

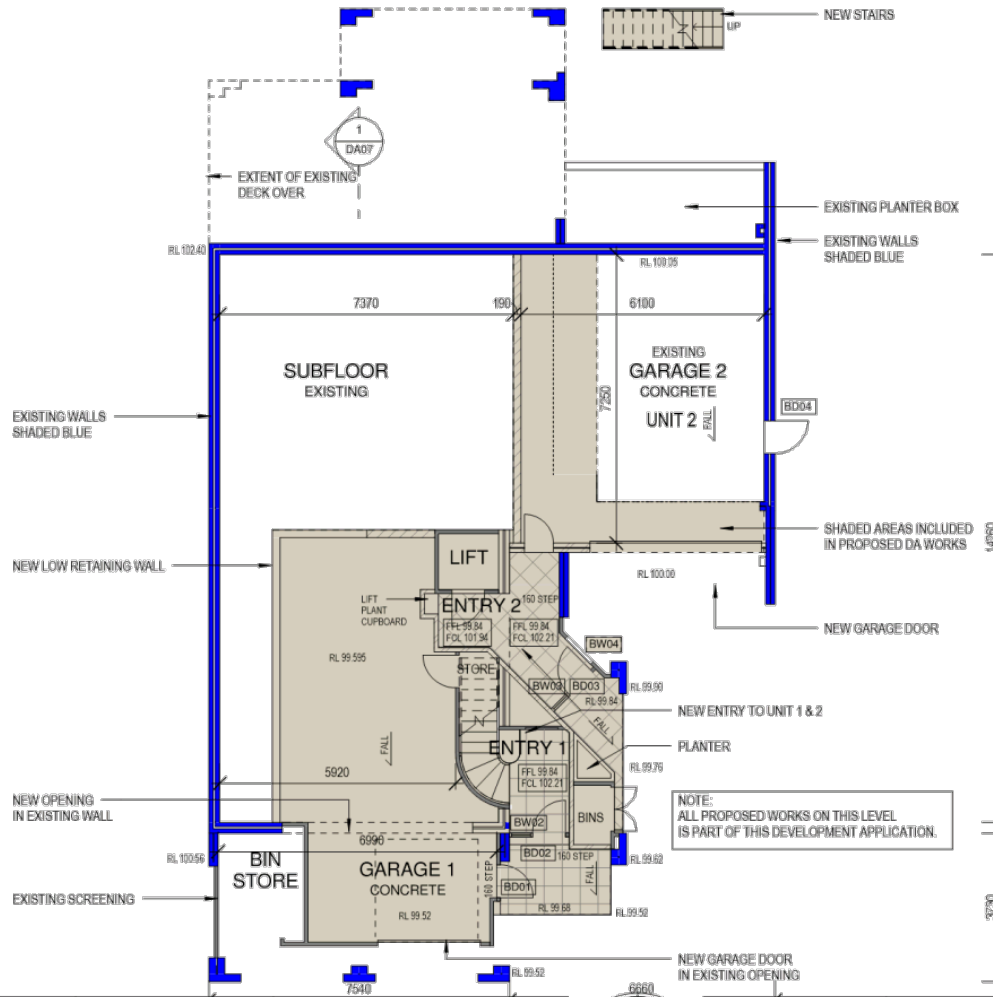
AREA CALCULATIONS	
SITE AREA	= 510m <sup>2</sup>
<b>EXISTING</b>	
GROSS FLOOR AREA	
GARAGE	= 0m <sup>2</sup>
LEVEL 1	= 141m <sup>2</sup>
LEVEL 2	= 149m <sup>2</sup>
TOTAL GROSS FLOOR AREA	= 290m <sup>2</sup>
FLOOR SPACE RATIO	= 0.57:1
<b>PROPOSED</b>	
GROSS FLOOR AREA	
GARAGE	= 17m <sup>2</sup>
LEVEL 1	= 137m <sup>2</sup>
LEVEL 2	= 155m <sup>2</sup>
TOTAL GROSS FLOOR AREA	= 309m <sup>2</sup>
FLOOR SPACE RATIO	= 0.6:1

**DRESS CIRCLE DRIVE**  
**SITE PLAN**  
1 : 200

D C B A	17.05.2021 29.04.2021 15.03.2021 20.12.2020	REVISED ISSUE REVISED ISSUE REQUEST FOR INFORMATION DEVELOPMENT APPLICATION	by	<b>ALTERATIONS AND ADDITIONS</b> <b>PROPOSED</b> UNIT 1 & 2, 25 DRESS CIRCLE DRIVE LENNOX HEAD LOT 1 & 2 DP 47384		project	sheet	0421 056 524 cawtds@gmail.com		date: MAY 2021	sheet no. revision Original Sheet Size A3 - 297 x 420mm
	rev.	date		details	SITE PLAN					scale: 1 : 200 drawn: CAW	

EXTERNAL WINDOW & DOOR SCHEDULE					
NOMINATED SIZE					
MARK	HEIGHT	WIDTH	COMMENTS	HEAD HEIGHT	LOCATION
<b>BASEMENT</b>					
BW01	DELETED				
BW02	2100	500	FIXED GLAZING - TRANSLUCENT NEW OPENING IN NEW WALL	2100	ENTRY 1
BW03	2100	500	FIXED GLAZING - TRANSLUCENT NEW OPENING IN NEW WALL	2100	ENTRY 2
BW04	500	900	FIXED GLAZING - TRANSLUCENT NEW OPENING IN NEW WALL	2100	ENTRY 2
BD01	2100	600	EXTERNAL SOLID CORE SWING DOOR NEW OPENING IN NEW WALL	2100	GARAGE 1
BD02	2100	500	EXTERNAL ALUMINIUM GLAZED SWING DOOR NEW OPENING IN NEW WALL	2100	ENTRY 1
BD03	2100	900	EXTERNAL ALUMINIUM GLAZED SWING DOOR NEW OPENING IN NEW WALL	2100	ENTRY 1
BD04	2100	500	EXTERNAL SOLID CORE SWING DOOR IN EXISTING OPENING	2100	GARAGE 2

**GROUND FLOOR PLAN**  
1 : 100

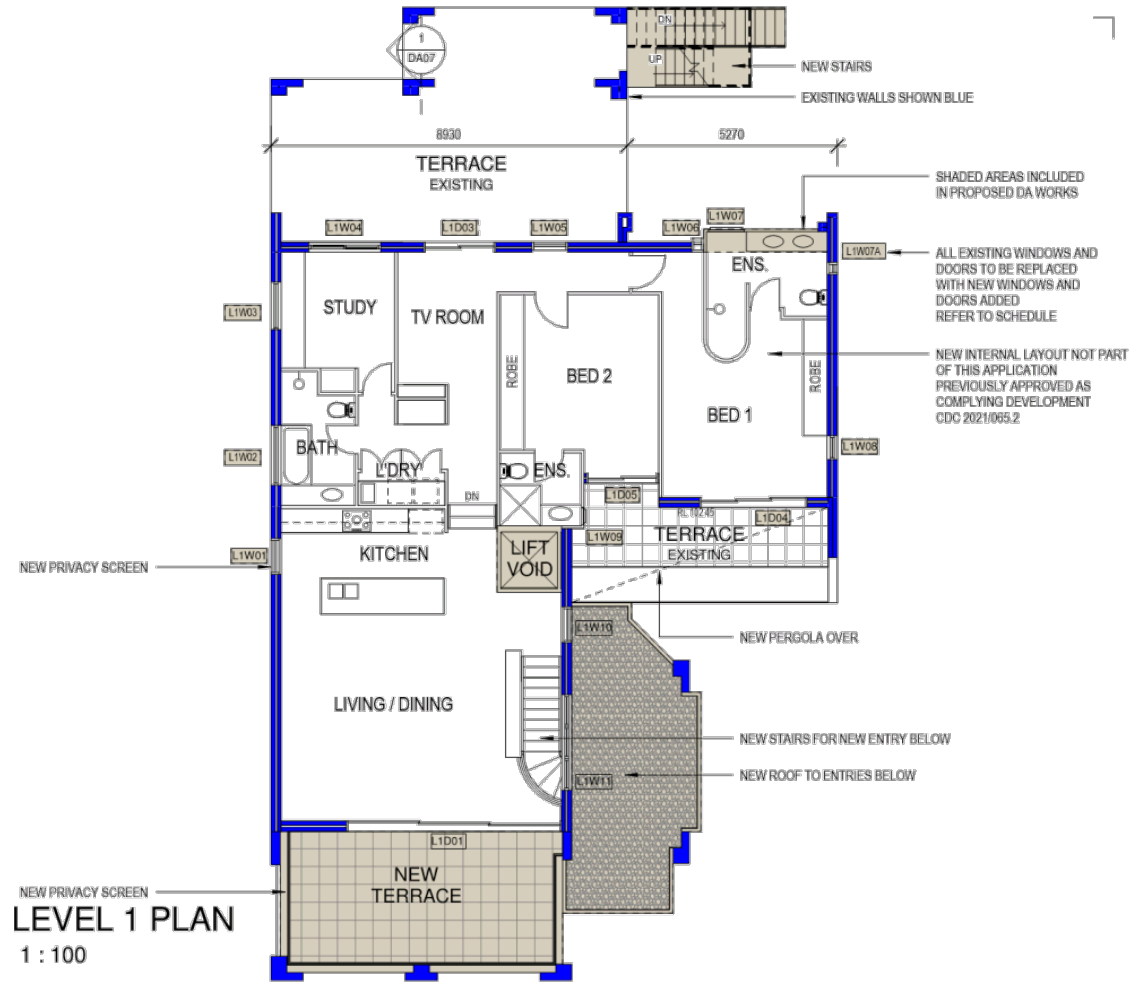


NOTE: ALL PROPOSED WORKS ON THIS LEVEL IS PART OF THIS DEVELOPMENT APPLICATION.

D C B A	17.05.2021	REVISED ISSUE	by	<b>ALTERATIONS AND ADDITIONS PROPOSED</b> GROUND FLOOR PLAN UNIT 1 & 2, 25 DRESS CIRCLE DRIVE LENNOX HEAD LOT 1 & 2 DP 47384	project	sheet	0421 026 524		north		date: MAY 2021	DA02	D
	29.04.2021 15.03.2021 20.12.2020	REVISED ISSUE REQUEST FOR INFORMATION DEVELOPMENT APPLICATION									scale: 1 : 100 drawn: CAW		

EXTERNAL WINDOW & DOOR SCHEDULE					
MARK	NOMINATED SIZE		COMMENTS	HEAD HEIGHT	LOCATION
	HEIGHT	WIDTH			
<b>LEVEL 1</b>					
L1W01	2100	900	OPERABLE GLASS LOUVRES TRANSLUCENT NEW OPENING IN EXISTING WALL	2100	KITCHEN
L1W02	600	1800	SLIDING WINDOW TRANSLUCENT GLASS NEW WINDOW IN EXISTING WALL	2100	BATH
L1W03	600	1200	OPERABLE GLASS LOUVRES TRANSLUCENT NEW WINDOW IN EXISTING OPENING	2100	BATH
L1W04	1200	1800	SLIDING WINDOW - CLEAR GLASS NEW WINDOW IN EXISTING WALL	2100	MULTI-PURPOSE
L1W05	2100	900	FIXED GLAZING - TRANSLUCENT NEW WINDOW IN EXISTING OPENING	2100	T.V.
L1W06	2100	300	OPERABLE ALUMINIUM LOUVRES TRANSLUCENT NEW WINDOW IN EXISTING WALL	2100	BED 1
L1W07	2100	900	OPERABLE GLASS LOUVRES TRANSLUCENT NEW WINDOW IN NEW WALL	2100	BED 1 ENSUITE
L1W07A	2100	300	OPERABLE GLASS LOUVRES TRANSLUCENT NEW WINDOW IN EXISTING WALL	2100	BED 1-ENSUITE
L1W08	2100	600	FIXED GLAZING - MIRROR NEW WINDOW IN EXISTING OPENING	2100	BED 1
L1W09	900	400	OPERABLE GLASS LOUVRES TRANSLUCENT NEW WINDOW IN NEW WALL	2100	BED 2-ENSUITE
L1W10	1500	900	OPERABLE GLASS LOUVRES CLEAR GLASS NEW WINDOW IN EXISTING OPENING	2100	LIVING
L1W11	1500	2400	FIXED GLAZING MIRROR GLASS NEW WINDOW IN EXISTING WALL	2100	LIVING
L1D01	2100	5400	SLIDING DOOR MIRROR GLASS NEW DOOR IN EXISTING OPENING	2100	LIVING
L1D02	DELETED				
L1D03	2100	1800	SLIDING DOOR - CLEAR GLASS NEW DOOR IN EXISTING OPENING	2100	T.V.
L1D04	2100	2100	SLIDING DOOR - MIRROR GLASS NEW DOOR IN EXISTING OPENING	2100	BED 1
L1D05	2100	1800	SLIDING DOOR - MIRROR GLASS NEW DOOR IN EXISTING OPENING	2100	BED 2

**NOTE:**  
BEDROOM WINDOWS TO COMPLY WITH REQUIREMENTS OF BUILDING CODE OF AUSTRALIA



NEW PRIVACY SCREEN  
**LEVEL 1 PLAN**  
1 : 100

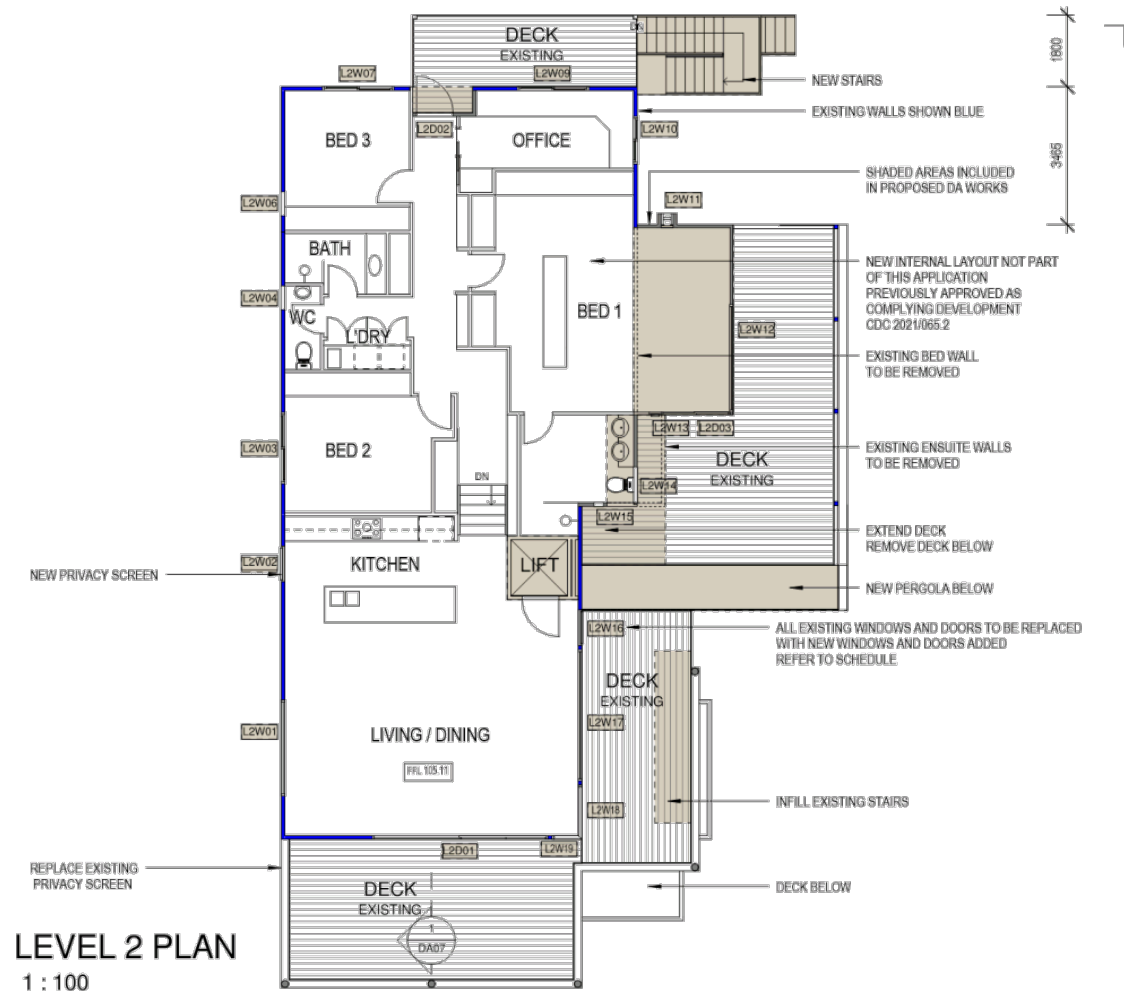
C B A	17.05.2021	REVISED ISSUE	by	project	sheet	date	scale	drawn	DA03	C
	15.03.2021	REQUEST FOR INFORMATION								
rev.	date	details								

**ALTERATIONS AND ADDITIONS PROPOSED**  
LEVEL 1 PLAN  
UNIT 1 & 2, 25 DRESS CIRCLE DRIVE  
LENNOX HEAD  
LOT 1 & 2 DP 47384

Original Sheet Size A3 - 297 x 420mm

EXTERNAL WINDOW & DOOR SCHEDULE					
MARK	NOMINATED SIZE	COMMENTS	HEAD HEIGHT	LOCATION	
<b>LEVEL 2</b>					
L2W01	225 x 240	FIXED GLAZING TRANSLUCENT GLASS NEW WINDOW IN EXISTING OPENING	2100	LIVING	
L2W02	2100 x 900	OPERABLE GLASS LOUVRES TRANSLUCENT GLASS NEW WINDOW IN EXISTING OPENING	2100	KITCHEN	
L2W03	1200 x 1800	SLIDING WINDOW - CLEAR GLASS NEW WINDOW IN EXISTING OPENING	2100	BED 3	
L2W04	600 x 600	SLIDING WINDOW TRANSLUCENT GLASS NEW WINDOW IN EXISTING OPENING	2100	WC	
L2W05	DELETED				
L2W06	900 x 600	OPERABLE GLASS LOUVRES TRANSLUCENT GLASS NEW WINDOW IN EXISTING OPENING	2100	BED 2	
L2W07	1800 x 2100	SLIDING WINDOW - CLEAR GLASS NEW WINDOW IN EXISTING WALL	2100	BED 2	
L2W08	2100 x 300	OPERABLE GLASS LOUVRES CLEAR GLASS NEW WINDOW IN EXISTING OPENING	2100	OFFICE	
L2W09	1200 x 1800	SLIDING WINDOW - CLEAR GLASS NEW WINDOW IN EXISTING OPENING	2100	OFFICE	
L2W10	1200 x 1200	SLIDING WINDOW - CLEAR GLASS NEW WINDOW IN EXISTING OPENING	2100	OFFICE	
L2W11	2100 x 300	OPERABLE ALUMINIUM LOUVRES NEW WINDOW IN NEW WALL	2100	BED 1	
L2W12	2100 x 2700	FIXED GLAZING - CLEAR GLASS NEW WINDOW IN NEW WALL	2100	BED 1	
L2W13	2100 x 300	OPERABLE ALUMINIUM LOUVRES NEW WINDOW IN NEW WALL	2100	BED 1	
L2W14	900 x 900	SLIDING WINDOW MIRROR GLASS NEW WINDOW IN NEW WALL	2100	BED 1 - ENSUITE	
L2W15	900 x 850	FIXED GLASS MIRROR GLASS NEW WINDOW IN NEW WALL	2100	BED 1 - ENSUITE	
L2W16	2100 x 900	OPERABLE GLASS LOUVRES MIRROR GLASS NEW WINDOW IN EXISTING OPENING	2100	LIVING	
L2W17	2100 x 3300	FIXED GLAZING MIRROR GLASS NEW WINDOW IN EXISTING OPENING	2100	LIVING	
L2W18	2100 x 1500	FIXED GLAZING MIRROR GLASS SILICON JOINT NEW WINDOW IN EXISTING WALL	2100	LIVING	
L2W19	2100 x 900	FIXED GLAZING MIRROR GLASS SILICON JOINT NEW WINDOW IN EXISTING WALL	2100	LIVING	
L2D01	2100 x 4400	SLIDING DOOR - CLEAR GLASS NEW DOOR IN EXISTING OPENING	2100	LIVING	
L2D02	2100 x 820	EXTERNAL SWING DOOR CLEAR GLASS NEW DOOR IN EXISTING OPENING	2100	OFFICE	
L2D03	2100 x 1715	SLIDING DOOR - MIRROR GLASS NEW DOOR IN NEW WALL	2100	BED 1	

**NOTE:**  
BEDROOM WINDOWS TO COMPLY WITH REQUIREMENTS OF BUILDING CODE OF AUSTRALIA



**LEVEL 2 PLAN**  
1 : 100

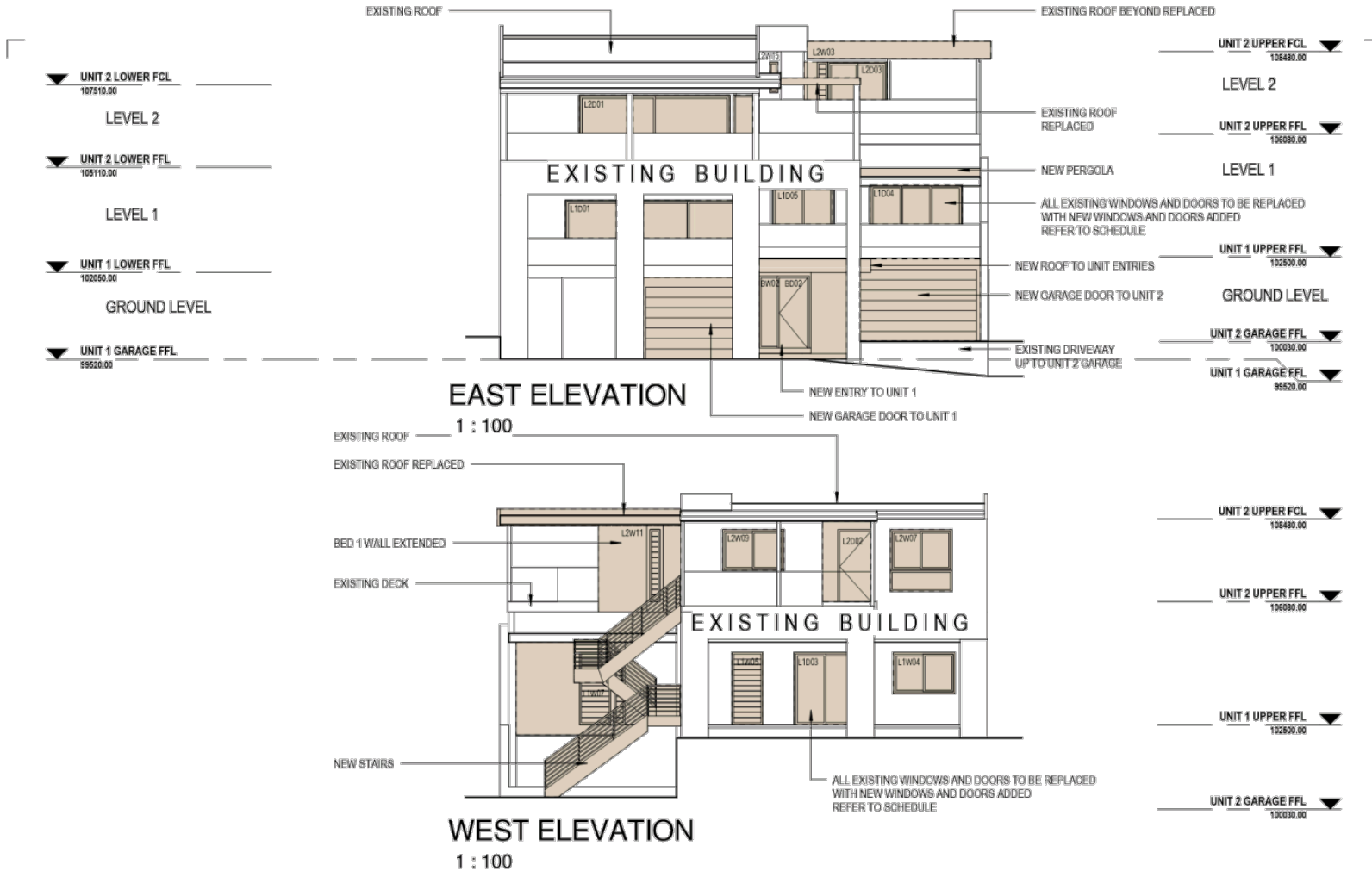
rev.	date	details	by
D	17.05.2021	REVISED ISSUE	
C	29.04.2021	REVISED ISSUE	
B	15.03.2021	REQUEST FOR INFORMATION	
A	20.12.2020	DEVELOPMENT APPLICATION	

**ALTERATIONS AND ADDITIONS PROPOSED**  
LEVEL 2 PLAN  
UNIT 1 & 2, 25 DRESS CIRCLE DRIVE  
LENNOX HEAD  
LOT 1 & 2 DP 47384

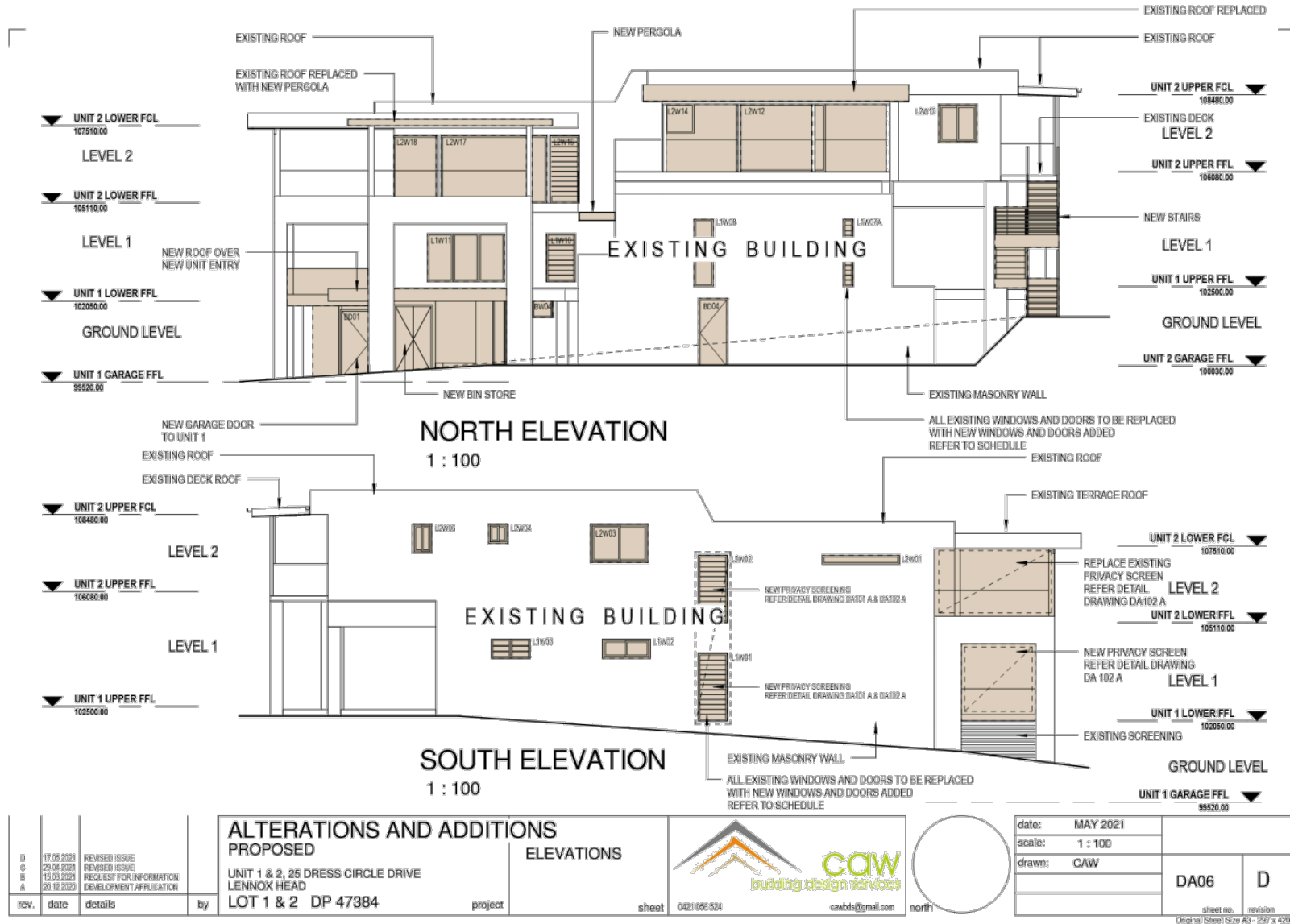
COW  
building design services

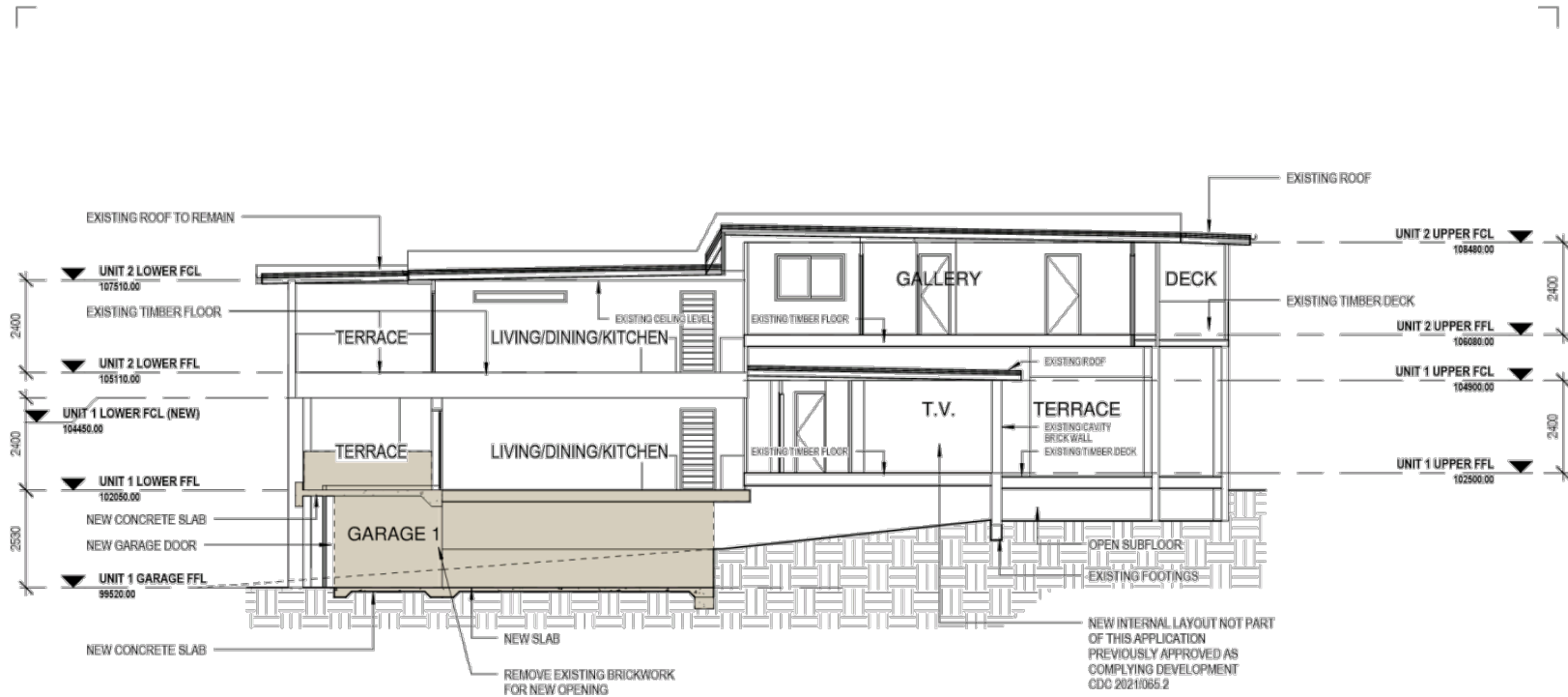


date:	MAY 2021
scale:	1 : 100
drawn:	CAW
sheet no.	DA04
revision	D



C B A	29.04.2021	REVISED ISSUE	by	project	sheet	date:	MAY 2021	sheet no.	revision	17/05/2021 8:59:56 AM
	15.03.2021	REQUEST FOR INFORMATION					scale:			
rev.	date	details				drawn:	CAW	Original Sheet Size A3 - 297 x 420mm		
<b>ALTERATIONS AND ADDITIONS PROPOSED</b> UNIT 1 & 2, 25 DRESS CIRCLE DRIVE LENNOX HEAD LOT 1 & 2 DP 47384					<b>ELEVATIONS</b>				north	

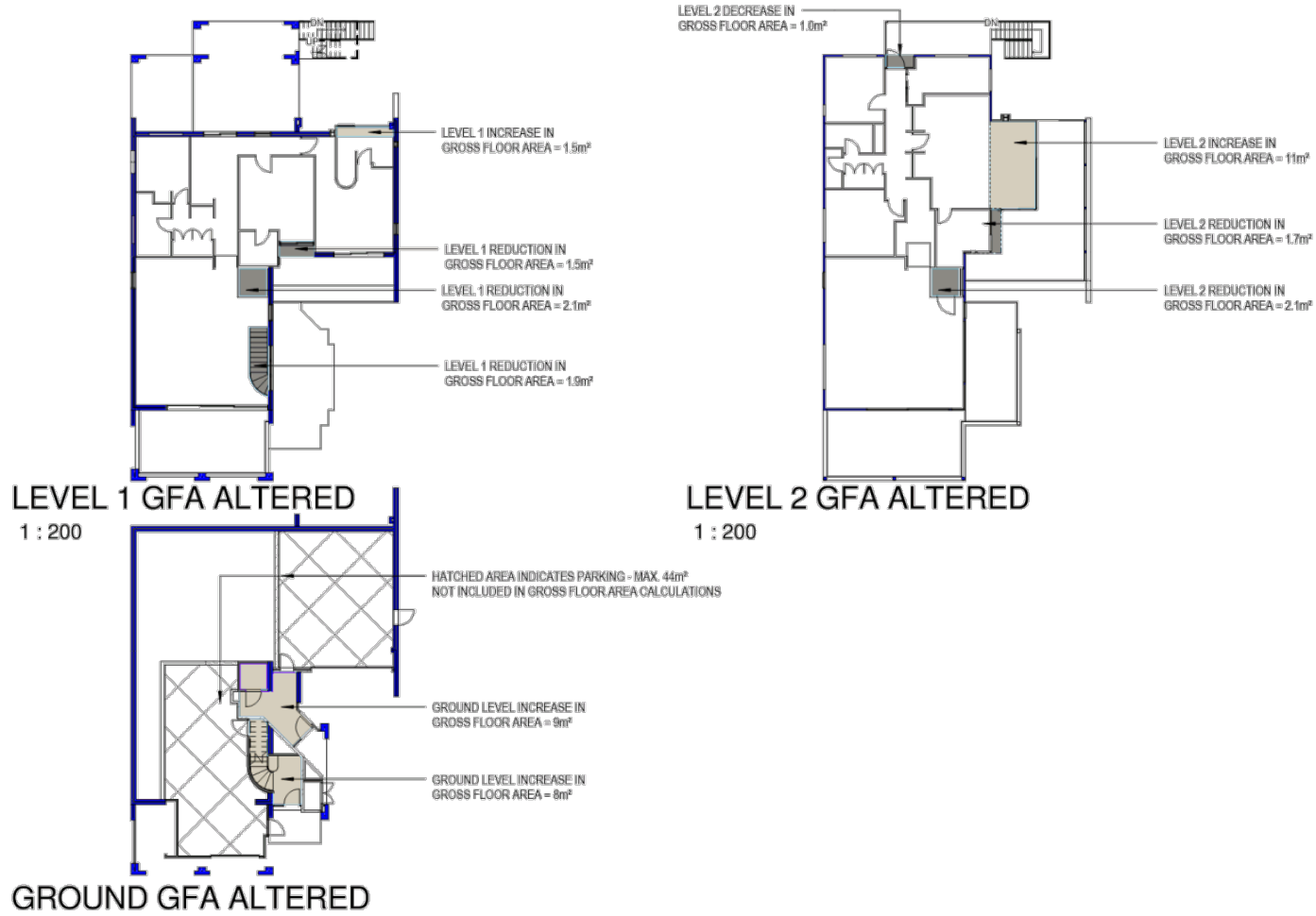




**SECTION 1**  
1 : 100

C B A	29.04.2021	REVISED ISSUE	by	project	sheet	date:	MAY 2021	sheet no.	revision	17/05/2021 8:05:06 AM
	15.03.2021	REQUEST FOR INFORMATION					scale:			
rev.	date	details				drawn:	CAW	Original Sheet Size A3 - 297 x 420mm		
<p><b>ALTERATIONS AND ADDITIONS PROPOSED</b></p> <p>UNIT 1 &amp; 2, 25 DRESS CIRCLE DRIVE LENNOX HEAD LOT 1 &amp; 2 DP 47384</p>				SECTION						

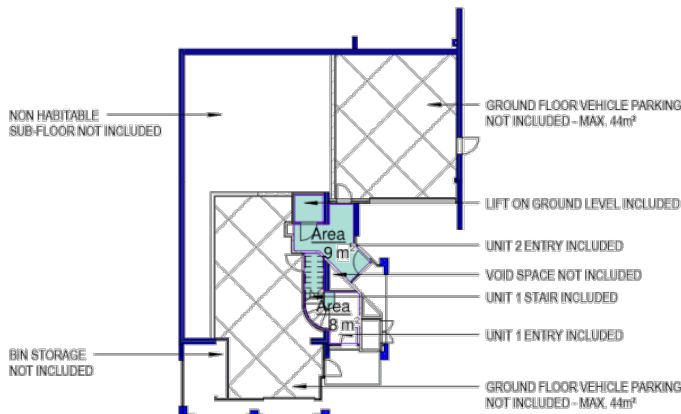
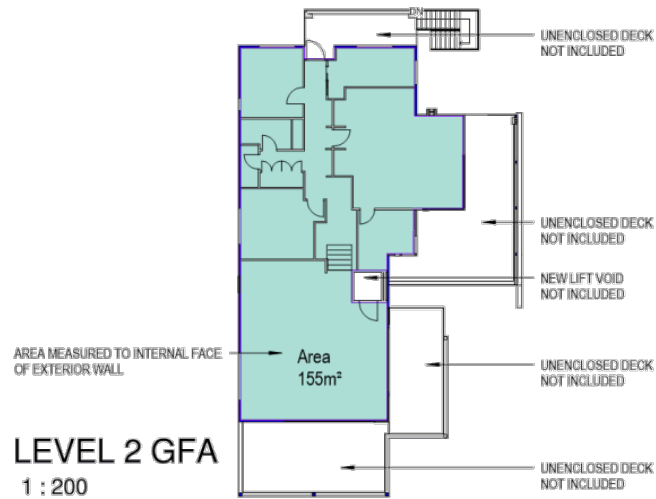
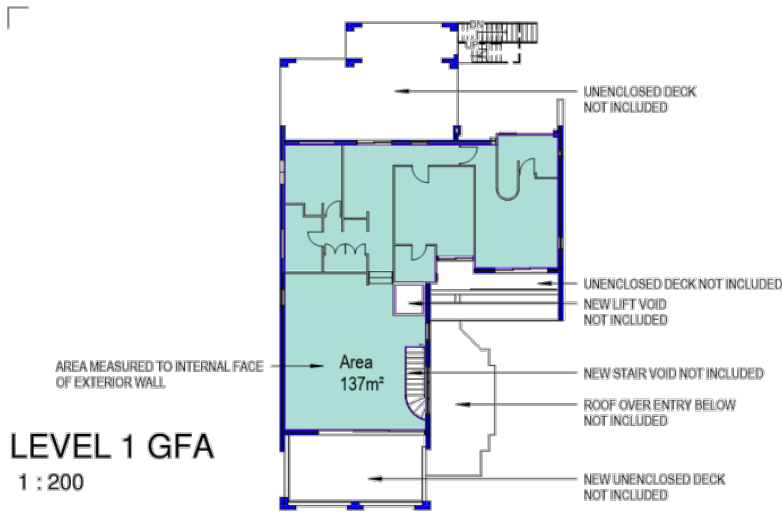




C B	29.04.2021	REVISED ISSUE	by	ALTERATIONS AND ADDITIONS PROPOSED	UNIT 1 & 2, 25 DRESS CIRCLE DRIVE LENNOX HEAD LOT 1 & 2 DP 47384	project	sheet	0421 055 524	 COW building design services cawbds@gmail.com	 north	date: MAY 2021	DA08	C
	15.03.2021	REQUEST FOR INFORMATION									scale: 1 : 200		
rev.	date	details											

Original Sheet Size A3 - 297 x 420mm  
17/05/2021 8:05:09 AM





GROSS FLOOR AREA CALCULATIONS	
SITE AREA	= 510m <sup>2</sup>
GROUND LEVEL	= 17m <sup>2</sup>
LEVEL 1	= 137m <sup>2</sup>
LEVEL 2	= 155m <sup>2</sup>
TOTAL GROSS FLOOR AREA	= 309m <sup>2</sup>
FLOOR SPACE RATIO	= 0.6:1

1 : 200	
C	29.04.2021
B	15.03.2021
rev.	date
details	by

**ALTERATIONS AND ADDITIONS PROPOSED**

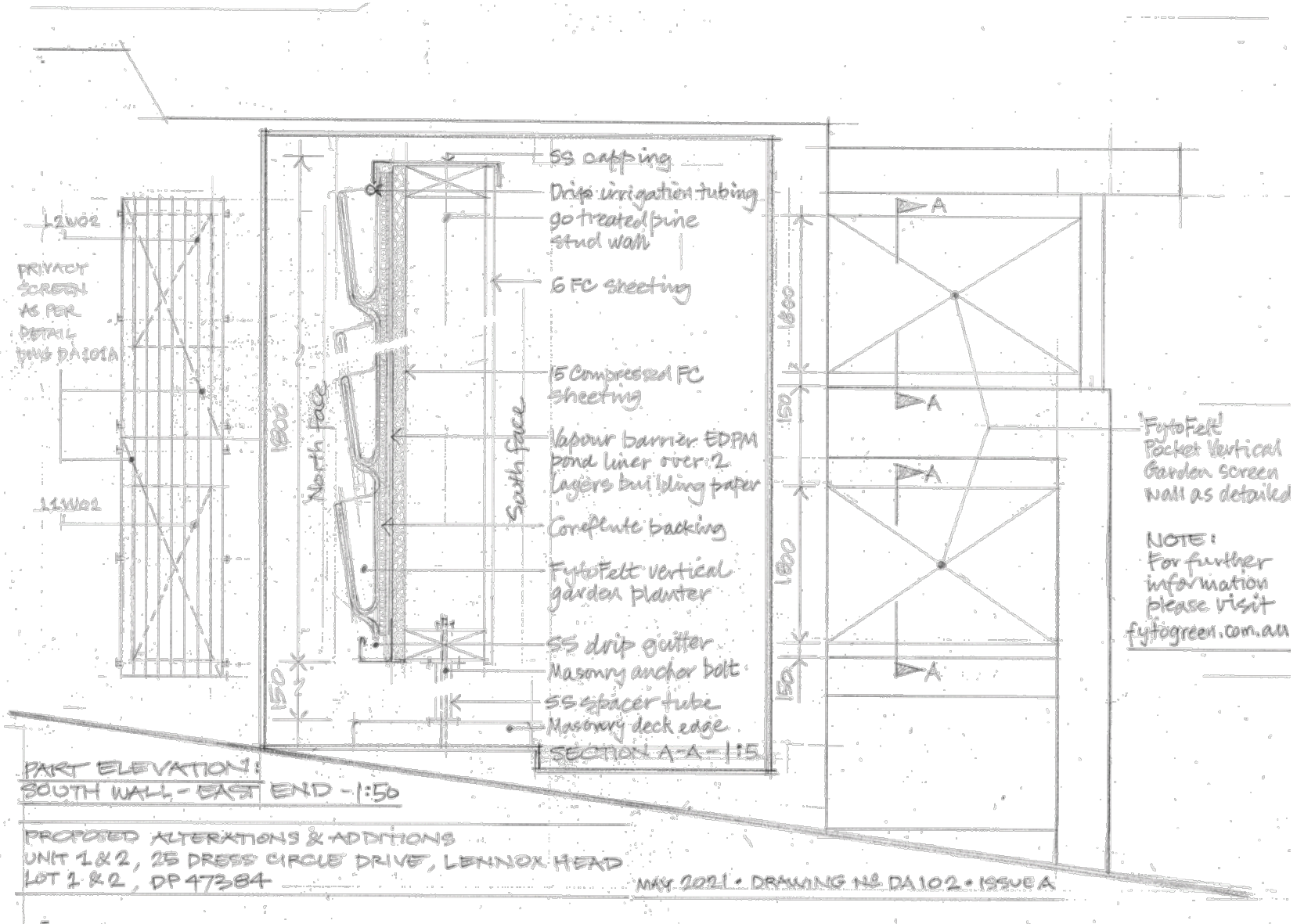
UNIT 1 & 2, 25 DRESS CIRCLE DRIVE  
LENNOX HEAD  
LOT 1 & 2 DP 47384

**GROSS FLOOR AREAS**



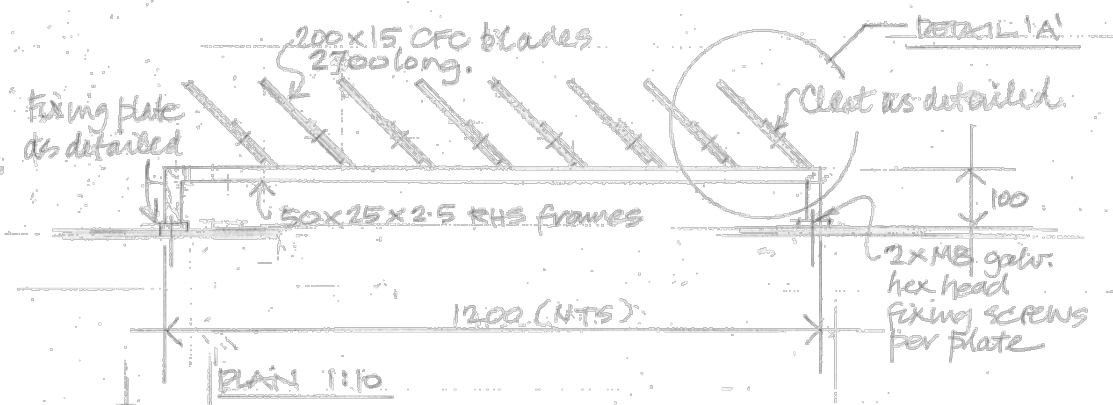
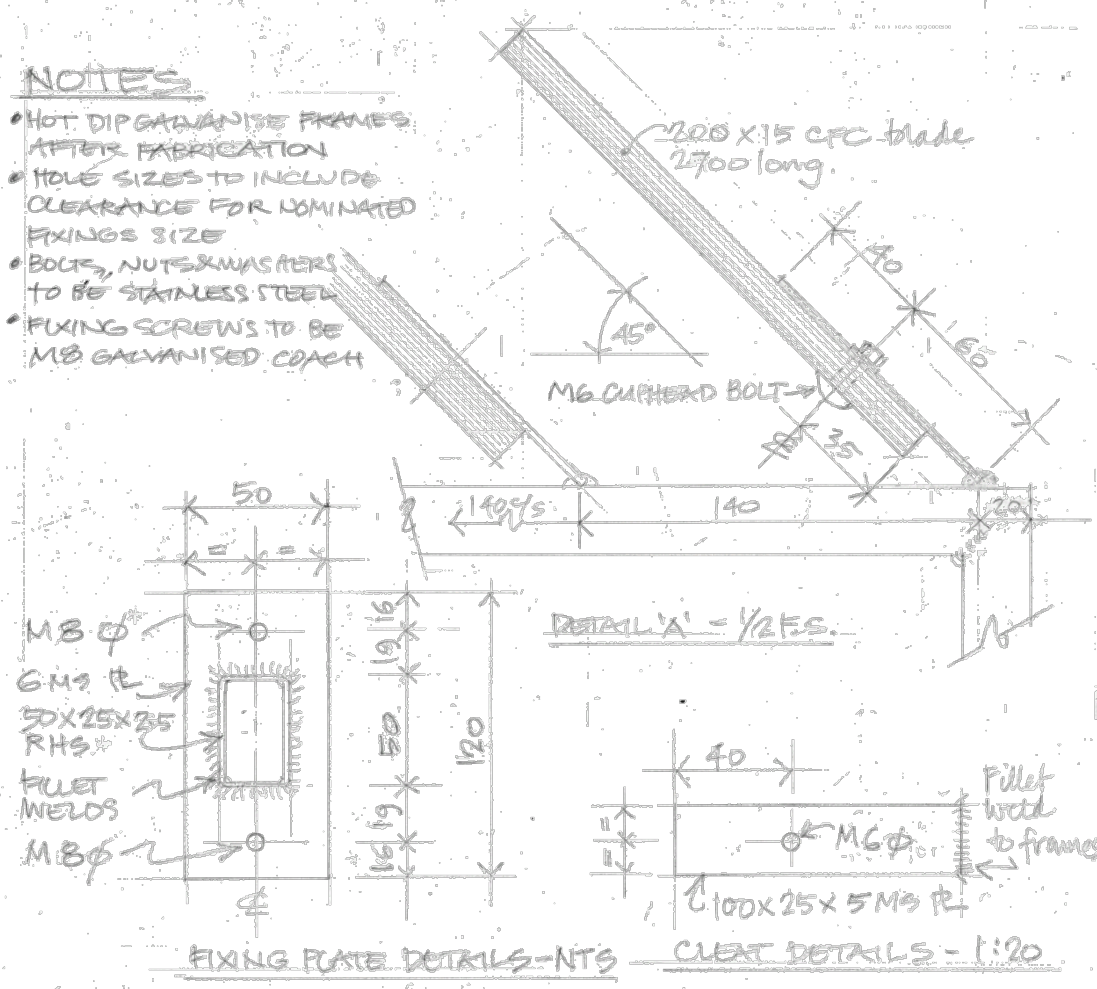
date:	MAY 2021
scale:	1 : 200
drawn:	CAW
sheet no.	DA09
revision	C

17/05/2021 8:09:11 AM



**NOTES**

- HOT DIP GALVANISE FRAMES AFTER FABRICATION
- HOLE SIZES TO INCLUDE CLEARANCE FOR NOMINATED FIXINGS SIZE
- BOLTS, NUTS & WASHERS TO BE STAINLESS STEEL
- FIXING SCREWS TO BE MB GALVANISED COACH



PROPOSED ALTERATIONS & ADDITIONS  
 UNIT 2, 25 DRESS CIRCLE DRIVE, LENNOX HEAD  
 REF 1 & 2, DP 47384  
 PRIVACY SCREENS TO WINDOWS LIWOIKLZNO2  
 SCALE AS NOTED • MAY 2021 • DRAWING NO DA10101 ISSUE A

To: **Murray & Jan Saul**  
25 Dress Circle Drive  
LENNOX HEAD. NSW 2478

Re: **Development Application No. 2020 / 878**  
for alterations & additions to Units 1 & 2, 25 Dress Circle Drive, Lennox Head, NSW. 2478

I / We Christine Ann McIntosh - Todd  
of  
Address: 6 Amelia Place  
Kureelpa  
QLD 4560

have no objections to the works as proposed in Development Application 2020/878 for Units 1 & 2, 25 Dress Circle Drive, Lennox Head.


Signed: Christine Ann Todd owner of 2/27  
Dress Circle Drive.  
& Date: 12-5-21

To: Murray & Jan Saul  
25 Dress Circle Drive  
LENNOX HEAD, NSW 2478

Re: Development Application No. 2020 / 878  
for alterations & additions to Units 1 & 2, 25 Dress Circle Drive, Lennox Head, NSW, 2478

I/We BEN & CLARE WALTON  
of  
Address: 23 DRESS CIRCLE DRIVE  
LENNOX HEAD.

have no objections to the works as proposed in Development Application 2020/878 for  
Units 1 & 2, 25 Dress Circle Drive, Lennox Head, NSW 2478

Signed:  Clare Walton  
& Date: 13/5/21





To: Murray & Jan Saul  
25 Dress Circle Drive  
LENNOX HEAD, NSW 2478

Re: Development Application No. 2020 / 878  
for alterations & additions to Units 1 & 2, 25 Dress Circle Drive, Lennox Head, NSW, 2478

We *JAMES DUDGON & MARGARET DUDGON*  
of  
Address: *24 DRESS CIRCLE DRIVE  
LENNOX HEAD NSW 2478*

have no objections to the works as proposed in Development Application 2020/878 for  
Units 1 & 2, 25 Dress Circle Drive, Lennox Head, NSW 2478

Signed:    
& Date: *12/5/2021*

To: **Murray & Jan Saul**  
25 Dress Circle Drive  
LENNOX HEAD, NSW 2478

Re: **Development Application No. 2020 / 878**  
for alterations & additions to Units 1 & 2, 25 Dress Circle Drive, Lennox Head, NSW, 2478

I/We DAVID BECK  
of  
Address: 20 DRESS CIRCLE DRIVE  
LENNOX HEAD 2478

have no objections to the works as proposed in Development Application 2020/878 for  
Units 1 & 2, 25 Dress Circle Drive, Lennox Head.

Signed:

& Date:

DBA  
5/5/2021



To: **Murray & Jan Saul**  
25 Dress Circle Drive  
LENNOX HEAD, NSW 2478

Re: **Development Application No. 2020 / 878**  
for alterations & additions to Units 1 & 2, 25 Dress Circle Drive, Lennox Head, NSW. 2478

I/We Jane Jenkins

of  
Address: 22 Dress Circle Dr

Lennox Head

have no objections to the works as proposed in Development Application 2020/878 for  
Units 1 & 2, 25 Dress Circle Drive, Lennox Head.

Signed: Jane Jenkins  
& Date: 1-5-21

**Joanne Kay**

---

**From:** Christine McIntosh <chrisatlennox@gmail.com>  
**Sent:** Friday, 14 May 2021 12:22 PM  
**To:** sth.pacific@outlook.com  
**Subject:** DA submission  
**Attachments:** 20210514\_121900.jpg; 20210514\_121900.jpg

I fully support your project and wish you well.  
Chris McIntosh-Todd

## Development Application Assessment Form

(Pursuant to s 4.14 and s.4.15 (1) of the EP & A Act 1979)



### Application Details

Development Application No.	2020/878
Property Description	Lot: 1 SP: 47384, 1 & 2 / 25 Dress Circle Drive LENNOX HEAD
Proposed Development	Alterations and additions to a Dual Occupancy building
Building Classification	2
Site Inspection Date	1 April 2021

### Assessment of the Application

The assessment officer responsible for the preparation of this report, (including recommendations/determination or advice to any person) has delegated authority to deal with this application has no pecuniary interest or conflict of interest to disclose in respect to the application.

Only those sections applicable to the application need to be completed. Where an item is not applicable the field may be left blank.

#### Type of Development

The development is **not Designated Development**  
The development is **not Integrated Development** and **no referrals** to any NSW State Government authority required

#### Land Ownership

The application is **not for development on Crown Land**  
The application is not for development on land owned by **Ballina Shire Council**

#### Existing Development

An attached dual occupancy

#### Section 4.14 Consultation and development consent—certain bush fire prone land

(cf previous s 79BA)

The property is not mapped as bushfire prone land

#### **SEPP 55—Remediation of Land**

- There are no likely contamination issues

#### **SEPP (BASIX) 2004**

- A BASIX Certificate has been provided.

#### **SEPP (Coastal Management) 2018**

##### **Division 4 Coastal use area**

The development is on land within the coastal use area, although it is not likely to cause an adverse impact on:

- safe access to and along any foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
- overshadowing, wind funnelling or loss of views from any public places to foreshores,
- the visual amenity and scenic qualities of the coast, including any coastal headlands,
- any Aboriginal cultural heritage, practices and places,
- any cultural and built environment heritage, and

The surrounding coastal and built environment, and the bulk, scale and size of the proposed development has been taken into account.

**SEPP (Mining, Petroleum Production and Extractive Industries) 2007**

The proposed development is not in the vicinity of an existing mine, petroleum production facility or extractive industry

**SEPP (Infrastructure) 2007**

The proposed development:

- does not involve penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,
- is not within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists)
- is not immediately adjacent to an electricity substation
- The proposed building may be within 5m of an exposed overhead electricity power line. However, there is not reduction in this distance by the proposed works.

**Local Environmental Plans (LEP)**

The land has the following zonings under the BLEP 2012:

- R3 Medium Density Residential

The proposed development as a dual occupancy is permissible within this zone.

Alterations and additions to the building are currently under way. This work which includes the raising of the floor level of Unit 1 to allow a garage to be provided below that unit has been approved under a Complying Development Certificate by a privately Registered Certifier. To satisfy the criteria for Complying Development the works approved by the Complying Development Certificate only includes the internal works, but does not include the provision of the new garage below the level 1 unit or the small extension of the existing garage to Unit 2.

All external works, including alterations to the windows, doors and external walls forms part of the works subject to this Development Application as well as the installation of a lift and alterations to the subfloor areas to create the additional parking and new terrace to the first floor of Unit 1.

The works is also for the removal of the extensive and prominent external stairs to the street front frontage, with access being provided to level 1 by a new internal stairway and to the upper level (level 2) by the new internal lift.

**Part 4 Principal development standards**

4.3 & 4.3A    **The height of the building** does not exceed the maximum allowable height

4.4 & 4.5    **The gross floor area exceeds the maximum floor space ratio**

4.6    A request to vary a development standard has been lodged and Council has assumed concurrence to determine the application. Refer to table below for details.

<b>BLEP 2012 - Clause 4.6</b>	
<b>Questions</b>	<b>Comments (Y/N, complies)</b>
Has the applicant submitted a written request to vary a development standard as part of the development application?	Yes
Identify when the written request was lodged (as part of lodgement of DA or during assessment process). Provide details of circumstance if written request was not submitted as part of the lodgement of the development application (i.e. was a non-compliance identified after lodgement, was the proposal modified after lodgement	Written request was lodged during the assessment process following FSR issue being raised with the applicant.  Following preliminary feedback from Council, some changes have been made to the design, primarily reducing the enclosed ground floor area to exclude those areas that

<p>resulting in a non-compliance?).</p>	<p>were outside of the definition of a basement and were not proposed as parking areas.</p>
<p>Have all the required matters listed as part of Clause 4.6 and as outlined within Council's written request form been satisfactorily answered by the applicant?</p>	<p>All matters have been addressed by the applicant. The level of non-compliance stated by the applicant is correct.</p>
<p><b>Assessment of requested variation</b></p>	
<p>a) What is the development standard being varied? (provide details of clause in BLEP 2012, including objectives of the development standard, numeric value and percentage variation)</p>	<p>Floor Space Ratio (FSR).</p> <p>4.4 Floor space ratio                  (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.                  (2A) Despite subclause (2), a dwelling house, a dual occupancy, a semi-detached dwelling or a secondary dwelling must not exceed a floor space ratio of 0.5:1.</p> <p>The proposal will result in a building with a FSR of 0.6:1. (i.e. 20% variation)</p> <p>The following points are noted in calculating the Gross Floor Area of the existing building and the building as proposed for this application.</p> <ul style="list-style-type: none"> <li>• EXISTING BUILDING                         <ul style="list-style-type: none"> <li>Ground floor                                  The sub-floor void is excluded as it does not contain a floor.</li> <li>The unclosed parking is excluded as it does not have enclosing walls.</li> <li>The existing ground floor garage is excluded as it is for required parking.</li> <li>Chapter 4 of the DCP requires 2 spaces per dwelling. At least 1 required car parking space must be covered.</li> <li>It is agreed that the GFA of the ground floor of the existing building is zero.</li> <li>Level 1                                  The GFA of level one of the existing building is 141m<sup>2</sup> as shown on sheet EDA6.</li> <li>Level 2                                  The GFA of level two (top floor) of the existing building is 149m<sup>2</sup>. as shown on sheet EDA6.</li> <li>FSR                                  Therefore it is agreed with the applicant that the FSR of the existing</li> </ul> </li> </ul>

	<p>building is <math>(141+149)/510 = 0.57:1</math></p> <ul style="list-style-type: none"> <li>PROPOSED BUILDING Ground floor The only area included as GFA are the entry foyer to each unit, the stairs to unit 1 and the lift.</li> </ul> <p>Some previously enclosed areas, including a motorbike parking area, have been deleted. Those areas as indicated on sheet DA09 as parking areas are permissible exclusions from the GFA calculation.</p> <p>Level 1 The GFA of level 1 is 137m<sup>2</sup> as shown on sheet DA09.</p> <p>Level 2 The GFA of level 2 is 155m<sup>2</sup> as shown on sheet DA09.</p> <p>FSR From the above the GFA is: Ground floor 17m<sup>2</sup> Level 1 137m<sup>2</sup> Level 2 155m<sup>2</sup></p> <p>Total 309m<sup>2</sup></p> <p>FSR <math>309/510 = 0.6:1</math></p> <p>This is a 5.2% increase in the GFA from the existing building and a 20% increase from the 0.5:1 development standard.</p>
<p>b) What is the underlying objective of this development standard?</p>	<p>(1) The objectives of this clause are as follows— (a) to ensure that buildings are compatible with the bulk, scale and character of the locality, (b) to minimise adverse impacts on existing or future amenity of adjoining properties and the scenic or landscape quality of the locality.</p>
<p>c) In accordance with clause 4.6 of BLEP 2012:</p>	
<p>Has the applicant's written request adequately addressed the matters required to be demonstrated by subclause (3) of Clause 4.6 (i.e. that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard)?</p>	<p>Yes. The applicants main points in support of the variation are:</p> <ul style="list-style-type: none"> <li>The completed dual occupancy will be compatible with the existing bulk, scale and character in the locality.</li> <li>The bulky structure currently accommodating stairs to Unit 1 and 2 will be removed and replaced with enclosed stairs.</li> <li>The proposal will not alter the existing height, building footprint, minimum</li> </ul>

	<p>building lines or setbacks.</p> <ul style="list-style-type: none"> <li>• The surrounding dwellings will not be impacted by altering existing views, overshadowing or adversely impact existing privacy.</li> <li>• The proposal includes a significant cosmetic renovation that will improve the existing streetscape.</li> <li>• The additional areas that increase the GFA are within the building footprint.</li> </ul> <p>While the increase to the GFA are within the footprint they do involve enclosing an area that is approved as an unenclosed carport. This area is currently screened with timber slats that adds an existing degree of bulk.</p> <p>An assessment of the street scape has been provided which also references three Development Applications and other buildings in Lennox Head that consist of 3 storey residential buildings.</p> <p>The street scape assessment does not indicate whether or not these Development Applications comply with the FSR and other relevant development standards. However, a review of the referenced Development Applications has revealed that these were all assessed as having a compliant FSR.</p> <p>It is acknowledged that there are many other three storey residential buildings in Lennox Head. However, three storey buildings are generally only acceptable when they meet the principal development standards and controls such as FSR, building lines, parking and having no adverse impacts in relation to views, shadowing and streetscape.</p> <p>Despite this, it agreed with the applicant that the proposal has no unreasonable adverse impacts on the existing and future amenity of adjoining properties and the landscape quality of the locality as a result of the proposed FSR variation. Following discussions with the applicant the building now also complies with the building line and parking provisions.</p>
--	--

<p>Will the proposed development be in the public interest because it is consistent with the objectives of the particular</p>	<p>Yes. Despite the building being an existing building and already above the current FSR, in this instance the main</p>
---	--



<p>standard and the objectives for development within the zone in which the development is proposed to be carried out,</p>	<p>exceedance of the GFA is by the existing building that was constructed prior to the current GFA limitations commencing. In addition, the proposed works will modernise and reduce the bulky effects of the external stairs. As such these improvements would be in the public interest of improving the streetscape provided there are no other adverse impacts on adjoining properties.</p>
<p>d) Will the cumulative effect of similar approvals undermine the objective of the development standard or the objectives of the zone?</p>	<p>No. Approval of this request is unlikely to lead to new buildings being constructed with an elevated floor level and then subsequently being amended to allow an additional storey. While such an approach is possible, and permissible, the main issue with this building is its other existing non-compliances with the building envelope and new buildings would not be permitted in this manner.</p>
<p>The Five Part Test (Note: only one of these tests needs to be satisfied)</p>	
<p>Are the objectives of the standard achieved notwithstanding non-compliance with the development standard?</p>	<p><b>Yes. It has been demonstrated that the building will be compatible with the bulk, scale and character of the locality,</b></p> <p><b>The proposal has no unreasonable adverse impacts on the existing and future amenity of adjoining properties and the landscape quality of the locality as a result of the variation.</b></p>
<p>Is the underlying objective or purpose of the development standard not relevant to the development and therefore compliance is unnecessary?</p>	<p>No. The objective to control bulk, scale and character of buildings to ensure they are compatible with other buildings in the locality is relevant. While this is not a new building, the extent of the overall alterations is significant and where the building is able to comply with the current standards it is not unreasonable for that to occur.</p> <p>However, the bulk and scale of the building to be increased in only a minor way as proposed will not adversely impact on existing and future amenity of adjoining properties and the landscape quality of the locality.</p> <p>The bulk and scale of the building in this instance is predominantly that of the existing building and not as a result of the additional 6% exceedance of the FSR..</p>
<p>Will the underlying object of the purpose be defeated or thwarted if compliance was required and therefore is compliance unreasonable?</p>	<p>No. If compliance with the 0.51 FSR standard was to be achieved by this development the objectives of the standard would still be valid.</p>

<p>Has the development standard been virtually abandoned or destroyed by Council's actions in granting consents departing from the development standard and therefore is compliance with the development standard unnecessary and unreasonable?</p>	<p>No. The FSR is, and has been, enforced by Council with variations only permitted on occasions where a variation is justified.</p> <p>However, in this instance the applicant has justified that a variation is warranted.</p>
<p>Is compliance with the development standard unreasonable or inappropriate due to the existing use of the land and current environmental character of the subject property (should this property have been included in the current zone)?</p>	<p>No. The FSR standard is suitable to this zone and the R3 zone is suitable for this locality.</p> <p>The FSR standard is also appropriate to be applied to alterations and additions. As noted above, subject to sufficient justification, the FSR is able to be varied as in this instance.</p>

Part 5 Miscellaneous provisions

- 5.4 The proposal is not for a Secondary dwelling, Bed & Breakfast, Home business or Home occupation
- 5.10 The development is not in the vicinity of, nor does it does not involve altering a **heritage item** as listed in Schedule 5 of the LEP or disturbing an **aboriginal place** of heritage significance

Part 7 Additional local provisions

- 7.1 The proposal is not located on land identified as acid sulfate soil on Council's mapping system
- 7.4 The development is not likely to impact on the drinking water storage in a **drinking water catchment**
- 7.5 The development will not penetrate the Limitation or Operations Surface for **airspace operations**
- 7.6 The development will not increase in the number of dwellings or people affected by **aircraft noise**
- 7.7 **Water, electricity, sewage disposal, stormwater drainage and vehicular access** are available

**Section 4.15 (1)(a)(ii) - The Provisions of any Draft Environmental Planning Instrument**

There are no draft EPI's in relation to the development

**Section 4.15(1)(a)(iii) – Ballina Shire's Development Control Plan (DCP) 2012**

Only those matters of relevance to the application need to be addressed.

The development complies with Council's Building Over Assets Policy.

Contributions are not applicable as there is no increase to the number of bedrooms.

Changes to the strata plan are not proposed.

No private covenant issues (S.88B)

- 3.2.2 There have been **no pre-lodgement meetings**
- 3.2.3 The assessment of the application has been put on hold under the **Stop the Clock** provisions of the Act to:

- Provide all plans documents relating to the Complying Development Certificate issued for the alterations to the building.
- Provide an itemised cost of works for the work forming part of this Development Application.

An amended Complying Development Certificate has been provided with a reduced scope of works and additional works has been included in the proposed works for the DA. A revised cost of works has also been submitted.

#### 3.2.4 & 3.2.5 Public **Notification**, Exhibition & Submissions

It is considered that the development will not create any unreasonable impacts on surrounding properties and therefore the application has **not been publicly notified**.

The applicant has provided submission in support of the proposal from the owner/occupier of 5 nearby properties.

#### 3.2.6 All applicable DA related fees have been paid

#### **Chapter 2- General and Environmental Considerations**

The development will comply with, or can be conditioned to comply with the following applicable provisions of this Chapter:

3.6 Mosquito Management – standard conditions to apply

3.7 Waste Management – standard conditions to apply

3.10 Sediment and Erosion Controls – standard conditions to apply

3.11 Provision of Services – existing services provided

3.19 Car Parking and Access- an existing driveway will be substantially retained. The new works will result in a reduced gradient to the upper section of the internal driveway to provide access to the new parking area for the level 1 unit.

#### **Chapter 2a - Vegetation**

##### 3.1 Urban Zones

The development does not involve the removal of any vegetation.

#### **Chapter 4- Residential & Tourist Development**

The development will comply with, or can be conditioned to comply with, the following applicable provisions of Section 3.1.3 of this Chapter:

Element A Building Height – no change to the height above existing ground level.

Element B Floor Space Ratios – Refer to variation request above

Element C Building Envelopes – there no increase to the footprint of the existing external walls.

Element D Articulation Zone - Nothing proposed in the articulation zone

Element E Building Lines – See comments under parking

Element F Development Fronting Laneways – not applicable

Element G Landscaping and Open Space – sufficient space is provided as existing

Element H Vehicular Access and Parking

In justifying the proposal the applicant refers to it being entirely consistent with the existing approved dual occupancy given the alterations and additions will not alter the

existing height, building footprint, minimum building lines or setbacks to Dress Circle Drive, as approved.

The proposed Garage 1 will now have a setback of 5.5m, being the minimum setback for a garage where the building line is less than 5.5m

This lot and others in this locality have a building line of 4.6m which the setback to the columns of the existing building.

The DCP controls for parking stipulate that each dwelling is to have two parking spaces, one of which has to be covered and behind the building line. The proposal complies with this control.

Element I Overlooking and Privacy

The western deck to level 2 is existing and is small in size and not directly accessed from a living area. As such its use would be limited to a small number of people for short periods of time and is more akin to a landing serving the stairs.

The existing northern deck to level 2 is being reduced in area by the enlargement of a bedroom. This deck is within 3m of the northern boundary, however the adjoining land in that location is the driveway of the adjoining lot and no other work is proposed to this deck other than replacement of the deteriorated members.

A new terrace is proposed to the eastern side of the Level 1 unit. A 1.8m high vertical garden is proposed as a privacy screen the end of this terrace that is adjacent to the southern side boundary.

A similar garden wall is proposed to the end of the existing level 2 eastern deck.

These eastern decks are adjacent to an access handle of Council owned land and the driveway of the adjoining lot. They are also forward of the dwelling on the adjoining lot. As such, occupants of this deck are unlikely to be looking rearward, away from the views, when it is in use.

A review of the files for the alterations and additions approved in 2003 has revealed that the previous owners of the adjoining property to the south had originally objected to a privacy screen being constructed on the level 2 eastern deck. This was due to their concerns of it affecting their north easterly views. However, during construction, these owners requested the screen be installed as their views were blocked by the building structure and they felt that the use of the deck would impact on the privacy to their balconies.

Therefore, it seems appropriate to have privacy screening to both of these eastern decks as well as the southern windows of the living areas as proposed.

The DCP requires that details of privacy screening are to be provided at Development Application stage Privacy screening to ensure any privacy screening measures are adequate. These details have now been provided.

Element J Solar Access

The modified building will maintain the existing sunlight provided to the existing adjacent dwellings and their areas of private open space.

The modified building will result in improved solar access to the living areas of the subject building.

Element K Element - Fences and Walls – none proposed

Element L Roof Pitch – no works proposed top the existing roof

Element M Adaptable Housing – Not applicable to dwellings

- Element N Minimum Lot Area – no subdivision proposed
- Element O Dwelling Density – Not applicable to dwellings or dual occupancies
- Element P Earthworks & Slope Sensitive Design Controls – standard conditions to apply
- Element Q Screening Underfloor Space of Buildings - Not applicable
- Element R Tourist Accommodation Length of Stay – Not applicable
- Element S Tourist Accommodation Building Design – Not applicable

**Section 4.15(1)(a)(iia) – any Planning Agreement**

There is no **planning agreement** that a developer has offered to enter into for the property.

**Section 4.15(1)(a)(iv) – the provisions of the Regulations**

The development involves demolition and conditions relating to asbestos removal and compliance with Australian Standard AS 2601 will be applied. Most of the demolition work is being done as part of the Complying Development Certificate works.

**Sections 4.15(1)(b) & (c) -The Likely Impacts of the Development and the Suitability of the Site for the Development**

There are no likely issues obtaining access or **fall to sewer and stormwater** junctions and discharge points.

There are no likely unreasonable impacts on other properties with **privacy, shadowing, noise, view loss, external lighting, surface water run off or glare.**

There are no likely impacts on adjoining Council owned **reserves** (including access onto reserves during or after construction).

**Section 4.15 (1)(d) – Consideration of submissions**

No submissions have been received.

**4.15(1)(e) – The Public Interest**

Where relevant, provide comment on any public interest issue including local, state and federal:

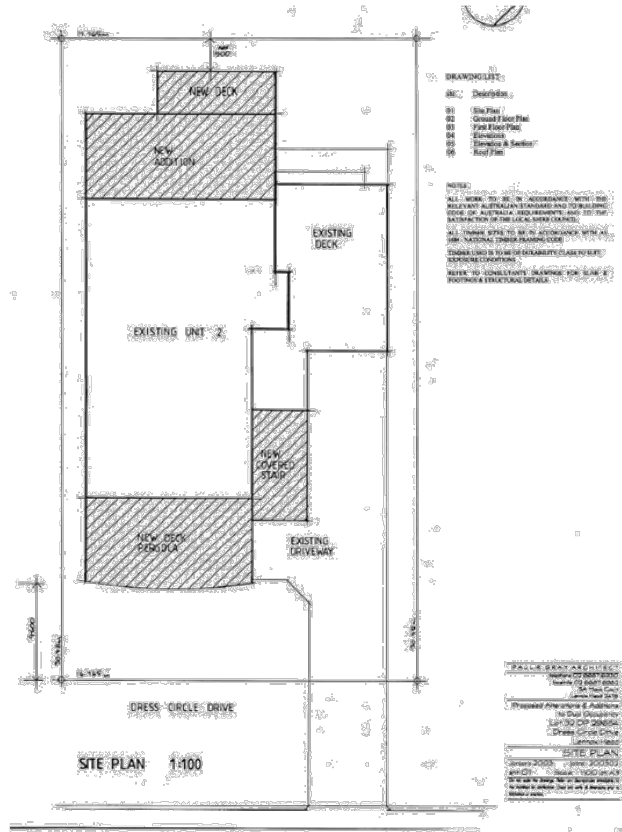
Approval of the proposal is in Public Interest.

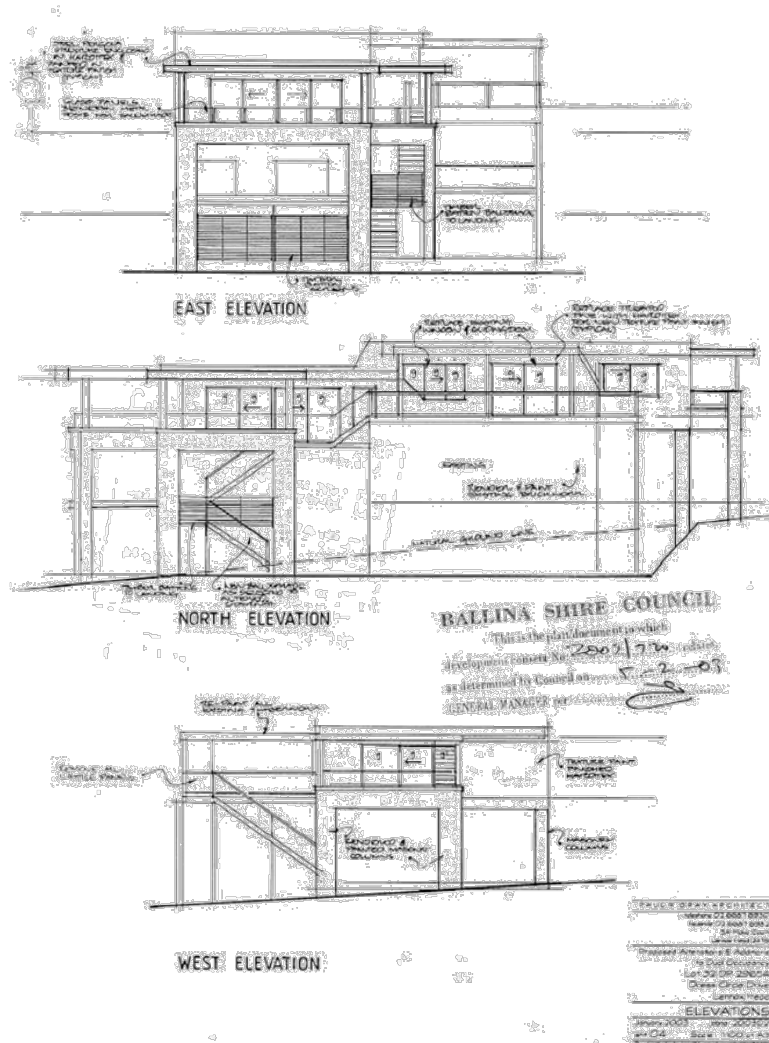
**Other Comments and Determination**

The history of the building is that it was approved as a predominantly single story dwelling with a garage underneath in 1979.

In 1993 a second story was added to change the use to be a dual occupancy. Part of this works also included the inclusion of a free standing carport at the front of the building and a deck without a roof to the upper floor unit. At some point following this approval, a roof has been added to the upper floor deck.

In 2003 alterations and additions were approved which included to include a new bedroom and deck at the rear of the building, new stairs and a new deck and pergola and carport structure at the front of the property. These are indicated in the plans below.





**Conclusion**

The applicant's main points in support of the variation are:

- The completed dual occupancy will be compatible with the existing bulk, scale and character in the locality.
- The bulky structure currently accommodating stairs to Unit 1 and 2 will be removed and replaced with enclosed stairs.
- The proposal will not alter the existing height, building footprint, minimum building lines or setbacks.
- The surrounding dwellings will not be impacted by altering existing views, overshadowing or adversely impact existing privacy.
- The proposal includes a significant cosmetic renovation that will improve the existing streetscape.



- The additional areas that increase the GFA are within the building footprint.

While the increase to the GFA are within the footprint they do involve enclosing an area that is approved as an unenclosed carport. This area is currently screened with timber slats that adds an existing degree of bulk and, as noted above, is forward of the building line. Determining whether compliance with the FSR development standard is unreasonable or unnecessary in this particular circumstance can be guided by five considerations arising from the Land and Environment Court (as summarised in *Wehbe v Pittwater Council 2007*).

These considerations in relation to the variation sought to the floor space ratio are addressed below.

1. The FSR development standard has not been abandoned or destroyed by Council's actions in granting consents in this locality in the past. Although the locality contains many three storey developments, dual occupancies and buildings that have building envelope encroachments, these are generally not supported where developments do not meet other principal development controls contained in the DCP such as overall height, building line, building envelopes and privacy.
2. The underlying objective or purpose of the FSR standard is to limit building density, and in conjunction with the building envelope and building line controls, limit bulk and scale and adverse impacts on adjoining properties and the street scape.

This is relevant to the development and therefore compliance should be achieved where it is practical to do so. The general bulk and scale of the existing building and any building envelope encroachments are set and unable to be easily reduced. There is no breach of building line control and compliant and improved parking is proposed over what currently exists. In addition, the overall bulk and scale will be reduced by the removal of the front stairs.

3. The underlying objective of the purpose of the FSR provisions will not be defeated or thwarted if compliance with the FSR were to be required, or if it were to be required for there to be no increase in FSR. However, due to the existing building already being well over the FSR, the minor increase in FSR is not seen as sufficient grounds on its own to warrant refusal. The exceedance of the FSR seems reasonable to permit a design that provides for the appearance of a less bulky building when viewed from the street and adjoining properties.
4. Requiring strict compliance with the FSR development standard is unreasonable in this instance due to the size and configuration of the existing building and the improvements being made to the overall scale of the building as a result of the proposed changes.
5. The objectives of the FSR development standard will be still achieved by the non-compliant design.

Section 4.15 of the Environmental Planning and Assessment Act 1979, sets out the heads of consideration in determining a development application. In determining this application, the following matters from Section 4.15 are of relevance.

- The provisions of any environmental planning instrument. The subject land is zoned R3 Medium Density Residential under the BLEP 2012. Dual Occupancies are permissible in this zone.

The proposal seeks a variation to the Floor Space ratio (FSR) numeric development standard of 0.5:1 set out in Clause 4.4 of the BLEP 2012. The existing building has a FSR of 0.57:1, or 14% variation. The proposed alterations and additions result in a FSR of 0.6:1 or a 20% variation and this variation is supported.

- The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

With a compliant building line, parking and privacy controls, the proposal will not have an adverse impact on the amenity of the streetscape, and existing and possible future developments.

- The suitability of the site for the development.

The site is located in a R3 Medium Density Zone which allows for dual occupancy development. Despite the FSR that is 20% over the prescribed development standard, it will not result in development in excess of the existing character of the site.

- The public interest.

Aside from the FSR variation and any building envelope encroachments of the existing building, the proposed works is consistent with the provision of the DCP and approval of the development is in the public interest.

#### **Options**

1. Refuse the application as submitted on the basis the proposal is over the BLEP development standard for FSR.
2. Approve the application as submitted with the standard conditions of consent for dual occupancy developments. This option is recommended for the reasons outlined in the report.

#### **RECOMMENDATIONS**

1. That the variation to the Floor Space Ratio development standard in Clause 4.4 of the BLEP 2012 be granted.
2. That DA 2020/878 for alterations and additions to a Dual Occupancy be APPROVED with the standard conditions of consent for a dual occupancy development

#### **STATEMENT OF REASONS FOR DECISION AND IMPOSITION OF CONDITIONS**

(NB: please copy and paste into consent notice)

1. The subject development is permissible with consent in the R3 Residential Medium Density zone of the Ballina Local Environmental Plan 2012.
2. The subject development has been assessed against the relevant considerations under the Environmental Planning and Assessment Act 1979, including the provisions of all relevant Environmental Planning Instruments, the objectives of the Ballina Local Environmental Plan 2012 and the objectives of the above zone. It has been determined that the site is suitable for the subject development and that the development is unlikely to have a significant adverse impact on the natural and built environments and is unlikely to have a significant adverse economic or social impact on the locality.
3. As part of the assessment of the development, a variation to development standard for Floor Space Ratio has been granted in accordance Clause 4.6 of the Ballina Local Environmental Plan 2012. The reason for the variation is the proposal has no unreasonable adverse impacts on the existing and future amenity of adjoining properties and the landscape quality of the locality as a result of the variation.
4. The application was not required to be placed on public exhibition in accordance with Environmental Planning and Assessment Act 1979 or Environmental Planning and Assessment Regulations 2000, an Environmental Planning Instrument or Local Exhibition Policy.
5. No public submissions were received.
6. The application has been determined by the elected Council.
7. Approval of the development is in the public interest.
8. The reasons for the conditions listed in this determination notice are:
  - To ensure compliance with the requirements of the Environmental Planning & Assessment Act, 1979;
  - To ensure compliance with the objectives of the Ballina Local Environmental Plan 2012;
  - To ensure an appropriate level of amenities and services is available;
  - To protect the existing and likely future amenity of the locality;

- To maintain, as far as practicable, the public interest;
- To ensure compliance with the Building Code of Australia and relevant Australian Standards;
- To ensure satisfactory compliance with relevant Council plans, codes and policies.

**CONDITIONS TO BE APPLIED**

The following conditions of consent are to be applied:

**Standard Category Consent from templates:**

New Dwelling/Attached Garage (including alterations and additions)

**Non Standard Conditions to be added: (See CM # 16/105238)**

1. Prior to issue of a Construction Certificate an Application for Approval under Section 68 of the Local Government Act 1993 is to be lodged with Council for the proposed plumbing and drainage works. The application is to include the Licensed Plumber's details and payment is to be made of the application, inspection and associated fees.
2. Prior to issue of a Construction Certificate, an application under Section 138 of the Roads Act, along with payment of the applicable fee, is to be lodged with Council and approved for the construction of the altered driveway crossing. Works are to be in accordance with The Northern Rivers Local Government Design and Construction Manual drawings R-05 and R-06.

**Admin please not variation to be recorded as below.**

**BLEP 2012**

**Exceptions to the Development Standards Summary**

4.6 Does the application require any <b>Exceptions to the Development Standards?</b> (If yes provide details below)	Yes
Category of Development	1. Residential - Alterations and Additions
Environmental Planning Instrument	Ballina Local Environmental Plan 2012
Zoning of land under the BLEP 2012	R3 Medium Density Residential
Development Standard to be varied	Floor Space Ratio
Justification of the variation	The proposal has no unreasonable adverse impacts on the existing and future amenity of adjoining properties and the landscape quality of the locality as a result of the variation.
Extent of the variation	20%
Concurring Authority	Ballina Shire Council
Date DA determined	

**Assessment Officer's Name: David Tyler**

**Date: 17 May 2021**



**Ardill Payne  
& PARTNERS**

ENGINEERS PLANNERS SURVEYORS ENVIRONMENTAL PROJECT MANAGEMENT

10669 - April 28 -DA cover letter -Section 55 Amendment and 4.6 Variation

**April 30, 2021**

The General Manager  
Ballina Shire Council  
PO Box 450  
**BALLINA NSW 2478**

**Attn: Planning and Environmental Health**

**Dear Sir/Madam**

**re: Development Application (DA) 2020/878 – SP 47834 - Units 1 and 2 Dress Circle Drive, Lennox Head. Alterations and Additions to an Existing Dual Occupancy**

Further to our correspondence of 18th March 2021 and David Tyler's correspondence by email dated 12 April 2021, APP provide the following advice in regard to the subject development application. As a consequence of Mr Tyler's email, our client has again amended the proposed development to alleviate concerns regarding the proposed alterations and additions to the existing dual occupancy.

These amendments are summarised as follows;

- Reduction in the basement/ ground floor area of the proposed development excluding all areas of basement/ground floor, with exception of nominated carparking of 44m<sup>2</sup> and enclosed stairs and lift, including removal of motorbike area.
  - Minor adjustment to the Gross Floor Areas at Level 2.
- Existing GFA
    - Level 1 – 141m<sup>2</sup>
    - Level 2 – 149m<sup>2</sup>
    - GF – 0m<sup>2</sup>
    - Total GFA - 290m<sup>2</sup>
    - **FSR - 0.57:1**
  - Proposed GFA
    - Level 1 -137m<sup>2</sup>
    - Level 2- 155m<sup>2</sup>
    - GF – 17m<sup>2</sup>
    - Total GFA -309m<sup>2</sup>
    - **FSR- 0.6:1**

**BALLINA**  
45 River Street  
PO Box 20  
BALLINA NSW 2478  
02 6686 3280

**ARDILLPAYNE.COM.AU**  
info@ardillpayne.com.au  
abn: 51 808 558 977

**GUNNEDAH**  
Germane House  
285 Conadilly Street  
GUNNEDAH NSW 2380  
02 6742 9955



The proposed works will result in an additional 19m<sup>2</sup> of Gross Floor Area (GFA). This additional GFA is primarily;

- the demolition of a bulky open stair structure at ground floor level and replacement with modern weatherproof enclosed stairs for the respective Units, inclusion of a lift within existing footprint (17m<sup>2</sup>)
- Minor addition to Level 2 GFA within existing footprint (6m<sup>2</sup>)
- Reduction of the GFA at Level 1 – (4m<sup>2</sup>)

These changes/modified plans are submitted in accordance with Clause 55 of the Environmental Planning and Assessment Act Regulations. The Clause 4.6 Variation, lodged on the 18<sup>th</sup> March 2021 has been amended to reflect these modified plans and now includes an **Appendix** for additional evidence/commentary in response to Council's concerns relating to the proposed FSR variation. This additional information includes photographic evidence of similar development in close proximity to the subject site.

Attached herewith is the following:

- An amended plan set
- An amended Clause 4.6 submission to vary a development standard including **Appendix A**

Should you have any questions in respect of this matter please contact me on 6686 3280 or [joannek@ardillpayne.com.au](mailto:joannek@ardillpayne.com.au).

Yours faithfully

A handwritten signature in black ink that reads "Joanne Kay".

**Joanne Kay**

**ARDILL PAYNE & PARTNERS**

s:\01\_jobs\10600-10699\10669 units 1 and 2 dress circle dr, lennox head\03 town planning\10669 - april 28 -da cover letter -section 55 amendment and 4.6 variation.docx

**BALLINA**  
45 River Street  
PO Box 20  
BALLINA NSW 2478  
02 6686 3280

**ARDILLPAYNE.COM.AU**  
info@ardillpayne.com.au  
abn: 51 808 558 977

**GUNNEDAH**  
Germane House  
285 Conadilly Street  
GUNNEDAH NSW 2380  
02 6742 9955

**Ardill Payne & Partners**  
**Written Request pursuant to cls. 4.6 to vary a Development Standard**  
**Floor Space Ratio**  
**DA2020/878**

Property: Units 1 and 2, SP 47834 No. 25 Dress Circle Drive, Lennox Head



*Extract: SIXMaps*

Development: To undertake alterations and additions to an existing dual occupancy.

This Written Request directly addresses the matters for consideration in clause 4.6 at paragraphs 1 to 13 and particularly paragraphs 10 to 13. It also provides additional information as follows:

- I. Information relevant to the development, the information consistent with those matters that are required to be addressed pursuant to the Department's "Varying Development Standards: A Guide" (paragraphs 14 to 17 of this Written Request).
- 1. What is the name of the environmental planning instrument that applies to the land?**  
Ballina Shire LEP 2012 (came into effect 4th February 2013).
- 2. What is the zoning of the land?**  
R3 – Medium Density residential Zone.

**3. What are the objectives of the zone?**

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide development that is compatible with the character and amenity of the surrounding neighbourhood.*
- *To encourage housing and infrastructure that supports the ageing population.*
- *To provide for development that meets the social and cultural needs of the community.*
- *To encourage development that achieves the efficient use of resources such as energy and water.*

**4. What is the development standard being varied? eg FSR, height, lot size**

Floor Space Ratio = 0.5:1 (Clause 4.4 – Floor Space Ratio Sub-Clause (2A))

**5. Under what circumstances is the development standard listed in the environmental planning instrument?**

The development standard is a numerical enabling standard, such that consent **may** be granted for the construction of a building subject to compliance with the maximum permitted floor space ratio being 0.5:1.

**6. What are the objectives of the development standard?**

The objectives of Clause 4.4 are:

- (a) to ensure that buildings are compatible with the bulk, scale and character of the locality,*
- (b) to minimise adverse impacts on existing or future amenity of adjoining properties and the scenic or landscape quality of the locality.*

**7. What is the numeric value of the development standard in the environmental planning instrument?**

Maximum permitted floor space ratio (FSR) is 0.5:1

**8. What is the proposed numeric value of the development standard in your development application?**



The existing building has a Gross Floor Area (GFA) of 290m<sup>2</sup> and a resulting FSR of 0.57:1. The alterations and additions will result in an additional 19m<sup>2</sup> of GFA (309m<sup>2</sup>) and a FSR of 0.6:1.

**9. What is the percentage variation (between your proposal and the environmental planning instrument)?**

The percentage variation is 21.1% of the development standard, however the alterations and additions are a 6.6% variation to the existing FSR variation of 13.7%.

**10. How is strict compliance with the development standard unreasonable or unnecessary in this particular case?**

It is considered that strict compliance with the maximum permitted FSR development standard required by Clause 4.4 of BLEP 2012 is unreasonable and unnecessary in the circumstances of the case because the objectives of the development standard are achieved notwithstanding non-compliance with the standard: (cls. 4.6(3)(a)); *Wehbe v Pittwater Council* at [42] and [43]. The "Objectives" of the standard are identified in paragraph 6 above. The reasons for stating that the objectives of the development standard are achieved are set out below.

10.1 The first Objective (1(a)) is, satisfied in that the floor space ratio of the proposed alterations and additions to the existing dual occupancy are entirely compatible with the existing bulk, scale and character in the locality.

This conclusion that the development is compatible with the locality is made for the following reasons;

An assessment of the development against the Land and Environment Court planning principles per *Veloshin v Randwick Council [2007] NSWLEC 428* regarding bulk and scale is attached as **Appendix A** to this Clause 4.6 Variation. This assessment provides extensive evidence why the development is compatible with the existing bulk scale and character in the locality.

Notwithstanding and complimentary to **Appendix A**, the proposed alterations and additions will improve the bulk and scale of the existing development for a number of reasons;

- The existing slatted undercover approved garage for the Level 1, Unit 1 will be altered with a single garage door and open void below the proposed terrace.
- The slatted area to the underside of the existing first floor currently approved as carparking and previously nominated as motorbike parking for Unit 1 will be removed and replaced with an open terrace with clear glass balustrade, effectively opening up this existing approved garage for improved streetscape amenity.

- The bulky structure currently accommodating stairs to Unit 1 and 2 will be removed and replaced with modern lightweight enclosed stairs for the respective units
  - The GFA for the garage of Unit 2 has been reduced to the nominated maximum of 44m<sup>2</sup>.
- 10.2 The proposal is entirely consistent with the existing approved dual occupancy given the alterations and additions will not alter the existing height, building footprint, minimum building lines or setbacks to Dress Circle Drive, as approved. (Please refer to **Appendix A** for additional supporting information)
- 10.3 The second Objective (1(b)) relates to streetscape, and the character of the area in which the building is located. Adjoining properties comprise a mix of single and dual occupancy residential developments primarily of 1, 2 and 3 storey construction. The proposed alterations and additions to the existing three storey dual occupancy will not have any adverse impacts on the existing or future amenity of any adjoining properties, nor the scenic or landscape quality of the locality. The surrounding dwellings will not be impacted as the alterations and additions will not alter existing views, overshadow or adversely impact the existing privacy of adjoining dwellings. (Please refer **Appendix A** for supporting evidence) The alterations and additions will include a significant cosmetic renovation to the dual occupancy improving the existing streetscape and character of this area of Lennox Head. The privacy of adjoining dwellings will not be impacted by the development having regard to the location of the existing and proposed decks and terraces relative to adjoining properties. These areas will either adjoin driveways or continue to be elevated above adjoining properties, preventing view lines into any adjoining windows or private open space.
- 10.4 With respect to the existing character of the area, it is characterised by 1 and 2 and 3 storey single and dual occupancy dwellings. The proposal is entirely consistent with the existing character, being an existing dual occupancy consisting of a ground floor/basement, first and second floor. (**Appendix A** provides extensive evidence of adjoining properties of 3 storey construction)
- 10.5 The proposed alterations and additions are to be undertaken to an existing approved dual occupancy constructed prior to the gazettal of the current BLEP 2012. The existing approved dual occupancy has a FSR of 0.57:1, exceeding the current maximum prescribed FSR of 0.5:1. The alterations and additions will result in an additional 19m<sup>2</sup> of gross floor area (GFA), resulting in a FSR of 0.6:1. This additional floor area will be limited to the following areas;

- The removal of existing bulky stairs and replacement with lightweight enclosed entry at ground floor level to enable the provision of all-weather access for the respective units (17m<sup>2</sup>)
  - An additional 6m<sup>2</sup> of floor area on Level 2 consisting of the partial infill of an existing eastern covered balcony.
  - The removal of GFA at Level 1 of 4m<sup>2</sup>
- 10.6 The dual occupancy exceeds the nominated FSR of 0.5:1, as existing. The elements of the building that will result in a further increase in the FSR, being a total of 19m<sup>2</sup> will not alter the existing bulk and scale, height, building lines or setbacks of the two Units. In fact it is considered, as evidenced within **Appendix A**, that the development will improve the existing bulk and scale of the development due to improved articulation of the front façade via a new open balcony rather than enclosed garage. This minor increase in Gross Floor Area (GFA) is within the existing building footprint. Adjoining properties will not be adversely impacted in anyway given the location of the additional GFA. The additional GFA will however provide significant improvements to the liveability and appearance of the building and both Units.
- 10.7 The elements of the building that exceed the FSR control will only be perceived in the manner articulated in the relevant architectural plans. The proposed entrance lobby, while now part of the FSR, will replace an existing bulky open stair. This alteration while increased the FSR will in fact improve the façade of the building. These elements and minor enclosure of the upper floor balcony are consistent with, and complement the streetscape. The dual occupancy will integrate with existing buildings to the north, south and east and will not dominate the existing streetscape, given the location of the proposed additional GFA relative to the street frontage.
- 10.8 The additional GFA will not alter any existing shadow cast from the property. The additional GFA will not adversely impact adjoining properties privacy from overlooking having regard to the retention of the existing building footprint and the existing northern side boundary setback being retained. The retention of the existing covered deck on the northern boundary, being elevated currently does not adversely impact any existing adjoining properties in regards to amenity or privacy. The status quo will be maintained in this regard. The new terrace on the eastern elevation for Unit 1 will adjoin an existing driveway on the southern boundary. This balcony can be screened to the side boundary and in no way will impact adjoining properties in regards to overlooking, overshadowing or privacy.

- 10.9 The proposed building is consistent with the bulk, height, scale, external appearance and built form with other recently constructed dual occupancy developments in the Lennox Head medium density precinct. (extensive evidence in support of this statement is provided within **Appendix A**) The development will involve a minor excavation forward of the new garage for Unit 1 however this will not alter the overall height of the development, due to natural ground levels and the existing approved roof being retained.
- 10.10 The proposed minor increase in the GFA will not alter the existing buildings impact on adjoining properties in regards to:
- i. visual impact;
  - ii. disruption of views;
  - iii. loss of privacy; and
  - iv. solar access to existing development
- 10.11 By way of general statement the proposed FSR variation will not result in any unreasonable amenity impacts for any neighbouring properties. This statement has been provided with extensive evidence within **Appendix A**.

The proposed building is in full compliance with the objectives of clause 4.4 of BLEP 2012. In the circumstances the consent authority would be satisfied that this written request adequately addresses the matter in cl 4.6(3)(a) by demonstrating that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

**11. Are the sufficient environmental planning grounds to justify contravening the development standard?**

It is considered that there are sufficient environmental planning grounds to justify contravening the development standard (cls. 4.6(3)(b)).

*"The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act"*

*(Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118 at [23]) (Initial Action).*

In *Initial Action* his Honour Chief Justice Preston identifies two ways in which the written request must be sufficient:

- the environmental planning grounds advanced in the written request must be sufficient "to justify contravening the development standard" and the focus must be on the contravention not the development as a whole; and

- the written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under cl 4.6(4)(a)(i) that the written request has adequately addressed this matter.

(Initial Action at [25])

This aspect of the written request commences with a consideration of the relevant Objects in section 1.3 of the *Environmental Planning and Assessment Act 1979*.

- 11.1 The minor FSR variation is located within the existing building footprint and will not alter existing approved building lines or setbacks.
- 11.2 The FSR variation is to improve the amenity, existing bulk and façade of both Unit 1 and 2 and will be incorporated into a major renovation of both Units to vastly improve the liveability, including accessibility of the development. The associated renovations that will occur in conjunction with this development will significantly improve the appearance of the building and therefore the existing streetscape. The alterations and additions will also increase carparking onsite within the existing footprint, reducing the demand for street parking.
- 11.3 Although there is an exceedance of the FSR, there is respect for and compliance with other controls and consistency with the Ballina LEP 2012 and DCP. The development observes and respects the requirements of planning law.
- 11.4 The EP&A Act and associated legislation permits and promotes development within parameters - but parameters that are (in the main) flexible in order to deliver better outcomes. In this respect, development standards "are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives" (*Wehbe v Pittwater Council* 156 LGERA 446 [2007] NSWLEC 827 at [43]). Development standards, including floor space ratio controls, are to be respected but can be varied when better design outcomes can be achieved without sacrificing amenity. This development is consistent with that environmental planning ground.
- 11.5 A consideration of the relevant "environmental planning grounds" also requires a consideration of the objectives for development in the R3 Medium density residential zone.
- 11.6 The Objectives are as follows:  
**Zone R3 Medium Density residential**  
*1 Objectives of zone*
- To provide for the housing needs of the community within a medium density residential environment.
  - To provide a variety of housing types within a medium density residential environment.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide development that is compatible with the character and amenity of the surrounding neighbourhood.*
- *To encourage housing and infrastructure that supports the ageing population.*
- *To provide for development that meets the social and cultural needs of the community.*
- *To encourage development that achieves the efficient use of resources such as energy and water*

- 11.7 The development is an approved dual occupancy that will continue to provide for the housing needs of the community within a medium density precinct.
- 11.8 The development is consistent with the various types of residential properties in the Lennox Head locality given the surrounding dwellings are a mix of single and dual occupancies of 1, 2 and 3 storey construction.
- 11.9 With respect to the fourth objective, and as previously noted, the alterations and additions are entirely consistent with the character of the surrounding neighbourhood. (please refer to **Appendix A**) The development will have no adverse impact on the existing amenity of the neighbourhood, rather will improve the existing streetscape, having regard to the extent and scale of the works to be undertaken within the existing aging development footprint.
- 11.10 The development supports the aging population due to the integration of a lift for Unit 2 on Level 2.
- 11.11 The development will meet the needs of the community through the renovation of an aging residential building for the benefit of the residents without compromising the surrounding locality.
- 11.12 The renovation of an existing dual occupancy development is a more efficient use of resources, comparative to demolition and redevelopment.

In the circumstances the consent authority would be satisfied that this written request adequately addresses the matter in cl 4.6(3)(b) by demonstrating that there are sufficient environmental planning grounds to justify contravening the development standard.

**12. Is the consent authority satisfied that this written request has adequately addressed the matters required to be demonstrated by subclause 4.6(3)?**

For the reasons set out in paragraphs 10 and 11 above, the consent authority would be satisfied that this written request has adequately address the matters required to demonstrated by subclause 4.6(3).

**13. Is the consent authority satisfied that 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?**

For the reasons set out in paragraph 10 above, the consent authority would be satisfied that this written request has adequately demonstrated that the proposed development is consistent with the objectives of the floor space ratio.

For the reasons set out in paragraph 11 above, the consent authority would be satisfied that this written request has adequately demonstrated that the proposed development is consistent with the objectives for development within the zone in which the development is proposed to be carried out.

**14. How would strict compliance hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act?**

Strict compliance with the standard would hinder the attainment of the Objects specified in Section 1.3 of the Act particularly:

**1.3 Objects of Act**

*The objects of this Act are as follows:*

...

(c) *to promote the orderly and economic use and development of land*

(g) *to promote good design and amenity of the built environment*

(h) *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants*

Otherwise the most relevant Objects of the Act have been specifically addressed above (paragraph 11).

**15. Is the development standard a performance based control?**

No the development standard is not a performance based control. It is a numerical based enabling development standard as defined in s.1.4 ("Definitions") of the *EP & A Act 1979* viz (**emphasis** added):

**development standards** means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of:

...

(b) *the proportion or percentage of the area of a site which a building or work may occupy*

...

**16. Would strict compliance with the standard, in your particular case, be unreasonable or unnecessary? Why?**

In addition to the matters identified in paragraph 10 above, this written request also notes that strict compliance with the standard having regard to the particular circumstances of the case is considered unreasonable and/or unnecessary due to the fact that:

- The proposed floor space ratio variation will not result in any unreasonable amenity impacts for any neighbouring properties.
- The proposed alterations and additions to the existing dual occupancy are consistent with the existing bulk, height, scale, external appearance and built form with the existing approved dual occupancy upon the site.
- The proposed alterations and additions to the existing dual occupancy are consistent with the existing bulk, height, scale, external appearance and built form with the surrounding residential development in the immediate vicinity and wider locality of Lennox Head.
- There will not be any resultant adverse impacts on the privacy or overshadowing of any adjoining property. The minor GFA increase will be integrated into an approved development and 'hidden' within the existing building footprint.
- The additional GFA is effectively hidden from view from the street on Level 2 and the low profile ground level entrance lobby will replace existing structures (stairs) that are currently not included within the FSR. The additional FSR will not be of a nature that would be evident or visible by any persons viewing the development from the street.
- The proposed FSR variation (to the existing approved development) is minor and will not be perceptible to the broader community in the local landscape or streetscape.
- The renovated building will provide a superior visual and streetscape outcome.
- The proposed building is in full compliance with the objectives of Clause 4.4 of BLEP 2014.

Extensive additional evidence has been provided within **Appendix A** to support all these statements.

**17. Are the sufficient environmental planning grounds to justify contravening the development standard? Give details.**

It is submitted that there are sufficient environmental planning grounds to justify contravening the floor space ratio development standard, with details of such being provided above.



It is submitted that the proposed development:

- is not contrary to the objects of the *EP & A Act 1979* (per Section 1.3)
- is not contrary to the aims of the BLEP 2012 (per Clause 1.2)
- is permitted with consent in and is consistent with the objectives of the R3 zone
- is not contrary to the objective of Clause 4.4 of the BLEP 2014
- is not contrary to the best public interest

Further, it is considered that there are sufficient environmental planning grounds to justify contravening the maximum permitted floor space ratio development standard for the following additional reasons:

- The proposed floor space ratio variation will not result in any unreasonable amenity impacts for any neighbouring properties.
- The proposed building is consistent with the bulk, height, scale, external appearance and built form with other existing recently dwellings and dual occupancies in this medium density residential precinct of Lennox Head.
- There will not be any resultant adverse impacts on the privacy or overshadowing of any adjoining property. The GFA addition will be integrated into an existing approved dual occupancy. These areas are effectively 'hidden' from view being within the existing footprint.
- The proposed FSR variation is minor (to that already approved/existing) and will not be perceptible to the broader community in the local landscape or streetscape.
- The alterations and additions to the building will provide a superior visual and streetscape outcome and are a more efficient use of scarce resources.
- The proposed building is in full compliance with the objectives of clause 4.4 of BLEP 2014.

The proposal is in full compliance with all development standards contained within BLEP 2012 (apart from clause 4.4). The proposal does not create any adverse impacts on surrounding properties or the streetscape which would suggest that there are sufficient environmental planning grounds to justify contravening the subject development standard. Appendix A provides extensive evidence in support of this variation and the statements made within)

**Appendix A**Additional Information in Support of a Clause 4.6 Variation to a Development Standard – FSR – 0.5:1 – 25 Dress Circle Drive Lennox Head - DA 2020/878 - Bulk and Scale of the Proposed Alterations and Additions

The assessment of bulk and scale of any development while subjective, can be assisted by examining the existing development and surrounding development versus the proposed alterations and additions, relative to current development controls applicable to the site and locality. The scale of the proposed development relative to surrounding approved residential development provides a significant narrative for determining if the development is consistent with the surrounding locality character or scale.

The definition of scale for the purposes of this assessment is provided as *the size, bulk and perception of a buildings and spaces. Bulk refers to the height, width and depth of a building in relation to other surrounding buildings, the street, setbacks and surrounding open space. For example, a large building set amongst other smaller buildings may seem 'out of scale'.*

Accordingly, the relevant design aspects of the development in regards these controls pursuant to the definition above are summarised below;

Element	Permissible	Existing	Proposed	Comment
<b>Height</b>	8.5m	8.3m (approx.)	8.3m (approx.)	Complies – <b>No change</b>
<b>Building Line to Dress Circle Drive</b>	4.6m Building 5.5m to garage for Unit 1	-4.6 Garage Unit 1 -16.6 Garage 2	-4.6m Unit 1 15.6m for Garage 2	<b>No change</b> to existing building line as approved noting change to Garage 2 will result in this garage being setback 15.6m from Dress Circle Drive.
<b>Side Boundary Setback</b>	900mm GF 1.5m first floor	1.25m sth 1.315m nth	1.25m sth 1.315 nth	<b>No change</b> to existing approved footprint to side boundaries
<b>Rear</b>	900mm	1.5m	1.5m	No change
<b>Building Depth</b>	N/A	24	24	No change
<b>Building Width</b>	N/A	14	14	No change
<b>Building Footprint</b>	N/A	287m <sup>2</sup> approx.	287m <sup>2</sup> approx.	No change

The development, as existing, and as approved by two previous historical development applications (1993/0276 and 2003/720) was deemed appropriate for the subject site. The proposed alterations and additions will not impact the overall height, width, depth, building lines or side boundary setbacks of the existing development. Given the development as existing was deemed appropriate for the subject site and the proposed alterations and additions will not alter the approved height, building lines, setbacks, depth, width and development footprint, the proposed development could only be considered to remain appropriate for the site and locality in regards to bulk and scale.

Council feedback indicates that in their opinion, the development is not compatible with other buildings in the street and the variation is unreasonable and significant.

The proposed alterations are significant only in the fact that they improve the functionality, planning and amenity of the building whilst intentionally reducing the clutter of building elements currently existing to provide the building with a more open appearance with cleaner lines. These cleaner lines include:

- The removal of vast extent of stairs,
- Removal of an extensive amount of visually heavy slatted timber screens (Eastern & Northern sides),
- Removal of redundant brick piers
- Removal of large window hood to Northern elevation,
- Removal of sheeted roof & provision of open pergola structure to Unit 2 Northern deck above proposed entry areas.

These elements are some of the features of the proposed alterations and additions that will visually reduce the perception of bulk & clutter. The removal of all of these building elements have been intentionally proposed to enhance the visual appearance and reduce the existing bulky appearance of the building.

The scale or surrounding character of residential development within the locality is also considered a determining aspect for support of the subject development. It has been suggested by Council that the development is not appropriate in bulk and scale due to the development consisting of 3 storeys comprising ground floor carparking, Unit 1 on the First floor and Unit 2 on the second floor. This statement has been made despite the development as existing comprising of this number of floors.

Notwithstanding, a brief review of residential development in the immediate locality, including Dress Circle Drive and Allens Parade demonstrates that Council has approved multiple dual occupancy developments consisting of three levels. Examples of these dwellings and addresses and DA number are provided below.

14 Allens Parade - DA2018/160 – 3 storeys



13A Dress Circle Drive – DA2013/298 – 3 storeys



21 Dress Circle Drive (SP94158) DA2013/474 – front      21 Dress Circle Drive – rear (SP75431)



These properties depicted above are examples of 3 storey dwelling and 3 storey strata units.

Other examples of 3 storey dwellings including strata units in the vicinity are provided below:



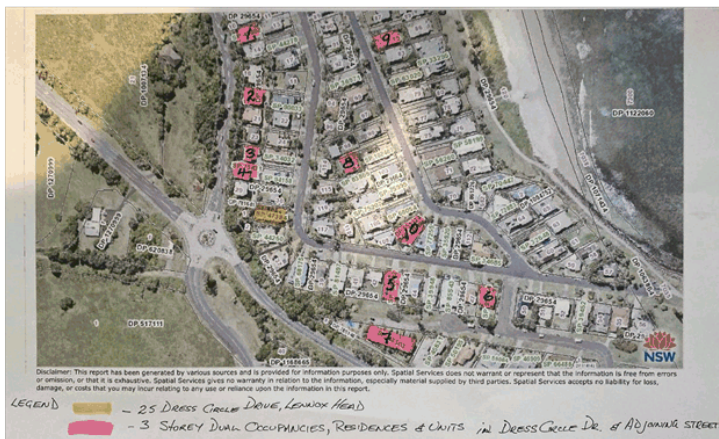
5 Dress Circle Drive 3 storey strata units (SP49862)

19 Dress Circle Drive



41 Dress Circle Drive – 3 storey strata units (SP90042)

To provide additional support for the proposed alterations and additions, the landowner has provided a map of similar developments in the immediate vicinity, demonstrating that the development both as existing and as proposed is completely consistent with the scale and character of this locality within the village of Lennox Head, given the number of comparable developments approved in the immediate locality.





**Adverse Privacy Impacts on adjoining Properties**

Feedback from Council has indicated that the decking on level 1, being less than 3m from the side boundary will provide an additional living area, and as such will add to the bulk and scale of the building. This is not correct. The terrace will improve the existing bulk and scale of the building by the removal of the enclosed slatted garage area with an open modern terrace with clear glass balustrading.

While the terrace will be within 3m of the southern side boundary, due to the existing building footprint, the terrace will not impact adjoining property owners privacy, given the terrace adjoins a driveway for an existing dual occupancy upon a large lot (aerial below). A privacy screen can be added to this southern elevation however any adverse privacy impacts are considered negligible.



Extract; SIXMaps

Council has disagreed that the FSR variation will improve the amenity of both units due to a CDC application being approved separately for the subject site. This is not considered a valid reason for rejecting a development application and variation to a development control. The 4.6 variation must be considered on its merits, in isolation of any separate approvals.

The additional works under the DA are required to provide:

- All weather access to each of these units, where currently there is none
- Clearly defined and attractive entry points to the respective units, where currently there is none;
- Covered car parking for 2 vehicles for each of the respective units (and reduce the number of vehicles that already park in the street). Currently, for 2 Units there is undercover parking for 2 vehicles. One of those spaces (Carport, due to angle of approach is nigh impossible to get anything but a very small possible vehicle into)
- Improved planning and functionality of the space to provide enhanced amenity to the owners
- Vastly improved visual street appeal that enhances the amenity of the street & adjoining owners

**Public Notification**

Council has indicated that the development does not minimise adverse impacts on the existing and future amenity of adjoining properties.

This is simply not correct. The extensive works proposed in conjunction with this proposal will significantly enhance the existing and future amenity of the adjoining properties and the landscape quality of the locality by providing a modern renovation to a visually unappealing, degraded and poorly planned building with inadequate parking.

The negative assessment has failed to mention that no objections have been received from any adjoining owners within the locality to the proposed development, despite the apparent significant change in bulk and scale and adverse amenity impacts. The landowner has the complete support of all adjoining owners, who recognise that the development will only have a positive impact on the streetscape. This positive contribution to the streetscape will not compromise any existing privacy levels of adjoining property owners. Accordingly, adjoining owners would support the variation to the proposed development without further delay to ensure these works can commence as soon as possible.

Further this adjoining landowner support contradicts staff opinion that the development is not in the public interest. Given the lack of public objection to the development, approval of the proposed development would be completely consistent with the public interest to enable the proposed works to proceed.