

Date of Determination	14 October 2021
Panel Members	Steve O'Connor (Chair) Jennifer Bautovich (Independent Expert) Graham Brown (Independent Expert) Bec Ho (Community Representative)
Apologies	NIL
Declarations of Interest	NIL

Public meeting held remotely via teleconference on 14 October 2021 opened at 5:00pm and closed at 5:47pm.

Papers circulated electronically on 1 October 2020.

MATTER DETERMINED

LDA2021/0183

20 Wentworth Road, Eastwood

Proposal: Torrens title subdivision of land into 2 lots to include a battle-axe lot.

The following people addressed the meeting:

1. James Xian (owner)

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 written requests from the applicant, made under clause 4.1(3) and clause 4.1C(3) of the Ryde Local Environmental Plan 2014 (LEP), that have demonstrated that:

- a) compliance with clause 4.1(3) and clause 4.1C(3) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standards

The Panel is satisfied that:

- a) the applicant's written requests adequately address the matters required to be addressed under clause 4.1(3) and clause 4.1C(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) and clause 4.1C(3) (Minimum lot size for battle-axe lots) 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:

1. The proposed subdivision is consistent with the objectives of the relevant provisions of the RLEP 2014 and RDCP 2014, with minimal environmental impacts.
2. The applicant's Clause 4.6 written requests to vary the minimum lot size and minimum lot size for battle-axe lots development standards in Clauses 4.1 and 4.1C of Ryde Local Environmental Plan 2014 are acceptable as the development is in the public interest, because the variations adequately address the matters in subclause (3) and are consistent with the objectives of clause 4.1(3) and clause 4.1C(3) and the objectives in the R2 Low Density Residential zone.
3. The issues raised in the submission do not warrant the refusal of the DA and have been adequately addressed in the assessment report.
4. The proposed subdivision is consistent with the approved developments in the immediate locality and will have minimal impact to adjoining properties.
5. The proposed development is not contrary to the public interest.
6. The site is considered suitable for the proposed development.

The Panel adopts the recommendation and reasons for approval as outlined in the Assessment Officer's report subject to the insertion of header A and amending headers A & B to B & C respectively. The resolution is as follows:

- A. The Panel accepts that the Cluse 4.6 written requests to vary the minimum lot size development standard (Clauses 4.1) and the minimum lot size for battle-axe lots development standard (Clause 4.1C) in RLEP 2014 have adequately addressed the matters in subclause (3) and will be in the public interest as they are consistent with the objectives of the development standards in Clauses 4.1 and 4.1C and the objectives of the R2 zone of the Ryde Local Environmental Plan 2014.
- B. The Panel, as the consent authority, grants consent to LDA2021/0183 for Torrens title subdivision of the land into 2 lots to include a battle-axe lot at 20 Wentworth Road, Eastwood subject to the recommended conditions in **Attachment 1**.
- C. That the objector be advised of the decision.



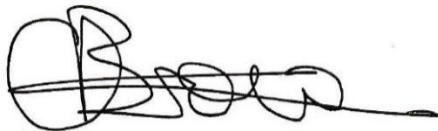

CONDITIONS

The development application was approved subject to the conditions in the Council assessment report, subject to the deletion of condition 35 (Right of Carriageway) as it is covered in condition 9.

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	
Steve O'Connor (Chair)	
Jennifer Bautovich	
Graham Brown	
Bec Ho	

SCHEDULE 1		
1	DA No.	LDA2021/0183
2	Proposal	Torrens title subdivision of land into 2 lots to include a battle-axe lot
3	Street Address	20 Wentworth Road, Eastwood
4	Applicant / Owner	Nigel White / James Xian
5	Reason for referral to RLPP	Departure from Development Standard by more than 10% in relation to Clause 4.1C Minimum lot size for battle-axe lots under Ryde LEP 2014
6	Relevant mandatory considerations	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (SEPP) No. 55 - Remediation of Land State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 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 State Environmental Planning Policy 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 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 4.1(3) (Minimum subdivision lot size) Clause 4.6 variation to clause 4.1C(3) (Minimum lot size for battle-axe lots) 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 - Nil On behalf of the applicant - James Xian

8	Meetings, briefings and site inspections by the Panel	<ul style="list-style-type: none"> • Site inspection: At the discretion of Panel members due to COVID-19 restrictions • Briefing: 14 October 2021 <p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Steve O'Connor (Chair), Jennifer Bautovich, Graham Brown, Bec Ho ○ <u>Council assessment staff</u>: Sandra Bailey, Madeline Thomas, Holly Charalambous, Daniel Pearse <ul style="list-style-type: none"> • Papers were circulated electronically on 1 October 2021
9	Council Recommendation	Approval
10	Draft Conditions	Attachment 1 of assessment report