

Date of Determination	12 September 2024
Panel Members	Julie Savet Ward (Chair) Graham Brown (Independent Expert) Trevor Bly (Independent Expert)
Apologies	NIL
Declarations of Interest	NIL

Public meeting held remotely via teleconference on 12 September 2024 opened at 2:30pm and closed at 4:00pm.

Papers circulated electronically on 4 September 2024.

MATTER DETERMINED

LDA2022/0365

Address: 826 Victoria Road, Ryde

Proposal: Lot consolidation of three lots into one lot, partial demolition works, construction of a purpose built two-storey (81 place) 'Child Care Facility' with car parking, and landscape works.

The following people addressed the meeting:

1. Marcia Quinton
2. Adriana Mestousis
3. Stephen Wilson
4. Graeme Scott
5. John Skrivanic
6. Frank Sartor on behalf of the Applicant
7. Gary Graham on behalf of the Applicant
8. Daniel Bloomfield on behalf of the Applicant
9. Brad Delapierre on behalf of the Applicant
10. Deacon Sayed Issac, the 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 refuse the development application as described in Schedule 1, pursuant to Section 4.15 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:

1. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the development is inconsistent with the provisions of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (SEPP (T&I)). In particular, the development does not satisfy:
 - a) Section 2.119(2)(c) of SEPP (T&I) because the application does not satisfactorily demonstrate that the development is of a type that is not sensitive to vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential vehicle emissions within the site of the development arising from the adjacent classified road.
 - b) The following Design Quality Principles in Part 2 of the Child Care Planning Guideline (September 2021):
 - i. Principle 1 - Context.
 - ii. Principle 4 - Sustainability.
 - iii. Principle 6 - Amenity.
 - c) The following Matters for Consideration in Part 3 of the Child Care Planning Guideline (September 2021):
 - i. Clause 3.1 - Site Selection and Location:
 - a) Sub-clause C2.
 - b) Sub-clause C4.
 - ii. Clause 3.6 - Noise and Air Pollution:
 - a) Sub-clause C26.
 - b) Sub-clause C27.
2. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the provisions of the *Ryde Development Control Plan 2014*. In particular, the development does not satisfy:
 - a) The following controls under Part 3.2 – Child Care Centres:
 - i. Clause 2.1 – Suitability of Location and Site for Child Care:
 - a) Sub-clause 2.1.1 – Preferred Locations.
 - b) Sub-clause 2.1.2 – Environmental Risks/Hazards.
 - b) The following control under Part 3.3 – Dwelling Houses and Dual Occupancy:
 - i. Clause 2.14.1 - View Sharing.

3. Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the development does not provide sufficient information to appropriately consider the likely impacts.:
4. Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the site is not considered suitable for the development.
5. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposal is not considered to be in the public interest.


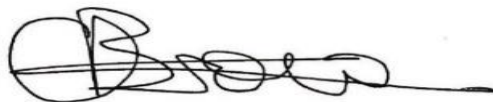

The Panel agreed that the proposed development is particularly sensitive to vehicle emissions, and given its proposed location on a classified road, the Applicant's air quality assessment did not provide sufficient credence for the Panel to be satisfied that the site is suitable for a childcare centre.

The Panel heard from the Applicant and noted that the view loss issue from the residential flat building at 822 Victoria Road could be satisfactorily addressed with amendments to the building height.

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	
Julie Savet Ward (Chair)	
Graham Brown (Independent Expert)	
Trevor Bly (Independent Expert)	

SCHEDULE 1		
1	DA No.	LDA2022/0365
2	Proposal	Lot consolidation of three lots into one lot, partial demolition works, construction of a purpose built two-storey (81 place) 'Child Care Facility' with car parking, and landscape works
3	Street Address	826 Victoria Road, Ryde
4	Applicant / Owner	Trustees Roman Catholic for Diocese of Saint Maron
5	Reason for referral to RLPP	<p>Contentious Development – More than 10 unique submissions objecting to the proposal have been received as a result of public notification of the application - Schedule 1, Part 2 of Local Planning Panels Direction</p> <p>Sensitive Development - Demolition of part of a heritage item and removal of trees - Schedule 1, Part 4 of Local Planning Panels Direction.</p>
6	Relevant mandatory considerations	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ Environmental Planning and Assessment Act 1979 ○ Environmental Planning and Assessment Regulation 2021 ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 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 • Provisions of the <i>Environmental Planning and Assessment Regulation 2021</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 • Written submissions during public exhibition: 11 • Verbal submissions at the public meeting: 5 <ul style="list-style-type: none"> ○ In support - Nil ○ In objection - Marcia Quinto, Adriana Mestousis, Stephen Wilson, Graeme Scott, John Skrivanic

		<ul style="list-style-type: none"> ○ Council assessment officer - Nil ○ On behalf of the applicant – Frank Sartor, Gary Graham, Daniel Bloomfield, Brad Delapierre, Deacon Sayed Issac
8	Meetings, briefings and site inspections by the Panel	<ul style="list-style-type: none"> • Site inspection: 12 September 2024 • Briefing: 12 September 2024 <p>Attendees:</p> <p><u>Panel members</u>: Julie Savet Ward (Chair), Graham Brown (Independent Expert), Trevor Bly (Independent Expert)</p> <p><u>Council assessment staff</u>: Carine Elias, Sohail Faridy, Anthony Collier, Vincent Shepherd, Bekim Haliti</p> <ul style="list-style-type: none"> • Papers were circulated electronically on: 4 September 2024
9	Council Recommendation	Refusal
10	Draft Conditions	Nil