

**Meeting Date:** Thursday 13 June 2019  
**Location:** Council Chambers, Level 1A, 1 Pope Street, Ryde  
**Time:** 5.00pm

**Panel Members Present:** Steve O'Connor (Chair), Jennifer Bautovich (Independent Expert), Eric Armstrong (Independent Expert), Donna Gaskill (Community Representative)

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

Public meeting held at the City of Ryde Council Chambers on 13 June 2019 opened at 5:00pm and closed at 6:05pm.

## DECLARATIONS OF INTEREST

There were no Declarations of Interest.

- 4 Lovell Road, Eastwood – LDA2018/0390  
Torrens title subdivision of one lot into two lots**

<b>Date of Determination</b>	13 June 2019
<b>Panel Members</b>	Steve O'Connor (Chair) Jennifer Bautovich (Independent Expert) Eric Armstrong (Independent Expert) Donna Gaskill (Community Representative)
<b>Apologies</b>	NIL
<b>Declarations of Interest</b>	NIL

The following people addressed the meeting:

- Madeline Thomas – Assessing Officer – application introduction
- Nigel White - 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 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.

The decision was unanimous.

### **REASONS FOR THE DECISION**

The reasons for the decision of the Panel were:

1. The development is consistent with the objectives of the relevant provisions of the RLEP 2014 with minimal impact to adjoining properties.
2. The proposed subdivision formalises the existing arrangements of the detached dual occupancy and does not create the opportunity for any additional dwellings on the site.
3. The applicant has demonstrated that the proposal has sufficient environmental planning grounds to vary the minimum lot size development standard.
4. No submissions have been received in response to this application.

### **RECOMMENDATION**

Pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, the following is recommended:

The Local Planning Panel grant consent to development application LDA2018/0390 for the Torrens Title subdivision of one lot into two lots, subject to conditions of consent outlined in Attachment 1 of this report.

### **CONDITIONS**

The development application was approved subject to the conditions in the Council Assessment.

SCHEDULE 1		
1	<b>DA Number</b>	LDA2018/0390
2	<b>Site Address</b>	4 Lovell Road, Eastwood
3	<b>Proposal</b>	Torrens title subdivision of one lot into two lots
4	<b>Applicant / Owner</b>	C & A Surveyors Pty Ltd / Giuseppe Mazzaferro
5	<b>Reason for Referral to IHAP</b>	Variations in excess of 10% to the following Development Standard: <ul style="list-style-type: none"> <li>• Clause 4.1C of RLEP 2014 – Minimum lot size for battle-axe lots</li> </ul>
6	<b>Relevant Mandatory Conditions</b>	Attachment 1 of Assessment Report
7	<b>Material Considered by the Panel</b>	Assessment Officer's report & draft conditions of consent
8	<b>Meetings &amp; Site Inspection by the Panel</b>	Site inspection & briefing meeting on 13/06/2019
9	<b>Recommendation</b>	Approval
PANEL MEMBERS		
	Steve O'Connor (Chair)	
	Jennifer Bautovich	
	Eric Armstrong	
	Donna Gaskill	

**2. 176-186 Blaxland Road, Ryde - LDA2018/0427**  
**Demolition of existing structures and construction of a 3 storey residential flat building containing 37 apartments and associated site works**

<b>Date of Determination</b>	13 June 2019
<b>Panel Members</b>	Steve O'Connor (Chair) Jennifer Bautovich (Independent Expert) Eric Armstrong (Independent Expert) Donna Gaskill (Community Representative)
<b>Apologies</b>	NIL
<b>Declarations of Interest</b>	NIL

The following people addressed the meeting:

1. Tony Collier – Assessing Officer – application introduction
2. Sheryl Barton – Objector
3. Phil Peake – Objector
4. Neil Mumford – Objector
5. Mark Curzon - 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 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.

The decision was unanimous.

### **REASONS FOR THE DECISION**

The reasons for the decision of the Panel were:

1. The variation to the height control requested under Clause 4.6 of the RLEP 2014 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 8m.
2. The proposal is consistent with the desired future character of the area.
3. The proposal is not considered to create likely impacts on the residential amenity of adjoining properties.
4. The proposal will provide a variety of housing options for the existing and future residents of the City of Ryde, consistent with aim 1.2(2)(a) of the RLEP 2014.

## RECOMMENDATION

That Development Application LDA2018/427 for the construction of a new residential flat building comprising of 37 units and parking for 52 vehicles at No. 176 to 186 Blaxland Road, Ryde, be approved subject to the draft conditions contained in **Attachment 1** subject to the following amendments:

- Addition of condition (c) to reflect the changed materials of the balustrade on the western rear elevation for the upper floor. The balustrade is to be amended from glass to sandstone cladding (700mm high) and glass (300mm high) above.
- Condition 87 is to be amended to require vehicles associated with the construction of the development to park in the basement carpark as soon as possible.
- The Panel notes that the error on page 88 will be disregarded from the Panel's consideration.

## CONDITIONS

The development application was approved subject to the conditions in the Council Assessment as amended above.

SCHEDULE 1		
<b>1</b>	<b>DA Number</b>	LDA2018/0427
<b>2</b>	<b>Site Address</b>	176 – 186 Blaxland Road, Ryde
<b>3</b>	<b>Proposal</b>	Demolition of existing structures and construction of a 3 storey residential flat building containing 37 apartments and associated site works
<b>4</b>	<b>Applicant / Owner</b>	Sasco Developments Pty Ltd / Blaxland Rd Holdings Pty Ltd
<b>5</b>	<b>Reason for Referral to IHAP</b>	Eleven (11) submissions + one (1) petition including 34 signatures
<b>6</b>	<b>Relevant Mandatory Conditions</b>	Attachment 1 of Assessment Report
<b>7</b>	<b>Material Considered by the Panel</b>	Assessment Officer's report & draft conditions of consent
<b>8</b>	<b>Meetings &amp; Site Inspection by the Panel</b>	Site inspection & briefing meeting on 13/06/2019
<b>9</b>	<b>Recommendation</b>	Approval
PANEL MEMBERS		
	Steve O'Connor (Chair)	
	Jennifer Bautovich	
	Eric Armstrong	
	Donna Gaskill	

**6. 20 May Street, Eastwood – LDA2018/0244**  
**Construction of 3 storey residential apartment building containing 6**  
**apartments with associated basement parking for 8 vehicles**

<b>Date of Determination</b>	13 June 2019
<b>Panel Members</b>	Steve O'Connor (Chair) Jennifer Bautovich (Independent Expert) Eric Armstrong (Independent Expert) Donna Gaskill (Community Representative)
<b>Apologies</b>	NIL
<b>Declarations of Interest</b>	NIL

The following people addressed the meeting:

1. Sandra McCarry – Assessing Officer – application introduction
2. Sandra Archibald – Objectors
3. James Kim – 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 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.

The decision was unanimous.

### **REASONS FOR THE DECISION**

The reasons for the decision of the Panel were:

1. The variation to the height control requested under Clause 4.6 of the RLEP is justified for the following reasons:
  - The development is consistent with the desired future character of the locality.
  - The development will not result in overshadowing that would adversely impact the adjoining properties.
  - The non-compliance in height does not result in an exceedance in the floor space ratio.
  - The breach in height is relatively minor and is not inconsistent with adjoining properties.

2. The proposal is consistent with the objectives of the R4 High Density zone under RLEP 2014. The development is also consistent with the development standards in RLEP 2014 with the exception of height.
3. The proposal results in minor breaches to the Apartment Design Guide in respect to building separation and setbacks. Despite the non-compliances, the development will still provide adequate amenity to future residents whilst maintaining amenity to the adjoining residential properties.
4. The proposal is consistent with the desired future character of the area.
5. The proposal is not considered to create likely impacts on the residential amenity of adjoining properties.

### RECOMMENDATION

Pursuant to Section 4.6 of the Environmental Planning and Assessment Act, 1979, the following is recommended:

That the Local Planning Panel grant consent to development application LDA2018/244 for the construction of a residential apartment building development at No. 20 May Street, Eastwood subject to the conditions of consent in **Attachment 1** of this report subject to the following amendments:

- Insert Section Plan A7p into condition 1 schedule of plans.
- Delete condition 1(a) Privacy Screen.
- Amend condition 1(e) to ensure the fencing is 1.4m in height instead of 1.8m
- Amend condition 49 to read as follows:  
**Compliance with Access Report.** The development is to comply with the requirements contained in the Accessibility Report prepared by Assistive Technology Australia dated 9 April 2018. The development is to comply with the Access to Premises Standard 2010, BCA 2014 and Australian Standard AS 1428.1 – 2009 Design for Access and Mobility – General Requirements For Access -New Building Work. **Disabled access is to be provided to the roof terrace area.** Details demonstrating compliance are to be submitted on the Construction Certificate plans.
- Amend condition 73 to require the dilapidation survey to be provided to the adjoining properties and consideration be given to the adjoining neighbours' stormwater subsurface device.
- An additional condition to read as follows:  
149 The communal open space is not to be used between the hours of 10pm to 7am.

### CONDITIONS

The development application was approved subject to the conditions in the Council Assessment as amended above.

SCHEDULE 1		
1	DA Number	LDA2018/0244
2	Site Address	20 May Street, Eastwood
3	Proposal	Construction of 3 storey residential apartment building containing 6 apartments with associated basement parking for 8 vehicles.
4	Applicant / Owner	Just Property & Planning / Zhou S Mei & Yu S Mei
5	Reason for Referral to IHAP	Sensitive Development – Development to which State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development applies.
6	Relevant Mandatory Conditions	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 & briefing meeting on 13/06/2019
9	Recommendation	Approval
PANEL MEMBERS		
	Steve O'Connor (Chair)	
	Jennifer Bautovich	
	Eric Armstrong	
	Donna Gaskill	