

Memorandum

Date	27 July 2015
To	Panel Secretariat – Joint Regional Planning Panel (JRPP)
From	Silvio Falato – Group Manager Planning and Environment
Subject	2015SYE046 – DA2015/021 – 40-42 Loftus Crescent, Homebush

On 22 July 2015, the above Development Application was deferred by the Sydney East Joint Regional Planning Panel pending the submission of a written request prepared under Clause 4.6 of the SLEP 2012 in relation to the height variation to the proposed development caused by a pergola structure and associated lift overrun and fire stair.

The Applicant has since submitted a statement prepared in accordance with the requirements of Clause 4.6 of the SLEP 2012 which justifies the 2.5m height variation and argues that the structures provide residents with access to a communal rooftop terrace. The terrace is also recognized as receiving good solar access to the benefit of the future residents of the development. This is particularly important as the ground floor common open space is overshadowed throughout much of the day as a result of the orientation of the site.

With the exception of the lift overrun, fire stair and pergola, the building height of the proposed development complies with the 29m height limit. While non-compliant, the lift overrun and fire stairs are nonetheless, in part, concealed within an architectural roof feature in the form of a pergola. As an architectural roof feature, the subject structures are also consistent with the provisions of Clause 5.6 of the SLEP 2012.

The applicant concludes that strict numeric compliance with the maximum 29m height control provided by Clause 4.3 would not produce a better outcome and that compliance is unreasonable and unnecessary. Clause 4.6 provides flexibility in the application of numeric development standards and the applicant has suitably justified that such flexibility is reasonable in this instance.



Silvio Falato
Group Manager Planning & Environment