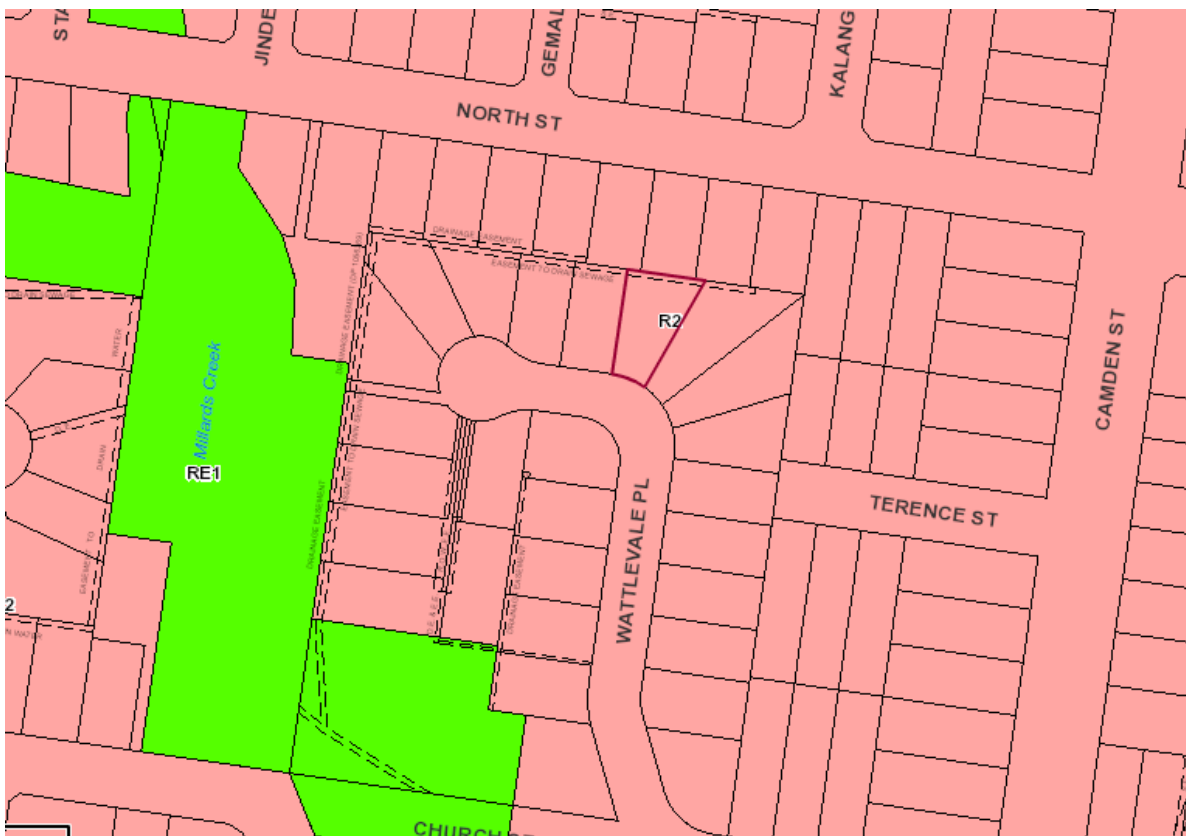


SUBJECT LAND

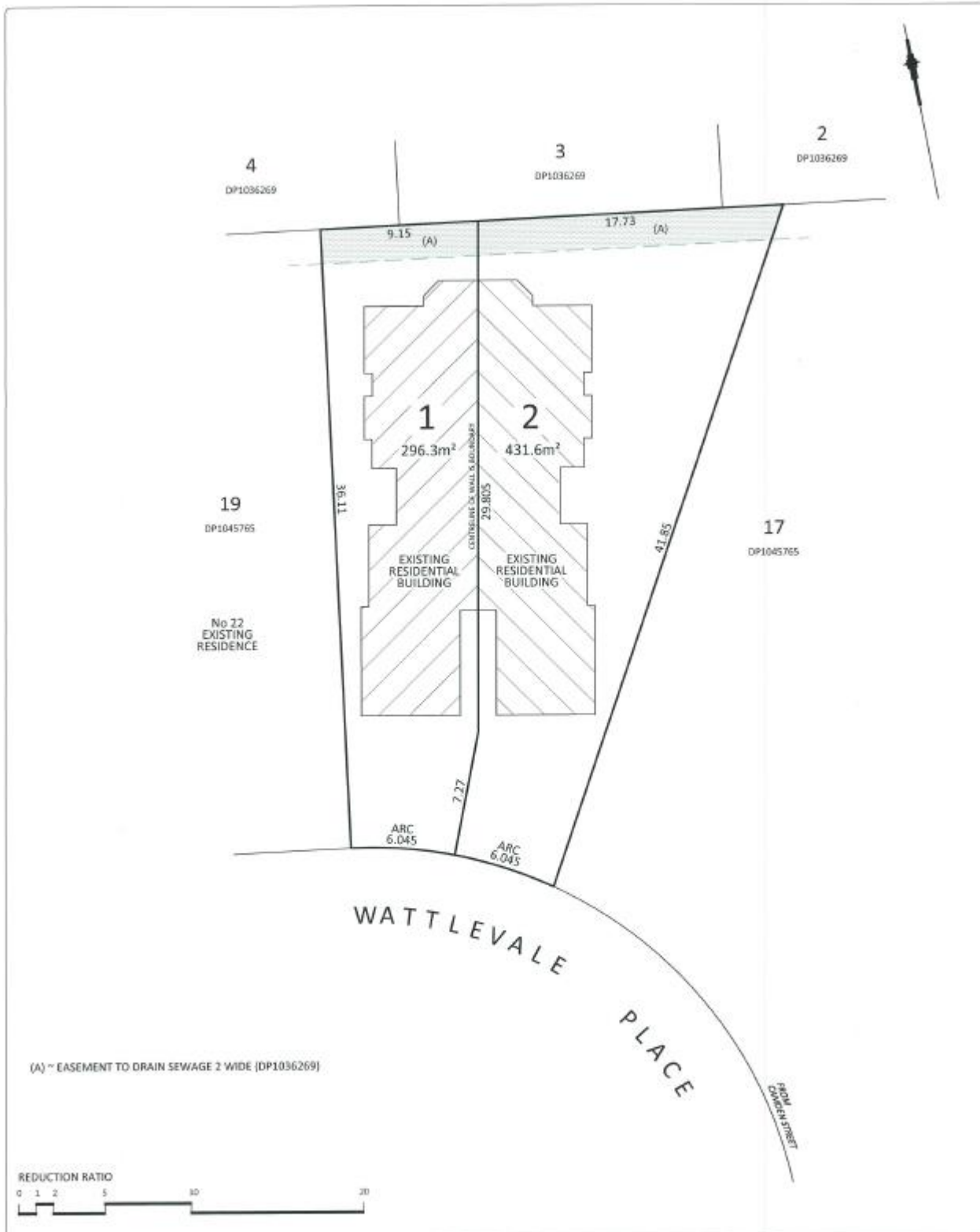
LOT 18 DP1045765 WATTLEVALE PLACE



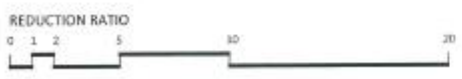
LAND ZONING



SF10490 – PROPOSED SUBDIVISION



(A) ~ EASEMENT TO DRAIN SEWAGE 2 WIDE (DP1036269)



REDUCTION RATIO 1:200 AT A3	<table border="1"> <tr><td>SURVEYED</td><td>G.R.</td></tr> <tr><td>DESIGNED</td><td>G.R.</td></tr> <tr><td>DRAWN</td><td>J.B.</td></tr> <tr><td>CHECKED</td><td>G.R.</td></tr> </table>	SURVEYED	G.R.	DESIGNED	G.R.	DRAWN	J.B.	CHECKED	G.R.	<table border="1"> <tr><th>AMENDMENTS</th><th>BY</th><th>DATE</th></tr> <tr><td>BOUNDARY DESIGN</td><td>J.B.</td><td>29.10.2015</td></tr> </table>	AMENDMENTS	BY	DATE	BOUNDARY DESIGN	J.B.	29.10.2015	<p>RYGATE & WEST (ULLADULLA) ABN 56 056 675 355 CONSULTING SURVEYORS, PLANNERS, ROAD & DRAINAGE ENGINEERS</p> <p>264 GREEN ST, ULLADULLA N.S.W. 2539 P.O. BOX 187, ULLADULLA N.S.W. 2539 PH:02 44521337 FAX:02 44521330 ryk1@rygateandwest.com.au</p>
SURVEYED	G.R.																
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Mr & Mrs H & C MARTIN	<p>PLAN OF PROPOSED SUBDIVISION OF LOT 18 DP1045765</p>		<p>REFERENCE No. U36132</p>
	ULLADULLA	CITY OF SHOALHAVEN	<p>DRAWING No. U116132_CA.dwg</p> <p>ISSUE B</p> <p>SHEET 1 OF 1 SHEET</p>

APPLICANT'S CLAUSE 4.6 SUBMISSION**Clause 4.6 Exceptions to development standards**

The purpose of Clause 4.6 is clearly set out in the objectives of the clause, and that is to provide flexibility in applying development standards and achieving a better outcome for and from development through this flexibility.

The operation of Clause 4.6 is not expressly excluded by the provisions of Clause 4.1A and therefore, the ability exists for Council to legally consider a variation in the development standard once considered by the DPE Secretary or their delegate.

Justification:

The two provisions in Clause 4.6 which are to be addressed are:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

The 350m² development standard contained in Clause 4.1A, is considered to be unreasonable and unnecessary in the circumstances of this case as the dual occupancy has been constructed and the subdivision does not result in any further environmental consequences through the placement of a notional boundary along the alignment of the common wall and existing dividing fence.

- The attached dual occupancy is located upon a property that is over 700m². The building is generally positioned parallel to the western boundary of the property and is not centrally located upon the lot as vehicles would have reversed into the street at a more oblique angle, potentially conflicting with other traffic users in the street.
- Lot 1 has an area of 293.3m² being approximately 16% deficient of the 350m² development standard, where Lot 2 complies with the development standard. This deficiency does not compromise the intent of the development standard and compliance is considered to be unreasonable and unnecessary.
- Compliance could be achieved with the development standard by locating the boundary forward of the building such that it traverses the driveway access to Lot 2 to the front corner with Lot 17 DP 1045765, with a right of carriageway over that part of Lot 1 for access to lot 2. However this was considered to be an illogical boundary position just to achieve the development standard and it does not actually achieve any positive benefit for the owners or Council's planning principles.
- The use of strata or community title subdivision forms were similarly discounted as logical, as they would have required greater variations to the development standard of Clause 4.1A with the same general outcome achieved. Freehold Torrens title is preferred for this subdivision proposal as the development is /can be individually serviced and requires no common services.
- The purpose of Clause 4.6 is to provide for flexibility in the development standard. This application demonstrates that there is not an adverse environmental impact as a result of this subdivision.

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- Complying with the 350m² minimum development standard does not result in any better environmental outcome for the adjoining residential area. There is no adverse impact on the amenity of the adjoining residential development through permitting separate title to these existing dwellings.
- The public interest is not compromised by this variation because there are no added adverse environmental or social implications arising from the subdivision of the land.
- Public interest has been addressed and assessed and considered to be acceptable in the approval of the original dual occupancy development application.
- The public interest is not compromised because of utilising a clause which provides flexibility in applying the development standards.
- The proposal is consistent with the zone and clause objectives.