

Date of Determination	15 April 2021
Panel Members	Abigail Goldberg (Chair) Eugene Sarich (Independent Expert) Jennifer Bautovich (Independent Expert) Rob Senior (Community Representative)
Apologies	NIL
Declarations of Interest	NIL

Public meeting held remotely via teleconference on 15 April 2021 opened at 5:00pm and closed at 5:33pm.
Papers circulated electronically on 6 April 2020.

MATTER DETERMINED

LDA2020/0276 – 75 Wharf Road, Gladesville

Substantial alterations and additions to existing part 2/part 3 storey dwelling and demolition of swimming pool.

PANEL CONSIDERATIONS AND DECISION

The Panel considered the material listed at item 7, and the material presented at meetings and briefings listed at item 8 in Schedule 1.

Application to vary development standards

Following consideration of written requests from the applicant, made under clause 4.6(3) of the Ryde Local Environmental Plan 2014 (LEP), that has demonstrated that:

- compliance with clauses 4.3 & 4.4(2) 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 requests adequately address 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 clauses 4.3 (Height of buildings) and 4.4(2) (Floor Space Ratio) of the LEP and the objectives for development in the R2 Low Density Residential zone; and
- 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 proposal is consistent with the objectives for R2 zoned land.
2. The proposal complies with the statutory provisions set out in the Environmental Planning and Assessment Act 1979.
3. The proposal is considered to be of low impact to adjoining properties and the surrounding environment.
4. The proposal has been supported by a satisfactory Clause 4.6 variation request which demonstrates that compliance with Clause 4.3 Height of Buildings and Clause 4.4 Floor Space Ratio is unreasonable and unnecessary in the circumstances and there are sufficient environmental planning grounds to justify contravening the development standards.
5. The proposal is not contrary to the public interest.
6. The submissions received in response to this DA have been considered and addressed in this report. None of the issues raised warrant the refusal of the subject DA.

The Panel adopts the recommendation and reasons for approval as outlined in the Assessment Officer's report.





CONDITIONS

The development application was approved subject to the conditions in the council assessment report.

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 Goldberg (Chair)	
Eugene Sarich	
Jennifer Bautovich	
Rob Senior	

SCHEDULE 1		
1	DA No.	LDA2020/0276
2	Proposal	Substantial alterations and additions to existing part 2/part 3 storey dwelling and demolition of swimming pool.
3	Street Address	75 Wharf Road, Gladesville
4	Applicant / Owner	Keith Pike Associates / Yu L Xu
5	Reason for referral to RLPP	Departure from Development Standard <ul style="list-style-type: none"> The proposed development results in a 16.9% departure from the development standard for height of buildings imposed by Clause 4.3 of RLEP 2014. The proposed development results in a 34.8% departure from the development standard for floor space ratio imposed by Clause 4.4(2) of RLEP 2014.
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 (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 State Environmental Planning Policy (Coastal Management) 2018 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 Ryde Local Environmental Plan 2014 Draft environmental planning instruments: <ul style="list-style-type: none"> Draft Remediation of Land State Environmental Planning Policy Draft Environment SEPP Development control plans: <ul style="list-style-type: none"> Ryde Development Control Plan 2014 Sydney Harbour Foreshores and Waterways Area DCP 2005 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 request to vary Clause 4.3 Height of Buildings

		<ul style="list-style-type: none"> • Clause 4.6 Request to vary Clause 4.4(2) Floor Space Ratio • Written submissions during public exhibition: 1 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – Nil ○ In objection – Nil ○ Council assessment officer – Nil ○ On behalf of the applicant – Nil
8	Meetings, briefings and site inspections by the Panel	<ul style="list-style-type: none"> • Site inspection: at the discretion of Panellists considering COVID-19 restrictions • Briefing: 15 April 2021 Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Abigail Goldberg (Chair), Eugene Sarich, Jennifer Bautovich, Rob Senior ○ <u>Council assessment staff</u>: Sandra Bailey, Madeline Thomas, Niroshini Stephen, Steven Hanna • Papers were circulated electronically on 6 April 2021
9	Council Recommendation	Approval
10	Draft Conditions	Attachment 1 to Council assessment report