022

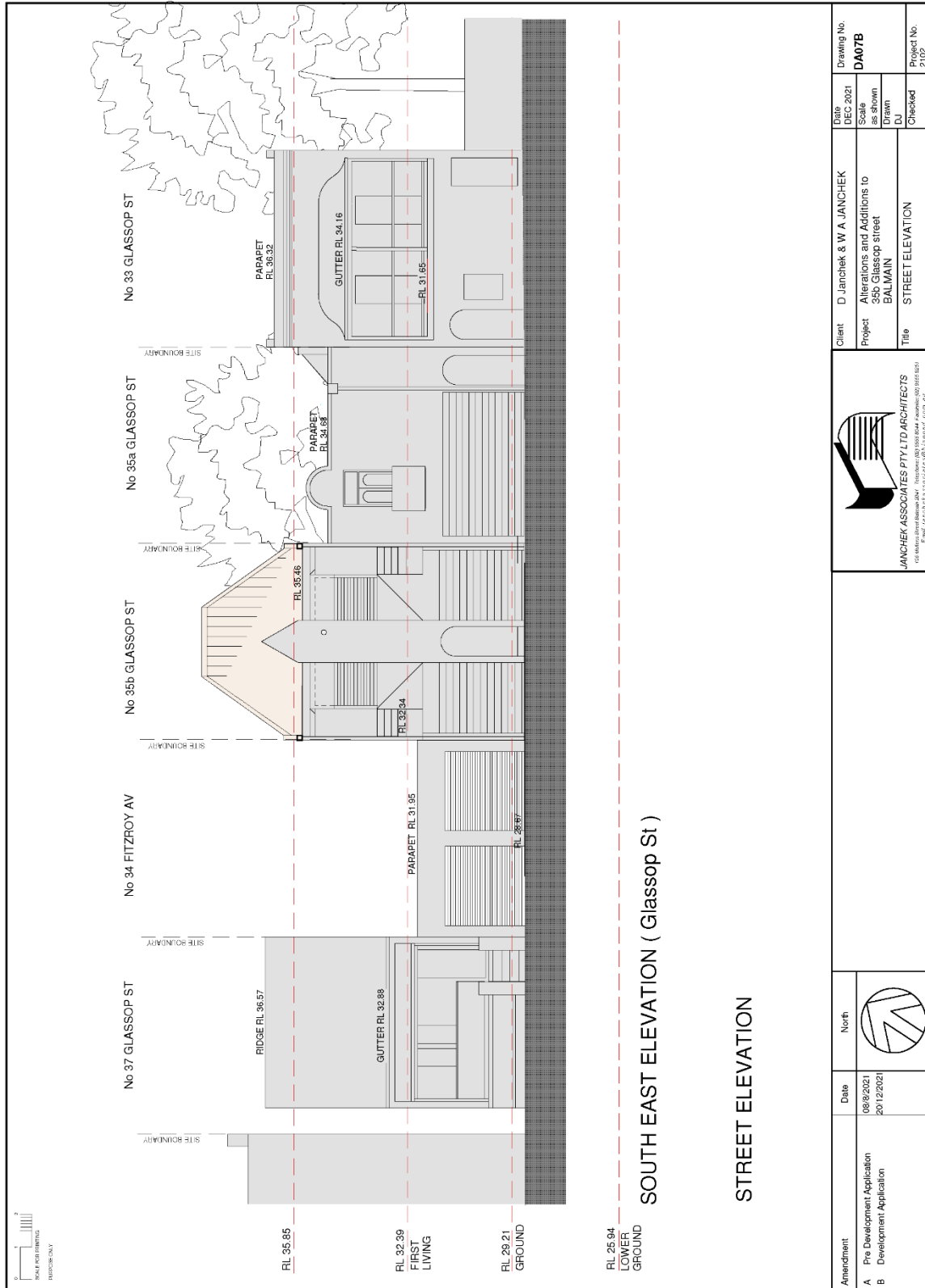


Amendment	Date	North		 <p>JANCHEK ASSOCIATES PTY LTD ARCHITECTS 115 Station Street Balmain NSW 1513 Sydney NSW Australia</p>	Client	D. Janchech & W.A. JANCHEK	Date	DEC 2021	Drawing No.	DA10B	
A Pre Development Application	08/8/2021				Project	Alterations and Additions to 355 Glasscop Street BALMAIN	Scale	as shown	Drawn	DJ	Checked
B Development Application	20/1/2021		Title	SECTIONS						Project No.	2102

Document Set ID: 36603114
 Version: 1, Version Date: 22/07/2022



Document Ref: 22072022-0000044
 Version: 1, Version Date: 22/07/2022

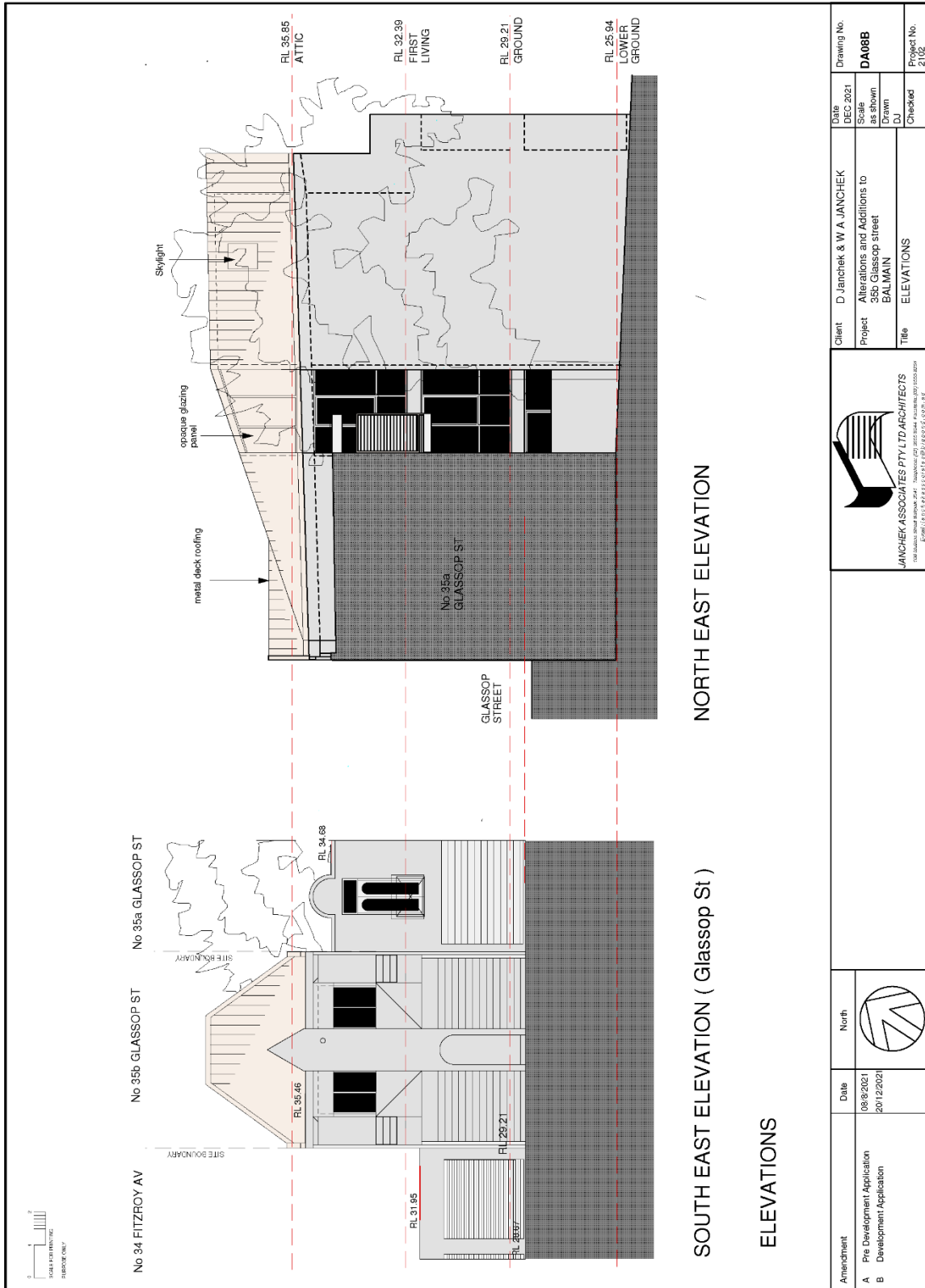


SOUTH EAST ELEVATION (Glassopp St)

STREET ELEVATION

Amendment A Pre Development Application B Development Application	Date 08/8/2021 20/12/2021	North 	 JANCHEK ASSOCIATES PTY LTD ARCHITECTS <small>115 Merton Street Balmain NSW Telephone: (02) 9555 8044 Fax: (02) 9555 8241 Email: janchek@janchek.com.au</small>	Client D Janchek & W A JANCHEK	Date DEC 2021	Drawing No. DA07B
	Project Alterations and Additions to 35b Glassopp street BALMAIN			Title STREET ELEVATION	Scale as shown	Drawn DJ
						Project No. 2102

Document Set ID: 36603114
Version: 1, Version Date: 22/07/2022



NORTH EAST ELEVATION

SOUTH EAST ELEVATION (Glassop St)

ELEVATIONS

Amendment A Pre Development Application B Development Application	Date 08/08/2021 20/12/2021	North 	Client D Janczek & W A JANCZEK Project Alterations and Additions to 35b Glassop street BALMAIN Title ELEVATIONS	Date DEC 2021	Drawing No. DA08B
	Scale as shown			Drawn DJ	Checked



Document ID: 36803114
Version: 1, Version Date: 22/07/2022

Attachment C- Clause 4.6 Exception to Development Standards

4.6 Exemption to development standards

An exemption is sought to vary the following development standards:

Floor space ratio- Clause 4.3(2) of LEP 2013

Landscape area – Clause 4.3 A(3)(a)(i) of LEP 2013

The key objectives of clause 4.6 states:

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

The general objectives of the Residential R1 zoning are

- . 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
- . To improve opportunities to work from home
- . To provide housing that is complementary to, and compatible with, the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.
- . To provide landscape areas for the use and enjoyment of existing and future residents.
- . To ensure that subdivision creates lots of regular shapes that are complementary to, and compatible with, the character style, orientation and pattern of the surrounding area.
- . To protect and enhance the amenity of existing and future residents and the neighbourhood.

To meet the objectives of clause 4.6 for design flexibility and to achieve better design outcomes in the particular circumstances, it is necessary to test the proposal in terms of the objectives for residential development in order to justify the contravention of the development standard.

In regard to clause 4.3A (2) of LEP 2013, the proposed development has a FSR cover of 1.55:1 from the existing 1.38 :1

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Following are the environmental planning grounds that justify contravening the development standard.

Zoning objectives

In regard to justification in meeting general objectives of the Residential R1 zoning it is argued that:
“To provide for the housing needs of the community”

The proposed alterations and additions meets the housing needs of the existing owners and will provide additional housing option for a aging community in the future. The alteration and addition will ensure that older people within the Balmain area will be able to stay in Balmain, rather than selling up and leaving the area to obtain accessible accommodation and to work from home option.

“To provide for a variety of housing types and densities.”

The provision of a lift and additional space will provide a point of difference thus provides a variety of housing type and density.

“To improve opportunities to work from home.”

The addition of an isolated space within the roof structure will provide an ideal location for a home office or studio space.

“To provide housing that is complementary to and compatible with the character style orientation and pattern of surrounding buildings, streetscape, works and landscaped areas.”

The existing dwelling was built in 1989 at the style that was popular at the time (post modern). The style of architecture along Glassop Street varies according to the time it was built over the past 170 years.

“To ensure that development promotes the desired future character of the neighbourhood. ”

The design is consistent with the desired future character of the neighbourhood under the DCP.

“to control site density”

An additional 15sqm of living area is provided which is statistically insignificant in terms of the definition of site density.

“to limit building footprints to ensure that adequate provision is made for landscaped areas and private open space.”

The foot print remains the same that now exists.

What are the environmental planning grounds that justify contravening the Landscape area standards. In regard to justification in meeting the general objectives of the landscape area it is argued that the residential accommodation approved by Council has previously deemed satisfactory.

“to provide landscape areas that area suitable for substantial tree planting and for the use and enjoyment of residents,”

The existing landscape area of 20.41 sqm is sufficient in providing suitable areas for substantial tree planting, the majority of the existing landscape area is located adjacent boundary fences which are heavy planted.

“to maintain and encourage a landscape corridor between adjoining properties”.

The existing landscaped courtyard area creates a dense landscaped corridor.

“to ensure that development promotes the desired future character of the neighbourhood,”

The existing landscaped area creates a dense landscaped corridor which provides greenery, privacy and shade.

“to encourage ecologically sustainable development by maximizing the retention and absorption of surface drainage water on site and by minimizing obstruction to the underground flow of water,”

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The existing courtyard and landscaped area maximizing the retention and absorption of surface drainage water on site, by channeling surface water to the garden beds and roof water to an underground absorption pit.

“to control site density,”

There is no increase in site density resulting from the proposal.

“to limit building footprints to ensure that adequate provision is made for landscape areas and private open space,”

There is no increase in the building footprint resulting from the proposal.

FSR objectives

In regard to the objectives of Floor Space Ratio for residential accommodation in Zone R1 , the LEP states in clause 4.4:

(1) The objectives of this clause is as follows:

(a) to ensure that residential accommodation:

- 1) is compatible with the desired future character of the area in relation to building bulk, form and scale and
- 2) provides a suitable balance between landscaped areas and the built form and
- 3) minimises the impact of the bulk and scale of buildings.

(2) 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.

What are the environmental planning grounds that justify contravening the FSR standards.

In regard to justification in meeting the general objectives of the floor space ration standards it is argued that the residential accommodation:

“ is compatible with the desired future character of the area in relation to building bulk, form and scale,”

The proposed alterations and additions is not visible from the street as per C9 C be of minimum visibility from the street as per figure C1

“provides a suitable balance between landscaped areas and the built form”

There is no change to the landscape area

“minimises the impact of the bulk and the scale buildings”

The proposed alterations and additions is not visible from the street and the roof configuration is such that it marries into the existing built form and surrounding built environment without visual competition or dominance.

Public interest

The proposed development shall be in the public interest because it will be consistent with the objectives of the development standard and with those of the R1 Residential zone for the reasons stated above. It will also allow reasonable flexibility in the application of numeric controls to achieve a benefit for the property owners and community.

Conclusion

The proposed application is consistent with the objectives of the development standard for landscape area and FSR and strict compliance to the stated standards would hinder attainment of the objectives of the objectives specified in section 5 (a)(i) and (ii) of the EP&A Act for;

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- (i) proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
- (ii) the promotion and co-ordination of the orderly and economic use and development of land,

The application will allow the occupants to develop the land in accordance with objectives of the EP&A Act and in compliance to the objectives of the LEP and strict compliance to a numeric control is unreasonable or unnecessary in the circumstances of the case.