

The following applications had a Clause 4.6 variation request granted during the period of 1 January 2023 to 31 March 2023.

Manly LEP 2013

App No.	Address	Proposal	Category of Development	Development Standard Varied	Allowed	Proposed	Variation	Determined By
DA2022/1625	38 Frenchs Forest Road SEAFORTH NSW 2092	Alterations and additions to shop top housing	Residential - Alterations and additions	4.4 Floor space ratio	1:1 (656m ²)	1:017:1 (667m ²)	1.8%	Staff exercising delegated authority
DA2022/1621	12 Seaforth Crescent SEAFORTH NSW 2092	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	8.9m	4.7%	Staff exercising delegated authority
DA2022/1930	93 Condamine Street BALGOWLAH HEIGHTS NSW 2093	Demolition works and construction of a dwelling house	Residential - Single new detached dwelling	4.4 Floor space ratio	0.45:1 (180.54m ²)	0.49.5:1 (198.8m ²)	9.01%	Staff exercising delegated authority
DA2022/2001	13 Jenner Street SEAFORTH NSW 2092	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.34m	9.8%	Staff exercising delegated authority
DA2022/0696	2 Pacific Parade MANLY NSW 2095	Demolition works and construction of two semi-detached dwellings, swimming pools and subdivision of 1 lot into 2	Subdivision only	4.1 Minimum subdivision lot size 4.4 Floor space ratio	2A: 250m ² 2B: 250m ² 2A: 0.6:1 (133.65m ²) 2B: 0.6:1 (133.65m ²)	2A: 222.8m ² 2B: 222.8m ² 2A: 0.638:1 (142.3m ²) 2B: 0.638:1 (142.3m ²)	2A: 10.8% 2B: 10.8% 2A: 9.4% 2B: 9.4%	NBLPP
DA2022/0965	2 / 49 Jackson Street BALGOWLAH NSW 2093	Alterations and additions to a dual occupancy	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.6m	12.94%	NBLPP
DA2022/1287	424 Sydney Road BALGOWLAH NSW 2093	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.7m	14.12%	DDP

DA2022/1646	45 Quinton Road MANLY NSW 2095	Alterations and additions to a semi-detached dwelling	Residential - Alterations and additions	4.4 Floor space ratio	0.6:1 (111.78m ²)	0.69:1 (128.52m ²)	14.98%	DDP
-------------	-----------------------------------	---	---	-----------------------	----------------------------------	-----------------------------------	--------	-----

Manly LEP 2013 - Variations over 20%

App No.	Address	Proposal	Category of Development	Development Standard Varied	Allowed	Proposed	Variation	Determined By
DA2022/1216	69 Ernest Street BALGOWLAH HEIGHTS NSW 2093	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.4 Floor space ratio	0.45:1 (185.58m ²)	0.54:1 (224.2m ²)	20%	DDP
Description: The 4.6 request for the non-compliance with FSR standard arises due to an undersized allotment. Clause 4.1.3.1 of the MDCP enables Council to consider an exception to the Floor Space Ratio under Clause 4.4 of the MLEP where the site area is less than the Minimum Subdivision lot size. The proposal complies with the MDCP 4.1.3.1 requirement.								
DA2022/1838	1 / 9 Eustace Street MANLY NSW 2095	Alterations and Additions to a Residential Flat Building	Residential - Alterations and additions	4.4 Floor space ratio	0.75:1 (523.05m ²)	0.93:1 (651.9m ²)	24.6%	NBLPP
Description: The 4.6 request for the non-compliance with FSR standard arises from a 14.4m ² increase in gross floor area at the ground floor. The existing building is 3 storeys and has an existing floor space ratio of 0.91:1 (637.5m ²) which is above compliance with the LEP requirement of 0.75:1 (523.05m ²). Overall, the proposal does not increase the bulk or scale of the existing building.								
DA2022/1279	60 Heathcliff Crescent BALGOWLAH HEIGHTS NSW 2093	Alterations and additions to a dwelling house including a swimming pool	Residential - Alterations and additions	4.3 Height of buildings	8.5m	10.7m	25.90%	DDP
Description: The 4.6 request for the non-compliance with height standard arises from the sloping nature of the site towards the eastern boundary, as the existing footprint is situated on a slope in excess of the 30%. The existing dwelling does not comply with the 8.5 metre development standard and the extent of the non compliance is limited to the rear (east) portion of the building with a minor area of the skillion roof and balcony balustrade.								
DA2022/1209	8 Allenby Street CLONTARF NSW 2093	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.4 Floor space ratio	0.4:1 (177.28m ²)	0.516:1 (228.9m ²)	29%	DDP

Description: The 4.6 request for the non-compliance with FSR standard arises from a 21.3m ² increase in gross floor area. The existing building has an existing floor space ratio of 0.468:1 (207.6m ²) which is above compliance with the LEP requirement of 0.4:1 (177m ²). Overall, the proposal does not increase the bulk or scale of the existing building. Furthermore, Clause 4.1.3.1 - Exceptions to FSR for Undersized Lots of the MDCP 2013 stipulates that the 0.4:1 FSR requirement is based off an average site area of 750sqm. The site is an undersized allotment, being 443.2qm in area. When applying a gross floor area of 228.9sqm to an average site area of 750sqm, the proposed FSR would be 0.305:1, which complies with the MDCP.								
DA2023/0053	5 / 122 & 8 / 122 Bower Street MANLY NSW 2095	Alterations and Additions to a unit within a residential flat building	Residential - Alterations and additions	4.3 Height of buildings	8.5m	11.35m	33.53%	NBLPP
Description: The 4.6 request for the non-compliance with height standard arises from the existing breach of the height of building development standard. The proposed internal works to Unit 8, and Unit 5 do not result in any further breaches of the existing height of buildings. It is noted the proposed works are entirely internal, and do not alter the built form or facade of the existing residential flat building.								
DA2021/2661	33 Beatrice Street CLONTARF NSW 2093	Alterations and additions to a dwelling house including a swimming pool	Residential - Alterations and additions	4.3 Height of buildings 4.4 Floor space ratio	8.5m 0.4:1 (278.2m ²)	15m 0.43:1 (299.7m ²)	76.5% 7.7%	DDP
Description: The 4.6 request for the non-compliance with the 8.5m Height of Buildings standard arises from the unique and constraining situation whereby the site slopes significantly down from the street frontage and contains a deep gully for drainage under the existing dwelling creating the large numerical non compliance with the additions. The 4.6 request for the non-compliance with FSR standard arises from variation of 21.5m ² floor area which is only 7.7%. Furthermore, MDCP Clause 4.1.3.1 - Exceptions to FSR for Undersized Lots stipulates that the 0.4:1 FSR requirement is based off an average site area of 750sqm. The site is an undersized allotment, being 695.6qm in area. When applying a gross floor area of 299.7sqm to an average site area of 750sqm, the proposed FSR would be 0.399:1, which complies with the MDCP.								
DA2022/1964	31 / 62 North Steyne MANLY NSW 2095	Alterations to apartment.	Residential - Alterations and additions	4.3 Height of buildings	13m	31.7m	143.85%	NBLPP
Description: The 4.6 request for the non-compliance with height standard arises from the existing building in which the works are located being non-compliant with the maximum height of buildings. It is noted the proposed works are entirely internal and do not alter the built form or facade of the existing residential flat building.								
DA2022/2124	81, 1 / 81 - 20 / 81 West Esplanade MANLY NSW 2095	Alterations and additions to a residential flat building - remedial works to existing balconies.	Residential - Other	4.3 Height of buildings	11.0m	34.5m	213.6%	NBLPP

Description: The 4.6 request for the non-compliance with the height of building standard arises due to the remedial waterproofing works to the existing balconies and non-trafficable slab extensions located from ground level to level 10 of the building, which represents a maximum variation of 213.6% to the height of buildings development standard. Specifically, this relates to the level 10 remedial works to the southern balcony. It is noted the breach to the development standard is a technicality, insofar that the overall height of the building does not increase.

Pittwater LEP 2014

App No.	Address	Proposal	Category of Development	Development Standard Varied	Allowed	Proposed	Variation	Determined By
DA2022/2200	221 Hudson Parade CLAREVILLE NSW 2107	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.16m	7.8%	Staff exercising delegated authority
DA2022/1767	43 Prince Alfred Parade NEWPORT NSW 2106	Demolition works and construction of a dwelling house	Residential - Single new detached dwelling	4.3 Height of buildings	8.5m	9.6m	12.94%	DDP
DA2022/1368	15 The Chase LOVETT BAY NSW 2105	Alterations and additions to dwelling house, installation of an incline passenger lift, replacement of the on-site wastewater treatment system	Residential - Alterations and additions	7.8 Limited development on foreshore area	Building footprint must not extend further into the foreshore area	Proposed works will extend into the foreshore area by 11.6m these include replacing existing retaining walls, replace existing waste water treatment tank and install an inclinor	Non-numerical development standard	NBLPP

DA2022/1647	16 Yachtsmans Paradise NEWPORT NSW 2106	Construction of a seawall and earthworks	Residential - Alterations and additions	7.8 Limited development on foreshore area	Building footprint must not extend further into the foreshore area	Proposed works will extend into the foreshore area by 13.8m by constructing a seawall which removes a concrete boat ramp.	Non-numerical development standard	NBLPP
-------------	--	--	---	---	--	---	------------------------------------	-------

Pittwater LEP 2014 - Variations over 20%

App No.	Address	Proposal	Category of Development	Development Standard Varied	Allowed	Proposed	Variation	Determined By
DA2023/0076	54 Lane Cove Road INGLESIDE NSW 2101	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	10.86m	27.76%	DDP
Description: The 4.6 request for the non-compliance with height standard arises from the site being partially excavated underneath the existing building for the purposes of an existing cellar. The proposal presents a 27.76% variation for a small section of the building approximately 3.1m ² in area. Based on extrapolated natural ground levels the height would only be measured at a maximum of 8.1 metres. The proposed works are situated below the existing maximum height of buildings on the subject site.								
DA2022/0742	78 Chisholm Avenue AVALON BEACH NSW 2107	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	11.65m	37%	DDP
Description: The non-compliance with the height standard arises due to siting of the existing dwelling and significant slope of the site. It is noted that proposal qualifies with the 10 metres height variations permitted on sloping sites, however due to the severity of the slope the height extends beyond the 10 metres permissible variation. The height non-compliance does not contribute to any unreasonable or excessive building bulk and scale or result in adverse amenity impacts to nearby properties with respect to view sharing, visual bulk or solar access.								
DA2022/1755	63 Hillside Road NEWPORT NSW 2106	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	13.1m	54.1%	DDP

Description: The 4.6 request for the non-compliance with height standard arises due to the steep slope of the site, the siting and form of the existing building and from the site being partially excavated underneath the existing building. Based on extrapolated natural ground levels the height would comply with 8.5m limit. The non-compliant height element will not substantially alter the character or appearance of the existing dwelling. When assessed on its merits, it is concluded that the bulk and scale of the proposal will be commensurate with the existing built form of the site and surrounding built environment and that the height breach will not result in unreasonable amenity impacts to adjoining neighbours.

Warringah LEP 2011

App No.	Address	Proposal	Category of Development	Development Standard Varied	Allowed	Proposed	Variation	Determined By
DA2022/1791	9 Alexander Street COLLARROY NSW 2097	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	8.64m	1.6%	Staff exercising delegated authority
DA2022/2225	18 Cavill Street QUEENSLIFF NSW 2096	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	8.75m	2.9%	Staff exercising delegated authority
DA2022/1945	13 Carolyn Avenue BEACON HILL NSW 2100	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	8.8m	3.5%	Staff exercising delegated authority
DA2022/2215	488 Pittwater Road NORTH MANLY NSW 2100	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	8.88m	4.5%	Staff exercising delegated authority
DA2022/0653	1 Bellevue Parade NORTH CURL CURL NSW 2099	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.1m	7.05%	Staff exercising delegated authority
DA2023/0100	13 Adams Street FRENCHS FOREST NSW 2086	Alterations and additions to a dwelling house including a carport	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.1m	7.05%	Staff exercising delegated authority
DA2022/2168	893 Pittwater Road COLLARROY NSW 2097	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.19m	8.1%	Staff exercising delegated authority
DA2022/2072	24 Tasman Street DEE WHY NSW 2099	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.245m	8.76%	Staff exercising delegated authority
DA2022/1695	385 Condamine Street ALLAMBIE HEIGHTS NSW 2100	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.27m	9%	Staff exercising delegated authority

DA2022/2188	23 Eileen Street NORTH BALGOWLAH NSW 2093	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.3m	9.4%	Staff exercising delegated authority
DA2022/2066	209 Headland Road NORTH CURL CURL NSW 2099	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.3m	9.4%	Staff exercising delegated authority
DA2022/1597	8 Austin Avenue NORTH CURL CURL NSW 2099	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.43m	10.9%	DDP
DA2022/1795	4 Highview Avenue MANLY VALE NSW 2093	Demolition works and construction of a dwelling house	Residential - Single new detached dwelling	4.3 Height of buildings	8.5m	9.5m	11.8%	DDP
DA2023/0028	46 A Keldie Street FORESTVILLE NSW 2087	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.627m	12.4%	DDP
DA2022/1898	5 Ronald Avenue FRESHWATER NSW 2096	Alterations and additions to a dwelling house including a swimming pool	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.85m	15.8%	DDP
DA2022/1466	48 Serpentine Crescent NORTH BALGOWLAH NSW 2093	Demolition works and subdivision of one (1) lot into two (2) lots	Subdivision only	4.1 Minimum subdivision lot size	Lot A: 600m ² Lot B: 600m ²	Lot A: 559m ² Lot B: 500m ²	Lot A - 6.83% Lot B - 16.67%	NBLPP
DA2022/2146	159 Headland Road NORTH CURL CURL NSW 2099	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.94m	16.9%	DDP
DA2022/0593	3 Ambrym Avenue FRENCHS FOREST NSW 2086	Alterations and additions to a dwelling house including a swimming pool	Residential - Alterations and additions	4.3 Height of buildings	8.5m	10.1m	19%	DDP

Warringah LEP 2011 - Variations over 20%

[illegible]

SEPP (Housing) 2021 - Variations over 20%

[illegible]