

Date of Determination	7 April 2022
Panel Members	Marcia Doheny (Chair) Graham Brown (Independent Expert) Brett Newbold (Independent Expert) Donna Gaskill (Community Representative)
Apologies	NIL
Declarations of Interest	NIL

Public meeting held remotely via teleconference on 7 April 2022, opened at 5:00pm and closed at 6:51pm.
 Papers circulated electronically on 30 March 2022.

MATTER DETERMINED

LDA2021/0372

27 Railway Road Meadowbank

Proposal: Construction of a three-storey commercial development.

The following people addressed the meeting:

1. Terence Elias (submitter)
2. Ben Elias (submitter)
3. Pablo Bateson (submitter)
4. Joseph Sassine & Mark Curzon (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.

Application to vary a development standard

Following consideration of a written request from the applicant, made under clause 4.6 (3) of the Ryde Local Environmental Plan 2014 (LEP), that has demonstrated that:

- a) compliance with Clause 4.3 is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the standard

The Panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under clause 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of clause 4.3 (Height of buildings) of the LEP and the objectives for development in the B4 Mixed Use zone; and
- c) the concurrence of the Secretary has been assumed.

DEVELOPMENT APPLICATION

The Panel determined to **issue a deferred commencement approval** to 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 **approve the application as a deferred commencement** for the following reasons:

- 1) The proposal complies with the statutory provisions set out in the Environmental Planning and Assessment Act 1979.
- 2) The proposal is a permissible form of development and is consistent with the objectives for the B4 Mixed Use zoned land.
- 3) The proposed 8.4% departure from the maximum 9.5m LEP Building Height Development Standard is supported as it relates to the lift structure and minor portions of the roof element where its three storey presentation would not be inconsistent with the built form of the Meadowbank locality and would not contain significant adverse impacts on the public domain.
- 4) The proposed variation to Council's Parking requirement under Part 9.3 of RDCP is reasonable as the proposal for a small-scale commercial development with direct access to public transport it is reasonable to accommodate a 'car free' commercial development ought to be supported.
- 5) The proposal would not contain significant adverse impacts to adjoining properties and the surrounding Meadowbank Precinct environment.
- 6) The submissions received in response to this DA have been considered and addressed in this report. The concerns raised are not considered to warrant the refusal of the subject DA.
- 7) The proposal is not contrary to the public interest and it is a suitable form of development for the site.
- 8) The development application is recommended for approval subject to the imposition of conditions of consent.

The Panel adopts the recommendation and reasons for approval as outlined in the Assessment Officer's report subject to the below amendment.

CONDITIONS

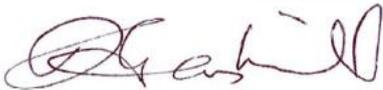
The development application was approved subject to the conditions in the Council assessment report with the following amendment:

Deletion of condition 1(a) as it is dimensionally unviable and provides no benefit to the public presentation of the development.

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	
Marcia Doheny (Chair)	
Graham Brown	
Brett Newbold	
Donna Gaskill	

SCHEDULE 1

1	DA No.	LDA2021/0372
2	Proposal	Construction of a three-storey commercial development
3	Street Address	27 Railway Road, Meadowbank
4	Applicant / Owner	Sasco Developments P/L / Kiu Foong P/L
5	Reason for referral to RLPP	Contentious development – (b) in any other case – is the subject of 10 or more unique submissions by way of objection. <i>Schedule 1, Part 2 of Local Planning Panels Direction</i>
6	Relevant mandatory considerations	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy Resilience & Hazards 2021 ○ State Environmental Planning Policy Biodiversity & Conservation 2021 ○ State Environmental Planning Instrument Transport and Infrastructure SEPP 2021 ○ 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 • City of Ryde Section 7.12 Fixed Rate Levy Development Contributions Plan 2020 • Provisions of the <i>Environmental Planning and Assessment Regulation 2001</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 • Clause 4.6 variation to C4.3 (Height of buildings) • Written submissions during public exhibition: 24 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support - Nil ○ In objection - Terence Elias, Ben Elias, Pablo Bateson ○ Council assessment officer - Sandra Bailey ○ On behalf of the applicant - Joseph Sassine & Mark Curzon • Submission from Maddison Kelly in lieu of addressing the Panel

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: 7 April 2022 <p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Marcia Doheny (Chair), Graham Brown, Brett Newbold, Donna Gaskill ○ <u>Council assessment staff</u>: Sandra Bailey, Kimberley Kavwenje, Daniel Pearse <ul style="list-style-type: none"> • Papers were circulated electronically on 30 March 2022
9	Council Recommendation	Deferred Commencement Approval
10	Draft Conditions	Attachment 1 to the Council assessment report