

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 ddmmyyyy
T6-21-102		72 DP791311		89	Ocean Street	South West Rocks	2531	3 Residential - New second occupancy	KLEP2013	R1 General Residential	Clause 4.3 of KLEP	In this case strict compliance with the standard is unnecessary as the proposed building is responsive to the built form of existing dwellings within the vicinity. The site has a cross slope of approximately 9m and the building footprint has been designed to be as far up the lot (east end) as possible. The proposal continues the scale and building setbacks along the streetscape. The proposal will not unreasonably overshadow surrounding residential development and offers a significant improvement in the use of the subject site. The proposal involves a minor height concession at the rear of proposed dwelling one that complies in all other respects with the KLEP 2013 and relevant DCP 2013. The west end of dwelling one will have an average height of 8.9m and a maximum height 9.5m. The heights are consistent with several other dwellings on the west side of Ocean Street and will not provide an unacceptable or non-conforming exposure when viewed from the river. Two nearby dwellings were approved with rear corner elevation above 9.5m. The site is fully serviced and the proposal, within the density limit and being compliant to most other matters in the KDOP, will make efficient and effective use of the land. It is noted that, 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 (aside from certain rural development that does not apply in this instance). Given the above, it is considered that there are sufficient environmental planning grounds to justify variation from the development standard in this circumstance. As such, it is recommended that Council support the request to vary Clause 4.6 of KLEP 2013.	10%	Council	29/06/2021
T6-20-254		1 DP119875		24	East Street	Crescent Head	2440	14 Other	KLEP2013	R1 General Residential	Clause 4.1 of KLEP	The proposal will utilise available vacant land at the rear of an existing house block, creating a new vacant lot in the existing urban area. This form of infill development can be beneficial, as it allows controlled growth within the existing urban footprint. For the purposes of population growth, this reduces the reliance upon expanding the urban fringe while also locating the additional population closer to existing services. Permitting the proposal to proceed would be an efficient use of existing residential zoned land. The existing pattern of development in the immediate area is consistent with the proposal. The site enjoys dual road frontage, with East Street to the west (upslope) and Scott Street to the east (downslope). Many lots in the area with similar arrangements have been historically subdivided in this manner, providing a lot on each road frontage. This has resulted in an existing pattern of subdivision that is consistent with the current proposal. 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. The current application is similar to what could be permitted under clause 4.1A and be compliant with KLEP 2013, were it not for the fact that there is an existing dwelling on the lot and a second dwelling is not part of the current application (although an appropriate building envelope has been used to demonstrate a dwelling could be considered on the site). Although this is not in itself grounds to support the variation, it is noted that the same overall outcome as provided for under Clause 4.1A is ultimately anticipated. To protect the amenity of adjoining residents into the future, the applicant has proposed a dwelling envelope be applied to the vacant site. The building envelope reduces the potential impacts of the future dwelling on neighbouring properties by ensuring that privacy can be adequately managed, solar access will be compliant, and no significant view sharing issues. It is noted that, 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 (aside from certain rural development that does not apply in this instance). Given the above, it is considered that there are sufficient environmental planning grounds to justify variation from the development standard in this circumstance. As such, it is recommended that Council support the request to vary Clause 4.6 of KLEP 2013.	2.3%	Council	29/06/2021