



DATE OF DETERMINATION	Thursday 20 October 2016
PANEL MEMBERS	Nicole Gurran (Chair), Abigail Goldberg, Susan Budd
APOLOGIES	Sarkis Yedlain, Roy Maggio, Artin Etmedjian
DECLARATIONS OF INTEREST	John Roseth & Sue Francis have declared a non-pecuniary conflict of interest as they have both previously sat with David Furlong on the Sydney East Joint Regional Planning Panel up until 30 June 2016.

Public meeting held at City of Ryde Council Chambers on Thursday 20 October 2016, opened at 12.35 pm and closed at 2.00 pm.

MATTER DETERMINED (AS DESCRIBED IN SCHEDULE 1)

2016SYE031 – Ryde - LDA2015/654

723-731 Victoria Road, 10 Little Church St & 3-7 St Annes St, Ryde

Demolition of existing buildings, amalgamation of the lots and construction of a mixed use development containing a total of 105 residential units & 269m² of commercial floor space.

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 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 objectives of the Mixed Use zone and the desired future character of the locality.
- The proposal substantially complies with the planning controls of the Ryde LEP 2014.
- The panel notes the non compliance with the building height control for Building B on the south western corner of the site with a frontage to Victoria Road and Little Church St, and have reviewed the applicant's request to vary the standard under Clause 4.6 of Ryde LEP 2014. We are satisfied that in the circumstances of this case, the variation to the development standard has been justified for the reasons outlined in the planning assessment report.
- The panel notes that the proposal is situated in proximity to items of heritage significance, particularly St Anne's Church and surrounding cemetery, and note that the heritage officer has provided advice which has been addressed by the applicant in the design of the proposal, and that a number of conditions of consent relating to heritage have been imposed.

- The panel notes the concerns expressed by the adjoining landowner and are satisfied that issues relating to privacy and solar amenity have been adequately addressed in the design of the proposal, and that issues relating to stormwater, and engineering and hours of construction are addressed in the conditions of consent.
- Further the panel notes that the site is subject to SEPP 55 and has reviewed the detailed site investigation prepared by Environmental Investigations Australia (dated 15 December 2015) evaluating the potential of contamination on site. The panel notes that the site has been previously used as a service station, and is satisfied by the report's recommendations that the site can be made suitable for its proposed use following further investigation and remediation works. The panel is satisfied that the conditions of consent ensure that the land will be remediated to an acceptable standard before use.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendment to Deferred Commencement Condition 1 to clarify that any design modifications following the root mapping investigation will be minor.

PANEL MEMBERS		
		
Nicole Gurrán (Chair)	Susan Budd	Abigail Goldberg

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYE031 – Ryde - LDA2015/654
2	PROPOSED DEVELOPMENT	Construction of a part3/part7 storey mixed use development containing 5 home office apartments and 117 residential apartments. The development will also provide 134 car parking spaces in two and a half basement levels. Vehicular access to the development is from St Annes Street.
3	STREET ADDRESS	723-731 Victoria Road, 10 Little Church St & 3-7 St Annes St, Ryde
4	APPLICANT: OWNER:	CD Architects
5	TYPE OF REGIONAL DEVELOPMENT	Crown development over \$5 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 - Ryde Local Environmental Plan 2014 - Draft environmental planning instruments: Nil - Development control plans: - City of Ryde Development Control Plan 2014 - Planning agreements: Nil - Regulations: - Section 94A - 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: 10 October 2016 Written submissions during public exhibition: 16 Late submission received by panel from Mr Nassaaralla at meeting Verbal submissions at the panel meeting: - Support – - Object – - On behalf of the applicant –
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	Briefing Meetings: 24 August and 12 October 2016

9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	As per council assessment report