

SYDNEY EAST JOINT REGIONAL PLANNING PANEL

Meeting held at Ryde Council on Wednesday 1 June 2016 at 11.00am

Panel Members: John Roseth (chair), David Furlong, Sue Francis, Craig Chung

Apologies: Sarkis Yedelian - Declarations of Interest: None

Determination and Statement of Reasons

2015SYE159 – Ryde - LDA2015/0538 - Mixed Use Development - 589-619 Victoria Rd, Ryde as described in Schedule 1.

Date of determination: 1 June 2016

Decision:

The panel determined to refuse the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

Panel consideration:

The panel considered: the matters listed at item 6 as addressed in the Council Assessment Report, the material listed at item 7 and the material presented at meetings listed at item 8 in Schedule 1. The panel adjourned during the meeting to deliberate on the matter and formulate a resolution.





Reasons for the panel decision:

In addition to the reasons for refusal listed in the planning assessment report, the Panel's reasons are as follows:

1. The Panel has doubts whether all of the development is permissible. This is because the R2-zoned 'panhandle' part of the site is used for communal open space for the apartments. Even if existing use rights apply to this land, only commercial use would be allowed. In addition, the location of the communal open space in relation to the residential building it serves is inappropriate because it is removed from it.
2. The proposal exceeds the maximum permissible building height and the submission under cl 4.6 of the Ryde LEP 2014 is not well-founded;
3. While the assessment report states that the proposal complies with the FSR control, the Panel has doubts that this is correct. This is because the applicant has not counted the lift lobbies, ground floor garbage facilities and plant, which should be included in the calculation. In addition, if the residential communal open space on the 'panhandle' part of the site is not permissible, that part of the site cannot be included in the FSR calculation.
4. The setbacks from surrounding development and the internal separation distances are inadequate;
5. The proposal fails to comply with the requirements of the Apartment Design Guide, in particular with solar access, through ventilation and building separation.
6. The proposal is inconsistent with the site-specific component of the Ryde DCP 2014 and does not provide the transition to the surrounding low-density development that the DCP envisaged;
7. If the communal open space on the 'panhandle' part of the site is excluded, the amount of communal open space is insufficient and so is deep soil planting.
8. The Panel has considered the applicant's request to defer the determination of the application; however, it considers that the deficiencies are so many that a major re-design resulting in a reduction of bulk and scale of the development would be required. The applicant has not declared itself willing to respond to this requirement.

Conditions: not applicable

Panel members:

 John Roseth (chair)	 David Furlong	 Sue Francis
 Craig Chung		

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SCHEDULE 1	
1	JRPP Reference – LGA- Council Reference: 2015SYE159 – Ryde - LDA2015/0538
2	Proposed development: Mixed Use Development
3	Street address: 589-619 Victoria Rd, Ryde
4	Applicant/Owner: Artro Management Pty Ltd
5	Type of Regional development: General development with a Capital Investment Value of more than \$20 million
6	Relevant mandatory considerations <ul style="list-style-type: none"> • Environmental Planning and Assessment Regulation 2000; • Environmental Planning and Assessment Act 1979; • State Environmental Planning Policy (State and Regional Development) 2011; • 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; • Ryde Local Environmental Plan 2014; and • City of Ryde Development Control Plan 2014 • 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 EPA Act or EPA Regulation. • The public interest, including the principles of ecologically sustainable development.
7	Material considered by the panel: Council Assessment Report Dated: 20 May 2016 Written submissions during public exhibition: 34 Verbal submissions at the panel meeting: Support- nil; Against- John Pearson Ireland, Paul Rittano; On behalf of the applicant- Michael Gaston, Tony Abboud, Matt O'Donnell
8	Meetings and site inspections by the panel: Briefing Meeting on 20 April 2016
9	Council recommendation: Refusal
10	Draft conditions: N/A