

Variations to Development Standards Register - Kempsey Shire Council - 1 January to 31 March 2013

Council DA reference number	Lot number	DP number	Apartment/U nit 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
T6-10-379	4	DP1124599			NORTH STREET	WEST KEMPSEY	2440	14: Other	KLEP 1987	2(a) and 1(e)	Clause 16(1)(a)	<ul style="list-style-type: none"> The proposal will not further fragment rural zoned land and the portion of the subject land zoned for rural purposes is already well below the 40ha standard. The proposal will facilitate the planned residential subdivision of the 2(a) zoned portion of the site; and The application does not raise issues of State or regional significance 	Proposed Lot 34 - 96.75%	DG of Department of Planning	25/02/2013
T6-10-379	4	DP1124599			NORTH STREET	WEST KEMPSEY	2440	14: Other	KLEP 1987	2(a) and 1(e)	Clause 12(1)(c)	<ul style="list-style-type: none"> Sufficient filling will be carried out so that all residential lots will have 500sqm of area above the 1% AEP flood level upon completion of the proposal without any adverse impact on flooding; and The land will not be adversely affected by the designated 1 in 20 year storm event. 	Proposed Lot 12 - 60% Proposed Lot 13 - 46% Proposed Lot 14 - 42% Proposed Lot 15 - 52% Proposed Lot 16 - 60% Proposed Lot 17 - 70% Proposed Lot 18 - 80% Proposed Lot 19 - 90%	Council	25/02/2013
T6-12-402	42 & 66	DP752403		175	STUARTS POINT ROAD	BARRAGANYATTI	2441	14: Other	KLEP 1987	1(a1)	Clause 15	<ul style="list-style-type: none"> The proposed subdivision meets the objectives of the standard, as it will only result in a single road access onto Stuarts Point Road. Even though the second lot will have a 120m frontage (70% less than required), it will still achieve the objectives of the standard because no second access is proposed. The relevance of the standard is questionable in these circumstances given the nature of Stuarts Point Road. It should be noted that this standard is not going to be included in the Council's future LEP (DKLEP 2012) which is currently on exhibition. It is not possible for the subdivision to achieve a minimum frontage of 400m for both lots. Compliance with the standard would prevent the orderly and economic use of the land and is considered unreasonable; and There are many other examples of separate holdings which have frontages of less than 400m along Stuarts Point Road. Non-compliance with the standard would not be inconsistent with the existing subdivision pattern and would create no precedent which could undermine the intention of the clause. 	Proposed Lot 42 - 70%	Council	15/02/2013
T6-13-07	591 & 593	DP 574225 & DP 732001		225	KINCHELA CREEK RIGHT BANK RD	KINCHELA	2440	14: Other	KLEP 1987	1(a3)	Clause 16(1)(a)	<ul style="list-style-type: none"> Both existing lots are currently less than forty (40) hectares, and no additional lots or dwelling entitlements will be created. The proposed variation is consistent with existing pattern of development in the area. The proposed variation to Clause 16(1)(a) would not hinder the attainment of the aims and objectives of the KLEP 1987 and the 1(a3) zone, not impacting on the existing viability of the land for agricultural pursuits. 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. 	Lot 594 - 90% Lot 595 - 77%	Council	22/03/2013