

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

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

#### **MATTER DETERMINED**

##### **LDA2024/0108**

**Address:** 60 Winbourne Street, west Ryde

**Proposal:** Torrens title subdivision of existing dual occupancy (attached).

#### **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 4.4(2) 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 4.4(2) maximum floor space ratio of the LEP and the objectives for development in the R2 Low Density Residential zone.

#### **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

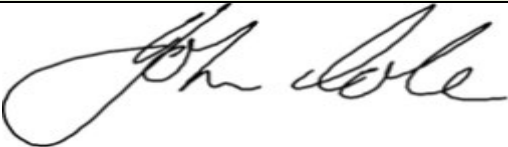


The Panel determined to approve the application for the following reasons:

- The proposal is consistent with the objectives for R2 zoned land.
- The proposal has been supported by a satisfactory Clause 4.6 request to vary Clause 4.1A of the Ryde Local Environmental Plan 2014 which demonstrates that compliance is both unreasonable and unnecessary and has provided sufficient environmental planning grounds to support the variation (noting also the existence of the dividing wall between the properties and that dictating the position of the subdivision boundary).
- The proposal complies with the statutory provisions set out in the Environmental Planning and Assessment Act 1979.
- The proposal is considered to be low impact to adjoining properties and surrounding environment.
- The proposal is not contrary to the public interest.

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

## 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.	LDA2024/0108
2	Proposal	Torrens title subdivision of existing dual occupancy (attached).
3	Street Address	60 Winbourne Street, West Ryde
4	Applicant / Owner	The Trustee For the Cordony Constructions Family Trust / Gold Emporium Pty Ltd
5	Reason for referral to RLPP	Departure from development standards – contravention of floor space ratio development standard by more than 10% - Schedule 1, Part 3 of Local Planning Panels Direction.
6	Relevant mandatory considerations	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>Ryde Local Environmental Plan 2014</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Ryde Development Control Plan 2014</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil</li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	Material considered by the Panel	<ul style="list-style-type: none"> <li>Council assessment report</li> <li>Clause 4.6 variation Floor space ratio</li> <li>Draft Conditions of consent</li> </ul>
8	Meetings, briefings and site inspections by the Panel	<ul style="list-style-type: none"> <li>Council assessment report</li> <li>Site inspection: At the discretion of Panel members</li> <li>Briefing: 8 August 2024</li> </ul> <p>Attendees:</p> <ul style="list-style-type: none"> <li><u>Panel members</u>: John Cole (Chair), Steven Layman (Independent Expert), Heather Warton (Independent Expert)</li> <li><u>Council assessment staff</u>: Carine Elias, Sohail Faridy, Jason Chanphakeo, Bekim Haliti</li> <li>Papers were circulated electronically on: 29 July 2024</li> </ul>
9	Council Recommendation	Approval
10	Draft Conditions	Attachment 1 to the Council assessment report