

DA reference	Address	Development Standard Varied & Extent of Variation	Justification of variation	Approved	Concurring authority
APL2022/0004	3 Porter Street & 105 Church Street Ryde	20.8% Clause 4.4(2) Floor Space Ratio	The current proposed FSR non-compliance is minor (58sqm; 0.76%). The previous consent in 2014 approved the existing buildings was undertaken pursuant to the provisions of the now repealed ARH SEPP which allowed an FSR of 2.32:1. Under that approval, the B1 plant room that is the subject DA was excluded from FSR calculations as it did not constitute GFA. The proposed change of use of the plant room in this proposal will result in this area changing to a space that is not excluded from GFA. The additional FSR is will not be discernible from the adjoining properties or streetscape and is located wholly within the previously approved building envelope. The bulk & scale, height & setbacks and built form of the development will remain as approved. Therefore, the proposal will not result in any unreasonable amenity impacts to neighbouring properties in terms of overshadowing, visual bulk, privacy or views. The proposed premises will activate the area of the site and result in a more efficient use of the space. As a result, despite the non-compliance, the proposal achieves the objectives of the development standard and the zoning.	11/02/2023	Ryde Local Planning Panel
LDA2021/0187	1-3 Lachlan Avenue Macquarie Park	6% Clause 4.3 Height of buildings	The proposal offers an improved outcome as it delivers a usable rooftop area which features communal open space and associated landscaping. It is considered that the presentation of the building form is generally consistent with the scale anticipated on this site and will read favourable in the context of the redevelopment of neighbouring sites in the future. The Clause 4.6 variation request is reasonable and well founded. The variation sought to the standard is considered to be satisfactory.	27/02/2023	Sydney North Planning Panel
LDA2022/0081	43 Balaclava Road Eastwood	8.38% Clause 4.1C(3)(a) Minimum lot size for battle-axe lots	The site is capable of being subdivided to create a battle-axe lot in a manner which comfortably retains the existing dwelling within Lot 1, which maintains compliance with applicable development standards and controls. The site, with the proposed subdivision, can accommodate a new dwelling within Lot 2 with suitable access and private open space. Permitting the variation will more effectively utilise the site as the proposed subdivision will provide for suitable site dimensions for any future construction within Lot 2 without unreasonably impacting upon the amenity of the neighbouring dwellings. The proposal also reflects the progressive subdivision pattern of surrounding land and is harmonious with the streetscape where other battle-axe handles exist. Further, the lot is unusually deep, contributing to the increased area of the access handle. The proposal is a compatible form of development in this context and therefore, consistent with the objectives of the development standard and the zoning.	2/02/2023	Council
LDA2022/0107	17 Grove Street Eastwood	8.93% Clause 4.1B(2)(b) Minimum lot size for dual occupancies	The site being located adjacent to landscaped SP2 'Classified Road' land and an access handle to the south results in the land appearing to be greater in lot size and frontage than the site dimensions dictate. The building is well designed with varied setbacks and materials limiting the visual bulk of the building. Compliant front and rear gardens are provided with appropriate landscaping. The building complies with the built form controls, with the exception of the side setback and wall plate height controls and variation to these controls is considered acceptable given the varied side setbacks and that the building complies at first floor level and has a compliant overall height. The proposal is unlikely to have material impacts on adjoining properties and is consistent with the objectives of the development standard and zoning.	17/03/2023	Council
LDA2022/0203	55 Bayview Street Tennyson Point	Clause 4.3(2) Height of buildings	The height exceedance results from the topography and terracing of the site. The site has a fall of approximately nine metres from the eastern corner to the western corner. The area of the building which exceeds the maximum height has a setback of approximately 15 metres from the front boundary and will not result in a dominant appearance in the streetscape. The area is approximately 36.1m <sup>2</sup> in size and is considered a minor portion of the building, and is also limited to the Level 1 master bedroom. Given the orientation of the site, the variation does not result in any overshadowing or privacy impacts to the adjoining properties, nor does it result in any adverse amenity impacts upon those surrounding properties. The proposal is in keeping with the character of nearby development, minimises overshadowing and is compatible with & improves the appearance of the locality in comparison to the existing, outdated dwelling.	27/03/2023	Council
LDA2022/0312	39 Folkard Street North Ryde	1.87% to 2.07% Clause 4.1A Dual occupancy (attached) subdivisions & Clause 4.1B Minimum lot sizes for dual occupancies	The variation is minimal and will be imperceptible from the adjoining public or private domains. It does not lead to any impact beyond that of a compliant area/dwellings. The uniquely wide lot frontages, minimal variation required and absence of significant new impacts, ensure that the proposed development is consistent with and achieves the objectives of the zone. Accordingly, it achieves the underlying objective of the minimum lot size control, being the planned density. Further, the site complies with the minimum frontage and the building complies with the FSR control making the proposed building proportionally smaller than a building on a compliant site. The proposal is consistent with the zone objectives, the criteria for the subdivision of dual occupancies and the moiror contravention does not result in any significant impacts on the amenity of adjoining residents, streetscape or general environment and so, is considered in the public interest.	9/02/2023	Council
LDA2022/0319	41D Phillip Road Putney	2% Clause 4.4 Floor Space Ratio	The proposal is in the public interest lending to the increased residential and economic potential of the locality. It complies with the height and overshadowing controls and maintaining a compatible scale for the site & streetscape, representing an appropriate level of development for the surrounding area. Further, there is a precedent in the locality and surrounds for similar sized allotments with more significant non-compliant floor space ratios. The degree of non-compliance in this case however, is minimal and will largely not be discernible from the public streetscape. The proposed dwelling has been designed to provide a higher standard of amenity for the residents and will be compatible with the existing streetscape. The proposed FSR variation is therefore considered acceptable.	17/02/2023	Council
LDA2022/0354	12 Rickard Street Denistone East	3.1% Clause 4.4 Floor Space Ratio	The variation does not significantly impact the bulk and scale of the existing dwelling. The built form is not out of character with the area and the additional FSR does not exacerbate adverse impacts to privacy or solar access to neighbouring dwellings. The existing dwelling is a compatible form of development in the neighbourhood, fits in with the streetscape, and will allow for the orderly development of the site to allow for a housing need suitable to the residents. The proposed additions are integrated with the existing dwelling and the building setbacks and maximum height are not altered. The proposed alterations are at the rear of the dwelling and not visible from any public domain. The proposal therefore enhances the residential amenity of the occupants and is in the public interest as it is consistent with the objectives of the development standard and zone.	12/01/2023	Council

LDA2023/0019	34 Mitchell Street Putney	3.1% Clause 4.4 Floor Space Ratio	The proposed alterations and additions will largely not be discernible from the public streetscape and have been designed to meet the natural constraints of a relatively small site with two large trees to the front. The degree of non-compliance is minimal and maintains compatible bulk/scale for the site and streetscape, representing an appropriate level of development for the area. The . The new additions have been designed to minimize bulk and scale, have compliant building height & front setback with a separated first floor, and therefore provide a contemporary dwelling that is not contrary to the desired future character of the area. Further, the new additions improve amenity for future occupiers providing for the housing needs of the community. The proposal is therefore in the public interest and the variation is accommodated without generating any significant impacts to the adjoining amenity or public domain, while remaining consistent with the objectives of the development standard and zone.	9/03/2023	Council
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