

Date of Determination	12 November 2020
Panel Members	Marcia Doheny (Chair) Eugene Sarich (Independent Expert) Michael Leavey (Independent Expert) Bec Ho (Community Representative)
Apologies	NIL
Declarations of Interest	NIL

Public meeting held remotely via teleconference (Council staff at the North Ryde Office) on 12 November 2020.

Papers circulated electronically on 4 November 2020.

MATTER DETERMINED

LDA2020/0089 - 68 Blaxland Road, Ryde (Royal Hotel)

The following people addressed the meeting:

1. Elham Panahi (submitter)
2. David Rippingill (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:

- i. Pursuant to Section 4.15(b) of the EP&A Act, the proposed extension of hours would adversely affect the amenity of the surrounding residential area.
- ii. Pursuant to Section 4.15(b) of the EP&A Act, the proposed extension of hours is not compatible with the existing, and desired future character of the Ryde Town Centre.

- iii. Pursuant to Section 4.15(b) and Section 4.15(d) of the EP&A Act, past operations of the premises to 2am have not successfully demonstrated that impacts on the neighbourhood have been adequately managed based on the submissions received to the application.
- iv. Pursuant to Section 4.15(a)(i) of the EP&A Act, the proposed extension of hours does not meet the objectives of the B4 Mixed Use zone under Ryde Local Environmental Plan 2014.
- v. Pursuant to Section 4.15(a)(iii) of the EP&A Act, the proposal is inconsistent with the objectives and controls under Ryde Development Control Plan 2014 - Part 4.4 Ryde Town Centre.
- vi. Pursuant to Clause 115 of the EP&A Regulations, the application has a lack of information regarding the proposed acoustic treatment for noise mitigation as well as inadequate information on fire safety and access.
- vii. Pursuant to Section 4.15(c) of the EP&A Act, the site is not considered suitable for the proposed extended hours of operation.
- viii. Pursuant to Section 4.15(b) of the EP&A Act, the proposed extended hours of operation will likely result in negative social impacts and an increased risk for crime which cannot be eliminated through management practices.
- ix. Pursuant to Section 4.15(e) of the EP&A Act, approval of the application would not 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 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	
Marcia Doheny (Chair)	
Eugene Sarich	
Michael Leavey	
Bec Ho	

SCHEDULE 1

1	DA No.	LDA2020/0089
2	Proposal	Alterations to an existing hotel, as well as the extension of trading hours from 2am to 4am, Monday to Saturday
3	Street Address	68 Blaxland Road, Ryde (Royal Hotel)
4	Applicant / Owner	Patrick Gallagher /DOAR (NSW) Pty Ltd
5	Reason for referral to RLPP	Contentious development – more than 10 unique objecting submissions
6	Relevant mandatory considerations	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ 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> • Provisions of the <i>Environmental Planning and Assessment Act 1979</i> • 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: 14 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In objection – Elham Panahi ○ Council assessment officer – Rebecca Lockart ○ On behalf of the applicant – David Rippingill
8	Meetings, briefings and site inspections by the Panel	<ul style="list-style-type: none"> • Site inspection: NA – Panel members visited the site independently • Briefing: 12 November 2020 <p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Marcia Doheny (Chair), Eugene Sarich, MichaelLeavey, Bec Ho ○ <u>Council assessment staff</u>: Sandra Bailey, Rebecca Lockart <ul style="list-style-type: none"> • Papers were circulated electronically on 4 November 2020
9	Council Recommendation	Refusal
10	Draft Conditions	Not Applicable