

<b>Date of Determination</b>	14 May 2020
<b>Panel Members</b>	Abigail Goldberg (Chair) Eugene Sarich (Independent Expert) Jennifer Bautovich (Independent Expert) Rob Senior (Community Representative)
<b>Apologies</b>	NIL
<b>Declarations of Interest</b>	NIL

Public meeting held remotely via teleconference (Council staff at the North Ryde Office) on 14 May 2020 opened at 5:00pm and closed at 5:25pm.  
 Papers circulated electronically on 7 May 2020.

#### **MATTER DETERMINED**

LDA2019/0228 – 10 Linsley Street, Gladesville

Demolition of existing dwelling and construction of a three storey residential apartment building containing six units and basement parking.

The following people addressed the meeting:

1. Dugald Mackenzie (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.

#### **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 R4 High 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:

1. The written request to vary the maximum height development standards has met the necessary requirements outlined in clause 4.6 in RLEP 2014 and applicant has provided adequate justification for the variation to the building height development standard to allow for this departure.
2. The proposal is consistent with the objectives of the R4 High Density zone under RLEP 2014. The development is also consistent with the development standards in RLEP 2014 with the exception of height.
3. The proposal results in minor breaches to the Apartment Design Guide in respect to building separation and setbacks. Despite the non-compliances, the development will still provide adequate amenity to future residents whilst maintaining amenity to the adjoining residential properties.
4. The proposal is consistent with the desired future character of the area.
5. The proposal is not considered to create likely impacts on the residential amenity of adjoining properties.
6. The submissions received in response to the development application have been adequately addressed in the assessment of the proposal (as amended).

## CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments:

Condition 1 is to be amended to include the following wording:

Prior to the issue of a **Construction Certificate**, the following amendments shall be made:

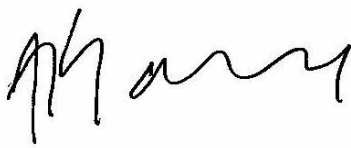

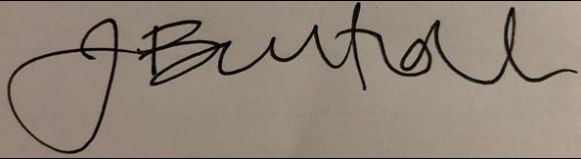

- (a) The driveway shall be constructed of a textured material – details of the materials and colour shall to be submitted to Council for approval. The driveway is to be amended from the street to the roller door.

The Development must be carried out in accordance with the amended plans approved under this condition.

**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. No new issues were raised during the public meeting.

PANEL MEMBERS	
Abigail Golberg (Chair)	
Eugene Sarich	
Jennifer Bautovich	
Rob Senior	

**SCHEDULE 1**

<b>1</b>	<b>DA No.</b>	LDA2019/0228
<b>2</b>	<b>Proposal</b>	Demolition of existing dwelling and construction of a three storey residential apartment building containing six units and basement parking.
<b>3</b>	<b>Street Address</b>	10 Linsley Street, Gladesville
<b>4</b>	<b>Applicant / Owner</b>	Mackenzie Architects International / Cipher Property Development Pty Ltd
<b>5</b>	<b>Reason for referral to RLPP</b>	<ul style="list-style-type: none"> <li>• Sensitive Development - SEPP 65 applies</li> <li>• Departure from Development Standard greater than 10% - Clause 4.3 Height of Building</li> </ul>
<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 No. 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</li> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX)</li> <li>○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)</li> <li>○ Ryde Local Environmental Plan 2014</li> </ul> </li> <li>• Draft environmental planning instruments: <ul style="list-style-type: none"> <li>○ Draft Remediation of Land State Environmental Planning Policy</li> <li>○ Draft Environment State Environmental Planning Policy</li> </ul> </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 2000</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>• Section 7.11- Development Contributions Plan – 2007 Interim Update (2014)</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>• Clause 4.6 variation request for Clause 4.3 Height of Building</li> <li>• Written submissions during public exhibition: 2</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ On behalf of the applicant – Dugald Mackenzie</li> </ul> </li> </ul>

8	<b>Meetings, briefings and site inspections by the Panel</b>	<ul style="list-style-type: none"> <li>• Site inspection: NA (due to COVID-19 restrictions)</li> <li>• Briefing: 14 May 2020</li> </ul> <p>Attendees:</p> <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Abigail Goldberg (Chair), Eugene Sarich, Jennifer Bautovich, Rob Senior</li> <li>○ <u>Council assessment staff</u>: Madeline Thomas, Sandra Bailey, Elias Elias</li> </ul> <ul style="list-style-type: none"> <li>• Papers were circulated electronically on 7 May 2020</li> </ul>
9	<b>Council Recommendation</b>	<b>Approval</b>
10	<b>Draft Conditions</b>	Attachment 1 to Council assessment report