

Date of Determination	17 October 2024
Panel Members	Julie Savet Ward (Chair) Awais Piracha (Independent Expert) David Crofts (Independent Expert)
Apologies	NIL
Declarations of Interest	NIL

Non-public meeting held 17 October 2024. Papers circulated electronically on 8 October 2024.

MATTER DETERMINED

LDA2024/0145

Address: 495 Blaxland Road, Denistone East

Proposal: Alterations and additions to a heritage listed dwelling, proposed additional lower ground floor, ground floor and first floor alterations

PANEL CONSIDERATIONS AND DECISION

The Panel considered the matters listed at item 6, the material listed at item 7, 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:

- compliance with clause 4.3 (2) Height of Buildings is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard.

The Panel is satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under clause 4.6 (3) of the LEP; and
- the development is in the public interest because it is consistent with the objectives of clause 4.3 (2) Height of Buildings of the LEP and the objectives for development in the R2 Low Density Residential zone.

DEVELOPMENT APPLICATION

The Panel determined to approve the development application as described in Schedule 1, pursuant to section 4.15 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.


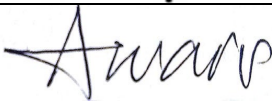
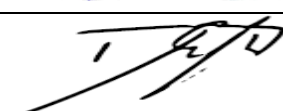
REASONS FOR THE DECISION

The Panel agreed with Council's assessment report and determined to approve the application for the following reasons:

- The proposal is consistent with the objectives of the R2 Low Density Residential zone.
- The proposal is consistent with the statutory provisions set out in the Environmental Planning and Assessment Act 1979.
- The variation to the Height of Buildings development standard is considered to be well founded, in that the breach is minor, the proposed height is lower than the existing height and that to maintain the development standard would be unreasonable or unnecessary in this particular instance.
- The proposal respects and complements the heritage significance of the existing dwelling.
- The proposal is considered to be low impact to adjoining properties and surrounding environment.
- The continued residential use of the site is suitable and the proposal is not contrary to the public interest.

CONSIDERATION OF COMMUNITY VIEWS

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

PANEL MEMBERS	
Julie Savet Ward (Chair)	
Awais Piracha (Independent Expert)	
David Crofts (Independent Expert)	

SCHEDULE 1		
1	DA No.	LDA2024/0145
2	Proposal	Alterations and additions to a heritage listed dwelling, proposed additional lower ground floor, ground floor and first floor alterations.
3	Street Address	495 Blaxland Road, Denistone East
4	Applicant / Owner	Applicant: Lionel Laming Owner: Lionel Laming & Carolyn Laming
5	Reason for referral to RLPP	<u>Sensitive Development</u> Development involving part demolition of a heritage item.
6	Relevant mandatory considerations	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Sustainable Buildings) 2022 State Environment Planning Policy (Resilience and Hazards) 2021 State Environment Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Ryde Local Environmental Plan 2014 Draft environmental planning instruments: Nil 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 2021</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 The public interest, including the principles of ecologically sustainable development
7	Material considered by the Panel	<ul style="list-style-type: none"> Council assessment report Clause 4.6 variation Building Height Draft conditions of consent
8	Meetings, briefings and site inspections by the Panel	<ul style="list-style-type: none"> Council assessment report Site inspection: At the discretion of Panel members Briefing: 17 October 2024 <p>Attendees:</p> <ul style="list-style-type: none"> <u>Panel members</u>: Julie Savet Ward (Chair), Awais Piracha (Independent Expert), David Crofts (Independent Expert) <u>Council assessment staff</u>: Sohail Faridy, Holly Charalambous, Anthony Collier, Bekim Haliti <ul style="list-style-type: none"> Papers were circulated electronically on: 8 October 2024
9	Council Recommendation	Approval
10	Draft Conditions	Attachment 1 of the Council assessment report