

ITEM 7

QUARTERLY VARIATIONS REPORT FOR DEVELOPMENT APPLICATIONS -
SEPTEMBER 2019

This quarterly report to Council identifies two (2) Development Applications which were determined during the period 1 July 2019 to 30 September 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 July 2019 to 30 September 2019.

REPORT AUTHORISATIONS

Report of: Mark Riordan, Manager Development Assessment and Certification
Authorised by: Linda Davis, Director Planning + Environment

ATTACHMENTS

- 1 Variations to Development Standards - July to September 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. This delegation is restricted to Manager level.

QUARTERLY RESULT

1 July to 30 September 2019

During the 1 July 2019 to 30 September 2019 quarter two (2) Development Applications were approved which included a variation to a development standard (see attachment).

- The first application (DA-2018/557) involved the demolition of an existing 45 bed residential aged care facility and construction of a new 111 bed residential aged care facility and conversion of an existing 44 hostel bed facility to 22 serviced self-care dwellings with community / ancillary spaces. The application involved a variation to the following development standard under Wollongong Local Environmental Plan 2009: (a) Clause 4.3(2) Height of Buildings - 9 metre height limit and a proposed 12.12 metre building height. The application was considered by the Southern Regional Planning Panel on 23 August 2019 and the proposed variation was supported.

- The second application (DA-2019/598) involved the demolition of an existing dwelling-house and the construction of a new dwelling-house and swimming pool. The application involved a variation to the following development standard under Wollongong Local Environmental Plan 2009: Clause 4.4(2) Floor Space Ratio (FSR) – 0.3:1 FSR development standard and a proposed 0.46:1 FSR (52% variation). The application was considered by Wollongong Local Planning Panel on 14 August 2019 and the proposed variation to the FSR development standard was supported on the basis that the proposed dwelling has a lower FSR than the existing dwelling-house to be demolished upon the site and the surrounding development in the E4 zone has similarly departed from the 0.3:1 FSR development standard.

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 July 2019 and 30 September 2019.

Application	DA-2018/557		
Lot	1 DP 1082602	Zone	R2 Low Density Residential
Address	4 Lindsay Evans Place DAPTO NSW 2530		
Description	Demolition of existing 45 bed residential aged care facility and construction of new 111 bed residential aged care facility and conversion of existing 44 hostel bed facility to 22 serviced self-care dwellings with community/ancillary spaces, reconfiguration of and additional car parking and associated landscaping and infrastructure works plus tree removals		
Decision	Approved	Decision Date	23 August 2019
Variations	Planning Instrument	WLEP 2009	Clause c4.3(2) Height of buildings
	Justification of variation	<p>The proposal is considered consistent with the objectives of clause 4.3 as the proposal remains well under the permitted floor space for the site and will not impact on any significant view corridor or solar access upon any surrounding development in the locality.</p> <p>The design is considered satisfactory and attempts to mitigate any unreasonable impacts on surrounding properties, whilst ensuring that the development is compatible in the context of the future anticipated character of the area.</p> <p>The development is therefore considered to be in the public interest since it is consistent with the objectives of the development standard and the objectives of the R2 Low Density Residential zone.</p>	
	Extent of variation	The maximum height allowable for the land is 9 metres, as shown on the Height of Buildings Map. The proposal has maximum overall height of the residential care facility building is 12.12m, exceeding the height limit by 3.12m (34.7%).	
	Concurring Authority	Southern Regional Planning Panel	
Application	DA-2019/598		
Lot	1 DP 995894	Zone	E4 Environmental Living
Address	19 Coledale Avenue COLEDALE NSW 2515		
Description	Residential - demolition of dwelling and construction of dwelling house and swimming pool		
Decision	Approved	Decision Date	14 August 2019
Variations	Planning Instrument	WLEP 2009	Clause c4.4(2) Floor space ratio
	Justification of variation	<p>A review of approvals in Coledale Avenue for the E4 zone shows that the FSR development standard has largely been varied in this locality. The proposed departure will enable the construction of a dwelling and whilst exceeding the FSR, has a lower FSR than the current dwelling. It is also lower than the 0.5:1 requirement for the adjacent R2 zone.</p> <p>Further, the proposed development does not impact adversely on ecological or scientific values of the site.</p>	
	Extent of variation	0.3:1 FSR required and 0.46:1 FSR proposed. 52% Exceedance	
	Concurring Authority	Wollongong Local Planning Panel	