

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

Public meeting held by teleconference on 22 February 2023, opened at 12.02pm and closed at 12.13pm.

#### **MATTER DETERMINED**

PPSSNH-296 – City of Ryde - LDA2022/0021, 100 Talavera Road, Macquarie Park, Lot 2 DP 1268157, Site preparation works, tree removal, civil and stormwater infrastructure and vehicular access, construction of a 5 basement and multi-storey podium car park, waste facilities and building services, Erection of a mixed-use development comprising a 5 storey podium with retail tenancies, a restaurant and a centre-based child care facility and residential uses, Erection of 3 residential towers containing 34, 41 and 55 levels (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 and the matters 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 Panel's decision was unanimous.

#### **REASONS FOR DECISION**

The site at 100 Talavera Road, Macquarie Park has been subdivided to separate the recently completed Stage 1 of the development. It is on the north-eastern side of Talavera Road, irregular in shape, has a total area of 13,330 square metres and slopes from southeast to northwest.

The application is consistent with Concept Development Application LDA2020/0187 approved for the site in 2020, including with regard to maximum gross floor area distribution across the site, building envelopes and all conditions of consent. The application is also integrated development as the site is within 40m of a waterway and within 40m of bushfire prone land.

This D.A. seeks approval for the development for Stage 2, which is located entirely in Lot 2 DP 1268157. The application complements 'Stage 1' in Lot 1 of the Concept DA, which is a completed mixed-use development approved in 2019.

The proposed design has evolved over the last two years and benefited from extensive consultation between the Applicant, Council and community and from a Design Excellence Competition.

Following a thorough Council assessment of the relevant planning controls, issues in submissions and the likely impacts identified in Council's comprehensive Assessment Report, the Panel concurs with Council that

the application can be supported, subject to conditions. The likely impacts have been resolved satisfactorily through amendments to the proposal and in the conditions.

The proposed mixed-use development is consistent with the objectives and development standards for land zoned B4 Mixed Use. The proposal exhibits design excellence, which positively contributes to the overall architectural quality of the Macquarie Park Corridor and fits sensitively into the streetscape. The site is suitable for the proposed development and the Panel believes approval of the DA would be in the community interest.




#### CONDITIONS

The Panel noted conditions had been agreed between Applicant and Council however the Panel added an amendment to noise attenuation conditions. The DA was approved subject to the revised conditions detailed in Council's email dated 22 February 2023 (Annexure 1), with Conditions 1, 83A (27) and 174A (43) being amended/included by the Panel.

#### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered 12 written submissions made during the public exhibition of the proposal. Issues raised included scale of development and visual impact, traffic impact, wind impact, overshadowing impact, view impact, infrastructure, social impact, environmental impact and construction impact.

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

PANEL MEMBERS	
 Peter Debnam (Chair)	 Nicole Gurran
 Brian Kirk	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-296 – City of Ryde - LDA2022/0021
2	PROPOSED DEVELOPMENT	Site preparation works, tree removal, civil and stormwater infrastructure and vehicular access, construction of a 5 basement and multi-storey podium car park, waste facilities and building services, Erection of a mixed-use development comprising a 5 storey podium with retail tenancies, a restaurant and a centre-based child care facility and residential uses, Erection of 3 residential towers containing 34, 41 and 55 levels
3	STREET ADDRESS	100 Talavera Road, Macquarie Park, Lot 2 DP 1268157
4	APPLICANT/OWNER	Karimbla Properties (No. 52) Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Capital investment value (CIV) over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"><li>Environmental planning instruments:</li><li>Rural Fires Act 1997</li></ul>

		<ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Regulation 2021</li> <li>• State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Industry and Employment) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>• Ryde Local Environmental Plan 2014</li> </ul> <ul style="list-style-type: none"> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>• Ryde Development Control Plan 2014</li> </ul> </li> <li>• Planning agreements: Ryde Section 7.11 Development Contributions Plan 2020</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 with draft conditions of consent.</li> <li>• Written submissions during public exhibition: 11</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Members of the community – Nil</li> <li>○ Council Assessment Officers - Sandra Bailey, Holly Charalambous</li> <li>○ On behalf of the applicant – Walter Gordon</li> </ul> </li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• 27 April 2022 - Briefing</li> <li>• 22 February 2023 - Final briefing to discuss council's recommendation: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam (Chair), Nicole Gurran, Brian Kirk</li> <li>○ <u>Council assessment staff</u>: Sandra Bailey, Holly Charalambous, Sohail Faridy, Deren Pearson</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report

