

DATE OF DETERMINATION	2 August 2024
DATE OF PANEL DECISION	2 August 2024
DATE OF PANEL MEETING	31 July 2024
PANEL MEMBERS	Brian Kirk (Acting Chair), Nicole Gurran, Graham Brown, Sarkis Yedelian and Daniel Han
APOLOGIES	Peter Debnam
DECLARATIONS OF INTEREST	None

Public meeting held by videoconference on 31 July 2024, opened at 9:30am and closed at 9:55am.

MATTER DETERMINED

PPSSNH-435 – Ryde – LDA2023/0245 at 20 Waterview Street, Putney – commercial and residential buildings (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 listed at item 8 in Schedule 1.

Application to vary a development standard

Clause 4.6 was amended on 1 November 2023 in the Standard Instrument to remove requirements for the consent authority to consider whether the variation is in the public interest and whether concurrence from the Planning Secretary is required. However, this application was lodged on 29 September 2023 and under the savings and transitional arrangements, the Applicant's cl 4.6 request has been considered under the former provisions.

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:

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

the Panel is 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 Buildings) of the LEP and the objectives for development in the W4 zone; and
- c) 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 Panel determined to uphold the Clause 4.6 variation to building height; and approve the development application for the reasons outlined in the Council Assessment Report. The boatshed and townhouses comply but elements of the residential flat buildings exceed the building height control; these are the lift overruns, parapets, pergolas and car park exhausts. The Panel concurs with Council that the height variations are minor and acceptable.

This application is integrated development under the Water Management Act 2000 as the construction of the basement will involve dewatering and Water NSW have provided General Terms of Approval.

The application is for the detailed design of the land-based portion of the site and is consistent with the Stage 1 consent granted by the NSW Land and Environment Court (Council's reference: LDA2018/223) as modified. A description of the proposal is included in Schedule 1. An Early Works DA (LDA2019/0172) has been approved for a series of early works on the site including part demolition of the existing boat shed, demolition of ancillary structures, removal of trees and remediation works. This later consent has not been activated to date.

The subject application has been assessed against the relevant provisions of State Environmental Planning Policy (SEPP) (Sustainable Buildings) 2022, SEPP (Resilience and Hazards) 2021, SEPP (Biodiversity and Conservation) 2021 and SEPP (Housing) 2021 and has been found to be compliant. The application has been assessed against the Apartment Design Guide (ADG) and has been found to be compliant. The application has been assessed against the Ryde Local Environmental Plan 2014 and is compliant, with the exception of Clause 4.3 being the height of buildings development standard. The application has been assessed against the Ryde Development Control Plan 2014 and is found to be compliant with the applicable Parts of the DCP. As the development of the land is subject to a Concept Development Application approval there is no site specific DCP applying to the site.

The Panel considers the application has been properly assessed against relevant planning controls, and having regard to all of the matters raised in the assessment report, and the positive contribution the development will make to the locality and the provision of improved public access to the waterfront, the Panel is satisfied that approving the DA is in the public interest.

CONDITIONS

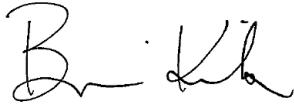
The Development Application was approved subject to the conditions listed in Attachment 5 in the Council Assessment Report

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered 12 written submissions made during public exhibition and also heard from two members of the public who addressed the public meeting. The concerns raised by the community included: traffic and parking, streetscape character, overdevelopment of the site, impacts on the foreshore, loss of green space, light and noise nuisance, guarantee of electricity supply to the neighbourhood, and construction management.

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and that no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS



Brian Kirk (Chair)



Nicole Gurran



Graham Brown



Sarkis Yedelian OAM



Daniel Han

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-435 – Ryde – LDA2023/0245
2	PROPOSED DEVELOPMENT	Stage 2 detailed design of the land-based portion of the site in accordance with LDA2018/0223, including tree removal on the site, construction of commercial and residential premises, including 18x3 storey townhouses and 2x3 storey RFB and adaptive reuse of the boatshed building to contain 19 dwellings (67 residential units across the site) and four commercial/retail tenancies, basement car parking and associated landscaping work.
3	STREET ADDRESS	20 Waterview Street, Putney (Lot 1, DP 430647, Lot 1, DP 70489, Lot 2, DP 70488 and Lots 440–447, DP 15224)
4	APPLICANT/OWNER	Applicant: Perifa Owner: PMAP Putney P/L
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 (Housing) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Sustainable Buildings) 2022 Ryde Local Environmental Plan 2014 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Ryde Development Control Plan 2014 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: 31 July 2024 Applicant's Clause 4.6 Request Written submissions during public exhibition: 12 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Maron Sammour and Andrew Fong On behalf of the applicant – Ben Craig, John Santoro and Sevda Cetin Council assessment officer – Shannon Butler
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 31 January 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam, Brian Kirk, Nicole Gurran <u>Council assessment staff</u>: Sandra Bailey, Sohail Faridy, Carine Elias, Shannon Butler, Luke Homann <u>Department staff</u>: George Dojas, Adam Iskander and Suzie Jattan <u>Applicant representatives</u>: Kate Azzopardi, Josh Patterson, Stefanie Hughes, Sevda Cetin, Chris Forester, Ben Craig

		<ul style="list-style-type: none">• Final briefing to discuss council’s recommendation: 31 July 2024<ul style="list-style-type: none">○ <u>Panel members</u>: Brian Kirk (Acting Chair), Nicole Gurran, Graham Brown, Sarkis Yedelian○ <u>Council assessment staff</u>: Sohail Faridy and Shannon Butler○ <u>Department staff</u>: Adam Iskander and Lisa Foley
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report