

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

Panel Members Present: Abigail Goldberg (Chair), Russell Olsson (Independent Expert), Jennifer Bautovich (Independent Expert) and Rob Senior (Community Representative).

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

Public meeting held at the City of Ryde Council Chambers on 13 September 2018 opened at 5:00pm and closed at 5:35pm.

1. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

OTHER BUSINESS

2. Ryde Local Planning Panel Control and Direction of Development Appeals

Pursuant to Section 2.20(8) of the Environmental Planning and Assessment Act, the Ryde Local Planning Panel delegates its functions with regard to the control and direction of all development appeals against determinations (or deemed determinations) of the Local Planning Panel as identified in Section 8.15(4) of the Environmental Planning and Assessment Act to the following Council Officers in the context of Council's current delegations concerning such appeals in the Land and Environment Court:

- a. The General Manager
- b. The General Counsel
- c. The Director City Planning and Environment
- d. The Manager Development Assessment
- e. The Manager Environmental Health and Building
- f. The Manager Urban Strategy

The decision was unanimous.

3. Changes to the Code of Conduct

The Panel Members acknowledged receipt of the revised Code of Conduct for Local Planning Panel Members and the code was adopted.

The decision was unanimous.

DEVELOPMENT APPLICATION

4. 7 Balaclava Road, Eastwood – LDA2018/0224 Construction of a 14 room boarding house under SEPP (ARH) 2009

Date of Determination	13 September 2018
Panel Members	Abigail Goldberg (Chair) Russell Olsson (Independent Expert) Jennifer Bautovich (Independent Expert) Rob Senior (Community Representative)
Apologies	NIL
Declarations of Interest	NIL

MATTER DETERMINED

LDA2018/0224 – Address

The following people addressed the meeting:

1. Madeline Thomas – Acting Senior Coordinator Development Assessment –
Provided an Application introduction
2. Mayor Jerome Laxale – (Objector)
3. Veronica Lui – (Objector)

PANEL CONSIDERATIONS AND DECISION

The Panel considered the material listed at item 7, the material presented at meetings and the matters observed at site inspection 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.

The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

1. The proposed development provides inadequate onsite parking and is inconsistent with the requirements of Clause 29 of State Environmental Planning Policy (Affordable Rental Housing). The proposed configuration of the car stackers does not allow for all the parking spaces to be accessed, and therefore this provision is not met.

2. The proposed development is uncharacteristic of development in the vicinity of the site, having an inadequate front setback, lack of cohesion in respect to the design of the development which has two different and contrasting styles, and as such does not satisfactorily address the character test contained at Clause 30A of State Environmental Planning Policy (Affordable Rental Housing).
3. The proposed development has an uncharacteristic landscape setting as viewed from Balaclava Road and fails when assessed against Clause 29 of State Environmental Planning Policy (Affordable Rental Housing). The proposed passing bay and motorcycle parking has resulted in limited landscaped area within the front setback. Additionally, the proposal fails to assess the impact of the development on a site tree and several trees on the adjoining properties. The removal of these trees further reduces the landscape setting of the development. It is further noted that owner's consent for the removal of these trees has not been provided, and therefore, their removal is not permissible.
4. The application does not comply with the Building Code of Australia in regard to the number of accessible rooms provided. Furthermore, the application fails to comply with the Building Code of Australia in relation to design of the accessible parking space.
5. The proposed development provides for an inadequate level of amenity for the boarding rooms, having a poor outlook due to the proximity to the parking area. Furthermore, the use of high sill windows and privacy screening on several boarding room windows restricts the outlook of these rooms, and results in poor amenity for the occupants of these rooms.
6. The proposed development fails to comply with the Ryde DCP 2014, as it exceeds the control for number of rooms permitted in boarding houses located on land zoned R1 General Residential or R2 Low Density Residential.
7. The proposed development provides inadequate level of amenity for the adjoining properties, given the location of the side entries and insufficient landscape screening along the side boundaries. Furthermore, insufficient detail has been provided to establish that the proposal will not result in the removal of significant trees on both the site and the adjoining properties.
8. The proposed development has not considered the acoustic impact of the proposed car stackers on the future residents or adjoining properties.
9. The proposed development fails to provide a suitable BASIX Certificate.
10. The proposed development fails to address the Eastwood Stormwater Catchment in the Stormwater design.
11. The Plan of Management lodged with the application does not provide adequate information as required by Part 3.5 of the DCP.
12. The development is not considered to be in the public interest.

13. The Panel is aware that the development application has received a total of 26 submissions which included 5 petitions, all of which objected to the development. This indicated a high level of community concern.
14. There is a combination of issues, several of which require substantial reconsideration and supplementary technical details and the Panel are of the view that this warrants the refusal of the development.

CONDITIONS

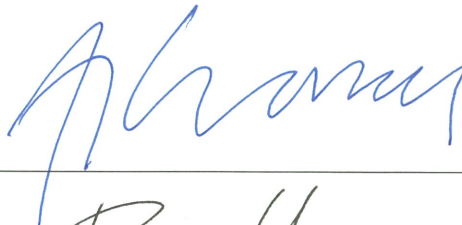
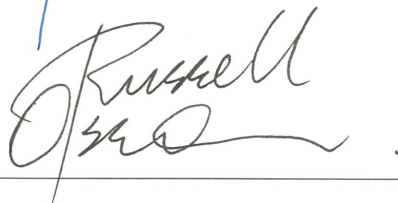

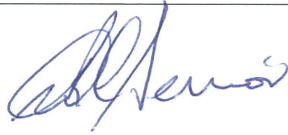
Not applicable – application refused

The Panel also amended the recommendation to read as follows (changes are in red):

1. Recommendation

That Development Application LDA2018/0224 for the construction of a boarding house comprising 9 single rooms, 5 double rooms and parking for 7 cars under *State Environmental Planning Policy (Affordable Rental Housing) 2009* at No. 7 Balaclava Road, Eastwood, be refused for the following reasons.

1. Pursuant to Clause 50(1)(a) and Clause 2A(1) under Schedule 1 of the *Environmental Planning and Assessment Regulation 2000*, the application does not include a valid BASIX Certificate for the self-contained boarding rooms.
2. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the development does not comply with the following provisions of the *State Environmental Planning Policy (Affordable Rental Housing) 2009*:
 - Clause 29(2)(b) – Landscaped area in that an uncharacteristic landscape setting as viewed from Balaclava Road would result due to the large hardstand area incorporating the passing bay and motorcycle parking.
 - Clause 29(2)(e) – *Parking* in that the insufficient details have been submitted to demonstrate that the proposal will comply with the required provision of on-site car parking as a result of accessibility, **useability and maintenance** of the car stackers.
 - Clause 30A – *Character of local area* in that the front setback is inadequate **and there is a lack of cohesion in respect to the design of the development which has two different and contrasting styles** and does not address the character test.

PANEL MEMBERS	
Abigail Goldberg (Chair)	
Russell Olsson	
Jennifer Bautovich	
Rob Senior	

SCHEDULE 1		
1	DA Number	LDA2018/0224
2	Site Address	7 Balaclava Road, Eastwood
3	Proposal	Construction of a 14 room boarding house comprising 9 single rooms, 5 double rooms and parking for 7 cars under State Environmental Planning Policy (Affordable Rental Housing) 2009
4	Applicant / Owner	Huong Thu Do
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	NA
7	Material Considered by the Panel	Assessment Officer's report & attachment
8	Meetings & Site Inspection by the Panel	Site inspection & briefing meeting on 13 September 2018
9	Recommendation	Refusal