

Date of Determination	10 September 2020
Panel Members	Steve O'Connor (Chair) Eugene Sarich (Independent Expert) Michael Leavey (Independent Expert) Rob Senior (Community Representative)
Apologies	NIL
Declarations of Interest	NIL

Public meeting held remotely via teleconference (Council staff at the North Ryde Office) on 10 September 2020, opened at 5:00pm and closed at 6:28pm.

Papers circulated electronically on 2 September 2020.

MATTER DETERMINED

LDA2019/0189 – 142 to 148 Cox's Road, North Ryde

Alterations and additions to the existing building to accommodate 135 place child-care centre on the first floor. The hours of operation are between 6:30am and 7:00pm Monday to Friday. The development also involves a change of use of tenancy 5 and 7 on the ground floor to office, increasing in parking from 56 to 58 spaces, 2 business identification signs and strata subdivision.

The following people addressed the meeting:

1. Giovanni Cirillo of Planning Lab (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 4.16 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.
- The clause 4.6 written request to justify the contravention of the FSR development standard is not supported.
- The proposed intensification of the land use relies upon an adjoining property in which it does not have legal entitlement to use.
- Owner's consent to utilise the adjoining Council owned car park for vehicular access from the subject site to Cox's Road has not been provided with the application.
- The proposal has not demonstrated that it will not result in any adverse impact upon the local road network. Insufficient information has been submitted to address queue times at the intersection of Cox's Road and Wicks Road which will potentially be impacted by the intensified land use.

The Panel adopts the recommendation and reasons for refusal as outlined in the Assessment Officer's report.

CONDITIONS





Not Applicable

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	
Rob Senior	

SCHEDULE 1

1	DA No.	LDA2019/0189
2	Proposal	Alterations and additions to the existing building to accommodate 135 place child care centre on the first floor. The hours of operation are between 6:30am and 7:00pm Monday to Friday. The development also involves a change of use of tenancy 5 and 7 on the ground floor to office, increasing in parking from 56 to 58 spaces, 2 business identification signs and strata subdivision.
3	Street Address	142-148 Cox's Road, North Ryde
4	Applicant / Owner	EVMR Pty Ltd/As Five Canons / Alramon Pty Ltd
5	Reason for referral to RLPP	<p>Contentious development – (b) in any other case – is the subject of 10 or more unique submissions by way of objection.</p> <p><i>Schedule 1, Part 2 of Local Planning Panels Direction</i></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 ○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ○ State Environmental Planning Policy No.64 – Advertising and Signage (SEPP 64) ○ State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 ○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP) ○ Ryde Local Environmental Plan 2014 • Draft environmental planning instruments: <ul style="list-style-type: none"> ○ Draft Remediation of Land SEPP ○ Draft Environment SEPP • 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>: <ul style="list-style-type: none"> ○ Owner's Consent ○ Environmental Planning and Assessment Regulation 2000 ○ Education and Care Services National Regulations • 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

		<ul style="list-style-type: none"> 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 Clause 4.6 variation request to C4.4(2) Floor Space Ratio 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 – Ben Tesoriero (planning consultant) On behalf of the applicant – Giovanni Cirillo of Planning Lab John Chappell of North Ryde Anglican Church provided a written objection circulated to the Panel but did not wish to speak at the public meeting.
8	Meetings, briefings and site inspections by the Panel	<ul style="list-style-type: none"> Site inspection: Nil – site photos provided Pre-Briefing: 21 August 2020 Briefing: 10 September 2020 <p>Attendees:</p> <ul style="list-style-type: none"> <u>Panel members</u>: Steve O'Connor (Chair), Eugene Sarich, Michael Leavey (did not attend the pre-briefing), Rob Senior <u>Council assessment staff</u>: Brendon Clendenning (Planning Consultant), Kimberley Kavwenje, Daniel Pearse, Michael Chillari (Council Solicitor) <ul style="list-style-type: none"> Papers were circulated electronically on 2 September 2020
9	Council Recommendation	Refusal
10	Draft Conditions	Not Applicable