

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
179/2022	66	1049613		68	Palmer Street	Cammeray	2062	14: Other	NSLEP 2013	SP2 Education Establishment	Building Height	The alterations and addition will maintain the existing height of the building, will allow for the safe, flexible and continued use of the existing school buildings, and will have no impact upon the street scape or the amenity of the adjoining properties. The proposal is therefore considered to be acceptable within the site circumstances, with no significant adverse impacts to the amenity and privacy of neighbouring properties and is considered a reasonable improvement to the existing heritage building within the school site.	3.7m (43.5%)	Delegated Approved; Delegation given by NSLPP to determine applications where building height variation exceeds 10% and is caused by the height of existing structure.	2/09/2022
395/2021	24	3183		15A	Lower Wycombe Road	Neutral Bay	2089	1: Residential - Alterations & additions	NSLEP 2013	R3 Med Den Res	Building Height	Pursuant to the provisions of Clause 4.6 of the North Sydney Local Environmental Plan 2013 ("the LEP"), the Panel is satisfied that the written request to the contravention of the Height of Buildings development standard in clause 4.3 of the LEP, adequately addresses the required matters in clause 4.6 of the LEP. In the opinion of the Panel the written request demonstrates that compliance with the development standard is unnecessary in the circumstances of the case and the written request identifies sufficient environmental planning grounds to justify the contravention. Further, the Panel considers that the development will be in the public interest because it is consistent with the objectives of the standard and the zone objectives.	3.9m (45.88%)	NSLPP Approved	6/07/2022
169/2022	6	SP 9924		4F	Whaling Road	North Sydney	2060	1: Residential - Alterations & additions	NSLEP 2013	R2 Low Den Res	Building Height	There would be no unreasonable overshadowing, view loss, privacy loss and/or excessive bulk and scale as a result of the proposal given that the works will be contained within the overall footprint of the existing building, and will be sympathetic to the Late Twentieth Century Style of the existing multi-dwelling development and the adjoining dwellings. While the works to the first floor level will be partially above the maximum permitted height limit as required in NSLEP 2013, the works will not add to the overall building height and have been designed to be sympathetic to the original dwelling without resulting in significant impacts upon adjoining properties. The works are also considered to maintain the existing dwelling's neutral contribution to the Whaling Road Conservation Area.	1.3m (15.3%)	NSLPP Approved	22/07/2022
56/2022	9	23880		18	Tobruk Avenue	Cremorne	2090	3: Residential - New second occupancy	NSLEP 2013	R2 Low Den Res	Building Height	The Panel is satisfied that given the topography the development will not have any unacceptable impacts and the exceedance in height is justified.	5m (58%)	NSLPP Approved	6/07/2022
323/2021	1	169417		124	Benelong Road	Cremorne	2090	6: Residential - Other	NSLEP 2013	R4 High Den Res	Building Height	No request to breach this requirement has been submitted pursuant to Clause 4.6 of the LEP and as such approval cannot be granted.	700mm	NSLPP Refused	7/09/2022

130/2021	2	602626		172	Kurraba Road	Kurraba Point	2089	1: Residential - Alterations & additions	NSLEP 2013	R2 Low Den Res	Building Height	Pursuant to the provisions of Clause 4.6 of the North Sydney Local Environmental Plan 2013 ("the LEP"), the Panel is satisfied that the written request to the contravention of the Height of Buildings development standard in clause 4.3 of the LEP, adequately addresses the required matters in clause 4.6 of the LEP. In the opinion of the Panel the written request demonstrates that compliance with the development standard is unnecessary in the circumstances of the case and the written request identifies sufficient environmental planning grounds to justify the contravention. Further, the Panel considers that the development will be in the public interest because it is consistent with the objectives of the standard and the zone objectives.	2.1m (24.7%)	NSLPP Deferred Commencement	3/08/2022
32/2022	1	542915		100	Walker Street	North Sydney	2060	8: Commercial / retail / office	NSLEP 2013	B3 Commercial Core	Building Height	The applicant submitted a written request in accordance with cl. 4.6 of the NSLEP 2013 to exceed the building height development standard of RL 227m by 12.0m, or 5.3%. Notwithstanding the deficiencies in the structure of the Applicant's written request and the inclusion of matters that the Panel considers not to be proper environmental planning grounds, the Panel is satisfied under cl. 4.6 (4)(a)(i) that adequate grounds particular to the circumstances of the proposed development sufficiently demonstrate why dispensation from compliance with the development standard is called for in this particular instance. In accepting the Applicant's cl. 4.6 written request, it was unnecessary, for the purpose of granting development consent, for the Panel to form a definitive view about the Applicant's arguments on the proposed development's compliance with cl. 5.6 and cl. 6.3 of the NSLEP 2013; however, those arguments were considered in relation to the merits of the proposed development.	12m (5.3%)	SNPP Approved	26/08/2022
360/2021	1	1196786		36	Cowdroy Avenue	Cammeray	2062	1: Residential - Alterations & additions	NSLEP 2013	C4 Env Living	Building Height	The proposed additions to the dwelling house would result in a technical breach to the height of building development standard. The variation is caused by the existing excavation of a cellar area and the proposed variation when compared to the surrounding land levels would otherwise have complied with the development standard. The written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary as the objectives of the height of building standard are achieved notwithstanding the variation and that there are sufficient environmental planning grounds to justify the variation in the circumstances. The variation is considered to be in the public interest.	0.705m (8%)	Delegated Approved	22/07/2022
372/2021	12	533858		9	Churchill Crescent	Cammeray	2062	1: Residential - Alterations & additions	NSLEP 2013	R2 Low Den Res	Building Height	The written request demonstrates that strict compliance with the development standard is both unreasonable and unnecessary because the proposed development would be consistent with the objectives of the height of buildings development standard and there are sufficient environmental planning grounds to justify the variation in the circumstances. The variation is considered to be in the public interest.	0.5m (6%)	Delegated Approved	9/08/2022

430/2021	0	SP 11641		9	Undercliff Street	Neutral Bay	2089	4: Residential - New multi unit	NSLEP 2013	R4 High Den Res	Building Height	The Panel has carefully considered the concerns of residents in its determination and has formed the view that it will not result in unreasonable impacts on adjoining properties given the R4 zone and planning framework with consideration against all relevant controls. The 4.6 written submission to allow for a height exceedance is approved and this is a precondition to the consent. On a merits assessment the Panel notes from the Assessment Report that the height has the same RL as the existing roof. The R4 zone permits the existing residential flat building to be replaced with another flat building and does not rely on the existing use rights.	4.08m (33.6%)	NSLPP Approved	7/09/2022
457/2022	2	541517		22	Premier Street	Neutral Bay	2089	1: Residential - Alterations & additions	NSLEP 2013	R2 Low Den Res	Building Height	The proposed development breaches the maximum permitted building height of 8.5m by up to 1.55m, equating to a variation of 18.2%. The proposed variation relates to rear end of the proposed first floor addition and is reflective of the significant fall of the land towards the rear of the site. The applicant has submitted a written request to vary the development standard pursuant to clause 4.6 in NSLEP 2013 which satisfactorily demonstrates that compliance with the development standard is both unreasonable and unnecessary, and that there are sufficient environmental planning grounds to justify the variation. The proposed development would be in the public interest.	1.55m (18.2%)	NSLPP Approved	6/07/2022
432/2021	1	528502		2	Sutherland Street	Cremorne	2090	4: Residential - New multi unit	NSLEP 2013	R4 High Den Res	Building Height	The non-complying elements would not result in any material impact to the existing views available from surrounding properties. Notwithstanding the absence of any credible impacts, the proposed development is largely maintained within the existing building envelope and reduces overall height (maximum RL) of the building in comparison to the existing building.	5.54m (46.16%)	NSLPP Deferred Commencement	3/08/2022
177/2022	26	SP 5460	26	95A	Ridge Street	North Sydney	2060	1: Residential - Alterations & additions	NSLEP 2013	R4 High Den Res	Building Height	The proposed works will not build on the existing height of the residential flat building and will not create an adverse impact from the street in terms of views and amenity from the streetscape and the resulting development would remain consistent with the high-rise residential character of the site. the written request seeking a variation to the building height control is considered to be well founded as it has demonstrated that compliance with the standard is unreasonable and unnecessary in the circumstances of this case. The breaches to the building height do not offend the objectives of the building height control and the R4 High Density Residential Zone.	14.78m (139.83%)	Delegated Approved; Delegation given by NSLPP to determine applications where building height variation exceeds 10% and is caused by the height of existing structure.	5/09/2022
46/2022	2	232145		145	Carabella Street	Kirribilli	2061	1: Residential - Alterations & additions	NSLEP 2013	R2 Low Den Res	Building Height	The variation to the building height development standard is justifiable because the building elements above the LEP maximum building height are unlikely to have an adverse impact on the character of the locality and would not cause material amenity impacts for the adjoining properties in terms of view loss, overshadowing and loss of privacy subject to the imposition of the recommended deferred commencement condition AA1 requiring further design amendments for the first and second floor balconies. The design of the proposal is generally consistent with the character of the Careening Cove conservation area.	1.082m	NSLPP Deferred Commencement	3/08/2022

453/2021	29	10001		61	Pine Street	Cammeray	2062	1: Residential - Alterations & additions	NSLEP 2013	R2 Low Den Res	Building Height	The applicant's Clause 4.6 is satisfactory having regard to the site circumstances and on the basis that it will not have a significant impact upon the amenity of adjoining properties and/or the streetscape. The overall development was found to be acceptable on the basis that the works will maintain a sympathetic scale with the existing dwelling and the proposed works will not result in any change to the existing site coverage, landscaped area or unbuilt upon area of the site.	1.2m (14.11%)	NSLPP Approved	3/08/2022
114/2022	16	DP 212985		12	Bennet Street	Neutral Bay	2089	1: Residential - Alterations & additions	NSLEP 2013	R2 Low Den Res	Building Height	The proposed works would have a height of 8.86m (exceedance of 4%) that fails to comply with the permissible height limit of 8.5m not in accordance with clause 4.3 in NSLEP 2013. However, the written request justifies the contravention of the development standard demonstrating sufficient planning grounds for the variation. The removal covered roof and render frame for the first floor balcony on the front facade to be replaced with a solid masonry balcony will have a positive aesthetic impact to the dwelling. Works at the rear are submissive in massing and scale to the existing dwelling and not visible from the public domain.	360mm (4%)	Delegated Approved	30/09/2022
447/2021	3	DP 815314		9	Carlyle Lane	Wollstonecraft	2065	1: Residential - Alterations & additions	NSLEP 2013	R2 Low Den Res	Building Height	Consideration has been given to the written request made by the applicant pursuant to clause 4.6 seeking a variation to the height of buildings development standard clause 4.3 of the NSLEP 2013 for the dormer and relocated skylight and is considered well founded demonstrating the variation to the building height development standard is justifiable not having an adverse impact on the character of the locality and would not have a detrimental impact to the amenity of neighbouring properties in terms of view loss, overshadowing and loss of privacy.	3m (35.29%)	NSLPP Approved	6/07/2022