

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), Julie Savet Ward, Brian Kirk, Jordan Lane, Sarkis Yedelian
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Meeting held by teleconference on 27 July 2022, opened at 10:00am and closed at 9:50am.
Papers circulated electronically on 12 July 2022.

MATTER DETERMINED

PPSSNH-210 - LDA2021/0138 – Ryde 23 and 25 Lachlan Avenue, Macquarie Park - Demolition and construction of a 15 storey student boarding facility (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.

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:

- compliance with Clause 4.3 of the Ryde LEP 2014 (Building Height) and clause 30(1)(h) of the SEPP (Affordable Rental Housing) 2009 (Motorcycle Parking) is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard

the Panel is satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- the development is in the public interest because it is consistent with the objectives of Clause 4.3(2) of the LEP and the objectives for development in the B4 Mixed Use zone; and
- 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*.

The decision was unanimous.

REASONS FOR THE DECISION

The development application is for the demolition of existing structures and construction of a 15 storey student accommodation facility that is capable of accommodating 488 beds, communal recreation rooms and facilities, basement parking, loading facilities and landscaping.

The Panel determined to uphold the Clause 4.6 variation to building height and motorcycle parking and approve the application for the reasons outlined below and in Council's comprehensive Assessment Report.

The Panel concurs with Council that in relation to motorcycle parking requirements, the shortfall in spaces is acceptable in these circumstances of student accommodation. The site is located in close proximity to educational establishments, local services and facilities. The site is also well placed and served by non-private vehicle travel nodes.

In relation to the Applicant's proposal to vary the maximum height, the proposal exceeds the maximum building height of 45m permitted under Ryde LEP 2014. The proposal has a building height of up to 46.5m, representing a 3.3% variation essentially on one corner of the built form. However, the Panel concurs with Council that the proposed building form is responsive to the slope of the land and existing levels, the presentation of the building form is generally consistent with the scale anticipated on this site and it is also favourable in the context of the redevelopment of neighbouring sites in the future.

The proposal is also subject to State Environmental Planning Policy (Housing) 2021 (Housing SEPP) and the Apartment Design Guide with respect to building separation. The proposal does not comply with building separation, however, the Panel concurs with Council that in the context of the Herring Road Activation Precinct, the scale and form of the proposed building is a positive contribution to the desired future character of this educational section of Macquarie Park.

Additionally, the proposal does not comply with the Ryde DCP 2014 with regard to building separation and associated privacy and amenity, internal building design with regard to the number of rooms that share a corridor, the rate of communal living areas per student, the rate of sinks and stove tops per student, the laundry area and the dimensions of deep soil area. However, the Panel concurs with Council that in the circumstances the non-compliances can be accepted on their merits.

The Panel notes the proposal provides an opportunity to redevelop the site with a contemporary building that is generally consistent with the AH SEPP and strategic intentions of the associated planning controls that have been adopted for the locality by Council. The proposal is consistent with the objectives of the B4 Mixed Use Zone under RLEP 2014.

The Panel also notes the proposed development was amended after consultation with the UDRP and Council and will provide a high degree of amenity for future occupants in terms of access to educational establishments, public transport, shops and services.

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 Panel concurs with Council that the proposal is suitable for the site and approval would be in the public interest.

CONDITIONS

The Development Application was approved subject to the conditions in Council's Assessment Report as amended by Council's Memo of 27th July in relation to Condition 219 (a) to ensure a minimum of spaces for e-bikes, addition of Condition 219 (f) to ensure provision of a e-bike charging point and the addition of a condition to ensure Fire Hydrants and external services are enclosed.

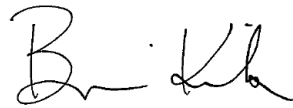
CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered five written submissions made during public exhibition. The Panel notes that issues of concern included: parking, use of spaces, property management, apartment size, traffic, sunlight impacts, wind impacts, acoustic impacts, security, impact on flora and fauna. The Panel considers that concerns raised by the community have been adequately addressed in Council's Assessment Report.

PANEL MEMBERS



Peter Debnam (Chair)



Brian Kirk



Jordan Lane



Julie Savet Ward



Sarkis Yedelian

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-210 - Ryde City Council - LDA2021/0138
2	PROPOSED DEVELOPMENT	15 storey student accommodation facility with basement parking
3	STREET ADDRESS	23 Lachlan Avenue Macquarie Park, 25 Lachlan Avenue Macquarie Park
4	APPLICANT/OWNER	Barcam Mac Park Pty Ltd / N & B Freeman from 25 Lachlan Avenue 12 owners of apartments in 23 Lachlan Avenue
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 (Affordable Rental Housing) 2009 State Environmental Planning Policy (Housing) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Industry and Employment) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 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: Nil 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: 12 July 2022 List any clause 4.6 variation: <ul style="list-style-type: none"> Building Height Motorcycle Parking Written submissions during public exhibition: 4 Total number of unique submissions received by way of objection: 3
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 19 October 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Edwina Clifton, Bernard Purcell <u>Council assessment staff</u>: Holly Charalambous, Sandra Bailey, Madeline Thomas, Liz Coad Briefing: 23 March 2022

		<ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam, Brian Kirk, Julie Savet Ward, Jordan Lane, Sarkis Yedelian ○ <u>Council assessment staff</u>: Sandra Bailey, Madeline Thomas, Holly Charalambous • Final briefing to discuss council's recommendation: 27 July 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Jordan Lane, Sarkis Yedelian ○ <u>Council assessment staff</u>: Holly Charalambous, Madeline Thomas, Sandra Bailey, Nicholas Ellis, Daniel Pearce
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report