

Date of Determination	13 February 2025
Panel Members	John Cole (Chair) Vanessa Holtman (Independent Expert) Jeremy Swan (Independent Expert)
Apologies	NIL
Declarations of Interest	<p>Vanessa Holtman declared that she is currently working with Altis Architects on a L&E Court appeal in another LGA. She did it was a conflict to dealing with this application.</p> <p>John Cole declared that he knew Adam Byrnes, Frank Sartor and the Architect's firm and believed he had a conflict of interest which would prohibit his consideration and determination of the matter.</p>

Public meeting held remotely via teleconference on 13 February 2025 opened at 3:00pm and closed at 3:27pm.

Papers circulated electronically on 5 February 2025.

MATTER DETERMINED

APL2024/0002

Address: 826 Victoria Road, Ryde

Proposal: Section 8.3 Review of Determination of LDA2022/0365 for lot consolidation of three lots into one lot, partial demolition works, and the construction of a purpose built two-storey (80 place) 'Childcare Facility' with car parking, and landscape works.

The following people addressed the meeting:

1. Daneil Darley-Bentley – (Objector from 9 Yerong Street, Ryde)
2. Adam Byrnes -Town Planning Consultant (Applicant)
3. Frank Sartor – SPP Services – Available to answer questions panel members may have
4. Jane Barnett -Air Quality Consultant - Available to answer questions panel members may have

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 approve 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.

JURISDICTIONAL PRE-CONSIDERATIONS

- Under State Environmental Planning Policy (Resilience and Hazards) 2021 the Panel has considered under clause 4.6 (1) that the site with the proposed conditions is suitable for the proposal
- Under State Environmental Planning Policy (Transport and Infrastructure) 2021 clause 2.119(2)(c) that the Panel is satisfied that the development is appropriately located and designed and includes measure to ameliorate potential traffic noise and vehicles emissions.

REASONS FOR THE DECISION

The Panel determined to approve the application for the following reasons:

- The proposal is consistent with the objectives for R2 Low Density Residential zone.
- The proposal complies with the statutory provisions set out in the Environmental Planning and Assessment Act 1979.
- The proposal, as amended, is considered to have an acceptable interface with and environmental impact on adjoining properties and surrounding environment.
- The issues raised in the submissions do not warrant the refusal of the application and have been adequately addressed in the building design, conditions of consent, Plan of Management and Assessment report.
- The proposal is not contrary to the public interest.
- The site is considered to be suitable for the proposed development as conditioned.
- The traffic management design adequately deals with the classified road location.

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

CONDITIONS

The development application was approved subject to the conditions in the Council assessment report with the following amendments.

Condition 42 is to be included the following:

Front Fence

- a) The front fence design is to be amended to be black vertical metal pickets' fence with no top rail along the entire length of the Victoria Road frontage.


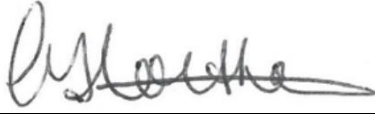

Wayfinding signage

- a) Entry and exit signage are to be installed within the property boundaries, in visually prominent locations on the Victoria Road frontage

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition.

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	
John Cole (Chair)	
Vanessa Holtman (Independent Expert)	
Jeremy Swan (Independent Expert)	

SCHEDULE 1

1	Review No.	APL2024/0002
2	Proposal	Section 8.3 Review of Determination of LDA2022/0365 for lot consolidation of three lots into one lot, partial demolition works, and the construction of a purpose built two-storey (80 place) 'Childcare Facility' with car parking, and landscape works.
3	Street Address	826 Victoria Road, Ryde
4	Applicant / Owner	Trustees Roman Catholic for Diocese of Saint Maron (Owner) Think Planners (Applicant)
5	Reason for referral to RLPP	Section 8.5 of the Environmental Planning and Assessment Act 1979: Development Application was determined by the Local Planning Panel.
6	Relevant mandatory considerations	<ul style="list-style-type: none"> ○ Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Planning Systems) 2021. ○ State Environmental Planning Policy (Resilience and Hazards) 2021. ○ State Environmental Planning Policy (Transport and Infrastructure) 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 ○ Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> ○ 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: Seven (7) ● Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Against – David Darley-Bentley ○ On behalf of the applicant – Adam Byrnes -Town Planning Consultant (Applicant), Michael Staunton – Barrister (if available due to court commitments), Frank Sartor – SPP Services – Available to answer questions panel members may have, Father Sid Issac – (Owner) - Available to answer questions panel members may have, Daniel Bloomfield -Architect - Available to answer questions panel members may have, Jane Barnett -Air Quality Consultant - Available to answer questions panel members may have ○ Council assessment officer – Mahbub Alam
8	Meetings, briefings and site inspections by the Panel	<ul style="list-style-type: none"> ● Site inspection: 13 February 2025

		<ul style="list-style-type: none"> • Briefing: 13 February 2025 <p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: John Cole (Chair), Vanessa Holtman, Jeremy Swan ○ <u>Council assessment staff</u>: Mahbub Alam, Sohail Faridy, Jason Chanphakeo <ul style="list-style-type: none"> • Papers were circulated electronically on: 5 February 2025
9	Council Recommendation	Approval
10	Draft Conditions	Attachment 1 to the Council assessment report