

**Clause 4.6 Returns ·
Quarter 1 July 2020
to 30 September
2020**

Council DA reference number	DA/730/2019	DA/1047/2019	DA/1175/2018	DA/293/2020	DA/579/2020
Lot number		Lot 100	6 AND 7	Lot 1 DP 1088474 and Lot 2	Lot 100
DP number	Strata Plan 18948	DP 608646	DP 237296	DP 1088474	DP 732242
Apartment/Unit number					
Street number	33	17	11-17	1B and 3	2
Street name	Clovelly Road	Bellevue Street	Salisbury Road	Pine Valley Road	Nicolas Crescent
Suburb/Town	Hornsby	Thornleigh	Hornsby	Galston	Normanhurst
Postcode	2077	2120	2077	2159	2076
Category of development	13: Subdivision only	8: Commercial / retail / office	10: Infrastructure	13: Subdivision only	1: Residential - Alterations & additions
Environmental planning instrument	HLEP 2013	HLEP 2013	HLEP 2013	HLEP 2013	HLEP 2013
Zoning of land	R2 Low density residential	B2 Local Centre	IN2 Light Industrial	RU4 Primary Production and E3 Environmental Management	R2 Low density residential
Development standard to be varied	Minimum Lot size	Building Height and FSR	Maximum Building Height	Minimum Lot size	Building Height

Justification of variation	The proposal is both site specific and accords with the objective of the zone as the proposal would allow the existing dwellings to be on separate Torrens titles, thereby adding economic value and versatility to existing housing stock. The proposal results in no changes to the built form as the multi unit housing is existing which would not alter the intensity or scale of the site. The proposal has sufficient land to accommodate a compliant subdivision and strict compliance would not result in a better planning outcome than the existing subdivision pattern	For accessibility reasons, the opportunity to 'step' the design of the building does not exist for the use of the building as a shopping centre. The overall reduction in the height of the existing building is considered to be an improvement to the external appearance of the building and will reduce the bulk and scale by the removal of a number of existing elements of the shopping centre that currently exceed the height control and add to the vertical scale of the building. The increase in retail floorspace correlates to retail demand and recent residential up-zonings in the vicinity since the construction of the original centre	Strict compliance with the height development standard is unreasonable as the height of the silos cannot be reduced due to design requirements for storage capacity and truck clearance. The variation would allow the orderly and economic use of the land in accordance with the land zoning, facilitating the delivery of a key infrastructure projects within the area. The height exceedance would not be out of character for the industrial area and is similar in design to the existing silo operating at the site.	The proposal will result in an existing undersized allotment having an area of 1,598m ² being increased to have an area of 1,817m ² . • The proposed development may be undertaken as exempt development pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 if it were not for the requirement to upgrade the ember protection of the dwelling house on proposed Lot 12 in accordance with Planning for Bush Fire Protection 2019.	The proposed development generally complies with the requirements of the relevant environmental planning instruments and the Hornsby Development Control Plan 2013. The request under Clause 4.6 of Hornsby Local Environmental Plan 2013 to vary the 'Height of buildings' development standard is well founded. Strict compliance with the development standard is unreasonable and unnecessary in the circumstances of the case and there are sufficient environmental planning grounds to justify the variation to the development standards. The proposed development does not create unreasonable environmental impacts to adjoining development with regard to visual bulk, overshadowing, solar access, amenity or privacy.
Extent of variation	>10%	Height 10% and FSR 38%	37%	166%	11.8%

Concurring authority	Assume the concurrence of the Secretary of Department of Planning, Industry and Environment	Assume the concurrence of the Secretary of Department of Planning, Industry and Environment	Assume the concurrence of the Secretary of Department of Planning, Industry and Environment	Assume the concurrence of the Secretary of Department of Planning, Industry and Environment	Assume the concurrence of the Secretary of Department of Planning, Industry and Environment
Date DA determined dd/mm/yyyy	6/08/2020	6/08/2020	30/09/2020	30/09/2020	30/09/2020