

Date of Determination	9 June 2022
Panel Members	Alison McCabe (Chair) Jennifer Bautovich (Independent Expert) Susan Hobley (Independent Expert) Antonio Panzarino (Community Representative)
Apologies	NIL
Declarations of Interest	NIL

Public meeting held remotely via teleconference on 9 June 2022 opened at 5:00pm and closed at 6:45pm. Papers circulated electronically on 2 June 2022.

MATTER DETERMINED

LDA2021/0204

Address: 8 Ethel Street, Eastwood

Proposal: Demolition of the existing building, construction of a 5 storey mixed use development comprising a ground floor commercial tenancy, 12 residential apartments and 2 levels of basement carparking and strata subdivision (13 lots).

The following people addressed the meeting:

1. Bernard Waller (objector – on behalf of Strata at 6 Ethel St)
2. John Zhang (objector)
3. Victor Sinnadurai (objector)
4. David Leong (objector)
5. Ian Jo (objector)
6. Andrew Grieve (applicant)

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 **defer** the development application as described in Schedule 1, pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The application has been deferred for amended plans and additional information. The following is required:

- 1) To ensure that the basement can be built and that no damage will be caused to the adjoining properties, a detailed Geotechnical report & structural report as well as a detailed construction methodology for the basement is to be provided;

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- 2) It is to be demonstrated that the basement lift hoist is able to be operated within the proposed basement in a safe manner. Manufacturer's specifications are to be provided;
 - 3) Amended plans to delete unit 11 and replace it with a communal open space terrace. Consideration should be given to its potential uses for the anticipated future demographic of the development and its design and layout developed accordingly. Facilities such as a BBQ, shading, tables and seating, water supply, lighting and landscaping should be provided.
 - 4) The communal terrace will have hours that restrict its use to 8pm on weeknights and Sundays and 9pm on Saturdays.
 - 5) Redesign the living areas of unit 12 to orientate north and amend the communal terrace to a private terrace for unit 12.
 - 6) Redesign the ground floor communal open space: the pergola to line up with the entry gallery; soft landscaping with feature plantings visible from the southern entry corridor to be installed between the western wall and the pergola; replace pathway adjacent to the southern elevation of unit 1 with landscape plantings; provide for screen plantings along the eastern edge of the space; replace the artificial turf with paving; and ensure a better relationship between the common room and the outdoor area.
 - 7) Redesign the entry and recess the front door to the entry gallery to provide separation from the fire door egress from the basement. The entry gallery should use materials that give the feeling of a laneway. Plans are to be provided at a scale of 1 to 50 of the gallery area detailing high quality finishes. Details and finishes of the entrance are to be provided demonstrating a high quality address to building and street presentation.
 - 8) Reconfigure the entry to unit 1 so that it is away from the lift doors/lobby and the stairs to the basement.
 - 9) Amend schedule of external materials and finishes to remove crème brick or similar and replace with a darker brick.
 - 10) Location for electric vehicle charging points and whether solar panels are proposed.
 - 11) Utilise rainwater for irrigation of landscape plantings.

The Panel advises that the additional information does not need to be renotified and will go back to the Panel directly for electronic determination via circulation of documents, a supplementary report and revised conditions of consent.

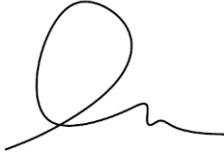
The timeframe for the submission of information is 28 days or as agreed to by Council.

The decision was unanimous.

REASONS FOR THE DECISION

In coming to this decision, the Panel are mindful that the site is very constrained due to its width and therefore impacts to adjoining development at No. 6 and 10-12 Ethel Street, and to the amenity of the the future residents of the development itself, need to be carefully considered. The applicant has demonstrated that 6 Ethel Street is capable of being developed at some time in the future, however, 10-12 Ethel Street is unlikely to change. Any redevelopment on the subject site must give appropriate consideration to impacts on these adjoining properties. Given the physical constraints of the subject site, the site cannot expect to recognise the potential yield afforded by the controls.

The Panel heard from many of the residents in the adjoining developments and share the residents concerns in respect to the proposal and the potential damage that may occur to adjoining development. The Panel are of the view that additional information in relation to the proposed basement structure should be provided at the DA stage to confirm that the development can be safely constructed and is able to have a functional basement design. This information should include a geotechnical report, advice from a structural engineer and a construction methodology.

PANEL MEMBERS	
Alison McCabe (Chair)	
Jennifer Bautovich	
Susan Hobley	
Antonio Panzarino	

SCHEDULE 1

1	DA No.	LDA2021/0204
2	Proposal	Demolition of the existing building, construction of a 5 storey mixed use development comprising a ground floor commercial tenancy, 12 residential apartments and 2 levels of basement carparking as well as strata subdivision into 13 lots
3	Street Address	8 Ethel Street Eastwood
4	Applicant / Owner	Andrew Grieve / The Owners - Strata Plan No. 18447
5	Reason for referral to RLPP	Contentious Development – More than 10 unique submissions objecting to the proposal have been received as a result of public notification of the application. and Sensitive Development – Development to which State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development applies.
6	Relevant mandatory considerations	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Building Sustainability Index BASIX) 2004 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development ○ Ryde Local Environmental Plan 2014 • Draft environmental planning instruments: <ul style="list-style-type: none"> ○ Draft Remediation of Land SEPP ○ Draft Environment SEPP • Development control plans: <ul style="list-style-type: none"> ○ Ryde Development Control Plan 2014 • Planning agreements: Nil • Development Contributions: 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 • Clause 4.6 variation request - Clause 4.3(2) Height of buildings

		<ul style="list-style-type: none"> • Written submissions during public exhibition: 22 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support - Nil ○ In objection - Bernard Waller, John Zhang, Victor Sinnadurai, David Leong, Ian Jo ○ Council assessment officer - Nil ○ On behalf of the applicant - Andrew Grieve
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: 9 June 2022 Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Jennifer Bautovich, Susan Hobley, Antonio Panzarino ○ <u>Council assessment staff</u>: Sandra Bailey, Holly Charalambous, Daniel Pearse • Papers were circulated electronically on 2 June 2022
9	Council Recommendation	Approval
10	Draft Conditions	Attachment 6 to the Council assessment report