

3.6. Variations to Development Standards - 2020/2021 Q1 Reporting Period

AUTHOR: Stephen Beattie, Manager Development Services

ENDORSED BY: Joseph Hill, Director City Strategy

ATTACHMENTS:

1. Attachment Variations to Development Standards - Q 1 Reporting Period [3.6.1 - 2 pages]

PURPOSE:

Planning Circular PS 18-003 sets out certain procedural and reporting requirements for the processing of C14.6 and SEPP1 variations to development standards. This report addresses those requirements for Q1 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 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 2020/21. Of 151 applications determined in the quarter, 15 variations in total are reported, 8 by the North Sydney Local Planning Panel and 7 under delegated authority.

FINANCIAL IMPLICATIONS:

Nil.

RECOMMENDATION:

1. THAT the Variations to Development Standards - 2020/2021 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

BACKGROUND

As part of the procedural requirement set out within PS 18-003 a report of the variations to development standards granted under clause 4.6 or State Environmental Planning Policy No 1- Development Standards must be reported Quarterly to Council for its information.

CONSULTATION REQUIREMENTS

Community engagement is not required.

DETAIL

Planning Circular PS 18-003 sets out certain procedural and reporting requirements for the processing of CL4.6 and SEPP 1 variations to development standards.

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% must be reported to the North Sydney Local Planning Panel for determination. Variations under 10% can be decided by the Assessment Planners under delegations. 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 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 that 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 of the 2020/21. Of 151 applications determined in the quarter, 15 variations in total are reported, 8 by the North Sydney Local Planning Panel and 7 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
31/1/19	2	22278	2	146	Kurraba Road	Kurraba Point	2089	1. Residential - Alterations and Additions to Duplex	NSLEP 2013	R3 Medium Density Residential	Clause 4.3 Building Height - 8.5m	Building already in breach of standard. No further impacts	16.50%	Council	1/07/2020
40/2020	B	100876		55A	Carer Street	Cammeray	2062	4. Residential - New multi build - Construction of two semi - detached dwellings	NSLEP 2013	R3 Medium Density Residential	Clause 4.3 Building Height - 8.5m	Building already in breach of standard. No further impacts	0.25m 36.5%	Council	1/07/2020
116/2020	14	5460	14	95A	Ridge Street	North Sydney	2060	14. Other - Air Conditioning Unit	NSLEP 2013	R4 High Den Res	Clause 4.3 Building Height - 12m	No amenity impacts	26% (3.2m)	Council	5/08/2020
270/19	3	819		173	West Street	Crows Nest	2065	6. Residential - Other new boarding house	NSLEP 2013	R3 Medium Density Residential	Clause 30(1)(h) SEPP Affordable Rental Housing 2009	Minor variation to motorcycle parking. No material impacts	100.00%	Council	2/09/2020
21/2020	1	10312		314	West Street	Cammeray	2062	4. Residential - New multi unit (Seven new dwellings and basement parking)	NSLEP 2013	R3 Med Den Res	Clause 4.3 Building Height - 8.5m	New attached dwelling development. Breach does not cause material impacts	16.80%	Council	5/08/2020
95/2020	134	10291		6	Shellbank Parade	Cremorne	2090	14. Other - New Roof	NSLEP 2013	E4 Env Living	Clause 4.3 Building Height - 8.5m	Building already in breach of standard. No further impacts	2.69%	Council	1/07/2020
56/2020	33	8933		58	Cowdroy Ave	Cammeray	2062	2. Residential - Single new dwelling	NSLEP 2013	E4 Env Living	Clause 4.3 Building Height - 8.5m	New dwelling breaches the Development Standard	58.6%	Council Refused	5/08/2020
61/2020	0	77541	1&2	85	Bay Road	Waverton	2060	9. Mixed - Alterations and Additions to shop top housing	NSLEP 2013	B1 Neigh Centre	Clause 4.3 Building Height - 8.5m	Building already in breach of standard. No further impacts	1.05m - Unit No1	Council	5/08/2020
82/2020	1	85103		182	Blues Point Road	McMahanons Point	2060	14. Other - Fitout	NSLEP 2013	N2 Light Industrial	Clause 4.3 Building Height - 8.5m	Building already in breach of standard. No further impacts	82% (6.99m)	Council	1/07/2020

65/2020	3	801569	60	Milray Ave	Wollstonecraft	2065	2. Residential - Single new dwelling	NSLEP 2013	R2 Low Density Residential	Clause 4.3 Building Height- 8.5	New dwelling in R2 zone exceeds the maximum height	2.8%	Council Refused	4/09/2020
71/2020	8	6894	11	Balls Head Road	Waverton	2060	2. Residential - Single new dwelling (New three storey dwelling)	NSLEP 2013	E4 Env Living	Clause 4.3 Building Height- 8.5	Building in breach of standard. Deferred commencement conditions apply to address these	3.6%	Council	14/09/2020
34/2020	1	945772	53	Pine Street	Cammeray	2062	3. Residential - new second occupancy	NSLEP 2013	R2 Low Density Residential	Clause 4.3 Building Height- 8.5	New Duplex development breaches the standard	4.8%	Council	3/08/2020
157/20	1	900238	49	Carter Street	Cammeray	2062	1. Residential - Alterations and Additions	NSLEP 2013	R2 Low Density Residential	Clause 4.3 Building Height- 8.5	Building already in breach of standard. No further impacts	10%	Council	2/09/2020
108/2020	1	1247547	86-88	Walker Street	North Sydney	2060	Erection of 8 illuminated building identification signs including roof	NSLEP 2013	B3 Commercial Core	Clause 4.3 Building Height	Complies with zone objectives. Architectural feature, no material environmental impact	3.2% (5.6m)	Council	7/07/2020
158/2020	24	1922	9	Kyngdon Street	Cammeray	2062	Demolition of existing dwelling and construction of three level multi dwelling housing	NSLEP 2013	R3 Medium Density Residential	Clause 4.3 Building Height	Complies with zone objectives. Breach has no material environmental impact	3.35%	Council	21/09/2020