

Date of Determination	13 August 2020
Panel Members	Abigail Goldberg (Chair) Jane Fielding (Independent Expert) Ian Stapleton (Independent Expert) Bec Ho (Community Representative)
Apologies	NIL
Declarations of Interest	NIL

Public meeting held remotely via teleconference (Council staff at the North Ryde Office) on 13 August 2020 opened at 5:00pm and closed at 5:42pm.
Papers circulated electronically on 5 August 2020.

MATTER DETERMINED

LDA2019/0411 – 38 Wicks Road, North Ryde
Torrens Title subdivision to create two lots and construction of a dwelling house on each resulting lot.

The following people addressed the meeting:

1. Kristy Hodgkinson (Applicant)
2. Ben Tesoriero (Consultant Planner)

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 clause 4.1(3) minimum subdivision lot size 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 4.1(3) minimum subdivision lot size 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:

- The proposed subdivision is consistent with the objectives of the relevant provisions of the RLEP 2014 and RDCP 2014, with minimal environmental impacts.
- The proposal has been supported by a satisfactory Clause 4.6 written variation request which demonstrates that compliance with the Clause 4.1 minimum subdivision lot size development standard is unreasonable or unnecessary in the circumstances of this specific proposal. The Clause 4.6 written variation request also demonstrates that there are sufficient environmental planning grounds to justify contravening the development standard.
- Issues raised in the submission received in response to this application have been considered and addressed in the report. None of the issues raised warrant the refusal of the subject DA.
- The proposed subdivision and associated development are consistent with the approved development of the local area and will have minimal impact to adjoining properties.
- The site is suitable for the proposed development, which is also in 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

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the panel.

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report. No new issues were raised during the public meeting.

PANEL MEMBERS

Abigail Goldberg (Chair)

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Jane Fielding

A handwritten signature in black ink, appearing to read 'Jane Fielding', written in a cursive style.

Ian Stapleton

A handwritten signature in black ink, appearing to read 'Ian Stapleton', written in a cursive style.

Bec Ho

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SCHEDULE 1		
1	DA No.	LDA2019/0411
2	Proposal	Torrens Title subdivision to create two lots and construction of a dwelling house on each resulting lot
3	Street Address	38 Wicks Road, North Ryde
4	Applicant / Owner	Hall & Hard Homes Pty Ltd / Sang Min Lee
5	Reason for referral to RLPP	Departure from Development Standard –The proposal results in a 22.3% departure from the minimum subdivision lot size standard prescribed under cl.4.1(3) of RLEP 2014.
6	Relevant mandatory considerations	<ul style="list-style-type: none"> • Objects of the Environmental Planning and Assessment Act 1979 • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No. 55 Remediation of Land ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 ○ 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 • 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 written request to vary Clause 4.1(3) minimum subdivision lot size • Written submissions during public exhibition: 1 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – Nil ○ In objection – Nil ○ Council assessment officer – Ben Tesoriero (Consultant Planner) <p>On behalf of the applicant – Kristy Hodgkinson</p>

8	Meetings, briefings and site inspections by the Panel	<ul style="list-style-type: none"> • Site inspection: NA – site photos provided • Briefing: 13 August 2020 <p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Abigail Goldberg (Chair), Jane Fielding, Ian Stapleton, Bec Ho ○ <u>Council assessment staff</u>: Sandra Bailey, Daniel Pearse, Ben Tesoriero (consultant planner) <p>Papers were circulated electronically on:</p> <ul style="list-style-type: none"> • Papers were circulated electronically on 5 August 2020
9	Council Recommendation	Approval (Deferred Commencement)
10	Draft Conditions	Attachment 2 to the Council assessment report