

Date of Determination	4 July 2024
Panel Members	(Chair) Alison McCabe (Independent Expert) David Epstein (Independent Expert) Susan Hobley
Apologies	NIL
Declarations of Interest	NIL

Public meeting held 4 July 2024. Papers circulated electronically on 25 June 2024.

MATTER DETERMINED

LDA2024/0057

Address: 72 Vimiera Road, Eastwood

Proposal: Strata 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 and the matters observed at site inspections listed at item 8 in Schedule 1.

Application to vary a development standard

Following consideration of a written request from the applicant, the Panel is satisfied that:

- a) compliance with Clause 4.1A is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard.

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* subject to the conditions in the Council Report.

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 written 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.
- 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.

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 notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
Alison McCabe (Chair)	
David Epstein (Independent Expert)	
Susan Hobley (Independent Expert)	

SCHEDULE 1

1	DA No.	LDA2024/0057
2	Proposal	Strata title subdivision of existing dual occupancy (attached)
3	Street Address	72 Vimiera Road, Eastwood
4	Applicant / Owner	Applicant: Tania Hannaford Owner: Jiachi Tian
5	Reason for referral to RLPP	Departure from development standards – contravention of the dual occupancy (attached). Subdivisions development standard by more than 10% - Schedule 1, Part 3 of Local Planning Panels Directions
6	Relevant mandatory considerations	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy Basix 2004 ○ 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 <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 <p>The public interest, including the principles of ecologically sustainable development</p>
7	Material considered by the Panel	<ul style="list-style-type: none"> • Council assessment report • Clause 4.6 variation for Subdivision
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: 4 July 2024 <p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), David Epstein (Independent Expert), Susan Hobley [Independent Expert] ○ <u>Council assessment staff</u>: Carine Elias, Holly Charalambous, Deren Pearson, Bekim Haliti ○ Papers were circulated electronically on 25 June 2024
9	Council Recommendation	Approval
10	Draft Conditions	Attachment 1 to the council assessment report