

Meeting Date: Thursday 4 July 2019
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 5.00pm

Panel Members Present: Marcia Doheny (Chair), Ian Stapleton (Independent Expert), Eugene Sarich (Independent Expert) and Peter Graham OAM (Community Representative).

Staff Present: Director – City Planning and Environment, Manager – Development Assessment, Manager – Urban Strategy, Planning Consultant, Heritage Advisor, Consultant Heritage Advisor, Senior Coordinator – Technical Support, Technical Support Officer and Civic Services Manager

Public meeting held at the City of Ryde Council Chambers on 4 July 2019 opened at 5:00pm and closed at 6:50pm.

DECLARATIONS OF INTEREST

There were no Declarations of Interest.

1. 442 Lane Cove Road, Macquarie Park – LDA2019/0092

Four (4) new 22m high light poles at Tuckwell Park, along with associated trenching to service the poles. The proposed hours of operation of the lights are:

- Winter (April to August) Monday to Thursday 4pm to 9:30pm; and
- Summer (September to March) Monday to Thursday 6pm to 9pm.

Date of Determination	4 July 2019
Panel Members	Marcia Doheny (Chair) Ian Stapleton (Independent Expert) Eugene Sarich (Independent Expert) Peter Graham OAM (Community Representative)
Apologies	NIL
Declarations of Interest	NIL

The following people addressed the meeting:

1. Brendon Clendenning – Consultant Planner – application intro
2. Elizabeth Lawrence – Submitter in support
3. Dr Karen Peebles – Objector
4. Robyn Cowgill - Objector

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 determines 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 is unanimous.

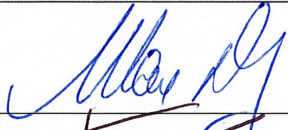
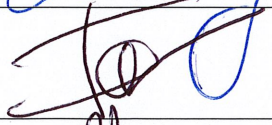
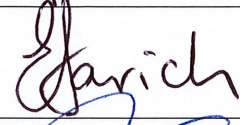
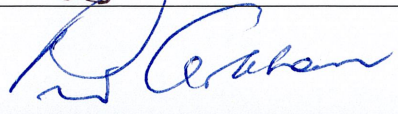
REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- 1.The proposal is consistent with the objectives, standards, and controls contained within the provisions of LEP2014 and DCP2014.
- 2.The impacts on the natural and built environment have been assessed to be satisfactory.
- 3.The proposal will continue to help facilitate recreational activities on land zoned for public recreational purposes, and is therefore a suitable use of the site.
- 4.The development is considered to be in the public interest.

CONDITIONS

The development application was approved subject to the conditions in Attachment 1 of the Assessment Report.

PANEL MEMBERS		
Marcia Doheny (Chair)		
Ian Stapleton		
Eugene Sarich		
Peter Graham OAM		
SCHEDULE 1		
1	DA Number	LDA2019/0092
2	Site Address	442 Lane Cove Road, Macquarie Park
3	Proposal	<p>Four (4) new 22m high light poles at Tuckwell Park, along with associated trenching to service the poles. The proposed hours of operation of the lights are:</p> <ul style="list-style-type: none"> • Winter (April to August) Monday to Thursday 4pm to 9:30pm; and • Summer (September to March) Monday to Thursday 6pm to 9pm.
4	Applicant / Owner	City of Ryde Council
5	Reason for Referral to IHAP	Thirteen (13) submissions, eleven (11) of which are in objection, and two (2) in support.
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 4/07/2019
9	Recommendation	Approval

2. 31 Cobham Avenue, Melrose Park – LDA2019/0078

The following people addressed the Panel:

1. Sandra Bailey - Manager Development Assessment – application intro
2. City of Ryde Mayor Jerome Laxale – Objector
3. Andrew Goodyer – Objector
4. Frank McCaffery - Objector
5. Pam Smith on behalf of Melrose Park Residents Action Group - Objector
6. Merv Jones – Objector
7. Kate Swain – On behalf of Applicant
8. Peter Kim – 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 determines to **refuse** the development application as described in Schedule 1, pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979.

Marcia Doheny: in support of recommendation

Ian Stapleton: in support of the recommendation

Eugene Sarich: does not support the recommendation

Peter Graham: in support of the recommendation

Quorum is reached. The application is refused.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

The proposed change of use to a Tattoo Parlour is not considered suitable for the site and is contrary to the public interest and is unacceptable pursuant to Section 4.15 (1)(c), (d) and (e) of the Environmental Planning and Assessment Act 1979.

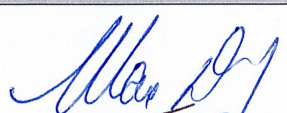
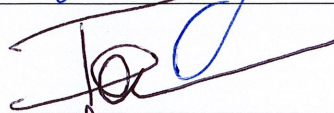
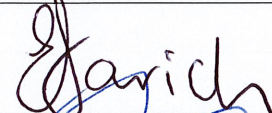
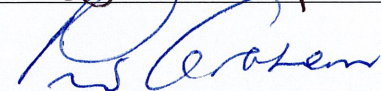
Particulars:

- (a) The site is zoned B1 Neighbourhood Centre. The proposed use is contrary to the objectives of the zone for the following reasons:
 - i. The business does not service the needs of the people who live or are within the surrounding neighbourhood. The proposed use has a specific clientele which extends outside of the surrounding neighbourhood.

- ii. The intent of the Neighbourhood Centre zoning is to provide for a range of small scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood. Such uses would be more aligned with a corner store, hairdressers, newsagency, chemist or retail premises such as butchers and bakery. These uses provide a direct and ongoing service to the community and not a specified group of clientele as is associated with the proposed use.
- (b) The site is not suitable for the proposed development of a tattoo parlour pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
- (c) The proposal is contrary to the public interest pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979 as detailed in the reasoning for refusal.

CONDITIONS

NA

PANEL MEMBERS		
Marcia Doheny (Chair)		
Ian Stapleton		
Eugene Sarich		
Peter Graham OAM		
SCHEDULE 1		
1	DA Number	LDA2019/0078
2	Site Address	31 Cobham Avenue, Melrose Park
3	Proposal	Change of use of a ground floor Home Business premises to a Business Premises to accommodate a tattoo parlour.
4	Applicant / Owner	Peter Kim / KAT Australia Pty Ltd
5	Reason for Referral to IHAP	Fifty-five (55) submissions (49 in opposition)
6	Relevant Mandatory Conditions	NA
7	Material Considered by the Panel	Assessment Officer's report
8	Meetings & Site Inspection by the Panel	Site inspection & briefing meeting on 4/07/2019
9	Recommendation	Refusal

3. Planning Proposal – Heritage Review

The following people addressed the meeting:

1. Dyalan Govender – Manager Urban Strategy – Council intro
2. City of Ryde Mayor Jerome Laxale – in support
3. Councillor Christopher Gordon as the Chair of Heritage Advisory Committee – in support
4. Tom Tsihlis – in support
5. Philip Brown – on behalf of Denistone Character Area Residents – also tabled a submission in support

PANEL CONSIDERATIONS AND DECISION

The Panel considered the material listed at item 7, and the material presented at the briefing meeting listed at item 8 in Schedule 1.

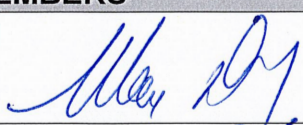
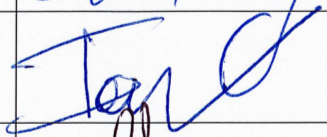
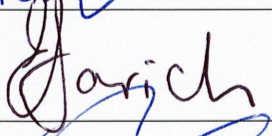
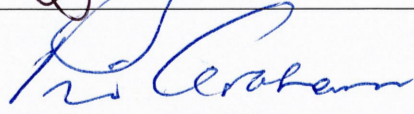
The Panel recommends to Council that the planning proposal be submitted for Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act 1979.

The decision is unanimous.

REASONS FOR THE DECISION

1. The Panel supports the process that has been undertaken by Council, including the heritage study carried out by GML Heritage Consultants and known as the “*City of Ryde Heritage Review*” dated June 2019, which from the reported history is needed.
2. The Environmental Planning & Assessment Act 1979 requires the orderly development of land. The planning proposal will support that outcome by enabling a transparent process informed by expert advice and comprehensive community participation that will enable clear identification of heritage items, conservation areas and Landscape & archeological places in the Ryde Local Environmental Plan.
3. The Planning Proposal is consistent with the applicable strategic planning framework and policies.

Note: The Panel encourages Council to consider a process for protecting the interiors of Heritage items.

PANEL MEMBERS	
Marcia Doheny (Chair)	
Ian Stapleton	
Eugene Sarich	
Peter Graham OAM	

SCHEDULE 1		
1	PP Number	LEP2019/38
2	Site Address	Numerous
3	Proposal	<p>The Planning Proposal (PP) seeks to make the following amendments to <i>Schedule 5 Environmental heritage</i> of RLEP 2014:</p> <ol style="list-style-type: none"> 1. <i>Part 1 Heritage Items</i> - Add 44 new heritage items 2. <i>Part 2 Heritage conservation areas</i> – Add 6 new heritage conservation areas 3. <i>Part 3 Archaeological sites</i> – Add 2 new archaeological sites 4. Amend descriptions of 6 existing heritage items. <p>The PP also seeks to amend RLEP 2014 <i>Heritage Maps</i> to incorporate the additional heritage items, conservation areas and archaeological sites</p>
4	Applicant / Owner	City of Ryde Council / Numerous
5	Reason for Referral to IHAP	Required by Ministerial Direction made under Section 9.1 of the <i>Environmental Planning and Assessment Act 1979</i> dated 27 September 2018
6	Relevant Mandatory Conditions	NA
7	Material Considered by the Panel	Council report & confidential attachments
8	Meetings & Site Inspection by the Panel	Briefing meeting on 4/07/2019
9	Recommendation	That the Ryde Local Planning Panel recommends to Council that the planning proposal be submitted for Gateway Determination under 3.34 of the <i>Environmental Planning and Assessment Act 1979</i>