

**Cumberland Council Clause 4.6 Register
2018**

DA Number	Address, Lot & DP	Category of development	Description	Environmental planning Instrument	Zoning of Land	Development standard to be Varied	Justification of Variation	Extent of Variation	Concurring Authority	Date DA determined
DA-423/2016	18-24 Railway Street, Lidcombe Lot 1 Sec 2 DP 846, Lot 2 Sec 2 DP 846, Lot 3 Sec 2 DP 846, Lot 4 Sec 2 DP 846	Residential Flat Building	Demolition of existing structures, construction of a part 10 and part 11 storey mixed use development with 147 apartments and 3 levels basement car parking including a Voluntary Planning Agreement for the dedication of land to Council to widen an adjoining laneway	ALEP2010	B4- Mixed Use	Height & FSR	<p>Height – 38.87 metres with a variation of 6.87 metres. Floor space ratio is 5.289:1 which is a variation of 0.28:1.</p> <p>The proposed variance to the FSR and height controls is consistent with the objectives of the development standards as the proposed development represents a high quality urban form that will be consistent with the desired future character of the area as reflected in the height and densities within the planning framework.</p> <p>They mostly result from site characteristics and street corner context as well as the need to relocate permitted and additional massing to allow for the widening of the rear lane and provide suitable basement access to future adjoining developments in accordance with the planning provisions.</p> <p>The additional height and FSR are composed into a suitable building element to provide appropriate emphasis to the corner of Railway and Mark Streets and in keeping with its location in the Lidcombe Centre.</p> <p>In addition, the variance requested is minor in nature and has a limited effect on the achievement of appropriate transition in built form and land use intensity."</p>	Height 6.87 metres or 18%. Floor space ratio 657 square metres over or 5.4%.	Sydney Central City Planning Panel	20/03/2018
DA-280/2017	9-15 Rapheal Street, Lidcombe Lot 9 DP 397, Lot 10 DP 397, Lot 11 DP 397, Lot 12 DP 397	Residential Flat building	Demolition of all existing structures and construction of 10 storey residential flat building consisting of 117 units with 4 levels of basement parking	ALEP2010	Zone B4 - Mixed Use	Height	<p>Main part of the proposed development does not exceed the maximum permissible height. Only lift overruns and shading structure over the rooftop communal open spaces exceed the maximum permissible height.</p> <p>The lift overrun and shading structures are located centrally to the proposed building which will not be a readily visible element to the building.</p> <p>Rooftop terrace is proposed to compensate the missing of deep soil planting area and to comply with the ADG and ADCP 2010 requirements.</p> <p>Proposed development is consistent with the intended scale of development in the B4-Mixed Use zone. The non-compliant does not give rise to any additional density which is minor in this regard</p>	2.76m or 8% over the maximum permissible height (permissible height is 32m)	Sydney Central City Planning Panel	7/03/2018
DA-80/2017	20 Northumberland Road, Auburn Lot 8 Sec 11 DP 995	Mixed Use	Demolition of existing structures and construction of 12 storeys mixed use development with 1 commercial and 36 units over 3 levels of basement parking for 41 cars	ALEP2010	Zone B4 - Mixed Use	Height	<p>Height - 38.3m with a variation of 0.37m. It is considered that it would be unreasonable to require the development to comply with the height control standards given that elements of the building that is over height limit is the lift overruns and this non compliance occurs due to a slight change in the natural ground level and will not be visible from the street and will not create amenity impacts</p>	0.37m or 1%	Cumberland Local Planning Panel	11/04/2018

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DA-393/2017	1 Mills Street, Lidcombe Lot 1 DP 1095078	Education Establishment - School	Alterations and additions to Lidcombe Public School (Heritage listed building) including demolition, tree removal and construction of a new two (2) storey classroom/library building, construction of a single storey administration building, increase in staff and student numbers and associated landscaping, fencing and stormwater works	ALEP2010	Split zoning: Zone R2 – Low Density Residential and Zone R3 - Medium Density Residential	Height	Consistent with the objectives of the zone and the objectives of the building height control <ul style="list-style-type: none"> The non-compliance does not give rise to any additional impact on the amenity of adjoining uses The proposal does not exceed the FSR requirement as identified in the ALEP 2010 The variation relates to the slope of the site and the proposed development has been designed to be elevated from the existing natural ground level to level with the finished floor level of the rest of the building 	2.6m or 22.5% over the maximum permissible height (permissible height is 9m)	Joint Regional Planning Panel	12/04/2018
DA-363/2017	4-14 Mark Street, Lidcombe Lot 1 Sec 3 DP 846, Lot 2 Sec 3 DP 846, Lot 3 Sec 3 DP 846, Lot 4 Sec 3 DP 846, Lot 5 Sec 3 DP 846, Lot 6 Sec 3 DP 846	Mixed Use	Demolition of existing dwellings & associated structures and construction of a ten storey mixed-use development consisting of 6 commercial tenancies and 165 residential units over five level basement parking	ALEP2010	Zone B4 - Mixed Use	Height	Height – 35m with a variation of 3m. It is considered that it would be unreasonable to require the development to comply with the height control standards given that elements of the building that are over height include the roof top terrace that increases amenity to the communal open space areas and lift overruns that are internal to the floor plate and will not be visible from the street and will not create amenity impacts	3m or 9.4%	Sydney Central City Planning Panel	10/05/2018
2017/509	27 Pendle Way Pendle Hill Lot 62 Sec 6a DP 963	Educational establishment	Alterations and additions to the existing administration building and a new two storey building accommodating 10 classrooms and wall signage within existing educational establishment (Pendle Hill Public School)	Holroyd Local Environmental Plan 2013	R2- Low Density Residential	Height	HLEP 2013 allows a maximum height of 9 m. The development was approved with height of 11.73 m (30.3% variation to the standard). The applicant submitted a written request to vary the standard which demonstrates that requiring compliance with the standard is unreasonable and unnecessary in the circumstances. The development as approved maximises outdoor play area and the height non-compliance does not result in any overshadowing or privacy impacts on neighbouring properties.	30.30%	Regional Planning Panel	12/07/2018
DA-2017/155	515-519 Great Western Highway and 1-3 Ettalong Road Greystanes Lot: 1 DP: 651416, Lot: 2 DP: 651417, Lots: 3 & 4 DP: 353002, Lots: 83B & 83C DP: 315819	Mixed Use	Demolition of existing structures, consolidation of 6 lots into 1 lot and the construction of a 4 storey mixed use development with 5 ground floor business premises, comprising 50 residential units including 15 affordable rental housing units, a childcare centre over basement parking providing 125 car spaces	Holroyd Local Environmental Plan 2013	B6- Enterprise Corridor	Height	HLEP 2013 allows a maximum height of 14 m. The development was approved with a maximum height of 18.5 m (13.2% variation to the standard). The applicant submitted a written request to vary the standard which demonstrates that requiring compliance with the standard is unnecessary in the circumstances. The variation is largely confined to the two lift cores providing access to the rooftop communal open space. There is also a small exceedance of 800 mm at the north western corner of the development. The non-compliance does not result in adverse overshadowing or privacy impacts on neighbouring properties or within the development.	13.20%	Land and Environment Court	3/08/2018
S4.55(1A) 2016/343/3	1-11 Neil Street, Merrylands- Building 2 Lot: 11 DP: 228782, Lot: 1 DP: 203553	Residential Flat Building	Section 4.55(1A) modification seeking alteration to an approved residential flat building limited to a change to the roof level	Holroyd LEP 2013	R4 High Density Residential/RE1- Public Recreation	Height	The maximum permissible height for the part of the site to which Building 2 relates, is maintained to 39 metres, as defined within the Holroyd LEP 2013. The development was approved with a maximum height of 41.3m, representing a variation of 2.3m, or 5.9%. The variation is limited to a single lift overrun, listed in the assessment as the western lift overrun. No additional overshadowing to adjoining properties is generated by the variation, with the additional shadow cast limited to the roof top communal open space area. The communal open space area continues to comply with the ADG requirement for solar access to communal open space areas.	2.3 metres / 5.9%	Delegated Authority	27/07/2018

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DA-2017/380	2-4 Manchester Street and 1 Sheffield Street Merrylands Lot: 80 Sec: 1 DP: 5714, Lot: 81 Sec: 1 DP: 5714, Lot: 111 Sec: 1 DP: 5714	Residential Flat Building	Consolidation of 3 lots into 1; demolition of existing structures and construction of 1 x 4 storey (Block B) and 1 x 5 storey (Block A) residential flat buildings with rooftop terrace (Block A) comprising 29 units over 1 level of basement parking accommodating 33 car parking spaces pursuant to SEPP ARH 2009	HELP 2013	R4 High Density Residential	Height	HLEP 2013 allows a maximum height of 15m. The development was approved with a maximum height of 17.32m (15.46% variation to the standard). The applicant submitted a written request to vary the standard, which demonstrates that requiring compliance with the standard is unnecessary in the circumstances. The variation relates to the height of service lift providing access to the rooftop communal open space and associated facilities, such as communal WC and stairs. There is also a small exceedance of 0.105m of Block A roof height. The non-compliance does not result in adverse overshadowing or privacy impacts on neighbouring properties or within the development.	2.32m/15.46%	IHAP	22/08/2018
DA-16/2018	7 Maubeuge Street, South Granville Lot 46 DP 35100	Residential - Dual Occupancy	Demolition of existing structures and construction of a two-storey attached dual occupancy with Torrens title subdivision	PLEP2011	R2 Low Density Residential	Minimum Lot size	Parramatta LEP 2011 has a minimum lot size of 600sqm for dual occupancy developments. The subject site has an area of 592.688sqm which is equal to a 1.2186% variation. The applicant have submitted a CI 4.6 variation statement which is considered acceptable.	1.22%	Delegated Authority	14/08/2018
DA-382/2017	1A & 1B Queen Street, Auburn Lot 2 DP 1160950, Lot 1 DP 1160950	Residential Flat Building	Demolition of structures and construction of 12 residential apartment buildings, being part 3, part 6 and part 8 storey buildings containing 595 residential apartments including basement parking, landscaping, stormwater, public domain works and subdivision	ALEP2010	Zone IN2 - Light Industrial	Height	ALEP 2010 allows a maximum varying height of 12m, 17m, 20m and 27m on the subject site. The development was approved with the following maximum heights; Building No./Approved Height/(Variation %) A1:27.46m (1.7%) A2: 24.2m (20.09%) A3: 12.6m (4.9%) A4: 17.95m (0.5%) B1: 27.2m (0.04%) B2: 23.96m (19.8%) B3: No Variation B4: 20.75m (3.75%) C1: No Variation C2: 24.31m (21.5%) C3: No Variation C4: 20.82m (4.1%) The applicant submitted a written request to vary the standard, which demonstrates that requiring compliance with the standard is unnecessary in the circumstances. The variation relates to the height of service lift providing access to the rooftop communal open spaces and associated facilities, such as BBQ areas and stairs. The non-compliances do not result in adverse overshadowing or privacy impacts on neighbouring properties or within the development.	Variable from 0.04% to 21.5% as per table	Sydney Central City Planning Panel	16/08/2018
DA-163/2018	5-9 Hall Street, Auburn Lot 26 Sec 8 DP 1251, Lot 27 Sec 8 DP 1251, Lot 28 Sec 8 DP 1251	Infill affordable housing; Residential flat building	Demolition of existing structures and construction of a five storey residential apartment building comprising 41 apartments over two levels basement parking under SEPP (ARH) 2009	ALEP2010	Zone R4 - High Density Residential	Height	See CLPP assessment report 12 September 2018	11.11% (20m approved where there was an 18m limit)	Cumberland Local Planning Panel	12/09/2018
DA-500/2017	81-83 Mountford Avenue, Guildford Lot B DP 334110, Lot 4 DP 231471	Infill affordable housing; Residential flat building; Multi Dwellings	Demolition of existing structures, tree removal and construction of a 3 storey residential flat building and townhouses over basement carparking pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009	PLEP2011	R4 High Density Residential	Height	See CLPP assessment report 22 August 2018	18.2% (13m approved where there was a 11m limit)	Cumberland Local Planning Panel	22/08/2018

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DA-2016/381	Lots 12 & 13 DP 1162280, Butu Wargun Drive, Pemulwuy	Residential Flat Building	Construction of 7 x part 3, 4, & 5 storey residential flat buildings comprising a total of 300 units above 3 basement levels and at-grade parking accommodating a total of 379 parking spaces and internal roadways in 2 stages; with Stage A accommodating Blocks A, B, C and D; and Stage B accommodating Blocks E, F & G.	HELP 2013	R4 High Density Residential	Height	The variations are minor, ranging from 600mm or 4.8% for Building D to 1.5 metres or 12% for Building C, and are primarily associated with the significant slope of the site. Having regard to the photomontages provided with the amended proposal, it is considered that the ridgeline of Prospect Hill is maintained from the 8 key vantage points identified in the Prospect Hill Conservation Management Plan, and the views from Prospect Hill to the east are not affected. In this regard, it is considered that the RLs contained in the DCP are correct in their intent to maintain views to and from Prospect Hill. The shadow and solar access diagrams accompanying the application demonstrate that the proposal does not result in any significant adverse impacts on surrounding properties and that an appropriate number of dwellings within the development comply with the solar access requirements. As the proposal is consistent with the objectives of the height of buildings control, strict compliance with the development standard is considered to be unreasonable and unnecessary in the circumstances of the case.	4.8%-12%	Sydney Central City Planning Panel	13/9/2018
DA 2017/191	153 Pitt Street, Merrylands	Residential	demolition of existing structures; construction of a 5 storey residential flat building over basement parking accommodating 45 residential units and 54 car parking spaces under the ARH SEPP 2009.	Holroyd Local Environmental Plan 2013	R4 - High Density Residential	Height	(i) The proposed development complies with all other applicable development standards and is generally compliant with the relevant development controls. (ii) The non-compliance will have no impact on neighbouring properties or on the visual bulk of the building as viewed from the public domain; (iii) The variation is a very minor exceedance of the numerical standard and is confined to a small portion of the building, being the lift overrun. (iv) The variation is due in part to the need for floor levels to be set above the flood planning level.	2.66%	Cumberland Local Planning Panel	10/10/2018
DA 2017/418	68 Fowler Road Merrylands	Educational establishment	Demolition of existing amenities block and PE storage building; removal of 4 existing demountable classrooms and relocation of 2 on-site during construction; construction of a three storey school building with a total of 10 classrooms; installation of a temporary amenities demountable for the duration of construction; and associated landscaping and site works.	Holroyd Local Environmental Plan 2013	R2- Low Density Residential	Height	The development as approved maximises outdoor play area and the height non-compliance does not result in any overshadowing or privacy impacts on neighbouring properties. Strict compliance with the standard would increase the building footprint and consequently reduce the outdoor learning and play space at the site.	36%	Sydney Central City Planning Panel	10/05/2018
DA-493/2016	13-17 Station Road, AUBURN NSW 2144 Lot A DP 383640, Lot B DP 383640, Lot 24A DP 380390, Lot 24 Sec 13 DP 995	Residential Flat building	Demolition of the existing structures and construction of a six storey residential apartment building comprising 39 apartments with basement car parking.	ALEP2010	R4 High Density Residential	Height	The Auburn LEP allows for a height of 18 metres. The building has a maximum height of 18.29 metres being a variation of 290 mm to a lift overrun. The variation is 1.6%, is relatively minor and would not be noticeable to the locality.	1.60%	Cumberland Local Planning Panel	11/10/2018

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2017/558	Lot Y DP 416975, Lot 901 DP 592065, Lot 121 DP531896 and Lot 2 DP 544800, 244 – 252 Pitt Street, Merrylands	Regionally significant development	Demolition of existing structures, consolidation of 4 lots into 1 lot and construction of a 18 storey mixed use development over 5 levels of basement parking accommodating 3 levels of commercial floor, 161 residential units above and 315 parking spaces	Holroyd LEP 2013	Zone B4 - Mixed Use	Height	HLEP 2013 allows a maximum height of 53m. The development was approved with a maximum height of 61m (15% variation to the standard). The applicant submitted a written request to vary the standard, which demonstrates that requiring compliance with the standard is unnecessary in the circumstances. Planning Proposal to amend the HLEP 2013 for Merrylands Station & McFarlane Street Precinct will allow maximum height of 65m, which is imminent and certain to be gazetted. The non-compliance does not result in adverse overshadowing or privacy impacts on neighbouring properties or within the development.	8m, or 15%	SCPP	15/11/2018
285/2017	Lot 4 DP 217872, Lot 108 DP 220296, Lot 109 DP 220296, Lot 111 DP 220296, Lot 112 DP 220296, 32 Joseph Street and 1 Vaughan Street, LIDCOMBE	Regionally significant development	Demolition of existing buildings and construction of a mixed-use development containing 2 ground floor commercial tenancies, 93 residential units, 4 basement level parking, reconfiguration /relocation of stormwater culvert and easement including strata subdivision	Auburn LEP 2010	Zone B4 - Mixed Use	Height	ALEP 2010 allows a maximum height of 36m. The development was approved with a maximum height of 38.13m (5.92% variation to the standard). The applicant submitted a written request to vary the standard, which demonstrates that requiring compliance with the standard is unnecessary in the circumstances. The variation relates to the height of solar chimney providing ventilation to units and minimal height exceedance for lift overrun and roof hob. The non-compliance does not result in adverse overshadowing or privacy impacts on neighbouring properties or within the development.	2.13m, or 5.92%	SCPP	15/11/2018
2018/110	108 Station Street, Wentworthville Lot B, DP 410947	Shop Top Housing	Demolition of existing structures and construction of a 12 storey mixed use development over 3 levels of basement car parking accommodating 80 residential units, 6 commercial tenancies and 129 car parking spaces	Holroyd Local Environmental Plan 2013	B2 – Local Centre	Height	The maximum permissible height is maintained to 29 metres for part of the site, and 41m for the remainder of the site, as defined within the Holroyd LEP 2013. The development was approved with a maximum height of 30m and 43.13m, representing a variation of 1m or 3.4%, and 2.13m or 5.195%. The variation was considered supportable, noting: <ul style="list-style-type: none"> The proposed scale and massing is consistent with the desired future character of Wentworthville. No unreasonable amenity impacts are maintained to adjoining properties, by way of overshadowing, privacy, solar access and natural ventilation. 	1m / 3.4% and 2.13m / 5.195%	Not Applicable	22/11/2018
DA-503/2017	Lot 7 to 12 Sec 2 in DP 846 being 2 Mark Street and 1, 1A & 3 Marsden Street, Lidcombe.	Mixed use commercial / residential development.	Demolition of existing structures, tree removal and construction of a ten storey mixed use development comprising three ground floor commercial tenancies and 149 residential units over four levels of basement car parking.	Auburn LEP 2010	B4- Mixed Use	Clause 4.3 "Height of Buildings".	The variation is supported as the elements creating the over height component are delivering facilities to the residents. There is sufficient planning merit to attain full development potential on this site within the Lidcombe town centre being proximate to services and transport.	1 Metre being a variation of 1.03%.	Sydney Central City Planning Panel	13/12/2018