

DETERMINATION AND STATEMENT OF REASONS

SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	12 November 2021
DATE OF PANEL DECISION	11 November 2021
DATE OF DETERMINATION	10 November 2021
PANEL MEMBERS	Peter Debnam (Chair), Julie Savet Ward, Brian Kirk and Bernard Purcell
APOLOGIES	Edwina Clifton
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 2 November 2021.

MATTER DETERMINED

PPSSNH-196 – Building C: LDA2021/0035 – Ryde, 11 Khartoum Road, Macquarie Park, Building C: Detailed proposal for Building C (commercial building comprising 7 storeys and 11,261m² GFA) consistent with Stage 3 of Concept DA approved under LDA2020/0229 (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 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* (EP&A Act).

The decision was unanimous.

REASONS FOR THE DECISION

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

The Panel were briefed by Council on its comprehensive Assessment Report.

The report considered two (2) development applications (DA) for the subject site, being 11-17 Khartoum Road, Macquarie Park (Lot 1 DP 633221). Both DAs form part of the concept approval ('Concept DA') on the site which is a four-stage commercial development, comprising four commercial buildings (Buildings A, B, C and D). The Concept DA was originally approved under LDA2017/0547, and subsequently modified by an amending development application, LDA2020/0229, which was approved on 15 December 2020 by the Sydney North Planning Panel (SNPP).

Building C – LDA2021/0035

LDA2021/0035 relates to the detailed design of Building C as part of Stage 3 of the Concept DA approved under LDA2020/0229. LDA2021/0035 proposes the following:

- Construction of a seven storey commercial building, including 11,261m² of gross floor area;
- 200m² of retail floor space for one retail tenancy;
- 192 parking spaces (39 at lower ground level, 159 encompasses in 2 levels of basement);
- End of trip facilities;
- Landscaped areas within the Khartoum Road and Talavera Road setbacks;

- Construction of part of the central through site pedestrian link connecting Talavera Road to future Road 1; and
- Internal private access road from Khartoum Road.

The proposal is consistent with the requirements set out in the Concept DA. The proposal also complies with the planning requirements under the Ryde Local Environmental Plan 2014 (Ryde LEP 2014).

The Panel notes a Planning Agreement was executed between the Applicant and Council, which allows for the carrying out of road works, associated road dedication, public domain works, creation of a pedestrian link and associated easement and notes also that the Planning Agreement was amended via a Deed of Variation. The Panel notes the importance to the community of these pedestrian links and road works.

With respect to the Ryde Development Control Plan 2014 (RDCP 2014), the proposal results in non-compliances in relation to the building separation, building address to the street, deep soil area and configuration of the pedestrian link. However, the Panel concurs with Council that each of these non-compliances can be supported on their merits.

TfNSW required that the Applicant provide a financial contribution to 5 intersection upgrades within the locality and the Panel notes the Applicant has agreed to the payment of this contribution.

After consideration of the development against section 4.15 of the EP&A Act and the relevant statutory and policy provisions, the Panel concurs with Council that the proposal is suitable for the site and will result in orderly development in accordance with the planning strategy approved for the site under the Concept DA.





Given the development's broader strategic context, function and overall public benefits, the Panel believes approval of the development proposal 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 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–196 – Building C: LDA2021/0035 – Ryde
2	PROPOSED DEVELOPMENT	Building C: Detailed proposal for Building C (comprising 7 storey and

		11,261m ² GFA commercial building) consistent with Stage 3 of Concept DA approved under LDA2020/0229
3	STREET ADDRESS	11 Khartoum Road, Macquarie Park
4	APPLICANT/OWNER	Applicant – Stockland Corporation Limited Owner – The Trust Company Limited
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 (Infrastructure) 2007 State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning (Vegetation in Non-Rural Areas) 2017 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 Greater Sydney Regional Plan - A Metropolis of Three Cities 2018 Ryde Local Environmental Plan 2014 Draft environmental planning instruments: <ul style="list-style-type: none"> Draft Remediation of Land State Environmental Planning Policy Draft Environment State Environmental Planning Policy Development control plans: <ul style="list-style-type: none"> City of Ryde Development Control Plan 2014 City of Ryde Section 7.11 Development Contributions Plan2020 Planning agreements 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: 5 October 2021 Attachment 1: Draft Conditions of consent for Building C – LDA2021/0035 Attachment 3: Plans submitted for Building C (LDA2021/0035) Written submissions during public exhibition: nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 17 August 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk and Bernard Purcell <u>Council assessment staff</u>: Sandra Bailey, Madeline Thomas and Liz Coad Final briefing to discuss council's recommendation: 10 November 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk and Bernard Purcell <u>Council assessment staff</u>: Sandra Bailey and Madeline Thomas

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report