

3.7. Variations to Development Standards - 2020/2021 Q2 Reporting Period

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ATTACHMENTS:

1. Attachment Variations to Development Standards - Q 2 Reporting Period [3.7.1 - 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 2 (Q2) of the financial year 2020/21. Of 162 applications determined in the quarter, 12 variations in total are reported, 8 by the North Sydney Local Planning Panel and 4 under delegated authority.

FINANCIAL IMPLICATIONS:

Nil.

RECOMMENDATION:

1. THAT the Variations to Development Standards – 2020/21 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

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 2 of the 2020/21. Of 165 applications determined in the quarter, 12 variations in total are reported, 8 by the North Sydney Local Planning Panel and 4 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.

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
Alexander Street	Crows Nest	2065	8: Commercial / retail / office	NSLEP 2013	B4 Mixed Use	Clause 4.3 Building Height	Variation to the building height standard is consistent with the building height objectives and surrounding development	> 10% (2.25m)	NSLPP	2/12/2020
Pine Street	Cammeray	2062	1: Residential - Alterations & additions	NSLEP 2013	R2 Low Dens Res	Clause 4.3 Building Height	The proposed building elements above the height limit do not expand the building envelope and do not result in visual or acoustic privacy impacts to adjoining properties.	9.8% (1.24m)	Council	23/11/2020
Victoria Street	McMahons Point	2060	11: Industrial	NSLEP 2013	IN2 Light Industrial	Clause 4.3 Building Height	The proposed building elements above the height limit do not expand the building envelope and do not result in visual or acoustic privacy impacts to adjoining properties.	20% (1.7m)	NSLPP	2/12/2020
Morton Street	Wollstonecraft	2065	1: Residential - Alterations & additions	NSLEP 2013	R4 High Den Res	Clause 4.3 Building Height	Variation to the building height standard is consistent with the building height objectives	<10% (800mm)	Council	3/12/2020
Carabella Street	Kirribilli	2061	1: Residential - Alterations & additions	NSLEP 2013	R2 Low Dens Res	Clause 4.3 Building Height - 8.5m	Non-Compliance is the result of the existing building's non-compliance with the height control, and the development does not create any additional height, bulk, or scale to the existing building	51.76% (4.4m)	Council	23/11/2020
Cowdroy Avenue	Cammeray	2062	1: Residential - Alterations & additions	NSLEP 2013	E4 Env. Living	Clause 4.3 Building Height	Existing residential dwelling is in excessance of the maximum permitted height limit by 3.36m (in part; steep slope).	39.52% (3.36m)	NSLPP	4/11/2020

The Boulevard	Cammeray	2062	1: Residential - Alterations & additions	NSLEP 2013	R2 Low Dens Res	Clause 4.3 Building Height	The applicant's Clause 4.6 is considered to be satisfactory given that the proposal would not change the overall height of the existing building.	> 10% (1m)	NSLPP	7/10/2020
Commodore Crescent	McMahons Point	2060	1: Residential - Alterations & additions	NSLEP 2013	R2 Low Dens Res	Clause 4.3 Building Height	There are sufficient environmental planning grounds to justify partial contravention of the development standard (lit shaft only). The objectives of the height control will be achieved despite the variation.	2.5m	NSLPP	7/10/2020
Bay Road	Waverton	2060	1: Residential - Alterations & additions	NSLEP 2013	R2 Low Dens Res	Clause 4.3 Building Height - 8.5m	Existing residential dwelling is in exceedance of the maximum permitted height limit by 19.2% (10.13m)	10.6% (900mm)	NSLPP	7/10/2020
Young Street	Cremorne	2090	1: Residential - Alterations & additions	NSLEP 2013	R3 Med Den Res	Clause 4.4 FSR (site coverage)	A deferred commencement condition was imposed to better align the rear setback with the adjoining buildings and maximum site coverage provision	508mm	Council	27/11/2020
Waters Road	Neutral Bay	2089	9: Mixed	NSLEP 2013	B4 Mixed Use	Clause 4.3 Building Height	Compliance with the development standard is unnecessary in the circumstances of the case. Proposed development will be in the public interest and of the height of buildings standard and the objectives for development within the B4 zone	30% (4.1m)	NSLPP	7/10/2020
Churchill Crescent	Cammeray	2062	1: Residential - Alterations & additions	NSLEP 2013	R2 Low Dens Res	Clause 4.3 Building Height	Building already in breach of standard (11.479m). Breach has no material environmental impact	55% (4.4m)	NSLPP	7/10/2020