

Date of Determination	13 April 2023
Panel Members	Alison McCabe (Chair) Graham Brown (Independent Expert) Jennifer Bautovich (Independent Expert) Rob Senior (Community Representative)
Apologies	NIL
Declarations of Interest	NIL

Public meeting held remotely via teleconference on 13 April 2023 opened at 5:00pm and closed at 6:00pm. Papers circulated electronically on 6 April 2023.

MATTER DETERMINED

LDA2022/0287

Address: 7 & 7A Spencer Street Gladesville

Proposal: Proposed boundary adjustment and removal of right of carriageway.

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 clauses 4.1 Minimum Subdivision Lot Size & 4.1C Minimum lot size for battle-axe lots 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 Clauses **4.1 Minimum Subdivision Lot Size & 4.1C Minimum lot size for battle-axe lots** of the LEP and the objectives for development in the R2 Low Density Residential 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 proposed subdivision is consistent with the objectives of the relevant provisions of the RLEP 2014 and RDCP 2014, with minimal environmental impacts.
2. The applicant's Clause 4.6 written request to vary the minimum lot size development standards in Clauses 4.1 and 4.1C of Ryde Local Environmental Plan 2014 is acceptable as the proposal still meets the objectives of the zone and is compatible with character of the area. Compliance with these development standards is unreasonable or unnecessary in the circumstances of this specific proposal. There are sufficient environmental planning grounds to justify contravening the development standard.
3. The proposed subdivision is consistent with the approved developments in the immediate locality and will have minimal impact to adjoining properties.
4. The development is not contrary to the public interest.
5. The site is considered suitable for the proposed development.


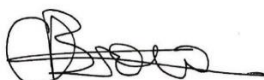
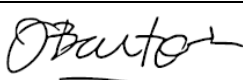
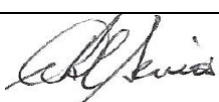
The Panel adopts the recommendation and reasons for approval as outlined above.

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 notes that no written submissions were made during public exhibition and therefore, no issues of concern were raised.

PANEL MEMBERS	
Alison McCabe (Chair)	
Graham Brown	
Jennifer Bautovich	
Rob Senior	

SCHEDULE 1

1	DA No.	LDA2022/0287
2	Proposal	Proposed boundary adjustment and removal of right of carriageway.
3	Street Address	7 & 7A Spencer Street Gladesville
4	Applicant	Hugh J Smith
	Owner	7 Spencer Street: Hugh J Smith & Philippa M Smith 7A Spencer Street: Jason D Dune
5	Reason for referral to RLPP	Departure from Development Standard by more than 10% in relation to Clauses 4.1 Minimum Subdivision Lot Size & 4.1C Minimum lot size for battle-axe lots under Ryde LEP 2014.
6	Relevant mandatory considerations	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy Resilience & Hazards SEPP 2021 ○ Ryde Local Environmental Plan 2014 • Ryde Development Control Plan 2014 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> • 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 exceptions for clauses 4.1 Minimum Subdivision Lot Size & 4.1C Minimum lot size for battle-axe lots • Written submissions during public exhibition: 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: 13 April 2023 Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Graham Brown, Jennifer Bautovich, Rob Senior • <u>Council assessment staff</u>: Sandra Bailey, Sohail Faridy, Emily Lu, Myra Malek
9	Council Recommendation	Approval
10	Draft Conditions	Attachment 3 to the Council assessment report