

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

### Manly LEP 2013

App No.	Address	Proposal	Category of Development	Development Standard Varied	Allowed	Proposed	Variation	Determined By
DA2023/0737	111 Frenchs Forest Road SEAFORTH NSW 2092	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.4 Floor space ratio	0.45:1 (218.8m <sup>2</sup> )	0.46:1 (224.97m <sup>2</sup> )	2.80%	Staff exercising delegated authority
DA2023/0495	40 Bower Street MANLY NSW 2095	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	8.8m	3.50%	Staff exercising delegated authority
DA2023/0572	144 Griffiths Street BALGOWLAH NSW 2093	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	8.85m	4.10%	Staff exercising delegated authority
DA2022/2269	36 Beatrice Street BALGOWLAH HEIGHTS NSW 2093	Demolition works of part of existing dwelling and swimming pool and alterations and additions to existing dwelling and construction of swimming pool to allow the construction of the battle-axe access handle to the rear; allotment as per subdivision consent DA 0103/2015;;	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.05m	6.40%	Staff exercising delegated authority
DA2023/0325	9 Eustace Street MANLY NSW 2095	Alterations and additions to a Residential Flat Building	Residential - Alterations and additions	4.3 Height of buildings	11m	11.8m	7.20%	NBLPP
DA2023/0697	3 Malvern Avenue MANLY NSW 2095	Demolition works and construction of a dwelling house including spa pool	Residential - Single new detached dwelling	4.4 Floor space ratio	0.6:1 (168.24m <sup>2</sup> )	0.649:1 (182.2m <sup>2</sup> )	8.17%	Staff exercising delegated authority
DA2023/0706	19 Harvey Street SEAFORTH NSW 2092	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.4m	10.60%	DDP

DA2023/0166	21 Ocean Road MANLY NSW 2095	Alterations and additions to a dwelling house including a garage and outbuilding	Residential - Alterations and additions	4.4 Floor space ratio	0.6:1 (260.82m <sup>2</sup> )	0.68:1 (296.9m <sup>2</sup> )	12%	DDP
DA2023/0359	33 Beatty Street BALGOWLAH HEIGHTS NSW 2093	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.6m	12.90%	DDP
DA2023/0020	48, 1/50, 2/50 & 50 Eurobin Avenue MANLY NSW 2095	Demolition work and change of use of site to an educational establishment (Stella Maris College) and installation of temporary demountable buildings.	Other	4.4 Floor space ratio	0.6:1 (558.78m <sup>2</sup> )	0.69:1 (644.77m <sup>2</sup> )	15%	NBLPP
DA2023/0749	9 Francis Street FAIRLIGHT NSW 2094	Alterations and additions to a dwelling house including a swimming pool	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.8m	15.30%	DDP
DA2022/2280	47 Beatty Street BALGOWLAH HEIGHTS NSW 2093	Demolition works and construction of a dwelling house including swimming pool and garage	Residential - Single new detached dwelling	4.4 Floor space ratio	0.4:1 FSR (250.8m <sup>2</sup> )	0.47:1 FSR (298m <sup>2</sup> )	17.50%	DDP
DA2022/2279	24 Fisher Street BALGOWLAH HEIGHTS NSW 2093	Alterations and additions to a dwelling house and studio including a garage	Residential - Alterations and additions	4.3 Height of buildings 4.4 Floor space ratio	8.5m 0.4:1 (401.2m <sup>2</sup> )	9.26m 0.43:1 (430.2m <sup>2</sup> )	8.9% 7.2%	Staff exercising delegated authority
DA2023/0819	13 Jamieson Avenue FAIRLIGHT NSW 2094	Alterations and additions to a semi-detached dwelling	Residential - Alterations and additions	4.3 Height of buildings 4.4 Floor space ratio	8.5m 0.6:1 (160.74m <sup>2</sup> )	9.3m 0.63:1 (169.01m <sup>2</sup> )	9.4% 5.1%	Staff exercising delegated authority
REV2023/0009	9 A Amiens Road CLONTARF NSW 2093	Review of Determination of Application DA2022/0663 for Demolition works and construction of a dwelling house including swimming pool	Residential - Single new detached dwelling	4.3 Height of buildings 4.4 Floor space ratio	8.5m 0.4:1 (376.3m <sup>2</sup> )	9.64m 0.446:1 (419.9m <sup>2</sup> )	13.4% 11.6%	DDP

## Manly LEP 2013 - Variations over 20%

App No.	Address	Proposal	Category of Development	Development Standard Varied	Allowed	Proposed	Variation	Determined By
DA2023/0687	9 / 110 North Steyne MANLY NSW 2095	Alterations and additions to a Residential Flat Building	Residential - Other	4.3 Height of buildings	13m	15.8m	21.54%	NBLPP
<p><b>Description:</b> The clause 4.6 request for the non-compliance with the building height development standard arises due to the existing residential flat building demonstrating a breach to the building height control. It is noted that the proposed alterations and additions to Unit 9 will not increase the existing numerically non-compliant building height.</p>								
DA2023/0648	14 Rosedale Avenue FAIRLIGHT NSW 2094	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	10.94m	28.70%	DDP
<p><b>Description:</b> The clause 4.6 variation request for the non-compliance with height standard arises from the site being previously excavated underneath the dwelling where the existing garage is located under the dwelling house and proposed first floor additions. Despite being technically non-compliant with the prescribed building height requirement, the proposal represents a built form compatible with the prevailing character of the locality and would not result in unreasonable amenity impacts to neighbouring properties.</p>								
DA2023/0972	22 Central Avenue MANLY NSW 2095	Alterations and additions to a mixed use building.	Residential - Other	4.3 Height of buildings	25m	42.9m	71.60%	NBLPP
<p><b>Description:</b> The clause 4.6 request for the non-compliance with height standard arises from an existing building which exceeds the height limits and the proposed glass balustrades replacing existing concrete balustrades along the eastern elevation. There is no increase to the maximum height of the building.</p>								
DA2023/0888	25/37-38 East Esplanade MANLY NSW 2095	Alterations and additions to a Residential Apartment	Residential - Alterations and additions	4.3 Height of buildings	15m	28.79m	91.93%	NBLPP
<p><b>Description:</b> The clause 4.6 request for the non-compliance with height standard arises from a minor proposed addition to Level 8 of the building which is above the maximum height limit of the LEP. The proposed works are however located beneath the existing maximum height of the existing shop top housing development. Therefore, there is no actual increase to the maximum height of buildings on the site.</p>								

DA2022/1910	61 North Steyne MANLY NSW 2095	Demolition work and construction of a Residential Flat Building including basement car parking.	Residential - New multi unit	4.3 Height of buildings 4.4 Floor space ratio	13m 1.5:1(611.85 m <sup>2</sup> )	16.3m 1.79:1 (728.9m <sup>2</sup> )	25% 19%	SNPP
<b>Description:</b> The clause 4.6 variation request to the Height of Buildings and Floor Space Ratio development standards is based on the development being consistent with the established character of development within the immediate vicinity of the development site along North Steyne and is in fact lesser than those in the immediate vicinity.								
DA2022/2232	154 Sydney Road FAIRLIGHT NSW 2094	Alterations and additions to a mixed-use building.	Commercial/Retail/Office	4.3 Height of buildings 4.4 Floor space ratio	8.5m 1.0:1 (360m <sup>2</sup> )	12.4m 1.46:1 (522.6m <sup>2</sup> )	45.9% 45.2%	NBLPP
<b>Description:</b> The existing shop top housing building currently breaches the height limit and floor space ratio significantly 44.7% (3.85 metres) and the proposed development involves only a minor increased in height. Additionally, the existing floor space also exceeds the relevant control and is 523.5m <sup>2</sup> (1.46:1) and the proposed change to floorspace results in a reduction of 0.9m <sup>2</sup> in Gross Floor Area.								
DA2022/1471	8 B Beatty Street BALGOWLAH HEIGHTS NSW 2093	Alterations and additions to a dwelling house including a swimming pool and spa	Residential - Alterations and additions	4.3 Height of buildings 4.4 Floor space ratio	8.5m 0.4:1 (413m <sup>2</sup> )	13.1m 0.48:1 (496m <sup>2</sup> )	54.1% 20%	DDP
<b>Description:</b> The clause 4.6 request for the non-compliance with building height standard arises from the existing building wall height, steep land and existing part 4 storey dwelling structure. The clause 4.6 request for the non-compliance with FSR arises from the existing multi-storey floor plate and the proposed alterations seeking to rationalise the internal connectivity between floors as well as from minor excavation and new reconfigured room space. The change to FSR is minor and does not create unreasonable change to the surrounding amenity.								
DA2023/0814	13 Crescent Street FAIRLIGHT NSW 2094	Alterations and additions to a semi-detached dwelling	Residential - Alterations and additions	4.3 Height of buildings 4.4 Floor space ratio	8.5m 0.6:1 (135.3m <sup>2</sup> )	9.24m 0.72:1 (163.3m <sup>2</sup> )	8.7% 20.7%	DDP
<b>Description:</b> The clause 4.6 request for the non-compliance with height of buildings standard arises from the construction of a rearward first floor extension. The non-compliance arises as the site has a rear excavated basement level, resulting in the height of the proposal being non-complaint were proposed over this level. If measured to the extrapolated natural ground level, the height would be 8.417m, complaint with the development standard. The 4.6 request for non-compliance with the FSR arises from a 17m <sup>2</sup> increase in floorspace, the front facade is maintained, and the proposed additions are located behind the existing roof line, reducing visual appearance from the street. It is not considered that the development presents unreasonable bulk or scale, or unreasonable impacts on adjoining properties.								

## Pittwater LEP 2014

App No.	Address	Proposal	Category of Development	Development Standard Varied	Allowed	Proposed	Variation	Determined By
DA2022/2103	60 Alleyne Avenue NORTH NARRABEEN NSW 2101	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	8.55m	0.54%	Staff exercising delegated authority
DA2023/0226	25 Prince Alfred Parade NEWPORT NSW 2106	Alterations and additions to a dwelling house including a swimming pool and basement garage	Residential - Alterations and additions	4.3 Height of buildings	8.5m	8.84m	3.97%	Staff exercising delegated authority
DA2023/0629	68 Palmgrove Road AVALON BEACH NSW 2107	Alterations and additions to a dwelling house including conversion of a shed to a studio	Residential - Alterations and additions	4.3 Height of buildings	8.5m	8.9m	4.70%	Staff exercising delegated authority
DA2023/0715	19 Powderworks Road NORTH NARRABEEN NSW 2101	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	8.9m	4.70%	Staff exercising delegated authority
DA2023/0900	4 C Minkara Road BAYVIEW NSW 2104	Alterations and additions to a dual occupancy including two garages and a pool.	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.09m	6.90%	Staff exercising delegated authority
DA2023/0365	62 Koorangi Avenue ELANORA HEIGHTS NSW 2101	Alterations and additions to a dwelling house including a swimming pool	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.15m	7.60%	Staff exercising delegated authority
DA2023/0211	54 Minkara Road BAYVIEW NSW 2104	Demolition works and construction of a dwelling house	Residential - Single new detached dwelling	4.3 Height of buildings	8.5m	9.17m	7.90%	Staff exercising delegated authority
DA2022/1915	29 Wandeen Road CLAREVILLE NSW 2107	Alterations and additions to a dwelling house including a swimming pool	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.18m	7.98%	Staff exercising delegated authority

DA2023/0414	1973 Pittwater Road BAYVIEW NSW 2104	Alterations and additions to an educational establishment (St Luke's Grammar School)	Community facility	4.3 Height of buildings	8.5m	9.98m	17.60%	Staff exercising delegated authority
DA2023/0929	147 McCarrs Creek Road CHURCH POINT NSW 2105	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	10.18m	19.80%	DDP
DA2023/0659	10 Rowan Street MONA VALE NSW 2103	Alterations and additions to a dual occupancy and strata subdivision into two strata lots	Residential - Alterations and additions	4.2A Minimum subdivision lot size for strata plan schemes in certain rural, residential and conservation zones	Lot 1: 550m <sup>2</sup> Lot 2: 550m <sup>2</sup>	Lot 1: 502.15m <sup>2</sup> Lot 2: 509.44m <sup>2</sup>	Lot 1: 8.7% Lot 2: 7.37%	Staff exercising delegated authority
DA2023/0322	109 Florence Terrace SCOTLAND ISLAND NSW 2105	Landscaping works, stairs, decking, timber skid boat ramp and remedial work to existing timber jetty ancillary to a dwelling house	Residential - Alterations and additions	7.8 Limited development on foreshore area	Building footprint must not extend further into the foreshore area	19.5m	Non-numerical development standard	NBLPP
REV2023/0018	61 Robertson Road SCOTLAND ISLAND NSW 2105	Review of Determination of Application DA2022/1863 for alterations and additions to a dwelling house	Residential - Alterations and additions	7.8 Limited development on foreshore area	Building footprint must not extend further into the foreshore area	1.8m	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
DA2023/0806	12 Crescent Road MONA VALE NSW 2103	Alterations and additions to an existing dwelling-house and secondary dwelling, including conversion to a single dwelling-house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	10.2m	20%	DDP
<p><b>Description:</b> The clause 4.6 request for the non-compliance with the height standard arises from the alterations to an existing building that exceeds the height limit. All works are either internal or replacing windows within the existing façade. No changes are made to the height of external bulk of the building. The non-compliance is created from the existing structure which does not change in height or form.</p>								
DA2023/0745	69 Powderworks Road NORTH NARRABEEN NSW 2101	Alterations and additions to a dwelling house, including construction of a secondary dwelling	Residential - Alterations and additions	4.3 Height of buildings	5.5m	7m	27.30%	DDP
<p><b>Description:</b> The clause 4.6 variation request for the non-compliance with height standard arises from the site being previously partially excavated underneath the proposed secondary dwelling based.</p>								
DA2023/0643	44 Sunrise Road PALM BEACH NSW 2108	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	10.93m	28.60%	DDP
<p><b>Description:</b> The clause 4.6 request for the non-compliance with height standard arises from the site being previously excavated to allow for the existing lower ground floor. The changes to the windows and sliding door within the existing building triggers the non-compliance with no real change to the height or form of the building. Specifically, the new window represents works within the non-compliant portions of the building which is a 28.6% variation to the height of buildings development standard. Based on extrapolated natural ground levels, the height would measure a maximum of 8metres. The remaining works are well under the 8.5 metre height.</p>								
DA2023/1047	139 George Street AVALON BEACH NSW 2107	Alterations and additions to a dwelling house and construction of a swimming pool	Residential - Alterations and additions	4.3 Height of buildings	8.5m	11.05m	29.41%	DDP
<p><b>Description:</b> The clause 4.6 request for the non-compliance with height standard arises due to existing excavation, resulting in a ground level lower than the natural ground, and due to the existing building height. The proposal results in a 29.41% variation for a small section of the building. Based on extrapolated natural ground levels, the height would be measured at a maximum of approximately 9.2m.</p>								
DA2022/2234	19 Morella Road WHALE BEACH NSW 2107	Demolition works and construction of a dwelling house including a swimming pool and garage.	Residential - Single new detached dwelling	4.3 Height of buildings	8.5m	12.1m	42.40%	NBLPP
<p><b>Description:</b> The clause 4.6 request for the non-compliance with the Building Height development standard arises from the eastern elevation of the Level 2 overhanging a sharp vertical change in the ground level (this overhang varies but is no more than 250mm (at any one point). The natural ground level of the site has been altered from previous development and the vertical change is a result of this historical development.</p>								

DA2023/0564	25 B Bakers Road CHURCH POINT NSW 2105	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	12.46m	46.60%	DDP
<b>Description:</b> The clause 4.6 request for the non-compliance with the building height standard arises from the sloping nature of the site towards the north-east and the existing parking area excavation, based on the height measurement under Merman. The height non-compliance is limited to the proposed lift shaft. Based on extrapolated natural ground levels under Bettar, the height of this structure would only be measured at a maximum of 8.5m.								
REV2023/0011	143 & 145 Riverview Road AVALON BEACH NSW 2107	Review of Determination of Application No. DA2022/1030 for demolition works, lot consolidation and the construction of a dwelling house	Residential - Single new detached dwelling	4.3 Height of buildings	8.5m	12.5m	47.05%	DDP
<b>Description:</b> The clause 4.6 request for the non-compliance with the building height standard arises due to the significant slope and near vertical level changes on the site below this 2 story component which sits on poles above the natural ground level.								
DA2022/1370	32 A Wollombi Road NEWPORT NSW 2106	Construction of a telecommunications facility	Infrastructure	4.3 Height of buildings	8.5m	16.5m	94.10%	NBLPP
<b>Description:</b> The clause 4.6 request for non-compliance with the building height arises from the need for a tower for telecommunications antennas to provide effective coverage and that strict compliance with the height of buildings development standard would severely limit the functionality and operation of the facility. The structure is relatively slimline, and the turret is of minimal bulk.								
DA2023/0335	161 Riverview Road AVALON BEACH NSW 2107	Construction of a boatshed and deck, timber jetty, skid ramp and pontoon.	Residential - Alterations and additions	4.3 Height of buildings 7.8 Limited development on foreshore area	4m Building footprint must not extend further into the foreshore area	5.15m 7.9m	29.8% Non- numerical developm ent standard	NBLPP
<b>Description:</b> The clause 4.6 variation to the foreshore building line arises from decking proposed around the boatshed which will allow for public access along the waterfront around the boatshed. The clause 4.6 variation to building height arises from the boatshed partially elevated over an existing rock shelf. The boatshed has been designed so that it can withstand the impacts of sea level rises over its lifespan, whilst having an acceptable built form impact that is useable.								

DA2023/0770	23 Taiyul Road NORTH NARRABEEN NSW 2101	Strata Subdivision of a Existing Dual Occupancy Development	Subdivision only	4.2A Minimum subdivision lot size for strata plan schemes in certain rural, residential and conservation zones	Lot 1: 550m <sup>2</sup> Lot 2: 550m <sup>2</sup>	Lot 1: 359m <sup>2</sup> Lot 2: 482m <sup>2</sup>	Lot 23A: 12% Lot 23B: 35%	NBLPP
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**Description:** The clause 4.6 request for the non-compliance with Clause 4.2A arises from the proposal to strata subdivide an existing Dual Occupancy approved in 2011. The variation to the development standard is exacerbated due to the long driveway and resulting common area of 193m<sup>2</sup>. The resulting development does not create additional dwelling entitlements, in this regard the proposal meets the objectives of clause 4.2A.

## Warringah LEP 2011

App No.	Address	Proposal	Category of Development	Development Standard Varied	Allowed	Proposed	Variation	Determined By
DA2023/1035	48 Anzac Avenue COLLARROY NSW 2097	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	8.55m	0.59%	Staff exercising delegated authority
DA2023/0796	100 Victor Road NARRAWEENA NSW 2099	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	8.6m	1.17%	Staff exercising delegated authority
DA2022/1823	6 Loftus Street NARRABEEN NSW 2101	Alterations and additions to a dwelling house	Residential - New second occupancy	4.3 Height of buildings	8.5m	8.7m	2.30%	Staff exercising delegated authority
DA2023/0225	891 Pittwater Road COLLARROY NSW 2097	Demolition works and construction of a dwelling house	Residential - Single new detached dwelling	4.3 Height of buildings	8.5m	8.89m	4.60%	Staff exercising delegated authority
DA2023/0438	13 Playfair Road NORTH CURL CURL NSW 2099	Demolition works and construction of a dwelling house	Residential - Single new detached dwelling	4.3 Height of buildings	8.5m	8.9m	4.70%	Staff exercising delegated authority

DA2022/1250	305 / 0 Coonawarra Road TERREY HILLS NSW 2084	Demolition of outbuildings and construction of a dwelling-house, including a swimming pool/spa, pool pavilion/pool house, tennis court, shed and entry gates, with associated tree removal and landscaping	Residential - Single new detached dwelling	4.3 Height of buildings	8.5m	8.97m	5.52%	NBLPP
DA2022/1970	18 Pavilion Street QUEENSCLIFF NSW 2096	Demolition works and construction of a dwelling house	Residential - Single new detached dwelling	4.3 Height of buildings	8.5m	9.1m	7%	Staff exercising delegated authority
DA2023/0575	35 Government Road BEACON HILL NSW 2100	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.15m	7.60%	Staff exercising delegated authority
DA2023/0918	1 Mary Street BEACON HILL NSW 2100	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.2m	8%	Staff exercising delegated authority
DA2022/2021	108 Anzac Avenue COLLAROY NSW 2097	Demolition of an existing dwelling and the construction of a new dwelling with swimming pool	Residential - Single new detached dwelling	4.3 Height of buildings	8.5m	9.2m	8.20%	NBLPP
DA2023/0999	10 Jimada Avenue FRENCHS FOREST NSW 2086	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.3m	9.40%	Staff exercising delegated authority
DA2022/1917	11 Namba Road DUFFYS FOREST NSW 2084	Demolition works and construction of a dwelling house including a swimming pool, tennis court, and equine facilities	Residential - Single new detached dwelling	4.3 Height of buildings	8.5m	9.3m	9.40%	DDP
DA2023/0278	3 Pavilion Street QUEENSCLIFF NSW 2096	Alterations and additions to a dwelling house including construction of a swimming pool	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.65m	13.53%	DDP
DA2022/1868	144 Queenscliff Road QUEENSCLIFF NSW 2096	Demolition works and construction of a dwelling house including swimming pool	Residential - Single new detached dwelling	4.3 Height of buildings	8.5m	9.66m	13.68%	DDP

DA2022/0837	151, 153, 155 Pacific Parade DEE WHY NSW 2099	Demolition works and construction of a Residential Flat Building	Residential - New multi unit	4.3 Height of buildings	11m	12.55m	14%	NBLPP
DA2023/1003	60 Milham Crescent FORESTVILLE NSW 2087	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.7m	14.10%	Staff exercising delegated authority
DA2023/1007	5 Lookout Avenue DEE WHY NSW 2099	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.85m	15.88%	DDP
DA2023/0569	16 & 18 Daisy Street DEE WHY NSW 2099	Demolition works, construction of a driveway and hardstand, and boundary adjustment.	Subdivision only	4.1 Minimum subdivision lot size	Lot 1: 600m <sup>2</sup>	Lot 1: 502.6m <sup>2</sup>	Lot 1: 16.2%	NBLPP
DA2021/1912	2 - 4 Lakeside Crescent, 389 Pittwater Road and 8 Palm Avenue NORTH MANLY NSW 2100	Alterations and additions to an existing building for a mixed use development including seniors housing and boarding house	Mixed	4.3 Height of buildings	8.5m	10.1m	18.8%	SNPP

### Warringah LEP 2011 - Variations over 20%

App No.	Address	Proposal	Category of Development	Development Standard Varied	Allowed	Proposed	Variation	Determined By
DA2023/0212	13 Green Street BROOKVALE NSW 2100	Alterations and additions to an existing industrial building to create rooftop car parking	Industrial	4.3 Height of buildings	11m	13.65m	24.10%	NBLPP
<p><b>Description:</b> The clause 4.6 request for the non-compliance with the height standard arises from the construction of the new rooftop parking slab and required safety balustrades and is largely caused from the topography which has a level change across the site. The existing building is non compliant with existing structures exceeding the height of the new balustrading.</p>								
DA2023/0445	4 Greycliffe Street QUEENSLIFF NSW 2096	Alterations and additions to a dwelling house and construction of a garage and carport	Residential - Alterations and additions	4.3 Height of buildings	8.5m	10.5m	25%	DDP

**Description:** The clause 4.6 request for the non-compliance with height standard arises as the existing building currently breaches the height limit significantly, with the extent of works being a 2.1 metre extension of the existing floor and installation of skylights. Specifically, the new skylights represents a maximum variation of 25%, while the extension to the dwelling represent a variation of 4.7%, to the height of buildings development standard. Overall, it is considered that the proposal has been designed appropriately to remain compatible with the existing built form on the site and in the wider locale.

DA2023/0296	261 Alfred Street CROMER NSW 2099	Demolition works, subdivision of one lot into two lots, and construction of a driveway	Residential - Other	4.1 Minimum subdivision lot size	Lot 1: 600m <sup>2</sup> Lot 2: 600m <sup>2</sup>	Lot 1: 434.2m <sup>2</sup> Lot 2: 481.7m <sup>2</sup>	Lot 1: 27.6% Lot 2: 19.7%	NBLPP
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**Description:** The clause 4.6 request for the non-compliance with minimum lot sizes arises from the established subdivision pattern of the surrounding area, as well as the size and shape of these allotments.

DA2023/0251	54 Greycliffe Street QUEENSCLIFF NSW 2096	Alterations and additions to a dual occupancy including a swimming pool	Residential - Alterations and additions	4.3 Height of buildings	8.5m	Dwelling: 9.7m Balconies: 12.02m	Dwelling: 14.0% Balconies : 41.4%	NBLPP
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**Description:** The clause 4.6 non-compliance with building height (12.02 metres) arises in this location due to the inclusion of a rear balcony and vergola associated with Unit 2 over the section of the site where a steep change in the sites topography occurs. The second height breach to the building is due to an upper floor addition located over the existing floors, which is centrally located within the building roof area.

DA2023/0150	19 / 2 Monash Parade DEE WHY NSW 2099	Alterations and additions to combine Units 19 and 20 within a residential flat building into a single dwelling including strata subdivision	Residential - Alterations and additions	4.3 Height of buildings	8.5m	12.08m	42.10%	NBLPP
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**Description:** The clause 4.6 non-compliance with height standard arises from the location of the proposed Unit within an existing five (5) storey existing residential flat building. There is no increase to the existing maximum height of the residential flat building and the external works are limited only to the replacement of the existing sliding doors.

## SEPP (Housing) 2021 - Variations over 20%

App No.	Address	Proposal	Category of Development	Development Standard Varied	Allowed	Proposed	Variation	Determined By
DA2023/0472	64 Birkley Road MANLY NSW 2095	Demolition works and Construction of a garage and secondary dwelling, and alterations and additions to the existing dwelling	Residential - Alterations and additions	Clause 53 Minimum site area	450m <sup>2</sup>	341.5m <sup>2</sup>	24.11%	NBLPP
<p><b>Description:</b> The clause 4.6 request to vary the site area specified by the SEPP is justified, given the specific circumstances that the proposed secondary dwelling is limited to 35.6m<sup>2</sup>, will replace an existing detached garage with storage loft above at the rear of the site which maintains largely the same built form and the character of other similar developments adjoining the site. In addition the total floorspace on the site is compliant with FSR. The non-compliance with the minimum lot size arises from the nature of small lots within the locality, but is considered acceptable in these circumstances due to context with the established pattern of development with similar built form character and prevalence of secondary dwellings within the immediate locality.</p>								
DA2023/0304	87 Blackbutts Road FRENCHS FOREST NSW 2086	Demolition works, and the construction of four seniors housing dwellings and associated works.	Residential - Seniors Living	Clause 84(2)(a) Minimum site area  Clause 85(1) Schedule 4, Clause 17 Access to kitchen, main bedroom, bathroom and toilet	1000m <sup>2</sup>  100%	938.1m <sup>2</sup>  75%	6.2%  25%	NBLPP
<p><b>Description:</b> The clause 4.6 request arises as a result of the development which does not provide for a bedroom on the same level as the entry to the dwelling. This non compliance arises simply from the proposal to include 4 dwellings on the site, however the design incorporates an internal lift which is not generally required for this form of development to compensate for not locating bedrooms on the ground floor.</p>								

**SEPP (Housing for Seniors or People with a Disability) 2004 &  
SEPP (Affordable Rental Housing) 2009 - Variations over 20%**

App No.	Address	Proposal	Category of Development	Development Standard Varied	Allowed	Proposed	Variation	Determined By
DA2021/1912	2 - 4 Lakeside Crescent, 389 Pittwater Road and 8 Palm Avenue NORTH MANLY NSW 2100	Alterations and additions to an existing building for a mixed use development including seniors housing and boarding house	Mixed	SEPP HSPD - Clause 40(4) Height of buildings  SEPP ARH - Clause 30(1)(b) Boarding room size	8m  25m <sup>2</sup>	9.39m  28.2m <sup>2</sup>	17.4%  12.8%	SNPP

Height of buildings: The Panel is satisfied that the proposal achieves the objectives of Chapter 3 of SEPP HSPD and the Aims of the Policy and there are sufficient environmental planning grounds to justify the breach.

Boarding room size: The ground floor boarding house is contained within the footprint of the original building and the exceedance is a direct result of the adaptive reuse of the ground floor and the existing buildings shape and configuration. The Panel agrees with the Council's assessment that the Applicant's written request has demonstrated that the proposed development is an orderly and economic use and the development of the land, and that the structure is of a good design that will reasonably protect and improve the amenity of the surrounding built environment. The Panel is satisfied that the proposal achieves the objectives of SEPP ARH and there are sufficient environmental planning grounds to justify the breach.