

# 11 Hilltop Road Avalon

## Clause 4.6 Variation Request to vary a Development Standard

### **Clause 4.6 Exemption to Development Standards**

#### **Clause 4.6 states:**

- (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.*

*and:*

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered 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.*

The proposed Application seeks exemption to development standards in 2 areas:

1. Front boundary setback
2. Building envelope

1. Variation to front boundary setback

The application seeks a variation to the boundary setback on the southern front corner.

The site has a large angled front boundary that is out of parallel with the front of the house making it difficult to set the dwelling back on the steeply sloping site. The southern corner of the balcony and balcony roof cantilever into the building line 2.7m at its furthest point.

It is considered that the proposed setback meets the objectives of the development standards and this flexibility has a better outcome for the development.

2. Variation to the side building envelope.

The proposed dwelling mostly complies with the building envelope on the northern side boundary with the exception of a small part of the front roof eave.

On the southern side boundary, the wall and roof line on the front top of the proposal encroaches out of the building envelope. Due to the steep slope and existing alterations to the natural ground levels compliance to the envelope is difficult, as the neighbouring property is built further up the slope and the proposed southern wall is adjacent to a driveway it is considered that objectives of the controls are met.