

<b>Date of Determination</b>	13 August 2020
<b>Panel Members</b>	Abigail Goldberg (Chair) Jane Fielding (Independent Expert) Ian Stapleton (Independent Expert) Bec Ho (Community Representative)
<b>Apologies</b>	NIL
<b>Declarations of Interest</b>	NIL

Public meeting held remotely via teleconference (Council staff at the North Ryde Office) on 13 August 2020 opened at 5:00pm and closed at 5:42pm.  
Papers circulated electronically on 5 August 2020.

#### MATTER DETERMINED

LDA2018/0458 – 68-70 Chatham Road, Denistone

New multi-dwelling housing containing four (4) dwellings - 2 x 2 storey, 3 and 4 bedroom dwellings at the front and 2 x single storey, 3 bedroom dwellings at the rear as well as strata subdivision.

The following people addressed the meeting:

1. Giri Ramachandran (objector) – registered but did not dial in to speak
2. Paul Margereson (objector)
3. Tom Tsihlis (objector)
4. Ben Tesoriero (Consultant Planner)

#### 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:

- Although demolition is not involved in this application, the proposal would involve the demolition of the existing dwellings, which are contributory buildings within the Draft Chatham Road HCA, and is not supported.
- The proposed contemporary two storey building form facing Chatham Road is detrimental to the prevailing single storey character of the Draft Chatham Road HCA, Denistone Character Area and is incompatible with the Chatham Road streetscape.
- The site is in a non-preferred location for multi dwelling housing being within the Draft Chatham Road HCA and because of its steep topography.
- The proposal results in an overdevelopment of the site causing a range of poor amenity outcomes, including inadequate solar amenity to the proposed rear units, privacy impacts within the development.
- The submitted solar diagrams are unsatisfactory to correctly demonstrate the solar amenity impacts associated with the development.
- The proposed parking and access arrangements, including the mechanical car turntable, exhibit various shortcomings and are not appropriate to service the development.
- The limited manoeuvring area in the driveway will impose on pedestrian safety.
- A number of well-founded objections to the proposal have been received following notification of the DA.

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

## CONDITIONS

Not applicable

## 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

Abigail Goldberg (Chair)

A handwritten signature in black ink, appearing to read 'Abigail Goldberg', written in a cursive style.

Jane Fielding

A handwritten signature in black ink, appearing to read 'Jane Fielding', written in a cursive style.

Ian Stapleton

A handwritten signature in black ink, appearing to read 'Ian Stapleton', written in a cursive style.

Bec Ho

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SCHEDULE 1		
1	DA No.	LDA2018/0458
2	Proposal	New multi-dwelling housing containing four (4) dwellings - 2 x 2 storey, 3 and 4 bedroom dwellings at the front and 2 x single storey, 3 bedroom dwellings at the rear as well as strata subdivision.
3	Street Address	68-70 Chatham Road, Denistone
4	Applicant / Owner	Wen Architects C/o: Hao Yan / Kwong Fah Chong, Yuen Yee Poon, and Siew Loon Poo
5	Reason for referral to RLPP	<b>Contentious development</b> – (b) in any other case – is the subject of 10 or more unique submissions by way of objection. <i>Schedule 1, Part 2 of Local Planning Panels Direction</i>
6	Relevant mandatory considerations	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy No. 55 Remediation of Land</li> <li>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</li> <li>Ryde Local Environmental Plan 2014</li> </ul> </li> <li>Draft environmental planning instruments: <ul style="list-style-type: none"> <li>Draft Remediation of Land State Environmental Planning Policy</li> <li>Draft Environment SEPP</li> <li>Draft Amendment to the Ryde Local Environmental Plan 2014</li> </ul> </li> <li>Development control plans: <ul style="list-style-type: none"> <li>Ryde Development Control Plan 2014</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> </ul> <p>The public interest, including the principles of ecologically sustainable development</p>
7	Material considered by the Panel	<ul style="list-style-type: none"> <li>Council assessment report</li> <li>Written submissions during public exhibition: 110</li> </ul>

		<ul style="list-style-type: none"> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ In support – Nil</li> <li>○ In objection - Paul Margereson, Tom Tsihlis</li> <li>○ Council assessment officer – Ben Tesoriero (Consultant Planner)</li> <li>○ On behalf of the applicant – Nil</li> </ul> </li> </ul> <p>Paul Margereson handed up an additional submission to the Panel in support of his verbal submission.</p> <p>Giri Ramachandran handed up an additional submission to the Panel in support of his request to speak but did not dial in to the meeting.</p> <p>Philip Brown also handed up an additional submission to the Panel but did not request to speak at the public meeting.</p>
8	Meetings, briefings and site inspections by the Panel	<ul style="list-style-type: none"> <li>• Site inspection: NA – site photos provided</li> <li>• Briefing: 13 August 2020</li> </ul> <p>Attendees:</p> <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Abigail Goldberg (Chair), Jane Fielding, Ian Stapleton, Bec Ho</li> <li>○ <u>Council assessment staff</u>: Sandra Bailey, Daniel Pearse, Ben Tesoriero (Consultant Planner)</li> </ul> <ul style="list-style-type: none"> <li>• Papers were circulated electronically on 5 August 2020</li> </ul>
9	Council Recommendation	Refusal
10	Draft Conditions	NA