

## **4.7. Variations to Development Standards - 2021/2022 Q2 Reporting Period**

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**ENDORSED BY:** Joseph Hill, Director City Strategy

**ATTACHMENTS:**

1. CI 4.6 variations Q 2 2021/22 [4.7.1 - 2 pages]

**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 Q2 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 2 (Q2) of the financial year 2021/22. Of 118 applications determined in the quarter, 9 variations in total are reported, 8 by the North Sydney Local Planning Panel, none by the Sydney North Planning Panel and 1 under delegated authority.

**FINANCIAL IMPLICATIONS:**

There are no financial implications associated with the report.

**RECOMMENDATION:**

**1. THAT** the Variations to Development Standards – 2021/22 Q2 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 2 2021/22. Of 118 applications determined in the quarter, 9 variations in total are reported, 8 by the North Sydney Local Planning Panel, none by the Sydney North Planning Panel and 1 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.

## C14.6 variations Q2 2021/22.

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
209/21	2	712758		80	Cairo Street	Cammeray	2062	1: Residential - Alterations & additions	NSLEP 2013	R2 Low Den Res	Building Height	The applicant's Clause 4.6 is considered to be satisfactory given the site circumstances and on the basis that it will not have a significant impact upon views or general amenity of adjoining properties.	2.7m (31.76%)	NSLPP Deferred Commencement	1/12/2021
95/21	12	137004		313	Pacific Highway	North Sydney	2060	9: Mixed	NSLEP 2013	B4 Mixed Use	Motorcycle Parking, Non-residential floor space at ground level, Building Height	The proposed building and its use as a boarding house was appropriate in the site context because its architectural style, height and the bulk and scale were compatible with the adjoining heritage item. The impacts of the building are acceptable because there would be minimal privacy impacts with the proposed privacy louvres, privacy screens and the separation provided by the laneway.	-100% no parking provided & -2% Non residential floorspace & +3% building height	NSLPP Approved	1/12/2021
299/21	19	15073		34	Cammeray Road	Cammeray	2062	13: Subdivision only	NSLEP 2013	R2 Low Den Res	Subdivision Lot Size	The size, dimensions and orientation of the proposed lots are consistent with the existing development on the site and the prevailing character of this section of Cammeray Road that includes a mix of detached and semi-detached dwellings that are generally located on similar small lots.	-34.88% & -39.33%	NSLPP Approved	1/12/2021
65/21	9	979110		5	Earle Street	Cremorne	2090	2: Residential - Single new dwelling	NSLEP 2013	R2 Low Den Res	Building Height	The Panel is satisfied that the written request in relation to the contravention of the height of buildings development standard in Clause 4.3 of the LEP, adequately addresses the required matters. The written request demonstrates that compliance with the development standards are unnecessary in the circumstances of the case. The Panel considers the proposed development will be in the public interest because it is consistent with the objectives of the standard and the zone objectives.	10%	NSLPP Approved	15/10/2021
229/21	A	327728		6	Macpherson Street	Cremorne	2090	4: Residential - New multi unit	NSLEP 2013	R4 High Den Res	Building Height	The proposed residential flat building is acceptable in terms of its architectural design, bulk and scale given that the site is located in a High Density Residential Zone (R4). The proposal would not result in any unacceptable impacts on the amenity of the adjoining properties in terms of view loss, overshadowing, and/or privacy loss.	8%	NSLPP Approved	1/12/2021
206/21	2	83783		8	Baden Road	Kurraba Point	2089	1: Residential - Alterations & additions	NSLEP 2013	R3 Med Den Res	Building Height	The proposed attic addition would have a detrimental impact upon the significance of the Heritage Item. The bulk and scale of the proposed attic together with the dormer window at No.8 Baden would significantly alter the character of the Heritage Item.	>10%	NSLPP Refused	1/12/2021
211/21	3	24707		35	Bay View Street	Lavender Bay	2060	1: Residential - Alterations & additions	NSLEP 2013	R3 Med Den Res	Building Height	With the Deferred Commencement Conditions to satisfy noted requirements, the Panel considers the development warrants approval. The Panel has imposed a deferred commencement condition to allow a number of design issues to be resolved to ensure a satisfactory and improved presentation to the streetscape an the Harbour.	>10%	NSLPP Deferred Commencement	3/11/2021
137/21	1	10545		1	Prospect Avenue	Cremorne	2090	1: Residential - Alterations & additions	NSLEP 2013	R2 Low Den Res	Building Height	The variation for works contained below the existing building ridge height that are above the permissible height limit is considered worthy of support due to the reasons stated within Report, and no issues of state or regional significance are raised by supporting variation.	300mm (3.5%)	Delegated Approved	2/12/2021

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92/21	0	SP 68360	12	Waters Road	Neutral Bay	2089	9. Mixed	NSLEP 2013	B4 Mixed Use	Building Height	The Panel concurs with Council the height, bulk and scale of the proposed shop top housing development would generally be consistent with other similar developments within the Neutral Bay Town Centre. Lift overrun and community room offroad height control. The Panel believes approval of the Development Application is in the public interest.	5.5m (33%)	Sydney North Planning Panel Deferred Commencement	27/10/2021
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