



DATE OF DETERMINATION	3 February 2021
PANEL MEMBERS	Peter Debnam (Chair), Julie Savet Ward, Brian Kirk
APOLOGIES	None
DECLARATIONS OF INTEREST	Edwina Clifton and Burnard Purcell declared a conflict of interest. Both Councillors voted in support of the application at council meeting.

Public meeting held by teleconference on 3 February 2021, opened at 10.32am and closed at 11.03am.

MATTER DETERMINED

PPSSNH-58 – Ryde – LDA2019/0404 at 1 Devlin Street Ryde for a mixed use development (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 and the matters observed at site inspections 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 Development Application for the reasons outlined below and in the Independent Assessment Report.

The application is for the construction of a seven (7) storey commercial building containing offices and administration uses for the City of Ryde Council (known as the Civic Building), commercial tenancies for external tenants on the ground and first floor levels and a multi-purpose community building comprising a performance hall with seating for 500-700 persons, activity rooms, meeting rooms, an art gallery, public amenities and food premises. The proposal includes 2 basement car parking levels for 236 car parking spaces and construction of a public plaza and landscaping works, realignment of Parkes Street and Blaxland Road and associated public domain works at 1 Devlin Street, Ryde. The Civic Building has a height of 29m and the community building has a height of 24.2m.

Amended plans were submitted in October 2020 in response to issues raised by Council. The amended plans reconfigured and realigned the setback of the basement car park and loading dock (maintaining the total number of car parking spaces), provided an additional lift to provide dual lifts to service the pedestrian bridge to the north of the site, restricted access to part of the pathway along Devlin Street for maintenance purposes only, removed the proposed pedestrian crossing on Blaxland Road and replaced the originally proposed white perforated metal roof with a solid metal cladding. The amended proposal also seeks to relocate the community garden adjacent to the upper level of the community building to the ground floor at the north-eastern corner of the site to improve accessibility and street activation.

The proposal does present non-compliances with controls under Part 4.4 of the RDCP 2014 in relation to the alignment of pedestrian through-site routes, building setbacks, vehicle access points, loading bay locations, and provision of a continuous awning along Devlin Street. These non-compliances were

comprehensively assessed and the Panel concurs with the Independent Assessor that they are acceptable having regard to the merit of the proposal.

In particular, whilst the proposal does not provide a direct north to south pedestrian through site link parallel to the alignment of Devlin Street as shown in Section 3.1 under Part 4.4 of the RDCP 2014, pedestrian access through the site is consistent with the objectives of providing accessible, direct, safe and attractive pedestrian links. The proposed orientation of pedestrian pathways through the site has taken into consideration the topography of the site, suitable built form addressing the Devlin Street, existing constraints within the public domain, particularly the hostile pedestrian environment along Devlin Street. As the site comprises of predominantly of civic and community uses and some commercial uses with a centrally located public plaza, the proposed pedestrian link will contribute to the amenity of pedestrians.

The application was also referred to Transport for NSW (TfNSW), under Clause 104 of State Environmental Planning Policy (Infrastructure) 2007 for traffic generating development adjoining a classified road (Devlin Street). TfNSW raised no objection to the proposal subject to recommended conditions. In addition to the recommended conditions, TfNSW identified queueing lengths in the right turn bay on Devlin Street as contributing to traffic queues and requested lane extension works be part of this development. Council's Traffic Engineer reviewed the request by TfNSW and concluded that the existing right turn bay cannot adequately accommodate peak hour traffic demands, regardless of the proposed development and as the scale and traffic impacts of proposal are not commensurate to the queueing impacts, the onus of undertaking lane extensions on Devlin Street should not be imposed on the applicant. The requirement for these works was not included in the conditions of consent. Based upon the extensive consultation between the Applicant, Council and TfNSW, the Panel acknowledges that any requirements regarding potential lane extension works are the responsibility of TfNSW and not the Applicant.

The proposal is responsive to the strategic intentions for the Ryde Town Centre and is consistent with the planning controls under the RLEP 2010 and RDCP 2014, except for the alignment of pedestrian through site link and minor variation to the setback of the Civic Building to Parkes Street. The pedestrian through site link shown in the RDCP 2014, provision of a pedestrian through site link along the eastern frontage of the site is not considered suitable given site constraints and the hostile pedestrian environment currently along Devlin Street. As such, the Panel agrees with the Independent Assessor that the proposed pedestrian access from Devlin Street to the centrally located Civic Plaza with connections to Parkes Street and Blaxland Road will provide a better pedestrian experience within the public domain.

The Panel also notes the proposed setback of the Civic Building along Parkes Street ranges between 2.5m and 2.6m at the corner of Parkes Street and Devlin Street. Whilst this does not satisfy the required 3m setback control in the RDCP 2014, the part of the building that projects beyond the 3m setback consisting only of the columns of the colonnade at the entry to Council offices and maintains sufficient footpath width for pedestrian traffic along Parkes Street. The Panel concurs with the Independent Assessor that this non-compliance is acceptable in the circumstances.

Overall, the Panel concurs with the Independent Assessor that the proposal will result in redevelopment of the site to provide a new "Civic Heart", which will make a significant positive contribution to the Ryde Town Centre. The development is of high-quality architectural design that has responded to the location within the mixed-use area, while providing a form of development consistent with the character of the precinct. The development is sound in terms of design, function and relationship with its surroundings and provides an opportunity to redevelop the site for a new civic centre.

Having regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979, the Panel concurs with the Independent Assessor that the application is suitable for the site and is in the public interest.

CONDITIONS

The Development Application was approved subject to the conditions in the Assessment Report with the following amendment:



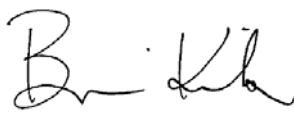
- Condition 34 amended to read as follows:
Ecology Assessment. *A suitably qualified Ecological Consultant is to be engaged to verify the recommended methodology for the treatment of habitat trees detailed in the Arboricultural Letter prepared by Arbor Skills dated 28 July 2020. A report is to be prepared by the engaged Ecological Consultant and submitted to Council for approval prior to issue of a Construction Certificate. The report must provide a detailed discussion of the habitat trees (Trees 12, 15, 22 and 39) as identified within the Arboricultural Impact Assessment prepared by Arbor Skills dated 17th October 2019, and provide recommendations pertaining to how tree removal may be undertaken in a manner to protect any fauna that may be identified in these trees. The recommendations of this report must be undertaken prior to removal of the trees.*

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 public meeting. The Panel notes that issues of community concern included:

- Urban design, built form and overdevelopment of site;
- Surveillance and connectivity of public spaces;
- Increase provision of public open space;
- Activation of ground floor plaza area;
- Inefficient pedestrian access;
- Traffic and parking impacts;
- Vehicular access impacts on adjoining properties;
- Impact on viability of surrounding commercial and retail uses;
- Noise impacts from commercial and community uses;
- Insufficient landscaping fronting Blaxland Road;
- Heritage impacts;
- Potential glare impacts from solar panels; and
- On-going building maintenance.

The Panel considers that concerns raised by the community were adequately addressed in the Independent Assessment Report, by Applicant and Assessor responses during the public meeting and in the amended conditions.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Julie Savet Ward
 Brian Kirk	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-58 – Ryde – LDA2019/0404
2	PROPOSED DEVELOPMENT	<p>Construction of a seven (7) storey mixed use building comprising of Council Chambers, offices and commercial floor space, and construction of a multi-purpose community building containing a 500-700 person hall and associated amenities.</p> <p>The proposal includes excavation for two (2) levels of shared basement parking accommodating 236 car spaces and end of trip facilities.</p> <p>Publicly accessible areas include a public plaza on the western side of the site. The proposal includes the realignment of Blaxland Road. A network of pedestrian through-site links, and paved and landscaped street frontages are also included.</p>
3	STREET ADDRESS	1 Devlin Street, Ryde
4	APPLICANT/OWNER	City of Ryde Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 ○ State Environmental Planning Policy (Infrastructure) 2007; ○ State Environmental Planning Policy (State and Regional Development) 2011; ○ State Environmental Planning Policy No. 55 –Remediation of Land; ○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; ○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017; ○ Greater Sydney Regional Plan - A Metropolis of Three Cities, 2018; ○ Ryde Local Environmental Plan 2014 ○ Ryde Local Environmental Plan 2010; • Draft environmental planning instruments: <ul style="list-style-type: none"> ○ Draft Remediation of Land State Environmental Planning Policy; ○ Draft Environment State Environmental Planning Policy; • Development control plans: <ul style="list-style-type: none"> ○ Ryde Development Control Plan 2014 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • 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: 22 January 2021 • Written submissions during public exhibition: 35 (16 objections, 19 in support) • Unique submissions received by way of objection: 35

		<ul style="list-style-type: none"> • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Community members: ○ Council assessment officer - [names of speakers] ○ On behalf of the applicant – [names of speakers]
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 8 April 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk ○ <u>Council assessment staff</u>: Sandra Bailey, Rebecca Lockart, Sandra McCarry, Peggy Wong, Alison Davidson • Final briefing to discuss council’s recommendation: 3 February 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk ○ <u>Council assessment staff</u>: Sandra Bailey, Daniel Pearce, Madeline Thomas, Peggy Wong, Jason Chanphakeo, Ross Meachin
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report