

## 4.6. Variations to Development Standards - 2021/2022 Q1 Reporting Period

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### **ATTACHMENTS:**

1. Q 1 variations to development standards [4.6.1 - 1 page]

### **PURPOSE:**

Planning Circular PS 18-003 sets out certain procedural and reporting requirements for the processing of CI4.6 and SEPP1 variations to development standards. This report addresses those requirements for Q1 2021/2022.

### **EXECUTIVE SUMMARY:**

Any variation to a development standard of greater than 10% in assessing a development application must be reported to the North Sydney Local Planning Panel for determination. Variations under 10% can be decided by Assessment Staff under delegated authority.

The Planning Circular provides that to achieve transparency and integrity in the planning framework, the following monitoring and reporting measures must be followed:

1. Proposed variations to development standards cannot be considered without a written application objecting to the development standard and dealing with the matters required to be addressed by the relevant instrument.
2. A publicly available online register of all variations to development standards approved by the consent authority or its delegates is to be established and maintained. This register must include the development application number and description, the property address, the standard to be varied and the extent of the variation.
3. A report of all variations approved (including under delegation) must be submitted to [developmentstandards@planning.nsw.gov.au](mailto:developmentstandards@planning.nsw.gov.au) within four weeks of the end of each quarter (i.e. March, June, September and December) in the form provided by the Department.
4. A report of all variations approved under delegation from a council must be provided to a meeting of the council at least once each quarter.

Attached is the tabulated Development Standard variations approved for Quarter 1 (Q1) of the financial year 2021/22. Of 111 applications determined in the quarter, 6 variations in total are reported all by the North Sydney Local Planning Panel and none by the Sydney North Planning Panel or under delegated authority.

### **FINANCIAL IMPLICATIONS:**

There are no financial implications associated with the report.

**RECOMMENDATION:**

**1. THAT** the Variations to Development Standards – 2021/22 Q1 Reporting Period report be received.

## **LINK TO COMMUNITY STRATEGIC PLAN**

The relationship with the Community Strategic Plan is as follows:

### 3. Our Future Planning

3.4 North Sydney is distinctive with a sense of place and quality design

3.5 North Sydney is regulatory compliant

### 5. Our Civic Leadership

5.2 Council is well governed and customer focused

## **BACKGROUND**

This report is required to be presented to Council in accordance with Statutory requirements outlined in the EPA Act and Regulations.

## **CONSULTATION REQUIREMENTS**

Community engagement is not required.

## **DETAIL**

Planning Circular PS 18-003 sets out certain procedural and reporting requirements for the processing of variations to development standards under Clause 4.6 and State Environmental Planning Policy No 1- Development Standards. Such variations are required to be reported Quarterly to Council for its information.

Any variation to a development standard of greater than 10% must be reported to the North Sydney Local Planning Panel for determination. Variations under 10% can be decided by the Assessment Planners under delegated authority. The 10% threshold is set by the Minister for Planning.

The Planning Circular further provides that to ensure transparency and integrity in the planning framework, the monitoring and reporting measures outlined below must be followed when development standards are being varied:

1. Proposed variations to development standards cannot be considered without a written application objecting to the development standard and dealing with the matters required to be addressed by the relevant instrument.
2. A publicly available online register of all variations to development standards approved by the consent authority or its delegates is to be established and maintained. The register must include the development application number and description, the property address, the standard to be varied and the extent of the variation.
3. A report of all variations approved (including under delegation) must be submitted to [developmentstandards@planning.nsw.gov.au](mailto:developmentstandards@planning.nsw.gov.au) within four weeks of the end of each

quarter (i.e. March, June, September and December) in the form provided by the Department.

4. A report of all variations approved under delegation from a council must be provided to a meeting of the council at least once each quarter.

The table attached to this report addresses dot point 4 of the Planning Circular. It is of note, over the period, several variations allowed are purely technical in nature as they arise from new or altered work on buildings which already exceed the development standards set by the relevant Planning instruments.

It is a general practice that significant variations to development standards which result in a greater yield than that envisaged by the planning controls are guided towards the Planning Proposal process.

Attached for Council's information are the variations to Development Standards for Quarter 1 2021/22 (1 July – September 2021). Of 111 applications determined in the quarter, 6 variations in total are reported all of which were by the North Sydney Local Planning Panel none by the Sydney North Planning Panel or under delegated authority.

The report is enhanced in detail to that required by the Planning Circular, as it provides information regarding those approved by the North Sydney Local Planning Panel as well as those approved under delegation.

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
43/21	0	SP56293		68	Alfred St	Milsons Point	2061	9: Mixed	NSLEP 2013	B4 Mixed Use	Building Height	The proposed works have a height of 43.88m. The building height non-compliance relates to fire stairs, AC units and eastern façade replacement	3.88m	NSLPP Deferred Commencement	7/07/2021
328/20	2	8		51	Blues Point Rd	McMahons Point	2060	13: Subdivision only	NSLEP 2013	R3 Med Den Res	Building Height	The proposed dwelling as amended will exceed 8.5m maximum height limit applicable under Clause 4.3. The perceived bulk and scale of the additions will be commensurate with the adjoining buildings to the immediate north and south of the subject site. The proposed height, build and scale of the additions is considered to be sufficiently in keeping with the established character of the McMahons Point South Conservation Area of the immediate locality.	>10%	NSLPP Approved	4/08/2021
335/20	5	4206		287	Miller St	Cammeray	2062	6: Residential - Other	NSLEP 2013	R4 High Den Res	Motorcycle Parking	The site is centrally located to North Sydney and Crows Nest town centres and very close to public transport services. It is not anticipated to give rise to any material traffic impacts or affect on-street parking demand to a significant degree. The request to vary the motorbike parking requirement is considered to be well founded.	-2.4 spaces	NSLPP Approved	7/07/2021
45/21	4	849540		27	Bogota Ave	Cremorne Point	2090	1: Residential - Alterations & additions	NSLEP 2013	R2 Low Den Res	Building Height	The written request to vary the development standard in Clause 4.3 in NSLEP 2013 demonstrates that strict compliance is both unreasonable and unnecessary in the circumstances, and that there are sufficient environmental planning grounds to justify the variation because the extent of the variation relates to the ridgeline of the gable ends of the roof form, which are characteristic elements within the conservation area, and ours where there is an irregularity in the topography of the land. The proposed development would not result in any result in any material adverse impact to the amenity of the surrounding properties having regard to the retention of views, solar access and privacy.	>10%	NSLPP Approved	7/07/2021
67/21	5	10792		22, 24, 26	Spruson St	Neutral Bay	2089	4: Residential - New multi unit	NSLEP 2013	R3 Med Den Res	Building Height	The written request to vary the development standard pursuant to Clause 4.3 in NSLEO 2013 satisfactorily demonstrates that compliance with the development standard is both unreasonable and unnecessary, that there are sufficient environmental planning grounds, and that approval would be in the public interest.	1.1m (12.9%)	NSLPP Approved	1/09/2021
77/21	8	12587		16	Davidson Pde	Cremorne	2090	1: Residential - Alterations & additions	NSLEP 2013	R2 Low Den Res	Building Height	The height exceedance is acceptable given the topography of the area and maintains acceptable solar access.	1.3m (15.3%)	NSLPP Approved	7/07/2021