

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
22/22	1	937768		18	The Avenue	North Sydney	2060	1: Residential - Alterations & additions	NSLEP 2013	R2 Low Den Res	Building Height	While the first-floor addition does entail a very minor non-compliance at the eastern end with the maximum permitted height limit as required in NSLEP 2013, the overall scale of the of the addition has been designed to be sympathetic to the original dwelling without resulting in significant impacts upon adjoining properties.	300mm (3.5%)	Delegated Approved	4/05/2022
42/22	1	SP 44295	1	39	Lower Bent Street	Neutral Bay	2089	1: Residential - Alterations & additions	NSLEP 2013	R4 High Den Res	Minimum Lot Size	The non-compliance with the minimum lot size requirement for attached dual occupancy developments is unchanged by this proposal as this DA relates to relatively minor alterations and additions to an existing dual occupancy that has been in place since 1989. Furthermore, the amenity impacts of the development are considered to be acceptable and, subject to conditions, is compliant with Council's other controls in Part B of NSDCP 2013. The proposed works have been designed to be sympathetic to the existing building through the use of a submissive scale and matching materials. The proposal is therefore considered to be acceptable within the site circumstances.	5.49%	Delegated Approval	7/04/2022
428/21	4	217138		26	Chuter Street	McMahons Point	2060	1: Residential - Alterations & additions	NSLEP 2013	R3 Med Den Res	Building Height	The proposed breach to the building height development standard is unlikely to create any matter of significance for State or regional environmental planning. Furthermore, there is unlikely to be any public benefit in maintaining strict compliance with the building height control. In conclusion, the amended written request seeking a variation to the building height control is considered to be well founded as it has demonstrated that compliance with the standard is unreasonable and unnecessary in the circumstances of the case.	210mm	Delegated Approved	9/06/2022
18/22	0	SP 4701		74-76	Upper Pitt Street	Kirribilli	2061	1: Residential - Alterations & additions	NSLEP 2013	R4 High Den Res	Building Height	The proposed lift shaft would not cause any loss of views as it is located externally within an internal corner of the existing building and is flanked on either side by the north eastern and north western projections of the building form. The height of the proposed lift shaft is also below the height of the existing building. Additionally, it would not cause any additional overshadowing as it is located externally within an internal corner of the existing building and is flanked on either side by the north eastern and north western projections of the building form.	27.69m (230.75)	Delegated Approved; Delegation given by NSLPP to determine applications where building height variation exceeds 10% and is caused by the height of existing structure.	22/07/2022
350/21	1	87984		40	Victoria Street	McMahons Point	2060	1: Residential - Alterations & additions	NSLEP 2013	R3 Med Den Res	Building Height	The proposed works would not result in any increase to the height of the existing building, and the resulting development would remain consistent with the character of the locality. In conclusion, the written request seeking a variation to the building height control is considered to be well-founded as it has demonstrated that compliance with the standard is unreasonable and unnecessary in the circumstances of this case. The breaches to the building height do not offend the objectives of the building height control and the R3 Medium Density Residential Zone.	1.01m (11.88%)	Delegated Approved; Delegation given by NSLPP to determine applications where building height variation exceeds 10% and is caused by the height of existing structure.	31/05/2022

425/21	33	4389		14	Milson Road	Cremorne Point	2090	1: Residential - Alterations & additions	NSLEP 2013	R2 Low Den Res	Building Height	Given that the works have already been constructed at the subject site, a clause 4.6 written statement seeking a variation to the development standard concerned with building height is technically not required. However, the applicant has submitted a clause 4.6 for abundant caution. It is considered that there are sufficient environmental grounds to support the clause 4.6 written statement given that the "as built" works would achieve the objectives of the standard and there is sufficient public interest in terms of providing additional amenity for the residents of the dwelling without causing an unreasonable impact upon adjoining properties and/or the streetscape.	4m	Delegated Approved	19/05/2022
436/21	69	17495		46	Crows Nest Road	Crows Nest	2065	1: Residential - Alterations & additions	NSLEP 2013	R2 Low Den Res	Building Height	The request is supported on the grounds that the height of the additions and alterations demonstrate full compliance with the maximum height of buildings provision and that the only portion of the building that is non-compliant is the roof of the existing dwelling, which is proposed to be retained. The proposed development achieves the objectives of the maximum building height development standard and the R2 – Low Density Residential Zone.	450mm (5%)	NSLPP Approved	4/05/2022
379/21	0	SP 1927		1	Warung Street	McMahons Point	2060	1: Residential - Alterations & additions	NSLEP 2013	R3 Med Den Res	Building Height	The Panel, in addition to the reasons in the Council Officer's report, the Panel considered that the number of breaches to planning controls and guidelines was symptomatic of an unsatisfactory development in the circumstances. The development would be an inappropriate and uncharacteristic intrusion in the heritage conservation area particularly given its highly prominent location, the prevailing landscape character of the sandstone rock face, the visibility of the site to Sydney Harbour and considering its location adjacent to a neighbouring heritage item.	3.2m (38%)	NSLPP Refused	1/06/2022
205/21	49	11773		23	Wheatleigh Street	Crows Nest	2065	4: Residential - New multi unit	NSLEP 2013	R3 Med Den Res	Building Height	The Panel determined to approve the written request for variation to the height standard. Pursuant to the provisions of Clause 4.6 of the North Sydney Local Environmental Plan 2013 ("the LEP"), the Panel is satisfied that the written request in relation to the contravention of 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. In the opinion of the Panel the written request demonstrates that compliance with the development standard is unnecessary in the circumstances of the case.	1m	NSLPP Approved	25/05/2022
122/21	16	17443		1	Baden Road	Kurraba Point	2089	2: Residential - Single new dwelling	NSLEP 2013	R3 Med Den Res	Building Height	The Panel notes that the exceedance in height generally does not contribute to view loss in the context of the extent and totality of views retained. It is also noted that some improvements will occur where the existing building is to be demolished. The Panel accepts the removal of the existing chimney together with the increased western setback, assists in view sharing and the shape of the roof is a better built form outcome to a flat roof.	600mm (6.81%)	NSLPP Approved	6/04/2022
427/21	0	SP 50406		4	East Avenue	Cammeray	2062	1: Residential - Alterations & additions	NSLEP 2013	R2 Low Den Res	Building Height	The Panel considers the Clause 4.6 to be well founded, and it is satisfied that the proposal has good planning grounds to justify the contravention. The Panel also considers that the proposal is acceptable subject to the conditions included in the recommendation.	2.88m (33.9%)	NSLPP Approved	4/05/2022

413/21	2	19883		1B	Samora Avenue	Cammeray	2062	1: Residential - Alterations & additions	NSLEP 2013	R2 Low Den Res	Building Height	The Panel is satisfied that the written request in relation to the contravention of the Height of Buildings development standard in clause 4.3 of the LEP addresses the required matters in clause 4.6 of the LEP. In the opinion of the Panel the written request demonstrates that compliance with the development standard is unnecessary in the circumstances of the case and the written request identifies sufficient environmental planning grounds to justify the contravention. Further, the Panel considers that the development will be in the public interest because it is consistent with the objectives of the standard and the zone objectives.	2.09m	NSLPP Approved	6/04/2022
269/21	100	615583		372	Military Road	Cremorne	2090	9: Mixed	NSLEP 2013	B4 Mixed	Building Height	The Panel is satisfied that the written request in relation to the contravention of the Height of Buildings development standard in clause 4.3 of the LEP addresses the required matters in clause 4.6 of the LEP. In the opinion of the Panel the written request demonstrates that compliance with the development standard is unnecessary in the circumstances of the case and the written request identifies sufficient environmental planning grounds to justify the contravention. Further, the Panel considers that the development will be in the public interest because it is consistent with the objectives of the standard and the zone objectives subject to the imposition of appropriate conditions.	1.99m	NSLPP Deferred Commencement	6/04/2022
353/21	1	1110849		11	Bennett Street	Cremorne	2090	3: Residential - New second occupancy	NSLEP 2013	R2 Low Den Res	Building Height	The Panel is not satisfied that the written request in relation to the contravention of the Height of Buildings development standard in clause 4.3 of the LEP adequately addresses the required matters. In the opinion of the Panel the written request does not demonstrate that compliance with the development standard is unnecessary in the circumstances of the case and the written request does not identify sufficient environmental planning grounds to justify the contravention. Further, the Panel considers that the development will be inappropriate and will not be in public interest because it is consistent with the objectives of the standard and the zone objectives.	2.49m	NSLPP Refused	4/05/2022
371/21	1	706914		102	Carabella Street	Kirribilli	2061	1: Residential - Alterations & additions	NSLEP 2013	R2 Low Den Res	Building Height	The Panel is of the opinion that the proposal would provide improved amenity for the residents of the subject site without causing any unreasonable impacts to adjoining properties and/or the Conservation Area.	1.8m (21.17%)	NSLPP Approved	4/05/2022