

Date of Determination	12 May 2022
Panel Members	Steve O'Connor (Chair) Michael Leavey (Independent Expert) David Epstein (Independent Expert) Rob Senior (Community Representative)
Apologies	NIL
Declarations of Interest	NIL

Public meeting held remotely via teleconference on 12 May 2022 opened at 5:00pm and closed at 5:40pm.
Papers circulated electronically on 29 April 2022.

MATTER DETERMINED

LDA2021/0379

Address: 6 Nerang Street, Ryde

Proposal: New dual occupancy (attached) and Torrens Title subdivision.

The following people addressed the meeting:

1. Caroline Millar (submitter)
2. Jaci Chen (applicant) - attended to answer questions

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 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 low impact to adjoining properties and surrounding environment.
4. 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 subject to the amendment of condition 24 as follows (amendment in red):

- 24. Fencing.** Fencing is to be in accordance with Council's DCP 2014: Part 3.3 – Dwelling Houses and Dual Occupancy (attached) – Section 2.16 - Fences. In this regard, the side boundary fencing is to be replaced by the applicant given that the submitted survey plan depicts encroachment of the existing fencing over the side boundaries. The side boundaries are to be accurately plotted and pegged out on the site **by a registered surveyor**. Details of compliance are to be provided in the plans for the **Construction Certificate**.

(Reason: Statutory requirement.)

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 was made aware of the overland flow issue that is impacting the adjoining property at 41 Pooley Street. The Panel notes that the preferred drainage system would be to convey all stormwater runoff by a piped system to the public drainage easement in either 8 Nerang Street or 41 Pooley Street. However, the applicant has submitted documentation confirming that both owners objected to the proposal. For this reason, alternative forms of drainage have been considered by Council. In accepting the drainage system as proposed, the Panel are mindful that it will present an improved outcome for stormwater management in comparison to the current state of the site. There will be a significant reduction in the level of the hardstand area between the existing situation and the proposed system. In addition, rainwater tanks will also be proposed which will also reduce the volume of discharged runoff and the on-site detention system will attenuate the rate of stormwater runoff.

The Panel also notes that this development application does not involve demolition.

The Panel considers that the concerns raised by the community have been adequately addressed in the assessment report.



PANEL MEMBERS	
Steve O'Connor (Chair)	
Michael Leavey	
David Epstein	
Rob Senior	

SCHEDULE 1

1	DA No.	LDA2021/0379
2	Proposal	New dual occupancy (attached) and Torrens Title subdivision
3	Street Address	6 Nerang Street, Ryde
4	Applicant / Owner	Jaci Chen / Xi Yan & Yuezhu Xue
5	Reason for referral to RLPP	<p>Contentious development – (b) in any other case – is the subject of 10 or more unique submissions by way of objection.</p> <p><i>Schedule 1, Part 2 of Local Planning Panels Direction</i></p>
6	Relevant mandatory considerations	<ul style="list-style-type: none"> • Environmental Planning & Assessment Act • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy BASIX ○ 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 • City of Ryde Section 7.11 - Development Contributions Plan 2020 • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> • 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 • Written submissions during public exhibition: 13 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support - Nil ○ In objection - Caroline Millar ○ Council assessment officer - Nil ○ On behalf of the applicant - Jaci Chen
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: 12 May 2022

		<p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Steve O'Connor (Chair), Michael Leavey, David Epstein, Rob Senior ○ <u>Council assessment staff</u>: Sandra Bailey, Shannon Butler, Daniel Pearse <ul style="list-style-type: none"> • Papers were circulated electronically on 29 April 2022
9	Council Recommendation	Approval
10	Draft Conditions	Attachment 1 to the Council assessment report