

Variations to Development Standards Register - Kempsey Shire Council - 1 April to 30 June 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
T6-11-41	Lot 1	DP1144734		29	Rudder	Kempsey	2440	14: Other	KLEP	Zone No. 2(a) (Residential "A" Zone)	Clause 16 (1) (a)	Concurrence was granted in this instance for the following reasons i) the boundary alteration involves a minor alteration to provide an existing dwelling with a larger curtilage, for the reason that the dwelling was required to be located on flood-free land with the effect reducing its cartilage and ii) the proposal raises no State or regional issues.	84.05%	DG of Department of Planning	5 May 2011
	Lot 3	DP357646		14	Bissett	Kempsey	2440			Zone No. 1(e) (Rural (Floodway) "E" Zone)					
	Lot 4	DP357646		16	Bissett	Kempsey	2440								
T6-10-443	Lot 16	DP243816			Arthur	South West Rocks	2431	3: Residential - New second occupancy	KLEP	2(a) Residential	Clause 11.2 - minimum lot sizes	<p>1. The underlying objective of Clause 16(1)(d) is to ensure that there is sufficient area on each subdivided lot to construct an appropriate dwelling in the future. This standard is required as dwellings are not usually approved at the same time as a subdivision.</p> <p>In this case the application also includes multiple dwellings whereby it has been demonstrated that all relevant development standards have been satisfied. It is recommended that a condition of consent be imposed requiring both dwellings to be constructed prior to the issue of a subdivision certificate, which will ensure that the underlying objective of the standard is satisfied.</p> <p>2. The proposed variation is consistent with existing pattern of development in the area.</p> <p>3. The proposed variation to Clause 16(1)(d) would not hinder the attainment of the aims and objectives of the KLEP.</p> <p>4. The proposed variation to Clause 16(1)(d) will not set an undesirable precedent for the</p>	Lot 1 = 50% Lot 2 = 41%	Council	02-May-11
T6-11-97	Lot 72	DP1097505		25	Herbert Appleby Circuit	South West Rocks	2431	14: Other	KLEP	2(a) Residential	Clause 16(1)(d)	<p>1. Consistent with the objectives of the zone.</p> <p>2. No additional lot or entitlements created.</p> <p>3. Both lots have existing dwellings - no change proposed.</p> <p>4. Minimal variation (only 1.5%).</p> <p>5. Match existing boundaries on adjoining properties and existing fence on property.</p>	1.50%	DG of Department of Planning	5 May 2011
	Lot 8	DP23517		323	Gregory Street										
T6-09-382	Lot 822	DP773764		434	Pacific Highway	South Kempsey	2440	12: Industrial	KLEP	1(d) (Rural (Investigation) D Zone) and 4(a) (Industrial (General) Zone)	Clause 16(1)(a)	<p>1. The existing parcels are already undersized, being 12.6 ha and 14.1 ha.</p> <p>2. The total area of land zoned 1(d) is only 22.5ha.</p> <p>3. No additional lots are created.</p> <p>4. The effect of the boundary adjustment will be to locate all 1(d) zoned land on Lot 2, meaning only 1 lot is now, undersized, not both as is the current situation (note that there is no minimum lot size for 4(a) zoned land).</p> <p>5. Lot 2, while below the minimal lot size will be larger then current and so the variation will actually be less then it currently is.</p> <p>6. By consolidating all the 1(d) land on one allotment facilitates the co-ordination of investigations into future rezoning of the land.</p> <p>7. Consolidating all the 1(d) land on one allotment is consistent with the objectives of the zone.</p>	43.80%	Council	22-June-2011
	Lot 153	DP752417			West End Road	South Kempsey	2440								
T6-11-141	Lot 21	DP788635		1314	Pacific Highway	Bellimbopinni	2440	14: Other	KLEP	1(a3) Agricultural Protection	Clause 16(1)(a)	<p>The objection to clause 16(1)(a) of Kempsey LEP 1987 relating to the 40ha minimum lot size considers that the circumstances of this particular development render compliance with the development standard as unreasonable and unnecessary for the following reasons:</p> <ul style="list-style-type: none"> No additional lots or entitlements are being created; No change to existing uses or access points onto the highway; Both lots are currently too small to be viable for agricultural use, but by consolidating most of the land on one allotment will increase the viability of that lot; and The lot size of the smaller lot is consistent with a number of smaller lots, containing dwellings in the area. 	97% and 64%	Council	22-June-2011
T6-11-141	Lot 1	DP1049660		1304	Pacific Highway	Bellimbopinni	2440	14: Other	KLEP	1(a3) Agricultural Protection	Clause 15	<p>The objection to Clause 15 of Kempsey LEP 1987 relating to the 400 metres minimum road frontage considers that the circumstances of this particular development render compliance with the development standard as unreasonable and unnecessary for the following reasons:</p> <ul style="list-style-type: none"> No additional access points to the highway will be provided, access to both lots will be via existing driveways; and No additional lots will gain frontage to the Highway. 	62.5% and nil	Council	22-June-2011
T6-10-164	Lots 2 & 3	DP807291		16-18 & 28	Cooper	South West Rocks	2431	14: Other	KLEP	2 (a) (Residential "A" Zone) and 7 (d) (Scenic Protection Zone)	Clause 16(1)(a)	<p>1. The existing 7(d) land is already under the minimum size;</p> <p>2. The 7(d) land will now be contained only on one lot not two, so only one lot will not comply and it will be closer to the minimum size of 7(d) land and will be better able to meet the objectives of the 7(d) land;</p> <p>3. The proposal is consistent with adjoining land uses and will not create an undesirable precedent.</p>	95.70%	DG of Department of Planning	29-April-2011