

**Meeting Date:** Thursday 8 November 2018  
**Location:** Council Chambers, Level 1A, 1 Pope Street, Ryde  
**Time:** 5.00pm

**Panel Members Present:** Abigail Goldberg (Chair), Jennifer Bautovich (Independent Expert), Eugene Sarich (Independent Expert) and Bec Ho (Community Representative).

**Staff Present:** Director – City Planning and Environment, Manager – Development Assessment, Manager – Environment, Health & Building, Senior Coordinator – Technical Support and Senior Coordinator – Governance.

Public meeting held at the City of Ryde Council Chambers on Thursday 8 November 2018 opened at 5:00pm and closed at 5:22pm as the Panel retired to deliberate the matter.

The Chair noted in closing that the decision will be made public on Council's website within 24 hours.

<b>Date of Determination</b>	8 November 2018
<b>Panel Members</b>	Abigail Goldberg (Chair) Jennifer Bautovich (Independent Expert) Eugene Sarich (Independent Expert) Bec Ho (Community Representative)
<b>Apologies</b>	Councillor Jordan Lane who provided a representation on behalf of residents but was unable to attend the meeting.
<b>Declarations of Interest</b>	NIL

## 1. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

## MATTER DETERMINED

### MOD2018/0228 – 1 Woodbine Crescent, Ryde

Section 4.55(1A) application to modify development consent for a dual occupancy. The modifications include extension of the length of the patio of Dwelling 1, changes to the dimensions of a number of windows, deletion of the swimming pool of Dwelling 1A, and internal reconfiguration of rooms.

Original DA: LDA2015/0466 – Demolition; new dual occupancy (attached) and swimming pool for dwelling 1A.

The following people addressed the meeting:

1. Sandra Bailey (Manager Development Assessment – application into)
2. *Yieng Ly (objector) – Registered but did not attend*
3. Tania Sherlaimoff (objector)
4. Rainey & Stuart Greally (objector) – Presented by Rainey Greally
5. Adib Obeid (Applicant)

The Panel considered the matters listed at item 7, and the material presented at meetings and the relevant matters observed at site inspections listed at item 8 in Schedule 1.

The Panel has also considered all of the issues raised by the speakers as well as the additional written representations submitted prior to the meeting. The Panel notes that many of these issues relate to the planning process and the prior Development Application; however, the Panel is legally required to only consider the Modification Application that is before it.

The Panel determined to approve the modification to the development as described in Schedule 1 pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979.

The decision was unanimous.

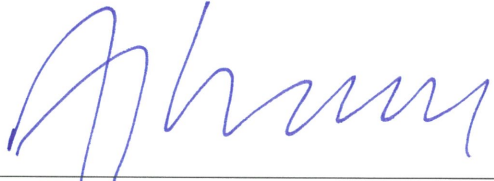


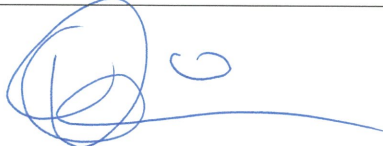
## **REASONS FOR THE DECISION**

The reasons for the decision of the Panel were:

- 1) Section 4.55 of the *Environmental Planning and Assessment Act 1979* permits retrospective approval of works through the modification of a development consent where the works subject to the application have already been carried out.
- 2) The proposed development is consistent with the objectives of the R2 Low Density Residential zone under Ryde LEP 2014. The development is also consistent with the development standards in Ryde LEP 2014 and Ryde DCP 2014.
- 3) The proposed modification is of minimal environmental impact and is substantially the same as the development as approved under LDA2015/0466.
- 4) The proposed modifications will not result in any impacts to neighbouring properties, with the amendments to windows and deletion of the swimming pool resulting in less impacts than the approved development, and existing approved landscaping and screening adjacent to the patio sufficient to provide protection of privacy to neighbouring dwellings.

**CONDITIONS**

The modification to the development application was approved subject to the alterations, additions & deletions of conditions in LDA2015/0466 as detailed in the Recommendation within the Assessment Report with part (C) of the recommendation being amended to note that the matter be referred to the Council's Building Compliance Team to pursue any requirement for a Building Information Certificate in relation to the patio on Dwelling 1.

<b>PANEL MEMBERS</b>	
<b>Abigail Goldberg (Chair)</b>	
<b>Jennifer Bautovich</b>	
<b>Eugene Sarich</b>	
<b>Bec Ho</b>	

SCHEDULE 1		
<b>1</b>	<b>Section 4.55 Number</b>	MOD2018/0228
<b>2</b>	<b>Site Address</b>	1 Woodbine Crescent, Ryde
<b>3</b>	<b>Proposal</b>	Section 4.55(1A) application to modify development consent for a dual occupancy. The modifications include extension of the length of the patio of Dwelling 1, changes to the dimensions of a number of windows, deletion of the swimming pool of Dwelling 1A, and internal reconfiguration of rooms.
<b>4</b>	<b>Applicant / Owner</b>	Adib Obeid & Rony Obeid
<b>5</b>	<b>Reason for Referral to IHAP</b>	Contentious development
<b>6</b>	<b>Relevant Mandatory Conditions</b>	Attachment 1 to Assessment Report
<b>7</b>	<b>Material Considered by the Panel</b>	Assessment Office's Report & original DA consent documents
<b>8</b>	<b>Meetings &amp; Site Inspection by the Panel</b>	Site inspection & briefing meeting on 8 November 2018
<b>9</b>	<b>Recommendation</b>	Approval