

DETERMINATION AND STATEMENT OF REASONS
SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	Wednesday 26 September 2018
PANEL MEMBERS	Peter Debnam (Chair), Clare Brown, John Roseth, Edwina Clifton
APOLOGIES	Bernard Purcell
DECLARATIONS OF INTEREST	Sue Francis is providing consulting advise for the applicant on another site.

Public meeting held at Christie Conference Centre 100 Walker Street North Sydney on 26 September 2018, opened at 1.40pm and closed at 2.28pm.

MATTER DETERMINED

2018SNH023 – Ryde – LDA2018/0185 at 9 Peach Tree 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 adjourned during the meeting to deliberate on the matter and formulate a resolution.

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was a majority with Edwina Clifton dissenting to reject the proposal.

REASONS FOR THE DECISION

The proposal fits in with the desired future character of the locality. As conditioned, it complies with the FSR control applying to the site as well as with the advisory apartment size in the Apartment Design Guide. The development breaches the height control, which has been varied in response to a written submission under clause 4.6 of the Ryde LEP 2014. The main reason for the variation is to obtain access to the communal open space on the roof, which provides better amenity for the occupants and thus results in a better planning outcome.

The Panel has considered the public submissions to the proposal. Issues raised included traffic, parking, amenity and the nature of the tower design. All issues were addressed in the assessment report to the Panel's satisfaction.

Edwina Clifton voted against the application having determined that the level of tree removal will be detrimental to the natural surrounds, limits any capacity for a wildlife corridor by removing established native trees and vegetation including a Tallwood and Weeping Bottlebrush. No trees are being retained at all on the actual site. Ten out of seventeen trees to be removed were determined to have a "medium" retention value. All others retained were on a Council verge or neighbouring property. Furthermore, 25 of 116 residential apartments did not meet the minimum apartment size with the non-compliance apparently occurring from the time of the initial drafting. The Deferred Commencement would not have been required for this aspect had compliance occurred as per the set requirements.

CONDITIONS

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

- Condition 1(d) in Part 2 is to be incorporated as a deferred commencement condition in Part 1.
- Conditions 28, 30, 93, 162 and 164 are to be advisory notes rather than conditions.

PANEL MEMBERS	
 Peter Debnam (Chair)	 John Roseth
 Clare Brown	 Edwina Clifton

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SNH0323 – Ryde – LDA2018/0185
2	PROPOSED DEVELOPMENT	Demolition of all buildings and structures on the site and construction of a mixed-use development comprising 116 residential apartments, 70m2 of ground floor commercial/retail tenancy and 4 levels of basement car parking for 136 vehicles.
3	STREET ADDRESS	9 Peach Tree Road, Macquarie Park
4	APPLICANT OWNER	Hyecorp Property Group Various property owners of SP5991
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: - o Biodiversity Conservation Act 2016 - o State Environmental Planning Policy No.19 – Bushland in Urban Areas - o State Environmental Planning Policy (State and Regional Development) 2011 - o State Environmental Planning Policy No.55 – Remediation of Land - o State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development - o State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 - o Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005(Deemed SEPP) - o Ryde Local Environmental Plan 2014 • Draft environmental planning instruments: Nil • Development control plans: - o Ryde Development Control Plan 2014 - o Section 7.11 Development Contribution 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	• Council assessment report: 14 September 2018 • Clause 4.6 Request • Written submissions during public exhibition: 4 • Verbal submissions at the public meeting: - o Council assessment officer – Sandra Bailey - o On behalf of the applicant – Adrian Melo
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	• Site inspection and briefing: 25 July 2018 • Final briefing to discuss council's recommendation, 26 September 2018, 1.15pm. Attendees: - o <u>Panel members</u>: Peter Debnam (Chair), John Roseth, Clare Brown, Edwina Clifton

		o <u>Council assessment staff</u> : Liz Coad, Sandra Bailey, Madeline Thomas, Rebecca Lockart, Kevin Kim, Daniel Pearse
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report