

**DETERMINATION AND STATEMENT OF REASONS**  
SYDNEY NORTH PLANNING PANEL

|                                 |                                                                     |
|---------------------------------|---------------------------------------------------------------------|
| <b>DATE OF DETERMINATION</b>    | 29 July 2020                                                        |
| <b>PANEL MEMBERS</b>            | Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Bernard Purcell |
| <b>APOLOGIES</b>                | Edwina Clifton                                                      |
| <b>DECLARATIONS OF INTEREST</b> | None                                                                |

Public meeting held by Public Teleconference on 29 July 2020, opened at 11am and closed at 11.10am.

**MATTER DETERMINED**

PPSSNH-84 - Ryde – MOD2020/0004 at 159-161 Epping Road Macquarie Park for modifications to an approved development application (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 and the matters observed at site inspections listed at item 8 in Schedule 1.

**Development application**

The Panel determined to approve the development application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

**REASONS FOR THE DECISION**

The modification application seeks to amend the approved development for construction of 2 x 15 storey residential apartment buildings comprising 317 apartments and 3 levels of car parking for 308 car spaces to modify the apartment mix, reconfigure apartment layouts, delete Basement Level 2, reconfigure car parking and vehicular access, and alterations to building setbacks. The modification application also includes alterations to landscaping and pedestrian access along the Epping Road and Eucalyptus Street frontages, and seeks to distribute payment of Section 7.11 contributions across the 2 stages of construction for the North Tower and South Tower.

The Panel notes the site does not have legal rights of access to Eucalyptus Street, a privately owned road. Whilst the design of the North Tower and the landscaped setback provides appropriate passive surveillance and future pedestrian access when the adjacent site is redeveloped including a new public road, pedestrian access to Eucalyptus Street will be restricted until either legal access is granted by the adjoining property owner or a public road is constructed in accordance with the RDCP 2014. Until such time, Conditions require the existing fence be retained or a new fence be erected to restrict pedestrian access from the site to Eucalyptus Street.

The proposed development seeks to alter building setbacks and results in a further non-compliance with the 10 metre front setback controls in Part 4.5 of the RDCP 2014– Macquarie Park Corridor. The Panel notes the original development was approved with a front setback of 11.73 metres inclusive of a 3.5 metres wide road dedication along Epping Road, which results in a setback of 8.23 metres. The proposal has a front setback of 10.585 metres including the 3.5 metre road dedication which results in the South Tower setback 7.085m from Epping Road. In this instance, the non-compliance with the front setback is considered acceptable as sufficient landscaping is proposed within the front setback, which will contribute to the landscaped character of Epping Road and is consistent with the form of large-scale developments within the precinct.

The Panel notes that while the modification proposal reduces floor to floor heights on all levels, from 3.10m to 3.05m (Ground Level to Level 14) and from 3.23m to 3.20m on Level 15, the modification will still result in floor to ceiling heights of 2.7m.

In relation to building depths, the Panel notes the South and North Towers were approved with maximum building depths of 22m to 24.7m, which are increased to between 25m and 27m, respectively as a result of the modification. The proposed modification will therefore exceed the maximum building depth provision of the ADG by 7m to 9m, however it is generally consistent with the building depths of the approved development and provides acceptable amenity for apartments. The existing approved development was non-compliant with the ADG in a number of areas and the proposed modification will not increase any of the non-compliances and is considered acceptable.

The proposed development achieves satisfactory amenity for future occupants and will not result in any additional overshadowing or loss of privacy impacts on adjoining properties, subject to conditions deleting the proposed new western terraces on Level 13.

The Panel acknowledges the modification proposal retains substantially the same built form, scale, density and architectural design as the original development and is considered to be substantially the same development as originally approved. As such, the proposal satisfies the provisions under Section 4.55(2) of the Environmental Planning and Assessment Act 1979.

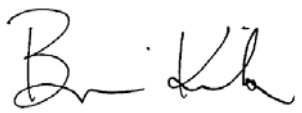
Having regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979, the Panel considers the modification application is reasonable in the context of the site.

#### CONDITIONS

The development application was approved subject to the council's amended conditions received 21 July 2020.

#### CONSIDERATION OF COMMUNITY VIEWS

Members of the public did not seek to attend or address the public meeting. In coming to its decision, the Panel considered one written submission made during public exhibition, which raised the following issues: an easement over neighbouring land to disperse stormwater; deletion of a basement level; deletion of the service vehicle access ramp; overshadowing; future development along Eucalyptus Street and left in/left out vehicle access to Epping Road. The Panel considers that the concerns raised have been adequately addressed in the assessment report.

| PANEL MEMBERS                                                                                               |                                                                                                          |
|-------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| <br>Peter Debnam (Chair) | <br>Julie Savet Ward |
| <br>Brian Kirk           | <br>Bernard Purcell  |

| SCHEDULE 1 |                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| 1          | PANEL REF – LGA – DA NO.          | PPSSNH-84 – Ryde – MOD2020/0004                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 2          | PROPOSED DEVELOPMENT              | <p>Section 4.55(2) modification of approved development (PPS-2018SNH021) to modify the following:</p> <ul style="list-style-type: none"> <li>• Reconfigure apartment layouts and unit mix while keeping the same total number of units at 317;</li> <li>• Reconfigure Ground Level of North Tower from 9 apartments to 4 apartments including increase in finished floor level of apartments by 2.05m to RL75.00;</li> <li>• Reduce floor to floor heights;</li> <li>• Delete six (6) ground level apartments in the South Tower for extension of the car park and provision of OSD and rainwater tanks, and services;</li> <li>• Modify pedestrian access to the North Tower and South Tower including new stairs and ramps fronting Epping Road and Eucalyptus Street;</li> <li>• Reconfigure communal open space and communal facility between North Tower and South Tower;</li> <li>• Reconfigure North Tower and South Tower building envelopes comprising changes to setbacks to Epping Road, Eucalyptus Street and between the towers.;</li> <li>• Delete Basement 2 car park and reconfigure Basement 1 and Ground Level car park to accommodate 306 car spaces and 33 bicycle spaces and loading dock;</li> <li>• Combine private vehicle and service vehicle access into one shared driveway from Epping Road;</li> <li>• New stormwater management plan including additional OSD tanks and a channel along the south-eastern boundary to drain towards Epping Road; and</li> <li>• Staging of Section 7.11 Contributions in accordance with the approved staging of construction works in 2 stages.</li> </ul> |
| 3          | STREET ADDRESS                    | 159-161 Epping Road, Macquarie Park                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 4          | APPLICANT/OWNER                   | Applicant: 159 Epping Road Pty Ltd C/- Mecone Owner: The Owners Strata Plan 9264                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 5          | TYPE OF REGIONAL DEVELOPMENT      | Section 4.55(2) Modification Application                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 6          | RELEVANT MANDATORY CONSIDERATIONS | <ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>o Sydney Environmental Planning Policy (State and Regional Development) 2011;</li> <li>o State Environmental Planning Policy No. 55 –Remediation of Land;</li> <li>o State Environmental Planning Policy (Infrastructure) 2007;</li> <li>o State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;</li> <li>o State Environmental Planning Policy 65 (Design Quality of Residential Apartment Development);</li> <li>o Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; and</li> <li>o Ryde Local Environmental Plan 2014.</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans:</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

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|----|--------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    |                                                              | <ul style="list-style-type: none"> <li>o City of Ryde Development Control Plan 2014</li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul> |
| 7  | <b>MATERIAL CONSIDERED BY THE PANEL</b>                      | <ul style="list-style-type: none"> <li>• Council assessment report: 14 July 2020</li> <li>• Amended conditions: 21 July 2020</li> <li>• Written submissions during public exhibition: 1</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>o Council assessment officer - Peggy Wong, Sandra Bailey</li> <li>o On behalf of the applicant – Adam Coburn, Nicholas Byrne</li> </ul> </li> </ul>                                                                                                                                                                                                                                                                                                       |
| 8  | <b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b> | <ul style="list-style-type: none"> <li>• Briefing: 10 June 2020 <ul style="list-style-type: none"> <li>o <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Edwina Clifton, Bernard Purcell</li> <li>o <u>Council assessment staff</u>: Sandra Bailey, Peggy Wong, Rebecca Lockart</li> </ul> </li> <li>• Final briefing to discuss council's recommendation, 29 July 2020 at 10.30am. Attendees: <ul style="list-style-type: none"> <li>o <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Edwina Clifton, Bernard Purcell</li> <li>o <u>Council assessment staff</u>: Sandra Bailey, Peggy Wong, Rebecca Lockart, Hussein Bazzi, Elias Elias</li> </ul> </li> </ul>                         |
| 9  | <b>COUNCIL RECOMMENDATION</b>                                | Approval                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 10 | <b>DRAFT CONDITIONS</b>                                      | Attached to the council assessment report                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |