

Variations to Development Standards Register - Kempsey Shire Council - 1 July to 30 September 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
T6-11-72	Lot 20 & Lot 191	DP752409 & DP603400		171	RAINBOW REACH ROAD	RAINBOW REACH	2440	14: Other	KLEP	1(a1) (Rural "A1" Zone)	Clause 16(1)(a)	<p>1. Both existing lots are currently less than forty (40) hectares. No additional lots will be created.</p> <p>2. existing lots currently have limited agricultural viability due to the presence of SEPP No. 14 wetland onsite. The proposal will not impact on any existing agricultural enterprise in the area.</p> <p>3. Both existing lots currently have limited agricultural viability due to the presence of SEPP No. 14 wetland onsite. The proposal will not impact on any existing agricultural enterprise in the area.</p> <p>4. The proposed variation is consistent with existing pattern of development in the area. Many of the lots in the area are less than forty (40) hectares, some being as small as two (2) hectares.</p> <p>5. The proposal will have a positive environmental outcome as the SEPP No. 14 wetlands will be consolidated onto one title. The proposal will facilitate the implementation of a legitimate environmental restoration project for the SEPP No. 14 wetland area of the site.</p> <p>6. The proposed variation to Clause 16(1)(a) would not hinder the attainment of the aims and objectives of the KLEP and the 1(a1) zone.</p> <p>7. The proposed variation to Clause 16(1)(a) will not set an undesirable precedent for the reasons given above and in the body of this report.</p>	Proposed Lot 201 = 14.25%, & proposed Lot 202 = 70%	Council	24-August-2011
T6-11-73	Lot 4	DP786511		173	SHERWOOD ROAD	ALDAVILLA	2440	14: Other	KLEP	1(c) (Rural (Small Holdings) "C" Zone)	Clause 16 (1) (b)	<p>1. The undersized lot is intended for rural living purposes in accordance with the zoning of the land; and</p> <p>2. The proposed lot is of a size compatible with other development in this rural residential area.</p>	50%	DG of Department of Planning	01-September-2011
T6-11-117	Lot 2	DP1128633			WAIANBAR AVENUE	SOUTH WEST ROCKS	2431	14: Other	KLEP	2(a) (Residential "A" Zone); 1(d) (Rural (Investigation) "D" Zone); 7(a) (Wetlands Protection Zone); and 7(b) (Environmental Protection (Habitat) Zone).	Clause 16 (1) (a)	<p>1. The areas of land within proposed Lot 35, zoned 1(d) (14ha) and 7(a) (2.9ha), are already well below the minimum standard for each zone; and</p> <p>2. The proposal does not alter the existing approved configuration of Lot 35 or further fragment the land within the 1(d) or 7(a) zones.</p>	1(d) zone = 65% 7(a) zone = 92%	DG of Department of Planning	06-September-2011
T6-11-95	Lot 12	DP1120476		36-38	PACIFIC STREET	CRESCENT HEAD	2440	14: Other	KLEP	2(b2) (Residential B2 Zone)	Clause 12(1)(a) and (c)	<p>1. The proposed subdivision will allow development that is consistent with the aims and objectives of Zone 2(b2), which include allowing multiple dwellings and medium density housing;</p> <p>2. Filling the land to be above the flood level would adversely affect neighbouring properties through changes in the local drainage pattern;</p> <p>3. The current flood levels used in Council's Flood Risk Management Policy appear to be nominal/assumed;</p> <p>4. The flood assessment information provided by the applicant indicates that the actual flood level at the site is somewhere between 4.21m AHD and 2.46m AHD;</p> <p>5. The proposed subdivision is consistent with the pattern of existing properties in the area;</p> <p>6. The variation from the development standard does not raise any matter of significance for State or Regional environmental planning;</p> <p>7. Requiring strict compliance with the development standard will have no public benefit;</p> <p>8. Strict compliance with the development standard is unreasonable and unnecessary as strict compliance would require the site to be filled to a depth of up to 1.11m. Such filling would have an unreasonable impact on stormwater drainage and flood flows on adjoining properties. In addition, as it is considered that the realistic flood level for the site would be significantly less than 4.21m AHD, such filling would be unnecessary;</p> <p>9. Allowing the variation will allow development of the proposed lots to be consistent with neighbouring developments. All adjoining developments used the pre-sea level rise 1% AEP flood level of 3.75m AHD and Flood Planning Level (minimum floor level) of 4.25m AHD. The subject land is the only vacant land remaining in the area. Consistency with surrounding developments will be assisted by maintaining the existing ground level.</p>	Clause 12(1)(a) Proposed Lot 121 is 90%, Proposed Lot 122 is 100% Clause 12(1)(c) Proposed Lots 121 and 122 is 100%	Council	20-September-2011