

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY NORTH PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Wednesday 28 February 2018
<b>PANEL MEMBERS</b>	Peter Debnam (Chair), John Roseth, Clare Brown, Bernard Purcell
<b>APOLOGIES</b>	Edwina Clifton
<b>DECLARATIONS OF INTEREST</b>	Sue Francis declared a conflict as a colleague from her office is acting on behalf of the applicant.

Public meeting held at Christie Conference Centre 100 Walker Street North Sydney on 28 February 2018, opened at 1.40pm and closed at 3.00pm.

#### MATTER DETERMINED

2017SNH011 – Ryde – LDA20160359 at 39-41 Devlin Street Ryde (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 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 3:1 in favour with Bernard Purcell voting against the decision.

#### REASONS FOR THE DECISION

The reasons for the decision of the majority of the Panel were:

The Panel accepts that the site is constrained both by its access to a narrow lane and its shape, and that the proposal, on balance, constitutes an acceptable solution. The Panel notes that the proposal is the result of lengthy consultation with the council's Urban Design Review Panel.

The Panel notes that the designed development of the proposal and the guidance of the council's Urban Design Review Panel indicate that the material and finishes presented are key elements of the proposal that should be delivered. To ensure the integrity of the design is achieved, an additional conditional is proposed below.

The Panel accepts that the variation to the height control requested under cl 4.6 of the Ryde LEP is justified, principally on the grounds that the taller buildings result in a better planning outcome which provide more amenity to the apartments than would a proposal that complies with the height control.

The Panel, in assuming the Director General's concurrence to the height variation, has given consideration to the fact that the variation has no significance for state and regional planning and that in this case there would be no public benefit in maintaining the development standard.





Bernard Purcell voted against approval on the grounds of the almost irredeemable traffic issues in Belmore Lane. He cannot, in full conscience, approve the proposal, as it will undoubtedly create a series of congestion, driver frustration and eventually accidents when the new residential population occurs. He suggests that the council adopt a resumption strategy for the lane. He also recommends that the issue of the laneway be referred to the

Ryde Traffic Committee to investigate and recommend appropriate signage options to advise motorists that this is a no through laneway and to avoid inadvertent access.

#### CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following additional condition:

Prior to the release of the first Occupation Certificate, the project architect is to certify that the materials and finishes detailed on drawings numbered 5423, DA 0501J, DA 0502J, DA 0503J, DA 0504J, DA 0505J and DA 0511J have been used in construction of the project.

PANEL MEMBERS	
 Peter Debnam (Chair)	 John Roseth
 Clare Brown	 Bernard Purcell

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SNH011 – Ryde – LDA20160359
2	PROPOSED DEVELOPMENT	Construction of 2 buildings of up to 6 & 9 storeys containing 96 apartments, 2 commercial units and 3 levels of basement car parking.
3	STREET ADDRESS	39-41 Devlin Street, Ryde
4	APPLICANT/OWNER	Chiwayland Australia Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$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 XXXX</li> <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>State Environmental Planning Policy (Infrastructure) 2007</li> <li>Sydney Regional Environmental Plan Sydney Harbour Catchment 2005 (Deemed SEPP)</li> <li>City of 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> <li>Section 94 Development Contributions Plan 2007</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>Coastal zone management plan: 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> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 15 February 2018</li> <li>Written submissions during public exhibition: 6</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>Object – Geoff Lovell on behalf of Pharmabroker Sales</li> <li>On behalf of the applicant – Steve Kerr, Gabrielle Suhr</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing meeting: 25 October 2017</li> <li>Site Visit: 7 February 2018</li> <li>Final briefing meeting to discuss council’s recommendation, 28 February 2018 at 1.00pm. Attendees: <ul style="list-style-type: none"> <li><u>Panel members</u>: Peter Debnam (Chair), John Roseth, Clare Brown, Bernard Purcell</li> <li><u>Council assessment staff</u>: Sandra Bailey, Alison Davidson</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report