

Chapman Planning Pty Ltd

A.C.N 126 638 248

Suite 8/ 88 Mountain Street
ULTIMO NSW 2007

Phone: 9560 1718

www.chapmanplanning.com.au

26 October 2023

Director – State Significant Acceleration
NSW Department of Planning and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Re: State Significant Development Application SSD-55844212
Property: 39 Dehli Road, North Ryde (Lot 21 / DP 1003588)

Attention: Ms. Judith Elijah

Dear Ms. Elijah,

I refer to the above-mentioned State Significant Development Application – Trinité Lighthouse Build-to-Rent exhibited on 28 September 2023 for:

Site preparation & construction of a new BTR development consisting of 508 units and ground floor commercial tenancies across 3 buildings with shared podium, ranging between 2-20 storeys, car parking, pedestrian link and activation of New Link Road at 39 Dehli Road, North Ryde (the subject site).

The subject site is zoned E2 Commercial Centre pursuant to the *Ryde LEP 2014* and the development is made pursuant to Section 72(2)(ii) and (3) of the *SEPP (Housing) 2021* which permits Build-to-Rent housing within a shop top housing development.

Chapman Planning has been engaged by residents of Ryde Gardens – Buildings A and B (our client) to review the above-mentioned application and prepare a submission objecting to the proposed development. Chapman Planning does not have any reportable political donations to declare in accordance with the donations and gift disclosure requirements and acknowledges the department's disclaimer that the submission will be publicly available.

The submission is made in accordance with a site inspection of the subject site, a review of the relevant information submitted with the application including the architectural plans and shadow diagrams, Environmental Impact Statement, Visual Impact Analysis, Economic Assessment, and the VPA Letter of Offer and associated correspondence submitted to the Department. In accordance with our assessment of the application on behalf of our client, we object to the proposed development.

The proposal is located within the Macquarie Park Corridor and relies upon Clause 6.9 on the *Ryde Local Environmental Plan 2014* for a building height and FSR – density bonus

to the development. In our opinion, the development does not satisfy the provisions of Clause 6.9 of the LEP or the objective of this clause. As a direct result of the additional density proposed by the development, the built form will have unacceptable view loss and residential amenity impacts upon the residential flat buildings to the west. (Ryde Gardens Building A and B).

Further, we submit that the application has failed to adequately consider the cumulative environmental impacts of the development in combination with other Build-to-Rent proposals and approvals within the broader locality.

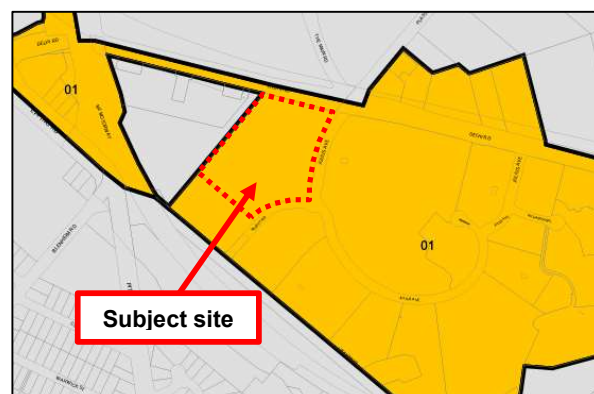
The grounds for objection to the application are:

- **Non-compliance with Clause 6.9 Development in Macquarie Park Corridor – Ryde LEP 2014.**
- **Inadequacy of communal and pedestrian areas**
- **Overdevelopment of the site – Insufficient recreation space and inconsistency with Macquarie Park Place Strategy**
- **View loss and Cumulative impacts**

The objections are detailed further as follows:

- **Non-compliance with Clause 6.9 Development in Macquarie Park Corridor**

The site is subject to a maximum permissible building height of 37m pursuant to Clause 4.3 of the *Ryde LEP 2014*, and a maximum permissible FSR of 2:1 pursuant to Clause 4.4 of the *Ryde LEP 2014*. Notwithstanding, the application under SSD-55844212 relies upon Clause 6.9 of the LEP to provide additional height and density bonuses to development within the Macquarie Park Corridor – land within *Precinct 01* as identified by the LEP mapping below:



Source: Ryde LEP 2014

Clause 6.9 states:

“6.9 Development in Macquarie Park Corridor

(1) The objective of this clause is to encourage additional commercial development in Macquarie Park Corridor co-ordinated with an adequate access network and recreation areas.

(2) This clause applies to land in Macquarie Park Corridor, identified as “Precinct 01—Macquarie Park” on the Macquarie Park Corridor Precinct Map.

(3) The consent authority may approve development with a height and floor space ratio that does not exceed the increased building height and floor space ratio identified on the Macquarie Park Corridor Precinct Incentive Height of Buildings Map and the Macquarie Park Corridor Precinct Incentive Floor Space Ratio Map, but only if the consent authority is satisfied that—

(a) there will be adequate provision for recreation areas and an access network, and

(b) the configuration and location of the recreation areas will be appropriate for the recreational purposes of the precinct, and

(c) the configuration and location of the access network will allow a suitable level of connectivity within the precinct.”

The subject site is identified on the incentive height of buildings and FSR maps as being subject to a maximum permissible height of 65m and FSR of 3:1 if the consent authority is satisfied of the requirements of Subclause 6.9(3)(c).

The application relies on the incentive density bonuses of Clause 6.9 but in our opinion does not achieve the objective of the provision based on the following:

- The proposed Build-to-Rent shop top housing is only permissible on the subject site pursuant to the *Housing SEPP*, noting otherwise high-density residential development is prohibited within the E2 Commercial Centre zone. The objective of Clause 6.9 is to “**encourage additional commercial development** in Macquarie Park Corridor co-ordinated with an adequate access network and recreation areas”. In this instance, the proposal utilises the diverse housing delivery mechanism of the *Housing SEPP* for permissibility whilst inappropriately relying upon the density bonuses afforded to commercial development within the Macquarie Park Corridor.
- The objective of this clause has not been achieved, with the proposal being a predominantly residential development (508 x rental units – 39,031m² GFA) above commercial/retail floor area (1,851m² GFA) that makes up a negligible portion of the entire development – 4.5% of the total floor area. The submitted EIS states that the development of the site for commercial uses has proved economically unviable noting a previous approval for office development on the site was not realised, and that the site contains commercial premises at the northern portion in addressing this objective. We submit that reliance upon Clause 6.9 for additional density within a major residential development is contrary to the objective and presents an otherwise unanticipated planning outcome for the site.

- The existing commercial/office development at the northern portion of the site does not serve to justify the additional density sought by the application. The retention of these buildings does not 'encourage commercial development' and has instead prevented the development of the southern portion of the site in a manner envisioned for the Macquarie Park Precinct pursuant to Clause 6.9.

- **Inadequacy of recreation, access and pedestrian areas**

The proposed development does not provide sufficient recreation area, pedestrian linkages, or contribution to the access network of the precinct and has failed to demonstrate that the prerequisites of Clause 6.9(3) have been satisfied based on the following:

- The development does not include adequate provision for recreation areas and an access network within the precinct. The landscaped areas and 'amphitheatre' spaces at the ground floor level of the site are of a negligible size to cater to the scale of the development, and do not offer any meaningful recreational uses for the future residents of the development or broader public within the precinct.

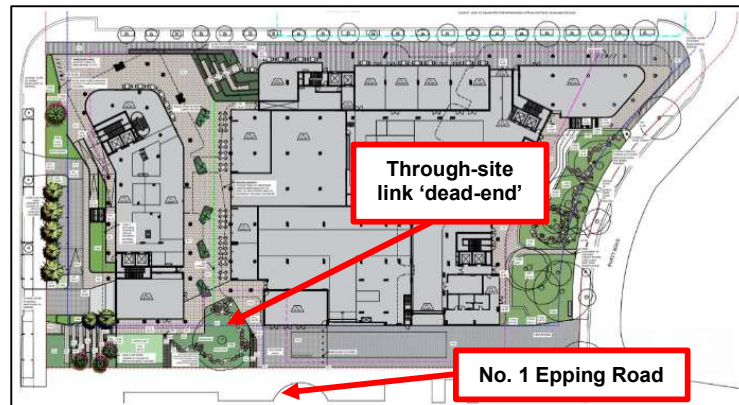
Further, the proposed pedestrian through-site link serves only as a 'shopping arcade' for the ground floor retail spaces of the development and does not serve a recreational purpose, whilst the proposed 'pedestrianisation' of New Link Road central to the site provides an under-sized children's playground and outdoor dining areas associated with retail – food and drink premises which are entirely inadequate for a development containing 508 x rental dwellings.

- The configuration and location of the ground floor 'recreation areas' do not meet the recreational needs of the Macquarie Park Corridor Precinct. The landscaped area fronting Rivett Road adjoins the vehicular access – driveway to the site at the south-eastern corner and lobby/entry and service areas of the development and does not contribute an appropriate level of usable space.

The fragmentation of landscaped areas and pedestrian plaza spaces at the ground floor level detracts from their usability and functionality in serving the recreation needs of the precinct, whilst the proposed pedestrianised portion of New Link Road presents a poor relationship to the western portion of the road which will continue to serve as a high-volume road providing vehicular access to the basement carpark of the Triniti – Stage 1 commercial buildings, which will also contain parking for the proposed development.

- The development does not contribute to the access network of the precinct. The proposed pedestrian through-site plaza does not present a coherent link across the site from the street frontages of the site, and rather will serve as a shopping mall space that ensures pedestrian foot-traffic is funneled towards the ground floor retail premises of the development. The south-western portion of the through-site link

appears as a 'dead-end' as it adjoins the basement driveway of the building and the commercial building – Microsoft Offices at 1 Epping Road, North Ryde. The topography of the locality and existing development south of the site is characterised by high retaining wall and security fencing at the boundaries of No. 1 Epping Road which will present a poor public domain outcome for the open spaces at the south-western portion of the site as depicted in the diagrams below:



Source: SSD Exhibition Package



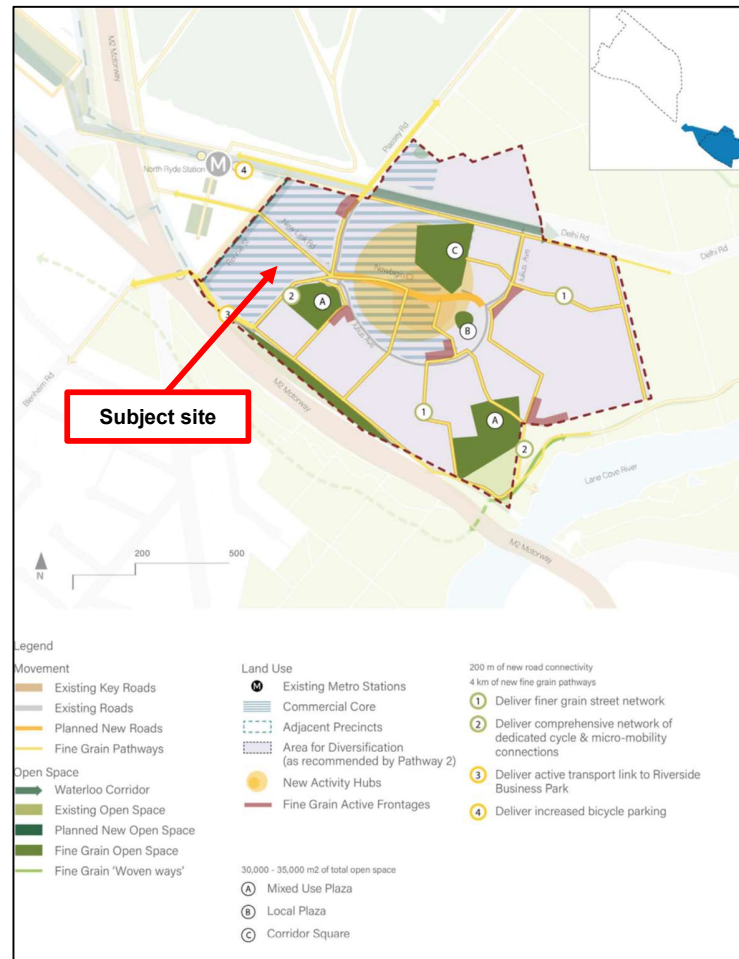
Source: Google Maps

Based on the above, the consent authority cannot be satisfied that the prerequisites of Clause 6.9(3) have been achieved and in this instance the development should not benefit from the height and FSR incentives provided to development within the Macquarie Park Corridor, noting the objective of this local provision is to encourage commercial development rather than high-density residential buildings.

- **Overdevelopment of the site – Insufficient recreation space and inconsistency with Macquarie Park Place Strategy**

The application does not provide open space within the subject site that contributes to the recreation area needs of the precinct, and rather will burden the surrounding locality with sizable residential density that will burden existing and proposed open space infrastructure. The Macquarie Park Place Strategy identifies the site as

being within the south-western portion of the *North Ryde Riverside* Neighbourhood which is envisioned as the 'commercial core' of the precinct as depicted below:



Source: *Macquarie Park Place Strategy 2022*

The development being for 508 x rental dwellings contains approximately the entire new dwelling stock envisioned for this neighbourhood within Years 1-10 of the *Macquarie Park Place Strategy* – Phasing and delivery landmarks for this precinct. As such, the proposal's reliance upon Clause 6.9 of the Ryde LEP to maximise residential yield whilst not contributing significant commercial floor development within the precinct presents an overdevelopment of the site that is 'out-of-sequence' with the anticipated growth of this precinct.

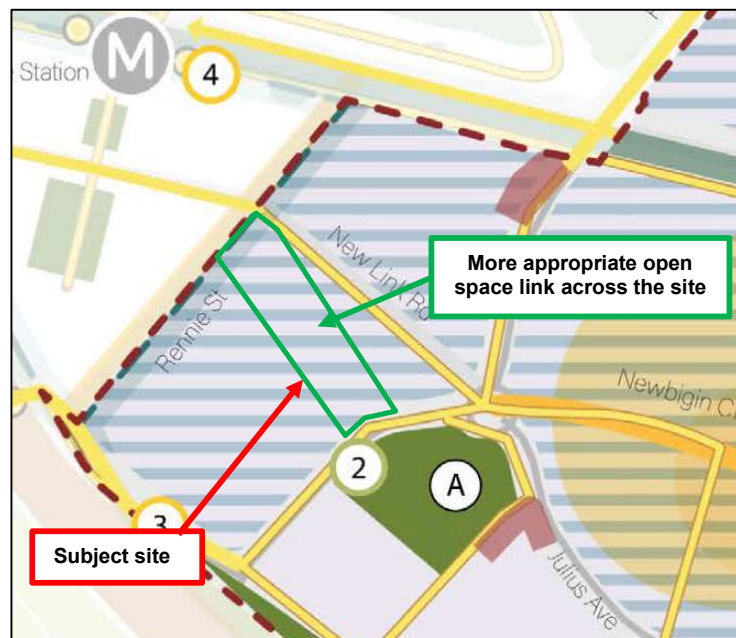
Phasing and delivery		
Years 1-5	Years 6-10	From year 11+
New diversified employment space	New diversified employment space	New diversified employment space
Approximately 225 new dwellings	Approximately 330 new dwellings	Additional 945+ dwellings
Wayfinding and public art	Traditional custodians, engagement and delivery program	Consolidation of residential development
Regenerative Country-centred landscape management	Conversion of car parks into active uses	Further connections to Lane Cove River
	Continued environmental upgrades to the national park and routes	Roll out of 18-hour economic strategy

Source: Macquarie Park Place Strategy 2022

The proposal will present strain on the current infrastructure of the precinct without providing sufficient publicly accessible open space area that links to the broader parkland and open space network as projected by the place strategy.

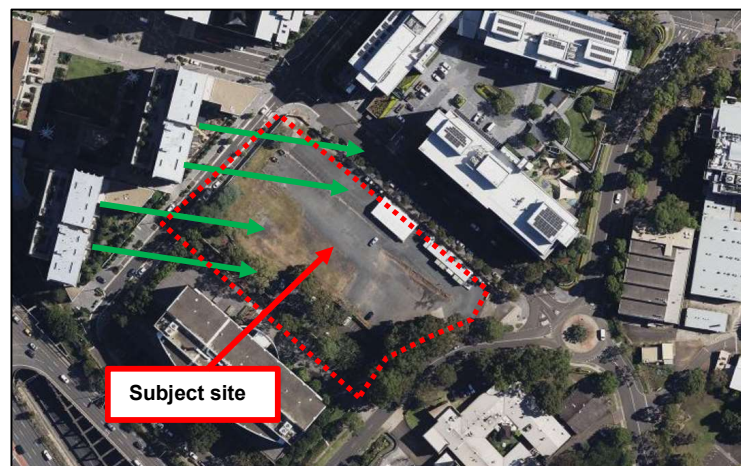
Specifically, the eastern boundary of the site is marked as area that is to 'deliver [a] *comprehensive network of dedicated cycle & micro-mobility connections*' adjacent to a large open space envisioned opposite Rivett Road to the east, and the development does not cohesively relate to this area nor provide an appropriate relationship between the development and the site.

The subject site would better contribute to the locality by containing parkland space that is also a pedestrian link between Rivett Road – bus stops and public transit network and the North Ryde Metro Station to the north-west, with this central public open space corridor better breaking-up the built form across the site as depicted in the strategy extract below:



- **View loss and Cumulative impacts**

As a result of the additional density sought by the application under the proposed non-compliance with Clause 6.9 of the Ryde LEP, the development will have significant view loss impacts upon existing high density residential towers to the west at 1-3 Network Place, North Ryde – Ryde Gardens buildings. In particular, the views currently enjoyed by the residents of the northern tower of the Ryde Gardens site at the mid-upper levels will be devastated by the proposed development, noting these views are obtained directly opposite the site as depicted in the SIXMaps extract below:



Source: Google Maps

The submitted view impact analysis acknowledges that the views enjoyed by these buildings are primarily to the east across the subject site, and include district and landscape views of Lane Cove National Park in the foreground, uninterrupted horizon views, and distant views of iconic landmarks including the Sydney CBD skyline, Sydney Tower, the Sydney Harbor Bridge, and views towards the North Sydney and Chatswood CBD skylines. The proposed development, with particular reference to the northern tower within Ryde Gardens, will have a devastating and unacceptable view loss impact upon the views enjoyed by residents from the mid-upper levels of these buildings.

The EIS and associated view impact analysis purports that the proposed built form will meet the principles of view sharing established by the *Tenacity Consulting v Warringah Council* planning principle. In particular the development relies on the fourth step of the view sharing principle being the 'reasonableness' of the proposal – that the development presents a 'reasonable' impact upon the above views notwithstanding having a severe impact upon high-value views, based upon the development's compliance with the maximum permissible building height for the land pursuant to Clause 6.9 of the LEP.

We submit that the development has failed to achieve the relevant prerequisites for incentive building height up to 65m for the subject site, and as such the view loss that occurs from the additional height above 37m (mapped LEP height) is unacceptable and cannot be justified in this instance.

Of note, the proponent's view impact analysis argues that the development will contribute to the dwelling targets contained within the *Macquarie Park Place Strategy 2022*. As detailed previously, this analysis fails to consider that the specific locality – the *North Ryde Riverside Neighbourhood* is not anticipated to accommodate significant dwelling density compared to the broader study area within the next 1-10 years, with the development of the site to incorporate more appropriate and substantial open space to meet the recreation needs of the precinct, rather than to concentrate 500 x new dwellings on a currently undeveloped site.

The reliance of the proposal upon satisfying the fourth test of the Tenacity View Sharing principle is unfounded in this instance, as the development is not 'reasonable' in its density or height. The development of the site fails to provide adequate recreation area and access networks for the precinct, with the location and configuration of the ground level open space resulting in compromised recreational function within these areas. The development therefore seeks the benefits of incentive density bonuses without providing the necessary open space and access links, which in turn results in expansive tower footprints on the site which contribute to a devastating view loss impact to surrounding properties. A more reasonable proposal would provide a large central open space – park link that connects Rivett Road and Rennie Street across the site which would preserve view corridors to the east from the existing units within Ryde Gardens.

Further, in the case the consent authority finds that the proposal complies with clause 6.9 of the LEP and that the development complies with the 65m height standard and 3:1 FSR the development and view analysis has not addressed if a more skillful design could achieve the same development potential and reduce impact on views. A more skillful design and reduced impact on views may be achieved by an increase in built form at the lower levels with slender towers to protect views across the site.

The submitted EIS fails to identify the cumulative impacts of the proposal when considering the future development of the adjoining site to the south at 1 Epping Road, North Ryde, or the commercial buildings to the north on the subject site (Trinity Stage 1). As the economic viability for commercial development in the precinct is in question, the applicant is to consider the likely future impacts of the wholesale redevelopment of the precinct for 65m high-density residential towers upon views, residential amenity, and the public domain.

Conclusion

In accordance with the issues raised in this letter, it is our submission on behalf of our client that State Significant Development Application SSD-55844212 cannot be supported in its current form. The application presents unacceptable view loss impacts upon the adjacent buildings at 1-3 Network Place, North Ryde as a direct result of the proposal's non-compliance with Clause 6.9 of the *Ryde LEP 2014*.

The proposed development is of an excessive height and scale to a height of 65m, which has been envisioned for the site to encourage commercial development within the precinct. The proposal instead seeks to benefit from incentive FSR and height bonuses for the site whilst not providing adequate recreation area and access networks to service

the precinct. This has resulted in excessive building footprints on the site with largely unarticulated building elevations to the east and west, with associated view loss impacts upon surrounding development being unacceptable.

The development will have devastating view loss impacts upon views towards iconic Sydney landmarks and CBD skylines for the residents of 1-3 Network Place, North Ryde as a direct result of the above reliance upon Clause 6.9 and should not be supported in this regard. The development fails to satisfy the view sharing tests applied in the *Tenacity* planning principle, and in particular is an unreasonable development that has not skillfully acknowledged the view impacts of the proposal.

We seek that the Department of Planning refuse the application in its current form given the above matters.

We wish to be advised of the progress of this application and if the application is reported to the Independent Planning Commission for determination. In this regard, please contact Garry Chapman on 9560 1718 or email garry@chapmanplanning.com.au

Yours faithfully,

Prepared by Jason Lambropoulos – Senior Town Planner

Reviewed by:

A handwritten signature in blue ink, appearing to read 'Garry Chapman'.

Garry Chapman
Director
[Chapman Planning Pty Ltd](#)