

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 July – 30 September 2017

DA No:	Address:	Category of development:	Environmental Planning Instrument:	Development standard to be varied:	Justification of variation:	Extent of Variation:	Date DA determined:
DA/353/2016	16 Maida Road Epping NSW 2121 Lot 8 DP 9693	Residential Flat Building	HLEP 2013 R4 High Density Residential	Cl. 4.3 – Maximum Height of Buildings	<p>The 500mm departure to the development standard represents a 4% variation and in this regard, is considered to be minor in nature.</p> <p>The encroachment to the height occurs only to the portion of the development to the rear, affecting the eaves. The bulk of the building which includes the roof top common open area and the lift overrun are located within the 12 metre maximum height limit.</p> <p>Given the minor nature of the encroachment, the development in this case does not create 'bulk' or result in adverse amenity impacts on adjoining developments in terms of solar and residential acoustic.</p> <p>The departure to the height limit was reviewed by DEAP and upon review, raised no objections to the 12.5m development.</p>	<p><u>Required:</u> 12m</p> <p><u>Proposed:</u> 12.5m (variation of 500mm or 4%)</p>	5 July 2017 - 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/409/2017	129-131 Pennant Street, PARRAMATTA NSW 2150 LOT 1 DP 126883 Lot 2 DP 1076685	Residential Flat Building	PLEP 2011 R4 High Density Residential	Cl. 4.3 – Maximum Height of Buildings	<p>The encroachment to the height occurs to the open rooftop awning, fire stairs, the lift room, services room and the toilet for the rooftop area. The non-compliances which contribute to additional bulk and scale relate to non-habitable areas which make up 33m² of the overall roof area, or 9.8% height variance.</p> <p>It is considered that the additional height will not have an adverse impact in terms of shadowing or privacy as the required separation is generally provided, and the proposed bulk is limited to the middle section of the building, setback 21.5m from the street boundary.</p> <p>The additional height relates to the services that contribute to the use of the communal rooftop area.</p> <p>It is also not considered that the building will be unduly prominent in the streetscape as a result of the additional height, as the adjoining building has been approved with a similar height (of the list overrun being 15.39m).</p>	<p><u>Required:</u> 14m</p> <p><u>Proposed:</u> 15.37m (variation of 1.37m or 9.8%)</p> <p>Lift overrun 15.34m (variation 1.34m or 9.6%)</p>	24 July 2017 - 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/111/2017	31 & 33 Jenkins Road & 39 Post Office Street, CARLINGFORD Lot 1, 2 & 3, DP 370757	Residential Flat Building	The Hills LEP 2012 R4 High Density Residential	cl. 4.3 – Maximum Height of buildings	<p>The variation is for non-habitable floor area and does not result in significant overshadowing, adverse overlooking impacts to adjoining owners or excessive bulk.</p> <p>The non-compliant area provides for communal open space and facilities increasing the amenity of the overall development consistently with the provisions of SEPP 65.</p> <p>The variation is considered appropriate on the subject site given the topography of the site and the site specific design which predominantly complies with the development controls of the SEPP 65, ADG, The Hills LEP 2012 and The Hills DCP 2012.</p> <p>Given the R4 High Density zoning of the site, the additional height will not result in the appearance of bulk when viewed from the existing streetscape and would not impinge on the future built form anticipated for the immediate area.</p>	<p><u>Required:</u> 16m</p> <p><u>Proposed:</u> 16.696m (variation of 0.696m or 4.4%)</p>	1 August 2017 - 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/968/2016	158-164 Hawkesbury Road, WESTMEAD Lot 7, DP 1077852	Mixed Use	PLEP 2011 B4 Mixed Use	cl. 4.3 – Maximum Height of buildings cl 4.4 - Floor space ratio	<p>The variation to the height is acceptable as;</p> <ul style="list-style-type: none"> - The masterplan for the site that informed the planning proposal were a result of a suboptimal concept plan - The building envelopes approved under DA/571/2014 did not reflect the development potential for the site. - The most significant departure to the height is located adjoining the rail corridor where it is appropriate. - The exceedance in height does not result in amenity impacts to the adjoining development to the west - The proposed height allows for transition in scale throughout the WSU site - The proposed height does not obstruct views - Does not impact of curtilage of heritage item. <p>The variation to the FSR is acceptable as;</p> <ul style="list-style-type: none"> - FSR is consistent with stage 1 FSR for the whole of the WSU site - FSR does not result in traffic impacts - Departures supported by DEAP and Urban Designers - Development supports the primary health and educational hub of Westmead. 	<p>Building A</p> <p>Required: 31m</p> <p>Proposed: 39.6m (variation of 8.6m or 27.7%)</p> <p>Building B</p> <p>Required: 48m</p> <p>Proposed: 81.3m (variation of 33.3m or 69.3%)</p> <p>Required: 4:1 and 1.5:1</p> <p>Proposed: 4:52:1</p> <p>4914m² (variation of 1.5% to the 4:1 FSR control);</p> <p>28,386.5m² (variation of 66.8% to the 1.5:1 FSR control)</p>	2 August 2017 – SWCPP 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/1056/2016	<p>5 and 7 Carter Street, Lidcombe and part Lot 24 in DP225350, Uhrig Road LIDCOMBE</p> <p>Lot 18, 19 & part of 24 DP225350</p>	Residential Flat Building	<p>ALEP 2010</p> <p>R4 High Density Residential</p>	cl. 4.3 – Maximum Height of buildings	<p>The variation is minor, and is limited to the following elements:</p> <ul style="list-style-type: none"> - Lift overruns, - Plant rooms; and - Awning structures. <p>No adverse built form or amenity impacts have been identified that can be attributed to those elements;</p> <p>The preconditions of Clause 4.6(4)(a), in relation to the adequacy of the applicant's written request and the public interest, are satisfied.</p>	<p><u>Required:</u> 42m</p> <p><u>Proposed:</u> Tower 2A-C 43.34m (variation of 1.34m or 3.2%);</p> <p>Tower 2A-D 46.10m (variation of 4.1m or 9.8%);</p> <p>Tower 2B-E 44.26m (variation of 2.26m or 5.4%); and</p> <p>Tower 2B-F 44.19m (variation of 2.19m or 5.2%)</p>	2 August 2017 – SWCPP 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/468/2016	<p>12-22 Langston Place and Part of 10 Pembroke Street, EPPING</p> <p>Lot 20 DP 877567 Lot 5 DP 249822</p>	Mixed Use	<p>HLEP 2013</p> <p>B4 Mixed Use</p>	Cl. 4.3 – Maximum Height of buildings	<p>The height of buildings proposed will be consistent with the objectives of the standard and will enable development that is consistent with the zone objectives.</p> <p>As such, compliance with the standard is considered to be unnecessary. The variation will provide substantial environmental planning benefits being development that is compatible with the context while still meeting the planned density for this important town centre site.</p> <p>In summary, it is considered that breaching the building height control would result in a better provision of the permitted floor space across the site.</p>	<p><u>Required:</u> 72m</p> <p><u>Proposed:</u> Tower 2 77.3m (variation of 5.7% over) Tower 3 92.85m (variation of 28.9% over)</p>	2 August 2017 – SWCPP 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/738/2016	57, 63 and 83 Church Street & 44 Early Street, PARRAMATTA Lot 16 DP 12623 Lot 114 DP 129484 Lot 15 DP 651039	Mixed Use	PLEP 2011 B4 Mixed Use	Cl. 7.7(3)(a) & Cl. 7.7(4) of LEP 2011	<p>These site specific clauses require at least 40% of the floorspace to be used for a purpose other than residential accommodation or serviced apartments.</p> <p>Compliance is achieved across both sites, but not on site 1 which has a minor non-compliance.</p> <p>Compliance with the development standard in this case is unreasonable or unnecessary in the circumstances of the case, will not compromise the public interest and that there are sufficient planning grounds warranting support for a variation to the development standard.</p>	<p><u>Required:</u> 60% residential 40% non-residential floor space split across the combined sites.</p> <p><u>Proposed:</u> Whilst this distribution of floor space is compliant on Site 2 with 47% non-residential floor space, Site 1 is deficient with only 36% non-residential floor space.</p>	9 August 2017 – SWCPP 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/1045/2016	161-163 Pennant Street, PARRAMATTA Lot 3 & 4, DP 35120	Residential Flat Building	PLEP 2011 R4 High Density Residential	Cl. 4.3 – Maximum Height of buildings	<p>The building height of this scale does not result in view loss nor cause any detrimental disruption to the existing skyline.</p> <p>No detrimental amenity impact will be created to the neighbouring properties including overshadowing impacts.</p> <p>There is no immediate heritage item/heritage conservation area which would be impacted by the proposal and the proposed building height is consistent with the desired high density living and is appropriate within the local context of the area.</p>	<p><u>Required:</u> 11m</p> <p><u>Proposed:</u> 12.3m (variation of 1.3m or 11.8%)</p> <p>Lift overrun 12.8m (variation of 1.8m (16.4%))</p>	15 August 2017 – 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/1007/2016	75-77 Kissing Point Road, Dundas Lot A & B DP 396695	Residential Flat Building	PLEP2011 R4 High Density Residential	Cl. 4.3 – Maximum Height of buildings	<p>The height variation has resulted from the lift overrun to serve as access to the rooftop terrace and primary communal open space area for the development.</p> <p>The location of the central lift core towards the Kissing Point Road frontage not only reduces the prominence from the streetscape, but suitably provides a building transition relative to the adjoining heritage item.</p> <p>In this light, it is considered the proposal satisfies the objectives of the development standard.</p>	<p><u>Required:</u> 17m</p> <p><u>Proposed:</u> 18.8m (variation of 1.8m or 10.6%)</p>	15 August 2017 – 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/59/2017	10 Winton Avenue, NORTHMEAD Lot 35 DP 229528	Dwelling	The Hills LEP 2012 R2 Low Density	cl 4.3 – Maximum Height of Buildings	<p>The site is constrained by its significant slope and the proposed development responds to the site despite the variation and does so without compromising relationships with the adjoining residential dwelling immediately south-east. The variation is considered acceptable representing 8% to the maximum height for the site, which is considered to be minor. The architectural plans demonstrate that the variation in height does not hinder compliance with residential acoustics, views to and from the site, overshadowing, privacy and bulk and scale requirements of the HDCP 2012 for residential dwellings.</p> <p>The elevations demonstrate the development will maintain a two storey appearance from the streetscape, reinforcing the low density character of the surrounding locality. Notwithstanding, it is noted that the dwelling has a three storey appearance from the rear where the variation occurs at its maximum. However, three storey residential dwellings are permissible with consent in the zone. Also, given the extensive bushland reserve adjoining the site immediately north and east, the building's rear mass is negligible in terms of negative impacts on surrounding occupiers.</p>	<p><u>Required:</u> 9m</p> <p><u>Proposed:</u> (Variation of 0.721m or 8%)</p>	22 August 2017 - 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/612/2017	43 Crandon Road, EPPING Lot 4 DP 18321	Sub Division	Hornsby LEP 2013 R2 Low Density Residential	cl 4.4 – Floor space ratio	The noncompliance (1.3m ²) is of a very minor nature being approximately 0.26% of the total area required. The non-compliance will apply to the proposed Lot 42 which is a regular shaped allotment that is clear from significant vegetation which can comply with the minimum building envelope requirements.	<u>Required:</u> 500m ² <u>Proposed:</u> Lot 41 = 500 m ² Lot 42 = 498.7 m ² (Variation of 1.3 m ² for Proposed Lot 42 or 0.26%)	30 August 2017 - 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/1253/2016	2-6 Bold Street & 80-82 Cowper Street, GRANVILLE Lots 19 & 20 DP 7553	Mixed Use	PLEP 2011 B4 Mixed Use	cl 4.3 – Maximum Height of Buildings	Notwithstanding the maximum height for the site at 39 metres, the envisaged height for this portion of the Granville is 52 metres under the PLEP 2011. Further, urban design testing (for the Parramatta Road Corridor Transformation Strategy) has shown that the existing height and FSR controls in this location result in lower, bulkier buildings that are undesirable and lack of variation in built form outcomes.	<u>Required:</u> 39m <u>Proposed:</u> 51.67m (variation of 12.67m or 32%)	6 September 2017 – SWCPP 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/593/2017	140 Marsden Street, PARRAMATTA Lot 3 SP 94349	Mixed Use	PLEP 2011 B4 Mixed Use	cl 4.4 – Floor space Ratio	<p>The overall mixed-use development was approved under the former Part 3A provisions by the NSW Government with an FSR variation of 61.4%. The subject tenancy is adding 58.984 m² of floor space in a mezzanine configuration. This equates to an additional 0.13% increase above the previously approved variation to the Floor Space Ratio development standard. The proposed mezzanine is inferior to the tenancy and results in no changes to the external appearance of the Marsden Street elevation.</p> <p>The proposed mezzanine results in no change to the height of the tenancy and overall mixed-use development, and is capable of complying with the BCA with respect to floor to ceiling heights. The land use intensity, for example seating capacity, is assessed to be commensurate with the adjoining approved tenancies.</p> <p>The environmental impacts of the proposed mezzanine are therefore negligible to the exterior, particularly given it is setback from the shopfront facade by approximately 5.5m.</p> <p>In this regard, given the existing FSR situation arose from a different approval system and given the minor nature of the additional variation, strict compliance with the principal development standard is considered unnecessary. It is assessed that the positive economic impacts to the locality projected to be generated by the proposal, coupled with the lack of significant environmental impacts, warrants that strict compliance is unnecessary for the proposal that depends on a mezzanine for its viability.</p>	<p><u>Required:</u> 29,274 m²</p> <p><u>Existing:</u> (as previously approved) 47,247.016 m²</p> <p><u>Proposed:</u> 47,306 m² (variation of --18032 m² or –61.6%)</p>	19 September 2017 - 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/464/2017	31 Ellis Street, OALANDS Lot 1 DP 1219098	Dwelling	The Hills LEP 2012 R2 Low Density Residential	Cl. 4.3 – Maximum Height of buildings	Development on a sloping site; only 11% of the roof exceeded the maximum height. No impacts on adjoining sites due to the variation.	<u>Required:</u> 9m <u>Proposed:</u> 9.76m (variation of 0.76m or 8.4%)	25 September 2017 - Manager Development & Traffic Services – Delegated Authority