



DETERMINATION AND STATEMENT OF REASONS
SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	7 April 2021
PANEL MEMBERS	Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Bernard Purcell
APOLOGIES	Edwina Clifton
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 24 March 2021.

MATTER DETERMINED

PPSSNH-124 – Ryde – LDA2020/0243 at 2 Cottonwood Crescent Macquarie Park for a mixed use 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 and the matters observed at site inspections listed at item 8 in Schedule 1.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Ryde Local Environmental Plan 2014 (LEP), that has demonstrated that:

- a) compliance with cl.4.3 (height) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard

the Panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of cl.4.3 (height) of the LEP and the objectives for development in the B4 Mixed Use Zone; and
- c) the concurrence of the Secretary has been assumed.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* for the reasons set out below and in Council's Assessment Report.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to uphold the Clause 4.6 variation to building height and approve the application.

The Panel concurs with Council that the Applicant's Clause 4.6 variation is well founded and has adequately addressed the proposed non-compliance with the building height development standard.

The Panel notes Council's assessment that the height non-compliance is influenced by the topography of the site, the requirement for floor levels to achieve minimum flood levels at the lower ground and ground floors and the extent of the non-compliance is limited to the top of the roof of the plant areas, lift overruns

on Buildings A and B, part of the solar panels and south-eastern balustrade on the roof level at Building A, and part of the shade structure to the communal open space at the roof level of Building B. The built elements to both Buildings A and B presenting the greatest exceedance with the height control are located at the top of the lift overruns which are set back from the external façade of the buildings and will not contribute to the appearance of additional building bulk.

The Panel concurs with Council that the Clause 4.6 variation is unlikely to generate an undesirable precedent within the area having regard to minimal environmental impacts and the scale and built form of approved developments in the vicinity of the site. The non-compliance can also be accepted as there are sufficient environmental planning grounds for contravening the development standard and the proposal is consistent with the objectives of both the development standard and the B4 Mixed Use zone.

The development application is for construction of a mixed use development consisting of a part 13 and a part 14 storey building comprising 207 residential apartments, a 565m² child care centre for 69 children and 15 staff and basement car parking for 199 car parking spaces and 40 bicycle spaces in 3 basement levels and part of the lower ground floor level.

The amended proposal has adequately addressed the articulation and architectural treatment of the facades to reduce the appearance of building bulk and has demonstrated that the combination of façade elements, winter gardens and tinted glazing will contribute to thermal comfort and internal amenity for future occupants.

The presentation of the development from Cottonwood Crescent has been enhanced with the amended landscape plans that will provide enlarged planters within the front setback maximising the provision of deep soil areas and ensuring the viability of mature tree plantings that will contribute to the landscaped character of the streetscape and local area.

The internal layout and configuration of balconies have been amended to improve access to and useability of private open space adjacent to living areas, satisfying the objectives of the ADG.

The overall built form responds appropriately to the immediately adjoining public open spaces and will compliment the intended mixed use character of the area, accommodating multi storey developments in accordance with the permitted building height and floor space ratio development standards.

The proposed child care centre is a permitted use within the B4 – Mixed Use zone under RLEP 2014 and complies with the design requirements under the Part 3.2 of RDCP 2014, the SEPP (Educational establishment and Child Care Facilities) 2017 and the Child Care Planning Guidelines, subject to conditions relating to provision of adequate outdoor storage areas and detailed landscape plans to enhance the amenity for children.

The site provides approximately 990.77m² of deep soil areas that have a depth of 2m or greater but does not achieve the minimum dimensions of 20m x 10m required in Part 4.5 of the RDCP 2014. As the proposal does not provide deep soil areas that achieve the minimum dimensions, the proposal does not achieve the minimum 20% deep soil area required under Part 4.5 of the RDCP 2014. The Panel notes non-compliance with the deep soil requirement is acceptable given the proposed built form and landscaping for the site is consistent with the desired future character for Macquarie Park and will contribute positively to the landscaped character of the adjoining public open spaces.



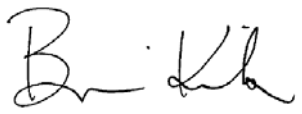

Having regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979, the Panel concurs with Council that the application is suitable for the site and is in the public interest.

CONDITIONS

The development application was approved subject to the conditions in Council's Assessment Report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes no written submissions in objection were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Julie Savet Ward
 Brian Kirk	 Bernard Purcell

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-124 – Ryde – LDA2020/0243
2	PROPOSED DEVELOPMENT	Construction of a part 13 and part 14 storey mixed use development comprising of 207 residential apartments, a child care centre consisting of 69 child care spaces, and three and half levels of basement car parking for 199 car spaces.
3	STREET ADDRESS	2-10 Cottonwood Crescent, Macquarie Park
4	APPLICANT/OWNER	Karimbla Construction Services (NSW) Pty Ltd/Karimbla Properties (No. 58 Pty Ltd)
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; ○ State Environmental Planning Policy (Infrastructure) 2007; ○ State Environmental Planning Policy (State and Regional Development) 2011; ○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017; ○ State Environmental Planning Policy No. 19 –Bushland in Urban Areas; ○ State Environmental Planning Policy No. 55 –Remediation of Land; ○ State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development ○ State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017; ○ Ryde Local Environmental Plan 2014 • Draft environmental planning instruments: <ul style="list-style-type: none"> ○ Draft Remediation of Land State Environmental Planning Policy; ○ Draft Environmental State Environmental Planning Policy; • Development control plans: <ul style="list-style-type: none"> ○ Ryde Development Control Plan 2014 ○ Ryde Section 7.11 Development Contributions Plan 2020 • 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: 24 March 2021 • Clause 4.6 Height Variation – Ryde Local Environmental Plan 2014 • Written submissions during public exhibition: 3 (in support) • Unique submissions received by way of objection: nil

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 4 November 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Bernard Purcell, Edwina Clifton ○ <u>Council assessment staff</u>: Peggy Wong, Sandra Bailey • Final briefing to discuss council's recommendation: 7 April 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Bernard Purcell ○ <u>Council assessment staff</u>: Sandra Bailey, Peggy Wong, Madeline Thomas
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report