

Council DA reference number	Lot number	DP number	Street number	Street name	Suburb/Town	Postcode	Category of development	Environmental planning instrument	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Concurring authority	Date DA determined dd/mm/yyyy
546/2014/DA-I	Lot 1	DP 1089522	395	Pembroke Road,	MINTO	2566	Industrial	CLEP2002	4(a) - General Industry Zone	<p>Clause 37 of CLEP2002 states that consent must not be granted to development, other than the use of land for landscaping, for access roads and for off street parking, on any land within Zone 4(a) or 4(b) which is within 30 metres of Pembroke Road.</p>	<p>Having regard Clause 8 of SEPP 1 point (a), the non-compliance does not raise any matters of state or regional planning significance. In regard to point (b), the public benefit of maintaining compliance with the 30 metre setback control would be minimal to negligible, considering that if the 30 metre setback control was to be strictly enforced, the proposed awning would need to be deleted from the proposal, which would achieve no perceivable benefit to the community given that the proposed awning (which only encroaches 2.5m into the setback zone) would be barely visible from Pembroke Road in any case. As such, it is considered that a variation to the setback standard would achieve a better functional outcome for the development than if the setback standard was strictly enforced. It is also deemed that given the size of the encroachment, the height differential of the building to Pembroke Road and the existence of the vegetative corridor between Pembroke Road and the building, the encroachment would result in a negligible visual impact on the Pembroke Road streetscape (which is the underlying reason for the control), and the greatest public benefit would be best achieved by allowing the control to be varied in the circumstances. In this regard it is considered that would be unreasonable in the circumstances to enforce the development standard and it is considered that notwithstanding the variation, the objectives of Clause 37 are still satisfied as the reduced setback does not prevent the overall development from having a high quality design that addresses the surrounding streets/roads, nor does it detract from the Pembroke Rd streetscape. As such, strict enforcement of the development standard would be unreasonable in the circumstances.</p>	2.82m = 9.4%	Council	10/06/14