

SEPP 1 Variations 1 October 2011 to 31 December 2011

Council DA reference number	Lot number	DP number	Apartment/Unit 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
1797/2011/DA-C	101	625317		1	Hollylea road	Varroville	2560	9: Commercial / retail / office	LEP No.209	4(b) - Industry B Zone	Clause 37 Setbacks within industrial areas	The applicant has lodged a formal SEPP 1 objection to vary Clause 37 of Campbelltown (Urban Area) LEP 2002. The development proposal sought approval to alter an existing awning structure and playground area at a Hungry Jacks restaurant. The existing structures encroached 3m (10%) into a 30m setback zone prescribed under clause 37 of the Campbelltown (Urban Area) Local Environmental Plan 2002. The development proposal intended on reducing the existing encroachment of the awning and playground by 50%, which would result in a reduced encroachment of only 1.5m (5%) into the 30m setback zone. As the proposed built form was less intrusive than that which already existed, the proposal was considered acceptable in terms of its negligible environmental impact. However, as the proposed development (despite its reduction in scale) would still encroach into the prescribed 30m setback zone, a SEPP1 objection was lodged by the applicant. The SEPP1 objection to the 30m development standard was allowed and the application was approved.	5%	Council	29/11/2011
2018/2010/DA-C	1	22991		35	Lincoln Street	Minto	2566	9: Commercial / retail / office	LEP No.209	4(b) - Industry B Zone	Clause 37 Setbacks within industrial areas	The applicant has lodged a formal SEPP 1 objection to vary Clause 37 of Campbelltown (Urban Area) LEP 2002.	50%	Council	18/10/2011
								9: Commercial / retail / office				<p>The objection was raised in specific regard to a 10m setback standard outlined by CLEP 2002. Among other things, the objection was based on the premises that if the standard was to be strictly enforced, the building would have an awkward appearance when viewed from Sussex Street, given that the existing building already has a 5m setback. It was further argued that the reduced setback, in line with that of the existing building's setback, would achieve a more aesthetic and functional outcome for the development than if the setback for the extensions were increased to 10m.</p> <p>With regard to the above, it was considered that:</p> <p>the reduced setback would not unreasonably affect the amenity of adjoining properties, but would allow a building that relates more consistently with the current built form;</p> <p>adhering to the 10m setback standard would prevent the orderly development of the land; and</p> <p>adhering to the 10m setback results in some inconsistency with the intent of the aims and objectives stated under clause 3 of the SEPP.</p>			
												<p>In regards to Clause 8 of the SEPP 1, the non-compliance does not raise any matters of state or regional planning significance.</p> <p>In consideration of the five part test for evaluation of the objection to the development standard in question, it is considered that in the circumstances of the case, the objection to the 10m development standard is well founded, and that the reduced setback of 5m (50% variation) should be accepted.</p> <p>The application was reported to full Council with a recommendation for approval and a further recommendation that the applicants SEPP 1 objection be allowed. Council subsequently approved the application with the variation to the setback standard.</p>			