

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSNH-485
DA Number	LDA2024/0066
LGA	City of Ryde
Proposed Development	Residential flat building (Building A) and associated works comprising: <ul style="list-style-type: none"> i. Torrens Title subdivision of the land into 2 lots; ii. Construction of a 24 storey residential flat building containing 231 apartments and basement parking over proposed Lot 1; iii. A Stratum subdivision to divide the basement carpark into 2 separate lots with shared circulation and shared access from the proposed Mews Road; iv. Associated Mews Road construction, landscaping, civil works, pedestrian pathways, vehicle charging, waste and loading areas, and communal open space
Street Address	Lot 102, DP 1224238 3 Halifax Street, Macquarie Park
Applicant/Owner	Landmark Group Australia Pty Ltd
Date of DA lodgement	12 April 2024
Total number of unique submissions	One (1)
Recommendation	Approval
Regionally Significant Development (Schedule 6 of the SEPP (Planning Systems) 2021)	General development over \$30 million. Cost of works: \$100,345,000 excluding GST.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Water Management Act 2000 • Environmental Planning and Assessment Act 1979 • Environmental Planning and Assessment Regulation 2021 • State Environmental Planning Policy (Housing) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Industry and Employment) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Sustainable Buildings) 2022 • 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 and Subdivision Plans Attachment 2: Proposed Landscape Plans Attachment 3: Assessment against ADG & DCP Attachment 4: Recommended Conditions of Consent
Clause 4.6 requests	Precautionary 4.6 submitted for Floor Space Ratio. The report finds it unnecessary; see discussion later in the report.
Summary of key submission issues	Overshadowing
Report prepared by	Glenn Apps – Consulting Town Planner
Report date	20 November 2024

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 3 Halifax Street, Macquarie Park, which is legally described as Lot 102, 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 (LDA2024/0066) was lodged on 12 April 2024 and seeks consent for the Torrens title subdivision of land into two lots, construction of a residential flat building (Building A) on lot 1, containing 231 apartments over 5 levels of basement carparking accommodating 242 car spaces, stratum subdivision of basement, construction of 'Mews Road', tree removal and landscape works.

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 and plans in response to concerns raised by Council. It was deemed that the minor changes outlined in these plans did not necessitate re-notification of the application.

A total of one (1) submission was received during the notification period raising the following key issue:

We note the resultant overshadowing impacts onto Wicks Road South. We note that master planning on behalf of the landowners group is currently underway on the land immediately adjacent to the proposed development. This master planning contemplates higher density housing not dissimilar to Lachlans Line and a large 'central park'. Doing so is consistent with the direction of the TOD precinct planning underway by State Government. It is understood that the Department's master planning will be exhibited sometime in July to September. Accordingly, it is critical that any determination of this development application not prejudice that master planning and therefore the TOD housing initiative.

By way of specific reference to the current master planning underway on behalf of the landowners, we note that the proposed development will impact the proposed northern most building and some of the community open space ('central park'). More generally, this again confirms the importance of no decision being made on the development application until there is greater clarity and certainty over the current Department planning.

We further query the density planned for Building B; while not directly forming a part of this application, future developments within Lachlan's Line should adhere to the original, approved concept development. In summary, while the justification of a higher density at the subject site is supported, we recommend further consideration of any overshadowing impacts to Wicks Road South precinct, including the future community open space.

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.

The SSD 5093 allocated a total 42,949m² of GFA to the site which prevails over the development standard for FSR under Clause 4.4 of the Ryde LEP 2014.

Based on the allocated GFA of 42,949m² approved under SSD 5093, divided proportionally across the 2 proposed Torrens Title lots, a maximum GFA of 20,232m² is allowed for Building A. Building A has a GFA of 20,133m² which is satisfactory when considered against the maximum GFA approved under SSD 5093.

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 a maximum floor space ratios for the site of 3.5:1.

Whilst the applicant provided a precautionary Clause 4.6 request, there has since been a relevant decision in the NSW Land and Environment Court in the matter of *Karimbla Properties (No. 59) Pty Ltd v City of Parramatta Council (2023) NSW LEC 136* where the Court held that the determination of a subsequent development application for the detailed proposal of a site cannot be inconsistent with the concept development consent under Section 4.24(2) of the EP&A Act 1979, a Clause 4.6 request is not required for a development proposal which is consistent with a concept plan approval which already envisages that the standard will be breached. A Clause 4.6 request is not considered to be necessary in this instance.

Under RLEP 2014, the site is subject to a maximum building height of 75m. The proposal achieves compliance with the building height control prescribed by RLEP 2014.

Detailed consideration of the proposal against the Apartment Design Guide (ADG) is provided within **Attachment 3**, as required by Clause 147(1)(b) of SEPP (Housing) 2021. The proposed development is compliant with the provisions of the ADG with the exception of the number of apartments that receive no sunlight on the winter solstice. The ADG provides that a maximum of

15% of apartments may not receive direct sunlight between 9 am and 3 pm at mid-winter. The proposal results in 44 apartments (19%) receiving no direct sunlight between 9 am and 3 pm at mid-winter. While non-compliant, those apartments are provided with sufficient glazing to assist in receiving non-direct sunlight and are generally oriented to achieve views away from the M2 Motorway and cemetery so as to provide some amenity.

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 sets out Council's intent considering the parameters set by the SSD approval. The proposal is consistent with the LLUDG except for the provision of an 8m setback to the eastern boundary for the provision of deep soil and the provision of a "waist line" in the building at the 4 storey level. These non-compliances are addressed in the report.

The applicant has appropriately responded to the requests for information and the proposal provides a suitable 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 internal departments has not identified any fundamental issues of concern, conditions of consent have been recommended.

This report concludes that in its context, this development proposal can 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 4**. 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: \$100,345,000 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 102 DP1224238 and is known as 3 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 6,275m². 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 9m.

The land is currently vacant. The land is grassed with some trees in the northern part of the land and along the eastern boundary. A sedimentation dam exists in the northern corner of the land which will be removed as part of the works. At the time of preparing this report, the land was partially being used to provide construction access and stockpiling of excavated materials to the development adjoining to the south.

The site's eastern boundary is bordered by the M2 Motorway. The site benefits from various transport options in the surrounding locality, including the Metro Rail station, local bus routes and classified road access.

The site's western boundary interfaces Halifax Street and a linear park between the street and the site.

Land to the west across Halifax Street is also within zone R4 and will be developed with high density housing. Adjoining land to the south has approval for an apartment building for which construction has commenced.

The land is adjoined to the east by the M2 Motorway, beyond which is Macquarie Park Cemetery and Crematorium.

The surrounding locality comprises a range of land uses, with mixed-use developments towards the southwest, commercial core and business parks to the north 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 5** below.



Figure 1 – Aerial view of the subject land in context



Figure 2 – Street view of the subject land and Mews Road entry from Halifax Street



Figure 3 – View of the northern part of the site comprising proposed Lot 2



Figure 4 – View of the southern part of the site comprising proposed Lot 12



Figure 5 – View of the linear park between Halifax Street and the subject site

The site forms part of a Concept State Significant Development (SSD) that was approved by the Department of Planning and Environment in 2015.

The Concept SSD application formed part of the activation precinct within Macquarie Park that was announced in 2013 by the then Minister of Planning. On 6 March 2015, development consent was granted for the Concept Proposal and Stage 1 Development Application for the Lachlan's Line precinct under SSD 5093.

The concept proposal permitted the subdivision of the site into 12 allotments, the allocation of floor space across the precinct, and the provision of public open space, roads and infrastructure works.

The Concept SSD and Stage 1 works have been completed. This Development Application is consistent with the approved Master Plan and can be subsequently lodged to council. The SSD 5093 allocated a total 42,949m² of GFA to the site which prevails over the development standard for FSR under Clause 4.4 of the Ryde LEP 2014.

SSD 5093 has been subject to various modifications overtime. The development application remains consistent with the SSD 5093 approval subject to any relevant modifications which are relevant to the site.

4. THE PROPOSAL

Council is in receipt of Development Application LDA2024/0066 proposing a residential flat building (Building A) and associated works.

A further Development Application (LDA2024/0103) has been lodged for a second residential flat building (Building B) on the land which is reliant on works carried out under the application the subject of this report. A second report covers the “Building B” proposal.

The “Building A” proposal involves the following:

- i. Torrens Title subdivision of the land into 2 lots (i.e. for Building A and Building B);
- ii. Site preparation and earthworks including tree removal and clearing;
- iii. Construction of a 24 storey residential flat building containing 231 apartments over proposed Lot 1;
- iv. A part 4 and part 5 level basement across both of the proposed Torrens Title lots for 243 cars;
- v. A Stratum subdivision to divide the basement carpark into 2 separate lots with shared circulation and shared access from the proposed Mews Road;
- vi. Construction of a 6m wide Mews Road which will provide a combined entry and exit to the basement car park and servicing areas;
- vii. Associated landscaping, civil works, pedestrian pathways, vehicle charging, waste and loading areas, and communal open space;

Each component of the DA is detailed below.

i. **Torrens Title subdivision of the land into 2 lots**

The land is to be subdivided into 2 Torrens Title lots as follows:

Proposed Lot	Size (m ²)
1	3,785
2	2,491

The proposed lot boundary between Lots 1 and 2 follows the centre of the proposed Mews Road, with half width of the Mews Road on Lot 1 and half width on Lot 2.

The subdivision layout is shown in **Figure 6** below.

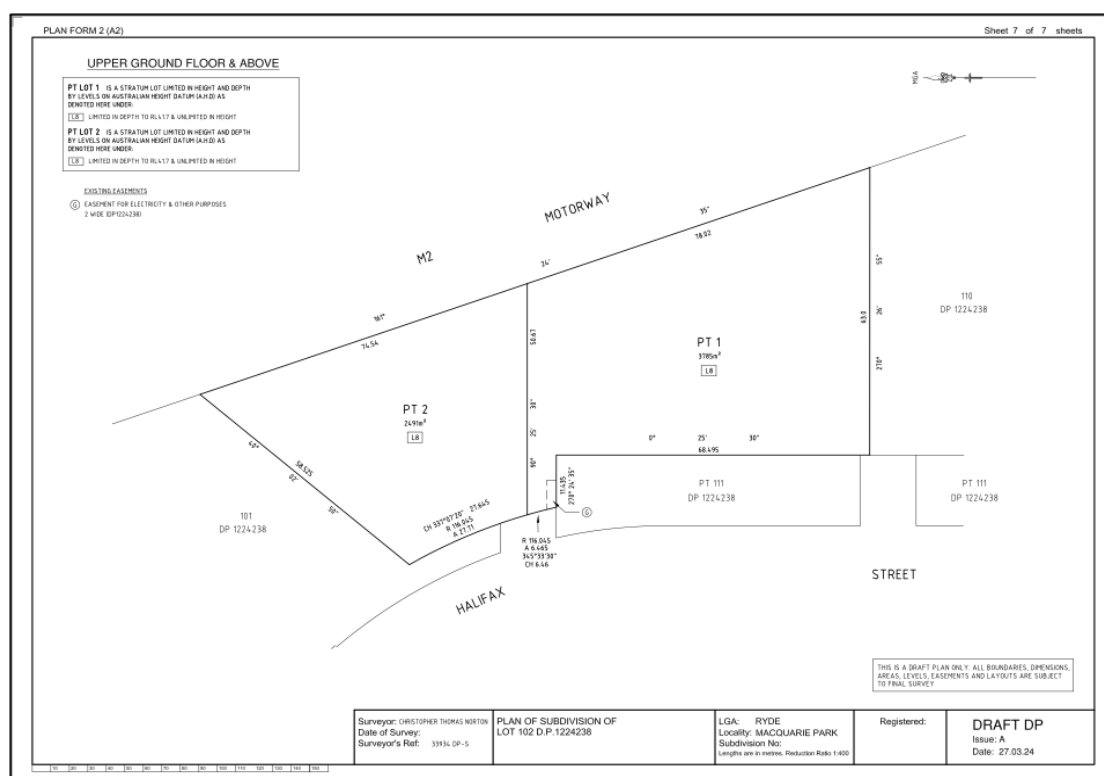


Figure 6 – Proposed subdivision layout

ii. Site preparation and earthworks including tree removal and clearing

This stage of works involves site preparation and removal of vegetation including those trees around the existing sedimentation dam on the land.

The proposed development allows for the retention of 47 trees.

iii. Construction of a 24 storey residential flat building containing 231 apartments over proposed Lot 1 and the construction of a part 4 and part 5 level basement across both of the proposed Torrens Title lots for 243 cars

Component	Details
Residential	231 apartments
Apartment mix	1 bedroom: 45 (19.5%) 2 bedroom: 148 (64.1%) 3 bedroom: 38 (16.4%)
Adaptable apartments	24 (10.3%)
Liveable 'silver' apartments	48 (20.7%)
Parking	Provision of 243 parking spaces contained within part 4 and part 5 levels of basement. Car parking indicated on the plans comprises: <ul style="list-style-type: none"> Residential: 217 spaces Visitors: 24 spaces Car Share: 2 spaces (all car share spaces located in the basement)
Waste Management and Collection	Dual chute systems, comprising a waste chute and recycling chute are proposed to

	<p>be installed 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 bins from the waste room to the collection area.</p>
Infrastructure and Existing services and connections (electricity, telecommunications, 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.



Figure 7 – Proposed lower ground floor/site plan



Figure 8 – Eastern elevation render

iv. A Stratum subdivision to divide the basement carpark into 2 separate lots with shared circulation and shared access from the proposed Mews Road

The basement carpark serves both Building A and Building B and will traverse both lots. A Stratum subdivision is required to facilitate the basement carparking, shared circulation and shared access to the Mew Road.

v. Construction of a 6m wide Mews Road which will provide a combined entry and exit to the basement car park and servicing areas

Construction of the Mews Road which will provide access to the basement car park for both Building A and Building B, as well as service vehicle access to loading and waste areas.

The Mews Road is not a public road, but a private access over Lot 1 and Lot 2.

vi. Associated landscaping, civil works, pedestrian pathways, vehicle charging, waste and loading areas, and communal open space

Associated works including drainage, pedestrian pathways, the fitting out of waste and loading areas, vehicle charging facilities and landscaping.

The proposal is Integrated Development as the development requires concurrence from 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 and dewatering that is proposed.

Concurrence from Water NSW has been obtained and General Terms of Approval provided.

5. HISTORY

5.1 Site History

The site and precinct have been subject to various approvals in recent years, which are 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	Modification 2 to the SSD approval was granted by DPE for the following elements: <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	Modification 3 to the SSD approval was granted by DPE for the following element: <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	Modification 4 to the SSD approval was granted by DPE for the following elements: <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.
7 August 2023	Modification 5 to the SSD approval was granted by DPE to increase the maximum GFA for Lot 117 only for future development which provides 100% affordable housing. The approval permits a total GFA of 10,263m ² , up from the originally approved 5,413m ² for this lot on the basis of the provision of 100% affordable housing.

8 July 2024	<p>Modification 6 to the SSD consent was approved by DPE and results in the following modification relating to the subject site:</p> <ul style="list-style-type: none"> Any DA relating too lot 102 (3 Halifax Street), must provide 969.6m² of affordable housing will be secured, delivered and maintained to the satisfaction of the consent authority for 15 years. Where the GFA represents a part dwelling, the provision must be rounded up to provide a whole dwelling.
-------------	---

5.2 Application History

Date	Event
22 February 2024	Pre-lodgement Panel meeting held.
12 April 2024	The Development Application was lodged.
17 April 2024 to 17 May 2024	The subject application was notified and advertised in accordance with the Ryde Community Participation Plan. One submission in objection was received in response.
8 May 2024	Site inspection by assessing planner.
16 May 2024	A briefing was provided to Council staff by the Applicant to give an overview of the proposed development and discuss initial concerns.
18 June 2024	Request for Further Information (RFI) forwarded to the Applicant.
21 June 2024	A meeting was held between Council staff, the applicant and Council's Urban Design Review Panel (UDRP) to discuss the proposal.
27 June 2024	UDRP comment forwarded to the Applicant.
8 August 2024	Applicant's response to the RFI received.
23 August 2024	RFI forwarded to the Applicant regarding waste truck access.
12 September 2024	RFI forwarded to the Applicant regarding landscaping and engineering.
16 September 2024	UDRP desktop review of amended material received.
15 October 2024	Final plans and material received in response to RFIs.

6. STATUTORY PROVISIONS

6.1 Water Management Act, 2000

The application is classed as Integrated Development as the development requires approval by WaterNSW 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 as well as the required dewatering of the dam on site.

WaterNSW provided concurrence and General Terms of Approval (GTA) on 9 September 2024. The recommended conditions of consent will require compliance with WaterNSW GTA's.

6.2 Environmental Planning and Assessment Act, 1979

6.2.1 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,*
- (d) 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.

6.2.2 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 DCP) and achieves the vision for the North Ryde Station Precinct as set out in the NRSP DCP.	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 reflect the requirements of the SSD consent.
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: <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. The proposal utilises the existing crossing of the linear park associated for the Mews Road which is to be extended by this application.
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 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.	Not applicable.
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.	Not applicable.
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 condition of consent is recommended that a parking management strategy be provided prior to the issue of the Construction Certificate.
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 and requiring a car share scheme to be implemented.
E10 Future Development Applications within the mixed use precinct shall incorporate high profile bicycle parking rate retail nodes and community facilities.	Not applicable.

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 recommended to be referred to in the consent 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.
E14 Any future DA on lot 119 to provide an 800m ² park that is publicly accessible with associated easements to the benefit of Council. No cost is to be incurred on Council.	Not applicable.
<p>E15 Prior to the determination of any development application(s) involving residential accommodation on Lot 102, details must be provided to the consent authority demonstrating the provision of 969.6m² of affordable housing will be secured, delivered and maintained to the satisfaction of the consent authority.</p> <p>Where the GFA represents a part dwelling the provision must be rounded up to provide a whole dwelling. The affordable housing must be managed by a Registered Community Housing Provider for a minimum period of 15 years.</p> <p>Affordable housing is defined under State Environmental Planning Policy Housing 2021.</p>	<p>Clarification was sought from Department of Planning, Housing and Infrastructure who have confirmed via email that:</p> <p><i>The intention of the condition is to confirm details of the delivery of the affordable housing prior to the determination of the current Development Application(s) for Lot 102.</i></p> <p><i>This would normally be linked to the first development application, however this was not possible for this project as there is already an approval and several active development applications across Lots 102, 110, 118 and 119.</i></p> <p><i>It was not intended that the affordable housing had to be delivered entirely on Lot 102, but instead require you to provide details demonstrating how the delivery of 969.6m² of affordable housing will be secured, delivered and maintained.</i></p> <p>The applicant provided a response outlining that Landmark Group is a registered community housing provider with a growing portfolio of affordable rental housing (ARH) apartments under management. The applicant advised that it is critically important for the effective management of ARH accommodation that the accommodation is consolidated and delivered within one building.</p> <p>The applicant also advised:</p>

	<p><i>As the primary purpose of affordable housing is to support low-to-moderate income households and key worker accommodation, it is equally important that the ARH accommodation and associated communal areas are designed to support the same. For tenant affordability purposes, the accommodation is typically designed to be efficient one bedroom and two bedroom offerings. To supplement compact living, a large emphasis is placed on the type, size and location of communal spaces. For the long-term success of ARH accommodation, this philosophy needs to be integrated into the design from its inception rather than retrofitted into a traditional build-to-sell offering.</i></p> <p>It is noted that the applicant is also the owner of Nos. 2, 4 and 5 Halifax Street and that there is scope to provide the required quantum of affordable housing as part of the development of those sites. A condition of consent is recommended in this regard.</p>
--	---

6.3 Section 4.15 Matters for Considerations - General

Section 4.24 of the Environmental Planning and Assessment Act 1979 states the following in

(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 (Sustainable Buildings) 2022;
- 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 (Housing) 2021; and
- Ryde Local Environmental Plan 2014

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

The application is accompanied by a Capital Investment Value Estimate report which has determined the approximate value of the development to be \$100,345,000.

As the capital investment value of the proposed development will be greater than \$30 million it meets the criteria for Regionally Significant Development (RSD). Accordingly, the DA will be determined by the *Sydney North Planning Panel*.

State Environmental Planning Policy (Sustainable Buildings) 2022

State Environmental Planning Policy (Sustainable Buildings) 2022 applies to the development and aims to encourage sustainable residential development.

The application is accompanied by BASIX and NatHERS certificates which demonstrate an appropriate level of thermal comfort and energy efficiency.

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.*

Chapter 4 of SEPP (Resilience and Hazards) requires Council to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development.

A *Preliminary Site Investigation* (PSI) was undertaken by EP Risk which concluded that there is a likelihood of contamination within imported material on site comprising construction and demolition waste, bitumen, aggregate and the like. Based on these findings, there is a potential for asbestos to be present.

The site can be made suitable for the proposed development noting that the excavation for the basement will result in the removal of any fill material. As such, a waste classification will be required to allow for off-site disposal in accordance with the *POEO (Waste) Regulation 2018* and *NSW EPA Waste Classification Guidelines, Part 1: Classifying Waste* (2014). Additionally, it is recommended an unexpected finds protocol is developed and implemented throughout the works to manage unexpected finds of contamination.

Based on the findings of the PSI and the management of any unexpected contamination finds during the development under a Construction Environmental Management Plan (CEMP), the Site can be made suitable for the proposed development in accordance with SEPP (Resilience and Hazards).

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.

The site is not mapped as containing any areas of biodiversity value or significant vegetation. There are no threatened species or communities within the site and the development will not have the potential for serious or irreversible impacts.

Trees removed will be replaced with suitable vegetation. Trees to be retained will be protected in accordance with during construction.

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 can comply 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 however does not access the Motorway. The primary vehicular access to the site is off Halifax Street, which is a public road located off Wicks Road. The proposal includes the construction of the Mews Road to access Halifax Street. As the proposal includes the provision of vehicular access by way of a road other than the classified road, the requirements of clause 2.119 are 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. An Acoustic Assessment has been prepared by Acoustic Dynamics which 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. A consent of consent is recommended requiring 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 subject to the imposition of recommended conditions of consent.

State Environmental Planning Policy (Housing) 2021

Chapter 4 of SEPP (Housing) 2022 applies to development for the purposes of residential flat buildings that are three storeys in height or greater.

Clause 145 of the SEPP outlines that before determining the development application, the consent authority must refer the application to the design review panel for the local government area in which the development will be carried out for advice on the quality of the design of the development.

The following table outlines the comments of Council's 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	Applicant's and Assessment Officer's comments
<p>Context and Neighbourhood Character</p> <p><i>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 about 700 metres walking distance from the site.</i></p> <p><i>The site is immediately adjacent to the east to the M2 Motorway and bound by designated green space to the north and developable land at Lot 110 to the south.</i></p> <p><i>The applicant had previously prefaced their presentations with a Connecting to Country</i></p>	<p>Applicant's response:</p> <p>is noted that there is no technical requirement to prepare a response to Designing with Country alongside a Development Application to Ryde Council.</p> <p>Notwithstanding, the Applicant engaged WSP as the representative consultant for Aboriginal Affairs. WSP facilitated a walk on country with Auntie Thelmaire Rudd and Uncle Paul Webb in the project's early phases. Their narratives have been documented by WSP and interpreted into the project's design, within the confines established by the Lachlan's Line Urban Design Guidelines. The project team is in ongoing dialogue with the elders in relation to both Building A (the subject of this DA)</p>

component, and associated report on Aboriginal Design Principle. This very comprehensive and considered work included an understanding of the site's history and legacy, and consultation with local Elders. This report synthesized a number of contextual conditions and corresponding ambitions for the project, including: connecting the site to Country (Sky Country and local rivers and wetlands), opening up the site, celebrating Country and telling Indigenous stories, along with specific ideas about spaces to facilitate community, actively using water across the site, adopting local and natural material use and, most evocatively, creating places where people can relax, avoiding a "fenced off, inaccessible ground plane."

Given this, it remains an unsatisfactory outcome to see this potentially rich input reduced to simply graphic representations within the proposal. As has been noted, in reference to the GA's Connecting with Country framework, Designing with Country advice should be integral to the design process, and incorporated within both that process and the eventual urban design, landscape and architectural outcomes. As previously pointed out, is not intended that Aboriginal design advice be reduced to applied graphics after a design is complete. While the proponent suggests in their latest correspondence that they approach has been vetted by the Elders with whom they consulted, it is the intention of the Connecting with Country framework that this type of engagement, and the Knowledge imparted, genuinely influence spatial, tectonic and material decisions within development, and not simply devolve to graphic design.

There remain many ways in which the proponents could work collaboratively and integrally with their DwC consultants and their findings to explore and express the ways in which the key aims of the Country framework (healthy Country, healthy community, Aboriginal cultural heritage, cultural awareness and better places) can be genuinely realised in the urban design, architectural and landscape outcomes of the project.

The long-suggested localised contextual study remains absent, with the proponent continuing to defer to the structure plan as their primary guiding document. While this contains the overall urban intentions for the precinct, as noted previously, given the scope, scale and ambitions of the project, as well as its location, a much more detailed urban design analysis is necessary to develop a local and specific design response. Simply referring to a previously completed urban design schema, which illustrates the site and principles at a very high level, and at district scale, rather than in terms of specific localised precinct and site conditions, does not reveal opportunities to design a robust urban design

and Building B (future DA). A Connecting to Country: Aboriginal Design Principles report prepared by WSP accompanies this Development Application. It is further noted that WSP also assisted with a Connection to Country framework document which was submitted with the Macquarie Park Innovation Precinct - Stage 1 Rezoning Proposal (immediately adjacent to the Lachlan's Line precinct).

A detailed Urban Design Study prepared by Bates Smart informed the original SSDA and is understood to have informed the Lachlan's Line Urban Design Guidelines. A new urban design study to reinvent the approach to the precinct is not considered appropriate.

Assessing officer's comment:

A localised contextual study is not considered necessary given the master planning that has informed the precinct, particularly the walkability of the precinct and the access to a range of transport options.

It is noted that the UDRP is largely satisfied with the massing of the towers subject to resolution of the ground plane (see *Built Form and Scale* below).

The proposal is considered to be an appropriate fit into the desired and emerging neighbourhood character and context.

<p><i>and ground plane solution. A localised urban design study would have informed both the potential of the site and immediate urban context, as well as informed effective response to those conditions, constraints and considerations. This dedicated and specific urban design study could have been the formative basis for design responses, from massing, built form and spatial relationships through to access, activation and use. As noted previously, not investigating these specifics has resulted in negative aspects in ground plane connections, carparking and sun access into lower-level apartments. This has also limited connections at the ground plane to create better community amenity and activation.</i></p> <p><i>Missing from consideration are critical issues like walkability, cycling, public transport, local retail, recreation and hospitality, educational institutions, etc. along with local context and character. These considerations could have acknowledged and responded to, not only form and massing, but also anticipated pedestrian entrances, community spaces, landscape, pedestrian, bicycle, vehicle and service accessways and through-block circulation zones.</i></p> <p><i>As noted by the applicants, the area is currently undergoing transformative change – even a brief urban design study would have captured these projected changes, and subsequently informed the urban design response at district, precinct and site scales.</i></p>	
<p>Built Form and Scale</p> <p><i>The massing of the two towers remains relatively well-resolved, as is the modelling of Tower A to refine the mass suggested in the urban design diagram into a series of legible forms in a dynamic composition. However, there remain some changes to the detailed architectonic resolution of the massing that have reduced this finesse and elegance from the previous proposal – these changes are noted under Aesthetics below. Again, the massing manipulations of the tower and associated lower building elements effectively negotiate some of the site constraints and the reduction of the envelope bulk into reasonably-scaled elements offering qualities of light, air and views.</i></p> <p><i>However, this finesse still does not translate to the ground plane or the lower levels of the development, where quality public spaces and residential amenity, including light, air, views, accessibility, permeability and access to genuinely usable landscape space remain the primary aims.</i></p>	<p>Applicant's response:</p> <p>Refer to Architectural drawing DA-20LG-A and Design Report and Landscape drawing package. The ground plane has been further developed since the panel review. Key changes include:</p> <ul style="list-style-type: none"> • Introduction of a new entry park with associated seating, and integrated artwork • Reworking of car parking along the Mews Road • Substations have been repositioned • Resolution of the entry lobby, steps and associated ramps • Provision of bicycle parking • Additional communal open space added to the eastern boundary <p>The same level of resolution and care has now been extended to the ground plane and associated landscape. It is however noted that the Mews Rd bisects the site creating an additional constraint for the design to negotiate around. The proposed form seeks to reduce the envelope (in comparison to that anticipated under the Lachlan's Line Urban Design Guideline) as much as possible to improve ground floor legibility.</p>

<p><i>The same care, consideration and skill given to tower massing, residential views and refining architectonic form could have been applied to the ground plane and lower levels of the development. The proposal still seems to be driven by the design development of the tower form – more attention still remains to be dedicated to the lower levels of the complex, especially in regards to residential amenity, access and open space activation.</i></p> <p><i>The level change of over 10 meters (from north to south) across the two aggregated sites, as indicated on the proponents' drawings (DA4000 R7), long noted as a topographical constraint, was not noted in the analysis and design development, and remains unexplored as an opportunity to express topography clearly and experientially in the ground plane design. This clear opportunity for rich and innovative public domain and landscape design, AND incorporation of the potential Designing with Country principles remains undeveloped.</i></p>	<p>Note that further ground floor plane resolution and strategy for the areas south of Mews road will be part of future Building B DA submission.</p> <p>Assessing officer's comment:</p> <p>The Mews Road has an important role in providing access to the development for vehicles, including waste trucks, delivery vehicles and trades vehicles. The Mews Road also needs to provide access to services such as substations and on-street parking for car -share and visitors. Finally, the Mews Road still needs to provide an aesthetically appealing environment with pedestrian and cycle access with landscaping.</p> <p>The proposal has met these key requirements.</p> <p>Recent amendments shown in plan DA-20-LG-A have managed to align the waste area to enable functional access, while screening those areas. Landscaping has been able to become more of a focus as a result, offering an open space and seating area at the main entry of the building.</p> <p>Other refinements to the ground level have increased access to communal open space.</p> <p>These matters are resolved.</p>
<p>Density</p> <p><i>The overall proposed development across both sites has a GFA of 42,949 sqm, which is compliant with the GFA controls allocated to the lot under the SSDA approval.</i></p> <p><i>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.</i></p> <p><i>Most of the adverse impacts of density of the site remain on the ground plane and lower levels of the development. This is partly a result of the focus on built-form considerations over open space, landscape, access and connectivity concerns. The scheme still requires much more consideration and refinement of the ground plane and the lower-level built form across the site, and more effective resolution of visual, pedestrian, cycling, vehicular and servicing access will assist with reducing the impacts of the density deployed across the site. Continuing to insist that basic servicing requirements dictate the spatial outcomes of the ground plane is an unacceptable approach, and has resulted in unacceptable public domain and residential amenity outcomes across the ground plane. Even the amended responses to waste</i></p>	<p>Applicant's response:</p> <p>Ground floor plane for building A has been further refined to reduce impacts of the density deployed across the site. Refer to the list of changes above.</p> <p>It is noted that the Mews Rd bisects the site creating an additional constraint for the design to negotiate around. The proposed form seeks to reduce the envelope (in comparison to that anticipated under the Lachlan's Line Urban Design Guideline) as much as possible to improve ground floor legibility</p> <p>Refer to Architectural drawing DA-20LG-A and Design Report and Landscape drawing package.</p> <p>Assessing officer's comment:</p> <p>As noted above, the recent amendments to the ground level shown in plan DA-20-LG-A are considered to appropriately resolve these issues.</p>

<p>vehicle operations is questionable, as the current ground floor servicing diagrams indicate a 12.5m vehicle, intended to load 1,100L bins, without any clearance at the back to allow for loading operations. It seems that an extra 2 metres would be required for operations – with the present configuration, this would mean the truck could never entre the waste loading bay fully. It is also unclear exactly how this vehicle would maneuver into place, given the proximity of the MRV bay, the bounding walls and the substations. These servicing solutions remain unresolved, despite the proponents insistence that they are absolute requirements on the ground plane. In this instance, retaining these uses on the ground plane seems to deliver a still unworkable servicing solution, along with poor results for residential amenity on the ground plane.</p>	
<p>Sustainability</p> <p><i>The Panel still encourages more ambitious sustainability targets, including the potential for residential uses to encourage the adoption of an ‘all-electric’ building including provision for EV charging. Large expanses of roof space can be utilised for solar panels and rainwater catchment with particular consideration given to the future operations of the building.</i></p> <p><i>Given the scale of site coverage proposed, all rainwater and stormwater should be collected, stored, treated and reused throughout the development, for toilets, laundries, gardens and dog washing.</i></p> <p><i>“Proximity to public transport and local shops’ and “bike facilities for residents and visitors” are noted as sustainability measures. These measures need to be clearly acknowledged in response to local precinct and site connectivity, and the responses designed accordingly as part of the ground floor public domain plan, at a scale suitable to the projected population of the development. Providing three bike parking spaces at the building entry remains a wildly insufficient and token gesture, especially for a site with such a density of population that enjoys such close proximity to amenities and transport. The approach to active transport remains unacceptable.</i></p>	<p>Applicant’s response:</p> <p>In addition to compliance with BASIX & NatHERS, the development is supported by an ESD strategy which identifies the following project commitments:</p> <ol style="list-style-type: none"> 1. 5x car share spaces 2. EV charging to 10% of total car spaces 3. Rooftop PV cells 4. A rainwater tank 5. A rooftop garden on the Level 7 (also designed to manage wind) 6. Equivalent design to 4 star Green Star <p>Refer to the ESD Report prepared by SLR which accompanies this Development Application.</p> <p>Assessing officer’s comment:</p> <p>The development meets the sustainability targets under NatHERS.</p> <p>Additional bike parking at the building entry for visitors at the building entry has been provided which is a positive inclusion having regard to online food ordering and delivery services that rely on bicycles for short distance trips.</p> <p>These matters are resolved.</p>
<p>Landscape</p> <p><i>The landscape, public domain and open space outcomes remain fragmented and disconnected from interior spaces. A large area of the ground floor, both inside and outside, remains in the centre of the site, dedicated to vehicular access, loading and waste management areas, heavy vehicle parking and substations. The deep soil zone along</i></p>	<p>Applicant’s response:</p> <p>A detailed Urban Design Study prepared by Bates Smart informed the original SSDA and is understood to have informed the Lachlan’s Line Urban Design Guidelines. While the Mews Rd is a key function prescribed within the Urban Design Guidelines, it bisects the site creating an additional constraint for the design to negotiate around. The Mews Rd is</p>

<p><i>the eastern edge, intended to be one of the primary external landscape spaces, still cannot be accessed externally without crossing a service driveway framed by waste vehicle parking and a pair of substations. These substations also occupy the setback zone intended for deep soil landscape, as do several parts of the tower building itself. The substations, service driveway and stage one of the basement will also prevent this zone being extended south into the second stage of the development. Given the paucity of landscape space on the site, this landscape zone should be maintained in its entirety.</i></p> <p><i>As previously stated, the concentration of servicing spaces and elements on the ground floor still effectively segregates the two buildings from each other, prohibiting movement from one building to another.</i></p> <p><i>The entire ground plane configuration has not taken into account the topographical changes and the extensive basement levels proposed to move all servicing, truck and vehicle access, truck parking, service rooms and associated building operations infrastructure off the ground plane and into basement levels. Consolidating these movements would have allowed the basements to be simplified, which should make possible the reduction of the basement footprint at the junction between buildings, allowing deep soil planting where it will have maximum impact on spaces used by residents and visitors.</i></p> <p><i>At present, deep soil components remain in areas of limited significance to residential use and amenity, being confined to that narrow, interrupted strip along the western boundary. This is a compliance-only solution, not a performance-based design that seeks to maximise landscape amenity for residents.</i></p> <p><i>As indicated on the landscape drawings, this deep soil area is on a slope, and thus uninhabitable. Much of this space will directly abut a blank masonry wall at ground level, as the internal waste room is directly adjacent to it. The undercroft spaces established by lifting the tower off the ground in this zone are questionable in their function as landscape spaces – detailed consideration needs to be given as to what (if anything) will grow in this area.</i></p> <p><i>Similarly, the only other communal landscape space at ground level is bordered by the service driveway, and the blank wall of the internal bulky waste room. It remains likely to be negatively impacted by noise, odour and heavy vehicle movements. The proponents' response to these previously noted comments has been to provide a</i></p>	<p>required to extend to the eastern end of the site and all vehicles entering the development are required to access the basement from the end of the Mews Rd. This inevitably creates a 'service lane' through the site.</p> <p>The provision of authority infrastructure (e.g. booster assembly, power, meters etc.) are not discretionary items and are governed by their own design requirements. The proposed form attempts to reduce the envelope (in comparison to that anticipated under the Lachlan's Line Urban Design Guideline) as much as possible to improve ground floor legibility.</p> <p>Additionally, given the setbacks established within the Lachlan's Line Urban Design Guidelines, the requirement for the Mews Rd and the resulting built form created by these requirements, the deep soil zone was sensibly nominated to be along the eastern end of the lot to assist in screening from the M2 motorway. The proposal is consistent with this principle.</p> <p>The landscape design incorporates usability of this deep soil zone however given its proximity to the M2 Motorway, the design is intentionally structured to limit large gatherings. Additional locations for communal space have been nominated to ensure a diverse and high quality offering is delivered within the development.</p> <p>A topographical response which also incorporates the aspirations of the Lachlan's Line Urban Design Guidelines does present a design challenge for the site. A detailed landscape analysis of the site has been undertaken and is provided with the landscape material accompanying this Development Application. The landscape analysis illustrates how the project seeks to address and balance these competing interests.</p> <p>The Development Application only seeks minor adjustments to the public domain to improve the arrival experience into the site as well as facilitate the functions of the future operation of the building. The broader public domain strategy for the precinct however has already been designed, documented and delivered by Landcom. The proposal seeks only to enhance and integrate into this strategy.</p> <p>The reserve to the north of the site operates largely as a stormwater retention basin for the broader precinct, and aside from a board-walk through the reserve, is not a high amenity area. The project does not seek have a physical connection into this reserve for CPTED and amenity reasons.</p> <p>In relation to Halifax Street, officers at Ryde Council have previously provided advice against providing</p>
--	--

<p><i>diagram nominating this blank wall as “active frontage,” a designation that is both perplexing and indicative of the ongoing lack of engagement with feedback intended to improve the overall outcomes.</i></p> <p><i>Areas of the linear garden along Halifax Street are proposed to be replaced with turf “to facilitate booster access.” As noted above, the prioritising of basic servicing elements over positive urban design, landscape and public domain outcomes is not acceptable. Much more concerted effort could have been dedicated to focusing on tangible, experiential spatial outcomes at ground level, rather than satisfying service requirements. Highly skilled architectural teams like FJC are usually able to achieve this regularly within complex developments.</i></p> <p><i>As outlined in Context and Neighbourhood Character, careful consideration is to be given to the entire range of ground floor public, communal and private spaces – particular in relation to Halifax Street, the linear park and the adjacent future developments, especially Tower B, the other half of this development. A range of communal spaces should be provided that activate and enhance this project, providing exemplary amenity for the site’s residents and visitors. Suggesting that two external “study desks” on the level 7 external terrace offers sufficient amenity for hundreds of residents remains unacceptable, for a development of this scope and scale.</i></p>	<p>direct access from the Linear Park to the development so as to avoid interrupting the current functions of these spaces.</p> <p>The landscape material submitted with this Development Application explains in detail the design challenges and design response to this site.</p> <p>Assessing officer’s comment:</p> <p>The landscape strategy is considered to be reasonable and appropriate given the constraints of the site.</p> <p>The landscape strategy has, where possible, sought to create a positive relationship between the linear park and the development.</p>
<p>Amenity</p> <p><i>As noted above, servicing, utility rooms, waste handling space and parking dominate the ground plane and edge whatever common landscapes remain on the margins. Pedestrian and cycling access and connectivity is similarly undeveloped. The ground plane <u>should</u> be based on clear diagrams of spatiality and human connectivity, access, activation and active transport infrastructure, rather than waste trucks and cars.</i></p> <p><i>Given the location and Council’s current focus on establishing a robust cycling network across the area, the current cycling infrastructure remains undeveloped and inadequate. Aside from three external bike parking spaces adjacent to the entry lobby, there seems to be no provision for cycling parking, storage or infrastructure anywhere on site. Dedicated cycling spaces should be included on the ground floor, open, accessible and highly viable, so it becomes a viable social asset as well as a transport option. The public domain design must clearly identify and accommodate bicycle movements and include a much more generous provision of sheltered bike parking for both residents</i></p>	<p>Applicant’s response:</p> <p>Following the UDRP, the ground plane has been reworked and refined as noted above.</p> <p>In addition to required number of bicycle parking spaces provided in the basement, there are additional bicycle parking spaces allocated adjacent to Ground Floor Communal open space and Ground Floor lobby. Refer to Drawing DA-20LG-A [09] Lower Ground Level and Landscape Ground Floor Plan.</p> <p>The landscape design has been reworked to facilitate improved views to the entry lobby from Halifax Street. The position of trees within the Mews Road has been reconsidered since the project was presented to the UDRP. The scale of the lobby has been benchmarked against other similar sized projects and is deemed to be appropriate and generous.</p> <p>Assessing officer’s comment:</p> <p>The amendments to the ground plane are positive and reasonably resolve those matters.</p>

<p><i>and visitors, located next to or near the residential entry lobby. As noted, the approach to active transport connectivity and infrastructure remains unacceptable.</i></p> <p><i>The internal corridors on typical residential levels should be more generous and culminate in natural light and ventilation opportunities at both ends. Further refinements to the skillful manipulations of the tower forms into slipped elements should be able to easily resolve this issue.</i></p> <p><i>The entry lobby should be more generous, spatially and visually; it should also connect, spatially and visually, from Halifax Road through to viable, legible and equally generous communal open landscape within the site.</i></p>	<p>Internal amenity has been improved by adding windows to corridor ends where possible. The entry lobby has been increased in size and provided with an awning to enhance legibility and provide weather protection.</p> <p>The proposed development offers high levels of amenity.</p>
<p>Safety</p> <p><i>Much of the external landscape space along the eastern boundary remains as unsurveilled space, bounded by the blank wall of the waste room and the boundary fence – this represents a significant safety issue. As noted in discussions about the ground floor, this should have involved design amendments to improve the street activation and passive surveillance to the linear park, external communal spaces, and any improved and enlarged communal landscape spaces.</i></p>	<p>Applicant's response:</p> <p>In relation to street activation, officers at Ryde Council have previously provided advice against providing direct access from the Linear Park to the development so as to avoid interrupting the current functions of these spaces.</p> <p>Assessing officer's comment:</p> <p>The proposal offers an active area at the front of the building with pedestrian access, bicycle parking, vehicle access and the like. Passive surveillance of the public domain including the linear park is provided.</p>
<p>Housing Diversity and Social Interaction</p> <p><i>The proposal still provides only a very conventional mix of one-, two- and three-bedroom units. Given the broad and diverse demographics of the area (students, researchers, university staff, tech workers, hospital workers, large multigenerational families, empty nesters, new families, single parents, etc), the residential mix should be equally diverse.</i></p> <p><i>The development could include two-storey units, townhouses, work live units, co-housing units (shared facilities and private living quarters), expanded family units, dual-key apartments, transformable (larger or smaller) units, etc. Not only does this diversity provide economic resilience in the face of market uncertainty, it also drives a much more diverse and rich architectural response. This would allow the lower-level podium architecture to have a more robust physical, spatial and visual relationship with the improved communal ground plane.</i></p> <p><i>Communal rooms, sky gardens and various recreational facilities in the communal open space</i></p>	<p>Applicant's response:</p> <p>It is important to note that developments of this nature are broadly designed to deliver housing which balances a response to market demand with the prevailing planning controls. This project proposes a diverse range of 1B/2B/3B product in compliance with planning controls while responding to market intelligence received on the adjoining property (Lot 110).</p> <p>The communal facilities are group in a limited number of locations to ensure resident interaction and usage. Communal spaces, sky gardens (roof of podium) and various recreational facilities in the communal open space are provided as central, legible and accessible parts of the development on level 7 to promote social interactions, support intergenerational living, cater to work-from-home arrangements and create genuine community.</p> <p>Refer to Architectural drawing DA-2007-A [08] Level 7 and Landscape Drawing.</p> <p>Assessing officer's comment:</p>

<p><i>should be provided as central, legible and accessible parts of the development to promote social interactions, support intergenerational living, cater to work-from-home arrangements and create genuine community.</i></p>	<p>The precinct is well located to transport, employment, education and commercial opportunities. The proposed development has responded to these opportunities with a spread of apartment sizes across 1, 2 and 3 bedroom models. The proportion of apartment types is a more diverse mix of apartments than is often seen being proposed, and is supported.</p> <p>Communal areas are well located and offer a variety of passive recreational opportunities to the residents.</p> <p>The housing diversity and opportunities for social interaction are considered positive and appropriate for the development.</p>
<p>Aesthetics</p> <p><i>The Panel supports, in principle, the proposed architectural strategy for articulating building forms across the proposal by expressing different volumes architectonically and through varying façade treatments and materiality. The Panel considers that the narrower ends of the towers are more successful in their refinement of the proposed massing than the broader faces of the towers and the corners.</i></p> <p><i>The northern tower has a significant visual exposure to the M2 motorway and will be highly visible, yet its response is created by a series of blank sheer wall facades that offer little recognition of the importance of this corner. The Panel does not consider the vista to the cemetery justifies impoverishing this corner expression and notes that the view available from this part of the site encompasses little of the cemetery's land. The Panel considers the design of this corner should be refined and developed to create a more open expression with a considerable reduction in the extent of blank facade elements.</i></p> <p><i>The longer facades of the tower need further design consideration. Again, these facades are highly visible to the public domain via the large northern park and the linear park and mid-block link. The current proposition of expressing a base, middle and top is not successful at moderating the considerable tower length and exacerbates the impression of a large continuous mass. The verticality of the tower lacks expression in the facade treatment and the change in solidity and balcony location and expression without any major adjustments in alignment or articulation is not adequate to deal with the monolithic character.</i></p> <p><i>The Panel suggested more articulation and vertical expression in the facades, potentially based on the vertical bays and indent approach used for the</i></p>	<p>Applicant's response:</p> <p>The north eastern facade is highly visible when approaching southwards from the M2 and South eastern facade is highly visible when approaching northwards from the M2.</p> <p>This means the building will be seen in context with the rest of the surrounding built form which has been designed to be viewed holistically. The buildings expression and break up has been carefully considered to avoid visually busy expression when viewed from afar. Blank areas of wall have been introduced to frame the more articulated areas of façade, eg: the northern elevation. These limited areas of blank facade balance the composition.</p> <p>Additionally, it is important that the building is assessed based on both its current and future surrounding context. As more buildings are added to the precinct the visual relief of these walls will be of increasing importance.</p> <p>Assessing officer's comment:</p> <p>The proposed building is well modulated in its form. Is it agreed that blank walls are necessary to balance the busier elevations comprising balconies.</p> <p>In saying that, the "blank" walls are limited in their expanse and are not devoid of interest, which is evident in the render at Figure 8.</p> <p>The proposal is an appropriate balance between horizontal and vertical expression and is well proportioned in its massing and modulation.</p> <p>With regard to materiality and finishes, the Applicant has provided a material schedule on sheet DA-2900-A. The proposal is considered to be well designed, using a mix of brick and painted concrete to provide visual balance and interest in the façade elements.</p>

<p><i>narrower tower ends to assist in reducing the visual dominance of these facades.</i></p> <p><i>The Panel also recommended further, and more integrated, explorations of some of the concepts presented in the supporting presentation, including tower greening, localised material responses, differentiation between horizontal podium and vertical tower forms and a much clearer relationship between aspirational imagery and the designs presented.</i></p> <p><i>As noted previously, the Panel does not support the extensive use of painted render or painted concrete 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. Continued reliance on painted concrete remains an unacceptable solution.</i></p> <p><i>The applicant was requested to provide 1:50 sections of primary facade types to clearly indicate the design intent, materials selection, balustrading, planting (including irrigation, drainage and maintenance), fenestration and integration of services. These have not been produced.</i></p>	
--	--

Apartment Design Guide

An assessment of the proposed development against the Apartment Design Guide (ADG) is included at **Attachment 3** to this report.

In summary, the proposed development is compliant with the provisions of the ADG except for the number of apartments that receive no sunlight on the winter solstice.

The ADG provides that a maximum of 15% of apartments should receive no direct sunlight between 9 am and 3 pm at mid-winter. The proposal results in 44 apartments (19%) receiving no direct sunlight between 9 am and 3 pm at mid-winter.

While non-compliant, those apartments are provided with sufficient glazing to assist in receiving non-direct sunlight and are generally oriented to achieve views away from the M2 Motorway and cemetery so as to provide reasonable amenity.

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 on land 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 contributes to available housing within the high density residential zone.
To provide a variety of housing types within a high density residential environment.	The proposal provides an appropriate mix of one, two and three bedroom apartments.
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	Not applicable as the development is wholly residential in purpose.

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

The relevant matters to be considered under the Ryde LEP 2014 for the proposed development are summarised below.

Development Standard	Compliance	Discussion
4.1 Minimum subdivision lot size	N/A	No minimum lot size is prescribed for the land.
4.3 Height of Buildings	Yes	A maximum building height of 75m prescribed for the land. The building has a maximum height of 75m, at RL 112.20.
4.4 Floor Space Ratio	No	<p>A maximum FSR of 3.5:1 prescribed for the land by the RLEP.</p> <p>The proposed development has an FSR of 8.08:1.</p> <p>Based on the allocated GFA of 42,949m² approved under SSD 5093, divided proportionally across the 2 proposed Torrens Title lots, allows a maximum GFA of 20,232m² for Building A.</p> <p>Building A has an GFA of 20,133m² which is satisfactory when considered against the maximum GFA approved under SSD 5093.</p> <p>The proposal complies with the allocated GFA for the subject site under the SSD approval. Subject to the decision in <i>Karimbla Properties (No. 59) Pty Ltd v City of Parramatta Council (2023) NSW LEC 1365</i> a Clause 4.6 request is not necessary in this instance.</p>
4.5B Macquarie Park Corridor	N/A	Clause 4.5B applies only to land in Zone E3.

4.6 Exceptions to development standards	Yes	<p>The proposed development exceeds the maximum FSR prescribed by the Ryde LEP 2014 as discussed above.</p> <p>A Clause 4.6 request has been provided to enable the variation to be considered and relies on the SSD approval.</p> <p>The Clause 4.6 request is discussed elsewhere in this report.</p>
5.10 Heritage Conservation	Yes	<p>The land does not contain an item of environmental heritage and is not located within a heritage conservation area.</p> <p>The land is in proximity to Item No. 44 – Northern Suburbs Cemetery which is an item of environmental heritage listed in Schedule 5 of the Ryde LEP 2014.</p> <p>The site is at a suitable distance to this item and is separated by the M2 Motorway. Due to this separation; the proposed works are not considered to result in any material or visual impacts to the heritage item or its interpretation.</p> <p>The application was referred to Council Heritage Officer and no objections were raised.</p>
5.21 Flood Planning	N/A	The land is not mapped as being affected by flooding.
6.1 Acid Sulphate Soils	N/A	The land is not mapped as being affected by acid sulphate soils.
6.2 Earthworks	Yes	<p>The DA seeks consent for earthworks.</p> <p>The required earthworks are reasonable in the context of the development and will not adversely impact the amenity of adjoining land.</p>
6.4 Stormwater Management	Yes	<p>The DA includes civil works to manage stormwater quantity and quality.</p> <p>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.</p>

		The proposal has been considered acceptable by Council's Senior Development Engineer.
6.9 Development in Macquarie Park Corridor	N/A	The Lachlans Line Precinct is not mapped by the Macquarie Park Corridor Precinct map.
6.13 Design Excellence	N/A	The land is not mapped as "design excellence".

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

There are no relevant 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 Driveways
- 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 included at **Attachment 3**. The proposal is consistent with the relevant objectives and development controls.

Lachlan's Line Urban Design Guidelines

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 3** details the compliance of the development with the Guidelines.

The proposed development satisfies the controls and objectives of the LLUDG except for the following matters:

- 8m setback to the eastern boundary for the provision of deep soil

The proposed development encroaches into the 8m setback for the basement and the northern most apartments for those elements shown in red below.



Figure 9 – Setback encroachments

The development exceeds the minimum deep soil requirements under the ADG and does not compromise planting opportunities.

The setback encroachment is considered acceptable as the proposal has reorientated the tower within the LLUDG envelope to ensure appropriate tower separation, residential amenity, appropriate view sharing and equitable access to sunlight.

This strategy delivers a greater overall tower setback relative to the western boundary and ensures an appropriate visual termination of Halifax Street when looking north.

The variation is supported on that basis.

- Waistline provided at the 4 storey level

The LLUDG seeks a waist line at the 4 storey level to ensure a human scale of development. The proposal does not provide the 4 storey waist line, rather, the application relies on the podium level open space to create the break, supported by modulation in the built form.

Further, the building is well set back from the public domain where there is less need to emphasise a 4 storey street wall.

The variation is supported on that basis.

City of Ryde Section 7.11 Development Contributions Plan 2020

Council's current Section 7.11 Development Contributions Plan 2020 for Macquarie Park, 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 revised unit mix proposed in the development. 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	\$1,435,698.93
Open Space & Recreation Facilities	\$2,767,950.93
Roads & Traffic Management Facilities	\$196,202.20
Plan Administration	\$65,996.84

TOTAL CONTRIBUTION	\$4,465,848.90
---------------------------	-----------------------

A condition of consent is recommended for the payment of Section 7.11 Contribution of \$4,465,848.90 in the draft notice of determination attached to this report.

Housing and Productivity Contribution

The applicable Housing and Productivity Contribution (HPC) is imposed as a condition being \$2,433,959.22 (base component) for the 231 units within the residential flat building. It is noted that the Housing and Productivity Contribution Order 2023 allows for subsequent development applications under a concept approval to be discounted by 100% in the circumstances set out in clause 4 of Schedule 5 of the Order. These include that the first construction certificate in relation to that development could have been issued before 1 July 2025.

The applicant has sought advice from the Department on this matter and the following feedback was provided:

Subject to receiving written notice from the Council or a registered certifier that the first construction certificate could have been issued for the development before 1 July 2025, the Department can confirm the 100% discount authorised by the order will be applied and a certificate can be issued to this effect. This request can be made to HPC.Enquiry@planning.nsw.gov.au and must include evidence that the council or a registered certifier has reviewed the request for release of the first construction certificate and are in a position to issue it.

Without this evidence the HPC condition will need to be applied to the development consent, as there is no assurance that the first construction certificate will be issued before 1 July 2025. The applicant can then provide written notice to the Department (as per the above paragraph) to satisfy the condition and receive the 100% discount (subject to meeting the requirements in the Order).

As a result, the HPC condition has been imposed in the recommended conditions of consent.

(iia) 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.

(b) The likely impacts of the development

It is considered that the proposed development will have no significant adverse environmental impacts.

The development has been demonstrated not to result in unreasonable shadowing of the public domain or other residential development. The development has been designed to satisfy the objectives and controls of the ADG with regard to privacy and building separation.

The proposed development will not result in any adverse impact on traffic or parking on local public roads.

All relevant issues regarding environmental impacts of the development are discussed within this report.

The proposed development is not anticipated to create adverse social or economic impacts in the locality. The proposed development will have short term benefits of creating employment in the construction sector and will have long term benefits of providing high density residential accommodation in proximity to existing public transport and commercial facilities.

(c) The 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 231 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.

The subject site and locality is not known to be affected by any natural hazards or other site constraints likely to have a significant adverse impact on the proposed development. Accordingly, the site can be said to be suitable to accommodate the proposal. The proposed development has been assessed regarding its environmental consequences and having regard to this assessment, it is considered that the development is suitable in the context of the site and surrounding locality.

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

In accordance with Council's Notification Policy requirements, the proposal was publicly exhibited for a period of 30 days between 17 April 2024 and 17 May 2024.

One submission was received in respect of the proposal. The matters raised in the submission are discussed below.

*We note the resultant overshadowing impacts onto Wicks Road South as shown above in **Figure 2**.*

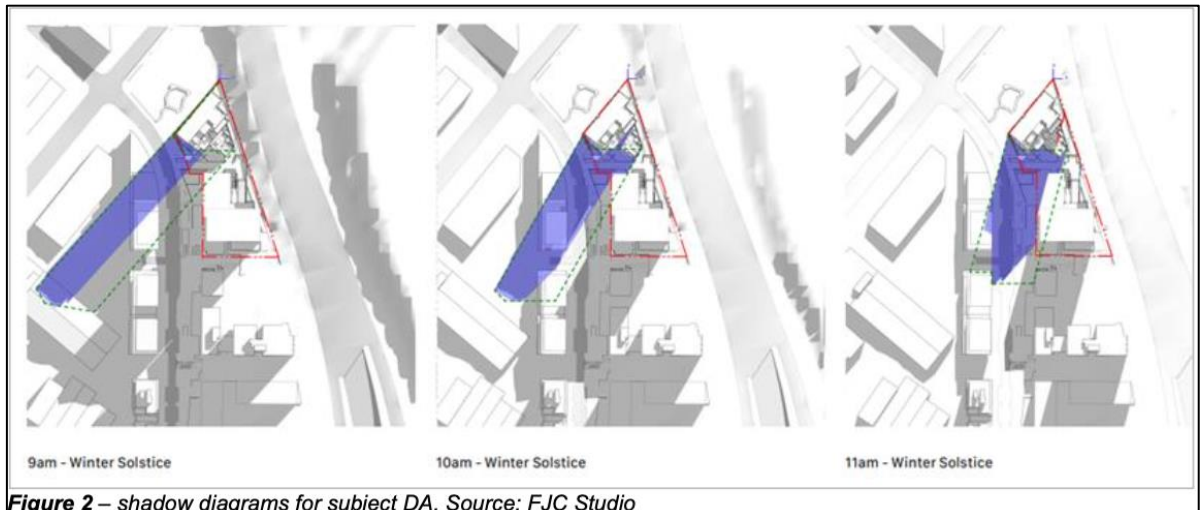


Figure 2 – shadow diagrams for subject DA. Source: FJC Studio

We note that master planning on behalf of the landowners group is currently underway on the land immediately adjacent to the proposed development. This master planning contemplates higher density housing not dissimilar to Lachlans Line and a large ‘central park’. Doing so is consistent with the direction of the TOD precinct planning underway by State Government. It is understood that the Department’s master planning will be exhibited sometime in July to September. Accordingly, it is critical that any determination of this development application not prejudice that master planning and therefore the TOD housing initiative.

By way of specific reference to the current master planning underway on behalf of the landowners, we note that the proposed development will impact the proposed northern most building and some of the community open space (‘central park’). More generally, this again confirms the importance of no decision being made on the development application until there is greater clarity and certainty over the current Department planning.

We further query the density planned for Building B; while not directly forming a part of this application, future developments within Lachlan’s Line should adhere to the original, approved concept development. In summary, while the justification of a higher density at the subject site is supported, we recommend further consideration of any overshadowing impacts to Wicks Road South precinct, including the future community open space.

Assessing officer’s response:

The objector is referring to 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 10**) and is identified as a future commercial core.



Figure 10 – Proposed Structure Plan for the Wicks Road South Precinct

Shadow diagrams have been submitted by the applicant (**Figure 11**). The proposal is for a tall, slender tower. As such, the shadow is fast moving as the sun traverses the sky which ensures good levels of solar amenity. While there is some additional shadow impact to the Wicks Road South Precinct, it will only occur between 9am and 11am and will be unaffected by the proposed development during the remainder of the day. This is confirmed by the shadow assessment contained in the submission.

The development will result in a significant extent of overshadowing on the adjoining apartment site to the south during most hours of the day between 12pm 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.

The additional overshadowing impact on the Wicks Road South precinct is considered to be minor and occurs only between 9am and 11am on 21 June. As a result, the objectors concerns are considered to be suitably addressed.

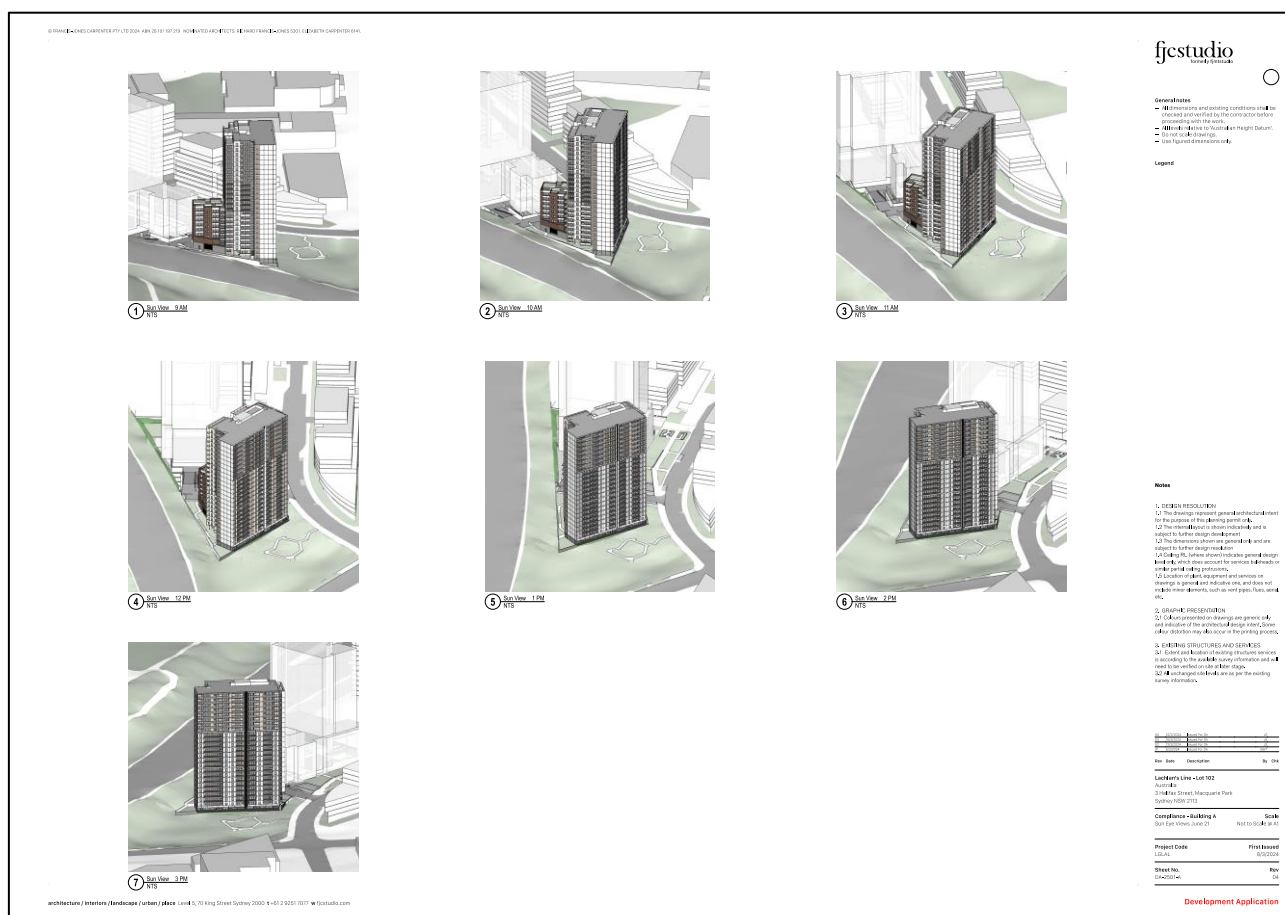


Figure 11 – View from the sun diagrams for the winter solstice

(e) 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 apartment building 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.

The proposal also provides for the protection of some 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 precinct. 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 submission 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

7.1 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 30 August 2024 and do not raise any objection to the proposal and consider that it will have a negligible impact on the surrounding state road network. Conditions of consent seeking to protect the M2 Motorway from works associated with the development have been recommended which will be imposed on the consent.

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 9 September 2024. A condition of consent is recommended requiring compliance with the GTA's.

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 9 May 2024 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 objection has been raised the development subject to the imposition of conditions of consent, including obtaining a Section 73 Certificate.

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 incorporated into the draft consent.

7.2 Internal Referrals

Senior Development Engineer: Council's Senior Development Engineer reviewed the proposal and no objections were raised subject to recommended conditions of consent.

City Works – Public Domain: Council's Activation and Compliance Officer reviewed the proposal and no objections were raised subject to recommended conditions of consent.

City Works – Traffic: Council's Traffic Engineer reviewed the proposal and raised no objections. subject to recommended conditions of consent.

City Works – Waste: Council's Waste Officer reviewed the proposal and raised no objections subject to recommended conditions of consent.

Environmental Health Officer: Council's Team Leader Environmental Health has reviewed the proposal. The acoustic assessment was reviewed and found to be able to comply with the relevant noise criteria. The contamination assessment has been reviewed and is satisfactory. No objections have been raised to the development and appropriate conditions of consent have been imposed.

Landscape Architect: Council's Landscape Architect reviewed the final Landscape Plans and raised no objections subject to recommended conditions of consent.

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 4**. 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 issue raised in the submission does not warrant the refusal of the application and has 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

1. That the Sydney North Planning Panel, as the consent authority, grant development consent to Development Application No. LDA2024/0066 for the Torrens Title subdivision of the land into 2 lots, the construction of a residential flat building development, Stratum subdivision and associated works at land at 3 Halifax Street, Macquarie Park, subject to the draft conditions contained in **Attachment 4**.
2. That Transport for NSW, Water NSW and Sydney Water be advised of the decision via the NSW Planning Portal.
3. That those who made a submission be advised of the decision.

Report prepared by:

Glenn Apps
Consulting Town Planner

Report approved by:

Shannon Butler
Senior Town Planner

Sohail Faridy
Acting Manager Development Assessment

ATTACHMENTS

Attachment 1: Proposed Architectural and Subdivision Plans
Attachment 2: Proposed Landscape Plans
Attachment 3: Assessment against ADG & DCP
Attachment 4: Recommended Draft Conditions of Consent