

DETERMINATION AND STATEMENT OF REASONS
SYDNEY NORTH PLANNING PANEL

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| DATE OF DETERMINATION | 25 November 2024 |
| DATE OF PANEL DECISION | 25 November 2024 |
| PANEL MEMBERS | Peter Debnam (Chair), Brian Kirk, Glennis James |
| APOLOGIES | None |
| DECLARATIONS OF INTEREST | None |

Papers circulated electronically on 12 November 2024.

MATTER DETERMINED

PPSSNH-485 – Ryde – LDA2024/0066 – 3 Halifax Street, Macquarie Park - Torrens title subdivision of land into two lots, construction of a residential flat building (Building A) on lot 1, containing 234 apartments over 5 levels of basement carparking accommodating 245 car spaces, stratum subdivision of basement, construction of 'Mews Road', tree removal and landscape works. The proposal is classified as 'Nominated Integrated Development', requiring a referral to Water NSW, under Water Management Act 2000. The application will be referred to the Sydney North Planning Panel under the EP&A Act 1979 for determination as the development has a capital investment value exceeding \$30M (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*. The decision was unanimous.

REASONS FOR THE DECISION

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

The application is Integrated Development under the Water Management Act 2000 as it will involve dewatering and Water NSW issued their concurrence in support of the application.

The building will be on Lot 1 in a subdivision of Lot 102, DP1224238 and the site forms part of a Concept State Significant Development (SSD) that was approved in 2015. This development application is consistent with the approved Master Plan.

The Panel notes 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. Building A has a GFA of 20,133m² which is satisfactory when considered against the maximum GFA approved under SSD 5093.

The Panel notes Council's advice that the development contravenes Clause 4.4(2) of RLEP 2014, which establishes a maximum floor space ratio for the site of 3.5:1 and the Applicant therefore provided a precautionary Clause 4.6 request. However, the Panel concurs with Council that a Clause 4.6 request is not

required for a development proposal, which is consistent with a concept plan approval - which already envisaged the standard would be breached.

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 Panel concurs with Council that 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 Panel notes the proposal also breaches the 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, but accepts Council’s advice that the encroachment is acceptable as the proposal has sited the tower to ensure appropriate tower separation, residential amenity, appropriate view sharing and equitable access to sunlight.

In relation to the “Waist line” breach, the application relies on the podium level open space to create the break supported by modulation in the built form. The Panel concurs with Council that on balance the variation can be supported.

The Panel notes the Applicant worked with Council to address issues, which arose during assessment of the proposal and amended plans and additional information were provided.


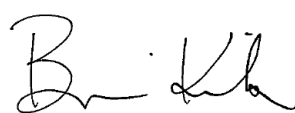

In summary, the Panel concurs with Council that the proposal has been appropriately assessed against relevant planning controls, is suitable for the site and approval would be in the public interest.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered one written submission made during public exhibition, which raised concern with overshadowing. The Panel considers that concern has been adequately addressed in the Assessment Report.

| PANEL MEMBERS | |
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|  Peter Debnam (Chair) |  Brian Kirk |
|  Glennis James | |

| SCHEDULE 1 | | |
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| 1 | PANEL REF – LGA – DA NO. | PPSSNH-485 – Ryde – LDA2024/0066 |
| 2 | PROPOSED DEVELOPMENT | Torrens title subdivision of land into two lots, construction of a residential flat building (Building A) on lot 1, containing 234 apartments over 5 levels of basement carparking accommodating 245 car spaces, stratum subdivision of basement, construction of 'Mews Road', tree removal and landscape works. The proposal is classified as 'Nominated Integrated Development', requiring a referral to Water NSW, under Water Management Act 2000. The application will be referred to the Sydney North Planning Panel under the EP&A Act 1979 for determination as the development has a capital investment value exceeding \$30M |
| 3 | STREET ADDRESS | 3 Halifax Street, Macquarie Park |
| 4 | APPLICANT/OWNER | Angus Nguyen / Lachlan's Line B1 Unit Trust and Lachlan's Line B2 Pty Ltd |
| 5 | TYPE OF REGIONAL DEVELOPMENT | General development over \$30 million |
| 6 | RELEVANT MANDATORY CONSIDERATIONS | <ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Water Management Act 2000 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 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Ryde Development Control Plan 2014 Ryde Section 7.11 Development Contributions Plan 2020 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development |
| 7 | MATERIAL CONSIDERED BY THE PANEL | <ul style="list-style-type: none"> Council Assessment Report: 12 November 2024 Written submissions during public exhibition: One |
| 8 | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> Briefing: 21 August 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Nicole Gurran (Chair) and Brian Kirk <u>Council assessment staff</u>: Glenn Apps, Shannon Butler and Carine Elias |

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| | | <ul style="list-style-type: none">• Applicant Briefing: 21 August 2024<ul style="list-style-type: none">○ <u>Panel members</u>: Nicole Gurran (Chair) and Brian Kirk○ <u>Council assessment staff</u>: Glenn Apps, Shannon Butler and Carine Elias○ <u>Applicant representatives</u>: Angus Nguyen and Jeff Mead• Final briefing to discuss council’s recommendation: 20 November 2024<ul style="list-style-type: none">○ <u>Panel members</u>: Peter Debnam (chair), Brian Kirk and Glennis James○ <u>Council assessment staff</u>: Glenn Apps, Sohail Faridy and Shannon Butler |
| 9 | COUNCIL RECOMMENDATION | Approval |
| 10 | DRAFT CONDITIONS | Attached to the Council Assessment Report |