

Date of Determination	12 December 2019
Panel Members	Steve O’Conner (Chair) Jennifer Bautovich (Independent Expert) Eric Armstrong (Independent Expert) Rob Senior (Community Representative)
Apologies	NIL
Declarations of Interest	NIL

Public meeting held at the City of Ryde Council Chambers on 12 December 2019 opened at 5:00pm and closed at 5:10pm.

Papers circulated electronically on 4 December 2019.

MATTER DETERMINED

LDA2019/0211 - 459, 461 to 495 Victoria Road, Gladesville
 Torrens title subdivision of one lot into two lots

The Panel was satisfied with the briefing and site inspections and did not require anyone to address the meeting. It is also noted that no objectors had registered to speak and the applicant was present and raised no objections.

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 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 4.4 (floor space ratio) of the LEP and the objectives for development in the B4 zone; and
- 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:





- The proposed subdivision is consistent with the objectives of the relevant provisions of the RLEP 2014 and RDCP 2014, with minimal environmental impacts.
- The proposed development does not include any physical work and does not alter building works or use as approved under Development Consent LDA2015/214, and subsequent modification approvals.
- The proposal has been supported by a satisfactory Clause 4.6 variation request which demonstrates that compliance with the Clause 4.4 Floor Space Ratio development standard is unreasonable or unnecessary in the circumstances that no changes are proposed to the approved development under LDA2015/0214 and subsequent modifications. It is considered that the Clause 4.6 variation request has demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard.
- Issues raised in submissions received in response to this application have been considered and addressed in the report. The proposed subdivision is consistent with the approved development of the site and will have minimal impact to adjoining properties and the surrounding locality.

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 considered written submissions made during public exhibition.

PANEL MEMBERS	
Steve O'Conner (Chair)	
Jennifer Bautovich	
Eric Armstrong	
Rob Senior	

SCHEDULE 1

1	DA No.	LDA2019/0211
2	Proposal	Torrens title subdivision of one lot into two lots
3	Street Address	459, 461 to 495 Victoria Road, Gladesville
4	Applicant / Owner	Bunnings Group Pty Ltd/ Bunnings Properties Pty Ltd
5	Reason for referral to RLPP	Contentious Development – more than 10 submissions by way of objection.
6	Relevant mandatory considerations	<ul style="list-style-type: none"> • Section 4.55 – Modification of Consents • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP) ○ Ryde Local Environmental Plan 2014 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Ryde Development Control Plan 2014 • Planning agreements: Nil • Section 7.11 Development Contributions Plan 2007 • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil [or enter the clauses if relevant] • 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 • Clause 4.6 variation to Clause 4.4 Floor Space Ratio • Written submissions during public exhibition: 22 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – Nil ○ In objection – Nil ○ Council assessment officer – Sandra Bailey & Peggy Wong ○ On behalf of the applicant – Nil
8	Meetings, briefings and site inspections by the Panel	<ul style="list-style-type: none"> • Site inspection: 12 December 2019 • Briefing: 12 December 2019 <p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Steve O’Conner (Chair), Jennifer Bautovich, Eric Armstrong, Rob Senior

		<ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Sandra Bailey, Peggy Wong
9	Council Recommendation	Approval
10	Draft Conditions	<p>Attachment 1 – Draft Conditions of Consent</p> <p>Attachment 2 – Clause 4.6 Variation to Clause 4.4 Floor Space Ratio</p> <p>Attachment 3 – Proposed Subdivision Plans</p>