

Date of Determination	10 April 2025
Panel Members	John Cole (Chair) David Crofts (Independent Expert) Dr. Awais Piracha (Independent Expert) John Smolders (Community Representative)
Apologies	NIL
Declarations of Interest	NIL

Public meeting held remotely via teleconference on 10th April 2025 opened at 3:00pm and closed at 3:36pm.

Papers circulated electronically on 03rd April 2025.

MATTER DETERMINED

MOD2024/0255

Address: 1 Stansell Street, Gladesville

Proposal: Section 4.56 modification to LDA2021/0125 being a Court approved residential flat building development. The application seeks to add a two-storey walk-up unit to the front building, changes to the communal open space area and relocation of services

The following people were in attendance and prepared to address the meeting and answer questions.
There were no questions from the Panel:

1. Georges Jreije (Applicant) and his consultant expert

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 is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard for height

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 (Height of buildings) of the LEP and the objectives for development in the MU1 Mixed Use zone; and

DEVELOPMENT APPLICATION

The Panel determined to approve the development application as described in Schedule 1, pursuant to Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

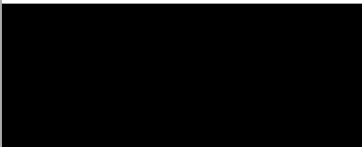

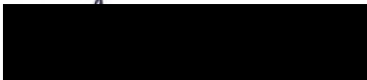
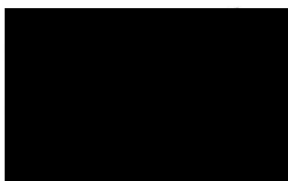
REASONS FOR THE DECISION

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

- 1) The modification satisfies the provisions of Section 4.56 of the Environmental Planning and Assessment Act 1979.
- 2) The development continues to be a permissible use and is consistent with the objectives of the zone and relevant development standards under RLEP 2014.
- 3) The amended proposal still achieves the objectives of Clause 4.3 despite the height exceedance.
- 4) The modification is substantially the same as the original approval.
- 5) The proposal is not contrary to the public interest.
- 6) The proposal will result in improved amenity for future residents of the development with open space on the roof of the rear building with improved access to sunlight and views

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	
John Cole (Chair)	
David Crofts (Independent Expert)	
Dr. Awais Piracha (Independent Expert)	
John Smolders (Community Representative)	

SCHEDULE 1		
1	DA No.	MOD2024/0255
2	Proposal	Section 4.56 modification to LDA2021/0125 being a Court approved residential flat building development. The application seeks to add a two-storey walk-up unit to the front building, changes to the communal open space area and relocation of services
3	Street Address	1 Stansell Street, Gladesville Lot 21 DP 6026
4	Applicant / Owner	Urban Link Architects P/L (Applicant) Danny Tuhmeh (Owner)
5	Reason for referral to RLPP	Departure from development standards – Development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards. Schedule 1, Part 3 of Local Planning Panels Direction.
6	Relevant mandatory considerations	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) Ryde Local Environmental Plan 2014 (RLEP 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>: Nil [or enter the clauses if relevant] Coastal zone management plan: [Nil] 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 List any clause 4.6 variation requests here – height variation under the Ryde LEP Written submissions during public exhibition: nil Verbal submissions available to be made but the Panel did not believe they were necessary at the public meeting: <ul style="list-style-type: none"> In support – Georges Jreije (Applicant)
8	Meetings, briefings and site inspections by the Panel	<ul style="list-style-type: none"> Site inspection: Panel Chair John Cole and member John Smolders visited the site on 10 April 2025 with Council officers. The other panel members, Dr Awais Piracha and David Crofts, conducted their site inspections independently. Briefing: 10th April 2025

		<p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: John Cole (Chair), David Crofts (Independent Expert), Dr. Awais Piracha (Independent Expert), John Smolders (Community Representative) ○ <u>Council assessment staff</u>: Shannon Butler, Holly Charalambous, Sohail Faridy, Laura Linares, Jason Chanphakeo • Papers were circulated electronically on: 3rd April 2025
9	Council Recommendation	Approval
10	Draft Conditions	Attachment 1 to the Council assessment report