

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
430/2008	274	28396	29	Edmondson Street	North Ryde	2113	2: Residential - Single new dwelling	RPSO	Res A	Clause 46 (1)(a) 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.	<p>The subject site has an area of 569.1 m<sup>2</sup> and a frontage of 15.48m. The applicant has submitted a SEPP 1 Objection which states the following:</p> <ul style="list-style-type: none"> <li>The allotment has an existing dwelling which has been in place for approximately 15 years.</li> <li>The proposed development complies with all other aspects of the ordinance and Council's DCP.</li> </ul> <p>The SEPP 1 Objection is well founded and as the floor space ratio is only 0.43:1 the proposal is considered satisfactory.</p>	See previous cell	Council under assumed concurrence	15/10/2008
575/2008	504	28914	39	Ryrie St	North Ryde	2113	2: Residential - Single new dwelling	RPSO	Res A	Clause 46 (1)(a) 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.	<p>The subject site has an area of 544m<sup>2</sup>; a frontage/width at 7.5m from the street alignment of 16.085m, and so the proposal does not comply with the minimum site area. The applicant has submitted a SEPP 1 objection in relation to this non-compliance which states that strict compliance with this development standard is unreasonable/unnecessary in the circumstances of the case, because the "residential site has been in existence for many years as a registered building block". The SEPP 1 submission should be supported, in common with other recent approvals for dwelling houses on under-sized allotments throughout the City area.</p>	See previous cell	Council under assumed concurrence	27/10/2008
313/2008	10	12059	3	Ross Smith Avenue	Meadowbank	2114	2: Residential - Single new dwelling	RPSO	Res A	Clause 46 (1)(a) 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.	<p>The subject site has an existing area of 609m<sup>2</sup>; a frontage of 14.02m and a width at 7.5m from the street alignment of 13.8m. In summary a SEPP 1 objection has been lodged and the proposal is considered satisfactory with Council's minimum site requirements.</p>	See previous cell	Council under assumed concurrence	27/11/2008

423/2008	17	7907	109	Buffalo Road	Ryde	2114	7: Residential - Other	RPSO	Res A	<p><b>Clause 41</b> prescribes minimum allotment sizes, minimum frontage and minimum width for allotments created in Residential subdivision. Specifically, a minimum frontage of 10m is required.</p>	<p>The subject land has a frontage to Robinson St of 2.92m. The proposal is considered acceptable for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposal will conform to the established subdivision pattern in this vicinity.</li> <li>• The allotment has an unusual shape and size, and a dual street frontage.</li> <li>• The unusual shape of the allotment dates back to the old (1918) subdivision which created the land.</li> <li>• Although the lot only has an actual street frontage (to Robinson St) of 2.92m, this widens out very quickly to be 15.3m, which fully complies with the minimum width prescribed in the RPSO.</li> </ul>	See previous cell	Council under assumed concurrence	10/11/2008
540/2008	33	30420	7	Santa Rosa	Ryde	2112	1: Residential - Alterations & additions	RPSO	Res A	<p><b>Clause 46 (1)(a)</b> 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.</p>	<p>The subject site area is 497sq.m.</p> <ul style="list-style-type: none"> <li>• Subdivision (and hence lot size) created over 50 years ago.</li> <li>• Minimum width fully complies with the minimum prescribed in the RPSO. Development generally complies with all other aspects of DCP.</li> </ul>	See previous cell	Council under assumed concurrence	17/12/2008
395/2008	13	36505	116	Eastview Avenue	North Ryde	2113	2: Residential - Single new dwelling	RPSO	Res A	<p><b>Clause 46 (1)(a)</b> 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.</p>	<p>The subject site area is 563sq.m. Site 17sq.m below minimum site area.</p> <ul style="list-style-type: none"> <li>• Subdivision (and hence lot size) created in 1956.</li> <li>• Development generally complies with all other aspects of DCP, including floor space ratio.</li> </ul>	See previous cell	Council under assumed concurrence	26/11/2008

533/2008	264	16042	104	River Avenue	Chatswood West	2067	2: Residential - Single new dwelling	RPSO	Res A	<p><b>Allotment Size/Width: Clause 46 (1)(a)</b> 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.</p>	<p><b>Allotment Size/Width:</b>The subject site has an area of 557m<sup>2</sup>; a frontage of 13.715m and a width at 7.5m from the street alignment of 12.2m, and thus the site does not comply with either the minimum site area or the minimum width requirement. The applicant for LDA08/533 has submitted a SEPP 1 objection in relation to these development standards which states that compliance with these development standards is unreasonable and unnecessary in the circumstances of the case for the following reasons: Compliance with the development standard (contain within Clause 46 of the RPSO) is unreasonable and unnecessary under the circumstances. The allotment is existing with an area of 557 square metres, 23 square metres below the minimum lot size prescribed within Clause 46 of the RPSO. To give effect to the minimum area requirement as expressed within Clause 46, the site would need to be enlarged by procuring at least 23 square metres of land from the adjacent allotments to provide 580 square metres. The procurement of additional land from adjoining properties is impractical and likely to result in a lower standard of amenity for these properties as a consequence of this acquisition. The acquisition of part of these adjoining allotments will be of no material benefit to the locality as the proposal satisfies all controls within the RDCP 2006 relating to side, front and rear setbacks, building height and Floor Space Ratio. The non-compliance with the minimum width requirement under the provisions of Clause 46 of the RPSO (15 metres at 7.5 metres from the public road) is unable to be remedied without acquiring additional land from either of the adjoining allotments of land. These properties are currently developed with economically viable existing dwellings on the site and this is not considered a reasonable option for compliance with the minimum allotment width control. Assuming that the purpose of the minimum allotment size and width requirement under Clause 46 of RPSO is to provide for spatial separation and</p>	See previous cell.	Council under assumed concurrence	03/12/2008
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497/2008	2	303808	22	Stewart Street	Eastwood	2122	2: Residential - Single new dwelling	RPSO	Residential A	Clause 46 (1)(a) 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.	<ul style="list-style-type: none"> <li>• strict adherence with this standard would prevent redevelopment of an existing residential property;</li> <li>• the allotment was likely to have been created for residential purposes prior to the inception of Clause 46(1)(a) of the RPSO;</li> <li>• the allotment contains a residential dwelling which has been in existence for over 30 years; and</li> <li>• the proposal is able to satisfy the majority of the requirements of DCP 2006.</li> </ul>	See previous cell.	Council under assumed concurrence	15/12/2008
496/2008	1	303808	24	Stewart Street	Eastwood	2122	2: Residential - Single new dwelling	RPSO	Residential A	Clause 46 (1)(a) 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.	<ul style="list-style-type: none"> <li>• strict adherence with this standard would prevent redevelopment of an existing residential property;</li> <li>• the allotment was likely to have been created for residential purposes prior to the inception of Clause 46(1)(a) of the RPSO;</li> <li>• the allotment contains a residential dwelling which has been in existence for over 30 years; and</li> </ul>	See previous cell.	Council under assumed concurrence	15/12/2008



336/2008	1	1081745	334	Lane Cove Road	North Ryde	2113	7: Residential - Other	RPSO	Residential	Clause 56A specifies that an urban housing development shall not be erected on an allotment that is not hatchet-shaped, unless it has a site area of not less than 300 square metres for each 1, 2, and 3 bedroom dwelling and 365m <sup>2</sup> for each 4+ bedroom dwelling.	The subject site has an area of 661m <sup>2</sup> . The proposed 1 x 3 bedroom and 1 x 4 bedroom dwellings would require 665m <sup>2</sup> of site area. The applicant has submitted a SEPP 1 objection in relation to this minor non-compliance, which states that this development standard is unreasonable/unnecessary in the circumstances of the case for the following reasons: "Variation is sought in regard to the total site density required by Code 665m <sup>2</sup> , proposed 661m <sup>2</sup> . The variation is very minor and considered to be within the intent of the Code." As discussed elsewhere in this report, a variation will be required to the design of the proposal to delete bedroom 3 from villa 1. Because the existing dwellings on either side of the subject land are single storey, the second storey level of this villa development must be contained within the roof. The proposal as currently submitted does not contain the 2 <sup>nd</sup> storey wholly within the roofspace, instead, part of this 2 <sup>nd</sup> storey is proposed with full-height walls. As a result of these amendments, villa 1 will be 3 bedrooms (2 bedrooms upstairs plus a study/3 <sup>rd</sup> bedroom downstairs) – and this will result in the development being 2 x 3bedrooms (rather than 1 x 3br + 1 x 4br as at present). This will mean that the site area required for this development will be 600m <sup>2</sup> (ie 2 x 300m <sup>2</sup> ), and the site area of 661m <sup>2</sup> will comply with this requirement. Subject to the amendments in the Deferred Commencement Consent the development will be acceptable in terms of Clause 56A of the RPSO.	See previous cell.	Council under assumed concurrence	30/10/2008
498/2008	5	30690	5	Melba Drive	East Ryde	2113	2: Residential - Single new dwelling	RPSO	Residential	The applicant lodged a SEPP 1 objection relative to Council's minimum site area standards. The site area is 578sq.m, slightly below the minimum standard of 580sq.m.	Council's DCP requirements for new development can still be met for sites less than 580sq.m, and in this instance are generally met. Therefore in the circumstances of the case, compliance with the minimum site area standard of 580sq.m would be considered unnecessary. The SEPP 1 variation is therefore acceptable.	See previous cell.	Council under assumed concurrence	14/10/2008

642/2008	25	12670	31	Goulding Road	Ryde	2112	2: Residential - Single new dwelling	RPSO	Residential	Clause 46 (1)(a) 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 675.513m <sup>2</sup> ; a frontage of 14.775m and a width at 7.5m from the street alignment of 14.775m. In summary, the proposal is considered satisfactory with Council's minimum site requirements and a SEPP1 application has been lodged.	See previous cell.	Council under assumed concurrence	24/11/2008
178/2008	6	12046	17	Florence Ave	Denistone	2114	2: Residential - Single new dwelling	RPSO	Residential A	Clause 46 (1)(a) 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 657m <sup>2</sup> ; a frontage of 13.3m and a width at 7.5m from the street alignment of 11.5m which is 3.5m less than minimum specified by Clause 46(1)(a). The applicant has submitted an objection pursuant to SEPP 1 to this development standard. This standard is considered unreasonable and unnecessary in this instance in view of the following: the allotment was created for residential purposes prior to the inception of Clause 46(1)(a) of the RPSO; strict adherence with this standard would prevent redevelopment of an existing residential property; the allotment exceeds the minimum site area specifications of Clause 46(1)(a).	See previous cell.	Council under assumed concurrence	23/12/2008
448/2008	7	24056	21	Watson Street	Putney	2112	2: Residential - Single new dwelling	RPSO	Residential A	Clause 46 (1)(a) 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 579.4m <sup>2</sup> ; a frontage of 16.72m including a splay of 6.05m and a width at 7.5m from the street alignment of approximately 15m. A SEPP 1 objection has been submitted. The existing lot is the result of a subdivision approved some years ago and similar developments have been approved in the area with allotments having an area less than 579.4m <sup>2</sup> . The proposal complies with the objectives of the DCP particularly with regard to limiting the visual bulk of the proposal when viewed from the street and does not constitute an overdevelopment of the site given the minimal variations from the standard. In summary, for the reasons above it is considered that strict compliance with the Clause 46 (1)(a)(i) & (iii) of the Ryde Planning Scheme Ordinance is unreasonable and unnecessary for the erection of a new dwelling.	See previous cell.	Council under assumed concurrence	02/12/2008

604/2008	1	608655	267	Victoria Road	Gladesville	2111	9: Commercial / retail / office	RPSO	Business General.	Clause 51(2) states: Except as otherwise provided in this clause, the ratio of the total floor space of any building within a zone specified in Column 1 of the Table to this clause to the site area of the land shall not exceed the ratio set out opposite the zone in Column II of the Table.	The applicant submitted a SEPP 1 objection pursuant to clause 51(2) of the Ryde Planning Scheme Ordinance with regard to the 1.25:1 floor space ratio maximum for the zone. The proposed floor space ratio is 1.27:1, which does not comply. The extent of the non compliance is 4sq.m. The applicant states in the SEPP 1 objection that the additional floor space is negligible and the site is narrow. The floor space is contained within the existing building envelope. In consideration of the minor nature of the non-compliance, the SEPP 1 is considered acceptable and the 4sq.m variation is supported.	See previous cell.	Council under assumed concurrence	24/12/2008
633/2008	A	335916	47	Eltham Street	Gladesville	2111	2: Residential - Single new dwelling	RPSO	Residential A	Clause 46 (1)(a) 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 566m <sup>2</sup> ; a frontage of 14m, splay corner of 3.8m and a width, at 7.5m from the street alignment, of 16.4m. The proposal does not comply with the minimum size allotment requirement of 580m <sup>2</sup> . A SEPP 1 objection has been lodged by the applicant for the departure to the standard. The site is a pre-existing allotment created prior to the gazettal of the Planning Scheme Ordinance. As it is not possible to increase the size of the allotment, it would be unreasonable and unnecessary to prohibit the construction of a new dwelling on the site on this basis. The proposed new dwelling can be built on the site which meets Council's requirements regarding floor space ratio, setback and site coverage requirements, and will be consistent with the existing streetscape character which comprises single detached or attached dwellings surrounded by landscaped gardens. There is adequate room on the site for a single detached dwelling which will meet the underlying objectives of Clause 46.	See previous cell.	Council under assumed concurrence	12/12/2008