

Date of Determination	11 June 2020
Panel Members	Steve O'Connor (Chair) Eugene Sarich (Independent Expert) Michael Leavey (Independent Expert) Donna Gaskill (Community Representative)
Apologies	NIL
Declarations of Interest	NIL

Public meeting held remotely via teleconference (Council staff at the North Ryde Office) on 11 June 2020 opened at 5:00pm and closed at 5:30pm.
 Papers circulated electronically on 5 June 2020.

MATTER DETERMINED

LDA2019/0304 - 2 Coinda Close, Marsfield

Construction of 2 storey boarding house comprising 8 x 2 bed boarding rooms and a double garage. The proposal provides 4 car parking spaces, 2 motorcycle parking spaces and 4 bicycle parking spaces.

The following people addressed the meeting:

1. Hanifa Bowyer-Tagg (objector)
2. Karina Klueckmann (objector)
3. Wageeh Ayoubi (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 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:

1. The proposed development is not suitable for the site as the intensification of use requires the provision of car parking and services that result in a built form and landscaping that is inconsistent with the existing character of the local area and does not satisfy Clause 30A of the

State Environmental Planning Policy (Affordable Rental Housing) 2009, Section 2.0 in Part 3.3, Section 2.1 in Part 3.5, and Section 1.1 in Part 9.3 of the Ryde Development Control Plan 2014.

2. The proposed development projects beyond the front setback for the site and the rear setback and is of a built form that is uncharacteristic of residential developments in the immediate vicinity of the site. The proposed development does not satisfy the objectives and provisions under Section 2.9.1 and 2.9.3 in Part 3.3 of the Ryde Development Control Plan 2014.
3. The proposed development has not satisfactorily demonstrated that the increase in density and vehicular traffic will not have any impact on pedestrian safety.
4. The proposed development does not provide a boarding house that is of high quality design and has not sufficiently mitigated amenity impacts on adjoining properties. In particular, visual and acoustic privacy has not been sufficiently addressed.
5. The proposed development provides for an inadequate level of amenity for the ground floor boarding room immediately adjacent to the primary entrance. The proximity of the boarding room window and building entry will have visual and acoustic privacy impacts on occupants and reduce security. In addition, the use of high light windows as sole openings to boarding rooms provides poor outlook and amenity.
6. Insufficient information has been provided to demonstrate the proposed front and return fences, particularly at the south-western boundary, is compatible the character of the streetscape.
7. The proposed development has failed to satisfactorily address stormwater management in accordance with Part 8.2 of the Ryde Development Control Plan 2014.
8. The Plan of Management lodged with the application does not provide adequate information as required by Part 3.5 of the DCP. The operation of the boarding house has not demonstrated management of the premises will minimise amenity impacts on surrounding properties.
9. The proposed development has not provided sufficient information to demonstrate the built form will not have any adverse overshadowing impacts on adjoining properties, particularly adjoining private open spaces.
10. The proposed intensification of the use comprising a 16 lodger boarding house is considered an overdevelopment of the site as the design will have adverse environmental and amenity impacts on the locality and surrounding properties.
11. The proposed development is not considered to be in the public interest.

The Panel adopts the recommendation and reasons for refusal as outlined in the Assessment Officer's report.





CONDITIONS

Not applicable – Refusal

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 considers that concerns raised by the community have been adequately addressed in the assessment report. No new issues were raised during the public meeting.

PANEL MEMBERS	
Steve O'Connor (Chair)	
Eugene Sarich	
Michael Leavey	
Donna Gaskill	

SCHEDULE 1

1	DA No.	LDA2019/0304
2	Proposal	Construction of 2 storey boarding house comprising 8 x 2 bed boarding rooms and a double garage. The proposal provides 4 car parking spaces, 2 motorcycle parking spaces and 4 bicycle parking spaces.
3	Street Address	2 Coinda Close, Marsfield
4	Applicant / Owner	Nuovo Design Studio Pty Ltd / Southern Star Petroleum Pty Ltd
5	Reason for referral to RLPP	Contentious Development - subject of 10 or more unique submissions by way of objection
6	Relevant mandatory considerations	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Affordable Rental Housing) 2009 ○ State Environmental Planning Policy (Building Sustainability Index) 2004 ○ State Environmental Planning Policy No. 55 Remediation of Land (SEPP55) ○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ○ State Environmental Planning Policy No. 19 – Bushland in Urban Areas ○ 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 State Environmental Planning Policy ○ Draft Environment State Environmental Planning Policy • 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: 32 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – Nil

		<ul style="list-style-type: none"> ○ In objection – Hanifa Bowyer-Tagg & Karina Klueckmann ○ Council assessment officer - Nil ○ On behalf of the applicant – Wageeh Ayoubi <p><i>Karina Klueckmann also provided a written submission against the development in addition to the submission made during exhibition.</i></p>
8	Meetings, briefings and site inspections by the Panel	<ul style="list-style-type: none"> • Site inspection: NA • Briefing: 11 June 2020 <p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Steve O'Connor (Chair), Eugene Sarich, Michael Leavey, Donna Gaskill ○ <u>Council assessment staff</u>: Sandra Bailey, Peggy Wong, Elias Elias <ul style="list-style-type: none"> • Papers were circulated electronically on 5 June 2020
9	Council Recommendation	Refusal
10	Draft Conditions	NA