



Report to General Manager

Attachments:

1. Q2 2019/20 Clause 4.6 Variations
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SUBJECT: Variations to Development Standards- 2019/2020 Q2 Reporting Period

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ENDORSED BY: Joseph Hill, Director City Strategy

EXECUTIVE SUMMARY:

Planning Circular PS 18-003 sets out certain procedural and reporting requirements for the processing of Cl4.6 and SEPP1 variations to development standards.

Essentially, 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 determined 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:

- 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.
- 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.
- 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.
- 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 Q2 of the financial year 2019/20.

FINANCIAL IMPLICATIONS:

Nil.

RECOMMENDATION:

1. **THAT** the Variations to Development Standards report be received.
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LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

Direction: 5. Our Civic Leadership

Outcome: 5.2 Council is well governed and customer focused

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.

SUSTAINABILITY STATEMENT

The sustainability implications were considered and reported on during the assessment of each application.

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.

Essentially, 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 determined by the Assessment Planners under delegations. The 10% threshold is set by the Minister for Planning.

The Planning Circular further provides that in order 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:

- 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.
 - 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.
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- 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.
- 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 point 4 of the Planning Circular.

It is of note that a number of the variations allowed are 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 current financial year. The report is enhanced in detail to that required by the Planning Circular, as it provides information regarding applications approved under delegation as well as those approved by the North Sydney Local Planning Panel.

DA No	Lot No	SP & DP No	Unit No	Street No	Street Name	Suburb/Town	Postcode	Category of development	Environment planning instrument	Zoning of Land	Development standard to be varied	Justification of variation	Extent of variation	Concurring authority	Date DA determined
144/19	2	11418		12	Waiwera Street	Lavender Bay	2060	Alts and Adds.	R3 Med Den Res	NSLEP 2013	Clause 4.3 Building Height - 8.5 m limit.	Building already in breach of standard. Roof alterations do not cause further impacts.	1m	NSLPP Approved	4/12/2019
214/19	1	793652		22	Larkin Street	Waverton	2060	Alts and Adds.	E4 Env Living	NSLEP 2013	Clause 4.3 Building Height - 8.5 m limit.	Building already in breach of standard. Roof alterations do not breach further.	3.6m	NSLPP Approved	6/11/2019
299/19	3	976599		21	Walker Street	Lavender Bay	2060	Alts and Adds.	R3 Med Den Res	NSLEP 2013	Clause 4.3 Building Height - 8.5 m limit.	Building already in breach of standard. Modifications cause no material impact.	1.6m	NSLPP Deferred Commencement	4/12/2019
100/19	2	8688		11	Waverton Ave	Waverton	2060	New multi dwelling development.	R3 Med Den Res	NSLEP 2013	Clause 4.3 Building Height - 8.5 m limit.	New attached Dwelling development. Breach does not cause material impacts.	0.8m	NSLPP Approved	4/12/2019
112/19	12	5574		8	Woolcott Street	Waverton	2060	New three storey dwelling.	R3 Med Den Res	NSLEP 2013	Clause 4.3 Building Height - 8.5 m limit.	New dwelling in R3 zone. No material impacts demonstrated.	.48m	NSLPP Deferred Commencement	2/10/2019
307/18	A	322525		183	Military Road	Neutral Bay	2089	New five storey mixed use building.	B4 Mixed Use	NSLEP 2013	Clause 4.3 Building Height - 16 m limit.	New Mixed use building. Common area and lift overrun in breach of control. No material impacts.	5.08m	NSLPP Approved	2/10/2019
454/18	1	598179		11	Wyagdon Street	Neutral Bay	2089	Four storey residential flat building.	R4 High Den Res	NSLEP 2013	Clause 4.3 Building Height - 12m limit.	New flat building on slopping site. No material impacts.	1.2m	NSLPP Approved	2/10/2019
252/19	1	957949		96	Spofforth Street	Cremorne	2090	Four storey residential flat building.	R4 High Den Res	NSLEP 2013	Clause 4.3 Building Height - 12m limit.	New flat building on slopping site. No material impacts.	1.17m	NSLPP Approved	6/11/2019
119/19	1	85676		14	Grasmere Road	Cremorne	2090	Two storey dual occupancy.	R2 Low Den Res	NSLEP 2013	Clause 4.3 Building Height - 8.5 m limit.	New duplex on moderately slopping site. No material impacts.	.99m	NSLPP Deferred Commencement	6/11/2019
164/19	2	53152		8A	Henry Lawson Ave	McMahons Point	2060	Alts and Adds to existing flat building.	R4 High Den Res	NSLEP 2013	Clause 4.3 Building Height - 12m limit.	Minor addition to existing flat building. No material impact noted.	2.20m	NSLPP Approved	2/10/2019
234/19	1	64754		22	Thrupp Street	Neutral Bay	2089	Alters and Adds to existing dwelling.	R3 Med Den Res	NSLEP 2013	Clause 4.3 Building Height - 8.5 m limit.	Building already in breach of standard. Installation of skylight only.	2.7m	NSLPP Approved	6/11/2019
275/19	24	77880	403	151	Military Road	Neutral Bay	2089	Roof terrace pergola to existing mixed use building.	B4 Mixed Use	NSLEP 2013	Clause 4.3 Building Height - 16 m limit.	Use application to regularise unauthorised works (roof top pergola). No material impacts.	2.8m	Delegated Approved	11/11/2019
104/19	66	17495		52	Crows Nest Road	Waverton	2060	Alters and Adds to dwelling.	R2 Low Den Res	NSLEP 2013	Clause 4.3 Building Height - 8.5 m limit.	Building already in breach of standard modifications do not breach further	.2m	Delegated Approved	19/12/2019