

<b>DATE OF DETERMINATION</b>	Thursday 17 November 2016
<b>PANEL MEMBERS</b>	Nicole Gurran (Chair), Abigail Goldberg, Susan Budd
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Electronic meeting held between 16 November and 17 November 2016.

**MATTER DETERMINED (AS DESCRIBED IN SCHEDULE 1)**

2016SYE028 – Ryde - LDA2015/666 at 1-5 Glen St & 2-8 Lakeside Rd Eastwood

**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 and the matters observed at site inspections listed at item 8 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 decision was unanimous.

**REASONS FOR THE DECISION**

The panel deferred the application at a meeting on 20 October 2016, requesting a site investigation report detailing the history of the site in relation to the nature and extent of any potential contamination, and whether, through remediation, the site can be made suitable for its proposed use. This information is required to enable the Panel to satisfy the requirement of the SEPP 55.

Additionally the panel noted concerns about privacy and overlooking of the school adjoining the rear of the site, and encouraged the applicant and council to agree on an amended condition which included privacy treatment to the bedroom windows on Units B2.04, B2.05, B3.04, B3.05, B3B.04 and B3B.05.




The panel reviewed the council's supplementary report dated 16 November 2016 and including revised conditions as well as the site investigation report dated 10 November 2016 provided by the applicant. The Panel approved the application for the following reasons:

- Having regard to the conclusions of the site investigation report and Council's supplementary report the Panel is satisfied that the land is suitable for its intended future use (mixed use residential development) and that remediation is not required.
- The Panel is satisfied that the revised conditions of consent address the panel's concerns regarding privacy and overlooking to the school adjoining the rear of the site by requiring the northern edge of balconies for Units B2.04, B2.05, B 3.04, B3.05, B3B.04 and B3B.05 to be provided with a 1.7 m high privacy screen.
- The Panel is satisfied that the applicant has addressed the panels' reasons for deferral in the Notice of Deferral dated 20 October 2016.
- The Panel notes that the amount of s94 contributions required to be paid under condition 34 has been revised from the draft conditions previously considered by the panel in line with changes to the CPI Index.
- The Panel accepts the recommendation for approval and the revised conditions of consent forming part of the supplementary report, on the basis that the proposal is consistent with the objectives of

the zone and the desired future character of the area and complies with applicable considerations under s79C.

#### CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report and Supplementary report provided to the Panel.

PANEL MEMBERS		
 Nicole Gurran (Chair)	 Abigail Goldberg	 Susan Budd

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYE028 – Ryde - LDA2015/666
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a 4 storey mixed use development with 2 levels of basement parking, ground floor retail tenancies and 3 residential levels comprising of 73 units.
3	STREET ADDRESS	1-5 Glen St & 2-8 Lakeside Rd Eastwood
4	APPLICANT: OWNER:	Dickson Rothschild Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value >\$20 Million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (State and Regional Development 2011)</li> <li>State Environmental Planning Policy No. 55 (Remediation of Land)</li> <li>State Environmental Planning Policy (Building Sustainability Index: BASIX)</li> <li>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</li> <li>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</li> <li>Ryde Local Environmental Plan 2014</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>City of Ryde Development Control Plan 2014</li> </ul> </li> <li>Planning agreements: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</li> <li>The suitability of the site for the development.</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2000</i>.</li> <li>The public interest, including the principles of ecologically sustainable development.</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	Council Assessment Report: 6 October 2016 Written submissions during public exhibition: 3 Verbal submissions at the panel meeting 20 October 2016: <ul style="list-style-type: none"> <li>On behalf of the applicant – Michael Tulley</li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	Briefing Meetings: 23 August and 20 October 2016 Site Inspection: 20 October 2016
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	As per council assessment report