

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

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

#### **MATTER DETERMINED**

##### **LDA2024/0093**

**Address:** 891 Victoria Rd West Ryde

**Proposal:** Partial demolition of existing building structures and construction of a new motor vehicle showroom and associated signage.

#### **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 E3 'Productivity Support' zone and SP2 Infrastructure – Classified Road 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 zones.
- The proposal has been supported by a satisfactory Clause 4.6 written request to vary Clause 4.3, Height of Buildings, which demonstrates that compliance is both unreasonable and unnecessary and sufficient environmental planning grounds have been provided to support the variation.
- The proposal, with one addition to the conditions of consent, does not result in any significant adverse impacts upon adjoining properties or the streetscape.
- The concerns raised in the one submission have been addressed and do not warrant refusal of this development application.
- The proposal is not contrary to the public interest.

## CONDITIONS

The development application was approved subject to the conditions in Council's assessment report, and amended as follows:


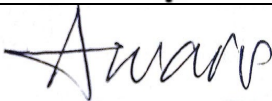

Additional general condition:

Any roof equipment, including air conditioning plant, are not to exceed the height of the parapet (RL 20.65) at any point.

## CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the one written submission made during public exhibition.

The Panel considered the concerns raised by the community have been adequately addressed in the assessment report.

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

SCHEDULE 1		
1	DA No.	LDA2024/0093
2	Proposal	Partial demolition of existing building structures and construction of a new motor vehicle showroom and associated signage.
3	Street Address	891 Victoria Rd West Ryde
4	Applicant / Owner	Applicant: Centric Architects Pty Ltd Owner: SKRP Pty Ltd
5	Reason for referral to RLPP	<u>Departure from development standard</u> Variation to development standard Clause 4.3 Height of buildings by more than 10% – 12.53% variation.
6	Relevant mandatory considerations	<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 (Biodiversity and Conservation) 2021</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>State Environmental Planning Policy (Industry and Employment) 2021</li> <li>Ryde Local Environmental Plan 2014</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Ryde Development Control Plan 2014</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil</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>Any 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>
7	Material considered by the Panel	<ul style="list-style-type: none"> <li>Council assessment report</li> <li>Clause 4.6 variation Building Height</li> <li>Written submissions during public exhibition: 1</li> <li>Draft conditions of consent</li> </ul>
8	Meetings, briefings and site inspections by the Panel	<ul style="list-style-type: none"> <li>Council assessment report</li> <li>Site inspection: Individually and at the discretion of Panel members</li> <li>Briefing: 17 October 2024</li> </ul> Attendees: <ul style="list-style-type: none"> <li><u>Panel members</u>: Julie Savet Ward (Chair), Awais Piracha (Independent Expert), David Crofts (Independent Expert)</li> <li><u>Council assessment staff</u>: Sohail Faridy, Holly Charalambous, Sandra McCarry, Bekim Haliti</li> </ul>
9	Council Recommendation	Approval
10	Draft Conditions	Attachment 1 of the Council assessment report