

Council DA reference number	DA/103/2022	DA/1234/2021
Lot number	36	5,4
DP number	30826	306280
Apartment/Unit number		
Street number	43	36A and 38
Street name	Bouvardia Street	Park Avenue
Suburb/Town	Asquith	Waitara
Postcode	2077	2077
Category of development	1: Residential - Alterations & additions	4: Residential - New multi unit
Environmental planning instrument	HLEP	HLEP
Zoning of land	R2	R4
Development standard to be varied	Clause 4.3 Height of buildings	Clause 4.3 Height of buildings
Justification of variation	<p>Council is satisfied that the proposal is consistent with the objective as the proposed first floor addition would result in a moderately sized dwelling house (227.7m²) that is consistent with the prevailing built form along Bouvardia Street. In an attempt to avoid contravening the Height of Buildings development standard, consideration has been given by the applicant to an alternate design option involving a rear extension to the ground floor level. Noting the steep topography of the site, Council's assessment concurs with the applicant's submission that an alternate design involving an extension to the rear at the ground floor level is likely to be significantly elevated, approximately 2.7 metres above existing ground level. Any such alternate proposal would reduce the available landscaped and open space areas on the site and would culminate in a decrease in building separation, and consequently, the amenity and privacy received to the secondary dwelling on the subject site, along with the open space areas on the adjoining sites.</p>	<p>The applicant has made a submission in accordance with Clause 4.6 'Exceptions to development standards' of the Hornsby Local Environmental Plan 2013. The submission is considered well founded and is supported.</p>
Extent of variation	11.6%	5.4%
Concurring authority	LPP	LPP

Council DA reference number	DA/1309/2021	DA/345/2022
Lot number	100	11
DP number	848501	217416
Apartment/Unit number		
Street number	11-37	10
Street name	Alexandria Parade	Burra Place
Suburb/Town	Waitara	Mount Colah
Postcode	2077	2079
Category of development	8: Commercial / retail / office	1: Residential - Alterations & additions
Environmental planning instrument	HLEP	HELP
Zoning of land	B2	R2
Development standard to be varied	Clause 4.4 Floor Space Ratio	Clause 4.3 Height of buildings
Justification of variation	<p>The maximum permissible FSR for the precinct in accordance with the map is 0.5:1. The existing development has a FSR of 0.72:1. The proposal would result in a minor reduction to the floor area resulting in a FSR of 0.71:1. Council is satisfied that the proposal is consistent with the objective of Clause 4.4 as the bulk and scale of the development would remain consistent with the existing development as evidenced through the proposed reduction in FSR, and the compliance of the development with the HDCP setback, height and commercial hierarchy provisions.</p>	<ul style="list-style-type: none"> • The height non-compliance is due to the existing ground level which is the result of garage excavation and the proposed height RL is consistent with adjoining development. • The minor non-compliance to the maximum building height standard will not result in a development that will be out of character with development in the immediate locality. There will be no adverse impacts upon the amenity of adjoining properties as a consequence of the non-compliance. • The proposed addition will achieve full compliance with all other provisions of HDCP including setbacks, provision of private open space and sunlight access. • The objectives of the standard are achieved notwithstanding non-compliance with the standard. • The underlying objective or purpose of the standard is not relevant to the development therefore compliance is unnecessary in the context of the facts of this case. • The underlying objective or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable - it would not result in the orderly and economic development of the land.
Extent of variation	42%	3.9%
Concurring authority	LPP	Council

Council DA reference number	DA/86/2022	DA/1264/2021
Lot number	47	16
DP number	233580	1280756
Apartment/Unit number		
Street number	67	32
Street name	Wareemba Ave	Neverfail Bay
Suburb/Town	Thornleigh	Berowra Waters
Postcode	2120	2082
Category of development	1: Residential - Alterations & additions	1: Residential - Alterations & additions
Environmental planning instrument	HLEP	HLEP
Zoning of land	R2	W1 and C4
Development standard to be varied	Clause 4.3 Height of buildings	Clause 4.3 Height of buildings
Justification of variation	The height non-compliance is due to the existing raised floor slab above a subfloor area. The minor height non-compliance will not impact the adjoining neighbours or streetscape. There is no availability to build horizontality due to the large cliff face and trees in the rear yard. There is no way to design a first floor addition to comply.	The height non-compliance is due to lower ground floor level excavation lowering existing ground level. The proposed roof height is lower than existing, reducing an existing contravention to Clause 4.3 of the HELP. The proposal would not unreasonably increase the bulk and scale of the dwelling nor does it lead to unacceptable overshadowing of the southern adjoining property. The proposal provides for orderly and economic development of land, improved residential amenity and demonstrates adequate consideration and protection of the environment and public interest.
Extent of variation	4%	9.5%
Concurring authority	Council	Council

Council DA reference number	DA/359/2022
Lot number	28
DP number	21448
Apartment/Unit number	
Street number	25
Street name	Vaughan Avenue
Suburb/Town	Pennant Hills
Postcode	2120
Category of development	1: Residential - Alterations & additions
Environmental planning instrument	HLEP
Zoning of land	R2
Development standard to be varied	Clause 4.3 Height of buildings
Justification of variation	The height non-compliance is a direct result of the existing lower ground floor level excavation and existing ground level floor to ceiling heights. The minor height non-compliance would not have impact on adjoining properties or the streetscape.
Extent of variation	4.7%
Concurring authority	Council