

Meeting Date: Thursday 12 July 2018
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 5.00pm

Panel Members Present: Abigail Goldberg (Chair), Eugene Sarich (Independent Expert), Ian Stapleton (Independent Expert) and Bec Ho (Community Representative).

Staff Present: Director – City Planning and Environment, Acting Manager – Development Assessment, Acting Senior Coordinator – Major Development, Acting Senior Coordinator – Development Assessment, Assessment Officer - Town Planner, Acting Senior Coordinator – Development Engineering Services, Planning Consultant (Creative Planning Services), Senior Coordinator – Technical Support and Senior Coordinator – Civic Support.

Public meeting held at the City of Ryde Council Chambers on 12 July 2018 opened at 5:00pm and closed at 6:40pm.

1. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

- 2. 101 Western Crescent, Gladesville – LDA2017/0546**
Alterations and additions to dwelling including a new garage and storage within the front setback.

Date of Determination	12 July 2018
Panel Members	Abigail Goldberg (Chair) Eugene Sarich (Independent Expert) Ian Stapleton (Independent Expert) Bec Ho (Community Representative)
Apologies	Nil
Declarations of Interest	Nil

MATTER DETERMINED

LDA2017/0546 – 101 Western Crescent, Gladesville

The following people addressed the meeting:

1. Madeline Thomas (Assessing Officer – provided intro)
2. Patrick Lebon (objector)
3. Mick O’Neill (objector)
4. Michael Axe (objector)

5. Tony McLain (applicant – architect)
6. Bruce Lane (Owner)

PANEL CONSIDERATIONS AND DECISION

The Panel considered the matters listed at item 6, the material listed at item 7, the verbal presentations at the meeting, the material presented at the meeting and the matters observed at site inspection 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 and additional conditions as noted below in response to community concerns.

The decision was unanimous.

REASONS FOR THE DECISION


The reasons for the decision of the Panel were:

- 1) The proposed development satisfies the objectives of the R2 Low Density Residential zone. The development is also permissible and complies with the development standards under the RLEP 2014.
- 2) The development results in breaches to the RDCP 2014 in respect to the garage being located within the front setback. However, the proposed garage has a similar footprint to the existing garage and the slope of the site results in no other options for the garage location. In addition, the garage is consistent with the existing streetscape.
- 3) The development results in breaches to the RDCP 2014 in respect to maximum excavation. Despite this, the extent of the excavation is acceptable as it will not result in any adverse impacts to adjoining properties and is consistent with the existing development.
- 4) Appropriate conditions of consent have been imposed to address any overlooking issues and impacts from the existing chimneys. These conditions will ensure that the development is not likely to adversely impact the residential amenity of adjoining properties.
- 5) The issues regarding privacy, setbacks, the retaining wall, the boundary line between no. 101 & no. 103, the height & bulk and land use of the proposal; raised in the submissions have been adequately addressed in the assessment report.

CONDITIONS

The development application was approved subject to the conditions in Attachment 3 of the Assessment Report as per the following changes in response to community concerns regarding the roofing material and its potential reflectivity:

- The addition of condition 1(c) that the roofing is to be unpainted galvanised corrugated steel (not zincalume);
- Addendum to condition 1, which amended it to include the schedule of external finishes
- Condition 31 being amended to read:
Reflectivity of materials. Roofing & other external materials must be of low glare and reflectivity with the exception of the new roofing referred to in condition 1(c). Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority prior to the release of the Construction Certificate.

PANEL MEMBERS	
Abigail Goldberg (Chair)	
Eugene Sarich	
Ian Stapleton	
Bec Ho	

SCHEDULE 1		
1	DA Number	LDA2017/0546
2	Site Address	101 Western Crescent, Gladesville
3	Proposal	Alterations and additions to dwelling including a new garage and basement storage within the front setback.
4	Applicant / Owner	Tony McLain / Bruce Lane
5	Reason for Referral to IHAP	Contentious Development – Development is the subject of 10 or more unique submissions by way of objection.
6	Relevant Mandatory Conditions	Attachment 3 of Assessment Report
7	Material Considered by the Panel	Assessment Officer's report & its attachments including draft conditions of consent
8	Meetings & Site Inspection by the Panel	Site inspection & briefing meeting on 12 July 2018
9	Recommendation	Approval

3. 153 Cox's Road, North Ryde – LDA2017/0226

Internal modification to convert existing dwelling house to a dual occupancy (attached) & strata subdivision - under Division 1 of *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

Date of Determination	12 July 2018
Panel Members	Abigail Goldberg (Chair) Eugene Sarich (Independent Expert) Ian Stapleton (Independent Expert) Bec Ho (Community Representative)
Apologies	Nil
Declarations of Interest	Nil

MATTER DETERMINED

LDA2017/0226 – 153 Cox's Road, North Ryde

The following people addressed the meeting:

1. Ben Tesoriero (Consultant Planner - provided intro)
2. Martin Borri (against)
3. Sajjad Falamaki (Applicant / Owner)

PANEL CONSIDERATIONS AND DECISION

The Panel considered the matters listed at item 6, the material listed at item 7, the verbal submissions, material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to refuse the development application as described in Schedule 1, pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, for the reasons outlined in Council's report 3/18 dated Thursday 12 July 2018.

The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

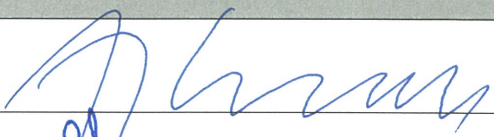

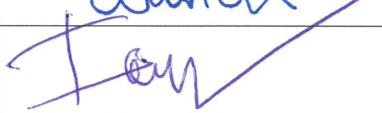
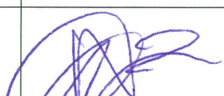
- 1) The proposal has been submitted under the provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009*. However, the proposal only includes 16.4% of its gross floor area as affordable housing. This is less than the minimum proportion of affordable housing required under the threshold provisions

of Clause 13(1) of the SEPPARH and accordingly, the SEPPARH does not apply to the development.

- 2) The development results in non-compliances with the following clause of LEP 2014:
 - Clause 4.1A – Dual Occupancy (Attached) subdivision;
 - Clause 4.1B(2)(a) – Minimum lot sizes for dual occupancies and multi-dwelling housing (lot size);
 - Clause 4.1B(2)(b) – Minimum lot sizes for dual occupancies and multi-dwelling housing (road frontage); and
 - Clause 4.4 – Floor space ratio.
- 3) The applicant has submitted a Clause 4.6 Exception to Development Standards under the LEP 2014 in respect to Clause 4.1(2)(b) 'minimum lot size' and 'road frontage'. The Clause 4.5 written request has failed to satisfactorily demonstrate why it is unreasonable or unnecessary to comply with the development standard, and also failed to provide sufficient environmental planning grounds to support varying the standard.
- 4) The applicant has failed to provide an acceptable BASIX Certificate in respect to *State Environmental Planning Policy (Building Sustainability Index: BASIX)*.
- 5) The development results in numerous non-compliances with Part 3.,3 of RDCP 2014. These non-compliances are in respect to the dwellings not addressing the street, deep soil areas, topography and excavation, front setbacks, rear setbacks, landscaping, daylight and sunlight access. These non-compliances contribute to the conversion of the dwelling house to a dual occupancy as being inappropriate for the subject site.
- 6) The site is unsuitable for the proposed development as the land is unable to satisfy the key development standards for dual occupancy (attached) sites under the relevant planning controls.
- 7) The development is not in the public interest as it fails to achieve the objectives and development standards of the applicable environmental planning instruments and development control plan.
- 8) Approval of this development would establish a poor precedent by consenting to a development application that would enable the legitimisation of a building constructed for the purposes of circumventing Council's planning controls for dual occupancy (attached) buildings. This is not in the public interest.

CONDITIONS

The development application was refused – no conditions of consent apply.

PANEL MEMBERS	
Abigail Goldberg (Chair)	
Eugene Sarich	
Ian Stapleton	
Bec Ho	

SCHEDULE 1		
1	DA Number	LDA2017/0226
2	Site Address	153 Cox's Road, North Ryde
3	Proposal	Internal modification to convert existing dwelling house to a dual occupancy (attached) & strata subdivision - under Division 1 of <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i>
4	Applicant / Owner	Sajjad Falamaki
5	Reason for Referral to IHAP	Development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards. <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 & its attachments
8	Meetings & Site Inspection by the Panel	Site inspection & briefing meeting on 12 July 2018
9	Recommendation	Refusal

4. 598A & 598B Blaxland Road, Eastwood
Construction of a part 3/part 4 storey residential apartment building
containing 12 apartments with associated basement parking for 13
vehicles.

Date of Determination	12 July 2018
Panel Members	Abigail Goldberg (Chair) Eugene Sarich (Independent Expert) Ian Stapleton (Independent Expert) Bec Ho (Community Representative)
Apologies	Nil
Declarations of Interest	Nil

MATTER DEFERRED

LDA2018/0090 – 598A & 598B Blaxland Road, Eastwood

The following people addressed the meeting:

1. Sandra McCarry (Assessing Officer - provided intro)
2. Frances Li (objector – representing strata at 596 Blaxland Rd)
3. Peter Smith (Architect on behalf of Applicant)

PANEL CONSIDERATIONS AND DECISION

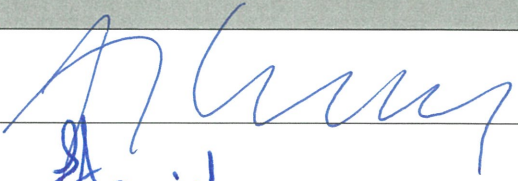
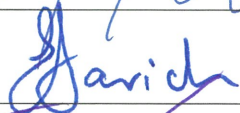
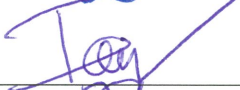

The Panel considered the matters listed at item 6, the material listed at item 7, the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined, at Council Officer's recommendation, to defer the application (as described in Schedule 1, pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979); pending a supplementary report addressing the proposed drainage solutions, to be referred to the same Panel as soon as possible for electronic determination. The Panel noted no other concerns regarding the application.

The decision was unanimous.

CONDITIONS

The development application was deferred for electronic determination at a later date. No conditions apply at this time.

PANEL MEMBERS	
Abigail Goldberg (Chair)	
Eugene Sarich	
Ian Stapleton	
Bec Ho	

SCHEDULE 1		
1	DA Number	LDA2018/0090
2	Site Address	598A & 598B Blaxland Road Eastwood
3	Proposal	Construction of a part 3/part 4 storey residential apartment building containing 12 apartments with associated basement parking for 13 vehicles.
4	Applicant / Owner	Smith & Tzannes Architects / Jiang Zhang & Jun Wang & Shiluang Zhao
5	Reason for Referral to IHAP	Sensitive Development – SEPP 65 applies
6	Relevant Mandatory Conditions	Attachment 1 of Assessment Report
7	Material Considered by the Panel	Assessment Officer's report & its attachments including draft conditions of consent
8	Meetings & Site Inspection by the Panel	Site inspection & briefing meeting on 12 July 2018
9	Recommendation	Deferral