

### **3.3. Variations to Development Standards - 2019/2020 Q3 Reporting Period**

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**ENDORSED BY:** Joseph Hill, Director City Strategy

**ATTACHMENTS:**

1. Clause 4.6 Variations Q3 2019/20 [3.3.1 - 2 pages]

**PURPOSE:**

Planning Circular PS 18-003 sets out certain procedural and reporting requirements for the processing of C14.6 and SEPP1 variations to development standards. This report addresses those requirements.

**EXECUTIVE SUMMARY:**

Any variation to a development standard of greater than 10% must be reported to the North Sydney Local Planning Panel for determination. Variations under 10% can be determined by Assessment Staff under delegated authority.

The Planning Circular provides that to achieve transparency and integrity in the planning framework, the following monitoring and reporting measures must be followed:

- Proposed variations to development standards cannot be considered without a written application objecting to the development standard and dealing with the matters required to be addressed by the relevant instrument.
- A publicly available online register of all variations to development standards approved by the consent authority or its delegates is to be established and maintained. This register must include the development application number and description, the property address, the standard to be varied and the extent of the variation.
- A report of all variations approved (including under delegation) must be submitted to [developmentstandards@planning.nsw.gov.au](mailto:developmentstandards@planning.nsw.gov.au) within four weeks of the end of each quarter (i.e. March, June, September and December) in the form provided by the Department.
- A report of all variations approved under delegation from a council must be provided to a meeting of the council at least once each quarter.

Attached is the tabulated Development Standard variations approved for Q3 of the financial year 2019/20. Of the 6 variations recorded, all are technical in nature.

**FINANCIAL IMPLICATIONS:**

Nil.

**RECOMMENDATION:**

1. **THAT** the Variations to Development Standards 2019/2020 Q3 report be received.

## **LINK TO COMMUNITY STRATEGIC PLAN**

The relationship with the Community Strategic Plan is as follows:

### 3. Our Future Planning

3.5 North Sydney is regulatory compliant

### 5. Our Civic Leadership

5.2 Council is well governed and customer focused

## **BACKGROUND**

As part of the procedural requirement set out within PS 18-003 a report of the variations to development standards granted under clause 4.6 or State Environmental Planning Policy No 1- Development Standards must be reported Quarterly to Council for its information.

## **CONSULTATION REQUIREMENTS**

Community engagement is not required.

## **DETAIL**

Planning Circular PS 18-003 sets out certain procedural and reporting requirements for the processing of CL4.6 and SEPP 1 variations to development standards.

Essentially, any variation to a development standard of greater than 10% must be reported to the North Sydney Local Planning Panel for determination. Variations under 10% must be reported to the North Sydney Local Planning Panel for determination. Variations under 10% can be determined by the Assessment Planners under delegations. The 10% threshold is set by the Minister for Planning.

The Planning Circular further provides that in order to ensure transparency and integrity in the planning framework, the monitoring and reporting measures outlined below must be followed when development standards are being varied:

- Proposed variations to development standards cannot be considered without a written application objecting to the development standard and dealing with the matters required to be addressed by the relevant instrument.
- A publicly available online register of all variations to development standards approved by the consent authority or its delegates is to be established and maintained. This register must include the development application number and description, the property address, the standard to be varied and the extent of the variation.
- A report of all variations approved (including under delegation) must be submitted to [developmentstandards@planning.nsw.gov.au](mailto:developmentstandards@planning.nsw.gov.au) within four weeks of the end of each quarter (i.e. March, June, September and December) in the form provided by the Department.
- A report of all variations approved under delegation from a council must be provided to a meeting of the council at least once each quarter.

The table attached to this report addresses dot point 4 of the Planning Circular.

It is of note that a number of the variations allowed are technical in nature as they arise from new or altered work on buildings which already exceed the development standards set by the relevant Planning instruments.

It is a general practice that significant variations to development standards which result in a greater yield than that envisaged by the planning controls are guided towards the Planning Proposal process.

Attached for Council's information are the variations to Development Standards for Quarter 3 of the current financial year. All of the 6 variations recorded are technical in nature and offer no policy concerns.

The report is enhanced in detail to that required by the Planning Circular, as it provides information regarding applications approved under delegation as well as those approved by the North Sydney Local Planning Panel.

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
371/19	0	4771		9	Wyagdon S	Neutral Bay	2089	1: Residential - Alterations & additions	NSLEP 201	R4 High Den Res	Clause 4.3	Building already in breach of standard modifications does not breach further	117.60%	Council	2/5/2020
13/20	21	12	61	29	Carabella S	Kirribilli	2061	1: Residential - Alterations & additions	NSLEP 201	R4 High Den Res	Clause 4.3	Building already in breach of standard modifications does not breach further	10.00%	Council	3/4/2020
300/19	8	520996		19	King Georg	Lavender B	2060	1: Residential - Alterations & additions	NSLEP 201	R3 Med Den Res	Clause 4.3	Building already in breach of standard modifications does not breach further	10.00%	Council	2/5/2020

398/19	1	115096		45	Willoughby Kirribilli		2060	1: Residential - Alterations & additions	NSLEP 201	R2 Low Den Res	Clause 4.3	Building already in breach of standard modifications does not breach further	12.70%	Council	3/4/2020
356/19	134	10291		6	Shellbank Cremorne		2090	1: Residential - Alterations & additions	NSLEP 201	E4 Environmental	Clause 4.3	Building already in breach of standard modifications does not breach further	8.70%	Council	2/5/2020
410/19	15	4388	15	224	Ben Boyd Cremorne		2090	1: Residential - Alterations & additions	NSLEP 201	R4 High Den Res	Clause 4.3	Building already in breach of standard modifications does not breach further	152.90%	Council	3/4/2020