

DATE OF DETERMINATION	1 December 2020
PANEL MEMBERS	Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Bernard Purcell
APOLOGIES	Edwina Clifton
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 11 November 2020.

MATTER DETERMINED

PPSSNH-89 – Ryde – LDA2020/0044 at 1 Eden Park Drive, Macquarie Park – Demolition of existing warehouse and construction of an 8 storey mixed use building containing commercial and retail uses including 2 levels of basement carparking and public domain works. (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 4.16 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 outlined below and in the Council Assessment report.

The application proposes a new eight (8) storey commercial building with two (2) levels of basement car parking in the position of an existing warehouse building, which is to be demolished. The application includes construction of a pedestrian pathway on the western side of the site and public domain upgrades, as well as tree removal and landscaping works. No works are proposed to the existing commercial office building (known as the Orix building).

The proposal complies with the planning requirements under Ryde Local Environmental Plan 2014 (Ryde LEP 2014) and utilises the incentive provisions under clause 6.9 of Ryde LEP 2014 for additional floor space and height which are 3:1 and 65m respectively for the northern portion of the site.

A Planning Agreement under Section 7.4 of the Environmental Planning and Assessment Act 1979 (EP&A Act) includes the construction of a pedestrian pathway and public access easement which is generally in accordance with the Access Network Structure Plan under Part 4.5 of the Ryde DCP 2014, in addition to payment of a monetary contribution.

Under Ryde DCP 2014 the proposal complies with the relevant controls with the exception of 4.2 Pedestrian Connections, 7.6 Rear and Side Setbacks (Rear Setbacks), 7.7 Building Separation and 8.7 On-site Parking (Basement Parking). However, the Panel concurs that the proposed variations are acceptable on merit as detailed in the Compliance Table of Council's Assessment Report.

In considering the proposal, the Panel was briefed in detail by the Applicant and Council in relation to their disagreement on proposed conditions 68, 69 and 72.

The Panel concurred with the Applicant that Condition 68 - Public Domain Works and Condition 69 - Public Infrastructure Works should impose obligations which directly relate to the proposed DA only and not the entire lot.

In relation to Condition 72 - Public Domain Works – Defects Security Bond, the Panel concurred with Council that the value of the bond should be an explicit amount ie \$80,000. Accordingly, the Panel accepted Council's wording of the condition and no amendments required.

Additionally, Condition 133 - Vibration was amended to link it to the Geotechnical Monitoring Program implemented during construction under Condition 63.

After consideration of the development against section 4.15 of the EP&A Act and relevant statutory and policy provisions, the Panel concurred with Council that the proposal is suitable for the site, is sound in terms of design, function and relationship with its neighbours and is in the public interest.

CONDITIONS

The development application was approved subject to the revised conditions received 30 November 2020 and with the following amendments as discussed above:

- Condition 68 amended to read as follows:
Public domain improvements. The public domain is to be upgraded on the Eden Park Drive frontage of the development site to the extent shown on the Public Domain Plan Drawings listed in Condition 1 in accordance with the City of Ryde Public Domain Technical Manual Section 6 –Macquarie Park. The works shall include paving, multifunction light poles, street furniture and plantings, and must be completed to Council's satisfaction at no cost to Council.

A public domain plan for the following works shall be submitted to, and approved by Council's City Works Directorate, prior to the issue of the relevant Construction Certificate.

- a) Footpath paving as specified in the condition of consent for public infrastructure works.*
- b) Street trees to be provided in accordance with the Macquarie Park Street Tree Master Plan. The designated species on each frontage are to be confirmed by Council's Landscape Architect and detailed within the Public Domain works plans to be approved by Council.*

Note: In designing the street tree layout, the consultant shall check and ensure that all new street trees are positioned such that there are no conflicts with the proposed street lights, utilities and driveway accesses. The proposed street lights will have priority over the street trees. All costs associated with the removal of existing street trees, where required, will be borne by the Developer.

- c) (c) New street lighting serviced by metered underground power and on multifunction poles (MFPs) shall be designed and installed to Australian Standard AS1158:2010 Lighting for Roads and Public Spaces, with a minimum vehicular luminance category V5 on the Eden Park Drive frontage and pedestrian luminance category of P2 along the Eden Park Drive frontage.*
 - Lighting upgrade shall be in accordance with the City of Ryde Public Domain Technical Manual Chapter 6 – Macquarie Park. The consultant shall liaise with Council's City Works Directorate in obtaining Council's requirements and specifications for the MFP and components, including the appropriate LED luminaire and location of the meter boxes.*
 - Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant and submitted to, and approved by Council's City Works Directorate prior to lodgement of the scheme with Ausgrid for their approval.*
 - Note: Council has prepared a design guide and schema for the provision of the street lighting on MFPs. A copy of the design guide including the design template and checklist, and the street lighting schema can be made available to the Electrical Design Consultant upon request to Council's City Works Directorate.*

- Condition 69 amended to read as follows:

Public Infrastructure Works. Public infrastructure works shall be designed and constructed as outlined in this condition of consent. The approved works must be completed to Council's satisfaction at no cost to Council.

Engineering drawings prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia) are to be submitted to and approved by Council's City Works Directorate prior to the issue of the relevant Construction Certificate. The works shall be in accordance with City of Ryde DCP 2014 Part 8.5 - Public Civil Works, and DCP 2014 Part 8.2 - Stormwater Management, where applicable.

The drawings shall include plans, sections, existing and finished surface levels, drainage pit configurations, kerb returns, existing and proposed signage and linemarking, and other relevant details for the new works. The drawings shall also demonstrate the smooth connection of the proposed works to the existing adjoining street scape.

The Applicant must submit, for approval by Council as the Road Authority, full design engineering plans and specifications for the following infrastructure works:

- a) The full reconstruction of half road width for the Eden Park Drive frontage of the development site in accordance with the City of Ryde DCP 2014 Part 8.5 -Public Civil Works, Clause 1.1.4 – Constructing Half Road and Council Standard Drawing CIV 14.2, where dilapidation has been found to have occurred and documented in the Post-Construction Dilapidation Report, required at condition 134 of this consent.*

- Condition 133 amended to read as follows:

133. Vibration.

The Geotechnical Monitoring Program implemented during construction under Condition 63 with regard to excavation induced ground vibrations is to be adhered to.



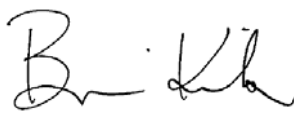

All reasonable efforts are to be undertaken to ensure that the demolition and construction work will not cause unreasonable interference to the existing amenity of the area and the occupants of surrounding buildings. This includes noise, vibration and dust.

If requested by Council or the Private Certifier, details of the construction methodology is to be provided and adjustments made to reduce the impact.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the written submission made during public exhibition, which raised concerns regarding the impacts of demolition and construction, particularly structural integrity and vibration on a neighbouring property.

The Panel considered that concerns raised by the community have been adequately addressed in the Assessment Report, by Applicant and Council responses and in the conditions as amended.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Julie Savet Ward
 Brian Kirk	 Bernard Purcell

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-89 – Ryde – LDA2020/0044
2	PROPOSED DEVELOPMENT	Demolition of existing warehouse and construction of an 8 storey mixed use building containing commercial and retail uses including 2 levels of basement carparking and public domain works.
3	STREET ADDRESS	1 Eden Park Drive, Macquarie Park
4	APPLICANT/OWNER	Kamiricie 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"> Environmental Planning and Assessment Act 1979 State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land State Environmental Planning Policy (Infrastructure) 2007 Deemed State and Regional Planning Policy (SEPP) (Sydney Harbour Catchment) 2005 State Environmental Planning Policy (SEPP) Vegetation in Non-Rural Areas) 2017 Draft State Environmental Planning Policy (SEPP) Remediation of Land) Draft Environment State and Regional Planning Policy (SEPP) Ryde Local Environmental Plan 2014 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Ryde Development Control Plan 2014 Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil 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: 11 November 2020 Revised conditions 30 November 2020 Written submissions during public exhibition: 1 Total number of unique submissions received by way of objection: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 29 July 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Bernard Purcell <u>Council assessment staff</u>: Sandra Bailey, Rebecca Lockart Final briefing to discuss council's recommendation: 1 December 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Bernard Purcell <u>Council assessment staff</u>: Alicia Hunter, Sandra Bailey, Rebecca Lockart, Lidia Pajmakoska, Gasan Mohamad

		<ul style="list-style-type: none">○ <u>Applicant representatives:</u> Mark Ross, Richard Poore, Murray Donaldson, Joseph Arnott, Stephen Sanlorenzo, Jerome Catherine
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report