

Date of Determination	21 July 2022
Panel Members	Alison McCabe (Chair) Michael Leavey (Independent Expert) Brett Newbold (Independent Expert) Rob Senior (Community Representative)
Apologies	NIL
Declarations of Interest	NIL

Public meeting held remotely via teleconference on 21 July 2022 opened at 5:00pm and closed at 7:05pm. Papers circulated electronically on 13 July 2022.

MATTER DETERMINED

LDA2021/0166

Address: 121 Tennyson Road Tennyson Point

Proposal: New dual occupancy (attached) and strata subdivision.

The following people addressed the meeting:

1. Nadir Kasto (objector)
2. Carlton Lue (objector)
3. Dania & Joe Lozina (objector)
4. Stuart Roche (owner)

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 **approve the development application as a deferred commencement**, 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 development application as a deferred commencement** for the following reasons:

- 1) The proposal is consistent with the objectives for R2 zoned land.

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- 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 low impact to adjoining properties and surrounding environment.
 - 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 addition of the below Deferred Commencement conditions.

CONDITIONS

The development application was approved subject to the conditions in the Council assessment report as well as the addition of the below **Deferred Commencement Conditions**:

1. Driveway and Protection of Adjoining Tree. Details are to be provided on the architectural plans of the levels of the driveway and the height of the retaining wall in the vicinity of Tree 1 (Jacaranda Mimosifolia). To ensure the driveway does not impact on the adjoining tree, an Arborist Report prepared by a qualified arborist with AQF level 5 qualifications must be provided in respect of the proposed driveway levels and provide recommendations to ensure the health of the tree is preserved.

Both the Architectural and Landscape plans must be revised to detail the works and measures required in conjunction with the Arborist Report the vicinity of the tree. It is envisaged that this will require pier and beam footings and may possibly require the suspension of the driveway (reinforced concrete platform) above ground level.

Any adjustment to driveway grades and levels must be in accordance with AS 2890.1 (Off-street Parking). Documentation demonstrating compliance with these items must be submitted to Council for approval prior to the issue of the development consent.

(Reason: To ensure that the amended driveway levels do not impact on the adjoining tree which is to be retained by the development.)

2. The Landscape Plan is to be amended to reflect the requirements of Deferred Commencement condition 1. In addition, the 7 x Syzygium Australe 'Pinnacle' trees proposed in the northern corner of the site adjacent to the carport are to be replaced with smaller shrubs that will have a maximum height of 3m. The landscape plan is to also be amended to show planting on the carport roof of the north unit. The planting is to consist of grass only. Full details are to be provided in respect of soil depth and irrigation.

(Reason: To improve the views from adjoining properties and ensure consistency between the architectural plans and landscaping plans.)

3. The height of the raked ceiling over the void in the north unit is to be lowered by 1m. Details are to be submitted on amended architectural plans.

(Reason: To improve the impact on the views from the surrounding properties.)





4. The decks on the south unit of the first and second floors is to be reduced in width to a maximum of 3m on both levels.

(Reason: To reduce the overlooking to adjoining properties.)

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. The Panel included additional conditions to mitigate privacy and view impacts.

PANEL MEMBERS	
Alison McCabe (Chair)	
Michael Leavey	
Brett Newbold	
Rob Senior	

SCHEDULE 1

1	DA No.	LDA2021/0166
2	Proposal	New dual occupancy (attached) and strata subdivision
3	Street Address	121 Tennyson Road Tennyson Point
4	Applicant / Owner	Nigel White / S Roche & K Roche
5	Reason for referral to RLPP	Contentious Development – More than 10 unique submissions objecting to the proposal have been received as a result of public notification of the application.
6	Relevant mandatory considerations	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy Resilience and Hazards 2021 ○ State Environmental Planning Policy (BASIX) 2004 ○ State Environmental Planning Policy Biodiversity and Conservation 2021 ○ Ryde Local Environmental Plan 2014 • Draft environmental planning instruments: <ul style="list-style-type: none"> ○ Draft Remediation of Land State Environmental Planning Policy (SEPP) ○ Draft Environment SEPP • 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> (BCA & SA – standard conditions) • City of Ryde Section 7.11 - Development Contributions Plan 2020 • 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 • Written submissions during public exhibition: 13 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support - Nil ○ In objection - Nadir Kasto, Carlton Lue, Dania & Joe Lozina ○ Council assessment officer - Nil ○ On behalf of the applicant - Stuart Roche

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: 21 July 2022 <p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Michael Leavey, Brett Newbold, Rob Senior ○ <u>Council assessment staff</u>: Sandra Bailey, Deren Pearson, Daniel Pearse, Myra Malek <ul style="list-style-type: none"> • Papers were circulated electronically on 13 July 2022
9	Council Recommendation	Approval
10	Draft Conditions	Attachment 4 to the Council assessment report