

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-2017/419	22	18987		139	Ramsgate Street	Dolls Point	2219	2: Residential - Single new dwelling	Rockdale Local Environment Plan 2011	R2 - Low Density Residential	The maximum permissible building height is 8.5 metres. The application sought a 0.4 metre variation to the maximum permissible building height to accommodate a lift overrun to the rooftop terrace	No unreasonable impacts arise as a result of the variation. There will be limited impact on bulk and scale. The proposal adopts a built form which is commensurate with that of other modern dwellings houses within the locality. The variation will not be observable when viewed from the street. The variation will have limited impact on solar access to neighbouring dwellings. The variation will have limited impact on amenity. The proposal complies with the development control plan in terms of setbacks, floor space ratio, car parking, landscaping and private open space. The proposal is of similar bulk and scale to similar developments in the area. The proposal satisfies the zone objectives.	The proposal exceed the maximum permissible building height by 0.4 metres or 5%.	Council	7/02/2019
DA-2018/1109	A	444706		2	Swinbourne Street	Botany	2019	1: Residential - Alterations & additions	Botany Local Environmental Plan 2013	R2 - Low Density Residential	Clause 4.3 - FSR	Consistent with zone objectives and objectives of the FSR development standard. No adverse impacts caused to neighbouring properties and/or the streetscape.	6.6m² or 5.2%	Council	26/02/2019
DA-2018/1110	B	444706		4	Swinbourne Street	Botany	2019	1: Residential - Alterations & additions	Botany Local Environmental Plan 2013	R2 - Low Density Residential	clause 4.3 - FSR	Consistent with zone objectives and objectives of the FSR development standard. No adverse impacts caused to neighbouring properties and/or the streetscape.	22m² or 19%	Council	26/02/2019
DA-2018/1098	52	15897		57	Banksia Street	Botany	2019	3: Residential - New second occupancy	Botany Local Environmental Plan 2013	R2 - Low Density Residential	Clause 4.4 - Floor Space Ratio. The maximum permissible floor space ratio on the land is 0.5:1. The proposed combined floor space ratio has been calculated to be 0.56:1	The non-compliant floor space does not contribute to the semi-detached dwelling being of unreasonable bulk and scale, particularly as it does not exceed the maximum floor space for a dwelling house; The proposal will create an appropriate built form which is consistent with the surrounding low density residential development. The height of the development is compliant with Council's height requirement; The dwellings are articulated from the front, side and rear elevations, thereby minimizing visual bulk and maintaining and appropriate visual relationship along the streetscape and the surrounding properties; The proposed FSR variation for each semi-detached dwelling represents a minor variation to the maximum permissible FSR to the site and is less than what would be permissible for an individual dwelling. The proposed development is not contradictory with the objectives of clause 4.4A Floor Space Ratio or the objectives of the R2 – Low Density Residential Zone. The proposed semi-detached dwellings are generally compliant with all the controls contained within the Botany Bay Development Control Plan 2013 and BBLEP. The proposed building will not result in any adverse impacts on surrounding dwellings by means of undue overshadowing.	The proposal exceed the maximum permissible floor space ratio by 11%	Council	5/03/2019
DA-2018/191	39	9096		12	Fairview Street	Arncliffe	2205	3: Residential - New second occupancy	Rockdale Local Environmental Plan 2011	R2 - Low Density Residential	Clause 4.1 - Minimum Lot Size	<p>The proposed variation to the minimum lot size, as addressed by the applicant, is in accordance with the objectives of Clause 4.6 (3) (b) in that the 0.6% variation for both individual lots is minor and that it does not intervene with providing a built form that is (with amendments) generally compatible with the existing streetscape and site context. Furthermore, the Council has agreed to minor variations to the minimum lot size in other similar circumstances where the lot widths meet the minimum 15m frontage and impacts are minimised in accordance with RDCP 2011. Therefore, the applicant's justification on the variation of the minimum lot size (as per Clause 4.1) in accordance with the objectives of Clause 4.6 (3) (b) are considered satisfactory.</p> <p>The applicant's written submission is considered to be well founded and address the relevant provisions of Clause 4.6. Furthermore, the proposal generally meets the objectives contained in Clause 4.6 (1), Clause 4.6 (3) (a) and (b), Clause 4.6 (4) (i) (ii) and the objectives of the R2- Low Density Residential Zone. Strict compliance with the development standard, in this instance, is considered unreasonable and unnecessary. Approval of the use would not cause an undesirable precedent. In this regards therefore, the proposal just about remains within the public interest, on the exception of overshadowing impacts to the adjoining properties. As such, the minor variation to the minimum lot size provisions contained within Clause 4.1 (3) (B) is considered acceptable in this instance</p>	0.60%	Council	8/03/2019

DA-2018/210				22	Demaine Avenue	Bexley North	2207	2: Residential - Single new dwelling	Rockdale Local Environmental Plan 2011	R2 - Low Density Residential	Clause 4.3 Height of buildings	<p>The only part of the building that is non-compliant with the standard is part of the pitched roof, which at 8.9m exceeds the height shown for the land on the Height of Buildings Map (8.5m) by 0.4m or 4.7%. The small area of the roof that is non-compliant and the minor non-compliance of the height means that the impact on satisfactory sky exposure and daylight to buildings, key areas and the public domain, and the bulk and scale of the dwelling, is minimal. Therefore the variation to the building height standard satisfies the first of the tests established by the NSW Land and Environmental Court where the objectives of the standard have been achieved. The requirement in Clause 4.6(3)(b) is to justify that there are sufficient environmental planning grounds for the variation particular to the circumstances of the proposed development. These planning grounds are demonstrated and are sufficiently argued in the 4.6 variation submission. Therefore the applicant has also demonstrated that compliance with the development standard is unreasonable and unnecessary in this circumstance of this case. The applicant's request to vary development standard Clause 4.3(2), is also consistent with the objectives in Clause 4.6 (Exceptions to development standards) as well as the objectives in development standards for the R2 Residential Zone area. Approval of the proposal would not create an undesirable precedent and is in the public interest. As such the proposed variation for the dwelling is supported in this instance.</p>	8.9m, exceeds the height shown for the land on the Height of Buildings Map (8.5m) by 0.4m or 4.7%	Council	12/03/2019
DA-2018/1091	1	112141		34	King Street	Eastlakes	2018	2: Residential - Single new dwelling	Botany Local Environmental Plan 2013	R2 - Low Density Residential	Clause 4.4 FSR	Unreasonable and unnecessary as variation is minor and impacts minimal	9%	Council	25/03/2019
DA-2018/1171	1	1168812		1675	Botany Road	Botany	2019	2: Residential - Single new dwelling	Botany Local Environmental Plan 2013	R2 - Low Density Residential	Clause 4.4 FSR	<p>Notwithstanding the numerical non-compliance of the FSR, the proposal satisfies the objectives of Clause 4.6 and those of the floor space ratio standards as it will facilitate a two x two storey semi-detached dwelling houses within the R2 Low Density Residential zone that meets the required desired future character of the Botany Precinct. The reasons outlined in the applicants Clause 4.6 variation are well founded and flexibility can be applied for as it achieves a better outcome for development in terms of improving internal amenity for the dwellings, ensuring site suitability, minimising the impact of the development on the adjoining properties and maintaining the suitable architectural design that is consistent with the surrounding development.</p> <p>The proposed FSR is consistent with the maximum FSR permissible for a dwelling house for sites with an area of between 251m² and 300m2. The proposed semi-detached dwelling houses are of a similar bulk and scale of surrounding existing two storey dwelling houses and semi-detached dwellings on Botany Road. The proposal maintains an appropriate visual relationship with the neighbouring properties and the existing and future character of the area. Item Bayside Planning Panel Meeting.</p> <p>The proposal is not considered to create adverse impacts on the privacy and views currently experienced by the adjoining sites and the size of the dwellings is similar to what is permitted for single detached dwellings on the existing allotments</p>	49.40% for Lot 1 and 33.70% for Lot 2 respectively	Council	26/03/2019
DA-2017/612	40	6120		224	Rocky Point Road	Ramsgate	2217	3: Residential - New second occupancy	Rockdale Local Environment Plan 2011	R2 - Low Density Residential	Clause 4.1 Minimum subdivision lot size. Clause 4.4 Floor space ratio	<p>Clause 4.1: The applicant's clause 4.6 includes detailed reasons to justify the variation and demonstrates that the proposal satisfies each of the relevant objectives of the standard notwithstanding the non-compliance in accordance with the first point of the Wehbe test. The proposed subdivision is 1.5sqm under the minimum required per lot. As stated previously, this is only a 0.4% variation in the development standard, which is very minor in nature. The proposal is considered to be acceptable with regards to other provisions in the DCP and LEP.</p> <p>Clause 4.4: The applicant has demonstrated that the location of the proposed development may be unreasonable and unnecessary as the site adjoins the B4 Mixed Use zone located on the opposite (southern) side of Clarkes Road (with a nil front and side setback and an FSR of 2:1) and provides a transition to the R2 Low Density Residential zone to the north and east. Therefore the minor numeric non-compliance does not constitute a significant variance from the standard, especially considering that the FSR increases four-fold on the opposite side of the street.</p>	Clause 4.1: proposed subdivision of 348.5sqm for Lot 1 (1.5sqm or 0.4% under minimum lot size requirement), and 348.5sqm for Lot 2 (1.5sqm or 0.4% under minimum lot size requirement). Clause 4.4: proposed gross floor area of 376sqm over a site area of 697sqm (186sqm over a site area of 348.5sqm for Lot 1, 190sqm over a site area of 348.5sqm for Lot 2). Therefore a proposed floor space ratio of 0.54:1 (0.53:1 for Lot 1, 0.55:1 for Lot 2). Exceeds the floor space ratio for the land on the Floor Space Ratio Map (0.5:1) by 0.04:1 (0.03:1 for Lot 1, 0.05:1 for Lot 2)	Council	29/03/2019