

| 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 |
|-----------------------------|------------|------------------|-----------------------|---------------|--------------------|--------------|----------|---------------------------------------|-----------------------------------|------------------------|-----------------------------------|--|---------------------|----------------------|-------------------------------|
| T6-20-306 Rev01             | 4          | DP603039         |                       | 83            | 83 KINKI SPUR ROAD | YARRAHAPINNI | 2441     | 3: Residential - New second occupancy | KLEP2013                          | RU1 Primary Production | Clause 4.2E of KLEP               | <p>The proposed modification to the location of the second dwelling is on the western side of the site, away from nearby agricultural use that have any potential to conflict. The proposed location is more suitable than the approved location, being further from the bushfire hazard, and enjoying views of the ocean. Strictly enforcing the standards is unnecessary in the circumstances and would result in inferior outcomes from agricultural and scenic perspectives.</p> <p>In the absence of any adverse impacts in terms of agricultural viability, environmental impact and/or rural amenity, it is recommended that the development standard is unnecessary in the circumstances of this case.</p> <p>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 4.2E of KLEP 2013.</p>   | 30%                 | Council              | 26/02/2021                    |
| T6-20-523                   | Lot 6      | Sec 28A DP759080 |                       | 115-145       | Sea Street         | West Kempsey | 2440     | 13: Community facility                | KLEP2013                          | R1 General Residential | Clause 4.3 of KLEP                | <p>The objectives of the 8.5 metre height of building development standard are to retain the local character; to minimise overshadowing impacts; to minimise visual impacts; and to provide for the reasonable sharing of views. In this case strict compliance with the standard is unnecessary as:</p> <ul style="list-style-type: none"> <li>- The proposal is setback more than 25m from the property boundary, and continues the scale and building setbacks along the streetscape. A number of buildings on the subject site are of equal or greater building height and scale, with the proposal being responsive to the built form of the existing school. This ensures that the building is appropriate as perceived from the public realm, and is consistent with the local character;</li> <li>- The proposal is unlikely to result in any significant visual impacts from surrounding development; any significant acoustic privacy issues; nor create an adverse impact on solar access by unreasonably overshadowing surrounding residential development; and</li> <li>- The development is an enclosed structure, maintaining all weather access and providing a learning space for the effective delivery of education within the school campus students and staff. The proposal will which enhances the existing facility that already provides services the needs of many residents within the community.</li> </ul> <p>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).</p> <p>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.</p> | 24%                 | Council              | 16/03/2021                    |