

<b>Date of Determination</b>	14 September 2023
<b>Panel Members</b>	Steve O'Connor (Chair) Deborah Sutherland (Independent Expert) Heather Warton (Independent Expert) Donna Gaskill (Community Representative)
<b>Apologies</b>	NIL
<b>Declarations of Interest</b>	NIL

Public meeting held on 14 September 2023 opened at 6:00pm and closed at 6:30pm.  
Papers circulated electronically 6 September 2023.

#### **MATTER DETERMINED**

##### **LDA2022/0278**

**Address:** 2-6 Chatham Road, West Ryde

**Proposal:** Demolition, new shop top housing comprising five commercial tenancies & 62 residential units over two levels of basement car parking.

The following people attended the meeting to answer any enquiries from the Panel:

1. Daniel McNamara – Town Planner (for applicant)
2. Tony Owen – Architect (for 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(2) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development 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(2) (Height of buildings) of the LEP and the objectives for development in the MU1 Mixed Use zone; and
- c) the concurrence of the Secretary has been assumed.

## 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.

## REASONS FOR THE DECISION

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

1. The proposal is consistent with the objectives for MU1 Mixed Use zoned land.
2. The proposal has been supported by a satisfactory Clause 4.6 written variation to Clause 4.3 which demonstrates compliance is both unreasonable and unnecessary and has provided sufficient environmental planning grounds to support the variation.
3. The proposal does not result in any significant adverse impacts upon adjoining properties or the streetscape.
4. The proposal will act as an appropriate catalyst for further development in the town centre.
5. The proposal is not contrary to the public interest.

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





## CONDITIONS

The development application was approved subject to the amended conditions of consent circulated with the memo "Amended Attachment 1" dated 14 September 2023.

## 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)	
Deborah Sutherland	
Heather Warton	
Donna Gaskill	

**SCHEDULE 1**

<b>1</b>	<b>DA No.</b>	<b>LDA2022/0278</b>
<b>2</b>	<b>Proposal</b>	Demolition, new shop top housing comprising five commercial tenancies & 62 residential units over two levels of basement car parking.
<b>3</b>	<b>Street Address</b>	2-6 Chatham Road, West Ryde
<b>4</b>	<b>Applicant / Owner</b>	DMPS Planning / Hurstville Apartments P/L
<b>5</b>	<b>Reason for referral to RLPP</b>	<p><b>Sensitive Development</b> – Development to which <i>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</i> applies. <i>Schedule 1, Part 4 of Local Planning Panels Direction</i></p> <p><b>Contentious Development</b> – <i>Greater than 10 unique submissions received objecting to the proposal. Schedule 1, Part 2 of Local Planning Panels Direction</i></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>○ SEPP No. 65 - Design Quality of Residential Apartment Development</li> <li>○ State Environmental Planning Policy Resilience and Hazards SEPP 2021</li> <li>○ State Environmental Planning Policy - Biodiversity &amp; Conservation SEPP 2021</li> <li>○ State Environmental Planning Policy (Building Sustainability Index BASIX) 2004</li> <li>○ Ryde Local Environmental Plan 2014</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Ryde Development Control Plan 2014</li> <li>• Planning agreements: VPA under Section 7.4 of EP&amp;A Act 1979</li> <li>• Provisions of the <i>EP&amp;A Regulation 2001</i>: Clause 61(1)</li> <li>• City of Ryde Section 7.11 Development Contributions Plan 2020</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>EP&amp;A Act 1979</i> or <i>Regulations</i></li> <li>• The public interest, including 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 Cl. 4.3(2) (Height of buildings)</li> <li>• Memo by Council assessment officer, dated 14 September 2023, amending the conditions of consent</li> <li>• Written submissions during public exhibition: 19</li> <li>• Verbal submissions at the public meeting: Nil – applicant’s representatives present to answer questions.</li> </ul>
<b>8</b>	<b>Meetings, briefings and site inspections by the Panel</b>	<ul style="list-style-type: none"> <li>• Site inspection: 14 September 2023</li> <li>• Briefing: 14 September 2023</li> <li>Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Steve O’Connor (Chair), Deborah Sutherland, Heather Warton, Donna Gaskill</li> <li>○ <u>Council assessment staff</u>: Sandra Bailey, Carine Elias, Sohail Faridy, Shannon Butler, Myra Malek</li> </ul> </li> <li>• Papers were circulated electronically on 6 September 2023</li> </ul>
<b>9</b>	<b>Council Recommendation</b>	<b>Approval</b>
<b>10</b>	<b>Draft Conditions</b>	Amended Attachment 1 to the Council assessment report