

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
DA-2017/1175		783290		26	Wellington Street	Rosebery	2018	1: Residential - Alterations & additions	Botany Bay Local Environmental Plan 2013	R2 - Low Density Residential	Floor Space Ratio	The variation to the floor space ratio which is viewed as unreasonable and unnecessary given: - The maximum FSR for dwelling houses on sites of the same size is 0.80:1 as per the sliding scale under cl 4.4A(3)(a). The maximum FSR for semi-detached dwellings is 0.50:1 as per cl 4.4A(3)(d). As a result, development of a larger scale is anticipated for adjoining sites that do not contain semi-detached dwellings despite being located on similar sized allotments. - the additional 10.25m ² of the addition is located at the rear of the site, is single level and is consistent with development immediately surrounding the site. Furthermore, the bulk and scale of the development promote a more private and usable private open space to the rear as it screens the area from overlooking from neighbours. - The adjoining semi-detached dwelling has a similar non-compliance with regard to FSR and therefore consistency should be applied to both sites. The proposal is consistent with immediate surrounding development	9.6% (10.25m ² above development standard)	Council	17/01/2018
DA-2017/582	12 Sec 2	1030		75	Bayview Street	Bexley	2207	3: Residential - New second occupancy	Rockdale Local Environmental Plan 2011	R2 - Low Density Residential	Clause 4.1(3B)(a) - minimum subdivision lot size	Variation is inconsequential and does not result in any unreasonable material planning impacts. Council has previously supported similar non-compliances in similar circumstances where the proposal satisfies the objectives of the R2 - Low Density Residential Zone	6.67sqm per proposed lot (1.9% of total site area - 686sqm)	Council	13/02/2018
DA-2017/425	77 79 A&B	1353 190666 436106		102	Frederick Street	Rockdale	2216	6: Residential - Seniors Living	Rockdale Local Environmental Plan 2011	R2 - Low Density Residential	The proposal varies clause 40(4)(a) of State Environmental Planning Policy (Housing for Seniors and People with Disabilities) 2004 (the SEPP) which restricts the height of the buildings to 8m. The proposal also includes a variance whereby clause 40(4)(b) of the Seniors SEPP restricts a building adjacent to a boundary of the site to 2 storeys, and clause 40(4)(c) restricts buildings located in the rear 25% area of the site to 1 storey. The FSR applicable to the site is 0.5:1.	Building Height - There are sufficient planning grounds to justify the contravention as: The subject site directly adjoins land that is zoned R4 High Density Residential, which permits a maximum height of 14.5m under the RLEP 2011. Furthermore, development for the purpose of senior's housing would not be restricted in height by the Seniors SEPP on this land; The lift addition directly faces the car park of the land that is zoned R4 High Density Residential; When considering the existing urban context, which is comprised of varying urban forms including 3 storey walk-up apartment blocks, older style single dwellings, contemporary 2 storey dwellings, each with varying rear setbacks, the proposed addition does not offend the character of the local area; The contravention is found to support the objectives of the R2 Low Density Residential zone in which the subject site is located as it will enable improved operation of an existing aged care and therefore supports the housing needs of the community; The contravention is found to support the aims of the Senior SEPP; The existing subject building already exhibits a maximum height of 13.57m (lift overrun at front of the building), and a maximum height of 11.12m at the rear most wall; The addition is not considered to result in any unreasonable impacts to the existing neighbourhood amenity; and The addition will not be viewable from the streetscape of Frederick Street. FSR - The existing building is already significantly over the FSR limit (1.378:1). The proposed works only add an additional 11.8m ² of gross floor area (GFA) to the building - i.e. about 0.5% additional GFA over that of the existing arrangement; The proposed lift addition will support the function and operation of the existing aged care facility; The GFA increase is negligible, particularly when considered in the context of the entire building and adjoining development; The proposal will not result in an increase the number of beds in the premises; The proposal does not result in the creation of an unreasonable sense of enclosure for adjoining properties; The proposal will alleviate opportunities for overlooking by removing existing windows with direct views to adjoining properties, as replaced by windows that are offset and do not overlook the rear property boundary; and The density, scale and form of the subject building, inclusive of the proposed addition, is comparable to adjoining developments south-west and north of the site.	Building Height The proposal results in a variance of 21.25%, or 1.7m over the 8m building height limit under clause 40(4)(a) of the SEPP. The building is three storeys at the rear. FSR The subject site is restricted to an FSR of 0.5:1 under the provisions of clause 4.4 of the RLEP. The proposed addition of a lift and associated lobby spaces is limited to 11.8m ² of GFA (0.5% additional GFA over that of the existing arrangement), but will result in the development exhibiting an FSR of 1.384:1. It is noted that the provisions of clause 48(b) of the Seniors SEPP provides that a consent authority must not refuse consent to a development application on the grounds of density and scale if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less. The above therefore results in a building that has a 176.8% (1,8939.2m ²) variation to the 0.5:1 development standard under clause 4.4 of the RLEP. However, when having regard to the provisions under clause 48(b) of the Seniors SEPP, the variation to the standards that cannot be used to refuse development consent are in the order of 38.4%, or 798.912m ²	Council	13/02/2018
DA-2017/1219	13	81145		20	Tramway Street	Rosebery	2018	2: Residential - Single new dwelling	Botany Bay Local Environmental Plan 2013	R2 - Low Density Residential	Clause 4.4 Floor Space Ratio	The development standard would be unreasonable as the exceedance to the FSR equates to 2.38m ² which in my opinion will be indistinguishable from a two storey dwelling that complies with the FSR development control. The built form is consistent with surrounding low density residential developments. The height of the development does not exceed the height of existing two storey dwellings in the vicinity and is compliant with Council's height requirements. The dwelling is articulated from the front, side and rear elevations, thereby minimising visible bulk and maintaining an appropriate visual relationship along the streetscape and the surrounding properties	1.0% (2.38m ² exceedance)	Council	14/02/2018
DA-2017/174	Pt B	102921		238-242	Rocky Point Road	Ramsgate	2217	10: Mixed	Rockdale Local Environmental Plan 2011	B4 - Mixed Use & R3 - Medium Density Residential	16m	Result of the topography of the site, as it gently falls away from Rocky Point Road, and also to accommodate the lift over run required for equitable access throughout the development and the roof top communal open space required to comply with the communal open space requirements in the Apartment Design Guide	Up to 3.3m (20.6%)	Council	27/02/2018
DA-2017/59	34	2032		262-268	Rocky Point Road	Ramsgate	2217	10: Mixed	Rockdale Local Environmental Plan 2011	B4 - Mixed Use & R3 - Medium Density Residential	16m height limit	Site characteristics i.e. slope of site Nil environmental impact. Consistent with future desired character. Consistent with objectives of clause and zone	0.4m to the top of the lift overrun to the rear building, with more pronounced variations to the building fronting Rocky Point Road, being 0.5m to the roof 3.5m to the top of the lift overrun. This represents a 2.5% 21.8% variation to the height standard	Council	27/02/2018

DA-2017/307	X	390114	28	Alfred Street	Ramsgate Beach	2217	3: Residential - New second occupancy	Rockdale Local Environmental Plan 2011	R3 - Medium Density Residential	Min subdivision lot size for dual-occ	The applicant has demonstrated that Council has previously varied the minimum site area for dual occupancy for minor variations such as 0.16% in this circumstance	0.16%	Council	27/02/2018
DA-2017/335	1	217703	12 & 126	Phillips Road & Rocky Point Rod	Kogarah	2217	14: Other	Rockdale Local Environmental Plan 2011	IN2 - Light Industrial	Clause 4.3 - Height of Building	<ul style="list-style-type: none"> That the proposal is consistent with the objectives of the IN2 – Light Industrial zone. The proposed use as a vehicle repair station is permissible within the zone and will generate employment and economic activity in the area whilst supporting and protecting industrial land for industrial uses. It was argued that the proposal will improve the circumstances of a 'decayed' industrial area, whilst improving the visual character of the streetscape. It was stated that the site is able to be redeveloped with the height non-compliance without being inconsistent with the objectives of the zone; Arguments were presented in relation to the minor extent and surface area of the non-compliance; Council has calculated the non-compliance to be 785mm or 5.41%. Furthermore, the two non-compliant sections of the roof are not visible from the streetscape and will therefore have no impact; That the parapet roof provides for a unified architectural design outcome and high quality urban form. It has been argued that the proposed design is comparable with the general character of the industrial area which has been stated to have similar heights to that proposed. The variance is identified as consistent and acceptable in this context, particularly when consideration is given to the sloping nature of the site; The building height is predominantly driven by operational needs that fix the floor to ceiling heights. This is inclusive of the operation of car hoists and specialised equipment used in the servicing of vehicles; Although the proposal is largely capable of compliant height, this will be borne from removing part of the parapet roof. The removal of the parapet roof would result in a substandard design outcome and be aesthetically unappealing; No negative impacts in respect to urban form, streetscape, overshadowing or daylight access will occur due to the height non-compliance; and, Overall, the proposal is meritorious and otherwise highly compliant with Council's control with the extent of the variance minor and inconsequential 	785mm or 5.41% variation	Council	19/03/2018
DA-2016/125	43, 44 & 45	856900	1094-1098	Botany Road	Botany	2019	7: Residential - Other	Botany Bay Local Environmental Plan 2013	B2 - Local Centre	14 metre maximum building height	It is considered that the exceedance by 1.25 metres due to the proposed lift overrun does not raise any matter of state or regional planning significance. In relation to the public benefit of maintaining the standard, the exceedance by this minor amount for a small area of the building in the central portion of the site is not considered to be detrimental to the planning controls in the area. The proposal generally satisfied the height limit and in this way, there is unlikely to be any adverse cumulative impacts resulting from the proposed height exceedance under the proposal	1.25 metres (to 15.25m)	Council	13/03/2018
DA-2017/1120	51	226180	63	Dougherty Street	Rosebery	2018	1: Residential - Alterations & additions	Botany Bay Local Environmental Plan 2013	R2 - Low Density Residential	0.5:1	The bulk and scale of the proposal will be well within the immediate surrounding development due to the setback and size of the proposal will maintain the objectives of the LEP	0.08:1 (16%)	Council	13/03/2018
DA-2017/1154	1	1206802	904-922	Botany Road	Mascot	2020	10: Mixed	Botany Bay Local Environmental Plan 2013	B2 - Local Centre	14 metres	The massing of the proposed development responds to the scale of the existing surrounding development and the character of the street. The height of the proposed development is consistent with the height of the adjoining Telstra exchange building and provides a transition to the two storey character of development adjoining Botany Road	2.8 metres	Council	13/03/2018
DA-2017/1252/1	22	24695	22	Tierney Avenue	Eastgardens	2036	2: Residential - Single new dwelling	Botany Bay Local Environmental Plan 2013	R2 - Low Density Residential	Clause 4.3 and clause 4.4 of the Botany Bay Local Environmental Plan 2013	The exceedances will be indistinguishable from a two storey dwelling that complies with the FSR and height development controls. The built form is consistent with surrounding low density residential developments. The dwelling is articulated from the front, side and rear elevations, thereby minimising visible bulk and maintaining an appropriate visual relationship along the streetscape and the surrounding properties	Height of building - 0.053m (0.6%0. Floor Space Ratio - 1.0624m ² (0.4%)	Council	23/03/2018
DA-2017/1235	A	378977	18A	Cowper Avenue	Pagewood	2035	1: Residential - Alterations & additions	Botany Bay Local Environmental Plan 2013	R2 - Low Density Residential	Clause 4.4A 0.55:1	Extent of variation relates to subfloor storage and plant area, and the proposed additions and alterations comply with the height of building development standard, setback controls and will permit satisfactory solar access to neighbouring properties	0.03:1 (5.5%)	Council	27/03/2018
DA-2016/150	100	1097898	401-405	Princes Highway	Rockdale	2216	10: Mixed	Rockdale Local Environmental Plan 2011	B4 - Mixed Use	Clause 4.3 - Height of Building - 22m	Nil adverse impact. Rooftop structures form integral part of development, correlated to design, function and use of rooftop COS area. Rooftop structures recessed into building design. Proposal provides graded transition to town centre core. Consistent with objectives of control and zone	0.14m - 4m (0.6% - 18%)	Council	27/03/2018

DA-2016/399	1	742648	11-13	Queen Street	Arncliffe	2205	4: Residential - New multi unit < 20 dwellings	Rockdale Local Environmental Plan 2011	R4 - High Density Residential	Clause 4.3 Height of Buildings	Variation is inconsequential and does not result in any unreasonable material planning impacts. Council has previously supported similar non-compliances in similar circumstances where the proposal satisfies the Objectives of the zone	1.89 metres or 13%	Council	27/03/2018
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