

DATE OF DETERMINATION	24 April 2025
DATE OF PANEL DECISION	24 April 2025
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Stephen O'Connor
APOLOGIES	Cameron Last, Tina Kordrostami
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 17 April 2025.

MATTER DETERMINED

PPSSNH-522 – City of Ryde – LDA2024/0158 at 15-21 Cottonwood Crescent, Macquarie Park – Demolition of the existing structures, construction of two residential flat buildings, being part 19/20 storeys and part 20/21 storeys respectively, above a podium which includes two retail outlets. The development accommodates 255 apartments, 285 parking spaces within 3 basement levels, and associated landscaping works. The application is Integrated Development under the Water Management Act 2000. (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 briefings listed at item 8 in Schedule 1.

Application to vary a development standard:

Following consideration of written requests from the applicant, made under cl 4.6 (3) of the Ryde Local Environmental Plan 2014 (LEP), the Panel is satisfied that the applicant has demonstrated that:

- compliance with cl. 4.3 Height of Buildings and cl. 4.3 Floor Space Ratio are unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standards.

The Applicant's written requests to vary development standards in relation to FSR and Height were extensively considered in Council's Assessment Report. The Panel concurs with Council that the Height variation of 7.8% predominantly involves a part storey, roof edges and roof plant structures and the written request demonstrates sufficient environmental planning grounds to be supported in the circumstances. In relation to the variation in FSR, the non-compliance predominantly involves the inclusion of corridors in the total gross floor area and the written request again demonstrates sufficient environmental planning grounds to warrant support. The enclosure of the breezeways to form enclosed corridors results in enhanced internal amenity and the enclosing of the corridors does not add to the visual bulk and scale of the development.

In relation to both FSR and Height, the Panel concurs with Council that the proposal satisfies the objectives of the zone and the respective development standards, is consistent with the scale anticipated on the site and will read favourably in the context of the redevelopment of neighbouring sites in the future.

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 uphold the Clause 4.6 variations to building height and floor space ratio and approve the application for the reasons below and in Council's comprehensive Assessment Report.

The Panel notes the proposal benefited from extensive consultation and feedback from Council, Urban Design Review Panel and the community over the last two years. As a result of feedback, the design was significantly amended and updated plans and supporting documentation were lodged with Council in January 2025.

The Panel concurs with Council that the final proposal has been properly assessed in accordance with relevant planning controls, complies with the zone objectives for MU1 Mixed Use and will be consistent with the desired future character for the precinct by introducing mixed use buildings for residential and retail uses. The site is suitable for the proposed development and does not create unreasonable environmental impact to development in the immediate vicinity.

The development will provide accommodation and associated services to meet the demands of the growing population in this diverse precinct and the growth of the local community generally.

CONDITIONS


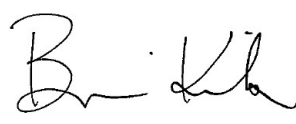

The Development Application was approved subject to the conditions in Council's Assessment Report as amended to clarify the approval process for conditions 62, 65, 68, 69, 70, 71, 75, 79, 82, 83, 88 and 108 which will include the wording *'Details are to be submitted to the satisfaction of the principal certifier.'*

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. The Panel notes that issues of concern included:

- Overshadowing
- Building height
- Notification
- Design Statement
- Property Values

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and the conditions as amended.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Brian Kirk
 Stephen O'Connor	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-522 – City of Ryde – LDA2024/0158
2	PROPOSED DEVELOPMENT	Demolition of the existing structures, construction of two residential flat buildings, being part 19/20 storeys and part 20/21 storeys respectively, above a podium which includes two retail outlets. The development accommodates 255 apartments, 285 parking spaces within 3 basement levels, and associated landscaping works. The application is Integrated Development under the Water Management Act 2000.
3	STREET ADDRESS	15-21 Cottonwood Crescent, Macquarie Park
4	APPLICANT/OWNER	<p>Cottonwood Development Pty Ltd (applicant)</p> <p>Owners:</p> <p><u>15 Cottonwood Crescent</u></p> <ul style="list-style-type: none"> • LegPro 41 Pty Ltd • LegPro 53 Pty Ltd <p><u>17 Cottonwood Crescent</u></p> <ul style="list-style-type: none"> • LegPro 33 Pty Ltd <p><u>19 Cottonwood Crescent</u></p> <ul style="list-style-type: none"> • LegPro 34 Pty Ltd <p><u>21 Cottonwood Crescent</u></p> <ul style="list-style-type: none"> • LegPro 35 Pty Ltd • Armek Baghdavarayan & Karine Baghdavarayan • Vera Chong • Yvonne Da Dalto & Aimee Sing • Nicholas Teh • Alpha Yee • Emil Vartanian • Rohan Truscott • Debra Gibbeson
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"> ○ Environmental Planning and Assessment Act 1979 ○ Biodiversity Conservation Act 2016 ○ Water Management Act 2000 ○ Environmental Planning and Assessment Regulation 2021 ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Sustainable Buildings) 2022 ○ State Environmental Planning Policy (Housing) 2021 ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ Ryde Local Environmental Plan 2014 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Ryde Development Control Plan 2014 • Planning agreements: Nil • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> • Coastal zone management plan: Nil

		<ul style="list-style-type: none"> • 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: 11 April 2025 • clause 4.6 variation requests: <ul style="list-style-type: none"> ○ Clause 4.3 – Height of Buildings (20 December 2024) ○ Clause 4.4 – Floor Space Ratio (19 December 2024) • Written submissions during public exhibition: 4
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Preliminary Briefing: 27 November 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk ○ <u>Council assessment staff</u>: Anthony Collier, Holly Charalambous, Sohail Faridy ○ <u>Applicant representatives</u>: David Hoy, Travis Lythall, Jim Koopman, Marcelo Doucet, Saul Moran, Ben Trenko, Trevor Jolly ○ <u>Department staff</u>: Lillian Charlesworth, Jade Buckman • Final briefing to discuss council's recommendation: 23 April 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Stephen O'Connor ○ <u>Council assessment staff</u>: Anthony Collier, Holly Charalambous, Sohail Faridy, Daniel Pearse ○ <u>Department staff</u>: Tim Mahoney, Jade Buckman
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report as amended on 23 April 2025.