

Council DA reference number	Lot number	DP 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
LOT: 8 DP: 252663	LOT: 8 DP: 252664	252664	14	Market ST	FINGAL BAY	2315	Mixed	LEP	B1 NEIGHBOURHOOD CENTRE	4.3	The development includes a variation to the maximum height limit. The development standard is 8m and the proposed height is 9.88m, representing a 23.5% variation. A request to vary the building height development standard has been submitted by the applicant in accordance with Clause 4.6 of the PSLEP. The proposed development is considered to be consistent with the objectives of clause 4.6 given it will achieve better outcomes for and from the development in these particular circumstances because the objectives of the development standard are achieved notwithstanding non-compliance and the proposal is considered to be appropriate in the context of the site.	24%
016-2022-00000103-001	LOT: 58 DP: 1000710	1000710	16	One Mile CL	BOAT HARBOUR	2316	Residential - N	LEP	R2 LOW DENSITY RESIDE	4.3	The development includes a variation to the maximum height limit. The development standard is 9m and the proposed height is 9.79m, representing a 8.7% variation. The environmental planning grounds to justify the contravention of the development standard put forward by the applicant are: <ul style="list-style-type: none"> The minor non-compliance is a result of the slope of the site which is extremely steep. The proposal provides a reasonable response to the slope by restricting the lowest level to the garages and then generally stepping the building above consistent with the slope. The additional height over 9m will have negligible effect on shadows cast by the building on adjoining properties. The additional height will not impact on the privacy of adjoining residents. The additional height will have no impact on view sharing The design of the proposal results in a high quality architectural design that will positively contribute to the locality. The development has been identified to be consistent with the relevant objectives, which provides sufficient environmental planning grounds under the LEP (Clause 4.6) for a variation to the numerical development standard. The proposed development is considered to be consistent with the objectives of clause 4.6 given it will achieve better outcomes for and from the development in these particular circumstances because the objectives of the development standard are achieved notwithstanding non-compliance and the proposal is considered to be appropriate in the context of the site.	9%
016-2022-00000126-001	LOT: 6 DP: 2225672	2225672	3	Gould DR	LEMON TREE PASS	2319	Subdivision O	LEP	R2 LOW DENSITY RESIDE	4.1	The proposed Lot 62 has an area of 500m ² , which complies with the minimum of 500m ² required. However, proposed Lot 61 will have an area of 487.7m ² , which does not comply with clause 4.1. The Clause 4.6 Application states: <ol style="list-style-type: none"> The objectives of the standard are achieved notwithstanding non-compliance with the standard because the proposed lots are of a suitable size to accommodate development that is suitable for its purpose and consistent with the relevant development controls. As the subject site is located within a residential zone, the proposal will not result in the fragmentation of land. Council is satisfied the proposal will remain consistent with the objectives of Clause 4.1 despite the proposed non-compliance.	0.026
016-2022-00000172-001	LOT: 283 DP: 27048	27048	58	Sandy Point RD	CORLETTE	2315	Residential - Single new dwelling	LEP	R2 LOW DENSITY RESIDE	4.3	The proposed development has a maximum height of 10.16 metres from the existing ground level and is therefore non-compliant with Clause 4.3. The proposed height results in a variation of 12.88% and therefore is required to be reported to Council for determination. <p>The proposed development is considered to be consistent with the objectives of Clause 4.6 given it will achieve better outcomes for and from the development in these particular circumstances because the objectives of the development standard are achieved notwithstanding non-compliance and the proposal is considered to be appropriate in the context of the site.</p>	0.1288
016-2022-00000386-001	LOT: 219 DP: 753204	753204	36	Gloucester ST	NELSON BAY	2315	Residential - New second occupancy	LEP	R2 LOW DENSITY RESIDE	4.3	The height of building mapped on site under the PSLEP 2013 is 9m. The proposed development is 9.27m in height, representing a 3% variation. The reasons to support the variation are outlined below: <ul style="list-style-type: none"> The development provides two (2) residential dwellings within the Nelson Bay West area, which is a suitable location for this type and scale of development. The development will result in the orderly and economic use of the land through the provision of high-quality residential development. The development addresses Gloucester Street and Burbong Street and provides visual interest throughout these elevations. The building has been designed to address and activate these street frontages, and responds to development within the locality. The additional height over 9m will have negligible effect on shadows cast by the building on adjoining properties. The additional height will not impact on the privacy of adjoining residents. The proposed development results in a high quality architectural design that will positively contribute to the locality. The proposed development is considered to be consistent with the objectives of Clause 4.6 given it will achieve better outcomes for and from the development in these particular circumstances because the objectives of the development standard are achieved notwithstanding non-compliance and the proposal is considered to be appropriate in the context of the site.	0.03