

## **Item 9.**

### **Approved Variations to Development Standards Reported to the Department of Planning and Environment**

**File No:** S040864

#### **Summary**

This report is to inform the Council of development applications determined where there has been a variation in standards in approved under clause 4.6 of the Sydney Local Environmental Plan 2012 for the period 1 July to 31 October 2023.

#### **Recommendation**

It is resolved that the subject report be received and noted.

#### **Attachments**

**Attachment A.** Variations Approved by Council and Reported to the Department of Planning and Environment for the period 1 July to 31 October 2023.

## Background

1. As a historical arrangement, on 24 June 2004, the Central Sydney Planning Committee (CSPC) delegated authority to the City of Sydney for the determination of development applications involving a variation to a development standard and costing less than \$50 million.
2. In accordance with planning circular PS 08-014, the City of Sydney is required to submit to the Department a quarterly report of all variations approved.
3. The City has maintained a publicly available register of all variations to development in accordance with the above circular.
4. Planning Circular PS 20-002 requires that a quarterly report of variations approved under delegation from Council is to be provided to a meeting of Council. A report is also provided to the Central Sydney Planning Committee on a quarterly basis.
5. The reporting period for this quarterly submission (normally July to September) was extended for an additional month from 1 July up to 31 October 2023 to coincide with changes to clause 4.6 in the standard instrument in Sydney Local Environmental Plan 2012 which commenced on 1 November 2023.
6. Thirty applications were approved where there has been a variation to development standards during the period 1 July to 31 October 2023. Details of applications are provided in Attachment A.

## Changes to the standard instrument and variations reporting obligations

7. Since the mandate to lodge via the NSW Planning Portal in July 2020, data for clause 4.6 variations is being collected both at the time the applicant makes a request and also at the time of determination. If a variation is approved, its extent and justification is also collected.
8. In the lead up to the 1 November 2023 changes to clause 4.6 in the standard instrument, the Department advised that the reporting obligations would also change, that is, that variations data being collected via the Portal and then a quarterly list being submitted separately to the Department as per earlier circulars will no longer be required. This change has reduced some of the duplicated administrative burdens on City staff.
9. The reporting period for this final submission was extended from July to September up to 31 October which is the last day prior to changes to the standard instrument.
10. Further, Circular PS 20-002 has been repealed so it is no longer necessary to report determined variations to the elected council on a quarterly basis, therefore this will be the final report on this matter. This information is now available on the NSW Planning Portal.

11. The Department has released a publicly available Variations Register which sources data from the Portal to show applications under assessment where a variation has been requested and those that have been determined. The Variations Register can be accessed via the following link:

<https://pp.planningportal.nsw.gov.au/development-and-assessment/variations-register>

12. The introduction of the Variations Register in the Portal also means there is no longer a requirement for Councils to further update their own publicly available registers, however it is required that it continues to remain accessible and is up to date as at 31 October 2023.
13. Processes are still in place to track variations approved and should a report be requested the City will be able to produce this information.

### **Relevant Legislation**

14. Environmental Planning and Assessment Act 1979.
15. City of Sydney Act 1988.

### **GRAHAM JAHN AM**

Director City Planning, Development and Transport

James Farrar, Information and Systems Officer