

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY NORTH PLANNING PANEL

<b>DATE OF DETERMINATION</b>	12 August 2024
<b>DATE OF PANEL DECISION</b>	10 August 2024
<b>PANEL MEMBERS</b>	Brian Kirk (Acting Chair), Nicole Gurran, Graham Brown, Sarkis Yedelian and Daniel Han
<b>APOLOGIES</b>	Peter Debnam
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 18 July 2024.

#### MATTER DETERMINED

PPSSNH-444 – Ryde - LDA2023/0272 at 461 Victoria Road, Gladesville – construction of a part 6 storey self-storage premises and part 2 storey light industrial premises to be built over two phases of construction (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.

#### 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 approve the application for the reasons outlined in the Council Assessment Report.

The site is located within, and on the periphery of, an industrial area with residential properties located to the west (on the opposite side of Victoria Road), to the southeast and to the east across College Street. 18 College Street is the only residential property that adjoins the site and shares a common southeastern side boundary. The site shares its northwestern boundary with the recently constructed Bunnings Warehouse.

The proposal as originally submitted sought approval for a part 8 storey self-storage facility and proposed a 24/7 operation of the industrial premises. The self-storage facility has been reduced to 6 storeys and the Applicant has agreed with Council to reduce the trading hours.

The proposal complies with the height and floor space ratio development standards of Ryde Local Environmental Plan 2014 as well as a high level compliance with all relevant controls of the Ryde Development Control Plan 2014. The proposal is also consistent with all other relevant instruments under Section 4.15(1)(a) of the *Environmental Planning and Assessment Act 1979*.

The site has a history of industrial uses. State Environmental Planning Policy (Resilience and Hazards) 2021 requires consideration and assessment of potential contamination and the suitability of the site for the proposed form of development. Council has considered the Applicant's Preliminary Remedial Action Plan and Data Gap Investigation Report and does not raise any concerns regarding the site's suitability for the intended use post remediation.

Council advised the Panel that development consent under LDA2015/0214 will need to be amended as part of a condition of this consent pursuant to Section 4.17(1)(b) of the Environmental Planning and Assessment Act, 1979, and a deferred commencement condition has been recommended to provide the mechanism to achieve this.

The Panel accepts Council's assessment that the development will not give rise to significant or unreasonable impacts on the amenity of the neighbouring residential properties. The Panel considers the application has been properly assessed against relevant planning controls and approval would be in the public interest.

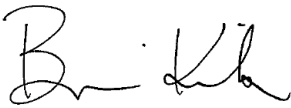




#### CONDITIONS

The Development Application is approved approved subject to the conditions in the Council Assessment Report as amended by Council's email on 2 August 2024.

The Applicant was provided with draft conditions prior to the Panel meeting and provided written suggestions to amend or delete some 76 conditions. The Panel requested the Council and Applicant meet after the meeting to reduce their differences. The Panel has since had the benefit of a joint report detailing the conditions that are now agreed and those that remain in dispute. The Panel accepts the conditions listed in the draft Notice of Determination provided by Council on 2 August 2024, as the final conditions.

#### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the four written submissions made during public exhibition. The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report

PANEL MEMBERS	
 Brian Kirk (Chair)	 Nicole Gurran
 Graham Brown	 Sarkis Yedelian OAM
 Daniel Han	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-444 – Ryde – LDA2023/0272
2	PROPOSED DEVELOPMENT	<p>Demolition of all existing structures, tree removal, remediation works, civil works, staged construction of a part 2 storey light industrial premises and part 6 storey self-storage premises, ancillary offices, signage and associated landscaping work. Proposed hours of operation for the industrial premises are 24 hours a day 7 days a week and 7:00am to 7:00pm Mondays to Fridays for the ancillary office component. The self storage facility is to operate 24 hours a day, 7 days a week.</p> <p>The works are proposed in two stages in no particular order; however the DA is not lodged as a Staged DA pursuant to Part 4 Division 4.4 of the EP&amp;A Act.</p>
3	STREET ADDRESS	461 Victoria Road, Gladesville
4	APPLICANT OWNER	DFP Planning c/o Bieson Pty Ltd Perpetual Trustee Company Limited & The trust Company (Australia) Limited
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 (Resilience and Hazards) 2021</li> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>State Environmental Planning Policy (Planning Systems) 2021</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>Ryde Development Control Plan 2014</li> <li>Ryde Section 7.12 Development Contributions Plan 2020</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></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: 31 July 2024</li> <li>Written submissions during public exhibition: 4</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing: 31 January 2024 <ul style="list-style-type: none"> <li><u>Panel members</u>: Peter Debnam, Brian Kirk, Nicole Gurran</li> <li><u>Council assessment staff</u>: Sandra Bailey, Sohail Faridy, Carine Elias, Shannon Butler, Luke Homann</li> <li><u>Department staff</u>: George Dojas, Adam Iskander and Suzie Jattan</li> <li><u>Applicant representatives</u>: Kendal Makay, Steven Last, David Ruston, Stewart Johnson, Nash Gonzalves</li> </ul> </li> <li>Council briefing: 31 July 2024 <ul style="list-style-type: none"> <li><u>Panel members</u>: Brian Kirk (Acting Chair), Nicole Gurran, Graham Brown, Sarkis Yedelian, Daniel Han</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ <u>Council assessment staff</u>: Sohail Faridy and Carine Elias</li> <li>○ <u>Department staff</u>: Adam Iskander</li> </ul> <ul style="list-style-type: none"> <li>• Applicant briefing: 31 July 2024 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Brian Kirk (Acting Chair), Nicole Gurran, Graham Brown, Sarkis Yedelian, Daniel Han</li> <li>○ <u>Applicant representatives</u>: Kendal Makay, Steven Last, David Ruston and Stewart Johnson</li> <li>○ <u>Council assessment staff</u>: Sohail Faridy and Carine Elias</li> <li>○ <u>Department staff</u>: Adam Iskander</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached to the Council Assessment Report