

<b>Date of Determination</b>	10 June 2021
<b>Panel Members</b>	Marcia Doheny (Chair) Jennifer Bautovich (Independent Expert) Eugene Sarich (Independent Expert) Donna Gaskill (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 10 June 2021 opened at 5:00pm and closed at 6:00pm.

#### MATTER DETERMINED

LDA2020/0327 - 64 Pellisier Road, Putney  
Partial demolition, alterations and additions to existing dwelling.

The following people addressed the meeting:

1. Robert Ruggeri
2. Mark Grodzicky
3. James Balestriere (applicant) – registered but did not speak

#### 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

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

1. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the development is inconsistent with the provisions of *Ryde Local Environmental Plan 2014* in that:

- The proposal has a height of 11.71m and does not comply with Clause 4.3 Height of buildings.
  - The proposal was not supported by a written request to vary the development standard for height of buildings pursuant to Clauses 4.6 and development consent cannot be granted in accordance with Clause 4.6(3). In the absence of a Clause 4.6 request, the Panel does not have the power to approve the application.
  - The proposal is inconsistent with the objectives of Clause 5.10 1(a) and 1(b) of the Ryde LEP 2014 as it would diminish the significance of the heritage item, obscuring waterfront views both to and from the heritage listed house.
2. Pursuant to Section 4.5(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the development is inconsistent with the provisions of *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* in that:
- The proposal does not protect the cultural scenic quality of the area as required by Clause 17.
  - The proposal does not minimise impacts on views and vistas to and from public places, landmarks and heritage items as required by Clause 26(b).
  - The proposal does not minimise the cumulative impact of development on views as required by Clause 26(c).
3. Pursuant to Clause 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the development is inconsistent with the following provisions of *Ryde Development Control Plan 2014*:
- Part 3.3 Dwelling houses and dual occupancy (attached):
    - Section 2.8.1, as the proposal exceeds the maximum building height and maximum number of storeys for dwelling houses.
    - Section 2.11.1, as the proposal does not provide sufficient detail regarding the design of the garage, carport and pedestrian entry.
    - Section 2.14.2, as the proposal results in overlooking of neighbouring private open space.
    - Section 2.14.4, as the proposal does not provide for view sharing.
4. Pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*, the site is unsuitable for the proposed development.
5. Having regard to the reasons noted above, pursuant to the provisions of Section 4.15(1)(d) and Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, approval of the development application is not in the public interest.

The Panel adopts the recommendation and reasons for refusal as outlined in the Assessment Officer's report subject to the above sentence addition to reason 1, dot point 2.




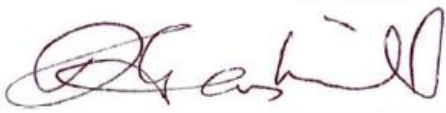
## CONDITIONS

Not applicable

## 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	
Marcia Doheny (Chair)	
Jennifer Bautovich	
Eugene Sarich	
Donna Gaskill	

SCHEDULE 1		
1	DA No.	LDA2020/0327
2	Proposal	Partial demolition, alterations and additions to existing dwelling
3	Street Address	64 Pellisier Road, Putney
4	Applicant / Owner	Sarah Balestriere / James Balestriere
5	Reason for referral to RLPP	<b>Departure from Development Standard</b> - The proposed development results in a 23.26% departure from the development standard for height of buildings imposed by Clause 4.3 of RLEP 2014.
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 No. 55 – Remediation of Land</li> <li>State Environmental Planning Policy (BASIX) 2004</li> <li>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</li> <li>State Environmental Planning Policy (Coastal Management) 2018</li> <li>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</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 2000</i>: Nil</li> <li>Coastal zone management plan: Coastal Management Act 2016</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> </ul> <p>The public interest, including the principles of ecologically sustainable development</p>
7	Material considered by the Panel	<ul style="list-style-type: none"> <li>Council assessment report</li> <li>Written submissions during public exhibition: 4</li> <li>Verbal submissions at the public meeting:               <ul style="list-style-type: none"> <li>In support – Nil</li> <li>In objection – Robert Ruggeri &amp; Mark Grodzicky</li> <li>Council assessment officer – Nil</li> <li>On behalf of the applicant – James Balestriere</li> </ul> </li> </ul>
8	Meetings, briefings and site inspections by the Panel	<ul style="list-style-type: none"> <li>Site inspection: At the discretion of Panel members due to COVID-19 restrictions</li> <li>Briefing: 10 June 2021</li> </ul>

		<p>Attendees:</p> <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Marcia Doheny (Chair), Jennifer Bautovich, Eugene Sarich, Donna Gaskill</li> <li>○ <u>Council assessment staff</u>: Sandra Bailey, Kimberley Kavwenje, Daniel Pearse</li> </ul> <ul style="list-style-type: none"> <li>• Papers were circulated electronically on 2 June 2021</li> </ul>
9	<b>Council Recommendation</b>	<b>Refusal</b>
10	<b>Draft Conditions</b>	Not applicable