

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

Meeting held by teleconference on 27 July 2022, opened at 10:00am and closed at 10:25am.  
Papers circulated electronically on 12 July 2022.

#### **MATTER DETERMINED**

PPSSNH-217 - Ryde City Council - LDA2021/0160 - 67-75 Epping Road, Macquarie Park – Proposed site works including demolition and construction of a multi-storey commercial office building development comprising two buildings (8 & 10 storeys) over 2 basements and the construction of a new road (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 was Jordan Lane and Sarkis Yedelian.

#### **REASONS FOR THE DECISION**

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

The proposal is for site works including demolition and construction of a multi-storey commercial office building development comprising two buildings (8 & 10 storeys) and 344 car parking spaces.

The subject site is located within Macquarie Park Precinct. The development seeks to make use of incentive provisions for additional height and floor space, pursuant to Clause 6.9 of the Ryde Local Environmental Plan 2014 (RLEP 2014), provided specific road connections and public open space are built and dedicated to Council.

The proposed development is designed to include provision of a new dedicated road (Road 6) along the northern boundary, which would contain a cul-de-sac at the north-western end of the subject site and this road is consistent with the Access Network within RDCP 2014. The applicant submitted a letter of offer to enter into a Voluntary Planning Agreement (VPA), which proposes the construction and dedication of Road 6. Council has considered this letter of offer and agreed to enter into the VPA.

With respect to the RDCP 2014, the proposal would result in non-compliances to the setback to Epping Road, building separation, deep soil, location of the front door and solar access to the central courtyard.

The majority of the Panel concur with Council that the proposed variations overall are satisfactory as it has been demonstrated that an appropriate built form outcome would still be achieved and satisfactory amenity outcomes would be provided to the future users of the commercial development.

Additionally, the majority of the Panel concur with Council that after consideration of the development against section 4.15 of the EP&A Act and the relevant statutory and policy provisions, the proposed development is considered suitable for the site. The development is consistent with the desired future character of Macquarie Park Precinct and is sound in terms of design, function, operation and relationship with its current and potential future surroundings. Accordingly, the majority of the Panel believe approval of the application is in the public interest.


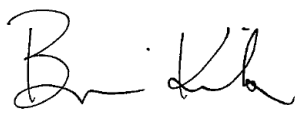
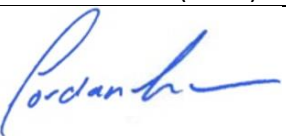

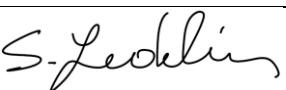
Jordan Lane and Sarkis Yedelian disagreed with the majority decision for the following reasons. The contribution of Road 6 is of greatest value to the applicant and constitutes an inadequate value-add to Council and the broader community. Separately, Council is currently seeking to reform its VPA policy to secure greater social infrastructure and eliminate much of the 'voluntary' component associated with these offers. To give approval to this application would not be consistent with the new direction of Council and would send an inconsistent signal to the market.

#### CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with the addition of a further condition to ensure Fire hydrant infrastructure is enclosed.

#### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered one written submission made during public exhibition and noted issues of concern included privacy, sunlight, construction pollution and traffic congestion. The Panel believes concerns raised by the community were 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-217 - Ryde City Council - LDA2021/0160
2	PROPOSED DEVELOPMENT	Proposed site works including demolition and construction of a multi-storey commercial office building development comprising two buildings (8 & 10 storeys) over 2 basements and the construction of a new road
3	STREET ADDRESS	67-75 Epping Road, Macquarie Park
4	APPLICANT/OWNER	Goodman Property Services (Aust) Pty Ltd / GTA Industrial Custodian Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (Transport and Infrastructure) 2021 – Chapter 2 Infrastructure</li> <li>○ State Environmental Planning Policy (Planning Systems) 2021 – Chapter 2 State and Regional Development</li> <li>○ State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land</li> <li>○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 2 Vegetation in Non-Rural Areas and Chapter 10 Sydney Harbour Catchment</li> <li>○ Ryde Local Environmental Plan 2014</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ City of Ryde Development Control Plan 2014.</li> </ul> </li> <li>• Planning agreements: yes</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i></li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council Assessment Report: 3 June 2022</li> <li>• Written submissions during public exhibition: 1</li> <li>• Total number of unique submissions received by way of objection: 1</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: 23 March 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam, Brian Kirk, Julie Savet Ward, Jordan Lane, Sarkis Yedelian.</li> <li>○ <u>Council assessment staff</u>: Sandra Bailey, Madeline Thomas, Holly Charalambous</li> </ul> </li> <li>• Final briefing to discuss council's recommendation: 27 July 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Julie Savet Ward, Jordan Lane and Sarkis Yedelian OAM</li> <li>○ Council assessment staff: Holly Charalambous, Madeline Thomas, Sandra Bailey, Nicholas Ellis, Daniel Pearce</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report