

<b>Date of Determination</b>	2 July 2020
<b>Panel Members</b>	Abigail Goldberg (Chair) Eric Armstrong (Independent Expert) Jennifer Bautovich (Independent Expert) Peter Graham OAM (Community Representative)
<b>Apologies</b>	NIL
<b>Declarations of Interest</b>	NIL

Public meeting held remotely via teleconference (Council staff & Peter Graham at Top Ryde) on 2 July 2020 opened at 5:00pm and closed at 5.34pm.

Papers circulated electronically on 25 June 2020.

#### **MATTER DETERMINED**

LDA2019/0325 - 964-970 Victoria Road, West Ryde

Construction of a 5 storey mixed use development containing a ground floor retail tenancy and boarding house use comprising 41 boarding rooms, 1 Manager's unit, and 15 car spaces in 2 levels of car parking accessed via Maxim Street.

The following people addressed the meeting:

1. Momcilo Romic (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 proposal has a maximum building height of 17.1m and exceeds the building height development standard of 15.5m under Clause 4.3 of the RLEP 2014 with a variation of 10.32%. The applicant has failed to provide an adequate Clause 4.6 written justification demonstrating that compliance with the development standard is unreasonable and unnecessary, and that the variation will not result in any adverse environmental impacts on surrounding properties. The proposed exceedance in building height presents excessive building bulk and scale, and is inconsistent with the desired future character of the local area and will detract from the streetscape.
2. The proposed development is not suitable for the site as the intensification of use requires provision of car parking that have not been satisfactorily provided on the site. The proposal presents a shortfall in car parking of 9 car spaces which does not satisfy Clause 29(e) of the State Environmental Planning Policy (Affordable Rental Housing) 2009, and Section 2.2 in Part 9.3 of the RDCP 2014.
3. Access to the site is challenging due to the steep surrounding streets. As a result of the change in levels, the driveway ramps don't meet Australian standards.
4. The proposed development does not provide satisfactory waste management facilities and has failed to demonstrate the site is suitable to service the mixed use development under Sections 2.3, 2.7 and 2.9 in Part 7.2 of the RDCP 2014.
5. Council's Design Review Panel has reviewed the application and provided a large number of recommendations for the design to be considered acceptable.
6. The proposed development does not present a built form that is consistent with the predominant retail and commercial character of buildings along Victoria Road as the face of the building is setback from the site boundary at street level unlike its neighbours. The proposed development does not reinforce the retail and commercial character of the street or enhance pedestrian amenity, and does not satisfy the objectives and provisions under Sections 2.3, 2.5 and 3.0 in Part 4.3 of the RCP 2014.
7. The proposed ground floor level provides insufficient floor to ceiling heights and will not support a range of retail and commercial uses that will contribute to the character of the local area and the West Ryde Town Centre.
8. The proposed development has not satisfactorily demonstrated that the intensification of the use and vehicular traffic will not have an impact on pedestrian safety.
9. The proposed development does not provide a boarding house that is of high quality design and has not sufficiently demonstrated that the amenity of lodgers and adjoining properties will not be adversely affected.
10. The proposed development doesn't indicate internal stairs linking floors to provide access to communal areas for occupants as an alternative to the lift.

11. The proposed development has failed to satisfactorily address stormwater management in accordance with Part 8.2 of the RDCP 2014.
12. The Plan of Management lodged with the application does not provide adequate information as required under Section 4 in Part 3.5 of the RDCP 2014. The operation of the boarding house has not demonstrated management of the premises will minimise amenity impacts on surrounding properties.
13. The proposed development has not provided sufficient information to demonstrate the built form will not have any adverse overshadowing impacts on adjoining properties or proposed communal open space within the development.
14. The proposed intensification of the use comprising a 41 boarding rooms, 1 Managers Unit, 1 retail tenancy and 2 levels of car parking for 16 vehicles contained in a 5 storey building is considered an overdevelopment of the site as the design will have adverse environmental and amenity impacts on the locality and surrounding properties.
15. 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 and as documented above.



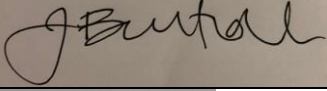
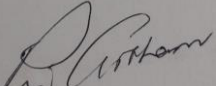
#### CONDITIONS

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	
Abigail Goldberg (Chair)	
Eric Armstrong	
Jennifer Bautovich	
Peter Graham OAM	



**SCHEDULE 1**

<b>1</b>	<b>DA No.</b>	LDA2019/0325
<b>2</b>	<b>Proposal</b>	Construction of a 5 storey mixed use development containing a ground floor retail tenancy and boarding house use comprising 41 boarding rooms, 1 Manager's unit, and 15 car spaces in 2 levels of car parking accessed via Maxim Street.
<b>3</b>	<b>Street Address</b>	964-970 Victoria Road, West Ryde
<b>4</b>	<b>Applicant / Owner</b>	Lecedar Pty Ltd / Keechoon & Aeryun Lee
<b>5</b>	<b>Reason for referral to RLPP</b>	<b>Departure from development standards</b> Development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards.
<b>6</b>	<b>Relevant mandatory considerations</b>	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (Affordable Rental Housing) 2009</li> <li>○ State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development</li> <li>○ State Environmental Planning Policy (Building Sustainability Index) 2004</li> <li>○ State Environmental Planning Policy No. 55 Remediation of Land (SEPP55)</li> <li>○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</li> <li>○ State Environmental Planning Policy No. 19 – Bushland in Urban Areas</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: Nil</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	<b>Material considered by the Panel</b>	<ul style="list-style-type: none"> <li>• Council assessment report</li> <li>• Written submissions during public exhibition: 3</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ In support – Nil</li> <li>○ In objection – Nil</li> <li>○ Council assessment officer – Rebecca Lockart (for Peggy Wong)</li> <li>○ On behalf of the applicant – Momcilo Romic</li> </ul> </li> </ul>
8	<b>Meetings, briefings and site inspections by the Panel</b>	<ul style="list-style-type: none"> <li>• Site inspection: NA – Site photos provided</li> <li>• Briefing: 2 July 2020 Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Abigail Golberg (Chair), Eric Armstrong, Jennifer Bautovich, Peter Graham OAM</li> <li>○ <u>Council assessment staff</u>: Sandra Bailey, Rebecca Lockart (for Peggy Wong), Elias Elias</li> </ul> </li> <li>• Papers were circulated electronically on 25 June 2020</li> </ul>
9	<b>Council Recommendation</b>	<b>Refusal</b>
10	<b>Draft Conditions</b>	NA