

Date of Determination	12 August 2021
Panel Members	Stephen O'Connor (Chair) Graham Brown (Independent Expert) David Epstein (Independent Expert) Rob Senior (Community Representative)
Apologies	NIL
Declarations of Interest	NIL

Public meeting held remotely via teleconference on 12 August 2021 opened at 5:00pm and closed at 5:45pm.

Papers circulated electronically on 4 August 2021.

MATTER DETERMINED

LDA2021/0125

1 Stansell Street, Gladesville

Proposal: Demolition of existing structures and construction of a residential flat building containing six residential storeys (comprising 12 units) and two basement parking levels.

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. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the development does not comply with the following provisions of *Ryde Local Environmental Plan 2014*:

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- a. Clause 4.3(2)'Height' - the proposed development has a height of 22.15 metres which exceeds the maximum height of 19m development standard.
 - b. The submitted Clause 4.6 written request prepared by Lighthouse Planning and dated 25 February 2021 has not satisfied the jurisdictional prerequisites to support the proposed 16.6% variant to Clause 4.3.
 2. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the development does not satisfy the Design Quality Principles outlined in Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.
 - a. The proposal does not meet Principle 1: Context and neighbourhood character due to a non-compliance with Objectives 1B and 3A-1 of the ADG.
 - b. The proposal does not meet Principle 2: Built form and scale due to a non-compliance with Objectives 2A, 2B, 2C, 2F, 2H, 3F of the ADG.
 - c. The proposal does not meet Principle 4: Sustainability due to a non-compliance with Objectives 2C, 4A of the ADG.
 - d. The proposal does not meet Principle 5: Landscape due to a non-compliance with Objective 3E of the ADG.
 - e. The proposal does not meet Principle 6: Amenity due to a non-compliance with Objectives 3D, 3F, 4A, and 4C of the ADG.
 - f. The proposal does not meet Principle 7: Safety due to a non-compliance with Objective 3G of the ADG's.
 - g. The proposal does not meet Principle 8: Housing diversity and social interaction due to a non-compliance with Objective 4K and 4Q of the ADG'.
 3. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, The submitted site analysis does not provide sufficient information to demonstrate that the design has responded directly to the specific site conditions as required by Objective 3A-1 of the Apartment Design Guide.
 4. Pursuant to Clause 50 of the Environmental Planning and Assessment Regulation 2000, the proposal has not been supported by a Design Verification Statement (DVS) and does not satisfy the requirements of clause 50(1AB)(b):
 - a. The omission of ADG Part 3 information (3A site and context analysis), and/or a lack of demonstrated coordination between the design strategy (3B to 3J), detailed design of Part 4 and the specific site conditions (3A) means the proposed design **cannot** satisfy the EP&A or SEPP 65, and fails the first test.
 5. Pursuant to Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979, the proposal does not comply with the Ryde Development Control Plan 2014 – Part 4.6 – Gladesville Town Centre and Victoria Road Corridor in relation to built form heights and urban elements (required public domain upgrades).

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6. Inaccurate/insufficient information has been provided with relation to the documentation provided. The following information has been incorrectly notated on plans/documents or has not been submitted:
- a. A Crime Prevention Through Environmental Design (CPTED) report, as requested by the NSW Police was not submitted;
 - b. The Stormwater Management Plan is considered to be inadequate. A number of amendments were requested, which have not been made;
 - c. The proposal does not provide details in relation to the public domain upgrades required by the City of Ryde Public Domain Technical Manual;
 - d. A number of logistical issues associated with the proposed basement car lift and general car parking layout were identified and have not been resolved;
 - e. A number of waste management issues were identified which have not been resolved;
 - f. The level of impact of the proposal on Tree No. 1 to the rear of the site is not supported and has not been resolved. Owner's consent has not been provided for the removal of this tree.
 - g. Insufficient information provided to demonstrate the extent of overshadowing of adjoining properties as required by Objective 3B-2 of the Apartment Design Guide.
 - h. The solar modelling diagrams provided with the application do not detail the floor levels, balcony, window, or living room locations on adjoining building.
 - i. The submitted shadow diagrams do not take into consideration the shadow cast by the proposed development to west. It is considered the proposal does not achieve the required solar access to 70% of units, with 50% receiving no solar access.
 - j. The landscape plan prepared by RFA Landscape Architects (Rev. E, dated 6th April 2021) fails to provide an adequate degree of 'levels' information to determine compliance and buildability of the proposed development.
 - k. Spot levels, top & bottom of walls, and top & bottom of ramp level information has not been shown on plans. The submitted plans do not show necessary retaining walls throughout the site.
7. Pursuant to the provisions of Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*, the proposed development is not suitable for the site. The proposal is contrary to Section 1.3 Objects of the Environmental Planning and Assessment Act 1979
8. Having regard to the reasons noted above, pursuant to the provisions of Section 4.15(1)(d) and Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, approval of the development application is not in the public interest.

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


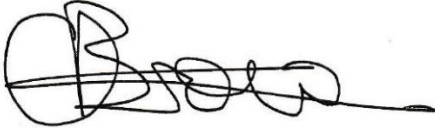


CONDITIONS

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	
Stephen O'Connor (Chair)	
Graham Brown	
David Epstein	
Rob Senior	

SCHEDULE 1		
1	DA No.	LDA2021/0125
2	Proposal	Demolition of existing structures and construction of a residential flat building containing six residential storeys (comprising 12 units) and two basement parking levels.
3	Street Address	1 Stansell Street, Gladesville
4	Applicant / Owner	Tony Jreige – Urban Link P/L / Danny Tuhmeh
5	Reason for referral to RLPP	Sensitive Development – Development to which <i>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</i> applies. <i>Schedule 1, Part 4 of Local Planning Panels Direction</i>
6	Relevant mandatory considerations	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 State Environmental Planning Policy (Building Sustainability Index BASIX) 2004 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 SEPP Draft Environment SEPP 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>: <ul style="list-style-type: none"> Part 1(i) Owner's Consent 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 The public interest, including the principles of ecologically sustainable development
7	Material considered by the Panel	<ul style="list-style-type: none"> Council assessment report Clause 4.6 to vary Clause 4.3(2) Height of buildings Written submissions during public exhibition: Verbal submissions at the public meeting:

		<ul style="list-style-type: none"> ○ In support – Nil ○ In objection – Nil ○ Council assessment officer - Nil ○ On behalf of the applicant – Nil
8	Meetings, briefings and site inspections by the Panel	<ul style="list-style-type: none"> • Site inspection: at the discretion of Panel members due to COVID-19 restrictions • Briefing: 12 August 2021 <p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Stephen O'Connor (Chair), Graham Brown, David Epstein, Rob Senior ○ <u>Council assessment staff</u>: Sandra Bailey, Shannon Butler, Daniel Pearse ○ <u>Applicant</u>: Mark Beauman <ul style="list-style-type: none"> • Papers were circulated electronically on 4 August 2021
9	Council Recommendation	Refusal
10	Draft Conditions	Not applicable