

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
DA2021/0132	1	655963		51	Rawson Street	AUBURN	2144	4: Residential - New multi unit	ALEP 2010	B4 Mixed Use	Cl. 4.3 HOB	A variation is sought to the maximum 38 metre building height applicable to the site pursuant to Clause 4.3 of the Auburn Local Environmental Plan 2010. The building maintains a maximum building height of 55 metres, a variation to the maximum building height of 17 metres or 44.7%.	44.70%	JRPP	15/11/2021
DA2021/0126	7	94811	7	70 - 72	Railway Parade	GRANVILLE	2142	1: Residential - Alterations & additions	PLEP 2011	B4 Mixed Use	Height of Building		20%		13/10/2021
DA2021/0092	1	397		4	Railway Street	LIDCOMBE	2141	9: Mixed	ALEP 2010	B4 Mixed Use	Cl. 4.3 HOB	Building B maintains a maximum building height of 57.8 metres to the top of the lift overrun, where a maximum building height of 55 metres is applicable - variation of 2.8 metres to the maximum 55 metre building height (5% variation). There is also a building height exceedance of the maximum 45 metre building height applicable to the western portion of Building B. A maximum building height of 54.09 metres - variation equates to an exceedance of 9.09 metres (20% variation). Building C maintains a maximum building height of 48.35 metres to the top of the lift overrun, where a maximum building height of 48 metres is applicable - variation of 0.35 metres to the maximum 48 metre building height (0.7% variation). There is also a building height exceedance of the maximum 45 metre building height applicable to the western portion of Building C. A maximum building height of 48 metres - variation equates to an exceedance of 3 metres (6.6% variation).	Multiple variations	JRPP	7/10/2021
DA2021/0430	1	1259904		2 - 36	Church Street	LIDCOMBE	2141	4: Residential - New multi unit	ALEP 2010	R4 High Density	HOB	There is a portion of Building B which comprises rooftop mechanical plant - 780mm above the 32 building height, at 32.78 metres. This equates to a 2.4% departure from the development standard.	2.40%	JRPP	5/11/2021
DA2021/0252	1	505982		8 - 10	Mary Street	AUBURN	2144	8: Commercial / retail / office	People for Disability Use - Current	Site Size		<p>Clause 4.6 - Variation to Development Standard</p> <p>Variation to site size</p> <p>The general requirement for senior housing development requires the site size to be a minimum 1,000 square metres. The subject site occupies 948.5 square metres which is 51.5 square metres less than the minimum site size stipulated in Part 4 Division 1 Clause 40(2) of the SHSEPP. This equates to a variation of 5.15% of the development control.</p> <p>Pursuant to clause 4.6(3)(a) of the ALEP 2010, the variation to the site area is acceptable in the circumstances of this case. A Clause 4.6 Variation of Development Standard was submitted with the application seeking Council's approval for variation to the minimum site area development standard.</p> <p>The applicant has submitted a written request to vary the development standards for the site size Clause 40(2) of the SHSEPP 2004. Based on various case laws established by the Land and Environment Court of NSW such as Four2five P/L v Ashfield Council [2015] NSWLEC 9, Randwick City Council v Micaul Holdings P/L [2016] NSW LEC 7 and Zhang and anor v Council of the City of Ryde [2016] NSWLEC 1179, a 3 part assessment framework for a variation request proposed under clause 4.6 has been considered and an assessment of the proposed variance, following the 3 part test is discussed in detail below.</p> <p>The 3 preconditions which must be satisfied before the application can proceed are as follows:</p> <p>1. Is the proposed development consistent with the objectives of the zone?</p> <p>The development is consistent with the objectives to provide a mixture of compatible land uses to the subject site within the B4 Mixed Use zone and the adaptive reuse of the heritage listed building as the hostel is identified as a suitable location to house senior people or people with disability given the site is located within close proximity to the Auburn Local Centre and public transport. In addition, accommodation for senior and people with disability is permissible on this site by virtual given residential flat buildings are permissible within B4 Mixed Use zone as identified in the ALEP 2010 land use table.</p> <p>In relation to the above, it is considered that the objectives of the zone are complied with.</p> <p>2. Is the proposed development consistent with the objectives of the development standard which is not met?</p> <p>The objectives of seniors housing under the SHSEPP 2004 is to create opportunities for the development of housing that is located and designed in a manner particularly suited to both those seniors who are independent, mobile and active as well as those who are frail, and other people with a disability regardless of their age.</p> <p>The variation to Clause 40(2) of the SHSEPP 2004 is limited to the site size of the land parcel only. The minor non-compliance is unlikely result in visual impact to the immediate locality. The proposal complies with relevant development standards for hostel as identified in the SHSEPP 2004. In addition, there is no substantial extension to the existing building and the shadowing to the adjoining properties remains unchanged.</p> <p>In this regard, the proposal is consistent with the objectives of the development standard.</p> <p>3a) Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?</p> <p>The variation to the site size being 5.15% of the development standard is very minor in nature and the existing building is well under the maximum allowable floor space ratio standard applying to the site. The subject site provides sufficient open space and landscaped area on site for future occupants on the hostel and the proposal complies with all development controls identified in Schedule 3 standards concerning accessibility and usability for hostels.</p> <p>The scale of the development is also very minor in nature being a hostel development with 7 single rooms and 1 staff room for 8 residents. The development being an adaptive re-use of the existing heritage listed property with very minor internal alterations to widen the doorways to provide disabled access to the entire building and the degree of privacy is satisfactory to all boundaries and will not constitute any overlooking onto the southern adjoining properties.</p> <p>In this regard, the compliance with this development standard is considered unreasonable and unnecessary.</p> <p>3b) Are there sufficient environmental planning grounds to justify contravening the development standard and therefore is the applicant's written justification well founded?</p> <p>The development proposed variation to the site size is very minor and is unlikely to be noticeable given the bulk and scale of the existing building being relatively small on the land. As a prominent corner allotment within the B4 Mixed Use zone within the Auburn Local Centre, the proposal has been designed to minimise the amount of internal and external alterations and additions to the existing heritage listed property which gave credit to in keeping the existing local character and existing streetscape. As such, it is considered the proposed variation is supported with sufficient environmental grounds and the applicant's written justification is well founded.</p> <p>Conclusion</p> <p>Council is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6 subclause (3). Council is further satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.</p> <p>It is the view of Council Officers that justification provided is satisfactory and having considered the application on its merit, the exception to the minimum site size standard is considered acceptable in this instance.</p>	5.15% = 51.5m ²	Council	23/12/2021