

Council DA reference number	Lot number	DP number	Street number	Street name	Suburb/Town	Postcode	Category of development	Environmental planning instrument	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Concurring authority	Date DA determined dd/mm/yyyy
628/2007	E	27326	11	Pile Street	GLADESVILLE	2111	2: Residential - Single new dwelling	City of Ryde DCP 2006 & The Ryde Planning Scheme Ordinance, 1979 (RPSO)	Residential 'A'	FSR, eaves/gutter setbacks, height & front fence	<p><b>FSR:</b> The departure proposed is considered to be minor and therefore will not set any undesirable precedent for the area. The bulk &amp; scale of the dwelling is in keeping with the character of the area;</p> <p><b>Eaves/Gutter:</b> The proposed eaves/gutter setback is not considered to have any adverse impacts on the amenity of the adjoining properties and the streetscape of the area. The eaves overhang is similar to many other dwellings in the locality and will provide for a more energy efficient dwelling;</p> <p><b>Ceiling Height:</b> This non-compliance is a direct result of the cross fall of the site as well as the design of the building with the garage being partly located below natural ground level. In this regard, the ceiling height is as low as 5.1m on the high side of the site. There are numerous other examples in the immediate locality of other dwellings that exceed the height requirement for similar reasons as this site. The bulk and scale of the development will be consistent with many other dwellings in the locality. The height of the dwelling will have no impact in terms of overlooking towards adjoining properties (refer to comments under the heading 'Built Environment' further in this report);</p> <p><b>No. of Storeys:</b> Given the minor nature of the non-compliance, no objections are raised to the current design. The bulk and scale of the development will be consistent with the character of the area; Accordingly, the three storey nature of the development does not warrant alteration or refusal of the application;</p> <p><b>Fence:</b> The departure is very minor (280mm maximum). Furthermore, given that there are no bars or the like being placed above the retaining wall, the fence will have a minimal impact on the streetscape.</p>	<p><b>FSR:</b> The DCP requires the FSR for a dwelling to not exceed 0.5:1; The applicant proposes an FSR of 0.51:1 which equates to 8.8m<sup>2</sup> of floor area in excess of Council's maximum;</p> <p><b>Eaves/Gutter setbacks:</b> The DCP requires two storey eaves/gutters to be setback 1275mm minimum from the allotment boundary. The applicant proposes a two storey eaves/gutter setback of 900mm (min) on the eastern side of the dwelling;</p> <p><b>Height:</b> The DCP requires the ceiling height of a dwelling be 7 metres (maximum). In terms of the 7 metre control, the maximum height of the dwelling measured from the ceiling to natural ground level will be 8.59 metres. The dwelling is over 7m in height for a length of 6 metres (measured on the west side elevation from the front of bedroom 5 includes part of bedroom 4) and affects an area of 5.4m<sup>2</sup> approx;</p> <p><b>No. of Storeys:</b> The DCP requires a dwelling to be not more than 2 storeys. The proposed dwelling is predominantly two storeys, however there is a minor portion to the front western corner of bedroom 5 which is 3 storeys. The extent of the departure is 2.3m<sup>2</sup> approx. The 3 storey nature extends a length of approx 1.6 metres on the western elevation (measured from the front of bedroom 5 towards the rear) and 1.4 metres across the front of bedroom 5.</p> <p><b>Fence:</b> The retaining wall which runs across the front allotment boundary has a height close to equal to the natural ground at the western front corner of the site and is up to 1.28m above the natural ground closest to the driveway. The fence exceeds 1m for a length of 2m approx.</p>	Council under assumed concurrence	1/04/2008

900/2007	2	1122694	76	Champion Road	TENNYSON POINT	2111	2: Residential - Single new dwelling	City of Ryde DCP 2006 & The Ryde Planning Scheme Ordinance, 1979 (RPSO)	Residential 'A'	Eaves/gutter setback, Upper Ceiling Height, Carport Height, Pool Fencing	<p><b>Eaves/Gutter Setback:</b> Due to the eaves being a minor visual element of the building, the proposed eaves/gutter setback is not considered to have any adverse impacts on the amenity of the adjoining properties or the streetscape of the area. The eaves overhang is similar to many other dwellings in the locality and will provide for a more energy efficient dwelling; <b>Upper Ceiling Height:</b> The proposed ceiling height is not considered to adversely impact on the streetscape or the amenity of the area for the following reasons: • The overall height of the dwelling is well below Council's maximum of 9 metres at 7.814m max. It is noted that Council's current controls allow an overall height of 9.5 metres which the proposal is well below also • The departure occurs within part of the roof space which is setback greater than 1.5 metres to the side allotment boundaries. It is noted that whether the ceiling is a flat ceiling to comply with the 7m control or a raked ceiling as proposed, the visible wall plate of the building from the exterior would not be any different • The dwelling as proposed allows for reasonable view sharing of Glades Bay/Parramatta River • The overshadowing &amp; privacy impacts of the development comply with Council requirements. Accordingly, alteration or refusal of the application based on this issue is not warranted; <b>Carport Height:</b> No objections are raised to the height of the carport as the development has little impact on the streetscape and the amenity of the area. The carport is well setback from the street due to the site being a battle-axe allotment and incorporates a roof design/finish that compliments and is integrated with the dwelling on the land. <b>Pool Fencing:</b> The pool fence is to be erected between the dwelling and pool area so that access to the pool area is restricted from the dwelling in accordance with the provisions of the Swimming Pools Act, 1992 and Swimming Pools Regulation 1998. Council requires the pool fence to continue across the site to the northeast side allotment boundary so that the lower level rumpus room windows do not open into the pool area. Details of compliance are to be reflected on the plans submitted with the Construction Certificate.</p>	<p><b>Eaves/gutter setback:</b> The DCP requires two storey eaves/gutters to be setback 1275mm minimum from the allotment boundary. The applicant proposes a two storey eaves/gutter setback of 800mm (min) to the side allotment boundaries. <b>Upper Ceiling Height:</b> The applicant proposes a maximum ceiling height of 7.762 metres. The departure, being 762mm (max), occurs where the vaulted/raked ceiling is located over the living room. <b>Carport Height:</b> The DCP requires the height of a carport to not exceed 2.4 metres. The applicant proposes a carport with a maximum height of 3.2 metres above the natural ground level. <b>Pool Fencing:</b> Being a waterfront property, the pool area is to be isolated from the dwelling in accordance with Council requirements, the Swimming Pools Act &amp; AS 1926.27. The means of access into the pool area from the dwelling is not restricted through the lower level rumpus windows.</p>	Council under assumed concurrence	23/04/2008
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39/2008	6	1046092	7-9	Byfield Street	MACQUARIE PARK	2113	9: Commercial / retail / office	City of Ryde DCP 2006 & The Ryde Planning Scheme Ordinance, 1979 (RPSO)	Business Special 3(g).	FSR	<p>FSR: The building as proposed to be altered will present more appropriate bulk and scale in the streetscape, announcing this important on Waterloo Road to match the potential building form opposite and across Byfield Street;The building sits immediately adjacent to the Macquarie University station precinct and the proposed built form will help to reinforce and announce this precinct on Waterloo Road;The proposed eight storey building resulting from the proposed additional floors, together with adjacent and opposite future buildings, will serve to appropriately reinforce the importance and function of Waterloo Road as the Central Spine of the Corridor.The subject site contained one of the proposed rear lanes recommended in the Master Plan and LEP which was dedicated to Council as part of the original Development Application; andThe subject proposal also includes a commitment by the applicant to carry out extensive public domain streetscape works along the Waterloo Road frontage of the site and beyond which would otherwise not have occurred for many years.The objectives of the floor space ratio control are as follows:To provide effective control over the scale and bulk of future development,To achieve a consolidation of development around the stations, with the highest floor space ratios at the station nodes;To allow feasible development of the sites around the stations and facilitate focal points at the station areas;To ensure that the peripheral locations of the Corridor reflect the landscape needs and building setting requirements of the corporate building; To reinforce the importance and function of the central spine (Waterloo Road and Riverside Main Street) with suitable built form; To encourage the provision of a new street network; To provide incentive for redevelopment in return for the provision of the proposed access network as a public benefit. The overall floor space of the site is a direct consequence of the approved building footprint and building height. As demonstrated below, the proposed height of this building will improve its proportion, mass and scale of the building as viewed from Waterloo Road and Byfield Street. In this respect the development is consistent with objectives a), e) and g).The second and third objective is to provide greater floor space ratios around the stations to ensure that the stations become a focal node. The development will not detract from these objectives. The floor space ratio of the buildings closer to the station will be greater than what is proposed on this site. This will also be reinforced due to the topography of Waterloo Road. The remaining two objectives are not applicable to the proposed development. The draft DCP for Macquarie Park allows Council to consider granting development consent to a development where the floor space ratio is in excess of the controls contained in the Ryde Planning Scheme Ordinance. In these circumstances the development must provide a public benefit, the floor space is not to exceed the controls shown on the Incentive Floor Space Ratio Map and the developer enters into a planning agreement with Council to provide the public benefit. The proposed development is consistent with all of the requirements of the draft DCP. The developer has proposed a voluntary planning agreement for the upgrading of public domain improvements in part of Waterloo Road or a cash contribution of \$1.6 million. The development will not exceed the floor space ratio as shown on the relevant map. As a result of the additional two storeys the floor space ratio of the building will be 2.75:1 and the relevant map identifies the site as having a floor space ratio of 3:1. The reasons given in the applicant's SEPP No 1 are considered to be well founded and justified. In</p>	<p><b>FSR:</b> This clause of the Ordinance states that the floor space of all buildings on land in the Macquarie Park Corridor is not to exceed the maximum floor space ratio identified on the map marked "Ryde Local Environmental Plan No 137 – Macquarie Park Corridor – Floor Space Ratio Restrictions" deposited in the office of the Council. The subject site has a maximum FSR of 1.5:1 on the LEP map. Based on a site area of 5,496m<sup>2</sup>, this allows for a potential floor space of 8,244m<sup>2</sup>. The building currently under construction has a gross floor space of 11,036m<sup>2</sup> or floor space ratio of 2.01:1. The development will increase the floor space by 4076 to 15,112m<sup>2</sup>. This represents a floor space ratio of 2.75:1.</p> <p><b>Height of Buildings:</b> Development consent 1166/04 was approved by Council prior to the gazettal of LEP 137 or LEP 129. At this time there were no height controls and the building was approved as a 6 storey building. Since this time, LEP 137 and LEP 129 have been gazetted which has implications for the proposed development. Clause 97 of the Ordinance states the height of a building on land within the Macquarie Park Corridor must not exceed the height shown for the land on the map marked "Ryde Local Environmental Plan No 137 – Macquarie Park Corridor – Height Restrictions" deposited in the office of the Council. The LEP height map allows for a maximum height of 6 storeys. The gazettal of LEP 129 has resulted in the definition of storey being amended. Storey is now defined as that part of a building from and including one floor level to the floor level next above or, if there is no floor above, the ceiling or roof above, but does not include a part of a building that does not extend more than 1.2 metres above natural ground level. This revised definition of storeys results in the development approval under development consent 1166/04 being defined as a part 7 and part 8 storey building. The additional storeys are due to the plant room and part of the car park exceeding more than 1.2 metres above natural ground level being defined as a storey. The proposed development will result in 2 additional commercial storeys being added to the building. This will result in the building being part 9 and part 10 storeys.</p>	Council under assumed concurrence	9/04/2008
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addition, the development is also consistent with the requirements of the draft DCP that does allow a development to exceed the floor space ratio as contained in the LEP subject to certain criteria being satisfied. As demonstrated, the development complies with the objectives of the floor space requirement. In this instance, compliance with the floor space ratio control is considered to be unnecessary and unreasonable. No objections are raised to the overall floor space of the development.

Height of Buildings: The building as proposed to be altered will present more appropriate balanced bulk and scale in the streetscape, announcing this important on Waterloo Road to match the potential building form opposite and across Byfield Street and a similar height relative to the adjacent Lucent Technology building to the immediate east; The building sits immediately adjacent to the Macquarie University station precinct and the proposed built form will help to reinforce and announce this precinct on Waterloo Road; and The proposed eight storey building adjacent from the proposed additional floors, together with adjacent and opposite future buildings, will serve to appropriately reinforce the importance and function of Waterloo Road as the central spine of the corridor. The proposed additional two storeys will in our view serve to create a more appropriate and better proportioned building in its specific context. The eight storey built form will now balance the future potential eight storey building form permissible on the opposite corner of Byfield Street and across Waterloo Road. In addition, due to topographic changes down Waterloo Road, the Lucent Technology building immediately to the east presents as being a similar height to the proposed eight storey building on the subject site. Because the site is an important corner site on the central spine of the corridor it is appropriate that the built form emphasises and marks this location. From an urban design perspective, this context of wide boulevard and horizontal streetscape, will be better complemented by the proposed extension of the building height which will emphasise its vertical proportions. Part of the non-compliance with the height requirement has occurred due to the changes in the definition of storey pursuant to LEP 129. The Master Plan for Macquarie Park which was adopted by Council and formed the basis of the development standards in LEP 137, did not envisage car parking that exceeded 1.2 metres above natural ground level or rooftop plant rooms as a storey. For this reason, the non compliance in height due to the plant room and car park is considered reasonable and justifiable. This results in the proposed building containing 8 storeys, which exceeds the control by 2 storeys. The objectives of the height controls are: To provide effective control over the scale and bulk of future development; and To concentrate building heights around the stations; and To provide focal nodes that clearly highlight the role of the stations; and To reinforce the important road frontages of Waterloo Road and Lane Cove Road. The provisions of the additional 2 storeys will improve the proportion, mass and scaling of the building from Waterloo Road and Byfield Street as well as providing consistency in the heights of the adjoining buildings. This will ensure that the development satisfies the first and last objectives. The second and third objective is to provide greater building heights around the stations. This will ensure that the stations become a focal node. The development will not detract from these objectives. The height of the buildings closer to the station will be greater than what is proposed on this site. These heights at the stations will also be reinforced due to the topography of Waterloo Road. The reasons given in the applicant's SEPP No 1 are

										considered to be well founded and justified. As demonstrated, the development complies with the objectives of the height control requirement. In this instance, compliance with the height requirement is considered to be unnecessary and unreasonable. No objections are raised to the overall height of the development.				
96/2008	1	12454	7	Melville Street	WEST RYDE	2114	2: Residential - Single new dwelling	City of Ryde DCP 2006 & The Ryde Planning Scheme Ordinance, 1979 (RPSO)	Residential 'A'.	Frontage, entry portico	<p>A SEPP 1 objection has been lodged as the proposed dwelling is to replace an existing dwelling on an existing lot. In summary, the proposal is considered satisfactory with Council's minimum site requirements. Entry Portico: The proposed entry portico incorporates the first floor balcony which breaks up the two storey element to a ground and first floor element. There is also a new dwelling under construction across the road with the two storey portico incorporating the first floor balcony. <b>Landscaping Plan:</b> The landscaping plan provides for a Fraxinus griffithii with a mature height of 8m instead of the required 10m and is considered satisfactory.</p>	<p><b>Frontage:</b> The subject site has an area of 774m<sup>2</sup>; a frontage of 12.7m and a width at 7.5m from the street alignment of 12.7m. Council's DCP states a minimum width of 15m at 7.5m from alignment of public road. Application is 12.7m. <b>Entry Portico:</b> The proposed entry portico is two storey. <b>Landscaping Plan:</b> - Council's DCP requires the front yard to have at least 1 tree with mature height of 10m min and a spreading canopy.</p>	Council under assumed concurrence	7/04/2008

827/2007	14	2166	11	Beach Street	TENNYSON POINT	2111	2: Residential - Single new dwelling	City of Ryde DCP 2006 & The Ryde Planning Scheme Ordinance, 1979 (RPSO)	Residential 'A'.	Height, Carport Height	<p><b>Height:</b> The height of the dwelling is not considered to adversely impact on the streetscape or the amenity of the area for the following reasons: The far majority of the ceiling and overall heights of the dwelling are below Council's maximums of 7 metres and 9 metres. It is noted that the ceiling height at the upper level is as low as 4.52m and the upper level parapet roof is as low as 5.85m. • Council's current controls allow an overall height of 9.5 metres which the proposal is under by 50mm. • The dwelling exceeds the maximum number of storeys towards the centre of the dwelling only and therefore the 3 storey part of the dwelling does not result in significant bulk when looking at the dwelling from the main exterior. Because the departures only occur where the second floor is being located over the existing cut to the site, the impacts onto the side adjoining properties are minimal. In this regard, the proposal is not excessive in relation to what would have been the original levels of the land. In relation to the impacts towards the rear (Morrison Bay), the overall height of the proposed dwelling is below the overall height of the adjoining dwelling at No. 13 Beach Street and is therefore not considered excessive. • The dwelling as proposed allows for reasonable view sharing of Morrison Bay. • The overshadowing &amp; privacy impacts of the development comply with Council requirements. <b>Carport Height:</b> No objections are raised to the height of the carport as the development has little impact on the streetscape and the amenity of the area. The carport is well setback from the street due to the site being a battle-axe allotment and is integrated with the dwelling design.</p>	<p><b>Height:</b> The applicant proposes a maximum ceiling height of 9.23 metres, a maximum overall height of 9.45m and the dwelling is partly three storeys. Council has required the building to be lowered a further 200mm more than what the applicant has suggested (300mm) in order to ensure the height is minimised. The departure to the second floor upper ceiling height, overall height and number of storeys occurs where the land has been previously cut below natural ground level to the northwest of the existing driveway up to the northwest side boundary as well as the topography of the land which has a fall to the rear. The cut is to the rear of the existing dwelling and is clearly evident on the survey plan (location of retaining wall at rear of dwelling) and site photos on Council file. <b>Carport Height:</b> The DCP requires the height of a carport to not exceed 2.4 metres. The applicant proposes a carport with a maximum height of 4.3 metres above the natural ground level.</p>	Council under assumed concurrence	5/05/2008
910/2007	14	27433	1	Pamela Street	NORTH RYDE	2113	2: Residential - Single new dwelling	City of Ryde DCP 2006 & The Ryde Planning Scheme Ordinance, 1979 (RPSO)	Residential 'A'.	Minimum allotment size	<p>The proposal is for 950mm of fill to a small portion at the end of the pool area on LHSF. The maximum fill is 500mm as the encroachment is centrally located in the rear yard well away from any boundaries and will not provide overlooking to adjoining properties the fill is considered satisfactory. The non-compliance equates to 26m<sup>2</sup> and is considered a minor breach of this control. Erecting a dwelling on this "undersized" lot would not result in a sub-standard development if the lot size strictly complied with 580m<sup>2</sup>. There exists a dwelling on the site with a similar sized footprint on the site at present. The proposed development would not create an adverse impact on the character of the locality. Council has approved new developments on similar sized lots.</p>	<p><b>Clause 46 (1)(a)</b> of the RPSO specifies that a dwelling shall not be erected on an allotment that is not hatchet-shaped, unless it has a site area of not less than 580 square metres; a frontage to a public road of not less than 10 metres; and a width of not less than 15 metres at a distance of 7.5 metres from the alignment of the public road. The subject site has an area of 554m<sup>2</sup>; a frontage/width at 7.5m from the street alignment of 15.15m. In summary, the proposal fully complies with Council's minimum site requirements – therefore the proposal does not comply with the RPSO in terms of minimum allotment size.</p>	Council under assumed concurrence	6/05/2008
1018/2007	400	13957	149	Charles Street	PUTNEY	2112	2: Residential - Single new dwelling	City of Ryde DCP 2006 & The Ryde Planning Scheme Ordinance, 1979 (RPSO)	Residential 12(a).	Fill, side setback, landscaped front garden, sunlight, minimum lot size	<p><b>Fill:</b> The maximum fill is 500mm as the encroachment is centrally located in the rear yard well away from any boundaries and will not provide overlooking to adjoining properties the fill is considered satisfactory. <b>Side Setback:</b> Both side setbacks have a single storey component with a 0.9m setback, the two storey component has a 1.5m setback. The design of the dwelling has many architectural features including a varied profile on the footprint and is considered satisfactory. <b>Landscaping:</b> Council's DCP requires the front garden to have a max of 40% hard paving. The subject site has 50% hard paving. <b>Sunlight:</b> Hours of sunlight to adjoining principal open space: More than 3 hours sunlight to at least 50% of adjoining principal ground. Hours of sunlight to adjoining living area windows: There is a large tree on 151 Charles Street that shades the north east facing windows North west achieves 3 hrs between 2 &amp; 5pm This is close to the 20% increase permitted under previous DCP. <b>Minimum lot size:</b> The site is an existing residential</p>	<p><b>Fill:</b> Council's DCP requires: Outside building footprint: Max cut: 900mm Max fill: 500mm, No fill between side of building and boundary or close to rear boundary, Max height retaining wall 900mm. <b>Setback:</b> Council's DCP requirements for a two storey dwelling are: 1500mm to wall Includes balconies etc. <b>Landscaping:</b> Council's DCP requires the front garden to have a max of 40% hard paving. <b>Sunlight:</b> Council's DCP requires 2 hours of sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21. At least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21.</p>	Council under assumed concurrence	8/05/2008

										allotment, no new subdivision is proposed nor is it possible to achieve 15m frontage and in this regard is considered satisfactory for Council's minimum lot size requirement.			
84/2008	22	1821	64	Western Crescent	GLADESVILLE	2111	City of Ryde DCP 2006 & The Ryde Planning Scheme Ordinance, 1979 (RPSO)	Residential 'A'.	Topography & Excavation, Floor Space Ratio, Front setbacks to garages, Driveways to be minimised, Trees and landscaping back yard tree height and spread, External building eaves overhang	<p><b>Topography &amp; Excavation:</b> The depth of excavation is satisfactory as it will provide a gently sloping courtyard and the excavation will not have an adverse impact on the streetscape. <b>FSR:</b> The excess floor area is 7.16m<sup>2</sup> that will have a negligible impact on the bulk and scale of the building, will have negligible impact on the desired future character of the low density area and is satisfactory. <b>Front setback to garages:</b> None of the garages are prominent elements in the streetscape. This design adds articulation to the building façade. <b>Driveways to be Minimised:</b> A standard condition detailing Council's requirements of the construction of the vehicle footpath crossings have been included in the consent. <b>Trees and landscaping back yard tree height and spread:</b> Given the existing neighbouring tree substantially overshadows the backyard of the subject property, the proposed planting of two trees with mature height less than 15m is satisfactory. <b>External building eaves overhang:</b> The proposal meets the requirements of the Building Sustainable Index (BASIX) without the provision of eave overhang and is satisfactory.</p>	<p><b>Topography &amp; Excavation:</b> The DCP minimises excavation outside the dwelling so long as depth of the excavation is not more than 900mm and the excavated and fill areas do not have an adverse impact on the streetscape. The proposal is for an excavation depth of 1.285m in the north eastern rear corner of the courtyard of dwelling B, approximately 20m from the street boundary and 115mm above the two grated stormwater drains in the courtyard. The DCP maximises the height of retaining walls at 900mm. The proposed wall is to be 'rake with grade' and the wall will grade up following the ground levels on the adjoining land from a height above courtyard B of 900mm to 1285mm at the northwest corner over a distance of approximately 13m. <b>Floor Space Ratio:</b> The DCP mandates that the floor space ratio must not be greater than 0.5:1. The proposed floor space ratio is 0.509:1 which is 7.15m<sup>2</sup> in excess of the max net floor area. <b>Front setbacks to garages:</b> Garages and carports including semi-basement garages and attached garages are to be setback a minimum of 1m from the dwellings' front façade to ensure garages and carports are not prominent elements in the streetscape. Garage A setback is 1.095m from adjacent façade. Feature nib walls on the second part of the garage extend 0.47m beyond the garage door however they are slim vertical elements. The south east single storey garage B is setback 2.185m from the secondary street frontage and is 0.83m forward of the adjacent façade of dwelling B which is on a setback to the street of 3.015m. Driveways to be minimised: The driveway widths are to be a single car width except where they need to widen to provide access to a double garage. The driveway width proposed to both dwellings is two cars wide (5.2m). The secondary street setback to the garages of dwelling B is 2.185m and 3.015m. A two car width driveway for these garages is acceptable. The driveway proposed for dwelling A is two cars wide (5.2) with the street setback to the garages of 6.6m – 9m.</p>	Council under assumed concurrence	22/05/2008

												<b>Trees and landscaping back yard tree height and spread:</b> The backyard does not have a mature tree at least 15m high and the proposal provides for two trees in the backyard with a typical mature height of 5-8m (often 10m) with spreading canopy. However the adjoining property (60 Western Cres) to the north east has a 15m high tree in the backyard with a 30m spread that hangs over the backyard of the subject property by up to 10m over a substantial area 19m along the north east boundary and 9m along the south east boundary. <b>External building eaves overhang: Council's DCP requires 450mm eaves overhang minimum.</b> The proposal has no eaves overhang and the fascia is fixed flush to the external skin in keeping with the design.		
189/2008	45	11918	2	Suttor Avenue	RYDE	2112	2: Residential - Single new dwelling	City of Ryde DCP 2006 & The Ryde Planning Scheme Ordinance, 1979 (RPSO)	Residential 'A'.	Fill, front & garage setback	<b>Fill:</b> The design of the proposal has considered the topography and stepped the dwelling to reduce the fill and is considered satisfactory. <b>Front &amp; Garage Setback:</b> The garage is not setback 1m from the front façade and appears to be prominent, however the site is narrower than Council's Minimum requirement and the south east side boundary has a generous setback of 2.475m and is considered satisfactory.	<b>Fill:</b> The maximum fill allowed under DCP 2006 is 0.9m. The proposal has a small portion of the dwelling exceeding this amount to 1.09m. Due to the topography of the land the site is sloping to the rear. <b>Front &amp; Garage Setback:</b> The proposal has the front porch setback 8.7m. The requirement in Council's DCP 2006 is 6m setback. The dwelling will maintain the same setback as the adjoining dwelling at 5 Suttor Avenue.	Council under assumed concurrence	30/05/2008



950/2007	21	1003588	39	Delhi Road	NORTH RYDE	2113	9: Commercial / retail / office	City of Ryde DCP 2006 & The Ryde Planning Scheme Ordinance, 1979 (RPSO)	Business Special 3(g).	FSR, Height of Buildings	<p><b>Floor Space Ratio</b> - The provisions of clause 96(1) of the Ryde Planning Scheme Ordinance are considered unnecessary and unreasonable for the reasons that: Part of the floor space in excess of the standard is in the form of an atrium which links the various elements of the complex and which is Visually permeable; Designed To create a wintergarden environment; To accommodate open bridges/balconies/break-out areas connecting the upper commercial office floors; and To establish an open internal aspect for the future occupants of the office space. The atrium provides a built form element to the development which reinforces its street edge definition to the new road through the site in a visually permeable form and which achieves a more desirable urban design outcome than would be achieved had the area between the office buildings been retained as an open plaza area. Council has excluded atriums from floor space in similar circumstances. Balconies / break out areas are normally excluded from consideration as floor space and Council has a practice of acknowledging and supporting the value of the establishment of such facilities. The exclusion of balconies/break out areas from floor space is consistent with the approach and interpretations embodied in Standard Instrument (Local Environmental Plans) Order 2006, which are soon expected to apply statewide, which excludes voids and terrace and balconies, with outer walls less than 1.4 metre high, from consideration as gross floor area, the measure to be used to determine floor space ratio. Excluding the atrium and bridges/balconies/breakout areas, the stage 2 development is to have a floor space of some 32,485m<sup>2</sup> and the overall development on the site would exceed the maximum floor space permissible on this site by some 3,773m<sup>2</sup> or 6.4%. The floor space of the complex has been increased: To subsidise the costs associated with the establishment and operation of the shopping facilities desired by Council, prior to the need and economic justification of those facilities by demand created by development in this area; and To increase the extent of development immediately adjacent to the Delhi Road Railway Station, as seen desirable in the overall planning of this area. The floor space in excess of the standard contained in Clause 96 is, in this context, minor. The proposal is consistent with the objectives of the floor space ratio standard which seek to consolidate development around the stations, with the highest floor space ratios at the station nodes; and to allow feasible development of the sites around the stations and facilities focal points at the station areas. As this floor space is to be distributed over 8 floors in 2 buildings, the additional floor space will not have any readily perceptible impact on the bulk and scale of the complex when viewed from the public domain from the surrounding road network. The built form of the development is consistent with the objectives of the floor space ratio standard relating to the urban design outcomes for the Riverside Main Street; and the creation of the new road network. The proposal is consistent with a key objective of the Macquarie Park Corridor Master Plan upon which Ryde Local Environmental Plan No 137, which was made on 20 January 2006, was based, ie to take advantage of the opportunities afforded by the Epping-Chatswood Rail Link to implement the State Government's strategic objective of Integrating land use and transport planning; reducing car dependency; and creating opportunities for employment in areas supported by public transport by increasing the permissible floor space on this land. The proposal will not have any adverse visual impact when viewed from the surrounding public and private</p>	<p>Floor Space Ratios - The subject site has a floor space ratio of 2:1 as indicated on the FSR map. As the site also contains part of the road network, the LEP also permits a bonus floor ratio. The entire site of 39 Delhi Road (ie including the area of stages 1 and 2) has a floor space of 58,863m<sup>2</sup>. This figure comprises the following: 54,820m<sup>2</sup> representing the 2:1 floor space ratio on the site area of 27,410m<sup>2</sup>; and 4,043m<sup>2</sup> representing the floor space ratio attributable to the land identified as part of the access network. This figure considers the two roads, one being located centrally between stages 1 and 2 and the other being along the southern boundary. The approved stage 1 development has a total floor space of 30,151m<sup>2</sup>. This results in the potential for 28,712m<sup>2</sup> for the stage 2 development. The proposed development will have a total floor space of 36,841m<sup>2</sup>. This figure comprises the following: Commercial office space, Retail space, Gymnasium, Atrium, Atrium bridge links and Utility Areas. This represents 8,129m<sup>2</sup> over the control or a variation of 13.8%. <b>Height of Buildings:</b> This clause of the Ordinance states the height of a building on land within the Macquarie Park Corridor must not exceed the height shown for the land on the map marked "Ryde Local Environmental Plan No 137 – Macquarie Park Corridor – Height Restrictions" deposited in the office of the Council. The LEP height map allows for a maximum height of 8 storeys along the northern part of the site and 6 storeys on the southern part of the site adjacent to the M2 Motorway. The definition of storey in the RPSO means the space within a building situated between one floor level and the floor level next above or, if there is no floor above, the ceiling or roof above, but does not include a part of a building (such as basement) that does not extend more than 1.2 metres above natural ground level. This definition was recently amended pursuant to LEP 129 and now includes plant rooms and car parking levels that are more than 1.2 metres above natural ground level as a storey. Due to the above definition of storey, the buildings will range from 8 to 10 storeys in height. Each of the buildings will contain 8 commercial levels. The non-compliance is due to the location of the car park that exceeds 1.2 metres above natural ground level and the location of the plant rooms. Buildings A and B will range from 9 storeys to 10 storeys. Buildings C and D will range from part 8, part 9 and part 10 storeys in height. <b>Off Street Parking:</b> This clause of the Ordinance states the off-street parking requirements for commercial and industrial development on land within Macquarie Park Corridor must not exceed the rate shown within Macquarie Park Corridor – Parking Restrictions" deposited in the office of the Council. The LEP map indicates that the maximum rate of car parking for commercial and industrial developments applicable to this site is 1 space per 80sqm of Nett</p>	Council under assumed concurrence	05/06/2008
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domain. The proposal will not adversely affect development on adjoining properties and will not, in terms of its floor space, have any adverse impact on the visual amenity of this locality. The development is consistent with the objectives expressed in Clause 96(2) for the floor space ratio standard, despite it not strictly complying with the numerical value of the standard. The proposal is consistent with the objectives for the Business Special (Employment) 3(g) zone under the Scheme as expressed in the aims of Ryde Local Environmental Plan No. 137. The variation to the standard would promote the orderly and economic use and development of the land and the proper management of resources, promoting the social and economic welfare of the community and a better environment, in accordance with the objects of Section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act 1979. **Height of the buildings** - "The Macquarie Park Corridor Master Plan adopted by Council on 17 February 2004 and upon which the height standards were based, did not envisage that basement car parking areas which projected above natural ground level nor rooftop plant rooms would be regarded as storeys for the purpose of achieving the urban design outcomes sought to be achieved by the height standards. The site is identified as being appropriate for eight (8) storey development. The height of the complex will not have any adverse effects on surrounding properties. The complex will not have any adverse visual impact when viewed from the surrounding public and private domain in terms of its bulk and scale. The proposal is consistent with the relevant objective expressed in Clause 97(2) for the height standard applying to this land, despite it not strictly complying with the numerical value of the standards. The proposal is consistent with the objectives for the Business Special (Employment) 3(g) zone of the Scheme as expressed in the aims of Ryde Local Environmental Plan No 137. The variation to the standard would promote the orderly and economic use and development of the land and the proper management of resources, promoting the social and economic welfare of the community and a better environment, in accordance with the objects of Section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act 1979. **Off Street Parking Provisions** - The 59 car parking spaces which exceed the maximum car parking provision permitted by Clause 98(1) are to be either converted to retail / commercial space to activate the frontage of the new road to be created adjacent to the southern boundary of the site, when the road is ultimately constructed and when such a conversion was economically viable, or blocked off to prevent their use at the end of the transitional period. The proposal complies with transitional parking controls contained in draft Development Control Plan No 55 – Macquarie Park Corridor. The parking to be provided is within the capacity of the site and the proposed development. The variation to the standard is minor. The proposal is consistent with the objectives expressed in Clause 98(2) for the car parking standard, despite it not strictly complying with the numerical value of the standard. The proposal will not adversely affect traffic movements in this area in the short to medium term. The proposed parking provision will facilitate the economic development and use of the land pending the coming into operation of the Epping – Chatswood Rail Link and the modal shift to public transport following the opening of the Link. The proposal is consistent with the objectives for the Business Special (Employment) 3(g) zone of the Scheme, as expressed in the aims of Ryde Local Environmental Plan No 137. The variation to the standard would promote the orderly

Useable Floor Area (NUFA). As the development will contain a NUFA of 26,994m<sup>2</sup> of commercial floor space, the development should provide a maximum of 338 car parking spaces. The car parking rate specified in the LEP does not apply to the retail and gymnasium component of the development. To determine the required car parking for these components of the building it is necessary to refer to Part 9.3 of DCP 2006 for the retail requirement or the RTA's Guide to Traffic Generating Developments for the gymnasium requirement. The retail component requires car parking to be provided at the rate of 1 space per 25m<sup>2</sup> of NUFA. Based on 961m<sup>2</sup> of retail space, this part of the development will require 39 spaces. The gymnasium requires 7.5 spaces per 100m<sup>2</sup> of gross floor area. Based on a floor area of 1,515m<sup>2</sup>, this will require 113 car parking spaces. In total the development requires 490 car parking spaces. Council has acknowledged there needs to be a transitional phasing in of the restrictive carparking controls for the commercial and industrial requirements to reflect the delay between the new controls coming into effect (January 2006) and the opening of the new railway line (late 2008). Transitional parking controls have been adopted in the Macquarie Park Master Plan and the draft DCP No. 55. The transitional rates applying to the subject site are: Permanent Spaces; 1 space/ 80m<sup>2</sup> NUFA Temporary Spaces; 1 space/ 110m<sup>2</sup> NUFA. The combined permanent and temporary spaces should not exceed 1 space/46m<sup>2</sup> of NUFA for commercial or industrial. Using the above, the maximum permissible parking provision on the site is for a maximum of 587 car parking spaces representing: 338 permanent spaces and 248 temporary transitional spaces. The development has proposed a total of 550 car parking spaces representing: 491 permanent spaces and 59 temporary transitional spaces. The 59 temporary car parking spaces are proposed to be located in basement levels 1 and 2 at its south-western corner. These spaces may be converted to retail / commercial space to activate the frontage of the new road to be created adjacent to the southern boundary. The 491 permanent spaces as proposed in the development is consistent with the requirement for car parking under the various car parking planning controls. The development also complies with the maximum extent of car parking permitted on the site. At no time will the proposal exceed the maximum combined permanent and temporary parking rate. Although the development complies with the permanent and temporary car parking arrangements, it does represent a variation of some 11% to the current LEP maximum and such a variation will require a SEPP 1 objection, despite being in accordance with the transitional parking arrangements described within the Macquarie Park

and economic use and development of the land and the proper management of resources, promoting the social and economic welfare of the community and a better environment, in accordance with the objects of Section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act 1979.

Corridor master plan.