

**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 from 01 October – 31 December 2017**

<b>DA No:</b>	<b>Address:</b>	<b>Category of development:</b>	<b>Environmental Planning Instrument</b>	<b>Development standard to be varied</b>	<b>Justification of variation</b>	<b>Extent of Variation</b>	<b>Date DA determined</b>
DA/671/2017	104 Felton Road CARLINGFORD  Lot 86 DP 210955	Dwelling	THLEP2012  R2 Low Density	Cl. 4.3 – Maximum Height of buildings	Variation to the building height under Clause 4.3 of The Hills LEP 2012 is due to the topography of the land and to maintain a consistent roof form in keeping with the streetscape.  There is no significant amenity loss to neighbouring properties as a result of the height variation and as such, it is considered to be well-founded and supported on merit.	<u>Required:</u> 9m  <u>Proposed:</u> 9.5m (variation of 0.5m or 5.5%)	12 October 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/1005/2016	29 Carter Street, LIDCOMBE  Lot 2 DP 234801  Lot 26 DP 225350  Lot 27 DP 225350  Lot 28 DP 225350	Mixed Use	Auburn LEP 2010  B4 Mixed Use	Cl. 4.3 – Maximum Height of buildings	<p>The request for a variation of the height control is supported for the following reasons:</p> <p>The submission has demonstrated that better planning outcomes will be achieved for the site, for both the private and public elements of the scheme;</p> <p>Despite the height variation, the resulting built form will be compatible with the future context of the Precinct;</p> <p>No adverse built form or amenity impacts have been identified that can be attributed to those elements of the buildings which would exceed the height control; and</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><b>Building 3A</b> <u>Required:</u> 42m</p> <p><u>Proposed:</u> 48.58m (variation of 6.58m or 13.5%)</p> <p><b>Building 3B1</b> <u>Required:</u> 29.9m</p> <p><u>Proposed:</u> 38.95m (variation of 9.05m or 23.2%)</p> <p><b>Building 3B2</b> <u>Required:</u> 29.9m</p> <p><u>Proposed:</u> 38.65m (variation of 8.75m or 22.6%)</p>	13 October 2017 – Sydney City Central Planning Panel

DA No:	Address:	Category of development:	Environmental Planning Instrument	Development standard to be varied	Justification of variation	Extent of Variation	Date DA determined
DA/500/2017	7-13 Jenkins Road, CARLINGFORD  Lot 5 DP 1218516	Torrens Title subdivision	The Hills LEP 2012  B4 mixed use	cl 4.1 - Minimum lot size	<p>Approved in principle by Consent from The Hills Council to be used as open space and given to Council.</p> <p>DA required to subdivide the land off of the development site. In the public interest.</p>	<p><u>Required:</u> 1800m<sup>2</sup></p> <p><u>Proposed:</u> 2090m<sup>2</sup> (variation of 290m<sup>2</sup> or 16%)</p>	17 October 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/1271/2016	158-164 Hawkesbury Road WESTMEAD NSW 2145  Lot 7, DP 1077852  Lot 2, DP 1211982	Residential Flat Building	PLEP2011  B4 Mixed Use	cl. 4.3 – Maximum Height of buildings   cl. 4.4 - Floor Space Ratio	<p>The heights and FSR envisaged by the masterplan that informed the planning proposal were a result of a suboptimal concept plan.</p> <p>The Stage 1 approval under DA/571/2014 improved the building envelopes by departing from the height and FSR under PLEP 2011 to allow for a more feasible development on each allotment.</p> <p>However, in designing for the development on Lot 4, further modelling of the building envelopes approved under DA/571/2014 resulted in a built form that did not reflect the development potential for the site, in particular, the height for the site.</p>	<p><b>Building D</b> <u>Height Required:</u> 40m <u>Height Proposed:</u> 72.15m (variation of 32.15m or 80.3%)</p> <p><b>Building E</b> <u>Height Required:</u> 31m <u>Height Proposed:</u> 37.1m (variation of 6.1m or 19.3%)</p> <p><b>Building F</b> <u>Height Required:</u> 31m <u>Height Proposed:</u> 38.35m (variation of 7.35m or 23.7%)</p> <p><b>SITE FSR</b> <u>Required:</u> 4:1 <u>Proposed:</u> 4.34:1 (variation of 2301m2 or 8.7%)</p> <p><u>Required:</u> 3.5:1 <u>Proposed:</u> 4.34:1 (variation of 5595m2 or 24.2%)</p>	1 November 2017 – Sydney Central City Planning Panel 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/863/2016	<p>2 - 2A Hepburn Avenue &amp; 199-203 Carlingford Road, CARLINGFORD NSW 2118</p> <p>Lots 1 &amp; 2, DP 845101</p> <p>Lots 1 &amp; 2, DP 879689</p> <p>Lot 2, DP 30015</p> <p>Lot 3, DP 419712</p>	Residential Flat Building	<p>HLEP2013</p> <p>R4 High Density Residential</p>	cl. 4.3 – Maximum Height of building	The variation to the Development Standard is considered to be well founded and acceptable as the building is required to be raised above the existing ground level to accommodate flood water storage to its northern side, to allow access for waste collection vehicles and to facilitate a complying development floor to floor height of 3.1 metres.	<p><u>Required:</u> 17.5m</p> <p><u>Proposed:</u> 19.26m (variation of 1.76m or 10.05%)</p>	1 November 2017 – Sydney Central City Planning Panel 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/1157/2016	<p>657-661 Victoria Road &amp; 4-6 Wharf Road MELROSE PARK NSW 2114</p> <p>Lots 2 &amp; 3 DP 588575</p> <p>Lot 11 DP 128907</p> <p>Lots 1 &amp; 2 DP 221045</p> <p>Lot 1 DP 128912</p> <p>Lots 71 &amp; 72 DP 1136996</p> <p>Lot 2 DP 128912</p> <p>Lot 2 DP 619396</p>	Mixed Use	PLEP2013  B4 Mixed Use	cl. 4.3 – Maximum Height of building	<p>The variation to the Development Standard was considered acceptable for the following reasons:</p> <ul style="list-style-type: none"> <li>the physical effects of these building are generally internalised within the site;</li> <li>the bulk and scale of the proposed non-compliant buildings is not out-of-character with the envisaged scale of buildings to the south;</li> <li>these buildings do provide an urban design benefit in terms of identifying entries and a varied sky line;</li> <li>the siting of these buildings addressing Victoria Road is appropriate on urban design grounds;</li> <li>the development will be under the site's floor space control; and</li> <li>the site's current state and contamination is a site-specific constraint and some weight has been given to the public interest benefits of remediation of the site.</li> </ul>	<p><u>Required:</u> 28m</p> <p><u>Proposed:</u> 35m (variation of 7m or 25%)</p>	7 November 2017 – Sydney Central City Planning Panel 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/631/2016	23 Allen Street, HARRIS PARK NSW 2150  Lot 33 Sec 18 DP 1310	Residential Flat Building	PLEP2013  R4 High Density	cl. 4.3 – Maximum Height of buildings	<p>The encroachment in this instance is considered to be acceptable for the following reasons:</p> <p>The site is isolated in nature. The sites to the east and west are developed with 3 and 4 storey residential flat buildings. Amalgamation with these developments are unlikely as the units are strata titled.</p> <p>It is noted that the sites directly to the east and west are of similar dimensions as the subject site. The adjoining sites have a 14-15 metre frontage with a depth of approximately 50 metres.</p> <p>These sites contain RFB developments with similar features as that proposed, mainly a deeper building footprint and between 3 and 4 metre side setbacks.</p> <p>The development maintains the 4 storey form as intended by the planning controls when viewed from the street and to the rear.</p> <p>The proposed bulk of the development is contained below the maximum height for the site and is generally of a similar height with the development at 19-21 Allen Street.</p>	<p><u>Required:</u> 13m</p> <p><u>Proposed:</u> 15.47m (variation of 7m or 25%)</p>	21 November 2017 - Independent Hearing Assessment (IHAP) Panel

DA No	Address	Category of development	Environmental Planning Instrument	Development standard to be varied	Justification of variation	Extent of Variation	Date DA determined
DA/495/2017	1-7 Thallon Street, CARLINGFORD NSW 2118  Lot 100, DP 1221092	Residential Flat Building	THLEP2012  R1 General Residential  RE1 Public Recreation	cl. 4.3 – Maximum Height of buildings  cl. 4.4 - Floor Space Ratio	The breach to Clause 4.3 Height of Building & Clause 4.4 FSR under THLEP 2012 has been supported as the proposal provides a greater public benefit by dedicating approximately 3,485m <sup>2</sup> of land to Council for the purpose of a public park, and is not out of character for the area and does not impact on adjoining properties.	<u>Height Required:</u> 57m  <u>Height Proposed:</u> 66.86m (variation of 9.86 metres or 17.3%).  <u>FSR Required:</u> 4:1  <u>FSR Proposed:</u> 5.22:1 (variation of 1,318.7m <sup>2</sup> or 30.5%).	21 November 2017- Independent Hearing Assessment (IHAP) Panel

DA No	Address	Category of development	Environmental Planning Instrument	Development standard to be varied	Justification of variation	Extent of Variation	Date DA determined
DA/210/2017	63-67 Pine Street and 44-46 Wattle Street, RYDALMERE  Lot 12 Sec 5 DP 977669  Lot 11 Sec 5 DP 977669  Lot 10 Sec 5 DP 977669	Residential Flat Building	PLEP2011  R4 High Density Residential	cl. 4.3 – Maximum Height of buildings	The non-compliance to height control is a direct result of applying Affordable Housing SEPP 2009 which permits greater Floor Space Ratio (FSR) and in the process of accommodating additional FSR, the development marginally encroaches upon the prescribed height limit.  However, considering the request for a variation of the height control is it is for lift over runs and roof features only and no habitable floor space exceeds the height limit, the variation is considered appropriate.	<u>Required:</u> 11m  <u>Proposed:</u> Building A 13.9m (Variation is 2.9m or 26.3%);  Building B 13.6m (Variation of 2.6m or 23.6%)	6 December 2017 – Sydney Central City Planning Panel 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/1269/2016	5 Uhrig Road, LIDCOMBE  Lot 24 DP 225350	Residential Flat Building	AUBURN LEP2010  R4 High Density Residential	cl. 4.3 – Maximum Height of buildings	<p>The request for a variation of the height control is supported for the following reasons:</p> <p>The submission has demonstrated that better planning outcomes will be achieved for the site, for both the private and public elements of the scheme;</p> <p>Despite the height variation, the resulting built form will be compatible with the future context of the Precinct;</p> <p>No adverse built form or amenity impacts have been identified that can be attributed to those elements of the buildings which would exceed the height control; and</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> Building NA – 50.6m (Variation is 8.6m or 20.4%);</p> <p>Building NC – 50.5m (Non-compliance is 8.5m or 20.2%); and</p> <p>Building ND – 50.8m (Non-compliance is 8.8m or 20.9%).</p>	15 December 2017 – Sydney Central City Planning Panel 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/468/2017	COMMON PROPERTY 10-12 Donald Street, CARLINGFORD  CP SP 75045	Residential Flat Building	THLEP2012  R4 High Density Residential	cl. 4.3 – Maximum Height of building	<p>The proposed development responds to the site despite the non-compliance and does so without compromising relationships with adjoining developments.</p> <p>The height variation does not result in an overdevelopment of the site, with the proposal complying with the maximum FSR for the site, being 1.49:1.</p> <p>The proposal also satisfies the underlying object/purpose of the standard in that it minimises the visual impact of development, ensures sufficient solar access and privacy for neighbouring properties, ensures development is consistent with the landform and provides an appropriate scale and intensification of development.</p>	<p><u>Required:</u> 16m</p> <p><u>Proposed:</u> 18.7m (variation of 2.7m or 17%)</p>	19 December 2017 – Independent Hearing and Assessment Panel (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/724/2017	18-20 Cliff Road, EPPING  Lot 58 DP 12051  Lot 59 DP 12051	Residential Flat Building	Hornsby LEP 2013  R4 High Density Residential	cl. 4.3 – Maximum Height of building	<p>The extent of the non-compliance is primarily within the rooftop terrace and lift overrun. Although a rooftop terrace is not permitted as per the Hornsby DCP 2013, in this instance, the use of a rooftop terrace results in communal open space with more usable space, better solar access, and is more accessible to residents;</p> <p>City of Parramatta's Design Excellence Advisory Panel raised no objections to the rooftop terrace and exceedance in building height;</p> <p>A compliant development could be achieved on the site, however would result in a reduction in the footprint of the building which is generally compliant with the Hornsby DCP 2013 and the Apartment Design Guide. As a result of the deletion of the rooftop communal open space, the private open space available for residents on the ground floor would be significantly reduced to accommodate a 4-metre-wide landscaped area;</p> <p>The exceedance in building height would not result in any additional overshadowing of the adjoining properties.</p>	<p><u>Required:</u> 17.5m</p> <p><u>Proposed:</u> 19.95m (variation of 2.45m or 14%)</p>	19 December 2017 – Independent Hearing and Assessment Panel (IHAP) meeting