

## 4.2. Variations to Development Standards - 2020/2021 Q4 Reporting Period

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**ATTACHMENTS:**

1. 0298 001 [4.2.1 - 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 Q4 2020/2021.

**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 4 (Q4) of the financial year 2020/21. Of 132 applications determined in the quarter, 11 variations in total are reported, 10 by the North Sydney Local Planning Panel, 1 by the Sydney North Planning Panel and 0 under delegated authority.

**FINANCIAL IMPLICATIONS:**

There are no financial implications associated with the report.

**RECOMMENDATION:**

**1. THAT** the Variations to Development Standards – 2020/21 Q4 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 4 2020/21. Of 132 applications determined in the quarter, 11 variations in total are reported, 10 by the North Sydney Local Planning Panel, 1 by the Sydney North Planning Panel and 0 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.

CI 4.6 and SEPP1 Objections, Q4 2020/21 Financial Year.																
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	
297/20	B	107972		77	Holtermann St	Crows Nest	2065	1: Residential - Alterations & additions	NSLEP 2013	R2 Low Den Res	Building Height	The maximum building height for the site is 8.5m pursuant to Clause 4.3 of NSLEP 2013. The proposed height of the proposed alterations and additions is 6.7m, which complies with the development standard. No further assessment in this regard is considered relevant or necessary.	8.5m	NSLPP Approved	7/04/2021	
20/21		SP33029		15	Waiwera St	Lavender Bay	2060	1: Residential - Alterations & additions	NSLEP 2013	R3 Med Den Res	Building Height	The building height control specified in Clause 4.3 for the subject site is 8.5m.	10.5m (2m)	NSLPP Approved	2/06/2021	
26/21	1	1138299		37	Carr St	Waterton	2060	1: Residential - Alterations & additions	NSLEP 2013	R2 Low Den Res	Building Height	The proposed works would have a maximum height of 8.76m that fails to comply with the permissible height of 8.5m in accordance with clause 4.3 in NS LEP 2013, it is noted that the maximum height of the proposed works limited only to the upper most point of the new door to form the balcony access to bedroom 2, the remainder of the proposed works are compliant with the maximum height control.	8.76	NSLPP Approved	5/05/2021	
323/20	1	922443		22	Carabella St	Kirribilli	2061	1: Residential - Alterations & additions	NSLEP 2013	R4 High Den Res		The subject site has a maximum permitted building height of 12m pursuant to clause 4.3(2) in NSLEP 2013. There are a number of elements for the proposed development that exceed the maximum permitted building height which have been verified against the survey submitted and are summarised: Lift overrun 14.10m 17.55, northern flat roof corner 12.70m - 5.85, Eastern roof corner 13.57m - 13%		NSLPP Approved	2/06/2021	
336/20	1	932077		2	Winslow St	Kirribilli	2061	1: Residential - Alterations & additions	NSLEP 2013	R2 Low Den Res	minimum subdivision lot size and Building Height	the subject site is proposed to be subdivided into three separate lots, Lot 3 non compliance 81.2%, lot 2 non compliance 80.8%, lot 1 82.3% and Building height variation is 3.2 or 37%	10% for minimum lot size and 37% for building height	NSLPP Deferred Commencement	5/05/2021	
263/20	6	18140		69A	Carter St	Cammeray	2062	4: Residential - New multi unit	NSLEP 2013	R3 Med Den Res	Building Height	The maximum height of a building permitted on the subject site is 8.5m the proposed building has a maximum height of 10.376m being 22% higher than the maximum height control	22%	NSLPP Approved	7/04/2021	

294/20	21A	370909		38	Cowdroy Ave	Cammeray	2062	1: Residential - Alterations & additions	NSLEP 2013	E4 Env Living	Building Height	the existing dwelling has a maximum building height of 12.2m and does not comply with the LEP maximum building height limit due to the sloping landform of the subject site. The proposed development would have a maximum height of 11.2m resulting in a non-compliance with the LEP maximum height of 8.5m by up to 3.35m	3.35m	NSLPP Deferred Commencement	2/06/2021
1/21	2	8933		2A	Cowdroy Ave	Cammeray	2062	1: Residential - Alterations & additions	NSLEP 2013	E4 Env Living	Building Height	The roof ridge of the existing dwelling has maximum height of 10.87m and does not comply with the LEP maximum building height limit due to the sloping landform. The proposed roof would reach a maximum height of 10.7m resulting in a non-compliance with LEP maximum height limit (8.5m) by a maximum of 2.2m.	2.2m	NSLPP Deferred Commencement	7/04/2021
40/21	1	739006		1B	Pine St	Cammeray	2062	2: Residential - Single new dwelling	NSLEP 2013	R2 Low Den Res		Complies/NIL		NSLPP deferred Commencement	5/05/2021
84/21	11	18381		12	Fernhurst Ave	Cremorne	2090	1: Residential - Alterations & additions	NSLEP 2013	R2 Low Den Res	Building Height	Proposed height of 10.73m and the maximum height is 8.5m	2.23m (26.24%)	NSLPP Approved	2/06/2021
161/20	27	2872		23	Atchison St	St Leonards	2065	9: Mixed	NSLEP 2013	B4	Building Height	Minor variation to control.	1.65m	SNPP Approved	15/06/2021