

## ITEM 4 QUARTERLY VARIATIONS REPORT FOR DEVELOPMENT APPLICATIONS JUNE 2019

This quarterly report to Council identifies five (5) Development Applications which were determined during the period 1 April 2019 to 30 June 2019 where a variation to a development standard was granted. The NSW Department of Planning and Environment has been notified of the variations as part of Council's ongoing reporting requirements.

### RECOMMENDATION

Council note the development standards variation report for the period 1 April 2019 to 30 June 2019.

### REPORT AUTHORISATIONS

Report of: Mark Riordan, Manager Development Assessment and Certification  
Authorised by: Chris Stewart, Director Planning and Environment - Future City and Neighbourhoods (Acting)

### ATTACHMENTS

1 Variations to Development Applications 1 April to 30 June 2019

### BACKGROUND

Development Applications involving variations to development standards may be made under clause 4.6 of Wollongong Local Environmental Plan 2009 (WLEP 2009). Requirements are provided within clause 4.6 of WLEP 2009 for the assessment of variations to development standards.

Any variations approved are reported on a quarterly basis to the NSW Department of Planning, Industry and Environment (DPIE), in accordance with procedural guidelines. Council and the DPIE may in turn consider the extent and nature of variations granted when reviewing relevant planning controls or instruments.

Wollongong City Council provides further transparency and oversight of applications seeking departures to development standard via -

- Wollongong Local Planning Panel (WLPP) review
- Declaration of any variation during public exhibition
- Maintaining an ongoing public record of all variations approved

Following recent amendments to Planning Panel operations by NSW DPIE minor variations to development standards (below 10%) receiving less than two objections may be determined by staff under delegated authority.

### QUARTERLY RESULT

#### **1 April to 30 June 2019**

During the 1 April 2019 to 30 June 2019 quarter five (5) Development Applications were approved which included a variation to a development standard (see attachment 1).

- The first application (DA-2018/1517) involved a mixed use development comprising 1 retail tenancy, 13 affordable units, 15 self-contained boarding house studios and associated car parking and landscaping works. The application involved a variation to the following development standards under Wollongong Local Environmental Plan 2009: (a) clause 4.3 Building Height – 15 metres maximum (b) Clause 7.13 Ground floor development residential use restriction on land within business zones (c) Clause 7.14 Minimum site width requirement – 24 metres for residential flat building. The application was considered by the Southern Regional Planning Panel on 31 May 2019 and the proposed variations were supported.

- The second application (DA-2019/88) involved demolition works, alterations and additions to existing dwelling and construction of a new secondary dwelling and garage. The application involved a 7% variation to Clause 4.4 – Maximum Floor Space Ratio (FSR) requirement of 0.3:1 with a proposed FSR of 0.325:1. The application was determined under delegated authority by Council staff.
- The third application (DA-2019/213) involved the demolition of existing structures, tree removal and the construction of a multi-dwelling housing development comprising of three (3) attached townhouses. The application involved an 8.33% variation to Clause 7.14 Minimum Site Width requirement of 18 metres for multi-dwellings, proposing a 16.5 metre site width. The application was determined under delegated authority by Council staff.
- The fourth application (DA-2018/1219) involved the demolition of an existing building and the construction of a shoptop housing development including a 10 lot strata title subdivision. The application involved a 30% variation to Clause 7.14 Minimum Site Width requirement of 24 metres for Residential Flat Buildings, proposing a 16.8 metre site width. The application was considered by Wollongong Local Planning Panel on 10 April 2019 and the proposed site width variation was supported.
- The fifth application (DA-2017/730) involved the demolition of existing buildings and ancillary structures and the construction of a mixed use development above basement parking. The application involved a 32% variation to Clause 8.6 Building Separation requirement of 16 metres, proposing a 5.06 metre building separation on level 1. The application was considered by the Southern Regional Planning Panel on 18 April 2019 and the proposed variation to the building separation was supported.

#### PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 goal “We value and protect our environment”. It specifically delivers on core business activities as detailed in the Development Assessment Service Plan 2018-189.

**Development Applications approved with variations to development standards for the quarterly period between 1 April 2019 and 30 June 2019** (Reporting applications with a decision of 'Approved'/'Deferred Commencement')

<b>Application</b>	DA-2018/1517		
<b>Lot</b>	1 Sec D DP 4167, Lot 1 DP 908064	<b>Zone</b>	B2 Local Centre, Centre B2 Local
<b>Address</b>	145-149 Princes Highway, Corrimal NSW 2518		NSW 2518
<b>Description</b>	Mixed use development comprising 1 retail tenancy, 13 affordable units, 15 self-contained boarding house studios and associated car parking and landscaping works		
<b>Decision</b>	Approved	<b>Decision Date</b>	31 May 2019
<b>Variations</b>	<b>Planning Instrument</b>	WLEP 2009	<b>Clauses</b> c4.3(2) Height of buildings c7.14 (1, 2) Minimum site width c7.13 Ground Floor dev on Business Zoned Land
	<b>Justification of variation</b>	<p>A written justification statement was provided by the applicant and is considered to have sufficiently addressed the requirements of clause 4.6(3) of WLEP2009 and relevant established LEC Court principles for exceptions to development standards.</p> <p>The proposed development is 16.68 metres in height and represents an 11.2% variation to the 15 metre height limit. This variation is considered supportable on the basis that the land falls 3.5 metres from west to east. Therefore, strict compliance with the 15 metre building height limit would result in additional steps in the built form of the development which is undesirable. Also, only 1.97% of the total building volume exceeds the 15 metre height limit. Further, the site is located on a prominent corner at the northern extent of the Corrimal Town Centre area. The proposal responds to the site context by providing a nil setback to the road frontages and active interface with the Princes Highway.</p> <p>The ground floor includes a variation to the residential use restriction clause since the development has been designed to provide an active retail space at the street level and two residential units located behind the retail space which has direct frontage to Collins Street and the Princes Highway. The proposed residential units on ground floor do not affect the street level activation of the retail space yet deal with the inherent slope of the land and hence, is considered supportable.</p> <p>The proposed 18.2 metre site width varies from the 24 metre site width requirement for residential flat buildings. This variation is considered supportable on the basis that the development appropriately addresses the design principles contained within SEPP 65 and the Apartment Design Guide. The development satisfies the objectives of the B2 zone and provides an appropriate built form for the northern gateway to Corrimal Town Centre.</p>	
	<b>Extent of variation</b>	<p>Clause 4.3 Building Height requirement - 15 metres maximum Proposal - 16.68 metres which represents an - 11.2% exceedance</p> <p>Clause 7.13 Ground Floor development residential use restriction on land within business zones Proposal – 2 units, communal open space and residential entrance corridors on the ground floor.</p> <p>Clause 7.14 Minimum site width requirement – 24 metres for residential flat building Proposal - 18.2 metres provided which represents a 24% shortfall</p>	
	<b>Concurring Authority</b>	Southern Regional Planning Panel	

<b>Application</b>	DA-2019/88		
<b>Lot</b>	1 DP 499682	<b>Zone</b>	E4 Environmental Living
<b>Address</b>	157 Lawrence Hargrave Drive, AUSTINMER NSW 2515		
<b>Description</b>	Residential - demolition works, alterations and additions to existing dwelling and construction of a new secondary dwelling and garage		
<b>Decision</b>	Approved	<b>Decision Date</b>	29 May 2019
<b>Variations</b>	<b>Planning Instrument</b>	WLEP 2009	<b>Clause</b> c4.4(2) Floor space ratio
	<b>Justification of variation</b>	<p>A written justification statement was provided by the applicant and is considered to have sufficiently addressed the requirements of clause 4.6(3) of WLEP2009 and relevant established LEC Court principles for exceptions to development standards.</p> <p>The proposed 0.325:1 floor space ratio represents a minor 7% exceedance to the 0.3:1 FSR development standard and is considered acceptable on the basis that the proposal meets the objectives of the E4 zone. The additional 14m<sup>2</sup> of floor area to the second building is not considered excessive given the lot size. The dwelling is not considered excessive in terms of its bulk or scale and has been carefully sited to minimise overshadowing of the adjoining dwelling and to mitigate any view loss. Most dwellings in the locality are two storey and significantly bigger than the proposed existing cottage and secondary dwelling. The proposed development is unlikely to result in any significant adverse impact upon the character or amenity of the surrounding area.</p>	
	<b>Extent of variation</b>	<p>Maximum 0.30:1            Clause 4.4 Floor space ratio requirement - 0.3 :1            Proposal – 0.325 :1 which represents a 7% exceedance</p>	
	<b>Concurring Authority</b>	Council under assumed concurrence	

<b>Application</b>	DA-2019/213		
<b>Lot</b>	23 DP 35718	<b>Zone</b>	R2 Low Density Residential
<b>Address</b>	29 Carr Street, TOWRADGI NSW 2518		
<b>Description</b>	Residential - demolition of existing structures, tree removals and construction of multi dwelling housing - three (3) attached townhouses		
<b>Decision</b>	Approved	<b>Decision Date</b>	28 June 2019
<b>Variations</b>	<b>Planning Instrument</b>	WLEP 2009	<b>Clause</b> c7.14 (1, 2) Minimum site width
	<b>Justification of variation</b>	<p>A written justification statement was provided by the applicant and is considered to have sufficiently addressed the requirements of clause 4.6(3) of WLEP2009 and relevant established LEC Court principles for exceptions to development standards.</p> <p>The proposed site width at the building line represents an 8.3% (1.5 metre) departure from the 18 metre site width requirement. However, the site is predominantly in excess of the minimum 18 metre site width requirement due to the tapered lot shape. Further, the overall bulk and scale of the development is considered to be acceptable in terms of streetscape character and built form to surrounding development.</p>	
	<b>Extent of variation</b>	<p>Clause 7.14 Minimum site width requirement - 18 metres for multi dwellings.</p> <p>Proposal – 16.5 metres which represents an 8.33% shortfall</p>	
	<b>Concurring Authority</b>	Council under assumed concurrence	

<b>Application</b>	DA-2018/1219		
<b>Lot</b>	6 Sec C DP 4167	<b>Zone</b>	B2 Local Centre
<b>Address</b>	151-153 Princes Highway, CORRIMAL NSW 2518		
<b>Description</b>	Demolition of existing building and construction of a shoptop housing development including Subdivision - Strata title - 10 lots		
<b>Decision</b>	Approved	<b>Decision Date</b>	10 April 2019
<b>Variations</b>	<b>Planning Instrument</b>	WLEP 2009	<b>Clause</b> c7.14 (1, 2) Minimum site width
	<b>Justification of variation</b>	<p>A written justification statement was provided by the applicant and is considered to have sufficiently addressed the requirements of clause 4.6(3) of WLEP2009 and relevant established LEC Court principles for exceptions to development standards.</p> <p>The 16.8 site width represents a 30% variation to the general 24 metre site width requirement. However, this variation is considered supportable given that two narrow sites are located to the southern side of the subject site which provides an opportunity to consolidate and develop these, as has occurred on the neighbouring site to the south. The proposed development has been designed appropriately given the nature and characteristics of the site and is unlikely to result in any significant adverse impact upon the character or amenity of the surrounding area. The proposed development is also consistent with the objectives of the B2 zone.</p>	
	<b>Extent of variation</b>	<p>Clause 7.14 Minimum site width requirement - 24 metres for Residential Flat Building</p> <p>Proposal – 16.8 metres which represents a 30% shortfall</p>	
	<b>Concurring Authority</b>	Wollongong Local Planning Panel	



<b>Application</b>	DA-2017/730		
<b>Lot</b>	1 DP 152849, Lot C DP 65920, Lot 1 DP 510890, Lot B DP 345880, Lot 2 DP 12385, Lot 3 DP 12385, Lot 4 DP 12385, Lot 2 DP 152849	<b>Zone</b>	B4 Mixed Use, B4 Mixed Use, B4 Mixed Use, B4 Mixed Use, B4 Mixed Use, B4 Mixed Use, B4 Mixed Use
<b>Address</b>	131-135 Keira Street, 131-135 Keira Street, 115-117 Keira Street, 2A Thomas Street, 2 Thomas Street, 4 Thomas Street, 6 Thomas Street, 137-141 Keira Street, WOLLONGONG NSW 2500		
<b>Description</b>	Demolition of existing buildings and ancillary structures and the construction of a mixed use development above basement parking		
<b>Decision</b>	Deferred Commencement	<b>Decision Date</b>	18 April 2019
<b>Variations</b>	<b>Planning Instrument</b>	WLEP 2009	<b>Clause</b> c8.6 (2,3) Zone B3 Commercial Core/Zone B4 Mixed
	<b>Justification of variation</b>	<p>A written justification statement was provided by the applicant and is considered to have sufficiently addressed the requirements of clause 4.6(3) of WLEP2009 and relevant established LEC Court principles for exceptions to development standards.</p> <p>The proposed Parsons Lane apartments are separated from the rear of Keira Street properties by a topographical height difference and privacy screen, thereby eliminating any privacy or overlooking issues. By the time the proposed building reaches Level 1, these apartments are looking over the roof of the Keira Street properties so there is no amenity issue. The proposed building has been refined in response to Design Review Panel advice and is of a relatively sympathetic presentation to surrounding development.</p>	
	<b>Extent of variation</b>	<p>Building separation clause 8.6 WLEP 2009</p> <p>Basement: various Parson's Lane apartments and rear of Keira Street properties; southern elevation and 10 Thomas Street; northern elevation and rear of 67 Smith Street</p> <p>Level 1: 5.06m between apartment B102 and Lot 1 DP 742078 where 16m is required</p>	
	<b>Concurring Authority</b>	Southern Regional Planning Panel	