VARIATIONS REGISTER OCTOBER - DECEMBER 2020

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-2020/120	102	569583	N/A	1A	Geer Avenue	Sans Souci	2219	1: Residential - Alterations & additions	Rockdale Local Environmental Plan 2011	R2 - Low density residential	CI4.4 FSR	Alterations and additions to existing dwelling to include swimming pool enclosure and use of the internal lift	13.8%	Council	13/10/2020
DA-2020/245	100	1252303	N/A	12	Phillips Road	Kogarah	2217	13: Subdivision only	Rockdale Local Environmental Plan 2011	Light Industrial (IN2)	Cl4.4 FSR	Torrens Title Subdivision of one lot into two and strata subdivision of lot fronting Phillips Road creating 205 strata lots	41%	Council	13/10/2020
DA-2020/105	6	5177	N/A	5	Banksia Street	Botany	2019	14: Other	Botany Local Environmental Plan 2013	R2 - Low density residential	Cl4.4 FSR	The Clause 4.6 exception to the floor space ratio control has been assessed in accordance with relevant case law, being the principles of Wehbe v Pittwater Council [2007] NSW LEC 827, Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118 and Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 & NSW LEC 90 (Four2Five). The assessment of the proposal demonstrates that non-compliance with the FSR development standard is not	17%	Council	13/10/2020
												unreasonable and unnecessary in the circumstances of the case and that there are insufficient environmental planning grounds to justify contravening the development standard.			
												The proposal is inconsistent with the objectives of the development standard for the reasons discussed below:			
												The non-compliance in FSR creates additional bulk impacts to the building design and streetscape presentation of the development. The proposed development does not contribute			
												to the 'desired future character'. Pacific Woodstock Pty Ltd c/o Creative Planning Solutions Pty Ltd Lot 5A = 19% variation			
												Lot 5B = 15% variation Combined variation = 17% There are no other examples of similar subdivided small lots and approved two storey semi-detached dwellings in close proximity to the			
												subject site. The proposed subdivision is inconsistent with the existing and intact subdivision pattern of Banksia Street, will set an undesirable precedent			
												and impact on the design and character of the existing and desired future character of Banksia Street by creating a new subdivision pattern. The proposed development does not maintain			
												the consistent pitch or roof form that is prevalent on Banksia Street. The proposed development does not take into consideration impacts of the development on the			
												adjoining heritage items from the proposed subdivision, bulk and scale and building design. The proposed development is non-compliant with a number of objectives and controls in BBLEP			
												2013 and BBDCP 2013. The proposed variation to the development standard relating to the maximum FSR for the site is also not in the public interest.			

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DA-2020/269	19	15897	38	Daniel Street	Botany	2019	9: Mixed	Botany Local Environmental Plan 2013	R2	Cl4.4 FSR	Demolition of existing structures, Torrens Title sub- division and construction of two (2) storey semi- detached dwellings and front fence	20.70%	Council	8/12/2020
DA-2019/85	28	4274	12	Loftus Street	Turrella	2205	14: Other	Rockdale Local Environmental Plan 2011	R4	Cl4.3	The non-compliance to the 18m height is a result of flooding on the site and is restricted to lift overrun. The non-compliance to the 12m height is a result of a transitionary height across the site to reflect transition between the R2 and R4 zone. The non-compliances represent an appropriate redistribution of building massing. Whereby floor space at the uppermost floor level has been reallocated from the part of the site affected by the 18m height limit in order to achieve a more geometric and functional floor plate configuration than the triangular form that might otherwise have resulted from a scheme that strictly followed the alignment of the height line between the 12m and 18m limits.	7.1m (59%) within the 12m zone and 1.1m (6%) within the 18m zone	Council	15/12/2020
DA-2019/435	1	1239932	289-293	King Street	Mascot	2020	14: Other	Botany Local Environmental Plan 2013	B5	CI4.4 FSR	The proposal is consistent with the objectives of the FSR development standard as well as the objectives of the B5 zone. There are sufficient environmental planning grounds to justify the variation. The site is in a mid block location surrounded by much larger buildings than what is proposed. The use is for a car park and comprises gross floor area in a technical sense.	41.20%	Council	15/12/2020