

Date of Determination	13 February 2025
Panel Members	John Cole (Chair) Vanessa Holtman (Independent Expert) Jeremy Swan (Independent Expert)
Apologies	NIL
Declarations of Interest	Jeremy Swan declared that his wife works for the Town Planning Consultancy who undertook the planning work on the DA for the applicant. He declared that she did not have any involvement in the application and no knowledge of the application. Given the above, Jeremy took part in the consideration of the matter.

Public meeting held remotely via teleconference on 13 February 2025 opened at 3:00pm and closed at 3:27pm.

Papers circulated electronically on 5 February 2025.

MATTER DETERMINED

LDA2024/0135

Address: 94 Talavera Road, Macquarie Park

Proposal: Amending Development Application to LDA2022/0020. Amendments include 4 additional storeys to accommodate 24 affordable housing units and 7 market housing units, general re-planning to the internal basements (with no change to the overall footprint) allowing for additional 23 car parking spaces, and minor design changes to the upper ground, level 1, level 8, level 12, and minor changes to the façade.

The following people addressed the meeting:

1. Stephen Gouge – Ethos Urban (on behalf of the applicant)
2. Carol Yang – Cox Architecture (on behalf of the applicant)
3. Ramin Jahromi – Cox Architecture (on behalf of the applicant)

PANEL CONSIDERATIONS AND DECISION

The Panel considered the matters listed at item 6, the material listed at item 7, and the material presented at meetings and briefings listed at item 8 in Schedule 1.

Application to vary a development standard

Following consideration of the amended written request from the applicant, made under clause 4.6 (3) of the Ryde Local Environmental Plan 2014 (LEP), that has demonstrated that:

- a) compliance with clause 4.4 (Floor Space Ratio) is unreasonable or unnecessary in the circumstances; and

- b) there are sufficient environmental planning grounds to justify contravening the development standard

The Panel is satisfied that:

- a) the applicant's amended written request adequately addresses the matters required to be addressed under clause 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of clause 4.4 (Floor Space Ratio) of the LEP and the objectives for development in the MU1 Mixed Use zone; and there are sufficient environmental planning grounds to support the variation.

DEVELOPMENT APPLICATION

The Panel determined to approve the development application as described in Schedule 1, pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the following reasons:

- 1) The proposed residential apartment building development as to be amended is consistent with the strategic objectives and development controls for land zoned MU1 Mixed Use.
- 2) This proposal will positively contribute to the overall architectural quality of the Macquarie Park Corridor and fits sensitively into the existing and future streetscape.
- 3) The issues raised in the submission does not warrant the refusal of the application and has been adequately addressed in the Assessment report.
- 4) The proposed development does not create unreasonable environmental impacts to existing adjoining development.
- 5) The proposal is in the public interest.
- 6) The site is considered to be suitable for the proposed development.
- 7) The proposal provides for additional affordable housing and market housing supply in an accessible location.

The Panel adopts the recommendations and reason for approval as outlined in the Assessment Officers' report.

CONDITIONS

The development application was approved subject to the conditions in the Council assessment report with the following amendments.

Addition of Condition 189a as follows:


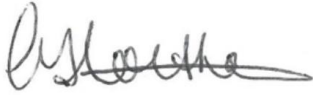

189a. **Wind Assessment.** Prior to the issue of an occupation certificate, a wind assessment compliance report shall be prepared to the satisfaction of the principal certifier by a suitable qualified consultant verifying that the roof top level (level 16) has been adequately designed and constructed to reduce the risk

of winds circulating within the terrace as recommend in Pedestrian Wind Assessment, prepared by RWDI Australia Pty Ltd, Project No. 2204127, Version G, dated 20.11.2024..

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submission made during public exhibition.

The panel considers that concerns raised by the community have been adequately addressed in the assessment report. No new issues were raised during the public meeting.

PANEL MEMBERS	
John Cole (Chair)	
Vanessa Holtman (Independent Expert)	
Jeremy Swan (Independent Expert)	

SCHEDULE 1

1	DA No.	LDA2024/0135
2	Proposal	Amending Development Application to LDA2022/0020. Amendments include 4 additional storeys to accommodate 24 affordable housing units and 7 market housing units, general re-planning to the internal basements (with no change to the overall footprint) allowing for additional 23 car parking spaces, and minor design changes to the upper ground, level 1, level 8, level 12, and minor changes to the façade.
3	Street Address	94 Talavera Road, Macquarie Park
4	Applicant / Owner	UPG Talvera 1- P Boston 126 Pty Ltd (Owner)
5	Reason for referral to RLPP	Sensitive Development – Development to which State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development applies.
6	Relevant mandatory considerations	<ul style="list-style-type: none"> ○ Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Sustainable Buildings) 2022 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ State Environmental Planning Policy (Housing) 2021 ○ Ryde Local Environmental Plan 2014 ○ Draft environmental planning instruments: Nil ○ Development control plans: <ul style="list-style-type: none"> ○ Ryde Development Control Plan 2014 ○ Planning agreements: Nil ○ Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> ○ The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality ○ The suitability of the site for the development ○ Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations ○ The public interest, including the principles of ecologically sustainable development
7	Material considered by the Panel	<ul style="list-style-type: none"> ● Council assessment report ● Clause 4.6 variation request – Floor Space Ratio ● Written submissions during public exhibition: One (1) ● Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ On behalf of the applicant – Richard Boulus, Chris Ferreira, Patrick Elias - Urban Property Group (Applicant), Stephen Gouge – Ethos Urban (Town Planner), Carol Yang – Cox Architecture (Architect), Ramin Jahromi – Cox Architecture (Architect) ○ Council assessment officer – Mahbub Alam

8	Meetings, briefings and site inspections by the Panel	<ul style="list-style-type: none"> • Site inspection: 13 February 2025 • Briefing: 13 February 2025 <p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: John Cole (Chair), Vanessa Holtman, Jeremy Swan ○ <u>Council assessment staff</u>: Mahbub Alam, Sohail Faridy, Jason Chanphakeo <ul style="list-style-type: none"> • Papers were circulated electronically on: 5 February 2025
9	Council Recommendation	Approval
10	Draft Conditions	Attachment 1 to the Council assessment report