

06.06.2022

Canterbury Bankstown Council
Bankstown Civic Tower
66 - 72 Rickard Road (Corner of Jacobs Street)
Bankstown NSW 2200 Australia

Attention: Planning Assessment Officer

Proposed new double storey residential dwelling house
At: 105 Ernest St, Lakemba

RE: Variations of Canterbury Development Control Plan 2012 (CDCP 2012) standard

1. OVERVIEW

Pursuant to Clause 4.6 Exceptions to Development Standard, the development application referenced above seeks to vary the following development standard of the Canterbury Development Control Plan 2012 (CDCP 2012):

• Wall height: Part C1.3.2 C1 (b)

The request for variation to numerical development standards is made in relation to the Development Application and Statement of Environmental Effects for the proposed two storey residential dwelling house located at 105 Ernest St, Lakemba, being Lot 17, DP4643 within Canterbury Bankstown Council.

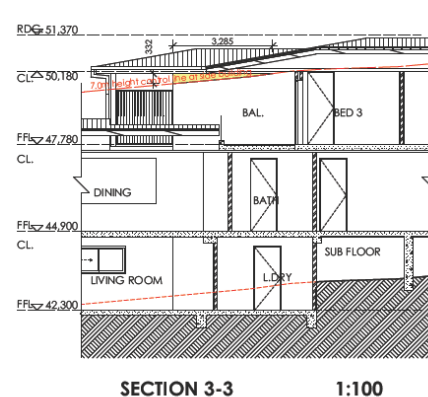
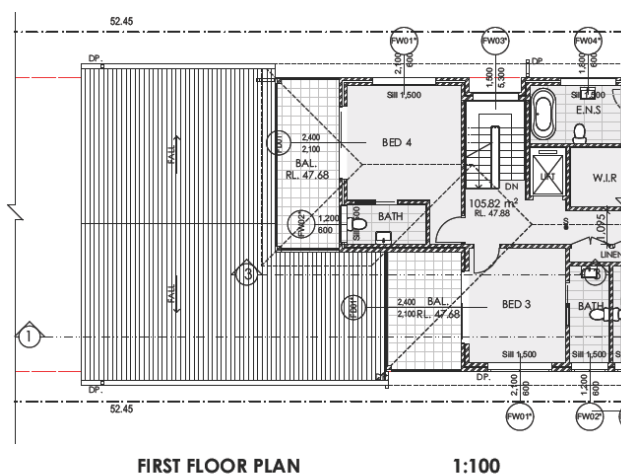
This application should be viewed in conjunction with the Statement of Environmental Effects planning report.

This written application to vary the maximum wall height standard, describes and justifies reasonable planning grounds for the numerical variation.

2. THE PROPOSAL

The proposed development application for a new two storey residential dwelling house, the current site have substantial fall from street front (North east) to the rear (South west) about 4m and also cross fall from North west to South east about 0.5m.

The proposal results in a minor wall height encroaching the 7m wall height limit, as demonstrated in section below:



Extract plan and section above showing the non-compliant in yellow highlighted.

The proposal requires a written request for a variation to the maximum wall height, where a portion of the proposed wall do not comply.

Under current LEP the proposed new dwelling fully complies with the maximum building height.

The design principal is to accommodate all bedroom on one level, the family sometime have the elderly with limit mobility therefore the ground floor on a single platform level.

The site have the constraint of the flood level which limit the basement level, all floor to ceiling height are design just to have the minimum high.

C1 Development for the purposes of dwelling houses must not exceed the following numerical requirements:

- a) A maximum two storey built form.
- b) A maximum external wall height of 7m where the maximum height of buildings standard under the LEP is 8.5m.
- c) A maximum external wall height of 8m where the maximum height of building standard under the LEP is 9.5m.
- d) Finished ground floor level is not to exceed 1m above the natural ground level.

Note: Skillion and flat roof forms will be considered on merit. In summary,

The proposal requires a Clause 4.6 Variation Written Request for a variation to a maximum external wall height of 7m where the maximum height of buildings standard under the LEP is 8.5m. that is not a significant change in circumstances from the overall development. Also, the proposal still maintain 2 storey built form.

3. THE DEVELOPMENT STANDARD

• Wall height: Part C1.3.2 C1 (b)

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

To ensure that development is of a scale that is visually compatible with adjacent buildings, character of the area, and the objectives of the zone.

4. JUSTIFICATION

Clause 4.6 of the Canterbury Local Environmental Plan 2012, provides a mechanism by which Council may grant consent to a proposal that has satisfactory merit but which does not strictly comply with a particular development standard, in this case the wall height standard for the new two storey dwelling.

As stipulated by Subclause (4), development consent cannot be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that justifies the inconsistency with regard to the matters stipulated.

The proposed variation is addressed in the following sections which demonstrate consistency with Clause 4.6 objectives, and consistency with the objectives of standard being varied and consistency with the zone objectives that apply.

(1) The objectives of this clause are as follows—

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

The proposed development has been designed to comply with majority of the control within the current DCP. The proposed dwelling is sited on a very unique site condition with the fall from the street front to the rear approx. 4m fall and from side to side approx. 0.6m.

The proposed dwelling has been designed to accommodate living space at the lower ground level with direct access to the private open space and back yard.

The ground floor with garage parking for 2 cars, lounge, kitchen, dining and veranda.

The first floor with four bedrooms, the connection between all level are stair and lift.

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

The variation to the wall height control will allow flexibilities in these particular circumstances and will archive better design outcome as all bedroom on a single level.

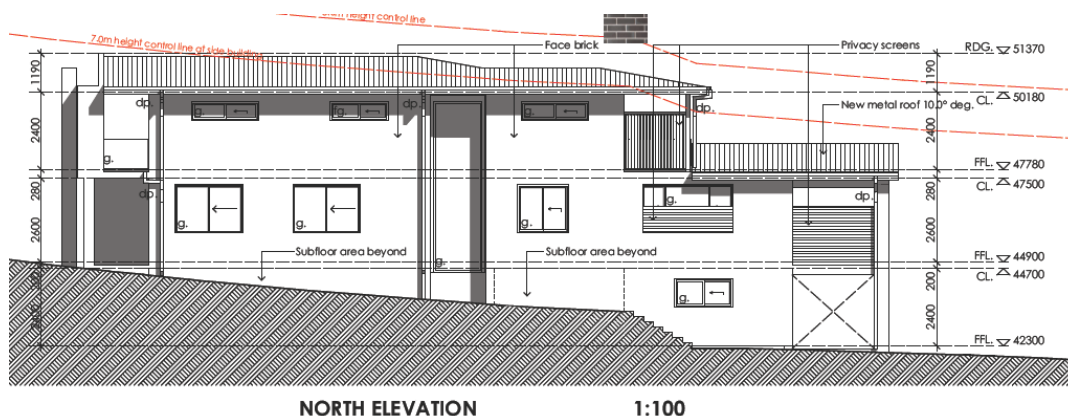
(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

The proposed variation to wall height Part C1.3.2 C1 (b) is not excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.



Elevation showing all ceiling height are minimise at minimum standard

The proposed dwelling has been design within the minimum BCA requirements for the habital living space, lower ground with 2.4m ceiling height, ground floor 2.6m height and first floor of 2.4m height given ideal ceiling height for all level should be 2.7m

Due to the unique site fall from front to the rear a section of the first floor bedroom 4 wall will not be able to comply with the 7m height DCP control. The non-compliant area approximately 3.3m long and between 0.32m to 0 m.

To vary this control will significantly improve the design, without this vary, the change will result a disconnection between all bedroom, also this vary won't become precedent within the neighborhood due to its unique site condition.

(4) Development consent must not be granted for development that contravenes a development standard unless—

(a) the consent authority is satisfied that—

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) 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, and

The proposed will be consistent with the objective of this control.

(b) the concurrence of the Planning Secretary has been obtained.

(5) In deciding whether to grant concurrence, the Planning Secretary must consider—

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.

The variation still maintains the development standard with the public benefit.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

The proposed dwelling in the R2 zone, no subdivision is proposed and this variation still maintains the development standard with the public benefit.