

DATE OF DETERMINATION	Wednesday 29 November 2017
PANEL MEMBERS	Deborah Dearing (Chair), John Roseth, Sue Francis
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Christie Conference Centre 100 Walker Street North Sydney on Select Date, opened at 2.35pm and closed at 3:40pm.

MATTER DETERMINED

2017SNH012 – Ryde – LDA2016/0395 at 25-27 Epping Road Macquarie Park (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 the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel resolved to accept the recommendation of the assessment report to approve the application (Option 1 – improved) as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

The Panel has considered all options presented to it and accepts the council's recommendation that the improved Option 1 should be approved. The Panel notes that the applicant also agrees with the choice of the preferred option, as does the objector who spoke at the public meeting on 29 November 2017.

The Panel notes the applicant has submitted a clause 4.6 variation request for additional height and floor space. In relation to the variation to height of buildings, Building J on lot 105 provides a parapet height of 58.3m and lifter overrun height of 59.9m which represents a maximum 5.1% variation (based on the 57m height limit). The proposal is compatible with the height and scale of adjacent development and the additional height does not result in additional overshadowing impacts.

In relation to the additional floor space, the variation results from additional car parking spaces for a mixed use retail centre and supports local services for the community. The variation is relatively minor (2.6% of approved GFA under SSD_5093) and does not result in any detrimental impacts. The Panel therefore accepts the requests for variation in floor space and height as they are well founded and result in a better planning outcome.

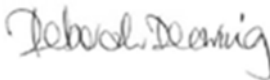


Option 1 as improved follows the heights prescribed in the Approved Concept Plan, minimises external impacts on nearby residences and achieves as much sunlight to apartments and communal open space as is possible in a development of this high density. The Panel notes that the amount of sunlight received by this development, both by the apartments and the communal open spaces, is less than required by the ADG and believes that this is the result of the inappropriately high density that was previously approved for the site by amendment to the Ryde LEP.

As concerns the issue of a deferred commencement consent, the Panel notes that the parties have signed the VPA on 29 November 2017. The Panel believes that the council's objective of certainty that the VPA will be honoured can be achieved by operational Condition 2, which requires that the VPA must be lodged for registration within one month of being signed.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report subject to the following changes:

- Deferred commencement conditions are deleted. This includes the paragraphs in the shaded boxes titled "Part 1" and "Part 2".
- Condition 2 is amended by deleting the words "and that relates to the development application the subject of this consent required under deferred commencement condition 1(a)".

PANEL MEMBERS	
 Deborah Dearing (Chair)	 John Roseth
 Sue Francis	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SNH012 – Ryde – LDA2016/0395
2	PROPOSED DEVELOPMENT	<p>Construction of a mixed use development including the following works:</p> <ul style="list-style-type: none"> • 3 levels of shared basement car parking for 891 car spaces; • A tunnel beneath Jarvis Circuit that will link Basement Levels 00 & 01 across Lots 104 & 105; • A single level podium across Lot 104 comprising of retail & community facilities uses; • 8 residential buildings comprising of 879 units ranging in height from 3 to 17 storeys; • Publicly accessible open spaces; • 5,966m² commercial/retail floor space; • A 2500m² community facility; and • Site landscaping.
3	STREET ADDRESS	25-27 Epping Road, Macquarie Park (Lachlan's Line)
4	APPLICANT/OWNER	Greenland (Sydney) Lachlan's Line Macquarie Park Development Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy No. 55 (Remediation of Land) ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) ○ State Environmental Planning Policy No. 65 –Design Quality of Residential Apartment Development ○ State Environmental Planning Policy (Infrastructure) 2007 ○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP) ○ Ryde Local Environmental Plan 2014 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Ryde Development Control Plan 2014 ○ North Ryde Station Precinct Development Control Plan ○ Section 94 Development Contributions Plan 2007 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • 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: 28 July 2017 • Council memo: 4 August 2017 • Council supplementary report: 15 September 2017 • Applicants Response: 25 September 2017 • Council supplementary report: 17 November 2017 • Submission made by applicant: 24 November 2017

		<ul style="list-style-type: none"> • Council memo: 28 November 2017 • Clause 4.6 variation request • Written submissions during public exhibition: 6 for original proposal and 26 for amended proposal • Verbal submissions at the public meeting 9 August 2017: <ul style="list-style-type: none"> ○ On behalf of the applicant – Murray Donaldson • Verbal submissions at the public meeting 27 September 2017: <ul style="list-style-type: none"> ○ On behalf of the applicant – Murray Donaldson, Tony Stoddard, Steven King • Verbal submissions at the public meeting 29 November 2017: <ul style="list-style-type: none"> ○ In objection - Jasmina Molttor ○ On behalf of the applicant – Murray Donaldson, Nick Turner, Alice Spizzo
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing meeting: 22 February 2017, 9 August 2017, 27 September 2017. • Applicant briefing meeting: 15 November 2017 • Final briefing meeting to discuss council's recommendation, 29 November 2017 at 1.30pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Deborah Dearing (Chair), John Roseth, Sue Francis ○ <u>Council assessment staff</u>: Sandra Baily, Tony Collier, Paul Kapeteas, Michael Dedes, Maurice Doria, Jasmin Chua
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report