

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
LDA2015/0421	2 7	577650 14964	127-131	Bowden Street	Meadowbank	2114	9: Mixed	RLEP 2014	B4 Mixed Use	Clause 4.3 Height of Buildings  Clause 4.4 Floor Space Ratio	The variations to the height control of LEP 2014 are considered relatively minor and the development will still satisfy the objectives of the control.  The variations to the FSR control of LEP 2014 are considered relatively minor and the development will still satisfy the objectives of the control.	4.3: 3%  4.4: 0.2%	Council	19/04/2017
LDA2016/0135	1,2,3	546071	179-183	Shaftsbury Road	Eastwood	2122	4: Residential - New multi unit	RLEP 2014	R4 High Density Residential	Clause 4.3 Height of Buildings	The proposal meets the objectives of the zone. It also satisfies the objective of the height control as the development is in proportion with the character of other recently approved developments and the exceedance is negligible and the impacts marginal within the urban context.	4.30%	Council	21/04/2017
LDA2016/0203		SP 44047 SP 60936	13-15	Jordan Street	Gladesville	2111	4: Residential - New multi unit	RLEP 2014	B4 Mixed Use	Clause 4.3 Height of Buildings	The height of the proposed building is consistent with LEP 2014 with the exception of the minor breaches identified. It is considered that the applicant has demonstrated that compliance with the development standard would be unreasonable and unnecessary in the circumstances of the case.	3.5% to 10.4%	Council	4/04/2017

LDA2016/0355	16	7076	38	Gordon Street	Eastwood	2122	4: Residential - New multi unit	RLEP 2014	R2 Low Density Residential	Clause 4.3 Height of Buildings	The extent of non-compliance for Villa 2 is approximately 200mm which is due in part to the fall of the site coupled with the pitched design of the roof. Enforcing compliance with the height of buildings control would require lowering the roof pitch. Doing so would result in an inconsistent design and external appearance of the dwellings	4%	Council	6/04/2017
LDA2016/0465	1 A & B	1093901 400759	360-364	Blaxland Road	Denistone	2114	4: Residential - New multi unit	RLEP 2014	R2 Low Density Residential	4.5A Density controls for Zone R2	Enforcing compliance with the aforementioned development standard would be unreasonable and unnecessary, and that there are sufficient environmental planning grounds to justify the contravention of the development standard.	0.09%	Council	20/04/2017
LDA2016/0598	50	28514	61	Brush Road	West Ryde	2114	4: Residential - New multi unit	RLEP 2014	R2 Low Density Residential	Clause 4.3 Height of Buildings	The requirement is unreasonable in this instance as it only allows for 2m within which to accommodate the roof and the slope of the site. The non-compliant portion of the roof does not cause significant shadow over the neighbouring property and the roof of the subject building poses no impact on the streetscape. Council therefore considers the deviation to be acceptable in the circumstances of the case.	16%	Council	1/05/2017

LDA2015/0651	130	4684	6	Fourth Avenue	Eastwood	2122	4: Residential - New multi unit	RLEP 2014	R2 Low Density Residential	Clause 4.3 Height of Buildings	The proposed development is considered to satisfy the objectives for residential development within the R2 zone, responds well to the site, demonstrates the site is capable of being developed without unduly impacting on the adjoining properties.	8% to 10%	Council	13/06/2017
LDA2015/0652	129	4684	8	Fourth Avenue	Eastwood	2122	4: Residential - New multi unit	RLEP 2014	R2 Low Density Residential	Clause 4.3 Height of Buildings	Section 2.3 and Schedule 2 of Part 3.4 DCP2014 prescribes that land affected by slope greater than that described in Section 3.1 would be a non-preferred location for multi-dwelling housing development. In this regard, reference is made to a recent Land and Environment Court decision (Zhang and anor v Council of the City of Ryde [2016] NSWLEC 1179) where it was held that no weight be given to the non-preferred location controls under Section 2.3 of Part 3.4 of DCP2014 as the clause effectively seeks to prohibit a development that is permissible under LEP2014. Therefore, it is considered the applicant's revised plans have satisfactorily addressed the subject site's non-compliance with the cross fall controls to ensure the objectives are achieved. Given the Court's recent decision on the weight to be given to Council's 'Non-preferred locations' control, objections to the suitability of the site on the basis of the cross-fall non-compliance cannot be supported.	10%	Council	13/06/2017
LDA2016/0151	1	6026	1	Stansell Street	Gladesville	2111	4: Residential - New multi unit	RLEP 2014	B4 Mixed Use	Clause 4.3 Height of Buildings	To accept a departure from the development standard in this context would promote the proper and orderly development of land as contemplated by the controls applicable to the B4 zoned land and the objectives of the EP&A Act.	14.70%	Council	9/05/2017

LDA2017/0028	20	23290	6	Cecil Street	Denistone East	2111	3: Residential - New second occupancy	RLEP 2014	R2	Clause 4.1B(2)(b) minimum road frontage	The variation is considered to consistent with the above objective as it does not restrict the planned residential density or height of building controls or the objectives for development in the R2 zone. The proposed variation does not give rise to matters of regional or state planning significance.	0.95%	Council	28/04/2017
LDA2016/0258	1	747541	400-426	Victoria Road	Gladesville	2111	9: Mixed	RLEP 2014	B6 Enterprise Corridor	Clause 4.3 Height of Buildings  Clause 6.7 Ground floor development on land in the B6 zone	<p><b>4.3 Height</b> - given the already excavated nature of the site, that it would be inappropriate to assess the height if measured from the excavated level. It has been accepted by Council that it would be more appropriate to assess the height on the basis of an iterpolated height taken from the front of the site down to the rear.</p> <p><b>6.7 GF Dev</b> - The subject site could be construed as having 2 ground levels noting that the commercial level is aligned to the Victoria Road street/ground level whilst there is also a ground level at the rear of the site due to the sloping nature of the site which falls from Victoria Road down to the rear. This Clause 4.6 variation therefore seeks a variation from the requirement that only commercial uses are permitted at ground level for the lowest level at the rear of the site. The justification is based upon the objective of the Clause/development standard which seeks to provide for commercial uses/street activation at street level.</p> <p>It is clear from the objective of the standard that it is intended that commercial uses be provided along Victoria Road for street activation and to contribute to the viability of the street level commercial/retail uses along Victoria Road. The proposal satisfies the objective by restricting all uses at street level fronting Victoria Road to commercial uses and for lobbies and access to residential uses above and below.</p>	3.28%  NA	Council	11/05/2017