

STATEMENT OF ENVIRONMENTAL EFFECTS



Applicant:
Home Impact
2/805 New Canterbury Road
DULWICH HILL NSW 2203

Site Address:
Lot 2 DP 547405
195 Milton Street
ASHBURY NSW 2193

Proposed additions and alterations to an existing dwelling, and new garage.

INTRODUCTION

This Statement of Environmental Effects is submitted to Canterbury-Bankstown Council in accordance with the Environmental Planning and Assessment Act 1979, in support of a development application for the alterations and additions to an existing dwelling as outlined on the plans prepared by Home Impact. The following additions and alterations are proposed to the dwelling:

- Partial demolition of rear of dwelling.
- Construction of ground and first floor additions.
- New garage to rear.

The subject site is a corner allotment, with primary frontage to Milton Street and secondary frontage to Trevenar Street with a total land area of 235.5m². The site has a gentle fall to the rear, with the additions proposed being suitable to the topography of the site. Drainage is to be directed to an approved system as per the Hydraulic Details.

The neighbourhood generally consists of a mix of residential dwellings of one and two storey construction as anticipated within an established residential area.

The proposed dwelling will contribute positively to the surrounding area and the streetscape of Milton Street.

ENVIRONMENTAL EFFECTS

The following sections address the matters for consideration as listed in Section 4.15 of the Environmental Planning & Assessment Act 1979. A comment is provided against each relevant matter.

This Statement of Environmental Effects addresses the following relevant Environmental Planning Instruments:

- Canterbury Local Environmental Plan 2012
- Canterbury Development Control Plan 2012

4.15 EVALUATION

(1) Matters for Consideration – general:

(a)(i) Relevant environmental planning instruments

Canterbury-Bankstown Local Environmental Plan 2023

The LEP is divided into several Parts and the relevant provisions that apply to the subject development are listed, together with a comment with respect to compliance.

The subject site is zoned R2 Low Density Residential pursuant to Clause 2.1 Canterbury-Bankstown Local Environmental Plan 2023. The proposed development is considered to be ancillary to the dwelling house located on the site and is therefore a permissible development.

Clause 2.3 Zone objectives and land use table

The objectives of the R2 Zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To allow for certain non-residential uses that are compatible with residential uses and do not adversely affect the living environment or amenity of the area.*
- *To ensure suitable landscaping in the low density residential environment.*
- *To minimise and manage traffic and parking impacts.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To promote a high standard of urban design and local amenity.*

The proposed works will enhance the amenity of the existing dwelling without having any adverse impact on the surrounding streetscape or adjoining properties. The landscape and streetscape character of the area will be maintained following the works. A high standard of urban design has been provided, whilst maintaining the materials and finishes of the existing dwelling, ensuring the addition will complement and enhance the existing streetscape.

The proposed development is able to meet the objectives of the R2 Zone.

Clause 4.3 Height of Buildings

Requirement	Provision	Compliance
8.5m	6.958m	Yes

Clause 4.4 Floor Space Ratio

Requirement	Provision	Compliance
(2B) (b) Dwelling house on Area 2 of Clause Application map. Max. FSR for land size: <200sqm – 0.65:1 >200sqm-<600sqm – 0.55:1 All other sites – 0.5:1	0.57:1	No – Please Refer to Appendix A.

Clause 4.6 Exceptions to development standards

The proposed dwelling exceeds the maximum permitted FSR under Clause 4.4, as such, a variation under Clause 4.6 is requested to be considered. Please refer to Appendix A.

Clause 5.10 Heritage Conservation

Upon reference to Schedule 5 in relation to local, State or Regional items of heritage significance including conservation areas, it was revealed that the subject property was not identified as having heritage significance, however it is within the "Ashbury Conservation Area" identified as having local heritage significance.

The proposed development is not anticipated to impact upon the heritage significance of the heritage items within the conservation area as no changes to the front façade of the dwelling are proposed. The proposed façade amendments to the secondary frontage are secondary in nature and will maintain suitable materials and finishes to complement the design whilst providing a better internal amenity for the residents.

The streetscape character of the conservation area will not be detrimentally impacted upon by the proposed development as additions are to the rear and will not be highly noticeable from the main streetscape of Milton Street. The additions to the rear will complement and blend with the existing dwelling and will maintain the character and streetscape appearance of the conservation area.

It is considered that the proposed additions are a suitable form of development for the conservation area and will remain in keeping with similar ancillary developments within the vicinity.

Clause 6.1 Acid Sulfate Soils

The subject site is not known to be affected by Class 5 Acid Sulphate Soils.

Conclusion with respect to LEP requirements

The proposal is considered to generally satisfy the relevant objectives and development standards relating to dwelling houses as contained within C-BLEP 2023.

(a)(ii) Relevant draft environmental planning instruments

There are no Draft EPIs that affect the subject site.

(a)(iii) Relevant development control plans

Canterbury-Bankstown Development Control Plan 2023

Chapter 2 – Site Considerations

2.2 Flood Risk Management

The subject site has not been identified as being within a flood planning area.

Chapter 3 – General Requirements

3.2 – Parking

Dwelling houses are required to provide 2 spaces per dwelling. The proposed garage will provide space for a single parking space, with street parking also available along Trevenar Street. The proposed garage will increase the parking as there is currently no parking provision on the site. In this instance, this is considered to be an appropriate outcome for the heritage conservation area and parking requirements.

Chapter 4 - Heritage

B4.3 – Heritage Conservation Areas

Ashbury Heritage Conservation Area

The proposed additions and alterations consist of a first floor addition, which is only visible along the secondary street frontage. The first floor addition does extend above the existing roof line, however, as seen from the street will maintain a reasonable roof form and complementary design that will ensure the heritage characteristics are maintained. No changes to the front setbacks proposed, and the secondary setback is considered to be reasonable.

Original roof form to the front of the dwelling is maintained, and proposed skylights will not be highly visible from the public domain.

Proposed garage is accessible from the secondary frontage and will not interrupt the heritage characteristics or design of the dwelling.

Chapter 5 – Residential Accommodation

5.2 Former Canterbury LGA

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
<u>2.1 Min Lot Size and Frontage</u> Min. width – 15m Rectangular in shape	Existing allotment.	Yes
<u>2.2 Site Coverage</u> Floor area: Sites <450m ² - 300m ² Sites 450-599m ² - 330m ² Sites 600-899m ² - 380m ² Sites >900m ² - 430m ² Site Coverage: Sites <450m ² - 60% Sites 450-599m ² - 50% Sites 600-899m ² - 40% Sites >900m ² - 40%	133.5m ² 50.9%	Yes Yes
<u>2.4 Landscaping</u> Deep soils area: Sites <450m ² - 15% Sites 450-599m ² - 20% Sites >600m ² - 25% Min. dimension – 2.5m At least half located within rear setback	17% Min. 2.5m Appropriate allocation of deep soil areas provided within rear setback area.	Yes Yes Yes
<u>2.4 Layout and Orientation</u> Orientate new development to maximise solar access and natural lighting. Site dwelling to avoid casting shadows onto neighbouring dwellings POS, living areas and solar cells. Provide natural ventilation.	North to front corner, appropriate solar access and natural lighting provided given the orientation of the site with existing front portion to be retained. Shadows minimised to living areas, POS areas and solar panels of neighbouring properties, shadows cast largely over secondary frontage. Any northern facing windows are unlikely to be detrimentally impacted given favourable orientation. Provided.	Yes Yes Yes

Site POS to avoid existing shadows cast by nearby developments.	Suitable location of POS area.	Yes
<u>2.5 Height</u> Max. 2 Storeys	Two storey dwelling.	Yes
Max. Wall height – 7m where LEP indicates 8.5m height	<7m at highest point.	Yes
Max. Wall height – 8m where LEP indicates 9.5m height.	N/A	N/A
Max. FGL 1m	<1m	Yes
Retaining walls Max. 3m on steep sites Max. 1m all other sites	N/A – no retaining walls proposed.	N/A
Cut and Fill Max 1m cut Max. 0.6m fill	<1m cut proposed for dwelling <0.6m fill proposed.	Yes Yes
Engineers details required where cut / fill >1m.	Capable of complying.	Yes
<u>2.6 Setbacks</u> Lots <12.5m wide Front – Min. 5.5m from building line. Side – 0.9m	No change to existing. Zero setback to follow attached dwelling design along one side setback, in keeping with exception for additions and alterations to follow existing setbacks.	Yes Yes
Rear – 6.0m	7.065m to dwelling. Zero setback to garage – see outbuilding controls.	Yes See below.
<i>Lots >12.5m wide</i> Front – 6.0m or average of streetscape. Side – 1m Secondary Frontage – 2m Rear – 6m	N/A	N/A

<p><i>Outbuildings</i> External wall Height >2.7m min. 450mm setback. Wall height <2.7m may encroach.</p>	2.8m wall height, zero setback proposed.	No*
<p><i>Exceptions</i> Articulation elements permitted to encroach 1.5m into front setback</p>	N/A – articulation zone behind building line.	Yes

*Setback to Garage – The proposed garage is sited with a zero setback, which is not permitted for outbuildings with walls >2.7m in height. In this instance, due to the existing hardstand location and vehicular access, the reduced rear setback is requested to be considered. The rear setback adjoins a side boundary of the adjoining lot and will not be excessive when viewed from the adjoining property as the garage will only just sit above the fence due to the considered flat roof design. The garage adjoins a side vehicular accessway of the adjoining property, further ensuring there is minimal impact upon the adjoining property due to the zero setback design.

The proposed rear setback will not result in an unacceptable design and is considered to be a suitable solution for the site. the garage will provide for undercover secure parking for residents which they currently do not have access to and will provide for a suitable design solution that does not have any negative impacts upon the adjoining property. The development remains capable of complying with the control objectives as shown below and is considered to be a suitable outcome.

The proposal maintains the spatial proportions of the street as the rear setback adjoins a side boundary and the reduced setback is consistent with the design within the streetscape. The boundary also adjoins a vehicular accessway and therefore a larger setback is provided to the adjoining property ensuring no impact as a result of the zero setback to the garage. The garage has been designed with a wall height of 2.8m, 100mm above a design that would be permitted to encroach within the 450mm setback. The garage is not excessive in scale, and will not excessively extend above the height of existing fencing along this boundary. The location of the garge ensures there is no direct views from POS or living areas of the adjoining property. Suitable landscaping can still be provided with the rear POS areas of the subject site and the zero setback ensures better POS areas are available to the residents between the alfresco and garage areas. The garage setback does not limit suitable spatial separation between dwellings and will not result in any amenity impacts given the favourable site orientation. Shadows cast as a result of the garge are over the secondary frontage and a small area to the front of the dwelling, this will not impact upon the solar access of the adjoining property and will ensure a reasonable level of solar access is maintained. The design, siting and use of the garge ensures there is not visual privacy intrusion as a result of the reduced setback.

In this instance, the proposed zero setback is considered reasonable as there will be no amenity impacts to adjoining priorities (privacy or solar access), the spatial setback pattern of the streetscape remains consistent with other attached and zero boundary dwelling within the vicinity and the siting is the best outcome for a secure parking for the site.

It is requested Council further consider the variation given the proposal is able to maintain the objectives of the control and there is no detrimental impact beyond a compliant proposal.

2.8 General Design		
Contemporary design acceptable where subject site or adjoining lots are not heritage listed.	Suitable design of the façade is provided to ensure streetscape character is maintained.	Yes
Entry and front door to be clearly identifiable from street.	As existing.	Yes
At least 1 habitable room within front façade.	As existing.	Yes
Principal living area and bedroom Min. dimension 3.5m.	Proposed living room >3.5m dimension. Master Bed 3.218m min.	Yes No*
Secondary bedrooms min. dimension 3m.	Min dimensions for bedrooms 2-3 – 3.03m.	Yes
Address street frontage(s)	Proposed additions are considered to suitably address the street frontage through the location of the front portico and entry door.	Yes
Max wall length: Street façade – 4-6m Side elevations – 10-15m	Appropriate wall lengths and articulation provided to break up the walls.	Yes

*Minimum Bedroom Dimensions – Council's controls require primary bedrooms to have a minimum 3.5m dimension, the proposed master bedroom has a minimum dimension of 3.218m, requiring a variation to Council's controls. The minor non-compliance for the bedroom is not anticipated to have any detrimental impact on the suitability or intended use of the room within the dwelling.

The non-compliance is largely the result of the limited design space within the first floor. The proposed reduced dimension allows for the first floor to be setback from the ground floor to reduce potential bulk and scale. The bedroom dimension will not create any

detrimental impact upon the amenity of the dwelling as the bedroom can suitably accommodate a bed and is still capable of being furnished with all necessary items typical of a bedroom, capable of accommodating their intended use.

The proposed dwelling design is considered to achieve the objectives of the control and it is therefore requested that a variation be supported in this instance.

<p><u>2.9 Roof Design and Features</u> Simple pitched roof in keeping with surrounding developments.</p> <p>Max. roof pitch – 30°</p>	<p>Roof pitch proposed in keeping with existing dwelling design.</p> <p>25 degree roof pitch proposed in keeping with existing roof.</p>	<p>Yes</p> <p>Yes</p>
<p><u>2.10 Solar Access and Overshadowing</u> Primary living areas to receive min. 2hrs sunlight between 9am and 3pm on June 21st.</p> <p>POS areas to receive min. 2hrs sunlight between 9am and 3pm on June 21st to 50% of the area.</p> <p>Min 2hrs solar access to adjoining properties between 9am and 3pm on June 21st.</p>	<p>North is located to the front corner of the site, suitable northern solar access provided, given the exiting attached nature of the existing dwelling. Reasonable solar access to rear POS area given orientation.</p> <p>The POS areas are able to receive suitable solar access throughout the year.</p> <p>Provided – shadows cast over secondary frontage not likely to impact upon adjoining properties.</p>	<p>Yes</p> <p>Yes</p> <p>Yes.</p>
<p><u>2.11 Visual Privacy</u> Locate and orient new development to maximise visual privacy between buildings, on and adjacent to the site, and to minimise direct overlooking of rooms and private open space Narrow windows or raised sill heights to be used to limit overlooking.</p>	<p>Privacy between the dwellings and the adjoining sites is able to be achieved as living areas are orientated largely to the rear. Windows to the side elevations, have been suitably designed and setback to ensure minimal impact upon privacy of surrounding dwellings. Suitable setbacks and locations of the windows ensure the privacy between the dwellings and the POS areas will be maintained. Upper floor windows are largely orientated to overlook the secondary frontage, with rear window to master bed overlooking the rear setback</p>	<p>Yes</p>

	area. Appropriate window location to ensure there is no privacy intrusion.	
<u>2.12 Acoustic Privacy</u> Protect sensitive rooms from likely noise sources such as major roads or neighbouring living areas. Address all requirements in ' <i>Development Near Rail Corridors and Busy Roads (Interim Guideline)</i> '	Living areas and bedrooms have a suitable building separation distance to ensure acoustic privacy is maintained. N/A	Yes N/A
<u>2.13 Fences</u> Front fence max. 1.2m high. Side fencing max. 1.8m, but must taper between building line to front boundary to 1.2m.	Fencing not proposed as part of this application.	N/A
<u>2.14 Outbuildings and Swimming Pools</u> <i>Outbuildings</i> Max. height 4.8m Wall height 3.5m <i>Swimming Pools</i> Not to be located in front yard. Min. setback of 1m from side/rear boundaries.	No swimming pools or outbuildings.	N/A

* * *

Conclusion with respect to DCP requirements

The proposal is considered to reasonably satisfy the objectives of the relevant design provisions relating to dwellings as contained within the Canterbury-Bankstown Development Control Plan 2023.

(b) Likely impacts of the development, including environmental impacts on both the natural and built environment of the locality.

The following matters are considered relevant when considering onsite impacts.

Siting and Design

The proposed additions and alterations will be compatible in terms of height, bulk and scale with surrounding developments within the area.

The siting of the dwelling maintains generous boundary setbacks, contributing to spatial separation and openness between the dwellings. The articulated design of the dwelling will limit the impact on the adjacent properties in terms of bulk, privacy and overshadowing and will not dominate any perceived views enjoyed by others.

The front façade is appropriately articulated and contains a variety of roof forms and elements and a central entry feature. In this way, the proposal provides a clear definition of the entry and provides varied shadow lines due to the different construction elements and finishes.

Sedimentation Control

Due to the topography of the site, excavation will be required for the construction of a level building platform, as shown on the development plans. All disturbed areas will be provided with sedimentation controls in the form of geofabric fencing and/or stacked hay bales. Soil erosion control measures can easily be provided in accordance with Council's policy with compliance required as a condition of consent.

Waste Minimisation

All waste will be deposited within the waste receptacle in accordance with the waste management plan attached to this application.

Noise and Vibration

All work will be undertaken during hours specified within the development consent. No vibration damage is envisaged occur during construction.

(c) The suitability of the site for the development

The subject site is within an existing area designed for low to medium density housing. The site is within reasonable driving distance to local commercial, retail and transport facilities. The existing road network provides easy access to all locations.

The development can be constructed with all services necessary and has been designed to suit site constraints and the character of the surrounding residential setting.

The dwelling is permissible with development consent under the provisions Canterbury LEP 2023, and generally satisfies the objectives of the relevant development control plans as discussed above.

(d) Any submissions made in accordance with this Act or the regulations

Council will consider any submissions received during the relevant notification period for this development application.

(e) Public interest

As this proposal can reasonably satisfy the objectives of all relevant planning instruments and development control plans, approval of the subject development is considered to be in the public interest.

CONCLUSION

The residential use of the site is permissible with development consent under the provisions of Canterbury Local Environmental Plan 2023 and can satisfy the objectives of the relevant development control plan.

It is considered that the construction of the rear additions and alterations will complement and blend with the existing residential character of Ashbury. The proposal is not expected to have an adverse impact on the surrounding natural or built environment.

Local Consultancy Services Pty Ltd
May 2025

APPENDIX A

Clause 4.6 – Exceptions to development standards

Clause 4.4 Floor Space Ratio

Clause 4.6 of Canterbury-Bankstown Bay Environment Plan (CBLEP) 2023 is intended to provide an appropriate level of flexibility in applying development standards to development to achieve a better outcome in certain circumstances.

Subclause (2) states:

"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."

This allows a variation to be sought to development standards under Clause 4.6. In accordance with Subclauses (3), (4) and (5) the following written request seeks to:

- Justify contravention of the maximum floor space ratio requirements as per Clause 4.4 by demonstrating that compliance is unreasonable or unnecessary in the circumstances and that there are sufficient environmental planning grounds particular to the circumstances of the proposed development and the subject site to justify the contravention;
- Demonstrate that the proposed development will be in the public interest and maintains the objectives of Clause 4.4;
- Demonstrate that the contravention of the maximum floor space ratio development standard does not raise any matter of significance for State or regional environmental planning; and
- Consider the public benefit of maintaining the floor space ratio development standard.

NSW Land and Environment Case Law

In order to clarify the extent of the matters required to be addressed within a request for a variation under Clause 4.6, consideration has been given to the following case law:

Wehbe v Pittwater [2007] NSWLEC827

Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC90

Randwick City Council v Micaul Holdings Pty LTD [2016] NSWLEC7

Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSW LEC118

Review of these cases indicates that a request for a variation under the provisions of Clause 4.6 is more onerous than previously required under SEPP 1. The case of *Randwick v Micaul* indicates that Council, as the consent authority, maintains a high level of discretion with regard to the level of justification required in order to support a variation request.

The following request provides an assessment of the proposed variation to the maximum floor space ratio with respect to the test methodology and requirements outlined within the relevant Case Law and requirements of NSW Councils.

Introduction and Description of the development standard to be varied

The Environmental Planning Instrument that applies to the land is Canterbury-Bankstown Local Environmental Plan 2013. The subject site is zoned R2 Low Density Residential and a variation is sought to 'Clause 4.4 Floor space ratio', specifically subclause (2B)(b) which states:

'(b) for a building used for the purposes of dwelling houses or semi-attached dwellings on land identified as "Area 2" on the [Clause Application Map](#)—

(i) for a site area less than 200m²—0.65:1, and

(ii) for a site area greater than 200m² but less than 600m²—0.55:1, and

(iii) for a site area of 600m² or more—0.5:1,'

The subject site is mapped as being within 'Area 2' of the Clause Application Map and has a site area of 235.5sqm, resulting in a maximum FSR of 0.55:1. The proposed additions and alterations has a total floor space ratio of 0.57:1 or 133.5m², resulting in a variation to Councils control of 3.63% or 3.975m².

The variation is sought to enable a suitable dwelling design and internal amenity for the lot size and existing dwelling. The FSR is considered to be in keeping with the streetscape and other surrounding dwellings have similar footprints and scale to ensure the minor increase to FSR is not highly noticeable. The variation to the FSR is not likely to have any detrimental impact and will continue to meet the objectives of the control and R2 Zone.

What are the objectives of the development standard to be varied?

4.4 Floor space ratio

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

- (a) to establish the bulk and maximum density of development consistent with the character, amenity and capacity of the area in which the development will be located,*
- (b) to ensure the bulk of non-residential development in or adjoining a residential zone is compatible with the prevailing suburban character and amenity of the residential zone,*
- (c) to encourage lot consolidations in commercial centres to facilitate higher quality built form and urban design outcomes,*
- (d) to establish the maximum floor space available for development, taking into account the availability of infrastructure and the generation of vehicular and pedestrian traffic,*
- (e) to provide a suitable balance between landscaping and built form in residential areas.*

Compliance with the objectives of the development standard

- (a) to establish the bulk and maximum density of development consistent with the character, amenity and capacity of the area in which the development will be located,*

The proposed developments bulk and scale is in keeping and compatible with the context of the locality. The minor increase to FSR will not add to any excessive bulk and scale of the development given the minor increase. Suitable spatial separation is maintained and the landscaped areas of the site is capable of being maintained.

The increase to FSR will not intensify the use of the site and will not result in any detrimental impact to the character of the locality. No adverse impacts to the amenity of the adjoining properties is anticipated. Suitable window placement ensures privacy of the adjoining dwellings is maintained. The subject dwelling is a suitable design for the site, ensuring shadows cast over adjoining properties are minimised, with a favourable lot orientation.

Despite the minor increase to FSR, the bulk and density of the development is consistent with the streetscape character and maintains a suitable amenity of the area. The proposal is a suitable form of development for the area ensuring the capacity of the area is maintained.

(b) to ensure the bulk of non-residential development in or adjoining a residential zone is compatible with the prevailing suburban character and amenity of the residential zone,

The subject development is for residential development and therefore this objective does not relate to the use of the site. The character and bulk of the dwelling remains in keeping with the prevailing suburban character.

(c) to encourage lot consolidations in commercial centres to facilitate higher quality built form and urban design outcomes,

The subject development is not located within a commercial centre and the built form will continue to provide for a high quality built form and urban streetscape design.

(d) to establish the maximum floor space available for development, taking into account the availability of infrastructure and the generation of vehicular and pedestrian traffic,

The FSR of the proposal is in keeping and compatible with the context of the locality. The minor increase to FSR will not add to any excessive bulk and scale of the development and will not generate an increase to vehicular or pedestrian traffic as the minor increase of approximately 4sqm provides for better internal living areas and better bedroom designs. The additional FSR allows for a suitable designed dwelling on the allotment size and does not increase reliance on infrastructure, nor will it account for the generation of vehicular or pedestrian traffic.

(e) to provide a suitable balance between landscaping and built form in residential areas.

The subject site more than meets with the minimum landscaped area requirements, with the proposed FSR not limiting the provision of front or rear landscaping. The subject site provides 22% landscaping which more than meets with the DCP requirements (20%). The design of the additions and alterations ensures the dwelling provides a better outcome for the residents and the minor increase to FSR does not intensify the development.

Compliance with the objectives of the zone

The objectives of the R2 Zone are provide below along with a comment in respect to the proposed dwelling meeting with the objective:

- *To provide for the housing needs of the community within a low density residential environment.*

The dwelling provides for a suitable housing choice within the low density zone that provides for the housing needs of the changing population and community. The additions and alterations are reasonably designed to accommodate contemporary family situations and the minor increase to FSR is considered to provide for a suitable housing choice for the future residents to accommodate appropriate living areas upon the smaller size allotment.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposed dwelling will not limit the provision of other land uses that provide facilities or services to meet with the needs of residents.

- *To allow for certain non-residential uses that are compatible with residential uses and do not adversely affect the living environment or amenity of the area.*

The subject dwelling does not propose a non-residential use, however, will not limit the provision of other non-residential land uses within the vicinity.

- *To ensure suitable landscaping in the low density residential environment.*

The increase to the proposed FSR does not limit the provision of landscaping, with 38% of the site to be landscaped which more than meets with the areas 20% requirement. This will ensure there is more than suitable landscaping on the site to contribute to the wider area.

- *To minimise and manage traffic and parking impacts.*

The FSR increase will not result in any detrimental impact to parking or traffic requirements. The additions and alterations include a new garage to the rear to accommodate a single parking space on the site, with street parking also available and a bus station directly across the site. The minor increase to FSR provides for the contemporary family needs without increasing traffic or parking beyond existing levels.

- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The additions and alterations are unlikely to result in any conflict between land uses as the proposal is permissible within the zone. The surrounding area is largely residential and therefore the subject development will remain compatible with the land use.

- *To promote a high standard of urban design and local amenity.*

The proposed development will not have any detrimental impact upon surrounding dwellings or the streetscape. The FSR increase will not impact upon the bulk and scale of the design given reasonable setbacks and landscaping and will therefore maintain the amenity of the adjoining properties and maintains a suitable urban design.

The design of the proposal will ensure a high degree of internal and external amenity to suit the needs of the residents whilst maintaining views from adjoining properties. The FSR is not anticipated to have any detrimental impact upon views or amenity from surrounding properties. Residents will still be able to carry out a range of activities, without affecting adjoining properties.

The landscape areas are able to be maintained to ensure the landscaped character of the area is maintained and the dwelling fits within the natural environment.

* * *

As the dwelling remains able to meet the requirements for low density environmental living without any detrimental impact on the amenity of the surrounding sites, the development is found to achieve the objectives of the R2 Low Density Residential zone.

Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

The requested variation to the maximum floor space ratio provision is considered to be a reasonable and appropriate design outcome for the following reasons:

- The increase to the FSR is the result of reasonable internal design of the dwelling to accommodate changing family situations and provide reasonable internal proportions of the dwelling.
- The development standard objectives and zone objectives are able to be maintained despite contravention to the numerical requirement.
- The building remains a high quality design, with suitable materials and finishes to ensure the dwelling will remain well articulated and will ensure the variation to the floor space ratio will not result in any adverse environmental impacts to the adjoining properties or public domain.
- The floor space ratio is unlikely to cause any increased impact upon the adjoining properties by way of visual bulk or overshadowing. With the minor increase to the

FSR not impacting upon landscaped areas and ensuring the dwelling provides for suitable landscaping.

- The floor space ratio will not have an excessive impact upon the streetscape or adjoining properties and is considered to result in an appropriate outcome for the residents needs.
- The building remains as a high quality design solution that sensitively responds to the site context and character and scale of the surrounding built form to ensure the privacy, view sharing and solar access of the subject site and surrounding properties is maintained.

Sufficient environmental planning grounds that are particular to the circumstances of the proposed development

There are sufficient environmental planning grounds in these circumstances to justify contravening the floor space ratio development standard. The development is not considered to be overdevelopment of the site and sufficient grounds for the variation are provided below:

- The proposed dwelling is able to maintain the objectives of the R2 Low Density Residential Zone, as well as the objectives of development standard Clause 4.4 Floor space ratio of dwellings.
- The increase to the floor space ratio does not result in any adverse amenity impacts upon adjoining properties.
- The variation is unlikely to be highly noticeable from the streetscape or surrounding properties. The suitable side setbacks and large landscaped areas will offset the larger floor space ratio.
- The floor space ratio provides suitable space for a dwelling, with suitable living spaces to accommodate a contemporary family situation.

In determining if there are sufficient environmental planning grounds the *Initial Action* judgment considers that it is appropriate to apply the Objectives of Section 1.3 of the EP&A Act in order to demonstrate that the grounds exist to warrant a variation.

The objectives of 1.3 are listed along with a comment with respect to compliance in the table below.

<i>Objective</i>	<i>Comment</i>
<i>(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources.</i>	This object is not relevant to this development.
<i>(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about</i>	The proposal will facilitate an ecologically sustained development given that no negative impact on environmental and social considerations are present. This in

<i>environmental planning and assessment.</i>	turn will serve to offer the ongoing sustainment of the economic health of the area.
<i>(c) to promote the orderly and economic use and development of land.</i>	The proposed development will maintain the orderly and economic use of the land by providing a development and land use that is consistent with that envisaged by Council through zoning.
<i>(d) to promote the delivery and maintenance of affordable housing.</i>	This object is not relevant to this development.
<i>(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats.</i>	There is no anticipated impact upon any threatened species of ecological communities given the development is proposed within the footprint of the existing dwelling.
<i>(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage).</i>	This object is not relevant to this development.
<i>(g) to promote good design and amenity of the built environment.</i>	The proposed development is a high quality design that remains within a suitable built form and scale to be aesthetically appropriate. The proposed development is considered to appropriately respond to the established and changing character of the development identified within both the immediate and broader context. The development maintains the amenity of the area through a suitable design.
<i>(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants.</i>	The proposed development will comply with all relevant BCA codes and will promote the health and safety of occupants.
<i>(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State.</i>	This object is not relevant to this development.
<i>(j) to provide increased opportunity for</i>	The proposed development has been

<i>community participation in environmental planning and assessment.</i>	publicly notified to meet with this objective.
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Based on the above, the consent authority can be satisfied that the proposed development remains consistent with the Objects of the Act despite the variation to the minor height breach.

Does the development remain within the public interest?

There is overall public benefit in maintaining the development standards, however, there is also benefit to providing flexibility in specific circumstances. Strict compliance with the development standards would waive the opportunity to provide a superior design outcome within an development that is already existing and will remain in keeping with the height, scale and character of the surrounding built form.

The proposed additions and alterations will result in a minor increase to the existing FSR provisions and Council is requested to consider that during assessment. On balance, the proposed variation to the floor space ratio development standard is considered to be an appropriate use of the provisions of Clause 4.6 and existing use rights.

Conclusion

The contravention of the development standard in this case will not raise any issues of State or regional planning significance as it relates to local and contextual site conditions. The proposed works will provide for the housing needs of the residents by improving the functionality and amenity of the existing dwelling while retaining the character of the built form which will in turn assist in meeting local housing demand.

Variations under the provisions of Clause 4.6 are understood to be permitted in circumstances where the non-compliant development is found to be able to meet with the objectives of the zone, but does not expressly need to result in a better outcome than a compliant proposal. In this case, the proposed floor space ratio is considered to meet with the objectives of the zone and strict compliance would not necessarily result in a development that was significantly improved.

Numerical provisions such as floor space ratio are considered to be in force as a guide to achieve the objectives of the control. In this instance the objectives of the floor space ratio control are achieved despite the variation. The variation is not anticipated to result in any detrimental impact to surrounding properties and despite the minor variation and remains complaint with Councils controls being within a development relying on existing use rights within a changed zone.

It is requested that Council consider this variation due to the minimal impact upon the surrounding properties and the public places. The proposed floor space ratio will not have any detrimental impact.