

**Clause 4.6 Returns Quarter 1 January to 31 March 2023**

<b>Lot number</b>	1	26
<b>DP number</b>	7158	2052
<b>Apartment/Unit number</b>		
<b>Street number</b>	11	41
<b>Street name</b>	Harwood Avenue	Berowra Road
<b>Suburb/Town</b>	Mount Kuring-Gai	Mount Colah
<b>Postcode</b>	2079	2079
<b>Category of development</b>	1: Residential - Alterations & additions	13: Subdivision only
<b>Environmental planning instrument</b>	HLEP	HLEP
<b>Zoning of land</b>	R2	R2
<b>Development standard to be varied</b>	4.3	4.1
<b>Justification of variation</b>	That the written request adequately demonstrates compliance with the clause and is acceptable in this regard. Notwithstanding the non-compliance with numerical standards, the proposal does not give rise to any adverse amenity impacts to any adjoining property. Previous excavation works to facilitate the ground floor garage has restricted future development compliant with Clause 4.3 of the HLEP. The height contravention would not adversely affect the streetscape.	The proposal is in the public interest, subject to conditions, as it meets the objectives of the minimum lot size for the R2 zone. Compliance with the development standards is unreasonable or unnecessary in the circumstances of the case and here are sufficient environmental planning grounds to justify contravening the development standards.
<b>Extent of variation</b>	3.97%	0.1%
<b>Concurring authority</b>	Delegated	Delegated
<b>Date DA determined</b>	6/02/2023	27/02/2023

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<b>Lot number</b>	14	1
<b>DP number</b>	7166	393791
<b>Apartment/Unit number</b>		
<b>Street number</b>	17	61
<b>Street name</b>	Stephen Street	Malton Road
<b>Suburb/Town</b>	Hornsby Heights	Beecroft
<b>Postcode</b>	2077	2119
<b>Category of development</b>	2: Residential - Single new dwelling	2: Residential - Single new dwelling
<b>Environmental planning instrument</b>	HLEP	HLEP
<b>Zoning of land</b>	R2	R2
<b>Development standard to be varied</b>	4.3	4.3
<b>Justification of variation</b>	<p>That the written request adequately demonstrates compliance with the clause and is acceptable in this regard. Notwithstanding the non-compliance with numerical standards, the proposal does not give rise to any adverse amenity impacts to any adjoining property. The site is constrained by the overland flow impacts. The building height variation is mainly the result of minimum FFL requirements based on the flood study. The proposal is in the public interest, subject to conditions. Compliance with the development standards is unreasonable or unnecessary in the circumstances of the case and here are sufficient environmental planning grounds to justify contravening the development standards.</p>	<p>The proposal is in the public interest, subject to conditions, as it meets the objectives of the minimum lot size for the R2 zone. Compliance with the development standards is unreasonable or unnecessary in the circumstances of the case and here are sufficient environmental planning grounds to justify contravening the development standards.</p>
<b>Extent of variation</b>	1.82%	8.1%
<b>Concurring authority</b>	Delegated	Delegated
<b>Date DA determined</b>	6/03/2023	10/03/2023

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<b>Lot number</b>	717	1
<b>DP number</b>	752053	1052911
<b>Apartment/Unit number</b>		
<b>Street number</b>	15	9
<b>Street name</b>	Bushlands Avenue	Chapman Avenue
<b>Suburb/Town</b>	Hornsby Heights	Beecroft
<b>Postcode</b>	2077	2119
<b>Category of development</b>	1: Residential - Alterations & additions	14: Other
<b>Environmental planning instrument</b>	HLEP	HLEP
<b>Zoning of land</b>	R2	R2
<b>Development standard to be varied</b>	4.3	4.3
<b>Justification of variation</b>	That the written request adequately demonstrates compliance with the clause and is acceptable in this regard. Compliance with the development standards is unreasonable or unnecessary in the circumstances of the case and there are sufficient environmental planning grounds to justify contravening of the development standards. Notwithstanding the non-compliance with numerical standards, the proposal does not give rise to any adverse amenity impacts to any adjoining property.	That the written request to contravene the height of building development standard adequately demonstrates that the objectives of the development standard contained within Clause 4.3 of the HLEP are achieved, notwithstanding non-compliance with the standard. Council considers that the environmental planning grounds stated within the written request in terms of heritage, tree preservation, traffic, parking, visual and amenity impacts are sufficient with respect to Clause 4.6(3)(b) and that the stated grounds are specific to the proposed development and the circumstances of the development site.
<b>Extent of variation</b>	4.22%	19.7%
<b>Concurring authority</b>	Delegated	LPP
<b>Date DA determined</b>	24/03/2023	29/03/2023

**Clause 4.6 Returns Quarter 1 January to 31 March 2023**

<b>Lot number</b>	5
<b>DP number</b>	825768
<b>Apartment/Unit number</b>	
<b>Street number</b>	120A
<b>Street name</b>	Quarter Sessions Road
<b>Suburb/Town</b>	Westleigh
<b>Postcode</b>	2120
<b>Category of development</b>	1: Residential - Alterations & additions
<b>Environmental planning instrument</b>	HLEP
<b>Zoning of land</b>	R2
<b>Development standard to be varied</b>	4.3
<b>Justification of variation</b>	<p>The site is highly constrained by easements, natural features and constraints 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 is to develop the dwelling house vertically. The structure would not be feasible if strict compliance with Section 4.3 were to be enforced, due to steep slope of the site and the height of the existing deck. The height of the development is considered appropriate and would not be visible from the streetscape and would not result in amenity impacts to adjoining properties. There is no ability to re-design the pergola so that it complies with the 8.5 metre maximum height requirement. The proposed pergola roof will assist in the maintenance of the deck by preventing decay from the weather. The pergola roof would also enable appropriate stormwater drainage from the structure.</p>
<b>Extent of variation</b>	17%
<b>Concurring authority</b>	LPP
<b>Date DA determined</b>	29/03/2023