

Date of Determination	13 February 2020
Panel Members	Steve O'Connor (Chair) Eugene Sarich (Independent Expert) Ian Stapleton (Independent Expert) Bec Ho (Community Representative)
Apologies	NIL
Declarations of Interest	NIL

Public meeting held at the City of Ryde Council Chambers on 13 February 2020 opened at 5:00pm and closed at 6:40pm.

Papers circulated electronically on 5 February 2020.

MATTER DETERMINED

LDA2016/0617 - 29, 33 & 35 Buffalo Road, Gladesville

Proposal: Construction of two warehouses, a retail/office building, at grade parking for 30 vehicles and landscape and drainage works and the use of the warehouse buildings for the purpose of a warehouse and distribution centre.

The following people addressed the meeting:

1. Sandra Bailey (Manager Development Assessment – application intro)
2. Hong Huang (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 and the matters observed at site inspections 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:

1. The proposed development is not permissible within the IN2 – Light Industrial zone under the RLEP 2014.

2. The proposed development fails to comply with the maximum building height development standard as required by Clause 4.3 of the Ryde LEP 2014. It is not considered that the development is consistent with the objectives of this development standard.
3. The site is not considered suitable for the proposed development given the potential site contamination and impact to the groundwater.
4. The proposed development will adversely impact a tree on the adjoining property. Given owner's consent for the removal of this tree has not been provided, its removal is not permissible.
5. The proposed development is not considered to be in the public interest.



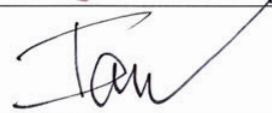

CONDITIONS

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 and that no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS	
Steve O'Connor (Chair)	
Eugene Sarich	
Ian Stapleton	 13/2/20
Bec Ho	

SCHEDULE 1

1	DA No.	LDA2016/0617
2	Proposal	Construction of two warehouses, a retail/office building, at grade parking for 30 vehicles and landscape and drainage works and the use of the warehouse buildings for the purpose of a warehouse and distribution centre.
3	Street Address	29, 33 & 35 Buffalo Road, Gladesville
4	Applicant / Owner	
5	Reason for referral to RLPP	<u>Contentious Development</u> Development is the subject of 10 or more unique submissions by way of objection.
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 (Infrastructure) 2007 ○ 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 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 • Clause 4.6 variation to height • Written submissions during public exhibition: 23 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – NA ○ In objection – NA ○ Council assessment officer – Sandra Bailey ○ On behalf of the applicant – Hong Huang
8	Meetings, briefings and site inspections by the Panel	<ul style="list-style-type: none"> • Site inspection: 13 February 2020

		<ul style="list-style-type: none"> • Briefing: 13 February 2020 <p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Steve O'Connor (Chair), Eugene Sarich, Ian Stapleton, Bec Ho ○ <u>Council assessment staff</u>: Sandra Bailey, Hemantha Jayasekara, Isan Chan <ul style="list-style-type: none"> • Papers were circulated electronically on 5 February 2020
9	Council Recommendation	Refusal
10	Draft Conditions	NA

Date of Determination	13 February 2020
Panel Members	Steve O'Connor (Chair) Eugene Sarich (Independent Expert) Ian Stapleton (Independent Expert) Bec Ho (Community Representative)
Apologies	Clr Bernard Purcell
Declarations of Interest	NIL

Public meeting held at the City of Ryde Council Chambers on 13 February 2020 opened at 5:00pm and closed at 6:40pm.

Papers circulated electronically on 5 February 2020.

MATTER DETERMINED

197-223 Herring Road, Macquarie Park (Lot 100 DP1190494)

The Planning Proposal seeks to make the following amendments to Ryde Local Environmental Plan 2014:

- amend Schedule 5 Environmental heritage of RLEP 2014 to include one new item being the Macquarie Ice Rink,
- insert a new local clause which will permit the redevelopment and/or relocation of the Ice Rink within the Macquarie Shopping Centre subject to a Conservation Management Plan (CMP) being prepared for the Centre and endorsed by the consent authority, demonstrating that the current key aspects of the Rink, which give the rink its heritage value and status, can be achieved and maintained in the proposed new location.

The following people addressed the meeting:

1. Dyalan Govender (Manager City Strategy – application intro)
2. Councillor Jerome Laxale – in support
3. Councillor Penny Pederson – in support
4. Councillor Bernard Purcell – in support – did not attend
5. Paul Gregg – Rink owner's son – in support
6. Tony Tran – in support
7. Mark Kirkland – AMPC Shopping Centres – on behalf of Macquarie Centre DA applicant
8. Tim Blythe – Urbis – Macquarie Centre DA 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 and the matters observed at site inspections listed at item 8 in Schedule 1.

PLANNING PROPOSAL

The Panel determined that the Macquarie Ice Rink Heritage Item be submitted for Gateway Determination under 3.34 of the *Environmental Planning and Assessment Act 1979* with the following amendments to Council's recommendation:

Points A & B to be retained and;

Point C to be added:

The five key aspects listed on page 8 of the planning proposal should be incorporated into the proposed new clause to be inserted into the Ryde LEP 2014

Point D to be added:

The Planning Proposal should minimise the impact of the listing on the use of the exempt and complying provisions of the code SEPP

The decision was unanimous.



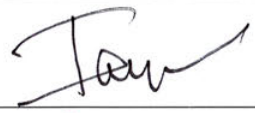

REASONS FOR THE DECISION

The Panel determined the above for the following reasons:

1. The PP provides appropriate protection for the Macquarie Ice Rink which is an item of social and cultural heritage significance within the City of Ryde, through its heritage listings in Schedule 5 Environmental heritage of RLEP 2014.
2. Legislative protection can only be provided to the Macquarie Ice Rink by including it in RLEP 2014, Schedule 5 Environmental Heritage.
3. The PP will provide greater certainty for the future development of Macquarie Shopping Centre.

CONDITIONS

Not applicable

PANEL MEMBERS	
Steve O'Connor (Chair)	
Eugene Sarich	
Ian Stapleton	 13.2.20
Bec Ho	

SCHEDULE 1

1	DA No.	NA
2	Proposal	<p>The Planning Proposal (PP) seeks to make the following amendments to Ryde Local Environmental Plan 2014:</p> <ul style="list-style-type: none"> • amend <i>Schedule 5 Environmental heritage</i> of RLEP 2014 to include one new item being the Macquarie Ice Rink, • insert a new local clause which will permit the redevelopment and/or relocation of the Ice Rink within the Macquarie Shopping Centre subject to a Conservation Management Plan (CMP) being prepared for the Centre and endorsed by the consent authority, demonstrating that the current key aspects of the Rink, which give the rink its heritage value and status, can be achieved and maintained in the proposed new location.
3	Street Address	197-223 Herring Road, Macquarie Park
4	Applicant / Owner	City of Ryde
5	Reason for referral to RLPP	Required by Ministerial Direction made under Section 9.1 of the <i>Environmental Planning and Assessment Act 1979</i> dated 27 September 2018
6	Relevant mandatory considerations	Not Applicable
7	Material considered by the Panel	<ul style="list-style-type: none"> • Council assessment report • Written submissions during public exhibition: NA • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – Clr Jerome Laxale, Clr Penny Pederson, Clr Bernard Purcell, Tony Tran ○ In objection – Nil ○ Council assessment officer – Dyalan Govender ○ On behalf of the applicant – Mark Kirkland & Tim Blythe • AMPCI submission to the Panel
8	Meetings, briefings and site inspections by the Panel	<ul style="list-style-type: none"> • Site inspection: 13 February 2020 • Briefing: 13 February 2020 <p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Steve O'Connor (Chair), Eugene Sarich, Ian Stapleton, Bec Ho ○ <u>Council assessment staff</u>: Dyalan Govender, Lexie Macdonald, Michael Edwards, Rachel Hughes, GML consultant <ul style="list-style-type: none"> • Papers were circulated electronically on 5 February 2020
9	Council Recommendation	That the Ryde Local Planning Panel recommend to Council that the planning proposal be submitted for Gateway Determination under 3.34 of the <i>Environmental Planning and Assessment Act 1979</i>
10	Draft Conditions	Attachment 1 to the Council report