

Date of Determination	14 December 2023
Panel Members	Marcia Doheny (Chair) Vanessa Holtham (Independent Expert) Trevor Bly (Independent Expert) Donna Gaskill (Community Representative)
Apologies	NIL
Declarations of Interest	NIL

Meeting held on 14 December 2023. Papers circulated electronically on 7 December 2023.

MATTER DETERMINED

LDA2022/0399

Address: 28 Eagle Street, Ryde

Proposal: Demolition of existing structures and construction of a 6 storey mixed use development over basement parking accommodating 10 residential units and a ground floor commercial tenancy.

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.

The Panel considered a further memo in respect to matters prescribed by the Regulations and the provisions of Clause 4.6(4) and 4.6(5).

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 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 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 B6 zoned land.
2. The proposal is consistent with the objectives for E3 zoned land.
3. The proposal complies with the statutory provisions set out in the Environmental Planning and Assessment Act 1979.
4. The proposal has been supported by a satisfactory Clause 4.6 variation request which demonstrates that compliance with Clause 4.3 height of Building is unreasonable and unnecessary in the circumstances and there are sufficient environmental planning grounds to justify contravening the development standard.
5. The proposal is considered to be low impact to adjoining properties and surrounding environment.
6. The proposal is not contrary to the public interest.


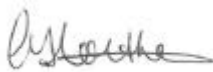


The Panel adopts the recommendation and reasons for approval as outlined in the Assessment Officer's report.

CONDITIONS

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

CONSIDERATION OF COMMUNITY VIEWS

The Panel carefully considered the neighbours' objections including the submissions that several of them made at the meeting. Having regard to the Council assessment report and briefings from council staff, the Panel is satisfied that the issues raised have been considered and appropriately addressed.

PANEL MEMBERS	
Marcia Doheny (Chair)	
Vanessa Holtham (Independent Expert)	
Trevor Bly (Independent Expert)	
Donna Gaskill (Community Representative)	

SCHEDULE 1

1	DA No.	LDA2022/0399
2	Proposal	Demolition of existing structures and construction of a 6 storey mixed use development over basement parking accommodating 10 residential units and a ground floor commercial tenancy.
3	Street Address	28 Eagle Street, Ryde
4	Applicant / Owner	Eagle Ryde Pty Limited / Eagle Ryde Pty Limited
5	Reason for referral to RLPP	<p>Contentious Development – More than 10 unique submissions objecting to the proposal have been received as a result of public notification of the application - Schedule 1, Part 2 of Local Planning Panels Direction</p> <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>
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 SEPP 2021 ○ State Environmental Planning Policy 65 – Design Quality of Residential Flat Development ○ State Environmental Planning Policy BASIX 2004 ○ State Environmental Planning Policy Biodiversity and Conservation SEPP 2021 ○ Ryde Local Environmental Plan 2014 • Draft environmental planning instruments: Nil • Ryde Development Control Plan 2014 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2001</i> • 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>EP&A 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 request to Clause 4.3 (Height of Building) • Written submissions during public exhibition: 15 (notification), 3 (re-notification) • Memo from Council dated 12 December 2023
8	Meetings, briefings and site inspections by the Panel	<ul style="list-style-type: none"> • Site inspection: Panel inspection 14 December 2023 • Papers were circulated electronically on 7 December 2023 • Briefing: 14 December 2023 <p>Attendees:</p> <p><u>Panel members</u>: Marcia Doheny (Chair), Vanessa Holtham (Independent Expert), Trevor Bly (Independent Expert), Donna Gaskill (Community Representative)</p> <ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Carine Elias, Niroshini Stephen, Sandra Bailey, Sohail Faridy, Bekim Haliti
9	Council Recommendation	Approval
10	Draft Conditions	Attachment 1 to the Council assessment report