

Date of Determination	12 September 2019
Panel Members	Steve O'Connor (Chair) Jennifer Bautovich (Independent Expert) Michael Leavey (Independent Expert) Rob Senior (Community Representative)
Apologies	NIL
Declarations of Interest	NIL

Public meeting held at the City of Ryde Council Chambers on 12 September 2019 opened at 5:00pm and closed at 6:40pm.

Papers circulated electronically on 29 August 2019.

MATTER DETERMINED

LDA2018/0385 – 8 Grove Lane, Eastwood

New multi-dwelling housing development comprising 3 x two storey 3 bedroom dwellings, 1.0m high front fence, associated car parking and tree removal.

The following people addressed the meeting:

1. Hussein Bazzi (Assessing Officer – application intro)
2. Kai Shuen & Chin Lim (against)
3. Barbara Beneina (against) – registered but did not speak
4. Mandy Lai (against)
5. Shu Ping Li (against) – registered but did not speak
6. Nathan Lu (against)
7. Ben Searle (against) – registered but did not speak
8. Alice Chen (against) – registered but did not speak
9. Francis Wiffen (against)
10. Grant Raja (against)
11. Ree Sorbello (against) – registered but did not speak
12. James Ryan on behalf of Ming Xioa (against)
13. Carol Casey (against) – registered but did not speak
14. Steve Wu (on behalf of 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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

DEVELOPMENT APPLICATION & REASONS FOR THE DECISION

The Panel determined to defer LDA2018/0385 for 8 Grove Lane, Eastwood to request a supplementary report from Council.

The supplementary report is to provide further information in respect of the shadow diagrams and the issues raised in the submission from Francis Wiffen. It is also for Council's General Counsel to consider the issues raised in the submissions from James Ryan and provide further advice in relation to parking provisions.

The Panel will determine this application electronically.


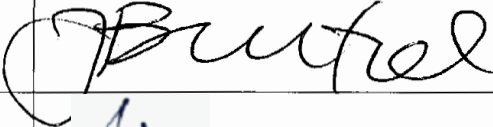


The decision was unanimous.

CONDITIONS

Not applicable

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel heard from a range of speakers who canvassed a wide range of issues in addition to considering the written submissions made during public exhibition and heard from all those wishing to address the panel.

PANEL MEMBERS	
Steve O'Connor (Chair)	
Jennifer Bautovich	
Michael Leavey	
Rob Senior	

SCHEDULE 1

1	DA No.	LDA2018/0385
2	Proposal	New multi-dwelling housing development comprising 3 x two storey 3 bedroom dwellings, 1.0m high front fence, associated car parking and tree removal.
3	Street Address	8 Grove Lane, Eastwood
4	Applicant / Owner	Steve Wu / Xiao Chun Yan
5	Reason for referral to RLPP	<ul style="list-style-type: none"> • Twenty – seven (27) submissions objecting to the development. • Seven (7) submissions to the amended plans
6	Relevant mandatory considerations	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Building Sustainability Index BASIX) 2004 ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ○ Ryde Local Environmental Plan 2014 • Draft environmental planning instruments: <ul style="list-style-type: none"> ○ Draft Remediation of Land SEPP ○ Draft Environment SEPP • Development control plans: <ul style="list-style-type: none"> ○ Ryde Development Control Plan 2014 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations <p>The public interest, including the principles of ecologically sustainable development</p>
7	Material considered by the Panel	<ul style="list-style-type: none"> • Council assessment report • Written submissions during public exhibition: 27 (first) , 7 (amended) • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – NA ○ In objection – 12 x objectors – refer to pg 1 ○ Council assessment officer – Hussein Bazzi ○ On behalf of the applicant – Steve Wu <p><i>[Francis Wiffen and James Ryan submitted additional documents in support of their verbal submissions]</i></p>

8	Meetings, briefings and site inspections by the Panel	<ul style="list-style-type: none"> • Site inspection: 12 September 2019 • Briefing: 12 September 2019 <p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Steve O'Connor(Chair), Jennifer Bautovich, [Michael Leavey, Rob Senior ○ <u>Council assessment staff</u>: Sandra Bailey, Hussein Bazzi <ul style="list-style-type: none"> • Papers were circulated electronically on 29 August 2019
9	Council Recommendation	Approval
10	Draft Conditions	Attachment 1 to the council assessment report

Date of Determination	12 September 2019
Panel Members	Steve O'Connor (Chair) Jennifer Bautovich (Independent Expert) Michael Leavey (Independent Expert) Rob Senior (Community Representative)
Apologies	NIL
Declarations of Interest	NIL

Public meeting held at the City of Ryde Council Chambers on 12 September 2019 opened at 5:00pm and closed at 6:40pm.

Papers circulated electronically on 29 August 2019.

MATTER DETERMINED

LDA2018/0434 – 53 Lavarack Street, Ryde

Construction of a new two (2) storey dual occupancy (attached), tree removal, front fence and strata subdivision.

The following people addressed the meeting:

1. Hussein Bazzi (Assessing Officer – application intro)
2. Mohamed Eldardiry (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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

DEVELOPMENT APPLICATION

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 Panel determined to refuse the application for the following reasons:

- Inadequate acoustic information has been provided to demonstrate that the development will not result in amenity impacts to future occupants as a result from Lane Cove Road.

- The site fails to comply with the frontage requirement to Lavarack Street and the applicants Clause 4.6 written variation is not well founded and fails to demonstrate consistency with the objective of the control, that the non-compliance is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify contravention of the development standard.
- The development would be inconsistent with Council's desired future character of the area which is to limit dual occupancy developments to sites that have a minimum road frontage of 20 metres.

Michael Leavey notes the numbering in the recommendation requires correcting which makes the total number of reasons seven NOT 6.

Also, that dot point 3 be amended as follows:

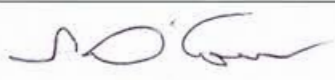


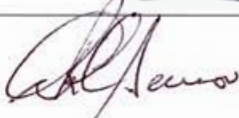
3. The proposal is contrary to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as the development is inconsistent with the DCP expressed desired future character of the area which is to limits dual occupancy development as outlined in Ryde Development Control Plan 2014 - Part 3.3: Dwelling houses and Dual Occupancy (Attached), Section 2.1 - Desired future Character.

CONDITIONS

Not applicable

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that views were heard for and against the proposed development.

PANEL MEMBERS	
Steve O'Connor (Chair)	
Jennifer Bautovich	
Michael Leavey	
Rob Senior	

SCHEDULE 1

1	DA No.	LDA2018/0434
2	Proposal	Construction of a new two (2) storey dual occupancy (attached), tree removal, front fence and strata subdivision.
3	Street Address	53 Lavarack Street, Ryde
4	Applicant / Owner	Architecture Design Studio (NSW) PTY LTD / Laiwen Jiang
5	Reason for referral to RLPP	Departure from Development Standard –The proposal results in 28% departure from the minimum frontage requirement of Clause 4.1B(2)(b) of RLEP 2014
6	Relevant mandatory considerations	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Building Sustainability Index BASIX) 2004 ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ Sydney Regional Environmental Plan XXX (Deemed SEPP) ○ Ryde Local Environmental Plan 2014 • Draft environmental planning instruments: <ul style="list-style-type: none"> ○ Draft Remediation of Land SEPP ○ Draft Environment SEPP • Development control plans: <ul style="list-style-type: none"> ○ Ryde Development Control Plan 2014 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations <p>The public interest, including the principles of ecologically sustainable development</p>
7	Material considered by the Panel	<ul style="list-style-type: none"> • Council assessment report • Written submissions during public exhibition: 2 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – NA ○ In objection – NA ○ Council assessment officer –Hussein Bazzi ○ On behalf of the applicant – Mohamed Eldaridiry

8	Meetings, briefings and site inspections by the Panel	<ul style="list-style-type: none"> • Site inspection: 12 September 2019 • Briefing: 12 September 2019 <p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Steve O'Connor(Chair), Jennifer Bautovich, [Michael Leavey, Rob Senior ○ <u>Council assessment staff</u>: Sandra Bailey, Hussein Bazzi <ul style="list-style-type: none"> • Papers were circulated electronically on 29 August 2019
9	Council Recommendation	Refusal
10	Draft Conditions	NA

Date of Determination	12 September 2019
Panel Members	Steve O'Connor (Chair) Jennifer Bautovich (Independent Expert) Michael Leavey (Independent Expert) Rob Senior (Community Representative)
Apologies	NIL
Declarations of Interest	NIL

Public meeting held at the City of Ryde Council Chambers on 12 September 2019 opened at 5:00pm and closed at 6:40pm.

Papers circulated electronically on 29 August 2019.

MATTER DETERMINED

APL2019/0007 – 34 Mawarra Crescent, Marsfield

Review of LDA2018/364 for the demolition of existing structures and construction of a new two (2) storey attached dual occupancy

The following people addressed the meeting:

1. Kimberley Kavwenje (Assessing Officer – application intro)
2. Philip Proietti (against)
3. Nick Juradowitch (on behalf of applicant)
4. Frank Sgro (available to respond to questions)

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 briefings, the memorandum prepared by Council's assessment officer in relation to amended plans dated 11/09/2019 and the matters observed at site inspections listed at item 8 in Schedule 1.

DEVELOPMENT APPLICATION

The Panel determined to refuse the review of determination of 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 Panel determined to refuse the application for the following reasons:

- The site fails to comply with the frontage requirement to Mawarra Crescent and the applicants Clause 4.6 written variation is not well founded and fails to demonstrate consistency with the objective of the control, that the non-compliance is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify contravention of the development standard.
- The development would be inconsistent with Council's desired future character of the area which is to limit dual occupancy developments to sites that have a minimum road frontage of 20 metres.
- The extent of cut and fill results in a built form that is inconsistent with the character of the area and has an adverse impact on the streetscape.
- The development is not suitable for the site and approval would be contrary to the public interest.

The following amendment was also applied to number 3 of the Recommendation within the memorandum dated 11/09/2019.

The heading is now to read as follows:





- 3. The proposed semi-basement garage results in unacceptable impacts contrary to the desired future character of the locality and is contrary to the suite of built form controls of Ryde DCP 2014.**

CONDITIONS

Not applicable

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that views were heard for and against the proposed development.

PANEL MEMBERS	
Steve O'Connor (Chair)	
Jennifer Bautovich	
Michael Leavey	
Rob Senior	

SCHEDULE 1

1	APL No.	APL2019/0007
2	Proposal	Review of LDA2018/364 for the demolition of existing structures and construction of a new two (2) storey attached dual occupancy
3	Street Address	34 Mawarra Crescent, Marsfield
4	Applicant / Owner	Sett Homes / Ivan & Mary G Radovnikovish
5	Reason for referral to RLPP	The original determination was made by the Panel and the review is required to be determined by the Panel
6	Relevant mandatory considerations	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Building Sustainability Index BASIX) 2004 ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ SEPP Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 ○ Ryde Local Environmental Plan 2014 • Draft environmental planning instruments: <ul style="list-style-type: none"> ○ Draft Remediation of Land SEPP ○ Draft Environment SEPP • Development control plans: <ul style="list-style-type: none"> ○ Ryde Development Control Plan 2014 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations <p>The public interest, including the principles of ecologically sustainable development</p>
7	Material considered by the Panel	<ul style="list-style-type: none"> • Council assessment report • Written submissions during public exhibition: 1 • Memorandum prepared by Council assessment officer in relation to amended plans dated 11/09/2019 • Verbal submissions at the public meeting:

		<ul style="list-style-type: none"> ○ In support – NA ○ In objection – Philip Proietti ○ Council assessment officer – Kimberley Kavwenje ○ On behalf of the applicant – Nick Juradowitch & Frank Sgro <p><i>[Philip Proietti submitted an additional documents in support of their verbal submission]</i></p>
8	Meetings, briefings and site inspections by the Panel	<ul style="list-style-type: none"> • Site inspection: 12 September 2019 • Briefing: 12 September 2019 <p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Steve O'Connor(Chair), Jennifer Bautovich, [Michael Leavey, Rob Senior ○ <u>Council assessment staff</u>: Sandra Bailey, Kimberley Kavwenje <ul style="list-style-type: none"> • Papers were circulated electronically on 29 August 2019
9	Council Recommendation	Refusal
10	Draft Conditions	NA

Date of Determination	12 September 2019
Panel Members	Steve O'Connor (Chair) Jennifer Bautovich (Independent Expert) Michael Leavey (Independent Expert) Rob Senior (Community Representative)
Apologies	NIL
Declarations of Interest	NIL

Public meeting held at the City of Ryde Council Chambers on 12 September 2019 opened at 5:00pm and closed at 6:40pm.

Papers circulated electronically on 29 August 2019.

MATTER DETERMINED

MOD2019/0117 – 78 East Parade, Denistone

Section 4.55(1A) application to convert pitched roof garage to flat roofed openable carport.

The following people addressed the meeting:

1. Oliver King (Assessing Officer – application intro) 2.

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

DEVELOPMENT APPLICATION

The Panel determined to approve the modification to the development application as described in Schedule 1, pursuant to Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the following reasons:

- The amended development is consistent with the objectives of the relevant provisions of the RLEP and RDCP 2014 with minimal impact to adjoining properties.
- The proposed carport will result in less bulk and scale than the previously approved garage. This will improve the streetscape of East Parade by softening the built form.

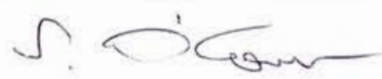



- No submissions were received objecting to the proposal.

CONDITIONS

The modification to the development application was approved subject to the alterations, additions & deletions of conditions in LDA2013/0521 as detailed in the Recommendation within the Assessment Report.

CONSIDERATION OF COMMUNITY VIEWS

No submissions were received during the exhibition period and no objections made verbal submissions at the meeting.

PANEL MEMBERS	
Steve O'Connor (Chair)	
Jennifer Bautovich	
Michael Leavey	
Rob Senior	

SCHEDULE 1

1	MOD No.	MOD2019/0117
2	Proposal	Section 4.55 (1A) application to convert pitched roof garage to flat roofed openable carport
3	Street Address	78 East Parade, Denistone
4	Applicant / Owner	Bernard Purcell / B & E Purcell
5	Reason for referral to RLPP	Conflict of Interest – The property is owned by a City of Ryde Councillor
6	Relevant mandatory considerations	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Building Sustainability Index BASIX) 2004 ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ Ryde Local Environmental Plan 2014 • Draft environmental planning instruments: <ul style="list-style-type: none"> ○ Draft Remediation of Land SEPP ○ Draft Environment SEPP • Development control plans: <ul style="list-style-type: none"> ○ Ryde Development Control Plan 2014 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations <p>The public interest, including the principles of ecologically sustainable development</p>
7	Material considered by the Panel	<ul style="list-style-type: none"> • Council assessment report • Written submissions during public exhibition: 0 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – NA ○ In objection – NA ○ Council assessment officer – Oliver King ○ On behalf of the applicant – NA

8	Meetings, briefings and site inspections by the Panel	<ul style="list-style-type: none"> • Site inspection: 12 September 2019 • Briefing: 12 September 2019 <p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Steve O'Connor(Chair), Jennifer Bautovich, [Michael Leavey, Rob Senior ○ <u>Council assessment staff</u>: Oliver King, Sandra Bailey <ul style="list-style-type: none"> • Papers were circulated electronically on 29 August 2019
9	Council Recommendation	Approval
10	Draft Conditions	Amend consent conditions of LDA2013/0521 according to assessment report