



CLAUSE 4.6 VARIATION – GOULBURN MULWAREE ENVIRONMENTAL PLAN 2009

Report No: P24883

Rev: 001A

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INTRODUCTION

This Clause 4.6 variation request has been prepared to accompany the development application for the a Multi-Dwelling housing development consisting of three detached two storey dwelling houses, associated parking and driveway access on the subject site Lot 3 Sec 55 DP 758468 -28 Addison Street, Goulburn.

Clause 4.6 of the Goulburn Mulwaree Local Environmental Plan 2009 states the following:

- (1) The objectives of this clause are as follows—
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that -
 - (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
 - (b) there are sufficient environmental planning grounds to justify contravention of the development standard.
- (4) The consent authority must keep a record of its assessment carried out under subclause (3).
- (5) (Repealed).
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Note - When this Plan was made it did not include all of these zones.

- (7) (Repealed).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following—
 - (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,
 - (c) clause 5.4,
 - (caa) clause 5.5,
 - (ca) clause 4.1C or 7.6.

SITE AND PROPOSED DEVELOPMENT

- 1. Describe the site
Lot 3 Sec 55 DP 758468 – 28 Addison Street, Goulburn.
- 2. Describe the proposed development
Multi-Dwelling housing development consisting of three detached two storey dwelling houses, associated parking and driveway access.

PLANNING INSTRUMENT, DEVELOPMENT STANDARD AND PROPOSED VARIATION

- 3. What is the environmental planning instrument/s you are seeking to vary?
Goulburn Mulwaree Local Environmental Plan 2009.

4. What is the sites zoning?
R1 General Residential.
5. Identify the development standard to be varied.
Clause 4.1B Minimum Lot Size for Multi Dwelling Housing and Residential Flat Buildings.
6. Identify the type of development standard.
Numerical.
7. What is the numeric value of the development standard in the environmental planning instrument?

Multi dwelling housing	-	1,050 square metres.
Residential flat building	-	1,050 square metres.
8. What is the difference between the existing and proposed numeric values? What is the percentage variation (between the proposal and the environmental planning instrument?

To achieve compliance with Clause 4.1B, the proposal requires a variation to the total area specified for the existing use (residential flat building) and proposed mutli dwelling housing proposal of 2,100 square metres. The current land size is 2,094.5 square metres. This represents a variation of 0.3% to the development standard.
9. Visual representation of the proposed variation (if relevent).
See Appendix A documents.
10. How is strict compliance with the development standard unreasonable or unnecessary in the circumstances of this particular case?
 - (b) Are the underlying objectives or purpose of the development standard not relevant to the development?

In this instance the underlying objective (density area), is considered insignificant due to the shortfall of 5.5 square metres over a required area of 2,100 square metres, when further LEP and DCP controls relating to amenity of residential development, solar access, private open space, privacy setback distances etc are met. The proposed dwellings are conducive to the density and character of the surrounding locality.

11. Are there sufficient environmental grounds to justify contravening the development standard?

The proposal has been shown to have been designed having full regard to the present nature of the site and controls dictated by best environmental management of existing site constraints.

CONCLUSION

A full appreciation of the proposal should be read in conjunction with the statement of environmental effects provided in support of the proposal.

In conclusion, it is suggested that there are valid unreasonable or unnecessary environmental planning grounds to warrant a variation to the development standard in this specific instance. The variation request and accompanied SEE has adequately demonstrated that the extent of the variation sort is justified and compliance with the density area requirement in this circumstance is unreasonable and or unnecessary.

Based upon the above, it is requested that Council considers the merit of this application.