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| <b>Date of Determination</b>    | 9 December 2021  |
| <b>Panel Members</b>            | Marcia Doheny (Chair)<br>Michael Leavey (Independent Expert)<br>Susan Hobley (Independent Expert)<br>Rob Senior (Community Representative) |
| <b>Apologies</b>                | NIL  |
| <b>Declarations of Interest</b> | NIL  |

Public meeting held remotely via teleconference (Council staff at the North Ryde Office) on 9 December 2021 opened at 5:00pm and closed at 6:48pm.

Papers circulated electronically on 30 November 2021.

#### **MATTER DETERMINED**

##### **LDA2021/0139**

126-128 Pittwater Road, Gladesville

**Proposal:** Alterations and additions to the existing 3-storey mixed use development.

The following people addressed the meeting:

1. Yicheng (Alex) Shen (objector)
2. Anthony Betros (applicant)
3. Jean-Claude Branch (applicant) – not previously registered

#### **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. The proposal has a floor space ratio of 0.927:1 which exceeds the floor space ratio development standard of 0.8:1 under Clause 4.4 of the Ryde Local Environmental Plan 2014. The applicant has failed to provide an adequate Clause 4.6 written justification demonstrating that the variation is well founded and that there are sufficient environmental planning grounds to justify contravening the development standard.
2. The development results in unacceptable impacts to the amenity of the adjoining property at 2 Gannet Street in respect of loss of outlook, bulk and scale of the development and additional overshadowing.
3. The development provides a poor transition to the adjoining R2 zone.
4. The development relies on landscaping to reduce the impact of the bulk and scale; however, fails to demonstrate that the landscaping is adequate or likely to be viable in the future.
5. The proposal provides inadequate information in respect of the landscaping plan. In this regard, the landscape plan would be required to include a maintenance schedule which addresses an appropriate strategy to access the planter boxes, a planting plan and plant schedule for all planter boxes.
6. The architectural and landscaping plans are to be consistent with each other.

### Panel comments

The Panel considers that there may be scope to extend the floor space for the retail business but that a smaller extension would be a better outcome because it would reduce the exceedance of the floor space ratio control, reduce impacts to the adjoining residential property and create more area for improved landscaping.

Any new development application or application for a review of the Panel's decision on this development application should consider reducing the exceedance of the floor space ratio control, improving the quality of the landscape plan and adding a landscape maintenance plan.





## 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 is of the view that further extensions on the site may be possible but needs to be further set back from the adjoining residential property to provide an appropriate transition between the two zones as well as reduce the impact to this property.

| PANEL MEMBERS         |  |
|-----------------------|--|
| Marcia Doheny (Chair) |   |
| Michael Leavey        |   |
| Susan Hobley          |  |
| Rob Senior            |  |

**SCHEDULE 1**

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|----------|--|---|
| <b>1</b> | <b>DA No.</b>                            | LDA2021/0139  |
| <b>2</b> | <b>Proposal</b>                          | Alterations and additions to the existing 3-storey mixed use development  |
| <b>3</b> | <b>Street Address</b>                    | 126-128 Pittwater Road, Gladesville   |
| <b>4</b> | <b>Applicant / Owner</b>                 | Latrade Australia Pty Ltd / The Owners - Strata Plan No. 86144  |
| <b>5</b> | <b>Reason for referral to RLPP</b>       | <p><b>Departure from Development Standard</b></p> <p>The proposed development results in a 15.9% departure from the development standard for floor space ratio imposed by Clause 4.4(2) of RLEP 2014</p>  |
| <b>6</b> | <b>Relevant mandatory considerations</b> | <ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (infrastructure) 2007</li> <li>○ State Environmental Planning Policy No. 55 - Remediation of Land</li> <li>○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</li> <li>○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</li> <li>○ Ryde Local Environmental Plan 2014</li> </ul> </li> <li>• Draft environmental planning instruments: <ul style="list-style-type: none"> <li>○ Draft Remediation of Land State Environmental Planning Policy</li> <li>○ Draft Environment SEPP</li> </ul> </li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Ryde Development Control Plan 2014</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i></li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul> |
| <b>7</b> | <b>Material considered by the Panel</b>  | <ul style="list-style-type: none"> <li>• Council assessment report</li> <li>• Clause 4.6 variation to Clause 4.4 Floor Space Ratio</li> <li>• Written submissions during public exhibition: 6</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ In support - Nil</li> <li>○ In objection - Yicheng (Alex) Shen</li> <li>○ Council assessment officer - Nil</li> <li>○ On behalf of the applicant - Anthony Betros, Jean-Claude Branch</li> </ul> </li> </ul>  |

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| 8  | Meetings, briefings and site inspections by the Panel | <ul style="list-style-type: none"> <li>• Site inspection: At the discretion of Panel members due to COVID-19 restrictions</li> <li>• Briefing: 9 December 2021</li> </ul> <p>Attendees:</p> <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Marcia Doheny (Chair), Michael Leavey, Susan Hobley, Rob Senior</li> <li>○ <u>Council assessment staff</u>: Sandra Bailey, Niroshini Stephen</li> </ul> <ul style="list-style-type: none"> <li>• Papers were circulated electronically on 30 December 2021</li> </ul> |
| 9  | Council Recommendation                                | <b>Approval</b>  |
| 10 | Draft Conditions                                      | Attachment 1 to the Council assessment report  |