

DATE OF PANEL DECISION	10 September 2024
PANEL MEMBERS	Peter Debnam (Chair), Nicole Gurran, Sarkis Yedelian, Daniel Han
APOLOGIES	None
DECLARATIONS OF INTEREST	None

DELEGATION REQUEST – DETERMINATION OF 4.56 MODIFICATION APPLICATION PPSSNH-530

MODIFICATION APPLICATION

PPSSNH-530 – Ryde – MOD2024/139 – 1 Railway Road & 50 Constitution Road Meadow Bank - S4.56 modification to LDA2020/0199, seeking to amend Condition 78 and 176 in relation to acoustic requirements of the approved mixed use development.

BACKGROUND

The Minister for Planning and Public Spaces has provided approval under section 2.16(6) of the Environmental Planning and Assessment Act 1979 (EP&A Act) for any Sydney district or regional planning panel to delegate any of its functions under the EP&A Act or any other Act (other than the power of delegation) to the general manager or other staff of a council, for any area or part of any area for which the Sydney district or regional planning panel is constituted.

With respect to PPSSNH-530 (MOD2024/0139), Ryde City Council have made a request of the Sydney North Planning Panel that delegation to determine the application be granted. The Panel have been advised by Council:

“The applicant has submitted a Noise Report by Pulse White Noise Acoustics dated 4 March 2023 which claims that condition 78 and 176 - requirement to comply with the 5 star rating based on the Association of Australasian Acoustical Consultants Guideline for Apartment and Townhouse Acoustic Rating Version 1.0 is too onerous and that by meeting these requirements it will cause non-compliances with other aspects of the BCA and relevant Australian Standards.

Council’s Environmental Health Officer has reviewed the request and acknowledge that the requirement are onerous, it is understood that the reasoning behind the conditions is to ensure that the internal acoustics are not impacted by adjoining residencies. The proposed conditions are setting the noise criteria more stringently than the basic criteria in the BCA and other relevant guidelines. However, points 5 & 3 of conditions 78 & 176 respectively have been amended that the consultant to certify the acoustical mitigations measures must have a membership with the AAAC rather than just eligible for membership.

No objections to the wording of the conditions, (as amended by Council) and therefore the modification can be supported.

The proposed modification involves changes to the wording for conditions for acoustic requirements. The proposed modification do not change the overall bulk/scale, height, FSR of the approved development nor does it alter the façade/design, use or function of the approved development. Council’s Environmental Health has raised no objections to the amended conditions - the amenity of adjoining residencies are still protected.

This application was notified in accordance with s105 of the EP&A Regulation. The application was notified to the submitters of the Parent DA from 16 July 2024 to 1 August 2024. One submission was received raising concerns about height, overshadowing and overcrowding. These issues are not relevant to this modification to amend conditions relating to acoustic.

The amended conditions ensure that the above requirements are complied with. Therefore, the proposed modification will not alter the reasons given by the Court in granting consent for the approved development.





Council is requesting that this modification be delegated to Council as it is satisfied that the modification is relatively straight forward and satisfy the substantially the same test."

PANEL RESOLUTION

This is a resolution of the Panel made on 10 September 2024 in accordance with Schedule 2 Part 5 of the EP&A Act.

That pursuant to section 2.16(6)(c) of the EP&A Act 1979 the Panel resolves to delegate to Ryde City Council under delegated authority the power to make determination as consent authority under section 4.56 of the EP&A Act on:

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