

DATE OF DETERMINATION	27 February 2023
DATE OF PANEL DECISION	24 February 2023
DATE OF PANEL MEETING	22 February 2023
PANEL MEMBERS	Peter Debnam (Chair), Nicole Gurran, Brian Kirk
APOLOGIES	Nil – Council members membership expired on 11 January 2023.
DECLARATIONS OF INTEREST	Nil

Public meeting held by teleconference on 22 February 2023, opened at 2.30pm and closed at 3.00pm.

MATTER DETERMINED

PPSSNH-237 - LDA2021/0187- City of Ryde, 1-3 Lachlan Avenue, Macquarie Park, Demolition of existing building and construction of a 16-storey residential apartment building comprising 123 units with basement parking.

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 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 of Buildings 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 Buildings 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*.

The Panel's decision was unanimous.

REASONS FOR DECISION

The proposal satisfies the relevant development standards, with the exception of height of buildings under clause 4.3 of the Ryde LEP 2014. The proposal exceeds the maximum permitted height of 45m by 2.83m (6%) but delivers a usable rooftop area with communal open space and landscaping. The Applicant submitted a Clause 4.6 written variation request and the Panel concurs with Council that the variation request is reasonable and well founded.

The site has an area of 2,751 square metres and falls 7.48 metres from the western corner of the site to the street frontage at the eastern corner of the site. It is in close proximity to Macquarie University, Macquarie Hospital and the Metro Rail Station, bus services, M2 Motorway and Macquarie Shopping Centre.

The proposal doesn't comply with the Ryde DCP 2014 with regard to minimum required setbacks, deep soil area and provision of visitor and car share spaces. However, the Panel concurs with Council that the non-compliances can be accepted on their merits, subject to conditions of consent.

The proposed design has benefited from extensive consultation between the Applicant, Council and community and review by Council's Urban Design Review Panel. In the context of the Herring Road Activation Precinct, the scale and form of the proposed building will be a positive contribution to the desired future character of this residential section of Macquarie Park. The positive evolution of the proposal over the last two years means the local community will benefit from delivery of a new residential flat building, which will also add to the revitalisation of the Precinct.

The Panel concurs with Council that the proposal has been properly assessed against relevant planning controls, is suitable for the site and the Panel believes approval of the DA is in the public interest.

CONDITIONS

The development application was approved subject to the conditions detailed in Council assessment report with the following further amendments -




- noise attenuation conditions to ensure compliance with the ADG; and
- car parking conditions to provide a maximum of 100 residential car spaces, including the provision of 2 car share spaces and 8 visitor spaces.

Annexure 1 contains the revised conditions with Conditions 1, 24A and 201 being amended/included by the Panel.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered 24 written submissions made during the public exhibition of the proposal. Issues raised included site isolation, overshadowing (increasing moisture to surrounding buildings and negatively impact on liveability), overdevelopment, non-compliance with setback and building separation controls at higher levels, infringement on neighbouring properties' space, potential blocking out of further sunlight and air movement, construction impact from noise and dust.

The Panel considers concerns raised in submissions have been adequately addressed in the Assessment Report and in the conditions as amended.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Nicole Gurran
 Brian Kirk	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-237 - LDA2021/0187- City of Ryde
2	PROPOSED DEVELOPMENT	Demolition of existing building and construction of a 16-storey residential apartment building comprising 123 units with basement parking.
3	STREET ADDRESS	1-3 Lachlan Avenue, Macquarie Park
4	APPLICANT/OWNER	Eco World (Macquarie) Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Capital investment value (CIV) over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Water Management Act 2000 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 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development 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: City of Ryde Section 7.11 Development Contributions Plan 2020 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. Attachment 1: Proposed Plans. Attachment 2: Clause 4.6 Request to Vary a Development Standard. Attachment 3: Assessment Against the ADG & DCP

		<ul style="list-style-type: none"> • Attachment 4: Massing Scheme for No. 155 Herring Road • Attachment 5: Draft Conditions of Consent • Written submissions during public exhibition: 24 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Members of the community – Tina Yiu ○ Council Assessment Officers - Sandra Bailey, Holly Charalambous, Sohail Faridy • On behalf of the applicant – Naomi Daley, Simon Hanson, Lex Yuan, Yap Foo Leong, Tan Cheng Yong, Gavin Gui Ning Yu
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • 22 September 2022 - Briefing • 22 February 2023 - Final briefing to discuss council's recommendation: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Nicole Gurran, Brian Kirk ○ <u>Council assessment staff</u>: Sandra Bailey, Holly Charalambous, Daniel Pearce, Sohail Faridy
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report