

<b>Date of Determination</b>	9 May 2024
<b>Panel Members</b>	Alison McCabe (Chair) Vanessa Holtham (Independent Expert) Jeremy Swan (Independent Expert)
<b>Apologies</b>	NIL
<b>Declarations of Interest</b>	NIL

Public meeting held on 9 May 2024. Papers circulated electronically on 30 April 2024.

#### **MATTER DETERMINED**

LDA2024/0015

**Address:** 6 Shackel Avenue, Gladesville

**Proposal:** Alterations and additions to existing dwelling house including demolition of existing unauthorised works.

#### **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 and the matters observed at site inspections 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 building & Clause 4.4 Floor space ratio 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 building of the LEP and the objectives for development in the R2 Low density residential zone; and
- c) the development is in the public interest because it is consistent with the objectives of clause 4.4 Floor space ratio of the LEP and the objectives for development in the R2 Low density residential zone; and

d) 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* subject to the conditions in the council assessment report.

The decision was unanimous.

### REASONS FOR THE DECISION

The Panel determined to Approve the application for the following reasons:


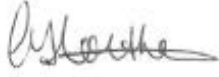

- The proposal is consistent with the objectives for R2 Low Density Residential zoned land.
- The proposal has been supported by a satisfactory Clause 4.6 written variation to Clauses 4.3 and 4.4 of the Ryde Local Environmental Plan 2014 which demonstrates compliance is both unreasonable and unnecessary and has provided sufficient environmental planning grounds to support the variation.
- The proposal does not result in any significant adverse impacts upon adjoining properties or the streetscape.
- The proposal is not contrary to the public interest.

### CONDITIONS

The development application is 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. The panel considers that concerns raised by the community have been adequately addressed in the assessment report.

PANEL MEMBERS	
Alison McCabe (Chair)	
Vanessa Holtham (Independent Expert)	
Jeremy Swan (Independent Expert)	

**SCHEDULE 1**

<b>1</b>	<b>DA No.</b>	LDA2024/0015
<b>2</b>	<b>Proposal</b>	Alterations and additions to existing dwelling house including demolition of existing unauthorised works
<b>3</b>	<b>Street Address</b>	6 Shackel Avenue, Gladesville
<b>4</b>	<b>Applicant / Owner</b>	Roumany and Mariam Gadalla (Applicant & Owners)
<b>5</b>	<b>Reason for referral to RLPP</b>	Departure from development standards – contravention of the height of buildings and floor space ratio development standards by more than 10% - <i>Schedule 1, Part 3 of Local Planning Panels Direction.</i>
<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 (Resilience and Hazards) 2021</li> <li>○ State Environmental Planning Policy (Sustainable Buildings) 2022</li> <li>○ State Environmental Planning Policy (Biodiversity and Conservation) 2021</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: 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> </ul> <p>The public interest, including the principles of ecologically sustainable development</p>
<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 for Height of Building</li> <li>• Clause 4.6 variation for Floor space ratio</li> <li>• Written submissions during public exhibition: One</li> </ul>
<b>8</b>	<b>Meetings, briefings and site inspections by the Panel</b>	<ul style="list-style-type: none"> <li>• Council assessment report</li> <li>• Written submission during public exhibition: One</li> <li>• Site inspection: At the discretion of Panel members</li> <li>• Briefing: 9 May 2024</li> </ul> <p>Attendees:</p> <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Chair), Vanessa Holtham (Independent Expert), Jeremy Swan (Independent Expert)</li> </ul>

		<p><u>Council assessment staff</u>: Carine Elias, Sohail Faridy, Shannon Butler, Bekim Haliti</p> <ul style="list-style-type: none"><li>• Papers were circulated electronically between om 30 April 2024</li></ul>
9	<b>Council Recommendation</b>	Approve
10	<b>Draft Conditions</b>	Attachment 1 to the council assessment report