

CLAUSE 4.6 VARIATION STATEMENT

**DEMOLITION TO EXISTING STRUCTURES & NEW PROPOSAL OF ATTACHED
DUAL OCCUPANCY WITH TORRENS TITLE SUBDIVISION.**

11 BROWNING STREET, EAST HILLS

CLAUSE 4.6 VARIATION STATEMENT

Clause 4.6 – Exceptions to development standards – Private Open Space Requirements AND front setback

The proposed development will result in a section of non-compliance to regards to front setback of proposed garage due to the natural curve of the street boundary to the left hand unit along with non compliance with private open space of 80sqm with min. dimensions of 5m x 5m for the same reason for the natural boundaries of the property. The locality of the street and neighboring vicinity majority have a non-compliance in regards to the setbacks to the frontage due to the existing boundaries of the land.

Careful design consideration has been taken to minimise any impact.

This non-compliance has no significant impact to adjoining neighbours.

It is submitted that the variation is well founded and is worthy of the support of the council.

The following is an assessment of the proposed variation against the requirements of Clause 4.6.

1. What are the objectives of Clause 4.6 and is the proposal consistent with them?

The objectives of Clause 4.6 of the LEP are:

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

It is my opinion, as is demonstrated by the responses to the questions below, that the proposed variation is consistent with the objectives of this clause.

2. Is the standard to be varied a Development Standard to which Clause 4.6 applies.

Clause 4.6 is contained within Part 4 of the LEP and which is titled Principal Development Standards. On this basis it is considered that the proposal is a development standard for which Clause 4.6 applies.

3. Is compliance with the development standard unreasonable or unnecessary in the circumstances of this case.

It is in my opinion that compliance with the requirements of Clause 4.6 is both unreasonable and unnecessary in the circumstances of this case for the following reasons:

- The proposed non-compliance has the immediate vicinity within the same retrospective as the development we wish to propose due to the significant land definition slope.

- Accordingly, it is my opinion that there are no detrimental impacts arising as a result of the proposed non-compliances.

On this basis it is my opinion that strict compliance with the standard is unreasonable and unnecessary in the circumstances of this case.

4. Are there sufficient environmental planning grounds to justify contravening the development standard?

It is considered that a contravention of the development standard is justified given that:

- Compliance is unreasonable and unnecessary in the circumstances of this case.
- The non-compliance will not result in any unreasonable impacts and adjoining properties.
- The non-compliance will not result in any unreasonable impacts upon the public domain.
- The proposal will provide for the development outcome which satisfies the objectives of the Council for development within this zone.
- The proposal satisfies the objectives of Clause 4.6 of the LEP.

5. Is the proposed development in the public interest because it is consistent with the objectives of the standard and the objectives for the development within the zone in which the development is proposed to be carried out?

The proposed developments in my opinion in the public interest because it is compliant with the zone objectives and the objectives of the particular standard.

6. Whether contravention of the development standard raises any matter of significance for state or regional environmental planning.

It is in my opinion that contravention of the standard does not raise any matters of significance for State or Regional environmental planning.

7. What is the public benefit of maintaining the development standard?

It is in my opinion that there is no public benefit in maintaining the development standard in this instance given that the non-compliance of the soft landscaping, as many other developments in the same street do not also cause any detrimental issues.

Conclusion

It is therefore my opinion based upon the content of this submission that a variation of the Private Open Space control as required but Clause 4.6 of Canterbury Bankstown City Council's DCP.