

DETERMINATION AND STATEMENT OF REASONS
SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	26 November 2024
DATE OF PANEL DECISION	21 November 2024
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Glennys James
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 12 November 2024.

MATTER DETERMINED

PPSSNH-504 – Ryde – LDA2024/0103 – 3 Halifax Street, Macquarie Park - Construction of a residential flat building (Building B) on lot 1, containing 266 apartments over 5 levels of basement carparking accommodating 270 car spaces, stratum subdivision of basement, construction of 'Mews Road', tree removal and landscape work (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, DP 1224238 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 2 lot Torrens title subdivision of Lot 102, DP 1224238 is proposed under a separate application, being LDA2024/0066 (PPSSNH-495) which is separately considered by the Sydney North Planning Panel. Works under this application are dependent on LDA2024/0066 being approved and carried out.

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 standard 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 B has a GFA of 22,715m², which is compliant with 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 ratios 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 Panel notes the proposal also breaches the 8m setback to the eastern boundary for the provision of deep soil, 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.

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.


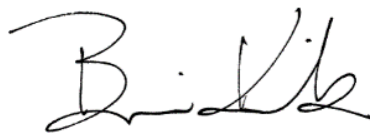

In summary, the Panel concurs with Council that the proposal has been appropriately assessed against relevant planning controls, is suitable for the site and approval would be in the community interest.

CONDITIONS

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

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel noted no written submissions were made during public exhibition.

PANEL MEMBERS	
	
Peter Debnam (Chair)	Brian Kirk
	
Glennis James	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-504 – Ryde – LDA2024/0103
2	PROPOSED DEVELOPMENT	Construction of a residential flat building (Building B) on lot 1, containing 266 apartments over 5 levels of basement carparking accommodating 270 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 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: Nil
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 ● Applicant Briefing: 21 August 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Nicole Gurran (Chair) and Brian Kirk

		<ul style="list-style-type: none"> ○ <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), Glennys James and Brian Kirk ○ <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