

Date of Determination	10 October 2019
Panel Members	Marcia Doheny (Chair) Eric Armstrong (Independent Expert) Jane Fielding (Independent Expert) Peter Graham OAM (Community Representative)
Apologies	NIL
Declarations of Interest	NIL

Public meeting held at the City of Ryde Council Chambers on 10 October 2019 opened at 5:05pm and closed at 6:05pm.

Papers circulated electronically on 3 October 2019.

MATTER DETERMINED

LDA2019/0153 – 83 Phillip Road, Putney
 First floor additions to an existing dwelling

The following people addressed the meeting:

1. Deren Pearson (Assessing Officer – application intro)

PANEL CONSIDERATIONS AND DECISION

The Panel considered the matters listed at item 6, the material listed at item 7, and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

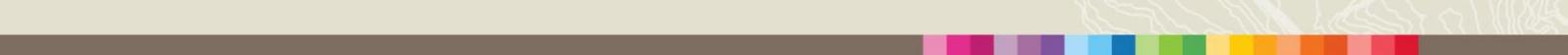
Application to vary a development standard

Following consideration of a written request from the applicant, made under clause 4.6 (3) of the Ryde Local Environmental Plan 2014 (LEP), that has demonstrated that:

- a) compliance with clause 4.3 (height of buildings) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard

The Panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under clause 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of clause 4.3 (height of buildings) of the LEP and the objectives for development in the R2 Low Density Residential zone; and
- c) the concurrence of the Secretary has been assumed.



DEVELOPMENT APPLICATION

The Panel determined to approve the development application as described in Schedule 1, pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the following reasons:

- The proposal is consistent with the objectives for R2 zoned land.
- The proposal complies with the relevant statutory provisions set out in the Environmental Planning and Assessment Act 1979.
- The proposal is considered to be of low impact to adjoining properties and the surrounding environment.
- The proposal has been supported by a satisfactory Clause 4.6 variation request which demonstrates that compliance with Clause 4.3 Height of Buildings is unreasonable and unnecessary in the circumstances and there are that there are sufficient environmental planning grounds to justify contravening the development standard.
- The proposal is not contrary to the public interest.
- No submissions have been received in respect to the development.

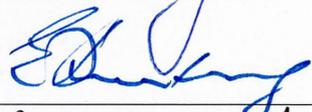
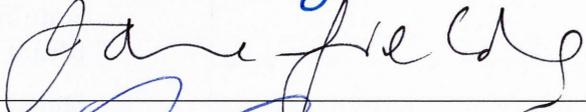
CONDITIONS

The development application was approved subject to the conditions in the council assessment report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS

Marcia Doheny (Chair)	
Eric Armstrong	
Jane Fielding	
Peter Graham OAM	

SCHEDULE 1

1	DA No.	LDA2019/0153
2	Proposal	First floor additions to an existing dwelling
3	Street Address	83 Phillip Road, Putney
4	Applicant / Owner	Envision Group P/L / Kristie R Gatt & Paul J Gatt
5	Reason for referral to RLPP	Departure from Development Standard - The proposed development results in a 22.28% departure from the development standard for height of buildings imposed by Clause 4.3 of RLEP 2014.
6	Relevant mandatory considerations	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55) ○ State Environmental Planning Policy (Building Sustainability Index BASIX) 2004 ○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ○ SEPP Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 ○ Ryde Local Environmental Plan 2014 • Draft environmental planning instruments: <ul style="list-style-type: none"> ○ Draft Remediation of Land State Environmental Planning Policy ○ Draft Environment SEPP • Development control plans: <ul style="list-style-type: none"> ○ Ryde Development Control Plan 2014 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations <p>The public interest, including the principles of ecologically sustainable development.</p>
7	Material considered by the Panel	<ul style="list-style-type: none"> • Council assessment report • Clause 4.6 Variation to Clause 4.3 Height of Buildings • Written submissions during public exhibition: Nil • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – NIL ○ In objection – NIL ○ Council assessment officer – Deren Pearson

		<ul style="list-style-type: none"> ○ On behalf of the applicant – NIL
8	Meetings, briefings and site inspections by the Panel	<ul style="list-style-type: none"> • Site inspection: 10 October 2019 • Briefing: 10 October 2019 <p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Marcia Doheny (Chair), Eric Armstrong, Jane Fielding, Peter Graham OAM ○ <u>Council assessment staff</u>: Deren Pearson, Sandra Bailey
9	Council Recommendation	Approval
10	Draft Conditions	Attachment 1 to the council assessment report