

Date of Determination	10 October 2019
Panel Members	Marcia Doheny (Chair) Eric Armstrong (Independent Expert) Jane Fielding (Independent Expert) Peter Graham OAM (Community Representative)
Apologies	NIL
Declarations of Interest	NIL

Public meeting held at the City of Ryde Council Chambers on 10 October 2019 opened at 5:05pm and closed at 6:05pm.

Papers circulated electronically on 3 October 2019.

MATTER DETERMINED

LDA2019/0110 – 7 Ivy Street, Ryde
 New two storey dual occupancy (attached)

The following people addressed the meeting:

1. Hussein Bazzi (Assessing Officer – application intro)
2. Deborah Mackenzie (on behalf of applicant)
3. Edith Makra (applicant)

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

The Panel has considered the written request from the applicant, made under clause 4.6 (3) of the Ryde Local Environmental Plan 2014 (LEP) in regard to Clause 4.1B(2)(b) (minimum lot sizes for dual occupancies).

The Panel is not 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 4.1B(2)(b) (minimum lot sizes for dual occupancies) of the LEP and the objectives for development in the R2 Low Density Residential Zone.



DEVELOPMENT APPLICATION

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

- The site fails to comply with the provisions of RLEP 2014. The frontage requirement to Ivy Street and the applicant's Clause 4.6 written variation fails to demonstrate consistency with the objective of the control and that there are sufficient environmental planning grounds to justify contravention of the development standard.
- The proposal may result in risk of overland flow being diverted onto neighbouring properties and the Panel notes that further information was requested in relation to this by Council but not provided.
- The insufficient information submitted with the application does not enable a detailed assessment to be made by Council.

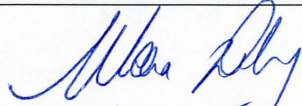
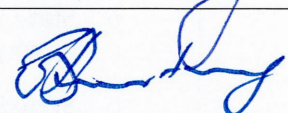
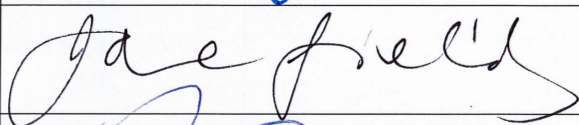
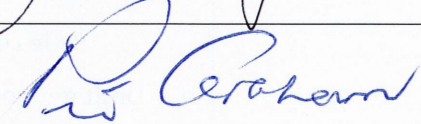
CONDITIONS

Not applicable

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

Marcia Doheny (Chair)	
Eric Armstrong	
Jane Fielding	
Peter Graham OAM	

SCHEDULE 1

1	DA No.	LDA2019/0110
2	Proposal	New two storey dual occupancy (attached)
3	Street Address	7 Ivy Street, Ryde
4	Applicant / Owner	Edith Makra / Edith Makra & Adam Robert McIlveen
5	Reason for referral to RLPP	Departure from Development Standard –The proposal results in 46.66% departure from the minimum frontage requirement of Clause 4.1B(2)(b) of RLEP 2014.
6	Relevant mandatory considerations	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Building Sustainability Index BASIX) 2004 ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ○ Ryde Local Environmental Plan 2014 • Draft environmental planning instruments: <ul style="list-style-type: none"> ○ Draft Remediation of Land State Environmental Planning Policy ○ 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>: Nil • 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 <p>The public interest, including the principles of ecologically sustainable development</p>
7	Material considered by the Panel	<ul style="list-style-type: none"> • Council assessment report • Clause 4.6 variation to Clause 4.1B(2)(b) (minimum lot sizes for secondary dwellings) • Written submissions during public exhibition: Nil • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – NIL ○ In objection – Nil ○ Council assessment officer – Hussein Bazzi ○ On behalf of the applicant – Edith Makra & Deborah Mackenzie

8	Meetings, briefings and site inspections by the Panel	<ul style="list-style-type: none"> • Site inspection: 10 October 2019 • Briefing: 10 October 2019 <p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Marcia Doheny (Chair), Eric Armstrong, Jane Fielding, Peter Graham OAM ○ <u>Council assessment staff</u>: Hussein Bazzi, Sandra Bailey
9	Council Recommendation	Refusal
10	Draft Conditions	Not applicable