

<b>Date of Determination</b>	21 August 2024
<b>Panel Members</b>	(Chair) John Cole (Independent Expert) Steven Layman (Independent Expert) Heather Warton
<b>Apologies</b>	NIL
<b>Declarations of Interest</b>	NIL

### ELECTRONIC DETERMINATION

Matter deferred at the Ryde Local Planning Panel meeting dated 8 August 2024.  
Supplementary report and supporting documents circulated electronically on 21 August 2024.

### MATTER DETERMINED

#### LDA2023/0267

**Address:** 4 Wood Street, Eastwood

**Proposal:** Demolition, new two storey dual occupancy (attached) with a swimming pool.

### PANEL CONSIDERATIONS AND DECISION

At its meeting of 08 August 2024, the Panel considered the material listed at item 7, and the material presented at meetings and the matters observed at the site inspection listed at item 8 in Schedule 1. The Panel unanimously determined to defer its decision to an electronic determination to be made at a later date, pending a revised BASIX certificate.

A revised BASIX certificate and memo was circulated to the Panel on 21 August 2024.

### 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:

- compliance with clause 4.1B (2)(b) is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard.

The Panel is satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under clause 4.6 (3) of the LEP; and
- the development is in the public interest because it is consistent with the objectives of clause 4.1B (2)(b) Minimum lot sizes for dual occupancies of the LEP and the objectives for development in the R2 Low Density Residential zone.

## DECISION

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.

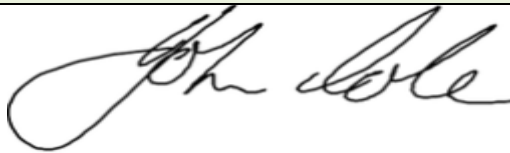


## REASONS FOR THE DECISION

The Panel Determined to approve the application for the following reasons.

- The proposal is consistent with the objectives for R2 zoned land.
- The proposal complies with the statutory provisions set out in the Environmental Planning and Assessment Act 1979.
- The proposal has been supported by a satisfactory Clause 4.6 written variation to Clause 4.1B of Ryde Local Environmental Plan 2014. It is noted that adjoining subject site is 3.4 wide public walkway which would be considered a sufficient environmental planning ground to support the variation of the development standard.
- The panel noted that Condition 5 was fundamental to the decision to support the application, noting that the development contains large void areas and complied exactly with permitted floor space ratio under the LEP.
- The proposal is considered to be low impact to adjoining properties and surrounding environment.
- The proposal is not contrary to the public interest.

## 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	
(Chair) John Cole	
(Independent Expert) Steven Layman	
(Independent Expert) Heather Warton	

**SCHEDULE 1**

1	DA No.	LDA2023/0267
2	Proposal	Demolition, new two storey dual occupancy (attached) with a swimming pool.
3	Street Address	4 Wood Street, Eastwood
4	Applicant / Owner	Applicant: Sophia Huang Owner: Chi M Law & Cynthia X Lee
5	Reason for referral to RLPP	Departure from Development Standards – Clause 4.6 variation – greater than 10%. Variation of 4.3m which equate to a 28.67% for minimum frontage of the lot.
6	Relevant mandatory considerations	<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 (BASIX) 2004</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 Environmental Planning and Assessment Regulation 2021</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> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	Material considered by the Panel	<ul style="list-style-type: none"> <li>Council assessment report</li> <li>Clause 4.6 variation Minimum lot sizes for dual occupancies</li> <li>Draft conditions of consent</li> </ul>
8	Meetings, briefings and site inspections by the Panel	<ul style="list-style-type: none"> <li>Council assessment report</li> <li><b>Electronic Determination: 21 August 2024</b></li> <li>Site inspection: Undertaken jointly by the Panel members</li> <li>Briefing: 8 August 2024</li> </ul> <p>Attendees: <u>Panel members</u>: John Cole (Chair), Steven Layman (Independent Expert), Heather Warton (Independent Expert) <u>Council assessment staff</u>: Carine Elias, Holly Charalambous, Sandra McCarry, Bekim Haliti</p> <ul style="list-style-type: none"> <li>Papers were circulated electronically on: 21 August 2024</li> </ul>
9	Council Recommendation	<b>Approval</b>
10	Draft Conditions	Attachment 1 to the Council assessment report, as amended in the Memo dated 21 August 2024