

Clause 4.6 Return – Quarter - 1 January to 31 March 2022

<b>Council DA reference number</b>	DA/581/2020	DA/1188/2021
<b>Lot number</b>	7	5
<b>DP number</b>	1260122	17378
<b>Apartment/Unit number</b>		
<b>Street number</b>	35E	14
<b>Street name</b>	Sefton Road	Sutherland Road
<b>Suburb/Town</b>	Thornleigh	Cheltenham
<b>Postcode</b>	2120	2119
<b>Category of development</b>	11: Industrial	1: Residential - Alterations & additions
<b>Environmental planning instrument</b>	HLEP	HLEP
<b>Zoning of land</b>	IN1	R2
<b>Development standard to be varied</b>	Clause 4.3	Clause 4.3
<b>Justification of variation</b>	<p>The Clause 4.6 submission is considered well founded. 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 of the development standard.</p>	<p>It is considered that compliance with the development standard would be unreasonable and unnecessary in the circumstances of the case and the Clause 4.6 submission should be supported.</p> <p>The height departure would not result in any significant amenity impact to surrounding neighbours,</p> <p>The existing dwelling house already exceeds the maximum 8.5m height development control of the HLEP with an existing height of 11.53m.</p> <p>The proposed additions are designed to match the existing roof pitch, align with the existing ridge line of RL116.33 and sympathetically conform with the existing Dutch gable roofed dwelling house.</p> <p>The proposal is considered a sensitive and modest modification that will retain the form of the building. It would have no discernible impact on the HCA, nearby heritage items or the streetscape.</p> <p>The proposed height variation is appropriate considering the constraints of the site in terms of land slope and protection of trees.</p> <p>The proposed development meets the objectives of Clause 4.3 of the HLEP by way of being appropriate with respect to the constraints of the site and in regard to the development potential of the site.</p>
<b>Extent of variation</b>	27.6%	39.5%
<b>Concurring authority</b>	Local Planning Panel	Local Planning Panel
<b>Date DA determined dd/mm/yyyy</b>	23/02/2022	23/02/2022

Clause 4.6 Return – Quarter - 1 January to 31 March 2022

<b>Council DA reference number</b>	DA/1258/2021	DA/736/2021
<b>Lot number</b>		
<b>DP number</b>		
<b>Apartment/Unit number</b>		
<b>Street number</b>	33	9/6
<b>Street name</b>	Copeland Road	Leighton Place
<b>Suburb/Town</b>	Beecroft	Hornsby
<b>Postcode</b>	2119	2077
<b>Category of development</b>	13: Subdivision only	8: Commercial / retail / office
<b>Environmental planning instrument</b>	HLEP	HLEP
<b>Zoning of land</b>	R2	IN1
<b>Development standard to be varied</b>	Clause 4.1A	Clause 4.4
<b>Justification of variation</b>	<p>Council is satisfied that the proposal is consistent with the objective as the proposed strata subdivision would not result in additional dwelling entitlements or land fragmentation on the site given that the existing Torrens title allotment is already lawfully improved by three dwellings resulting from the approval of a multi-unit housing development under Development Application No. 78/90. Council concurs with the applicant that approval of the application would not alter the intensity or scale of the existing development on the site and would allow the existing dwellings to be on separate titles and under separate ownership, thereby adding economic value and versatility to existing housing stock.</p>	<p>It is considered that compliance with the development standard would be unreasonable and unnecessary in the circumstances of the case and the Clause 4.6 submission should be supported.</p> <p>The FSR variation would not result in any variation to the external built form of the development in terms of height, bulk and scale of the existing character of the industrial complex. With the exception of a minor non-compliance with respect to parking (discussed in report), the proposed development would comply with applicable development standard and design control</p> <p>The proposed use would be compatible with the industrial area, surrounding uses and meet the objectives of the zone.</p>
<b>Extent of variation</b>	35.5%	2.2%
<b>Concurring authority</b>	Local Planning Panel	Council
<b>Date DA determined dd/mm/yyyy</b>	18/03/2022	3/02/2022

Clause 4.6 Return – Quarter - 1 January to 31 March 2022

<b>Council DA reference number</b>	DA/1012/2021	DA/1092/2021
<b>Lot number</b>		
<b>DP number</b>		
<b>Apartment/Unit number</b>		
<b>Street number</b>	449D	
<b>Street name</b>	Pennant Hills Road	11 Ferndale road
<b>Suburb/Town</b>	Pennant Hills	normanhurst
<b>Postcode</b>	2121	
<b>Category of development</b>	12: Community facility	
<b>Environmental planning instrument</b>	HLEP	HLEP
<b>Zoning of land</b>	R2	R2
<b>Development standard to be varied</b>	Clause 4.3	Clause 4.6
<b>Justification of variation</b>	<p>Council's assessment considers that the proposed height of the additions would be lower than the existing MSB Centre building. It is noted that the existing MSB Centre is approximately 22m above existing ground level or 13.5m above the height limit. Council considers that the standard has been virtually abandoned/destroyed at the site as evidenced by the height of the existing MSB Centre (Wehbe point 4). Further, it is noted that the Education SEPP permits as complying development school buildings up to 22m in height for educational establishments in R2 low density residential zones. The height of the proposed works complies with the height control contained within Schedule 2 of the Education SEPP.</p>	<p>The request under Clause 4.6 of Hornsby Local Environmental Plan 2013 to contravene the 'Height of buildings' development standard is well founded. 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.</p>
<b>Extent of variation</b>	102%	7%
<b>Concurring authority</b>	SNPP	Council
<b>Date DA determined dd/mm/yyyy</b>	7/02/2022	17/03/2022

Clause 4.6 Return – Quarter - 1 January to 31 March 2022

<b>Council DA reference number</b>	DA/131/2021	DA/133/2021
<b>Lot number</b>	proposed Lot B	proposed lot A
<b>DP number</b>		
<b>Apartment/Unit number</b>		
<b>Street number</b>	134	134
<b>Street name</b>	Burdett St	Burdett St
<b>Suburb/Town</b>	Wahroonga	Wahroonga
<b>Postcode</b>		
<b>Category of development</b>		
<b>Environmental planning instrument</b>		
<b>Zoning of land</b>	R2	R2
<b>Development standard to be varied</b>		
<b>Justification of variation</b>	Strict compliance with the development standard is unreasonable and unnecessary in the circumstances of the case as the proposal would comply when both approved lots A and B are registered under DA/248/2019/B	Strict compliance with the development standard is unreasonable and unnecessary in the circumstances of the case as the proposal would comply when both approved lots A and B are registered under DA/248/2019/B.
<b>Extent of variation</b>	Exceeds max boarding house requirement by 10 rooms	Exceeds max boarding house requirement by 10 rooms
<b>Concurring authority</b>	Local Planning Panel	Local Planning Panel
<b>Date DA determined dd/mm/yyyy</b>	30/03/2022	30/03/2022

Clause 4.6 Return – Quarter - 1 January to 31 March 2022

<b>Council DA reference number</b>	DA/1302/2021	DA/61/2022
<b>Lot number</b>	1/2	16
<b>DP number</b>	SP 34827	240146
<b>Apartment/Unit number</b>		
<b>Street number</b>	22	21
<b>Street name</b>	Murray Road	Lowanna Place
<b>Suburb/Town</b>	Beecroft	Hornsby
<b>Postcode</b>	2119	2077
<b>Category of development</b>	13: Subdivision only	1: Residential - Alterations & additions
<b>Environmental planning instrument</b>	HLEP	HLEP
<b>Zoning of land</b>	R2	R2
<b>Development standard to be varied</b>	Clause 4.1	Clause 4.3
<b>Justification of variation</b>	<p>The total area of the site is compliant. A minimum total lot size of 1200m<sup>2</sup> is required. The total lot size of the subject site is 1326m<sup>2</sup>. However, the proposed subdivision will follow the existing strata lot arrangement, This subdivision layout allows Lot 1 to retain its larger size, as it is of local cultural significance. The larger lot size provides space for more landscaping to enhance the character of the home. larger corner allotment affords more streetscape amenity by allowing larger setbacks. It would be unreasonable and unnecessary to require the boundary of the two allotments to be adjusted to meet the numerical standard pertaining to minimum lot size. Both lots are established residential properties with dwellings and established landscaping.</p>	<p>The site is highly constrained by easements, nature features and constrains such as bushfire. It is not feasible for the footprint of the building to be increased, and therefore the only way to improve the development potential of the site, and the liveability of the dwelling house is to develop the dwelling house vertically. The proposed pergola roof will assist in the maintenance of the re-constructed deck by preventing decay from the weather. The pergola roof would also enable appropriate stormwater drainage from the structure. There is no ability to re-design the pergola so that it complies with the 8.5 metre maximum height requirement.</p>
<b>Extent of variation</b>	15.55%	28.9%
<b>Concurring authority</b>	Local Planning Panel	Local Planning Panel
<b>Date DA determined dd/mm/yyyy</b>		

Clause 4.6 Return – Quarter - 1 January to 31 March 2022

<b>Council DA reference number</b>	DA/528/2020	DA/1353/2021
<b>Lot number</b>	4, 5, 5, 7	3
<b>DP number</b>	650304, 650059, 136220, 664787	204635
<b>Apartment/Unit number</b>		
<b>Street number</b>	409-411	28
<b>Street name</b>	Pacific Highway	Landra Avenue
<b>Suburb/Town</b>	Asquith	Mount Colah
<b>Postcode</b>	2077	2079
<b>Category of development</b>	14: Other	1: Residential - Alterations & additions
<b>Environmental planning instrument</b>	HLEP	HLEP
<b>Zoning of land</b>	R4	R2
<b>Development standard to be varied</b>	Height of Buildings	Height of Buildings
<b>Justification of variation</b>	Height of building is appropriate for site constrains Height of building is appropriate for site constraints and infrastructure capacity of the locality. Building height would not cause unacceptable amenity impact to surrounding built and natural environment.	Height of building is appropriate for site constrains Height of building is appropriate for site constraints and infrastructure capacity of the locality. Building height would not cause unacceptable amenity impact to surrounding built and natural environment.
<b>Extent of variation</b>	16.6%	19.7%
<b>Concurring authority</b>	Local Planning Panel	Local Planning Panel
<b>Date DA determined dd/mm/yyyy</b>		