

Date of Determination	15 December 2022
Panel Members	Steve O'Connor (Chair) Jennifer Bautovich (Independent Expert) Graham Brown (Independent Expert) Donna Gaskill (Community Representative)
Apologies	NIL
Declarations of Interest	NIL

Public meeting held remotely via teleconference on 15 December 2022, opened at 5:00pm and closed at 5:06pm. Papers circulated electronically on 30 November 2022.

MATTER DETERMINED

LDA2021/0089

Address: 287-295 Victoria Road, Gladesville

Proposal: Construction of a six storey mixed-use development comprising 65 residential units, four commercial tenancies and two basement parking levels.

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 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 proposal is consistent with the objectives for B4 zoned land.
- 2) The proposal has been supported by a satisfactory Clause 4.6 written variation to Clause 4.3 which demonstrates compliance is both unreasonable and unnecessary and has provided sufficient environmental planning grounds to support the variation.
- 3) The proposal does not result in any significant adverse impacts upon adjoining properties or the streetscape.
- 4) The proposal is not contrary to the public interest.

The Panel adopts the recommendation and reasons for approval as outlined in the Assessment Officer's report subject to the amended draft conditions of consent.

CONDITIONS

The development application was approved subject to the amended draft conditions of consent circulated on 6 December 2022.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered 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

Steve O'Connor (Chair)	
Jennifer Bautovich	
Graham Brown	
Donna Gaskill	

SCHEDULE 1

1	DA No.	LDA2021/0089
2	Proposal	Construction of a six storey mixed-use development comprising 65 residential units, four commercial tenancies and two basement parking levels
3	Street Address	287-295 Victoria Road, Gladesville
4	Applicant / Owner	Samuel Issa / Tenth House P/L
5	Reason for referral to RLPP	<p>Sensitive Development – Development to which State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development applies. Schedule 1, Part 4 of Local Planning Panels Direction</p> <p>Contentious Development – Greater than 10 unique submissions received objecting to the proposal</p> <p>Departure from Development Standards – Development that contravenes a development standard by more than 10%.</p>
6	Relevant mandatory considerations	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development ○ State Environmental Planning Policy Resilience and Hazards SEPP 2021 ○ State Environmental Planning Policy - Biodiversity and Conservation SEPP 2021 ○ State Environmental Planning Policy (Building Sustainability Index BASIX) 2004 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ Ryde Local Environmental Plan 2014 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Ryde Development Control Plan 2014 • Planning agreements: Nil • City of Ryde Section 7.11 Development Contributions Plan 2020 • 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 • The public interest, including the principles of ecologically sustainable development
7	Material considered by the Panel	<ul style="list-style-type: none"> • Council assessment report • Clause 4.6 variation to Clause 4.3 (Height of buildings) • Written submissions during public exhibition: 17

		<ul style="list-style-type: none"> • 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 Panel members due to COVID-19 restrictions • Briefing: 8 December 2022 Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Steve O'Connor (Chair), Jennifer Bautovich, Graham Brown, Donna Gaskill ○ <u>Council assessment staff</u>: Sandra Bailey, Shannon Butler, Daniel Pearse, Myra Malek • Papers were circulated electronically on 30 November 2022
9	Council Recommendation	Approval
10	Draft Conditions	Attachment 1 to the Council assessment report