

| 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 |
|-----------------------------|------------|-----------|-----------------------|---------------|----------------|-------------|----------|--|-----------------------------------|-----------------|-----------------------------------|---|---------------------|--|-------------------------------|
| 234/2022                    | 1          | 805649    |                       | 89            | Wycombe Road   | Neutral Bay | 2089     | 1: Residential - Alterations & additions | NSLEP 2013                        | R2 Low Den Res  | Building Height                   | It is considered that the written request has demonstrated that there are sufficient environmental planning grounds to justify non-compliance with the development standard. In particular it is noted that the works that are above the height limit are entirely contained within the existing main building and do not create any additional visual bulk and scale, or amenity impacts for adjoining properties. It is also concurred with that the works above the height limit will also not have any impact upon the existing density or use of the use, or have any impact upon the character of the surrounding area and the heritage significance of the dwelling.                         | 750mm (8.82%)       | Delegated Approved   | 13/07/2023                    |
| 339/2022                    | 1          | 1257269   |                       | 12            | Bertha Road    | Cremorne    | 2090     | 1: Residential - Alterations & additions | NSLEP 2013                        | R2 Low Den Res  | Building Height                   | It is considered that the written request has demonstrated that there are sufficient environmental planning grounds to justify non-compliance with the development standard. In particular it is noted that the works that are above the height limit are entirely contained within the existing main building and do not create any additional visual bulk and scale, or amenity impacts for adjoining properties. It is also concurred with that the works above the height limit will also not have any impact upon the existing density or use of the use, or have any impact upon the character of the surrounding area and the heritage significance of the dwelling.                         | 3.38m (39.76%)      | Delegated Approved-Delegation given by panel for existing circumstances. | 27/07/2023                    |
| 207/2023                    | 28         | SP77880   | 407                   | 151           | Military Road  | Neutral Bay | 2089     | 9: Mixed                                 | NSLEP 2013                        | MU1 Mixed Use   | Building Height                   | It is considered that the written request has demonstrated that there are sufficient environmental planning grounds to justify non-compliance with the development standard. In particular it is noted that the works that are above the height limit are entirely contained within the existing footprint of the building within the centre of the site and do not highly visible additional visual bulk and scale, or create significant amenity impacts for adjoining properties. It is also concurred with that the works above the height limit will also not have any impact upon the existing density or use of the dwelling, or have any impact upon the character of the surrounding area. | 2.57m (16.06%)      | Delegated Approved-Delegation given by panel for existing circumstances. | 5/09/2023                     |
| 222/2023                    | 0          | SP344     |                       | 1-3           | Elamang Avenue | Kirribilli  | 2061     | 1: Residential - Alterations & additions | NSLEP 2013                        | R4 High Den Res | Building Height                   | It is considered that the written request has demonstrated that there are sufficient environmental planning grounds to justify non-compliance with the development standard. In particular it is noted that the works that are above the height limit are entirely contained within the existing main building and do not create any additional visual bulk and scale, or amenity impacts for adjoining properties. It is also concurred with that the works above the height limit will also not have any impact upon the existing density or use of the use, or have any impact upon the character of the surrounding area and the curtilage of any nearby heritage item.                         | 14.397m (119.97%)   | Delegated Approved-Delegation given by panel for existing circumstances. | 28/09/2023                    |
| 186/2023                    | B          | 337583    |                       | 27            | Elamang Avenue | Kirribilli  | 2061     | 1: Residential - Alterations & additions | NSLEP 2013                        | R2 Low Den Res  | Building Height                   | The Panel carefully considered the view impacts arising from the development and is aware of the conditions of the previous development approval relating to this issue. The Panel notes this application provides for view sharing from the living areas of adjoining properties and is satisfied that the view intrusion is minor and reasonable in the circumstances given the views are diagonally across two side boundaries from units on the street side. The Panel is satisfied on a merits assessment the minor impact would not warrant refusal of the application.   | 1.724m (20.28%)     | NSLPP Approved   | 6/09/2023                     |

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| 51/2023  | 4  | SP18845 |    | 5   | Little Wonga Road    | Cremorne       | 2090 | 1: Residential - Alterations & additions | NSLEP 2013 | R2 Low Den Res  | Building Height | <p>The building is an existing approved dual occupancy and alterations are proposed only within the physical limits of the existing approved structure. Due to the sloping nature of the site, the rear elevation has a height of 6.89m while the front elevation has a height of 13.86m. There is no new works proposed above the approved roof height of the existing building.</p> <p>Pursuant to the provisions of clause 4.6 of the North Sydney Local Environmental Plan 2013, the Panel is satisfied that the written request to contravene 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.</p> <p>In the opinion of the Panel the written request demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case and the written request identified sufficient environmental planning grounds to justify the contravention. Further, the Panel considers that the development is in the public interest because it is consistent with the objectives of the development standard and the objectives of the zone</p> | 5.36m (63%)   | NSLPP Approved   | 6/09/2023 |
| 5/2022   | 2  | 303346  |    | 24  | East Crescent Street | McMahons Point | 2060 | 4: Residential - New multi unit          | NSLEP 2013 | R4 High Den Res | Building Height | <p>The Panel has considered the representations, both verbal and in writing, made by the submitters. The Panel also undertook a site inspection to understand the context of the area and has the benefit of the Council Officer's Assessment report. After careful deliberation, the Panel is satisfied the proposed development has sufficient merit to warrant approval in the R4, 'High Density Residential Zone'. The Panel accepts the Officer's Assessment Report that the view impacts from adjoining properties are acceptable in the context of the total extent of views obtained from those properties. The Panel determines the application is worthy of approval and meets the objectives of the zone, while mitigating adverse impacts on adjoining properties, in an area where change to higher density would be anticipated by the zoning.</p>   | 1.67m (13.9%) | NSLPP Approved   | 6/09/2023 |
| 115/2023 | 1  | 929395  |    | 115 | Holt Avenue          | Cremorne       | 2090 | 4: Residential - New multi unit          | NSLEP 2013 | R3 Med Den Res  | Building Height | <p>In accordance with section 4.47 (4) Environmental Planning &amp; Assessment Act, 1979 (EP&amp;A) the North Sydney Local Planning Panel, exercising the functions of Council as the consent authority, refuses to grant development consent to Development Application No. 115/23 for demolition of 3 dwelling houses and associated works, and construction of a 3-storey residential flat building of 16 dwellings on land at 115, 117, 119 Holt Avenue Cremorne. The Council having been notified by the approval body, the Heritage Council of NSW, that approval will not be granted to the application, in accordance with section 63(2) Heritage Act 1977. The above legislative requirements direct that the application be refused.</p>   | 2.45m (28%)   | NSLPP Refused  | 2/08/2023 |
| 359/2022 | 21 | SP60522 | 21 | 1   | McDougall Street     | Kirribilli     | 2061 | 1: Residential - Alterations & additions | NSLEP 2013 | R4 High Den Res | Building Height | <p>The proposed works will sit below the maximum building height of the existing building, however, would have a height of 17.35m (RL 43.25), which still fails to comply with the permissible height limit of 12m in accordance with clause 4.3 in NSLEP 2013, resulting in a height breach of 5.35m (44.6%). The proposed height of the external staircase is considered to be in keeping with the existing built form ensuring that the staircase will sit below the existing maximum height of the building. The variation sought is considered to be well founded and in the public interest as there will not be any direct or adverse environmental impacts generated by the variation.</p>   | 5.35m (44.6%) | Delegated Approved-Delegation given by panel for existing circumstances. | 1/08/2023 |
| 291/2022 | 0  | SP19383 |    | 15  | Allister Street      | Cremorne       | 2090 | 4: Residential - New multi unit          | NSLEP 2013 | R4 High Den Res | Building Height | <p>The variations occur towards the southern portion of the roof form of the proposed building and are greatest towards the southwestern corner of the building. The variations are partly caused by the lift over run and solar panel array which are located above the roofline. The variations do not give rise to additional yield and are a reflection of the roof form and services where the proposed building is located on a sloping site. In the opinion of the Panel the written request demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case and the written request identified sufficient environmental planning grounds to justify the contravention. Further, the Panel considers that the development is in the public interest because it is consistent with the objectives of the development standard and the objectives of the zone.</p>  | 1.98m (16.5%) | NSLPP Deferred Commencement  | 5/07/2023 |

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| 112/2023 | 6  | SP87918 | 6 | 19 | Belmont Avenue      | Wollstonecraft | 2065 | 1: Residential - Alterations & additions | NSLEP 2013 | R4 High Den Res         | Building Height | It is noted that the height variation relates to a small portion of roof above the new enclosed structure. Any privacy impacts associated with this structure have been addressed by the design and through conditions imposed. The Panel is satisfied the proposal is satisfactory with no significant impacts on the built or natural environments, subject to conditions.   | 0.55m (4.58%)   | NSLPP Approved   | 6/09/2023  |
| 357/2022 | 1  | 202869  |   | 63 | Victoria Street     | McMahons Point | 2060 | 1: Residential - Alterations & additions | NSLEP 2013 | E3 Productivity Support | Building Height | In consideration of the written request made by the Applicant pursuant to Clause 4.6 of the North Sydney Local Environmental Plan 2013, the Panel is not satisfied that compliance with the development standard contained in Clause 4.3 – Maximum Height of Buildings of NSLEP 2013 is well founded. The consent authority has identified that there are no sufficient environmental planning grounds which have been identified which would justify contravening the development standard. The consent authority has identified that the proposed development is not in the public interest as it fails to achieve consistency with the relevant objectives of Clause 4.3 – Maximum Height of Buildings and the E3 - Productivity Support zone under NSLEP 2013. | 1.48m (17.4%)   | NSLPP Refused  | 2/08/2023  |
| 113/2023 | 17 | SP83350 |   | 24 | Alfred Street South | Milsons Point  | 2061 | 1: Residential - Alterations & additions | NSLEP 2013 | MU1 Mixed Use           | Building Height | The Clause 4.6 submission is considered to be well founded in the circumstances as there are no adverse material impacts that result from this application. The submission is considered to have demonstrated the achievement of the objectives of the MU1 Mixed Use zone on the basis that the proposal is less than the height of surrounding residential flat buildings and improves amenity for the occupants of the dwelling while not adversely impacting view, solar access or privacy for surrounding properties. The written request has demonstrated that compliance with the standard is unreasonable and unnecessary in the circumstances of the case and has provided sufficient environmental planning grounds which support the request.            | 1.83m (18.3%)   | Delegated Approved-Delegation given by panel for existing circumstances. | 6/07/2023  |
| 401/2022 | 0  | SP5118  |   | 99 | Kurraba Road        | Kurraba Point  | 2089 | 1: Residential - Alterations & additions | NSLEP 2013 | R4 High Den Res         | Building Height | The existing building does not comply with the development standard, having a maximum variation of 1.896m (15.75%). The proposal will raise the height of the roof in order to enable insulation to be laid within the roof cavity and improve the roof pitch. There is negligible change to the shape and form of the roof. The written request has satisfactorily demonstrated that compliance with the development standard is unreasonable and unnecessary because the proposed development complies with the objectives of the standard and that there are sufficient environmental planning grounds to justify the variation.  | 1.994m (16.61%) | Delegated Approved-Delegation given by panel for existing circumstances. | 9/08/2023  |
| 235/2022 | B  | 338032  |   | 4  | Warung Street       | McMahons Point | 2060 | 1: Residential - Alterations & additions | NSLEP 2013 | R3 Med Den Res          | Building Height | The Panel is satisfied the development will not adversely impact the conservation area and is generally consistent with the planning controls and guidelines. Furthermore, the Panel is of the view that privacy and amenity for adjoining residents is reasonably maintained.   | 4.17m (49%)     | NSLPP Approved   | 2/08/2023  |
| 403/2022 | 3  | 318311  |   | 41 | Carter Street       | Cammeray       | 2062 | 2: Residential - Single new dwelling     | NSLEP 2013 | R2 Low Den Res          | Building Height | The building exceeds the maximum height of building stipulated in Clause 4.3 of NSLEP 2013, which is also contrary to Provision Pt. sl.4.7 of NSDCP 2013. A written request pursuant to Clause 4.6 'Exceptions to development standards' has not been provided within the development application to justify the contravention of the development standard. The new building is inconsistent with surrounding dwellings and would appear from Carter Street as a significantly larger dwelling and does not reflect the existing context that comprises a low density residential area, contrary to objectives L and 3 for the R2 Low Density Residential zone.  | 0.2m            | Delegated Refused  | 28/07/2023 |
| 9/2023   | 4  | SP10924 | 4 | 35 | Murdoch Street      | Cremorne       | 2090 | 1: Residential - Alterations & additions | NSLEP 2013 | R3 Med Den Res          | Building Height | The Panel is satisfied the heritage conservation area will not be impacted and the proposed development is consistent with the character of the existing building, subject to the conditions as recommended.   | 9.8m (15%)      | NSLPP Approved   | 2/08/2023  |