

DA reference	Address	Standard Varied & Extent of Variation	Justification of variation	Approved	Concurring authority
LDA2021/0117	3 Rokeva Street Eastwood	9.5% to C4.3 Height of buildings	The height encroachment occurs within a limited area of the pitched roof and is caused by previous excavation of the site for the existing lower ground floor garage. The height variation will not cause any disruption to views or affect solar access to adjoining properties. Further, it will have no negative impact on the locality and will not appear higher than the rest of the building, which is similar in size and scale to other buildings in the surrounding neighbourhood.	27/07/2022	Council
LDA2021/0138	23-25 Lachlan Avenue Macquarie Park	78.3% to C30(1)(h) of SEPP ARH 2009 - Motorcycle Parking & 3.3% to C4.3 RLPP 2014 Height of buildings	<p>Assessment concludes that sufficient motorcycle parking is provided to serve the transport needs of the occupants and alleviate the potential pressure of on-street motorcycle parking. The low rate of car and motorcycle parking for students will also help minimise the amount of traffic generated by the site, thereby reducing potential adverse traffic impacts on the local road network. The site is located within close proximity to educational establishments, local services and facilities. In addition, the site is well placed and served by non-private vehicle travel modes.</p> <p>Pursuant to 193 Liverpool Road Pty Ltd v Inner West Council [2017] NSWLEC 13, a strict Clause 4.6 written variation request under the RLEP 2014 is not required given the AH SEPP does not mandate this exercise. As such, a merit-based assessment of the height non-compliance has been undertaken. It is considered the height of the proposed building is acceptable as the proposed building form is responsive to the slope of the land and existing levels and 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.</p>	28/07/2022	Sydney North Planning Panel
LDA2022/0080	106 Wicks Road North Ryde	6.9% to C4.1B (2)(b) Dual occupancy primary road frontage	The site exceeds the area requirement of of C4.1B(a); however, it has a secondary frontage to Beatrice Street in addition to frontage to Wicks Road which includes an additional splay of 5.15m. The overall dimensions of the site are suitable for this development type and the exclusion of the splay from the primary frontage definition is technical in nature. Compliance with the standard is unreasonable and unnecessary in this circumstance given the proposal demonstrates the allotment can accommodate the dual occupancy development, without having any detrimental impact upon the amenity of surrounding properties and does not have an excessive bulk and scale with the built form achieving consistency with the streetscape character.	13/07/2022	Council
LDA2022/0105	16 Perkins Street Denistone West	0.71% to C4.1B Minimum lot sizes for dual occupancies	The substantial road frontage ensures that the building would not appear as an overdevelopment of the site as the building has appropriate proportions and suitable deep soil areas. 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 within RDCP 2014, with the exception of the side setback control and a variation to this control is considered acceptable given the varied side setbacks and that the building complies at first floor level. The proposal is unlikely to have material impacts on adjoining properties. The proposal is consistent with the objectives of the development standard and the zone.	2/08/2022	Council