

Ref: 21-52433  
Your Ref: T6-17-320

29 August, 2017

The General Manager  
Kempsey Shire Council  
PO Box 3078  
WEST KEMPSEY NSW 2440

Attention: Ms Leigh Cave

Dear Leigh

**Re: Peter & Katrina Latham, Multi Dwellings & Torrens Subdivision  
Lot 4 DP 38145, No 109 Macleay Street, Frederickton**

Referencing our development application lodged 22 August 2017 and your response letter 24 August 2017, and thankyou for continuing on with the public notification process whilst we prepared this response.

We respond as follows;

- 1 & 2. We agree there is, in strict terms, non compliance with KLEP 2013 Clause 4.1A(3)(b) as one of the final three dwellings already exists.

In all other aspects this clause is fully complied with.

If Mr and Mrs Latham were to demolish this dwelling and then apply as a clear vacant lot development, Clause 4.1A could be utilised and 100% satisfied.

The existing dwelling is sound weatherboard, suitably located, typical for Frederickton, and therefore clearly impractical to demolish it.

We therefore seek approval under Clause 4.6 to vary the wording of KLEP 2013 Clause 4.1A(3)(b) by adding "or retention" after the word "erection".

We submit that compliance to the development standard, as currently worded, is unreasonable in the circumstances.

Each lot will have an area in excess of 300m<sup>2</sup>, each dwelling will fully comply to front, side and rear setbacks required under the Kempsey DCP 2013 Chapter C and the proposal makes efficient use of land in a fully serviced flood free precinct.

The proposal, when approved and constructed, will provide a sound environmental outcome.

3. Carports for dwellings 1 and 2 will fully comply to the BCA and the new attached compensatory setback calculations show full compensatory compliance when including the carports as drawn, the only non compliance being that the attached carports have an offset less than that required under Kempsey DCP 2013 Chapter C1 Clause 5.2.2(a).



## APPENDIX C

If we were to 'unattach' the carports by providing SHS steel inner support posts at the dwellings and leave say a 20mm gap between the carport and dwelling, then Clause 5.2.2(a) and 5.3(d)(iii) are complied with.

We attach copies of Figures C1-1 and B1-4 from Kempsey DCP 2013 which, whilst not spelling out zero offset options, clearly infer that covered carspaces with zero offset are acceptable outcomes where other planning objectives such as private open space areas, minimum shadowing effects, and fire rating, are achieved.

Our proposal meets these planning objectives and exceeds the minimum standards by a good margin.

Please accept that the carport boundary offsets for dwellings one and two are acceptable, given an overall appraisal of the development.

4. Details and elevations and offsets for the dwelling three carport have been prepared.

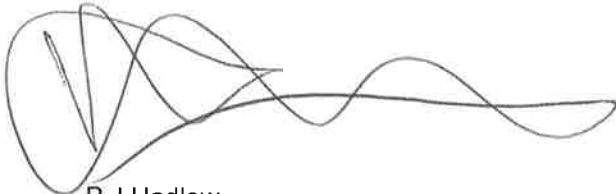
Please find attached;

1. Four sets Revision 01 DA plans 52433-21DA (2 sheets).
2. Two copies compensatory setbacks calculation plan 52433-21SET.
3. Copies of most relevant sections of the Kempsey DCP 2013.

*- EMAILING IN ASAP.  
to 29/8/17.*

Thankyou.

Yours faithfully  
**HADLOW DESIGN SERVICES**



P J Hadlow

cc. Peter & Katrina Latham