

Date of Determination	15 October 2020
Panel Members	Marcia Doheny (Chair) Jennifer Bautovich (Independent Expert) Eric Armstrong (Independent Expert) Donna Gaskill (Community Representative)
Apologies	NIL
Declarations of Interest	NIL

Briefing held remotely via teleconference (Council staff at the North Ryde Office) on 15 October 2020. Papers circulated electronically on 8 October 2020. Panel members visited the site prior to the briefing.

MATTER DETERMINED

LDA 2020/116 - 276 – 278 Victoria Road, Gladesville

Consolidation of the two allotments, demolition of existing structures and construction of a part three storey (3) and part five (5) storey in-fill mixed use development over three and half levels of basement carparking (car parking for 16 vehicles). The development will comprise of 12 residential units (8 x 1 bedroom and 4 x 2 bedrooms) and 92.3m² of retail space.

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 4.6(3) 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 4.3 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 B4 (Mixed Use) 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 the 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 B4 Mixed Use 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. Despite the non-compliances, the development will still provide satisfactory 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 submission received in response to the development application has been addressed in the Council's assessment of the amended proposal. The Panel is satisfied that the amended proposal largely responds to the concerns raised in the submission.

CONDITIONS

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

Condition 159 to be amended to read as follows:

159. Roof Terrace noise. The playing of amplified music is not to disturb the amenity of adjoining properties and private or public places. The rooftop terrace is only to be used between the hours of 7am and 10pm.





Addition of Condition 1(b) reading as follows:

The rooftop pergola structure is to be lightweight and not exceed the RL's of the pergola as shown on the approved plan. This structure is to provide adequate shading for the future users of the terrace.

CONSIDERATION OF COMMUNITY VIEWS

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

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	
Marcia Doheny (Chair)	
Jennifer Bautovich	
Eric Armstrong	
Donna Gaskill	

SCHEDULE 1

1	DA No.	LDA2020/0116
2	Proposal	Consolidation of the two allotments, demolition of existing structures and construction of a part three storey (3) and part five (5) storey in-fill mixed use development over three and half levels of basement carparking (car parking for 16 vehicles). The development will comprise of 12 residential units (8 x 1 bedroom and 4 x 2 bedrooms) and 92.3m ² of retail space
3	Street Address	276 – 278 Victoria Road, Gladesville
4	Applicant / Owner	Benson McCormack Architects / Pamora Enterprises P/L
5	Reason for referral to RLPP	<ul style="list-style-type: none"> • Sensitive Development - SEPP 65 applies • Departure from Development Standard greater than 10% - Clause 4.3 Height of Building
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 ○ State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development; ○ State Environmental Planning Policy (Building Sustainability Index: BASIX); ○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP) ○ Ryde Local Environmental Plan 2014 • Draft environmental planning instruments: Nil • Ryde Section 7.11 Development Contributions Plan 2020 • 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 to vary Clause 4.3 Height of buildings • Written submissions during public exhibition: 1 •
8	Meetings, briefings and site inspections by the Panel	<ul style="list-style-type: none"> • Site inspection: NA – site photos provided • Briefing: 15 October 2020 <p>Attendees:</p>

		<ul style="list-style-type: none"> ○ <u>Panel members</u>: Marcia Doheny (Chair), Jennifer Bautovich, Eric Armstrong, Donna Gaskill ○ <u>Council assessment staff</u>: Sandra Bailey, Sandra McCarry, Daniel Pearse <ul style="list-style-type: none"> ● Papers were circulated electronically on 8 October 2020
9	Council Recommendation	Approval
10	Draft Conditions	Attachment 1 to Council assessment report