

<b>Date of Determination</b>	21 July 2022
<b>Panel Members</b>	Alison McCabe (Chair) Michael Leavey (Independent Expert) Brett Newbold (Independent Expert) Rob Senior (Community Representative)
<b>Apologies</b>	NIL
<b>Declarations of Interest</b>	NIL

Public meeting held remotely via teleconference on 21 July 2022 opened at 5:00pm and closed at 7:05pm.  
Papers circulated electronically on 13 July 2022.

#### **MATTER DETERMINED**

##### **LDA2022/0013**

**Address:** 22 Winbourne Street West Ryde

**Proposal:** Demolition of structures and associated hardstand areas and removal of trees.

The following people addressed the meeting:

1. Ziyi Liu (objector)
2. Catherine Bright (objector)
3. Natasha Bartley (applicant)
4. David Wheeler (applicant)
5. Josh Johnston (applicant)

#### **PANEL CONSIDERATIONS 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 as described in Schedule 1, 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 following reasons:

- 1) The proposed demolition works are consistent with the objectives of the relevant provisions of the Ryde Local Environmental Plan 2014 and Ryde Development Control Plan 2014, with minimal environmental impacts.
- 2) Subject to conditions of consent, the proposed development does not create unreasonable environmental impacts to existing adjoining properties with regard to the appropriate management of demolition works.
- 3) The issues raised in the submissions do not warrant the refusal of the Development Application and have been adequately addressed in the Assessment report.
- 4) The proposal is not contrary to the public interest.
- 5) The site is considered suitable for the proposed demolition works.
- 6) The Department of Education has agreed to the proposed conditions, including the additional conditions imposed by the Panel.

The Panel adopts the recommendation and reasons for approval as outlined in the Assessment Officer's report subject to changes to the conditions of consent as detailed below.

## CONDITIONS

The development application was approved subject to the conditions in the Council assessment report with the following amendments:

1. The addition of condition 53 as follows:

53. A site environmental management plan is to be submitted for approval by Council prior to the commencement of works, outlining site management measures during demolition and ongoing until the site is developed; and addressing in particular:

- i. Sediment, dust, soil or other similar material shall be managed in accordance with the document "Guidelines for Erosion and Sediment Control on Building Sites" prepared by the Department of Land and Water Conservation;
- ii. Any exposed ground is to be stabilised and protected to prevent the growth of weeds.
- iii. The site is to be free of weeds & grass, and vegetation is to be appropriately maintained;
- iv. The vegetation located on the north-eastern portion of the site and mapped as 'high value biodiversity' is to be fenced and protected.





(Reason: To ensure ongoing protection of the site and surrounding properties until the DA is approved.)

2. Condition 33 is to be amended to reflect school being Ermington Public School rather than Meadowbank Primary & Secondary Schools.
3. The following advisor condition to be included on the consent:
  - i. Any subsequent development application needs to address replacement tree plantings.  
(Reason: consideration of future tree replacement will be an important consideration of any subsequent DA.)

## 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 considers that concerns raised by the community have been adequately addressed in the assessment report. No new issues were raised during the public meeting.

PANEL MEMBERS	
Alison McCabe (Chair)	
Michael Leavey	
Brett Newbold	
Rob Senior	

**SCHEDULE 1**

<b>1</b>	<b>DA No.</b>	LDA2022/0013
<b>2</b>	<b>Proposal</b>	Demolition of structures and associated hardstand areas and removal of trees
<b>3</b>	<b>Street Address</b>	22 Winbourne Street West Ryde
<b>4</b>	<b>Applicant / Owner</b>	Department of Education
<b>5</b>	<b>Reason for referral to RLPP</b>	Contentious Development – More than 10 unique submissions objecting to the proposal have been received as a result of public notification of the application.
<b>6</b>	<b>Relevant mandatory considerations</b>	<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 – Chapter 4 Remediation of Land</li> <li>○ State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>○ State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</li> <li>○ Ryde Local Environmental Plan 2014</li> </ul> </li> <li>• Draft environmental planning instruments: <ul style="list-style-type: none"> <li>○ Draft Remediation of Land State Environmental Planning Policy (SEPP)</li> <li>○ Draft Environment SEPP</li> </ul> </li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Ryde Development Control Plan 2014</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Australian Standard (AS) 2601-2001</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>
<b>7</b>	<b>Material considered by the Panel</b>	<ul style="list-style-type: none"> <li>• Council assessment report</li> <li>• Written submissions during public exhibition: 21</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ In support - Nil</li> <li>○ In objection - Ziyi Liu, Catherine Bright</li> <li>○ Council assessment officer - Nil</li> <li>○ On behalf of the applicant - Natasha Bartley, David Wheeler, Josh Johnston</li> </ul> </li> </ul>

8	<b>Meetings, briefings and site inspections by the Panel</b>	<ul style="list-style-type: none"> <li>• Site inspection: At the discretion of Panel members due to COVID-19 restrictions</li> <li>• Briefing: 21 July 2022</li> </ul> <p>Attendees:</p> <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Chair), Michael Leavey, Brett Newbold, Rob Senior</li> <li>○ <u>Council assessment staff</u>: Sandra Bailey, Holly Charalambous, Daniel Pearse, Myra Malek</li> </ul> <ul style="list-style-type: none"> <li>• Papers were circulated electronically on 13 July 2022</li> </ul>
9	<b>Council Recommendation</b>	<b>Approval</b>
10	<b>Draft Conditions</b>	Attachment 2 to the Council assessment report