

**Meeting Date:** Thursday 11 April 2019  
**Location:** Council Chambers, Level 1A, 1 Pope Street, Ryde  
**Time:** 5.00pm

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

**Staff Present:** Director – City Planning and Environment, Manager – Development Assessment, Senior Coordinator – Development Engineering Services, Senior Town Planner, Planning Consultant, Senior Coordinator – Technical Support, Technical Support Officer and Civic Services Manager

Public meeting held at the City of Ryde Council Chambers on 11 April 2019 opened at 5:00pm and closed at 5:47pm.

## 1. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

## 2. 330 Rowe Street, Eastwood – LDA2019/0018 Demolition of existing double garage, alterations and additions to an existing dwelling for the use of a child care centre for 66 children with basement car parking (6 car spaces) and 3 at-grade car parking spaces.

<b>Date of Determination</b>	11 April 2019
<b>Panel Members</b>	Marcia Doheny (Chair) Michael Leavey (Independent Expert) Eugene Sarich (Independent Expert) Rob Senior (Community Representative)
<b>Apologies</b>	Liz Coad
<b>Declarations of Interest</b>	NIL

The following people addressed the meeting:

1. Natalie Camilleri – Senior Town Planner – application intro
2. Eunice Dumas (objector)
3. Joe Stanton (objector)
4. Danny Makdissy (applicant)
5. Ron Edgar (Heritage advisor - 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 supports adaptive reuse of heritage buildings including use of a Heritage building for a childcare centre. However, in this case, the Panel does not consider that the development proposed is sympathetic to the Heritage item and the Panel also considers that it has inappropriate amenity impacts to neighbouring properties. The Panel is also concerned about safety concerns arising from the inability to provide sufficient on-site parking for the number of children that would be using the centre.

The Panel determines 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

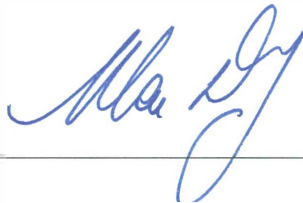



The reasons for the decision of the Panel were:

1. The proposal is considered to have an adverse impact on the heritage significance of the site and is not considered a compatible use for the heritage item, necessitating the removal of significant fabric, a loss of landscaped garden setting and curtilage, and adverse visual and physical impacts.
2. The proposed alterations and additions to the existing building do not achieve a satisfactory built form that is appropriate in terms of bulk and scale.
3. The proposed built form is not considered to reflect the existing character of the surrounding area, nor does it contribute to the existing streetscape.
4. The proposed development fails to meet all principles of the SEPP (Educational Establishments and Child Care Facilities) 2017.
5. The site is incapable of providing the minimum onsite parking required in accordance with Council's DCP requirements.
6. In accordance with Council's DCP requirements, the size of the proposed child care centre exceeds the preferred small scale (under 50 places) centre within a low residential zone, and is therefore considered to be an overdevelopment of the site.
7. The proposed development will generate on-street parking that will impact the safety of Rowe Street.
8. Inadequate information has been submitted which demonstrates acoustic analysis and measures will address acoustic concerns raised.
9. Insufficient information has been submitted which satisfies Council's On-site Detention and Stormwater Management controls.
10. The applicant's arborist has failed to outline the full impact of the proposed works on all trees to be retained.

11. The proposed design does not achieve a landscape outcome which positively contributes to the landscape character of the streetscape and neighbourhood and fails to preserve the majority of existing trees on the site.
12. Insufficient details have been provided to ensure stormwater pipes and proposed cut will not adversely impact trees.
13. Inadequate information has been submitted which to successfully determine that the amenity to neighbouring properties will be maintained in regard to noise and privacy.

**CONDITIONS**

NA

PANEL MEMBERS	
<b>Marcia Doheny (Chair)</b>	
<b>Michael Leavey</b>	
<b>Eugene Sarich</b>	
<b>Rob Senior</b>	

<b>SCHEDULE 1</b>		
<b>1</b>	<b>DA Number</b>	LDA2019/0018
<b>2</b>	<b>Site Address</b>	330 Rowe Street, Eastwood
<b>3</b>	<b>Proposal</b>	Demolition of existing double garage, alterations and additions to an existing dwelling for the use of a child care centre for 66 children with basement car parking (6 car spaces) and 3 at-grade car parking spaces.
<b>4</b>	<b>Applicant / Owner</b>	Danny Makdissy / MPHT Pty Ltd
<b>5</b>	<b>Reason for Referral to IHAP</b>	<b>Contentious development</b> – is the subject of 10 or more unique submissions by way of objection.
<b>6</b>	<b>Relevant Mandatory Conditions</b>	NA
<b>7</b>	<b>Material Considered by the Panel</b>	Assessment Officer's report
<b>8</b>	<b>Meetings &amp; Site Inspection by the Panel</b>	Site inspection & briefing meeting on 11/4/19
<b>9</b>	<b>Recommendation</b>	Refusal

**3. 34 Clanalpine Street, Eastwood – LDA2018/0392  
 Construction of a multi-dwelling housing development containing 5 dwellings  
 (1x4 bedroom and 4x2 bedroom dwellings) under the provisions of State  
 Environmental Planning Policy (Affordable Rental Housing) 2009.**

<b>Date of Determination</b>	11 April 2019
<b>Panel Members</b>	Marcia Doheny (Chair) Michael Leavey (Independent Expert) Eugene Sarich (Independent Expert) Rob Senior (Community Representative)
<b>Apologies</b>	Liz Coad
<b>Declarations of Interest</b>	NIL

The following people addressed the meeting:

1. Ben Tesoriero – Planning Consultant – application intro
2. Martin Lightbody (objector)

### **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 is not satisfied that the request pursuant to Clause 4.6 of the Ryde LEP 2014 adequately addresses the matters required to be demonstrated by Clause 4.6(3).

The Panel determines 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 height, bulk, scale, site layout and design of the development are incompatible with the character with the local area. The proposal is therefore inconsistent with the objectives of the R2 Low Density Residential zone under *Ryde Local Environment Plan 2014*. Further, the applicant has not adequately considered the development's compatibility with the character of the local area

pursuant to Clause 16A (Character of local area) of *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

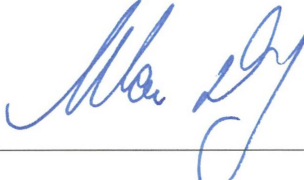



2. The significant (i.e. 3.46 metre or 69.2%) contravention of the five (5) metre building height development standard prescribed by Clause 4.3A(2) (Exceptions to height of buildings) of *Ryde Local Environment Plan 2014* would result in bulk and scale that is incompatible with the character of the surrounding low-density residential area. The variation would therefore fail to satisfy the objectives of both the R2 Low Density Residential zone and the building height standard. The submitted variation request is not well founded as it does not adequately provide appropriate environmental planning grounds for justifying the contravention, and the proposal therefore fails to satisfy the objectives of Clause 4.6 (Exceptions to development standards) of *Ryde Local Environment Plan 2014*.
3. The development is of an architectural language, form and detailing that is not contextually responsive to, and would be visually discordant with, the prevalent housing typology and forms of the surrounding area. As it would not conserve the fabric, settings and views of heritage items within the surrounding area, the proposal would fail the objectives of Clause 5.10 (Heritage conservation) of *Ryde Local Environment Plan 2014*.
4. The submitted information indicates that the development would be incapable of providing suitable solar access to both internal living areas and private open space areas within the site pursuant to Clause 14(1)(e) of *State Environmental Planning Policy (Affordable Rental Housing) 2009*.
5. The dimensions of pervious areas within the western side of the site are not capable of accommodating vegetation in accordance with the standard instrument definition of 'landscape area'. As such, the proposal would not provide adequate landscaping pursuant to Clause 14(1)(c) of *State Environmental Planning Policy (Affordable Rental Housing) 2009*.
6. In addition to a general lack of landscaped area, the development fails to provide adequately-dimensioned landscape areas along either side boundary of the subject site. The non-compliant landscape areas would fail to provide adequate space for sufficient planting to both reduce the visual impact of the development from the surrounding area and assist with visual privacy to residents of surrounding sites. The development would not satisfy the objectives and controls within Section 3.7 (Landscaping) within Part 3.4 (multi dwelling housing) of *Ryde Development Control Plan 2014*.
7. The submitted information has not assessed the development's impact on trees within adjoining allotments. As such, it is not possible to assess what level of impact the development would have upon such trees on adjoining property.
8. The proposed 4.5 metre setbacks of the building's western elevation are a considerable breach of the minimum six metre requirement where vehicular access is to be provided. As a result, the non-compliant setback does not

provide sufficient space for landscaping. As a result of the non-compliances, in addition to non-compliant level of fill under the driveway, and a lack of information regarding retaining walls and boundary fencing, the proposal would likely have an adverse impact on the visual privacy of residential allotments that adjoin the site's western boundary. As such, the proposal would not satisfy the controls or related objectives of Section 3.2 (Altering the Levels of the Site), Section 3.5.4 (Side and Rear Setbacks), Section 3.7 (Landscaping) and Section 3.10 (Visual and Acoustic Privacy) within Part 4.3 of *Ryde Development Control Plan 2014*.

9. Insufficient information has been provided for Council to adequately assess the impacts associated with the fence of the primary frontage. The submitted information indicates that the height and design of the wall would both significantly breach applicable development controls and would have a significant and adverse visual impact on the character of the surrounding area. The development would not satisfy the objectives and controls within Section 4.5 (Fences) within Part 3.4 (multi dwelling housing) of *Ryde Development Control Plan 2014*.
10. Despite being located on a relatively unconstrained allotment, the proposal represents a highly non-compliant form of development that would adversely impact on the natural and built environment. The proposal would therefore be inconsistent with the both the existing and future desired character of the local area. Given the level of non-compliance and associated cumulative impacts that are proposed, the proposed development is an overdevelopment of the site.
11. The development is not in the public interest.

## CONDITIONS

NA

PANEL MEMBERS	
<b>Marcia Doheny (Chair)</b>	
<b>Michael Leavey</b>	
<b>Eugene Sarich</b>	
<b>Rob Senior</b>	



<b>SCHEDULE 1</b>		
<b>1</b>	<b>DA Number</b>	LDA2018/0392
<b>2</b>	<b>Site Address</b>	34 Clanalpine Street, Eastwood
<b>3</b>	<b>Proposal</b>	Construction of a multi-dwelling housing development containing 5 dwellings (1x4 bedroom and 4x2 bedroom dwellings) under the provisions of <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i> .
<b>4</b>	<b>Applicant / Owner</b>	Qing Rong Deng
<b>5</b>	<b>Reason for Referral to IHAP</b>	Contentious development – (b) in any other case – is the subject of 10 or more unique submissions by way of objection - <i>Schedule 1, Part 2 of Local Planning Panels Direction</i>  <i>and</i>  Departure from development standards – contravention of the building height development standard by more than 10% - <i>Schedule 1, Part 3 of Local Planning Panels Direction</i>
<b>6</b>	<b>Relevant Mandatory Conditions</b>	NA
<b>7</b>	<b>Material Considered by the Panel</b>	Assessment Officer's report
<b>8</b>	<b>Meetings &amp; Site Inspection by the Panel</b>	Site inspection & briefing meeting on 11/4/19
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