

Development Application Variations to Standards under Clause 4.6 of Parramatta LEP 2011, Auburn LEP 2010, Holroyd LEP 2013, The Hills LEP 2012, Hornsby LEP 2013 and SEPP 1

Approved in 1 October – 31 December 2016

DA No:	Address:	Category of development:	Environmental Planning Instrument	Development standard to be varied	Justification of variation	Extent of Variation	Date DA determined
DA/249/2016	158-164 Hawkesbury Road, WESTMEAD 2145 Lot 7, DP 1077852	Telecommunications Tower	PLEP 2011 B4 Mixed Use	cl 4.3 - Maximum Height of Buildings	The proposal does not have an adverse visual impact upon the existing development in the locality or significant adverse heritage impact to adjacent heritage items when considered in relation to the approved building height and visual characteristics of the envisaged built form of future development on the site, and does not result in excessive overshadowing.	<u>Required:</u> 31m <u>Proposed:</u> 40m (variation of 9m or 29%)	18 October 2016 – IHAP Meeting
DA/769/2016	52 Dorset Street, EPPING 2121 Lot B, DP 344381	Subdivision	Hornsby LEP 2013 R2 Low Density Residential	cl 4.1 – Minimum Subdivision Lot Size	The proposed subdivision would not alter the physical relationship of the approved development with the surrounding low-density residential environment. Would not detract from the residential character of the area given the proposal does not alter the existing dwelling-houses and would not result in a precedent given the unique circumstances of the case involving two existing dwellings.	<u>Required:</u> 550m ² <u>Proposed:</u> Lot 10 - 406.60m ² (variation of 18.8%) Lot 11 - 478.7m ² (variation of 4.26%)	15 November 2016 – IHAP Meeting

DA No:	Address:	Category of development:	Environmental Planning Instrument	Development standard to be varied	Justification of variation	Extent of Variation	Date DA determined
DA/227/2016	14 - 16 Burbang Crescent and 47 - 49 South Street, RYDALMERE 2116 Lot 5, DP 31350	Residential Flat Buildings	PLEP 2011 R4 High Density Residential	cl 4.3 – Maximum Height of Buildings	<p>The proposed development is an appropriate response to the topography of the site and does not contain any habitable areas beyond the height limit.</p> <p>The proposed development will not result in adverse impacts to adjoining sites with regard to acoustic, overshadowing and privacy. The breach in the height mostly relates to the lift overrun and shade structures required to access the roof top common space area and to increase its utility.</p>	<p><u>Required:</u> 11m</p> <p><u>Proposed:</u> 14.6m</p> <p>Building A – 13.04m (variation of 2.04m or 18.5%)</p> <p>Building B - 14.6m (variation of 3.6m or 32.7%)</p>	18 November 2016 – JRPP Meeting
DA/906/2015	127 Pennant Street and 76-80 Pemberton Street, PARRAMATTA 2150 Lot A, DP 347193 Lot 1, DP 1053010 Lot 3, DP 15127	Residential Flat Building	PLEP 2011 R4 High Density Residential	<p>cl 4.3 – Maximum Height of Buildings</p> <p>cl 4.4 – Maximum FSR</p>	<p>The proposed development standard is necessary to provide equitable access to the rooftop communal terrace and the access structure containing the lift core and stairwell is consistent with the scale of the high-density residential zone.</p> <p>The additional floor space sought has been effectively accommodated for on the top floor and adds articulation to the corner. Moreover, the proposal complies with the maximum building height permitted (except the lift overrun).</p>	<p><u>Required:</u> 14m</p> <p><u>Proposed:</u> 15.39m (variation of 9.92%)</p> <p><u>Required:</u> 1.1:1 (2,371.82m²)</p> <p><u>Proposed:</u> 1.19:1 (2565.96m²) (variation of 8.18% or 194.14m²)</p>	6 December 2016 – IHAP Meeting

DA No:	Address:	Category of development:	Environmental Planning Instrument	Development standard to be varied	Justification of variation	Extent of Variation	Date DA determined
DA/672/2016	46 - 50 Pembroke Street, EPPING 2121 Lot 23, DP 7325	Residential Flat Building	Hornsby LEP 2013 R4 High Density Residential	cl 4.3 – Maximum Height of Buildings	<p>The proposal meets the intent of the 5 storey residential controls. Where mezzanine levels are proposed they are located within the 17.5m height limit.</p> <p>The site is subject to particular constraints including the topography, stormwater overland flows at the rear, two road frontages and a frontage to Epping Road, that are unique to the site;</p> <p>The height standard is exceeded as a result of the requirement to achieve a five storey residential development and the requirement for the driveway to be located on the highest point of the site on Pembroke given the topography and location adjacent to Epping Road and the intersection with Epping Road.</p>	<p><u>Required:</u> 17.5m</p> <p><u>Proposed:</u> 18.25m (variation of 4.3%)</p>	7 December 2016 - Manager Development & Traffic Services – Delegated Authority

DA No:	Address:	Category of development:	Environmental Planning Instrument	Development standard to be varied	Justification of variation	Extent of Variation	Date DA determined
DA/814/2016	13 Edwin Street, OATLANDS 2117 Lot 35, DP 30647	Dwelling	The Hills LEP 2012 R2 Low Density Residential	cl 4.3 – Maximum Height of Buildings	<p>In terms of scale, the development application is consistent with the approval under DA/88/2016/LA where the height, bulk and scale of the dwelling remains compatible with a low-density residential environment.</p> <p>The design outcome whether by alterations and additions or a new dwelling house results in the same architectural treatment, and the new proposal is identical and a planning technicality where the proposal remains compatible with a low-density residential environment.</p> <p>The dwelling house does not have any adverse impacts on adjoining properties through the numerical non-compliance of the height of building control.</p> <p>It is noted that the height non-compliance matter was not identified by the Hills Shire Council as being a constraint under the earlier approval being DA/88/2016/LA and was considered acceptable given its approval and the decision was made in accordance with the cited Court judgments.</p> <p>From a design point of view, the provision of a flat or low-pitched roofline would be unsympathetic given the predominance of hipped rooflines in the locality.</p>	<p><u>Required:</u> 9m</p> <p><u>Proposed:</u> 10.5m (variation of 1.5m)</p>	20 December 2016 – IHAP Meeting