

DATE OF DETERMINATION	12 September 2024
DATE OF PANEL DECISION	12 September 2024
PANEL MEMBERS	Peter Debnam (Chair), Nicole Gurran, Brian Kirk
APOLOGIES	Sarkis Yedelian and Daniel Han
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 5 September 2024.

MATTER DETERMINED

PPSSNH-484 – Ryde - MOD2024/0005 at 1 -20 Railway Road & 50 Constitution Road Meadowbank – modification to LEC approved residential apartment 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 for modification of consent

The Panel determined to approve the modification application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel approved the application for the reasons below and also set out in Council’s comprehensive Assessment Report.

The Panel also had the benefit of several briefings with Council and the Applicant over recent months to clarify the extent and nature of the modification.

The modification application (MOD20247/0005) seeks to modify LDA2020/0199 to amend the operation of the approved residential apartments buildings (Buildings A, B & C) to rental stock under single ownership, delete Basement 3, reduce car parking, provide a new lobby/reception and gymnasium, convert four apartments to a communal room and consequential changes.

The Panel notes there are no changes proposed to the approved building envelopes, in relation to height, bulk and scale, setbacks and buildings separation.

The modification will require amendment to the description of the development to read:

Demolition of existing structures and construction of a mixed use development comprising four x 6 to 7 storey buildings containing 133 129 apartments, 162 boarding rooms, gym (for residents use only) and commercial floor space with basement parking at 1-20 Railway Road and 50 Constitution Road, Meadowbank.

A Voluntary Planning Agreement was entered into as part of the parent application (LDA2020/0199) and no changes are proposed to the VPA.

The modification will result in reduced car parking, introduction of car share arrangements and non-compliances with the Floor Space (variation of 0.13%) and Storage under SEPP 65 and the Panel concurs with Council that the variances can be supported on merit.

The Panel further notes that as clarified by the Applicant and Council the provisions of the Housing SEPP 2021 do not apply and the ARH SEPP and SEPP 65 (now repealed) continues to apply in accordance with s 2(1)(da) in Schedule 7A of the Housing SEPP and the Applicant is not seeking to formally create BTR housing within the meaning of the Housing SEPP and is therefore unable to receive the benefit of provisions in the Housing SEPP applicable to BTR housing. Additionally, the Panel notes it has not considered the provisions of the Housing SEPP in its assessment of the proposed MOD.



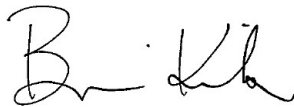
The Panel notes the modification is not contrary to the reasons provided by the Court in the granting of consent originally approved and the Panel believes approval of the modification is in the community interest.

CONDITIONS

The Development Application was approved subject to the conditions in Council's Assessment Report with a clarification of Condition 220 to the paragraph after the dot points to include the words "according to the allocations listed above".

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered four written submissions made during public exhibition and noted issues of concern included overcrowding and parking. The Panel considers that concerns raised by the community have been adequately addressed in Council's Assessment Report and the conditions.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Nicole Gurran
 Brian Kirk	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-484 – Ryde - MOD2024/0005
2	PROPOSED DEVELOPMENT	Modification to Land and Environment Court Consent 2021/216311 to amend the residential apartment buildings (Buildings A, B & C), internal changes to ground floor of Building A and deletion of Basement 3 resulting in a reduction of number of car parking spaces.
3	STREET ADDRESS	1 -20 Railway Road & 50 Constitution Road Meadowbank <ul style="list-style-type: none"> - Lots 1 to 8 of DP 13637; - Lots 4 and 5 of DP 7533; - SP 35053; - Lots 1 and 2 of DP 384872; and - Lots 9, 10 and 11 of DP 7533
4	APPLICANT OWNER	Juey Thanyakittikul, Sasco Developments P/L Shepherds Bay Holdings Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.56 Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ Environmental Planning and Assessment Act 1979; ○ Environmental Planning and Assessment Regulation 2021 ○ State Environmental Planning Policy (State and Regional Development) 2011; ○ State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP); (Savings provision) ○ State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development; ○ Ryde Local Environmental Plan 2014 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ City of Ryde Development Control Plan 2014 • 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: 27 August 2024 ○ Written submissions during public exhibition: 4
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> ○ Briefing: 19 June 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Nicole Gurran and Brian Kirk ○ <u>Council assessment staff</u>: Carine Elias, Sandra McCarry, Holly Charalambous, Daniel Pearse and Gavin Zev ○ <u>Applicant representatives</u>: Juey Thanyakittikul, Jeff Mead, Emma Ziegenfusz, George Confos, Matt Carolan ○ <u>Department staff</u>: George Dojas, Adam Iskander and Suzie Jattan ○ Briefing: 14 August 2024

		<ul style="list-style-type: none">○ <u>Panel members</u>: Brian Kirk (Chair), Nicole Gurran and Peter Debnam○ <u>Council assessment staff</u>: Carine Elias and Sandra McCarry○ <u>Department staff</u>: Adam Iskander <ul style="list-style-type: none">○ Final briefing to discuss Council’s recommendation: 11 September 2024<ul style="list-style-type: none">○ <u>Panel members</u>: Peter Debnam (Chair), Nicole Gurran, Brian Kirk and Daniel Han○ <u>Council assessment staff</u>: Carine Elias, Holly Charalambous, Sohail Faridy, Daniel Pearse○ <u>Department staff</u>: Adam Iskander
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report