

DATE OF DETERMINATION	7 September 2016
PANEL MEMBERS	Sue Francis, Nicole Gurran, Julie Savet-Ward and Sarkis Yedlian
APOLOGIES	Craig Chung
DECLARATIONS OF INTEREST	None

Public meeting held at Christies Conference Centre on Wednesday, 7 September 2016, opened at 10am and closed at 10:30.

MATTER DETERMINED

2016SYE030 – Ryde – DA2016/020 – 120-126 Herring Road, Macquarie Park – Mixed Use Development
(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 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.

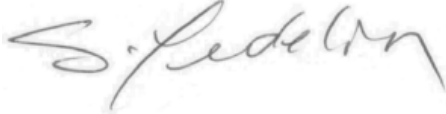
REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The Panel notes that the DA relates to lot 18 DP 1187116 and has FSR of 0.8:1 being the GFA of the proposed building plus the existing buildings on the Morling College property.
- The Panel understands that the council has a subdivision application currently before it which seeks to subdivide lot 18 into multiple lots which would, inter alia, likely result in the subject building being on a new lot which would be significantly smaller than lot 18 and likely have a resultant fsr of approx. 5:1.
- The Panel understands from both the applicant and Council that a positive covenant is being drafted for the subdivision DA to ensure that there is no 'double dipping' of GFA on the site (lot 18). That is, that lot 18 has a max permissible GFA of 76,160sqm. The subject DA has a GFA of 24,367sqm. Lot 18 therefore has a max permissible remaining GFA of 51,793sqm to be allocated to the site consistent with the permissible height limits.
- The Panel would have preferred to have had the subdivision component of the development as part of the subject DA but accept that Council has agreed with the applicant that it be allowed to submit the subdivision later but that it would be required to be subject to a covenant as discussed above.
- This being the case the Panel accepts the recommendation of the staff and conditions attached, as amended by the memo to the Panel dated 5 September 2016.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments as per the memo from council dated 5 September 2016.

PANEL MEMBERS	
 Sue Francis (Chair)	 Julie Savet-Ward
 Nicole Gurrán	 Sarkis Yedelian

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYE030 – Ryde - LDA2016/020
2	PROPOSED DEVELOPMENT	Mixed Use Development
3	STREET ADDRESS	120-126 Herring Road, Macquarie Park
4	APPLICANT/OWNER	Applicant: Toga Herring Road P/L. Owner: Baptist Union of New South Wales.
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - 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; - SEPP (Major Development) Amendment (Ryde) 2015; - State Environmental Planning Policy 65; - Draft environmental planning instruments: Ryde Local Environmental Plan 2014 - Development control plans: - City of Ryde Development Control Plan 2014 - Planning agreements: Nil - Regulations: 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> and regulations - The public interest, including the principles of ecologically sustainable development

7	MATERIAL CONSIDERED BY THE PANEL	• Council assessment report: 26 August 2016 • Clause 4.6 variation request: Nil • Written submissions during public exhibition: • Verbal submissions at the panel meeting: - o Support – nil - o Object – nil - o On behalf of the applicant – Jessica Ford, Mino Howard, Tim Sutherland
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	• Briefing Meeting – 1/6/2016
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report as amended by Council memo dated 5 September 2016