

Date of Determination	13 May 2021
Panel Members	Steve O'Connor (Chair) Michael Leavey (Independent Expert) Ian Stapleton (Independent Expert) Bec Ho (Community Representative)
Apologies	NIL
Declarations of Interest	NIL

Public meeting held remotely via teleconference on 13 May 2021 opened at 5:00pm and closed at 5:35pm. Papers circulated electronically on 6 May 2021.

MATTER DETERMINED

LDA2020/0394 – 598A & 598B Blaxland Road, Eastwood

Construction of a 4 storey boarding house comprising of 42 boarding rooms and one manager's room with associated basement parking for 14 vehicles under the provisions of SEPP Affordable Rental Housing

The following people addressed the meeting:

1. Xiaolin Sa (objector) – registered but did not dial in to speak
2. Andy Salim (objector) – registered but did not dial in to speak
3. Tone Wheeler / Amy Sutherland (Amy Sutherland registered but did not dial in to speak)

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 **approve** 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 **approve** the application for the following reasons:

1. The variation to the height control of the RLEP is justified for the following reasons:
 - The development is consistent with the desired future character of the locality.

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- The development will not result in overshadowing that would adversely impact the adjoining properties.
 - The non-compliance in height does not result in an exceedance in the floor space ratio.
 - The breach in height is relatively minor and is not inconsistent with adjoining properties.
2. The proposal is consistent with the objectives of the R4 High Density zone under RLEP 2014. The development is also consistent with the development standards in RLEP 2014 with the exception of height.
 3. The development will provide adequate amenity to future residents whilst maintaining amenity to the adjoining residential properties.
 4. The proposal is consistent with the desired future character of the area.
 5. The proposal is not considered to create likely impacts on the residential amenity of adjoining properties.
 6. A suitable condition is being imposed requiring the implementation and ongoing operation of a shared car scheme.

The Panel adopts the recommendation and reasons for approval as outlined in the Assessment Officer's report subject to the amendment set out below to Condition 168.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments:





Condition 168 to be amended as follows: Use of Parking. The Car parking spaces is to be allocated to rooms 7, 9, 12, 13, 19, 21, 24, 25, 28, 33, 36, 37 and 40. Tenants who wish to park on site but are not allocated a car parking space will be placed on a waiting list and offered a space once one becomes available. Tenants will be made aware of car parking availability and allocation upon inspection of the boarding house prior to moving in, ensuring informed decisions are made prior to occupation. The motorcycle and bicycle parking spaces shall be used on a first come first serve basis, other than the accessible parking space and share space. No additional charge shall be required for use of any parking spaces.

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)	
Michael Leavey	
Ian Stapleton	
Bec Ho	

SCHEDULE 1

1	DA No.	LDA2020/0394
2	Proposal	Construction of a 4 storey boarding house comprising of 42 boarding rooms and one manager's room with associated basement parking for 14 vehicles under the provisions of SEPP Affordable Rental Housing
3	Street Address	598A & 598B Blaxland Road, Eastwood
4	Applicant / Owner	Tone Wheeler – Environa Studio / PE Holding 1 P/L
5	Reason for referral to RLPP	Contentious development - number of submissions received
6	Relevant mandatory considerations	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development ○ State Environmental Planning Policy (Building Sustainability Index BASIX) 2004 ○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP) ○ Deemed SEPP - Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 ○ Ryde Local Environmental Plan 2014 • Draft environmental planning instruments: <ul style="list-style-type: none"> ○ Draft Environment State Environmental Planning Policy ○ Draft Remediation of Land 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 • 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 variation to Clause 4.3 (Height of buildings) • Written submissions during public exhibition: 13

		<ul style="list-style-type: none"> • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In objection – Nil ○ Council assessment officer – Sandra McCarry ○ On behalf of the applicant – Tone Wheeler / Amy Sutherland
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: 13 May 2021 <p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Steve O'Connor (Chair), Michael Leavey, Ian Stapleton, Bec Ho ○ <u>Council assessment staff</u>: Sandra Bailey, Sandra McCarry, Daniel Pearse <p>Papers were circulated electronically on:</p> <ul style="list-style-type: none"> • Papers were circulated electronically on 6 May 2021
9	Council Recommendation	Approval
10	Draft Conditions	Attachment 1 to the council assessment report