

Date of Determination	9 December 2021
Panel Members	Marcia Doheny (Chair) Michael Leavey (Independent Expert) Susan Hobley (Independent Expert) Rob Senior (Community Representative)
Apologies	NIL
Declarations of Interest	NIL

Public meeting held remotely via teleconference (Council staff at the North Ryde Office) on 9 December 2021 opened at 5:00pm and closed at 6:48pm.
 Papers circulated electronically on 30 November 2021.

MATTER DETERMINED

LDA2021/0115

85A Western Crescent, Gladesville

Proposal: Substantial alterations and additions to existing part 2/part 3 storey dwelling.

The following people addressed the meeting:

1. Susan Spinks (objector)
2. Stuart Bradey (objector)
3. Bruce Macklin (objector)
4. Jae Won (objector)
5. Andrew Martin (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.

The Panel questioned the suitability of a 15m tree in the rear yard and whether the location of the tree as shown in the architectural plans would comply with Council's DCP, which requires pools to be located at least 3m from the trunk of a tree.

Consideration was given to relocating this tree in the rear yard; however, concerns were raised that this may impact on water views of neighbouring properties.

The Assessment Officer confirmed that providing this tree anywhere in the rear yard will impact views from properties to the north and that it would not be possible to provide an additional tree in the front setback due to the topography and constrained nature of the front setback area.

The Panel is of the view that in these circumstances, the tree should not be provided in the rear yard despite the DCP controls requiring the tree.

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 proposal is consistent with the objectives for R2 zoned land.
2. The proposal complies with the statutory provisions set out in the Environmental Planning and Assessment Act 1979.
3. The proposal is considered to be of low impact to adjoining properties and the surrounding environment.
4. The proposal is not contrary to the public interest.
5. The submissions received in response to this DA have been considered and addressed in this report. None of the issues raised are considered to warrant the refusal of the subject DA.

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

CONDITIONS

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





Condition 1(b) *The landscaping plan is to be amended to reflect the updated dwelling design/footprint and to reflect the requirements of Condition No. 34. The landscaping plan is to clearly depict the trees to be retained in accordance with Condition No. 49.*

Condition 34 Canopy Tree Species Inclusion. *The front garden areas of the subject site are to include a locally native canopy tree capable of reaching a minimum mature height of 10 metres with a spreading canopy. Further, the tree shall be planted in accordance with the specifications as prescribed within Section 6 of the City of Ryde Tree Management Technical Manual and maintained until they reach a height of five (5) metres or have a stem circumference of 450mm at a height of 1.4m above ground level, at which time they shall become protected by Part 9.5 (Tree Preservation) of the City of Ryde Development Control Plan 2014. If the tree fails before reaching this size, it is to be replaced in accordance with the replanting conditions provided above. Details of compliance are to be shown on the plans for Construction Certificate.*

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	
Marcia Doheny (Chair)	
Michael Leavey	
Susan Hobley	
Rob Senior	

SCHEDULE 1

1	DA No.	LDA2021/0115
2	Proposal	Substantial alterations and additions to existing part 2/part 3 storey dwelling
3	Street Address	85A Western Crescent, Gladesville
4	Applicant / Owner	Mrs K Muga
5	Reason for referral to RLPP	<p>Contentious development – (b) in any other case – is the subject of 10 or more unique submissions by way of objection.</p> <p><i>Schedule 1, Part 2 of Local Planning Panels Direction</i></p>
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 (BASIX) 2004 ○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ○ 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 SEPP • Development control plans: <ul style="list-style-type: none"> ○ Ryde Development Control Plan 2014 ○ Sydney Harbour Foreshores and Waterways Area DCP 2005 • Planning agreements: Nil • Environmental Planning & Assessment Act • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> • 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 • Written submissions during public exhibition: 20 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support - Nil ○ In objection - Susan Spinks, Stuart Bradey, Bruce Macklin, Jae Won ○ Council assessment officer - Shannon Butler ○ On behalf of the applicant - Andrew Martin

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: 9 December 2021 <p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Marcia Doheny (Chair), Michael Leavey, Susan Hobley, Rob Senior ○ <u>Council assessment staff</u>: Sandra Bailey, Shannon Butler <ul style="list-style-type: none"> • Papers were circulated electronically on 30 December 2021
9	Council Recommendation	Approval
10	Draft Conditions	Attachment 1 to the Council assessment report