

<b>Date of Determination</b>	12 October 2023
<b>Panel Members</b>	Steve O'Connor (Chair) Steven Layman (Independent Expert) Jeremy Swan (Independent Expert) Anthony Panzarino (Community Representative)
<b>Apologies</b>	NIL
<b>Declarations of Interest</b>	NIL

Public meeting held on 12 October 2023 opened at 5:00pm and closed at 6:05pm.  
Papers online uploaded on 6 October 2023 and circulated electronically 11 October 2023.

### MATTER DETERMINED

#### LDA2022/0372

**Address:** 31 Pellisier Road, Putney

**Proposal:** Alterations and additions to existing dwelling.

The following people addressed the Panel:

1. Scott Barwick – planner on behalf of submitter Lucy Motta (31A Pellisier)
2. Jonathon Wood – Applicant

### 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 listed at item 8 in Schedule 1.

#### DEVELOPMENT APPLICATION (*part 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) 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 (part 2)**

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

1. The proposal is consistent with the objectives for R2 zoned land.
2. The proposal complies with the statutory provisions set out in the EP&A Act 1979.
3. The proposal is considered to be of low impact to adjoining properties and the surrounding environment.
4. 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 that there are sufficient environmental planning grounds to justify contravening the development standards.
5. The proposal is not contrary to the public interest.
6. The submissions received in response to this DA have been considered and addressed in this report. None of the issues raised warrant the refusal of the subject DA.

The Panel adopts the recommendation and reasons for approval as outlined in the Council Assessment report.





**CONDITIONS**

The development application was **approved** subject to the conditions in the Council assessment report subject to the of deletion of conditions 4 & 33.

**CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the panel.

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report. During the site visit, the resident of 31A Pellisier also advised the Panel of the development history on the subject land, and of certain issues which were beyond the scope of this development application.

PANEL MEMBERS	
Steve O'Connor (Chair)	
Steven Layman	
Jeremy Swan	
Anthony Panzarino	

**SCHEDULE 1**

<b>1</b>	<b>DA No.</b>	LDA2022/0372
<b>2</b>	<b>Proposal</b>	Alterations and additions to existing dwelling.
<b>3</b>	<b>Street Address</b>	31 Pellisier Road, Putney
<b>4</b>	<b>Applicant / Owner</b>	Design & Building Group Pty Ltd / Kerolos Zaki
<b>5</b>	<b>Reason for referral to RLPP</b>	<b>Departure from development standards</b> – contravention of the floor space ratio development standards by more than 10% - <i>Schedule 1, Part 3 of Local Planning Panels Direction.</i>
<b>6</b>	<b>Relevant mandatory considerations</b>	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>○ State Environmental Planning Policy BASIX 2004</li> <li>○ State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>○ Ryde Local Environmental Plan 2014</li> </ul> </li> <li>• Ryde Development Control Plan 2014</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2001</i></li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</li> <li>• The suitability of the site for the development</li> <li>• Submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations.</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
<b>7</b>	<b>Material considered by the Panel</b>	<ul style="list-style-type: none"> <li>• Council assessment report</li> <li>• Written submissions during public exhibition: 2</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>• In support: Nil</li> <li>• In objection: Scott Barwick</li> <li>• Council assessment officer: Nil</li> <li>• On behalf of the applicant: Jonathon Wood</li> </ul> </li> </ul>
<b>8</b>	<b>Meetings, briefings and site inspections by the Panel</b>	<ul style="list-style-type: none"> <li>• Site inspection: 12 October 2023</li> <li>• During the site inspection, the Panel also accepted the invitation of the resident of 31A Pellisier Road to inspect the property and consider the likely view impact of the proposal.</li> <li>• Briefing: 12 October 2023</li> <li>• Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel</u>: Steve O'Connor (Chair), Steven Layman, Jeremy Swan, Anthony Panzarino</li> <li>○ <u>Council assessment staff</u>: Carine Elias, Sandra Bailey, Jane Tompsett, Daniel Pearse, Myra Malek</li> </ul> </li> <li>• Papers were circulated electronically on 11 October 2023</li> </ul>
<b>9</b>	<b>Council Recommendation</b>	<b>Approval</b>
<b>10</b>	<b>Draft Conditions</b>	Updated Attachment 1 to the Council assessment report