

DETERMINATION AND STATEMENT OF REASONS
SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	2 May 2025
DATE OF PANEL DECISION	2 May 2025
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Sue Francis
APOLOGIES	Cameron Last, Tina Kordrostami
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 23 April 2025.

MATTER DETERMINED

PPSSNH-581 – MOD2025/0005 – at 169-171 Herring Road, Macquarie Park – Modification to Land and Environment Court Consent 2024/54712 (LDA2023/0320) to reconfigure the internal and external design of the approved co-living and student accommodation development (as described in Schedule 1).

PANEL CONSIDERATION 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 for modification of consent

The Panel determined to approve the development application 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 reasons below and in Council's Assessment Report.

The Panel believes the application has been properly assessed against relevant planning controls and the proposal continues to be suitable for the site. The development continues to be a permissible use, is consistent with the zone objectives and the objectives of height of buildings and floor space ratio development standards under RLEP 2014 and there will be no significant impact on adjoining properties.

The Panel concurs with Council that the development as modified is substantially the same as the development for which consent was originally granted.

The Panel has taken into consideration the reasons given by the Court for the grant of the consent, that is sought to be modified, and is satisfied that the proposed modifications are consistent with those reasons.

Accordingly, the Panel believes the modification application should be approved on its merits.

CONDITIONS

The Development Application was approved subject to the updated conditions recommended by Council, amending Condition 49(a), as uploaded to the NSW Planning Portal on 27 April 2025.

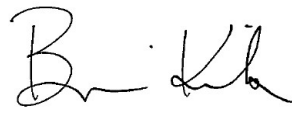
CONSIDERATION OF COMMUNITY VIEWS

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



Peter Debnam (Chair)



Brian Kirk



Sue Francis

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-581 – City of Ryde – MOD2025/0005
2	PROPOSED DEVELOPMENT	Modification to Land and Environment Court Consent 2024/54712 (LDA2023/0320) to reconfigure the internal and external design of the approved co-living and student accommodation development.
3	STREET ADDRESS	169-171 Herring Road, Macquarie Park
4	APPLICANT/OWNER	Lei Lui (applicant) / Freecity Mac Park No.1 P/L
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.56 Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Environmental Planning and Assessment Act 1979 Environmental Planning and Assessment Regulation 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Sustainable Buildings 2022) State Environmental Planning Policy (Housing) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Resilience and Hazards 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Ryde Local Environmental Plan 2014 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> City of Ryde Development Control Plan 2014 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> 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: 30 April 2025 Written submissions during public exhibition: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Preliminary Briefing: 26 March 2025 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis <u>Council assessment staff</u>: Shannon Butler, Sohail Faridy, Holly Charalambous <u>Applicant representatives</u>: Lei Liu, Benjamin Brown, Caleb Niethe, Felipe Miranda, Stephen Gouge, Jules Wittenoom Louw, Kieron Mcilvin, Declan McLean <u>Department staff</u>: Lillian Charlesworth, Jade Buckman Final briefing to discuss council's recommendation: 30 April 2025 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis, Tina Kordrostami <u>Council assessment staff</u>: Shannon Butler, Sohail Faridy <u>Applicant representatives</u>: Attendance was not required <u>Department staff</u>: Lillian Charlesworth, Jade Buckman

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report (Attachment 1 – Recommended Amended Conditions of Consent (rev 1) uploaded to the NSW Planning Portal on 27 April 2025)