

Date of Determination	14 November 2024
Panel Members	(Chair) Alison McCabe (Independent Expert) Philip Bull (Independent Expert) Susan Hobley
Apologies	NIL
Declarations of Interest	NIL

Non-public meeting held 14 November 2024. Papers circulated electronically on 5 November 2024.

#### MATTER DETERMINED

##### MOD2024/0102

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

**Proposal:** Section 4.55(2) modification to LDA2022/0278 to increase the clearance height of the loading dock to satisfy conditions of the development consent, minor adjustments of retail areas to accommodate truck turning, minor adjustments of lift shaft lid to achieve lift overrun, minor adjustments to elevations, and levels to suit changes.

#### 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 modification to development application MOD2024/0102 as described in Schedule 1, pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* and subject to the modification of conditions as outlined in the recommendation in the Council report.

The decision was unanimous.

#### REASONS FOR THE DECISION

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

- The modification satisfies the provisions of Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*.
- The development continues to be a permissible use and is consistent with the objectives of the zone and relevant development standards under RLEP 2014.
- The amended proposal still achieves the objectives of Clause 4.3 despite the height exceedance.
- The modification is substantially the same as the original approval.
- The proposal is not contrary to the public interest.



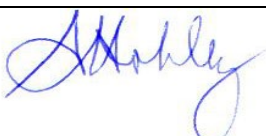
- f) The issues raised in submissions are addressed in the body of the report and the issues raised do not warrant the refusal of this application.
- g) The proposed modification is a reasonable design development of the approved scheme.

The Panel adopts the recommendation as outlined in the Assessment Officer's report.

#### 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 non-public meeting.

PANEL MEMBERS	
(Chair) Alison McCabe	
(Independent Expert) Philip Bull	
(Independent Expert) Susan Hobley	

SCHEDULE 1		
1	DA No.	MOD2024/0102
2	Proposal	Section 4.55(2) modification to LDA2022/0278 to increase the clearance height of the loading dock to satisfy conditions of the development consent, minor adjustments of retail areas to accommodate truck turning, minor adjustments of lift shaft lid to achieve lift overrun, minor adjustments to elevations, and levels to suit changes.
3	Street Address	2-6 Chatham Road, West Ryde
4	Applicant / Owner	Applicant: Daniel McNamara Owner: Hurstville Apartments Pty Ltd
5	Reason for referral to RLPP	Conflict of Interest. Development for which the applicant or land owner is the Council.
6	Relevant mandatory considerations	<ul style="list-style-type: none"> <li>• Ryde Local Environmental Plan 2014</li> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021;</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021;</li> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021;</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</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>: Nil</li> <li>• Coastal zone management plan: Nil</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>
7	Material considered by the Panel	<ul style="list-style-type: none"> <li>• Council assessment report</li> <li>• List any clause 4.6 variation Height of Buildings</li> <li>• Written submissions during public exhibition: 2</li> </ul>
8	Meetings, briefings and site inspections by the Panel	<ul style="list-style-type: none"> <li>• Site inspection: At the discretion of Panel members</li> <li>• Briefing: 14 November 2024 Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Chair), Philip Bull (Independent Expert), Susan Hobley (Independent Expert)</li> <li>○ <u>Council assessment staff</u>: Sohail Faridy, Mahbub Alam, Bekim Haliti</li> </ul> </li> <li>• Papers were circulated electronically on: 5<sup>th</sup> November 2024</li> </ul>

9	Council Recommendation	Approval
10	Draft Conditions	Attachment 1 to the Council assessment report