

**Meeting Date:** Thursday 8 August 2019  
**Location:** Council Chambers, Level 1A, 1 Pope Street, Ryde  
**Time:** 5.00pm

**Panel Members Present:** Abigail Goldberg (Chair), Jane Fielding (Independent Expert), Michael Leavey (Independent Expert) and Bec Ho (Community Representative)

**Staff Present:** Manager – Development Assessment, Senior Town Planner, Senior Town Planner, Senior Coordinator – Development Engineering Services, Senior Development Engineer, Planning Consultant, Consultant Landscape Architect, Senior Coordinator – Technical Support and Civic Services Manager

Apologies: Director City Planning & Environment

Public meeting held at the City of Ryde Council Chambers on 8 August 2019 opened at 5:00pm and closed at pm.

#### **DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

#### **1. 958 Victoria Road, West Ryde – LDA2018/0363**

<b>Date of Determination</b>	8 August 2019
<b>Panel Members</b>	Abigail Goldberg (Chair) Jane Fielding (Independent Expert) Michael Leavey (Independent Expert) Bec Ho (Community Representative)
<b>Apologies</b>	NIL
<b>Declarations of Interest</b>	NIL

The following people addressed the meeting:

1. Rebecca Lockart – Senior Town Planner (application introduction)
2. Greg Patch (applicant)
3. Anthony El-Hazouri (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 determined to refuse the development application as described in Schedule 1, pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 for the reasons outlined in the assessment report – with the deletion of the first part of sentence 1, d(ii) in the report as it does not apply. The sentence should now start with “With no direct sunlight”.

The decision was unanimous.

## **REASONS FOR THE DECISION**

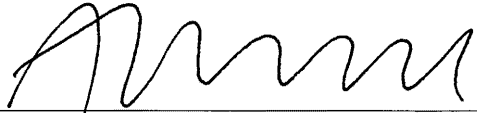
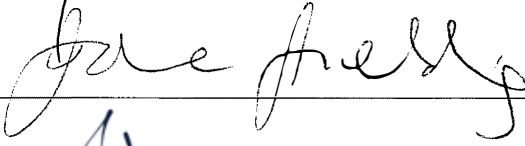


The Panel determined to refuse the application for the following reasons:

1. The proposal is a prohibited development within the SP1 Special Purposes zone under Ryde LEP 2014.
2. The application has failed to demonstrate the development benefits from existing use rights under the EP&A Act.
3. The development does not adequately satisfy Clause 5.10 of Ryde LEP 2014 in order to permit the approval of the proposal.
4. The proposal will have a detrimental impact on the heritage significance of the locally listed heritage building and its setting as is required to be reference in Clause 5.10(d) of the Ryde LEP 2014.
5. The proposed design of the new buildings within the curtilage of the heritage building is not sympathetic to the heritage structure in relation to side setbacks and architectural features.
6. Approval of the proposed development is not in the public interest due to the unacceptable impacts of the development, the submissions received in response to the proposal and the unsuitability of the development for the site.
7. The proposal will provide poor residential amenity for occupants with unacceptable communal living spaces, solar access and accessibility to the premises.
8. The application has failed to provide sufficient information to allow for a full and proper assessment in relation to a number of essential matters including:
  - a. the BASIX requirements for the existing building;
  - b. the noise and air quality requirements of SEPP (Infrastructure) 2007;
  - c. contamination details with regard to SEPP No. 55;
  - d. fire safety under Clause 94 of the EP&A Regs; and

- e. arboricultural details in relation to the existing trees and vegetation both on the site and the adjoining property.
- 9. The proposed parking area fails to comply with the requirements of AS2890.1:2004.
- 10. The proposed bicycle parking area does not meet the safety and security requirements of Ryde DCP 2014.
- 11. The RMS did not support the proposed plans.

**CONDITIONS**

NA

<b>PANEL MEMBERS</b>	
<b>Abigail Goldberg (Chair)</b>	
<b>Jane Fielding</b>	
<b>Michael Leavey</b>	
<b>Bec Ho</b>	

<b>SCHEDULE 1</b>		
<b>1</b>	<b>DA Number</b>	LDA2018/0363
<b>2</b>	<b>Site Address</b>	958 Victoria Road, West Ryde
<b>3</b>	<b>Proposal</b>	<p>Alterations &amp; additions to the existing 9 room boarding house involving the following bringing the total boarding room number to 17:</p> <ul style="list-style-type: none"> <li>• First floor rear addition to accommodate 2 new rooms;</li> <li>• New single storey detached building to accommodate 2 new rooms;</li> <li>• New two storey detached building to accommodate 4 new rooms.</li> </ul>
<b>4</b>	<b>Applicant / Owner</b>	C.J.E Dental Pty Ltd
<b>5</b>	<b>Reason for Referral to IHAP</b>	Sensitive development: Development involving the demolition of a heritage item
<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 8/08/2019
<b>9</b>	<b>Recommendation</b>	Refusal

## 2. 11 Vimiera Road, Eastwood – LDA2019/0076

<b>Date of Determination</b>	8 August 2019
<b>Panel Members</b>	Abigail Goldberg (Chair) Jane Fielding (Independent Expert) Michael Leavey (Independent Expert) Bec Ho (Community Representative)
<b>Apologies</b>	NIL
<b>Declarations of Interest</b>	NIL

The following people addressed the meeting:

1. Madeline Thomas – Senior Town Planner (application introduction)
2. James 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 determined to refuse the development application as described in Schedule 1, pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 for the reasons outlined in the assessment report.

The decision was unanimous.

### REASONS FOR THE DECISION

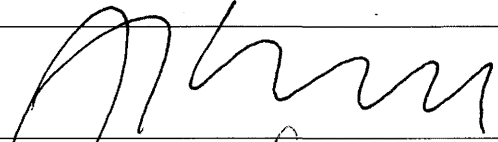
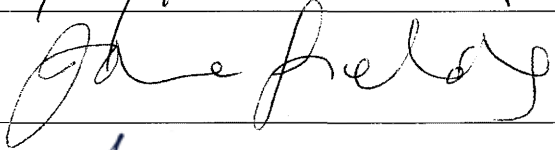

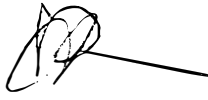
The Panel determined to refuse the application for the following reasons:

1. The proposal will have an unacceptable impact on the Blue Gum High Forest critically endangered ecological community. Insufficient information has been provided to determine the impact on the two Sydney Blue Gum trees to the remaining CEEC and the sustainability of the impact from an ecological perspective under the relevant provisions of EPBC Act, NSW Biodiversity Conservation Act 2016 and State Environmental Planning Policy No. 19 – Bushland in Urban Areas;
2. The amended proposal fails to respond to the known site constraints and is not suitable for the site.
3. The proposal fails to comply with the RDCP 2014 in respect to the minimum pervious area requirement.

4. The proposal fails to comply with the RDCP 2014 in respect to the private outdoor area. The courtyard areas of Unit 2 and 3 are impractical as they contain significant trees, and result in poor amenity for future residents of these units.
5. The proposal fails to provide the necessary parking spaces in accordance with the RDCP 2014 given the location of the proposed rainwater tanks and bin storage areas.
6. The proposal fails to demonstrate that there is sufficient solar access to Unit 2's courtyard and the adjoining property to the south west.
7. The proposal fails to provide sufficient information in relation to:
  - The amount of cut and fill, level changes and retaining walls required and details of the proposed suspended slab;
  - Mitigation measures for trees within the site and adjoining properties during construction;
  - Manoeuvrability for vehicles, as no swept path diagrams have been provided;
  - The shadow diagrams provided do not consider the fence on the south western boundary, as required by the RDCP 2014.
8. The development is not considered to be in the public interest.

## **CONDITIONS**

NA

<b>PANEL MEMBERS</b>	
<b>Abigail Goldberg (Chair)</b>	
<b>Jane Fielding</b>	
<b>Michael Leavey</b>	
<b>Bec Ho</b>	

<b>SCHEDULE 1</b>		
<b>1</b>	<b>DA Number</b>	LDA2019/0076
<b>2</b>	<b>Site Address</b>	11 Vimiera Road, Eastwood
<b>3</b>	<b>Proposal</b>	New multi-dwelling housing development containing three (3) dwellings - 1 x 2 storey, 4 bedroom dwelling at the front and 2 x single storey, 3 bedroom dwellings at the rear as well as strata subdivision.
<b>4</b>	<b>Applicant / Owner</b>	James Kim / Ivan Y F Chan
<b>5</b>	<b>Reason for Referral to IHAP</b>	Contentious Development – Development 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 8/08/2019
<b>9</b>	<b>Recommendation</b>	Refusal



**3. 38 Fourth Avenue, Eastwood – LDA2019/0025**

<b>Date of Determination</b>	8 August 2019
<b>Panel Members</b>	Abigail Goldberg (Chair) Jane Fielding (Independent Expert) Michael Leavey (Independent Expert) Bec Ho (Community Representative)
<b>Apologies</b>	NIL
<b>Declarations of Interest</b>	NIL

The following people addressed the meeting:

1. Ben Tesoriero – Planning Consultant (application introduction)
2. Jeanette Detheridge (objector)
3. Clr Trenton Brown (objector)
4. Nicole Lennon (applicant)

**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 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 Panel approved the application subject to the modification of condition 3 as follows:

**Balcony Deletion** The terrace balcony adjoining suite 5 is to be deleted to mitigate impacts to Tree 1 (cedrus deodara) to a sustainable level. A Juliette balcony with no balcony extrusions is to be provided for suite 5...Construction Certificate.

The decision was unanimous.

**REASONS FOR THE DECISION**

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

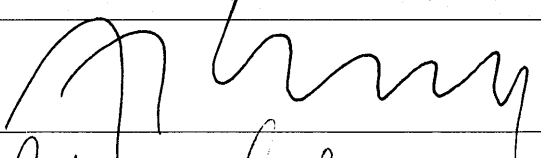
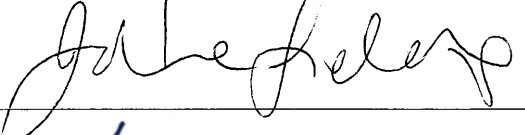

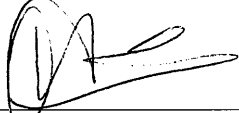
1. The proposed use is a permitted use in the R2 zoning and the development complies with the relevant provisions of the applicable planning instruments including State Environmental Planning Policy (Affordable Rental Housing) 2009 and the Ryde Local Environmental Plan 2014.

The proposed use supports the provision of a variety of housing types which is part of the objective of the R2 zone.

2. The proposal is compatible with the character of the local area, noting that the Himalayan Cedar in the front yard in the corner location is retained which responds to the need to retain mature vegetation in this neighbourhood. In addition, the scale of the proposed development is equivalent to a single house and complies with the FSR and height established for the neighbourhood.
3. The proposal is located between low density residential and non-residential uses.
4. The proposal will not create impacts on the residential amenity of adjoining properties, noting that access is to be taken off Ryedale Road which is a busy and heavily trafficked road and not off the quiet cul-de-sac Fourth Avenue. Additionally, a plan of management for the operation of the boarding house is in place to minimise impacts on the adjoining properties.
5. The development has retained the significant vegetation on the site.
6. The development results in minor non-compliances with the requirements of DCP 2014. Many of these non-compliances can be addressed with conditions of consent. The other non-compliances do not result in a loss of amenity to adjoining properties or future residents of the site.

**CONDITIONS**

Attachment 1 of the Assessment Report as amended above

<b>PANEL MEMBERS</b>	
<b>Abigail Goldberg (Chair)</b>	
<b>Jane Fielding</b>	
<b>Michael Leavey</b>	
<b>Bec Ho</b>	

<b>SCHEDULE 1</b>		
<b>1</b>	<b>DA Number</b>	LDA2019/0025
<b>2</b>	<b>Site Address</b>	38 Fourth Avenue, Eastwood
<b>3</b>	<b>Proposal</b>	New two storey boarding house comprising, 8 x double boarding rooms, 2 x single boarding rooms, 1 x communal room and parking for 5 cars – under the provisions of <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i> .
<b>4</b>	<b>Applicant / Owner</b>	Roger Johnson – Moderinn Pty Ltd / Weihua Li
<b>5</b>	<b>Reason for Referral to IHAP</b>	Contentious development – the subject of 10 or more unique submissions by way of objection.  <i>Schedule 1, Part 2 of Local Planning Panels Direction</i>
<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
<b>8</b>	<b>Meetings &amp; Site Inspection by the Panel</b>	Site inspection & briefing meeting 8/08/2019
<b>9</b>	<b>Recommendation</b>	Approval