

North Ryde Station Precinct M2 Site (Lachlan's Line) – Modification 6

State Significant Development Modification Assessment Report (SSD-5093-Mod-6)

July 2024





Acknowledgement of Country

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(SSD-5093-Mod-6) Assessment Report

Published: July 2024

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Preface

This assessment report provides a record of the Department of Planning, Housing and Infrastructure's (the Department) assessment and evaluation of a modification application for the State significant development (SSD) application (SSD 5093) for Lachlan's Line in the North Ryde Station Precinct, lodged by The Trustee for Lachlan's Line A1 Unit Trust.

The report includes:

- an assessment of the modification application against government policy and statutory requirements, including mandatory considerations
- a demonstration of how matters raised by the community and other stakeholders have been considered
- an explanation of any changes made to the proposal during the assessment process
- an assessment of the likely environmental, social and economic impacts of the proposal
- an evaluation which weighs up the likely impacts and benefits of the proposal, having regard to the proposed mitigations, offsets, community views and expert advice; and provides a view on whether the impacts are, on balance, acceptable
- a recommendation to the decision-maker, along with the reasons for the recommendation, to assist them in making an informed decision about whether the consent should be modified and any conditions that should be imposed.

Executive Summary

This report provides the Department's assessment of an application seeking to modify the consent for the Concept and Stage 1 development application (SSD 5093) for North Ryde Station Precinct M2 Site (Lachlan's Line) in the North Ryde Station Precinct.

Modification

The Trustee for Lachlan's Line A1 Unit Trust (the Applicant) proposes to modify the Concept Approval (SSD 5093) for Lachlan's Line, which approved the allocation of gross floor area (GFA) and Stage 1 works, including subdivision, roadways, open space and infrastructure.

The site is located within the North Ryde Station Precinct, within the City of Ryde (Council) Local Government Area. The modification application seeks consent to:

- increase the maximum GFA assigned to Lots 102, 110, 118 and 119 (along Halifax Street near Wicks Road) from 82,212 m² to 97,950 m² (increased by 15,738 m²) and reallocate across the subject four lots
- allocate 6% (969.9 m²) of the additional GFA as affordable housing
- include provisions for 800 m² of publicly accessible open space within Lot 119.

Statutory context

On 5 March 2015, the Executive Director, Infrastructure and Industry Assessments, as a delegate for the Minister for Planning, granted consent to the Concept and Stage 1 development application (SSD 5093).

The Department is satisfied that the proposed modification application is within the scope of section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and does not constitute a new development application.

Engagement

The Department exhibited the modification application between 5 and 18 September 2023, resulting in:

- six submissions from the public (four objecting and two in support)
- a submission from Council, objecting to the modification application
- advice from the following Government agencies:

- former NSW Environment and Heritage Group (EHG)
- Transport for NSW (TfNSW)
- Sydney Water Corporation
- Ausgrid

Key concerns raised in submissions related to overshadowing, character of the area, distribution of floor space, built form, traffic congestion, parking and affordable housing.

The Applicant submitted a Response to Submissions (RtS) report on 1 May 2024, addressing the issues raised in submissions and agency advice.

The Applicant provided further information on 27 May 2024 resolving concerns raised by the Department with respect to building height.

Assessment

The Department has considered the merits of the modification application in accordance with the relevant matters under section 4.15(1) of the EP&A Act, the issues raised in the submissions and the Applicant's response and additional information.

The Department's assessment concludes that the proposal is acceptable as:

- it is consistent with the relevant strategic planning framework in delivering additional housing at a highly accessible location, being located within 800 m of both the North Ryde and the Macquarie Park Sydney Metro Stations
- it would deliver further affordable housing, with 6% of the additional GFA being provided as affordable housing. This is additional to the 135 affordable housing already being delivered under the existing Concept Approval
- the proposal would allow for additional open space to improve amenity for future residents
- the additional GFA can be accommodated within built forms that are compatible with adjoining and surrounding developments and would support residential amenity anticipated under the Apartment Design Guide (ADG)
- it would result in acceptable overshadowing impacts to existing open spaces and surrounding and adjoining developments, having regard to the development envisaged under the original Concept Approval
- it would result in acceptable traffic impacts, noting the additional traffic generation would have a negligible impact on the surrounding road network, with intersection upgrades at Wicks Road/ Epping Road already secured by an existing voluntary planning agreement (VPA).

Conclusion

Following its detailed assessment, the Department concludes that the proposed modification is acceptable as it has strategic merit and would deliver additional housing, including affordable housing, within close proximity to public transport, jobs, and services.

The Department has carefully considered the issues raised by Council and the community in this assessment report and is satisfied that the modification is unlikely to cause unacceptable impacts.

As such, the Department considers the proposed modification to be in the public interest and concludes that the modification application is approvable, subject to conditions.

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1 Introduction

1.1 The proposal

On 5 March 2015, the Executive Director, Infrastructure and Industry Assessments, as a delegate for the Minister for Planning, granted approval to the Concept and Stage 1 development application (SSD 5093) for the North Ryde Station Precinct M2 Site (Lachlan's Line).

The Trustee for Lachlan's Line A1 Unit Trust (the Applicant) now proposes to modify the consent to:

- increase the maximum gross floor area (GFA) assigned to Lots 102, 110, 118 and 119 (formerly Lots 201, 202, 207 and 208 in the Concept Approval) from 82,212 m² to 97,950 m² (increased by 15,738 m²) and reallocate across the subject lots
- allocate 6% (969.9 m²) of the additional GFA to be affordable housing
- include provisions for 800 m² of publicly accessible open space within Lot 119.

The project description provided in the Applicant's Response to Submissions (RtS) report is the subject of this assessment and will form part of the consent if the modification is approved.

1.2 Project location

1.2.1 North Ryde Urban Activation Precinct

Lachlan's Line (formerly known as the North Ryde Station Precinct M2 Site), is part of the North Ryde Station Urban Activation Precinct located in the City of Ryde (Council) Local Government Area (**Figure 2**).

The North Ryde Station Urban Activation Precinct consists of Lachlan's Line (a high density residential and mixed-use precinct) and the Station Precinct on the southern side of Delhi Road. The Station Precinct includes the North Ryde Metro Station, part of the Metro North West line, which was the first stage of the Sydney Metro network to be completed.

The site was rezoned for high-density residential development, mixed-use development and public open space in September 2013 and included an amendment to the Ryde Local Environmental Plan (LEP) 2010 which established land use zones, building height and floor space ratios.

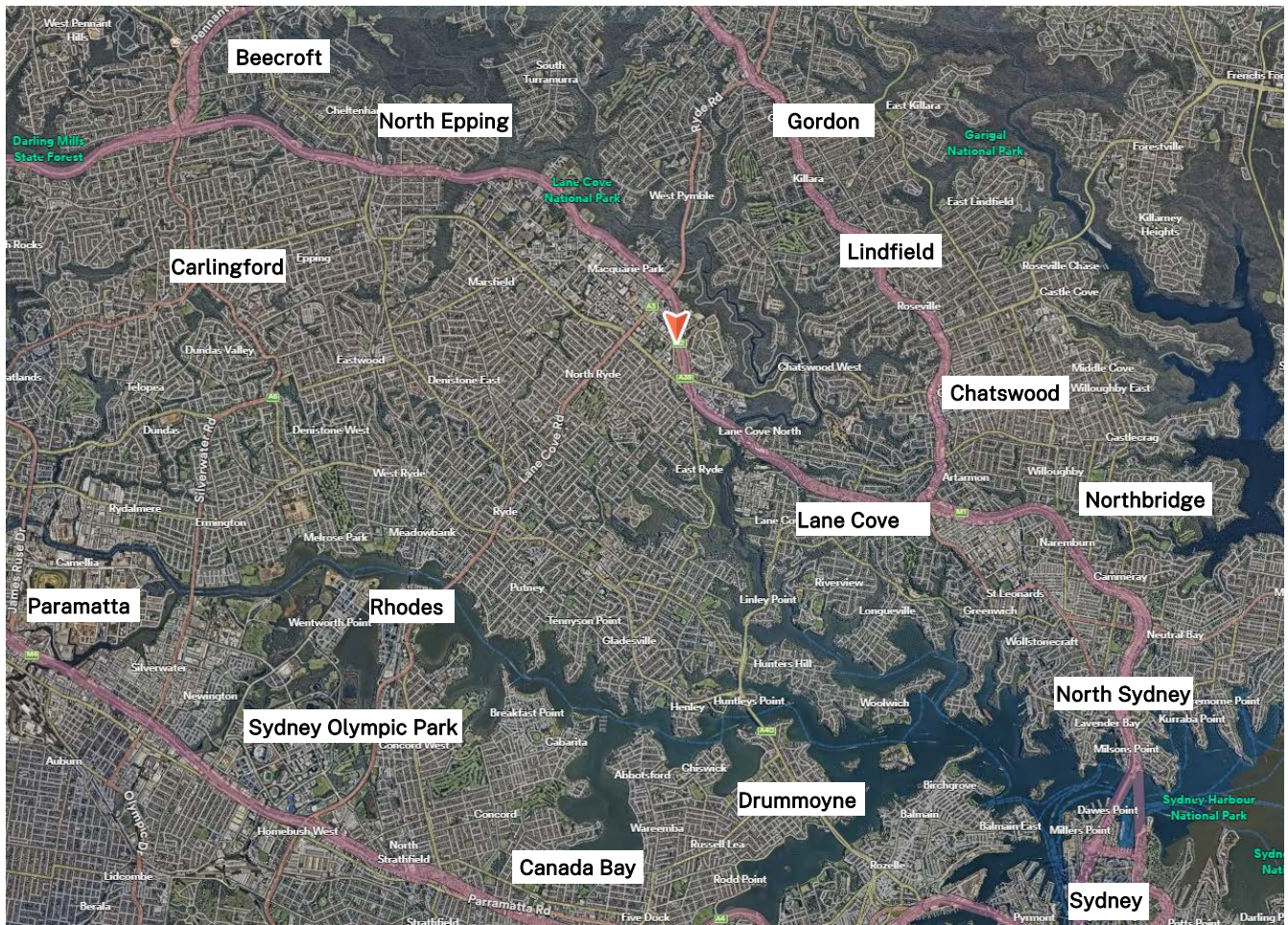


Figure 1 | Regional context map

1.2.2 Lachlan's Line

Lachlan's Line (**Figure 2** and **Figure 3**) has an area of approximately nine hectares and will accommodate over 2,700 apartments, retail and open space. It is bounded by the M2 Motorway to the east, Epping Road and Delhi Road to the south, Wicks Road to the north and commercial properties to the west.

Surrounding development comprises large scale commercial/ office uses 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.

In accordance with the Concept Approval, Lachlan's Line has been subdivided for different land uses, and the Stage 1 development works completed all internal roads, public domain and site preparation works. Lot 104, north of Epping Road, has already been developed for high density residential uses (Greenland development) and Lot 106 to its north has been developed for open space (Central Park).

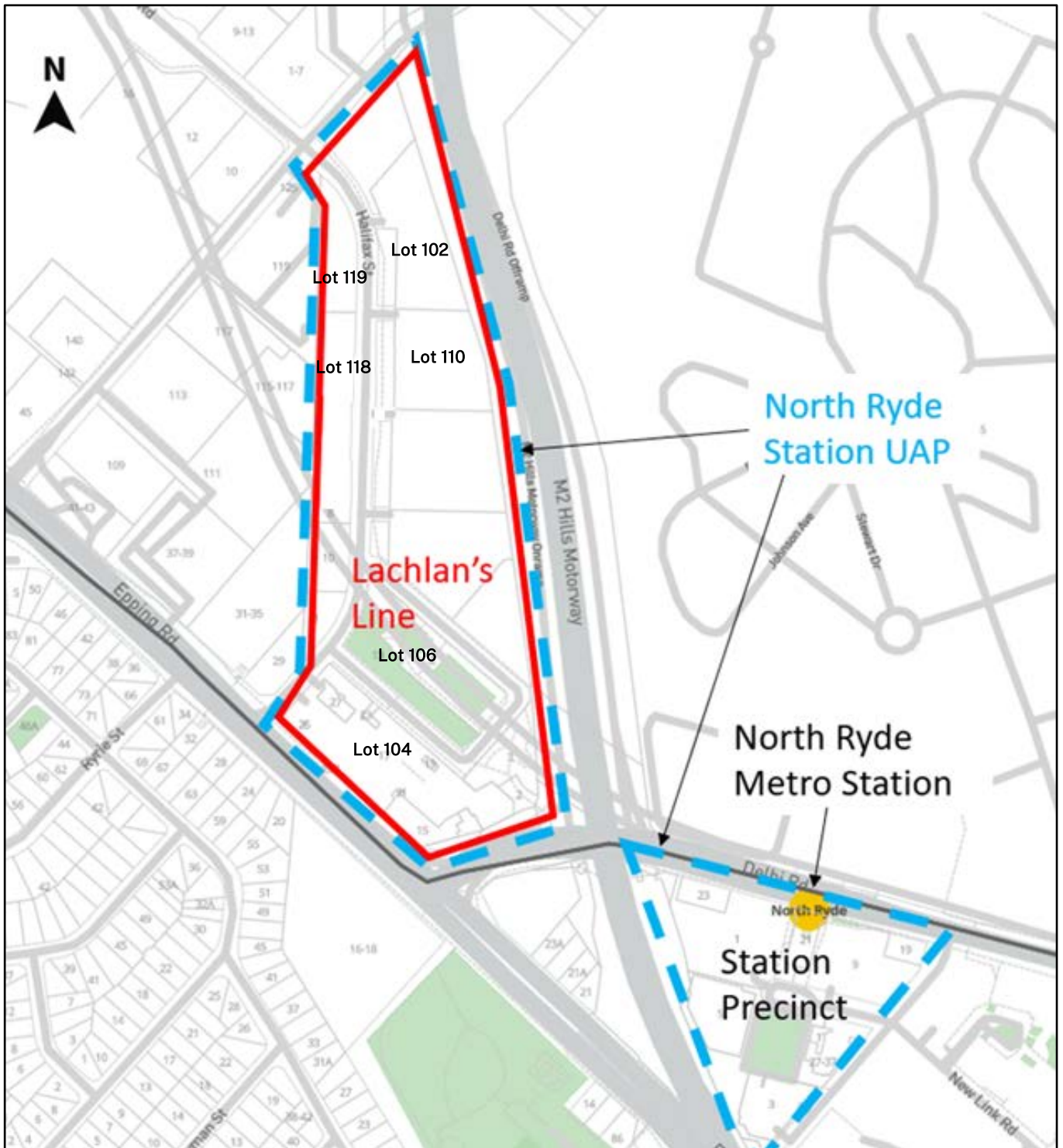


Figure 2 | Location Plan (Base Source: Mod 5 Assessment Report)

1.2.3 Lots 102, 110, 118 and 119

The lots subject to the distribution of the proposed additional GFA under the modification application are Lots 102, 110, 118 and 119. These lots are located in the northern portion of the Concept Approval and have a combined area of 18,461m² (see **Figure 3**). The Concept Approval currently allocates 82,212 m² of GFA between the four lots.

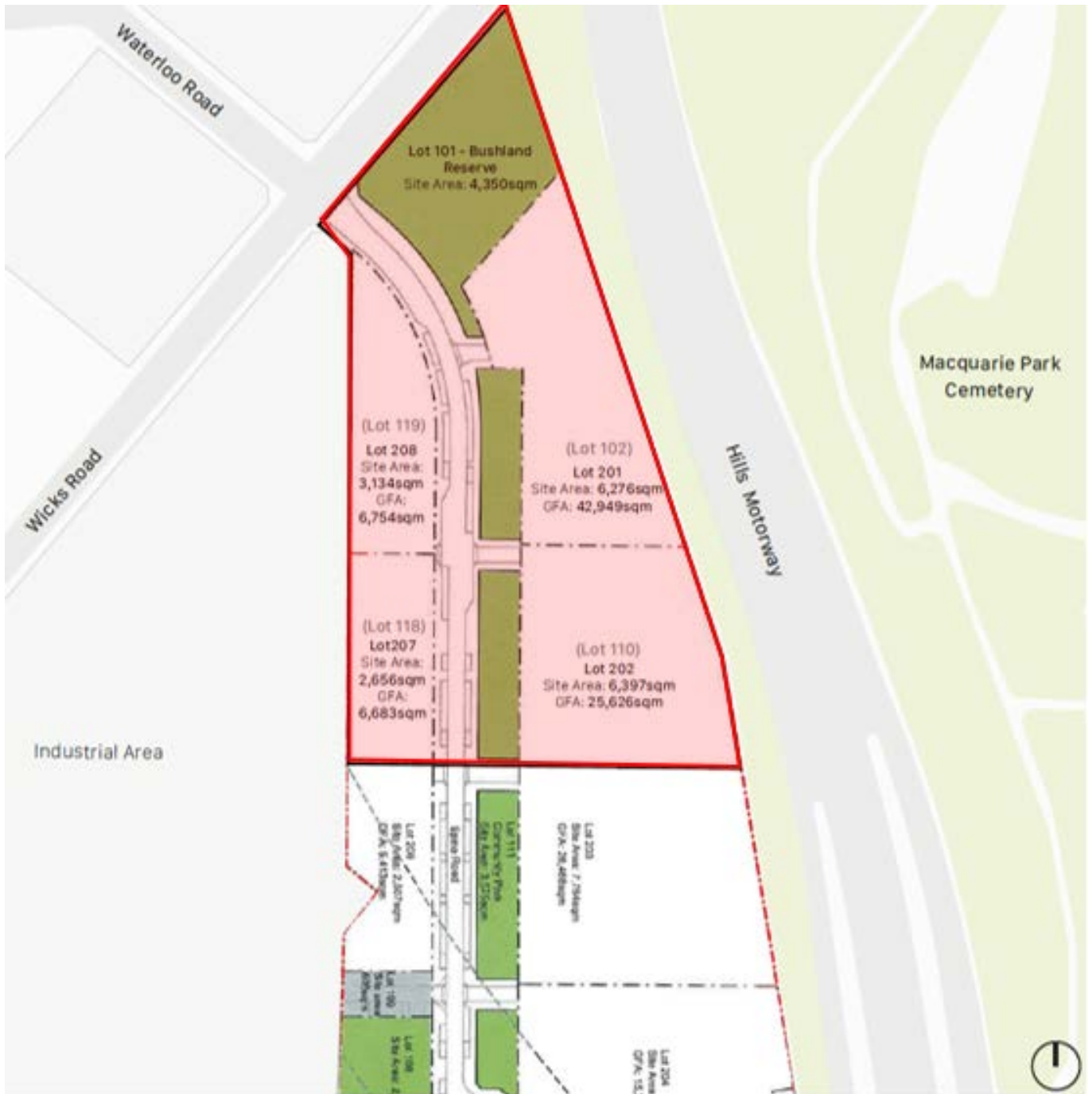


Figure 3 | Allocated GFA for Lots 102, 110, 118 and 119 under the Concept approval

1.3 Modification background

1.3.1 SSD 5093

On 6 March 2015, the Executive Director, Infrastructure and Industry Assessments, as delegate of the Minister for Planning, granted consent to the Concept and Stage 1 Development Application for Lachlan’s Line (SSD 5093).

The Concept Approval permitted:

- subdivision of the site into:
 - 12 development lots
 - 5 public open space lots
 - 2 public road lots
- allocation of floor space including maximum GFA to each lot comprising 238,919 m² across the site plus 2,500 m² to Lot 104 for a community facility
- public open space, roads, and infrastructure works.

The Stage 1 Development Application permitted:

- site preparation works
- super lot subdivision
- civil and public domain works, including construction of new roads and open space
- relocation of an existing gas main
- a pedestrian and cycle bridge over Delhi Road
- other related infrastructure work.

1.3.2 Modification approval history

The Concept Approval has been modified on five previous occasions (see **Table 1**).

Table 1 | Summary of modifications

Modification	Description	Decision-maker	Type	Date Determined
MOD 1	Changes to the alignment of an existing gas main.	Department	4.55(2)	23 October 2015
MOD 2	Clarification on the use of bonus GFA, alter staging to incorporate security bonds and allow construction of the Delhi Road pedestrian bridge.	Department	4.55(2)	12 September 2016
MOD 3	Changes to Condition E4 to alter the timing of the completion and dedication of the pedestrian Bridge.	Department	4.55(1)	25 July 2017

Modification	Description	Decision-maker	Type	Date Determined
MOD 4	Enable construction of a preassembly shed for the pedestrian bridge, tree removal and subdivision of bridge.	Department	4.55(2)	7 September 2018
MOD 5	Increase the maximum GFA for Lot 117 (formerly Lot 206), subject to future development providing 100% affordable housing.	Department	4.55(2)	7 August 2023

1.3.3 Approvals

Current approvals and applications lodged based on the Concept Approval are listed in **Table 2**.

Table 2 | Summary of Council approvals

Development application	Description	Address	Type	Date Determined
LDA2016/0395	Construction of a mixed-use development including 879 apartments plus retail and community facilities.	1 Halifax Street, Macquarie Park	DA	30 November 2017
LDA2022/0390	Construction of three residential flat buildings comprising 25,620sqm of GFA and: <ul style="list-style-type: none"> - Building 1 (29 storeys) with 256 apartments - Building 2 (6 storeys) with 28 apartments - Building 3 (6 storeys) with 16 apartments 	5 Halifax Street, Macquarie Park	DA	28 July 2023
LDA2023/0334	Amending development application to LDA2022/0390. Amendments include reconfiguration of the ground plane, increased height, removal of building 3 and internal and external changes to the approved buildings	5 Halifax Street, Macquarie Park	DA	Under assessment

Development application	Description	Address	Type	Date Determined
LDA2024/0103	Construction of a residential flat building (Building B) on lot 1, containing 266 apartments over 5 levels of basement carparking accommodating 270 car spaces, stratum subdivision of basement, construction of 'Mews Road', tree removal and landscape works.	3 Halifax Street, Macquarie Park	DA	Under assessment
LDA2024/0066	Torrens title subdivision of land into two lots, construction of a residential flat building (Building A) on lot 1, containing 234 apartments over 5 levels of basement carparking accommodating 245 car spaces, stratum subdivision of basement, construction of 'Mews Road', tree removal and landscape works.	3 Halifax Street, Macquarie Park	DA	Under assessment
SSD-65931214	Construction of residential flat building for 135 affordable housing dwellings consisting of 78 one bedroom units (58%) and 57 two bedroom units (42%).	5 Halifax Street, Macquarie Park	SSD	Under assessment

2 Proposal

2.1 Modification overview

The modification application seeks to increase the GFA for Lots 102, 110, 118 and 119 from 82,212 m² to 97,950 m² (+15,738 m²) (see **Table 3**), resulting in approximately 173 additional dwellings.

Table 3 | Key aspects of the modification

Project element	Approved	Proposed
GFA and allocation		
• Maximum GFA	82,212 m ²	97,950 m ² (15,738 m ²)
– Lot 102 (formerly Lot 201)	42,949 m ²	50,520 m ² (+7,571 m ²)
– Lot 110 (formerly Lot 202)	25,626 m ²	31,646 m ² (+6,020 m ²)
– Lot 118 (formerly Lot 207)	6,883 m ²	9,457 m ² (+2,574 m ²)
– Lot 119 (formerly Lot 208)	6,745 m ²	6,327 m ² (-418 m ²)
Uses and activities		
• Publicly access open space	0	800 m ² within Lot 119
• Number of apartments (approx.)	988	1,161 (+173)
• Affordable housing (GFA)	0	969.9 m ² (6% of GFA uplift)

The modification application seeks to increase and redistribute the approved maximum GFA of Lots 102, 110, 118 and 119.

A comparison between the indicative massing diagrams provided for Concept Approval and subject modification application is shown in **Figure 4** below.

The Department notes the Concept Approval does not approve building envelopes. The plans, elevations and images accompanying the modification application are indicative and only considered for the purposes of demonstrating the proposed additional GFA can be appropriately accommodated on the site.



Figure 4 | Indicative massing/ building envelopes comparison between Concept Approval (left) and the proposal (right)

2.2 Uses and activities

The modification proposes includes the provision of 800 m² of publicly access open space within Lot 119 (see **Figure 5**).

The proposal also includes the dedication of 6% (969.9 m²) of the additional GFA uplift as affordable housing, to be managed by an affordable housing provider for 15 years.



Figure 5 | Indicative publicly accessible open space on Lot 119

3 Strategic context

3.1 Key strategic issues

The Department has carefully considered the proposal against all relevant strategic planning documents including:

- Greater Sydney Region Plan
- North District Plan
- Future Transport Strategy 2056
- Sydney's Cycling Future 2013
- Better Placed – Government Architect NSW
- Macquarie Park Place Strategy
- North Ryde Station Urban Activation Precinct
- Council's Urban Design Guidelines for high-density residential precinct & Lot 107 Lachlan's Line

The Department is satisfied the proposal is consistent with the overarching objectives of the above strategies, plans and policies, as it would:

- facilitate the construction of a high-quality residential development in an area with strong public transport connections and integrated employment opportunities, contributing to the vision for a 30-minute city
- contribute towards the delivery of affordable housing
- locate residential development around centres and corridors with access to public transport and local services
- deliver additional publicly accessible open space.

4 Statutory context

4.1 Scope of modification and assessment pathway

Details of the legal pathway under which modification is sought and are provided in **Table 4** below.

Table 4 | Permissibility and assessment pathway

Consideration	Description
Scope of modification	<p>The Department has reviewed the scope of the modification and considers that it can be characterised as a section 4.55(2) as the proposal:</p> <ul style="list-style-type: none">• is considered to be substantially the same development as originally approved, being a high-density transit-oriented residential development with a high amenity green spine (see Section 6.1 Density)• the urban design outcomes of the development as modified would remain similar to the original development (see Section 6.2 Built Form) <p>The Department is satisfied the proposed modification is within the scope of section 4.55(2) of the EP&A Act and does not constitute a new development application.</p>
Decision-maker	<p>In accordance with section 4.5 of the EP&A Act and clause 2.7 of the State Environmental Planning Policy (Planning Systems) 2021, the Minister for Planning and Public Spaces is the consent authority.</p> <p>In accordance with the Minister’s delegation, the Executive Director, Housing and Key Sites Assessment may determine the application as:</p> <ul style="list-style-type: none">• there are less than 15 public submissions by way of objection• no political disclosure has been made• the relevant Council has made an objection

4.2 Mandatory matters for consideration

4.3 Matters of consideration required by the EP&A Act

In determining the modification application, the consent authority must take into consideration such of the matters referred to in section 4.15(1) of the EP&A Act as are of relevance to the development the subject of the application.

The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified. The Department’s consideration of these matters is shown in **Table 5** below.

Table 5 | Matters for consideration

Matter for consideration	Department’s assessment
Environmental planning instruments, proposed instruments, development control plans & planning agreements	Section 6 – Assessment, Appendix C & Appendix D
EP&A Regulation	Section 4 – Statutory Context & Appendix D
Likely impacts	Section 6 – Assessment
Suitability of the site	Section 3 – Strategic Context & Section 6 – Assessment
Public submissions	Section 5 – Engagement, Section 6 – Assessment & Appendix B
Public interest	Section 5 – Engagement, Section 6 – Assessment, Section 7 – Evaluation & Appendix B

4.3.1 Objects of the EP&A Act

In determining whether or not to modify the consent, the consent authority should consider whether the modified project is consistent with the relevant objects of the EP&A Act (section 1.3).

Consideration of those factors is described in **Appendix D**.

As a result of the analysis in **Appendix D**, the Department is satisfied that the development is consistent with the objectives of the EP&A Act.

4.3.2 Biodiversity Development Assessment Report

Section 7.17(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all SSD modifications to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the authority or person determining the application is satisfied that the modification will not increase the impact on biodiversity values (as identified in the BC Act and in the Biodiversity Conservation Regulation 2017)

The Department is satisfied the modified development will not increase the impact on biodiversity values in comparison to the original Concept Approval and consequently a BDAR is not required to accompany the modification application.

5 Engagement

5.1 Exhibition

5.1.1 Public exhibition of the modification application

After accepting the modification application, the Department:

- publicly exhibited the modification application between 5 and 18 September 2023 on the NSW Planning Portal
- notified occupiers and landowners in the vicinity of the site about the public exhibition
- notified and invited comment from relevant Government agencies and Council.

In response to the exhibition, the Department received six unique public submissions (four objections and two in support) and an objection Council. The Department also received advice from four Government agencies.

The Department requested the Applicant respond to the issues raised in submissions and the comments received from Government agencies. The Applicant provided a response to submissions (RtS) report to the Department on 27 May 2024 (see **Appendix A**).

The Department made the RtS and additional information publicly available on the NSW Planning Portal and notified the relevant Government agencies and Council.

A summary of the key issues raised in submissions and agency advice is provided below.

5.1.2 Summary of advice received from Government agencies

The Department received advice from four Government agencies on the proposal.

A summary of the agency advice is provided in **Table 6**. A link to the full copy of the advice is provided in **Appendix B**.

Table 6 | Summary of agency advice

Agency	Advice summary
Former NSW Environment and Heritage Group's (EHG) Biodiversity and Conservation Division	Proposed development lots are outside the PMF extent with no emergency management constraints, apart from minor flooding in Lot 119 which is proposed to be a public park

Agency	Advice summary
	A Biodiversity Development Assessment Report is required unless the authority, or person determining the application, is satisfied the modification will not increase impacts on biodiversity values (see Section 4.3.2)
Sydney Water Corporation	Water and wastewater servicing will be reassessed during the building application stage. Further requirements will be provided to the applicant once the application is referred to Sydney Water
Ausgrid	<p>Due consideration should be given to:</p> <ul style="list-style-type: none"> • the compatibility of proposed development with existing Ausgrid infrastructure, particularly in relation to risks of electrocution, fire risks, Electric & Magnetic Fields (EMFs), noise, visual amenity and other matters that may impact on Ausgrid • ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways • ensure 24-hour access to existing Ausgrid easements, leases and/or right of ways
Transport for NSW (TfNSW)	TfNSW raised no objection as the proposed modification would not have a significant impact on the adjacent classified road network

5.1.3 Summary of Council submission

Council duly made a submission by way of objection during the public exhibition of the modification application.

A summary of the issues raised by council is provided in **Table 7** below.

Table 7 | Summary of issues raised by Council

Council	Submission summary
Affordable housing	<ul style="list-style-type: none"> • Proposal dedicates less than 1% of the total GFA of the lots subject to the modification application
Open space and land dedication	<ul style="list-style-type: none"> • Council does not accept dedication of the proposed park because: <ul style="list-style-type: none"> – it does not meet Council’s minimum park size and design requirements, it is flood prone and its location and configuration limits its functional value to the wider community

Council	Submission summary
	<ul style="list-style-type: none"> - it does not align with the NSW Government Architects Draft Greener Places Design Guide. • Council will consider funding of other open space infrastructure works within the Macquarie Park area or any appropriate solution to the modification’s open space requirements • A Voluntary Planning Agreement (VPA) with Council should be in place prior to approval of the modification application
Impact on the Macquarie Park Place Strategy	<ul style="list-style-type: none"> • Proposal lacks consideration of the Macquarie Park Place Strategy (MPPS), specially overshadowing and visual impacts to the future “Corridor Square”
Urban Design	<ul style="list-style-type: none"> • The application of two separate Design Guidelines for the Concept Approval is not supported • Protection of view corridor along Halifax Street is required • Identification of active frontages is required • The proposed built form and the location of the Mews Roads are inconsistent with Council’s Urban Design • The overshadowing impacts of the proposal to the Linear Park and the Garungul Precinct (Wicks Road South Precinct) requires further consideration • The indicative building separation, particularly for Lots 110, 118 and 119, are non-compliant with ADG requirements
Substantially the same development	<ul style="list-style-type: none"> • The significant GFA uplift particularly at Lots 110 and 118 (previously Lots 202 and 207 in Concept Approval) may not be considered as “substantially the same development” • The approach of considering Lot 110 (approved under LDA2022/0390) as separate from other lots but proposing additional mass to the existing approval, is inconsistent to a wholistic Master Plan approach to developments
Transport, parking and traffic	<ul style="list-style-type: none"> • Proposed parking spaces equating to one space per apartment should be reduced given its proximity to the Metro and bus services • Condition the proposal to consider the precinct’s parking strategy and reduced parking rates • Provide indicative quantum and locations of accessible parking, bicycle parking, motorcycle parking and car share spaces which are compliant to Australian Standards.

Council	Submission summary
	<ul style="list-style-type: none"> • Provide more information on how mode share targets would be achieved, measured and implemented. • Design indicative street layouts to connect to surrounding street network, meet the requirements of target users and to Australian Standards.
Waste	<ul style="list-style-type: none"> • Council provided general comments and requirements on waste collection services, bin rooms and bulky waste rooms for future detailed development applications

In response to the RtS, Council maintained its objection, noting the additional information did not resolve its concerns. In addition, Council noted the indicative relocation of the new Mews Road, which requires the relocation of the road through the middle of the Linear Park, potentially results in landowner’s consent issues and inconsistencies with an executed VPA.

5.1.4 Summary of public submissions

The Department received six submissions¹ during the public exhibition period of the modification (four objections and two in support).

The key issues raised in the public submissions is provided in **Table 8** below and a link to all submissions in full is provided in **Appendix A**.

Table 8 | Key issues raised in submissions

Issue	% of Submissions
Substantially the same development	1 of 6 (17%)
Overshadowing of future open space with the Wicks Road South Precinct	1 of 6 (17%)
Traffic and parking - increase existing parking issues and traffic congestion in the area - insufficient car parking being provided	2 of 6 (33%)

¹ Each petition or submission that contains the same or substantially the same text is counted as one submission when applying section 2.7(6) of the Planning System SEPP.

Issue	% of Submissions
Amenity impacts: - loss of peaceful community character - construction noise and air quality impacts - strain on existing public infrastructure	2 of 6 (33%)
Inadequate public consultation	1 of 6 (17%)
Property values	1 of 6 (17%)
Enhancing amenity of the precinct and improving open space	1 of 6 (17%)
Additional housing stock at an accessible location	2 of 6 (33%)

5.1.5 Summary of issues raised outside of the exhibition

In addition to submissions received during the public exhibition period of the modification application, correspondence from of a local resident, dated 8 September 2023, was received by the office of the Member for Lane Cove, The Hon Anthony Roberts, who then forwarded the letter to the office of the Minister for Planning and Public Spaces.

The correspondent raised concerns regarding the intensity and density of developments occurring in the North Ryde and Macquarie Park area generally and the quality of these high-rise developments.

6 Assessment

The Department has considered the Applicant's modification report and its RtS report, including the issues raised in submissions, in its assessment of the proposal.

The Department considers the key assessment issues associated with the proposal are:

- Density
- Built Form
- Overshadowing
- Traffic and Parking.

Each of these issues is discussed in the following sections of this report. Other issues were taken into consideration during the assessment of the proposal and are discussed at **Section 6.5 - Other Issues**.

6.1 Density

The Concept Approval (as amended) allows for up to 246,269 m² of GFA across the concept plan area. The modification application seeks to increase the GFA on Lots 102, 110, 118 and 119 (see **Figure 3**) by 15,738 m².

The proposed modification would result in a total maximum GFA of 262,007 m², representing a 6.4% increase of the approved GFA under the Concept Approval.

A summary of the proposed distribution of the additional 15,738 m² between the four development lots is provided in **Table 3**.

Public submissions raised concern the proposed increased density would result in increased noise and air pollution, traffic congestion and additional strain on existing public infrastructure.

Council questioned whether the increased density could be considered as substantially the same development as originally approved (see **Section 6.5 - Other Issues**).

The Applicant argued the proposed additional GFA would not result in an unacceptable building bulk or massing, as the increase in height would not be out of context with the existing and approved surrounding high-density residential development.

The Applicant acknowledged the proposed additional GFA would result in a departure from the Ryde LEP 2014 FSR development standard. However, the Applicant noted the departure would be acceptable given the proposed distribution of GFA remains consistent with the anticipated pattern

of bulk and scale envisaged under the Concept Approval. Further, the Applicant contended the proposal is still consistent with the underlying objectives of the FSR development standard.

The Department has considered the concerns raised in the submissions. The Department however notes the Concept Approval already allows for a different layout and distribution of density compared to the Ryde LEP 2014 (see **Table 9**).

Table 94 | FSR comparison between Ryde LEP 2014, Concept Approval and proposed modifications

Lots	LEP	Concept Approval	Proposal
102	3.5:1	6.84:1	8.05:1
110	3:1 & 3.5:1	4.01:1	4.95:1
118	1.39:1 & 3.5:1	2.59:1	3.56:1
119	1.39:1	2.15:1	2.02:1

While the Department acknowledges the proposed modifications would further exceed the Ryde LEP 2014 FSR development standard, the Department considers the uplift sought by the proposed modification across the Concept Approval is incremental (6.4%) and would continue to deliver the key elements of the Concept Approval, including the provision of housing and open space.

Therefore, the Department accepts the proposed modification is within the scope of a modification application and considers the development as modified is substantially the same as development for which consent was originally granted (also see **Section 4 - Statutory Context**).

Despite the further non-compliance with Ryde LEP FSR standard, the Department accepts the proposed modification to include 15,738 m² of additional GFA is appropriate, because:

- it would continue to distribute the GFA to achieve similar urban design and built form outcomes as the Concept approval and because:
- the site is highly accessible, being located within 800 m of North Ryde and Macquarie Park Metro Stations, and is well serviced by an existing bus network
- the additional GFA would result in the delivery of approximately 173 additional dwellings to meet increasing housing demand at this highly accessible location
- 6% of the additional GFA would be provided as affordable housing to be managed by a community housing provider for 15 years
- the proposed modification would redistribute GFA across the four lots to allow for additional open space (approximately 800 m²) to improve amenity for future residents

- the submitted indicative design demonstrated the proposed additional GFA can be accommodated within built forms that are compatible adjoining and surrounding developments and the desired character of the precinct and would support residential amenity anticipated under the Apartment Design Guide (see **Section 2.3 – Built forms**)
- the submitted indicative design illustrated the potential built forms would result in acceptable overshadowing impacts to existing open spaces and surrounding and adjoining developments, including the adjoining Wicks Road South Precinct, identified in the Macquarie Park Place Strategy (MPPS) (see **Section 2.4 – Overshadowing**)
- the proposal additional GFA would result acceptable traffic impacts, noting the additional traffic generation would have a negligible impact on the surrounding road network (see **Section 2.5 – Traffic and Parking**).

The Department therefore accepts the proposed additional GFA is appropriate as it would deliver additional housing, including additional affordable housing, at a highly accessible location serviced by two Metro Stations and would result in acceptable external impacts.

6.2 Built Form

The modification application was accompanied by an Urban Design Report, prepared by FJC Studios, which included indicative building envelopes and floor plans illustrating how the proposed additional GFA could be accommodated on the subject four development lots.

A comparison between the indicative building envelopes submitted with the Concept Approval and those submitted with modification application is provided below:



Figure 6: Comparison between original indicative form (left) and proposed indicative form (right) with number of storeys marked.

Council raised concerns the indicative building envelopes were inconsistent with those contained within Council’s Urban Design Guidelines and the proposal will depart from the Apartment Design Guide (ADG).

In response, the Applicant submitted a revised Urban Design Report, which included revised building heights and distribution of massing to address Council’s concerns and additional information to demonstrate future developments would meet requirements of the ADG.

The Department notes the Concept Approval did not approve building envelopes. The Urban Design Report, plans, elevations and images accompanying the modification application are indicative and are required to illustrate how the proposed additional GFA can be appropriately accommodated on the site (see **Section 6.5 - Other Issues**).

In respect to the indicative design, the Department acknowledges the indicative 29 storey towers on Lot 102 and Lot 110 may exceed the maximum height of building development standard of 75 m under the Ryde LEP 2014. However, the Department considers the proposed towers would be

compatible with adjoining development, including the 30 storey tower approved by Council (LLDA2022/0390) on Lot 110.

Further, the Department notes the overshadowing impacts of the proposed built forms would be acceptable as further discussed in **Section 6.3 – Overshadowing** of this report.

The Department considers the indicative design satisfactorily illustrates the development as modified by this application would result in acceptable urban design outcomes because:

- the change of indicative building heights on Lot 118 and Lot 119 would allow for redistribution of GFA that enables the proposed new open space to the north of these buildings, as well as improve residential amenity and the sense of arrival to the precinct from Wicks Road
- the indicative building heights of 7 and 10 storeys on Lot 118 and Lot 119 are compatible with the 13 storey affordable housing development (SSD 65931214) proposed on Lot 117 (directly adjoining the southern boundary of Lot 118)
- the taller towers continue to be accommodated to the east of Halifax Street and along the M2 Motorway to minimise visual bulk and scale of the towers as viewed along the Linear Park
- the changes to indicative layout on Lots 110 and 102 respond and adjust to the design of the 30 storey tower approved by Council (LLDA2022/0390) on Lot 110
- changes also allow for varied (10 – 24 m) but reasonable building separation (particularly between the taller 29 – 30 storeys towers) and solar access with consideration of ADG requirements (see **Appendix D**).

The Department therefore concludes the submitted indicative design demonstrates the proposed modification would result in acceptable external impacts, with the urban design outcomes being similar to the Concept Approval and would be compatible with the existing and proposed development within the precinct and on adjoining land.

The Department is also satisfied the submitted additional information demonstrates future development can meet the requirements of the ADG (**Appendix D**).

The design and construction of future developments would be subject to separate development applications to be assessed by Council and would be further considered under the applicable North Ryde Station Precinct (NRSP) DCP 2013, Council's Urban Design Guidelines for high-density residential precinct and the ADG.

6.3 Overshadowing

6.3.1 Open Space

The Concept Approval includes a Linear Park of approximately 3,769 m² along Halifax Street, a Bushland Reserve (approximately 4,350 m²) adjoining Wicks Road, a Central Park (approximately 5,736 m²) and two additional lots totalling a further 5,016 m² of publicly accessible open space (see **Figure 7**).

The modification application proposes an additional 800 m² of new publicly accessible open space adjoining the northern boundary of Lot 119.

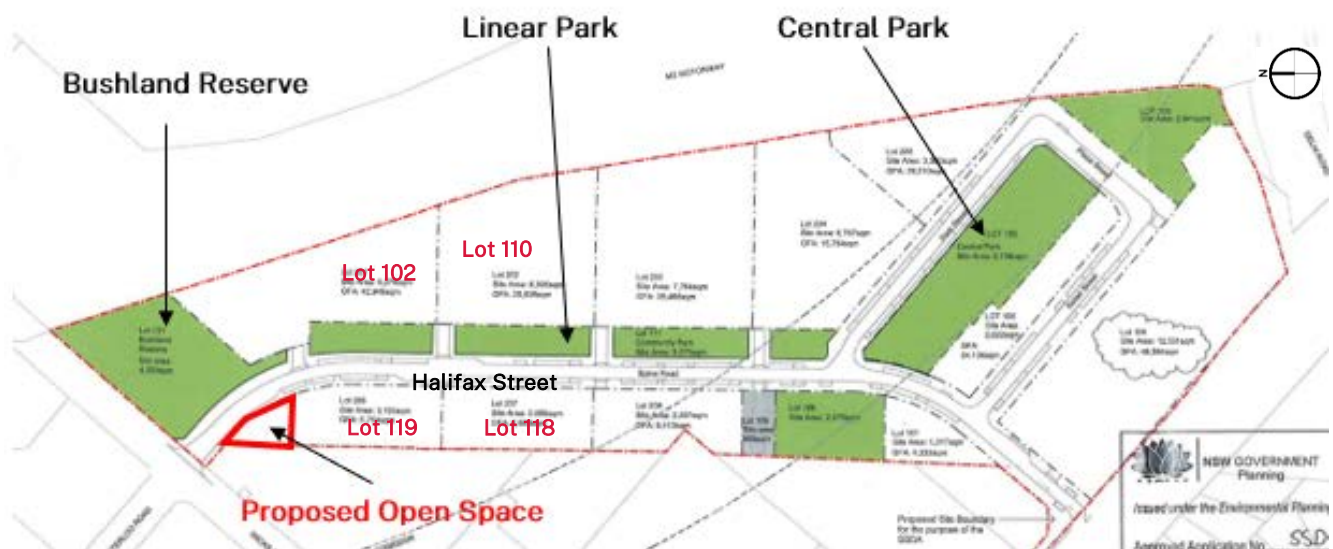


Figure 7 | Existing open spaces and the proposed open space (on Lot 119)

The NRSP DCP 2013 and Urban Design Guidelines prescribe at least 50% of the future public open space within the Concept Approval must receive three hours of direct sunlight between 9am and 3pm, on 21 June.

Council raised concerns the submitted documentation did not adequately illustrate the overshadowing impacts caused by the additional GFA and alternative built form.

In response, the Applicant provided additional solar analysis based on the submitted indicative design, which demonstrated that 72% of open space within the concept plan would receive at least three hours of solar access between 9am and 3pm, on 21 June (see **Figure 8**).

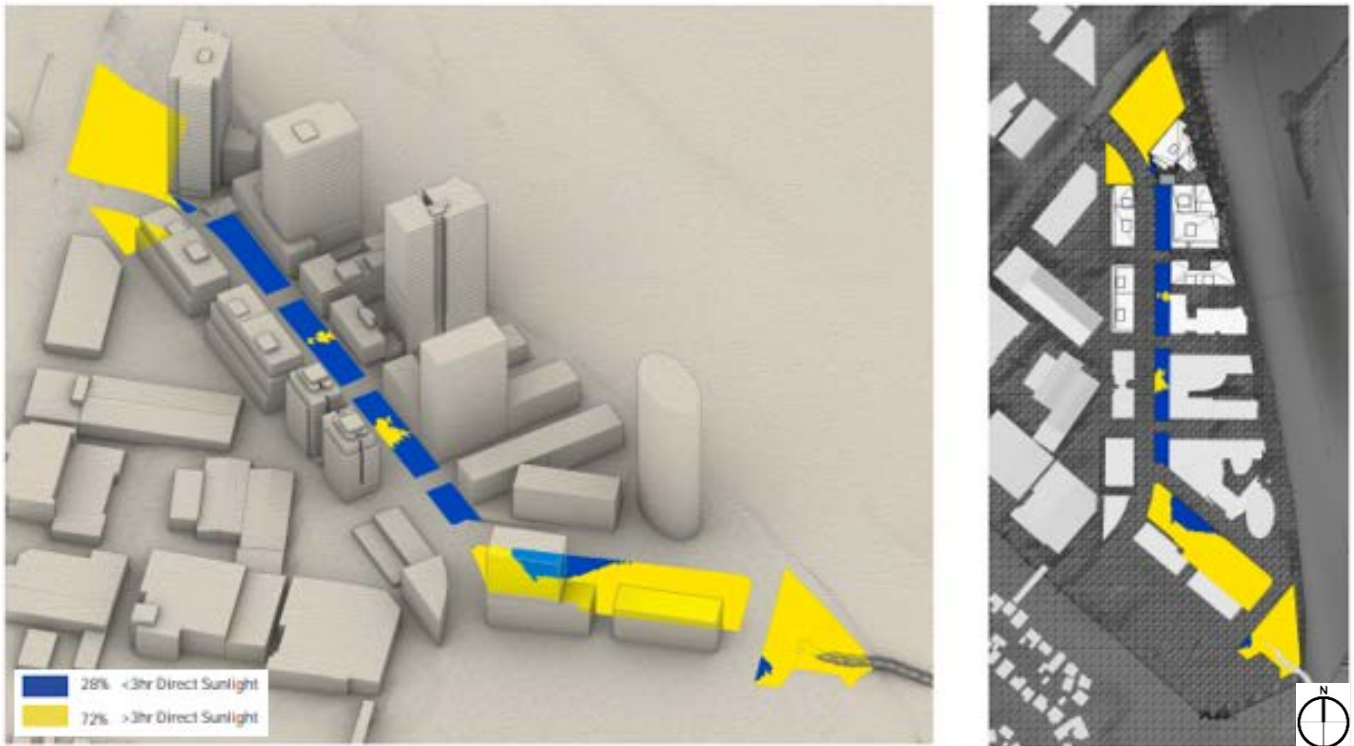


Figure 8 | Solar analysis of public open space

The Department considered the submitted shadow analysis and finds the proposal’s potential overshadowing impacts to open spaces are acceptable noting (see **Figure 8**):

- the Linear Park along Halifax Street would be overshadowed by mid-rise (six to 13 storey) buildings on either side of the street. Based on the indicative changes to building heights, the overshadowing impacts to the Linear Park as a result of the proposed modification would remain similar to the Concept Approval.
- the proposed modification would not affect solar access to the existing Bushland Reserve and Central Park, which would continue to receive good solar access.
- the proposed new open space adjoining the northern boundary of Lot 119 would also receive good solar access.

Based on the submitted shadow diagrams and the indicative design, the Department is satisfied that the development as modified would maintain good solar access to the existing and proposed open spaces under the Concept Approval, with approximately 72% of the open space continuing to achieve three or more hours of solar access between 9am and 3pm, on 21 June.

6.3.2 Adjoining development

Lands adjoining the western boundary of the Concept Approval is identified as the Wicks Road South Precinct under the MPPS. The Department notes that Stage 1 of the MPPS was publicly exhibited between 9 November and 10 December 2023 and is currently under consideration by the

Department (see **Figure 9**). The rezoning of the Wicks Road South Precinct will be delivered under a separate rezoning in the future stages.

A public submission raised concerns the proposal would result in additional overshadowing of adjoining developments, including a potential future open space identified under the Wicks Road South Precinct.

Council also queried whether the proposal would impact on solar access to potential new open space identified in the Wicks Road South Precinct under the MPPS (see **Figure 9**).



Figure 9 | Macquarie Park Place Strategy – Wicks Road South Precinct

In response to submissions, the Applicant stated that the Wicks Road South Precinct will form part of subsequent stages of the MPPS and will be subject to further technical studies to confirm its layout and open spaces. Despite the precinct layout being preliminary at this stage, the Applicant

considered the overshadowing impacts of the proposal as modified would continue to be acceptable.

The Department acknowledges the issues raised in the submissions. The Department however accepts the proposed modification application adequately considered the potential overshadowing impacts to adjoining developments and the likely impacts are acceptable because:

- the submitted shadow diagrams illustrate the overshadowing impacts from the proposal as modified would be minor and limited to the morning period during mid-winter (prior to 11 am) (see **Figure 10** below)
- the proposed indicative building heights of seven and 10 storeys identified for Lots 118 and 119 (closest/adjacent to Wicks Road Precinct South), would continue to be compliant with the existing building height standards under the Ryde LEP 2014.

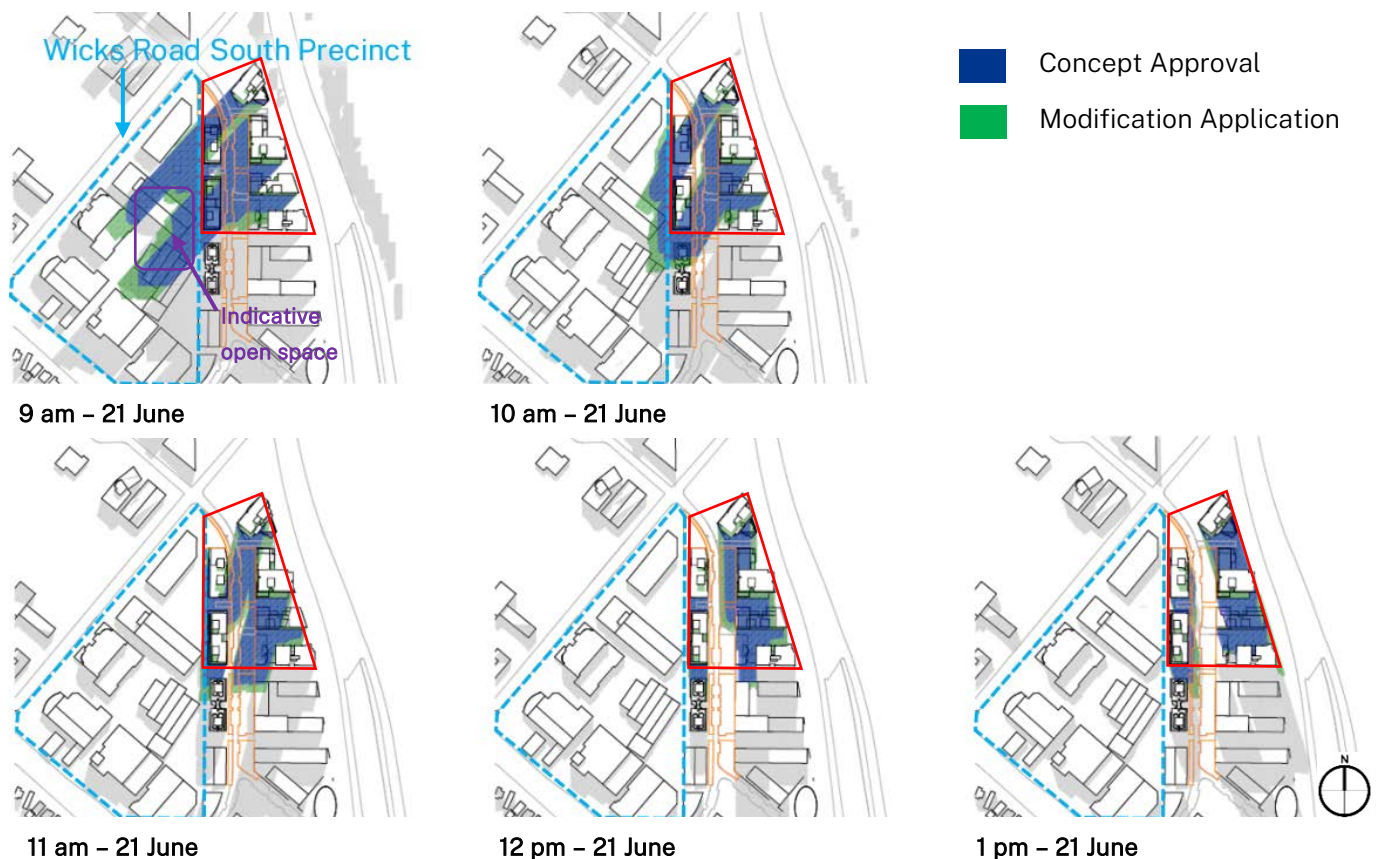


Figure 10 | Comparison between overshadowing impacts from the indicative built form envisaged under the Concept Approval (blue) and the proposed modification (green)

Based on above, the Department is satisfied the development as modified would not result in any unacceptable overshadowing of the adjoining Wicks Road South Precinct when compared to the development originally envisaged under the Concept Approval.

6.4 Traffic and Parking

The modification application was supported by a Traffic Impact Assessment (TIA), which analysed the potential traffic impacts and parking resulting from the additional GFA (approximately 173 dwellings).

6.4.1 Traffic Impacts

The submitted TIA identified the proposed additional GFA (approximately 173 additional dwellings) would generate approximately 33 additional vehicle trips per hour during the morning peak period and 45 additional vehicle trips per hour during the afternoon peak period, compared with the Concept Approval.

The TIA also considered the VPA signed in September 2015 between the Minister for Planning and Urban Growth NSW to deliver road upgrades, including upgrades to Wicks Road/ Epping Road intersection. The TIA noted that the completion date of these upgrades is unknown, however considered that all upgrades will be completed prior to completion of the proposed development. TfNSW advise that the additional GFA/ dwellings would not result in any significant impacts to the surrounding road network.

The Department acknowledges the findings of the TIA which concluded that during these peak periods, the Wicks Road/ Waterloo Road/ Halifax Street intersection will continue to operate at Level of Service (LOS) B, with sufficient spare capacity.

The Department notes the Wicks Road/ Epping Road intersection was expected to operate under the Concept Approval at a LOS F for both peak periods by 2031, representing delays and congestion at this intersection. However, the intersection upgrades being delivered under the VPA would improve the LOS of the Wicks Road/ Epping Road intersection to LOS D for both peak periods. The Department notes the proposed modifications will not change the anticipated improvements to the Wicks Roads/ Epping Road intersection being delivered under the VPA.

The Department is therefore satisfied the traffic impacts resulting from the proposal would not unreasonably impact on the future road network, noting the required intersection upgrade works would be delivered under the existing VPA.

6.4.2 Parking

The TIA assessed the potential impacts of the proposal based on an assumed additional 173 dwellings, resulting in a total yield of 1,161 dwellings across the four development lots.

The TIA referenced and considered the following indicative parking spaces:

Table 10 | Indicative future parking spaces

Dwelling Type	Dwellings	DCP Rate (max)	Parking Spaces
1 Bed	350	0.6 space / unit	210
2 Bed	690	0.9 space / unit	621
3 Bed	121	1.4 spaces / unit	169
Visitor	1,161	0.1 space / unit	116
		Total	1,116

Council acknowledged the indicative parking numbers are consistent with the requirements of the Ryde DCP 2013, however considered the number of spaces was high given the close proximity to the metro stations and bus services. Council also recommended further clarification on the number of accessible parking spaces, motorcycle spaces, visitor spaces and car share spaces.

Public submissions expressed mixed views on the proposed number of parking spaces, ranging from suggesting the proposal would provide insufficient parking to suggesting parking should be restricted in close proximity to public transport.

The Department agrees with Council's advice that future development should further consider maximising the use of public transport, noting the site's highly accessible location.

The Department however notes the Concept Approval as modified does not seek approval for car parking rates. The Department therefore accepts the reference to Council's DCP rates in the modification application is appropriate to analyse the maximum amount of future parking anticipated and can be accommodated by the proposal satisfactorily.

6.5 Other issues

The Department's consideration of other issues is summarised in **Table 11** below.

Table 11 | Assessment of other issues

Issue	Findings and conclusions	Recommended conditions
Affordable Housing	Council raised concerns in relation to the extent of affordable housing being proposed by the Applicant. Council has an affordable housing target of 5% of new development in the City of Ryde area.	Condition E15 sets out the requirements to secure the proposed affordable housing

Issue	Findings and conclusions	Recommended conditions
	<p>In response, the Applicant increased the commitment of affordable housing from 5% to 6% of the additional floorspace proposed under the modification application.</p> <p>A public submission raised concern that there is already affordable housing being delivered by Landcom on Lot 117 and more affordable housing may impact on property value.</p> <p>The Department supports the proposed provision of additional affordable housing at this highly accessible location with public transport access and amenity. The Department also support a diverse mix of housing, including affordable housing to ensure a sustainable precinct from a social, environmental and economical perspective.</p> <p>The Department also finds that despite there being no requirement for affordable housing imposed under the original Concept Approval, the additional affordable housing under the proposed modification together with previous modification MOD 5, would provide approximately 4.3% of the total GFA under the Concept Approval as affordable housing.</p> <p>The Department therefore accepts the proposed affordable housing is reasonable and should be supported. The Department also recommends conditions to ensure the proposed additional affordable housing would be managed by a Community Housing Provider for 15 years.</p>	
<p>Urban Design Report</p>	<p>Council raised concern in relation to the proposed inclusion of an additional Urban Design Report, specific to the Applicant’s site.</p> <p>The Department acknowledges the purpose of the submitted Urban Design Report was to illustrate the additional GFA could be appropriately accommodated with the Concept (see Section 6.2 – Built Form).</p> <p>The Department notes the Urban Design Report does not form part of the approval, with future detailed DAs</p>	<p>No additional conditions or amendments are necessary.</p>

Issue	Findings and conclusions	Recommended conditions
	<p>still being subject to the Ryde LEP 2014, the NRSP DCP 2013 and Council’s Urban Design Guidelines for high-density residential precinct & Lot 107 Lachlan’s Line.</p>	
<p>Mews Road/ vehicular design</p>	<p>Council noted the Mews Roads, which are the private roads at the entry point to each development lot, were not shown in the required widths, locations or setbacks envisaged under Council’s Urban Design Guidelines.</p> <p>The Department accepts the submitted Urban Design Report includes indicative designs only.</p> <p>The Department notes that future detailed DAs will need to demonstrate that appropriate vehicle access is provided, having regard to the objectives contained in NRSP DCP 2013 and Urban Design Guidelines.</p> <p>Any changes to the public domain and Linear Park to accommodate alternative entry points for vehicle access will need to be done in consultation with Council as part of future detailed DAs.</p>	<p>No additional conditions or amendments are necessary.</p>
<p>Residential Amenity</p>	<p>The Applicant provided indicative floor plans, which demonstrate that future development would achieve the residential amenity recommendations of the ADG.</p> <p>The Department acknowledges that future detailed DAs will need to address the State Environmental Planning Policy (SEPP) (Housing) 2021 and the design recommendations contained in the ADG (see Appendix D).</p>	<p>No additional conditions or amendments are necessary.</p>
<p>Open Space</p>	<p>Council raised concerns the proposed open space does not meet Council’s public open space requirements and is not in a position to accept the park in its current form.</p> <p>In response, the Applicant noted that the proposed open space (part of Lot 119) will remain in private ownership and will accept an easement to ensure the space would be publicly accessible.</p>	<p>Condition E14 sets out the requirements for the proposed publicly accessible open space</p>

Issue	Findings and conclusions	Recommended conditions
	<p>The Applicant has also indicated that they will continue to engage with Council in supporting recreation needs of future residents of the precinct.</p> <p>The Department notes that the proposed open space would not be dedicated to Council and supports the proposed open space because it:</p> <ul style="list-style-type: none"> • would receive good solar access and would be embellished to meet recreation needs of future residents at the precinct. • is located and designed to complement the existing open spaces at the northern part of the precinct and would improve the sense of arrival into the precinct from Wicks Road. <p>The Department therefore recommends that conditions to ensure the proposed open space would remain publicly accessible and contribute to the amenity of the precinct.</p>	
<p>Macquarie Park Place Strategy</p>	<p>Concerns were raised in submissions that the proposal lacks consideration of the MPPS and the potential future redevelopment of the adjoining Wicks Road South Precinct.</p> <p>The Department notes the development as modified by the proposal would not transform the strategic planning relationship of the precinct with surrounding developments, including the Wicks Road South Precinct adjoining the western boundary of the site.</p> <p>The Department’s assessment also considered the impacts of indicative building envelopes, including overshadowing of surrounding developments, and is satisfied the proposal will not adversely impact on, and is compatible with, any future redevelopment of the Wicks Road South Precinct.</p>	<p>No additional conditions or amendments are necessary.</p>

7 Evaluation

The Department's assessment has considered the relevant matters and objects of the EP&A Act (**Sections 3 & 6**), advice from Government agencies, Council and public submissions (**Section 5**), and strategic government policies and plans (**Section 3**).

The Department's assessment concludes that the proposal is acceptable as:

- it is consistent with the relevant strategic planning framework in delivering additional housing at a highly accessible location, being located within 800 m of North Ryde and Macquarie Park Metro Stations
- it would deliver further affordable housing, with 6% of the additional proposed GFA being provided as affordable housing. This is additional to the 135 affordable housing already being delivered under the existing Concept Approval
- it would allow for additional open space to improve amenity for future residents at the precinct
- the additional GFA can be accommodated within built forms that are compatible with adjoining and surrounding developments and would support residential amenity anticipated under the ADG
- it would result in acceptable overshadowing impacts to existing open spaces and surrounding and adjoining developments, having regard to the development envisaged under the original Concept Approval
- it would result in acceptable traffic impacts, noting the additional traffic generation would have a negligible impact on the surrounding road network, with intersection upgrades at Wicks Road/ Epping Road already secured by an existing VPA.

Overall, the Department considers the impacts of the development as modified by the proposed modifications are acceptable and can be appropriately managed or mitigated through the implementation of the recommended conditions of consent. Consequently, the Department considers the proposal is in the public interest and is able to be approved, subject to conditions.

8 Recommendation

It is recommended that the A/Executive Director, Housing and Key Sites Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD 5093 MOD 6 falls within the scope of section 4.55(2) of the EP&A Act
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **agrees** with the key reasons for approval listed in the Notice of Decision
- **modifies** the consent for the North Ryde Station Precinct (SSD 5093), as amended, subject to the conditions in the attached Instrument of Modification
- **signs** the attached Instrument of Modification (**Appendix A**).

Recommended by:



Russell Hand

A/Team Leader

Key Sites and TOD Assessments

Recommended by:



Annie Leung

A/Director

Key Sites and TOD Assessments

9 Determination

The recommendation is **adopted** by:



Ben Lusher

A/Executive Director

Housing and Key Sites Assessments

as delegate of the Minister for Planning and Public Spaces

Glossary

Abbreviation	Definition
ADG	Apartment Design Guide
CIV	Capital investment value
Council	City of Ryde
Department	Department of Planning, Housing and Infrastructure
EIS	Environmental impact statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental planning instrument
LEP	Local environmental plan
LOS	Level of Service
Minister	Minister for Planning and Public Spaces
MPPS	Macquarie Park Place Strategy
NRSP DCP 2013	North Ryde Station Precinct Development Control 2013
Secretary	Secretary of the Department of Planning, Housing and Infrastructure
SEPP	State Environmental Planning Policy
SSD	State significant development
TfNSW	Transport for NSW

Appendices

Appendix A – List of referenced documents

1. Modification Report
2. Instrument of Modification
3. Consolidated Consent

<https://www.planningportal.nsw.gov.au/major-projects/projects/modification-6-north-ryde-station-precinct-modification-6>

Appendix B – Submissions and Government agency advice

All submissions and government agency advice can be found here:

<https://www.planningportal.nsw.gov.au/major-projects/projects/modification-6-north-ryde-station-precinct-modification-6>

Appendix C – Community views for draft Notice of Decision

A summary of the Department’s consideration of the key issues raised in submissions is provided at **Table 12**. These issues are considered in **Section 6** of this report.

Table 12 | Key issues and how they have been considered

Issue	Consideration
Affordable housing <ul style="list-style-type: none">- Extent of affordable housing is inconsistent with Council’s policy- Lack of public benefit	<p><i>Assessment:</i></p> <p>The Concept Approval does not require the provisions of any affordable housing. However, the Applicant has proposed to dedicate a minimum of 6% of the additional GFA as affordable housing for 15 years. Further, the Concept Approval will deliver approximately 4.3% of the total GFA, which generally aligns with Council’s target of 5%.</p> <p><i>Recommended conditions/response:</i></p> <p>Condition E15 has been recommended to secure the dedication of affordable housing in accordance with the Applicant’s proposal.</p>

Issue	Consideration
<p>Open space and land dedication</p> <ul style="list-style-type: none"> - 1,200 m² public park does not meet Council's minimum public open space provisions - Council not in a position to accept dedication of the open space 	<p><i>Assessment:</i></p> <p>The Applicant amended the proposal by removing the dedication of 1,200 m² public open space and proposes to provide 800 m² of publicly accessible open space, which will remain under private ownership and management.</p> <p><i>Recommended conditions/response:</i></p> <p>Condition E14 has been recommended to ensure the proposed open space remains publicly accessible.</p>
<p>Macquarie Park Place Strategy</p> <ul style="list-style-type: none"> - Proposal lacks consideration of the Macquarie Park Place Strategy - Overshadowing of future open space with the Wicks Road South Precinct 	<p><i>Assessment:</i></p> <p>The submitted indicative building envelopes and shadow diagrams which illustrated that the proposed additional GFA would not have unreasonable impacts on the adjoining Wicks Road South Precinct, identified in the Macquarie Park Place Strategy.</p> <p><i>Recommended conditions/response:</i></p> <p>No changes to the conditions are recommended.</p>
<p>Urban Design Guidelines</p> <ul style="list-style-type: none"> - Application of two separate Design Guidelines for the Concept Approval is not supported - Protection of view corridor along Halifax Street - Identification of active frontages - Inconsistencies with Council's Urban Design Guidelines for high-density residential precinct & Lot 107 Lachlan's Line 	<p><i>Assessment:</i></p> <p>The Department notes the Urban Design Report illustrated indicative building envelopes and floor plans to demonstrate the additional GFA could be appropriately accommodated within the four development lots. The Applicant's Urban Design Report is not approved as part of this modification application and future detailed DAs will be subject to Council's DCP and design guidelines, including application of the ADG.</p> <p><i>Recommended conditions/response:</i></p> <p>No changes to the conditions are recommended.</p>

Issue	Consideration
<p>Substantially the same development</p>	<p><i>Assessment:</i></p> <p>The modification proposes an increase of 15,738 m² of GFA to be allocated across Lots 102, 110, 118 and 119, which represents an 8.5% increase of the total GFA originally approved under the Concept Approval (6.4% increase from the currently approved GFA).</p> <p>Whilst the Department acknowledges the proposed modifications would further exceed the Ryde LEP 2014 FSR development standard, the Department considers the proposed modification would continue to deliver the key elements of the Concept Approval, including the provision of housing, open space.</p> <p>The Department is satisfied that the proposed modification is substantially the same development as the development for which consent was originally granted.</p> <p><i>Recommended conditions/response:</i></p> <p>No additional conditions are required.</p>
<p>Traffic and parking</p> <ul style="list-style-type: none"> - increase existing parking issues and traffic congestion in the area - insufficient car parking being provided 	<p><i>Assessment:</i></p> <p>The Department is satisfied the proposed additional GFA will not result in any adverse traffic or parking impacts. Future detailed DAs will be subject to separate Traffic Impact Assessments and parking requirements of the NRSP DCP 2013.</p> <p><i>Recommended conditions/response:</i></p> <p>No additional conditions are required.</p>
<p>Amenity impacts</p> <ul style="list-style-type: none"> - loss of peaceful community character - construction noise and air quality impacts - strain on existing public infrastructure 	<p><i>Assessment:</i></p> <p>The Department is satisfied the proposal will not result in any adverse impacts on the surrounding area. Future detailed DAs will be subject to separate approvals, which will include measures to mitigate construction impacts on the surrounding area.</p> <p><i>Recommended conditions/response:</i></p>

Issue	Consideration
	No additional conditions are required.
Inadequate public consultation	<p><i>Assessment:</i></p> <p>The modification application was publicly exhibited between 5 and 18 September 2023 on the NSW Planning Portal. In addition, the Department notified occupiers and landowners in the vicinity of the site about the public exhibition, in accordance with the requirements of the EP&A Act and EP&A Regulation.</p> <p><i>Recommended conditions/response:</i></p> <p>No additional conditions are required.</p>
Property values	<p><i>Assessment:</i></p> <p>The proposal is unlikely to result in any significantly adverse impacts on property values in the vicinity of the site.</p> <p><i>Recommended conditions/response:</i></p> <p>No additional conditions are required.</p>

Appendix D – Statutory considerations

To satisfy the requirements of the EP&A Act, the Department’s assessment of the proposal has given detailed assessment to a number of statutory requirements. These include:

- the matters under section 4.55(2) of the EP&A Act
- the matters listed under Section 4.15(1) of the EP&A Act, including applicable EPIs and regulations
- objects of the EP&A Act.

The Department has considered these matters in its assessment of the proposal in the following and **Table 13** and **Table 14**.

Table 13 5 | Section 4.55 (2) of the EP&A Act and how they have been considered

Section 4.55(2) Evaluation	Consideration
<p>a) satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all)</p>	<p>Section 6 of this report provides a detailed assessment of the impacts associated with the proposed modification.</p> <p>The proposed modification allows for an increase of up to 15,738 m² of GFA to be allocated across Lots 102, 110, 118 and 119, which represents a 6.4% increase of the total GFA currently approved under the Concept Approval. The modification also secures the delivery of additional publicly accessible open space and affordable housing.</p> <p>The Department is satisfied that the proposed modification is substantially the same development as the development for which consent was originally granted.</p>
<p>b) it has consulted with the relevant Minister, public authority or approval body in respect of a condition imposed by the Minister, public authority or approval body.</p>	<p>Not applicable.</p>
<p>c) the application has been notified in accordance with the regulations</p>	<p>The modification application was exhibited for 14 days and notification was sent to surrounding property owners in accordance with the EP&A Regulations (section 10 of schedule 1 to the EP&A Act and section 118 of the EP&A Regulation).</p>
<p>d) any submission made concerning the proposed modification has been considered</p>	<p>Details of the community and agency submissions received during the exhibition period are provided at Section 5 of this report.</p> <p>The issues raised in all submissions have been considered in Section 6 of this report.</p>

Table 14 | Section 4.15 of the EP&A Act and how they have been considered

Section 4.15 Matters for consideration	Consideration
(1)(a)(i) any environmental planning instrument	The proposed modification is consistent with the relevant EPIs, as addressed below in this report.
(1)(a)(ii) any proposed instrument	Not applicable.
(1)(a)(iii) any development control plan	Under clause 2.10 of the Planning Systems SEPP, Development Control Plans (DCPs) do not apply to SSD.
(1)(a)(iiia) any planning agreement	<p>The proposed modification does not involve a VPA or seek to amend an existing VPAs.</p> <p>The Department notes there is an existing VPA executed between the Minister for Planning and Urban Growth NSW, dated 30 August 2015, which includes:</p> <ul style="list-style-type: none"> • Delhi Road widening works • Wicks Road/ Epping Road intersection works • Wicks Road/ Waterloo Road intersection works. <p>There is also a VPA executed between Landcom and Council known as ‘North Ryde M2 Site Planning Agreement’. This VPA outlines the contributions payable for the development (among other sites). Any requirement for contributions under this VPA is linked to the ‘development consent’. Since this modification seeks approval related to GFA, it would not trigger any payment for contributions which would be considered in the future as part of detailed DAs.</p>
(1)(a)(iv) the regulations	The modification application satisfactorily meets the relevant requirements of the EP&A Regulation 2000, including the procedures relating to applications (Part 6), the requirements for notification (Part 6, Division 6) and fees (Part 15, Division 1AA).

Section 4.15 Matters for consideration	Consideration
<p>b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</p>	<p>Section 6 of this report provides a detailed assessment of the impacts associated with the proposed modification.</p> <p>The proposed modification is not expected to result in any unacceptable environmental impacts.</p>
<p>c) the suitability of the site for the development</p>	<p>The site is considered suitable for the development (Section 6).</p>
<p>d) any submissions</p>	<p>The Department has considered the submissions received (refer to Section 5 and Section 6 of this report).</p>
<p>e) the public interest</p>	<p>The Department considers the proposed modification application to be in the public interest.</p>
<p>Reasons given by the consent authority for the grant of the consent that is sought to be modified</p>	<p>The Department has considered the reasons given by the consent authority for granting consent to the original Concept Approval in its assessment in Section 6.</p>

Objects of the Act

The Minister for Planning or delegate must consider the objects of the EP&A Act when making decisions under the EP&A Act. The Department is satisfied the proposed modification is consistent with the objects of the EP&A Act.

Environmental Planning Instruments (EPIs)

To satisfy the requirements of section 4.15(1)(a)(i) of the EP&A Act, the following EPIs were considered as part of the assessment of the modification application:

- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- Draft State Environmental Planning Policy (Resilience and Hazards) 2021

- State Environmental Planning Policy (Transport and Infrastructure) 2021
- City of Ryde Local Environmental Plan 2014

The Department undertook a comprehensive assessment of the development against the relevant EPIs in its original assessment. The Department has considered the above EPIs and is satisfied the modification does not result in any inconsistency with these EPIs.

Apartment Design Guide (ADG)

An assessment of the proposed indicative building envelopes against the relevant ADG best practice design principles is provided in the table below. The Department notes the Concept Approval does not include building envelopes and any future detailed DAs will be required to address the relevant design criteria contained within the ADG:

Table 15 | ADG consideration

Design Principles	Consideration
<p>3B Orientation</p> <ul style="list-style-type: none"> • Building type/layouts respond to streetscape, optimising solar access. • Overshadowing of neighbouring properties is minimised 	<p>The Applicant has demonstrated the indicative building envelopes allow for appropriate solar access to future dwellings, communal open space and adjoining sites.</p> <p>The indicative envelopes have been tested for compliance with the solar access provisions of the ADG and achieves appropriate solar access.</p>
<p>3D Communal and Public Open Space</p> <ul style="list-style-type: none"> • minimum 25% of the site • minimum 50% direct sunlight to principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm in mid-winter 	<p>The Applicant has demonstrated that the indicative building envelopes are capable of achieving 30% of the developable area of each lot as open space.</p> <p>Further, the Applicant notes the communal open space is capable of achieve a minimum of 3 hours of solar access to at least 50% of the external space between 9 am and 3 pm, 21 June.</p>
<p>3E Deep Soil Zones</p> <p>For sites greater than 1,500 m² a minimum of 7% to 15% of the site should provide for deep soil zone(s).</p>	<p>The indicative building envelopes and Urban Design Report identifies deep soil zones around the perimeter of each development lots.</p>
<p>3F Visual Privacy</p> <p>Minimum separation distance from building to side boundary:</p>	<p>The indicative building envelopes achieve separation of between 10 m and 24 m, capable of complying with the requirements of the ADG.</p> <p>The Department notes that future detailed DAs will be required to address building separation and compliance with the relevant privacy criteria within the ADG.</p>

Design Principles

Consideration

Height	Habitable rooms and balconies	Non-habitable rooms
Up to 12m (4 storeys)	6 m	3 m
Up to 25m (5-8 storeys)	9 m	4.5 m
Over 25m (9+ storeys)	12 m	6 m

3H Vehicle Access

Vehicle access points are to be designed to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.

Future detailed DAs will be required to demonstrate vehicle access points have been designed having regard to the design criteria contained in the ADG.

3J Bicycle and Car Parking

- Minimum parking requirement as set out in the Guide to Traffic Generating Developments or local Council requirement, whichever is the less
- Parking is available for other modes of transport
- Car parking design access is safe and secure
- Visual and environmental impacts of underground, at grade or above ground car parking are minimised

Car parking for residents, resident visitors, motorcycles and bicycles will be provided in accordance with the parking rates established in the NRSP DCP 2013 (see **Section 6.4.2**).

Future detailed DAs will be required to demonstrate design objectives and criteria in relation to safety, security and streetscape are addressed.

4A Solar and Daylight Access

- Minimum of 70% of apartments' living rooms and private open spaces receive 2hrs direct sunlight between 9am-3pm in mid-winter in the Sydney Metropolitan Area
- Maximum of 15% of apartments have no direct sunlight between 9am-3pm in mid-winter

The Applicant provided indicative floor plans illustrating future detailed DAs are capable of achieve adequate solar access in accordance with the ADG.

Design Principles	Consideration
<p>4B Natural Ventilation</p> <ul style="list-style-type: none"> At least 60% of apartments are cross ventilated in the first nine storeys (apartments 10 storeys or greater are deemed to be cross ventilated) Overall depth of a cross-over or cross-through apartment does not exceed 18 m 	<p>The Applicant provided indicative floor plans illustrating future detailed DAs are capable of providing a minimum 60% of dwellings achieving cross-ventilation in accordance with the ADG.</p>