

**Development Application Variations to Standards under Clause 4.6 of Parramatta LEP 2011, Auburn LEP 2010,  
Holroyd LEP 2013, The Hills LEP 2012, Hornsby LEP 2013.**

**Approved from 01 October – 31 December 2021**

DA No	Address	Category of development	Environmental Planning Instrument and Zone	Development standard to be varied	Extent of Variation	Officer Recommendation	Determination	Date DA determined
DA/789/2020	3-3A Elonera Street and 17 Burbang Crescent, RYDALMERE NSW 2116  LOT 21 DP31350, LOT 22 DP 31350, LOT 23 DP 31350	Residential Flat Building	Parramatta LEP 2011	Clause 4.3 - Height of Building	Allowed: 11m  Proposed: 13.1m  Variation: 2.1m (19%)	Deferred Commencement	Deferred Commencement	19 October 2021 - Parramatta Local Planning Panel (PLPP)

**Justification of height variation:**

The Parramatta Local Planning Panel (PLPP) supports the variation to Clause 4.3 Height of Building of the Parramatta Local Environmental Plan 2011 under the provisions of Clause 4.6 for the following reasons;

- The elevation and sections plans provided, illustrates that the exceedance includes the portion of rooftop elements such as the lift core and pergola structures.
- The proposal is consistent with the objectives of the development standard as provided in Clause 4.3 of PLEP 2011.
- The natural topography of the site is gently sloped to the southern boundary.
- The building height variation does not result in overshadowing or otherwise adverse impacts to surrounding neighbours.
- It is acknowledged that the City of Parramatta's Design Excellence Advisory Panel raised no design objection to the rooftop elements as the proposal is similar in building height and scale than adjoining buildings.

DA No	Address	Category of development	Environmental Planning Instrument and Zone	Development standard to be varied	Extent of Variation	Officer Recommendation	Determination	Date DA determined
DA/120/2021	1 Woodville Road, GRANVILLE NSW 2142	Industrial	Holroyd LEP2013  B5 Business Development	Clause 4.4 - Floor Space Ratio (FSR)	Allowable: 1:1 (8,788m <sup>2</sup> )  Proposed: 1.162:1 (10,212m <sup>2</sup> )  Variation: 1,424m <sup>2</sup> (16.2%)	Deferred Commencement Approval	Approved Deferred Commencement	22 October 2021 – Parramatta Local Planning Panel (PLPP)

**Justification of FSR variation:**

The Parramatta Local Planning Panel (PLPP) supports the variation as compliance with the development standard is unreasonable in the circumstances of the case for the following reasons:

- A compliant floor space ratio would have no discernible reduction in scale as viewed from the streetscape as the floor area is contained within the four-storey building envelope.
- The non-compliance does not impact the overall building envelope of the development as the additional floor area is a result of the reduced floor to ceiling heights acceptable for a facility of this nature.
- The proposed development does not result in an adverse overshadowing impact or adverse amenity impacts to adjoining properties.
- The proposed bulk and scale is compatible with the existing and desired future character of the locality.
- The proposed building is sufficiently separated from adjoining Heritage Items and therefore does not detract from the heritage characteristics of these items or impact upon heritage views.

DA No	Address	Category of development	Environmental Planning Instrument and Zone	Development standard to be varied	Extent of Variation	Officer Recommendation	Determination	Date DA determined
DA/398/2021	8 Derbyshire Avenue, Toongabbie NSW 2146  Lot 44 DP 27660	Dual Occupancy	Parramatta LEP 2011  R2 – Low Density Residential	Clause 6.11 – Minimum Lot Size	Allowable: 600m2  Proposed: 594.4m2  Variation: 5.6m2 (0.93%)	Approval	Approved	28 October 2021 – Delegated Manager

**Justification of Minimum Lot Size variation:**

Council's delegated manager supports the variation to Clause 6.11 Minimum Lot Size under the provisions of Clause 4.6, as compliance with the development standard is unreasonable in the circumstances of the case for the following reasons:

- The proposed variation would not set a precedence as similar or smaller lots with dual occupancy development are present within the vicinity of the site;
- These allotments are a mix of both historic and contemporary allotments; and
- The variation is not significant and would not impede compliance with other regulatory standards such as permissible floor space ratio and prescriptive measures of DCP of the future development.

DA No	Address	Category of development	Environmental Planning Instrument and Zone	Development standard to be varied	Extent of Variation	Officer Recommendation	Determination	Date DA determined
DA/596/2020	9-11 Fig Tree Avenue, TELOPEA NSW 2117	Concept development application for future mixed-used development	Parramatta LEP 2011  R4 – High Density Residential	Clause 4.3 – Height of Buildings	Allowable: 22m Proposed: 23.5m  Variation: 1.5m	Approval	Approved	01 November 2021 – Sydney Central City Planning Panel (SCCPP)

**Justification of height variation:**

The Sydney Central City Planning Panel (SCCPP) supports the variation to Clause 4.3 Height of Building of the Parramatta Local Environmental Plan 2011 under the provisions of Clause 4.6. it is considered that breaching the building height standard is appropriate and achieves a preferable outcome for the following reasons:

- The non-compliance in the south-east corner of the site, is in proximity to the sites with a 28m height limit. As such the minor non-compliance will not have a significant impact on the appearance of development stepping down to the north-east.
- Overshadowing resulting from the non-compliance is negligible.
- The non-complying element is not considered likely to result in loss of any additional views not anticipated by the height control.
- A height compliant design was possible, but would not be compatible with the draft Telopea DCP (now adopted) and would have resulted in retaining walls up to 3m in height to the rear of the site, and thus loss of trees to the rear of the site, and potentially on adjoining sites.

DA No	Address	Category of development	Environmental Planning Instrument and Zone	Development standard to be varied	Extent of Variation	Officer Recommendation	Determination	Date DA determined
DA/42/2021	55-57 Thomas Street, PARRAMATTA NSW 2150	Residential Flat Building	PLEP2011 R4 High Density Residential	Clause 4.3 – Height of Building	Allowable: 11m  Proposed: 13.85m  Variation: 2.85m (or 25.9%)	Approval	Approved	16 November 2021 - Parramatta Local Planning Panel (PLPP)

**Justification of height variation:**

The Parramatta Local Planning Panel (PLPP) supports the variation to Clause 4.3 Height of Building of the Parramatta Local Environmental Plan 2011 under the provisions of Clause 4.6.

- No habitable floor space is contained above the 11m height limit and stems from providing communal open space and associated enclosed structure on the rooftop
- The proposal meets the three (3) storey building height control in the DCP and does not present an attempt to attain additional development yield on the site given compliance with the FSR control applying to the site
- The extent of the non-compliance will also not be a visually prominent element in the streetscape.
- The roof return is recessed behind the main building alignment to downplay visual dominance as viewed from the public domain and adjoining residential properties.
- The additional height does not generate any additional amenity, privacy, visual and/or acoustic impacts, and will not obstruct existing view corridors

DA No	Address	Category of development	Environmental Planning Instrument and Zone	Development standard to be varied	Extent of Variation	Officer Recommendation	Determination	Date DA determined
DA/173/2020	19-21 Thallon Street CARLINGFORD	Residential Flat Building	The Hills LEP 2012.  R1 – General Residential	Clause 4.3 - Height of Building	Allowed: 28m  Proposed: 30.5m  Variation: 2.5m (8.9%)	Approval	Approved	21 December 2021 – Parramatta Local Planning Panel (PLPP)

**Justification of height variation:**

The Parramatta Local Planning Panel (PLPP) supports the variation to Clause 4.3 Height of Building of The Hills Local Environmental Plan 2012 under the provisions of Clause 4.6, as compliance with the development standard is unreasonable in the circumstances of the case for the following reasons:

- That the exceedance is wholly within the lift and services overrun, roof parapet and pergola of the roof terrace;
- The development does not exceed the maximum floor space ratio or other regulatory standards;
- The rooftop communal open space does not add unreasonable bulk and scale to the appearance of the building;

DA No	Address	Category of development	Environmental Planning Instrument and Zone	Development standard to be varied	Extent of Variation	Officer Recommendation	Determination	Date DA determined
DA/81/2021	1 Hazlewood and 38-40 Cliff Road, EPPING NSW	Residential Flat Building	Hornsby Local Environmental Plan 2013  R4 – High Density Residential	Clause 4.3 – Height of Building	Allowable: 17.5m  Proposed: 18.7m  Variation: 1.3m (or 6.5%)	Approval	Approved	21 December 2021 – Parramatta Local Planning Panel (PLPP)

**Justification of height variation:**

The Parramatta Local Planning Panel (PLPP) supports the variation to Clause 4.3 Height of Building of The Hornsby Local Environmental Plan 2013 under the provisions of Clause 4.6, as compliance with the development standard is unreasonable in the circumstances of the case for the following reasons:

- The surrounding locality has a number of buildings approved with a similar building height variation to accommodate a lift overrun. Strict compliance with the development standard would be inconsistent with existing development in the locality.
- The proposed non-compliance does not result in increased overshadowing or bulk impacts.
- The proposed non-compliance will not be visually discernible from the street level.