

Meeting Date: Thursday 13 December 2018
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 5.00pm

Panel Members Present: Marcia Doheny (Chair), Jennifer Bautovich (Independent Expert), Eugene Sarich (Independent Expert) and Rob Senior (Community Representative).

Staff Present: Acting Director – City Planning and Environment, Manager – Development Assessment, Manager – Environment, Health & Building, Senior Compliance Officer, Senior Coordinator – Development Engineering Services, Senior Town Planner, Senior Town Planner, Town Planner/ Assessment Officer, Town Planner / Assessment Officer, Planning Consultant, Acoustics Engineering Consultant, Senior Coordinator – Technical Support and Senior Coordinator – Governance

Public meeting held at the City of Ryde Council Chambers on 13 December 2018 opened at 5:00pm and closed at 6:17pm.

1. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

2. MOD2018/0095 & MOD2018/0123 – 33/297 Victoria Road, Gladesville

MOD2018/0095: Section 4.55(1A) to modify the entrance, floor space, internal office and accessible bathroom.

MOD2018/0123: Section 4.55(2) to modify Conditions 34 and 35 to allow the operation of the gym 24-hours a day 7-days a week, and allow the use of free weights.

Date of Determination	13 December 2018
Panel Members	Marcia Doheny (Chair) Jennifer Bautovich (Independent Expert) Eugene Sarich (Independent Expert) Rob Senior (Community Representative)
Apologies	NIL
Declarations of Interest	NIL

The following people addressed the Panel:

1. Rebecca Lockart – Senior Town Planner – application introduction
2. Natasha Nobbs Quintal (Objector)
3. Amy Carr (Solicitor) on behalf of Stuart Pass (Applicant)

PANEL CONSIDERATIONS AND DECISION

The Panel considered the material 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 refuse the modification applications 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

Modification Application No. MOD2018/0095: Section 4.55(1A) to modify the entrance, floor space, internal office and accessible bathroom, resulting in a change of floor area from 441m² to 531m².

The reasons for the decision of the Panel were:

- 1) Per Clause 115(1)(h) of the Environmental Planning and Assessment Regulation 2000, owners consent for the application has not been obtained for works that will impact on common property, and accordingly Council cannot approve the development.
- 2) The proposal is not of minimal environmental impact in accordance with Section 4.55(1A)(a).
- 3) The proposal is not substantially the same as the development consent which is to be modified in accordance with Section 4.55(1A)(b).
- 4) Approval of the application would not be in the public interest in consideration of the ongoing resident complaints received by Council and submissions received in accordance with Section 4.55(1A)(c) and (d).
- 5) The proposed development is inconsistent with the objectives of the B4 Mixed Use zone under RLEP 2014.
- 6) The gym will provide inadequate parking provision during the hours of 11pm and 5am which does not comply with Part 9.3 of Ryde DCP 2014.
- 7) In accordance with Section 4.15(b) the likely impacts of the development are unreasonable, and the proposed noise mitigation measures proposed are inadequate to mitigate the noise and vibration impacts caused by the premises.
- 8) In accordance with Section 4.15(1)(c) the site is unsuitable for the development due to the impacts the development will cause and incompatibility of the development with surrounding uses.

- 9) The approval of the proposed development is not in the public interest in accordance with Section 4.15(1)(e) as approval of the development would allow for the continued impact of neighbours.
- 10) Insufficient information has been received in order for Council to support the application.
- 11) The existing operation of the premises has demonstrated an inability to comply with the conditions of consent and therefore Council cannot be satisfied that additional conditions regarding the operation of the premises will satisfactorily mitigate and manage the use of the premises.

Modification Application No MOD2018/0123: Section 4.55(2) to delete Condition 34(a) and 35(a) to allow the operation of the gym 24-hours a day 7-days a week, and allow the use of free weights.

The reasons for the decision of the Panel were:

- 1) The proposal is not substantially the same as the development consent which is to be modified in accordance with Section 4.55(2)(a).
- 2) Approval of the application would not be in the public interest in consideration of the ongoing resident complaints received by Council and submissions received in accordance with Section 4.55(2)(b) and (c).
- 3) The proposed development is inconsistent with the objectives of the B4 Mixed Use zone under RLEP 2014.
- 4) Council cannot permit the use of the premises as inadequate parking will be provided during the hours of 11pm and 5am which does not comply with Part 9.3 of Ryde DCP 2014.
- 5) In accordance with Section 4.15(b) the likely impacts of the development are unreasonable, and the proposed noise mitigation measures proposed are inadequate to mitigate the noise and vibration impacts caused by the premises.
- 6) In accordance with Section 4.15(1)(c) the site is unsuitable for the development due to the impacts the development will cause and incompatibility of the development with surrounding uses.
- 7) The approval of the proposed development is not in the public interest in accordance with Section 4.15(1)(e) as approval of the development would allow for the continued impact of neighbours.
- 8) Insufficient information has been received in order for Council to support the application.
- 9) The existing operation of the premises has demonstrated an inability to comply with the conditions of consent and therefore Council cannot be satisfied that additional conditions regarding the operation of the premises will satisfactorily mitigate and manage the use of the premises.

CONDITIONS

Not applicable

PANEL MEMBERS	
Marcia Doheny (Chair)	
Jennifer Bautovich	
Eugene Sarich	
Rob Senior	

SCHEDULE 1		
1	S4.55 Numbers	MOD2018/0095 & MOD2018/0123
2	Site Address	Unit 33, 297 Victoria Road, Gladesville
3	Proposal	<p>MOD2018/0095: Section 4.55(1A) to modify the entrance, floor space, internal office and accessible bathroom.</p> <p>MOD2018/0123: Section 4.55(2) to modify Condition 34 and 35 to allow the operation of the gym 24-hours a day 7-days a week, and allow the use of free weights.</p>
4	Applicant / Owner	Stutch Pty Ltd / Belle Vue Property Pty Ltd
5	Reason for Referral to IHAP	Development which received more than 10 submissions
6	Relevant Mandatory Conditions	NA
7	Material Considered by the Panel	Assessment Officer's report & its attachments
8	Meetings & Site Inspection by the Panel	Site inspection & briefing meeting on 13/12/18
9	Recommendation	Refusal

3. MOD2017/0257 – 102 Adelaide Street, Meadowbank (Meadowbank Park)

Section 4.55 (previous Section 96(1A)) to modify the approved hours of operation of the netball courts in Meadowbank Park to permit use between 4.30pm and 7.00pm on Saturdays during March to August.

The following people addressed the meeting:

1. Ben Tesoriero – Consultant Planner – Application intro
2. Anne Doring (Netball Association) – on behalf of Applicant

PANEL CONSIDERATIONS AND DECISION

The Panel considered the material 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 development application as described in Schedule 1, pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979.

The decision was unanimous.

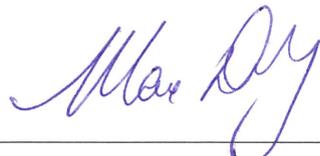
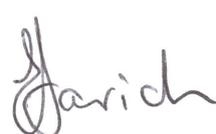
REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

1. The proposal is consistent with the objectives and planning controls contained within the provisions of LEP2014 and DCP2014.
2. The impacts on the natural and built environment have been assessed to be satisfactory, with the existing conditions of consent remaining satisfactory to mitigate impacts that have the potential to arise.
3. The proposal will continue to help facilitate recreational activities on land zoned for public recreational purposes, and is therefore a suitable use of the site.
4. The development is considered to be in the public interest.
5. The proposed development is substantially the same as the originally approved application.

CONDITIONS

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

PANEL MEMBERS	
Marcia Doheny (Chair)	
Jennifer Bautovich	
Eugene Sarich	
Rob Senior	

SCHEDULE 1		
1	DA Number	MOD2017/0257 to LDA2009/0726
2	Site Address	102 Adelaide Street, Meadowbank
3	Proposal	Section 4.55 (previous Section 96(1A)) to modify the approved hours of operation of the netball courts in Meadowbank Park to permit use between 4.30pm and 7.00pm on Saturdays during March to August.
4	Applicant / Owner	City of Ryde Council
5	Reason for Referral to IHAP	Conflict of Interest – development for which the applicant or land owner is the council. <i>Schedule 1, Part 3 of Local Planning Panels Direction</i>
6	Relevant Mandatory Conditions	NA
7	Material Considered by the Panel	Assessment Officer's report
8	Meetings & Site Inspection by the Panel	Site inspection & briefing meeting on 13/12/18
9	Recommendation	Approval

4. LDA2018/0339 – 7 North Road, Ryde

Alterations and additions to the existing residential aged care facility (San Antonio da Padova Nursing Village), including the installation of a new lift and alterations to the existing terrace areas at level 2 with a new glazed pavilion with an openable roof.

The following people addressed the meeting:

1. Kevin Kim – Assessment Officer – Application intro

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 the matters observed at site inspections listed at item 8 in Schedule.

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 reasons for the decision of the Panel were:

1. The proposed development is a permissible use within R2 – Low Density residential zone and the development is consistent with the relevant objectives of the zone and numerical standards of the RLEP 2014.
2. The variation to the height standard requested under Clause 4.6 is justified for the following reasons:
 - The development will not result in an abrupt change in the scale of the development in the streetscape and is in keeping with the character of nearby developments.
 - The breach occurs centrally within the building footprint and there would be no material impact on the existing neighbouring properties.
 - The breach will allow an improved access and amenity for the residents of the Residential Aged Care Facility.
 - The development is considered to satisfy the zone objectives and height objectives.
3. The proposed development generally complies with the site related requirements and design principles contained in the SEPP (HSPD) 2004 with the exception of the variation to the height standard. The overall scale and height of the development is unlikely to detract from the existing streetscape with variable heights ranging from single storey dwellings to four storeys residential flat buildings. The development is also sufficiently setback from the street frontage and common boundary with adjoining properties so as to reduce the visual and amenity impacts on the neighbouring properties.

4. No public submissions were received in respect to the application.

CONDITIONS

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

PANEL MEMBERS	
Marcia Doheny (Chair)	
Jennifer Bautovich	
Eugene Sarich	
Rob Senior	

SCHEDULE 1		
1	DA Number	LDA2018/0339
2	Site Address	7 North Road, Ryde
3	Proposal	Alterations and additions to the existing residential aged care facility (San Antonio da Padova Nursing Village), including the installation of a new lift and alterations to the existing terrace areas at level 2 with a new glazed pavilion with an openable roof.
4	Applicant / Owner	Restifa & Partners Pty Ltd / S Antonio Da Padova Protettore Di Poggioreale Trap
5	Reason for Referral to IHAP	Exceedance of Building Height by more than 10% Non-compliance to the minimum landscaping required under the SEPP (Housing for Seniors) 2004
6	Relevant Mandatory Conditions	Attachment 1 of Assessment Report
7	Material Considered by the Panel	Assessment Officer's report & draft conditions of consent
8	Meetings & Site Inspection by the Panel	Site inspection & briefing meeting on 13/12/18
9	Recommendation	Approval

5. LDA2018/0321 – 28 to 30 Twin Road, Ryde

Construction of a new multi-dwelling housing development comprising 5 dwellings - 2 x 2 storey, 5 bedroom dwellings at the front and 3 x single storey, 3 bedroom dwellings at the rear, 12 car parking spaces including strata subdivision.

The following people addressed the meeting:

1. Hussein Bazzi – Assessment Officer – Application intro
2. Peter Hall – Architect/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 the matters observed at site inspections listed at item 8 in Schedule 1.

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 reasons for the decision of the Panel were:

1. The development complies with the relevant provisions of RLEP 2014 with minimal impact to adjoining properties.
2. The proposal provides the opportunity to redevelop the site to deliver a diverse choice of housing to meet the future needs of residents, which fulfils the objectives of R2 Low Density Residential Zones.
3. ~~The proposal is considered to respond to existing and desired future character of the area through enhancing the characteristics of the streetscape - DELETED~~
4. Notwithstanding the variations outlined above within this report, the development generally complies with the relevant provisions outlined in *RDCP 2014 Part 3.4: Multi Dwelling Housing* which provides acceptable amenity for future occupants and adjoining properties.
5. The proposal is considered to be in the public interest.

CONDITIONS

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

PANEL MEMBERS	
Marcia Doheny (Chair)	
Jennifer Bautovich	
Eugene Sarich	
Rob Senior	

SCHEDULE 1		
1	DA Number	LDA2018/0321
2	Site Address	28-30 Twin Road, North Ryde
3	Proposal	Construction of a new multi-dwelling housing development comprising 5 dwellings - 2 x 2 storey, 5 bedroom dwellings at the front and 3 x single storey, 3 bedroom dwellings at the rear, 12 car parking spaces including strata subdivision.
4	Applicant / Owner	Otford Holdings PTY LTD / James Hull
5	Reason for Referral to IHAP	10 submissions including one (1) petition
6	Relevant Mandatory Conditions	Attachment 1 of Assessment Report
7	Material Considered by the Panel	Assessment Officer's report & draft conditions of consent
8	Meetings & Site Inspection by the Panel	Site inspection & briefing meeting on 13/12/18
9	Recommendation	Approval

6. LDA2018/0048 – 102 to 104 Bowden Street, Meadowbank

Demolition of the existing buildings and construction of a five (5) storey residential apartment building comprising 43 dwellings with two (2) levels of basement parking below the building, providing a total of 59 car spaces. Vehicle access to the development is proposed via basement links between the proposed development and the adjoining Stage 7 Building of the Shepherd's Bay Redevelopment located at 37 - 53 Nancarrow Avenue, Meadowbank.

The following people addressed the meeting:

1. Sandra McCarry – Assessment Officer – Application intro
2. Carlo DiGiulio – Applicant
3. Andrew Scarvelis – Applicant (registered – did not speak)
4. Kevin Nassif – Applicant (registered - did not attend)

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 the matters observed at site inspections listed at item 8 in Schedule 1.

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 reasons for the decision of the Panel were:

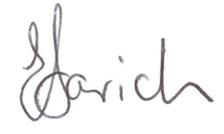
- 1) The proposed development is consistent with the objectives of the B4 Mixed Use zone under RLEP 2014. The development is also consistent with the development standards in RLEP 2014 with the exception of height.
- 2) The variation to the height control requested under Clause 4.6 of the RLEP is justified 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 will not result in any 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 compliant 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, circulation corridor and communal open

space. Despite the non-compliances, the development will provide adequate amenity to future residents whilst maintaining amenity to the adjoining residential properties.

- 4) The issues raised in the public submissions have all been discussed in detail in the report.

CONDITIONS

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

PANEL MEMBERS	
Marcia Doheny (Chair)	
Jennifer Bautovich	
Eugene Sarich	
Rob Senior	

SCHEDULE 1		
1	DA Number	LDA2018/0048
2	Site Address	102-104 Bowden Street, Meadowbank
3	Proposal	Demolition of the existing buildings and construction of a five (5) storey residential apartment building comprising 43 dwellings with two (2) levels of basement parking below the building, providing a total of 59 car spaces. Vehicle access to the development is proposed via basement links between the proposed development and the adjoining Stage 7 Building of the Shepherd's Bay Redevelopment located at 37 - 53 Nancarrow Avenue, Meadowbank.
4	Applicant / Owner	Holdmark P/L / Bayone Projects P/L
5	Reason for Referral to IHAP	<p>Sensitive Development – Development to which State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development applies.</p> <p>Development applications seeking to depart by more than 10% from a development standard.</p> <p>Development which received more than 10 submissions.</p>
6	Relevant Mandatory Conditions	Attachment 1 of Assessment Report
7	Material Considered by the Panel	Assessment Officer's report & draft conditions of consent
8	Meetings & Site Inspection by the Panel	Site inspection & briefing meeting on 13/12/18
9	Recommendation	Approval