

Variations to Development Standards Register - 1 July to 30 September 2017															
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
T6-17-133	47	DP832352		68	Cyrus Saul Circuit	Frederickton	2440	14: Other	KLEP 2013	R1	Clause 4.6	<p>That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. The objectives of the minimum lot size development standard are to promote the efficient use of residential land, and to ensure that lot sizes have a practical and efficient layout to meet the intended use. In this instance, strict compliance with the minimum lot size is considered unreasonable given the objectives are still achieved, notwithstanding the numerical non-compliance. The proposed lots already each accommodate an existing dwelling, both of which have appropriate vehicular access, adequate off street car parking, adequate solar access and sufficient private open space.</p> <p>That there are sufficient environmental planning grounds to justify contravening the development standard. Clause 4.1A of KLEP 2013 permits a minimum lot size of 300 square metres when in the same application, consent is sought for subdivision and the erection of a dwelling house on each lot resulting from the subdivision. The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.</p> <p>The current application would comply with clause 4.1A, and therefore be compliant with KLEP 2013, were it not for the fact that both the dwellings are existing. Given that the proposal demonstrates adequate residential amenity for the occupants of the two dwellings, as well as no adverse impacts for neighbours, it is considered that a case has been made out, on environmental planning grounds, to allow a variation to the development standard in this instance.</p> <p>The proposed development will be in the public interest because it is consistent with the objectives for development within the zone in which the development is proposed to be carried out.</p> <p>The objectives of the R1 General Residential zone are:</p> <ul style="list-style-type: none"> To provide for the housing needs of the community. To provide for a variety of housing types and densities. To enable other land uses that provides facilities or services to meet the day to day needs of residents. To encourage urban infill and redevelopment in areas that surround existing or proposed facilities and services. <p>The existing dwellings and proposed subdivision contribute to the provision of a variety of housing types by providing a housing choice, albeit one on a lot 50sqm below the minimum lot size, which reflects the housing needs of the community.</p> <p>The concurrence of the Director-General has been obtained. Pursuant to clause 64 of the Environmental Planning and Assessment Regulation 2000, the Director-General has notified Council of assumed concurrence in respect of all applications made under clause 4.6 of the Standard Instrument (Local Environmental Plans) Order 2006.</p> <p>Given the above, it is considered that the proposed variation is well-founded and will not set an undesirable precedent.</p>	9.80%	Council	4/07/2017
T6-17-227	36, 37, 38, 39, 40, 99, 100, 157, 1	DP754400, DP244457			Seale Road	Belmore River & Crescent Head	2440	14: Other	KLEP 2013	RU2	Clause 4.1	<p>The proposal seeks subdivision of nine existing lots into six lots, and will result the land area of one lot (proposed Lot 4) that is less than 40 hectares. Whilst the development requirement of minimum lot size of 40 hectares hasn't been provided for proposed Lot 4, it is considered that in this instance strict compliance with the minimum lot size is considered unreasonable given the objectives of the development standard and the land use zone are still achieved, notwithstanding the numerical non-compliance.</p> <p>The proposal satisfies the objectives of the minimum lot size development standard and the land use zone, as the subdivision will contribute to the provision of land suitable for a range of compatible land uses including extensive agriculture. The proposal maintains the rural landscape character of the land within a rural setting and provides better outcomes for the management of agricultural land. It is considered that a variation to the development standard in this instance is justified.</p> <p>Clause 4.6(6) of KLEP2013 permits consent to be granted only where the subdivision will not result in 2 or more lots of less than 40 hectares, or any lot that is less than 90% of 40 hectares. The proposal will result in only one lot that an area that is 90.5% of the minimum area required and therefore satisfies this requirement, and it is considered that there are sufficient environmental planning grounds to justify contravening the development standard. Pursuant to clause 64(2) of the Environmental Planning and Assessment Regulation 2000, the Director-General has notified Council of assumed concurrence under clause 4.6 of the Standard Instrument (Local Environmental Plans) Order 2006.</p>	9.50%	Council	19/09/2017