

Meeting Date: Thursday 14 March 2019**Location: Council Chambers, Level 1A, 1 Pope Street, Ryde****Time: 5.00pm****Panel Members Present:** Abigail Goldberg (Chair), Jennifer Bautovich (Independent Expert), Ian Stapleton (Independent Expert) and Bec Ho (Community Representative).**Staff Present:** Director – City Planning and Environment, Manager – Development Assessment, Senior Coordinator – Development Engineering Services, Senior Town Planner, Senior Town Planner, Senior Coordinator – Technical Support and Technical Support Officer

Public meeting held at the City of Ryde Council Chambers on 14 March 2019 opened at 5:00pm and closed at 7:05pm.

1. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

**2. 17 Schumack Street, North Ryde – LDA2018/0348
Demolition of structure and construction of an attached dual occupancy
with parking**

Date of Determination	14 March 2019
Panel Members	Abigail Goldberg (Chair) Jennifer Bautovich (Independent Expert) Ian Stapleton (Independent Expert) Bec Ho (Community Representative)
Apologies	NIL
Declarations of Interest	NIL

The following people addressed the meeting:

1. Natalie Camilleri – Senior Town Planner – application introduction
2. Chris Carman also speaking on behalf of Jeffrey Stacey – objectors
3. Tim Pong - objector
4. Jaci Chen & Tim Stuart – applicants (designer & planner)

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 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.




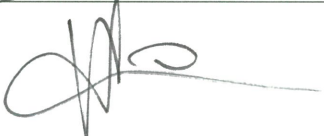
REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- 1) Given the inability of the site to provide a 20 metre frontage in accordance with Clause 4.1B(2)(b) of the Ryde LEP 2014, it is not considered that the site is not suitable for the proposed attached dual occupancy.
- 2) Given the inability of the site to provide a 20 metre frontage in accordance with Clause 4.1B(2)(b) of the Ryde LEP 2014, it is not considered that the development proposed complies with the objective of this development standard.
- 3) Further, the development proposed is unable to satisfy key development standards for dual occupancy (attached) sites under the relevant planning controls, such as:
 - Inadequate front/side/rear setbacks.
 - Unable to achieve a design that is compatible with the existing and desired streetscape.
 - Inadequate public domain amenity.
 - Unacceptable streetscape and impacts from garage dominance.
 - Inadequate Waste Management Plan.
 - Inadequate measures to protect the privacy of adjoining property at No. 19 Schumack Street.
 - Inadequate information addressing of solar impacts upon the neighbouring property at No. 19 Schumack Street.
 - Inadequate garage dimensions and driveway requirements in accordance with RDCP 2014 and the Australian Standards.
- 4) Approval of the development proposed would create an undesirable precedent.
- 5) The development is not considered to be in the public interest.

CONDITIONS

NA

PANEL MEMBERS	
Abigail Goldberg (Chair)	
Jennifer Bautovich	
Ian Stapleton	
Bec Ho	

SCHEDULE 1		
1	DA Number	LDA2018/0348
2	Site Address	17 Schumack Street, North Ryde - East Ward
3	Proposal	Demolition of structure and construction of an attached dual occupancy with parking
4	Applicant / Owner	ARC Homes/ Limin Li
5	Reason for Referral to IHAP	Development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards.
6	Relevant Mandatory Conditions	NA
7	Material Considered by the Panel	Assessment Officer's report & attachments
8	Meetings & Site Inspection by the Panel	Site inspection & briefing meeting on 14 March 2019
9	Recommendation	Refusal

3. 34 Mawarra Crescent, Marsfield – LDA2018/0364
Demolition of structure and construction of an attached dual occupancy with parking

Date of Determination	14 March 2019
Panel Members	Abigail Goldberg (Chair) Jennifer Bautovich (Independent Expert) Ian Stapleton (Independent Expert) Bec Ho (Community Representative)
Apologies	NIL
Declarations of Interest	NIL

The following people addressed the meeting:

1. Madeline Thomas – Senior Town Planner – application introduction
2. Ivan Radovnikovic – owner – registered but did not speak
3. Francesco Sgro – applicant

Council's Senior Coordinator – Development Engineering Services and Senior Town Planner (Assessment Officer) also responded to questions posed by the Panel.

PANEL CONSIDERATIONS AND DECISION

The Panel retired to consider the matter privately and reconvened at 6:00pm to announce the 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 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

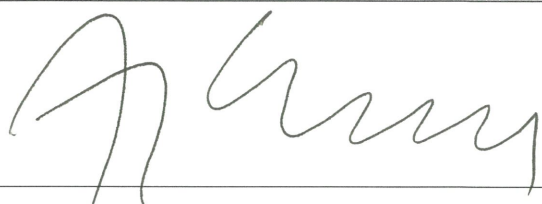



The reasons for the decision of the Panel were:

1. Given the inability of the site to provide a 20 metre frontage in accordance with Clause 4.1B(2)(b) of the Ryde LEP 2014, it is considered that the site is not suitable for the proposed attached dual occupancy.

2. Given the inability of the site to provide a 20 metre frontage in accordance with Clause 4.1B(2)(b) of the Ryde LEP 2014, it is not considered that the development proposed complies with the objective of this development standard.
3. Further, the development proposed is unable to satisfy key development standards for dual occupancy (attached) sites under the relevant planning controls, such as:
 - Inadequate landscape setting in the front setback.
 - Unable to achieve a design that is compatible with the existing and desired streetscape.
 - Excessive and unacceptable level of excavation in front setback.
 - Unacceptable streetscape and impacts from garage dominance.
 - Inadequate information addressing of solar impacts upon the neighbouring property at No. 36 Mawarra Crescent.
 - Inadequate information to demonstrate that the proposed dwellings received sufficient solar access to north facing living room windows.
4. Approval of the development proposed would create an undesirable precedent.
5. The development is not considered to be in the public interest.

CONDITIONS

NA

PANEL MEMBERS	
Abigail Goldberg (Chair)	
Jennifer Bautovich	
Ian Stapleton	
Bec Ho	

SCHEDULE 1		
1	DA Number	LDA2018/364
2	Site Address	34 Mawarra Crescent, Marsfield - West Ward
3	Proposal	Demolition of structure and construction of an attached dual occupancy with parking
4	Applicant / Owner	Sett Homes / Ivan Radovnikovich & Mary G Radovnikovic
5	Reason for Referral to IHAP	Departure from development standard – 12.25% departure from minimum frontage (Clause 4.1B of the RLEP 2014)
6	Relevant Mandatory Conditions	NA
7	Material Considered by the Panel	Assessment Officer's report & attachments
8	Meetings & Site Inspection by the Panel	Site inspection & briefing meeting on 14 March 2019
9	Recommendation	Refusal

The Panel took a break at 6:05pm and the meeting reconvened at 6:30pm.

4. 5 Farnell Street, West Ryde – LDA2018/0107
Demolition; new two storey dual occupancy (attached)

Date of Determination	14 March 2019
Panel Members	Abigail Goldberg (Chair) Jennifer Bautovich (Independent Expert) Ian Stapleton (Independent Expert) Bec Ho (Community Representative)
Apologies	NIL
Declarations of Interest	NIL

The following people addressed the meeting:

1. Madeline Thomas – Senior Town Planner – application introduction
2. Elisa Panozzo – registered but did not speak - objector
3. Sandra Panozzo – registered but did not speak – objector
4. Peter Panozzo (also on behalf of Sandra Panozzo) - objector
5. Livio Panozzo – objector

Rocky Zappia (A2 Architects - Applicant's Design Consultant) attended the meeting on behalf of the applicant. He provided a short summary at the Panel's request and responded to the Panel's questions, but had not registered to speak.

Council's Senior Coordinator – Development Engineering Services and Senior Town Planner (Assessment Officer) also responded to questions posed by the Panel.

The Chair closed the meeting and the Panel retired at 7:05pm to discuss the matter and reach a determination.

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 complies with the relevant provisions of RLEP 2014.
2. The Panel heard the views of the submitters and in response, determined to add a number of conditions to the instrument of approval addressing the height of Unit 1 of the application, the articulation of the roof form across the width of the site, deletion of the entertainment area, removal of the existing undercroft slab and infilling to the underside of the floor slab and new fencing to be in accordance with the *Dividing Fences Act, 1991*.
3. The proposal provides the opportunity to redevelop the site to deliver a diverse choice of housing to meet the future needs of residents; which fulfils the objectives of R2 Low Density Residential Zones and fits in with the diverse housing typologies in the existing area and emerging neighbourhood character.
4. The Panel supports the non-compliance with the rear setback considering the direct interface with the existing parkland at the rear of the block and that the development maintains the special character development area of 12m.
5. The development results in breaches to the RDCP 2014 as follows:
 - a. Rear deep soil area. However, the proposal still allows for suitable Stormwater absorption and mature tree planting, and therefore, this non-compliance is acceptable.
 - b. External garage width. This non-compliance is minor, and the proposed garages do not dominate the streetscape.
 - c. Tree Planting. The proposal does not include a mature tree with a height of 15m in the rear setback; however, the proposed landscaping includes two new trees in the front setback, which will ensure the appearance of the development is enhanced.
6. The issues raised in the submissions have been adequately addressed in the assessment report.

CONDITIONS

The development application was **approved** subject to the addition of two deferred commencement conditions and a new condition relating to fencing.

The following are the Deferred Commencement conditions added:

- (A) Pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent is granted to LDA2018/0107 for the demolition of the existing dwelling and construction of a new two storey dual occupancy (attached) subject to the following conditions of consent:

1. Floor Levels – Unit 1. The finished floor levels of Unit 1 are to be reduced by 800mm so that:

- The garage, porch and foyer on the ground floor have a finished floor level of RL 55.975 (AHD)
- The ground floor theatre room has a finished floor level of RL 56.147 (AHD)
- The kitchen, living and bathroom on the ground floor has a finished floor level of RL 57.347 (AHD)
- The first floor is to have a finished floor level of RL 60.347 (AHD)
- The parapets and the entire roof of unit 1 is to be lowered by 800mm

The Unit 1 Entertainment Area is to be deleted.

2. Subfloor Area. The slab of the subfloor area and garage of the existing house is to be demolished. The subfloor area is to be filled to the underside of the ground floors.

- (B) Written evidence that the matter identified in deferred commencement condition (A) (1) above has been satisfied, must be submitted to Council within 12 months from the date of this development consent, failing which, this development consent **will lapse** pursuant to Section 4.53(6) of the Environmental Planning and Assessment Act 1979.
- (C) This Development Consent will not operate until such time that the Council notifies the Applicant in writing that that deferred commencement consent condition (A) (1) above has been satisfied; and

Upon Council giving written notification to the Applicant that deferred commencement consent condition (A) (1) above has been satisfied, the development consent will become operative from the date of that written notification.



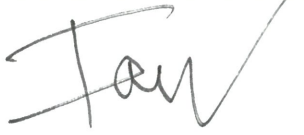

The following is the condition relating to fencing:

91. Dividing Fencing. All dividing fences are to be constructed in accordance with the *Dividing Fences Act 1991*.

Condition 1 now reads as follows due to the addition of Deferred Commencement conditions:

- 1. Approved Plans/Documents.** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the plans approved by Council that satisfy the deferred commencement Condition 1 and 2.

The decision was unanimous.

PANEL MEMBERS	
Abigail Goldberg (Chair)	
Jennifer Bautovich	
Ian Stapleton	
Bec Ho	

SCHEDULE 1		
1	DA Number	LDA2018/0107
2	Site Address	5 Farnell Street, West Ryde
3	Proposal	Demolition; new two storey dual occupancy (attached)
4	Applicant / Owner	Robert Trovato & Melissa A Trovato
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	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 14 March 2019
9	Recommendation	Approval