

ASSESSMENT REPORT

M2 SITE, NORTH RYDE SSD 5093 MOD 3

1. INTRODUCTION

This report is an assessment of an application to modify the development consent for the redevelopment of the M2 Site (now known as Lachlan's Line) within the North Ryde Station Priority Precinct (SSD 5093 MOD 3). The application has been lodged by GLN Planning on behalf of Urban Growth NSW (the Applicant) pursuant to section 96 (1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

It seeks approval to modify the wording of Condition E4 of the development consent to alter the timing for the completion and dedication of the Delhi Road pedestrian and cycle bridge (Delhi Road bridge).

2. SUBJECT SITE

The subject site, known as Lachlan's Line, is located at the northern end of the North Ryde Station Priority Precinct adjacent to the M2 Motorway. The site has a total area of 91,530 m² and is owned by Urban Growth NSW. As identified in **Figure 1** below, the site preparation, civil and public domain works permitted under the Stage 1 development consent are now complete.

Development surrounding the site includes large scale commercial/office premises to the north and west, a mix of open space and residential uses to the south across Epping Road, and the Macquarie Park Crematorium and Cemetery to the east beyond the M2 Motorway.



Figure 1: Location Plan (Source: Applicant's Statement of Environmental Effects)

On 6 March 2015, the Executive Director, Infrastructure and Industry Assessments, granted development consent (SSD 5093) to a Concept Proposal and Stage 1 Development Application for the redevelopment of the site.

The Stage 1 Development Application permits site preparation works; super lot subdivision, civil and public domain works, including construction of new roads; open space; relocation of an existing gas main; a pedestrian and cycle bridge over Delhi Road; and other infrastructure works (refer to **Figure 3**).

- permit changes to the alignment of the existing gas main (MOD 1);
- identify where bonus floor space applies to future developments (MOD 2);
- alter the final staging of the works (MOD 2);
- insert new arrangements for the payment of security bonds (MOD 2); and
- identify additional works required to facilitate the construction of the Delhi Road bridge (MOD 2).

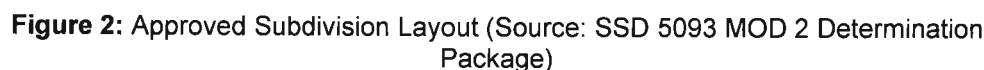




Figure 3: Approved Stage 1 Works (Source: SSD 5093 Response to Submissions)

The development consent requires:

- The Applicant to enter into a Works Authorisation Deed (WAD) with RMS for the provision of the Delhi Road Pedestrian Bridge (Condition B21).
- Submission of detailed designs, ownership and maintenance arrangements for the bridge to Roads and Maritime Services (RMS) for their approval (Condition B22).
- Completion of the Pedestrian Bridge prior to issue of the first Occupation Certificate for residential or commercial development on the site (Condition E4).

4. VOLUNTARY PLANNING AGREEMENTS

Regional and local voluntary planning agreements (VPAs) apply to the redevelopment of the site.

The regional VPA between the Minister for Planning (the Minister) and the Applicant was executed on 20 August 2015, and sets out the requirements for the provision of up to \$15 million of regional road upgrades, including road widening works along Delhi Road, and intersection upgrades at Wicks and Epping Roads and Wicks and Waterloo Roads.

To date, the works at the intersection of Wicks and Waterloo Road have been completed in accordance with the VPA.

The local VPA between the City of Ryde Council (Council) and the Applicant was executed on 20 October 2016, and sets out the requirements for the provision of local open space, recreation and community facilities, public art and roads.

5. PROPOSED MODIFICATION

The Applicant advises the need to amend Condition E4 has arisen due to delays in obtaining the WAD required under Condition B21, and satisfying the design requirements for the Delhi Road bridge outlined in Condition B22 of the development consent. These delays have affected the bridge construction timetable which may in turn delay the issue of the Occupation Certificate(s) required to facilitate the property settlement process for the first residential apartments on the site, scheduled for completion in late 2018.

To address this issue, the Applicant has lodged a section 96(1A) modification seeking consent to modify the wording of Condition E4 to:

- extend the timing for the opening of the Delhi Road bridge from prior to the issue of the first Occupation Certificate for any residential or commercial development, to prior to the issue of the first Construction Certificate for any residential dwelling on the lots east of Road 1 (Lots 102, 110 and 114 to 116); and

- alter the arrangements for the dedication of the Delhi Road bridge to RMS.

6. STATUTORY CONSIDERATION

6.1 Modification of Consent

Section 96(1A) of the EP&A Act requires a consent authority to be satisfied that the following matters are addressed in respect of all applications to modify a development consent:

Table 1: Section 96 (1A) matters for consideration

Section 96 (1A) matters for consideration	Comment
<i>The proposed modification is of minimal environmental impact</i>	Section 8 provides an assessment of the impacts of the proposal. The Department is satisfied the proposal would have minimal environmental impacts.
<i>The development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).</i>	The Department is satisfied the proposed changes to Condition B4 to introduce flexibility in the completion and dedication of the Delhi Road bridge would result in a development which is substantially the same development for which consent was originally granted.
<i>The application has been notified in accordance with the regulations</i>	The modification application has been notified in accordance with the regulations. Details of the notification are provided in Section 7 of this report.
<i>Any submission made concerning the proposed modification has been considered</i>	The issues raised in submissions are outlined in Section 7 and have been considered in Section 8 of this report.

6.2 Environmental Planning Instruments

The following environmental planning instruments (EPIs) apply to the redevelopment of the site:

- *State Environmental Planning Policy (State and Regional Development) 2011;*
- *State Environmental Planning Policy (Infrastructure);*
- *State Environmental Planning Policy No 55 - Remediation of Land; and*
- *Ryde Local Environmental Plan 2014.*

The Department undertook a comprehensive assessment of the redevelopment against the above EPIs as part of its assessment of the original Development Application. The Department has concluded the proposed modification does not affect the proposal's consistency with the above EPIs.

6.3 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Director Modification Assessments, may determine the application under delegation, as:

- the relevant local council has not made an objection; and
- a political disclosure statement has not been made; and
- there are no public submissions in the nature of objections.

7. CONSULTATION

The Department made the modification application publicly available on its website and consulted with the Ryde City Council (Council), Roads and Maritime Services (RMS), Transport for NSW (TfNSW) and Transurban, the owner of the Hills M2 Motorway. Due to the minor nature of the proposed modification it was not exhibited by any other means.

Submissions were received from RMS and Transurban. Neither Council nor TNSW provided comments on the proposal. A summary of the submissions is provided below.

RMS initially raised no objection to the proposal, subject to the inclusion of a new condition requiring the Applicant to implement the measures outlined in a Letter of Undertaking between Urban Growth and RMS, which outlines arrangements for the construction and delivery of the Delhi Road bridge.

However, on 13 July 2017, RMS provided a supplementary submission advising it unconditionally supports the proposed modifications to Condition E2.

Transurban raised no objection to the proposal and provided no comments on the proposed wording of Condition E4.

There were no **public** submissions received on the proposal.

8. ASSESSMENT

The Department considers the key issues for assessment are:

- the timing for the completion and dedication of the Delhi Road bridge; and
- maintaining pedestrian safety and amenity prior to the opening of the Delhi Road bridge.

8.1 Timing for the Completion and Dedication of the Delhi Road Bridge

As previously outlined, the Applicant is seeking to amend Condition B4 to permit the issue of Occupation Certificates for new residential dwellings on the lots west of approved Road 1, prior to the opening of the Delhi Road bridge (see **Figure 4**). The Applicant has advised the proposed modifications are necessary as delays in the construction program associated with obtaining the pre-commencement approvals for the Delhi Road bridge may delay the issue of Occupation Certificates for residential apartments approved on Lots 104 and 105, which are due for completion in late 2018.

In addition, in order to facilitate the above, the application seeks to alter the timing for the dedication of the Delhi Road bridge to TfNSW/RMS from, prior to the issue of the first Occupation Certificate for residential development to, after completion of the bridge works. The Applicant has advised that, as North Ryde Station is scheduled to close for six months at the end of 2018 to facilitate the Sydney Metro works, it would be preferable to open the bridge concurrently with the re-opening of the station, and for dedication to occur following the opening of the bridge.

The Applicant has also advised the proposed modifications to Condition E4 would provide a more reasonable timeframe to negotiate the WAD and bridge design requirements with RMS without

unduly delaying the property settlement process of housing within the North Ryde Priority Precinct.

The Applicant's proposed wording of Condition E4 is provided below (note: words with a ~~strikethrough~~ are proposed for removal, and **bold and underlined** words are proposed for inclusion under MOD 3):

*E4 The pedestrian/cycle bridge over Delhi Road must be completed in accordance with RMS requirements, ~~dedicated to TfNSW/RMS (including Lot 113), and open for public use prior to the issue of the first occupation certificate for any residential dwelling or commercial development forming part of Stage 2 on either Lot 102, 110, 114, 115, or 116.~~ **On completion of the bridge, this infrastructure is to be dedicated to the RMS.***

The Department has reviewed the proposed wording of Condition E4 and supports the proposed changes to the timing for the completion of the bridge on the basis that:

- the proposed modification would remove any unintended barriers to the delivery of new housing within the North Ryde Station Priority Precinct.
- delivery of pedestrian infrastructure concurrent to the re-opening of North Ryde Station would potentially reinforce the use of the bridge by future residents.
- the interim station access arrangements would not result in any adverse safety or amenity impacts for pedestrians in the event the bridge is not open concurrently with the re-opening of North Ryde Station in mid-2019 (see the detailed discussion in **Section 8.2** below).

In terms of the timing of the dedication of the bridge, the Department considers it may be difficult to align the bridge completion and dedication dates, and as such, the Applicant's preferred wording for Condition E4 may cause compliance issues in the future. To provide greater clarity to the arrangements and timing for the dedication of the bridge, the Department recommends the minor changes to the proposed wording of Condition E4 to require the applicant to enter into arrangements with RMS for the dedication at the bridge and to dedicate the bridge in accordance with those arrangements.

Subject to those minor amendments, the Department supports the proposed modifications to Condition E4 which would ensure the bridge will be dedicated to RMS once it is operational.

8.2 Pedestrian Safety and Amenity

Condition B4 of the development consent requires the construction of the Delhi Road bridge to improve pedestrian access and amenity to North Ryde Station for future residents. The Department notes the proposed modifications to Condition B4 would enable the issue of Construction Certificates for residential developments on the site 1 prior to the completion of the

bridge (see **Figure 4**). Therefore, it is important to ensure future residents will be able to obtain suitable pedestrian access to North Ryde Station prior to the bridge opening.

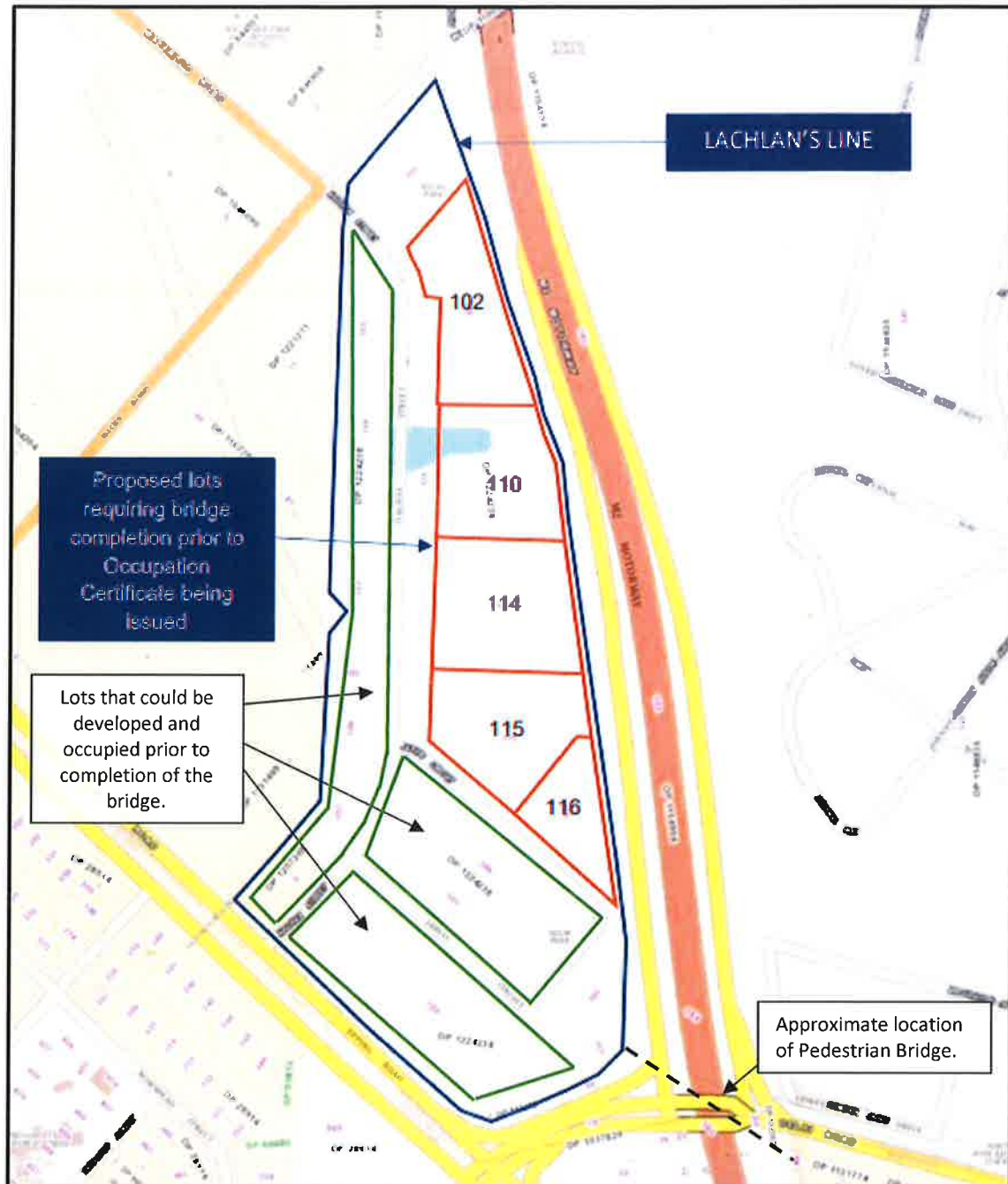


Figure 4: Bridge Works Proposed for Completion prior to the issue of Occupation Certificates for Residential Dwellings on Lots 102, 110, and 114 to 116 (Source: Applicant's Statement of Environmental Effects)

As previously outlined, the Applicant advised it would be preferable to align the opening of the bridge with the re-opening of North Ryde Station. This is due to the apartments on Lots 104 and 105 being scheduled for completion during the temporary closure of North Ryde Station. In the unlikely event that the bridge works are not complete prior to the re-opening of North Ryde Station,

the Applicant proposes to provide interim pedestrian access to the station via the existing signalised crossing at the intersection of Delhi and Epping Roads.

The Department has assessed the impact of permitting the issue of Occupation Certificates for future residential developments prior to the completion of the Delhi Road bridge, and notes that:

- the Applicant is working with RMS to deliver the bridge by 31 January 2019, which would enable the bridge to open concurrently with the re-opening of North Ryde Station in mid-2019;
- in the unlikely event North Ryde Station re-opens prior to the bridge, the interim access arrangements would provide a safe path of travel for pedestrians accessing the station via Epping and/or Delhi Roads;
- use of the existing pedestrian network would not add significant delays to pedestrian journey times to North Ryde Station (the use of the existing network would add up to 150 m to the path of travel in comparison the path of travel provided via the Delhi Road bridge, see **Figure 5** below); and
- delaying the opening of the bridge so it coincides with the re-opening of North Ryde Station would be consistent with best practice travel demand management techniques, as it would encourage the use of bus services provided through the site during the Chatswood to Epping rail line closure, and minimise disruptions to the use of pedestrian bridge that would coincide with the temporary closure of North Ryde Station.

Given the above, the Department is satisfied the proposed modification would not result in any adverse amenity or safety impacts for pedestrians accessing North Ryde Station from the site.

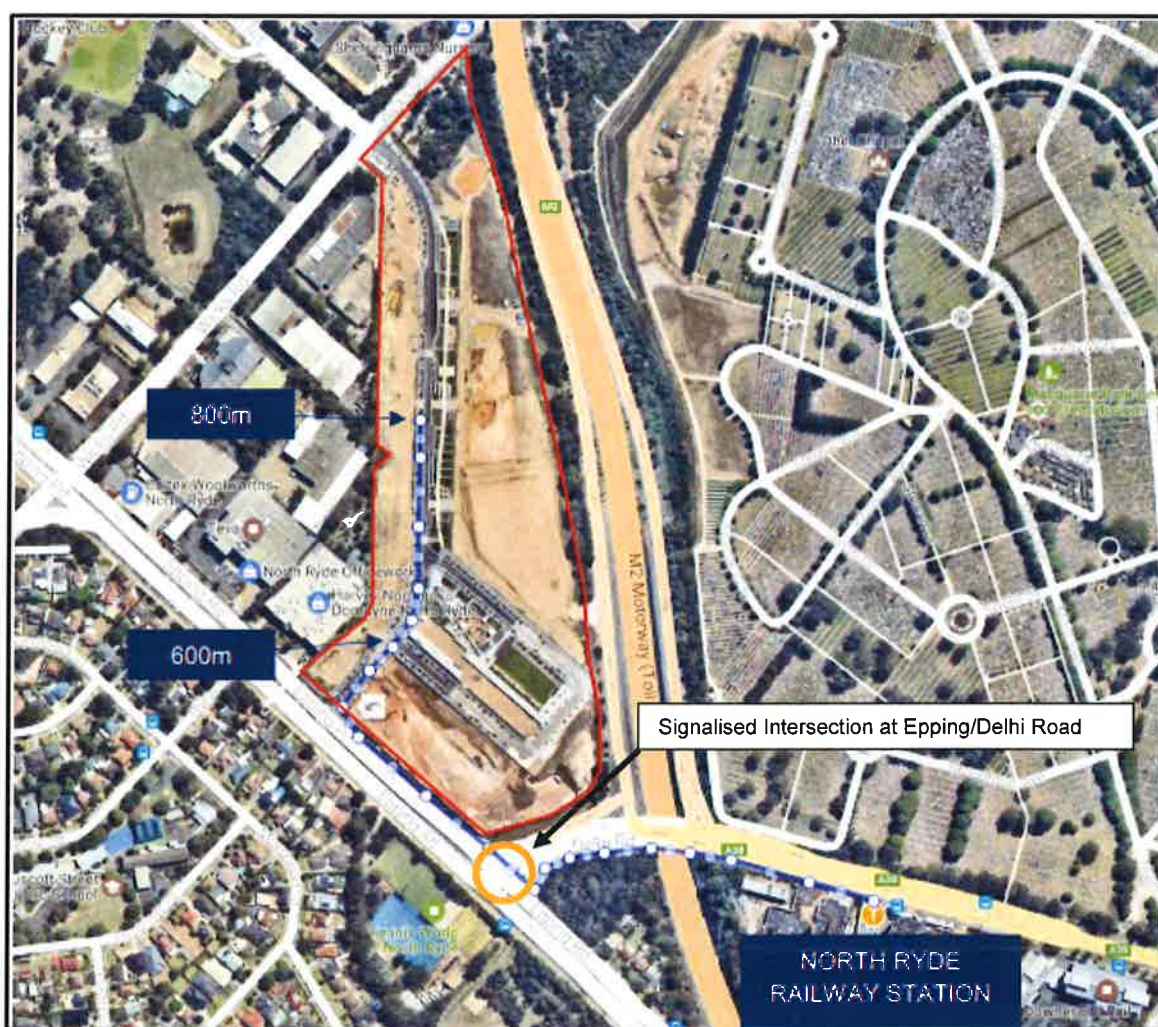


Figure 5: Existing Pedestrian/Cycle Route shown in blue (Source: Applicant's Statement of Environmental Effects)

9. CONCLUSION

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes the proposed modification is appropriate on the basis that the proposed changes to the timing of the delivery of the Delhi Road bridge will not preclude the efficient delivery of infrastructure for future Lachlan's Line residents, or cause any adverse impacts on pedestrian safety or amenity in the locality.

Consequently, the proposal is considered to be in the public interest and it is recommended that the modification be approved subject to the recommended conditions.

10. RECOMMENDATION

It is RECOMMENDED that the Director, Modification Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **approves** the application under section 96(1A), subject to conditions; and
- **signs** the notice of modification (**Appendix A**).

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25.7.17
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APPENDIX A: INSTRUMENT OF MODIFICATION

The Instrument of Modification can be found on the Department of Planning and Environment's website at the following address:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7674

APPENDIX B: SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website, as follows:

1. Modification request

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7674

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7674

3. Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7674