

DETERMINATION AND STATEMENT OF REASONS
SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	17 April 2025
DATE OF PANEL DECISION	17 April 2025
DATE OF PANEL MEETING	16 April 2025
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Sue Francis, Tina Kordrostami
APOLOGIES	Cameron Last
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 16 April 2025, opened at 1.01pm and closed at 1.32pm

MATTER DETERMINED

PPSSNH-500 – City of Ryde – LDA2024/0092 at 152-190 Rowe Street and 3-5 Rutledge Street, Eastwood – Demolition of existing structures and construction of a mixed-use development comprising retail premises, 411 residential apartments, basement parking for 1,135 vehicles and stratum subdivision into six lots. The application is integrated development pursuant to: Section 91 of the Water Management Act 2000. Section 138 of the Roads Act 1993 (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:

Following consideration of a written request from the applicant, made under cl 4.6(3) of the Ryde Local Environmental Plan 2014 (LEP), the Panel is satisfied that the applicant has demonstrated that:

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

The Panel notes the assessment of the Applicant's Clause 4.6 written request was extensively discussed in Council's Assessment Report and the request adequately demonstrates the objectives of the height of building standard are achieved despite the numerical non-compliance. The proposal also satisfies the relevant objectives of the zone and despite the height variation is consistent with the scale anticipated on the site and will read favourably in the context of the redevelopment of neighbouring sites in the future.

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 application for the reasons below and in Council's comprehensive Assessment Report.

The site is currently known as Eastwood Shopping Centre and the Panel notes the site had received an approval in 2019 for the demolition of all buildings and structures on the site and construction of a mixed-use development comprising seven buildings. That development consent will lapse in August 2026.

The current proposal was lodged with Council in May 2024, has undergone significant amendment over the last year and also benefited from Council and Urban Design Review Panel feedback in pre lodgement meetings.

The Panel notes the application is Integrated Development under the Water Management Act and the Roads Act and both concurrences have been received.

The application is responsive to the strategic intentions of the RLEP 2014 and is consistent with the relevant objectives of the MU1 Mixed Use zone. The Panel concurs with Council that the proposal has been properly assessed against all relevant planning controls, is suitable for the site and does not create unreasonable environmental impact on neighbouring properties. The development will provide a mix of apartment types and retail premises to address growing housing demand and will support the growth of the local community.

CONDITIONS


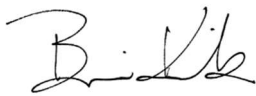


The Development Application was approved subject to the surrender of LDA2016/0378 and subject to Council's revised conditions uploaded to the NSW Planning Portal on 16 April 2025.

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 notes issues of concern included:

- Infrastructure
- Building height
- Parking
- Amenity of adjoining properties (privacy, overshadowing and view loss)
- Overdevelopment and density
- Construction
- Pedestrian access
- Flood mitigation
- Owners consent
- Access
- Non-residential uses
- Noise
- Affordable housing
- Public toilets
- Rezoning of neighbouring land and Eastwood

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and no new issues requiring assessment were raised during the public meeting. The Panel notes that in addressing these issues, design changes have occurred, and appropriate conditions have been imposed.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Brian Kirk
 Sue Francis	 Tina Kordrostami

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-500 – City of Ryde – LDA2024/0092
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a mixed-use development comprising retail premises, 411 residential apartments, basement parking for 1,135 vehicles and stratum subdivision into six lots. The application is integrated development pursuant to: Section 91 of the Water Management Act 2000. Section 138 of the Roads Act 1993
3	STREET ADDRESS	152-190 Rowe Street and 3-5 Rutledge Street, Eastwood
4	APPLICANT/OWNER	The Trustee for Eastwood Centre Trust Unit
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"> ○ Environmental Planning and Assessment Act 1979 ○ Biodiversity Conservation Act 2016 ○ Environmental Planning and Assessment Regulation 2021 ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Housing) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021; ○ State Environmental Planning Policy (Sustainable Buildings) 2004. ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ State Environmental Planning Policy (Industry and Employment) 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 • 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: 1 April 2025 • Clause 4.3: Height of buildings • Written submissions during public exhibition: 22 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ John Beattie OAM, Noah Zheng, Michael Ellsmore ○ Council assessment officer: Henry Burnett ○ On behalf of the applicant: Peter O’Meagher, Anthony Killias, Brian Marotti
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Preliminary Briefing: 17 July 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk ○ <u>Council assessment staff</u>: Anthony Collier, Holly Charalambous, Carine Elias

		<ul style="list-style-type: none"> ○ <u>Applicant representatives</u>: Kang Xue, Anthony Kiliyas, Tim Blythe, Henry Burnett, See Kheng Ong, Victor Yang ○ <u>Department Staff</u>: George Dojas, Adam Iskander, Suzie Jattan <ul style="list-style-type: none"> ● Public Meeting: 16 April 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis, Tina Kordrostami, Cameron Last ○ <u>Council assessment staff</u>: Anthony Collier, Holly Charalambous, Sohail Faridy, Kandace Lindeberg ○ <u>Applicant representatives</u>: Nick Jin, Victor Yang, See Kheng Ong, Antony Killias, Tim Blyth, Peter X'Meagher, Kang Xue, Brian Marotti, David Johnson. ○ <u>Department staff</u>: Lillian Charlesworth, Jade Buckman <ul style="list-style-type: none"> ● Final briefing to discuss council's recommendation: 16 April 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis, Tina Kordrostami, Cameron Last ○ <u>Council assessment staff</u>: Henry Burnett, Anthony Collier, Holly Charalambous, Sohail Faridy ○ <u>Department staff</u>: Lillian Charlesworth, Jade Buckman
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Council's revised draft conditions as uploaded to the NSW Planning Portal on 16 April 2025.