



DATE OF DETERMINATION	19 December 2022
DATE OF PANEL DECISION	16 December 2022
DATE OF PANEL MEETING	15 December 2022
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk and Julie Savet Ward
APOLOGIES	Jordan Lane and Sarkis Yedelian
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 15 December 2022, opened at 11:00am and closed at 12.35pm. Papers circulated electronically on 8 December 2022.

MATTER DETERMINED

PPSSNH-204 – Ryde LGA – LDA2021/0095 at 307 Lane Cove Road, Macquarie Park – Alterations and additions to the existing garden centre and construction of an 18-storey office building at the site including a multi-level car park and additional dining 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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

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 determined to refuse the application for the reasons below and in Council's Assessment Report.

The DA was lodged in early 2021 and has been discussed extensively between the Panel, Applicant and Council on several occasions over the last eighteen months but with little progress in resolving fundamental concerns with height, visual impact and traffic.

The Proposal for an 18 storey office building, a new restaurant and associated changes to function spaces and garden / nursery areas represents a significant change to the existing garden centre and as such resulted in very substantial community feedback and scrutiny of the proposal.

Notwithstanding the fact that the proposal is yet to receive concurrence from Transport for NSW, approval of the Rural Fire Service and an Aboriginal Heritage Impact Permit, the Panel concurred with Council that fundamental issues of concern are yet to be resolved on each of these important issues.

In addition, the proposal to site an 18-storey office tower in such a prominent position alongside Lane Cove National Park is problematic. The Applicant's studies suggest the visual sensitivity of various viewpoints will be largely moderate, however, the Panel concurred with Council that the sensitivity and associated impact is more likely to be high and considered very significant by the community who frequently utilise this precinct.

The Panel acknowledged redevelopment of the site is a substantial challenge given conflicting neighbouring land uses. There are major interface issues to be addressed on a site wedged between a sensitive and highly patronised National Park and an important regional transport link in a precinct with already substantial traffic and parking challenges. Consequently, the Panel notes an acceptable redevelopment proposal is more likely to be evolved with close cooperation between the Applicant and Council. Such a dynamic has been lacking to date, as evidenced by the disagreements documented in the Assessment Report.


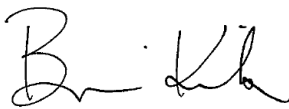

On balance the Panel concurred with Council that in the community interest the current proposal should be refused for the reasons detailed in the Assessment Report.

CONDITIONS

Not applicable

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 Panel. The Panel noted that issues of concern included: traffic and parking; height and visual impacts; impact on Lane Cove National Park; landscape and tree impacts; amenity and heritage. The Panel considered that concerns raised by the community were properly addressed in the Assessment Report.

PANEL MEMBERS	
Peter Debnam (Chair) 	Brian Kirk 
Julie Savet Ward 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-204 – Ryde LGA – LDA2021/0095
2	PROPOSED DEVELOPMENT	Alterations and additions to the existing garden centre and construction of an 18-storey office building at the site including a multi-level car park and additional dining space.
3	STREET ADDRESS	307 Lane Cove Road, Macquarie Park 2113
4	APPLICANT/OWNER	Simon Ainsworth- Thunderbirds Are Go Pty Ltd Atf The Gardeners Trust/ Thunderbirds Are Go Pty Limited
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy – Biodiversity and Conservation 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ State Environmental Planning Policy (Planning Systems) 2021 ○ Ryde Local Environmental Plan 2014 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Ryde Development Control Plan 2014; and ○ Ryde Section 7.11 Development Contributions Plan 2020 • Planning agreements: Nil • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> • 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 December 2022 • Written submissions during public exhibition: 246 • Verbal submissions at the public meeting on 15 December 2022: <ul style="list-style-type: none"> ○ Val du Pre le Roux ○ Jill Green on behalf of community group STEP Inc. ○ Ross Johnson ○ Tony Butteriss on behalf of Friends of Lane Cove National Park ○ Ian Stuart ○ Julian Ledger ○ Colleen Harrison ○ Dr Steven Riley ○ Jennie Minifie ○ Alan Deitch on behalf of community group Friends of LCNP ○ Alison Nowland ○ Andres Bianchi on behalf of NPWS ○ Council assessment officer – Sandra Bailey ○ On behalf of the applicant – Stephen Kerr • Total number of unique submissions received by way of objection: 246
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection: 16 March 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Julie Savet Ward ○ <u>Council assessment staff</u>: Sandra Bailey and Kimberly Kavwenje ○ <u>Applicant representatives</u>: Simon Ainsworth, Stephen Kerr, Alina Martin, Nicholas Byrne and Tom Rivard ○ <u>Secretariat</u>: Stuart Withington • Further Briefing: 1 September 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Edwina Clifton and Penny Pederson ○ <u>Council assessment staff</u>: Sandra Bailey and Kimberly Kavwenje ○ <u>Applicant representatives</u>: Simon Ainsworth, Polly Priday, Stephen Kerr, Olivia Page, Alina Martin, Nick Byrne and Tim Rogers • Council Briefing: 14 September 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Jordan Lane, Sarkis Yedelian ○ <u>Council assessment staff</u>: Sandra Bailey, Kimberly Kavwenje and Liz Croad • Further Briefing: 24 November 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Julie Savet Ward, Bernard Purcell ○ <u>Council assessment staff</u>: Sandra Bailey and Kimberly Kavwenje ○ <u>Applicant representatives</u>: Simon Ainsworth, Polly Priday, Stephen Kerr, Olivia Page, Alina Martin, Nick Byrne and Tim Rogers • Final briefing to discuss council’s recommendation: 15 December 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Julie Savet

		Ward ○ <u>Council assessment staff</u> : Sandra Bailey, Kimberley Kavwenje and Daniel Pearse
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Attached to the Council Assessment Report