

Clause 4.6 Returns Quarter 1 July – 30 September 2022

Street name	Galston Road	Balaclava Road
Suburb/Town	Galston	Berowra
Postcode	2159	2081
Category of development	5: Residential - Seniors Living	1: Residential - Alterations & additions
Environmental planning instrument	HLEP	HLEP
Zoning of land	RU4	R2
Development standard to be varied	height	height
Justification of variation	<p>The proposed new lift does not increase the height of the building and remains below the buildings highest point. The proposed height breach, resulting from the need to address the bespoke user needs of the facility, is not expected to cause any adverse environmental impacts. Given the proposed lift is setback over 350m from Galston Road and no increase to the current building height is proposed, the relatively minor height breach is considered acceptable and in keeping with the height, bulk and scale of the desired future character of the locality. Strict compliance with height controls would result in the objectives of the HLEP 2013 being neglected and would not result in the orderly and economic use and development of land.</p>	<p>The proposed contravention would not be visible from the street and would not have any impact on adjoining landowners. No new windows would face adjoining properties. The height of the proposed addition would not exceed the existing maximum ridge height of the dwelling house; The contravention to the development standard of building height is a result of the slope of the site. Any first-floor addition would be non-compliant; The innovative design utilises existing void areas increase the useable floor area of the dwelling house within increasing the physical footprint of the dwelling house. The footprint of the building is not increased. Should the applicant propose to extend the ground floor or first floor footprint towards the rear of the site, this would decrease the separation distance of bushfire prone vegetation to the proposed development, therefore increasing bushfire risk on a BAL FZ site.</p>
Extent of variation	11.4%	17%
Concurring authority	LPP	LPP
Date DA determined dd/mm/yyyy	27/07/2022	27/07/2022

Street name	Salisbury Road	Carlisle Crescent	Leighton Place
Suburb/Town	Asquith	Beecroft	Hornsby
Postcode	2077	2119	2077
Category of development	11: Industrial	13: Subdivision only	11: Industrial
Environmental planning instrument	HLEP	HLEP	HLEP
Zoning of land	IN1	R2	IN1
Development standard to be varied	FSR	lot size	height
Justification of variation	A reduction in the FSR would result in a development which unnecessarily fails to fulfil the demonstrated environmental capacity of the site for self storage. Self-storage is a low traffic generating use, particularly compared to other forms of permissible uses in the zone, and therefore the density proposed does not result in any adverse traffic impacts.	The proposed subdivision will follow the existing strata lot arrangement. There is no physical development except a minor change to the existing driveway. Strict compliance with the development standard is considered unreasonable and unnecessary in the circumstances of the case and sufficient environmental planning grounds have been submitted to justify the contravention to the development standard.	Proposed units are located within footprint of existing building and do not increase the overall height of the building. Additional units were suitable based on site constraints, assisted in achieving desired FSR on site, were not inconsistent with the objectives of the zone or HoB development standard and sufficient environmental planning grounds were demonstrated to support the variation.
Extent of variation	9.99%	25% and 30%	67%
Concurring authority	Council	LPP	LPP
Date DA determined dd/mm/yyyy	28/07/2022	31/08/2022	31/08/2022

Street name	Bellevue Street	Pacific Highway
Suburb/Town	Thornleigh	Hornsby
Postcode	2120	2077
Category of development	4: Residential - New multi unit	5: Residential - Seniors Living
Environmental planning instrument	HLEP	HLEP
Zoning of land	R4	R4
Development standard to be varied	height	Height and FSR
Justification of variation	<p>The height departure would not result in any significant amenity impact to surrounding neighbours in terms of overshadowing and privacy and the proposed over height building portions do not create unacceptable overshadowing to any adjoining residential development. The overall appearance of the building, when viewed from the street front, would be consistent with surrounding developments.</p>	<p>The contravention in height is considered acceptable as it resulted in a slimline tower instead of a squat bulky building. The height was intentionally designed to be breached to incorporate floor area on a tower element instead of around the site perimeter and was designed with design excellence input. There is an existing approval on the site that complied with the FSR and height controls and resulted in a bulky building that did not have any design merit. The height breach was located in the CBD of Hornsby adjoining a trainline and two main roads and does not cause any overshadowing or amenity impacts to any property and did not result in more FSR then permitted for the site. With regard to the non compliance with FSR, the proposal technically complied with the overall FSR for the site of 5:1, however did not comply with the residential accommodation not to exceed 2:1. The reason for this was the proposal incorporates an aged care development which is technically classed as residential accommodation. The non-compliance is acceptable as the care facility will provide more employment than any other form of residential accommodation that the controls permit and overall the site achieves the FSR envisaged for the site being 5:1</p>
Extent of variation	5.9%	68% for height and exceedance and 82% exceedance in non-residential accommodation
Concurring authority	LPP	LPP
Date DA determined dd/mm/yyyy	31/08/2022	16/09/2022

Street name	Lowanna Place	William Street	Castle Hill Road
Suburb/Town	Hornsby	Brooklyn	Castle Hill
Postcode	2077	2083	2154
Category of development	2: Residential - Single new dwelling	2: Residential - Single new dwelling	5: Residential - Seniors Living
Environmental planning instrument	HLEP	HLEP	State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
Zoning of land	R2	R2	R2
Development standard to be varied	Height	Height	Section 40(4)(b)
Justification of variation	<p>The proposed height breach occurs at the rear of building for 2 balustrades and the roof area on a significant sloping site (50% gradient) and do not occur for entire roof or balustrade levels, only a small portion. The breach does not create overshadowing or amenity impacts to neighbours</p>	<p>The height non-compliance is due to the topography of the site and previous excavation for the existing dilapidated dwelling house to be demolished.</p> <p>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.</p> <p>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.</p>	<p>Design of building did not cause an abrupt change in building height at boundary due to architectural design, setback from boundary and underlying topography.</p>
Extent of variation	6%	9.15%	1 additional building storey
Concurring authority	Delegated	Delegated	SNPP
Date DA determined dd/mm/yyyy	09/08/2022	17/11/2020	19/09/2022