

**DETERMINATION AND STATEMENT OF REASONS**  
SYDNEY NORTH PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Wednesday 27 March 2019
<b>PANEL MEMBERS</b>	Peter Debnam (Chair), Sue Francis, John Roseth
<b>APOLOGIES</b>	Edwina Clifton, Bernard Purcell
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Christie Conference Centre 100 Walker Street North Sydney on 27 March 2019, opened at 1.42pm and closed at 2.02pm.

**MATTER DETERMINED**

2018SNH063 – Ryde – MOD2018/9268 at 723-731 Victoria Rd, 10 Little Church St & 3-7 St Annes St, 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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The Panel determined to refuse the development application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.




**REASONS FOR THE DECISION**

The Panel accepted that the amendment application was substantially the same as the original application; and that it has the power to determine the application.

The Panel accepted the recommendation of the assessment report to refuse the application because the proposal to provide four private open spaces on the rooftop of building D would require four staircases and partitions between the open spaces. The Panel accepts that the applicant has attempted to minimise the impact by setting back the additional elements from the edge of the roof, however, the Panel still considers that the proposal would visually add another storey and cumulatively add visual clutter to the building, which would then not comply with the height control of 20m. The Panel also noted that the application would diminish the visual backdrop and setting for the heritage item being St Anne's Church and the benefit of the amendment would accrue to four private owners only.

**CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the Panel considered one written submission made during public exhibition, which raised the issue of height exceedance. The Panel accepted that the submission was valid.

<b>PANEL MEMBERS</b>	
 Peter Debnam (Chair)	 Sue Francis
 John Roseth	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SNH063 – Ryde – MOD2018/0268
2	PROPOSED DEVELOPMENT	Modification to LDA 2015/0654 pursuant to S.4.55(2) to modify Building D to create private roof terraces for apartments D501 to D504 including construction of separate staircases enclosure, balustrade and privacy screens.
3	STREET ADDRESS	723-731 Victoria Road, 10 Little Church Street & 3-7 St Annes Street, Ryde.
4	APPLICANT/OWNER	CD Architects/Kaloriziko P/L
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
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 No.65 Design Quality of a Residential Apartment Development</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>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: 14 March 2019</li> <li>Written submissions during public exhibition: 1</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>Council assessment officer – Sandra McCarry</li> <li>On behalf of the applicant – Ziad Chanine</li> </ul> </li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing: 19 Feb 2019</li> <li>Final briefing to discuss council's recommendation, 27 March 2019 at 1pm. Attendees: <ul style="list-style-type: none"> <li><u>Panel members</u>: Peter Debnam (Chair), Sue Francis, John Roseth</li> <li><u>Council assessment staff</u>: Madeline Thomas, Liz Coad, Tony Collier, Sandra McCarry, Michael Edwards</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Attached to the council assessment report