

## ITEM 5 QUARTERLY VARIATIONS FOR DEVELOPMENT APPLICATIONS - APRIL TO JUNE 2020

This quarterly report to Council identifies three (3) Development Applications which were determined during the period 1 April 2020 to 30 June 2020, where a variation to a development standard was granted. The NSW Department of Planning, Industry 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 to 30 June 2020.

### REPORT AUTHORISATIONS

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

### ATTACHMENTS

- 1 Quarterly Variations for Development Applications - April to June 2020

### 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

During the 1 April to 30 June 2020 quarter, three (3) Development Applications were approved which included a variation to a development standard. Attachment 1 provides a summary of each application and the circumstances relating to the variations. All of the application assessment reports are publicly available through Council's website.

### PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2028 goal "We value and protect our environment". It specifically delivers on core business activities as detailed in the Development Assessment Service Plan 2020-2021.

**Development Applications approved with variations to development standards for the quarterly period between 1 April 2020 and 30 June 2020** (Reporting applications with a decision of 'Approved'/'Deferred Commencement')

<b>Application</b>	DA-2019/1123		
<b>Lots</b>	2 DP 152994, Lot 1 DP 784111, Lot 2 DP 784111	<b>Zone</b>	B3 Commercial Core, B3 Commercial Core
<b>Address</b>	35-37 Atchison Street, WOLLONGONG NSW 2500		
<b>Description</b>	Demolition of existing structures and construction of a 14 storey mixed use development comprising 50 residential units, one (1) ground floor commercial tenancy and two levels of basement parking		
<b>Decision</b>	Approved	<b>Decision Date</b>	23 June 2020
<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>The proposed variation to the side boundary building separation distances is considered acceptable on the basis that the proposal meets the objectives of B3 zone and objectives of Clause 8.6. The proposed variations better respond to the pattern of development in the locality.</p> <p>In terms of the building separation distance to the northern boundary, the separation provided does not compromise the privacy or amenity for occupants of either development given the layout of the units and the interface between residential towers that results from the treatment of habitable and non-habitable parts of the buildings.</p> <p>In terms of the building separation to the south, the requirement for there to be no separation between the neighbouring buildings at podium level (relating to the commercial ground floor) cannot be physically achieved given the existing setback of the church 5.5 metres from the common property boundary. The residential units within the podium do not achieve the 16 metre separation distance to the church as the podium is built to the side boundaries with blank walls. Although the separation distance is not achieved, the orientation of the residential units to the street means that no privacy impact will occur. The visual appearance of the development responds to the required street frontage height for developments within the city centre.</p>	
	<b>Extent of variation</b>	<p>Units on Levels 1 and 2 (within podium) are built to side boundary where 20m separation is required (adjoining units) to north and 16m separation to south (no dwellings) – Maximum 100% exceedance.</p> <p>Units on levels 3-13 have a 16m-18m separation distance where 20m is required to the adjacent northern shop top housing development – Maximum variable 20% exceedance</p>	
	<b>Concurring Authority</b>	Wollongong Local Planning Panel	

<b>Application</b>	DA-2020/35		
<b>Lot</b>	22 SP 55559	<b>Zone</b>	B4 Mixed Use
<b>Address</b>	22/100-104 Corrimal Street, WOLLONGONG NSW 2500		
<b>Description</b>	Residential - construction of roof level cabana for Unit 22		
<b>Decision</b>	Approved	<b>Decision Date</b>	30 April 2020
<b>Variations</b>	<b>Planning Instrument</b>	WLEP 2009	<b>Clause</b> c4.3(2) Height of buildings
	<b>Justification of variation</b>	Roof level structure (cabana) sits below existing maximum building height of lift shaft/plant room. Additional height does not	

		compromise achievement of objectives of the B4 zone and the specific development standard.
	<b>Extent of variation</b>	Proposed cabana height is 26.40 metres where permitted height is 24 metres – 10% exceedance
	<b>Concurring Authority</b>	Council under assumed concurrence

<b>Application</b>	DA-2019/1081			
<b>Lot</b>	12 DP 548409	<b>Zone</b>	R2 Low Density Residential	
<b>Address</b>	3 George Street, BERKELEY NSW 2506			
<b>Description</b>	Residential - demolition of all existing structures and construction of multi dwelling housing - four (4) townhouses			
<b>Decision</b>	Approved		<b>Decision Date</b>	21 May 2020
<b>Variations</b>	<b>Planning Instrument</b>	WLEP 2009	<b>Clause</b>	c7.14 (1, 2) Minimum site width
	<b>Justification of variation</b>	A 18 metre minimum lot width requirement generally applies for this development. The site ranges in width between 14.9 metres up to 21 metres. The rear half of the site does not achieve the 18 metre lot width. The variation is considered acceptable on the basis that the proposed development does not pose any adverse privacy, overshadowing or amenity impact upon neighbouring properties. The proposed development also complies with the majority of development requirements including minimum setback, landscaping, car parking and private open space requirements.		
	<b>Extent of variation</b>	18 metre lot width requirement. Variable 14.9 metre to 21 metre lot width - Maximum 17.2% exceedance		
	<b>Concurring Authority</b>	Wollongong Local Planning Panel		