

DATE OF DETERMINATION	Wednesday 23 October 2019
PANEL MEMBERS	Peter Debnam (Chair), Joh Roseth, Sue Francis, Edwina Clifton, Burnard Clifton
APOLOGIES	None
DECLARATIONS OF INTEREST	Councillors Bernard Purcell and Edwina Clifton did not participate in the meeting as it could be perceived they had a conflict of interest. The City of Ryde is the applicant owner of this application.

Public meeting held at Christie Conference Centre, 100 Walker Street North Sydney, on 23 October 2019, opened at 1.10pm and closed at 2.15pm.

MATTER DETERMINED

2019SNH019 – Ryde – LDA2019/0073 at 53-71 Rowe Street Eastwood for a multi-level car park (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.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Ryde Local Environmental Plan 2014 (LEP), that has demonstrated that:

- compliance with cl.4.3 (height development standard) is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard

the Panel is satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- the development is in the public interest because it is consistent with the objectives of cl.4.3 (height development standard) of the LEP and the objectives for development in the B4 zone; and
- the concurrence of the Secretary has been assumed

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous

REASONS FOR THE DECISION

The Eastwood Centre suffers from a lack of parking. The proposal assists in satisfying that need.

While the proposal does not fully comply with the building height development standard, the non-compliance is minor and does not result in any adverse impact on the surrounding area. The Panel considers there are sufficient environmental grounds to grant the variation, in the circumstances of the

case, where the public benefit of providing more parking outweighs compliance with the standard and where the objectives of the standard are achieved notwithstanding non-compliance.

Further, the proposed building is well-designed, and it will contribute positively to the character of Rowe Street.




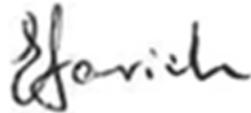

CONDITIONS

The development application was approved subject to the conditions in the council assessment report

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered three written submissions made during public exhibition. Two of those submission were from the same person, who was concerned with design details of the car park, and who also spoke at the public meeting. The Panel is satisfied that his concerns have been dealt with by the conditions of consent. The third written submission was concerned with additional traffic resulting from the car park. The Panel accepts that, on balance, the provision of more parking for the Eastwood Centre is beneficial.

At the public meeting the Panel also heard from two supporters of the project, including the Mayor of the City of Ryde.

PANEL MEMBERS	
 Peter Debnam (Chair)	 John Roseth
 Sue Francis	 Eugene Sarich
 Deborah Sutherland	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2019SNH019 – Ryde – LDA2019/0073
2	PROPOSED DEVELOPMENT	Demolition of existing public car park to construct a multi-level public car park to accommodate 146 cars spaces. The application is referred to the Sydney North Planning Panel pursuant to the Environmental Planning and Assessment Act 1979 for determination as the capital investment value exceeds \$5 million for a Council related development.
3	STREET ADDRESS	53-71 Rowe Street, Eastwood (Lot 1, DP 947742)
4	APPLICANT/OWNER	City of Ryde Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy No. 64 – Advertising and Signage State Environmental Planning Policy (Infrastructure) 2007 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP) Ryde Local Environmental Plan 2007 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Ryde Development Control Plan 2014 Section 94 Development Contributions Plan 2007 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: 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> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 8 October 2019 Clause 4.6 Variation Request (Height of Building) Written submissions during public exhibition: 3 Verbal submissions at the public meeting: <ul style="list-style-type: none"> In support – Park Jong Hoon In objection – Brian Wood, Jerome Laxale (Mayor of City of Ryde), Council assessment officer – Sandra Bailey On behalf of the applicant – Marrian Higgins (consultant planner for applicant)
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 5 June 2019 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Sue Francis, Bernard Purcell, Edwina Clifton <u>Council assessment staff</u>: Sandra Bailey, Tony Collier Site inspection: 5 June 2019 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Sue Francis, Bernard Purcell, Edwina Clifton <u>Council assessment staff</u>: Sandra Bailey, Tony Collier

		<ul style="list-style-type: none"> Final briefing to discuss council's recommendation, 23 October 2019 at 12.30pm. Attendees: <ul style="list-style-type: none"> <u>Panel members:</u> Panel members: Peter Debnam (Chair), Sue Francis, Bernard Purcell, Edwina Clifton <u>Council assessment staff:</u> Sandra Bailey, Kimberley Kavwenje, Daniel Pearse, Ben Tesoriero
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report