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13 August 2024

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

Re: Amended Plans – 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 – Trinit 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).

On 1 August 2024, the Department of Planning advised that a 'Response to Submissions' package for the Development Application was submitted by the applicant, and that the amended package was being exhibited. Chapman Planning have previously been engaged by residents of Ryde Gardens – Buildings A and B (our client) to review the response to submission prepared by *Stockland Development* and prepare an addendum submission to the amended proposal on behalf of the residents of Ryde Gardens.

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 amended plans have resulted in a substantial change in building heights within the proposed development, present an increase in deep soil area, and reconfiguration of the ground floor and circulation areas of the development. The submission is made in accordance with a review of the response to submissions report, amended architectural plans, and addendum consultant documentation.

In accordance with our assessment of the application on behalf of our client, we object to the amended 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 amended development continues to fail in satisfying 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).

The amended development has failed to respond to the proposed Stage 2 Rezoning for the Macquarie Park Innovation Corridor, and it is unclear how the applicant has attempted to address key matters in the proposed structure plan which have an impact upon the development. The documentation for the Stage 2 rezoning identifies through-site links, land dedication, and 'contributory frontage' mapping across the subject site, which are not reflected in the proposed Development Application and once approved, the application will not be consistent with the strategic planning for the locality.

Finally, the applicant has not considered the cumulative environmental impact of the development in combination with other Build-to-Rent proposals and approvals within the broader locality. The Stage 2 Rezoning for the precinct identifies additional residential densities and intensification east of the site envisioned for 'Neighbourhood 7' of the precinct, and the documentation submitted by the applicant has not addressed this intensification of land use within the precinct and associated cumulative impacts.

The following is a summary of the grounds for objection raised in our previous objection, which have not been resolved by the amended development, and additional objections to the amended proposal:

- **Out-of-sequence development and Inconsistency with Macquarie Park Place Strategy – Stage 2 TOD Rezoning**
- **Continued non-compliance with Clause 6.9 Development in Macquarie Park Corridor – Ryde LEP 2014.**
- **Inadequacy of amended communal space and accessibility**
- **View loss and Cumulative impacts**

The objections are detailed further as follows:

- **Out-of-sequence development inconsistent with Macquarie Park Place Strategy – Stage 2 TOD Rezoning**

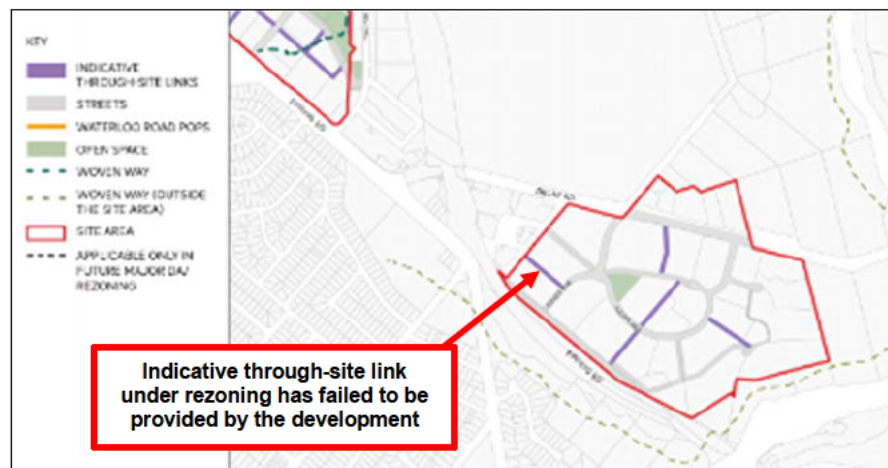
As detailed in our original submission, the proposed development is inconsistent with the envisioned form of development under the Macquarie Park Place Strategy, containing approximately the entire new dwelling stock envisioned for the neighbourhood precinct within Years 1-10 of the *Macquarie Park Place Strategy* – Phasing and delivery landmarks for this precinct. 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.

Following submission the application, Stage 2 of the Macquarie Park Place rezoning has been exhibited by the Department of Planning, as a Transit Oriented Development (TOD) Rezoning. The proposed rezoning presents a number of discrepancies and conflicts between the anticipated structure plan for the locality and amended development which, in our opinion, clearly indicates that the proposal has failed to satisfy Clause 6.9 of the LEP and must not be permitted to rely on the incentive FSR and height bonus provisions under the Ryde LEP 2014.

These matters are summarised as follows:

- **Invalid structure plan – access connections:** The Urban Design Guidelines for the Stage 2 Rezoning depict a number of infrastructure and through-site links through the subject site with no clear indication as to how these connections are to be provided. The amended proposal, subject of the current Development Application, fails to provide adequate connectivity and public domain links envisioned by the rezoning, as detailed further within this objection.



Source: Macquarie Park TOD Rezoning

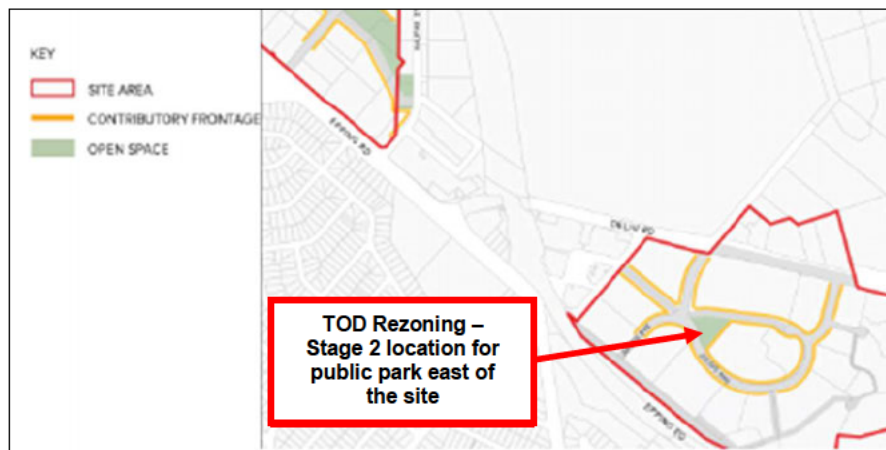
- **Inadequate public open space provision:** The rezoning structure plan for the precinct indicates a range of urban design matters which affect the subject site which are unlikely to be realised given the application has been lodged. It is clear that the pre-requisite accessibility, public domain, and public recreation matters have not been addressed by the proposal and the retroactive application of the rezoning to the development site demonstrates that the proposal is an out-of-sequence development for the locality.

Further, the TOD rezoning for the site has relocated the planned public park within the precinct to east of the intersection of Rivett Road and Julius Avenue. The minor additional public open space proposed at the eastern corner of the site is sub-optimal given the anticipated number of dwellings

proposed to be introduced to the locality. Given the minor scale of the TOD rezoning planned public park in the locality, and reduction from previous volume of park space envisioned for the precinct, the amended proposal must better demonstrate that public open space infrastructure is being dedicated to the locality to achieve the generous bonuses provided by Clause 6.9 of the LEP.



Previously indicated public open space dedication in the precinct under the Macquarie Park Stage 1 Innovation Precinct Rezoning



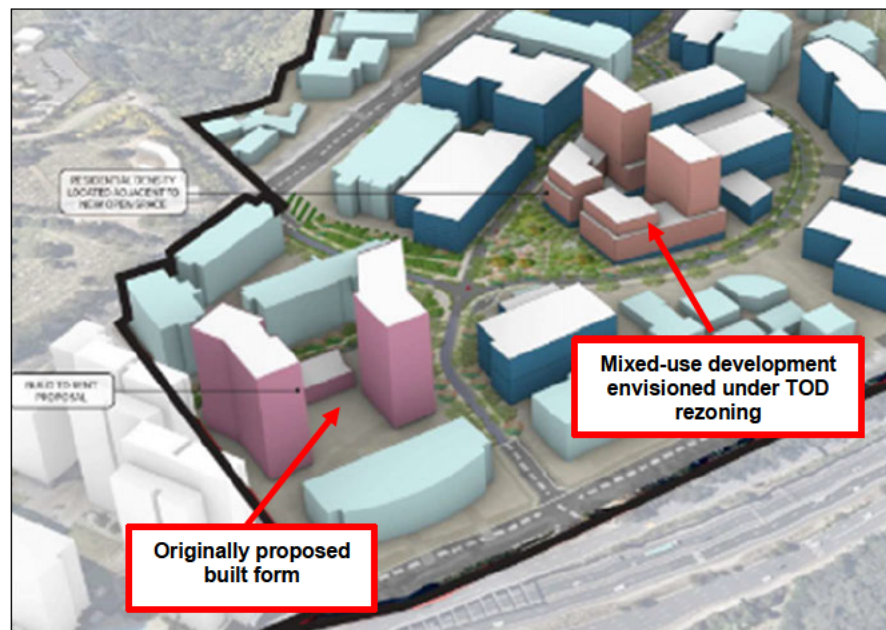
Reduced public open space dedication in the precinct under the Macquarie Park Stage 2 TOD Rezoning

- **Solar access to public open space:** The relocation of the planned public park for the precinct undermines the applicant's redesign of the proposal to improve solar access to the south-east of the site. In accordance with our previous objection, the development of the site at a height of 37m as envisioned by the Ryde LEP 2014, with slender building footprints that retain view corridors through the site for residents of the Ryde Gardens development would present a far improved outcome for the site, and future public open space. The development in its amended form cannot be

determined by the consent authority until the location of the planned public open space is confirmed and the required solar access and visual impact modelling of the proposed development confirms that this future public infrastructure will not be compromised by the proposal.

- **Additional tower density in the E3 Productivity Support Zone:** The TOD rezoning envisioned future residential – mixed use development in the surrounding precinct consistent in height with the subject development application as depicted below. The additional intensification of residential development in this neighbourhood has not been considered within the Environmental Impact Statement for the proposal, and would in future contribute to view loss, visual impact, and public infrastructure impacts raised within this submission and our original objection.

The modelled building massing for this future envisioned site presents a more articulate and responsive distribution of density in contrast to the subject application which maximises residential yield with little regard for its relationship to the public domain and broader urban context. The proposed development has failed to consider the cumulative impacts of further increased residential densities in the precinct in its insufficient provision of public open space and through-site access links on the subject site.



Block-modelling of future envisioned built form central to 'Neighbourhood 7' precinct of the Macquarie TOD rezoning.

- **Continued 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*. The proposal relies upon Clause

6.9 of the LEP to provide additional height and density bonuses up 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).

In our opinion, the amended application invalidly relies on the incentive density bonuses of Clause 6.9, and does not achieve the objective of the provision based on the following:

- 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”. The amended DA package has not provided detail to confirm that the development will contribute employment generating land uses within the precinct that contribute to GDP and economic growth.

An economic assessment of the proposal has not been submitted to the Department of Planning to allow for the consent authority to adequately consider if the additional FSR and height bonuses sought to be relied upon have ‘encouraged’ additional commercial development.

- The amended proposal has further reduced commercial/retail floor area on the site to 1,631m² of GFA being a negligible portion of the entire development – 3.9% of the total floor area. The consent authority – Department of Planning cannot be satisfied that the proposal ‘encourages commercial development’ and as such must not grant additional density to the proposal. The applicant has presented a reduced commercial floor area within the development and seeks consent for significant additional residential density purely as a result of the economic unviability of the previously approved commercial development for the site. The proposal in its amended form continues to present a development that is antithetical to State-level strategic planning outcomes initially envisioned for the Macquarie Park Innovation Precinct Corridor.
- The existing commercial/office development at the northern portion of the site does not serve to justify the additional density sought by the application. As this part of the site is also located within the E2 Commercial Centre zone, we submit that approval of the proposed development would only serve to encourage future development – adaption of the existing buildings on the Stage 1 Trinita site. The Housing SEPP permissibility pathway, in combination with Clause 6.9 of the Ryde LEP being established as an available mechanism for additional FSR will only encourage residential build-to-rent development similar to that proposed at the northern portion of the site.

Planning for the precinct should seek to protect and promote commercial and productive land uses in accordance with the envisioned strategy for ‘Neighbourhood 7’ of the Macquarie Park Innovation Precinct.

- **Inadequacy of amended communal open space areas and linkages on the site**

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

- The amended development has not provided adequate recreation areas or contributed to the access network within the precinct beyond that of the original proposal. The additional landscaped area at the eastern corner of the site does not contribute substantial additional deep soil landscaping beyond that of the original proposal as depicted in the plan extract below, and does not offer any meaningful recreational uses for the future residents of the development or broader public within the precinct to achieve Clause 6.9(3)(b) of the LEP



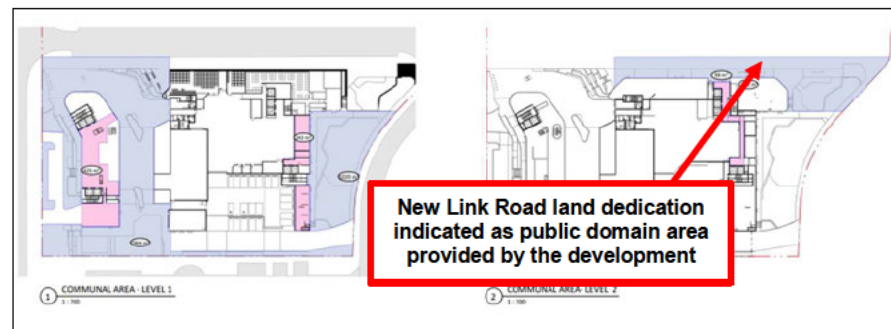
Originally proposed landscaping/access links (above) and amended proposal (below) Source: Applicant response to submissions report

Further, the amended development provides only a negligible widening of the previously proposed pedestrian through-site link which serves only as a 'shopping arcade' for the ground floor retail spaces of the development and does not serve a recreational purpose. 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 the amended development containing 510 x rental dwellings, noting as detailed previously, this road is proposed to be dedicated to Council as part of the Macquarie TOD Stage 2 rezoning therefore burdening public

land – roadways to provide recreational area for the proposed development.

- The applicant's response to submissions document provides that an additional 2,507m² of 'public domain' area is provided by the amended development. Given the proposed minor reduction in building footprint it is considered that the amended plans provide only a token increase to communal area through the inclusion of narrow and unusable parts of the site along the south-western boundary, and has included the proposed 'shopping plaza' central to the site.

Further, the public domain area has included part of the New Link Road to be dedicated to Council under the proposed Macquarie TOD Stage 2 rezoning of the precinct, thereby erroneously attributing a future potential roadway to the development's contribution to public recreation area.



Amended public domain area (blue highlight) and internal communal area (pink highlight) proposed by the development Source: Architectural Plans

Further, the applicant has labelled internal areas within the development as 'communal areas' a part of the amended yield diagram documentation. It is unclear how this communal area is attributed to residents of the development or the public, noting these areas include bicycle storage facilities, staff and residential amenities, concierge and lobby areas for the development. The amended proposal has failed to satisfy the requirements of Clause 6.9(3)(a) and (b) in this regard and must not be provided with incentive FSR and height by the consent authority.

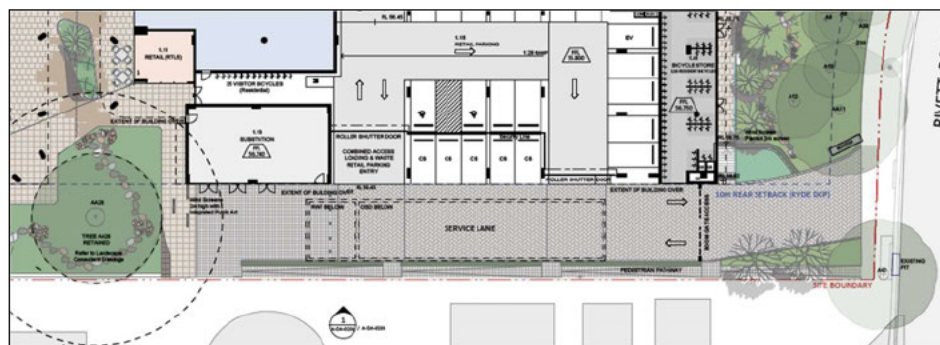
- The amendments to the previously proposed access links and connectivity to the precinct are insufficient in satisfying Clause 6.9(3)(c) of the LEP. The applicant states that a secondary pedestrian through-site link (east-west) has been provided along the south-western boundary of the site. This portion of the site continues to be identified as a service lane providing vehicular access to at-grade retail parking, waste and service access for the development. This area 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 photograph below:



Source: Google Maps

The addition of a pedestrian pathway along the south-western boundary of the site is a poor design outcome for the site and does not provide a suitable level of connectivity within the precinct. The response to submissions report claims that this pedestrian link is proposed to “*better connect Rennie Street to Rivett Road and improve connectivity to the planned open space to the east*”. The pathway is disjointed and presents a convoluted path of travel between these two roads, whilst requiring the public to travel directly adjacent to a substation, carparking entry and waste loading and servicing area.



Source: Architectural Plans

We submit that the amended plans have not adequately responded to submissions against the original proposal, and the consent authority cannot be satisfied that the prerequisites of Clause 6.9(3) have been achieved based on the above. We strongly object to the height and FSR incentives being applied to the development in this regard.

- **View loss and Cumulative impacts**

The amended proposal continues to rely on the provisions of Clause 6.9 of the LEP which have not been satisfied for additional building density. The additional

height and FSR on the site results in devastating view loss impact to the residential towers to the west at 1-3 Network Place, North Ryde – Ryde Gardens buildings.

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 amended view impact analysis purports that the proposed built form will be viewed as a '*mid-distance townscape element*' in the context of the surrounding locality and adjacent to the existing Ryde Gardens towers. The applicant has failed to address the reliance of the proposal upon the incentive FSR and Height bonus provisions of the LEP which are a pre-requisite to achieving the intensity of development proposed on the site in determining the 'reasonableness' of the proposal with respect to view loss.

The amended development has not successfully addressed 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. The amended development seeks the benefits of incentive density bonuses without providing the necessary open space and access links as detailed within this submission, 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.

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 applicant has failed to identify the cumulative impacts of the proposal when considering the future development within the surrounding precinct as identified earlier within this objection. 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

As identified under the previous objection prepared by Chapman Planning, it is our submission on behalf of our client that State Significant Development Application SSD-55844212 cannot be supported on the site as a direct result of the proposal's failure to satisfy the pre-requisites contained within Clause 6.9 of the *Ryde LEP 2014* to allow for the application of height and FSR bonuses.

The amended development continues to present an excessive height and scale to a height of 65m, which has been envisioned for the site to encourage commercial development within the precinct. As detailed within this letter, the amendments proposed to provide adequate recreation area and access networks to service the precinct are 'token' embellishments to an overdevelopment of the subject site, which continue to fail in satisfying the requirements for achieving additional intensification on the subject site.

Following lodgement of the initial application, the Macquarie Precinct Stage 2 TOD Rezoning was exhibited by the Department of Planning. This rezoning presents a number of discrepancies and conflicts between the anticipated structure plan for the locality and amended development which, in our opinion, clearly indicates that the proposal has failed to satisfy Clause 6.9 of the LEP and must not be permitted to rely on the incentive FSR and height bonus provisions under the Ryde LEP 2014. The amended plans prepared by the applicant have provided negligible additional communal area and linkages across the site and the consent authority cannot be satisfied that these amendments result in a development that could be provided with a height bonus of 37m to 65m, and FSR of 2:1 to 3:1.

The amended development continues to present devastating view loss impacts upon views towards iconic Sydney landmarks and CBD skylines for the residents of 1-3 Network Place, North Ryde. The development is unreasonable in its impact and 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 [REDACTED] or email [REDACTED]

Yours faithfully,

Prepared by Jason Lambropoulos – Senior Town Planner

Reviewed by:

[REDACTED]

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