

Date of Determination	12 November 2020
Panel Members	Marcia Doheny (Chair) Eugene Sarich (Independent Expert) Michael Leavey (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 12 November 2020.

Papers circulated electronically on 4 November 2020.

MATTER DETERMINED

LDA2020/00135 - 25 Clanwilliam Street, Eastwood

The following people addressed the meeting:

1. Jimmy Lukito (submitter) – registered but did not dial in to meeting
2. Bernard Moroz (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 listed at item 8 in Schedule 1.

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 of the R2 Low Density zone under RLEP 2014. The development is also consistent with the applicable development standards in RLEP 2014.
2. The development will provide amenity to future residents whilst maintaining amenity to the adjoining residential properties.

3. The proposal is consistent with the existing and desired future character of the area.
4. The proposal is suitable for the site and in the public interest.
5. As outlined in the assessment report, the issues raised in submissions have been adequately addressed by the amended proposal.

CONDITIONS

The development application was approved subject to the conditions in Attachment 2 of Council's assessment report with the following amendments:





Addition of Conditions 1(a) & 1(b) to read as follows:

- (a) Details of the front fence, including an elevation and section, is to be provided to Council for approval prior to the issue of the Construction Certificate. The fence is to have a maximum height of 1.2m from finished ground level and is to be of a similar style to the proposed fence on the plan submitted earlier to Council, being Drawing No. DA:04, Issue B, dated 28.07.20.
- (b) An amended landscape plan is to be submitted to Council for approval prior to the issue of the Construction Certificate that includes a replacement tree for the tree being removed on the eastern boundary at the rear of the proposed building.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition.

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	
Marcia Doheny (Chair)	
Eugene Sarich	
Michael Leavey	
Bec Ho	

SCHEDULE 1

1	DA No.	LDA2020/0135
2	Proposal	Demolition, new two storey dual occupancy (attached), front fence and strata subdivision
3	Street Address	25 Clanwilliam Street, Eastwood
4	Applicant / Owner	Xiazhu Xue & Yan Xue / Yan Xue
5	Reason for referral to RLPP	Contentious development – more than 10 unique objecting submissions
6	Relevant mandatory considerations	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) ○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP) ○ 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 State Environmental Planning Policy • Development control plans: <ul style="list-style-type: none"> ○ Ryde Development Control Plan 2014 • Planning agreements: Nil • Section 7.11 Development Contributions Plan 2007 - Interim Update (2014) • 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 • Section 7.11- Development Contributions Plan – 2007 Interim Update (2014) • 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 • Written submissions during public exhibition: 25 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – Nil ○ In objection – Nil

		<ul style="list-style-type: none"> ○ Council assessment officer – Madeline Thomas ○ On behalf of the applicant – Bernard Moroz
8	Meetings, briefings and site inspections by the Panel	<ul style="list-style-type: none"> • Site inspection: NA – Panel members visited site independently • Briefing: 12 November 2020 <p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Marcia Doheny (Chair), Eugene Sarich, Michael Leavey, Bec Ho ○ <u>Council assessment staff</u>: Sandra Bailey, Madeline Thomas, Daniel Pearse <ul style="list-style-type: none"> • Papers were circulated electronically on 4 November 2020
9	Council Recommendation	Approval
10	Draft Conditions	Attachment 2 of the Assessment Report