

Meeting Date: Thursday 11 October 2018
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 5.00pm

Panel Members Present: Steve O'Connor (Chair), Eugene Sarich (Independent Expert), Ian Stapleton (Independent Expert), and Donna Gaskill (Community Representative).

Staff Present: Director – City Planning and Environment, Manager – Development Assessment, Senior Town Planner, Senior Coordinator – Development Engineering Services, Senior Coordinator – Technical Support and Senior Coordinator – Governance.

Public meeting held at the City of Ryde Council Chambers on Thursday 11 October 2018 opened at 5:00pm and closed at 5:50pm.

Date of Determination	11 October 2018
Panel Members	Steve O'Connor (Chair) Eugene Sarich (Independent Expert) Ian Stapleton (Independent Expert) Donna Gaskill (Community Representative)
Apologies	NIL
Declarations of Interest	NIL

1. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

MATTERS DETERMINED

2. MOD2018/0130 – 78 East Parade, Denistone

Application to modify consent which involves the following:

- 1) Replace approved hard stand to the north by a deck.
- 2) Replace paved patio to the rear with grass area and pavers.
- 3) Modification to associated retaining walls and stormwater drainage.

Original DA: LDA2013/0521 - Alterations and additions to dwelling and replace existing garage.

The following people addressed the meeting:

1. Sandra Bailey – Manager Development Assessment – application introduction

PANEL CONSIDERATIONS AND DECISION

The Panel considered the matters listed at item 7, and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the modification to the development as described in Schedule 1 pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979.

The Panel also noted that the matter should be referred to Council's Compliance Section for investigation and any action deemed necessary.

The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

1. The development is excavated below the existing ground level and entirely internal to the site and will not result in any adverse impact to the streetscape or the amenity of neighbouring properties.
2. The development will not have any further impact to the natural environment to that approved under LDA2013/0521.
3. The development will formally improve the amenity of the occupants of the dwelling.
4. No submissions were received objecting to the proposal.
5. The development is considered to be in the public interest.

CONDITIONS

The modification to the development application was approved subject to the alterations, additions & deletions of conditions in LDA2013/0521 as detailed in the Recommendation within the Assessment Report.

A condition was also added as follows:

A Structural Engineering Certificate demonstrating the structural adequacy of the rear retaining wall is to be provided prior to the issue of an Occupation Certificate.

PANEL MEMBERS	
Steve O'Connor (Chair)	
Eugene Sarich	
Ian Stapleton	
Donna Gaskill	

SCHEDULE 1		
1	Section 4.55 Number	MOD2018/0130
2	Site Address	78 East Parade, Denistone
3	Proposal	<p>Alterations and additions to dwelling and replace existing garage.</p> <p>Application to modify consent which involves the following:</p> <ol style="list-style-type: none"> 1) Replace approved hard stand to the north by a deck. 2) Replace paved patio to the rear with grass area and pavers. 3) Modification to associated retaining walls and storm water drainage.
4	Applicant / Owner	F Serra / Eliza M Purcell & Bernard A Purcell
5	Reason for Referral to IHAP	Conflict of Interest – The property is owned by a Councillor
6	Relevant Mandatory Conditions	Included in Assessment Report Recommendation
7	Material Considered by the Panel	Assessment Office's Report & original DA consent documents
8	Meetings & Site Inspection by the Panel	Site inspection & briefing meeting on 11 October 2018
9	Recommendation	Approval

3. LDA2017/0312 – 312 to 326 Victoria Road, Gladesville

Demolition; new part 6 / part 7 storey mixed used building comprising 165m² of retail tenancies on the ground floor, 50 apartments and 73 vehicles parking spaces over two and half levels of basement parking. It is also proposed to extend Gerard Lane, at the rear of the site, through to the site north western side boundary.

The following people addressed the meeting:

1. Sandra McCarry – Senior Town Planner – application intro
2. Clare Brown – Applicant

PANEL CONSIDERATIONS AND DECISION

The Panel considered the matters listed at item 7, and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel is satisfied that the applicant's request has satisfactorily addressed the issues in respect to Clause 4.6.

The Panel determined to approve the development as described in Schedule 1, as a "deferred commencement" pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979.

The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- 1) The proposed development is consistent with the objectives of the B4 Mixed Use zone under RLEP 2014. The development is also consistent with the development standards in RLEP 2014 with the exception of height.
- 2) The variation to the height control requested under Clause 4.6 of the RLEP is justified for the following reasons:
 - The non-compliance in height does not result in an exceedance in the floor space ratio.
 - The building elements associated with the variation to the height of buildings control (apartments and lift overrun) are located towards Victoria Road and indented in from the side boundaries, as such there are no additional visual impacts or privacy impacts associated with the variation.
 - The additional shadowing created by the variation is minimal when compared to the shadowing resulting from a height complaint scheme for the site and will not adversely impact on any adjoining properties.
 - The development is consistent with the desired future character of the locality.

- 3) The proposal results in some breaches to the Apartment Design Guide in respect to building depth, setback, apartment width, circulation corridor and communal open space. A condition of consent has been imposed to comply with the building separation. This condition will ensure that the development is not likely to adversely impact the residential amenity of adjoining properties. Despite the non-compliances, in building depth, setback, apartment widths, circulation corridor and communal open space the development will still provide adequate amenity to future residents whilst maintaining amenity to the adjoining residential properties.

- 4) The Panel has considered the issues raised in the public submissions in respect to height, traffic, noise, overshadowing, overlooking and the size of the retail uses. These issues have all been adequately addressed in the assessment report.

CONDITIONS

The development application was approved as a deferred commencement subject to the conditions in Attachment 1 of the Assessment Report.

PANEL MEMBERS	
Steve O'Connor (Chair)	
Eugene Sarich	
Ian Stapleton	
Donna Gaskill	

SCHEDULE 1		
1	DA Number	LDA2017/0312
2	Site Address	312 to 326 Victoria Road, Gladesville
3	Proposal	Demolition of existing building and construction of a part 6/part 7 storey mixed used building comprising of 165m ² of retail tenancies on the ground floor, 50 apartments and 73 vehicles parking spaces over two and half levels of basement parking. It is also proposed to extend Gerard Lane, at the rear of the site, through to the site north western side boundary.
4	Applicant / Owner	Buildex Gladesville P/L
5	Reason for Referral to IHAP	<ul style="list-style-type: none"> • Sensitive Development – Development to which State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development applies. • Development applications seeking to depart by more than 10% from a development standard. • Development which received more than 10 submissions.
6	Relevant Mandatory Conditions	Attachment 1 of Assessment Report
7	Material Considered by the Panel	Assessment Office's Report & draft conditions of consent
8	Meetings & Site Inspection by the Panel	Site inspection & briefing meeting on 11 October 2018
9	Recommendation	Deferred Commencement Approval