

## Place, Design and Public Spaces

IRF20/924

### Plan Finalisation Report

Local government area: Ryde

#### 1 NAME OF DRAFT LEP

Ryde Local Environmental Plan 2014 (Amendment No 24)

#### 2 SITE DESCRIPTION

The planning proposal (Dept ref PP\_2018\_RYDEC\_001\_00) (**Attachment A**) applies to land at 112 Talavera Road, Macquarie Park and is legally described as Lot 422 in DP 1221081 (the site).

The site is irregular in shape, has an area of approximately 19,530m<sup>2</sup>, and is situated on the north eastern side of Talavera Road, between Christie Road and ramps to the M2 Motorway. The subject land has a 189m frontage to Talavera Road and a 128m alignment with the on-ramp to the M2 Motorway.

Vehicular access to the site is currently provided from Talavera Road, Christie Road and the M2 on-ramp (Herring Road).

The site previously accommodated a multi storey concrete, rendered, clad and glass office warehouse building, comprising a number of commercial / industrial premises. This building has since been demolished. There is vegetation and a number of trees located throughout the site.

Images of the site and its context are provided at Figures 1, 2, 3 and 4.



Figure 1: Aerial view of site (outlined in red) (Source: Nearmap. Image dated 21 Jan 2020)



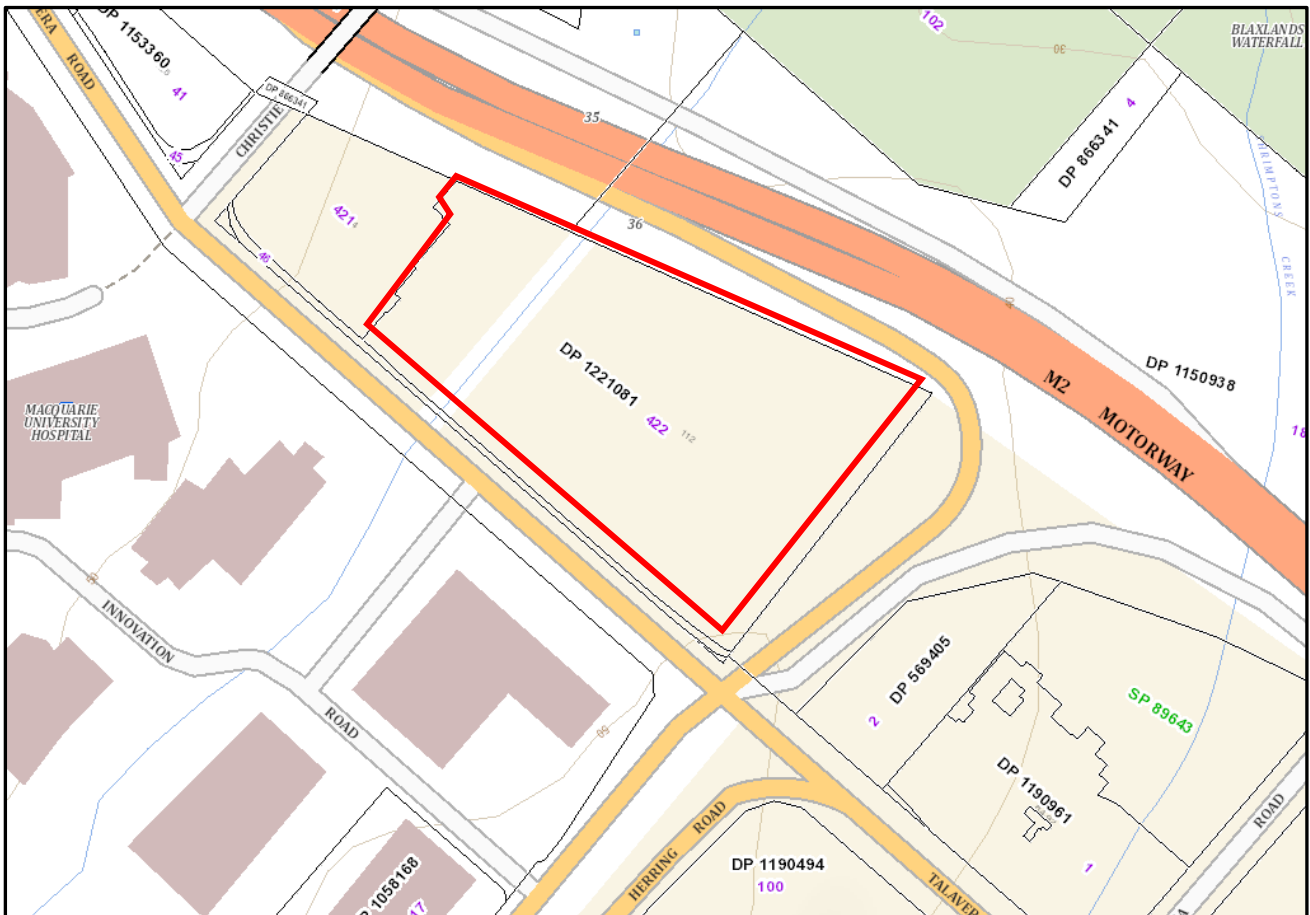


Figure 2: Legal description of the subject site, Lot 422 in DP 1221081 (outlined in red) (Source: SIX Maps)



Figure 3: Panorama view of the site looking south-west from Lane Cove National Park (Source: Nearmap. Image dated 11 Feb 2017)(Note: building shown on site is now demolished, Fujitsu building on the right)

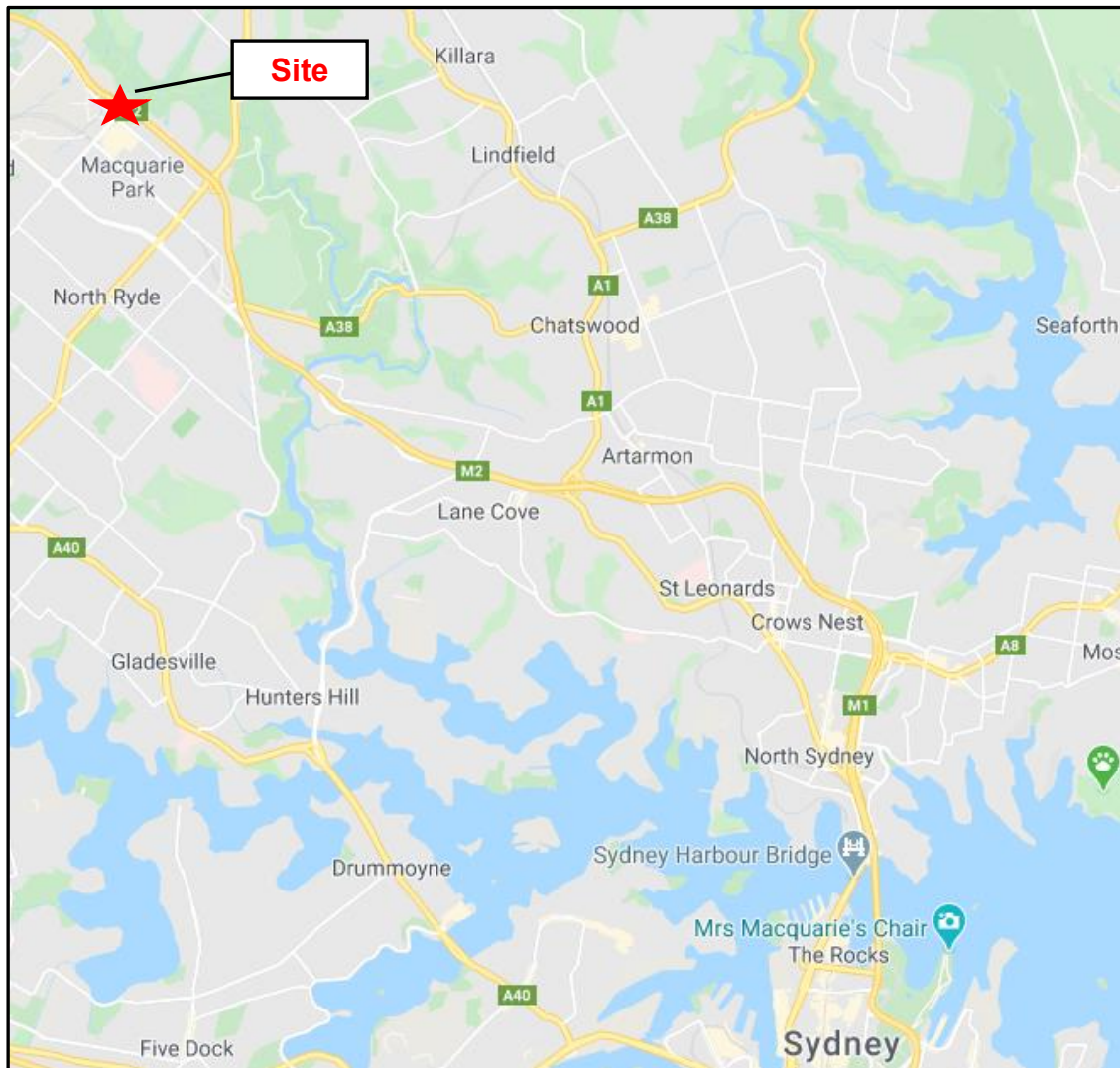


Figure 4: Context of site within Greater Sydney Region (Source: Google Maps)

### 3 SITE CONTEXT

The subject land is located in the suburb of Macquarie Park, approximately 15km north-west of the Sydney CBD. The suburb is bound by Lane Cove National Park in the north and Epping Road in the south.

Macquarie Park is defined by large scale business park and commercial developments south of Herring Road and university campus facilities and student accommodation to the north of Herring Road. Development transitions into traditional low-density suburban dwellings south of Epping Road.

Macquarie Park is the largest non-CBD office market in Australia and is set to become Australia's fourth largest commercial precinct by 2030.

Macquarie Park provides three Sydney Metro stations, Macquarie University Station, Macquarie Park Station and North Ride Station, as part of the Sydney Metro Northwest. The recently opened Metro Northwest provides a rapid transit link to the north-western suburbs of Sydney and connects Tallawong to Chatswood, and will ultimately connect through to Bankstown.

Within a local context, the subject land is situated in the Macquarie University Station Precinct (formerly known as the Herring Road Urban Activation Precinct) at the northern end of the Macquarie Park (**Figure 5**).



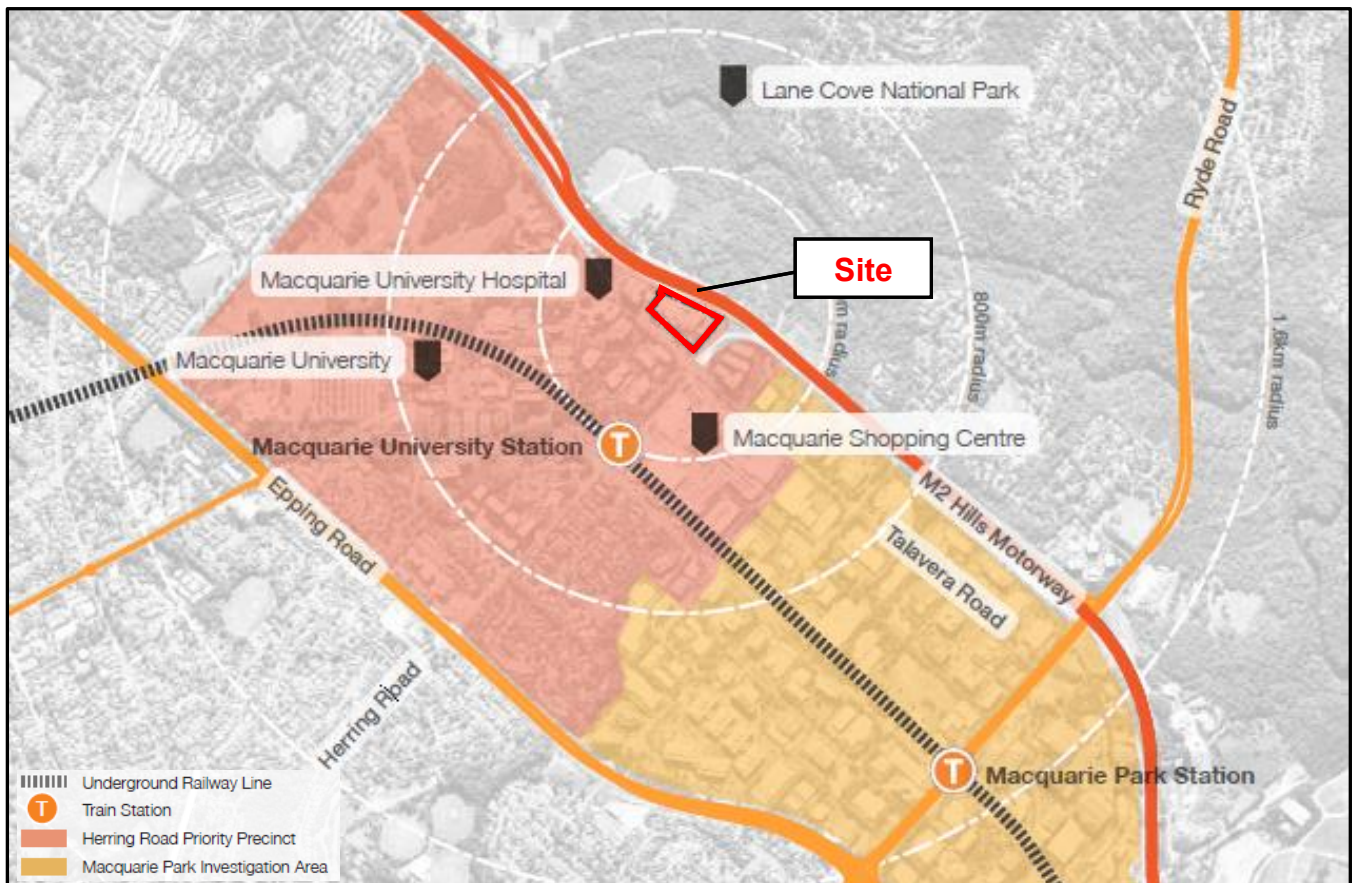


Figure 5: Urban context (Source: SJB, Oct 2018)

The site is surrounded by the following:

- to the north-west, a multi-storey commercial building at 118 Talavera Road, identified as the Fujitsu Building, which has frontage to Christie Road and provides access via a bridge across the M2 Motorway to Christie Park sportsgrounds.
- to the north-east, the M2 Motorway which provides connectivity to the north-western suburbs, Chatswood CBD and Sydney CBD and the on/off ramp extends along the south-eastern boundary of the site. Further north-east beyond the M2 Motorway is the Lane Cove National Park;
- to the south-east, a multi-storey serviced apartment complex;
- to the south, beyond Herring Road is the Macquarie Centre Shopping Centre, which provides retail, dining and entertainment services over four levels;
- to the south-west, opposite the site across Talavera Road are a number of commercial and healthcare facilities. Further south-west is Macquarie University.

The subject land is located within proximity to key transport, education, employment and retail facilities. The site is within 400m walking distance to Macquarie University Station located on the Sydney Metro Northwest line, as well as the Macquarie Park bus interchange located on Herring Road.

#### 4 EXISTING PLANNING CONTROLS

Under *Ryde Local Environmental Plan 2014* (Ryde LEP), the site is zoned B4 Mixed Use (**Figure 6**), has maximum building height controls of 45m and 90m (**Figure 7**) and a maximum floor space ratio control of 4.5:1 (**Figure 8**).

The objective of the B4 Mixed Use zone is:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To ensure employment and educational activities within the Macquarie University campus are integrated with other businesses and activities.
- To promote strong links between Macquarie University and research institutions and businesses within the Macquarie Park corridor.

The B4 Mixed Use zone permits a broad range of land uses including retail, community facilities, commercial and residential development.

Under existing planning controls, a mixed-use development of up to 87,885m<sup>2</sup> is permissible on the site.

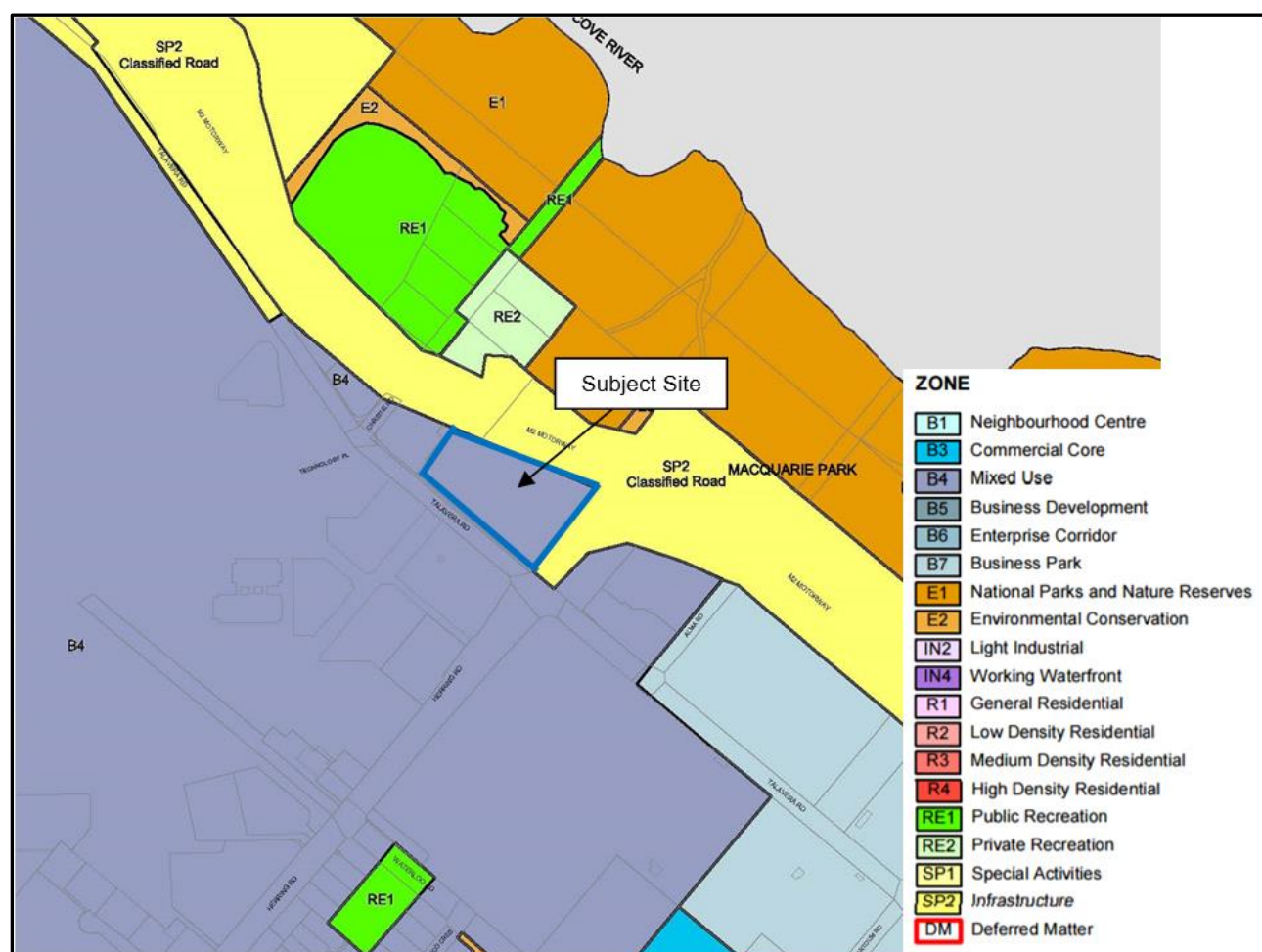


Figure 6: Existing land use zoning for the site and its surrounds under Ryde LEP 2014 (Source: NSW Legislation)



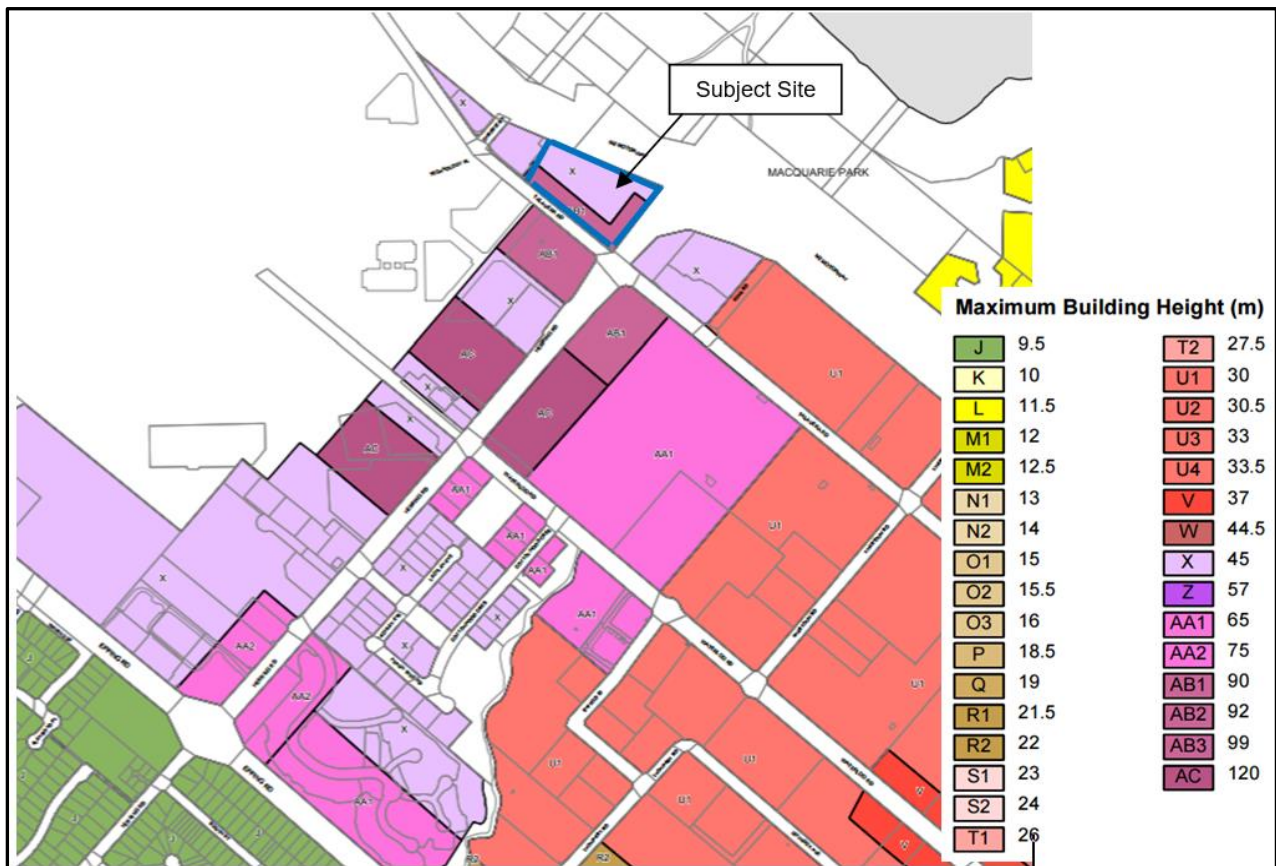


Figure 7: Existing maximum building heights for the site and its surrounds under Ryde LEP 2014 (Source: NSW Legislation)

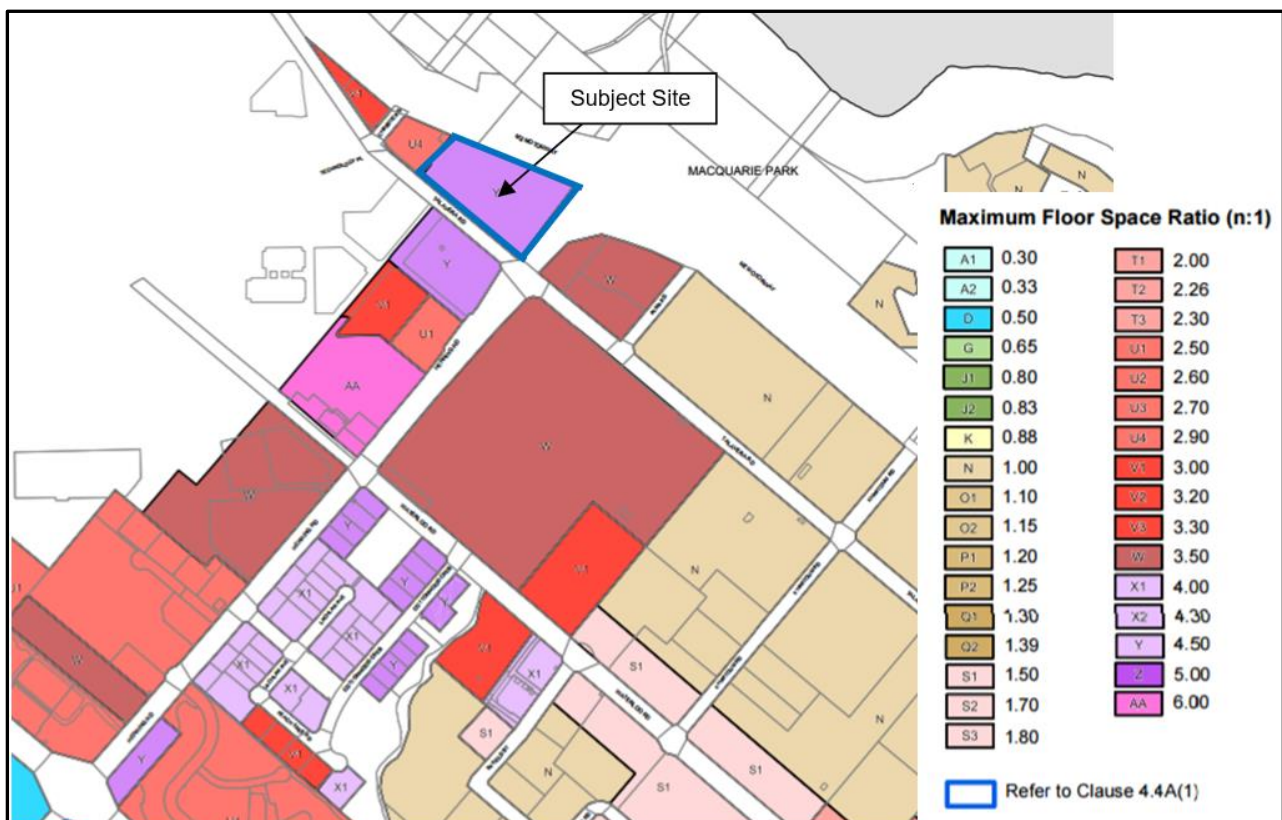


Figure 8: Existing maximum floor space ratio controls for the site and its surrounds under Ryde LEP 2014 (Source: NSW Legislation)

## 5 PLANNING BACKGROUND

### 5.1 Macquarie University Station Precinct

The site is in the Macquarie University Station Precinct (formerly known as the Herring Road Precinct), and was rezoned by the State Government in October 2015. The consequential LEP amendments for the site were that it:

- increased the permitted maximum building height from 21.5m, to 45m and 90m at the corner of the site to provide a gateway at the northern entrance of the precinct from the M2; and
- increased the site's maximum FSR from 2:1 to 4.5:1.

The LEP amendments for the precinct permitted for buildings up to 28 storeys in height on the site and 37 storeys on parts of the University and Macquarie Shopping Centre lands. This higher scale of development around the station was designed to help to signify the Macquarie University Station as part of the core part of the precinct, and encourage development activity close to the station.

The subject site was recognised as part of the Talavera Road 'gateway' to the precinct, and therefore had been afforded greater height than for most of the precinct, but still less than to the land adjacent to the railway station entries.

By 2031 and in accordance with the current planning controls, the precinct is expected to accommodate approximately 5,800 new dwellings.

### 5.2 Development Application

On 9 July 2018, Meriton (the proponent for the proposal) submitted a development application (DA) to City of Ryde Council (Council) for construction of a mixed-use development over the western part of the site. The development comprises a part 6 storey / part 27 storey building to accommodate 212 residential apartments, retail tenancies, a childcare centre and a multi storey car park for 251 vehicles (**Figures 9 and 10**) (Reference LDA2018/0629).

The Sydney North Planning Panel was the consent authority for the DA as the Capital Investment Value (CIV) of the development exceeds \$30 million.

The Statement of Environmental Effects (SEE) accompanying the development application states that it complies with the existing maximum FSR control of 4.5:1 and building height controls of 45m and 90m for this part of the site.

The DA was publicly exhibited between 19 July 2018 to 23 August 2018. A total of 121 submissions (including over 85 pro formas) were received for this DA.

Council's assessment report dated 30 May 2019 notes the considerable public interest was given to the DA, as it relates to the eastern part of the site (proposed as Stage 2 of the development). The assessment report confirms that the DA does not rely on the uplift to FSR and building height sought under the planning proposal and has been designed to accord with the existing suite of controls applicable to the site.

On 26 June 2019, the Sydney North Planning Panel approved the DA subject to conditions (Panel reference PPS-2018SNH038). Development in accordance with this approval has commenced on the site.



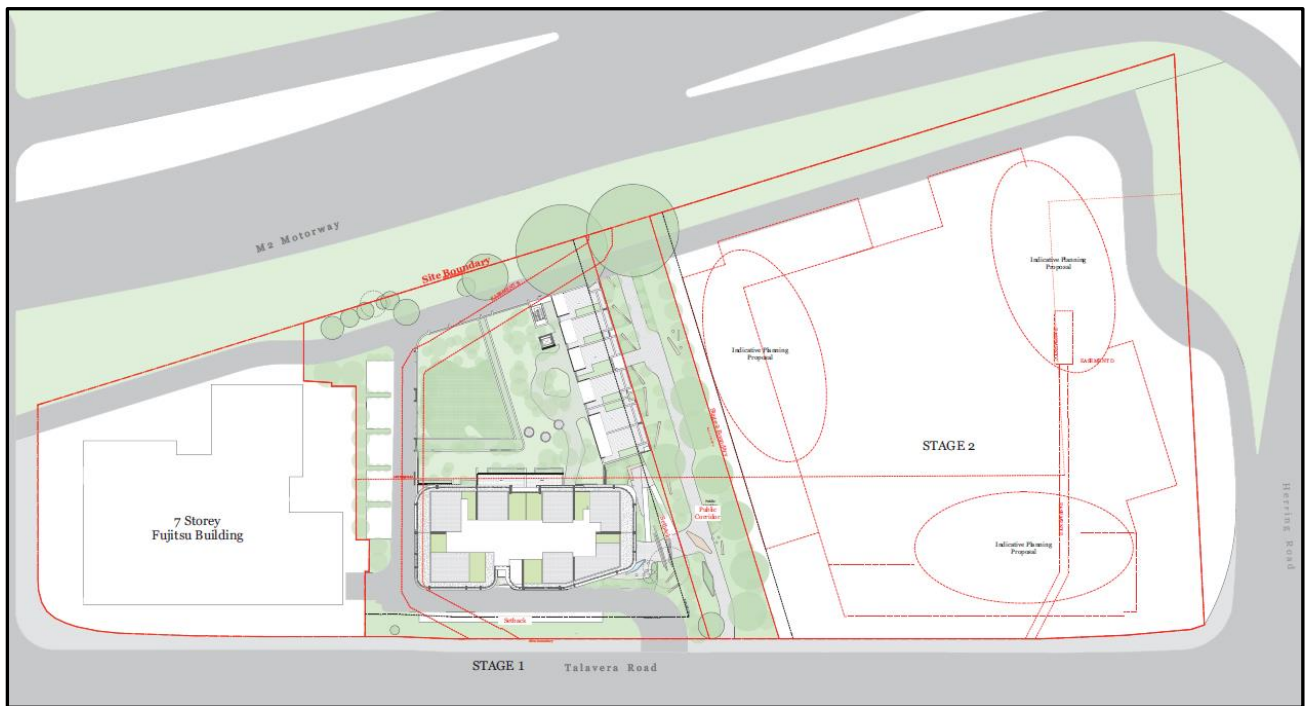


Figure 9: DA Site Plan (Source: DKO Architecture Pty Ltd, Feb 2018)



Figure 10: Streetscape photomontage of proposed DA (LDA2018/0269) (Source: DKO Architecture Pty Ltd, Feb 2018)



### 5.3 Macquarie Park Investigation Area

The Department of Planning, Industry and Environment is working in collaboration with City of Ryde Council, the Greater Sydney Commission and Transport for NSW to prepare a high-level strategic master plan for the Macquarie Park Investigation Area (**Figure 11**). Technical studies are currently underway including urban design, transport, open space and social infrastructure and economic development.

The investigations will identify opportunities to enhance the area's existing role as a major commercial centre and innovation district. This will also include investigating opportunities for securing the commercial future of Macquarie Park.

These investigations will also identify the range of additional local and state infrastructure required to support the sustainable development of Macquarie Park, including improvements to roads, cycle and pedestrian links, schools, open spaces, cultural and community facilities.

The site is in proximity, however not located within, the Macquarie Park Investigation Area.

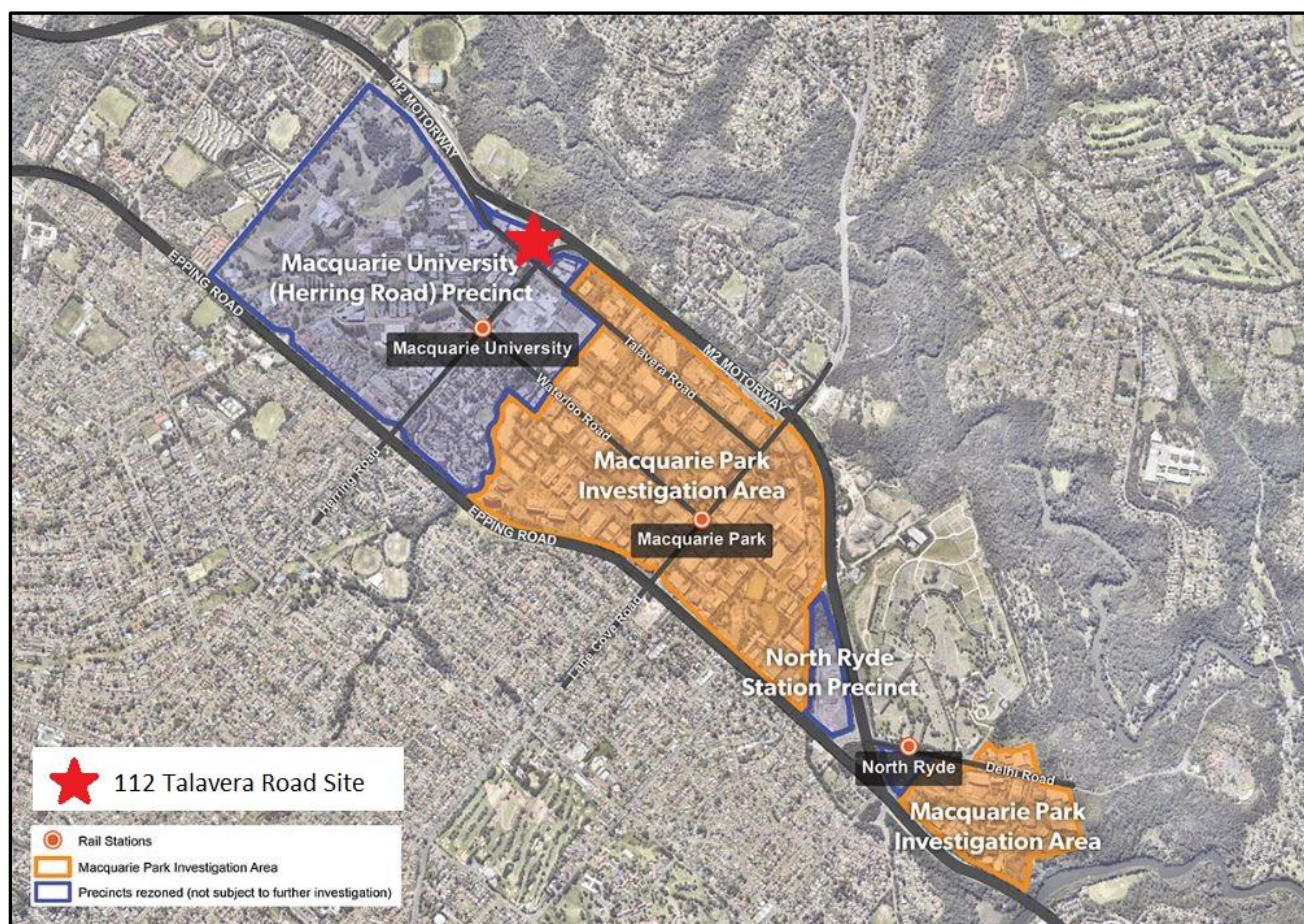


Figure 11: Map of Macquarie Park Investigation Area

### 5.4 Greater Sydney Commission – Ryde Assurance Review

On 14 December 2018, the Greater Sydney Commission (GSC) advised the Department that the NSW Premier, the Hon Gladys Berejiklian MP, requested that the GSC undertake an assurance review of planning in the Ryde Local Government Area (LGA), with a particular focus on the Macquarie Park Investigation Area and its broader impact on the Ryde LGA.

The Assurance Review was led by a Panel of Commissioners chaired by the Chief Commissioner Lucy Turnbull AO and including the Deputy Chief Commissioner Geoff Roberts.

The Panel delivered Stage One and Stage Two reports to the Premier in February and May 2019.

The recommended actions of the Stage One and Stage Two reports include:

- A Ryde LGA Co-ordination Group (RCG) be established to bring together the key organisations responsible for planning infrastructure in Ryde LGA, including Council, the Department of Planning, Industry and Environment and Transport for NSW;
- Preparation of master plans for the Macquarie Park Investigation Area and Meadowbank Education Precinct and surrounds which are proposed to enhance job creation, open space and services to support existing residential development;
- Maintain an existing pause in Ryde LGA on new residential planning proposals and the delayed commencement of the Low-Rise Medium Density Housing Code, and pause the finalisation of existing residential planning proposals for a 12 month period;
- Supporting Council to work on important local planning issues through the development of its Local Strategic Planning Statement (LSPS) and Housing Strategy with the local community. This work will set out the strategic planning vision for the LGA and help inform future local housing targets; and
- Responding to local issues raised during community consultation, including the investigation of improved cycleway connectivity across the Ryde LGA and better pedestrian amenity.

The NSW Government has accepted the recommendations of this Assurance Review in principle and has noted that some proposals require the approval of the Minister for Planning and Public Spaces.

## **5.5 Local Strategic Planning Statement and Local Housing Strategy**

Every Council in NSW is required to prepare a Local Strategic Planning Statement that sets out the 20-year vision for land use in the local area, the special character and values that are to be preserved and how change will be managed into the future.

A local housing strategy will link a council's vision for housing with the housing objectives and targets of the NSW Government and Greater Sydney Commission strategic plans, including regional and district plans. Local housing strategies are prepared by councils, in consultation with communities, to detail how and where housing will be provided in local areas. They include consideration of demographic factors, local housing supply and demand, and local land-use opportunities and constraints.

The draft Ryde Local Strategic Planning Statement (LSPS) was publicly exhibited between 1 July and 12 August 2019. In December 2019, Council resolved to endorse the draft LSPS for referral to the Greater Sydney Commission (GSC). The GSC is working through outstanding matters with Council as part of its assurance process related to the LSPS.

Ryde Council is part of the LEP Accelerated Review program and is required to have submitted a planning proposal arising from its LSPS by June 2020 for finalisation with DPIE.



## 6 PURPOSE OF PLAN

The planning proposal, as exhibited, seeks to:

- increase the maximum permitted building height from 45m and 90m to 18.5m, 90m and RL 243m AHD;
- increase the maximum permitted floor space ratio (FSR) from 4.5:1 to 6.5:1;
- introduce a provision to ensure that development on the site exhibits design excellence; and
- identify the site as requiring assistance towards the provision of state and regional infrastructure to satisfy needs arising from intensive development for residential accommodation (i.e. 'satisfactory arrangements' provision).

No change to the zoning or permissible uses is proposed.

The objectives or intended outcomes of the proposal are to facilitate a redevelopment of the site that:

- provides residential accommodation in a well serviced centre with high levels of access to employment, transport, and urban services;
- locates tall residential buildings in a location with minimal impact to sensitive uses;
- facilitates an approach to the development of the site including ground level public space; and
- optimise the utilisation of existing and current capital expenditure on transport infrastructure.

Under the proposed Ryde LEP amendments an additional 39,060m<sup>2</sup> will be permissible on the site resulting in a total developable Gross Floor Area (GFA) of 126,945m<sup>2</sup>. It is estimated that the proposed uplift would result in approximately 360 additional dwellings, increasing the number of dwellings permissible on the site from approximately 900 dwellings under existing planning controls to approximately 1,260 dwellings.

The proposal is based on a concept design that accompanied the exhibited planning proposal which consists of two podiums separated by central open space and four slender towers ranging from 30 to 60 storeys (**Figures 12 and 13**). The open space break in the site broadly follows the drainage line that traverses below the property. The proposed scheme provides lower podium forms of four (4) to five (5) levels reducing the massing to the public domain and offers a visual extension of the linear open space to the south-west of the site.

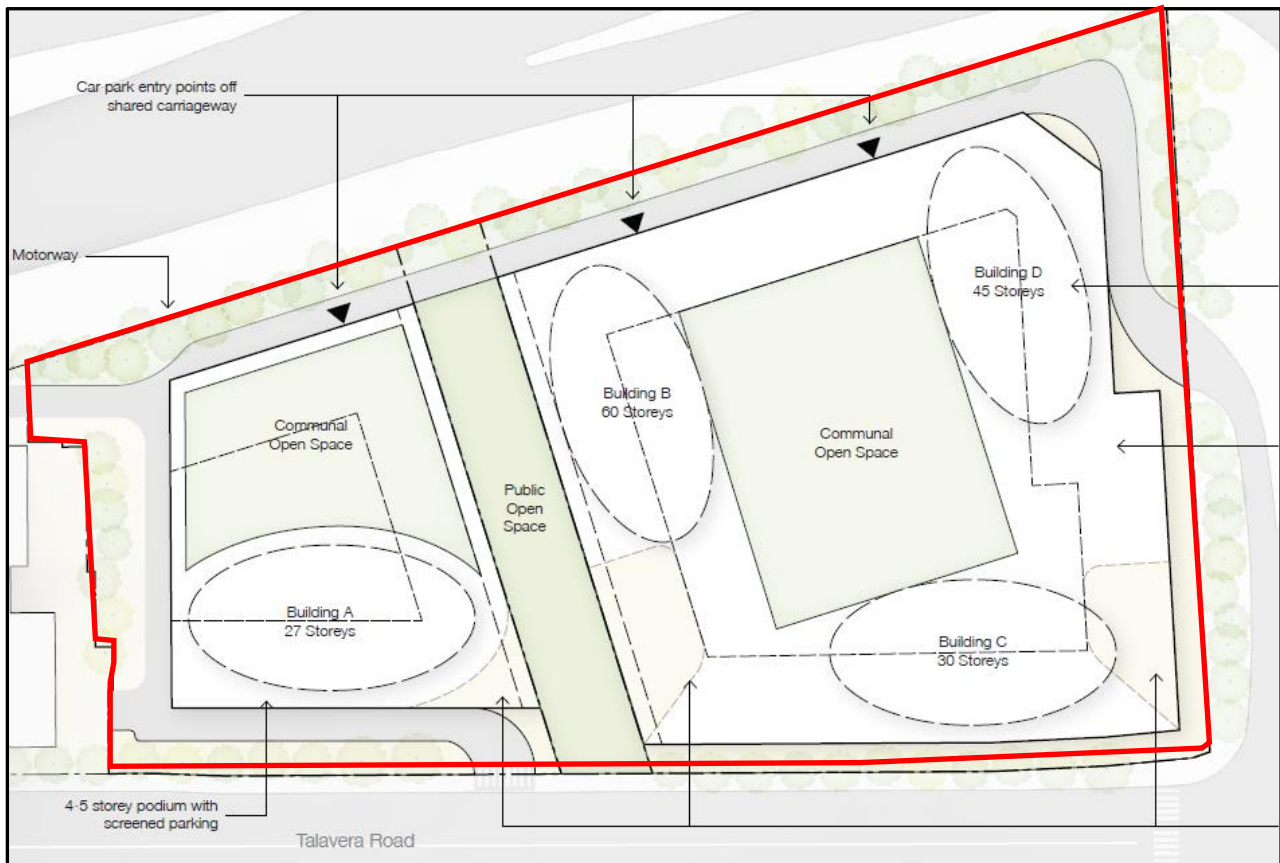


Figure 12: Concept design layout as exhibited with planning proposal (Source: Urban Design Report, SJB, Oct 2018)

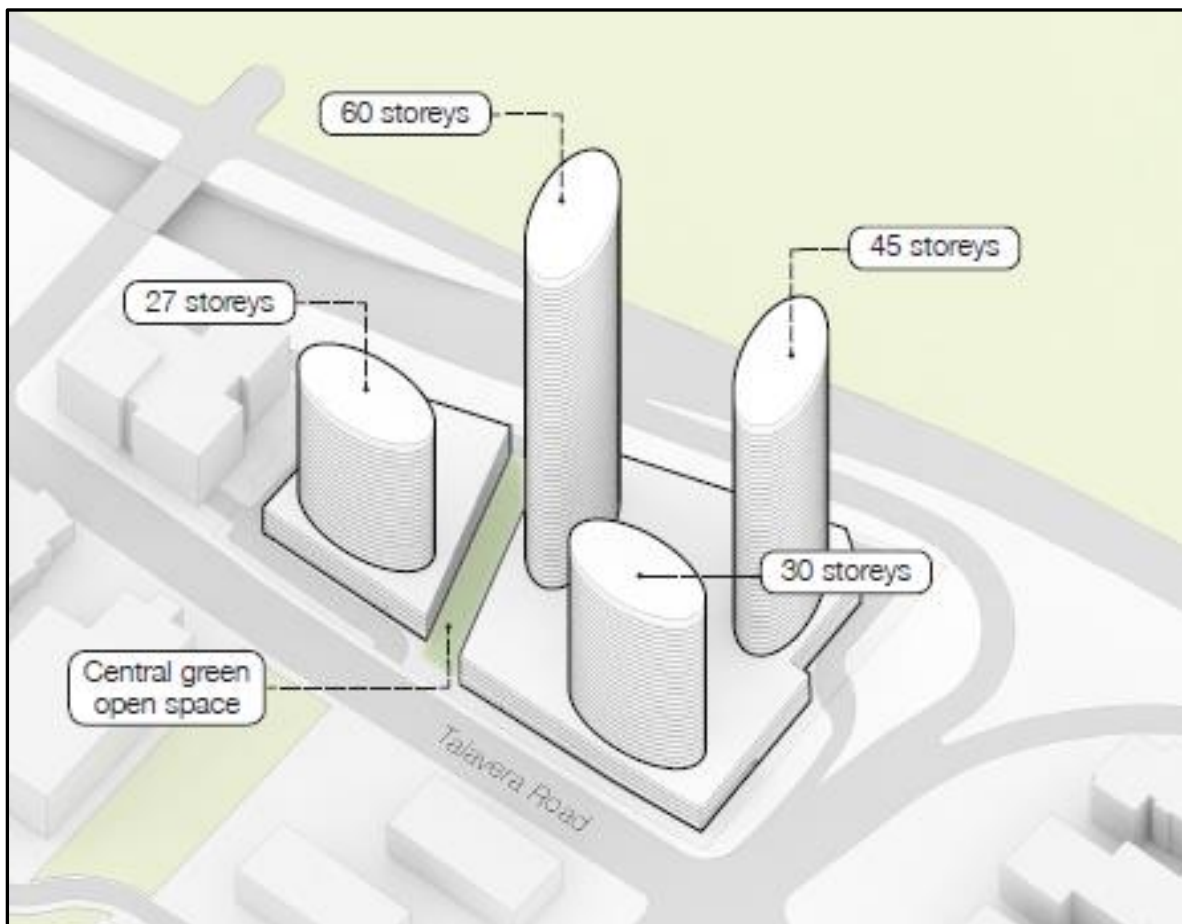


Figure 13: Concept design as exhibited with planning proposal (Source: SJB, Oct 2018)



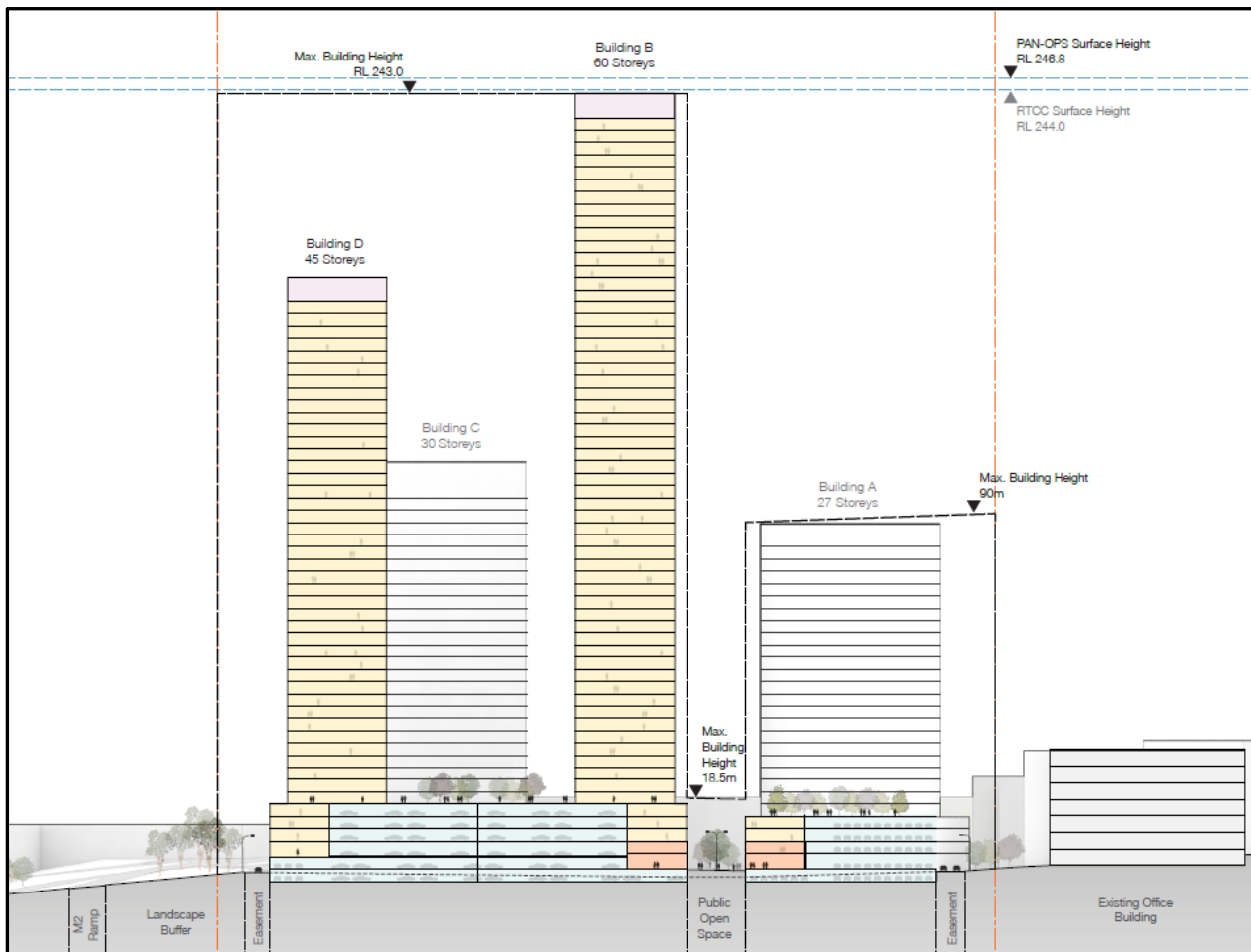


Figure 14: Proposed building heights and airspace surface heights as exhibited (Source: Urban Design Report, SJB, Oct 2018)



Figure 15: Proposed height of buildings map as exhibited in planning proposal (Source: SJB, Oct 2018)



Figure 16: Proposed floor space ratio map as exhibited in planning proposal (Source: SJB, Oct 2018)

## 7 STATE ELECTORATE AND LOCAL MEMBER

The site falls within the Ryde state electorate. The Hon Victor Dominello MP is the State Member. The Hon Victor Dominello wrote to Council on 16 November 2018

(**Attachment B**) to advise that he does not support the proposal on the following grounds:

- poor traffic and parking outcomes;
- insufficient infrastructure;
- developer contributions not an adequate trade-off for uplift;
- inadequate amount of affordable housing;
- precedent for similar developments in the future; and
- Council should wait to complete its Local Strategic Planning Statement and updated local environmental plan.

The site falls within the Bennelong federal electorate. The Hon John Alexander MP is the Federal Member.

To the Department's knowledge, the Hon John Alexander MP has not made any written representations regarding the proposal.

**NSW Government Lobbyist Code of Conduct:** There have been no meetings or communications with registered lobbyists with respect to this proposal.

**NSW Government reportable political donation:** There are no donations or gifts to disclose and a political donation disclosure is not required.



## 8 GATEWAY DETERMINATION AND ALTERATIONS

At its meeting on 28 November 2017, Council unanimously resolved to support the planning proposal and submit it to the Department for Gateway determination.

Council requested that the Gateway determination be subject to conditions requiring the consideration of the outcomes of the Macquarie Park traffic model prepared by Transport for NSW, prior to finalisation of the Plan; and a design competition in accordance with Design Excellence Guidelines.

The Gateway determination issued on 7 March 2018 (**Attachment C**) determined that the proposal should proceed subject to conditions. The timeframe for completing the LEP was 18 months following the date of the Gateway determination.

On 30 May 2018, Council requested a Gateway alteration to remove the requirement to consult with certain agencies prior to community consultation and combine this into a single concurrent consultation period.

The original Gateway determination required consultation with the following agencies prior to community consultation:

- Sydney Airport Corporation Limited;
- Bankstown Airport Limited;
- Civil Aviation Safety Authority;
- Airservices Australia;
- Roads and Maritime Services (RMS); and
- NSW Rural Fire Service (RFS).

Early consultation was required with these agencies to assist in understanding the impacts and any necessary amendments to the proposal to ensure community consultation is accurate and meaningful.

### Aviation issues

A revised aviation navigation assessment was provided in support of the request and the proposal had been revised to express the maximum permitted building height as RL 243m AHD, rather than a height of 200m, to avoid any ambiguity as to whether the height is under/over the PAN-OPS surface height limit of 246.8m AHD.

### Traffic assessment

The Gateway determination required that the proposal be updated to demonstrate consistency with the Macquarie Park Aimsun traffic model prior to public exhibition. This was based on preliminary advice the former RMS provided to Council.

A revised traffic impact assessment (TIA) was submitted with the Gateway alteration request. According to the TIA, this volume of additional trips is not suitable to be tested using the Macquarie Park Aimsun model. This is because the scope of the Aimsun model is of much larger scale and would not deduce reliable results for the 52 additional peak hour trips that would be generated by the additional development capacity.

On 9 July 2018, the Department met with the former RMS to understand the suitability of the Aimsun model in assessing the traffic impacts of the proposal and discuss the consultation requirement. The former RMS considered that the Aimsun model was not suitable for the assessment of the planning proposal and recommended that prior to community consultation, the TIA and planning proposal be updated to:

- incorporate RMS's preliminary SIDRA modelling advice and access arrangements with the closure of the left-in access via the M2;

- consider reduced parking rates, also outlined in the preliminary advice; and
- incorporate the future traffic growth rates in the TIA. RMS has provided the applicable future growth rates to be modelled for the assessment of the future traffic impacts of the proposal.

In relation to the closure of the left-in access via the M2 on ramp, RMS recommended that the TIA be updated to provide an assessment of entry/exit options of the site, including a demonstration of the impacts of the closure of the M2 access point. While the entry/exit points to the site may be determined at the development application stage, this assessment provided the required information to assess the potential traffic impacts of such options. The RMS determined that this revised TIA was adequate to enable the proposal to be exhibited for community consultation.

### Bushfire assessment

The subject site is identified as bushfire-prone land – vegetation buffer under Council's bushfire-prone land map. Per section 9.1 Direction 4.4 Planning for Bushfire Protection, consultation with the NSW RFS is required prior to community consultation.

The request to alter the Gateway to allow consultation with RFS during the community consultation period was not supported as it was inconsistent with section 9.1 Direction 4.4 Planning for Bushfire Protection.

### Gateway conditions

Council noted the proponent's request to reduce the proposed timeframe for the making of the LEP. Council considered the original timeframe of 18 months should be maintained to provide flexibility to address any issues that may arise during consultation.

On 27 July 2018, the Gateway determination was subsequently altered (**Attachment D**) to remove the pre-community consultation with RMS and the aviation authorities, but not the RFS. The Gateway determination still required consultation with these and other agencies as part of the consultation period.

## **9 PUBLIC EXHIBITION**

In accordance with the Gateway determination, the proposal was publicly exhibited by Council for the required 28-day consultation period.

Exhibition of the planning proposal occurred from 24 October 2018 to 21 November 2018.

Council's post exhibition report states a total of 395 submissions from the community were received during the exhibition period and a further 16 were received after closing.

Of the 411 submissions received, 381 objected to the proposal, 21 supported the proposal and 9 offered conditional support subject to specific changes being made to the Proposal. Thirty (30) submissions objected to the planning proposal with no reasons. Council summarised key concerns raised by the community in **Table 1** below.

**Table 1: Key issues raised by the community**

Issue raised	Percentage of submissions
Traffic congestion	57%
Inadequate supporting infrastructure	52%
Loss of amenity/character	49%
Decision making process (Council)	43%
Over population / over development	39%



Issue raised	Percentage of submissions
Unacceptable building height	26%
Environmental concerns	10%
Other (further explanation below)	19%

Other matters of concern raised by submissions included:

- Conversion of existing commercial space
- Inadequate VPA
- Lack of variety in housing types
- Housing affordability
- Devaluing properties
- Unclear design plans
- Increase crime and anti-social behaviour
- Concerns about the quality of flooding assessment
- Safety
- Impact of nearby retirement villages and safety
- Disruption during construction
- Design concerns
- Impacts on demographics

Council's post exhibition report (**Attachment E**) provides an analysis of key issues raised. The Department considers Council has adequately addressed issues raised by the community.

The Department's assessment of key issues is provided at Section 13.

## 10 ADVICE FROM PUBLIC AUTHORITIES

Council was required to consult with the following authorities in accordance with the Gateway determination, as altered:

- NSW Rural Fire Service
- Transport for NSW – Sydney Trains
- Department of Education
- Ambulance NSW
- NSW Police Force
- NSW State Emergency Service
- NSW Ministry of Health;
- Energy Australia;
- Sydney Water;
- Sydney Airport Corporation Limited;
- Bankstown Airport Limited;
- Civil Aviation Safety Authority;
- Airservices Australia; and
- Roads and Maritime Services.

In addition, Council invited comments on the planning proposal from the following authorities:

- Hunters Hill, Lane Cove, Parramatta and Ku-ring-gai councils; and
- Office of Environment and Heritage.

Of these, Council received responses from:

- NSW Rural Fire Service;
- Transport for NSW;
- Sydney Water;
- Civil Aviation Safety Authority (CASA)(including Airservices Australia);
- Roads and Maritime Services;
- Office of Environment and Environment;
- Parramatta Council.

Responses from public authorities is provided at **Attachment F**.

None of the public authorities objected to the proposal, subject to conditions.

The matters raised in the submissions from public agencies are summarised in **Table 2** below.

**Table 2: Summary of agency submissions**

Agency	Comment
<b>CASA</b> <b>16 Jul 2018 &amp; 25 Oct 2018</b>	<ul style="list-style-type: none"> <li>• CASA has no issues with the Aeronautical Impact Assessment, subject to minor details below.</li> <li>• The proposed building is outside the limit of the Sydney Airport outer horizontal surface.</li> <li>• The building will be a hazardous object under regulation 139.370(1) of the Civil Aviation Safety Regulations 1998 due to its height and location and lack of obstacle lighting. As such, CASA recommends that building B be obstacle lit.</li> <li>• The assessment does not include any crane activity required during construction.</li> <li>• All permanent obstacles 100m or more above ground level are to be reported to the Airservices Australia.</li> </ul> <p><u>Department Assessment</u> - It is considered that obstacle lighting and crane activity can be further assessed at the development application stage.</p>
<b>Airservices Australia</b> <b>4 Jul 2018</b>	<ul style="list-style-type: none"> <li>• With respect to procedures designed by Airservices in accordance with ICAO PANS-OPS and Document 9905, at a maximum height of 243m (798ft) AHD, the development will not affect any sector or circling altitude, nor any instrument approach or departure procedure at Sydney Airport.</li> <li>• The development will not affect the Sydney Radar Terrain Clearance Chart (RTCC).</li> <li>• The maximum height of 243m (798ft) AHD will not adversely impact the performance of Precision/Non-Precision Nav Aids, HF/VHF Comms, A-SMGCS, Radar, PRM, ADS-B, WAM or Satellite/Links.</li> </ul>
<b>RMS</b> <b>5 Oct 2018</b>	<ul style="list-style-type: none"> <li>• RMS raise no objections to the planning proposal and is satisfied that the conditions of Gateway have been adequately addressed.</li> <li>• RMS SIDRA modelling from previous advice dated 17 October 2017 has been adequately addressed.</li> <li>• The proposed parking rates are based on the objective of providing no additional traffic generation and the 1081 spaces proposed are less than 1232 that is permitted under City of Ryde Development Control Plan (DCP) 2014.</li> </ul>



Agency	Comment
	<ul style="list-style-type: none"> <li>• The traffic modelling that has been undertaken has appropriately incorporated future traffic growth forecasts for the years 2021 and 203.</li> <li>• RMS previously raised concerns in relation to the retention of the left-in driveway access from the Herring Road/M2 Westbound onramp. Considering that the supporting Traffic Impact Assessment demonstrated that the impacts of closing this access may result in additional traffic and contribute to increases delays and congesting, RMS reviewed its previous position and raise no objection in principle to the retention of this access subject to it being restricted to left in/left out movements only.</li> </ul>
<b>TfNSW (RMS)</b> <b>20 Nov 2018</b>	<ul style="list-style-type: none"> <li>• TfNSW raises no objections to the planning proposal.</li> <li>• Further assessment should be provided to assess the capacity of pedestrian crossing and footpaths at the intersection of Talavera Road/Herring Road, connection to the new bus interchange and any other crossings facilities which may be required to link nearby trip generators.</li> </ul>
<b>Rural Fire Service</b> <b>15 Nov 2018</b>	<ul style="list-style-type: none"> <li>• RFS raises no objections to the proposal subject to a requirement that the future buildings be constructed to comply with <i>Planning for Bush Fire Protection 20016</i> and/or a subsequent addition.</li> <li>• In relation to the proposed concept, Buildings B and D will not be able to support special fire protection purpose development as they are proposed within the required setback distances.</li> </ul>
<b>Sydney Water</b> <b>25 Oct 2018</b>	<ul style="list-style-type: none"> <li>• Sydney Water raises no objection to the planning proposal.</li> <li>• Detailed comments on connections and services will be provided once development applications on the rezoned sites are referred to Sydney Water.</li> </ul>
<b>Office of Environment and Heritage</b> <b>23 Nov 2018</b>	<ul style="list-style-type: none"> <li>• As the site is in proximity to Lane Cove National Park, the proposal should address relevant matters to be considered in <i>OEH (2013) Guidelines for developments adjoining land managed by the Office of Environment and Heritage</i>.</li> <li>• The cumulative impact of increasing the population with this proposal and other development proposals and the pressure/disturbance this increase will place on the National Park and nearby reserves should be assessed.</li> <li>• OEH recommends that the future redevelopment of the site incorporate green roofs and cool roofs. The provision of "intensive green roofs" would provide additional recreation areas thereby assisting to reduce the use of, and potential impacts to the Lane Cove National Park.</li> <li>• <u>Department Assessment</u> - It is considered that assessment of any development on the site against the guidelines and the provision of green roofs can be further assessed at the development application stage.</li> </ul>

The Department considers Council has adequately addressed matters raised in submissions from public authorities.

## 11 POST-EXHIBITION CHANGES OFFERED BY PROPONENT

To address concerns about height raised in community submissions, the proponent wrote to Council on 26 November 2019 proposing an amendment to the planning proposal to reduce the maximum building height of RL 243m AHD (60 storeys) to RL 185m (42 storeys) (**Attachment G**).

The proponent noted this would lose the option for height differentiation, which they considered to be a key design benefit of the original scheme.

Despite the reduction in building height, the proponent intended to maintain the proposed density of 6.5:1.

A revised scheme was submitted in support of the reduced building height (**Figure 17**). However, a full assessment of the urban design and amenity outcomes of the revised proposal were not additionally submitted.

In the post exhibition report, Council officers recommended that Council resolve to support the planning proposal incorporating the proposed reduced height amendment (RL 185m AHD) offered by the proponent

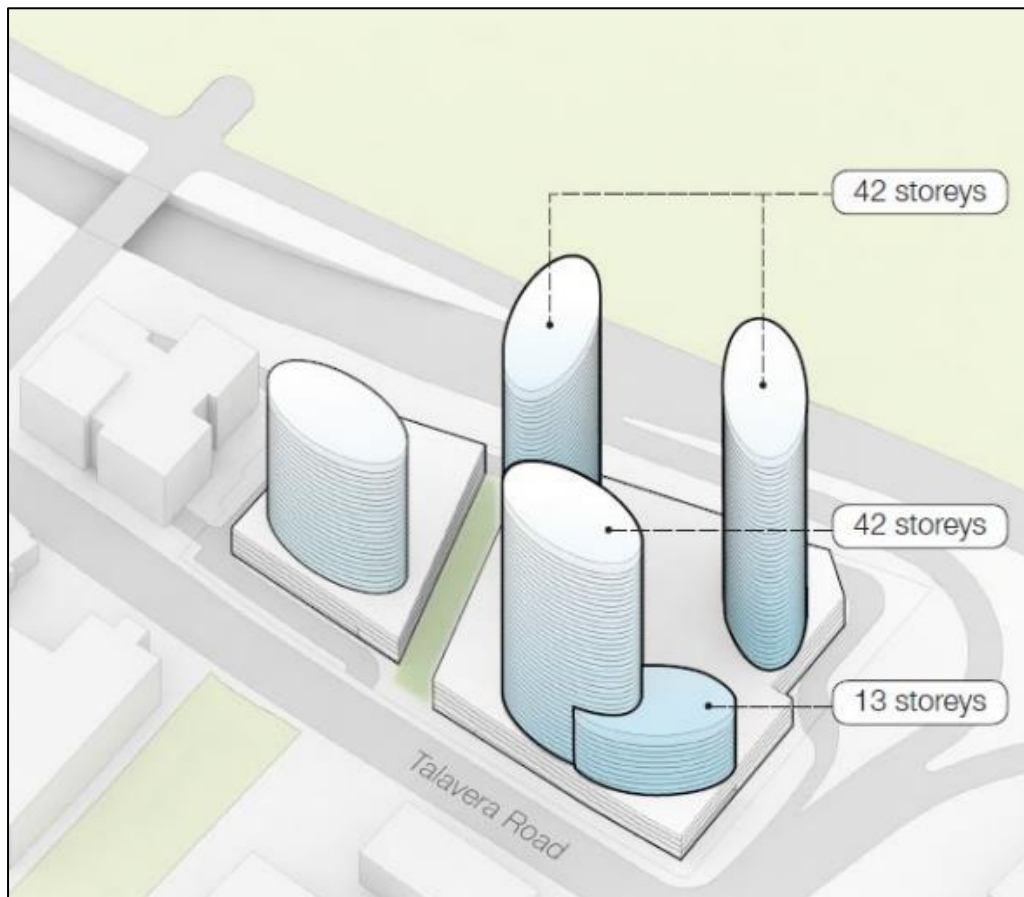


Figure 17: Revised scheme offered by the proponent in response to submissions (Source: SJB)

## 12 COUNCIL RESOLUTION

Despite the reduced building height proposed by the proponent, on 4 December 2018, Council resolved to not support the finalisation of the planning proposal and requested that the Minister determine to not make the plan for the following reasons:

- the proposal does not meet community expectations as described in the objections received during the exhibition period;
- there are un-met infrastructure requirements in the vicinity of the site, particularly exacerbated by the Urban Activation precincts and the lack of supporting infrastructure provided when they were created by the State Government;
- the proposed increase in height and density is not in the community interest noting the recent growth and development experienced in the wider Local Government Area (LGA); and
- the proposal is not required for the City of Ryde to meet its Housing Target set by the Greater Sydney Commission's North District Plan.

Council wrote to the Department to make this request on 7 December 2018 (**Attachment H**). These matters are considered in more detail in the Department's assessment in **Section 13** below.

## 13 ASSESSMENT

The proposal has been subject to detailed review and assessment through the Department's Gateway determination and subsequent planning proposal processes. It has also been subject to a high level of public consultation and engagement.

In summary the Department's assessment is that the proposal has strategic merit as it is located next to and has excellent access to shops, services, employment and study opportunities, and is well served by city shaping and city serving public transport. Location of additional development in proximity to and with good access to facilities and services is fully aligned with Government's expectations and ensures that the Government's investment in infrastructure such as the Sydney Metro is fully realised.

Issues raised during the exhibition of the proposal regarding traffic and transport, bulk and scale, infrastructure servicing and environmental issues are resolved or capable of being resolved at the development application stage of the site's redevelopment in accordance with the proposal. These matters are not considered issues that would preclude the finalisation of the proposal.

### 13.1 Traffic and Transport

Of the public submissions received by Council, 236 (57%) submissions raised concerns that traffic congestion was expected to be a key impact associated with the proposal.

Submissions stated that the proposal would increase traffic volumes and contribute to the cumulative impact of traffic congestion within Macquarie Park. Specific road intersections were mentioned as being problematic due to current poor queuing times.

A Transport Assessment prepared by ARUP (dated August 2018) was exhibited with the planning proposal. The assessment is based on a concept scheme expected to yield 1,256 apartments and incorporate 1,500m<sup>2</sup> of childcare floor space. The Transport Assessment was conducted to examine the impacts of the proposed concept scheme on the surrounding transport network.

The Transport Assessment concluded that:

- the site is well served by public transport, and that the future connections afforded by the new Metro connections will boost the capacity of this service with 15 peak hour trains in both directions, and eventually to the Sydney CBD;
- the State Government's investment of \$60 million into bus priority and road infrastructure works will improve travel times, upgrade pedestrian safety and increase reliability of public transport for those living and working in Macquarie Park;
- that these improvements in public transport services and connections is expected to increase Macquarie Park's mode share for public transport from 30% to 40%;
- the proposal would generate approximately 350 peak hour pedestrian trips onto the public transport network;
- SIDRA modelling and analysis demonstrates that local road network will be operating either at or above capacity for all tested scenarios; and
- the proposal would not result in significant impacts to traffic, but could benefit from the following intersection improvements to support improved pedestrian movement and accessibility to public transport by:
  - increasing the pedestrian capacity at the intersection of Talavera and Christie Roads; and
  - revising the coordination of signalised intersections surrounding the site to improve performance.



With regard to parking and seeking to reduce traffic generation from the development, ARUP's assessment also determined that:

- the application of lower parking rates can be supported due to enhanced public transport provisions in the vicinity of the site;
- proposed parking for the site is limited by the maximum parking requirements imposed by the City of Ryde's Development Control Plan and the site is proposing to further reduce parking rates to generate no additional traffic than the permitted development scenario of 879 units under existing planning controls; and
- limiting parking in this way would not generate any additional traffic generation compared to that permitted under the current built form controls.

Consultation was carried out with RMS both prior and during the exhibition period. As per RMS' recommendations, a Gateway alteration issued on 27 July 2018 required the planning proposal and supporting traffic assessment be updated to:

- incorporate RMS' SIDRA modelling advice dated October 2017;
- consider the traffic generation implications of reduced parking rates;
- incorporate future traffic growth rates; and
- provide an assessment of entry/exit options of the site, including a demonstration of the impacts of the closure of the left-in access via the M2.

On 5 October 2018, RMS confirmed that the Transport Assessment had adequately addressed conditions of the Gateway determination and raised no objection to the proposal proceeding to public exhibition.

The officer's report does not include Council's own assessment of traffic or transport impacts associated with the proposal.

### **Department's Assessment**

The proposal is considered to be acceptable with regard to traffic and transport in that:

- both the former RMS and TfNSW have not raised any objection to the proposal;
- the Transport Assessment by ARUP demonstrates that with reduced parking, the proposal has the capability to have no further traffic impacts than a development that complies with the current planning controls;
- it has excellent access to a wide number of bus services that connect the site to both local and other strategic centres, and which are being upgraded to better serve this part of Macquarie Park;
- the Metro service has provided increased capacity of train services and better connects this part of Macquarie Park to both the north west and Sydney CBD, and ultimately will improve connections to other parts of Sydney once Metro is further expanded;
- improvements to pedestrian accessibility between the site and these transport services are achievable without significant modification to surrounding transport or road networks; and
- the site is situated within short walking distances of key employment opportunities in the Macquarie University site, the Macquarie Shopping Centre (which will be expanded to support additional commercial development), and the broader Macquarie Park Corridor as Ryde LGA's key employment hub.

Considering the advice from the former RMS and TfNSW and the findings of the Transport Assessment, the proposal has demonstrated that it will be well served by current transport and traffic networks.

### 13.2 Infrastructure capacity

Of the public submissions received by Council, 215 (52%) submissions raised concerns that the proposal is not supported by adequate infrastructure.

While the matter of transport infrastructure has been addressed above, the site is located within 400 metres of key public open space and hospital services including (see **Figure 5**):

- Macquarie University Hospital
- Macquarie University
- Macquarie Shopping Centre
- Lane Cove National Park
- Christie Park.

The nearest public primary school to the site, Kent Road Public School on Herring Road in Marsfield, is being upgraded to include 34 new permanent flexible teaching spaces and core facilities which will enable the school to accommodate more than 900 students in permanent facilities. This work is expected to be completed at the end of 2020.

More broadly for this part of the Ryde LGA, the NSW Government has committed to the following additional school projects in the vicinity of the site:

- upgrades to Denistone East Public School (within 3.4km of the site);
- a new primary school at Smalls Road, Ryde, which opened at the beginning of 2020 (within 3.8km of the site);
- upgrades at Epping Public School (within 3.9km of the site); and
- upgrades to West Ryde Public School (within 6km of the site).

Additionally, in 2018 the State Government committed to the development of an Education Precinct at Macquarie Park. The precinct will include the establishment of a new high school and public school to meet expected future enrolment growth.

These school infrastructure upgrades are expected to meet the needs of current and future students in the area.

With respect to open space infrastructure, the site is within 400m of Christie Park and Lane Cove National Park. Christie Park is a major sporting facility in the Ryde LGA featuring a new state-of-the-art facility with new all-weather synthetic sports fields. Lane Cove National Park surrounds Christie Park, and offers bushwalking trails, picnic areas, playgrounds and cycling tracks.

In relation to the capacity of existing utilities, Sydney Water wrote to Council on 25 October 2018 to advise that it raised no objection to the planning proposal and would provide detailed comments on connections and services as part of any future development application.

Ambulance NSW, NSW Police Force, NSW State Emergency Service, NSW Ministry of Health and Energy Australia were also invited to provide comment; however no responses were received from these agencies/service providers.

Condition 1(d) of the Gateway determination issued on 7 March 2018 required that the planning proposal be updated to include a 'satisfactory arrangement provision' for contributions from the proponent towards designated state infrastructure identified as part of the Macquarie Park Strategic Investigation being undertaken by the Department in collaboration with Ryde Council.

Identifying the site as requiring a contribution towards the provision of required state and regional infrastructure will help fund critical enabling State infrastructure required to support both the proposal and the broader Macquarie University Station Precinct.

With regard to local infrastructure, Ryde Council's Draft (Section 7.11) Development Contributions Plan 2020 and Draft Fixed Rate Levy (Section 7.12) Development Contributions Plan 2020 were publicly exhibited between 22 January 2020 and 4 March 2020.

Section 7.11 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) authorises councils and other consent authorities to require money contributions toward the provision, extension or augmentation of local infrastructure (or towards recouping the costs of this work) as a consequence of new development.

The local infrastructure to be provided by contributions from developers received under Ryde Council's draft Section 7.11 Plan include:

- Open space and recreation facilities including an upgrade of the Olympic Park aquatic and leisure centre facilities, park upgrades, sportsground upgrades (with synthetic field surfacing and flood lighting), netball court upgrades, irrigation and drainage for facilities, street planting and master planning for new and upgraded facilities.
- Community facilities, including a central civic amenities hub that will provide performance space and other community facilities, various library upgrades and other local centre multipurpose facilities.
- Transport infrastructure, including new collector roads and intersections in Macquarie Park and various improvements to the road network in the rest of the LGA.
- The costs of administering the Development Contributions Plan will also be met by the contributions imposed under the plan.

Contributions that are made by developers under Ryde Council's proposed Section 7.11 Development Contributions Plan will be applied by Council to deliver the schedule of local infrastructure, including land and capital works, altogether valued at nearly \$394 million.

Of this approximately \$111.9 million (or 28%) of this is allocated to works for roads, open space and community facilities in Macquarie Park alone (see **Table 2**). Of this amount 54% of this money for Macquarie Park is for open space improvements, which will contribute to such works as implementing Stage 2 upgrades to Christie Park, which will provide six futsal and five aside pitches with an extension to the existing car parking area and a new multipurpose indoor recreation, community and youth hub centre.

**Table 2: Summary of works program by category and contributions catchment**

Cost apportionment of infrastructure to contributions catchments				
Infrastructure Category	City Wide	Macquarie Park	Outside Macquarie Park	Total
Open Space & Recreation	\$117,837,019	\$67,888,000	\$36,381,269	\$222,106,288
Community Facilities	\$71,994,529	\$30,000,000	\$19,045,178	\$121,039,707
Roads and Traffic	-	\$12,348,000	\$32,318,314	\$44,666,314
Plan Preparation and Administration	\$2,847,473	\$1,653,540	\$1,316,171	\$5,817,185
<b>Total</b>	<b>\$192,679,021</b>	<b>\$111,889,540</b>	<b>\$89,060,933</b>	<b>\$393,629,494</b>



Ryde Council's draft Section 7.11 Plan proposes to levy development contributions for residential development in Macquarie Park as shown in **Table 3**.

**Table 3: Proposed Section 7.11 contribution rates – 'Macquarie Park' residential development**

Infrastructure category		Per resident*	Per secondary dwelling or seniors	Per studio or 1 bed dwelling	Per 2 bed dwelling	Per 3 or more bed dwelling
Open space and recreation facilities	Land	0	0	0	0	0
	Works	\$5,727	\$4,335	\$8,670	\$12,367	\$18,089
Community facilities	Land	0	0	0	0	0
	Works	\$2,971	\$2,249	\$4,497	\$6,415	\$9,382
Transport facilities	Land	0	0	0	0	0
	Works	\$406	\$307	\$615	\$877	\$1,282
Plan administration		\$137	\$103	\$207	\$295	\$431
<b>Total</b>		<b>\$9,241</b>	<b>\$6,994</b>	<b>\$13,989</b>	<b>\$19,953</b>	<b>\$29,185</b>
Capped Amount <sup>13</sup>						\$20,000
Discount <sup>14</sup>						\$9,185

Based on the approximately 360 additional apartments that may be achieved by the proposal (over and above that which may be achieved under the site's existing planning controls), this has potential to generate approximately \$7.2 million in development contributions towards local infrastructure, which is equivalent to 6.4% of the total contributions to be collected for Macquarie Park under the draft Contributions Plan.

This estimated calculation assumes that averaged all 360 additional units are 2-bedroom dwellings that would attract a rate per unit of \$19,953 as shown in **Table 3**. This doesn't account for the additional contributions that would be required to be paid for the development that can be delivered under the current controls, which could be in the order of a further \$17.95 million, nor does it include any contributions and/or infrastructure works that may be required under the satisfactory arrangements for state infrastructure.

These funds sourced by the proponent of any future development application of the site would raise funds specifically for future facilities in Macquarie Park to meet the demand of the current and future populations of residents and workers.

It should be noted also that aside from previously mentioned school upgrades and since mid 2018, the NSW Government has delivered the following infrastructure projects within the vicinity of the site:

- Sydney Metro station conversions at Macquarie University Station, Macquarie Park Station and North Ryde Station;
- \$5 million open space upgrades at Elouera Reserve, Shrimptons Creek, Wilga Park funded by the Precinct Support Scheme associated with Macquarie Uni Station Precinct;
- \$15 million bus priority road upgrades in Macquarie Park; and
- a new cycleway and pedestrian bridge at Delhi Road, North Ryde (operation commencing March/April).

#### Department's Assessment

The addition of 360 apartments resulting from the proposal only accounts for 6.7% more dwellings than expected to be developed in the Macquarie Uni Station Precinct by 2031.

Placement of these additional units on a site is appropriate as the well serviced by public transport, health, education and open space infrastructure as it is less than 400m (or a 5 minute walk) from:

- Macquarie Uni station and Bus interchange on Herring Road;
- Macquarie University Hospital;
- Macquarie University;
- Macquarie Shopping centre, which provides retail and entertainment services; and
- Christie Park and Lane Cove National Park, which provides open space and recreational facilities.

This outcome added to the requirement to contribute towards local and state infrastructure via Council's draft contribution scheme and the implementation of satisfactory arrangements under the LEP prior to any DA approval for development, are collectively expected to ensure that adequate infrastructure would be provided to support development arising from the proposal.

### **13.3 Building height, density and impacts on amenity**

Of the public submissions received by Council, 49% raised concerns about the loss of amenity or character of the local area as result of the proposal and 107 (26%) of submissions raised concern regarding the proposed building height of the proposal.

With regard to the issue of building height the public submissions raised concern that:

- the height is not in keeping with the local character of Macquarie Park or the Ryde LGA;
- the height would have a detrimental impact on the visual appearance of buildings in the skyline; and
- the additional population achievable under the proposed maximum building height and FSR would exacerbate traffic congestion and impact upon pedestrian connectivity and safety.

The initial planning proposal submitted with the Department on 10 January 2018 (having received a unanimous Council resolution of support at its meeting of 28 November 2017) sought increases in building height controls across the site for 18.5m, 135m and 200m.

Following the Department issuing a Gateway determination on 7 March 2018 for the planning proposal to proceed subject to conditions, Council submitted an updated planning proposal (dated May 2018) addressing matters specified in conditions 1 and 2 of the Gateway. The proposed height amendments sought in the May 2018 planning proposal were 18.5m, 90m and RL 243m AHD. The area initially envisaged 135m had been reduced to a proposed 90m height control. It is understood that this reduction in height was an outcome of further negotiations between Council and the proponent.

The planning proposal as exhibited sought maximum permissible building heights across the site of 18.5m, 90m and RL243m AHD. As mentioned in Section 8 of this report, the planning proposal was updated to express the maximum permitted building height as RL 243m AHD, rather than a height of 200m, to avoid any ambiguity as to whether the height is under / over the PAN-OPS surface height limit of 246.8m AHD for Sydney Airport.

Following exhibition of the planning proposal, the proponent offered an amendment to the proposal to address the above concerns of the community. The proponent proposed to

reduce the maximum permissible building height of RL 243m AHD (or approximately 60 storeys) to RL 185m AHD (or approximately 140.5 m or 42 storeys).

In Council's post-exhibition report, Council officers supported the proponent's reduced maximum building height of RL 185m AHD (approximately 42 storeys) for the following reasons:

- considered appropriate for the proposed and emerging character of Macquarie Park;
- appropriately locates heights at a focal point close to Macquarie University station, Macquarie University, Macquarie University Hospital and Macquarie Shopping Centre; and
- the proposed building heights would enable a visually interesting skyline to be created, acting as a marker to the Christie Road and Herring Road entry points to Macquarie Park off the M2 Motorway.

Furthermore, Council's report also noted that the orientation of the site and its distance from other residential properties is such that the outstanding impact is considered acceptable.

The proponent did not provide a full assessment of the urban design and amenity outcomes of the revised scheme of 42 storeys (**Figure 17**).

### **Department's Assessment**

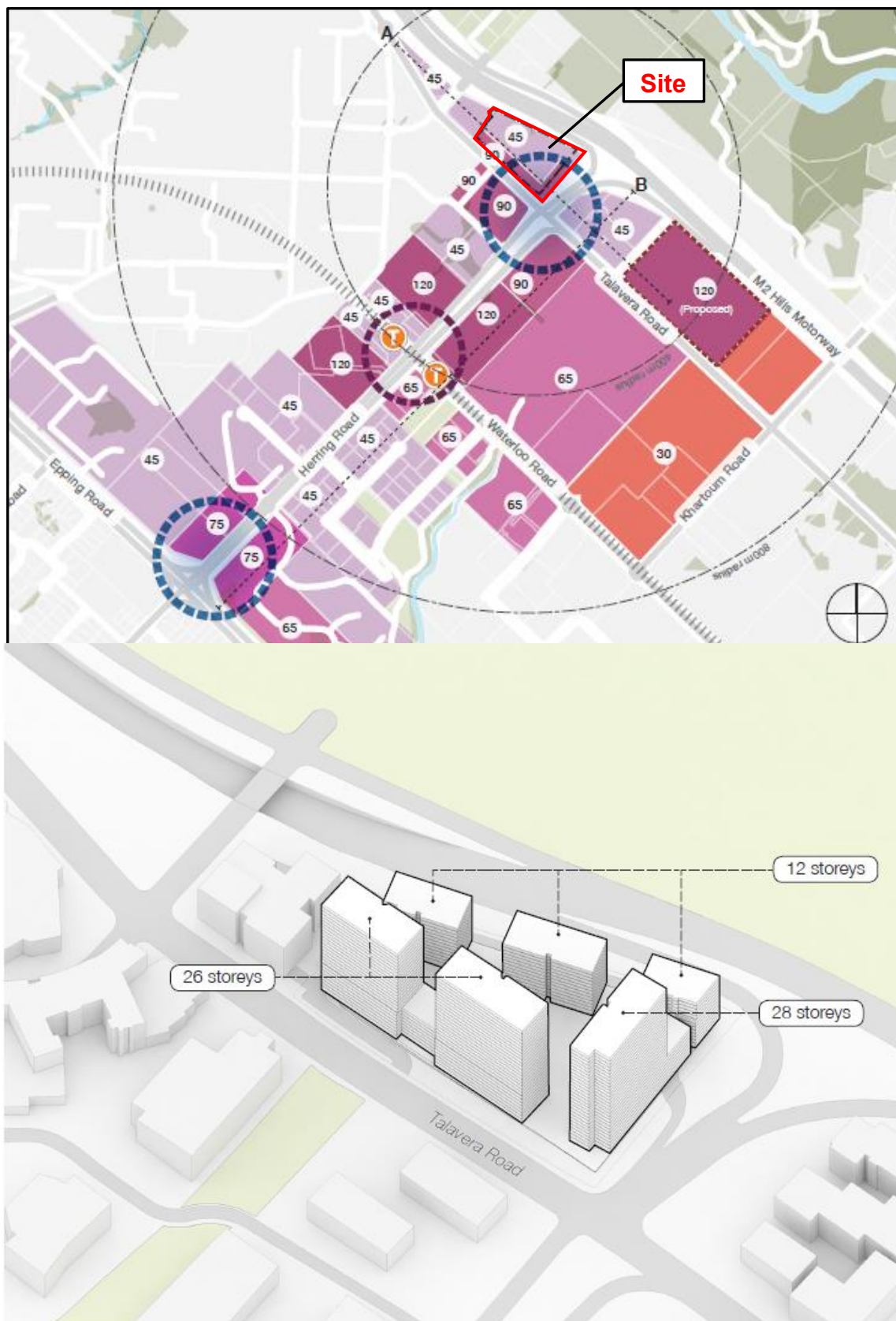
The following provides the Department's assessment of the built form and visual impacts associated with the planning proposal as exhibited and reported to Council on 4 December 2018.

The Urban Design report (SJB, 12 October 2018) exhibited with the planning proposal supports a concept design of two podiums separated by a central open space, and four slender towers ranging from 27 to 60 storeys (FSR of 6.5:1 and maximum permissible building height up to 200m).

The Urban Design report notes that existing height controls under Ryde LEP:

- suggest the intention for a concentration of height along Herring Road, as a major street through the city centre (**Figure 18**);
- provide a concentration of height at the Herring Road intersections with Epping Road and Talavera Road, adjacent to the subject site. The built form situated at these junctions have the potential for further uplift, acting as gateways for the Macquarie Centre Precinct.
- demonstrate a cluster of greater heights focused around the station and Macquarie Shopping Centre, marking the location of these key destinations; and
- heights of existing buildings along Talavera and Herring Road are considerably lower than the maximum LEP height controls, highlighting the centre's potential for future redevelopment focused around key gateway and urban marker sites.





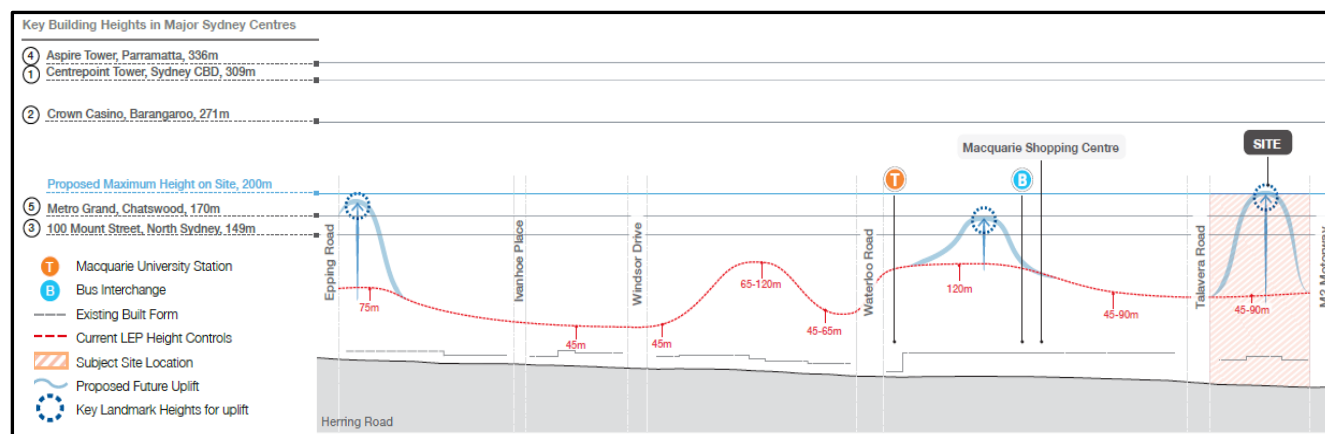
#### Compliant Scheme

The compliant scheme consists of six tower blocks arranged around a central communal open space. Towers range from 12 to 28 storeys, with taller towers fronting Talavera Road, as per LEP height controls.

**Figure 18: Existing building heights along Talavera and Herring Road within vicinity of site and a compliant scheme (Source: SJB, 2018)**

The Urban Design report also includes section diagrams of the proposed heights to indicate the proposed future skyline along Herring Road (**Figure 19**).

Existing height controls under Ryde LEP are shown in conjunction with key areas that are strategically located for potential future uplift, including the subject site at the junction of Herring Road and Talavera Road. The heights of key buildings in other major centres are also referenced to relate back to the significant role of Macquarie Park, as a key strategic centre within the greater Sydney context.



**Figure 19: Section - Herring Road, Macquarie Park - Existing Permissible Heights and Proposed Future Uplift (SJB, 2018)**

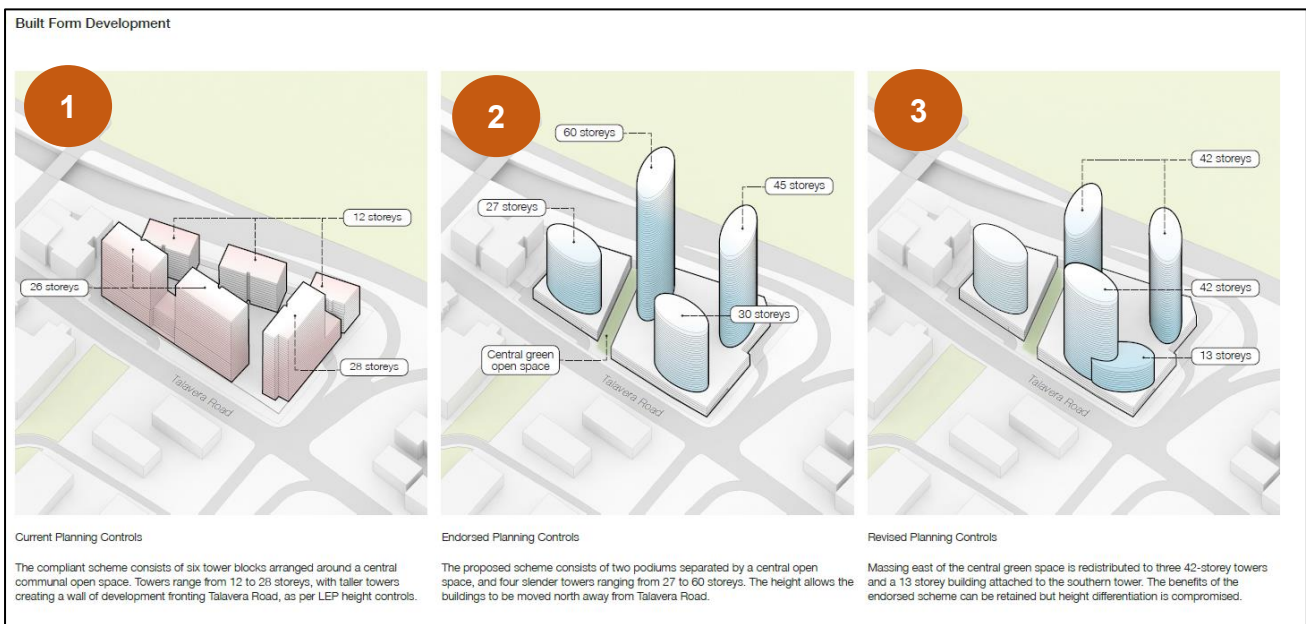
The Department notes that the revised 42 storey scheme (RL185m AHD) supported by Council officers will still result in permitting the tallest building/s in the Macquarie University Station Precinct, and the broader Macquarie Park Corridor. The maximum permitted building height under the existing controls in Macquarie Park is 120m and this control applies to three key sites on Herring Road adjacent to the Macquarie Park station (**Figure 18**). This maximum permitted height at this location was sought to denote the Metro Station as a key node and core part of the precinct but would be 20.5 metres (or approximately 6 storeys) less than that proposed for the site as revised.

Similarly, the site was intended by the Herring Road Precinct studies to act as a gateway to Macquarie Park; therefore, the increased height proposed for the site will further accentuate and reinforce this outcome.

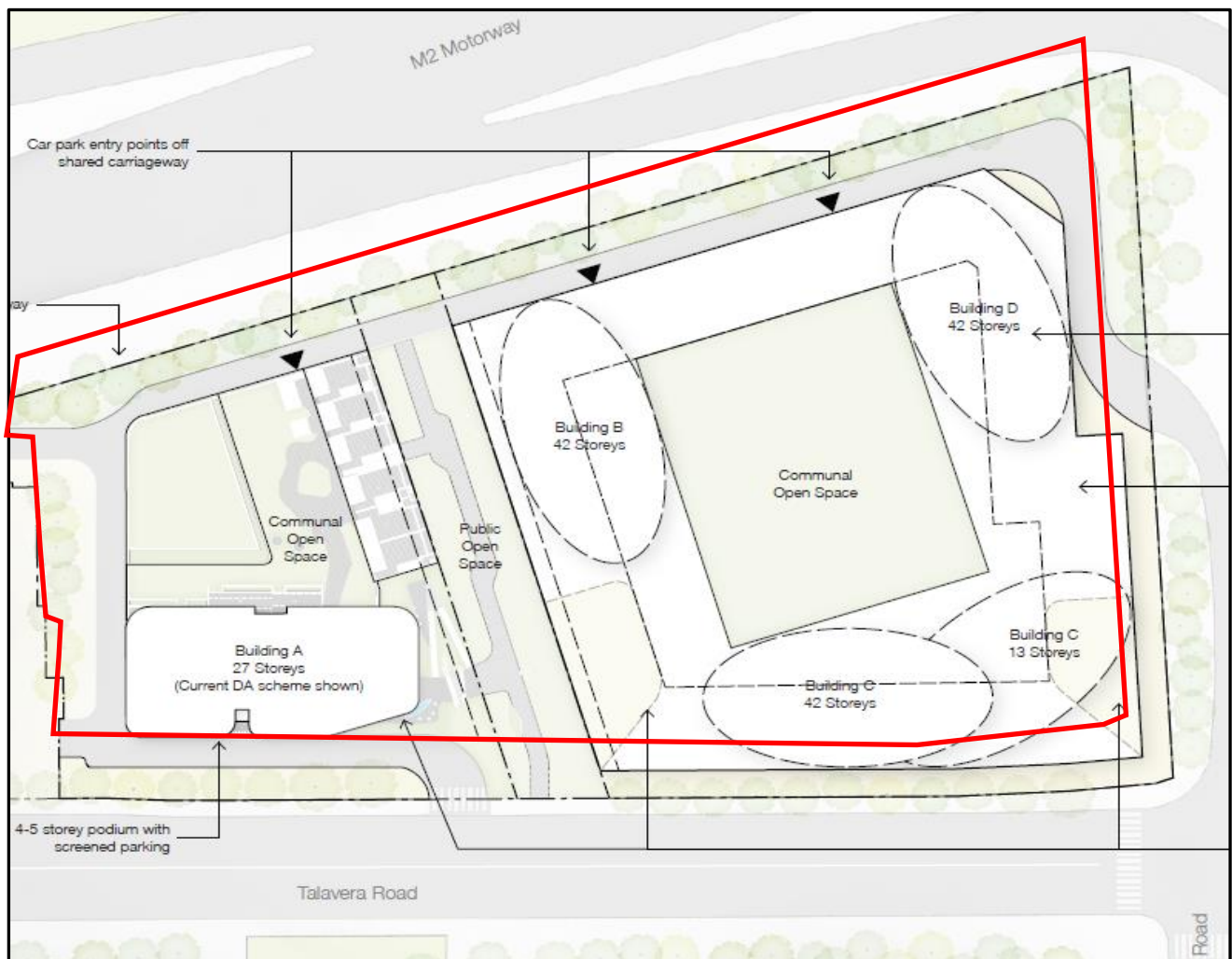
The reduced building heights for the 42 storey scheme was not commensurate with a reduced density (ie. FSR). That is the proposed FSR of 6.5:1 was not altered prior to Council's consideration of the proposal at its meeting of 4 December 2018, the result of which indicates uniform towers across the eastern portion of site with greater building mass along Talavera Road due to a 13 storey building attached to the southern 42 storey tower (**Figures 20 and 21**). Section diagrams comparing the original and revised scheme are provided at **Figures 22 and 23**.

To date, there has been no assessment provided by Council or the proponent as to whether the revised 42 storey concept is able to achieve Apartment Design Guide requirements for internal amenity or overshadowing. The site-specific merit of the revised concept has not been demonstrated as limited urban design analysis was provided with the revised concept.

While it is apparent the revised scheme loses tower height differentiation and results in a redistribution of building mass along Talavera Road (**Figures 22, 21 and 23**), without an accompanying urban design assessment, it is unclear whether the revised 42 storey scheme provides for improved public and resident amenity.



**Figure 20: Built form comparison – 1) modelling of compliant scheme under existing controls; 2) – modelling of exhibited concept (original); 3) modelling of proponent's revised concept in response to submissions (Source: SJB)**



**Figure 21: Revised concept design, incorporating the proponent's response to submissions (Source: SJB)**





In assessing the exhibited concept design that proposes a maximum building height up to 60 storeys (RL 243m AHD) as originally exhibited, the Department acknowledges the following design merits of the scheme outlined in the Urban Design report:

- creation of a built form that functions as a gateway to the Macquarie University Station precinct, assisting with precinct legibility;
- enhancement of public and resident amenity, including solar access, building separation and views to key landmarks due to tall and oval shaped towers;
- creating better opportunities for open space and accessibility through the use of taller towers to enable less intensive use of the ground plane; and
- facilitation of more efficient building footprint and separation across the site.

When compared to the concept for reduced building height to 42 storeys, the original concept's use of tall and slimmer buildings creates better urban design and built form outcomes as it provides for greater separation between buildings (**Figure 24**). This in turn:

- breaks up the bulk of the built form across the site;
- creates more opportunities for gathering spaces at the podium level(s);
- increases the opportunity for view sharing from the development to key views to the Lane Cove National Park and the city;
- provides for enhanced amenity outcomes through greater solar access to development within the site; and
- minimises overshadowing to adjoining development due to the slender tower forms that allow for faster moving shadows.

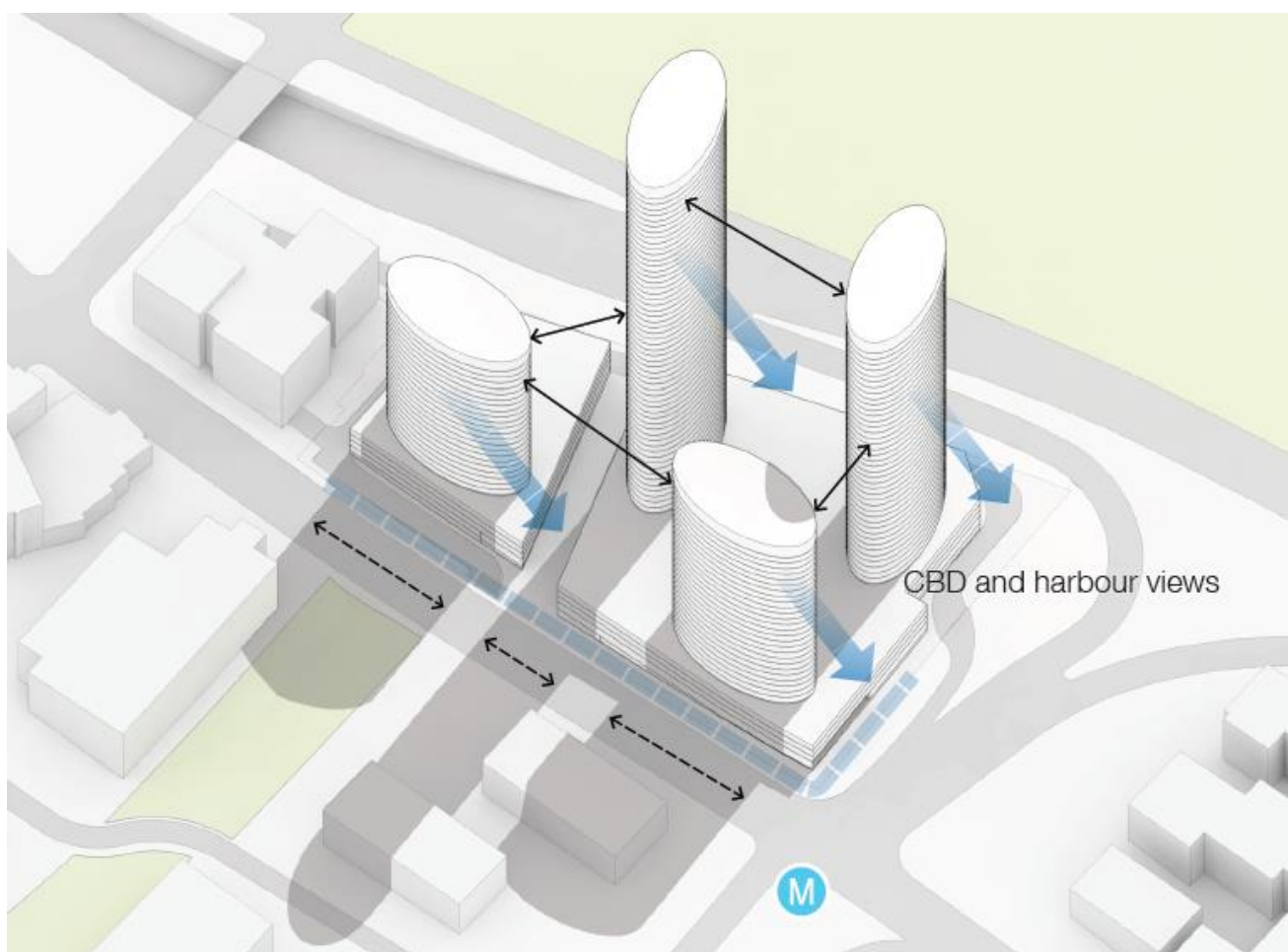


Figure 24: Revised Concept – Talavera Road section, looking south-west (Source: SJB)

The scheme's transition of building heights across the site, particularly incorporating a maximum tower of up to 60 storeys (or RL 243m AHD) creates an attractive and distinctive skyline as well as acts as a gateway / urban marker to Macquarie Park (**Figures 25 and 26**). Like other global innovation precincts, the built form and scale of the proposal helps denote Macquarie Park's economic status as a key and emerging world-class innovation employment precinct.



**Figure 25: Photomontage of concept design as exhibited in the context of built form that could be achieved under existing LEP controls - view south-east along the M2 (Source: SJB, Oct 2018)**



**Figure 26: Photomontage of concept design as exhibited - in the context of built form that could be achieved under existing LEP controls - view south-west along Herring Road (Source: SJB, Oct 2018)**

The scale and bulk of the built form in relation to pedestrians has been appropriately considered in the concept design by using lower podium forms of four (4) to five (5) levels. The scale of these podiums suitably responds to human scale interactions with the street and offsets the perceived bulk of the taller towers.



In addition, the concept design redistributes massing on the site towards the M2 Motorway, and away from Talavera Road, which results in a more sensitive transition to the commercial, healthcare and campus facilities on the opposite side of Talavera Road, to ensure pedestrian scaled outcomes.

The additional proposed amendment to Ryde LEP to introduce a design excellence considerations and the requirement for a design competition before a development application can be approved. Specifically, the required design competition is a competitive design process in which the proponent invites a number of architects to submit a proposal for the site. An independent panel of qualified design professionals (a 'Competition Jury') will select the successful design based on an agreed set of design related selection criteria. Jury members must represent the public good and be recognised advocates for Design Excellence.

The expected outcome of this process will further ensure design excellence outcomes are achieve to:

- facilitate high quality design outcomes, such as diverse building typologies, forms and architecture;
- ensure that any future development on the site delivers the highest standard of architectural; and
- set urban design and built form architectural design standards that will help further denote the site as a gateway site to Macquarie Park as in innovation precinct.

The Department notes that as per the conditions of the Gateway determination, consultation was carried out with CASA and Airservices Australia in relation to the aviation navigation constraints of the site and the proposed building height. Both CASA and Airservices Australia confirmed that they do not have any objections to the proposal (at its proposed height of RL 243m AHD), subject to compliance with guidelines that can be achieved at the development application stage of any future development.

In conclusion, the scheme demonstrates the planning proposal would have acceptable impacts in relation to overshadowing, solar access and building separation. The Department considers the scheme provides for a better planning outcome for the site than what could be achieved under existing height and FSR controls by offering generous building separation, greater solar access and views to prominent features.

## **14 STRATEGIC PLANNING FRAMEWORK**

### **14.1 Greater Sydney Region Plan**

The Greater Sydney Region Plan was released by the GSC on 18 March 2018. It provides a 40-year vision for Greater Sydney and is designed to inform district plans, local plans and the assessment of planning proposals. The plan includes 10 objectives outlining priorities and actions in relation to infrastructure, liveability, productivity and sustainability.

The proposal is generally consistent with the plan in that it provides additional dwelling capacity in an area identified for urban renewal. It will provide housing supply and choice with access to jobs, services and public transport.

### **14.2 North District Plan**

The North District Plan (the Plan) was released on 18 March 2018. The Plan contains planning priorities and actions to guide the growth of the North District while improving the district's social, economic and environmental assets. It contains the planning priorities and actions for implementing the Greater Sydney Region Plan, A Metropolis of Three Cities, at a district level and is a bridge between regional and local planning.

The proposal is located within the North District and is considered to be generally consistent with the priorities and actions of the Plan. In particular, the following priorities have been identified as relevant to the planning proposal:

#### *Planning Priority N1 - Planning for a city supported by infrastructure*

This priority highlights the importance of aligning infrastructure with forecast growth. It also states that aligning land use and infrastructure planning will maximise the use of existing infrastructure.

Located within the Macquarie University Station Precinct, the proposal is well served by and has good access to integrated public transport services such as Sydney Metro Northwest and is in close proximity to public parks and spaces. However, to ensure key infrastructure required to support an increase in development density and investment is funded and delivered in this area an LEP clause has been drafted requiring satisfactory arrangements to be made for the provision of designated State public infrastructure before the development in accordance with the proposal proceeds. This arrangement is required to be implemented via a voluntary planning agreement between the State Government and the developer.

The inclusion of this clause will ensure any future development of the site will be required to meet equitable infrastructure demands arising from development responding to the intent of the priority.

#### *Planning Priority N3 - Providing services and social infrastructure to meet people's changing needs*

The proposal will likely enable housing for a range of demographics that will require access to a range of social infrastructure such as schools, open space and accessibility for older people. The implementation of both Council's contribution planning and the requirement for satisfactory arrangements to be agreed to prior to any development taking place will ensure an equitable contribution is made towards any social infrastructure needs of the area.

#### *Planning Priority N4 - Fostering healthy, creative, culturally rich and socially connected communities*

This priority seeks to create communities that are healthy, resilient and socially connected. The priority highlights that the Ryde local government area demonstrate the strongest cultural diversity within the North District.

The proposal is considered to respond to this priority by contributing to a diversity of housing that is within a walkable distance of services and public transport. This will provide the potential for any future development to build social connections in the area for a diversity of people. This will be further supported by provision of additional infrastructure proposed under Council's Section 7.11 Plan and through the application of the satisfactory arrangements to ensure that infrastructure is provided to support additional development arising from the proposal.

*Planning Priority N5 - Providing housing supply, choice and affordability, with access to jobs and services and public transport*

This proposal will assist in contributing to housing supply in area identified for urban renewal. The site also responds to the future direction of the area identified under the Macquarie University Station Precinct to encourage additional development with direct access to jobs and services, and public transport.

Council has not fully developed an Affordable Housing Scheme, therefore restricting the ability of an LEP amendment for affordable housing. However, opportunities remain for planning agreements to occur between the proponent and Council as part of any future development application. It should be noted that the draft voluntary planning agreement that had been originally agreed between the proponent and

Although the District Plan includes a 5 year housing target for Ryde and other councils, all Sydney councils are expected to review their medium term (6-10 year) to long term (10-20 year) housing needs for their area. Ryde Council has commenced this review and will review where future optimal sites can accommodate further residential now and in the future.

While the housing for the development precedes the Local housing Strategy, the District Plan strongly promotes and encourages placement of development with good access to jobs, services and transport. All of these key elements are characteristic of the site and the site has already been identified for a high rise mixed use development, therefore the addition of development as proposed is considered appropriate.

*Planning Priority N6 – Creating and renewing great places and local centres, and respecting the District's heritage*

In accordance with this priority the site is well located and within short walking distances to sources of employment, open space, services, shops and public transport. Additional development resulting from the proposal will help to increase and encourage activation of the intended core parts and streets within the Macquarie Park throughout the day and at night.

*Planning Priority N8 – Eastern Economic Corridor is better connected and more competitive*

The public transport improvements for the bus interchange and the connection of the station to metro network will enhance and improve transport connectivity to and within the Eastern Economic Corridor. Additionally, the site is situated in close proximity to the university, and the broader Macquarie Park corridor, both of which are major assets in the broader economic corridor.

The proposal supports this priority as it will encourage development that will capitalise on the close proximity to these assets and supports patronage of the state government's investment to provide priority transport infrastructure by bringing additional housing within and with direct access to other strategic centres within the Eastern Economic Corridor.

*Planning Priority N10 – Growing investment, business opportunities and jobs in strategic centres*



In accordance with this planning priority the proposal supports the provision of mixed use development that will directly benefit from access to services and growing employment opportunities throughout the Macquarie Park Corridor.

*Planning Priority N12 - Delivering integrated land use and transport planning and a 30-minute city*

The planning proposal will provide additional housing in within the strategic centre of Macquarie Park, that is also well-connected area to other strategic centres of Chatswood, North Sydney and the Sydney CBD. The proposal is considered to effectively build on and fully support the objective of integrating land-use and transport plans to deliver a 30-minute city.

*Planning Priority N20 - Delivering high quality open space*

The Department notes the proponent's intention to offer the dedication of the land and provision of a connection through the site. The final details of any dedication of this land to Council and the layout of communal open space would be part of any future development application.

The Department considers that the amount of on site open space proposed is not sufficient to support the uplift in development capacity for the site. However, the combination of contributions under Council's contribution plan and under the satisfactory arrangements would be expected to ensure that adequate open space was provided to support the uplift sought by the proposal.

*Planning Priority N22 - Adapting to the impacts of urban and natural hazards and climate change*

This priority seeks to ensure effective planning occurs that can reduce the exposure to natural and urban hazards and build resilience to shocks and stresses. The planning proposal will not inhibit the potential for any future development application to effectively respond to this priority.

### 14.3 Section 9.1 Directions

The Planning Proposal's consistency with applicable Ministerial (Section 9.1) Directions is set out below in **Table 4**.

**Table 4:** Ministerial Directions

Section 9.1 Direction	Consistent?	Comment
<b>1. Employment and Resources</b>		
1.1 Business and Industrial Zones	Yes	The proposal will retain the site's mixed use zone to cater for a range of commercial development and residential dwellings. The proposal will support the patronage of the Macquarie University Station and continued economic growth of nearby employment centres by offering increased housing and workforce base in an accessible location.
1.2 Rural Zones	Not applicable	Not applicable
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable	Not applicable
1.4 Oyster Aquaculture	Not applicable	Not applicable
1.5 Rural Lands	Not applicable	Not applicable
<b>2. Environment and Heritage</b>		
2.1 Environment Protection Zones	Not applicable	Not applicable

Section 9.1 Direction	Consistent?	Comment
2.2 Coastal Protection	Not applicable	Not applicable
2.3 Heritage Conservation	Not applicable	Not applicable
2.4 Recreation Vehicle Areas	Not applicable	Not applicable
<b>3. Housing, Infrastructure and Urban Development</b>		
3.1 Residential Zones	Yes	The Planning Proposal will meet the continuing housing needs of the local community and residents in the region. Rezoning the site will provide additional residential dwellings.
3.2 Caravan Parks and Manufactured Home Estates	Not applicable	Not applicable
3.3 Home Occupations	Not applicable	Not applicable
3.4 Integrating Land Use and Transport	Yes	The planning proposal will amend the floor space and building height controls for the site to accommodate additional residential development in a vibrant, transit oriented centre that is well serviced by bus and rail services. The proposal will also support the patronage of Macquarie University station and the continued economic growth of nearby employment centres by offering increased housing and workforce base in an accessible location.
3.5 Development Near Licensed Aerodromes	Yes	The objectives of this direction are to ensure effective and safe operation of aerodromes, and ensure their operation is not compromised by development. Civil Aviation Safety Authority and Airservices Australia have reviewed the proposal and raised no objection.
3.6 Shooting Ranges	Not applicable	Not applicable
<b>4. Hazard and Risk</b>		
4.1 Acid Sulfate Soils	Not applicable	Not applicable
4.2 Mine Subsidence and Unstable Land	Not applicable	Not applicable
4.3 Flood Prone Land	Yes	According to the Macquarie Park Floodplain Risk Management Plan, the site is flood affected. In response, it is proposed to allow an overland flow path through the site that is free of built form. A preliminary flood assessment has been provided indicating that the flood issues affecting the site are manageable to support the development.
4.4 Planning for Bushfire Protection	Yes	<p>The objectives of this directions are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and to encourage sound management of bush fire prone areas.</p> <p>The NSW Rural Fire Service raised no objection to the proposal subject to a requirement that future buildings on the site be constructed to comply with Planning for Bushfire Protection 2006.</p>
<b>5. Regional Planning</b>		
5.1 Implementation of Regional Strategies  (see further assessment below).	Yes	<p><i>Sydney Region Plan</i> The site is located in a strategically important location of Macquarie Park. It's strategically important location means the site is well positioned to supply additional housing to meet continued housing demand in the area while supporting this part of Macquarie Park as key a local centre for which it is intended under the Macquarie Park University Precinct.</p> <p><i>North District Plan</i> The Planning Proposal seeks to locate an increased amount of housing and deliver housing within a key employment centre and with good links to other key strategic centres.</p>

Section 9.1 Direction	Consistent?	Comment
5.2 Sydney Drinking Water Catchments	Not applicable	Not applicable
5.3 Farmland of State and Regional Significance on the NSW Far Coast	Not applicable	Not applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable	Not applicable
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	Not applicable	Not applicable
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	Not applicable	Not applicable
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	Not applicable	Not applicable
5.8 Second Sydney Airport: Badgerys Creek	Not applicable	Not applicable
5.9 North West Rail Link Corridor Strategy	Not applicable	Not applicable
5.10 Implementation of Regional Plans	Not applicable	Not applicable
<b>6. Local Plan Making</b>		
6.1 Approval and Referral Requirements	Yes	No new concurrence provisions are proposed.
6.2 Reserving Land for Public Purposes	Not applicable	Not applicable
6.3 Site Specific Provisions	Yes	The Planning Proposal amends existing site-specific provisions, the additional requirement for design excellence would be appropriate to ensure suitable design outcomes for the site and its context.
<b>7 Metropolitan Planning</b>		
7.1 Implementation of a Plan for Growing Sydney	Yes	Refer to response to s.117 Direction 5.1 above.
7.1 Implementation of A Plan for Growing Sydney	Not applicable	Not applicable
7.2 Implementation of Greater Macarthur Land Release Investigation	Not applicable	Not applicable
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not applicable	Not applicable
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable	Not applicable
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable	Not applicable



Section 9.1 Direction	Consistent?	Comment
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable	Not applicable
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable	Not applicable

## 14.4 State environmental planning policies

The consistency of the Planning Proposal with the relevant State Environmental Planning Policies (SEPPs) is outlined in **Table 5**.

**Table 5:** Assessment of proposal against relevant SEPPs and deemed SEPPs

SEPP	Requirement	Proposal	Complies
SEPP 55 – Remediation of Land	SEPP 55 requires a planning authority to consider whether land is contaminated, and if so whether it is, or can be made suitable for proposed residential use.	This planning proposal indicates that the land is not significantly contaminated and is (or can be made) suitable for future development as sought by this planning proposal.	Yes
SEPP 65 - Design Quality of Residential Apartment Development	The SEPP and the Apartment Design Guide (ADG) seeks to improve the residential living environment across NSW by providing a way to consistently approach the design and assessment of residential apartment buildings.	The concept design has had regards to the principles of SEPP 65. Any future DA for residential flat buildings, shop top housing or mixed use development with a residential component will be required to comply with SEPP 65 and the ADG.	To be confirmed
SEPP (Affordable Rental Housing) 2009	The SEPP encourages the development of affordable housing.	The planning proposal will provide a variety of housing that will meet the varied and affordability needs of the community to meet the objectives of the SEPP. The proposal will also not preclude the ability to seek approval for housing in accordance with this SEPP.	Yes
SEPP (Infrastructure) 2007	The aim of this Policy is to facilitate the effective delivery of infrastructure across the State.	Future development of the Site will need to be consistent with the relevant provisions of this SEPP, with future development applications referred to the RMS where necessary.	Yes
SEPP (BASIX) 2004	The overall aim of this Policy is to encourage sustainable residential development through establishing targets for thermal comfort, energy and water use.	DAs for all future residential development will need to comply with the targets established under BASIX.	Yes
SEPP (Housing for Seniors or People with a Disability) 2004	The aim of this policy is to encourage the provision of housing which increases the supply and diversity of residencies that meets the needs of seniors or people with a disability.	The planning proposal does not preclude the provision of housing for seniors and people with a disability, including that already proposed for the Site.	Yes
SEPP Exempt and Complying	The aims of this Policy are to provide exempt and complying development codes that have State-wide application.	The planning proposal is not inconsistent with this SEPP, which would apply to future development.	Yes

## 15 MAPPING

There are four maps associated with the draft LEP, being:

- Height of Buildings Map
- Floor Space Ratio Map
- Designated State Public Infrastructure Map; and
- Design Excellence Map.

The maps have been reviewed by the Department's ePlanning Team and sent to Parliamentary Counsel.

## 16 CONSULTATION WITH COUNCIL

Council was consulted on the terms of the draft instrument under clause 3.36(1) of the *Environmental Planning and Assessment Act 1979* (**Attachment I**). Council confirmed on 2 March 2020 that it did not want to comment on the draft instrument (**Attachment J**).

## 17 PARLIAMENTARY COUNSEL OPINION

On **6 March 2020**, Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at **Attachment PC**.

## 18 RECOMMENDATION

Based on the Department's assessment there is a strong and compelling strategic planning case for increasing the building height and density for the site to allow for additional development on the following grounds that:

- the quantum of additional housing afforded by the proposal is moderate, as it is equivalent to only 6.7% more dwellings that expected to be developed in accordance with the Macquarie Park Station Precinct;
- in combination with the implementation of design excellence the resultant built form of development on the site will ensure quality design outcomes that will encourage slender built forms that will also maximise views, minimise overshadowing, and help denote the site as the eastern gateway to the Macquarie Park Station Precinct;
- it will be well served by both local and state government infrastructure to meet the needs of future residents and occupants;
- the proposal is in accordance with the specific directions and actions in the Greater Sydney Region Plan and the North District Plan, which encourage development that supports vibrant and activated hubs throughout Sydney such as Macquarie Park, which is as an emerging and growing employment innovation precinct;
- it will contribute to achieving important objectives and directions in NSW Government planning strategies and policies including increasing density of development in and around new Metro stations with good levels of service and connectivity to key parts of Sydney, contributing to achieving housing targets in suitable locations, and achieving a mix of uses and a density of development that is appropriate for its urban context in the longer term;
- adjoining and connecting roads have the capacity to accommodate the proposal without the need for improvements or upgrades;
- the proposal is expected to maintain reduced travel demands by car through increasing housing densities close to existing and well connected public transport services (including the Herring Road bus interchange approved for upgrade), shops, study and work opportunities and by promoting pedestrian activity and co-locating complementary land uses in a mixed use precinct;

- there is no environmentally sensitive land or land with significant biodiversity value on the site that would be affected by the proposal; and
- there are no environmental constraints or hazards of such significance as to preclude the proposal.

Furthermore, there are there are no outstanding matters arising from the exhibition of the proposal, Council's response to submissions is considered to be adequate and the conditions of the Gateway (as altered) have been satisfied.

For these reasons it is recommended that the Minister's delegate as the local plan making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act.

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Noted  
BW 12/3/20