

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY NORTH PLANNING PANEL

|                                 |                                                                                        |
|---------------------------------|----------------------------------------------------------------------------------------|
| <b>DATE OF DETERMINATION</b>    | 21 July 2021                                                                           |
| <b>PANEL MEMBERS</b>            | Peter Debnam (Chair), Brian Kirk, Julie Savet Ward, Penelope Pederson, Bernard Purcell |
| <b>APOLOGIES</b>                | Edwina Clifton                                                                         |
| <b>DECLARATIONS OF INTEREST</b> | None                                                                                   |

Public meeting held by teleconference on 21 July 2021, opened at 10:30am and closed at 12:03pm.  
Papers circulated electronically on 9 July 2021.

#### MATTER DETERMINED

PPSSNH-107 – Ryde – LDA2020/0199 at 1 Railway Road Meadowbank a mixed-use development (as described 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.

#### Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 of the Ryde Local Environmental Plan 2014 (LEP), that has not demonstrated that:

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

the Panel is not satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.3 (Height) of the LEP and the objectives for development in the B4 Mixed Use zone.

#### Development application

The Panel determined to refuse 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 Panel did not accept the Applicant's Clause 4.6 variation to building height and resolved to refuse the application for the reasons outlined below and in Council's Assessment Report.

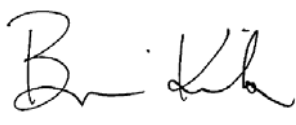
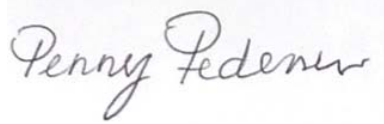
Over several years, both the Applicant and Council had invested substantial effort in preparing and assessing the proposal. Council's Assessment Report was comprehensive and the Panel canvassed the key issues with both Council and Applicant during the public meeting as well as in prior briefings.

While the Panel acknowledged redevelopment of this key site is important for the Applicant, Council and the local community, the Panel concurred with Council that the proposal in its current form is unacceptable and approval would not be in the public interest.

However, acknowledging this is an important site for redevelopment of the precinct, the Panel would encourage Council and the Applicant to meet again as soon as possible to discuss a way forward in establishing acceptable traffic generation from the site, interpretation and application of bonus FSR, delivery of affordable housing, pedestrian access and resolution of inconsistencies with the Apartment Design Guide

#### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the public meeting.

| PANEL MEMBERS                                                                                             |                                                                                                         |
|-----------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| <br>Peter Debnam (Chair) | <br>Brian Kirk        |
| <br>Julie Savet Ward     | <br>Penelope Pederson |
| <br>Bernard Purcell     |                                                                                                         |

| SCHEDULE 1 |                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1          | PANEL REF – LGA – DA NO.          | PPSSNH-107 – Ryde – LDA2020/0199                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 2          | PROPOSED DEVELOPMENT              | Demolition of existing structures and construction of a mixed use development comprising four buildings ranging in height between 6 and 7 storeys with 3 basement levels for 419 car parking spaces. The development will be comprised of 133 residential apartments, a boarding house with 162 rooms and 3591m <sup>2</sup> of commercial floor space.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 3          | STREET ADDRESS                    | - 20 Railway Road & 50 Constitution Road Meadowbank                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 4          | APPLICANT/OWNER                   | Applicant: Sasco Development P/L<br>Owners: Liv-Better (Australia) P/L, Shepherds Bay Holding P/L, Kiu Foong P/L                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 5          | TYPE OF REGIONAL DEVELOPMENT      | General development over \$30 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 (State and Regional Development) 2011;</li> <li>State Environmental Planning Policy No. 55 – Remediation of Land;</li> <li>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;</li> <li>State Environmental Planning Policy (Infrastructure) 2007;</li> <li>State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP);</li> <li>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development;</li> <li>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;</li> <li>Ryde Local Environmental Plan 2014;</li> <li>Meadowbank Education and Employment Precinct – Master Plan</li> </ul> </li> <li>Draft environmental planning instruments: <ul style="list-style-type: none"> <li>Draft Remediation of Land State Environmental Planning Policy;</li> </ul> </li> <li>Development control plans: <ul style="list-style-type: none"> <li>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 <ul style="list-style-type: none"> <li>The public interest, including the principles of ecologically sustainable development</li> </ul> </li> </ul> |
| 7          | MATERIAL CONSIDERED BY THE PANEL  | <ul style="list-style-type: none"> <li>Council assessment report: 9 July 2021</li> <li>Clause 4.3 Height of Ryde Local Environmental Plan 2014.</li> <li>Written submissions during public exhibition: 136</li> <li>Total unique submissions received by way of objection: 67</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>Adrian Vickery, Bernard Lee on behalf of Shepherd's Bay Foreshore strata group, Helen Pegler</li> <li>Council assessment officer – Sandra Bailey, Sandra McCarry, Madeline Thomas, Daniel Pearse, Yafeng (Alex) Zhu</li> <li>On behalf of the applicant – Jeff Mead, Tim Rogers</li> </ul> </li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

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| 8  | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> <li>• Briefing: 20 April 2021 <ul style="list-style-type: none"> <li>o <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Julie Savet Ward, Penelope Pederson, Bernard Purcell</li> <li>o <u>Council assessment staff</u>: Sandra Bailey, Sandra McCarry, Madeline Thomas, Daniel Pearse, Yafeng (Alex) Zhu</li> </ul> </li> <li>• Site inspection: Panel members visited the site individually on different days due to Covid – 19 precautions</li> <li>• Final briefing to discuss council's recommendation: 21 July 2021 <ul style="list-style-type: none"> <li>o Peter Debnam (Chair), Brian Kirk, Julie Savet Ward, Penelope Pederson, Bernard Purcell</li> <li>o <u>Council assessment staff</u>: Sandra Bailey, Sandra McCarry, Madeline Thomas, Daniel Pearse, Yafeng (Alex) Zhu</li> </ul> </li> </ul> |
| 9  | COUNCIL RECOMMENDATION                                | Refusal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 10 | DRAFT CONDITIONS                                      | Attached to the council assessment report                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |