

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 ²) | 0.46:1 (224.97m ²) | 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 ²) | 0.649:1 (182.2m ²) | 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 |

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| 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 ²) | 0.68:1 (296.9m ²) | 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 ²) | 0.69:1 (644.77m ²) | 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 ²) | 0.47:1 FSR (298m ²) | 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 ²) | 9.26m 0.43:1 (430.2m ²) | 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 ²) | 9.3m 0.63:1 (169.01m ²) | 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 ²) | 9.64m 0.446:1 (419.9m ²) | 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>Description: 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>Description: 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>Description: 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>Description: 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> | | | | | | | | |

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| 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 ²) | 16.3m 1.79:1 (728.9m ²) | 25% 19% | SNPP |
| Description: 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 ²) | 12.4m 1.46:1 (522.6m ²) | 45.9% 45.2% | NBLPP |
| Description: 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 ² (1.46:1) and the proposed change to floorspace results in a reduction of 0.9m ² 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 ²) | 13.1m 0.48:1 (496m ²) | 54.1% 20% | DDP |
| Description: 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 ²) | 9.24m 0.72:1 (163.3m ²) | 8.7% 20.7% | DDP |
| Description: 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 ² 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 |

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| 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 ² Lot 2: 550m ² | Lot 1: 502.15m ² Lot 2: 509.44m ² | 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>Description: 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>Description: 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>Description: 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>Description: 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>Description: 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> | | | | | | | | |

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| 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 |
| Description: 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 |
| Description: 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 |
| Description: 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 |
| Description: 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. | | | | | | | | |

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| 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 ² Lot 2: 550m ² | Lot 1: 359m ² Lot 2: 482m ² | 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 193m². 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 |

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| 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 |

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| 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 ² | Lot 1: 502.6m ² | 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>Description: 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.

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| 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 ² Lot 2: 600m ² | Lot 1: 434.2m ² Lot 2: 481.7m ² | 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.

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| 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 |
|-------------|---|---|---|----------------------------|------|---|--|-------|

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 |
|-------------|---|--|---|----------------------------|------|--------|--------|-------|

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 ² | 341.5m ² | 24.11% | NBLPP |
| <p>Description: 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 35.6m², 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 ² 100% | 938.1m ² 75% | 6.2% 25% | NBLPP |
| <p>Description: 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 ² | 9.39m 28.2m ² | 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.