

Date of Determination	13 May 2021
Panel Members	Steve O'Connor (Chair) Michael Leavey (Independent Expert) Ian Stapleton (Independent Expert) Bec Ho (Community Representative)
Apologies	NIL
Declarations of Interest	NIL

Public meeting held remotely via teleconference on 13 May 2021 opened at 5:00pm and closed at 5:35pm. Papers circulated electronically on 6 May 2021.

MATTER DETERMINED

LDA2020/0380 – 1 Meriton Street, Gladesville
Use and internal fit out for a 24/7 Snap Fitness Gym

The following people addressed the meeting:

1. Greg Pobke (objector)
2. Valerie Vega / Margaret Roberts (owner / 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:

1. In accordance with Section 4.15(1)(a), the development does not comply with the following planning provisions:
 - *Ryde Local Environmental Plan 2014* in that the proposal is inconsistent with the B4 Mixed Use zone objectives, as the proposal is incompatible with the surrounding residential uses.
 - *Part 9.3 of the Ryde Development Control Plan 2014* in that the proposal does not provide adequate parking to meet the parking demand generated for the proposed use.
2. In accordance with Section 4.15(1)(b), the likely impacts due to noise and vibration of the development are unreasonable. Inadequate information has been provided to demonstrate that the adverse noise and vibration impacts caused by the use and fit out of the premises can be satisfactorily mitigated.
3. In accordance with Section 4.15(1)(c) the site is unsuitable for the proposed development given the proposal's incompatibility with surrounding land uses.
4. The approval of the proposed development is not in the public interest in accordance with Section 4.15(1)(e).

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)	
Michael Leavey	
Ian Stapleton	
Bec Ho	

SCHEDULE 1

1	DA No.	LDA2020/0380
2	Proposal	Use and internal fit out for a 24/7 Snap Fitness Gym.
3	Street Address	1 Meriton Street, Gladesville
4	Applicant / Owner	Darren Laybutt / BridgeLane Property 12 Pty Ltd
5	Reason for referral to RLPP	Contentious Development - Development which received more than 10 submissions.
6	Relevant mandatory considerations	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning No. 55 – Remediation of Land (SEPP55) ○ 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 • 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: 17 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – Nil ○ In objection – Greg Pobke (also provided written summary of his address to the Panel) ○ Council assessment officer – Madeline Thomas ○ On behalf of the applicant – Valerie Vega / Margaret Roberts
8	Meetings, briefings and site inspections by the Panel	<ul style="list-style-type: none"> • Site inspection: At the discretion of Panel members due to COVID-19 restrictions • Briefing: 13 May 2021 Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Steve O'Connor (Chair), Michael Leavey, Ian Stapleton, Bec Ho

		<ul style="list-style-type: none">○ <u>Council assessment staff</u>: Sandra Bailey, Madeline Thomas, Daniel Pearse● Papers were circulated electronically on 6 May 2021
9	Council Recommendation	Refusal
10	Draft Conditions	Not Applicable