

Date of Determination	13 October 2022
Panel Members	Marcia Doheny (Chair) Michael Leavey (Independent Expert) David Epstein (Independent Expert) Rob Senior (Community Representative)
Apologies	NIL
Declarations of Interest	NIL

Meeting held remotely via teleconference on 13 October 2022.
 Papers circulated electronically on 6 October 2022.

MATTER DETERMINED

LDA2022/0038

Address: 76 Rutledge Street, Eastwood

Proposal: Demolition, new two storey dual occupancy (attached) and Torrens title subdivision.

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 4.1B 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 4.1B (Minimum lot sizes for dual occupancies) 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 proposal is consistent with the objectives for R2 zoned land.
- 2) The proposal complies with the statutory provisions set out in the Environmental Planning and Assessment Act 1979.
- 3) The proposal is considered to be of low impact to adjoining properties and the surrounding environment.
- 4) The proposal has been supported by a satisfactory Clause 4.6 variation request which demonstrates that compliance with Clause 4.1B Minimum lot sizes for dual occupancies is unreasonable and unnecessary in the circumstances and there are sufficient environmental planning grounds to justify contravening the development standards.
- 5) The proposal is not contrary to the public interest.
- 6) The submission received in response to this DA has been considered and addressed in this report. None of the issues raised warrant the refusal of the subject application.

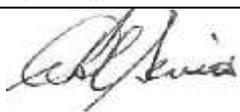
The Panel adopts the recommendation and reasons for approval as outlined in the Assessment Officer's report.

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 the written submission 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)	
Michael Leavey	
David Epstein	
Rob Senior	

SCHEDULE 1

1	DA No.	LDA2022/0038
2	Proposal	Demolition, new two storey dual occupancy (attached) and Torrens title subdivision
3	Street Address	76 Rutledge Street, Eastwood
4	Applicant / Owner	Bin Chen & Lingling Yu
5	Reason for referral to RLPP	Departure from Development Standard - Schedule 1, Part 3 of Local Planning Panels Direction. The proposed development results in a 14.67% departure from the development standard for minimum road frontage for dual occupancies imposed by Clause 4.1B 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 Resilience and Hazards 2021 ○ State Environmental Planning Policy BASIX 2004 ○ State Environmental Planning Policy Biodiversity and Conservation SEPP 2021 ○ State Environmental Planning Policy Transport and Infrastructure SEPP 2021 ○ 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 • City of Ryde Section 7.11 Development Contributions Plan 2020 • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Australian Standard for Demolition - Clause 61(1) & Building Code of Australia Upgrade – Clause 64 • 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 request to clause 4.1B (Minimum lot sizes for dual occupancies) • Written submissions during public exhibition: 1
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: 13 October 2022

		<p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Marcia Doheny (Chair), Michael Leavey, David Epstein, Rob Senior ○ <u>Council assessment staff</u>: Sandra Bailey, Niroshini Stephen, Daniel Pearse, Myra Malek <ul style="list-style-type: none"> ● Papers were circulated electronically on 6 October 2022
9	Council Recommendation	Approval
10	Draft Conditions	Attachment 1 to the Council assessment report