

DATE OF DETERMINATION	28 July 2022
DATE OF PANEL DECISION	28 July 2022
DATE OF PANEL MEETING	27 July 2022
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Julie Savet Ward, Jordan Lane, Sarkis Yedelian
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Meeting held by teleconference on 27 July 2022, opened at 10:25pm and closed at 11:15am.
Papers circulated electronically on 13 July 2022.

MATTER DETERMINED

PPSSNH-178 – Ryde – LDA2020-0315 - 40-52 Talavera Road, Macquarie Park - Combined Concept DA for a commercial office development (Buildings A,B & C) and detailed DA for Stage 1 – Building A. (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.

Development application

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

The decision was 3:2 in favour, against the decision were Jordan Lane and Sarkis Yedelian.

REASONS FOR THE DECISION

The majority of the Panel determined to approve the application for the reasons below and in Council's comprehensive Assessment Report.

The Concept Application (as amended) is for building envelopes (Buildings A, B & C) for redevelopment of the site for up to 37,542m² total gross floor area primarily for commercial office uses (including café and/or food and beverage provision). It includes landscaping, open space, recreation areas and five and a half levels of basement car parking in Building A and three levels in Building B and C. Approval is also being sought for the detailed DA application for Stage 1 - Building A, located in the north eastern corner of the site.

An offer to enter into a Voluntary Planning Agreement (VPA), detailed in Council's Assessment Report, has been accepted by Council.

The majority of the Panel notes the design of the proposal has been significantly revised from the design at pre-lodgement to ensure a more effective and appropriate response to the site context and constraints. The amendments also resulted in tree loss being reduced from 245 trees to 129 trees, with net trees to be retained increased from 50 to 168 in comparison to the original proposal. The applicant also proposes replacement tree planting at a ratio of 1:2.2.

The majority of the Panel notes that proposed commercial development is permissible with consent under the RLEP 2014. In accordance with the incentive provisions in Clause 6.9 of RLEP 2014, the site is permitted a maximum incentive floor space of 1.5:1 and building height of 45m. The proposal has a gross floor area (GFA) of 37.542m², FSR 1.5:1 and maximum building height of 41.35m (Building A), 34.9m (Building B) and 34.9m (Building C).

The majority of the Panel concurs with Council that the proposal would result in direct investment in the area and generate construction and operational job opportunities, will provide public benefits in terms of traffic mitigation measures along Talavera Road and Khartoum Road, open space area within the site that will be publicly accessible to the public and communal meeting rooms for community groups. The revised building design is responsive to the strategic intentions of the Macquarie Park and RLEP 2014 and associated planning controls and has been amended following consultation with the UDRP and Council.

After consideration of the development against section 4.15 of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the majority of the Panel concurs with Council that the proposal is suitable for the site and approval would be in the public interest.

Jordan Lane and Sarkis Yedelian disagreed with the majority decision for the following reasons:


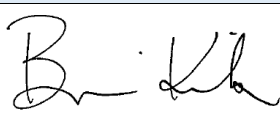



- The incentive contributions constitute an inadequate value-add to Council and the community. Separately, Council is currently seeking to reform its VPA policy to prevent direct monetary contributions and eliminate incentives related to height, floorspace and other development features. To give approval to this application would not be consistent with the new direction of Council and send an inconsistent signal to the market.

CONDITIONS

The Development Application was approved subject to the conditions in Council's Assessment Report as amended by Council's memo of 27th July to address Stage 1 boundary changes and the enclosure of Fire Hydrants.

COMMUNITY CONSULTATION

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
 Julie Savet Ward	 Jordan Lane
 Sarkis Yedelian	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-178 – City of Ryde - LDA 2020/0315
2	PROPOSED DEVELOPMENT	Combined Concept DA for a commercial office development (Buildings A,B & C) and detailed DA for Stage 1 – Building A.
3	STREET ADDRESS	40-52 Talavera Road, Macquarie Park
4	APPLICANT/OWNER	Applicant: LaSalle Investment Management Australia P/L C/ Paul Keywood Owner: The Trust Company 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"> State Environmental Planning Policy (Planning Systems) 2021 – Chapter 2 State & Regional Development. State Environmental Planning Policy (Transport and Infrastructure) 2021 – Chapter 2 Infrastructure State Environmental Planning Policy (Biodiversity and Conservation) 2021- Chapter 2 Vegetation in Non-Rural Areas and Chapter 10 Sydney Harbour Catchment State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land Ryde Local Environmental Plan 2014 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Ryde Development Control Plan 2014 Planning agreements: yes Provisions of the <i>Environmental Planning and Assessment Regulation 2000</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: 17 June 2022 Written submissions during public exhibition: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 28 July 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 Sandra McCarry Final briefing to discuss council's recommendation: 27 July 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Julie Savet Ward, Jordan Lane, Sarkis Yedelian <u>Council assessment staff</u>: Holly Charalambous, Sandra McCarry, Madeline Thomas, Sandra Bailey, Nicholas Ellis, Daniel Pears, Toby Piper <u>Applicant representatives</u>: Mino Howard, Matthew Bailey, Nick Sissons
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report