

Date of Determination	11 June 2020
Panel Members	Steve O'Connor (Chair) Eugene Sarich (Independent Expert) Michael Leavey (Independent Expert) Donna Gaskill (Community Representative)
Apologies	NIL
Declarations of Interest	NIL

Public meeting held remotely via teleconference (Council staff at the North Ryde Office) on 11 June 2020 opened at 5:00pm and closed at 5:30pm.
 Papers circulated electronically on 5 June 2020.

MATTER DETERMINED

LDA2019/0445 – 96 West Parade, Denistone
 Construction of a two storey child care centre for 96 children and 16 staff with basement parking for 18 vehicles. Proposed hours of operation are 7:00am to 6:00pm Monday to Friday.

There were no registered speakers for this meeting.

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 refuse 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 refuse the application for the following reasons:

- The proposal fails to achieve compliance with the floor space ratio development standard prescribed for the subject site, and no clause 4.6 written request has been provided.
- The proposal presents a range of non-compliances in relation to the CCPG and RDCP 2014 which result in an unacceptable built form and impacts to the streetscape and adjoining properties.
- A number of well-founded objections have been received following notification of the DA.

The Panel adopts the recommendation and reasons for refusal as outlined in the Assessment Officer's report subject to the deletion of 1a from the recommendation.





CONDITIONS

Not applicable - Refusal

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	
Steve O'Connor (Chair)	
Eugene Sarich	
Michael Leavey	
Donna Gaskill	

SCHEDULE 1

1	DA No.	LDA2019/0445
2	Proposal	Construction of a two storey child care centre for 96 children and 16 staff with basement parking for 18 vehicles. Proposed hours of operation are 7:00am to 6:00pm Monday to Friday.
3	Street Address	96 West Parade, Denistone
4	Applicant / Owner	Designcorp Architects / Anthony Ceretto
5	Reason for referral to RLPP	<p>Contentious Development - subject of 10 or more unique submissions by way of objection</p> <p><i>and</i></p> <p>Departure from development standards – contravention of the floor space ratio development standard by more than 10% - <i>Schedule 1, Part 3 of Local Planning Panels Direction</i></p>
6	Relevant mandatory considerations	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No. 55 Remediation of Land (SEPP55) ○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (“the ESEPP”) ○ State Environmental Planning Policy No. 19 – Bushland in Urban Areas ○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 ○ Ryde Local Environmental Plan 2014 • 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 <p>The public interest, including the principles of ecologically sustainable development</p>
7	Material considered by the Panel	<ul style="list-style-type: none"> • Council assessment report

		<ul style="list-style-type: none"> • Written submissions during public exhibition: 17 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – Nil ○ In objection – Nil ○ Council assessment officer – Nil ○ On behalf of the applicant – Nil <p><i>Adam Podnar provided a written submission against the development in addition to the submission made during exhibition, but did not wish to address the Panel.</i></p>
8	Meetings, briefings and site inspections by the Panel	<ul style="list-style-type: none"> • Site inspection: NA • Briefing: 11 June 2020 <p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Steve O'Connor (Chair), Eugene Sarich, Michael Leavey, Donna Gaskill ○ <u>Council assessment staff</u>: Sandra Bailey, Ben Tesoriero Consultant Planner, Elias Elias <ul style="list-style-type: none"> • Papers were circulated electronically on 5 June 2020
9	Council Recommendation	Refusal
10	Draft Conditions	NA