JOINT REGIONAL PLANNING PANEL
(Region East)

JRPP No	**2011SYE028**
DA Number	**LDA2011/0079.**
Local Government Area	**City of Ryde.**
Proposed Development	**Partial demolition of existing buildings and construction of a mixed use development containing commercial floor space and a serviced apartments building.**
Street Address	**63-71 Waterloo Road, Macquarie Park.**
Applicant/Owner	**Capital Corporation Pty Ltd.**
Number of Submissions	**No submissions received.**
Recommendation	**Approval with Conditions.**
Report by	**Sandra Bailey – Team Leader Major Developments.**

Assessment Report and Recommendation

1. EXECUTIVE SUMMARY

The following report is an assessment of a development application for the construction of a serviced apartments building containing 154 apartments and a commercial office building containing a gross floor area of 11,822.5m^2 on land known as 63-71 Waterloo Road, Macquarie Park. The development also involves the provision of 366 car parking spaces and the construction of two roads, one along the eastern boundary of the site and the other along the northern boundary of the site.

As the application has a capital investment value in excess of $10 million, the development is of regional significance under the provisions of State Environmental Planning Policy (Major Developments 2005). The consent authority for the purposes of determining the subject application is the Sydney East Region Joint Regional Planning Panel.

The development results in several non compliances with Council's planning controls. The first of these is in respect to the height of the commercial building which is not to exceed a height of 30 metres under the provisions of RLEP 2010. The non compliance ranges from 1 to 2 metres in height and is confined to the plant room. The second and third non compliances are in regard to the structure plan in DCP 2010 in respect of the street network and

open space network. The final non compliance is in respect of the DCP requirement for the setback of the building to future Road 8. These non compliances are not fatal to the development application.

During the notification period, no submissions were received.

The development application is recommended for approval subject to appropriate conditions of consent.

2. SITE DESCRIPTION

The site is known as 63-71 Waterloo Road, Macquarie Park and the legal description of the land is Lot 3 in DP1043041. The site has a street frontage of 111.205 metres to Waterloo Road. The eastern side boundary is 166.2 metres in length, and the western side boundary is 164.645 metres in length. The site is 111.13 metres wide at the rear. The site area is 19,760m^2.

The location of the site is demonstrated in Figure 1. The site is located approximately in the middle of the Macquarie Park Corridor and is within 400 metres walking distance from the Macquarie Park Railway Station and Lane Cove Road.

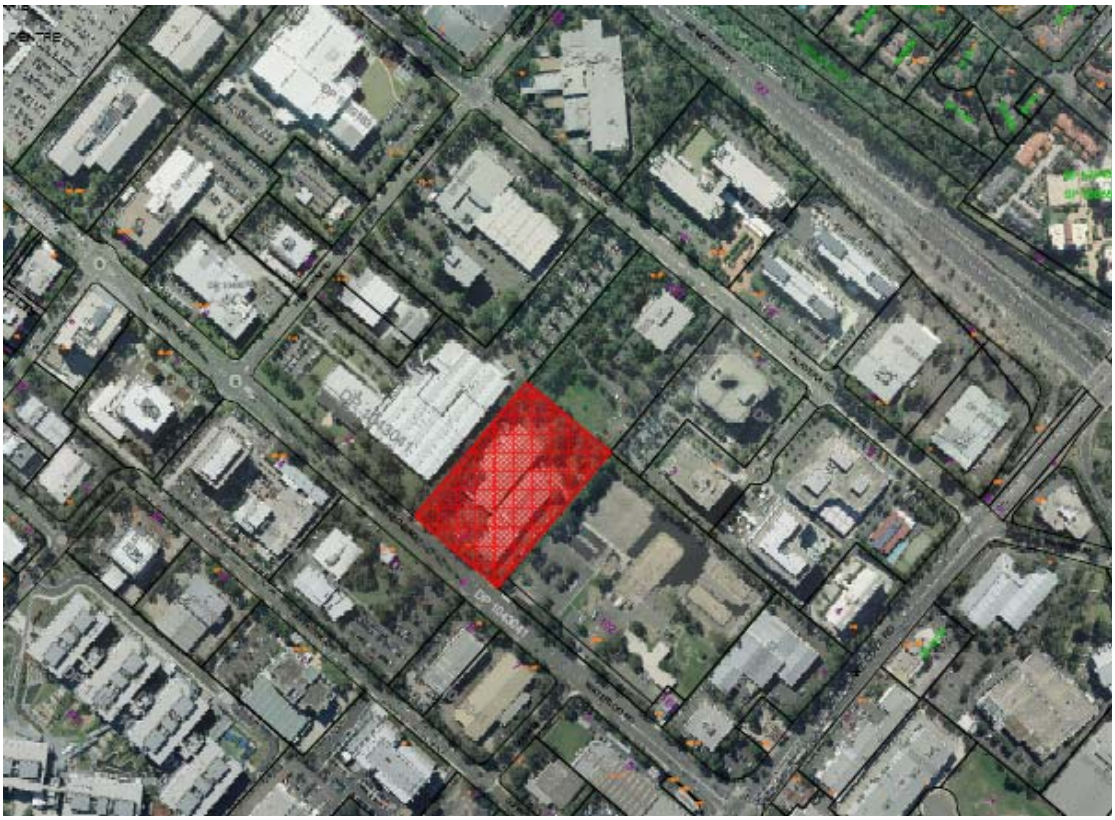


Figure 1. This above aerial photograph demonstrates the location of the site.

The site currently contains two commercial / light industrial developments both of which are two storeys in height and each include an office and warehouse component. The following Figure demonstrates the location of these buildings on the site and the following photographs demonstrates the appearance of these buildings.

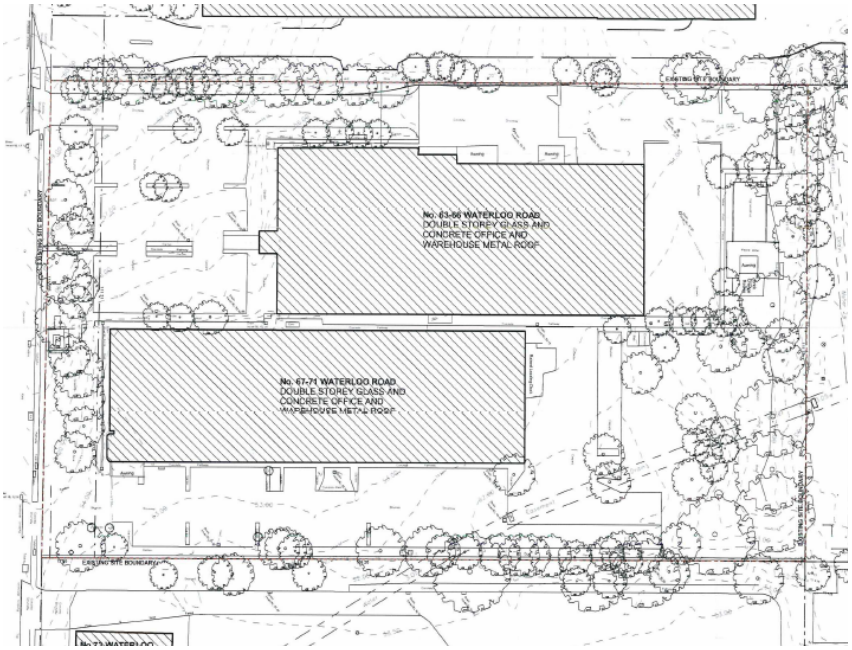


Figure 2 Site Plan which demonstrates the location of the existing buildings and trees on the site.

Photo 1. This photo shows the frontage 69-71 Waterloo Road. The building with the purple is the located on 63-67 Waterloo Road.

Photo 2. This photo shows the front of the building at 63-67 Waterloo Road.


Photo 3. This photo shows the rear of the site. The rear contains species such as She Oaks and Sydney Blue Gums.

Photo 4. This photo is taken from the rear of the site looking towards Waterloo Road along the eastern boundary. Road 8 is located along this boundary.

The site slopes down approximately 8 metres from the southwest corner to the northeast corner of the site. The lowest point on the site is at RL 52 in the northeast portion of the site and the highest point on the site is at RL60 at the southwest corner of the site.

The site contains a total of 183 trees. These trees consist of indigenous, locally indigenous, exotic, evergreen and deciduous species. Most of the trees are located along the boundaries and central part of the site. The site contains entirely modified landscaping with all trees and shrubs associated with the existing development on the site dating from the 1980's.

To the north of the site is a 2 storey commercial building at 17-23 Talavera Road. Development consent has recently been granted by the JRPP for the conversion of this building into a data centre as well as additions to the building. To the west of the site is also a two storey building owned by Johnson & Johnson Medical Pty Ltd. To the east of the site is land identified for the Commonwealth Department of Defence.

3. PROPOSAL

The development proposes Stage 1 of the redevelopment of the site and consists of the construction of a serviced apartments building and commercial building as well as the construction of two roads along the eastern and northern boundaries of the subject site. The proposed works are located at the rear of the subject site. The applicant has submitted a Masterplan for the site which identifies a future stage 2 development, however this does not form part of the development application and no assessment has been undertaken to this future development.

Each aspect of the development is discussed in further detail below:

Partial demolition of existing office/warehouse buildings.
It is proposed that the building at 63-65 Waterloo Road and the rear portion of 67-71 Waterloo Road is to be demolished. It is also proposed to demolish the in-ground swimming pool and brick change rooms at the rear of the site. The demolition is demonstrated on Figure 3.

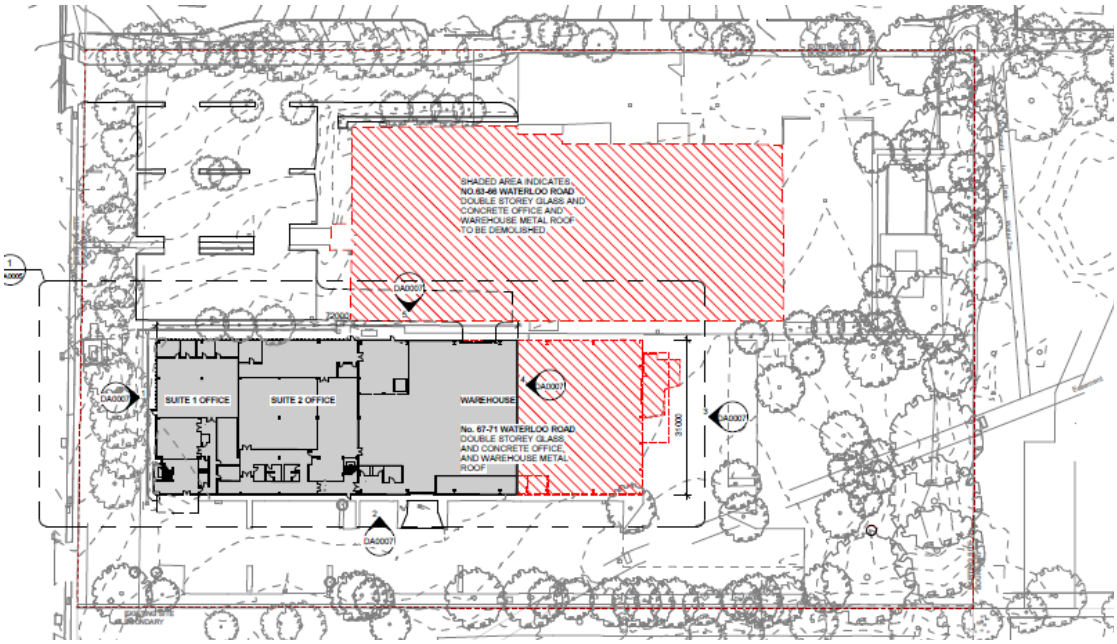


Figure 3X. Plan demonstrating the demolition of the existing buildings. The shaded area illustrates the buildings to be demolished.

Construction of an 8 storey commercial office and 8 storey serviced apartments building.
It is proposed to construct a commercial office building in the north western portion of the site. This will be an 8 storey building and will be attached to the serviced apartments building. The location of both of the buildings is demonstrated on Figure 4.

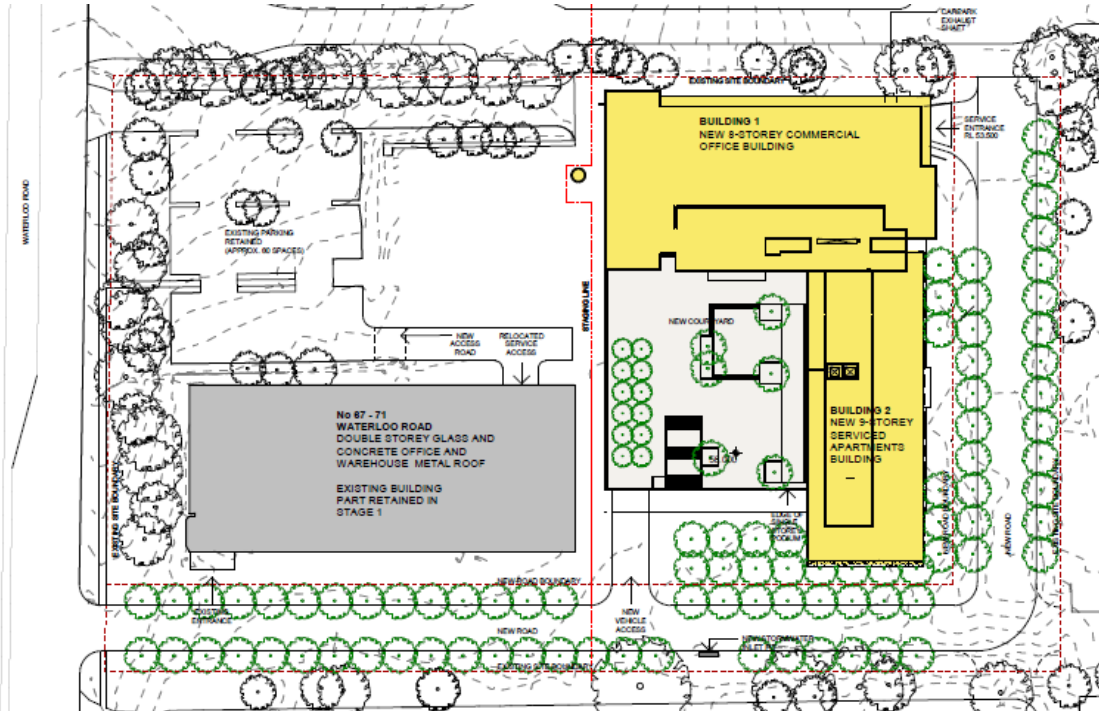


Figure 4. This plan shows the location of the commercial building, serviced apartments building and the building being retained on the site.

The commercial building will have a gross floor area of 11822.5m^2. The ground floor will contain the loading areas, bicycle storage and change rooms, building services and an entry to the building. Levels 1 to 7 will contain commercial office space ranging from 1582.1m^2 to 1659.3m^2.

The serviced apartments building was originally 9 storeys however the building was reduced to 8 storeys during the assessment process. This building will have a gross floor area of 8832.3m^2. The ground floor comprises the serviced apartments reception and foyer, lift lobby, conference rooms, café, laundry, storage areas and a retail tenancy. Levels 1 to 7 will comprise 154 serviced apartments including 52 x studio units, 95 x 1 bedroom units and 7 x 2 bedroom units.

The development will contain a total of 366 car parking spaces. All of these spaces will be accessed from a driveway off Road 8. 12 of the car parking spaces will be provided at ground level and the remaining 354 car parking spaces will be provided in three levels of basement car parking. 182 car parking spaces will be allocated to the commercial building, 154 spaces to the serviced apartments building and 30 spaces to the retail tenancy. A loading dock is proposed on the ground level of the commercial building and access to the loading dock will be via Road 1.

A landscaped podium is proposed above the ground floor car parking and retail tenancy. Access to the podium will be provided from stairs adjacent to Road 8. From this podium it will be possible to access the commercial building.

Construction of 2 new roads located at the northern and eastern boundaries of the site.
The development also involves the construction of two new roads. These roads will be located along the eastern boundary of the site (Road 8) and along the northern boundary of the site (Road 1). The location of both of these roads is demonstrated on Figure 5. The roads are not intended to be dedicated to Council however they will be constructed in accordance with Council's requirements and allow public access.

The total width of Road 1 will be 20 metres and the width of Road 8 will be 16.1 metres.

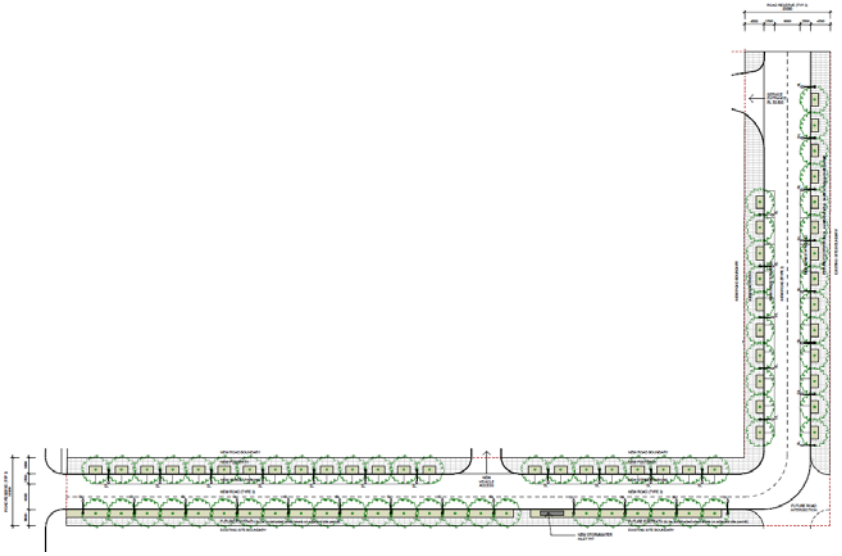


Figure 5. Plan show the location and dimensions of the Roads 8 and 1.

Associated site works.
As part of the development it is proposed to remove 90 trees from the site. The landscaping plan proposed 104 replacement plantings.

The site is also affected by an overland flow path and an underground stormwater trunk main is located on the site. The development proposes to provide an additional large inlet and connection into the existing main. It is intended that this will allow overland flows from Waterloo Road to be captured and directed under new Roads 8 and 1, leaving only flows that will be safe for the public to continue overland.

4. BACKGROUND

The development application was submitted to Council on 22 February 2011.

Following a preliminary assessment of the application a letter was sent to the applicant on 7 April 2011. This letter identified that it would be necessary to provide further information or amended plans in respect of the following aspects of the development:

- Details were requested in respect of the floor space ratio as the information submitted failed to include reference to the building on the site that is proposed to be retained.
- Clarification was requested in respect to whether it was intended to dedicate the proposed roads to Council.
- Further landscaping details were requested in respect of the open space area identified adjacent to Road 8.
- Concerns were raised in respect of the heights of both buildings as these exceeded the maximum permitted heights.
- The Arboricultural Impact Assessment was requested to be amended to include reference to Sydney Turpentine-Ironbark Forest.
- Clarification was requested in respect to car parking numbers on the site.
- Architectural plans were requested in respect to the alteration of the existing building on the site.
- A plan in respect of the proposed roads demonstrating compliance with the Public Domain Technical Manual was requested. This included the requirement for the widths of the roads to match the specified requirement.
- The car park exhaust vent located in the setback area to future Road 7 was requested to be relocated.
- A Wind Impact Statement was requested.
- An Acoustic Impact Assessment was requested.
- Following the review of the development by Council's Access Consultant, amendments were required in order to ensure compliance with the DCP.
- A copy of the comments from Council's Urban Design Review Panel was provided to the applicant. The applicant was requested to incorporate the amendments as suggested by this Panel.

The RTA comments were forwarded to the applicant on or around the 19th May 2011. These comments required the applicant to undertake further modelling work.

The amended information including plans to address all of the above issues was submitted to Council on 24 June 2011. The differences between the original plans and the amended plans include the following:

- The layout of the serviced apartments building has been changed. The first floor which contained a café and 2 conference rooms was deleted. There has been a reduction in the size of the retail space on the ground floor and a smaller café and 2 smaller conference rooms has been included on the ground floor level.
- The overall height of the serviced apartments building has been reduced from RL83.7 to RL79.7. This has been achieved by deleting the above storey.
- The void and the stairs located between the serviced apartments building and the commercial building has been deleted due to adverse wind impacts. This has resulted in the number of serviced apartments being increased from 143 to 154.

- The height of the commercial building has been reduced from RL84.4 to RL82.7. This has been achieved by reducing each floor from 3.6m to 3.5 and reducing the floor to ceiling height of level 1 from 4.5m to 3.5m.

The amended plans failed to address the Urban Design Review Panel's comments in respect of the top of the serviced apartments building. The Panel had requested that this building provide a top so that it will catch the vertical elements of the building as viewed from the Road 1 frontage. Further discussions occurred with the applicant and an amended elevation which achieved compliance was submitted to Council on 13 July 2011.

5. APPLICABLE PLANNING CONTROLS

The following planning policies and controls are of relevance to the development:

- Section 5A of the Environmental Planning and Assessment Act, 1979;
- State Environmental Planning Policy (Major Developments) 2005;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- Deemed SEPP – Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- Ryde Local Environmental Plan 2010;
- Ryde Development Control Plan 2010.

6. PLANNING ASSESSMENT

6.1 Section 5A of the Environmental Planning and Assessment Act 1979

The development involves the removal of 90 trees from the site. 17 of these trees to be removed are characteristic species of Sydney Turpentine – Ironbark Forest (STIF) as well as Sydney Blue Gum High Forest, which are both listed as endangered ecological communities under the Threatened Species Conservation Act.

The applicant has provided an Ecological Assessment Report from Whelans Insites Pty Ltd in respect of the two endangered ecological communities. This report has concluded as follows:

"Based both on the existing and historical vegetation mapping by Ryde City Council, and on observations on the subject site itself, it is clear that the vegetation present does not constitute an example of the Blue Gum High Forest (BGHF) community. Similarly, there is no relevant elements of the Sydney Turpentine Ironbark Forest (STIF) community present on the site.

Importantly, the Sydney Gum Gums present on the site have clearly been planted, and are of unknown provenance. They are not 'remnant' species, and there are essentially no other relevant elements of the BGHF community present. Given these circumstances, it is the opinion of the author of this

report that the BGHF and STIF community is not present on the subject site at Macquarie Park."

Council's Consultant Landscape Architect supports the findings of this report.

6.2 State Environmental Planning Policy (Major Developments) 2005

The provisions of State Environmental Planning Policy (Major Developments) 2005 apply to the proposed development as the capital investment value is in excess of $10 million. In accordance with the requirements of Section 13B(1)(a) of the SEPP, the application is defined as 'regional development'. In this case the determining authority is the Joint Regional Planning Panel (Region East).

6.3 State Environmental Planning Policy (Infrastructure) 2007

Clause 85 – Development Immediately Adjacent to Rail Corridors

Part of the site immediately adjacent to Waterloo Road is affected by a rail corridor. The development does not however involve any excavation within 25 metres of the rail corridor. In accordance with Clause 85 the development application was referred to RailCorp NSW. The following comments were received.

1. Noise and Vibration
RailCorp is concerned that the future occupants of the development will encounter rail related noise and vibration from the adjacent rail corridor. Rail noise and vibration can seriously affect residential amenity and comfort, jeopardise the structural safety of buildings, and thus should be addressed early in the development process.

The Department of Planning has released the document titled "Development Near Rail Corridors and Busy Roads – Interim Guidelines". The document is available on the Department of Planning's website.

Council is therefore requested to impose the condition of consent:

- *An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads – Interim Guidelines".*

2. Stray Currents and Electrolysis from Rail Operations
Stray currents as a result of rail operations may impact on the structure of the development. Electric currents on overhead wiring pass through the train's motor and return to the power substation via the rail tracks. Occasionally, these currents may stray from the tracks and into the ground. Depending on the type and condition of the ground, these may be passed to the nearest conductive material (concrete reinforcement, piling, conduits, pipework and earthing rods) accelerating corrosion of metals and leading to concrete

cancer. Therefore, the Applicant should consider this possible impact, and engage an expert consultant when designing its buildings. It is requested that Council include the following condition of consent:

- *Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.*

Both of the conditions of consent as recommended by RailCorp have been included in Attachment 1. (See conditions number 44 and 45).

Clause 104 – Traffic Generating Developments

The proposed development was also identified within Schedule 3 of this SEPP and in accordance with Clause 104 was referred to the Roads and Traffic Authority for comment. The matter was considered by the Sydney Regional Development Advisory Committee firstly on 20 April 2011 and again on 13 July 2011. On the final occasion, the following comments were provided to Council. (The RTA comments are in italics and any comment by Council's Officer has been identified in regular font).

The RTA has reviewed the submitted documentation and raises no objection to the Stage 1 development application. The following comments have been included for Council's consideration in the determination of the application:

Site Accesses and Car Park

1. *Upon Masterplan completion the proposed driveway may not be adequate to handle the projected volume from the car park. Traffic exiting from the car parks would meet at a cross intersection, then move to one lane at the control gate/roller door. The projected traffic volume would exceed the capacity of the cross intersection and exit control gate/roller door (AS2890.1 Appendix D). Council should be satisfied with the current and future operation of this access point.*

Comment - This concern relates to the operation of the driveway at the completion of Stages 1 and 2. The current development application only involves Stage 1 of the development. Stage 1 of the development would require a length of 40 metres of internal area for queuing before the control point. This can be achieved in the development. The length of the queuing area will be a matter that needs to be reconsidered in the Stage 2 development. The applicant has however advised that this matter can be adequately addressed.

2. *The service driveway is in close proximity to the future road intersection of New Road 7 and New Road (northern frontage) as detailed in Landscape Concept Masterplan Drawing 1 Rev A. The location of the driveway raises safety concerns for road users. A Loading Dock Management Plan should be created to address access issues should the New Road be created in*

the future. The Loading Dock Management Plan shall be submitted to Council for their consideration and approval.

Comment - If Road 7 was constructed, the access to the loading dock will still comply with AS2890. The RTA has recommended a condition on the consent that would permit left in/left out movements only from the loading dock once Road 7 has been construction as this would ensure no queuing of vehicles entering the site. It is proposed to include a condition on the consent to limit the access to the loading dock once Road 7 has been constructed. (See condition number 113).

3. *The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS2890.1-2004 and AS2890.2-2002 for heavy vehicle usage.*

Comment – This will be imposed as a condition on the consent. (See condition number 57).

Parking Rates

4. *Due to the site's close proximity to public transport, Council should consider requiring the minimum parking spaces at 1 per 80m^2 to maximise use of the public transport.*

Comment- The LEP map in respect to car parking identifies the site has having three parking zones that are applicable for commercial or industrial floor space. These zones are 1 space per 46m^2 of GFA, 1 space per 70m^2 of GFA and 1 space per 80m^2 of GFA. Each of these zones occupies approximately one third of the site. To determine the car parking for the commercial building, an average rate has been determined for the entire site based on the three parking rates detailed above. This has resulted in a rate of 1 space per 65m^2 of GFA. This rate has been applied to the commercial building only. Similar methodology has been applied to other sites within Macquarie Park that provide more than 1 parking rate.

5. *The traffic report states that the proposed traffic generation rates for the development would be lower due to the site's close proximity to good public transport. The RTA would support a reduction in parking on-site.*

Comment – The issue of car parking rates has been discussed in the above point.

Sustainable Transport Initiative

6. *The applicant should be required to prepare a work place travel plan (WPTP) to encourage the use of alternative modes of transport. Furthermore the WPTP should ensure that any future tenants of the site are encouraged to stagger the start and finish times of employees as well as introducing car pooling and teleworking to minimise the impact on the road system.*

Comment – This has been included as a condition on the consent. (See condition number 9).

Future Applications for this Site

7. *The RTA raises concern with the Masterplan for the area due to the site's high traffic generation potential and the existing capacity constraints of Lane Cove Road in the vicinity of the site.*

   The RTA has recently suggested a proposal for a G-Turn manoeuvre (detailed below) to be investigated by the developer of property encompassing 396 Lane Cove Road, 32-46 Waterloo Road, 1 Giffnock Avenue, Macquarie Park to improve the intersection operation of Waterloo Road/Lane Cove Road. Should this Masterplan for 63 Waterloo Road, Macquarie Park proceed the RTA would require the applicant to jointly investigate the feasibility of the G-turn scenario in partnership with the owner 396 Lane Cove Road, 32-46 Waterloo Road, 1 Giffnock Avenue, Macquarie Park. Both developments' traffic generation potential is high and places adverse pressure on the operation and capacity of the intersection of Waterloo Road/Lane Cove Road.

   The G-turn
   A G-turn scenario around the intersection of Lane Cove Road/Waterloo Road, has the potential to reduce delay and improve traffic efficiency. A G-turn area treatment will require the following upgrades to be executed concurrently:

   - *Removal of the dual right turn on Lane Cove Road on the southern approach to Waterloo Road east.*
   - *All vehicles wishing to head east onto Waterloo Road from Lane Cove Road will be re-directed onto Giffnock Avenue and Coolinga Street.*
   - *Changes to the intersection of Giffnock Avenue and Coolinga Street are required to give priority to the new flow arrangement (G-turn). This will require the removal of some parking on Giffnock Avenue to improve sight distance, traffic flow and accessibility.*
   - *Traffic control signals are required at the intersection of Coolinga Street and Waterloo Road to facilitate all movements at this intersection.*
   - *Pedestrian crossings at the intersection of Coolinga Street and Waterloo Road are required on the western and southern side of the intersection.*
   - *Installation of a triple right turn from Waterloo Road into Lane Cove Road (South). This change will require adjustments to the signal centre and stop lines on Lane Cove Road southern approach.*
   - *The lane configuration for the western approach to the intersection of Waterloo Road and Lane Cove Road shall be:*
     - *Lane 1 shared left turn and through lane.*
     - *Lane 2 shared through and right turn lane.*
     - *Lane 3 exclusive right.*
     - *Lane 4 exclusive right.*
   - *For the above mentioned configuration the shared left turn and through lane will require changes to the pedestrian island on the north western corner of the intersection, and changes to the angle of the northern pedestrian crossing.*

   Comment – This is a matter that will need to be addressed in any further development on the site. These requirements will not affect the current

development. To ensure that the applicant is aware of this issue, it has however been included as an Advisory Condition.

6.4 State Environmental Planning Policy No. 55 – Remediation of Land

The requirements of State Planning Policy No. 55 – Remediation of Land apply to the subject site. In accordance with Clause 7 of SEPP 55, Council must consider if the land is contaminated, if it is contaminated, is it suitable for the proposed use and if it is not suitable, can it be remediated to a standard such that it will be made suitable for the proposed use.

The site has previously been used as two commercial/warehouse buildings and associated landscaping and is unlikely to be contaminated. However appropriate conditions of consent have been imposed to require the applicant to submit a detailed investigation report for the site prior to the issue of a Construction Certificate and appropriate remediation measures to occur if there is any issue. (See conditions 41 to 43).

6.5 Deemed SEPP Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Deemed SEPP Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 applies to the subject site and has been considered in this assessment.

The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the above planning instrument. However, the site is not located on the foreshore or adjacent to the waterway and it is not a heritage item and therefore, with the exception of the objective of improved water quality, the objectives of the planning instrument are not applicable to the proposed development. The objective of improved water quality is satisfied through compliance with the provisions of Part 8.2 of DCP 2010. The proposed development raises no other issues and otherwise satisfies the aims and objectives of the planning instrument.

6.6 Ryde Local Environmental Plan 2010

The following is an assessment of the proposed development against the applicable provisions from the Ryde Local Environmental Plan 2010.

Clause 2.3 Zone Objectives and Land Use Table

The site is zoned B3 Commercial Core under the provisions of the LEP 2010. The development is permitted in this zoning.

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within that zone. The objectives for the B3 Commercial Core zone are as follows:

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To ensure the zone is characterised by high-quality well-designed buildings that enhance and encourage a safe environment.
- To encourage industries involved in scientific research and development.

As demonstrated in the assessment, the proposed development satisfies the zone objectives.

Clause 2.6A Demolition Requires Consent

The demolition of a building or work may be carried out only with consent. As part of this LDA, consent is sought to demolish the existing building at 63-65 Waterloo Road and the rear portion of the building at 67-71 Waterloo Road.

Appropriate conditions of consent have been imposed to ensure minimal impacts as a result of the demolition of these buildings. (See condition numbers 74 to 80). No objection is raised to this aspect of the development.

Clause 4.3 Heights of Buildings

The height of a building on any land is not to exceed the maximum height of 30 metres.

Building height is defined in this planning instrument as meaning the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

The amended plans have reduced the height of both buildings. The serviced apartment building complies with the height control. The commercial building fails to comply with the height control in respect of the plant enclosure. There is a breach along the front and rear elevation of the plant enclosure as well as the south eastern side elevation of the plant enclosure. The breach ranges from 1 to 2 metres and is demonstrated by the following plans.

Figure 6: North East Elevation. The red line demonstrates the LEP maximum height of 30 metres.

Figure 7: South East Elevation. The red line demonstrates the LEP maximum height of 30 metres.

Clause 4.6 of LEP 2010 allows exceptions to development standards. Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard. The consent authority must be satisfied that the applicant's written request has satisfied the above criteria and that the proposed development will be in the public interest as it is consistent with the zone objectives as well as the objectives of the particular development standard. In addition, consent cannot be granted unless the concurrence of the Director-General has been obtained. These matters are discussed below.

1. <u>Written request provided by the applicant.</u>

The applicant has provided a written request seeking to justify the variation to the development standard in Section 4.1 of the Statement of Environmental Effects prepared by Architectus Group Pty Ltd.

2. Whether compliance with the development standard would be unreasonable or unnecessary in the circumstances of the case.

The non compliance only occurs for a small section of the building being part of the plant room on the commercial building. This variation is mostly due to the slope of the site rather than the development trying to maximise building height and number of storeys.

As demonstrated below, the development will not result in any adverse impacts to the amenity of the adjoining properties or public domain areas. In addition, the non-compliance will not adversely contribute to the bulk and scale of the building. The development is also consistent with the zone objectives and height objectives.

In these circumstances, compliance with the development standard would be unreasonable and unnecessary.

3. Environmental grounds to justifying contravening the development standard.

The environmental reasons given by the applicant for the variation can be summarised as follows:

- Bulk and Scale. The building height variation does not result in a significant increase in the bulk and scale of the development.
- Overshadowing and solar access. The development will not result in additional overshadowing to adjoining properties. This is due to the non compliance being confined to the middle of the development and the breach being numerically small.
- Aesthetics. The additional height results in the buildings having a consistent maximum height level and avoids the need to step the buildings down.

Despite the breach of the control, the development does not result in unacceptable impacts on the environment.

4. Consistent with the zone objectives and objectives of the development standard.

The zone objectives have already been identified in an earlier section of the report. As previously concluded, the development complies with the objectives of the zone.

The objectives of the height clause are discussed below:

(a) *To maintain desired character and proportions of a street within areas.* This development proposes to incorporate two additional roads which will form part of the road network for the Macquarie Park Corridor. The breach of the building height control will only be visible from Road 1 or the north east elevation. This is demonstrated by figure 6 above. The non compliance only occurs for a small section of the building and it contributes to the articulation along this street frontage. The breach is unlikely to have any impact on the desired character or proportions of Road 1.

(b) To minimise overshadowing and ensure a desired level of solar access to all properties. The non compliance will not contribute to any additional overshadowing to any adjoining property. This is due to the non compliance being located in the centre of the development as well as the breach being numerically small.

(c) *To enable the built form in denser areas to create spatial systems that relate to human scale and topography.* The non compliance in terms of the height of the building will not affect how the development relates to the human scale and topography of the site. The development relates to the human scale by providing various design elements including active frontages to the ground floor, building overhangs, awnings and a podium level.

(d) To enable focal points to be created that relate to infrastructure such as train stations or large vehicular intersections. This objective is not considered to be applicable to the development as the site is in adjacent to either a train station or large vehicular intersection.

(e) To reinforce important road frontages of Waterloo Road and Lane Cove Road. The development will not have any impact on the road frontages of Waterloo Road or Lane Cove Road. It is intended to redevelopment the frontage of the site adjacent to Waterloo Road at some stage in the future and the applicant has provided a Masterplan which demonstrates how this is to be achieved. This Masterplan however relies on the planning controls for Macquarie Park being amended in light of what Council's Officers have envisaged in the preparation of draft planning controls.

(f) To provide effective control over the scale and bulk of future development. The variation to the height control will have minimal impact to the bulk or scale of the buildings.

The development is consistent with the zone objectives as well as the height objectives.

5. Concurrence of the Director General.

Circular PS 08-003 issued on 9 may 2008 informed Council that it may assume the Director-Generals concurrence for exceptions to development standards.

Conclusion

Despite the non-compliance with the height control, the development satisfies the criteria outlined in clause 4.6 and the variation is acceptable.

Clause 4.4 Floor Space Ratio

The floor space ratio of a building is not to exceed the maximum floor space ratio as specified on the Floor Space Ratio Map. The floor space ratio map identifies the site as having a part 1:1 and part 2:1 floor space ratio.

Based on the above, the site may accommodate a maximum permitted floor space of 26346.6m^2. The development has proposed a gross floor area of 20,654m^2. Combining this with the floor area of the existing building (3,390m^2) results in a total floor space of 24,044m^2 or 1.22:1. The development does not exceed the maximum permitted floor space ratio.

Clause 4.4B specifies that the consent authority may consent to development that results in a floor space ratio in excess of the permitted floor space ratio if the land contains part of the proposed access network and the excess floor space does not exceed the equivalent of the site area provided for the portion of the access network shown in relation to the land. This site does contain 2 roads that are part of the access network. However at this stage, it is not intended to dedicate these roads to Council. Any approval would be conditioned to include a right of way to be granted over these roads to ensure the public use of the roads. (See condition number 112). The applicant has advised that the roads would be dedicated with any future stage. At this later stage, the bonus in terms of floor space will be considered.

This development application complies with the maximum floor space ratio without having to consider the provisions of Clause 4.4B.

Clause 4.5E Macquarie Park Corridor

Off Street Parking

Subclause (1) identifies that the maximum off-street parking spaces for commercial and industrial development in the Macquarie Park Corridor are those shown on the appropriate map. This site is identified as having 3 parking zones. For the purposes of determining an off street parking rate for across the entire site, the applicant has taken an average of the above figures resulting in 1 space per 65m^2 of gross floor area. This approach is considered reasonable given that each parking zone traverses approximately one third of the site and that ultimately the future stages of the development will incorporate an extension of the basement car park proposed as part of this LDA.

The commercial development has proposed a gross floor area of 11828.6m^2. This results in 182 car parking spaces being required. These spaces are proposed within the basement car park.

The development also includes serviced apartments and retail development. This clause is not applicable to this aspect of the development and car parking for these components must be determined by the Council's Car Parking Policy. This aspect has been discussed further in the report.

The existing building will contain approximately 3,390m^2 of floor space. 60 car parking spaces will be retained on the site for the use of this building. This equates to a rate of 1 space per 56.5m^2. Although this exceeds the rate established for the rest of the site, this is considered acceptable as this is an existing building rather than a new building and it reflects the requirements of the existing building.

The development will not exceed the maximum car parking rate specified under the LEP. As the site is well served by existing bus routes and is within easy walking distance to Macquarie Park railway station, the development also satisfies the objectives of the control.

Serviced Apartments in Zone B3 Commercial Core

The consent authority must not consent to the carrying out of development on land zoned B3 for the purposes of serviced apartments unless:

(a) The development comprises at least 2 self contained dwellings – The development contains 154 apartments each of which are considered to be self contained dwellings.

(b) All dwellings are on the same lot – Subdivision is not proposed as part of this development. The development satisfies this requirement.

(c) The development includes private or communal facilities that the consent authority is satisfied are adequate size and amenity, such as laundry, guest reception area, waiting area and external open space – The development incorporates a gym, reception and foyer area, luggage store area, conference rooms and café. In addition, each apartment provides a separate sleeping area and living area. These facilities will provide adequate amenity for the future occupants of the building.

(d) The building that is to contain the dwellings is not a boarding house, hospital or hotel or motel accommodation – The development is defined as a serviced apartment. This means *a building or part of a building providing self-contained tourist and visitor accommodation that is regularly serviced or cleaned by the owner or Manager of the building or part of the building or the owner's or Manager's agents.* Due to the provision of the kitchen in each apartment the development does not fall into the category of hotel or motel accommodation. As the accommodation is intended for short term stays, it does not fall into the category of boarding house. As no professional health care services are proposed, the development is not defined as a hospital.

The development complies with the requirements of Clause 4.5E.

Retail Activities in Zone B3 Commercial Core

Development for the purposes of retail premises must not be carried out in Zone B3 in the Macquarie Park Corridor unless the premises are located on the ground floor level of a building and do not exceed 2000m^2 in floor space.

The retail floor space is located on the ground floor and will have an area of 759.5m^2 of floor space. The development complies with this requirement.

Clause 6.1 Acid Sulphate Soils

The site is not identified on the Acid Sulfate Soils Map. This clause is not applicable to the development.

Clause 6.2 Earthworks

Development consent is required for the earthworks associated with the development. Before granting consent for earthworks the consent authority must consider the following matters:

- The likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,
- The effect of the proposed development on the likely future use or redevelopment of the land,
- The quality of the fill or the soil to be excavated, or both,
- The effect of the proposed development on the existing and likely amenity of adjoining properties,
- The source of any fill material and the destination of any excavated material,
- The likelihood of disturbing relics,
- Proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

The proposed development includes excavation for a 3 level basement car park. Council's Development Engineer requires that a number of conditions be included in the consent to address engineering issues such as a sediment and erosion control plan to be submitted prior to the issue of a construction certificate.

The site is not known to contain any relics or any other item of heritage significance.

The development is considered satisfactory in respect of this clause.

Clause 6.6 Macquarie Park Corridor Objectives

The consent authority must not grant consent for development on the land to which this clause applies unless it has considered whether the proposed development is consistent with the following objectives:

- To promote the corridor as a premium location for globally competitive businesses with strong links to the Macquarie University and research institutions and an enhanced sense of identity,
- To implement the State Government's strategic objectives of integrating land use and transport, reducing car dependency and creating opportunities for employment in areas supported by public transport,
- To guide the quality of future development in the corridor,
- To ensure that the corridor is characterised by a high-quality, well-designed and safe environment that reflects the natural setting, with three accessible and vibrant railway station areas providing focal points,

- To ensure that residential and business areas are better integrated and an improved lifestyle is created for all those who live, work and study in the area.

The development satisfies the above objectives.

6.6 City of Ryde DCP 2010

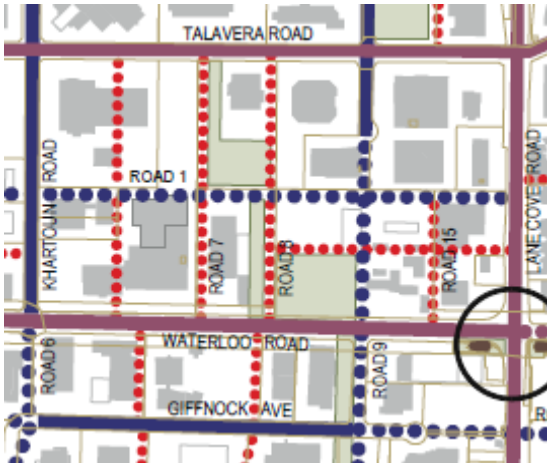
Council adopted City of Ryde DCP 2010 on 16 June 2009 and its provisions became effective on 30 June 2010. The following sections of DCP 2010 are relevant to the proposed development:

Part 4.5 of DCP 2010 – Macquarie Park Corridor

This part of the DCP provides a framework to guide future development in the Macquarie Park Corridor, North Ryde. The DCP specifies built form controls for all development within the Corridor and sets in place urban design guidelines to achieve the vision for Macquarie Park as a vibrant community, as a place to live, work and visit.

The DCP is divided into four sections. The first section is the structure plan and this sets out the broad framework for development within the Macquarie Park Corridor. The second section deals with special precincts and provides character statements, objectives and development controls for the areas. This section is not relevant to the current development as it is not located within a special precinct. The third section of the DCP deals with controls applicable for the public domain. The final section contains controls in respect to the siting and planning design. The following table demonstrates the proposals compliance with these requirements.

Control	Comments
s3.0 – Structure Plan	
Street Network 1. Provide new public streets as shown in the Street Network Structure Plan. 2. New streets are to be dedicated to Council. 3. All major development shall utilise the Macquarie Park Integrated Traffic and Movement Study.	The DCP has identified three roads on the site. The first road is identified as Road 1 which is a type 2 road and is located on the rear boundary within the subject site. The other two roads are both type 3 roads known as Road 7 and Road 8. These roads are located along the western and eastern site boundaries respectively. The applicant does not intend to construct Road 7 along the western boundary. Road 8 and road 1 will however be constructed in its entirety on the subject site. The location of the roads is inconsistent with the DCP in respect of Road 7. It should be noted that the DCP provides different locations to the LEP in

Control	Comments
 Figure 8. Extract from the DCP Structure Plan.  Photo 5. This photo demonstrates the difficulties in constructing Road 7 on the subject site.	respect of the roads. The LEP identifies a half a road along the western boundary, no road along the rear boundary, a small road through the site and a park along the eastern boundary. This is demonstrated on figure 9.  Figure 9. Extract from the LEP 2010 Maps. Given the inconsistencies between the two planning instruments, the road network as proposed in this LDA will provide an appropriate compromise as well as providing a vital piece of the road network as identified in the DCP. It should be noted that due to the topography along the western boundary as demonstrated in photo 5 as well as the topography of the adjoining site, the provision of Road 7 in the location as shown by the DCP would be difficult to achieve. The position of the roads has also been supported by the Manager Access and Team Leader Strategic Planning. These roads are not proposed to be dedicated to Council. For this stage of the development the applicant does not need to rely on the bonus floor space that can be achieved by providing the dedication of the roads. The applicant has advised that it is intended that the roads would be dedicated in any future stage of the redevelopment of the site. To ensure that these roads are available to the public, a condition of consent will be imposed to

Control	Comments
	require a ROW to be created over the roads. (See condition number 112).
Open Space Network 1. Provide public open space as shown in Figure 4.5.06 Open Space Network. 2. Refer to s5.1 for detailed information regarding the design requirements for each park. 3. Parks are to be in public ownership.	The DCP identifies a 14m wide strip of land located adjacent to Road 8 as proposed open space. This is demonstrated in Figure 8. The intent of the DCP is to provide a series of linear parks connecting the northern and southern edges of Central Park as well as providing pedestrian connections. The DCP intents for this area to be publicly owned open space and the space to provide a deep soil zone to establish large street trees and parkland trees. The development does not propose any land which would be publicly owned as open space in stage 1. The development has proposed an area of land alongside Road 8 that will be hard paved as well as incorporating the provision of trees. This space will have a width of 13.4 metres. The serviced apartment building from level 2 and above will cantilever over this space. The width will not achieve the required 14 metres due to the width of Road 8 being increased to comply with the requirements of the Public Domain Technical Manual. As the space is located adjacent to a street, the reduced width will be difficult to identify. Although being hard paved and the space remaining in the ownership of the owner, the space will still provide the required pedestrian connections across the site. This arrangement has been supported by Council's City Landscape Architect as well as Team Leader – Strategic Planning. It is proposed to include a condition on the consent that will ensure tis space is maintained predominantly for pedestrian access. (See condition number 138).
Built Form Network 1. Buildings are to be designed in accordance with s6.0.	This matter has been discussed future in the assessment report and the development is considered to satisfy these requirements.
s5.0 – Public Domain	

Control	Comments
5.1 – Streets	
Type 2 streets 1. Typically 20.4m road reserve to Council satisfaction. 2. New streets: provide new Type 2 streets where shown in Figure 4.5.44 & 4.5.56 of the Plan. 3. Secondary streets are typically defined by Landscaped street setbacks. Tree planting in landscape setbacks are to comply with the Street Tree Planting Key Plan in the Macquarie Park Public Domain Technical Manual. 4. Lighting, paving, street furniture and street planting are to be provided as required in the Macquarie Park Public Domain Technical Manual.	Road 1 is identified as a type 2 road. The applicant has provided a plan which demonstrates the road configuration and tree planting in accordance with the Public Domain Technical Manual. This plan shows lighting but does not include details of other street furniture or the paving type or trees to be provided. It is proposed to include a condition to require full details prior to the issue of any construction certificate. These plans identify that the footpath adjacent to the rear boundary will be constructed at a future stage when the levels of the adjoining site permits. As the footpath is located entirely on the subject site and a footpath on both sides of the road is in accordance with Council's requirements, there is no reason why this should not be constructed with the rest of the road. A condition of consent will be imposed to require this to occur when the rest of the road is constructed.
Type 3 streets 1. Typically 15.5m road reserve to Council satisfaction. 2. New streets: provide new Type 2 streets where shown in Figure 4.5.44 & 4.5.56 of the Plan. 3. Secondary streets are typically defined by Landscaped street setbacks. Tree planting in landscape setbacks are to comply with the Street Tree Planting Key Plan in the Macquarie Park Public Domain Technical Manual. 4. Lighting, paving, street furniture and street planting are to be provided as required in the Macquarie Park Public Domain Technical Manual.	Road 8 is identified as a type 3 road. The amended plan has ensured that the width of this road is consistent with the Public Domain Technical Manual. The applicant has provided a plan which demonstrates the road configuration and tree planting in accordance with the Public Domain Technical Manual. This plan shows lighting but does not include details of other street furniture or the paving type or trees to be provided. It is proposed to include a condition to require full details prior to the issue of any construction certificate. These plans identify that the footpath adjacent to the side boundary will be constructed at a future stage when the levels of the adjoining site permits. As the footpath is located entirely on the subject site and a footpath on both sides of the

Control	Comments
	road is in accordance with Council's requirements, there is no reason why this should not be constructed with the rest of the road. A condition of consent will be imposed to require this to occur when the rest of the road is constructed.
5.3 – General Public Domain Controls	
Cycle Strategy 1. Provide dedicated cycle access in accordance with Ryde Bicycle Strategy & Master Plan 2007. 2. Provide cycle/pedestrian paths as shown in Figure 4.5.78 of the Plan. 3. Provide lockable bicycle storage and end-of-trip facilities at train stations and within development.	Proposed Roads 1 and 8 are identified as a local bike route. The layout of these roads is in accordance with the Public Domain Technical Manual and the traffic lane will accommodate bicycles. The development has incorporated bicycle storage for 62 bikes as well as change rooms and showers for tenants of the commercial building. These facilities are located on the ground floor of the development. Bicycle parking for 16 bikes will also be provided adjacent to Road 1 in front of the serviced apartments building. The development complies with the requirements of this clause.
Street Furniture 1. Design and build streets in accordance with the details provided in the Macquarie Park Public Domain Technical Manual. 2. Utilise paving materials, furniture and lighting standards as identified in the Macquarie Park Public Domain Technical Manual.	A condition of consent will be imposed to require the street furniture to be provided in accordance with the Public Domain Technical Manual. (See condition number 40).
Street Tree & Front Setback Tree Planting 1. Street trees and front setback must be provided in accordance with the Street Tree Key Plan in the Macquarie Park Public Domain Technical Manual, and their health guaranteed for a minimum of 5 years.	The applicant has provided a plan that demonstrates the road layout. This plan has proposed two types of trees along the roads. The tree species is not in accordance with the Public Domain Technical Manual. A condition of consent will be imposed to require the tree species to be amended to reflect Council's requirements. (See condition number 39).
Community Facilities 1. Community facilities are to be provided as required by the Ryde City Council's Section 94 Plan.	Any development consent would include a condition requiring the payment of Section 94 Contributions. Part of this contribution will be towards the provision of community facilities.
Public Art	A public art plan has not been submitted

Control	Comments
1. Public art must be included in all new development on sites over 15,000sqm.	with this development application. The applicant has provided a letter which has confirmed the intent of the applicant to provide such a plan prior to the issue of a Construction Certificate. Conditions of consent will be imposed to require this plan to be submitted for approval by Council prior to the issue of the Construction Certificate. (See condition number 54).
Implementation – infrastructure, facilities and public domain improvements 1. Public land such as the road verge adjoining a development site is to be embellished and dedicated to Council as part of any new development. 2. The Access network being the roads and open space is to be dedicated to Council as part of a new development is to conform with LEP 2010 – Macquarie Park Corridor – Access Network. 3. Council may consider granting consent to a development where the building height and fsr are in excess of the control if: • The development provides a community benefit such as works in kind, monetary contribution, development agreement, VPA. • The additional height and fsr proposed does not exceed the controls shown on the Centres Map – Macquarie Park Corridor Incentive Height of Buildings Map and the Macquarie Park Corridor Incentive FSR map. 4. New community and public domain space, roads, pedestrian ways and infrastructure, shall be dedicated to Council. Where this is not practicable, easements and rights of ways may be created.	The roads and road verges will be in accordance with Council's requirements as already discussed. These roads however will not be dedicated to Council as part of this stage. A condition of consent will however ensure public access over these spaces. (See condition number 112). As demonstrated earlier in the report, the development complies with the required floor space ratio. There is a minor variation to the overall height of the commercial building as already discussed. This variation however is numerically small and has been considered on its merits rather than requiring any bonuses that may be permitted under this control.

Control	Comments
s6.0 – Site & Building Design	
6.1 – General Built Form Controls	
Height Controls 1. Building heights are to comply with the RPSO and Ryde LEP 2008, Amendment 1.	This issue has already been addressed in the report.
Floor Space Ratio Controls 1. Floor space ratios are to comply with the RPSO and Ryde LEP 2008, Amendment 1.	This issue has already been addressed in the report.
Site Planning & Staging 1. Sites are to be planned to allow for the future provision of new streets and open spaces in accordance with Ryde LEP 2008 Amendment 1 – Access Network. 2. Buildings are to be sited to address existing and new frontages in the following order of precedence: a) Primary frontages: These are located along existing streets (typically Type 1 or 2 streets). b) Secondary frontages: these are generally existing, or new Type 2 or 3 streets.	The development has been designed to front both new roads. Road 8 is identified as a secondary frontage. The retail floor space located beneath the podium will address this street. Road 1 is identified as a staged development frontage. As this road is a type 2 road it ideally should be treated as a primary frontage. The entrance to the serviced apartments and office building is proposed on this frontage. As part of the amended development the entry to the office building has been enlarged which will assist in the identification of this entrance. These entries will contribute to the development addressing the primary frontage which is Road 1. The commercial building also incorporates access to a loading dock and screening of the internal substation room from the primary frontage. These features detract from the primary frontage however are necessary as this frontage is also intended to be the 'back of shop'.
Street Setbacks & Built-To Lines 1. Minimum setbacks and build-to lines must be provided as shown in Figure 4.5.83 of the DCP. a) Where minimum setbacks are shown, buildings may setback further from the street according to specific site conditions. 2. Underground parking is not permitted to encroach into the setback areas unless it can be demonstrated that	The development is required to provide a 5m setback to the new park alongside Road 8 as well as Road 1 and Road 7. As Road 7 is not being provided, the 5m setback is required to be measured from the side boundary. No underground car parking is proposed within this setback however there is a plant room which is below ground level. There is also a balcony on levels 2 to 8 of the commercial

Control	Comments
the basement is designed to support significant mature trees and deep root planting. 3. Awnings, canopies, balconies, sun shading and screening elements can project forward of the street setback line. 4. <u>5m setbacks</u> 60% of the street setback area is to be soft landscaping. Existing mature trees are to be retained where possible. Paved areas are to relate to the materials and finishes of the adjacent streetscape. At grade car parking must not be located within this setback.	building that projects over this setback area. The balcony is permitted within this setback. The development complies with the setback requirements for the western side boundary. The required setback has been provided adjacent to new road 1. The commercial building does provide a balcony and sun shading lourves that extend within the required setback. This however is permitted by the control. In terms of Road 8, the ground floor of the development has been setback 17.75m from the road. This setback is to reflect the intended open space that the DCP requires adjacent to Road 8. As detailed previously this space is intended to be more 'urban' rather than soft planting and will not be dedicated to Council. The setback is considered adequate to encourage pedestrian use of the area. The upper floors of the serviced apartments will cantilever over this space and this part of the building will be setback 4.495m from the road. The applicant has sought a variation to the 5m setback as a result of the need to achieve the required road width. Given that this part of the building is cantilevered over the open space area and the ground and first floor achieves the required setback, this setback will not be readily noticeable. No objection is raised to this variation. No at grade car parking or underground parking is proposed within this area.
Side & Rear Setbacks 1. Buildings are to be setback 10m from a rear and 5m from a side site boundary.	This clause is not relevant given that the site is surrounded by road network.
Building Separation 1. Provide a minimum 20m separation between buildings facing each other within a site. 2. Provide a minimum 10m separation between buildings perpendicular to	This clause is not considered relevant to the new buildings to be erected on the site as the buildings are attached. The existing building on the site will be separated by a minimum of 22.5m from the new buildings.

Control	Comments
each other within a site. This reduced building separation control only applies where the width of the facing facades do not exceed 20m.	
Building Bulk 1. All buildings must comply with Section 6.1.15 of the DCP (Environmental Performance). 2. The floor plate of buildings above 8 storeys is not to exceed 2000sqm unless it can be demonstrated that slender building forms are achieved through courtyards, atria, articulation or architectural devices. 3. Buildings over 8 storeys are to be slender in form. 4. The preferred distance of any point on a habited floor from a source of natural daylight is 12m.	This clause is not relevant as each building is 8 storeys in height. However, each of the buildings satisfy the requirements of this clause. The serviced apartments building will have a maximum floor plate area of 1084.2m^2 and the width of the building is 21m. This width ensures a slender form as well as each apartment having access to natural daylight. The commercial building will have a floor plate of 1659.3m^2 and the majority of the building has a width of 24.8m. This width will ensure access to natural daylight is maximised.
Site Coverage & Deep Soil Areas 1. A minimum 20% of a site must be provided as deep soil area. 2. Deep soil must be at least 2m deep.	Due to one of the existing buildings on the site being demolished, the site will be able to comply with the deep soil areas. This development will result in approximately 30% of the site being deep soil areas.
Building Articulation 1. Facades are to be composed with an appropriate scale, rhythm and proportion, which respond to the building use and the desired character by: a) Defining a base, middle and top related to the overall proportion of the building. b) Expressing key datum lines in the context using cornices, a change in materials or building setback. c) Expressing the internal layout of the building, for example, vertical bays or its structure, such as party wall divisions. d) Expressing the variation in floor to floor height, particularly at the lower levels. e) Articulating building entries with awnings, porticos, recesses, blade walls and projecting bays.	The facades of the buildings have already been considered by Council's Urban Design Review Panel. The Panel supported the design strategy for the façade design however recommended refinement of the serviced apartments building. The Panel were concerned that the strong vertical lines expressed in the façade tended to overpower the composition of the building and accentuate the flat silhouette of the roof line. The Panel requested greater expression of the horizontal elements in the façade and capturing the tops of the verticals in a terminating element. The amended plan submitted on 13 July 2011 achieves this requirement and ensures that the buildings provide a base, middle and top. The development has articulated the building entries by the use of an awning on the serviced apartments building and setting the entry back on the commercial

Control	Comments
f) Incorporating architectural features which give human scale to the design of the building at street level. These can include entrance porches, awnings, pergolas and fences using recessed balconies and deep windows to create articulation and define shadows thereby adding visual depth to the façade. 2. Façade design is to reflect and respond to the orientation of the site using elements such as sun shading and environmental controls where appropriate. 3. Building services such as roof plant and parking ventilation are to be coordinated and integrated with the overall façade and building design, and screened from view. Roof forms, building services and screening elements are to occur within the overall height control. 4. Ventilation louvers and car park entry doors are to be coordinated with the overall façade design.	building and cantilevering the building over this entry area. These features also give a human scale to the buildings as viewed from street level. The roof plant has been integrated with the overall façade and building design. This feature will be setback from the street elevations and will contribute to the articulation of the two buildings.
Ceiling Heights 1. Maximum ceiling heights are to be provided as follows: Minimum dimensions are measured from finished floor level to finished ceiling level: • Ground level – 3.6m • Upper levels – 2.7m 2. Upper levels which are predominantly plant or parking may vary the minimum floor to ceiling height.	The serviced apartments building has proposed the following ceiling heights: Ground floor – 4.5m Levels 1 to 8 – 2.7m The commercial building has proposed the following ceiling heights: Ground floor – 4.5m Levels 1 to 7 – 3.3m. The development complies with the DCP requirements.
Active Frontages 1. Continuous ground level active uses must be provided where primary active frontages are shown in figure 4.5.94 of the DCP. 2. Active ground level uses are encouraged where secondary active frontages are shown in figure 4.5.94.	The site is not identified as having a primary or secondary active frontage on the appropriate figure. Accordingly, this requirement is not applicable to the development. Despite this, the development has incorporated active frontages along the two new road frontages.

Control	Comments
Awnings & Canopies 1. Continuous awnings must be provided where primary active frontages are shown in Figure 4.5.94 of the DCP. Entry canopies and discontinuous awnings and entry canopies are permitted elsewhere in the corridor. 2. Entry canopies and discontinued awnings may be provided to building entries not located along active frontages. 3. Entry canopies may be glazed or solid, and are to be coordinated with the overall façade design.	The development is not required to provide a continuous awning. An entry canopy is provided over the entrance to the serviced apartments. This entry canopy has been coordinated with the overall facade design. An awning has not been provided on the commercial building however the pedestrian entry has been setback and the upper levels will overhang the entry. This not only adds to the articulation to the building, but it has the same effect of an awning or entry canopy on the building.
Topography & Building Interface 1. Level changes across sites are to be resolved within the building footprint. 2. Where buildings are setback from the street boundary, entries are to be provided at street level wherever possible. 3. An accessible path of travel is to be provided from the street through the main entry door of all buildings. 4. Where necessary, stairs and ramps are to be integrated with the landscape design of front setbacks. 5. Publicly accessible open spaces under private ownership must be provided at footpath level.	The development has incorporated level changes within the footprint of the building. All pedestrian entries are provided at street level and an accessible path of travel is provided throughout the building. The development has provided access to the podium via either each building or from the outdoor area adjacent to Road 8. This access is either via stairs or a lift. The development complies with this requirement.
Advertising Signage 1. Signage shall comply with Part 9.1 of the DCP.	Signage is not included as part of this development application. The serviced apartments building has included an area on the north east and south west elevation for signage, however as no other details have been provided, it is not possible to undertake an assessment of this signage. A condition of consent will be imposed advising that no approval has been granted for any signage. (See condition number 4).
Environmental Performance 1. Commercial development is required to achieve a 4 Star Green Star Certified Rating.	The commercial building will achieve a minimum Green Star rating of 4 Stars and a minimum 4.5 Star NABERS rating. The serviced apartments building is not subject to BASIX requirements. This building has

Control	Comments
2. Development is required to comply with Section 6.1.7 of the DCP (Building Bulk).	been designed to achieve a NABERS Hotel rating of 4.0 Stars. An ESD report has been prepared which verifies how each building will achieve these ratings. A condition of consent will be imposed to ensure that each building achieves these requirements. (See condition number 31).
Wind Impact 1. Buildings shall not create uncomfortable of unsafe wind conditions in the public domain which exceeds the Acceptable Criteria for Environmental Wind conditions. 2. Al applications for buildings over 5 storeys in height shall be accompanied with a wind environment statement. For buildings over 9 storeys and for any other building which may be considered as exposed building shall be accompanied by a wind tunnel study report.	The application has been accompanied by a wind environment statement. This report has concluded that the wind conditions for all outdoor trafficable areas of the development are expected to be suitable for their intended uses subject to the recommendations of the report being adopted. These recommendations include the use of planting on the ground floor near the retail space. The landscape plan has incorporated these recommendations. This report has also concluded that the development is not expected to have any adverse effect onto the local area.
Noise & Vibration 1. An Acoustic Impact Assessment report prepared by a suitably qualified acoustic consultant is required to be submitted with all development applications for commercial, industrial, retail and community buildings, with the exception of applications minor building alterations. 2. Development is to comply with all relevant statutory regulations.	An Acoustic Report has not been submitted with the development application. The issue of noise and vibration was considered by NSW Transport RailCorp. It is intended to include a condition on the consent to require the submission of an acoustic assessment prior to the issue of a Construction Certificate. This assessment would be required to demonstrate how the development will comply with the Department of Planning's document titled "development Near Rail Corridors and Busy Roads – Interim Guidelines". (See condition number 44).
6.2 – Private & Communal Open Space	
Landscaping & Communal Courtyards 1. A minimum 30% of the developable area of the site is to be provided as Landscaped Area. 2. Solar access to communal open spaces is to be maximised. Communal courtyards must receive a minimum of 3 hours direct sunlight between 9am and 3pm on 21 June.	At least 30% of the site has been provided as landscaped area. In addition to the landscaped area, the development also provides a large podium that is accessed from the commercial building and the open space area adjacent to Road 8. The podium incorporates landscaped areas that will contribute to the useability of this space as well as providing shading during

Control	Comments
3. Appropriate shading is to be provided so that communal spaces are useable during summer. 4. Communal open spaces are to incorporate the primary deep soil area where possible. The landscaping of courtyard spaces is to provide for the growth of mid to large sized trees. 5. Landscaped areas are to incorporate trees, shrubs and ground covers endemic to the area where appropriate. 6. Landscaping is to contribute to water efficiency and effective stormwater management. A minimum 30% of the developable area of the site is to be provided as Landscaped Area.	summer. The landscaped area will incorporate a variety of trees and shrubs in planter boxes. A condition of consent will be imposed to require a detailed landscape plan to be submitted with a construction certificate. (See condition number 39).
Pedestrian Through-Site Links 1. Pedestrian through site links must be provided: a) Where Pedestrian Access Corridors are shown in the Ryde LEP 2008 Amendment 1 – Access Plan. 2. Provide access in accordance with Part 9.2 of this DCP Access for People with Disabilities.	The site is not required to provide any pedestrian through site links. The development has incorporated access in accordance with Part 9.2 of DCP – Access for People with Disabilities.
Planting on Structures 1. Provide optimum conditions for plant growth by providing appropriate irrigation and drainage methods. 2. Design planters to provide the largest possible volume of soil in accordance with recommended standards.	Raised planter boxes will be provided on the podium and the setback area adjacent to Road 8. The depth of these planter boxes will be adequate to allow planting.
6.3 – Services & Site Management	
Floodplain Management 1. All stormwater leaving the site, at any time, up to a 1-in-20 year stormwater event, is treated/filtered in accordance with ANZECC Guidelines for Urban Stormwater management. 2. Development must not increase peak stormwater flows for rainfall events of up to 1-in-2 year storm.	The development application has been assessed by Council's Engineers and has been found to be satisfactory.

Control	Comments
Stormwater Drainage 1. Development shall comply with the requirements outlined in the Stormwater Drainage Section of the DCP and is to provide a stormwater drainage system in accordance with the "major/minor" system concept set out in Australian Rainfall and Runoff.	The development application has been assessed by Council's Engineers and has been found to be satisfactory.
Waste Management 1. All applications for demolition and development must be accompanied by a Waste Management Plan that specifies the type of waste to be produced and the proposed arrangements for ongoing waste management, collection and disposal.	The development application was accompanied by a Waste Management Plan. This document was considered satisfactory and satisfies the provisions of this clause.
Soil Management 1. Development is to be designed and constructed to integrate with the natural topography of the site to minimum the need for excessive sediment disturbance and prevent soil loss. 2. Effective soil management and maintenance practices are to be followed to prevent soil loss.	The development has been conditioned to ensure that appropriate sediment and erosion control measures will be implemented.
Site Contamination 1. Prior to the submission of subdivision and development applications, a suitably qualified environmental engineer on behalf of the applicant is to assess whether the subject land is contaminated.	No details have been provided in respect of land contamination. The development has been conditioned to ensure that land contamination is adequately investigated prior to the issue of any Construction Certificate. (See condition numbers 41 to 43).
Site Facilities 1. Vehicular access to loading facilities is to be provided from secondary and tertiary streets where possible. 2. Rubbish and recycling areas must be provided in accordance with the DCP. These areas must: a) Be integrated with the development. b) Minimise the visibility of these facilities from the street. c) Be located away from openable	Vehicular access to the loading facilities will be provided off Road 1. Road 1 is considered to be the most appropriate frontage for the building to gain access to the loading dock given that there is the private open space adjacent to Road 8. The waste and recycling area has been integrated within the development. This area is located on the ground floor and can be accessed from each building as well as the loading dock.

Control	Comments
windows to habitable rooms. 3. Barrier free access is to be provided to all shared facilities.	
Vehicular Access 1. Vehicular access is not permitted along streets identified as 'Active Frontages'. 2. Where practicable, vehicle access is to be from secondary streets. 3. Potential pedestrian/vehicle conflict is to be minimised by: a) Limiting the width and number of vehicle access points. b) Ensuring clear site lines at pedestrian and vehicle crossings. c) Utilising traffic calming devices. d) Separating and clearly distinguishing between pedestrian and vehicular accessways. 4. The width of driveways is to be determined in accordance with the requirements of the DCP and Australian Standards.	The vehicular access is located off Road 8. This access will comply with the DCP requirements. Potential pedestrian and vehicle conflict will be minimised by the use of planting. This will limit the areas where pedestrians are able to cross the vehicular access as well as ensuring adequate sight lines for the drivers of the vehicles.
On-Site Parking 1. Safe and secure 24 hour access to car parking areas is to be provided for building users. 2. Parking areas must not be located within the front, side or rear setbacks. 3. Parking areas are to be screened from view from the street, public domain and communal open space areas, using site planning and appropriate screen planting or structures. 4. Provide safe and direct access from parking areas to building entry points. 5. Basement parking areas should be located directly under building footprints to maximise opportunities for deep soil areas unless the structure can be designed to support mature plants and deep root plants.	The development has incorporated safe and direct access from the basement car parking areas to the building entry points as well as providing 24 hour access to the car parking areas. The basement car parking will not be visible and it does not extend within the setbacks of the development.

Control	Comments
6. Along active frontages, basement parking must be located fully below the level of the footpath. 7. Basement parking should be contained wholly beneath ground level along public streets. Where this cannot be achieved due to topography, the parking level must protrude no more than 1.2m above ground level for no more than 60% of the building frontage along the public street. 8. Ventilation grills or screening devices of car park openings are to be integrated into the overall façade and landscape design of the development.	
Work Place Travel Plan (WPTP) 1. A WPTP is required for all developments that exceed 15,000sqm floor space or 300 employees.	At this stage the number of employees is not known as there is no tenant of the commercial building. Accordingly, a WPTP has not been submitted with the development application. The development application will include a condition on the consent to require the submission of the WPTP with the future tenant application. (See condition number 9).

Part 7.2 Waste Minimisation and Management

A concept waste management plan has been submitted with the development application. The information provided satisfies the requirements of this part of the DCP.

Part 8.1 Construction Activities

The main construction issues relevant to this proposal will be managing water quality by preventing soil erosion, the management of construction traffic and parking of builder's vehicles, construction noise, dust and the like.

These matters have been addressed by way of appropriate conditions of consent.

Part 8.2 Stormwater Management

Council's Development Engineer has reviewed the proposed development and advised that the stormwater design complies with the requirements of Part 8.2 of DCP 2010.

Part 9.2 Access for People with Disabilities

The DCP requires that both the commercial and serviced apartments building must be accessible to people with disabilities via a continuous accessible path of travel to and through the entrances as well as the entire ground floor being accessible. The commercial building must also be accessible in each level of the building. The Disability Discrimination Act Access to Premises Standards sets out more detailed requirements for the serviced apartments building. This document specifies the number of residential sole occupancy units that must be accessible and that access should be provided to common facilities and the entrance doorway of every unit. These aspects are discussed below:

a) Access into the development – The Morris-Goding Access Review which accompanied the development application confirms that the main entries to the ground floor lobby of both the serviced apartments building and the commercial building will provide continuous accessible paths of travel from the street into the buildings. It confirms that paths of travel and lift lobbies will provide complying widths and circulation spaces and that entry doorways will be of complying widths.

b) Access within the buildings and to their amenities – each building will contain a number of lifts that allow access from the ground floor lobby to all levels throughout the building. Access is also available from the basement parking levels to the ground floor of the buildings.

c) Serviced Apartments – The Disability Discrimination Act Access to Premises Standards requires that 7 accessible units need to be provided in this proposal. The original plans proposed 6 accessible serviced apartments whereas the amended plans provided the required 7 accessible serviced apartments.

   The Morris-Goding Access Review states that the bathrooms of the accessible units have bathrooms with circulation areas that comply with access requirements. It makes recommendations about the size of accessible rooms to ensure there is sufficient circulation space around the beds.

   It is intended to include a condition of consent to ensure that the development complies with the recommendations contained in the Morris-Goding Access Review. This will ensure that the development complies with Council's requirements. (See condition number 36).

d) Parking – Class 3 development requirements for off street parking under Council's DCP 2010 Part 9.2 stipulate the provision of at least one wide bay space for each accessible unit. As seven accessible units are required in the serviced apartment component of the proposal, 7 wide bay spaces are needed to comply with this provision.

For Class 5, 6 and 7 developments, the DCP requires 3% of parking spaces to be wide bay spaces for parking for people with a disability.

The Morris-Goding Access Review states that there are 7 accessible car bays adjacent to the serviced apartment lifts within the basement levels. A further 5 accessible parking spaces are provided on the ground floor, which appear to be designated for the commercial building. These spaces comply with the DCP requirements.

Part 9.3 Car Parking

Car parking in respect of the commercial building has been determined based on the requirements of Clause 4.5E of LEP 2010. The commercial building is required to provide a maximum of 182 car parking spaces. As this clause of the LEP does not contain any parking requirements for serviced apartments or retail spaces, it is necessary to consider Part 9.3 of DCP 2010.

Serviced apartments have not been identified as a land use in this DCP. The DCP does however contain a requirement for a hotel or motel accommodation. Given the similarities between these types of development, the car parking for the hotel and motel accommodation is considered to be appropriate to apply to a serviced apartments building. The rate for the hotel or motel accommodation is:

1 space per suite
1 space per 10m^2 of dining areas, bar area etc if such is available to the public
1 space per 2 employees.

The serviced apartments building contains a conference room as well as small café that could be available to the public. These spaces however are more likely to be facilities for persons staying in the building rather that the general public. For this reason it is not proposed to apply any parking rate to these areas.

The development contains 154 apartments. This will generate the demand for 154 parking spaces based on the above requirements.

No details have been provided in respect of likely employee numbers so it is not possible to determine this requirement.

The development has proposed a total of 154 car parking spaces for the serviced apartments building as no parking has been allocated for employees. This component of the building does not comply with the DCP requirements. Although the development does not comply, there is still adequate car parking provided on the site. Given the public transport links it is unlikely that all serviced apartments guests would use public transport.

The development also incorporates 759.5m^2 of retail floor space. Council's DCP requires 1 parking space per 25m^2. This results in the development being required to provide 30 car parking spaces. This has been achieved.

The following table demonstrates the combined car parking rates applicable for the development. As demonstrated, the development complies.

Use	Area/Yield	Council Rate	Spaces Required	Spaces Provided
Commercial	11,828.6m^2	1 space / 65m^2	182	182
Serviced Apartments	154 rooms	1 space / room	154	154
Retail	759.5m^2	1 space / 25m^2	30	30
Total			366	366

6.8 Section 94 Development Contributions Plan 2007 (Amendment 2010)

Development Contributions Plan – 2007 (2010 Amendment) allows Council to impose a monetary contribution on developments that will contribute to increased demand for services as a result of increased development density / floor area.

The contributions that are payable with respect to the increased floor area are based on the following figures being inside Macquarie Park:

- Commercial – 11,822.5m^2 gfa for the commercial building plus 8,072.8m^2 gfa for the serviced apartments building totalling 19,895.3m^2.
- Retail – 759.5m^2 gfa for the retail space.

Contribution Plan	Contributions	Total
Community and Cultural Facilities	$729,271.55	
Open Space and Recreation Facilities	$0	
Civic and Urban Improvements	$714,471.57	
Roads and Traffic Management Facilities	$765,445.72	
Transport and Accessibility Facilities	$0	
Cycleways	$98,614.81	
Stormwater Management Facilities	$89,097.05	
Plan Administration	$26,419.89	
Parking	$0	
Grand Total		**$2,423,320.59**

Notes:
- The June 2011 rates have been applied to the development. (This will need to change)
- No credit has been given for the existing floorspace.

Condition 26 requiring the payment of a Section 94 contribution has been included in the recommendation of this report which will further be indexed at the time of payment if not paid in the same quarter.

6.9 Urban Design Review Panel

Council's internal policies, requires new development applications within Macquarie Park to be considered by the Urban Design Review Panel. This occurred on 16 March 2011. The following comments were provided by the Panel.

Public Domain

The DCP anticipates 3 new roads for this site: one Type 2 street (20.4m) along the north-eastern boundary and two Type 3 streets(16.1m) along the south-eastern boundary and north-western boundaries. The proponent has provided two of the streets in the DCP as full road reserves as these are required to provide vehicle access and address in Stage 1. The new street along the north-west boundary has been assumed to be provided by the adjacent property in the future. The proponent will dedicate the roads at the completion of Stage 2.

Indicative streets sections are included in the building section drawing, but landscape architectural plans and sections are not included in the documentation. The proposed streets in this DA may be acceptable however the Panel does not have sufficient information on the street design or the surrounding sites and their future development to comment effectively. The overall coordination of new streets between properties is critical to the success of the future public domain within the Corridor. The Panel acknowledges the challenges in coordinating new infrastructure on a site by site basis and encourages Council to negotiate outcomes with proponents before the DA stage. A Corridor wide CAD drawing that documents negotiated outcomes (road locations, vertical and horizontal alignments, RL's, reserve details etc) would be a useful tool for Council as well as proponents at the Pre-DA stage.

The DCP envisages a linear park between the new street and future buildings along Road 8. The linear park is to be a public link within the broader open space network proposed for the Corridor. The proposed serviced apartment wing projects over the linear park. The space under this projection is a paved plaza for outdoor dining. The Panel acknowledge that this design approach results from 1) the proponent's desire to increase the visibility of the building from Waterloo Road in the short term and 2)the desire to retain a visual connection through to the future park to the north. The Panel does not oppose the design intent, however the Panel is concerned that this approach results in the perception of privatisation of part of the public linear park. This approach may be seen as a precedent for future negotiation of public domain elements and further compromise Council's capacity to effectively deliver the DCP vision.

Note: The issue of the road alignments and the future park have been discussed in greater detail under the DCP section of the report. Both aspects are considered to be satisfactory.

Street Frontage and Access

The proposed DA and indicative Masterplan address the two new streets with retail frontages. The commercial office wing and future buildings will have main entries to commercial lift lobbies from the internal pedestrian link/courtyard. The sloping site and location of car parking and services result in the courtyard elevated a storey above both new streets. In Stage 1 the courtyard is accessed from the north-eastern new street via a stairway; through the serviced apartments' lift lobby; or through the commercial office lift lobby along the new street. Although future access from Waterloo Road to the courtyard will be at grade, no access to the courtyard is provided from the linear park or the south-eastern new street. The Panel recommends the provision of public access from the plaza/linear park to the upper courtyard be considered in this stage to improve the relationship between the two spaces and the commercial office building.

While a sufficiently generous stairway connects to the upper courtyard and the future main lift lobby, in Stage 1 the commercial office building is primarily accessed from the entry along the north-eastern new street. This also forms the interim accessible entry. The commercial street entry is tucked behind the commercial core and overshadowed by the projecting building. The Panel recommends a refinement to the entry's location in relation to the street and its expression on the façade to improve its visibility; to enhance presence along the street; and to acknowledge its role as the main entry (in Stage 1).

The proponent has located the loading dock/service entry along the north-western edge of the site and fronting a future road on the adjacent property. Further information is required on the design of the façade for the loading dock as it will eventually have a street frontage. The Panel also recommends the provision of landscape architectural drawings that show the Stage 1 design of the space along the boundary and that also demonstrates how the design would integrate with a future road. The car park exhaust in this location should also be reconsidered and integrated into the building and/or landscape design.

Note: The amended plans have incorporated pedestrian access from the linear park to the podium courtyard area as well as improvements to the entry to the commercial building in accordance with the recommendation of the Urban Design Review Panel.

The car park exhaust vent has been relocated to the rear of the building. The landscaping plan has proposed plants that range in height between 0.8m to 1m within the 5 metre setback to loading dock. This planting will assist in softening the appearance of the building as will be viewed from any future Road 7.

Façade Design

The proposed façade design strategy seeks to address the different uses for each wing of the building and their resulting different floor to floor heights. The strategy articulates the proposed commercial core as a red volume that visually separates the two wings. This difference is further emphasised with

the horizontal expression of the commercial façade and the vertical expression of the serviced apartments.

The Panel supports this design strategy for the façade design, however recommends refinement of the serviced apartment façade. The strong vertical lines expressed in this façade tend to overpower the composition of the building and accentuate the flat silhouette of the roof line against the sky. Refinements to the façade could consider balancing this verticality with greater expression of the horizontal elements in the façade (slab edges, balustrading etc) and capturing the tops of the verticals in a terminating element, such as the framing of the balcony boxes or similar to the linear overhang at the top of the commercial wing, or another device.

Note: The applicant submitted an amended façade that achieved the above requirements on 13 July 2011.

6 LIKELY IMPACTS OF THE DEVELOPMENT

Tree Removal

The development involves the removal of 90 trees from the existing 183 trees on the site. The majority of the trees to be removed are to accommodate the new road network required by Council. The following plan demonstrates the location of the trees to be removed.

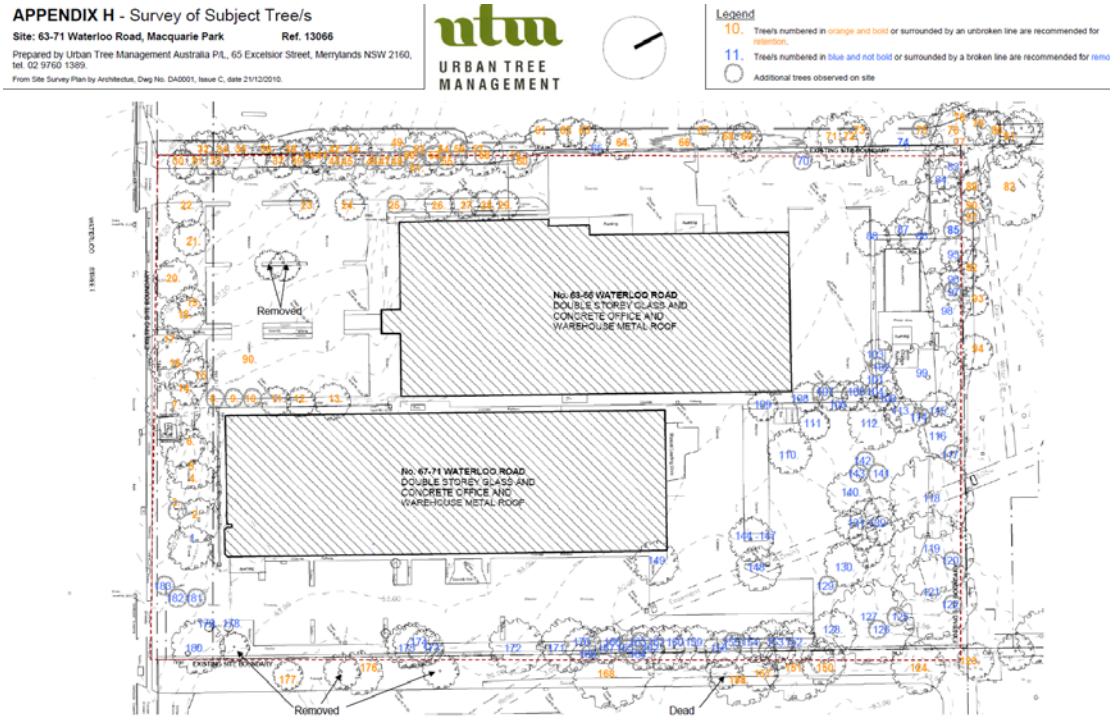


Figure 10. This plan demonstrates the trees to be removed as well as those trees to be retained. The trees indicated in blue are to be removed.

Of these trees, the majority to be removed are either Swamp She Oaks (34 trees) or Sydney Blue Gums (15 trees). The other trees to be removed are represented by diverse specimens such as Brush Box, Southern Mahogany, Swamp Paperbark and exotic specimens of Plane tree and Jacaranda. The

landscape plan for the site as well as the future road layout plan proposes to replace these plantings with 104 trees. Given that there are no endangered ecological communities on the site and the number of replacement plantings, no objection is raised to the issue of tree removal.

6 COMMENTS FROM COUNCIL DEPARTMENTS

Development Engineering – No objection subject to appropriate conditions of consent.

Traffic Engineer – No objection have been raised to the development. The RTA comments have been concurred with.

Consultant Landscape Architect – No objection has been raised to the development subject to one condition of consent requiring that the tree rentention/removal, tree protection and construction management schedule being in accordance with the reports submitted to Council. This has been included as a condition. (See condition number 73).

Infrastructure Integration –No objection has been raised to the development subject to appropriate conditions of consent. (See condition number 61).

Environmental Health Officer – No objection has been raised to the development application subject to appropriate conditions of consent.

7 COMMENTS FROM EXTERNAL AUTHORITIES

NSW Police Force – No objection has been raised to the development subject to appropriate conditions of consent. (See condition numbers 94 to 104).

7 PUBLIC NOTIFICATION AND SUBMISSIONS

The application was advertised and notified between 4 March 2010 and 31 March 2010. During this time, no submissions were received in respect of the development application.

8 CONCLUSION

The development application is recommended for approval subject to appropriate conditions of consent. The development is consistent with the zone objectives as well as the objectives for the floor space ratio, heights of buildings and car parking. The development will contribute to the future road network of Macquarie Park as well as providing significantly improved amenities for the future occupants of the building.

There are variations to several of the development controls such as building height, street network, open space network and the required setback to Road 8. However, these variations are all acceptable and do not result in any adverse impacts.

9 APPLICATION DETAILS

The applicant is Capital Corporation Pty Ltd.

The owner is Capital 63 Waterloo Pty Ltd.

The estimated value of works is $55,495,128.

No disclosures with respect to the Local Government and Planning Legislation Amendment (Political Donations) Act 2008 have been made.

10 RECOMMENDATION

Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979:

(a) That the Sydney East Region Joint Regional Planning Panel grant consent to development application LDA2011/0079 for the partial demolition of the existing buildings and construction of a mixed use development containing commercial floor space and a serviced apartments building at 63-71 Waterloo Road, Macquarie Park for a period of five years from the date on the Notice of Determination subject to the conditions of consent in Attachment 1 of this report.

Sandra Bailey
Team Leader Major Developments

Liz Coad
Manager Developments

Dominic Johnson
Group Manager – Environment and Planning

ATTACHMENT 1
PROPOSED CONDITIONS OF CONSENT

GENERAL

1. **Approved Plans.** Development is to be carried out in accordance with the following plans and support information submitted to Council.

Plan Number	Title	Drawn By
DA0000 C	Cover Sheet	Architectus Sydney
DA0003 D	Demolition Site Plan	Architectus Sydney
DA0004 A	Existing Warehouse – Site Plan	Architectus Sydney
DA0005 A	Existing Warehouse – Ground Floor	Architectus Sydney
DA0006 A	Existing Warehouse – Level 1	Architectus Sydney
DA0007 A	Existing Warehouse – Elevations	Architectus Sydney
DA0008 A	Road Setout	Architectus Sydney
DA0010 D	Site Plan	Architectus Sydney
DA0020 B	GFA – Area Plan Sheet 1	Architectus Sydney
DA0021 B	GFA – Area Plan Sheet 2	Architectus Sydney
DA0022 B	NLA – Area Plan	Architectus Sydney
DA1000 B	Basement Level 3 Plan	Architectus Sydney
DA1001 D	Basement Level 2 Plan	Architectus Sydney
DA1002 D	Basement Level 1 Plan	Architectus Sydney
DA1003 D	Ground Floor Plan	Architectus Sydney
DA1004 D	Level 1 (Podium) Plan	Architectus Sydney
DA1005 D	Level 2 Plan	Architectus Sydney
DA1006 D	Levels 3,4,6+7 Plan	Architectus Sydney
DA1006-1 A	Level 5 Plan	Architectus Sydney
DA1007 D	Plant Level Plan	Architectus Sydney
DA1008 C	Roof Level Plan	Architectus Sydney
DA2000 E	North East Elevation	Architectus Sydney
DA2001 D	North West Elevation	Architectus Sydney
DA2002 D	South East Elevation	Architectus Sydney
DA2003 E	South West Elevation	Architectus Sydney
DA2005 C	Section 1	Architectus Sydney
DA2006 D	Section 2	Architectus Sydney
DA2009 C	Bay Studios 1&2	Architectus Sydney
DA2010 B	Bay Studios 3&4	Architectus Sydney
DA2011 B	Bay Studios 5&6	Architectus Sydney
DA5000 B	External Finishes	Architectus Sydney
DA9000 E	Perspective 1	Architectus Sydney
DA9001 D	Perspective 2	Architectus Sydney
DA9002 D	Perspective 3	Architectus Sydney
LDA-001 D	Landscape Plan	Scott Carver Pty Ltd

2. **Building Code of Australia.** All building works are required to be carried out in accordance with the provisions of the Building Code of Australia.

3. **Construction Certificate Required**. Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Amendment Act, 1997 are to be complied with:

    a) A Construction Certificate is to be obtained in accordance with Section 81A (2)(a) of the Act.
    b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A (2)(b) of the Act and Form 7 of Schedule 1 to the Regulations.
    c) Council is to be notified at least two (2) days prior to the intention to commence building works, in accordance with Section 81A (2)(c) of the Act and Form 7 of Schedule 1 to the Regulations.

4. **Signage.** The applicant is advised that any erection of signs or advertising structures not indicated on the development consent plans requires the submission of a new development application to Council.

5. **Telephone Installations.** Advice should be obtained from your local telecommunications office regarding any telephone lines required to be installed in concrete floors.

6. **Australia Post.** Approval for the site and size of proposed household mailboxes must be obtained from Australia Post.

7. **External Glazing**. All external glazing is to have a maximum reflectivity of 20%.

8. **Bicycle Parking.** A minimum of 78 bicycle parking rails or lockers designed and installed in accordance with Australian Standard AS2890.3, must be provided in a suitable location for the convenience of employees and visitors to the site. Suitable shower and change facilities for cyclists must also be provided within the development.

9. **Workplace Travel Plan**. A Workplace Travel Plan (WPTP) must be submitted to Council for approval with any development application to commence a use within the building and prior to occupation of the building. The WPTP must include, but will not be limited to strategies to encourage public transport use, the encouragement to stagger start and finish times for employees, car pooling and teleworking to minimise the impact on the road system.

10. **Costs.** All works / regulatory signposting associated with the proposed development shall be at no cost to the RTA.

11. **Public Utilities**. The developer shall be responsible for all public utility adjustment / relocation works, necessitated by the above work and as required by the various public utility authorities and / or their agents.

12. **Roof Material.** The roof material is to be non-reflective.

13. **Construction and Fit-out of Food Premises.** The construction and fitout of all new food premises, and renovations or alterations to any existing food premises, must comply with the requirements of:

    (a) Food Safety Standard 3.2.3 *Food Premises and Equipment*; and

    (b) Australian Standard AS 4674 - 2004 *Design, construction and fit-out of food premises*.

14. **Sanitary Facilities.** Sanitary facilities must be provided in accordance with the requirements of the *Building Code of Australia*.

15. **Garbage Storage.** Garbage and recycling generated in the commercial areas and café are to be stored in the main garbage storage area on the ground floor of building 1 – adjacent to the loading dock

16. **Ventilation of Rooms.** Every habitable room, sanitary compartment or other room occupied by a person for any purpose must be provided with adequate natural ventilation or an approved system of mechanical ventilation.

17. **Provision for Installation of Kitchen Exhaust Systems**. Adequate provision must be made for the installation of kitchen exhaust systems to the proposed café and any other future retail food outlets.

18. **Kitchen Exhaust Vent.** The kitchen exhaust vent must be located above roof level at least 6 metres from any fresh air intake vent, natural ventilation opening or neighbouring property boundary and at least 8 metres from any cooling tower.

19. **Regulated Systems.** All air-handling and water systems regulated under the *Public Health Act 1991* must be installed, operated and maintained in accordance with the requirements of the *Public Health (Microbial Control) Regulation 2000*.

20. **Installation of Grease Trap.** A grease trap must be installed if required by Sydney Water Corporation. The grease trap must be located outside the building or in a specially constructed grease trap room and be readily accessible for servicing. Access through areas where exposed food is handled or stored or food contact equipment or packaging materials are handled or stored is not permitted.

21. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the requirements as outlined within Council's publication *Environmental Standards Development Criteria 1999 and City of Ryde Development Control Plan 2010 Section 8* except as amended by other conditions.

22. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.

23. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.

24. **Engineering Compliance Certificates.** All road and drainage works located within the future road reserve including underground public trunk drainage works will required inspections by Council's inspector at specified stage of the work and Engineering Compliance Certificates must be obtained from Council for each of these stages. Accordingly, the project manager and construction contractor must arrange a preconstruction meeting with Council's inspector prior to works commencing to ensure matters relating to inspections and responsibility are planned and clarified.

25. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No drainage work shall be carried out on the footpath without this permit being paid and a copy kept on the site.

PRIOR TO CONSTRUCTION CERTIFICATE

26. **Section 94 Contribution.** A contribution for the services in Column A and for the amount in Column B shall be made to Council prior to the issue of the Construction Certificate.

A	B
Community & Cultural Facilities	$729,271.55
Open Space & Recreation Facilities	$0
Civic & Urban Improvements	$714,471.57
Roads & Traffic Management Facilities	$765,445.72
Cycleways	$98,614.81
Stormwater Management Facilities	$89,097.05
Plan Administration	$26,419.89

The total contribution is $2,423,320.59.

This contribution is a contribution under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in

Section 94 Development Contributions Plan 2007 (2010 Amendment) adopted by City of Ryde on 16 March 2011.

The above amount, if not paid within the quarter that the consent is granted, shall be adjusted for inflation by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) on the basis of the contribution rates that are applicable at time of payment.

27. **Security Deposit.** A security deposit (category: other buildings with delivery of bricks or concrete or machine excavation) is to be paid to Council (Public Works and Services Group) as well as the Infrastructure Restoration and Administration Fee. Please refer to Council's Management Plan for the current fee amounts.

28. **Enforcement Levy.** An enforcement levy is to be paid to Council on lodgement of the Construction Certificate application in accordance with the requirements of Council's Management Plan (scheduled fees).

29. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be received prior to the issuing of the **Construction Certificate**.

30. **Payment of Council's Fees and Charges.** Documentary evidence of compliance with Conditions 26, 27, 28 & 29 to the satisfaction of Council or an accredited certifier is to be submitted to the Council prior to the issuing of the **Construction Certificate**.

31. **Energy Efficiency.** Prior to the issue of a Construction Certificate, plans and specifications must be provided to the Principal Certifying Authority (PCA) that detail how the development will achieve the recommendations and predictions contained in the ESD Report prepared by Green Planning Australia (dated 12 January 2011). Certification that the building will achieve the prediction of this evaluation must also be submitted to the PCA by a suitably qualified consultant prior to the issue of a Construction Certificate.

    Certification of the energy efficiency performance of the building must be submitted to the PCA by a suitably qualified consultant prior to the Final Occupation Certificate being issued

32. **Section 73 Certificate.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

    Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building, Development and Plumbing section of the website at www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, as it may take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development / release of the plan of subdivision.

33. **Location of Service Infrastructure and Facilities.** All service infrastructure/utilities including electrical substations, fire hydrants, gas meters and the like shall be located within the building envelope. Where this is not possible and subject to Council approval such infrastructure shall be located on the subject site and appropriately screened from view. Details of all service infrastructure/utilities are to be approved prior to issue of the Construction Certificate.

34. **Internal Noise Levels.** The internal noise levels within the building are to be in accordance with the requirements of AS/NZS 2107:2000 Acoustic – Recommended Design Sound Levels and Reverberation Times for Building Interiors.

35. **Disabled Access.** Access for disabled people shall be provided in the building in accordance with Part D.3 of the BCA and to the standards set out in AS 1428.1.

36. **Disabled Access:** Disabled access is to be provided to and within the development in accordance with the recommendations contained within the Access Review prepared by Morris-Goding Accessibility Consulting dated 9th February 2011. Details indicating compliance with these recommendations are to be submitted to the Principal Certifying Authority (PCA) prior to the construction certificate being issued. Prior to occupation of the development, a suitably qualified access consultant is to certify that the development complies with Australian Standard 1428 and the Building Code of Australia.

37. **Fire Safety Schedule.** A “fire safety schedule” specifying the fire safety measures proposed or required to be implemented in the building premises as required by Clause 168 – Environmental Planning and Assessment Regulation 2000 are to be submitted and approved prior to the issue of the Construction Certificate.

38. **Controlled Access to the Carpark.** Access control is to be provided to the entry / exit points to the car parking to limit access to employees and visitors to the site only. Details are to be submitted on the Construction Certificate drawings to demonstrate how this is to be achieved.

39. **Landscaping Plan.** A detailed landscape plan for the site and the required area of the public domain is to be submitted and approved by Council prior to the construction of the development. The landscape plan is to include details of plant selections as well as details of all hard surfaces. The design and documentation of the landscape plan is to be completed by a qualified landscape architect. All of the landscaping is to be compatible with the Council's Macquarie Park Public Domain Technical Manual and Part 4.5 of Development Control Plan 2010. The street trees for Road 1 are to be Angophora floribunda or Angophora costata. The street trees for Road 8 are to be Tristaniopsis laurina, Glochidion ferdinandii or Lophostem confertus.

40. **Macquarie Park Public Domain Technical Manual.** All hard landscaping, paving, soft landscaping including species selection, street furniture and the like shall be in accordance with the Macquarie Park Public Domain Technical Manual. Full details, including samples, schedules and plans are to be submitted and approved by Council prior to the construction of the development.

    Where soft landscaping is proposed, including species selection, the applicant must ensure that species health is guaranteed for a minimum of 5 years to ensure the character and appearance of the streetscape is established and maintained. Any species that die within five years of planting must be replaced by the applicant with a specimen of a similar size and maturity.

41. **Detailed Site Investigation Report.** Prior to the issue of a Construction Certificate, the proponent must submit a detailed site investigation report for Council's consideration. The detailed site investigation report must comply with the *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 1997) and demonstrate that the site is suitable for the proposed use, or that the site can be remediated to the extent necessary for the proposed use.

    If remediation is required, the report should also set out the remediation options available for the site and whether the work is considered to be category 1 or category 2 remediation work.

42. **Remediation of Land.** If required by the detailed site investigation report, the land must be remediated to the extent necessary for the proposed use and a copy of the site validation report must be submitted to Council for consideration. The site validation report must comply with the *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 1997) and demonstrate that the site is suitable for the proposed use.

    No Construction Certificate is to be issued for any building work on the land until Council has confirmed in writing that it is satisfied that the land is suitable for the proposed use, without the need for further remediation.

43. **Council may Require Site Audit of Validation Report.** If requested by Council, a site audit statement and a site audit summary report from an

accredited site auditor under the *Contaminated Land Management Act 1997* must be submitted to Council verifying the information contained in the site validation report.

44. **Acoustic Assessment.** An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads – Interim Guidelines".

45. **Electrolysis Risk.** Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

46. **Construction of Grease Trap Rooms.** All grease trap rooms must be constructed in accordance with the following requirements:

    (a) The floor, walls and ceiling must be constructed of solid materials finished to a smooth even impervious surface free of any cracks, holes or other openings that may allow the escape of odours;

    (b) The room must be fitted with an air-tight (eg. coolroom type) door;

    (c) The room must be vented in accordance with Australian/New Zealand Standard AS/NZS 3500.2:2003 *Plumbing and drainage – Sanitary plumbing and drainage* or be provided with an approved system of mechanical ventilation;

    (d) The room must be provided with intrinsically safe artificial lighting; and

    (e) A hose cock with a backflow prevention device must be provided in or adjacent to the room to facilitate cleaning.

    Details of any proposed grease trap room must be submitted to Council or an accredited private certifier for approval with the application for the Construction Certificate.

47. **Construction of Garbage Rooms.** All garbage rooms must be constructed in accordance with the following requirements:

    (a) The room must be of adequate dimensions to accommodate all waste containers, and any compaction equipment installed, and allow easy access to the containers and equipment for users and servicing purposes;

    (b) The floor must be constructed of concrete finished to a smooth even surface, coved to a 25mm radius at the intersections with the walls and any exposed plinths, and graded to a floor waste connected to the sewerage system;

(c) The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation;

(d) The walls must be constructed of brick, concrete blocks or similar solid material cement rendered to a smooth even surface and painted with a light coloured washable paint;

(e) The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light coloured washable paint;

(f) The doors must be of adequate dimensions to allow easy access for servicing purposes and must be finished on the internal face with a smooth-faced impervious material;

(g) Any fixed equipment must be located clear of the walls and supported on a concrete plinth at least 75mm high or non-corrosive metal legs at least 150mm high;

(h) The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation;

(i) The room must be provided with adequate artificial lighting; and

(j) A hose cock must be provided in or adjacent to the room to facilitate cleaning.

Details of the proposed garbage room(s) including the specification and layout of all proposed waste containers and equipment must be submitted to Council or an accredited private certifier for approval with the application for the Construction Certificate.

48. **Construction of Garbage Chutes.** The garbage chutes must be designed and constructed in accordance with the following requirements:

(a) The chute must be constructed of non-corrosive metal at least 500mm in diameter, with no bends or off-sets and all internal joints and seams finished to a smooth even surface to allow the free flow of garbage through the chute;

(b) Chute branches to charging devices must not exceed one (1) metre in length and must be angled to allow the free flow of garbage into the chute;

(c) The chute must terminate in the garbage room and discharge the garbage directly into a waste container or garbage compactor in such a way that no spillage occurs;

(d) A suitable cut-off device must be provided at or near the base of the chute to effectively close off the chute while the waste containers are being serviced or the compaction equipment is being maintained;

(e) The chute must be ventilated so that air does not flow from the chute through any service opening and the flow of air through the chute does not impede the downward movement of garbage; and

(f) The vent at the top of the chute must extend above the roof level and be fitted a weather-proof cowl and wire mesh screen to prevent the entry of rainwater and birds;

Details of the proposed garbage chute system must be submitted to Council or an accredited private certifier for approval with the application for the Construction Certificate.

49. **Charging Devices.** The charging devices must:

(a) be designed to effectively close off the service opening in the chute when the device is opened for loading;

(b) automatically return to the closed position after use;

(c) permit free flow of garbage into the chute; and

(d) be designed and constructed to permit easy cleaning of the device and the connection between the service opening and the chute.

50. **Service Openings.** The service openings must:

(a) be located in a separate service compartment;

(b) be fitted with an approved charging device;

(c) be between one (1) metre and one and a half (1.5) metres above floor level; and

(d) have a cross-sectional area not more than half that of the garbage chute.

51. **Service Compartments.** The service compartments must:

(a) have floors and walls finished with smooth even impervious materials that are coved to a 25mm radius at the floor junctions;

(b) be provided with an approved system of mechanical ventilation and adequate artificial lighting; and

(c) include adequate space and facilities for the reception of recyclable materials.

52. **Access for Waste Collection Vehicles.** Safe easy access must be provided for waste collection vehicles to service the waste containers. The driveways and manoeuvring areas must be designed for maximum legal dimensions and weights and allow collection vehicles to enter and leave the premises in a forward direction.

Additional clearances must be provided for overhead and side loading where appropriate.

Details of all driveways, service roads and manoeuvring areas for waste collection vehicles must be submitted to Council or an accredited private certifier for approval with the application for the Construction Certificate. Such details must include:

(a) vehicle turning circles and swept paths to all service areas and loading docks; and

(b) overhead and side clearances (where appropriate).

53. **Mechanical Ventilation Details.** Details of all proposed mechanical ventilation systems, and alterations to any existing systems, must be submitted to Council or an accredited private certifier for approval with the application for the Construction Certificate. Such details must include:

(a) Certified plans of the proposed work, with any alterations coloured to distinguish between new and existing work;

(b) A site survey plan showing the location of all proposed air intakes and exhaust outlets on the site, and any existing cooling towers, air intakes, exhaust outlets and natural ventilation openings in the vicinity;

(c) A completed Mechanical Services Design Certificate (Form M1), together with a copy of the certifier's curriculum vitae; and

(d) Documentary evidence in support of any departures from the deemed-to-satisfy provisions of the *Building Code of Australia*.

54. **Arts and Cultural Plan.** Prior to the issue of a Construction Certificate, a site specific Public Arts Plan is to be submitted for approval by Council. This Plan is to be prepared by an arts and cultural planner and will be required to address the following:
a) Identify opportunities for the integration of public art in the development.
b) Identify themes for public art.
c) Durability, robustness and longevity.
d) Demonstrate how public art is incorporated in the site and build form design.

55. **Boundary Levels.** The levels of the street alignment shall be obtained from Council. These levels shall be incorporated into the design of the internal driveway, carparking areas, landscaping and stormwater drainage plans and must be obtained prior to the issue of the construction certificate.

56. **Driveway Grades.** The maximum grade of all internal driveways and vehicular ramps shall be 1 in 4 and in accordance with the relevant section of AS 2890.1. The maximum change of grade permitted is 1 in 8 (12.5%) for summit grade changes and 1 in 6.7 (15%) for sag grade changes. Any transition grades shall have a minimum length of 2.0m. The driveway design is to incorporate Council's issued footpath and gutter crossing levels where they are required as a condition of consent.

57. **Car Parking.** All internal driveways, vehicle turning areas, garage opening widths and parking space dimensions shall comply with relevant sections of AS 2890. Acordingly, engineering certification indicating compliance

with this condition is to be submitted with the Construction Certificate application.

58. **Construction near Easements, Pipelines, Culverts, or Watercourses.** All buildings and other structures shall not encroached onto natural watercourses, drainage easements, pipelines and culverts in which Council has an interest. Accordingly, all plans submitted with the Construction Certificate application shall clear detailed compliance with this requirement

59. **Construction near Council's Pipeline in Drainage Easement.** All footings for buildings and other structures shall be taken a minimum of 100 mm below the invert of the existing pipeline or shall be designed as required to ensure no loading will be impart onto Council's existing drainage easement traversing the site. Engineering plans including certification from a chartered structural engineer confirming compliance with this condition are to be submitted with the Construction Certificate application.

60. **On-Site Stormwater Detention.** Stormwater runoff from all impervious areas shall be collected and piped by gravity flow to Council's underground drainage system via an on-site detention system designed in accordance with City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. Accordingly, the design shall incorporate, but not be limited to the following matters

    a. Gutters downpipes and pipeline conveying runoff to the OSD system shall be sized for the 1 in 100 year, 5 minutes duration storm.
    b. The design shall ensure the OSD system control pit and outlet pipe will not be subjected to backwater flow from 1 in 100 year flood.
    c. A minimum 25,000 litres rainwater tank shall be incorporate into the site stormwater design to collect a minimum 600m2 of roof runoff and redirected for internal reuse via toilet flusing.
    d. Overland flow paths are to be provided to convey runoff safely downstream when the capacity of the piped drainage system is exceeded and
    e. Runoff which enters the site from upstream properties should not be redirected in a manner which adversely affects adjoining properties.

    Detailed engineering plans, including engineering certification indicating compliance with this condition are to be submitted with the Construction Certificate application.

61. **External Road & Drainage Works.** To facilitate access and stormwater disposal the following engineering works shall be constructed at the applicant's expense.

    Access Road

a. The construction of two public access roads named Road 1 & Road 8 located adjacent to the southeast & southwest boundary of the site respectively. The road formation shall be in accordance with the Macquarie Park Corridor and the associated Macquarie Park Public Domain Technical Manual for type 2 and type 3 street.
b. Provision of underground piped stormwater drainage to collect and convey runoff from these roads to Council's trunk drainage system. Additionally, Water Sensitive Urban Design (WSUD) elements shall also be incorporated where feasible to the design of non trafficable areas e.g. footpath landscaping treatment etc.

Stormwater Drainage & Flood Mitigation

a. The flood mitigation and overland flow path works proposed shall be designed and constructed generally in accordance with "Hydraulic Design of Overland Flow Path" report dated December 2010 by Brown Consulting. An additional large inlet pit and connection into the existing Council's 1800 mm diameter pipe shall be constructed to capture overland flows and to reduce the risk of flooding to the site.

b. Engineering plans submitted shall incorporate, but not be limited to the following items:

1 A drainage system layout plan shall be drawn at a scale of 1:100, 1:200 or 1:250 and shall show drainage pipe locations, drainage pit locations and road center-line chainage, size of opening and any other information necessary for the design and construction of the drainage system.
2 Special details including non-standard pits and pit benching shall be provided on the drawings at scales appropriate to the type and complexity of the detail being shown.
3 The drainage system layout plan shall be documented on a detailed features survey base that describes all existing structures, utility services, vegetation and other relevant features.

Detailed engineering plans addressing the requirement of this condition shall be prepared by a chartered civil engineer with NPER registration with Engineers Australia in accordance with City of Ryde Environmental Standards - Development Criteria - 1999 Section 4 - Public Civil Works **are to be submitted to, and approved by Council.**

Engineering plans assessment and inspections fee associated with this work are payable in accordance with Council's Management Plan prior to written approval being issued by Council.

62. **Soil and Water Management Plan.** A *Soil and Water Management Plan* **(SWMP)** shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual *"Managing Urban Stormwater, Soils and Construction"* prepared by the Department of Housing. **This is to be submitted to and approved by the Consent Authority prior to the release of the Construction Certificate.** These devices shall be

maintained during the construction works and replaced where considered necessary. Suitable erosion control management procedures are to be practiced during the construction period.

The following details are to be included in drawings accompanying the *Soil and Water Management Plan*:

(a) Existing and final contours
(b) The location of all earthworks, including roads, areas of cut and fill, and regrading.
(c) Location of all impervious areas
(d) Location and design criteria of erosion and sediment control structures including sediment collection basins
(e) Location and description of existing vegetation
(f) Site access point/s and means of limiting material leaving the site
(g) Location of proposed vegetated buffer strips
(h) Location of critical areas (drainage lines, water bodies and unstable slopes)
(i) Location of stockpiles
(j) Means of diversion of uncontaminated upper catchment around disturbed areas
(k) Proposed techniques for re-grassing or otherwise permanently stabilising all disturbed ground.
(l) Procedures for maintenance of erosion and sediment controls
(m) Details for any staging of works
(n) Details and procedures for dust control.

63. **Pedestrian Wind Environment.** All of the recommendations of the Pedestrian Wind Environment Statement prepared by Windtec dated 23 June 2011 are to be adopted. These recommendations are to be demonstrated on the Construction Certificate plans.

PRIOR TO COMMENCEMENT

64. **Dial 1100 Before You Dig.** Underground pipes and cables may exist in the area. In your own interest and for safety, telephone 1100 before excavating or erecting structures. Information on the location of underground pipes and cables can also be obtained by fax on 1300 652 077 or through the following website www.dialbeforeyoudig.com.au.

If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the Development Consent (or a new development application) may be necessary. Council's Assessment Officer should be consulted prior to the lodgment of an application for a Construction Certificate if this is the case.

65. **Energy Australia.** Please contact Energy Australia's Local Customer Service Office to obtain documentary evidence that Energy Australia has been consulted and that their requirements have been met.

Energy Australia
Building No. 2 Bridge Road (near Sherbrook Road) Hornsby
Telephone: 9477 8201
Facsimile: 9477 8295
Postal Address: GPO Box 4009, Sydney NSW 2001
Email Address: HornsbyDA@energy.com.au

This information is to be submitted to Council prior to the release of the Construction Certificate.

66. **Sediment and Erosion Control.** Sediment control works are to be installed and maintained in accordance with Council's DCP 2010, Part 8.1 – "Construction Activities".

67. **Signage.** Signage is to be provided on the site as follows:

    a) During the demolition process notices lettered in accordance with AS1319 displaying the words **"DANGER - DEMOLITION IN PROGRESS"** or a similar message shall be fixed to the security fencing at appropriate places to warn the public.
    b) During the entire construction phase signage shall be fixed on site identifying the PCA and principal contractor (the coordinator of the building work), and providing phone numbers.

68. **Security Deposit.** A security deposit (Category: demolition) is to be paid to Council (Public Works and Services Group) prior to the commencement of any demolition works. Please refer to Council's Management Plan for the applicable fee amount.

69. **Sediment and Erosion Control.** The applicant shall install appropriate sediment control devices in accordance with an approved plan **prior** to any earthworks being carried out on the site. These devices shall be maintained during the construction period and replaced where considered necessary. Suitable erosion control management procedures shall be practiced. This condition is imposed in order to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.

70. **Compliance Certificate.** A Compliance Certificate should be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and City of Ryde, Development Control Plan 2010: - Part 8.1; Construction Activities.

71. **Pre Construction Meeting** To ensure all road and drainage works proposed within the future roads named, Road 1 & Road 8 located adjacent to the southeast & southwest boundary of the site respectively are inspected and approved by Council a preconstruction meeting to discuss these matters shall be arranged with Council's inspector prior to commencement of Works.

72. **Traffic Management Plan.** To ensure safe construction traffic flow on site a Traffic Management Plan (TMP) and report shall be prepared by an RTA accredited person and submitted with the Construction Certificate application and approved by Council prior to issue of Construction certificate where the works affect the public road reserve.

    The TMP shall be prepared in accordance with Australian Standard 1742 – "Manual of Uniform Traffic Control Devices", the RTA's Manual – "Traffic Control at Work Sites" and City of Ryde, Development Control Plan 2006: - Part 8.1; Construction Activities. The TMP is to address but not be limited to the loss of on-street parking, construction vehicles travel routes, safety of the public, materials storage, handling and deliveries including construction traffic parking

    Additionally, all traffic controllers on site must be RTA accredited traffic controllers and a minimum of seven (7) days notice shall be given to residents if their access will be affected by proposed construction activities.

DURING DEMOLITION AND CONSTRUCTION

73. **Tree retention and removal.** The schedule of tree retention/removal, tree protection and construction management scheduling is to be in accordance with the arborist's report prepared by Laurie Dofer of Urban Tree Management dated 17th January 2011, with particular reference to: *7.0 Recommendations: Appendix E Tree Protection Zones – Standard Procedures*; and *Appendix F Tree Protection on Construction Sites.*

74. **Demolition in Accordance with Australian Standard.** In relation to demolition, all work is to be carried out in accordance with the requirements of AS 2601 *(The Demolition of Structures)*.

75. **Security Fencing.** Security fencing shall be provided around the perimeter of the building/demolition site and precautionary measures taken to prevent unauthorized entries of the site at all times during demolition and construction.

76. **Demolition and Construction Hours.** All demolition and all construction and associated work is to be restricted to between the hours of 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No work is to be carried out on Sunday or public holidays.

77. **Control of Dust.** Adequate precautions must be taken to control the emission of dust from the site during demolition and construction work. These precautions could include minimizing soil disturbance, use of water sprays, erecting screens and not carrying out dusty work during windy conditions.

78. **Work with Asbestos.** All work involving asbestos products and materials, including asbestos-cement sheeting (i.e. fibro) must be carried out in

accordance with the guidelines for asbestos work published by WorkCover New South Wales.

79. **Asbestos Wastes.** All asbestos wastes including used asbestos-cement sheeting (i.e. fibro), must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be kept by the applicant for at least 3 years and be submitted to Council on request.

80. **Demolition and Building Wastes.** Adequate arrangements must be made for the storage and disposal of demolition and building waste generated on the premises. In this regard the demolishers and builders are encouraged to maximize the re-use and recycling of materials (e.g. Concrete, bricks, roof tiles, timber, doors, windows, fittings, etc.) by separating these materials from other wastes.

81. **Site Inspections.** The occasions on which building work must be inspected are:

    a) after excavation for, and before the placement of, any footings.
    b) prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building, and
    c) prior to covering any stormwater drainage connections, and
    d) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

    Documentary evidence of compliance with Council's approval and relevant standards of construction is to be obtained prior to proceeding to the subsequent stages of construction and copies of the documentary evidence are to be maintained by the Principal Certifying Authority and be made available to Council officers upon request.

    Prior to occupation of the building, an occupation certificate must be obtained. Prior to the issue of the occupation certificate, **the critical stage inspections must be carried out.**

82. **Additional Inspections.** In addition to the abovestated inspections, the Principal Certifying Authority is required to ensure that adequate provisions are made for the following measures at each stage of construction, to ensure compliance with the approval and City of Ryde's DCP 2010, Part 8.1 - "Construction Activities":

    a) Sediment control measures.
    b) Tree Preservation and protection measures.
    c) Security fencing.
    d) Materials or waste containers upon the footway or road.
    e) PCA and principal contractor (the coordinator of the building work) signage and site toilets.

83. **Surveyor Check of the Building.** Council recommends that a Registered Surveyors check survey certificate be submitted to the Principal Certifying Authority (*and Council, if Council is not the PCA*) detailing compliance with Council's approval at the following stages:

    a) Prior to construction of the first completed floor/floor slab showing the area of the land, proposed building and the boundary setbacks and verifying that the proposed building is being constructed to the approved levels.
    b) On completion of the proposed building showing the area of the land, completed building and the boundary setbacks.

84. **Concrete Wastes.** Concrete wastes must be collected, stored and treated in accordance with the *Concrete Wastes* guide published by the Environment Protection Authority.

85. **Water into Council's Stormwater Drainage System.** Only unpolluted water is to be discharged to Council's stormwater drainage system.

86. **Noise Levels During Construction.** The L_{10} noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.

87. **Excavated Material to be Removed From the Site.** All excavated material must be removed from the site. No fill is to be placed above the natural ground level.

88. **Council Owned Land.** No spoil, stockpiles, building or demolition material is to be placed on any public road, footpath, park or Council owned land.

89. **Site Toilets.** Site toilets shall be provided in accordance with the WorkCover Code of Practice entitled "Amenities for Construction Work".

90. **Consultant Arborist Required.** A Consultant Arborist must be appointed to oversee all works, including demolition and construction, in relation to the trees identified for retention on the site.

91. **Council to be Notified of the Arborist.** Council is to be notified, in writing, of the name, contact details and qualifications of the Consultant Arborist appointed to the site. Should these details change during the course of works, or the appointed Consultant Arborist alter, Council is to be notified, in writing, within seven working days.

92. **Disposal of Construction Wastes.** All construction waste is to be disposed of in accordance with the approved Waste Management Plan.

93. **Plumbing and Drainage Work.** All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation.

94. **Lighting of Pedestrian Pathways**. The lighting of pedestrian pathways within the development shall be designed, installed and maintained to Australian Standard AS1158.3.1 – 1999: Road Lighting Pedestrian Area (Category P) Performance and Installation Design Requirements. Areas besides thoroughfares should be evenly lit to avoid concealment or entrapment opportunities.

95. **Surveillance Equipment.** Surveillance equipment is to be installed within and around the basement carpark areas, around the toilet / change room areas and within and around the development. The surveillance equipment is to utilise digital or video technology to record images from the cameras. Any surveillance system should be manufactured and installed by a qualified/reputable installer and regularly function tested. The surveillance equipment should meet the requirements of the Privacy legislation.

96. **Anti-Graffiti Coating.** All ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place is to be removed immediately.

97. **Security Mirrors.** Security mirrors should be installed within corridors and on blind corners to enable users to see around blind corners.

98. **Lighting in basements.** Good quality lighting should be installed in the basement car parking areas to ensure adequate lighting is achieved in this area to prevent the incidents of crime. All car park lighting is to be designed, installed and maintained to AS1680.2.1-1993: Interior Lighting Circulation Spaces and Other General Areas.

99. **Security Lighting,** Install security lighting in and around the business, particularly over the entry/exit points to create an even distribution of light with no glare, eg sensor lighting, floodlighting. NB. Consider installing sensor lighting, which is cost effective as it only activities when movement is detected within the zone.

100. **Street Sign.** A street sign should be prominently displayed at the front of the development to comply with Local Government Act, 1993, Section 124, Order No. 8.

101. **Signage.** Signage also needs to be provided at entry/exit points and throughout the development to assist users and warn intruders they will be prosecuted.

102. **Signage.** Signage also needs to be provided on the fire exit doors warning users that the doors are to be used for emergency purposes only.

103. **Signage.** Clear and effective signage should be used to inform people of the appropriate ways to find the serviced apartment areas and also make it clear that this area is for residents only.

104. **Door Locks.** The main entry/exit points for this development should be fitted with single cylinder locksets (Australia and New Zealand Standards – Locksets), which comply with the Building Code of Australia. Glass within these doors should be laminated to enhance the physical security of the door.

PRIOR TO OCCUPATION CERTIFICATE

105. **Occupation Certificate Required.** An Occupation Certificate must be obtained from the Principal Certifying Authority (PCA) and a copy furnished to Council in accordance with Clause 151 of the Environmental Planning and Assessment Regulation 2000 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

106. **Maintenance Policy to be Prepared.** To ensure that the site is appropriately maintained which will maximise community safety, a maintenance policy needs to be established. A graffiti management plans needs to be incorporated into the maintenance policy. This is to be provided To Council and the PCA prior to the issue of an Occupation Certificate.

107. **Fire Safety Certificates.** A Fire Safety Certificate/s from a suitably qualified person/s is to be submitted to Council or an accredited certifier (*and Council, if Council is not the PCA or an accredited certifier*) for all the essential services installed in the building in accordance with Clauses 170 and 171 of the Environmental Planning and Assessment Regulation 2000.

108. **Certification of mechanical ventilation work.** A Mechanical Services Completion and Performance Certificate (Form M2) must be submitted to the Principal Certifying Authority on completion and commissioning of all mechanical ventilation work approved under this consent and before the issue of an Occupation Certificate.

109. **Compliance Certificates – Engineering.** Compliance Certificates should be obtained for the following (If Council is appointed the Principal Certifying Authority [PCA] then the appropriate inspection fee is to be paid to Council) and **submitted to the PCA**:

- Confirming that all vehicular footway and gutter (layback) crossings are constructed in accordance with the construction plan requirements and Ryde City Council's *Environmental Standards Development Criteria – 1999 section 4.*

- Confirming that the driveway is constructed in accordance with the construction plan requirements and Ryde City Development Control Plan 2010: - Part 8.3; Driveways.
- Confirming that the constructed internal car park and associated drainage complies with AS 2890, the construction plan requirements and Ryde City Council's *Environmental Standards Development Criteria – 1999 section 4 and* Development Control Plan 2010: - Part 8.2; Stormwater Management
- Confirming that the site drainage system (including the on-site detention storage system) servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management
- Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
- Confirmation from Council that all road and stormwater drainage works associated with the future roads to be dedicated to Council in the future named, Road 2 & Road 8 located adjacent to the southeast & southwest boundary of the site respectively have been constructed to Council's satisfaction.
- Confirmation from a registered surveyor confirming all buildings and other structures have been located clear of any existing Council's drainage easement traversing the site.
- Confirming that all proposed flood mitigation works at the site have been constructed in accordance with the vehicular crossing has been removed and the kerb and gutter have been constructed in accordance with the "Hydraulic Design of Overland Flow Path" report dated December 2010 by Brown Consulting.

110. **Work-as-Executed Plan.** A Work-as-Executed plan of the site drainage and OSD system including details of the constructed road and drainage works for the proposed future roads named Road 2 & Road 8 located adjacent to the southeast & southwest boundary of the site respectively. The W.A.E plan shall be submitted to Council and prepared by a registered surveyor and shall demote any departures in red on a copy of the approved Construction Certificate plans.

111. **On-Site Stormwater Detention System - Marker Plate.** Each on-site detention system basin shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. An approved plate may be purchased from Council's Customer Service Centre on presentation of a completed City of Ryde OSD certification form.

112. **Future Public Roads Traversing The Site.** To facilitate public access a right of way (R.O.W) for public access shall be created and registered on the titles of the subject site over the full width of proposed future roads named Road 1 & Road 8 located adjacent to the northeast & southeast boundary of the site respectively. The terms of the R.O.W shall be to Council's satisfaction and shall provide for, but not be limited to the following:

i. Maintenance of the R.O.W to provide safe, unobstructed access at all times to the public with all costs being borne by the registered proprietor of the land.
ii. Any public liability arising from the use of the R.O.W by the users, including the public are to be fully borne by the registered proprietor of the land.
iii. Allow for future modifications where necessary to facilitate a public access way connection to future roads network as detailed in the Macquarie Park Corridor DCP.

The terms of the R.O.W shall be submitted to Council for assessment and approval and will need to be registered at the Lands and Property Information Office, prior to issue of occupation certificate

113. **Loading Dock Management Plan**. To ensure safe access to and from the loading dock facility, an instrument setting out Terms of Restrictions on the use of land intended to be created, pursuant to Section 88 E of the Conveyancing Act, 1919 shall be submitted in a form acceptable to Council indicating the following:

a. At the time when proposed Road 7 located adjacent to the site northeast boundary (defined under the Macquarie Park Corridor DCP) is made available for public access, a Loading Dock Management Plan (LDMP) shall be prepared by the registered proprietor of the land and submitted to Council for approval. The LDMP shall incorporate but not be limited to detailing measures to ensure the safe entry and exit of all vehicles using the north eastern driveway entry, including restriction of operational time where required to minimise traffic impact onto the adjacent public roads network

b. The 88E Instrument may not be extinguished or altered without prior approval being obtained from Ryde City Council.

The wording of the instrument shall be submitted to and approved by Council prior to release of the Subdivision Certificate

114. **Positive Covenant, OSD.** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to maintain the stormwater detention system on the property. The terms of the instruments are to be generally in accordance with the

Council's draft terms of Section 88E instrument for Maintenance of Stormwater Detention Systems and to the satisfaction of Council.

115. **Constructed Pipeline Condition.** Submission to Council an electronic closed circuit television report (CCTV report) prepared by an accredited operator that assesses the condition of the newly constructed drainage pipeline within the proposed future roads and drainage easement traversing site including any connections to Council's underground drainage system. All defects identified in the report shall be rectified to Council's satisfaction.

OPERATIONAL

116. **Lighting of the Premises.** The lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads. All existing and proposed lights shall comply with the Australian Standard AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting.

117. **Off Street Car parking.** 366 off-street car spaces being provided in accordance with the submitted plans. Such spaces to be paved, line marked and made freely available at all times during business hours of the site for staff and visitors. These spaces are to be allocated as follows:

- 182 spaces for the commercial building.
- 154 spaces for the serviced apartments building
- 30 spaces for the retail.

118. **Loading and Unloading.** All loading and unloading in relation to the use of the premises taking place wholly within the property.

119. **Use of Loading Areas.** Loading areas are to be used for the loading and unloading of goods, materials etc. only and no other purpose.

120. **Activity not to Affect the Amenity of the Locality.** All activity being conducted so that it causes no interference to the existing and future amenity of the adjoining occupants and the neighbourhood in general.

121. **Storage and disposal of wastes.** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.

122. **Waste containers.** An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste.

123. **Recyclable wastes.** Wastes for recycling must be stored in separate bins or containers and be transported to a facility where the wastes will be recycled or re-used.

124. **Disposal of liquid wastes.** All liquid wastes generated on the premises must be treated and discharged to the sewerage system in accordance with the requirements of Sydney Water Corporation or be transported to a liquid waste facility for recycling or disposal.

125. **Trade waste permit.** The applicant must contact the Wastewater Source Control Branch of Sydney Water Corporation on Tel. 13 11 10 to determine whether a Trade Waste Permit is required before discharging any trade wastewater to the sewerage system.

126. **Maintenance of waste storage areas.** All waste storage areas must be maintained in a clean and tidy condition at all times.

127. **Offensive noise.** The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997.*

128. **Noise and vibration from plant and equipment.** Unless otherwise provided in this consent, the operation of any plant or equipment installed on the premises must not cause:

(a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the New South Wales Industrial Noise Policy (EPA, 2000).

(b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*.

(c) The transmission of vibration to any place of different occupancy.

129. **Operation and maintenance of plant and equipment.** The occupier must ensure that all plant and equipment installed on the premises is:

(c) maintained in a proper and efficient condition; and

(d) operated in a proper and efficient manner.

130. **Clean water only to stormwater system.** Only clean unpolluted water is permitted to enter Council's stormwater drainage system.

131. **Cleaning wastes and spills.** All cleaning wastes and spills must be collected and disposed of in an environmentally acceptable manner.

132. **Clean-up materials to be kept on premises.** An adequate supply of suitable clean up materials must be kept on the premises for cleaning up accidental spills.

133. **Duty to notify pollution incidents.** Pollution incidents causing or threatening harm to the environment must be reported to Council as soon as practicable on Tel. 9952 8222.

134. **Cleaning and Maintenance.** Suitable facilities must be provided for the cleaning and maintenance of all garbage chutes, chute branches and charging devices.

135. **Access for Maintenance Purposes.** Safe easy access must be provided for the inspection and maintenance of all plant, equipment and components covered by Australian/New Zealand Standard AS/NZS 3666.2: 2002 *Air-handling and water systems of buildings - Microbial control - Operation and maintenance*.

136. **Registration of Water-Cooling and Warm Water Systems.** All water-cooling and warm water systems (including thermostatic mixing valves) regulated under the *Public Health Act 1991* must be registered with Council's Environmental Health Unit within one (1) month of installation.

Registration forms may be obtained from Council's Customer Service Centre on Tel. 9952 8222.

137. **Lighting Maintenance Policy.** A lighting maintenance policy needs to be established for the development. This Policy is to ensure all lighting has been designed to the Australian Standard and is installed to all common areas within the development. The lighting is to be automatically controlled by time clocks and senors to provide an energy efficient and controlled environment for residents.

138. The 13.4 metre wide setback area located between Road 8 and the retail space and café is to be maintained at all times predominantly for pedestrian access. No tables and chairs or other structures that would limit the access (Other than demonstrated on the approved plans) is to be located in this space without prior consent from Council.

ADVISORY CONDITIONS

1. The RTA raises concern with the Masterplan for the area due to the site's high traffic generation potential and the existing capacity constraints of Lane Cove Road in the vicinity of the site.

   The RTA has recently suggested a proposal for a G-Turn manoeuvre (detailed below) to be investigated by the developer of property encompassing 396 Lane Cove Road, 32-46 Waterloo Road, 1 Giffnock Avenue, Macquarie Park to improve the intersection operation of Waterloo Road/Lane Cove Road. Should this masterplan for 63 Waterloo Road, Macquarie Park proceed the RTA would require the applicant to jointly investigate the feasibility of the G-turn scenario in partnership with the owner 396 Lane Cove Road, 32-46 Waterloo Road, 1 Giffnock Avenue, Macquarie Park. Both developments' traffic generation potential is high

and places adverse pressure on the operation and capacity of the intersection of Waterloo Road/Lane Cove Road.

A G-turn scenario around the intersection of Lane Cove Road/Waterloo Road, has the potential to reduce delay and improve traffic efficiency. A G-turn area treatment will require the following upgrades to be executed concurrently:

- Removal of the dual right turn on Lane Cove Road on the southern approach to Waterloo Road east.
- All vehicles wishing to head east onto Waterloo Road from Lane Cove Road will be re-directed onto Giffnock Avenue and Coolinga Street.
- Changes to the intersection of Giffnock Avenue and Coolinga Street are required to give priority to the new flow arrangement (G-turn). This will require the removal of some parking on Giffnock Avenue to improve sight distance, traffic flow and accessibility.
- Traffic control signals are required at the intersection of Coolinga Street and Waterloo Road to facilitate all movements at this intersection.
- Pedestrian crossings at the intersection of Coolinga Street and Waterloo Road are required on the western and southern side of the intersection.
- Installation of a triple right turn from Waterloo Road into Lane Cove Road (South). This change will require adjustments to the signal centre and stop lines on Lane Cove Road southern approach.
- The lane configuration for the western approach to the intersection of Waterloo Road and Lane Cove Road shall be:
    - Lane 1 shared left turn and through lane.
    - Lane 2 shared through and right turn lane.
    - Lane 3 exclusive right.
    - Lane 4 exclusive right.
- For the above mentioned configuration the shared left turn and through lane will require changes to the pedestrian island on the north western corner of the intersection, and changes to the angle of the northern pedestrian crossing.