

EXCEPTIONS TO DEVELOPMENT STANDARDS STATEMENT

FOR

PROPOSED ALTERATIONS AND ADDITIONS

AT

**3 BUTTERFIELD STREET,
THORNLEIGH NSW 2120**

LOT 1 DP 539226

PREPARED FOR:

MR & MRS BOUTSIKAKIS

HORNSBY SHIRE COUNCIL

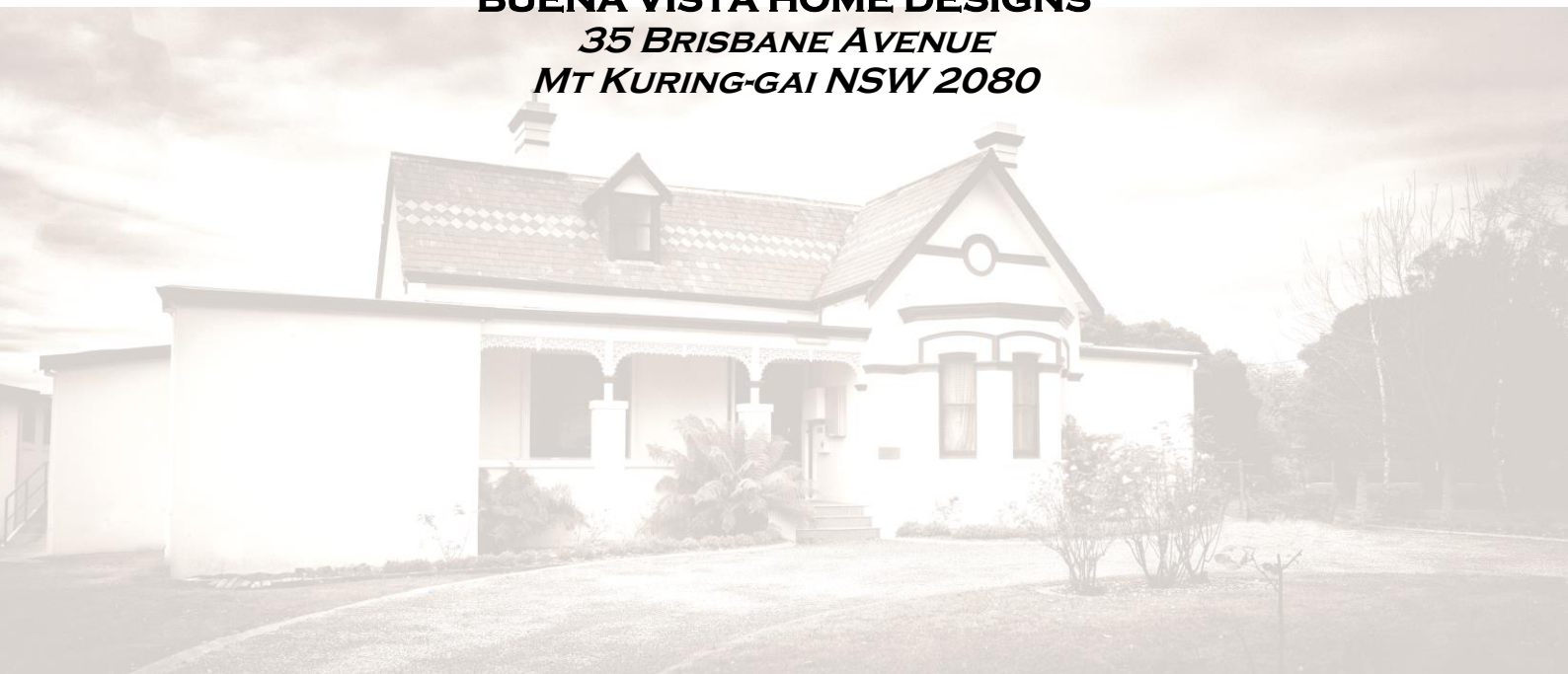
4TH NOVEMBER 2022

BY

BUENA VISTA HOME DESIGNS

35 BRISBANE AVENUE

MT KURING-GAI NSW 2080



Clause 4.6 – Exceptions to Development Standards –Height of Buildings

The proposed first floor addition development results in small portion of the addition breaching the Council's 8.5m maximum building height. This breach occurs at the South Western corner of the proposed addition, when measured directly from the existing sub-floor level.

The submitted drawing number DA-09 (*Building Height Sections*), details the extent of the proposed area that breaches the Council's maximum building height.

The non-compliance in building height is depicted on Drawing *Section C-C*, which indicates the highest maximum proposed height at 9.56m, which is a height increase of 12.47%.

4.6 Exceptions to Development Standards

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

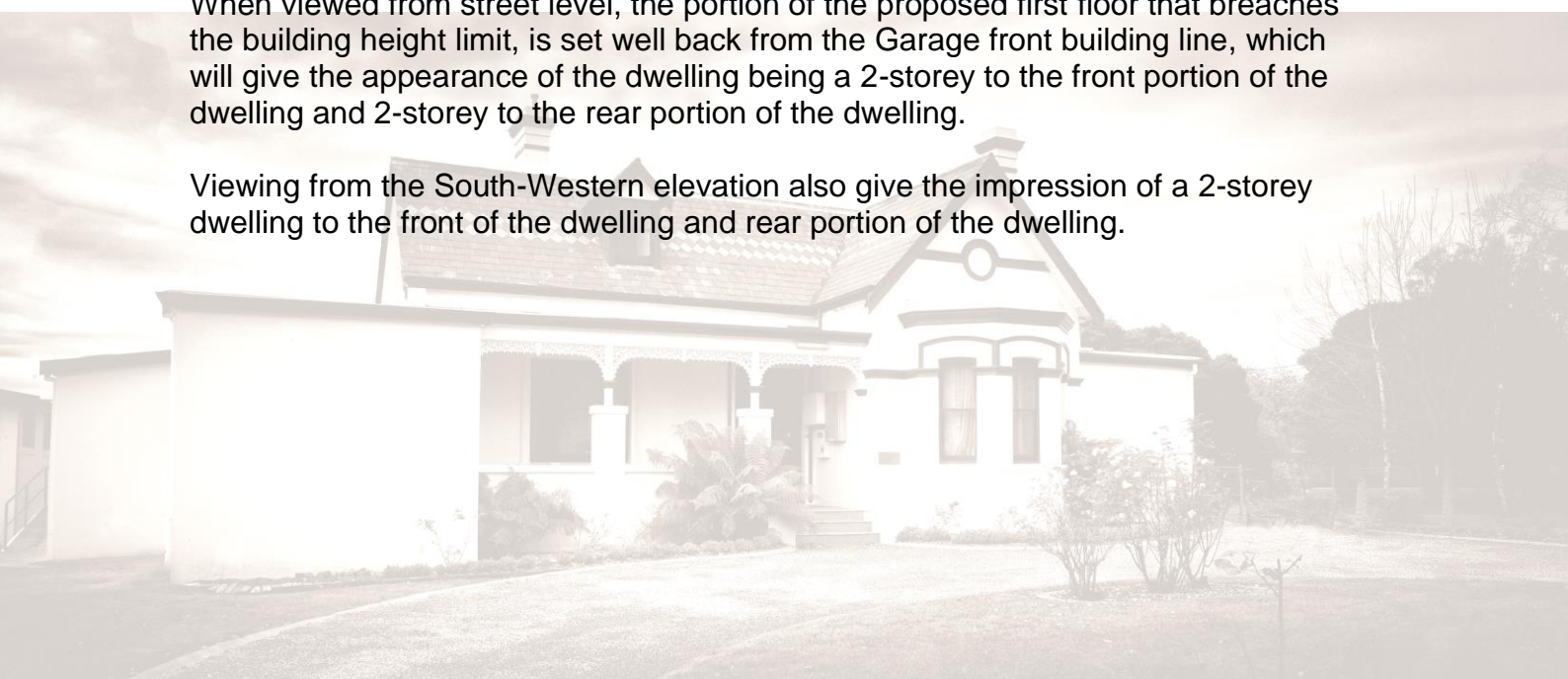
- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

In this instance, the portion of the proposed first floor addition that exceeds the Council's maximum building height, will not appear to be overbearing when viewed from the street level, due to the large setback between the front street boundary and the proposed first floor addition.

In addition, the proposed first floor addition has been designed to sit well back from the ground floor front building line, resulting in a large portion of the proposed first-floor externals to be integrated into the existing ground floor roof area, minimising the bulk of the proposed structure when viewed from the street.

When viewed from street level, the portion of the proposed first floor that breaches the building height limit, is set well back from the Garage front building line, which will give the appearance of the dwelling being a 2-storey to the front portion of the dwelling and 2-storey to the rear portion of the dwelling.

Viewing from the South-Western elevation also give the impression of a 2-storey dwelling to the front of the dwelling and rear portion of the dwelling.



As demonstrated above, the proposed variation will be consistent with the objectives of this Clause.

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

The proposed variation is consistent with the objectives of this clause.

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

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

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

It has been demonstrated that the proposed first floor addition (South-Western corner) exceeds the Council's maximum building height, largely due to the existing excavated portion of the subfloor area which created this non-compliance issue.

The proposed first floor addition is designed to provide the growing family a functional space with the intent to minimise the overall impacts to the streetscaped by containing bottom portion of the addition within the existing roof space, together with the step back from the front building to create an appearance of the dwelling being a 2 storey.

The extent of the non-compliance is minor and will have very little to none negative impact on the character of the streetscaped and will fit into the existing surrounding development in the street. The dwelling structures at No. 7 and 9 Butterfield are both built substantially closer to the front boundary than the existing dwelling structure at No.5 Butterfield and these other two structures are 2 and 3 storeys at the front building lines – exhibiting large bulk and scape to the streetscape.

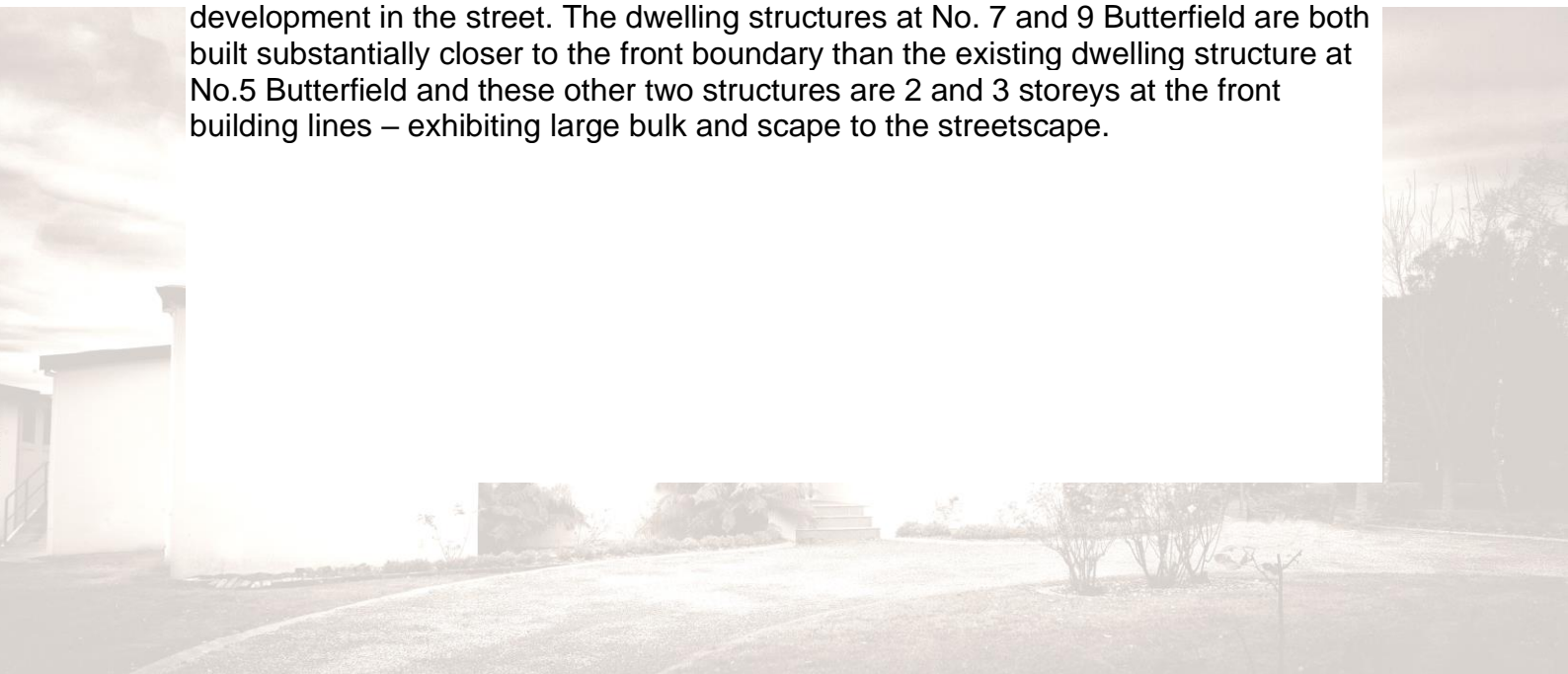




Plate 1 – Street view of No. 9 Butterfield – 3 Storeys

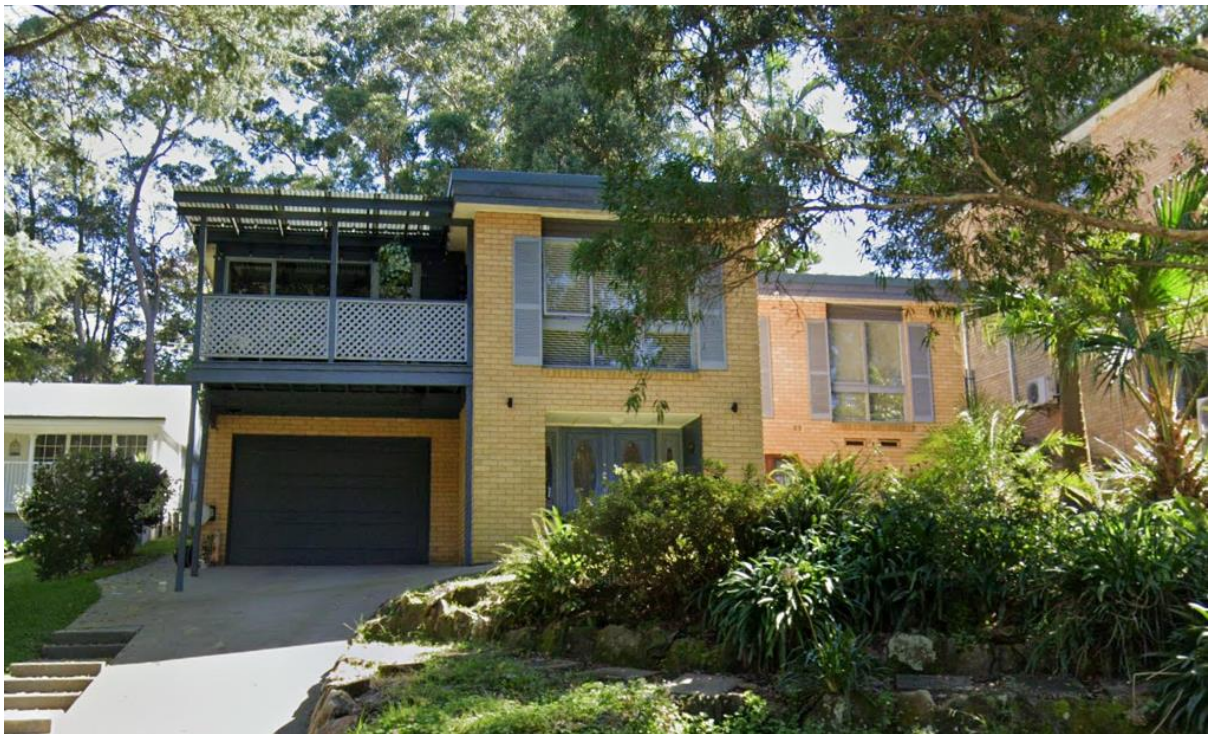


Plate 2 – Street view of No. 7 Butterfield – 2 Storeys

The proposed first floor addition will be the optimal development approach for this site, due to the topography and ecological constraints of the existing site.

The option of a ground floor addition would be difficult to construct, as there is no access to the rear of the property for heavy machinery to carry out major excavation works to achieve a level building platform.

The excavated platform would require retaining walls and would impact ecologically endangered trees (*Blackbutt Gully Forest*) located in the rear of the property, thus hindering a ground floor addition.

The other issue with major excavation and retaining walls, would be controlling the overland and subsoil water flow from No. 5 Butterfield and rear properties to the West (being on the higher sides). This would need substantial drainage works to control this issue and with the location may have health issues down the road for the owners of the subject property.

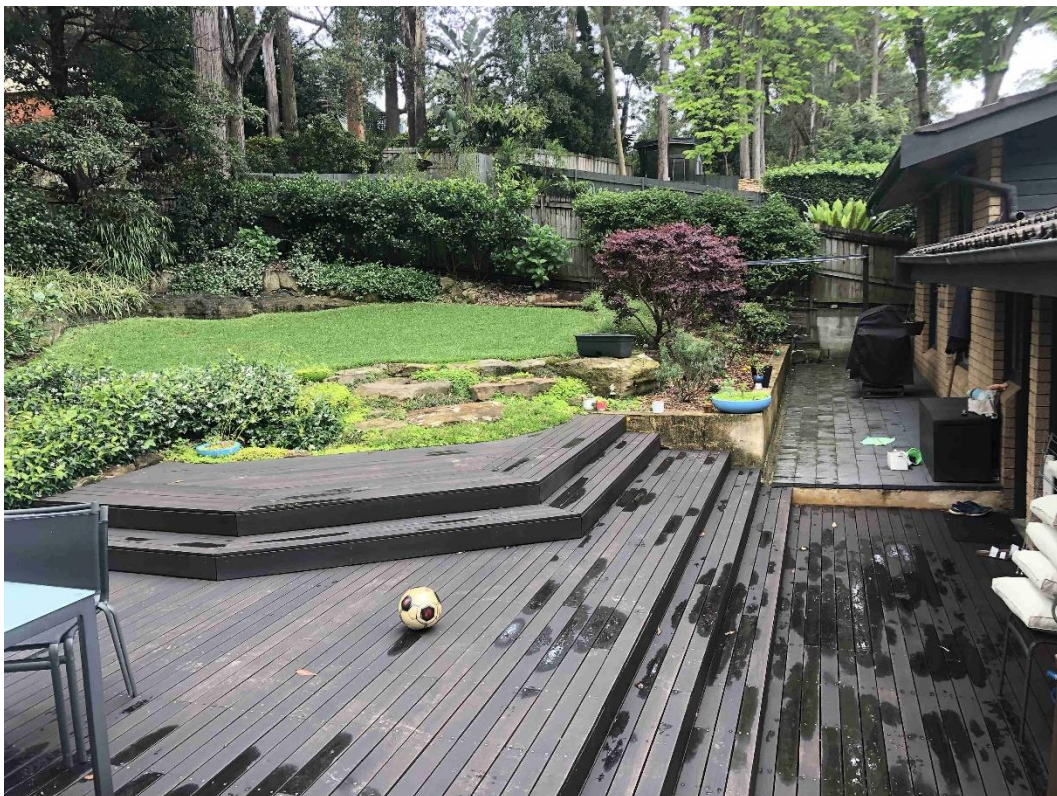


Plate 3 – View across the rear Private Open Space

The property to the North of the subject property (No. 5 Butterfield), has an existing ridge height of R.L. 154.71 and the front building setback is forward of the subject property, resulting in the neighbouring ridge being located close to the front building line of the subject property. Also, the floor level of this neighbouring dwelling is elevated above the subject property due to the topography.

The subject property's building line is setback and due to the topography, the existing dwelling's floor is still lower than the adjoining property to the North. The result of the topography and relative levels, the proposed ridge height of the proposed first floor will be R.L. 156.59, which will be only 1.88 metres higher than the adjoining Northern property's ridge height.

It is our opinion that the proposed addition will not result in unreasonable impacts upon the adjoining properties or the character of the surrounding due to the non-compliance.

Therefore, it is unreasonable and unnecessary to adhere to the strict compliance of the standard in this instance.

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

(a) the consent authority is satisfied that—

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

It is considered that a contravention of the development standard is justified on environmental planning grounds for the following reasons: -

- Overall visual appearance of the first floor addition structure will blended-in comfortably with the existing dwelling and will have little to none negative impact to the streetscaped.
- Overall setbacks from the street front boundary and the side boundary together with portion of the first-floor addition contained within the existing roof space will reduce the bulkiness or imposing to the surrounding properties.
- The overall dwelling will appear as a 2 storey dwelling-house throughout.
- Private amenities of the adjoining properties will not be compromise by the non-compliance of the proposal.

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

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the development standard.*

It is in our opinion that contravention of the development standard does not raise any matter of significance for state or regional environmental planning.

It is in our opinion that there is no public benefit of maintaining the development standard in this case.

Conclusion

Based upon the contents provided above, we believed that the Exception to development standards variation of the building height requirements is appropriate in this instance.



Rodney Hale
Buena Vista Home Designs

