

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSNH-356
DA Number	LDA2022/0390
LGA	City of Ryde
Proposed Development	Earthworks, removal of trees and the construction of three residential flat buildings (Building 1 x 29 storeys, Building 2 x 6 storeys and Building 3 x 6 storeys) containing a total of 304 units, comprising five basement parking levels and total of 299 car parking spaces.
Street Address	5 Halifax Street, Macquarie Park, Lot 110 DP 1224238
Applicant/Owner	The Trustee for Lachlan's Line D1 Unit Trust (Landmark)
Date of DA lodgement	12 December 2022
Total number of unique submissions	First notification: 7 submissions objecting to the development Second notification: 1 submission objecting to the development
Recommendation	Approval
Regionally Significant Development (Schedule 6 of the SEPP (Planning Systems) 2021)	General development over \$30 million. Cost of works: \$102,285,000 excluding GST
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 • Environmental Planning and Assessment Regulation 2021 • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development • 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 • Ryde Development Control Plan 2014 • Ryde Section 7.11 Development Contributions Plan 2020
List all documents submitted with this report for the Panel's consideration	Attachment 1: Proposed Architectural Plans Attachment 2: Proposed Landscape Plans Attachment 3: Applicant's Clause 4.6 Request Attachment 4: Assessment against ADG & DCP Attachment 5: Recommended Conditions of Consent
Clause 4.6 requests	Floor Space Ratio
Summary of key submission issues	<ul style="list-style-type: none"> • Floor space ratio and Clause 4.6 variation • Compliance with Lachlan's Line Urban Design Guidelines
Report prepared by	Shannon Butler – Senior Town Planner
Report date	26 July 2023

Summary of s4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the Assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Yes
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.24)?	Not applicable
Conditions Have draft conditions been provided to the applicant for comment?	Yes

1. EXECUTIVE SUMMARY

This report considers a development application under Section 4.15 of the *Environmental Planning and Assessment Act (EP&A) 1979* on land at 5 Halifax Street, Macquarie Park, which is legally described as Lot 110 DP 1224238. This application is classed as integrated development under the Water Management Act 2000 as the construction of the basement will involve dewatering therefore requiring referral to Water NSW.

The consent authority is the Sydney North Planning Panel under the EP&A 1979 as the capital investment value exceeds \$30 million.

The subject development application (LDA2022/0390) was lodged on 12 December 2022 and seeks consent for the construction of a residential flat building development comprising three towers and includes the following components:

- Site preparation works, earthworks, tree removal (16 trees), civil and stormwater infrastructure and vehicular access.
- Excavation to a depth of approximately 20m below existing ground level to accommodate a shared five level basement containing 297 car parking spaces (comprising 263 resident spaces, 30 visitor spaces and four car share spaces).
- Construction of three residential flat buildings comprising Building 1 – 29 storeys in height, Building 2 – six storeys in height and Building 3 – six storeys in height.
- A total of 304 apartments are proposed within the development.
- Construction of a Mews road which will provide access to the basement car park and two car share parking spaces.

The details of the proposed development are outlined in the following table:

Component	Proposal
Site Area	6,397m ²
Site Preparation	Earthworks, grading and removal of 16 trees.
Scale	Building 1: 91.6m (29 storeys) Building 2: 24.53m (6 storeys) Building 3: 20.53m (6 storeys)
Floor Space	Building 1: 21,958.8m ² GFA Building 2: 2,294.2m ² GFA Building 3: 1,253.4m ² GFA Total GFA: 25,505.6m ² Floor Space Ratio: 3.98:1
Basement Parking	Provision of 297 parking spaces contained within five (5) levels of basement and two additional car share spaces on the Mews Road. Car parking indicated on plans comprise: <ul style="list-style-type: none"> • Residential: 263 spaces • Visitors: 30 spaces • Car Share: 6 spaces (comprising 2 spaces external to the building on the Mews road and 4 within the basement).
Apartments	Total 304 apartments
Dwelling Mix	1 Bedroom: 80 (27%) 2 Bedroom: 197 (65%) 3 Bedroom: 27 (9%)
Communal Open Space Areas	<ul style="list-style-type: none"> • 3,684.9m² of communal open space at ground level. • 359m² of communal open space at podium level on Building 2. • 223.8m² of sky gardens and other communal open space within Building 1
Tree Removal/Retention	<ul style="list-style-type: none"> • One tree within the site is proposed to be retained and 14 trees external to the site but in close proximity are proposed to be retained and protected during works. • 14 trees within the site are proposed to be removed and 23 trees within the linear park are proposed to be removed as they are located adjacent to the front boundary and are not compatible with a nil front setback.
Public Domain Improvements	Works are proposed within the linear park located on the Halifax Street frontage to allow for suitable integration of the development with the park

Community notification and advertisement

The application was notified and advertised as lodged in accordance with Part 2.1 of *Ryde Community Participation Plan*. The applicant submitted amended documentation which incorporated a revised unit mix, an additional storey on Building 1 and amended presentation to Halifax Street and the linear park. The amended plans were subsequently re-notified.

A total of seven (7) submissions were received during the initial notification period raising the following key issues:

- Concern in relation to where vehicle will be parked during the construction phase.

- Concern in relation to the use of gas cooking appliances within the units.
- Recommendation that the hot water systems are heat pump systems.
- Concern raised that the extent of bicycle parking is inadequate.
- Concern that the clothes dryers selected are not energy efficient.
- Approval of the application would set a precedent for future applications in the Lachlan's Line precinct in terms of building height and scale.
- The proposal includes the provision of 300 car parking spaces and this does not encourage walking and cycling or a reduction on the reliance on cars for travel. There is significant traffic congestion at the intersection of Waterloo Road/Wicks Road/Halifax Street.
- The scale of the proposed development reflects a reallocating of the floor space resulting in a 28 storey tower. This is a significant change from the height as was approved as part of the original concept plan. Concern is raised in relation to the additional overshadowing resulting from this increased height.
- The proposed 28 storey height will impede the privacy of surrounding residents and will impact the current skyline.
- There are not enough services to support 300 new apartments in the area. Wicks and Epping Roads are congested, public transport is not the best and there are not enough schools or school places.

A total of one submission was received during the second notification period (from one of the initial objectors) raising the following key issue:

- Concern was raised in relation to the additional overshadowing caused by the increased height of Building 1 on the properties located to the west of the site (bounded by Wicks Road and Epping Road).

Section 4.15 Assessment Summary

The State Significant Development (SSD) 5093 approval comprised the following:

- The subdivision of the parent lot into 12 development lots, five public open space lots and two public road lots.
- Allocation of a maximum gross floor area to each of the development lots.
- Infrastructure, civil works and landscaping.

The proposal is generally consistent with the requirements set out in the SSD approval. The proposal also complies with the planning requirements under the Ryde Local Environmental Plan (LEP) 2014, except for the floor space ratio control where the maximum gross floor area for the site was set by the SSD approval.

SSD 5093 approved a maximum GFA for the site of 25,626m². The proposal has a GFA of 25,505.6m² and therefore complies with the maximum permitted GFA under the SSD approval. It is noted that in accordance with Section 4.24(4) of the Environmental Planning and Assessment Act 1979, a consent authority must determine subsequent applications submitted under Section 4.22(4)(a) consistently with the approved staged consent. The development contravenes Clause 4.4(2) of RLEP 2014, which establishes three maximum floor space ratios for the site being 1.39:1, 3:1 and 3.5:1. The applicant has submitted a precautionary Clause 4.6 request which is discussed in the body of the report and is supported.

Under RLEP 2014, the site is subject to three maximum building height controls being 33m, 75m and 99m. The proposal achieves compliance with the respective building height controls of RLEP 2014.

With respect to the Apartment Design Guide, the proposal does not comply with the controls within Part 2F Building Separation regarding separation to future anticipated development to the north and south and some aspects of building separation within the site. The non-compliances are addressed in the body of the report and are supported on merit.

The proposal satisfies the objectives and controls in the Ryde Development Control Plan 2014. Whilst the North Ryde Station Precinct DCP takes in the subject site, it is of limited relevance as it predates the SSD approval for the precinct. Following the SSD approval, Council developed the Lachlan's Line Urban Design Guidelines (LLUDG) which set out Council's intent in light of the parameters set by the SSD approval. The proposal results in non-compliances with the LLUDG in relation to the length of the required Mews Road, boundary setbacks to the north and south and in relation to the provision of an active street frontage. The non-compliances are addressed in the body of the report and are considered satisfactory on merit.

The applicant has appropriately responded to the requests for information and the proposal provides an appropriate design response to the issues raised throughout the assessment. Transport for NSW and Water NSW have issued their concurrence in support of the DA.

After consideration of the development against section 4.15 of the EP&A Act 1979 and the relevant statutory and policy provisions, the proposal is considered suitable for the site and is not contrary to the public interest.

The proposed application results in the orderly development of the site, in accordance with the planning strategy approved for the site under the SSD approval.

Consideration of technical matters by Council's engineering and landscaping departments has not identified any fundamental issues of concern, with any matters of concern recommended to be addressed via conditions of consent.

This report concludes that in its context, this development proposal is able to be supported in terms of the development's broader strategic context, function and overall public benefits. It is recommended that the application be approved subject to the conditions recommended in **Attachment 5**. These conditions have been reviewed and agreed to by the applicant.

2. APPLICATION DETAILS

Applicant & Owner: The Trustee for Lachlan's Line D1 Unit Trust (Landmark)

Capital Investment Value: \$102,285,000.00 excluding GST

Disclosures: No disclosures with respect to the Local Government and Planning Legislation Amendment (Political Donations) Act 2008 have been made by any persons.

3. THE SITE AND LOCALITY

The site is legally described as Lot 110 DP1224238 and is commonly known as 5 Halifax Street, Macquarie Park. The site is located within the Lachlan's Line Precinct, which was approved under a Concept State Significant Development Application (SSD 5093). **Figure 1** shows the site in the context of the Lachlan's Line Precinct.

The site has a total land area of 6,397m². The site is a vacant allotment with a cross fall from the south-eastern corner of the site to the north-western corner of approximately 10.5m. The site contains scattered regrowth vegetation.

The site's eastern boundary is bordered by the M2 Motorway and the surrounding locality has numerous transport connection routes, with local bus stops, metro stations and classified road connecting the site to surrounding localities.

The site's western boundary interfaces Halifax Street and an associated Linear Park. The surrounding lots within the Lachlan Line Precinct are currently all vacant and the scheme represents the second development proposal within the approved concept plan (following the partial completion of the approved mixed-use development at No. 17 Halifax Street to the south of the subject site).

The surrounding locality comprises a range of land uses, with mixed-use developments towards the southwest, commercial core and business parks west, roads and cemeteries east and future residential land uses within the immediate vicinity of the site (north, south and west).

The site is zoned R4 High Density Residential under the Ryde Local Environmental Plan 2014 and is located within the Macquarie Park Corridor.

Photographs of the site and surrounds are at **Figures 1 to 4** below.



Figure 1 – Location of the site outlined in orange and Lachlan's Line precinct denoted by yellow highlight)



Figure 2 – View of the subject site from linear park



Figure 3 – View of linear park looking south-east



Figure 4 – Existing driveway/crossover through linear park (the proposed Mews road will be constructed off this existing driveway)

The site was created as part of a Concept SSD application that was approved by the Department of Planning and Environment (DPE). The Concept SSD application formed part of the activation precinct that was announced in 2013 by the then Minister of Planning.

On 6 March 2015, the Executive Director, Infrastructure and Industry Assessments, granted development consent for the Concept Proposal and Stage 1 infrastructure and services application (SSD 5093). The Concept Proposal permitted:

- subdivision of the parent lot into 12 allotments
- allocation of floor space for each of the created lots
- public open space, roads, and infrastructure works

As part of the documentation for the concept proposal, there was a block plan which provided indicative building footprints and heights for each of the lots. It is noted that this plan was not stamped as part of the approval and therefore does not have any significant weight in the assessment.

The Concept SSD and Stage 1 works have been completed, as such detailed Development Applications (DA) consistent with the approved masterplan can be subsequently lodged to Council.

Since the initial SSD consent was granted, it has been modified four times. None of the modifications resulted in any changes which impacted the subject site.



Figure 5 – Approved SSD Concept Plan showing allocated GFA's for each Lot

4. THE PROPOSAL IN DETAIL (as amended)

This development application seeks consent for a residential flat building development as follows:

- Site preparation works, earthworks, tree removal (16 trees), civil and stormwater infrastructure and vehicular access.
- Excavation to a depth of approximately 20m below existing ground level to accommodate a shared five level basement containing 297 car parking spaces (comprising 263 resident spaces, 30 visitor spaces and four car share spaces).

- Construction of three residential flat buildings comprising Building 1 – 29 storeys in height, Building 2 – six storeys in height and Building 3 – six storeys in height.
- A total of 304 apartments are proposed within the development.

Vehicle access to the development is proposed off a partial Mews Road off Halifax Street, located adjacent to the northern boundary of the site. It is proposed to provide two parallel car share parking spaces on the Mews road. There are two pedestrian access points to the development off Halifax Street (through the existing linear park).

The details of the proposed development are outlined in the following table:

Component	Proposal
Site Preparation	Earthworks, grading and removal of 16 trees.
Scale	Building 1: 91.6m (29 storeys) Building 2: 24.53m (6 storeys) Building 3: 20.53m (6 storeys)
Floor Space	Building 1: 21,958.8m ² GFA Building 2: 2,294.2m ² GFA Building 3: 1,253.4m ² GFA Total GFA: 25,505.6m ² Floor Space Ratio: 3.98:1
Basement Parking	Provision of 297 parking spaces contained within five (5) levels of basement and two additional car share spaces on the Mews Road. Car parking indicated on plans comprise: <ul style="list-style-type: none"> • Residential: 263 spaces • Visitors: 30 spaces • Car Share: 6 spaces (comprising 2 car share spaces external to the building on the Mews road and 4 car share spaces within the basement)
Apartments	Total 304 apartments
Dwelling Mix	1 Bedroom: 80 (27%) 2 Bedroom: 197 (65%) 3 Bedroom: 27 (9%)
Communal Open Space Areas	<ul style="list-style-type: none"> • 3,684.9m² of communal open space at ground level. • 359m² of communal open space at podium level on Building 2. • 223.8m² of sky gardens and other communal open space within Building 1.
Tree Removal/Retention	<ul style="list-style-type: none"> • One tree within the site is proposed to be retained and 14 trees external to the site but in close proximity are proposed to be retained and protected during works. • 14 trees within the site are proposed to be removed and 23 trees within the linear park are proposed to be removed as they are located adjacent to the front boundary and are not compatible with a nil front setback.
Public Domain Improvements	Works are proposed within the linear park located on the Halifax Street frontage to allow for suitable integration of the development with the park.

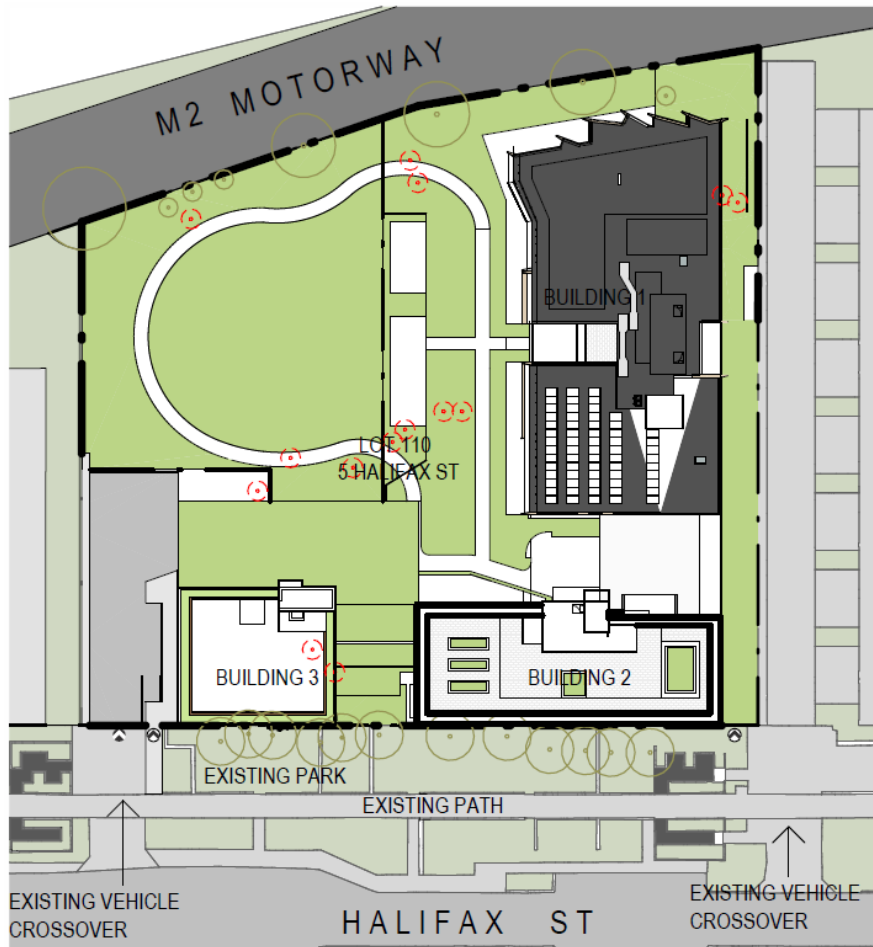


Figure 6 – Proposed site plan



Figure 7 – Perspective from north-west of the site



Figure 8 – Perspective view from west of site

Development Statistics

Use	Details
Residential	304 apartments
Apartment Mix Total	1 Bedroom: 80 (27%) 2 Bedroom: 197 (65%) 3 Bedroom: 27 (9%)
Apartment Mix In podium and each tower	Building 1: 261 apartments (63 x 1 bedroom, 172 x 2 bedroom, 26 x 3 bedroom) Building 2: 28 apartments (12 x 1 bedroom, 16 x 2 bedroom) Building 3: 15 apartments (5 x 1 bedroom, 9 x 2 bedroom, 1 x 3 bedroom)
Adaptable apartments	35 (11%)
Liveable 'Silver' apartments	91 (29.9%)
Parking	Total of 299 car spaces comprising: 263 residential (including 24 spaces in a tandem arrangement) 30 visitor 6 car share (4 internal and 2 on Mews Road) 2 car wash bays
Tree Removal/Retention	<ul style="list-style-type: none"> - One tree within the site is proposed to be retained and 14 trees external to the site but in close proximity are proposed to be retained and protected during works. - 14 trees within the site are proposed to be removed and 23 trees within the linear park are proposed to be removed as

	they are located adjacent to the front boundary and are not compatible with a nil front setback.
Waste Management and Collection	<p>Dual chute systems, comprising a waste chute and recycling chute are proposed to be installed in each building core with access provided on each residential level.</p> <p>Council will be engaged to collect the residential waste and recycling in accordance with Council's collection schedule. Waste will be collected three times weekly, recycling twice weekly and food waste at least once weekly.</p> <p>On the nominated waste collection day, the building caretaker will be responsible for transporting the 1100L Mobile Garbage Bins (MGBs) and 660L MGBs from the chute discharge room and the 240L MGBs from the Communal Food Waste rooms to the Bin Holding Room.</p> <p>Extra 1100L and 660L service bins are to be placed under the chute to collect discharge while the other bins are being serviced.</p>
Infrastructure and Services	Existing services and connections (electricity, telecommunications, gas, water and sewage) will be extended, expanded, and augmented as required.
Stormwater Management Measures	The proposal includes stormwater quality and quantity measures to address Council's drainage requirements. The proposal includes an OSD system to reduce site discharge, water quality devices to meet Council's pollutant reduction targets and rainwater reuse tanks to irrigate the proposed site landscaping.

5. HISTORY

5.1 Site History

The site and precinct have been subject to various approvals in recent years, which can be summarised in the following table:

Date	Application description
5 March 2015	<p>A Concept State Significant Development (SSD) consent was granted by the Department of Planning and Environment (DPE) for the North Ryde Station Precinct. This approval included:</p> <p>Concept Proposal</p> <ul style="list-style-type: none"> • Subdivision of the site into development lots, public open space lots and public road lots. • Allocation of a maximum GFA to each of the development lots (total of 238,919m² across the site). • Infrastructure, civil works and landscaping. <p>Stage 1 Development Works</p> <ul style="list-style-type: none"> • Site preparation works including demolition, remediation and rehabilitation, bulk earthworks. • Superlot subdivision to create lots for public roads, public reserves and development. • Civil and public domain works including road and intersection construction, open space establishment and embellishment, pedestrian pathways and cycleways, drainage, public domain works and services infrastructure. • Construction of the Delhi Road pedestrian bridge.
23 October 2015	Modification 1 to the SSD approval was granted by DPE for changes to the alignment of an existing gas main.

12 September 2016	<p>Modification 2 to the SSD approval was granted by DPE for the following elements:</p> <ul style="list-style-type: none"> • To clarify the use of bonus floor space where affordable rental housing is provided. • To alter the final staging of the works. • To incorporate security bonds arrangements. • To allow additional works to enable the construction of the Delhi Road pedestrian bridge.
25 July 2017	<p>Modification 3 to the SSD approval was granted by DPE for the following element:</p> <ul style="list-style-type: none"> • Changes to Condition E4 to alter the timing for the completion and dedication of the pedestrian and cycle bridge.
25 September 2018	<p>Modification 4 to the SSD approval was granted by DPE for the following elements:</p> <ul style="list-style-type: none"> • Construction and use of a temporary pre-assembly shed for on-site assembly of the pedestrian bridge. • Removal of an additional 22 trees located in the construction footprint of the approved pedestrian bridge. • Changes to Condition E4 to alter the timing for the completion and dedication of the pedestrian and cycle bridge.
Under assessment	<p>Modification 5 to the SSD approval is currently under assessment by DPE seeking the modification to the maximum GFA allocated to Lot 206 (now known as Lot 117) and the relevant wording in Condition A8.</p>

4.2 Application History

8 November 2022	<p>A formal pre-lodgement and Urban Design Review Panel meeting was held to discuss the proposal. Detailed minutes of the meeting were issued to the applicant following the meeting. The key points raised in the meeting included:</p> <ul style="list-style-type: none"> • Council expressed a desire for Mews Road to be provided for the full length of the northern boundary in accordance with the Lachlan's Line Urban Design Guidelines (LLUDG). • It was advised that the boundary interface with the linear park should ensure visual permeability to the communal open space and for a 3m setback to create a shared undercroft arrangement. • The LLUDG required 3m setback should be applied to the southern boundary. The southern boundary is also to make allowance for part of a 4.5m footpath within the setback. • The shadowing and visual impacts against the concept SSD envelopes are to be modelled and any additional impacts justified.
12 December 2022	<p>The subject Development Application was formally lodged with Council.</p>
18 January to 20 February 2023	<p>The subject application was notified and advertised in accordance with the Ryde Community Participation Plan. Seven (7) submissions were received in response.</p>
3 March 2023	<p>A request for additional information letter was sent to the applicant via the NSW Planning Portal requesting the following amendments/additional information:</p>

	<ul style="list-style-type: none"> • Request that the proposal be amended for all ground floor units to achieve compliance with the ground floor private open space requirements of the Apartment Design Guide (ADG) • The comments from Council's Urban Design Review Panel (UDRP) were outlined and it was requested that the proposal be amended in response to the feedback. • Additional information was requested in relation to tree impacts and landscaping. • Additional information was requested in relation to drainage aspects. • Additional information and amendments were requested in relation to waste management. • The comments provided by Water NSW were provided which included a request for additional information.
9 May 2023	<p>Amended plans and additional information were submitted by the applicant in response to Council's letter. The amended plans resulted in the following key changes to the proposal:</p> <ul style="list-style-type: none"> • Amended apartment mix and increase from 300 units to 304 units. • Amendment of design of Building 1 to relocate partially subterranean units to a new level 29. This resulted in an increase in height from 88.23m to 91.6m. • Amendment of presentation to linear park by converting the previous single storey ground floor units to two storey units. • Amendments to the design of the Mews Road to incorporate additional landscaping.
15 May to 12 June 2023	<p>Following the receipt of amended plans the application was re-notified to those originally notified and to those who made submissions during the initial notification period. As a result, one further submission was received.</p>
19 May 2023	<p>An email was sent to the applicant requesting that a revised letter of owner's consent be provided given the impending change of ownership of the land and requesting amendments to the design of the on-site detention system.</p>
7 June 2023	<p>Amended stormwater management plans and an amended stormwater management report were submitted by the applicant.</p>
13 June 2023	<p>An amended owner's consent letter was submitted by the applicant reflecting the new owner of the site following settlement.</p>
16 June 2023	<p>An amended BASIX Certificate, natHERS Certificate and stamped plans were submitted, reflecting the revised plans.</p>

6. STATUTORY PROVISIONS

6.1 Environmental Planning & Assessment Act 1979

Section 1.3 Objects of Act

Section 1.3 of the EP&A Act 1979 contains the following relevant objects:

(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,

- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

The proposal is consistent with the relevant Objects of the Act. The proposed development provides for an appropriate built form which positively contributes to the overall architectural quality of the Macquarie Park Corridor and fits sensitively into the streetscape. The general nature of the proposed built form was envisaged for the subject site in the approval of the State Significant Development (SSD) for the subdivision.

Section 4.24 of Act – Concept Development Applications

Section 4.24 of the Environmental Planning and Assessment Act 1979 states the following in relation to the status of concept development applications and consents:

- (1) The provisions of or made under this or any other Act relating to development applications and development consents apply, except as otherwise provided by or under this or any other Act, to a concept development application and a development consent granted on the determination of any such application.*
- (2) While any consent granted on the determination of a concept development application for a site remains in force, the determination of any further development application in respect of the site cannot be inconsistent with the consent for the concept proposals for the development of the site.*

Part E of the Concept approval contains requirements that subsequent Development Applications need to address as outlined in the following table:

Condition in Part E of SSD Consent	Proposal
E1 The determination of any future development applications for Stage 2 is to be generally consistent with the terms of this consent.	The application is generally consistent with the terms of the SSD consent.
E2 Future Development Applications shall demonstrate that the development has been designed in accordance with the requirements of the North Ryde Station Precinct DCP (NRSP	The development has been designed in accordance with the requirements of the NRSP DCP and the Lachlan's Line Urban Design Guidelines (LLUDG) which supersede the NRSP

DCP) and achieves the vision for the North Ryde Station Precinct as set out in the NRSP DCP.	DCP and reflect the requirements of the SSD consent.
<p>E3 Prior to the issue of any construction certificate for any part of Stage 2, all Stage 1 civil works are to be completed in accordance with this development consent, including all works associated with:</p> <ul style="list-style-type: none"> a) Road construction, site access and intersection upgrades. b) Open space embellishment. c) Pedestrian pathways and cycleways. d) Drainage; and e) Public domain works 	All Stage 1 civil works have been completed in accordance with the SSD consent.
E4 The pedestrian/cycle bridge over Delhi Road must be completed in accordance with RMS requirements, dedicated to TfNSW, and open for public use prior to the issue of the first occupation certificate for any residential or commercial development forming part of Stage 2.	The pedestrian/cycle bridge over Delhi Road was opened for public use in May 2020.
E5 Future Stage Development Applications will be required to make Section 94 contributions towards the provision or improvement of public amenities and services as a condition of consent.	A condition of consent (Condition No. 23) is recommended requiring the payment of Section 7.11 (formerly Section 94) contributions prior to the issue of a construction certificate.
E6 Any planning agreement shall be executed prior to the lodgement of the first Stage 2 Development Application for retail or commercial development.	The applicant has not offered to enter into any Voluntary Planning Agreement for the development.
E7 Prior to the lodgement of the first Stage 2 Development Application to Council for retail or commercial development, a planning agreement in relation to regional transport infrastructure provision must be executed.	N/A – Proposal does not comprise any retail or commercial components.
E8 Prior to the issue of any construction certificate for any part of Stage 2, a parking management strategy for the site developed in consultation with TfNSW and in accordance with NRSP DCP must be submitted to and approved by Council.	A suitable parking management strategy forms part of the submitted Traffic Report which has been included in Condition No. 1 as a supporting document that is required to be complied with.
E9 Future Development Applications shall incorporate work place travel plans and car share scheme to be prepared in accordance with the NRSP DCP.	Conditions of consent are recommended requiring the preparation and submission of a Framework Travel Plan prior to the issue of an Occupation Certificate (Condition No. 151) and requiring a car share scheme to be implemented (Condition Nos. 57 and 150).
E10 Future Development Applications within the mixed use precinct shall incorporate high profile bicycle parking rate retail nodes and community facilities.	N/A – the site is not located within the mixed-use precinct.

E11 The lodgement of any future Development Applications for the development of the newly created allotments which involve ground penetration above or within 25 metres of the rail corridor shall be accompanied by documentation required by Sydney Trains and require concurrence from Sydney Trains pursuant to Clause 86 of SEPP (Infrastructure) 2007.	The application does include ground penetration but not within 25m of the Sydney Metro corridor.
E12 Future Stage 2 Development Applications must incorporate ESD principles in the design, construction and on-going operation phases of the development, including compliance with the Integrated Water Management Plan for the site.	An Energy Efficiency and Ecologically Sustainable Design Report was submitted with the application and is referred to in Condition No. 1 as a document that is required to be complied with.
E13 This approval does not exempt future applications from the need for on-site detention (OSD) provision. Future applicants may seek an exemption from OSD provision as part of future applications, having regard to Ryde Council's requirements for stormwater management.	An on-site detention system is proposed to be incorporated into the development.

Division 4.8 Integrated development

Water NSW

The application is classed as Integrated Development as the development requires approval by Water NSW under Section 90 of the Water Management Act 2000 due to the proximity of the proposed basement to the groundwater table and the extent of excavation that is proposed. Water NSW provided concurrence and General Terms of Approval (GTA) on 16 June 2023. **Condition No. 10** of the recommended conditions of consent requires compliance with the Water NSW GTA's.

6.2 Section 4.15 Matters for Considerations - General

(a) The provisions of

(i) Any environmental planning instrument:

The following legislation, policies and controls are of relevance to the development:

- State Environmental Planning Policy (Planning Systems) 2021;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- State Environmental Planning Policy (Industry and Employment) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development;
- Ryde Local Environmental Plan 2014;

State Environmental Planning Policy (Planning Systems) 2021 – Chapter 2 State and Regional Development

This SEPP categorises this proposal as a 'General Development over \$30 million' under Schedule 6 Regionally Significant Development. The proposal is required to be determined by the Sydney North Planning Panel in accordance with section 4.7 of the EP&A Act 1979.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The proposed development includes BASIX affected buildings and therefore requires assessment against the provisions of this SEPP, including BASIX certification. BASIX Certificates have been submitted with the Development Application in accordance with the provisions of this SEPP. The BASIX certificates demonstrate that the development complies with the relevant sustainability targets, and the plans show relevant BASIX commitments as required.

State Environmental Planning Policy (Resilience and Hazards) 2021 - Chapter 4 Remediation of Land

This SEPP aims to *'provide a State-wide planning approach to the remediation of contamination of land.'* Clause 4.6 of this SEPP requires Council to consider whether the site is contaminated, and if so whether it is suitable for the proposed development purpose.

A Preliminary Site Investigation Report, prepared by EP Risk dated 22 November 2022, determined that the site can be made suitable for high-rise residential land use in accordance with this SEPP.

The report identified that the site could contain potential sources of minor contamination from asbestos and construction materials present within fill on the site, due to previous remediation already occurring on the site.

There was also a low potential for the migration of contaminated groundwater from off-site hydraulically upgradient sources, including Rawson Printing, immediately west of the site. However, soil data, and the site history indicated no evidence that significant groundwater contamination is likely to have occurred.

The proposal necessitates the excavation of a basement carpark, which requires waste classification for all off-site disposal of fill along with the management of any unexpected contamination finds during the development under a Construction Environmental Management Plan (CEMP). A condition of consent has been recommended in relation to the preparation of a CEMP (**Condition No. 60**).

Based on the findings of the assessment, and subject to the proposed development proceeding, the site can be made suitable for high-rise residential land use in accordance with the State Environmental Planning Policy (Resilience and Hazards) 2021.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

Chapter 2 of this SEPP provides approval pathways for the removal of vegetation in non-rural areas and matters for consideration in the assessment of applications to remove vegetation. The objective of the SEPP is to protect the biodiversity values of trees and other vegetation and to preserve the amenity of the area through the preservation of trees and other vegetation. According to Council's Environmentally Sensitive Areas map the site is not mapped as containing any vegetation of significance.

Chapter 6 Water Catchments:

This Chapter applies to the whole of the Ryde Local Government Area. The aims of the Plan are to consider the impact on water quality and quantity; aquatic ecology; periodic flooding that benefits wetlands and other riverine ecosystems; and recreational land uses.

Given the nature of the project and the location of the site, there are no specific controls that directly apply to this proposal. The objective of improved water quality is satisfied as the Proposed Stormwater Plans and Stormwater Management Report that accompany the DA are capable of complying with Part 8.2 Stormwater Management of Ryde DCP 2014.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Division 17 Roads and Traffic: Subdivision 2 Development in or adjacent to road corridors and road reservations

Clause 2.119 Development with frontage to classified road

Under Clause 2.119 the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

- (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
 - (i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or*
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The site is located adjacent to the M2 Motorway which is a State Classified Road. The primary vehicular access to the site is off Halifax Street, which is a Council road located off Wicks Road. The proposal includes the construction of a Mews Road off Halifax Street and it is noted that the footpath crossover to the site was constructed during the subdivision works as approved under the SSD application. Therefore, the requirements of clause 2.119 are considered to be satisfied

Clause 2.120 Impact of road noise or vibration on non-road development

Before determining a DA for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.

If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq measures are not exceeded:

- In any bedroom in the building – 35 dB(A) at any time between 10pm and 7am
- Anywhere else in the building (other than a garage, kitchen, bathroom or hallway) – 40dB(A) at any time.

The site is adjacent to the M2 Motorway which is a State Classified Road. The accompanying DA Acoustic Assessment prepared by Acoustic Dynamics includes recommendations to ensure compliance with the appropriate noise levels for residential development, measures relating to the mechanical plant, air conditioning units, kitchen/toilet exhaust fans, residential lifts and car park roller door shutter. **Condition No. 21** is recommended which requires compliance with the measures outlined in the acoustic report.

Clause 2.121 Excavation in or immediately adjacent to corridors

The proposal includes excavation greater than 3m in depth within the subject site. All excavation works are clear of the adjoining M2 Motorway. The application was referred to Transport for NSW for consideration, and no objection was raised.

Clause 2.122 Traffic-generating development

Under this clause, the consent authority must not grant consent to development on land for residential accommodation for 75 or more dwellings or 50 car parking spaces where the site has access to the road unless it is satisfied that:

(4) Before determining a development application for development to which this section applies, the consent authority must—

(a) give written notice of the application to Transport for NSW (TfNSW) within 7 days after the application is made, and

(b) take into consideration—

(i) any submission that TfNSW provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and

(ii) the accessibility of the site concerned, including—

(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and

(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and

(iii) any potential traffic safety, road congestion or parking implications of the development.

The application was referred to TfNSW and no objection was raised. TfNSW provided recommended conditions of consent (see **Condition 11**).

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

This Policy aims to improve the design quality of residential flat development in NSW and provides an assessment framework, the Apartment Design Guide (ADG), for assessing ‘good design.’

Clause 29(1) of the Environmental Planning and Assessment Regulation 2021 requires the submission of a design verification statement from the building designer at the lodgment of the development application. This document was submitted with the application.

The originally lodged proposed was reviewed by Council's Urban Design Panel and the following initial comments were provided in response to the nine design criteria of the SEPP:

Urban Design Review Panel

The following table outlines the comments of the Urban Design Review Panel in response to the nine design criteria of the SEPP and the commentary on amendments, as provided by the applicant in response to the comments:

Comments of UDRP	Amendments in response
<p>Context and Neighbourhood Character</p> <p>The site is located within the Lachlan's Line Precinct, which is a former industrial site envisaged to become a high-density, transit-oriented and mixed-use neighbourhood. An existing bus stop is in front of the site on Halifax Street, and the North Ryde Metro Station is within a 700m walking distance from the site.</p> <p>To the east, the site is immediately adjacent to the M2 Motorway and also bound by undeveloped lands – Lot 102 to the north and Lot 114 to the south. An existing 15m wide linear park, owned by Council, running along Halifax Street adjoins the site to the west.</p> <p>It is understood that Lot 114, located immediately to the south, has been acquired by the NSW Department of Education intending for the development of a public school.</p> <p>The Lachlan's Line Urban Design Guidelines (LLUDG) have set out a consistent streetwall height of 6 storeys along Halifax Street, with a number of Mews Roads proposed that branch off the street, providing vehicular access opportunities to each development lot.</p> <p>There is limited existing mature vegetation within the site. Large trees and shrubs are continuously planted near the western site</p>	<p>- Significant deep soil plantings have been provided to the east of the Mews Road, within the Communal Open Space area of the development, which will accommodate deep soil plantings. Additionally street trees have been provided along the Mews Road, to provide additional canopy opportunities.</p> <p>- A 1.5 metre public footpath has been provided along the Mews Road's northern interface. The width of the Mews Road has been reduced to 6 metres and provides 2 car share spaces along its southern interface. Landscaping is also proposed along the boundary of the Mews Road.</p>

boundary, forming a dense visual buffer from the M2 Motorway. A row of tree planting has also established along the Halifax Street frontage, providing a dense screening effect.

The site generally slopes from the southeastern to the northwestern corner with a level difference of approximately 10m across the site. Along the street frontage, the level difference is approximately 5m.

There is an existing driveway crossing that allows for vehicle access at the lowest point of the site at the northwestern corner.

The proposal seeks to depart from the originally approved perimeter block arrangement and proposes the following changes:

1. Removing a 4.5-storey high building "D1" in the northern part of the site to create a larger communal open space;
2. Redistributing floor space from building "D1" to "D3" by increasing its building height from 24 storeys to 28 storeys;
3. Providing only the western half of the Mews Road with a reduced width from 17m to 12m along the northern site boundary, while providing deep soil and tree planting in the eastern half; and
4. Splitting building "D2" into two separate building forms with 10m separation.

The Panel, in principle, supports the proposed L-shape site layout, on the basis that it demonstrates the advantages of providing a substantially larger deep soil zone, increased tree canopy and a sizable communal open space on the site with improved solar access.

The proposal achieves the above-mentioned design merits without causing an unacceptable level of overshadowing impact on adjacent public open space or adverse visual impact on the master-planned skyline of the Lachlan's Line Precinct.

The Panel noted that, unlike future Mews Roads west of Halifax Street, the Mews Roads on the eastern side (including the one on the subject site) do not have any opportunities to connect to the wider local neighbourhood due to the presence of the M2 Motorway.

Due to the lack of public accessibility further to the east, the Mews Road on this site will likely remain semi-private in character. The Panel advises the Applicant to provide generous canopy tree planting with deep soil in the eastern half of the 'Mews Road' space to maximise its environmental, biological and aesthetic values to the local area.

The Panel supports the proposed variations to the width of the Mews Road, subject to making the following changes:

- Providing a 1.5m wide public footpath along the northern boundary as per the LLUDG;
- Reducing the width of the carriageway to 6m;
- Retaining two proposed car share spaces in a parallel parking arrangement;
- Reducing the width of the footpath adjacent to parking spaces to 1.2m;
- Introducing a landscape planting strip along the northern building frontage, with small breaks for hardstand access to substations if required, and maximising landscape planting in the Mews Road where possible; and

- The windows along Levels 1-3 of Building 3 have been revised to maximise privacy.

- Building 3 is located 12m away from the northern boundary. The LLUDG anticipates a 4.5m setback between the common boundary (i.e. northern boundary of Lot 110) and the southern elevation of the building on the adjoining lot. This creates a building separation distance of approximately 16.5m. This would mean that the first four storeys would achieve a building separation which complies with the ADG (habitable to habitable). For the upper levels which would require a building separation of 18m (habitable to habitable), the bedroom window has been oriented to the east (rather than the north) and directional louvres have been added to the living area windows so as to satisfy the visual privacy objectives of 3F-1.

- The proposed wall art has been relocated from Building 1 to the western elevation of Building 3 in order to improve the presentation of the building corner of Building 3 and minimise any visual impacts of perceived blank walls.

- Stantec and Scientific Fire Services have prepared a statement which provides justification for the proposed location of the hydrant boosters. Hydrant boosters require direct access to a public road and have limitations as to the extent of screening which can be provided. Notwithstanding, the landscape strategy includes screen planting to the sides and rear of the booster assembly in order to soften its visual presence. Stantec and Scientific Fire Services therefore recommends retaining the hydrant boosters in the current location.

- A 1.5 metre wide footpath has been provided along the site's

<ul style="list-style-type: none"> On Levels 1 to 5 of Building 3, redirecting the views from all north-facing habitable rooms to avoid visual privacy impacts by future residential development to the north. <p>The car park entry has been relocated further into the site along the Mews Road to minimise its visibility from Halifax Street which is a positive outcome.</p> <p>Substations are encapsulated within chambers along the northern building frontage. The Panel recommends the proposed wall art treatment is extended from the building entry to the northern side to improve the presentation of the building corner and minimise any visual impacts of blank walls on the street level.</p> <p>The Panel also suggests the applicant explore the opportunity to relocate hydrant boosters near the Halifax Street entry to the Mews Road and integrate them with appropriate landscape or building façade design.</p> <p>The proposal's interface with the Mews Road along the southern boundary should be amended to comply with the LLUDG to ensure a 1.5m wide public footpath is provided for its full length. Visual privacy impact on the street-level apartments is also to be addressed (refer to 'Built Form and Scale' below).</p> <p>Although Buildings 1 and 2 share a single pedestrian entry from Halifax Street, there is an opportunity to provide separate entry doors, foyers and mailboxes for each building by reconfiguring the building entry space and the fire room. It will enhance the individual identity of each building, increase the sense of privacy for future occupants and reduce a hotel-like arrival experience.</p>	<p>southern boundary. A landscape strategy has been provided including sections illustrating the interface between the Mews Road and Building 1.</p> <p>- Despite Buildings 1 and 2 having separate tower forms, they share common lower levels and are therefore considered one building. Given it is one building, it will be managed by one strata and building manager. It is therefore not considered necessary to include multiple foyers and entry doors for each individual built form. Additionally, one combined entry also provides more direct access to internal and external community facilities and is considered to be a better overall design outcome for the development.</p>
<p>Built Form and Scale</p> <p>Along the Mews Road on the southern side, there are four apartment units (two on Level 1 and two on Level 2) in Building 1 that are poorly sited below the adjacent footpath level. Their bedrooms are also not provided with adequate street setbacks to maintain the privacy of future occupants.</p> <p>The Panel recommends deleting these subterranean apartment units and transferring their GFA to create a partial 29th floor at the eastern end of the tower. By allowing Building 1 to have a variation in height (28 to 29 storeys), it will assist with breaking up the visual mass, creating two distinct built form components and alleviating the impact of the substantial building length. This can be achieved without causing an unacceptable level of overshadowing impact on adjacent open space or residential properties.</p> <p>Along Halifax Street, the built form has been amended to respond to the sloping topography and the buildings are now consistent with the desired six-storey streetwall height of the LLUDG.</p> <p>The revised proposal shows some improvements in the interface treatment to the Halifax Street linear park by adjusting the siting of buildings and providing building entry and a ground floor apartment in Building 3; however, there are still extensive blank walls (up to 4.5m high) presented to the linear park in Building 2 which is not supported by the Panel.</p> <p>The ground-floor apartments in the current proposal contain habitable rooms protruding into the 3m setback zone required by</p>	<p>- The subterranean apartments have been relocated to the 29th level of Building 1 (which only takes up half the floorplate of the building). This additional level increases the building height to 91.6 metres, which is below the permissible LEP height of 99 metres. This increase in building height creates improved visual interest for the tower. Also, the GFA from the previous subterranean apartments has been converted to plant rooms and storage rooms and do not comprise of GFA. Additional overshadowing cast by the part 29th storey is considered negligible and a significant improvement to that of which could be cast had the tower maximised its height potential within the permissible maximum HOB.</p> <p>- One apartment in Building 3 has been converted to a 2-storey apartment and several apartments in Building 2 have been amended to look like 2</p>

<p>the LLUDG. The inadequate street setbacks will compromise the privacy and sense of security of the future occupants.</p> <p>The Panel recommends providing two-storey apartments on the ground and first floor levels to achieve a desirable streetscape character that is envisaged by the LLUDG. It will also assist with addressing the challenges of allowing for solar access to living rooms in the first-floor apartments.</p> <p>Where residential units might not be appropriate due to siting and topographical challenges, the Panel recommends to consider alternative active uses, such as a Building Manager's office, a communal gym or a communal room on the ground-floor level to provide activation and passive surveillance to the public domain.</p>	<p>storey apartments when viewed from the public domain. Additionally, public art has been extended to the northern side of the building and additional landscaping has been provided. These amendments assist in minimising blank walls along Halifax Street and the linear park. Additional landscaping has also been proposed along the linear park as it interfaces with the north end of Building 2 in order to further soften the visual presence of the building.</p> <p>- The apartments along Halifax Street have been reconfigured. As a result, the proposed buildings now comply with the required 3 metre setback.</p>
<p>Density</p> <p>The proposed development has a GFA of 25,620 sqm, which is below the GFA (25,626 sqm) allocated to the lot under the SSDA approval.</p> <p>The level of density on the site is considered appropriate for its context and is generally consistent with the anticipated outcome of the approved Masterplan.</p> <p>The physical separation of the built form along Halifax Street will assist with reducing the perceived density on the site.</p> <p>The design team is advised to refer to 'Built Form and Scale' for comments on the distribution of GFA on the site.</p>	<p>No changes have been made to specifically address density.</p>
<p>Sustainability</p> <p>The Panel supports the design team's initiative to achieve a four-star Green Star Residential rating and the provision of on-site EV charging facilities and rainwater detention and re-use.</p> <p>The use of architectural features to add visual interest and sun shading on the building façades is supported.</p> <p>The proposed rooftop solar panels have been relocated to Building 1 to avoid being overshadowed by future high-rise development immediately to the north.</p> <p>The Panel encourages all proposals to adopt best practice sustainability targets and encourages environmental performance to align with the prospective Sustainable Buildings SEPP 2022 standards.</p>	<p>No changes have been made to specifically address sustainability.</p>
<p>Landscape</p> <p>The Panel supports the generous provision of deep soil, soft landscape planting and communal open space on the site.</p> <p>The communal open space is equipped with various recreational facilities for different users; its spatial arrangement also caters for</p>	<p>- Access to the communal open space, along the ground level, has been amended. A Communal Room has been provided along the site's southern boundary. Direct Access to the Communal Open</p>

a range of activities. The Panel recommends the following design changes to assist with further refinements of the landscape design:

Direct access and, where possible, views from each building's lift lobby are to be provided to the communal open space:

- Building 1 – a pathway is to be provided in the 'Rainforest Gully' to connect the lift lobby directly to the central cabana;
- Building 2 – delete an east-facing bedroom adjoining the fire stairs to create an access point to the gardens;
- Building 3 – Amend the raised garden bed and rearrange tree planting to create a gentle access ramp directly to the open lawn.

An east-west pathway is pointing towards the living area of a ground-floor apartment at the northeastern corner of Building 2. The Applicant should mitigate the visual privacy impacts by realigning the pathway, and providing appropriate screening planting while retaining a garden outlook for the unit.

The car park exhaust is to be integrated with the design of the adjacent cabana.

Terraced garden beds and planting are to be provided in the landscaped space between Buildings 2 and 3 to mitigate the visual impact of the one-storey high wall and avoid creating an alcove for concealment on the street level. It should be designed as an integral part of the linear park using complementary planting and material palette.

The egress path to the linear park ends abruptly and appears unfinished. Better integration with existing linear park elements is expected. An existing Council's multi-functional pole will also need to be relocated.

The proposal relies on the existing tree planting along the Halifax Street boundary for screening and providing privacy to the ground-floor units. However, the arborist report does not include any discussion on the potential impacts on these trees by the proposed basement levels, which will be built to the boundary. It is critical that these trees will not be adversely impacted by the proposed works and will continue to stay healthy and thrive.

Cross sections are required to demonstrate how site levels, security and privacy are dealt with, particularly through Halifax Street, the linear park and proposed ground-floor apartments or lobbies.

The use of sky gardens to help articulate the built form is supported in principle by the Panel; further details such as the soil volume to support the proposed *Tristanopsis laurina* in the sky gardens are needed at the next review.

The Panel supports the reference to the Angophora tree and the Designing with Country initiative in the architectural scheme and encourages the design team to continue refining the concept as the DA progresses.

Space has now been provided from the foyer area. Windows within 6 metres of an egress path have a physical separation comprising a 1.8 metre high solid wall.

Specifically the following amendments have been included:

- Building 1 - the rainforest gully has been removed and a more direct and generous accessway has been provided between the lift core in Building 1 and the Ground Floor communal open space.

- Building 2 - the relocation of subterranean apartments and the communal open space has enabled a generous and open connection to be provided between the main lobby of Building 1 and 2 and the Ground Floor communal open space.

- Building 3 - the car park entry requires an operational clearance (minimum) of 4.5m to accommodate for the Council's waste collection vehicle. This constraint prohibits a direct access from the lobby in Building 3 and the open lawn. Notwithstanding, the Building 3 lobby will have a well balanced landscape outlook and access to the open lawn area has high amenity and is not considered circuitous.

- The architectural plans have been amended. Windows within 6 metres of an egress path now have a physical separation comprising a 1.8 metre high solid wall. The apartment layout has been amended in this location, has a larger wrap around courtyard with significant access to sunlight and also achieves a greater outcome with respect to privacy. Where egress paths pass by openings in the building form, compliance requires a solid wall at a height of 1.8m. All other courtyards incorporate a landscaped strategy with a 1.5m high wall to balance amenity, sunlight and privacy.

	<ul style="list-style-type: none"> - The car park exhaust has been amended, to be integrated with the design of the adjacent cabana. Plans prepared by the landscape architect illustrate how the car park exhaust will be integrated with the cabana and softened with landscape screening. The combination of these elements will assist in visually concealing the existence of the car park exhaust. - Terraced garden beds and plantings have been provided in the landscaped space between Buildings 2 & 3. Planting in this area will blend into the character of the linear park so as to read as an extension of this area.
<p>Amenity</p> <p>The maximum depth of Building 1 has been reduced to 24m, which helps reduce the number of 'snorkel' windows in some bedrooms. The Panel expects the Applicant to continue improving the internal apartment layouts and amenity to address the following areas:</p> <ul style="list-style-type: none"> - There are a number of one-bedroom apartments in Buildings 1 and 3 that have a balcony depth greater than its width, setting the living area too far back from the natural light source. - Such a configuration significantly limits sunlight access to the habitable space and compromises the outlook for users of the balcony. <p>Given the flexible building envelope that this site enjoys, the Panel expects the abovementioned issues to be eliminated and all apartment units to achieve an optimised internal layout in the next revision.</p> <p>The Panel recommends the Applicant refine the fenestration especially on the east façade to take advantage of the site's uninterrupted views to the Lane Cove National Park.</p> <p>Where appropriate, bathrooms that have a building frontage should be provided with openable windows for access to natural ventilation and light throughout the development.</p> <p>The Panel does not support creating large studies without any windows in apartment units as they can be converted to habitable rooms with poor amenity by future occupants. Habitable rooms without access to natural light and air on an external façade is not supported by the ADG. The Applicant is to ensure all studies are provided with windows or reduced in sizes so that they are not to accommodate any beds.</p>	<ul style="list-style-type: none"> - The balconies have been adjusted to comply with the ADG's width/depth ratio. - The fenestration on the eastern facade has been amended to balance acoustic and visual impacts out towards the Cemetery with solar access, visual outlook and overall amenity. Window apertures and balcony openings have been carefully considered to achieve this. - The study layouts have been amended to be positioned within an "open" area of the apartment or near a window.
Safety	<ul style="list-style-type: none"> - A low height fence has been introduced on the ground floor around the open lawn area in

<p>As discussed above under 'Context and Neighbourhood Character' and 'Landscape', the Panel expects further design amendments to improve the street activation and passive surveillance to the linear park.</p> <p>The Applicant is advised to consider the safety of various users such as children and pets in the communal open space. Fences are to be integrated with the site landscaping to ensure an appropriate level of security and privacy in the communal open space while minimising the visual impact of fencing.</p>	<p>order to provide a secured play area for children and family pets. All communal open spaces (ground floor and rooftops) have been reviewed to ensure site security, passive surveillance and fall protection have been adequately considered.</p>
<p>Housing Diversity and Social Interaction</p> <p>The proposal provides an appropriate mix of apartment sizes, diverse housing choices and a variety of unit layouts. Communal rooms, sky gardens and various recreational facilities in the communal open space are provided as part of the development to promote social interactions and cater for work-from-home arrangements which are supported.</p>	<p>- No amendments have been made to specifically address housing diversity and social interaction.</p>
<p>Aesthetics</p> <p>The Panel supports, in principle, the proposed architectural strategy for articulating building forms across the proposal by expressing different volumes with different façade treatments and the general approach of materiality.</p> <p>However, the Panel does not support the extensive use of painted render finishes on the building façades. The Applicant is advised to use materials that are of a high quality, will age well over the long term and can minimise future maintenance.</p> <p>The Panel encourages exploring a building height variation in Building 1 to improve the proportion and articulation of the built form (see 'Built Form and Scale' above).</p> <p>The following information is sought at the next revision to assist the Panel with review of the amended proposal:</p> <ul style="list-style-type: none"> • 1:50 sections of each primary facade type to clearly indicate the design intent, materials selection, balustrading, fenestration and integration of services and drainage. 	<p>- The architectural plans have been amended to include a range of materials, including face brickwork, dark colour windows, frame or dark paint finishes, light bronze paint finishes, textured spandrel panels, metal balustrades, privacy screens and glass façades.</p> <p>- The development has a diverse material palette which is appropriate for the context and micro-climate of the area.</p> <p>- The subterranean apartments have been relocated to the 29th level of the tower (which only takes up half the floorplate). The building height amendment has been adopted and is considered to be a positive amendment to the proposal.</p>

UDRP Comments following amendment of proposal

The amended plans were referred back to the UDRP for a desktop review and the following remaining issues were identified. The UDRP was generally satisfied that other elements originally identified were addressed by the amended plans.

- *The habitable windows on the northern elevation (below level 4) on Building 3 are not reoriented and therefore still create potential privacy issues. All windows to the dining area on the northern facade should have fixed privacy louvres.*

Comment: Condition No. 1(a) is recommended requiring the amendment of the plans to include privacy protection devices on all windows on the northern elevation of Building 3 below Level 4.

- *With regard to the east-west pathway pointing towards the living area of the ground floor apartment at the north-eastern corner of Unit 2 - redesign has occurred and planting is shown but it is in a very narrow planter. It does not appear that there is a privacy fence provided given the narrow width of the planting so concern still remains that the courtyard area for this unit is not secure and privacy would not be achieved when planting is young or if one plant fails. The planter should be widened and a fence provided between planting rows to ensure privacy.*

Comment: Condition No. 1(b) is recommended requiring the amendment of the plans to provide a privacy screen to shield the private open space area of this unit from the pedestrian path.

Apartment Design Guide

Detailed consideration of the proposal against the Apartment Design Guide (ADG) is provided within **Attachment 4**, as required by Clause 30(2) of SEPP 65. The proposal satisfies the ADG, with the exception of the following:

2E Building Depth

Part 2E of the ADG outlines the following in relation to maximum apartment depths:

- *Use a range of apartment depths of 12m to 18m from glass line to glass line.*
- *Where greater depths are proposed, demonstrate that indicative layouts can achieve acceptable amenity with room and apartment depths. This may require significant building articulation and increased perimeter wall length.*

The proposed building depths range from 13 metres (Building 2 – Levels 3-6) to 26 metres (Building 1 – Levels 2 to 29). The proposed building depths are generally in accordance with the Building Alignment figure within the Lachlan's Line Urban Design Guidelines however, Building 1 departs slightly from the indicative building alignment on its eastern side where the building incorporates a splay on its north-eastern corner in order to take advantage of the northerly sunlight and is orientated away from the Crematorium on the opposite side of the M2 Motorway. At this point, the building depth increases to 26 metres for levels 2 to 29 (**Figure 9**). This building depth is considered satisfactory as the building contains a central atrium which containing sky gardens on the northern side at levels 8,11 and 14. This central atrium breaks up the building mass and increases access to light and natural ventilation for a number of the apartments.

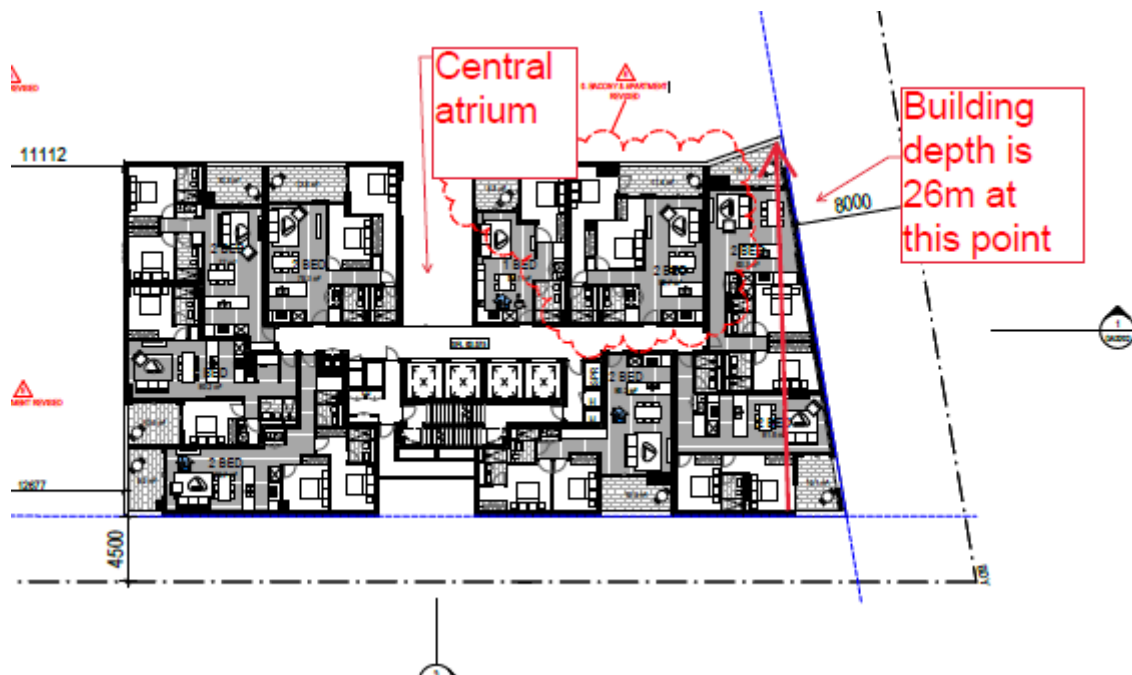


Figure 9 – Building 1 typical floor plan depicting maximum building depth and central atrium

2F Building Separation

Part 2F of the ADG outlines the following minimum separation distances for buildings both within a development and to adjoining development:

Up to four storeys (approximately 12m):

- 12m between habitable rooms/balconies
- 9m between habitable and non-habitable rooms
- 6m between non-habitable rooms

Five to eight storeys (approximately 25m):

- 18m between habitable rooms/balconies
- 12m between habitable and non-habitable rooms
- 9m between non-habitable rooms

Nine storeys and above (over 25m):

- 24m between habitable rooms/balconies
- 18m between habitable and non-habitable rooms
- 12m between non-habitable rooms

The proposal provides the following extent of building separation:

- a) To surrounding/adjoining development

North – The building adjacent to the northern boundary is set back 12m from the northern boundary. This would allow for a 16.5m separation in the event that the future development to the north is set back 4.5m from this boundary as required by the LLUDG (**Figure 10**). This is a deficit of 1.5 metres based on the height of Building 3 being six storeys. It is noted that Building 3 has a depth of only 17.4 metres where it interfaces with the northern boundary. A condition of consent is recommended (**Condition No. 1(a)**) requiring that privacy screening be fitted to all

north facing habitable room windows of building 3 to minimise privacy impacts to future development constructed on the adjoining site to the north.

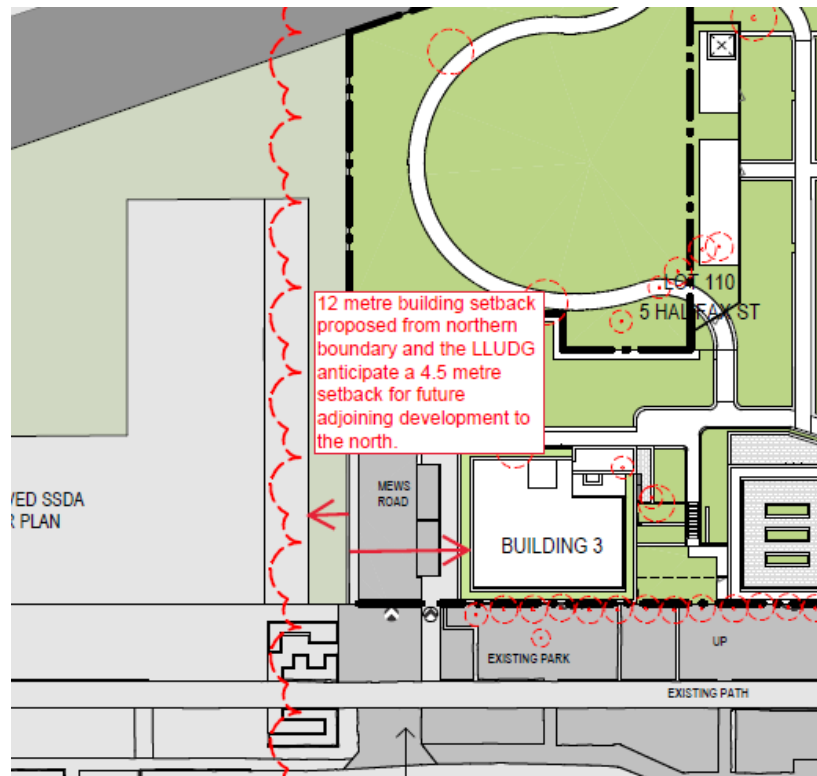


Figure 10 – Diagram depicting building separation to the north

South – A 4.5m setback is proposed for all levels to the southern boundary. For the future adjoining development to the south, the LLUDG require a 17 metre setback to the northern boundary and the provision of a Mews road (**Figure 11**). The LLUDG outlines an indicative building height of 4.5 storeys and 6 storeys respectively for the future adjoining development to the south, adjacent to its northern boundary. As a result of the proposed 4.5 metre setback and the LLUDG required 17m setback for the future adjoining development to the south, this would result in a building separation of 21.5 metres. This would achieve compliance with the ADG separation distance for heights between 5 and 8 storeys. Given the indicative heights for the adjoining development to the south of 4.5 and 6 storeys, the extent of separation would be satisfactory with regard to ADG compliance.

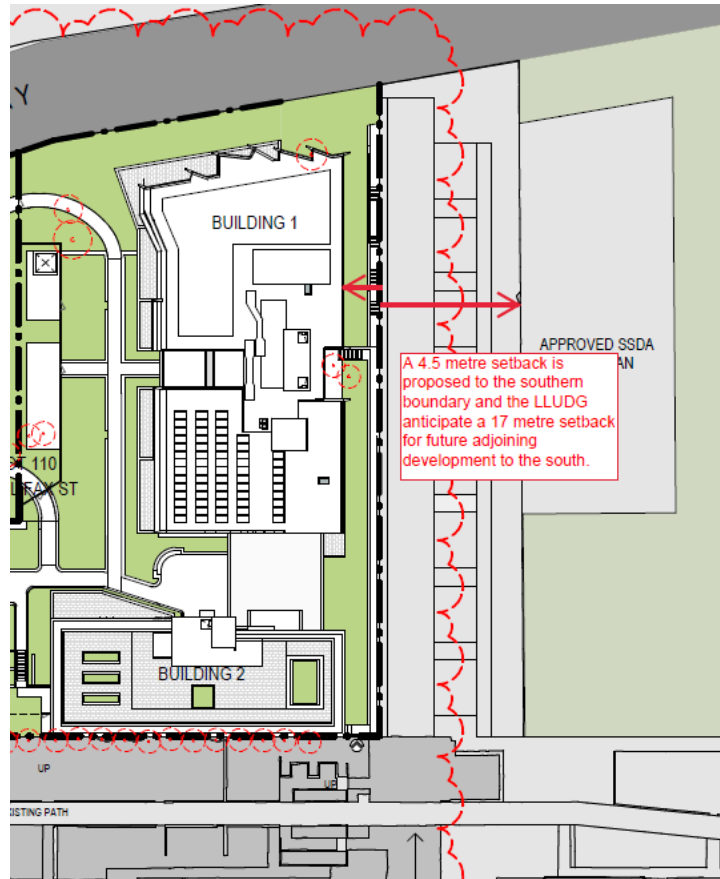


Figure 11 – Diagram depicting building separation to the south

East – To the east is the M2 Motorway and there are no buildings in the vicinity.

West – Halifax Street and the linear park are located to the west and separation distances to future development to the west will be exceeded.

b) Within the site

Between Buildings 1 and 2 - Between the two buildings adjoining the southern boundary there is a setback of 11.1m where habitable rooms/balconies face each other (**Figure 12**). This is considered satisfactory as design features have been added to minimise the impacts between the two buildings and there are no unprotected windows that align between the two buildings.



Between Buildings 2 and 3 - 10m is proposed between the two buildings fronting Halifax Street (**Figure 13**). Both buildings are proposed to be fitted with angled privacy screens to prevent direct viewing of the opposite building.

Based on the positioning of windows and balconies and given the privacy screening measures proposed and conditioned, it is considered that the proposed building separation distances are satisfactory on merit.

Ryde Local Environmental Plan (LEP) 2014

Under the provisions of the Ryde LEP 2014, the site is zoned R4 High Density Residential and the proposal is for a residential flat building development, defined as follows:

Residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.

Development for the purpose of a residential flat building is permissible with consent within the R4 High Density Residential zone.

The proposal satisfies the relevant objectives of the zone as discussed in the following table:

Objectives of the R4 High Density Residential zone	Comment
To provide for the housing needs of the community within a high density residential environment.	The proposal will contribute to meeting the housing needs of the community and is commensurate with a high density residential environment.
To provide a variety of housing types within a high density residential environment.	The proposal contributes to the provision of a variety of housing types and provides for a suitable mix of one, two and three bedroom units.
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	Whilst the development is only for the purpose of a residential flat building, it is located in close proximity to facilities and services.

The proposal satisfies the relevant provisions of the Ryde LEP 2014 as discussed in the following table:

Ryde LEP 2014	Proposal	Compliance
2.6 Subdivision-consent requirements	No subdivision is sought in this application.	N/A
4.3(2) Height The site is subject to three maximum building height controls being: - 33m - 75m - 99m	Building 1: 91.6m (29 storeys) Building 2: 24.53m (6 storeys) Building 3: 20.53m (6 storeys)	Yes

Ryde LEP 2014	Proposal	Compliance
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Figure 14 – Ryde LEP 2014 Building Height map

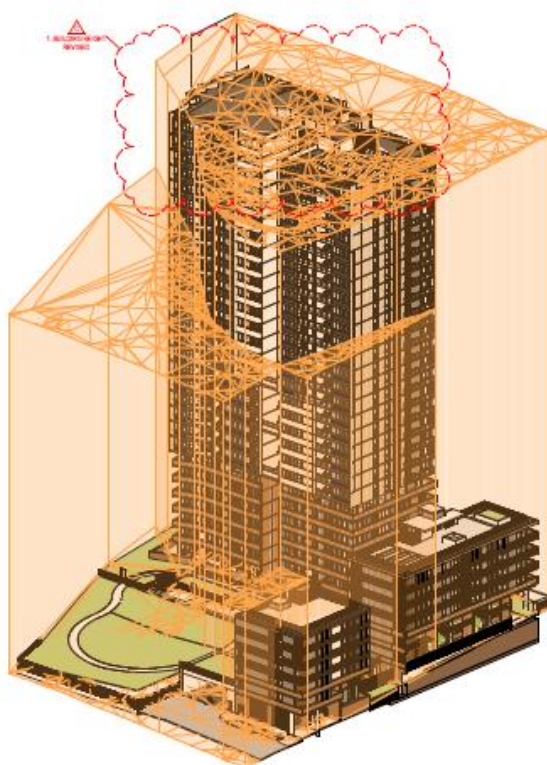
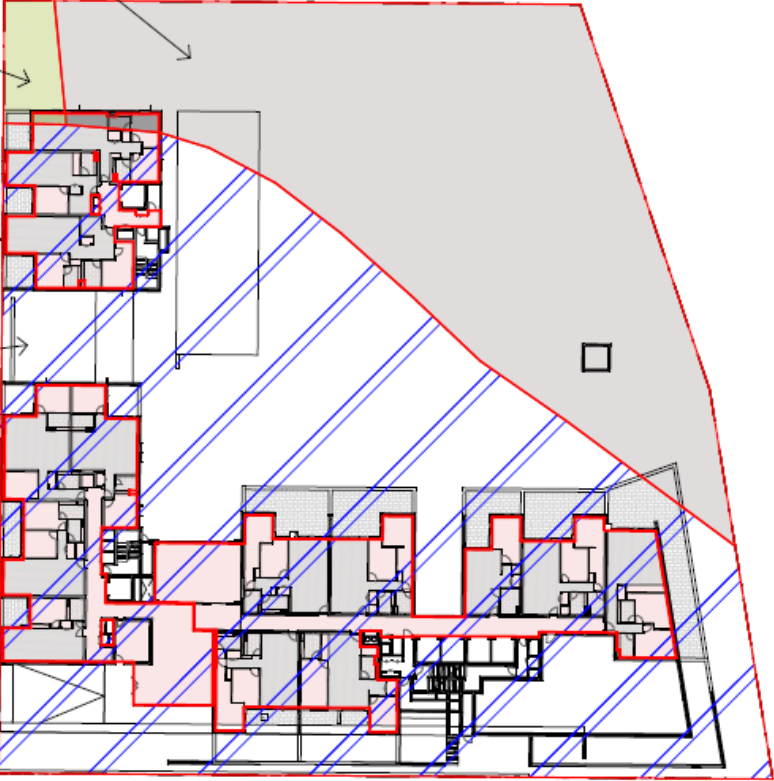


Figure 15 – Building height plane diagram depicting proposed buildings in relation to RLEP 2014 maximum building heights

Ryde LEP 2014	Proposal	Compliance
<p>4.4(2) FSR The site is subject to three maximum FSR controls being:</p> <ul style="list-style-type: none"> - 1.39:1 - 3:1 - 3.5:1 <p>However, the GFA allocation under the SSD approval is the applicable GFA control for the proposal. Under the SSD approval, the subject site has a GFA allocation of 25,626m².</p> <p>The applicant has submitted a precautionary Clause 4.6 request to address the variation to the RLEP FSR controls.</p>	<p>Total GFA: 25,505.6m²</p> <p>Floor Space Ratio: 3.98:1</p>	<p>No, however, the proposal complies with the allocated GFA for the subject site under the SSD approval. A precautionary Clause 4.6 request has been submitted by the applicant.</p>



Figure 16 – Ryde LEP 2014 Floor Space Ratio Map

Ryde LEP 2014	Proposal	Compliance
<p>FSR CONTROL 3.5:1 PORTION SITE AREA 1937 M² GFA PROPOSED 81.75 M² FSR PROPOSED 0.04:1</p> <p>FSR CONTROL 1.15:1 PORTION SITE AREA 83.4 M² GFA PROPOSED 21.4 M² FSR PROPOSED 0.25:1</p> <p>FSR CONTROL 3:1 PORTION SITE AREA 4375 M² GFA PROPOSED 25,516.85 FSR PROPOSED 5.8:1</p>  <p>Figure 17 – Figure depicting the location of proposed buildings in relation to FSR controls</p>		
<p>Clause 4.6 Exceptions to Development Standards</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,</p> <p>(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</p>	<p>While the RLEP 2014 identifies three FSR controls for the site (1.39:1, 3:1 and 3.5:1), there is an existing Concept SSD consent (SSD 5093) that applies to the land, and in accordance with Section 4.24(4) of the EP&A Act, a consent authority must determine subsequent DAs submitted under Section 4.22(4)(a) consistently with the approved staged consent.</p> <p>Accordingly, the GFA allocation under SSD 5093 is the applicable</p>	<p>Yes – see Clause 4.6 discussion following this table.</p>

Ryde LEP 2014	Proposal	Compliance
	<p>GFA control for the subject proposal. The total GFA approved under SSD 5093 for Lot 110 (the subject site) is 25,626sqm. The DA, which has a maximum GFA of 25,505.6m² (equating to an FSR of 4:1), complies with this control.</p>	
<p>5.10 Heritage Conservation (1) The objectives of this clause are as follows— (a) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, setting and views, (c) To conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p>	<p>The site does not contain an item of heritage significance. However, it is located within the vicinity of the following items of heritage significance listed within Schedule 5 of the Ryde LEP 2014:</p> <ul style="list-style-type: none"> • North Ryde Cemetery (Item No. 44) <p>The site is at a suitable distance to this item. Due to this separation; the proposed works are not considered to result in any material or visual impacts on the heritage item.</p>	<p>Yes</p>
<p>6.2 Earthworks (1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p>	<p>The proposed site preparation and construction works are not considered to result in any adverse detrimental impacts upon environmental functions and processes or neighbouring uses.</p> <p>The site is not located within close proximity to any cultural or heritage items.</p> <p>The development of the site, given its sloping nature involves appropriate levels of cut and fill which does not adversely impact the amenity of adjoining</p>	<p>Yes</p>

Ryde LEP 2014	Proposal	Compliance
	properties and is considered to be consistent with the provisions of Clause 6.2(3).	
6.4 Stormwater management (1) The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.	The proposal is consistent with the provisions of Clause 6.4(3) in that the proposal has been designed to maximise the use of permeable surfaces allowing for water filtration and avoids adverse impacts of stormwater runoff on adjoining properties and receiving waters. The proposal has been considered acceptable by Council's Senior Development Engineer.	Yes

Clause 4.6 Exceptions to Development Standards

The development contravenes Clause 4.4(2) of RLEP 2014, which establishes three maximum floor space ratios for the site being 1.39:1, 3:1 and 3.5:1. Whilst RLEP 2014 identifies three FSR controls for the site, there is an existing Concept SSD consent (SSD 5093) that applies to the land, and in accordance with Section 4.24(4) of the Environmental Planning and Assessment Act 1979, a consent authority must determine subsequent applications submitted under Section 4.22(4)(a) consistently with the approved staged consent.

Accordingly, the GFA allocation under SSD 5093 is the applicable GFA control for the subject proposal. The total GFA approved under SSD 5093 for Lot 110 (the subject site) is 25,626m². The proposed has a maximum GFA of 25,505.6m² (equating to an FSR of 3.98:1) and complies with this control. Notwithstanding this, the applicant has submitted a precautionary Clause 4.6 request.

The following table provides a breakdown of the proposed GFA's in relation to the RLEP 2014 floor space ratio controls:

LEP Control	Part Lot Area	GFA on Part Lot	FSR on Part Lot
1.39:1	83m ²	21.4m ²	0.26:1 (complies)
3:1	4,375m ²	25,402.2m ²	5.8:1 (non-compliant)
3.5:1	1,937m ²	82m ²	0.04:1 (complies)

Clause 4.6 of the RLEP 2014 provides flexibility in the application of planning controls by allowing Council to approve a development application that does not comply with a

development standard where it can be demonstrated that flexibility in the particular circumstances achieve a better outcome for and from development.

Several key Land and Environment Court (NSW LEC) planning principles and judgements have refined the manner in which variations to development standards are required to be approached. The key findings and directions of each of these matters are outlined in the following discussion.

The decision of Justice Lloyd in *Winten v North Sydney Council* established the basis on which the former Department of Planning and Infrastructure's Guidelines for varying development standards was formulated.

These principles for assessment and determination of applications to vary development standards are relevant and include:

- Is the planning control in question a development standard?
- What is the underlying object or purpose of the standard?
- Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EP&A Act?
- Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?
- Is a development which complies with the development standard unreasonable or unnecessary in the circumstances of the case?; and
- Is the objection well founded?

The decision of Justice Preston in *Wehbe V Pittwater [2007] NSW LEC 827* expanded on the above and established the five part test to determine whether compliance with a development standard is unreasonable or unnecessary considering the following questions:

- Would the proposal, despite numerical non-compliance be consistent with the relevant environmental or planning objectives?
- Is the underlying objective or purpose of the standard not relevant to the development thereby making compliance with any such development standard unnecessary?
- Would the underlying objective or purpose be defeated or thwarted were compliance required, making compliance with any such development standard unreasonable?

- Has Council by its own actions, abandoned or destroyed the development standard, by granting consent that depart from the standard, making compliance with the development standard by others both unnecessary and unreasonable?
- Is the “*zoning of particular land*” unreasonable or inappropriate so that a development standard appropriate for that zoning was also unreasonable and unnecessary as it applied to that land? Consequently, compliance with that development standard is unnecessary and unreasonable.

In the matter of *Four2Five Pty Ltd v Ashfield Council* [2015] NSW LEC, it was found that an application under clause 4.6 to vary a development standard must go beyond the five (5) part test of *Wehbe V Pittwater* [2007] NSW LEC 827 and demonstrate the following:

- Compliance with the particular requirements of Clause 4.6, with particular regard to the provisions of subclauses (3) and (4) of the LEP; and
- That there are sufficient environment planning grounds, particular to the circumstances of the proposed development (as opposed to general planning grounds that may apply to any similar development occurring on the site or within its vicinity);
- That maintenance of the development standard is unreasonable and unnecessary on the basis of planning merit that goes beyond the consideration of consistency with the objectives of the development standard and/or the land use zone in which the site occurs.

An assessment of the relevant provisions of Clause 4.6 is as follows:

- Clause 4.6(3)(a) - Is compliance unreasonable or unnecessary in the circumstances of the case?
- Clause 4.6(3)(b) - Are there sufficient environmental planning grounds to justify the proposed contravention of the development standard?

The applicant’s written request provides the reasons why compliance with the standard is unreasonable and/or unnecessary, with selected excerpts shown below:

Unreasonable and unnecessary

- *The objectives of the development standard are achieved notwithstanding the proposed variation.*
- *The density, use and height of the proposal are consistent with what was anticipated under SSD 5093 and Council’s Urban Design Guidelines (existing structure plans), which envisage a landmark tower building on the site’s southern boundary and a lower scaled podium on the western edge facing Halifax Street. These documents also allocate a maximum GFA of 25,626m² to the site, which the proposal complies with.*

- *The proposed development, and in particular the additional GFA, does not contribute unreasonably to any building bulk impacts in terms of privacy, overshadowing or view loss; nor does it diminish the amenity or development potential of adjoining land.*
- *The site is uniquely positioned to deliver a mix of dwelling types in an accessible location that is zoned for (and suited to) high density residential use.*
- *The level of development proposed has been anticipated by DPE and Council in the site-specific planning framework that has been established and is considered warranted on the basis that:*
 - *The proposal will be compatible with the bulk and scale of the (future) adjacent development.*
 - *The buildings achieve all relevant ADG criteria with regard to visual privacy and residential amenity (i.e., solar access, cross ventilation, apartment size etc).*
 - *The additional floor space resulting from the reallocation of GFA into a tall, slender tower in the southern portion of the site maximises solar access to the centrally located communal open space and achieves a better relationship (in terms of building separation) with future towers on adjoining sites. A 'theoretically compliant' scheme which places shorter, squatter buildings in the northern portion of the site would not yield the same positive solar, visual privacy or urban design outcomes.*
 - *The car parking allocation complies with the DCP rate. Therefore, no additional traffic impacts (beyond those anticipated by the existing planning framework) are caused by the proposal.*
- *The Lachlan's Line Precinct is anticipated to provide up to 2,700 new dwellings, tied to Landcom's vision for a Transit Oriented Development in association with the Sydney Metro Northwest.*
- *Landcom and the NSW Government have invested significant resources in forward delivering several key pieces of public and social infrastructure in readiness for the development of the precinct.*
- *The DA seeks a development outcome that is wholly consistent with the parameters outlined within SSD 5093 and Council's Urban Design Guidelines, and will provide a sustainable, orderly, and economic use of the land.*

Assessment Officer's Comments: The proposal achieves the objectives of Clause 4.4 despite the floor space ratio variation. The density for the site is set by SSD 5093 and the Lachlan's Line Urban Design Guidelines and the proposal complies with the anticipated density and character of development envisaged by these documents. The proposal is generally compliant with the requirements of the Apartment Design Guidelines with the exception of building separation and will be compatible with future development in the precinct.

The proposed development provides for an alternative means of satisfying the objectives of the standard other than compliance and therefore strict compliance with the standard would be unnecessary given the objectives are achieved and unreasonable as no purpose would be served by full compliance. The applicant has demonstrated that the compliance with the development standard would be unreasonable and unnecessary.

Environmental planning grounds

The justification in the applicant's request and Assessment Officer's comments are below:

- *The reallocation of GFA into a tall, slender tower in the southern portion of the site maximises solar access to the centrally located communal open space and achieves a better relationship (in terms of building separation) with future towers on adjoining sites. A 'theoretically compliant' scheme which places shorter, squatter buildings in the northern portion of the site would not yield the same positive solar, visual privacy or urban design outcomes.*
- *The RLEP 2014 FSR control pre-dates the detailed concept massing and envelope testing undertaken as part of SSD 5093 (approved March 2015) and Council's Urban Design Guidelines. The principles of these documents have been carried forward to the DA scheme, which demonstrates that the residential flat buildings can be successfully sited and designed to achieve design excellence, deliver a high standard of residential amenity, and mitigate environmental impacts to the locality, including the development potential of adjoining sites.*
- *A Clause 4.6 variation to the RLEP 2014 FSR control has already been granted with SSD 5093, which sought to redistribute density away from the central portion of the Lachlan's Line precinct and towards the north-eastern corner. DPE found this built form approach to be acceptable and this DA is compliant with the GFA allocation under SSD 5093.*
- *In this sense, the proposal does not alter the built form character or design quality of the Lachlan's Line development as envisaged under SSD 5093 or Council's Urban Design Guidelines, noting the buildings comply with the RLEP 2014 Height of Buildings (HOB) control.*
- *The car parking allocation complies with the DCP rate. Therefore, no additional traffic impacts (beyond those anticipated by the existing planning framework) are caused by the proposal.*

Assessment Officer's Comments: The reallocation of GFA into a tall, slender tower in the southern portion of the site maximises solar access to the centrally located communal open space and achieves an improved relationship with future anticipated development on adjoining sites. The RLEP 2014 FSR control pre-dates the detailed concept massing and envelope testing undertaken as part of SSD 5093 (approved March 2015) and Council's Urban Design Guidelines. The proposal does not depart from the built form character or design quality of the Lachlan's Line development as envisaged under SSD 5093 or Council's Urban Design Guidelines, noting the buildings comply with the RLEP 2014 Building Height control.

There are sufficient environmental grounds to justify the proposed variation to the height control.

Is the proposal in the public interest?

Pursuant to clause 4.6(4)(ii), a development will be in the public's interest if it is consistent with the objectives of the development standard and also the zone objectives in which the particular development is carried out. The objectives of Clause 4.4 are as follows:

- (a) to provide effective control over the bulk of future development,*
- (b) to allow appropriate levels of development for specific areas,*
- (c) in relation to land identified as a Centre on the Centres Map—to consolidate development and encourage sustainable development patterns around key public transport infrastructure.*

The proposal is in keeping with the character of nearby development, minimises overshadowing and is compatible with the Lachlan's Line precinct. The proposal does not result in any significant adverse amenity impacts upon surrounding properties.

The proposal is consistent with the public interest as required by Clause 4.6(4)(a)(ii) for the following reasons:

- The development is consistent with the objectives of the standard and zone as required by Clause 4.6(4)(a)(i).
- The proposal achieves the objectives of the standard as required by Clause 4.6(3)(a).
- The development provides for a suitable residential use in an accessible location.

Summary

The applicant has submitted a Clause 4.6 written request that seeks to justify contravention of the development standard Clause 4.4(2) Floor Space Ratio. Pursuant to Clause 4.6(3)(a) of RLEP 2014, the written request has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. The written request has demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard, as required by Clause 4.6(3)(b).

Pursuant to Clause 4.6(4)(a)(i) of RLEP 2014, Council is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3). Council is of the opinion that the proposed development will not be contrary to the public interest because of consistency with the objectives of the development standard for floor space ratio.

The concurrence of the Planning Secretary is not required. Circular PS 20-002 issued on 5 May 2020 outlines that Sydney District and Regional Planning Panels may assume the Secretary's concurrence where development standards will be contravened.

Accordingly, the proposal variation is supported.

(ii) Any proposed instrument (Draft SEPP, Planning Proposal)

There are no proposed or draft instruments for consideration as part of the assessment.

(iii) Any development control plan

Ryde Development Control Plan (DCP) 2014

The proposal is subject to the provisions of the following parts of Ryde DCP 2014:

- North Ryde Station Precinct
- Part 7.2: Waste Minimisation and Management
- Part 8.1: Construction Activities
- Part 8.2: Stormwater and Floodplain Management
- Part 8.3: Driveways
- Part 9.2: Access for People with Disabilities
- Part 9.3: Parking Controls
- Part 9.5: Tree Preservation

A detailed assessment of the DCP is provided at **Attachment 4**. The proposal is consistent with the relevant objectives and development controls, with the exception of the following minor items:

North Ryde Station Precinct DCP and Lachlan's Line Urban Design Guidelines

The North Ryde Station Precinct DCP is subject to land within the Ryde Station Precinct and provides planning controls, prior to SSD 5093, being approved. Therefore, this DCP does not reflect the Concept approval (SSD 5093). The Lachlan's Line Urban Design Guidelines (LLUDG) were developed following the approval of SSD 5093 and set out Council's intent for the development of the precinct. Attachment 4 details the compliance of the development with the Guidelines. The following non-compliances were noted with regard to the Guidelines:

a) Circulation Networks (Mews Roads)

The guidelines depict a requirement for the construction of Mews Roads on the Indicative Vehicle Movement Plan. These roads are intended to be private roads at the entry point to each individual development lot. They allow for the construction of vehicular access into the site and pedestrian footpaths, parking and entry into basement structures. They are also important in providing building separation between each development lot.

The guidelines contain the following controls relating to Mews roads that are not complied with:

- *Mews roads must be constructed in accordance with the Vehicular Movement Plan as shown in **Figure 18**, which are consistent with the relevant State Significant Development Consent.*

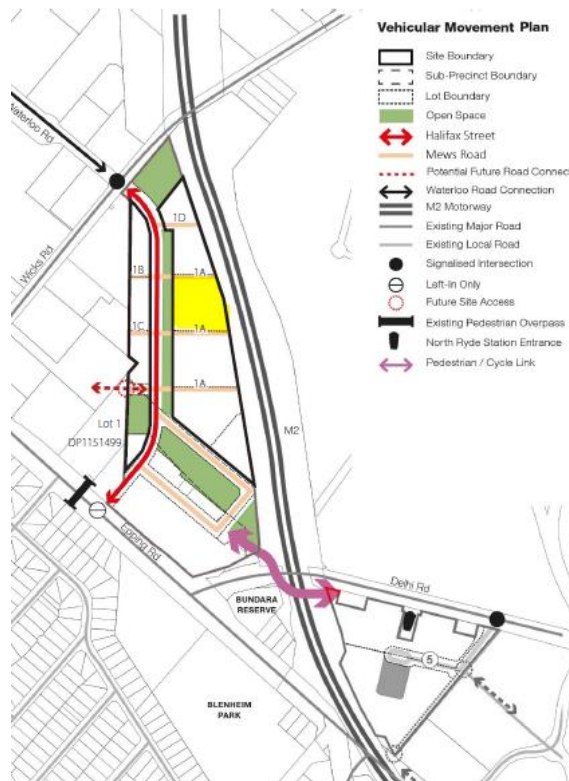


Figure 18 – Vehicular movement plan within LLUDG (subject site highlighted in yellow)

- *Flexibility on the location or inclusion of the entire length of the mews road could be considered where a better outcome can be achieved, which would be considered on a merit basis.*
- *Car share spaces are to be provided throughout the development, with 29 spaces to be provided in the high-density residential precinct. It is intended that the car share spaces in the high-density residential precinct be provided as perpendicular parking in mews roads. The mews roads west of Halifax Street will incorporate 3 car share spaces each, and the mews roads on the east of Halifax Street will each incorporate 8 spaces, 7 spaces, 5 spaces and 3 spaces within each mews road from south to north, respectively.*

The Vehicular Movement Plan (**Figure 18**) within the guidelines depicts the required provision of a Mews road along the entirety of the northern boundary within the subject site. The proposal includes the provision of the Mews road for a length of 31.5 metres adjacent to the northern boundary (or 50% of the overall boundary length) (**Figure 19**). Therefore, there is a non-compliance relating to the length of the Mews road.

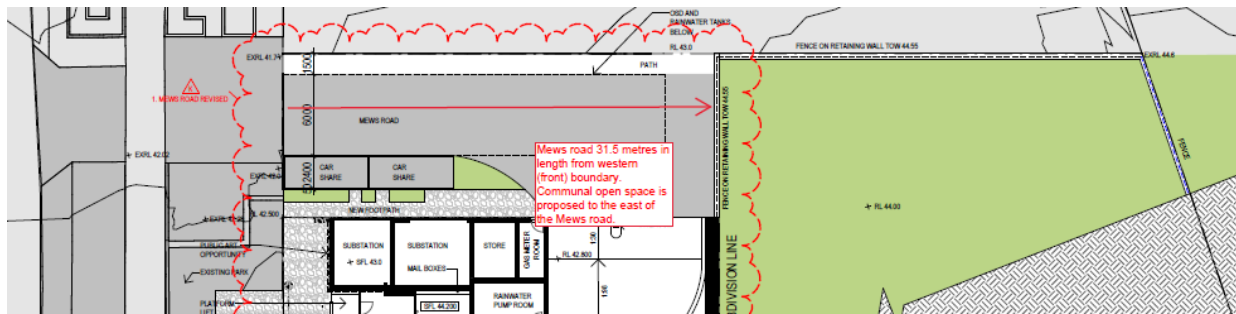


Figure 19 – Diagram depicting length of Mews road and provision of communal open space to its east

Consideration has been given to the suitability of the provision of half of the required length of the Mews road. Unlike future Mews roads west of Halifax Street, the Mews roads on the eastern side (including the one on the subject site) do not have any opportunities to connect to the wider local neighbourhood due to the presence of the M2 Motorway.

Due to the lack of public accessibility further to the east, the Mews Road on this site will likely remain semi-private in character. The proposal provides generous canopy tree planting with deep soil in the eastern half of the Mews road space (**Figure 20**) to maximise its environmental, biological and aesthetic values to the local area. Under the circumstances, it is considered that there would be limited benefit in extending the Mews road for the full length of the northern boundary.



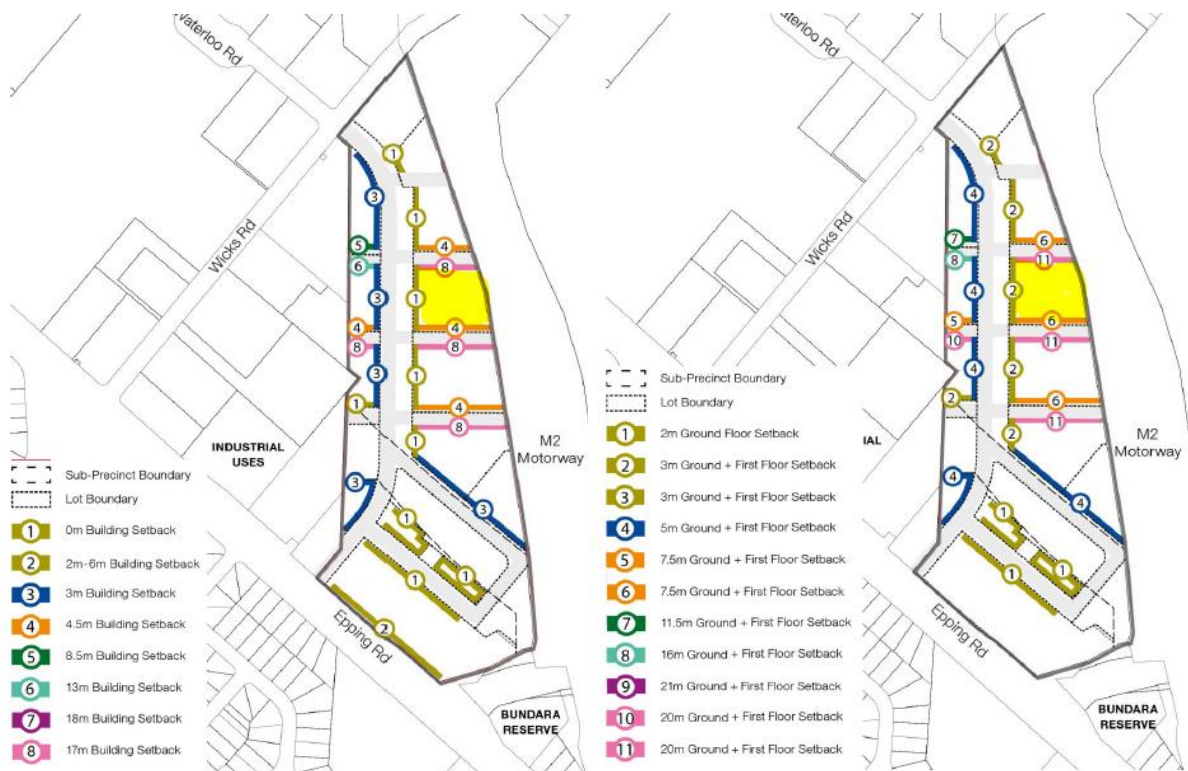
Figure 20 – Extract of landscaping plan with proposed advanced tree planting circled in the location of where the Mews road would be required

The proposal includes the provision of two parallel car share parking spaces along the Mews road and the guidelines require the provision of five perpendicular spaces on the Mews road. This non-compliance is considered satisfactory as the remaining four required car share spaces for the development are located on Basement Level 1 and are readily accessible to future building occupants.

b) Building Setbacks

The guidelines include the following controls relating to building setbacks that are not complied with:

- *Building setbacks are to be provided generally in accordance with **Figure 21**. All setbacks are measured from the development lot boundaries and hence exclude the linear park or any mews roads to be constructed through the development lot.*



The following table sets out the required setbacks of the LLUDG and the proposed setbacks:

	Western boundary	Northern boundary	Southern boundary	Eastern boundary
Required by LLUDG	Ground floor and first floor: 3m Levels above: 0m	Ground floor and first floor: 20m Levels above: 17m	Ground floor and first floor: 7.5m Levels above: 4.5m	All elements: 8m
Proposed	The ground and first floor have a 3m setback and levels above have a nil setback. Complies	A 12m setback is proposed for all levels. Non-compliance	A 4.5m setback is proposed for all floors. Non-compliance	An 8m building setback is proposed for all levels. Complies

The non-compliances are discussed as follows:

Northern boundary: A 12m setback is proposed for all levels, resulting from the proposed parallel parking on the Mews road whereas the LLUDG requires that the parking on the Mews road be provided as perpendicular parking. This prioritises a pedestrian friendly interface with the street. Substations are located along the Mews road consistent with the LLUDG that identifies the Mews road to be used for services and carpark entries.

It is noted that Building 3 has a depth of only 17.4 metres where it interfaces with the northern boundary. Further, Building 3 only contains a minimal number of windows on the northern elevation (**Figure 22**). Suitable privacy screening devices are proposed to be fitted to the Level 4 & 5 windows on the northern elevation and Condition No. 1(a) is recommended, requiring suitable privacy screening devices on all habitable room windows on the lower levels on this elevation.



Figure 22 – Northern elevation of Building 3

Southern boundary: The proposed southern boundary setback complies with the primary setback control of 4.5 metres but does not comply with the minimum required 7.5 metre setback for the ground and first floors, with a 4.5 metre setback being proposed for all floors. The proposed design pushes two bedrooms out to the facade line (rather than setting back 3m) to improve the daylight into these single-aspect, south facing apartments. It is noted that much of the façade length achieves compliance with the required 7.5 metre setback for the ground and first floor with balconies and private open space areas being provided within the 3m articulation area (**Figure 23**).

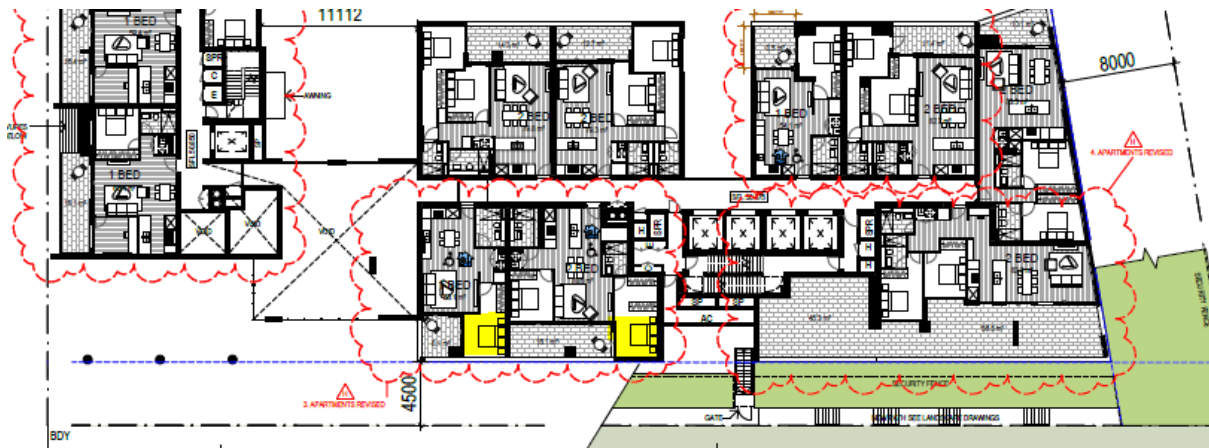


Figure 23 – Extract of Level 1 plan showing elements encroaching into 7.5m GF and FF setback area highlighted in yellow

c) Active Street Frontages

The LLUDG contains the following controls relating to the provision of active street frontages which are not complied with:

- *Apartments are not to be subterranean. Ground floor apartments must step with the topography and relate to the grade and ground level of the site (see Figure 21), with the ground floor level no more than 1m above the public footpath.*
- *Where ground floor apartments have to be raised by more than 1m above the natural ground level due to site constraints, terraced garden beds are to be provided along the frontage to enhance privacy and amenity (see Figure 24).*

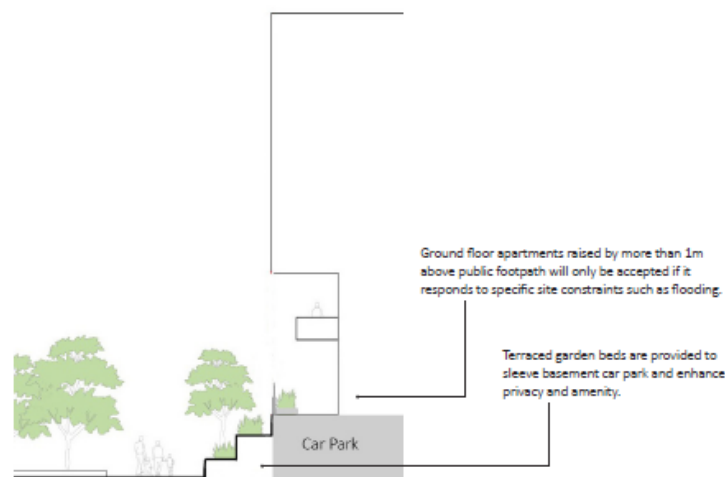


Figure 24 – LLUDG diagram – public domain interface to above-ground car park

A number of the units on the ground floor facing Halifax Street exceed one metre above the level of the linear park. Building 3 contains one unit fronting Halifax Street and it is located within one metre of the level of the adjoining linear park, however, Building 2 contains two units with a floor level exceeding one metre above the level of the linear park. The applicant has attempted to step the building in response to the topography, however, there is a fall of approximately 6.03 metres from the south to north and achieving compliance with the control is difficult to achieve. It is noted that the units that do not achieve compliance have an interface with the linear park which

contains existing and proposed plantings which will soften the appearance of the development form the public domain. The landscaping plan depicts a line of strip planting under the ground floor terrace in order to soften the appearance of the blank wall presenting to the park (**Figure 25**). It is considered that the proposal results in a satisfactory outcome given the topography.

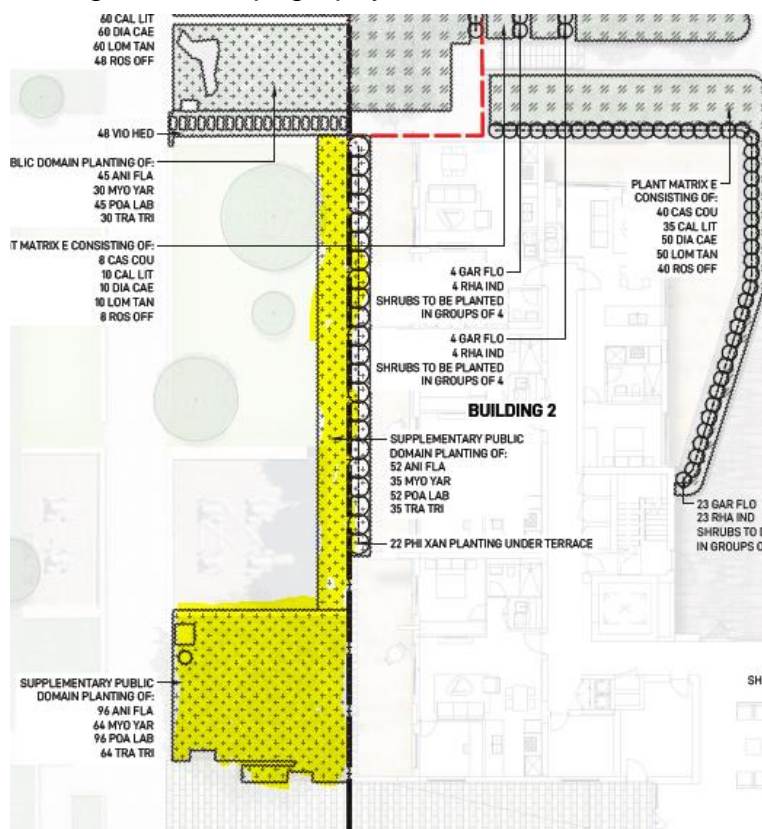


Figure 25 – Extract of landscaping plan depicting proposed plantings fronting units which are located more than one metre above the surrounding ground area (in yellow highlight)

City of Ryde Section 7.11 Development Contributions Plan 2020

Council's current Section 7.11 Development Contributions Plan 2020 effective 1 July 2020 requires a contribution for the provision of various additional services required as a result of increased development density. The contribution is based on the number of additional dwellings within the development proposal. The contributions payable with respect to the increase housing density on the subject site (being for residential development within the Macquarie Park Area) are as follows:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$1,846,908.32
Open Space & Recreation Facilities	\$3,560,740.32
Roads & Traffic Management Facilities	\$252,395.68
Plan Administration	\$84,901.28
The total contribution is	\$5,744,945.60

Condition No. 23 on the payment of Section 7.11 Contribution of \$5,744,945.60 has been included in the draft notice of determination attached to this report.

(iiia) Any planning agreement

No Planning Agreement is required or has been offered to be entered into with Council.

(iv) The regulations

Environmental Planning and Assessment Regulation 2021

The Regulation underpins the day-to-day operation of the NSW planning system. The Regulation guides the processes, plans, public consultation, impact assessment and decisions made by local councils, the Department of Planning and others. Standard conditions are recommended relating to compliance with BCA and AS.

The proposal is consistent with the Regulation. Clause 69 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). These matters have been addressed via standard conditions of consent regarding compliance with the BCA and Australian Standards.

The proposal is consistent with Clause 61 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2001. A standard condition is imposed requiring the person having the benefit of this consent to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken.

(c) The likely impacts of the development

The assessment demonstrates that the proposal will not have any significant adverse impacts upon any adjoining properties or the environment in general due to the nature of the development. All relevant issues regarding environmental impacts of the development are discussed within this report.

Tree Removal/Retention

The proposal includes the removal of 14 trees within the site and 23 trees within the linear park are proposed to be removed as they are located adjacent to the front boundary and are not compatible with a nil front setback.

One tree within the site is proposed to be retained and 14 trees external to the site but in close proximity are proposed to be retained and protected during works. **Figure 26** depicts the locations of the trees to be removed and retained.



Figure 26 – Plan depicting trees proposed to be removed (in red outline) and trees to be retained (in green shading)

The trees proposed to be removed in the linear park comprise one Lilly Pilly, two Trident Maples and 20 Weeping Lilly Pillies. These trees are located on the eastern edge of the linear park and are adjacent to the front boundary of the subject site. As a result of the construction of the basement car park, which has a nil setback to the front (western) boundary, and as a result of the provision of the three pedestrian access points from Halifax Street, there will be a major unsustainable impact on the Tree Protection Zone and Structural Root Zone of these trees. It is noted that the LLUDG permits and envisages a nil front (western) setback for the basement and ground floor private open space areas and the development complies with this intent. It is considered that the trees on the eastern edge of the linear park were poorly located given the intent of the controls in allowing for a nil setback to the linear park.

Condition No. 63 has been recommended which requires replacement plantings within the linear park at a ratio of 1:1 comprising 75 Litre pot sizes. The condition states that the exact planting details (species) are to be approved by Council's Executive Manager City Development prior to the issue of any Construction Certificate. Council's Senior Coordinator Parks Planning has been consulted on this recommended condition and is satisfied in relation to its wording.



Figure 27 – View of some of the trees on eastern edge of linear park to be removed

The 14 trees within the site to be removed comprise regrowth vegetation including five Black Wattles, five Swamp Oaks and four Sydney Golden Wattles. These trees are located within the building footprint and their retention is unsustainable. Given that these trees all comprise regrowth vegetation, no objection is raised to their removal subject to the proposed replacement plantings.

The landscaping plans outline a number of replacement tree plantings within the site and within the adjoining linear park as depicted in **Figure 28**.



Figure 28 – Proposed advanced replacement tree plantings

It is noted that the plans depict a total of 56 advanced tree plantings within the site and four advanced tree plantings within the linear park (which will be supplemented by the replacement tree plantings as required by **Condition No. 63**). The plans also depict the planting of a vast array of shrubs and ground covers both within the linear park and within the subject site. The proposed extent of tree removal is considered satisfactory given the extensive amount of plantings detailed in the landscaping plans and as required by **Condition No. 63**.

The development is considered satisfactory in terms of environmental impacts.

(d) Suitability of the site for the development

The site is zoned R4 High Density Residential and benefits from the State Significant Development approval for the subdivision which includes the allocation of gross floor area for the site. This proposal is for improvements for the site which delivers a complementary land use in the form of 304 x 1 to 3 bedroom residential apartments.

The site is located in close proximity to a number of modes of public transport and has a high level of road access.

The proposal positively contributes to the overall architectural quality of the Macquarie Park Corridor and fits sensitively into the streetscape.

This assessment demonstrates the proposal will not result in any significant adverse impacts to adjoining properties or the streetscape. The proposed site is therefore considered to be suitable for the development.

(e) Any submissions made in accordance with this Act or the regulations

The application was notified and advertised as lodged in accordance with Part 2.1 of *Ryde Community Participation Plan* to the owners and occupants of surrounding properties between 18 January and 20 February 2023. In response, seven submissions were received objecting to the proposal.

The applicant submitted amended plans and documentation which incorporated an amended unit mix, an additional storey for Building 1 and changes to the presentation to Halifax Street which were subsequently re-notified. In response, one submission was received (from a previous objector) objecting to the development.

The issues raised in the seven initial submissions are addressed below:

A. Parking during construction phase. *This will be a large project with 250 to 400 workers daily. It is unclear how the principal contractor will accommodate parking for the all the workers who will be involved in the project.*

Council response: A condition of consent is recommended requiring the preparation and submission of a Construction Pedestrian and Traffic Management Plan which will be subject to review and approval by Council's Traffic Engineers (**Condition No. 54**). This document will be required to include a methodology for the parking of worker's vehicles during the construction phase.

B. Energy efficiency. *The units are proposed to have gas cooking appliances instead of induction or electric cook tops. The energy efficiency report does not state whether the conventional electric water heater system uses heat pump design or not. The clothes dryers selected are not overly energy efficient and could be better. The EER rating of the single phase air conditioning in each unit could be more efficient.*

Council response: The objector is correct in saying that the units are proposed to have gas cooktops. There is a central boiler proposed for hot water generation for all of the units, rather than single hot water systems for every unit. It is noted that the design features of the units will likely result in the clothes dryers and air conditioning not being used regularly.

The application was accompanied by an Energy Efficiency and Ecologically Sustainable Development Design Report which outlines the following features that will be included in the development:

- Passive and active energy saving measures such as operable windows to enhance natural ventilation through serviced apartments, where appropriate; -
 - 62.3% of the proposed residential units will be naturally cross ventilated.
- The form dictated by the site has been designed to maximise the solar access of residential units;
 - 77.6% of the living rooms and private open spaces of the proposed apartments will receive a minimum of 2 hours direct sunlight between 9.00 am and 3.00 pm at mid-winter.
- Incorporation of thermal mass.
 - Concrete slab construction is proposed for all floors throughout the development - concrete has amongst the highest thermal mass capacity of a range of common building products. External walls, structural internal walls and slabs of the proposed development should be predominantly high thermal mass materials.
- LED energy efficient lighting for all residential units;
- Central boiler hot water for residential apartments;
- Single-phase air conditioning systems are to be installed within each residential dwelling in the living and bedroom areas. The system is to have an EER rating of between 3.0 – 3.5 for cooling and heating.
- A gas cooktop and electric oven to be installed within each residential dwelling.
- A solar PV system will be installed being a 10 kW PV system to minimise greenhouse gas emission.

- A 10 kW PV solar system will offset approximately 13.87 MWh/year of energy usage.
- The estimated greenhouse gas CO₂ emission saving is approximately 11,733 kgCO₂/annum
- Dishwasher units to be installed within each residential dwelling. The dishwasher units are to have an energy efficiency rating of at least 3.5 stars.
- Clothes dryer units to be installed within each residential dwelling. The clothes dryer units are to have an energy efficiency rating of at least 2.5 stars
- All residential kitchen taps are to be 5-star;
- All residential bathroom taps are to be 5-star;
- All residential shower heads are to be 4.0 Stars (>4.5 but <=6.0L/min).
- All residential toilet flushing systems are to be 4-star;
- Dishwashers and clothes washers to have a minimum 3.5-star water efficiency rating; and
- Provision of 60,000 Litre rainwater tank for irrigation.

C. Bicycle parking. *The amount of allocated space for bicycle parking is insufficient.*

Council response: The Ryde DCP – Part 9.3 – Parking Controls states that where the floor space exceeds 600m² GFA, bicycle parking is required to be provided at the rate of 10% of the required number of parking spaces. The DCP specifies a maximum car parking provision of 263.1 (rounded up to 264) resident spaces and 30.4 (rounded up to 31) visitor spaces based on the proposed unit mix. The proposal provides a total of 263 resident spaces and 30 visitor spaces. The basement Level 1 plan depicts a total of 32 bicycle parking spaces at various locations on this level which exceeds 10% of the provided car parking spaces. As a result it is considered that there is adequate bicycle parking proposed within the development.

D. Building Height. *The approval of a 29 storey building on the subject site would set a precedent for future development applications for the Lachlan's Line precinct.*

Council response: The site is subject to three maximum building height controls under the Ryde Local Environmental Plan 2014, being: 33m, 75m and 99m. The proposal has the following maximum building heights, which comply with the RLEP 2014 controls in the relevant parts of the site:

- Building 1: 91.6m (RL 142.1m)
- Building 2: 24.53m (RL 70.7m)

- Building 3: 20.53m (RL 65.6m)

As outlined in **Figure 29** below, the proposed buildings comply with the RLEP 2014 height control:

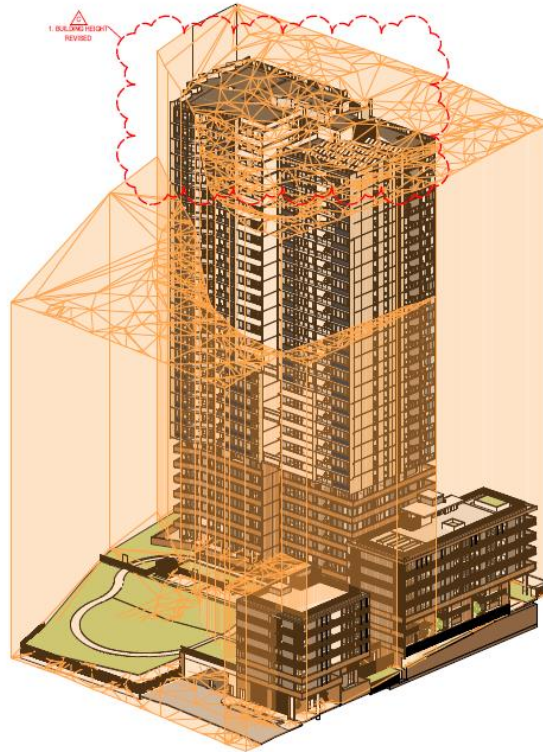


Figure 29 – Height Plane Diagram depicting compliance with RLEP 2014 Height Controls

Given that the proposal complies with the RLEP 2014 height controls it will not set a precedent for future applications in the Lachlan's Line precinct.

E. Carparking and Traffic. *The proposal includes 300 on-site car parking spaces. This does not encourage walking and cycling or the use of public transport. The intersection of Waterloo Road/Wicks Road/Halifax Street experiences significant traffic congestion on weekdays.*

Council response: The Ryde DCP – Part 9.3 – Parking Controls specifies a maximum permitted car parking provision of 263.1 (rounded up to 264) resident spaces and 30.4 (rounded up to 31) visitor spaces based on the proposed unit mix. The proposal provides a total of 263 resident spaces and 30 visitor spaces which achieves compliance with the DCP.

Transport for NSW's *Guide to Traffic Generating Developments* (GTGD) and its Technical Direction specify the following traffic generation rates applicable to the proposed residential development:

High Density Residential Flat Dwellings

AM Peak = 0.19 vehicle trips per unit

PM Peak = 0.15 vehicle trips per unit

Based on the above trip generation rates, the proposed 304 units is expected to generate up to 58 AM and 46 PM peak hour vehicle trips to and from the site.

The following table provides a summary of the traffic modelling outcomes from PDC Consultants traffic report at the intersections of Waterloo Road/Halifax Street/Wicks Road, and Epping Road/Wicks Road, which are most affected by the proposed development.

Scenario	Intersection	Peak Period	Average Delay(s)	LOS
Existing (pre-development)	Waterloo Road / Halifax Street / Wicks Road	AM	15.7	B
		PM	18.2	B
	Epping Road / Wicks Road	AM	55.3	D
		PM	58.4	E
Existing+ Development (post - development)	Waterloo Road / Halifax Street / Wicks Road	AM	16.1	B
		PM	18.5	B
	Epping Road / Wicks Road	AM	55.5	D
		PM	58.4	E

The above table indicates that the operational performance of the intersections of Waterloo Road/Halifax Street/Wicks Road, and Epping Road/Wicks Road is expected to remain unaltered despite some minor increases in average vehicle delay and degree of saturation.

It is noted that the traffic implications associated with the proposed development have been previously assessed as part of the approved Concept Plan No. SSD5093.

The application is accompanied by a Green Travel Plan which notes that in the Macquarie Park suburb, 42% utilise public transport for journeys to and from work, 38% utilise private vehicles and 20% travel by active transport only. These figures are expected to be replicated by the proposed development given its proximity to the North Ryde Metro Station and a number of bus routes.

F. Overall Character and Form. *The scale of the proposed development reflects a reallocating of the floor space in the SSD approval, resulting in a 29 storey tower. This is a significant change from the height as was approved as part of the original concept plan.*

Council response: The SSD approval did not contain any plans depicting approved building heights. Whilst the concept proposal did include some block form and massing plans, these did not form part of the approved plans package and are taken to be indicative in nature. The SSD approval did involve the allocation of maximum GFA's to each of the created lots and the proposal achieves compliance with the allocated GFA for the subject site. Further, the proposal achieves compliance with the Ryde Local Environmental Plan 2014 maximum permitted building heights as detailed earlier in this report.

G. Overshadowing. *The 29 storey residential building results in overshadowing to the Civic Quarter. The majority of this overshadowing will fall on the Lachlan's Line Education Campus and the Wicks Rd Civic Quarter, situated west of 5*

Halifax Street. While the rationale behind the re-distribution of the buildings' gross floor area is understood, additional amenity impacts on the land holding is not supported.

Council response: The objector is referring to the adjoining property to the south (which has been identified as a possible future school site) and the properties located to the west of the Lachlan's Line precinct and bounded by Wicks Road and Epping Road. This area is referred to as Wicks Road South in the Macquarie Park Innovation Precinct Place Strategy (**Figure 30**) and is identified as a future commercial core.



Figure 30 – Proposed Structure Plan for the Wicks Road South Precinct – the area referred to is circled in red

Shadow drawings have been submitted by the applicant (**Figure 31**). Due to the placement of a tall, slender tower in the southern portion of the site, the shadow is fast moving and ensures good levels of solar amenity to the communal open space located in the centre of the site (to the north of the tower). While there is some additional shadow impact to the Wicks Road South Precinct, it will only occur between 9am and 10am and will be unaffected by the proposed development during the remainder of the day. The development will result in a significant extent of overshadowing on the adjoining site to the south (possible future school site) during most hours of the day between 9am and 3pm on June 21 but there will be no point during the day when this entire site

will be overshadowed by the proposed development. It is noted that detailed solar heat mapping has been undertaken of adjoining sites, including the adjoining site to the south. The analysis demonstrates that this site, if built in accordance with the assumed envelopes in the LLUDG, can achieve adequate levels of solar access, in accordance with the ADG (if it is developed for the purpose of residential flat buildings).



Figure 31 – Submitted shadow diagrams as at June 21 (winter solstice)

H. Impacts on Privacy and Skyline. Concern is raised in relation to Building 1 (29 Storeys), which at that height would begin to impede the objector's privacy (as the upper levels would be looking into the front and back yards or residents in the area), as well as impacting the current skyline (with an imposing apartment building). Council has, on numerous occasions, promoted the 'green scape' of the area as a primary concern for any change, and a 29 storey building

would seriously impact the visible green scape of the residents around this development.

Council response: The objector is located in Morshead Street, which is located approximately 490 metres from the subject site. Building 1 (which is the subject of this submission), is bounded by proposed communal open space to the north, a possible future school to the south, the M2 Motorway to the east and Building 2 to the west. There are, therefore, no existing neighbouring residential buildings in close proximity to the site. Therefore, there are no privacy impacts to the immediate surrounding area. Building separation distances generally comply with the ADG. Where there are non-compliances, windows are staggered (with 600mm deep hoods), and privacy screens to bedrooms are proposed to ensure visual privacy is maintained.

- I. Lack of Services.** *There aren't enough services to support 300 new apartments in the area; Wicks and Epping Roads are congested, public transport is not fantastic at the best of times, and there aren't enough schools - or school places, for the numerous new families that could be coming into the community.*

Council response: The subject site is located 700 metres from the North Ryde metro station, is located in close proximity to numerous bus routes and it is understood that a school is being planned for the precinct by the NSW Department of Education. Further, Sydney Water have advised that the development is capable of being adequately serviced for water and sewer. Therefore, it is considered that there are adequate services in the locality to cater for the development.

Issue Raised in Second Submission

As a result of the re-notification of the application following the receipt of amended plans, one further submission was received from one of the original objectors. The further submission raised the following issue:

- A. Overshadowing.** *It appears that the extent of overshadowing impact has been marginally increased from the original design given the additional storey proposed on Building 1. Concern is raised in relation to this further potential impact of overshadowing on the landowners holdings as part of the Wicks Road South precinct which has been identified by the Macquarie Park Innovation Precinct Place Strategy as accommodating up to 2000 dwellings.*

It is believed that the planning context for Lachlan's Line is now very different from when it was originally approved when considering the Place Strategy. Accordingly, whilst the detailed planning of Wicks Road South is yet to be undertaken, it is considered that any further encroachment by overshadowing may be contrary to the Place Strategy and seek an assurance from Council that this concern has been considered.

Council response: This matter has been partially addressed in under Issue G earlier in the submissions section. The amended plans only result in a minor increase in overshadowing on the Wicks Road South precinct at 9am on June

21 (**Figure 32**). The precinct will be unaffected by overshadowing from the development after 10am on June 21.

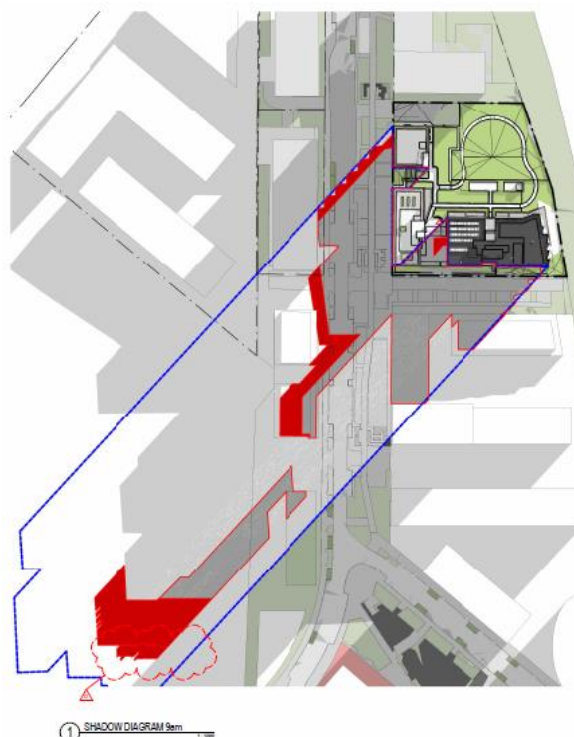


Figure 32 – 9am shadow diagram depicting impact posed by the additional height in red shading

(f) The public interest

The public interest is best served by the consistent application of the requirements of relevant Environmental Planning Instruments and by Council ensuring that any adverse effects on the surrounding area and the environment is minimised. The proposal has been assessed against the relevant planning instruments and is considered to be acceptable. The proposed mixed use development does not significantly or unreasonably affect surrounding sites.

The proposal introduces residential apartments which positively contribute to the high quality housing stock and provides housing diversity in the Macquarie Park Corridor. Commercial premises are also provided which enhance the liveability and activation of the site.

The proposal also comprises suitable flood and bushfire mitigation measures, protection of remnant trees, the provision replacement tree planting and new landscaping, and a high quality built form which is in keeping with the uplift of this locality. The overall design of the proposed development offers a high quality development outcome which is not contrary to the public interest.

The issues raised in the submissions do not warrant the refusal of the DA.

On this basis, the proposal is not considered to raise any issues that would be contrary to the public interest.

7. REFERRALS

External Referrals

Transport for NSW (TfNSW): The application was referred to TfNSW under the provisions of Clauses 2.121 and 2.122 of SEPP (Transport and Infrastructure) 2021. TfNSW provided correspondence dated 17 January 2023 and do not raise any objection to the proposal subject to recommended conditions of consent, which are as follows. See **Condition 11**:

1. The eastern boundary of the development shall not encroach the M2 western boundary. All access is denied across this boundary.

2. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@transport.nsw.gov.au

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

3. A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a construction certificate.

WaterNSW: The application was referred to WaterNSW under Section 90 of the Water Management Act 2000 given that the proposal requires a dewatering licence. Water NSW provided General Terms of Approval (GTA's) dated 16 June 2023. A condition of consent has been recommended requiring compliance with the GTA's (**Condition 10**).

Sydney Water: The application was referred to Sydney Water under Section 78 of the Sydney Water Act 1994 given that the proposal includes over 100 residential units. Sydney Water provided correspondence dated 14 June 2023 and does not raise any objection to the proposal. Sydney Water provided information for the purpose of assisting with planning the water, wastewater and recycled water servicing needs of the development. No conditions of consent were recommended by Sydney Water with the standard Sydney Water conditions being recommended. See **Condition Nos. 62 and 131**.

Ausgrid: The application was referred to Ausgrid under the provisions of Clause 2.48 of SEPP (Transport and Infrastructure) 2021. Ausgrid provided a response dated 20 March 2023 raising no objections subject to requirements relating to overhead and underground powerlines in the vicinity of the site. See **Condition No. 12**.

NSW Local Police: The Crime Prevention Officer of the NSW Local Police Ryde Local Area Command has reviewed the proposal and does not raise any objection given the proposal satisfies the principles of Crime Prevention through Environmental Design (CPTED). The Police recommended a number of conditions of consent which have been addressed in **Condition No. 13**.

Internal Referrals

Senior Development Engineer: Council's Senior Development Engineer reviewed the proposal and raised no objection. The following comments were provided:

Stormwater Management

Key points noted in the original review:

- The development requires a rainwater tank of 60,000L as per the BASIX certificate which is noted to be provided and will remove a significant level of runoff being discharged to the public drainage system.*
- The on-site detention (OSD) tank required a second pair of access hatches be provided midway along the length of the tank. This has been addressed in the revised plans.*
- The design of the OSD had been based on Council's simplified design procedure. The applicant had initially responded with a spreadsheet of the DRAINS analysis however in liaison with the consultant, the actual data files were provided. The DCP however states the use of this method is limited for development on sites less than 3,000m², advising that for larger sites a more refined analysis (ie DRAINS analysis) is warranted. It would be prudent to have the system modelled by DRAINS by the consultant.*

Standard conditions of consent are recommended.

Vehicle Access and Parking

A review of the proposed vehicle access and parking notes:

- The carshare bays need to be offset 2.5m back from the front boundary alignment so as to ensure a clear sight distance splay is provided and vehicles having to stand in the public domain when manoeuvring into spaces.*
- Visitor space 11 on Basement 1 provides a parallel parking space. This will warrant an upright kerb to be offset at least 200mm from the adjoining wall and extended around the perimeter of the space and along the wall to the west.*

A condition of consent is recommended in this regard.

The maximum level of parking proposed by the development as per the parking controls rates in the Ryde DCP – Part 9.3 – Parking Controls is as follows;

Unit Type	Quantity	Maximum Resident.	Max. Visitor	Bicycle
1 Bedroom	80	48		
2 Bedroom	197	177.3		
3 Bedroom	27	37.8		

TOTALS	304	263.1	30.4	26.31
		(264)	(31)	(27)

The development proposes;

- 263 resident spaces (30 of which are disabled spaces),
- 30 visitor spaces (2 of which are disabled spaces),
- 10 motorcycle spaces,
- 32 bicycle spaces and
- 6 car share spaces.

The proposed extent of car parking and bicycle parking is therefore compliant with Council's controls.

Recommendation

There are no objections to the proposed development in respect of Development Engineering matters subject to recommended conditions of consent. See **Condition Nos. 17, 18, 19, 20, 27, 28, 29, 30, 31, 32, 33, 34, 70, 71, 89, 90, 91, 92, 93, 94, 132, 133, 134, 135, 136, 137, 138, 139 and 160.**

City Works – Public Domain: Council's Activation and Compliance Officer reviewed the proposal and raised no objection subject to recommended conditions of consent. See **Condition Nos. 14, 15, 16, 50, 51, 52, 53, 72, 73, 98, 140, 141, 142, 143, 144, 145 and 146.**

City Works – Traffic: Council's Traffic Engineer reviewed the proposal and raised no objection. The following comments were provided:

External Traffic Implications

Transport for NSW's Guide to Traffic Generating Developments (GTGD) and its Technical Direction (TDT2013/04a) specify the following traffic generation rates applicable to the proposed residential development:

High Density Residential Flat Dwellings

AM Peak = 0.19 vehicle trips per unit

PM Peak = 0.15 vehicle trips per unit

Based on the above trip generation rates, the proposed 304 units is expected to generate up to 58 AM and 46 PM peak hour vehicle trips to and from the site.

The following table provides a summary of the traffic modelling outcomes from PDC Consultants traffic report at the intersections of Waterloo Road/Halifax Street/Wicks Road, and Epping Road/Wicks Road, which are most affected by the proposed development.

Scenario	Intersection	Peak Period	Average Delay(s)	LOS
Existing (pre-development)	Waterloo Road / Halifax Street / Wicks Road	AM	15.7	B
		PM	18.2	B

Existing+ Development (post - development)	Epping Road / Wicks Road	AM	55.3	D
		PM	58.4	E
	Waterloo Road / Halifax Street / Wicks Road	AM	16.1	B
		PM	18.5	B
	Epping Road / Wicks Road	AM	55.5	D
		PM	58.4	E

The above table indicates that the operational performance of the intersections of Waterloo Road/Halifax Street/Wicks Road, and Epping Road/Wicks Road is expected to remain unaltered despite some minor increases in average vehicle delay and degree of saturation.

It is noted that the traffic implications associated with the proposed development have been previously assessed as part of the approved concept masterplan for the North Ryde Station Precinct (Reference No.: SSD 5093). The transport study prepared by Parsons Brinckerhoff forming part of the approved concept masterplan recommended the following infrastructure improvements within the surrounding public road network:

- 1) Signalisation of the intersection of Waterloo Road/Halifax Street/Wicks Road;
- 2) Additional turning lanes within Waterloo Road at its intersection with Lane Cove Road; and
- 3) Additional turning lanes within Wicks Road at its intersection with Epping Road

With regards to the abovementioned upgrades, item 1 has been completed and item 2 is to be provided as part of Transport for NSW's Macquarie Park Bus Priority and Capacity Improvement Project. Transport for NSW currently have no plans in place to undertake the upgrade of the intersection of Epping Road/Wicks Road.

Based on data from Transport for NSW, traffic along Epping Road in the vicinity of development site during weekday peak hour periods have been observed to generally decrease over the last 10 years. This is primarily attributed to increase in public transport usage and more drivers electing to travel outside of traditional peak hour periods.

In conclusion, based on the above discussion, Traffic Services department therefore has no objection to the approval of this application subject to the recommended conditions. **See Condition Nos. 54, 55, 72, 74, 75, 97, 147, 148, 149, 150, 151 and 161.**

City Works – Waste: Council's Waste Officer reviewed the proposal and provided the following comments:

The proposal is for development of 304 residential units over 3 buildings. The waste will be collected from basement level 1. There are two loading zones, one for a HRV and one for a MRV, located alongside the bin holding room and bulky waste room. Safe unobstructed access is needed for the waste collection vehicles to perform waste collections. No Conduit must obstruct height clearance or vehicle access.

A dual chute is provided on each level of each building, with waste being discharged into 1100L bins and recycling into 660L bins. Building 3 only has 15 units, so the waste will be discharged into 660L bins at this location.

Bulky Waste Room

The Bulky Waste room depicted in the architectural plans meets the requirements of Council and a clear pathway from the elevators to the room has been detailed. All bulky waste materials and bins will be presented in the loading zone for collection by the waste collection contractor.

Vehicle Access

The bins and bulky household waste will be serviced within the building to ensure that the amenity of the building is not compromised, and the residents are not affected by noise. To ensure that waste services can be performed, the height clearance required will be 4.5m for an 11m long truck. The trucks will service the bins utilising a rear load vehicle. Swept paths for the above truck sizes are required to ensure that they can enter and exit the loading bay in a forward direction.

Food Organics Recycling

Bins and a bin bay have been designated for Food Organics recycling bins. Council will issue FO or FOGO bins and signage to the development once the food organics recycling service commences.

*No objection is raised in relation to waste management subject to recommended conditions. **See Condition Nos. 35, 36, 37, 99, 100, 152, 153, 154 and 159.***

Heritage Officer: The following comments were provided by Council's Heritage Officer:

Heritage details

- *European heritage:*
 - *the development site is not a heritage item of Ryde LEP.*
 - *the development site is within the vicinity of a heritage item, being the Northern Suburbs Cemetery(#44).*
- *Aboriginal heritage:*
 - *the AHIMS/ Heritage Office database held by Council indicates there are no known Aboriginal Sites and Places on the site. The HIS refers to two archaeological impact reports undertaken for the development site by Artefact in 2014 and 2016 (for the SSD), which indicates low potential for archaeological remains associated with agricultural use of the site and lands nearby only.*

Site details

- *The site falls to the west (Halifax Street), therefore highest point on M2 boundary side – closest to the HI/ Cemetery.*
- *Between the site and the heritage item (#44) is the M2 Motorway.*

- Views to the site from the M2 Motorway are limited to the boundary of the site and trees.
- Views from the site and the M2 Motorway to the heritage item (#44) is of the landscape mound (18m wide) and its mature plantings, that runs generally the length of the boundary adjoining the M2 Motorway (661m).
- The site is zoned: R4 High Density Residential. The site is not in urban town centre or special character area (Ryde DCP 2014). The site is part of an Urban Activation Precinct (UAP) instigated by DPE (Landcom), for which there is a UPA DCP (high density precinct site) and an SSD approval (#5093) - no heritage mitigation measures nominated in the SSD approval.

Heritage assessment

1. HIS by consultant. Is of the view that:

- (a) The buildings to be built on the development site will have moderate visual impact (from height/ scale) on the Cemetery and at the design/ DA stage the materials and finishes of the buildings should be considered to soften the visual impact on the cemetery. This has been addressed via the general assessment of the proposal with Panel comments incorporated into updated material sand finishes in the latest amended plans. The view is supported.*
- (b) Views from HI/ Cemetery towards the development site don't contribute to the significance of the HI. This view is supported, and the Cemetery's perimeter planning acts to focus internal views and setting to support the Cemetery's usage.*
- (c) The development site's existing plantings to the M2 boundary (with Cemetery on other side), to be retained to contribute to a 'visual barrier' to the cemetery. Additional plantings with are planned to add to the existing plantings on the M2 boundary, see the amended Landscape Plan.*
- (d) The significance of the HI/ Cemetery's relates to historical association with its early establishment, social association with its use, aesthetic association with its landscaped grounds. As noted above, the statement of significance is amiss and being located for posting to the SHI Registry. However, the view on the sigincnae of the HI/Cemetery is supported. – it's one of the earliest new-age landscaped cemeteries, along with the North Suburbs Crematorium nearby.*

2. The most relevant matters for the proposal and the heritage item (#44) in the vicinity of the development site is the height of buildings and any potential impact that height may have on the Cemetery i.e. visual. The tallest of the three (3) buildings, Building 1 is a tower (28 storeys) and will have a height of RL 138m and will be located in the north-east corner of the site, with a side façade (shorter) presenting to the M2 Motorway. The other two buildings will

be located on the southern side of the site and present to Halifax Street, Building 2 (6 storeys), height of RL 70.7m and Building 3 (6 storeys), height of RL 65.6m.

3. *Given the slope of the development site (highest point on M2 boundary, the plantings buffer on the M2 boundary, the buffer of the M2, the landscape batter on the HI/ Cemetery boundary with the M2 and the development concept of the SSD approval (high density) it is considered that there will be no adverse impact of the proposal on the likely historical, social and aesthetic values of the HI/ Cemetery. The focus of the Cemetery's landscape setting design is the internal landscape setting for burials services and commemoration by visitors, reinforced with permitter plantings planted to screen out and ameliorate noise.*

*In conclusion, the proposal will have no adverse impact on the value of heritage item in the vicinity of the heritage item, and is supported on heritage grounds subject to a recommended Condition. See **Condition No. 22.***

Environmental Health Officer: Council's Team Leader Environmental Health has reviewed the proposal and advised that no objection was raised subject to standard conditions of consent being imposed. See **Condition Nos. 21, 58, 59, 60, 61, 78, 110, 128, 129, 130, 155, 164, 165, 166, 167, 168, 169, 170, 171 and 172.**

Consultant Landscape Architect / Arborist: Council's Consultant Landscape Architect/Arborist reviewed the final Landscape Plans and supports the proposal, subject to recommended conditions of consent. **See Condition Nos. 63, 64, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121 and 123.**

Consultant Structural Engineer: Council's Consultant Structural Engineer reviewed the proposal and raised no objection subject to recommended conditions. **See Condition Nos. 31, 41 and 93.**

8. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the likely impacts identified in this report, it is considered that the application can be supported, subject to conditions.

The likely impacts as outlined in this report have been resolved satisfactorily through amendments to the proposal and in the recommended draft conditions at **Attachment 5**. Therefore, it is recommended that the application be approved for the following reasons:

- The proposed residential flat building development is consistent with the objectives and development standards for land zoned R4 High Density Residential.
- This proposal positively contributes to the overall architectural quality of the Macquarie Park Corridor and fits sensitively into the streetscape.

- The issues raised in the submissions do not warrant the refusal of the application and have been adequately addressed in the Assessment report.
- The proposed development does not create unreasonable environmental impact to existing adjoining development.
- The proposal is not contrary to the public interest.
- The site is considered to be suitable for the proposed development.

9. RECOMMENDATION

- A. That the Sydney North Planning Panel accepts that the Clause 4.6 written request to vary the floor space ratio standard (Clause 4.4) in LEP 2014 has adequately addressed the matters in subclause (4) and will be in the public interest as it is consistent with the objectives of the development standard in Clause 4.4 and the objectives of the R4 High Density Residential zone of Ryde Local Environmental Plan 2014.
- B. That the Sydney North Planning Panel, as the consent authority, grant development consent to Development Application No. LDA2022/0390 for a residential flat building development at land at 5 Halifax Street, Macquarie Park, subject to the draft conditions contained in **Attachment 4**.
- C. That Transport for NSW, Water NSW, Ausgrid and Sydney Water be advised of the decision.
- D. That those who made a submission be advised of the decision.

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ATTACHMENTS

Attachment 1: Proposed Architectural Plans

Attachment 2: Proposed Landscape Plans

Attachment 3: Applicant's Clause 4.6 Request

Attachment 4: Assessment against ADG & DCP

Attachment 5: Recommended Conditions of Consent