Attachment C

Clause 4.6 Variation - Floor Space Ratio

4-6 VARIATION - FSR

21 BUCKLAND ST ALEXANDRIA - HUNT DWELLING

REV C – 16-03-2026

SMITH & TZANNES

TITLE	**4-6 Variation** - FSR
PROJECT	**21 Buckland St** ALEXANDRIA - HUNT DWELLING [24_043]
CLIENT	Kat & Brendan Hunt
PRINCIPAL AUTHOR	**Peter Smith** [Reg. No 7024] psmith@s-tz.com.au
REVISION & DATE	**REV C– 16-03-2026**
STATUS	**DEVELOPMENT APPLICATION**

Smith & Tzannes acknowledges that we are on the land of the Gadigal, Bidjigal and Cammeraygal people within the Eora Nation, the traditional custodians of the land. We recognise and respect their continuing connection to land, waters and community. We pay our respects to Elders past, present and emerging.

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1. PURPOSE

This report has been prepared by Smith & Tzannes on behalf of the applicant and landowner Kat and Brendan Hunt to support a Development Application for alterations to an existing dwelling house at 21 Buckland Street Alexandria. The report details the request to the consent authority to vary the development standards for this application.

In this request we demonstrate that:

a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

This variation statement is to be read in conjunction with the Statement of Environmental Effects and other drawing submitted as part of the application

2. VARIATION TO DEVELOPMENT STANDARD (CLAUSE 4.6)

Clause 4.6 of Sydney Local Environmental Plan (LEP) allows Council (the consent authority) to grant consent for development even though the development contravenes a development standard contained in the LEP. The clause aims to provide an appropriate degree of flexibility in applying certain development standards to achieve better development outcomes.

3. STANDARD TO BE VARIED

Clause 4.4 - Maximum Floor Space Ratio where the development standard requires a maximum floor space ratio of 0.8:1 – as indicated on the map.

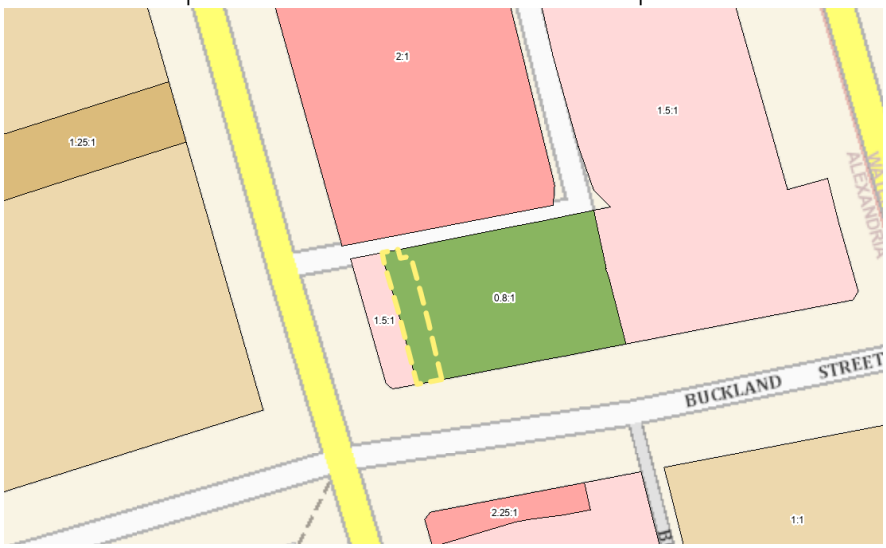

FIGURE 1: SYDNEY LEP FSR MAP

THE VARIATION

The proposed development has a Floor Space ratio of 1.28:1.

4. JUSTIFICATION – COMPLIANCE IS UNNECESSARY OR UNREASONABLE

When considering whether a development standard is appropriate and or necessary, the consent authority must take into account the nature of the proposed variation, the site specific context and the design of the proposed development. In this instance it is considered unnecessary to require strict compliance with the standard as:.[1]

- the proposal achieves the objectives of the standard not withstanding the non-compliance (Whebe 1)
- the particular context and circumstances of the site and arrangement of the plan that provides a superior amenity outcome.
- The proposal provides for a built form that is consistent with that anticipated by the DCP controls.

The existing building has an FSR of 0.91:1. This exceeds the FSR standard that applies to land (0.8:1) It is unreasonable and unnecessary for the proposed development to comply with the development standard as the existing 2 bedroom dwelling house already exceeds the development standard. Further reasons compliance is deemed unnecessary or unreasonable are discussed below.

CONSISTENT WITH OBJECTIVES OF CLAUSE 4.4

Despite the non-compliance with the development standard the proposed development is consistent with the objectives of cl. 4.4 In particular:

- **to provide sufficient floor space to meet anticipated development needs for the foreseeable future,**

  The proposed development seeks an increase in floor space area to allow for a third bedroom to be added to the existing home. The proposed FSR is reflective of this development and intends to provide for the future reasonable needs of the occupants into the foreseeable future. The existing dwelling remains largely in the original configuration. Additional residential space is considered to be an anticipated need for the future of development as Alexandria moves towards

[1] In *Wehbe V Pittwater Council* (2007) NSW LEC 827 Preston CJ sets out ways five different ways in which an objection may be considered unreasonable or unnecessary:

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*
2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
3. *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

higher density living. Affordable dwelling houses for family living are not well provided for in the Alexandria area. The additional floor space is consistent with the objective in that it allows an additional bedroom meeting the needs of families for the foreseeable future. The proposed FSR is considered consistent with this objective of the clause.

- **to regulate the density of development, built form and land use intensity and to control the generation of vehicle and pedestrian traffic,**

  The bulk and scale of the proposal are consistent with the established character of the surrounding area and align with the expectations of the DCP. Numerous nearby developments provide a clear precedent for a similar built form, including:

  - The neighbouring property at 23 Buckland Street, which has an approved three-storey form (DA/2020/1366).
  - The development directly opposite the site at 118 Wyndham Street, which presents a three-storey-built form.
  - The existing developments at 1 Buckland Street and 3 Buckland Street, which also contribute to a consistent pattern 3 storey buildings in the locality.

  The proposed works retain the existing building footprint and remain well below the 12-metre height limit. The DCP anticipates a mix of two to three storeys on the site, and the proposal comfortably fits within this intended scale.

  Importantly, the development does not intensify land-use activity. The dwelling will continue to operate as a single-family home, and no increase in traffic generation—vehicular or pedestrian—is expected as a result of the works.

  Overall, the proposal is compatible with the surrounding built form, aligns with the planning controls that shape the area, and does not give rise to any additional impacts on traffic, amenity, or neighbourhood character.

- **to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure,**

  The proposed development is consistent with the SLEP objectives of the zone. It is within the capacity of existing and planned infrastructure of the location. The proximity of the development to both Waterloo Metro station and Alexandria Park lends itself to additional residential space.

- **to ensure that new development reflects the desired character of the locality in which it is located and minimises adverse impacts on the amenity of that locality.**

  The proposal aims to enhance the desired character of the locality by providing additional residential area to a well serviced existing dwelling. It reflects the desired character of Alexandria and is similar to many other developments in the local area. The proposed increase in FSR has been considered with a deign that is sensitive to the surrounding neighbourhood ensuring little to no adverse impacts on the amenity of the locality. The adjacent building has consent for 3 stories, and the proposed development is consistent with the height of this development and the height in the DCP.

FSR CONTROL DOES NOT ALIGN WITH HEIGHT AND DCP CONTROLS

A review of the applicable DCP and LEP controls, alongside an assessment of the prevailing built form, demonstrates that the FSR mapped to the site is misaligned with the intended urban character and the established development pattern. The

control does not reflect the strategic built form outcomes sought for the precinct and sits outside the scale envisioned in the surrounding planning framework. This disconnect indicates that the assigned FSR is not an accurate expression of the desired future character and further highlights that strict compliance with the mapped FSR would be unreasonable and unnecessary.

Below are snapshots of the *FSR* map and *Height of Buildings* map from the Sydney Local environmental plan 2012 as well as the *Building Height in Stories* map and the *Building Street Frontage Height in Storeys* map from the City of Sydney DCP 2012.

FIGURE 2: SYDNEY LEP HEIGHT OF BUILDING MAP

FIGURE 3: SYDNEY LEP FSR MAP

FIGURE 4: DCP BUILDING HEIGHT IN STORIES MAP

FIGURE 5: DCP BUILDING STREET FRONTAGE HEIGHT (ORANGE LINE REFERS TO TWO STOREY STREET WALL)

Across all mapped controls referenced above—excluding the FSR map—the site is consistently identified for a larger three-storey built form, aligning with the intended scale of 23 Buckland Street and 1–3 Buckland Street. The existing streetscape reinforces this expectation, with a prevailing larger typology clearly existing at numbers 23, 21 & 1, 3 Buckland Street while numbers 7-19 have a clear smaller two storey form. This can be seen in the street views below. The FSR mapping is the sole outlier, creating an inconsistency between the built form controls and both the desired and existing spatial outcomes for the site.

FIGURE 6: NO. 23 & NO. 21 BUCKLAND STREET

FIGURE 7: NO.3 & NO.1 BUCKLAND STREET

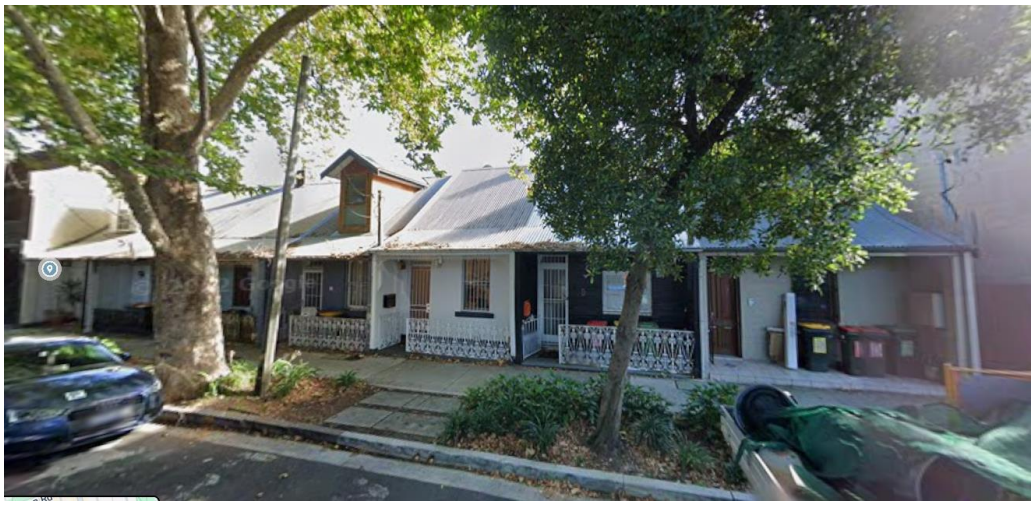

FIGURE 8: EXISTING DEVELOPMENT AT NO. 19 - NO. 7 BUCKLAND STREET SHOWN TO BE A MUCH SMALLER SCALE.

THE SCALE OF PROPOSED DEVELOPMENT IS CONSIDERED REASONABLE IN ITS CONTEXT

The existing dwelling is a compact two-bedroom house occupied by a family of four. It lacks essential residential amenity, with undersized bedrooms, constrained circulation, and only one shared bathroom. Under the current controls, the site is mapped with an FSR of 0.8:1. Given the site area of 83.31 m², this yields a maximum GFA of just 66.6 m². This is insufficient for a functional two-bedroom dwelling and falls below even the minimum 70 m² benchmark applied to two-bedroom apartments. The dwelling currently has 76 m² of floor space with an FSR exceedance of 13.75%.

The proposed development restructures the internal layout to separate circulation from the primary rooms while introducing a third bedroom and an additional WC, delivering the level of amenity the family requires. The design maintains a compact footprint, adding only 31 m² of new GFA. This results in a total GFA of 107 m² for a

three-bedroom dwelling. While this represents a further 46.25% exceedance above the mapped permissible GFA, the outcome still constitutes a modest three-bedroom home by contemporary standards and is proportionate to the site's functional needs.

5. ENVIRONMENTAL PLANNING GROUNDS

SITE AND CONTEXT

Site context is a key consideration when determining the appropriateness and necessity of a development standard. The site is located in an area of Alexandria currently undergoing a period of change with the completion of the new Waterloo Metro Station. The area is seeing a greater demand for increased residential space for families to be provided in a well serviced and desired area. This proposal maintains the desired character of the locality with the proposed development concentrated to the rear of the site. It increases the residential space provided on this site and the proposed FSR increase provides sufficient floorspace to meet development needs for the foreseeable future.

The existing dwelling house contains 2 bedrooms and is small in area, but exceeds the floor space ration standard. The consent of the additional floor space enabling the provision of an additional bedroom ensures accommodation can be utilised for family housing in an affordable way – in an area where dwellings on larger lots are mostly unaffordable for the average young family household.

SITE CONSTRAINTS

The site is extremely small at only 83.31 m², which makes compliance with the 0.8:1 FSR standard very difficult. As the land area is so limited, the existing dwelling already exceeds the maximum FSR. While the proposal does increase the FSR and results in some additional bulk and scale, the increase is modest and remains consistent with the surrounding pattern of development, where 2–3 storey forms are common. On a site of this size, even minor extensions or functional improvements lead to a measurable change in FSR, and strict compliance could only be achieved by removing substantial parts of the existing dwelling. This would not deliver any planning benefit and would compromise the reasonable use of the land. Given the site constraints and the small scale of the additional built form, the proposed increase in FSR is considered acceptable and will not result in unreasonable impacts on neighbouring properties.

NO ADVERSE AMENITY IMPACTS ON NEIGHBOURS

The proposed development will not result in any unreasonable amenity impacts to adjoining properties, with overshadowing and privacy outcomes remaining well within acceptable limits. No. 19 Buckland Street receives no additional overshadowing from the proposal between 9am and 1pm, and only minimal shading to a single first-floor bedroom window between 1pm and 3pm. This dwelling continues to receive well in excess of the required two hours of direct sunlight between 9am and 3pm on 21 June. Similarly, the alignment and form of the proposal ensure that overshadowing to No. 23 Buckland Street is largely confined to the roof,

with the rear façade—containing minimal windows—maintaining ample solar access throughout the day.

The proposed window design further protects neighbouring privacy, with openings oriented obliquely rather than directly toward adjoining properties. Where appropriate, walls are built to the boundary with no windows, and upper-level windows on the eastern façade are both setback and reduced in size to avoid overlooking. These measures collectively ensure that the proposal does not generate any adverse overshadowing or privacy impacts

IMPROVED DESIGN OUTCOMES

The proposal provides an additional bedroom on a highly constrained 83.31 m² site through a compact and carefully resolved design that maintains an appropriate built form outcome. The new upper-level volume is recessive and located to the rear, minimising visual bulk and preserving the established streetscape character anticipated by the DCP. Openings and boundary treatments are designed to manage privacy, overlooking and solar access, ensuring no adverse amenity impacts. The works increase the dwelling's functionality and internal amenity while supporting the area's need for modest, well-located residential density in proximity to high-capacity public transport. Overall, the proposal delivers a considered and site-responsive design that accommodates an additional room without compromising neighbourhood character or amenity.

ALLOW FOR THE RETENTION OF EXISTING DWELLING

While the site Is not within a heritage conservation area, the applicant has chosen to retain the existing terrace house including the majority of the structure that comprises the original structure. While demolition of the existing dwelling and reconstruction may enable construction of a 3 bedroom dwelling that is more space efficient and would comply with the planning controls, the retention of the existing structure retains valuable character elements in the streetscape, reduces waste and embodied emissions and maximises the use of existing resources.

CONSISTENT AND COMPATIBLE BUILT FORM OUTCOME

The proposal provides for a dwelling house that is consistent in scale and form to the adjacent building with similar rear alignment to the adjacent building. The front rooms of the terrace are retained in almost original condition providing a sensitive response to the streetscape.

The site is provided with a maximum height of building standard that permits a 12m height limit. The proposed development is well below the maximum height standard for the site.

The proposal is permissible within the R1 General Residential zone and is consistent with the relevant zone objective, which is to provide for the housing needs of the community. The proposal retains the existing residential use of the site and provides a dwelling addition consistent with the objectives for the zone. This will contribute to meeting the demand for housing in the area. The proposal is well designed and will represent an attractive and sympathetic presentation, by way of bulk, scale, design and materials.

The Proposal generally complies with the DCP and contextually is an appropriate fit in the area and considered a positive contribution to the character of the area. Strict compliance with the development standard is not considered to achieve any tangible planning benefit. The additional floor space provide accommodation for and the maintenance of housing consistent with the Objects of the Act.

Accordingly, in our opinion, the non-compliance will be consistent with existing and future planning objectives for the locality, is unlikely to have adverse amenity impacts and is in the public interest.

For these reasons, it is our opinion that there are sufficient environmental planning grounds to justify contravening the development standard in this circumstance

PLANNING CONTROLS DO NOT ALIGN

To the east, the land supports 1-storey terraces. The planning controls there match this lower-scale character. Yet the subject site is given the same FSR as these smaller buildings.

This FSR control conflicts with the intent of the broader planning framework that applies to the land.

6. SUMMARY

It is considered that compliance with the standard is unnecessary in these particular circumstances as

- the proposed development is consistent with the objectives of the standard
- the existing dwelling house already exceeds the development standard
- the proposed development is consistent with the built form anticipated by the DCP controls

The environmental planning grounds are that the approval for the minor departure from the development standard will not be detrimental to the amenity or character of the surrounding area and results in a better planning outcome for the site through a more functional and considered floorplan and an increase in supply of needed residential space. The proposed development is consistent with the intended built form outcomes as expressed in the DCP.