

## EXCEPTION TO DEVELOPMENT STANDARD STATEMENT

Exception to Development Standards statement which addresses the non-compliance with Clause D12.8 Building Envelope.

### Property

91 Florida Road  
Palm Beach

### Zoning

E3 Environmental

### Proposal

The Proposal is to provide covered carparking amenity off the extended Livistona Lane development.

### Development Standard to be Varied

Clause D12.8 Building Envelope 4.2

Planes are to be projected at 45 degrees from a height of 3.5 metres above ground level (existing) at the side boundaries to the maximum building height

The objectives of the Standard are: -

*To achieve the desired future character of the Locality.*

*To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.*

*To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.*

*The bulk and scale of the built form is minimised.*

*Equitable preservation of views and vistas to and/or from public/private places.*

*To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to neighbouring properties.*

*Vegetation is retained and enhanced to visually reduce the built form.*

Clause 4.6(2) of LEP allows variation of a standard after written justification proves that all relevant matters and provision of relevant standards are met.

### 4.6 Exceptions to development standards

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.

Development consent may be granted for development where the building footprint is situated on a slope over 16.7 degrees (ie; 30%), variation to this control will be considered on a merits basis.

The slope at the elevation of the carport which contravenes the standard is 25 degrees and the area of noncompliance is the eaves of an open roof structure giving shelter to a carport and: -

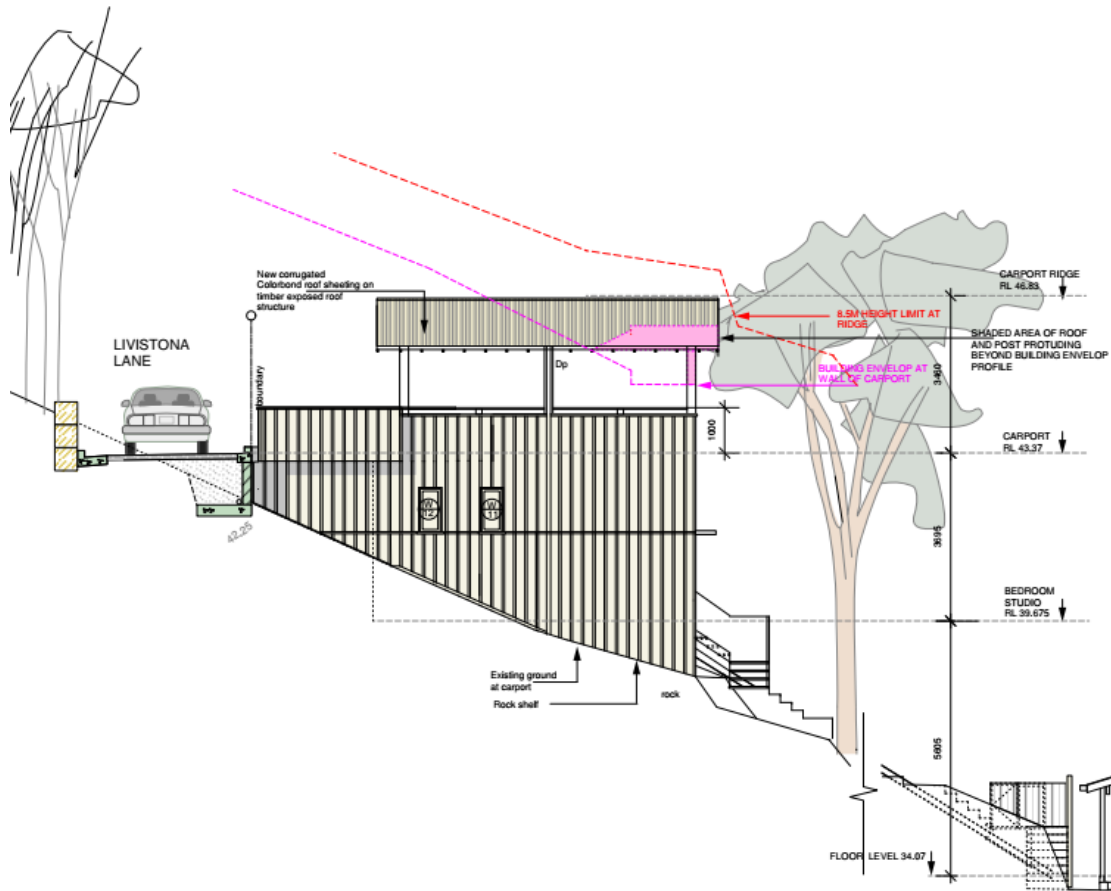
*(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

*(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 carport has adequate setbacks controlling building bulk when viewed from surrounding properties and public areas. The proposal maintains existing setbacks which provides adequate separation achieved by building articulation.
- The Proposal will not obscure landscaping features on the site or the surrounding.
- The building form, scale, and size of the proposed dwelling with addition is consistent with adjoining dwellings and other dwellings in the locality. The dwelling steps with the topography and adjoining dwellings.
- The impact on views and privacy are maintained.
- The Carport is within the existing tree canopy shadowing of adjoining properties. The existing building provides solar access compliance of 4hrs of solar access to living and main private open space at mid-winter.
- The proposed development will not alter the existing building appearance as viewed from the Florida Road and beyond. It is an opportunity to provide carparking amenity without disturbing the Florida Road property frontage and retain maximum tree canopy.
- The minor protrusions of the building envelope do not detract from consistency with the desired character of the locality



**Fig Showing minor protusion of carport roof into the Building Envelop Profile**

## 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 building envelop standard. The outcome of the new proposed will not impose any amenity loss upon the neighbouring property and will achieve all the objectives of the standard.