

Meeting Date: Thursday 10 May 2018
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 5.00pm

Panel Members Present: Abigail Goldberg (Chair), Eugene Sarich (Independent Expert), Mark Shanahan (Independent Expert) and Donna Gaskill (Community Representative).

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

1. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

DEVELOPMENT APPLICATION

- 2 **175 - 177 SHAFTSBURY ROAD, EASTWOOD. Demolition of existing dwellings and the construction of a four storey residential apartment building with basement parking pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009. LDA2016/0628**

Date of Determination	10 May 2018
Panel Members	Abigail Goldberg (Chair) Eugene Sarich (Independent Expert) Mark Shanahan (Independent Expert) Donna Gaskill (Community Representative)
Apologies	NIL
Declarations of Interest	NIL

Public meeting held at the City of Ryde Council Chambers on 10 May 2018 opened at 5:00pm.

MATTER DETERMINED**LDA2016/0628 – 175-177 Shaftsbury Road, Eastwood**

The following people addressed the meeting:

1. Natalie Camilleri – Senior Town Planner – provided application introduction
2. Holly Duan (Town Planner - Ghazi Al Ali Architect)
3. Tomislav Stevanoski (Architect – Ghazi Al Ali Architect)

PANEL CONSIDERATIONS AND DECISION

The Panel considered the matters listed at item 2, 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 subject to conditions as amended at the meeting.

The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- 1) The Panel accepts that the variation to the height control requested under Clause 4.6 of the RLEP is justified for the following reasons:
 - a) Despite the non-compliance, the development will result in a built form that is compatible with the current and future desired character of the surrounding area.
 - b) The development will not result in overshadowing that would adversely impact the adjoining properties.
 - c) The non-compliance in height does not result in an exceedance in the floor space ratio.
 - d) The breach in height is due to the slope of the site, with the site having a fall from the north-eastern corner to the north-west corner of approximately 3.16m.
- 2) The Panel also accepts that the variation to the number of apartments achieving 3 hours solar access (as required under the SEPP (ARH)) is justified for the following reasons:
 - a) There are sufficient environmental planning grounds to justify varying this control in that reasonable amenity is provided elsewhere within the development for future occupants (of the affected units) not to be disadvantaged.
 - b) By accepting this variation in its context promotes the proper and orderly development of the subject site as set out by the objectives of the R4 High Density Residential zone.

- c) As the development is compliant with the solar access provisions set out in the ADG under SEPP 65, it is considered that the 86.3% of units (19) receiving at least 2 ½ hours solar access (on the shortest day of the year, being worst case) is acceptable for this type of development.
- 3) The proposal is consistent with the desired future character of the area.
- 4) The proposal is not considered to create likely impacts on the residential amenity of adjoining properties.
- 5) The proposal will provide a variety of housing options for the existing and future residents of the City of Ryde at a time when housing demands are limited, consistent with aim 1.2(2)(a) of Ryde LEP 2014 including the provision of 11 units as affordable rental accommodation.

CONDITIONS

The development application was approved subject to the conditions in Attachment 1 of the Assessment Report with the following changes:

1. The wording of Conditions 4 & 6 be amended to read as follows:

4. Affordable housing restriction- SEPP Affordable Rental Housing. No less than 48% of the gross floor area (935.13m²) of the approved development must be allocated as Affordable Housing within the meaning of State Environmental Planning Policy (Affordable Rental Housing) (AHSEPP) 2009.

- (a) The following must be complied with for 10 years from the date of the issue of the occupation certificate for the approved development:

- (i) the apartments that comprise of 48% of the gross floor area of the approved development identified to be used for the purposes of affordable housing must be used for the purposes of affordable housing, and
- (ii) all accommodation that is used for affordable housing must be managed by a registered community housing provider.

- (b) A registered surveyor shall confirm in writing that the nominated affordable rental component comprise no less than 48% of the gross floor area of the approved development, and

- (c) A restriction must be registered, before the date of the issue of any occupation certificate for the development, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the requirements of paragraph (a) are met.

If the proposal is to be strata subdivided, upon registration of a strata plan, the restriction may be placed on the title of each strata allotment for which the apartment is nominated as affordable housing in lieu of the restriction applying

to the overall development site.


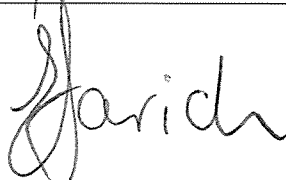


- 6. Affordable Rental Housing SEPP- Infill Housing.** Prior to the issue of any Occupation Certificate, the community housing provider is to provide confirmation to City of Ryde Council that they will be managing the Affordable Housing dwellings. Any change to the registered community housing provider managing the approved affordable housing dwellings in the 10 year period from the date of the issue of the occupation certificate must be notified to City of Ryde Council.

2. The addition of the following condition of consent:

166. Consolidation of Lots. The following lots are to be consolidated as one (1) allotment and registered on a survey plan (prepared and signed by a Registered Surveyor) with the NSW Land Registry Services (NSW Department of Lands):

- Lot 22 DP 8043
- Lot 23 DP 8043

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

PANEL MEMBERS	
Abigail Goldberg (Chair)	
Eugene Sarich	
Mark Shanahan	
Donna Gaskill	

SCHEDULE 1		
1	DA Number	LDA2016/0628
2	Site Address	175-177 Shaftsbury Road, Eastwood
3	Proposal	Demolition of existing dwellings and the construction of a four storey residential apartment building with basement parking pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009
4	Applicant / Owner	Southern Star Property Holding Pty Ltd C/- Ghazi Al Ali Architect/ Southern Star Property Holding Pty Ltd
5	Reason for Referral to RLPP	Sensitive Development – Development to which State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development applies.
6	Relevant Mandatory Conditions	Refer to 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 and briefing meeting on 10 May 2018
9	Recommendation	Approval

The meeting closed at 5.26pm.