

<b>Date of Determination</b>	8 September 2022
<b>Panel Members</b>	Alison McCabe (Chair) Brett Newbold (Independent Expert) Susan Hobley (Independent Expert) Anthony Panzarino (Community Representative)
<b>Apologies</b>	NIL
<b>Declarations of Interest</b>	NIL

Meeting held remotely via teleconference on 8 September 2022.  
Papers circulated electronically on 31 August 2022.

#### **MATTER DETERMINED**

##### **LDA2022/0163**

**Address:** 13 Clermont Avenue Ryde

**Proposal:** Alterations and additions to existing pre-school to increase its capacity from 51 to 76 children per day, expansion of car park and associated works.

#### **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.

#### **REASONS FOR THE DECISION**

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

- 1) The proposal is consistent with the objectives of the zones.
- 2) The proposal satisfies the statutory provisions set out in the Environmental Planning and Assessment Act 1979.

- 3) The proposal results in no unreasonable adverse impact to adjoining properties and the surrounding environment.
- 4) The site is suitable for the proposed development and is not contrary to the public interest.

The Panel adopts the recommendation and reasons for approval as stated above and subject to the amendments to conditions as outlined below.

The Panel recommends that Council investigate the removal of the Camphor Laurel stump and regrowth adjacent to where the works will occur.

### CONDITIONS

The development application was approved subject to the conditions in the Council assessment report as amended in Attachment B of the supplementary memo with the following amendments:

**Amendment to condition 88 to read:** all deliveries to the childcare centre are to occur between the hours of 8am and 5pm Monday to Friday.

### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
Alison McCabe (Chair)	
Brett Newbold	
Susan Hobley	
Anthony Panzarino	

**SCHEDULE 1**

<b>1</b>	<b>DA No.</b>	LDA2022/0163
<b>2</b>	<b>Proposal</b>	Alterations and additions to existing pre-school to increase its capacity from 51 to 76 children per day, expansion of car park and associated works
<b>3</b>	<b>Street Address</b>	13 Clermont Avenue Ryde
<b>4</b>	<b>Applicant / Owner</b>	Higgins Planning Pty Ltd / City of Ryde Council
<b>5</b>	<b>Reason for referral to RLPP</b>	<b>Conflict of Interest</b> – Development for which the applicant or landowner is (a) the council. <i>Schedule 1, Part 1 of Local Planning Panels Direction</i>
<b>6</b>	<b>Relevant mandatory considerations</b>	<ul style="list-style-type: none"> <li>• Environmental Planning &amp; Assessment Act 1979</li> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>○ State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>○ State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>○ Ryde Local Environmental Plan 2014</li> </ul> </li> <li>• Draft environmental planning instruments: <ul style="list-style-type: none"> <li>○ Draft Remediation of Land State Environmental Planning Policy (SEPP)</li> <li>○ Draft Environment SEPP</li> </ul> </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>• City of Ryde Section 7.12 Development Contributions Plan 2020</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000 &amp; Education and Care Services National Regulations</i></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>• The public interest, including the 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>• Written submissions during public exhibition: Nil</li> <li>• Verbal submissions at the public meeting: Nil</li> <li>• Memo from Madeline Thomas dated 6 September 2022</li> <li>• Attachment A to memo – submission from applicant</li> <li>• Attachment B to memo – amended conditions of consent</li> </ul>
<b>8</b>	<b>Meetings, briefings and site inspections by the Panel</b>	<ul style="list-style-type: none"> <li>• Site inspection: At the discretion of Panel members due to COVID-19 restrictions</li> <li>• Briefing: 8 September 2022</li> </ul>

		<p>Attendees:</p> <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Chair), Brett Newbold, Susan Hobley, Anthony Panzarino</li> <li>○ <u>Council assessment staff</u>: Sandra Bailey, Madeline Thomas, Daniel Pearse, Terry English, Myra Malek, Emma Ziegenfusz (Consultant Planner)</li> <li>○ <u>On behalf of applicant</u>: Marian Higgins (planner), Graham Bakewell (architect), Lindsay Godfrey, Sue Verhoek, Alexander Nord</li> </ul> <ul style="list-style-type: none"> <li>● Papers were circulated electronically on 31 August 2022</li> </ul>
9	<b>Council Recommendation</b>	<b>Approval</b>
10	<b>Draft Conditions</b>	Attachment B to the memo from Council dated 6 September 2022