

DETERMINATION AND STATEMENT OF REASONS

SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	11 October 2017
PANEL MEMBERS	Deborah Dearing (Chair), John Roseth, Sue Francis, Edwina Clifton, Bernard Purcell
APOLOGIES	None
DECLARATIONS OF INTEREST	Bernard Purcell declared a non-pecuniary interest as his wife works for Urbis as the National Manager of Graphic Design. However she does not have any influence or control on planning issues nor does she undertaken any urban planning consultation duties for Urbis. Panel Chair accepted that this would not preclude him from participating on the Panel for this application.

Public meeting held at Christie Conference Centre, 100 Walker Street North Sydney, on 11 October 2017, opened at 10:35am and closed at 12:00pm.

MATTER DETERMINED

2017SNH014 – Ryde – LDA2016/0524 at 80 Waterloo Road and 16 Byfield Street 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 determined to approve the development application 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 4:1 in favour, against the decision was Edwina Clifton.

REASONS FOR THE DECISION

The majority of the Panel (Deborah Dearing, John Roseth, Sue Francis and Bernard Purcell) accepted the council recommendation to approve the application for the following reasons:

The development is reasonably consistent with the relevant planning controls.

In relation to Clause 4.6 height variation, the whole site area including the land to be acquired by the RMS, has been taken into account for the purpose of FSR. The height exceedance is a result of the redistribution of the FSR and the additional height has no significant impact on surrounding properties in terms of overshadowing or overlooking, nor is it out of character with the immediate area. The Panel considers the variation well founded and accepts the Clause 4.6 variation.

The Panel is aware that the application is not consistent with the ADG solar access guidelines. However, the majority of the Panel were of the view that, given the length of the north south orientation and the presence of a tall building approved for a neighbouring site, it would be difficult to achieve the guidelines of the AGD. Further, as the benefits of direct street frontage and address are significant and the outlook from each of the south-facing units is expansive, the proposal is considered acceptable in the circumstances.

Edwina Clifton disagreed with the majority decision on the basis that the failure to adhere to the design criteria requiring a maximum of 15%, and with the current proposal having 33%, of apartments receiving no direct sunlight between 9am and 3pm is unacceptable and should have sought amended plans improving the ratio. Ms Clifton would have sought a proposal that the lowest 1 or up to 3 storeys of the building be retail space and that residential was restricted to the storeys above these retail storeys in an attempt to improve the ratio.

CONDITIONS

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

Condition 85 to be amended to read as follows:

Condition 85. Public Infrastructure Works. *Public infrastructure works shall be constructed as outlined in this condition of consent, and must be completed to Council's satisfaction at no cost to Council, prior to the issue of any Occupation Certificate.*

It is advisable that the Developer approach Council's City Works and Infrastructure Directorate prior to preparing the public domain design plans, for confirmation of the geometrical alignments for the new kerb and gutter.

The design plans shall also reflect the proposed acquisition of private land for the widening of the road along the Byfield Street and Waterloo Road frontages as required by the (RMS).

Engineering drawings prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia) are to be submitted to, and approved by Council's City Works and Infrastructure prior to the issue of a Construction Certificate. The works shall be in accordance with City of Ryde DCP 2014 Part 8.5 - Public Civil Works, and DCP 2014 Part 8.2 - Stormwater Management, where applicable.

The drawings shall include plans, sections, existing and finished surface levels, drainage pit configurations, kerb returns and other relevant details for the new works and also demonstrate the smooth connection of the proposed works into the remaining street scape.

(a) The removal of all redundant vehicular crossings and replacement with new kerb and gutter.

(b) The restoration of footpaths that are damaged or disturbed, and replacement of any sections of kerb and gutter that are damaged during construction. Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter along Byfield Street and Waterloo Road.

(c) The construction of granite paved driveway in Byfield Street.

(d) Construction of full width granite footway (minimum 3.0m measured from the new property boundary) along the Byfield Street frontage of the development site in accordance with the City of Ryde Public Domain Technical Manual Section 6 – Macquarie Park Corridor.

(e) Stormwater drainage installations in the public domain in accordance with the DA approved plans.

(f) Any staging of the public civil works and transitions between the stages.

(g) The relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council and their requirements being fully complied with.

Notes:

1. *The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths, prior to setting the floor levels for the proposed building.*

2. *The Council's review of each submission of the plans for the proposed public domain works may take a minimum of six (6) weeks.*

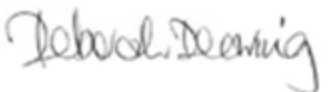
3. *Prior to submission to Council, the Applicant is advised to ensure that the drawings are prepared in accordance with the standards listed in the City of Ryde DCP 2014 Part 8.5 - Public Civil Works, Section 5 "Standards Enforcement".*

New Condition 220 to read as follows:

The following Lots are to be consolidated as one (1) allotment and registered on a survey plan (prepared and signed by a Registered Surveyor) with the NSW Land & Property Information Service (NSW Department of Lands):

- Lot 4 DP270258
- Lot 3 DP270258 and
- Lot 1 DP270258

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.

PANEL MEMBERS	
 Deborah Chairing (Chair)	 John Roseth
 Sue Francis	 Edwina Clifton
 Bernard Purcell	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SNH014 – Ryde – LDA2016/0524
2	PROPOSED DEVELOPMENT	• Demolition of the two existing commercial buildings on site, excavation to create three basement levels, and site remediation works. • Construction of a Part 17 and Part 21 storey residential flat building (referred to as 'Building 1'), and a Part 19 and Part 21 storey residential flat building (referred to as 'Building 2'). • Provision of 412 dwellings and 360 car parking spaces. • Three ground floor retail tenancies with a total of 259m² gross floor area (GFA) on Waterloo Road and corner of Byfield Street.
3	STREET ADDRESS	80 Waterloo Road and 16 Byfield Street Macquarie Park
4	APPLICANT/OWNER	Time and Place
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: ○ State Environmental Planning Policy (State & Regional Development) 2011 ○ State Environmental Planning Policy No.55 – Remediation of Land ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) ○ State Environmental Planning Policy (Infrastructure) 2007 ○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) (Deemed SEPP) ○ Ryde Local Environmental Plan 2014 • Draft environmental planning instruments: Nil • Development control plans: ○ Ryde Development Control Plan 2014 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</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	• Council assessment report: 28 September 2017 • Clause 4.6 Variation request • Written submissions during public exhibition: 2 • Verbal submissions at the public meeting: ○ On behalf of the applicant – Ryan Macindoe, Piran Trethewey.
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	• Briefing meeting: 7 August 2017 • Final briefing meeting to discuss council's recommendation, 11 October 2017 at 10:00 am. Attendees: ○ <u>Panel members</u>: Deborah Dearing (Chair), John Roseth, Sue Francis, Edwina Clifton, Bernard Purcell ○ <u>Council assessment staff</u>: Sandra McCarry, Tony Collier, Liz Coad, Daniel Pearce, Margie Azmi
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report