

Statement of Environmental Effects

Application under Section 96(1A) to Modify State
Significant Development Approval 5093 -
Requirements for completion and use of the
Pedestrian Bridge
North Ryde Station Precinct M2 Site at Lachlan's Line

Prepared for UrbanGrowth

3 May 2017

Project No: 10706



Statement of Environmental Effects

Application under Section 96(1A) to Modify Development Consent SSD 5093

North Ryde Station Precinct M2 Site – Lachlan’s Line

Prepared for

By



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1.0 Introduction

This Statement has been prepared by GLN Planning on behalf of UrbanGrowth NSW to support an application to modify State Significant Development Approval 5093 (**SSD 5093**) for the Staged Development of the North Ryde Station Precinct (**NRSP**) M2 Site at Lot 101 to 119 in DP 1224238 and Lot 2 in DP 1207368 known as 'Lachlan's Line'. This application seeks to modify Condition E4 providing for the handover arrangements to the Roads and Maritime Services (**RMS**) for the pedestrian bridge across Delhi Road.

Condition E4 requires that:

*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 or commercial development forming part of Stage 2.*

The pedestrian bridge is a piece of infrastructure connecting future residents living in the Lachlan's Line with the North Ryde Station. However, the following considerations are now fundamental in the final handover of the bridge:

- Approval requirements for the construction of the bridge have been protracted delaying the commencement of the construction.
- The developer of Lot 104 and 105 have commenced the construction of the first tower. Completion of this tower is scheduled to occur as soon as late 2018.
- The Epping to Chatswood Rail Line is scheduled to be shut down for a period of 6 months in late 2018 to early 2019.
- There is currently signalised access for pedestrians at the intersection of Delhi Road and Epping Road which provides interim safe access between the site and the station.

SSD 5093 provides for both the construction and handover of the bridge. UrbanGrowth NSW will be constructing the bridge and will be facilitating the progressive sale of the site. The bridge provides key infrastructure for Lachlan's Line to improve access for the new community to North Ryde Station. However, the condition requires modification to reflect the complexities of timing for the delivery and handover for this major piece of infrastructure that should not be tied to the first occupation certificates to be issued on this site.

The application has been prepared under Section 96(1A) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*. The consent authority is the Executive Director of Planning and Environment as delegate for the Minister of Planning.

State Significant Development Approval (**SSD 5093**) was granted on 5 March 2015 for a Concept Proposal and Stage 1 works for the redevelopment of the M2 site at North Ryde. SSD 5093 approves:

Concept Proposal

- *Subdivision into 12 development lots, 5 public open space lots, 2 public road lots,*
- *allocation of a maximum gross floor area to each of the development lots (total of 238,919m² across the site plus an additional 2,500m² to Lot 104 for a community facility)*
- *infrastructure, civil works and landscaping.*

Stage 1 development works in the following phases:

- *Phase 1 – Site preparation works including demolition, remediation and rehabilitation, bulk earthworks;*
- *Phase 2A – Development lot subdivision to create 4 public roads and a future public road lot; five public reserve lots; three future development lots and two superlots;*
- *Phase 2B – Civil and public domain works including road and intersection construction; open space establishment and embellishment, pedestrian pathways and cycleways, drainage, public domain works and services infrastructure;*
- *Phase 3 – Subdivision to create 8 development lots; and*
- *Phase 4 – Construction of a pedestrian bridge over Delhi Road.*

This Statement describes the site, the details and justification for the specific modification proposed to the consent and provides an assessment against the relevant planning controls to confirm it satisfies the assessment requirements under Section 79C of the EP&A Act. The proposed modification to SSD 5093 will facilitate the timely delivery of the pedestrian bridge in the Lachlan's Line Precinct, and maximise accessibility for future residents.

2.0 The Site and Locality

SSD 5093 relates to the land within the North Ryde Station Precinct, north of Delhi Road. This land is known as Lachlan's Line.

The site is legally identified as Lot 101 to 119 in DP 1224238 and Lot 2 in DP 1207368 (previously known as Lot 1, DP 1207368). It has frontage to Wicks Road, Epping Road and Delhi Road, North Ryde – refer to **Figure 1**.



Source: NearMaps

Figure 1 Location of subject site

As the aerial photograph shows, earthworks have been undertaken across the site. Construction works to complete the intersection at Wicks and Waterloo Roads as well as a slip lane off Epping Road have also been completed.

The modification proposes administrative changes to the timing of the handover of the pedestrian bridge as outlined in Condition E4 of Consent SSD 5093. The location of the proposed pedestrian bridge can be seen in **Figure 2** and **Figure 3**.



Source: DPE State Significant Development Assessment Report (SSD 5093)

Figure 2 Pedestrian bridge over Delhi Road

Source: DPE State Significant Development Assessment Report (SSD 5093)

Figure 3 Location of Pedestrian Bridge within Lachlan's Line

3.0 Proposed Modification

3.1 Approved Development Application

This application relates to UrbanGrowth NSW Lachlan's Line Precinct located adjacent to the M2 motorway and with frontage to Wicks Road, Epping Road and Delhi Road, North Ryde. This application approved a Staged Development (No SSD 5093) consisting of:

1. Concept Proposal including subdivision into 12 development lots, 5 public open space lots, 2 public road lots, allocation of a maximum gross floor area to each of the development lots (total of 238,919m² across the site plus an additional 2,500m² to Lot 104 for a community facility), infrastructure, civil works and landscaping.
2. Stage 1 development works in the following phases:
 - Phase 1 – Site preparation works including demolition, remediation and rehabilitation, bulk earthworks;
 - Phase 2A – Development lot subdivision to create 4 public roads and a future public road lot; five public reserve lots; three future development lots and two superlots;
 - Phase 2B – Civil and public domain works including road and intersection construction; open space establishment and embellishment, pedestrian pathways and cycleways, drainage, public domain works and services infrastructure;
 - Phase 3 – Subdivision to create 8 development lots; and
 - Phase 4 – Construction of a pedestrian bridge over Delhi Road.

It is proposed to modify this Consent as set out below.

3.2 Details of the Proposed Modification

This modification application seeks approval to modify Condition E4 that states:

*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 or commercial development forming part of Stage 2.*

The consent provides for the construction of the pedestrian bridge with Condition B21 requiring the applicant is to enter into a Works Authorisation Deed (**WAD**) with RMS and Condition B22 contains construction requirement for the pedestrian bridge to be approved by RMS prior to commencement of construction.

These requirements have resulted in protracted negotiations that have delayed the construction of the bridge and now potentially threaten settlements of the first residential apartments on the site. As noted earlier, the bridge will provide more convenient access replacing the existing arrangements at the signalised intersection at Delhi Road and Epping Road to access North Ryde Station and the Epping to Chatswood rail line.

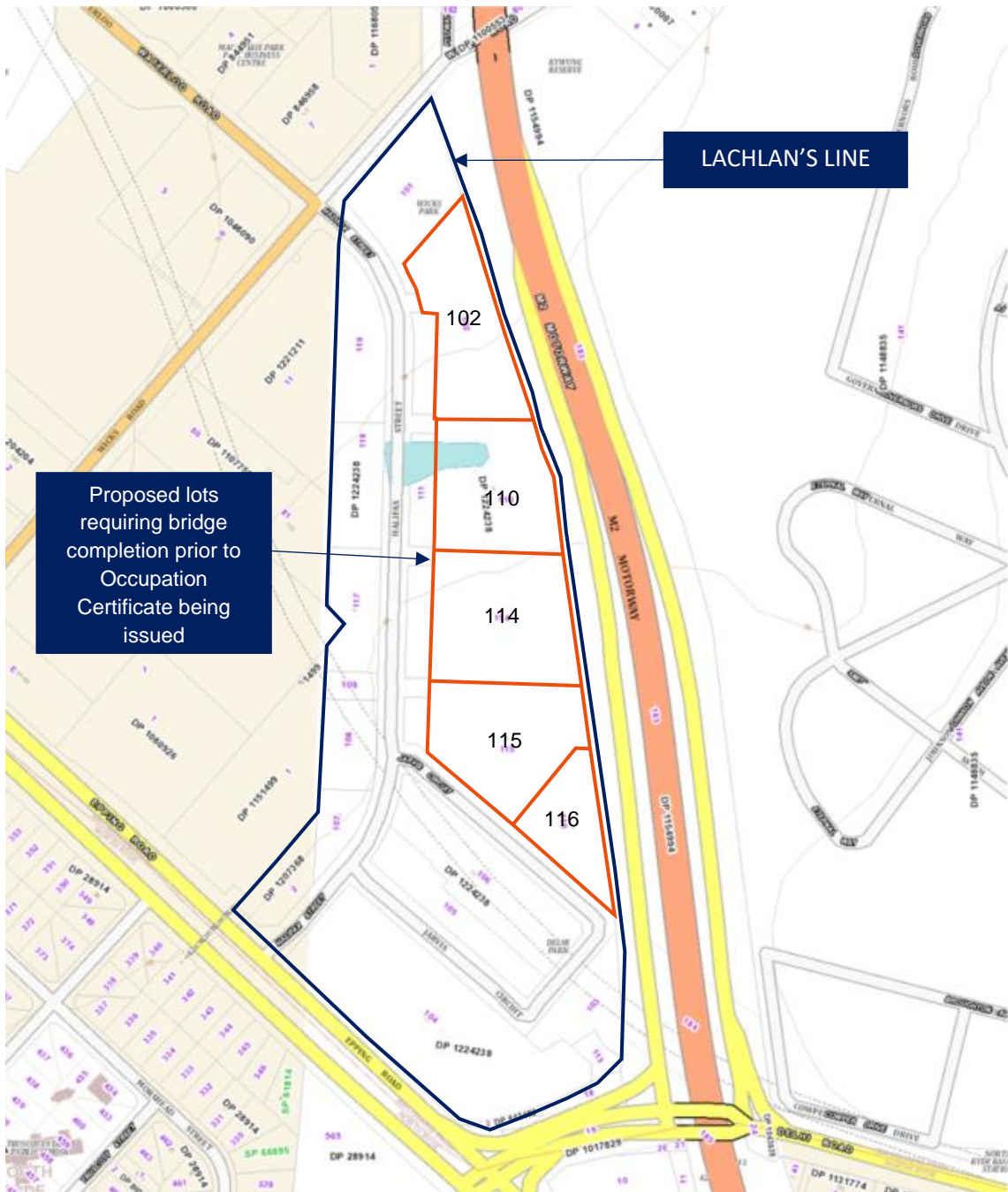
The Epping to Chatswood rail line will close late 2018 for 6 months. It is therefore preferable to align the pedestrian bridge completion and use to a later stage of construction and for the final handover to be facilitated after the opening of the bridge. This is required to provide a more reasonable timeframe to work through the necessary processes with RMS and TfNSW without unduly delaying the settlement of housing within this Precinct.

The proposed modification can be achieved by amending the wording to clarify the approved development description as set out below.

(Note: words added to the conditions are shown in **bold** and words deleted are shown ~~strikethrough~~.)

- 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 lots referenced in the amended E4 condition wording are identified within **Figure 4**. Lots not identified could be developed ahead of the bridge completion. Until the bridge is completed, pedestrian access to these lots is provided along the existing footpath network from North Ryde Station. Pedestrian walk lights facilitate the safe crossing Delhi Road as outlined within Section 4.8 of this SEE.



Source: Six Maps, NSW Land and Property Information

Figure 4 Lots requiring completion of bridge prior to Occupation Certificate

4.0 Strategic and Statutory Planning Framework

4.1 Section 96 of the EP&A Act 1979

- **Section 96(1A) Modifications involving minimal environmental impact**

Section 96 of the EP&A Act includes 96(1A) 'Modifications involving minimal environmental impact' which states that a consent authority may modify the consent if:

(a) it is satisfied that the proposed modification is of minimal environmental impact, and

(b) it is satisfied that 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), and

(c) it has notified the application in accordance with:

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

The requirements of Section 96(1A) are addressed as follows:

Section 96(1A)(a) – Minimal environmental impact

The proposed modification is outlined within Section 3.2 of this report. The modifications sought are of an administrative nature dealing with the timing for completion of the infrastructure and handover to the RMS. These requirements do not raise any environmental impacts.

Section 96(1A)(b) – Substantially the same development

The proposed modification will result in a development that is substantially the same as that previously approved by DPE. The modification relates only to the timing of construction and handover of the bridge.

Section 96(1A)(c) – Notification

Notification of the application is a matter for DPE to consider.

Section 96(1A)(d) – Consideration of submissions

This is a process for DPE. However, noting the minor nature of the amendments, it is not anticipated that any submission would warrant refusal of this application.

In summary, the proposed modifications are considered to be satisfactory in relation to the matters for consideration under s79C(1) of the EP&A Act 1979.

In addition to the EP&A Act, Clause 115 of the *Environmental Planning and Assessment Regulation 2000 (EP&A Regulation)* contains the information that must be submitted with an application to modify a consent. The requirements under the EP&A Regulation are detailed below.

4.2 Clause 115 of the EP&A Regulation 2000

The relevant matters listed under Clause 115 of the EP&A Regulation have been satisfactorily addressed within this Statement.

There is not anticipated to be any impacts that would result from the proposed modification.

The development will be substantially the same development that was originally approved. The amendments will facilitate the progression of different elements of the project and restructure the staging of certain works throughout the project lifecycle.

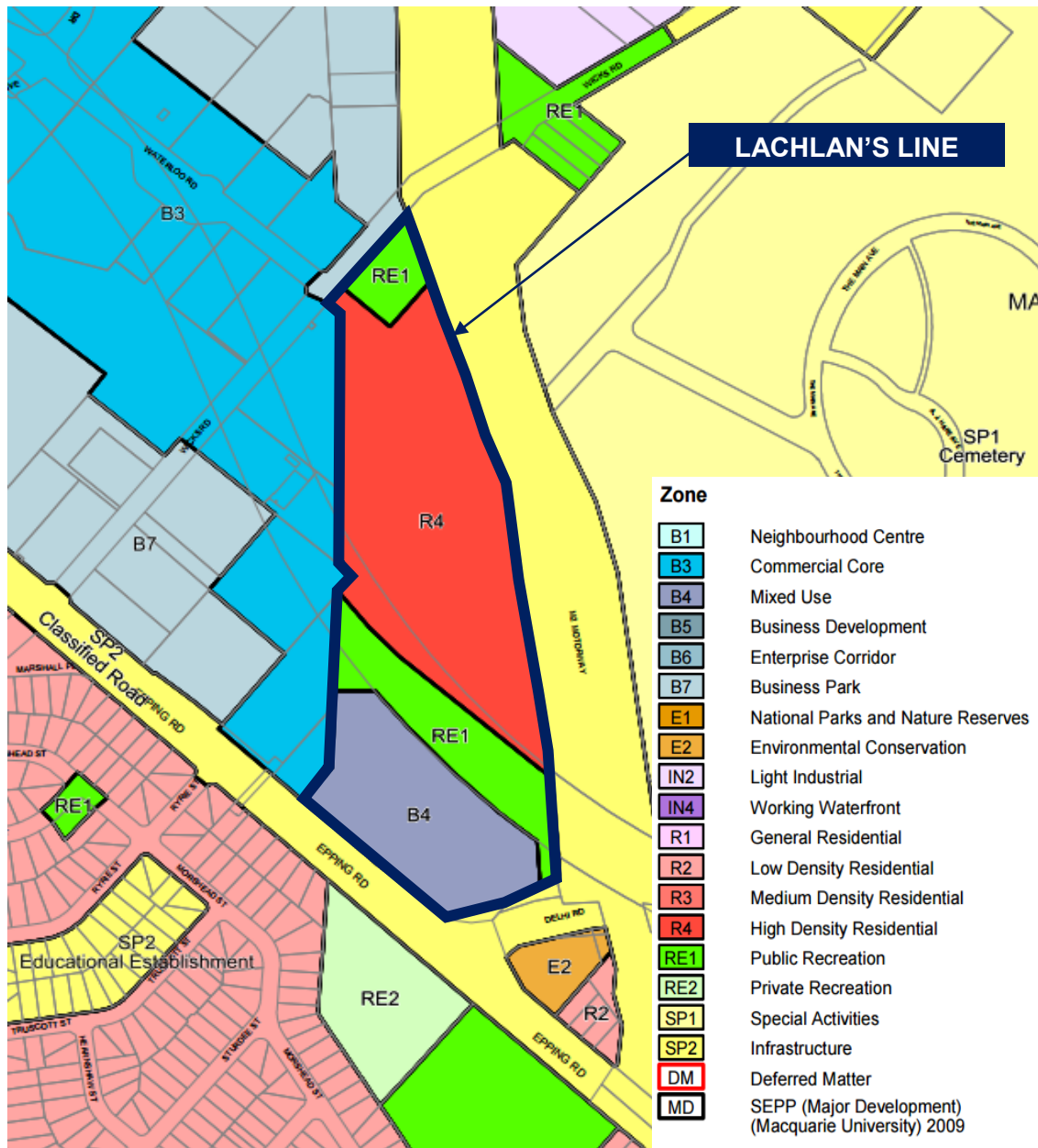
4.3 Environmental Planning Instruments (EPI)

This section discusses the relevant EPIs that apply to the subject site relevant to the proposed modifications.

4.3.1 Ryde Local Environmental Plan 2014

Ryde Local Environmental Plan 2014 (LEP) is the statutory framework regulating land uses within the Ryde Local Government Area.

The land use zoning of the subject site is illustrated within **Figure 5**. The site for the pedestrian bridge is zoned SP2 Infrastructure with landing on RE1 Public Recreation and E2 Environmental Conservation.



Source: Ryde Local Environmental Plan 2014

Figure 5 Zoning of subject site

The proposed modification does not impact on the previous assessment of the permissibility of the use but rather the timing for construction and handover of the infrastructure to the RMS.

4.4 Development Control Plans

The following discusses the relevant planning controls in the DCPs that are relevant to the assessment of the subject modification.

4.4.1 North Ryde Station Precinct Development Control Plan

The proposed modification does not impact on the previous assessment of the permissibility of the use but rather the timing for construction and handover of the infrastructure to the RMS.

4.5 Any Planning Agreement

There is an existing VPA executed between the Minister for Planning and UrbanGrowth NSW dated 30 August 2015. This VPA includes:

- The Delhi Road Widening Works
- Wicks Road and Epping Road Intersection Works
- Wicks Road and Waterloo Road Intersection Works

The proposed works will not impact upon this existing VPA.

There is a WAD being negotiated between UrbanGrowth NSW and RMS which addresses the construction and handover of the pedestrian bridge.

4.6 The Regulations

Separately addressed as part of this Statement. Relevant provisions include Clause 115 of the EP&A Regulation 2000.

4.7 Coastal Management Plan

Not relevant to this application.

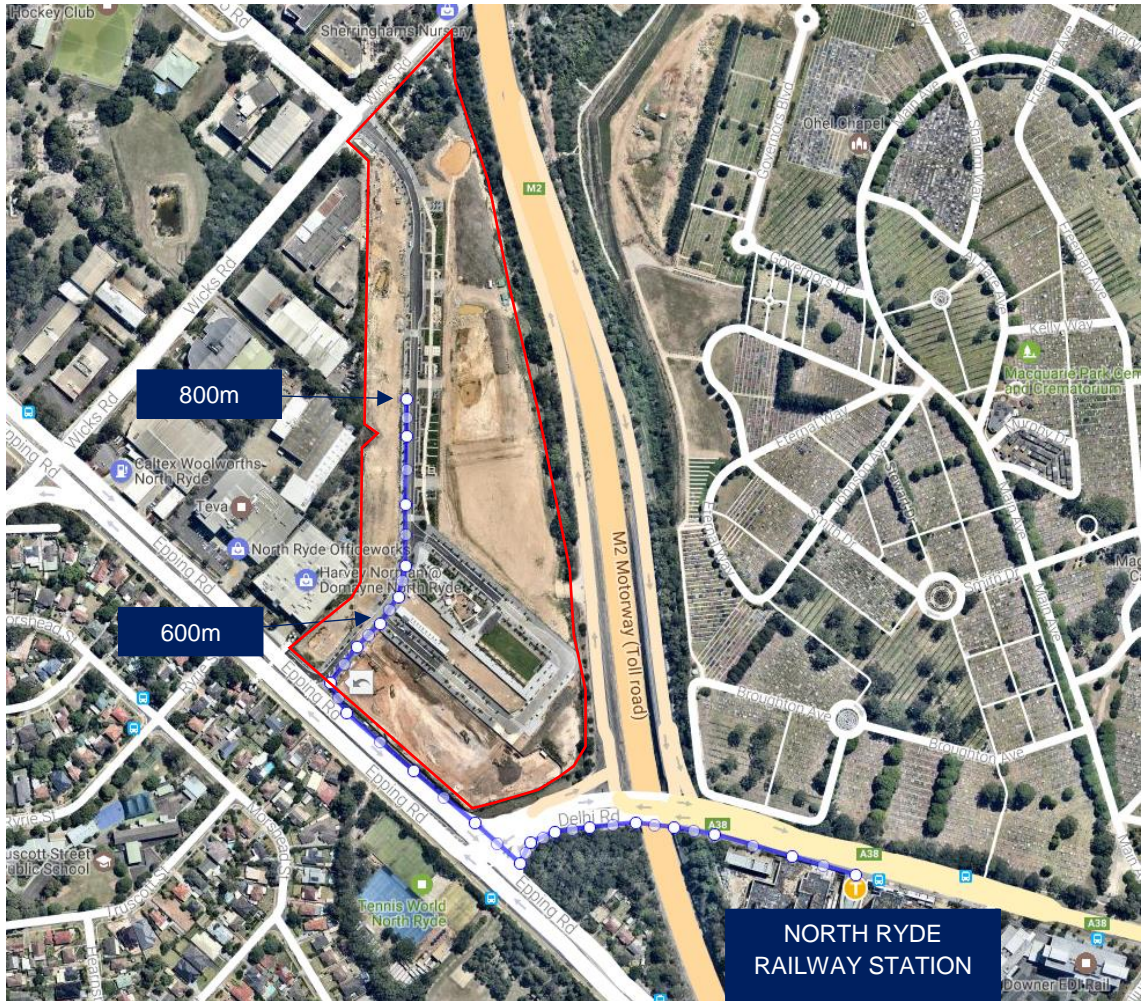
4.8 Likely impacts

The likely environmental impacts of the proposed development have been generally discussed within this Statement. There are not anticipated to be any adverse impacts as a result of the proposed modifications sought.

While the bridge is under construction, pedestrian access to the site from North Ryde Station will be facilitated by a safe path of travel along Delhi Road and Epping Road. This route has an existing footpath with pedestrian movements across these major roads facilitated at the corner of Delhi Road and Epping Road by the existing signalised intersection with pedestrian walk light.

In total, depending on the individual journey, the average length of this walk is anticipated to be approximately 800 metres which extends to the middle of the site (**Figure 6**). This is opposed to the 650 metre walk along the future bridge. While some pedestrians may need to travel beyond this, this is an interim arrangement until the bridge is ultimately

delivered and not considered unreasonable in the short term. Public bus stops are located closer the site which could also be accessed by residents.



Source: Nearmap (amended by GLN)

Figure 6 Interim access to the site while the pedestrian bridge is constructed

4.9 Suitability of the site for the development

The subject site is suitable for the modifications proposed under this application and will facilitate the release of lots while the pedestrian bridge is progressed and constructed over Delhi Road and the M2 Motorway.

4.10 Submissions and Public Interest

Any submissions received will be considered by the Department of Planning and Environment under Section 79C of the EP&A Act. The proposed modifications sought to

provide for more flexibility for the completion of the pedestrian bridge and its handover are considered to be in the public interest for the following reasons:

- Approval requirements for the construction of the bridge have been protracted delaying the commencement of the construction.
- The developer of Lot 104 and 105 have commenced the construction of the first tower. Occupation of these towers may occur as soon as late 2018.
- The Epping to Chatswood Rail Line is scheduled to be shut down for a period of 6 months in late 2018 to early 2019.
- There is currently signalised access for pedestrians at the intersection of Delhi Road and Epping Road which provides interim safe access between the site and the station.

5.0 Conclusion

The proposed modification has been assessed against the requirements of the EP&A Act and EP&A Regulation and has been found to be satisfactory and consistent with the planning framework for the North Ryde Station Precinct.

It is considered that the modification will not cause any adverse impacts on the surrounding locality with a safe alternate pedestrian access available to the site available until the bridge is completed.

The modification is minor and is substantially the same development as was approved under the original consent SSD 5093.

Based on the information contained in this Statement the proposed modification to SSD 5093 should be approved.

Glossary

DCP	Development Control Plan
DP	Deposited Plan
DPE	Department of Planning and Environment
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
LEP	Local Environmental Plan
NRSP	North Ryde Station Precinct
RMS	Roads and Maritime Services (formerly Roads and Traffic Authority)
SSD	State Significant Development
TfNSW	Transport for NSW
VPA	Voluntary Planning Agreement
WAD	Works Authorisation Deed