

About this Form

This form is to be submitted with the development application where a variation to a development standard is sought.

DA number (if known)

MOD2025/0116 (DA-47/2001)

Property details

Lot number

33

Deposited/Strata Plan number

DP247531

Section number

Address

17 Whimbrel Drive

Suburb/Town

NERONG NSW 2423

What is the name of the environmental planning instrument that applies to the land?

Great Lakes Local Environmental Plan 2014 (GL LEP 2014)

Development Control Plan - Great Lakes Region

New South Wales Environmental Planning and Assessment Act 1979 (EP&A Act)

What is the zoning of the land?

RU5 - Village

What are the objectives of the zone?

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To provide for a range of land uses, services and facilities that are associated with a coastal village.
- To enable non-residential development that does not prejudice the established land use pattern within the village.

What is the development standard being varied? eg FSR, height, lot size

Setback from the primary road frontage for garages, carports and open car parking spaces

Under what Clause is the development standard listed in the environmental planning instrument?

5.4 General Building Design
5.5 Setbacks
5.5.2 Residential and Village Zones
5.5.2.1 Primary Road Setback Controls
(2) Garages, carports and open car parking spaces must be setback at least 6m from the primary road frontage.

What are the objectives of the development standard?

- To provide a high quality design of new residential development that responds to the environment in which it is located.
- Attached garages and carports are located and designed so that they do not dominate the streetscape or adversely affect the adjoining properties.
- To ensure residential buildings have sufficient separation to provide privacy, solar access, landscaping opportunities and amenity for occupants.
- A residential building must be setback from its primary road frontage a sufficient distance to ensure safe vehicular access and egress from the site.

What is the numeric value of the development standard in the environmental planning instrument?

6m Setback from the primary road frontage

What is proposed numeric value of the development standard in your development application?

4.5m Setback from the primary road frontage

What is the percentage variation (between your proposal and the environmental planning instrument)?

-25% variation from 6m setback to 4.5m setback

How is strict compliance with the development standard unreasonable or unnesscary in this particular case?

Due to the constraints of the site - the location and width of the existing dwelling on site relative to the overall lot width, the narrowness of the driveway beside the dwelling, and in particular the steep slope of the site throughout the entire lot - the rear of the lot has been deemed unviable to park and manoeuvre a car and caravan or boat for the owner. The area is known to accommodate holidaying, boating, retirees and while this will be the owner's primary dwelling, the need for suitable parking and manoeuvring of a caravan, boat and car is of great importance. To avoid the detrimental impact on the street by having to park a caravan or boat on the streetside or road reserve, the owner wishes to locate adequate parking for a larger car, caravan or boat at the front of the lot with a setback of 4.5m from the front lot boundary, to avoid several issues and concerns posed by parking at the rear of the lot or on the street. Strict compliance of the standard would result in a great loss of amenity, safety and usability of parking for the users to an unreaonable level.

How would strict compliance hinder the attainment of the objects specified in Section 1.3 of the Environmental Planning and Assessment Act?

Object of Act (a) & (c) - The unviable use of the rear for parking results in a poor outcome for the streetscape, social and natural environment whereby parking caravans, boats or larger cars will be required to sit on the street or road reserve, creating a disorderly and cluttered streetscape, potential loss of vegetation and greenery, unsafe street conditions due to reduced visibility and surveillance as well as loss of secure storage of valuable property ie. car, caravan, boat etc.
Object of Act (g) & (h) - The constrained frontage of the lot from the location and size of the existing dwelling, results in poor amenity
If rear parking was created on this steep and constrained lot, it would create poor safety and amenity when using and manoeuvring cars, caravans and boats around the property.

Note: If more than one development standard is varied, an application will be needed for each variation (eg FSR and height)

Is the development standard a performance based control? Give details

Yes, the development standard specifies a 6m Setback from the primary road frontage for carports and we are proposing a 4.5m setback for the carport

Would strict compliance with the standard, in your particular case, be unreasonable or unnecessary? Why?

Due to the constraints of the site, strict compliance with the standard would result in an unreasonable outcome with a lack of accessible or usable parking space for a car, caravan or boat and therefore a great loss of amenity for the user and visitors. With the unviability of rear parking, there simply isn't enough space in the front of the property to accommodate parking and manoeuvring a medium to larger car, caravan or boat while maintaining the 6m setback to the boundary. We have proposed a workable solution with a 4.5m setback for the carport which we believe still maintains the objectives of the LEP and reflects setbacks of build form found along the same street.

Are these sufficient environmental planning grounds to justify contravening the development standard? Give details

Upon observing and assessing the immediate street context, it has been noted that the next dwelling east along Whimbrel Drive (21 Whimbrel Drive) and the dwelling on the corner of Whimbrel Dr & Plover Pl to the west (2 Plover Place) have approx. 4.5m setbacks to the street boundary, equivalent to the proposed carport setback. The bulk and scale of the carport is minimal as it is a max. 3.6m high open structure at the eave frontage in suitable colour and finish to its context. We note that front of dwellings and not carports are required at min. 4.5m street setbacks, however, we wish to seek a variation based on the access & amenity issues of parking at the rear as well as the precedence of neighbouring built form at the 4.5m setback along the street. We believe this built context will lessen the visual impact of the carport as it shares a setback line with the neighbouring built context.

How to lodge this form

Completed form can be:

- Emailed (select the submit button below); or
- Forwarded by post; or
- Lodged at our Customer Service Counters - Monday to Friday (excluding public holidays).

Submit

Privacy: This information is required to process your application and will not be used for any other purpose without seeking your consent, or as required by law. Where required, your information may be uploaded to the NSW Planning Portal and by submitting this application you consent to such upload. Your application will be retained in Council's Records Management System and disposed of in accordance with current legislation. Your personal information can be accessed and corrected at any time by contacting Council.

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