

Date of Determination	8 August 2024
Panel Members	(Chair) John Cole (Independent Expert) Steven Layman (Independent Expert) Heather Warton
Apologies	NIL
Declarations of Interest	NIL

Non-public meeting held 8 August 2024. Papers circulated electronically on 29 July 2024.

MATTER DETERMINED

LDA2023/0267

Address: 4 Wood Street, Eastwood

Proposal: Demolition, new two storey dual occupancy (attached) with a swimming pool.

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:

- compliance with clause 4.1B (2)(b) is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the 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 4.1B (2)(b) Minimum lot sizes for dual occupancies of the LEP and the objectives for development in the R2 Low Density Residential zone.

DEVELOPMENT APPLICATION

The Panel determined to defer 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

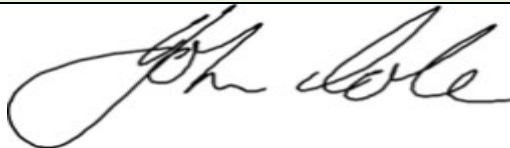


The Panel would have been prepared to approve the application for the following reasons.

- The proposal is consistent with the objectives for R2 zoned land.
- The proposal complies with the statutory provisions set out in the Environmental Planning and Assessment Act 1979.
- The proposal has been supported by a satisfactory Clause 4.6 written variation to Clause 4.1B of Ryde Local Environmental Plan 2014. It is noted that adjoining subject site is 3.4 wide public walkway which would be considered a sufficient environmental planning ground to support the variation of the development standard.
- The panel noted that Condition 5 was fundamental to the decision to support the application, noting that the development contains large void areas and complied exactly with permitted floor space ratio under the LEP.
- The proposal is considered to be low impact to adjoining properties and surrounding environment.
- The proposal is not contrary to the public interest.

However the panel is not satisfied as to the currency and statutory basis for the BASIX certificate. The Panel therefore has decided to defer the matter to a further electronic meeting and allow the applicant 7 days to provide the necessary information. Whether that be an amended BASIX certificate under the new SEPP or a signed building contract that would activate the transitional arrangements to the sustainability standards for residential development.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
(Chair) John Cole	
(Independent Expert) Steven Layman	
(Independent Expert) Heather Warton	

SCHEDULE 1		
1	DA No.	LDA2023/0267
2	Proposal	Demolition, new two storey dual occupancy (attached) with a swimming pool.
3	Street Address	4 Wood Street, Eastwood
4	Applicant / Owner	Applicant: Sophia Huang Owner: Chi M Law & Cynthia X Lee
5	Reason for referral to RLPP	Departure from Development Standards – Clause 4.6 variation – greater than 10%. Variation of 4.3m which equate to a 28.67% for minimum frontage of the lot.
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) 2021 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 Provisions of the Environmental Planning and Assessment Regulation 2000: 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 Minimum lot sizes for dual occupancies Draft conditions of consent
8	Meetings, briefings and site inspections by the Panel	<ul style="list-style-type: none"> Council assessment report Site inspection: At the discretion of Panel members Briefing: 8 August 2024 <p>Attendees:</p> <ul style="list-style-type: none"> <u>Panel members</u>: John Cole (Chair), Steven Layman (Independent Expert), Heather Warton (Independent Expert) <u>Council assessment staff</u>: Carine Elias, Holly Charalambous, Sandra McCarry, Bekim Haliti <ul style="list-style-type: none"> Papers were circulated electronically on: 29 July 2024
9	Council Recommendation	Approval
10	Draft Conditions	Attachment 1 to the Council assessment report