

DATE OF DETERMINATION	31 August 2016
PANEL MEMBERS	John Roseth (chair), Sue Francis, Nicole Gurran, Craig Chung
APOLOGIES	Sarkis Yedelian
DECLARATIONS OF INTEREST	None

Public meeting held at Christies Conference Centre on 31 August 2016, opened at 1:30 PM and closed at 4:00 PM

MATTER DETERMINED

2015SYE118 – Ryde - LDA2015/433 - 230 Victoria Road, Gladesville - Demolition of existing commercial building and construction of a seven storey mixed use development comprising of commercial tenancy on the ground and first floor levels, 88 residential units comprising of 24 x 1 bedroom and 64 x 2 bedroom and one and a half level of basement parking for 113 vehicles (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*. The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution. The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The proposal is consistent with the future desired character of the area.
- The proposal complies with the height control (except for one lift tower) and is below the FSR control.
- The 1m height exceedance of the lift overrun on Building A has been justified by a submission under cl 4.6 of the Ryde LEP 2014. The Panel accepts that the application is consistent with the objectives of the height control, of the B4 zone and a variation of the height control in this case achieves a better planning outcome.

The Panel gave consideration to the objectors' concern that the traffic report may be flawed and that the proposal will worsen the existing traffic conditions. The majority of the Panel (excluding Craig Chung) accepts the assurance of the council's traffic engineer that the traffic report was peer reviewed and is accepted as sound.

While the panel approved the development unanimously, Craig Chung believes that the impact of the proposal will exacerbate the existing road infrastructure failures. Craig Chung notes with concern that there is no provision for regional infrastructure in the proposal and no capacity of the JRPP and the Council to a levy for such infrastructure. Craig Chung believes that the development will increase congestion in the area and does not take into account the increased burden on public transport and local schools. Craig Chung urges the Council, RMS and other government agencies to cooperate in the development and funding of traffic and pedestrian management solutions for the wider Gladesville area. Craig Chung further urges the State Government to permit the levying of regional infrastructure levies for such developments

The Panel noted and supported the Council's efforts to widen Gerard Lane through section 3.2.2 Control B of DCP Part 4.6 Gladesville Town Centre and Victoria Road Corridor which seeks to achieve this outcome and urges the Council to seek to widen Gerard lane at the earliest possible time

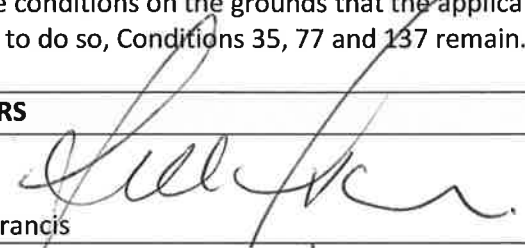
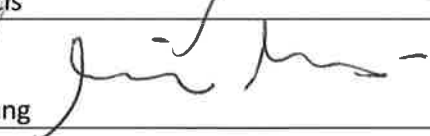
CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report, as amended by council's memorandum dated 17 August 2016.

Sue Francis and Nicole Gurran considered that, having regard to the Newbury Principles and the EPA Act, Conditions 35, 77 and 137 are neither clear, certain or reasonable or related to this development. There is no evidence provided by the Council or applicant's experts that the proposal will generate a traffic generation demand that would justify the traffic calming proposed. Rather, it has been clearly demonstrated that the proposal would likely lessen the peak hour demand from the site given its current office use. Any concern from residents as to the use of existing roads is understood but it is not reasonable nor justified that the subject proposal impacts on that. Rather, the collection of Section 94 monies by Council should be used to address any broader concern, should that be considered necessary by Council.

Seeking a \$40,000 bond, "just in case there is an impact", but where there is no demonstrated impact is not only uncertain but unreasonable in this case.

John Roseth and Craig Chung voted to retain the above three conditions on the grounds that the applicant had accepted them. Since John Roseth used his casting vote to do so, Conditions 35, 77 and 137 remain.

PANEL MEMBERS	
 John Roseth (Chair)	 Sue Francis
 Nicole Gurran	 Craig Chung

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2015SYE118 – Ryde - LDA2015/433
2	PROPOSED DEVELOPMENT	Demolition of existing commercial building and construction of a seven storey mixed use development comprising of commercial tenancy on the ground and first floor levels , 88 residential units comprising of 24 x 1 bedroom and 64 x 2 bedroom and one and a half level of basement parking for 113 vehicles
3	STREET ADDRESS	230 Victoria Road, Gladesville
4	APPLICANT/OWNER	
5	TYPE OF REGIONAL DEVELOPMENT	General development with a Capital Investment Value of more than \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	Environmental planning instruments: • State Environmental Planning Policy (State and Regional Development) 2011; • State Environmental Planning Policy – (Infrastructure) 2007; • State Environmental Planning Policy No. 55 – Remediation of Land; • State Environmental Planning Policy (Building Sustainability Index: BASIX); • State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development; • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;

		Draft environmental planning instruments: Ryde Local Environmental Plan 2014 Development control plans: City of Ryde Development Control Plan 2014 Planning agreements: Regulations: • Environmental Planning and Assessment Regulation 2000; • Environmental Planning and Assessment Act 1979; 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> and <i>Environmental Planning and Assessment Regulation 2000</i>. The public interest, including the principles of ecologically sustainable development.
7	MATERIAL CONSIDERED BY THE PANEL	Council Assessment Report: 27 July 2016 Council Supplementary Report: 9 August 2016 Written submissions during public exhibition: 58 Verbal submissions at the panel meeting: • Support – nil • Object – Matthew Parker, Marc Tricksey, John Marino, Peter Carney, Kevin Johnson • On behalf of the applicant – Mr Jeff Mead, Robert Varga
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	Briefing Meeting 10 December 2015 and Panel Meeting 11 August 2016
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report