

Clause 4.6 Variation Request – Front Building Setback

Exception to Development Standards statement which addresses the non-compliance with Clause D12.5 Front Building Line.

Property

91 Florida Road
Palm Beach

Zoning

E3 Environmental

Proposal

The Proposal is to provide covered carparking amenity off Florida Road. Florida Road has a 6.5M front building line and the front boundary of the property is not straight and has an offset. The proposed garage is set parallel with the side boundaries and therefore at an angle to the front building lines. The garage is set at 5.54M at the southern end and 8.84M at the northern end which represents an average street setback more than the 6.5M requirement.

Development Standard to be Varied

Standard :

Clause D12 Palm Beach Locality
D12.5 Front Building Line

E4 Environmental Living – 6.5 or established building line, whichever is the greater.

Outcome of Standard :

- Achieve the desired future character of the Locality.
- Equitable preservation of views and vistas to and/or from public/private places.
- The amenity of residential development adjoining a main road is maintained.
- Vegetation is retained and enhanced to visually reduce the built form.
- Vehicle manoeuvring in a forward direction is facilitated.
- To preserve and enhance the rural and bushland character of the locality.
- To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.
- To encourage attractive street frontages and improve pedestrian amenity.
- To ensure new development responds to, reinforces, and sensitively relates to the spatial characteristics of the existing urban environment. with the desired character of the locality

Variations

Where the outcomes of this control are achieved, Council may accept variation to these building lines in the following circumstances: -

- retention of trees and vegetation.
- where the topographic features of the site need to be preserved.

Clause 4.6 item 1(b) of the LEP allows exceptions to development standards if it achieve better outcomes for and from a development by allowing flexibility in particular circumstances.

The Proposal seeks to justify the contravention of the development standard by demonstrating that the objectives of the Standard are achieved notwithstanding non-compliance with the Standard.

(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.

Justification for non-compliance

The variation is deemed acceptable noting the Proposal meets all other standards follows.

- The garage has more than adequate side boundary setbacks and separation to neighbours and sufficient front setback when viewed from surrounding properties and public areas. The front boundary and Florida Road is angled compared with the side boundaries therefore a structure parallel with the side boundary will be angled to the front boundary. The garage on the southern side is **0.95M within the front building line** and on the northern side **2.3M beyond the building line**, therefore on average the garage is beyond the front setback line condition.

- The garage structure is moved marginally forward to avoid cutting into the tree structural root zone (SRZ) and minimize the impact on the tree canopy.

- Within the vicinity of the property there are other garage structures within the front building line.

The Proposal will not obscure landscaping features on the site or the surrounding or obscure views to and from heritage items.

- The garage form, scale, and size are consistent with adjoining garage structures in the locality. The garage is built into the topography and will not alter the topographical features of the property.

- The impact on views and privacy are maintained.

- The proposed is an opportunity to provide carparking amenity without disturbing the Florida Road tree canopy.

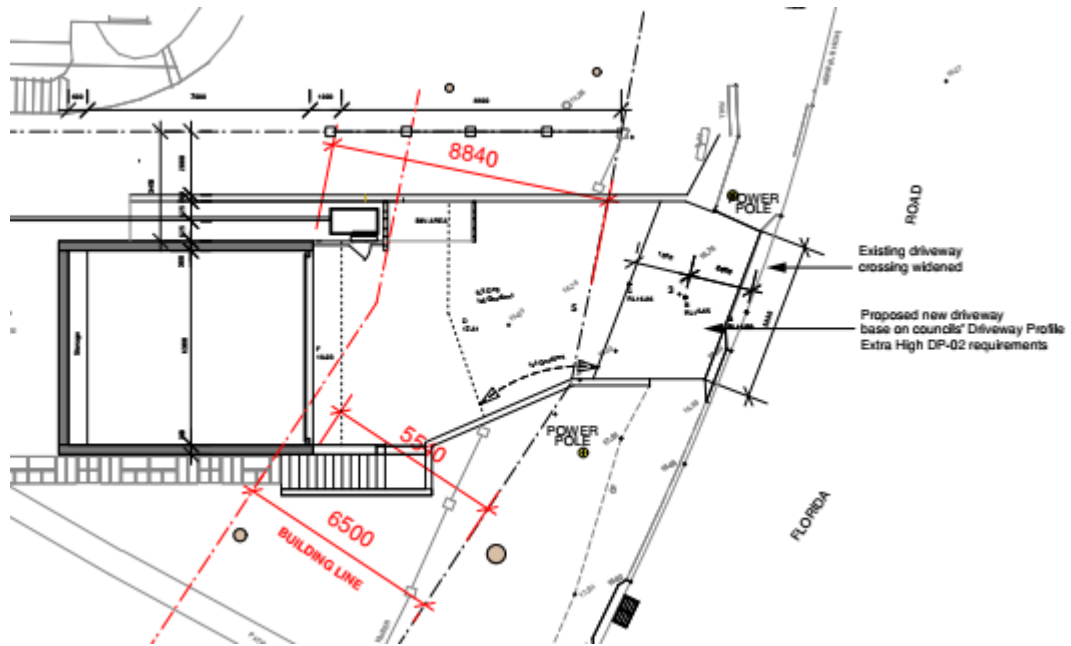


Fig15 Shows the angled front boundary with varying offset dimensions garage.

Conclusion

The Proposal is a minor non-compliant variation which has no impact on neighbouring solar access, view loss, privacy, or visual appearance. There is sufficient environmental planning ground to justify a minor contravening of the front building line standard. The outcome of the new proposed will not impose any amenity loss upon the neighbouring property and will achieve a better outcome than the objectives of the standard.