

## JOINT REGIONAL PLANNING PANEL (Sydney East Region)

<b>JRPP No</b>	2013SYE034
<b>DA Number</b>	LDA2013/0106
<b>Local Government Area</b>	City of Ryde
<b>Proposed Development</b>	Demolition of existing building and construction of a new part 6 part 7 storey commercial building with 3 levels of basement parking for 250 cars. The proposal also includes a café on the ground floor level and construction of a new road and a pedestrian link on the site.
<b>Street Address</b>	8 Khartoum Road, Macquarie Park
<b>Applicant/Owner</b>	Goodman Property Services/ Trust Company Ltd
<b>Architect</b>	Fitzpatrick+Partners
<b>Date Lodged</b>	9 April 2013
<b>Number of Submissions</b>	One late submission
<b>Recommendation</b>	Deferred Commencement approval subject to conditions
<b>Report by</b>	Sanju Reddy – Senior Town Planner

### Assessment Report and Recommendation

#### 1. EXECUTIVE SUMMARY

The following report is an assessment of a development application for the demolition of an existing building and the construction of a part 6 /part 7 storey office building at 8 Khartoum Road, Macquarie Park. The development will contain a gross floor area of 11,831m<sup>2</sup> as well as three levels of basement car parking. The proposal also involves construction of a road and pedestrian walkway via a Voluntary Planning Agreement (VPA).

The VPA has been submitted with this application in accordance with Section 93F of the Environmental Planning and Assessment Act, 1979. The VPA proposes public benefit via the construction of a 20.4m wide road and dedication to Council. The new road will run parallel to the southern side boundary of the site and will form an intersection with Khartoum Road. The required public domain improvement works will also be carried out along the new road. The VPA also proposes a 3m wide walkway

along the western side boundary of the site. The pedestrian link will not be dedicated to Council.

The development fails to comply with the maximum floor space ratio specified in the Ryde Local Environmental Plan 2010. A detailed submission pursuant to Clause 4.6 of LEP2010 has been submitted by the applicant with respect to the proposed variation of the FSR control and is discussed in detail in this report. The variation is supported in the circumstances of the case.

The development application was publicly exhibited between 1 May 2013 and 29 May 2013. During this time, no submissions were received in respect of the proposed development. However, a late submission was received on 30 July 2013, objecting to the location of the proposed road on the site.

The development application is recommended for deferred commencement consent subject to appropriate conditions provided in Attachment 1 of this report.

## **2. APPLICATION DETAILS**

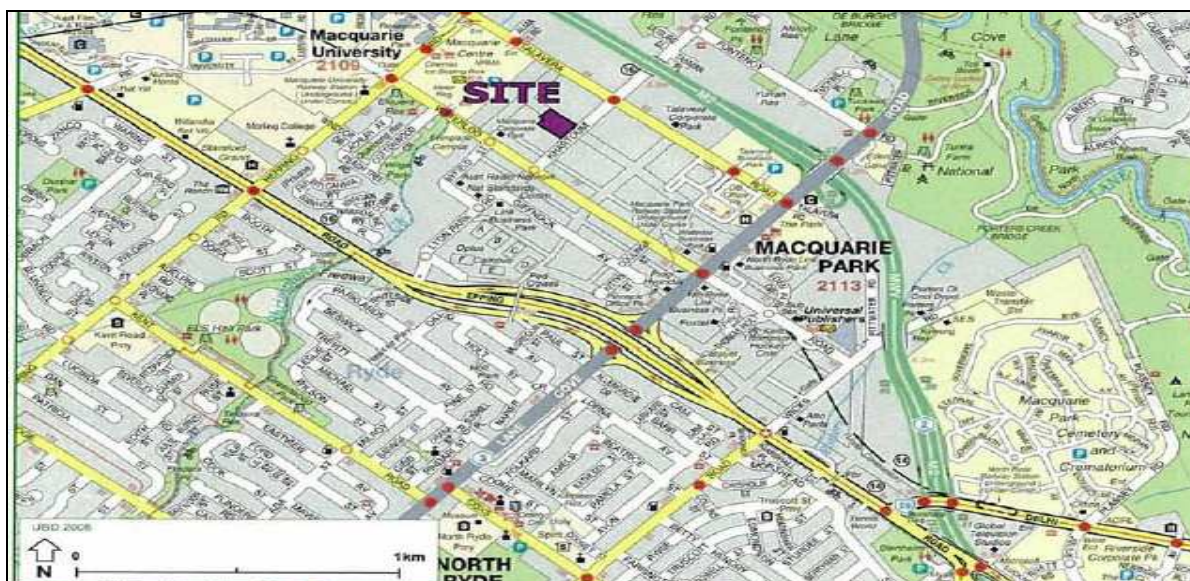
**Name of applicant:** Goodman Property Services Pty Ltd.

**Owner of site:** The Trust Company Limited.

**Estimated value of works:** \$28,946,685.

**Disclosures:** No disclosures with respect to the Local Government and Planning Legislation Amendment (Political Donations) Act 2008 have been made by any persons.

## **3. SITE DESCRIPTION**



**Figure 1: Location Plan**

The site is known as 8 Khartoum Road, Macquarie Park and the legal description of the land is Lot 1 DP 582794. The site area is 5,937m<sup>2</sup>. The site is located on the



north western side of Khartoum Road and has a frontage of 61.87 metres and side boundaries of 86.95 and 100.68 metres. The site is located within approximately 400m from the Macquarie Shopping Centre and within a close proximity of the Macquarie University Railway Station. The site location is illustrated in Figure 1.

The existing development on the site includes a commercial building with a warehouse and a detached shed at the rear. All existing car parking on the site is located at grade on the western and northern side of the site. The following figure demonstrates the location of these buildings on the site. Photographs have also been provided to illustrate the existing features of the site.



**Figure 2:** The above photo shows the existing buildings, car parking and trees on the subject site.



**Figure 3 (Source: Google Maps):** The above photo shows the existing two storey office/warehouse building as viewed from Khartoum Road. The warehouse is located behind this building.



**Figure 4: The above photograph shows the existing driveway along the northern boundary of the site providing access to the side and rear of the warehouse.**

#### **4. SITE DETAILS**

Total site area:	5,937m <sup>2</sup> .
Frontage to Khartoum Road:	61.87 metres.
Northern boundary length:	100.68 metres.
Southern boundary length:	86.965 metres.

#### **5. PROPOSAL**

The development involves the demolition of the existing building and construction of a part 6, part 7 storey office building with 3 levels of basement car parking and a café at the ground level. The proposed development includes the following:

- The building will comprise a total gross floor area of 11,831m<sup>2</sup> including 11,361m<sup>2</sup> of office space and 470m<sup>2</sup> of retail tenancy (café).
- Construction of a 20.4m wide road along the southern boundary of the site and dedication to Council upon completion of works;
- Construction of a 3m wide pedestrian link along the western boundary of the site;
- Provision of 250 car parking spaces on the site including 242 spaces in the 3 basement levels and 8 spaces on the ground floor level;
- Landscaping, drainage works and public domain improvement works.

#### **Voluntary Planning Agreement**

A Voluntary Planning Agreement (VPA) has been submitted with the development application. The VPA provides the following elements:



- The construction of a 20.4m wide road and dedication to Council upon completion of works;
- Construction of a 3m wide pedestrian link on the site to Council's public domain standards along its rear boundary and creation of a Right of Way for public access;

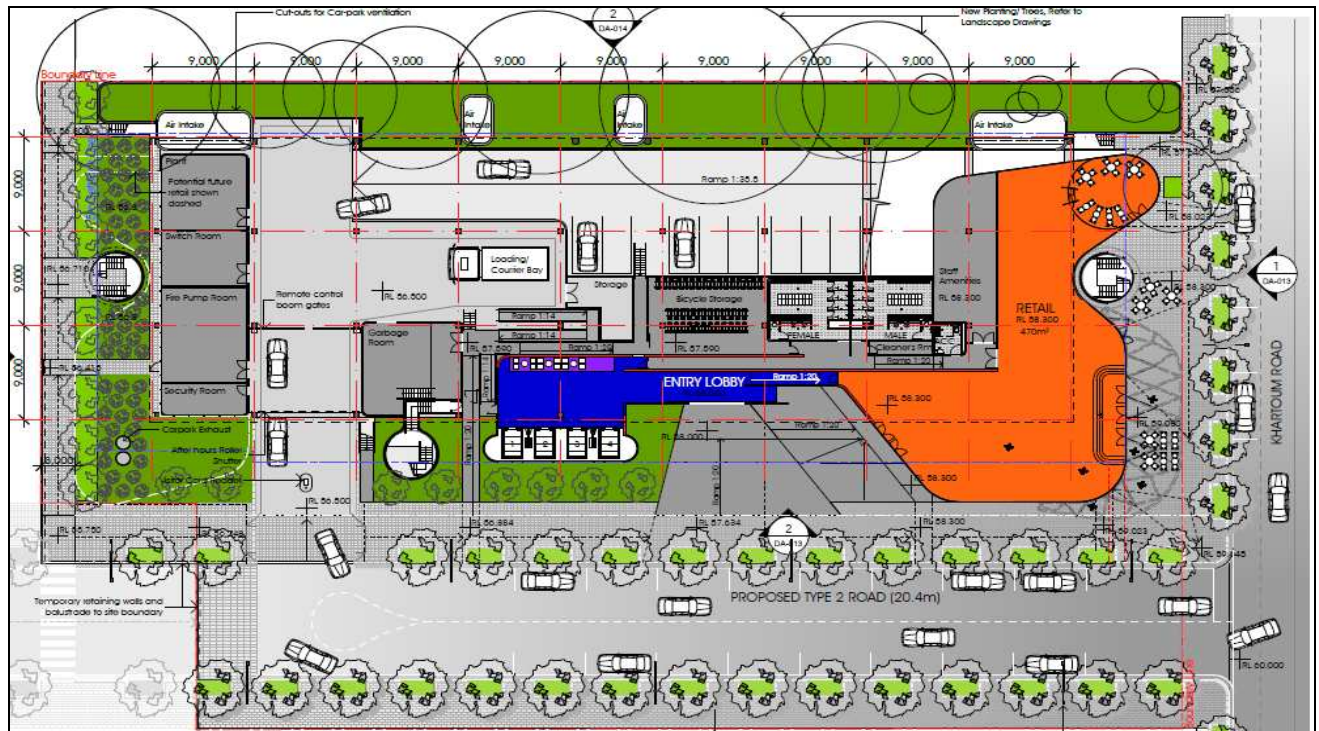


Figure 5: Proposed Ground Floor Plan (including the proposed road).



Figure 6: Southern Elevation of the proposed building (facing the proposed road)

## 6. BACKGROUND

- As part of the pre-lodgement process the development was considered by Council's Urban Design Review Panel (UDRP). The Panel was generally supportive of the development and raised no objections to the floor space ratio or the height of the building. The following comments were provided for further attention of the applicant:

- *More details are needed to demonstrate that the proposed screens effectively shade all windows in response to orientation.*

Comment:

An analysis of screen shading of the façade has been carried out and details provided in the architectural plans. The analysis shows that the proposed shading would be effective and can comply with the BCA requirement.

- *On grade car parking is not supported as it excludes potential for flexibility and future activation of new street edge and pedestrian link. Insufficient activation from the building to the new road. Recommend that the retail wraps around the corner.*

Comment:

The proposal shows that at grade parking has been reduced to eight car parking spaces which are adequately screened behind the main façade. The proposed design demonstrates appropriate street activation via grade adjustment of Road 1 to match with the finished ground floor level. The car park void has been removed between the proposed building and the new road frontage, to create a better interface. The cafe faces both the street frontages and wraps around the corner. This is considered satisfactory.

- *The large red blade wall is not supported as it divides the street frontages and pedestrian flow.*

Comment:

The red blade wall has been removed from the proposed design to increase pedestrian flow as recommended by the UDRP.

- *Pedestrian link: Reduce building setback to 5m if the pedestrian link is to be provided along the rear boundary. Locating plant along this edge is not supported.*

Comment:

In accordance with the UDRP comments, a 5m rear setback has been provided within which a 3m wide pedestrian link has been incorporated. The amended plans provide adequate interface on the western elevation adjacent to the pedestrian link. The proposed 3m width of the pedestrian link is considered acceptable by Council's Strategic Planner. The plant room is provided on the roof top.

- *Location of central stairs on western and eastern façade currently dominates the façade and compromises operation of the retail component.*

Comment:

The retail use of the building has been designed to accommodate the stairs on the eastern façade with the retail use wrapping around the

stairs to avoid domination of the façade on the ground floor level. The stairs on the western façade provide only a minor encroachment on the 5m setback and will not affect the operation of the pedestrian link.

- *Recommendation that a consolidated deep soil zone be provided. Retention of trees is supported.*

Comment:

The applicant has advised that efforts were made to retain the larger trees along the northern boundary. However due to the excavations required for the basement car parking and the location of services it would not be possible to retain the larger trees. Replacement trees are proposed on the northern boundary consisting of medium, narrow native tree plantings. This matter is further discussed in detail later in this report.

- The DA was submitted to Council on 9 April 2013.
- Following a preliminary assessment a letter was forwarded to the applicant on 20 June 2013 advising that the following additional information was required:
  - Stormwater management and drainage design details (require DRAINS modeling, OSD details and road drainage connection);
  - New road details (road alignment details – profile and section, long section to ensure it matches with other roads and pedestrian access way).
  - New Pedestrian Link details (alignment, location and interface design to match with Council's overall strategy);
  - Traffic Issues (poor sightlines at driveway exit, insufficient queue length) and confirm dimensions and clearance heights);
  - Architectural Design Issues (façade treatment, stair encroachment/ protruding into Khartoum Road setback, street interface along new road, ground floor car park screening);
  - Structures encroaching into the proposed new road to be dedicated to Council.
- Additional information was submitted on 8<sup>th</sup> & 14<sup>th</sup> August 2013. The assessment contained in the report is based on the amended details as submitted by the applicant.
- As part of this DA, a Voluntary Planning Agreement was submitted. The VPA was considered by Council at its meeting held on 24 September 2013. At this meeting, Council resolved as follows:
  - *That Council enter into the Voluntary Planning Offer made by Goodman Property Services (Australia) Pty. Ltd, as part of the Development Application LDA2013/106 at 8 Khartoum Road, Macquarie Park for the construction of a commercial building.*
  - *That the Council's agreement to enter into the VPA be communicated to the Joint Regional Planning Panel at the time of determination of the application.*

## 7. 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 No. 55 – Remediation of Land;
- State Environmental Planning Policy (Infrastructure) 2007;
- Deemed SEPP – Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- Ryde Local Environmental Plan 2010;
- Ryde Development Control Plan 2010;
- Draft Ryde Local Environmental Plan 2011;

## 8. PLANNING ASSESSMENT

### 8.1 Section 5A of the Environmental Planning and Assessment Act 1979

A total of one hundred and sixteen trees exist on the site that has been assessed as part of the Arborist's Report. The majority of trees located on the site have been planted along the site boundaries of the existing commercial facility and currently add to the landscape character of the locality. The trees are shown in the plan below:

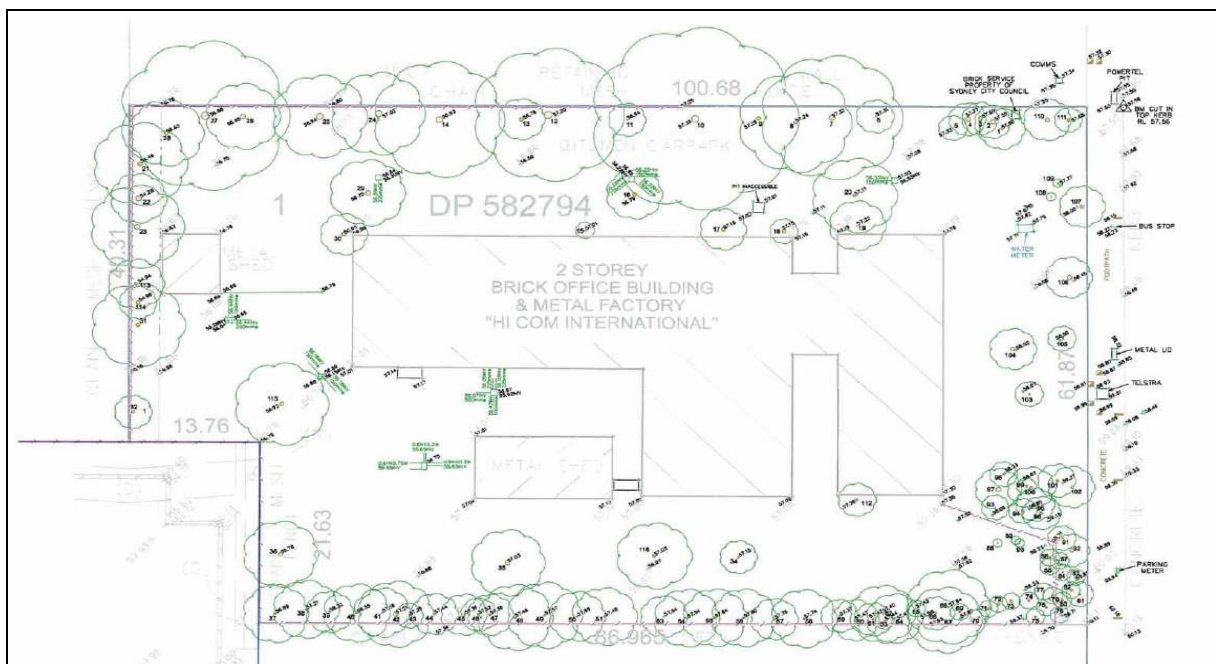


Figure 7: Survey showing existing trees on the site

Due to the nature of the development that includes a new road to be constructed, all trees located onsite are proposed to be removed as part of this development. For example, the proposed road located on the southern boundary does limit the opportunity for retention of trees on the subject site. The trees present on the site include species such as Swamp Mahogany, Spotted Gum, Forest Red Gum, Lemon Scented Gum, Willow Gum, River Oak and Swamp Oak from the site.



Some of the trees are a characteristic species of remnant Blue Gum High Forest (BGHF), which is listed as endangered ecological community under the Threatened Species Conservation Act. However, it is apparent from the fill, altered landform, location of the trees and the condition of the subject site that it has been entirely cleared and earthworks undertaken to level the site for development in the past.

The applicant has provided an Ecological Assessment Report from SLR Global Environmental Solutions in respect of the site. In relation to the trees the report confirms the following:

- *The moderate to large trees present (including specimens of the Swamp Mahogany, Spotted Gum, River Oak and Swamp Oak), as well as all other vegetation present on the subject site and surrounds, have clearly been replanted, and are of unknown provenance.*
- *That none of the vegetation present on the subject site is 'remnant'.*
- *The 1943 aerial imagery (Sixviewer 2012) of the subject site demonstrates that the subject site was substantially modified at that time, and that all of the vegetation currently present has been replanted. Further, the Council mapping of vegetation within the LGA does not indicate the presence of any BGHF or STIF or any other notable (or native) vegetation.*
- *Given the unknown provenance of the vegetation on the subject site, and given the fact that the vegetation present is clearly planted rather than 'remnant' specimens, it is the conclusion of the authors of this Report that there is no significant or relevant native biota present. It is also noted that there are many street trees throughout the Macquarie Park industrial area, and in surrounding areas. Most, if not all, of these trees are horticultural plantings, and are located in building setbacks, street reserves and planted gardens.*

Council's Consultant Landscape Architect supports the findings of the report and provided the following advice:

*The Flora and Fauna report stated that none of the vegetation located on the site is part of a remnant community and has been planted as part of the original development occurring within the site. Further to this the report states that there are no Endangered Ecological Communities (EEC's) or Critically Endangered Ecological Communities (CEEC's) located on the site.*

*The proposed landscape treatment appears to tie into the overall outcomes for the precinct, while not all trees will be replaced as part of the development, approximately 65 trees will be replanted as part of the proposal. All of the 116 trees assessed by the arborist are proposed to be removed from the development site. It is considered acceptable that the trees be removed as part of the development proposal on the condition that all replacement tree species be planted at a minimum 100L pot size, to provide some canopy replacement within the development during its establishment. Replacement trees should meet the requirements set out in, Part 6 of the 'City of Ryde: Urban Forest Technical Manual (2012)'.*



**Figure 8: Existing trees showing abnormal shapes.**



**Figure 9: Tree affected by existing concreted parking area (constraints to sustained growth).**

## **8.2 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 application was reviewed by Council's Environmental Health Officer (EHO) in relation to this matter. The following advice was received:

*The current building on the subject site was constructed during the 1980's. The company which occupied the premises may have used the building for commercial or*

*manufacturing purposes however, it is thought not to have been used for any of the activities listed in the Guidelines to SEPP 55 as being likely to cause contamination. I recommend that should any contamination be found within the soils during the demolition process, then the demolition process be stopped until such time as all sources of contamination are assessed and a report commissioned.*

Relevant conditions have been recommended to ensure that this occurs (see Condition 15, 16 & 17).

### **8.3 State Environmental Planning Policy (Infrastructure) 2007**

The Infrastructure SEPP applies to the proposed development due to its relevant size and traffic generation capability. The applicable clauses under the Infrastructure SEPP are as follows:

<b>Infrastructure SEPP</b>	<b>Comments</b>	<b>Comply</b>
<b>Clause 104 Traffic generating development</b> The proposed development, being a commercial building with a floor area greater than 10000m <sup>2</sup> is considered to be a traffic generating development. Before determining this DA the Consent Authority must: <ul style="list-style-type: none"> <li>• Take into consideration any submission that the RMS provides in response to that notice within 21 days after the notice was given (unless before the 21 days have passes, the RMS advises that it will not be making a submission), and</li> <li>• Take into consideration any potential traffic safety, road congestion or parking implications of the development.</li> </ul>	<p>The development proposal was forwarded to the Roads and Maritime Services (RMS) for comments. RMS has raised no objection to the proposed development.</p> <p>The issues of potential traffic safety, road congestion and parking implications have been considered elsewhere in the report and are considered satisfactory.</p>	<p>Yes</p> <p>Yes</p>

### **8.4 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 B7 – Business Park under the provisions of the LEP 2010. The proposed 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 B7 (Business Park) zone are as follows:

- *To provide a range of office and light industrial uses.*
- *To encourage employment opportunities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- *To ensure the zone is characterised by a high-quality, well-designed and safe environment that reflects its natural setting.*
- *To provide a zone with strong links to the Macquarie University and research institutions and an enhanced sense of identity.*
- *To encourage industries involved in scientific research or development.*

The proposal involves the erection of a new office building including a café and a new road. Major public domain upgrade works will be carried out as part of the current development. The design is of an acceptable quality and has been reviewed by Council's Urban Design Review Panel. The project is likely to encourage employment opportunities within the business park. The proposed development satisfies the zone objectives.

### Clause 4.3 Heights of Buildings

Under this Clause the height of a building on any land is not to exceed the maximum height as specified on the Building Heights Map. The map identifies the site as having a maximum height of 30 metres on this site.

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 details provided with the application confirm that the maximum height of the proposed building is 30m and therefore complies with this provision as illustrated in the diagram below.



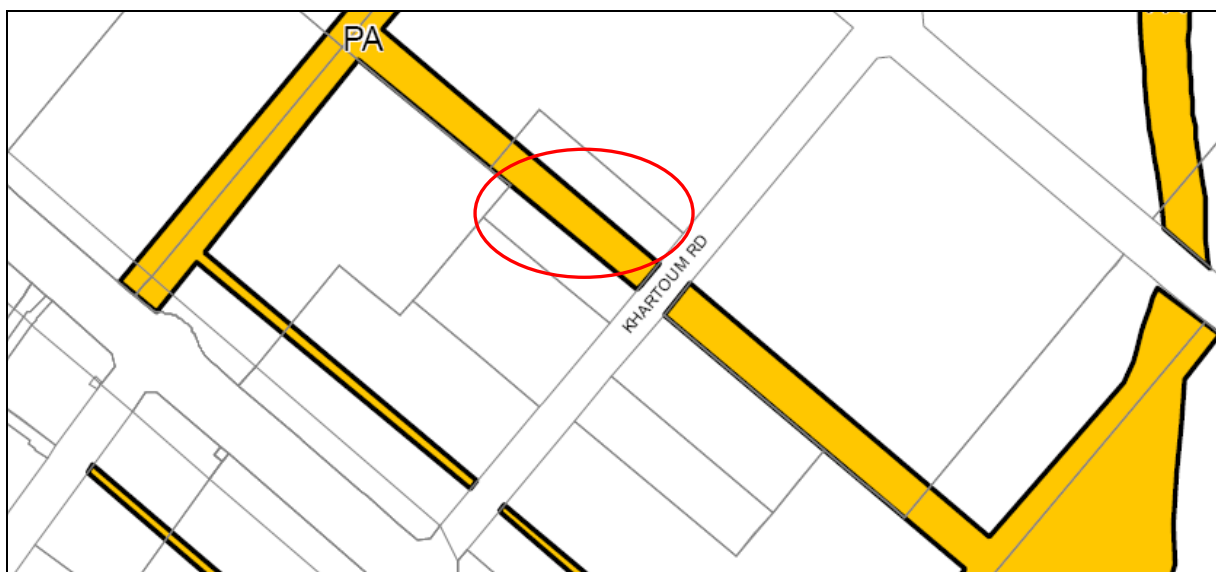
**Figure 10: The orange line on top of the building has been inserted to show the maximum height limit for the site. The building height is within the maximum height permitted on the site.**

## Clause 4.4 and 4.4B - Floor Space Ratio/ Road location

Under this provision, the floor space ratio (FSR) of a building is not to exceed the maximum floor space ratio specified on the Floor Space Ratio Map. The map identifies the site as having a maximum FSR of 1:1. Based on the permitted FSR map, the permissible development area is 5,937m<sup>2</sup> subject to Clause 4.4B.

Clause 4.4B specifies that the consent authority may consent to development that results in a FSR in excess of the FSR shown for that land on the FSR map if:

- a) *The land contains part of the proposed access network shown on the Macquarie Park Corridor Proposed Access Network Map; and*
- b) *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.*



**Figure 11: Extract from LEP (Macquarie Park Corridor Proposed Access Network Map) The red circle shows the subject site and the proposed road (orange) going through the centre of the site. Compare this with Figure 12 which shows road location as per the DCP2010.**

The site contains part of the proposed access network shown on the relevant map. The Macquarie Park Corridor Access Network Map shows the location of the road from Khartoum Road, through the centre of the site. The location of the road in the LEP2010 is inconsistent with the Macquarie Park Structure Plan (DCP2010) which shows the preferred location of the road along the southern boundary of the site rather than along the centre of the site. The applicant seeks a variation to both the above sub-clauses, that is, in addition to the floor space ratio, the location of the road is to be varied so that it accords with the location shown on Council's DCP2010.

### Location of the proposed Road

A Clause 4.6 variation request has been submitted by the applicant in relation to this matter which is discussed below.

Clause 4.6 of LEP 2010 allows exceptions to development standards in certain circumstances. Consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that:

- The applicant has provided a written request which demonstrates 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 proposed development will be in the public interest and it is consistent with the objectives of the particular development standard and the objectives of the zone.
- Concurrence of the Director-General has been obtained. Circular PS 08-003 issued on 9 May 2008 informed Council that it may assume the Director-Generals concurrence for exceptions to development standards.

These matters are discussed below.

1. *Written request which demonstrates the environmental grounds for the variation and that compliance would be unreasonable and unnecessary.*

The applicant has provided a written request seeking to justify the variation to the location of the proposed road. The justification is included under Section 6.4 of the Statement of Environmental Effects prepared by Urbis Pty Ltd.

The following grounds have been given by the applicant in respect to the variation to the FSR control:

- The Ryde DCP2010 shows the access road in the proposed alignment (in the same location as that proposed in the DA) demonstrating Council's future intentions for access ways within the Macquarie Park Corridor;
- The current location of the access road along the centre of the relatively small site renders the site unusable for any other development. Given the strategic location of the site within the Macquarie Park Corridor, this is not considered the most efficient use of the site;
- The proposed location of Road 1 continues to meet the intent of RLEP access network map by increasing access through the Macquarie Park Corridor and future alignment can be amended without any unfeasible impacts on development potential of the sites to the north-west;
- Council has advised that the LEP amendment No.1 proposes to remove the Macquarie Park Corridor access network map demonstrating that provision of these access roads are no longer to be a control applied in RLEP and can therefore be varied under the provisions of the DCP;
- The proposed location of Road 1 will have a negligible impact on the locality and its surrounds;
- The proposed access road is consistent with the intent of the Macquarie Park Corridor Access Network Map to provide opportunities for future connections through the Macquarie Park Corridor and is therefore considered appropriate.

2. *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.

There are no specific objectives under the LEP2010 for this control other than to provide an incentive for developers to construct the roads through the bonus floor



space provision. However, the following objectives are relevant in relation to FSR Clause relating to Macquarie Park Corridor:

- a) *To enable the consent authority to assess and respond appropriately to future infrastructure needs.*

The road is required on the site to link up with Road No. 5 located adjacent to Macquarie Shopping Centre. The location and width of the proposed Road 1 from Khartoum Road through the site (as proposed in the DA) is generally in accordance with that required under the DCP2010 which will be constructed, embellished and dedicated to Council. The road location is also consistent with the Draft Planning Proposal – Amendment 1 as exhibited.

- b) *To encourage the provision of a new street network and to provide incentives for redevelopment in return for the provision of the proposed access network as a public benefit.*

A variation to the location of the road to the southern side will not only make the road consistent with the DCP2010 but also provide an incentive for the development of the site by making it more practical and economically viable. The road shown on the LEP2010 is in the centre of the site rendering the site undevelopable. The intent of the LEP to achieve the intended road network will still be achieved as the proposal includes a new road on the site consistent with the Structure Plan.

### *Conclusion*

The location of the road along the centre of the site is not preferred for the following two important reasons:

- The site is 61.8m wide. The 20.4m wide road with 5m building setback on each side of the road and another 5m setback along the site boundaries (leaves only two separate 10m wide areas for the building) would render the 61m wide site unsuitable for a viable development.
- The location of the road in the LEP2010 is inconsistent with the Macquarie Park Structure Plan (DCP2010) which shows the preferred location of the road along the southern boundary of the site rather than along the centre of the site.

The variation is in accordance with Council's strategic intentions as per the Structure Plan and as per pre-DA advice provided to the applicant. The location of the road along the southern boundary is supported by Council. The variation to the standard is acceptable in the circumstances of the case.

### Floor Space Ratio

In accordance with the above discussions, the following figure illustrates the access network as identified in the Structure Plan contained in Part 4.5 of DCP 2010. This reflects Council's intended fine grain road network for the Macquarie Park Corridor.



**Figure 12. Extract from the Structure Plan in Part 4.5 of DCP 2010. The Structure Plan reflects the Council's intended road network running along the southern boundary of the site.**

A new road (20.4m wide – Type 2 Road) is required on the site which will eventually link up to the road located on the Macquarie Shopping Centre site. Accordingly, under Clause 4.4B an FSR in excess of 1:1 can be approved on the site as long as it does not exceed the equivalent of the area provided for the portion of the access network.



**Figure 13. The above diagram shows the general location of the road and the pedestrian link (not to scale) proposed on the site as required under Council's LEP2010/DCP2010/Draft LEP2013 Amendment 1.**

The location and area of the proposed Road 1 from Khartoum Road through the site is generally in accordance with that required under the DCP2010 as discussed earlier. The road works will be carried out through a Voluntary Planning Agreement which has been separately approved by Council on 24 September 2013. Accordingly, additional floor area that is equivalent to the area taken up by the proposed road can

be allowed on the site. The site has an area of 5,937m<sup>2</sup>. The area taken up by the road equates to 1,774m<sup>2</sup> of the site.

Accordingly, 1,774m<sup>2</sup> (or 0.29:1) of additional floor area is permitted to be added to the FSR calculation for the site. The permissible floor space and FSR under Clause 4.4B therefore is 7,711m<sup>2</sup> or 1.3:1 respectively.

The application proposes a floor area of 11,831m<sup>2</sup> which equates to a FSR of 1.99:1 and constitutes 4,120m<sup>2</sup> of floor area above the maximum permitted on the site. This equates to a variation of 53% and therefore breaches the FSR (development standard) for the site.

Clause 4.6 of LEP 2010 allows exceptions to development standards. The provision requires that consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that:

- The applicant has provided a written request which demonstrates 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 proposed development will be in the public interest and it is consistent with the objectives of the particular development standard and the objectives of the zone.
- Concurrence of the Director-General has been obtained.

These matters are discussed below.

1. *Written request which demonstrates the environmental grounds for the variation and that compliance would be unreasonable and unnecessary.*

The applicant has provided a written request seeking to justify the variation to the floor space ratio.

The following environmental grounds have been given by the applicant in respect to the variation to the FSR control:

- *Notwithstanding the FSR, the height of the building complies with the RLEP2010 and therefore represents the scale of development envisaged for the site.*
- *The bulk and scale of the development has been generally supported by Council's Urban Design Review Panel.*
- *Despite the numerical non-compliance with the FSR, the scheme is considered to meet the objectives of both Clauses 4.4 and 4.4 (1A) and cause no adverse impacts on surrounding land uses.*
- *As a public benefit, public infrastructure will be provided through the construction and embellishment of Road 1 and the pedestrian link both of which will provide enhanced public amenity.*
- *The proposal includes energy efficiency measures to improve the performance of the development.*
- *The scheme meets the objectives of the FSR control.*
- *The additional FSR has been the subject of ongoing consultation between the applicant and Council.*



It is agreed that in order to support the growth of the Macquarie Park Corridor it is necessary to provide new and improved infrastructure, facilities and public domain improvements which have been adopted in the relevant planning controls and policies. The LEP2010 objectives allow Council to evaluate and respond appropriately to infrastructure needs. In addition Part 4.5 of the DCP for Macquarie Park permits Council to consider a variation to the FSR controls where the development is providing a public benefit. The public benefit can be by way of works in kind, monetary contribution, developer agreement, VPA or other form acceptable to Council.

The applicant has provided a VPA which proposes construction of a new road and pedestrian link as a public benefit to offset any potential impact resulting from the non-compliance with the FSR.

The proposed floor space is consistent with the Draft Ryde Local Environmental Plan 2013 Amendment 1 (exhibited) in that the proposed FSR will be 1.99:1 which is below the maximum 2:1 that would be permitted under Amendment 1. The Draft Amendment 1 introduces an incentive scheme that defers the availability of additional Floor Space Ratio (FSR) and height for certain site within the Macquarie Park Corridor until the developer negotiates with Council to deliver roads and/or parks or contribute towards these. Once this agreement is executed the greater height and FSR is made available through Voluntary Planning Agreements and the development assessment process. The scheme is voluntary and if a developer chooses not to enter into the agreement the existing Ryde LEP 2013 will apply.

2. *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 floor space ratio control applicable to the site are discussed below:

a) *To provide effective control over the bulk of future development.*

The additional floor space is contained within the permissible maximum height of the building. The bulk, scale and height of the building will not result in any adverse impact on the adjoining properties in terms of overshadowing or loss of privacy. The built form would not detract from the desired character of the area and is acceptable to Council's Urban Design Review Panel.

b) *To allow appropriate levels of development for specific areas.*

Despite the additional floor space the building will have an acceptable bulk and scale and is unlikely to impact on the amenity of any adjoining properties. The proposal complies with the maximum height and the proposed setback

and articulation is acceptable. The development is not likely to create any adverse precedent for future sites.

- c) To enable the consent authority to assess and respond appropriately to future infrastructure needs.*

The development provides public benefit in the form of a new road, a new pedestrian link, public domain improvements over two frontages and cash contributions pursuant to Section 94 of the EP&A Act. The road works and provision of the new pedestrian link will be construction via a VPA. This will enable Council to provide future infrastructure within the Macquarie Park area which will assist Council in ensuring that the key aims of the DCP are achieved and the roads and public domain improvements are delivered as part of the development (DA) process.

- d) To encourage the provision of a new street network and to provide incentives for redevelopment in return for the provision of the proposed access network as a public benefit.*

The approval of this development will achieve the strategic objectives of implementing the fine grain road network in Macquarie Park. The proposed variation will enable commercial viability of the project in light of the additional public benefit being provided by the applicant. This objective will be met.

In addition to the above objectives, the Macquarie Park Corridor has the following objectives for floor space ratio:

- a) To achieve a consolidation of development around railway stations, with the highest floor space ratios at the station nodes.*

The site is not located adjacent to a railway station.

- b) To allow feasible development of the sites around railway stations and facilitate focal points at the station areas.*

The site is not located adjacent to one of the railway stations. This objective is not applicable to the development.

- c) To ensure that the peripheral locations of the corridor reflect the landscape needs and building setting requirements of the corporate building.*

The site is not considered to be in a peripheral location in the corridor. However the issue of providing a building in a landscaped setting is still relevant. This development is for the demolition of an existing building and the construction of a new building. A number of existing trees will be removed however, landscaping will be enhanced along the front, side and rear boundaries. The landscaping and tree removal has been reviewed by an Arborist and the Council's Consultant Landscape Architect. No objections have been raised. The development is consistent with the intent of the above objective.

3. *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*

The variation to the floor space ratio has been assessed in accordance with the requirements under Clause 4.6 of the LEP2010. Despite the non-compliance with the floor space control, the development satisfies the objectives of the control. In the circumstances, compliance with the development standard would be unreasonable and unnecessary. The proposed variation is supported.

Pedestrian Link

The road shown in red as Road 19 is no longer required and will be replaced by a pedestrian link. This change has been incorporated in the Draft LEP2013 Amendment 1 (Planning Proposal which has been publicly exhibited from 12 June 2013 to 19 July 2013). The applicant is providing a pedestrian link which is acceptable to Council. The pedestrian link will be constructed by the applicant and a Right of Way will be created for public access.

**Clause 4.5E Macquarie Park Corridor – Car parking**

Off Street Parking

Subclause (1) relates to off street parking. The maximum off street parking spaces for commercial and industrial development in the Macquarie Park Corridor is not to exceed those shown on the relevant map. The site is identified as having a maximum parking rate for commercial floor development of 1 space per 46m<sup>2</sup> of GFA. The parking for the proposed café will attract a rate of 1 space per 25m<sup>2</sup> of retail floor space. The development comprises of 11,361m<sup>2</sup> of office space and 470m<sup>2</sup> of retail space requiring 245 and 19 car spaces respectively. With the proposed floor area of 11,831m<sup>2</sup>, a maximum of 264 car parking spaces can be provided on the site.

The application proposes a total of 250 car parking spaces on the site. 242 spaces are located within the three basement levels and eight (8) spaces are located on the ground level within the building. As the above control is a maximum control, the proposal complies with the car parking control.

**Clause 6.1 Acid Sulphate Soils**

The site is not identified on the Acid Sulphate 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 site is not known to contain any relics or any other item of heritage significance. 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 (Conditions 19 & 33). 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 above objectives have been discussed earlier in this report. The development satisfies the above objectives.

## **8.5 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. 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.

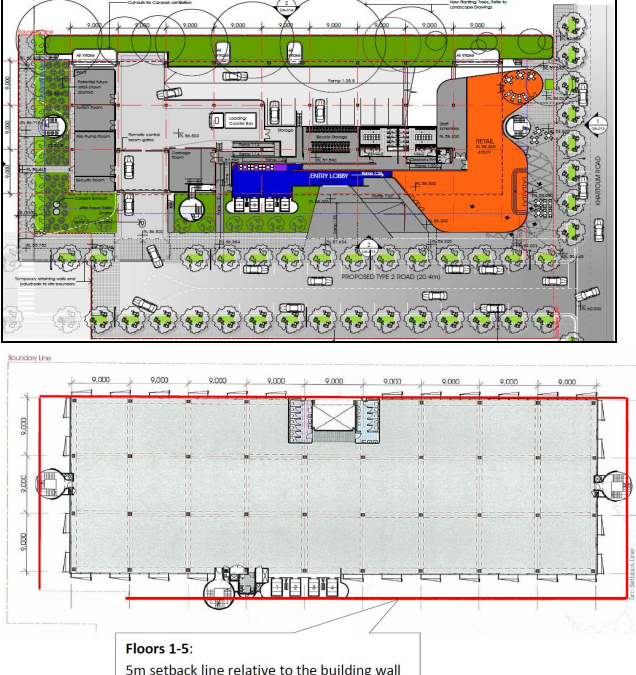
Control	Comments
<b>s3.0 – Structure Plan</b>	
<b>Street Network</b> 1. Provide new public streets as shown in the Street Network Structure Plan. 2. New streets are to be dedicated to Council. 3. All major development shall utilise the Macquarie Park Integrated Traffic and Movement Study.	<p>The Structure Plan shows a Type 2 road on the site along its southern boundary and Type 3 road on the western boundary. However, a more recent review of the proposed network has considered a change to the fine grain road network in that it is intended to retain the Type 2 road only within the site along the southern boundary. The Type 3 road will be deleted and replaced with a "required pedestrian connection" or shared pedestrian access way along the western boundary. The pedestrian link is being provided as required under Macquarie University Station Precinct.</p> <p>This revised road network has been supported by Council's Strategic Planners and the Traffic Engineer and is reflected in the Draft LEP2013 Amendment 1. A written advice was also provided to the applicant in relation this change as part of the pre-lodgement meetings. The provision of the new road on the site is considered satisfactory.</p>
<b>Open Space Network</b> 1. Provide public open space as shown in Figure 4.5.06 Open Space Network.	The site is not required to provide any public open space.
<b>Built Form Network</b> 1. Buildings are to be designed in accordance with s6.0.	This matter has been discussed further in the assessment report and the development is considered to satisfy these requirements.
<b>S4.0 – Special Precinct – Macquarie University Station Precinct</b>	
<b>Open Space</b> Provide as shown in Fig 4.5.32.	No specific open space area is required on the subject site.
<b>Streets</b> Provide active frontage and community space as required under figure 5.2.11 & 5.2.12.	The development provides active street frontage.
<b>Pedestrian Links</b>	

Control	Comments
Pedestrian through site links are to be provided where shown in Figure 4.5.32.	The subject site is not included in Figure No.4.5.32. However, a pedestrian link will be provided along the western boundary in accordance with the Draft LEP2013 Amendment 1 – Planning Proposal.
<b>Maximum Height</b> As per Figure 4.5.35	The subject site is not included in Figure 3.5.35
<b>s5.0 – Public Domain</b>	
<b>5.1 – Streets</b>	
<b>Streets</b> 1. Buildings are not permitted on any proposed street identified in The Street Network Structure Plan.	The building is not proposed on the area earmarked for a new road.
<b>Type 2 Street</b> 1. Typically 20.4m road reserve to Council satisfaction.  2. Existing streets extend along existing alignment where possible.  3. New streets: provide new Type 2 streets where shown in Figure 4.5.55 and 4.5.56 of the Plan.  4. 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.	The Type 2 road is located along the southern boundary of the site. The road will be constructed and dedicated to Council.  The proposed road joins and is perpendicular to Khartoum Road. On the western side it will join with the future road on the adjoining land.  This proposed road complies with the width and (section detail) as provided under the DCP. The development will achieve the required setback to the road with minor variations to allow street activation. Council's Urban Design Review Panel supports the setback variations along the proposed new road as it improves the activation of footpath and the street frontage.
<b>5.3 – General Public Domain Controls</b>	
<b>Cycle Strategy</b> 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.	The figure shows bicycle path generally consistent with the fine grain road strategy. The proposed new Road 1 will provide shared cycle path within the proposed road in accordance with the Public Domain Technical Manual.  Bicycle storage is proposed on the ground floor (65m <sup>2</sup> ) of the proposed development. This is consistent with Council's requirements and will allow parking for 76 bicycles on the site.
<b>Street Furniture</b> 1. Design and build streets in accordance with the details provided in the Macquarie Park Public Domain Technical Manual.	The new 20.4m wide road (footpath, landscaping and lighting) will be designed and built to Council's specification and dedicated to Council.

Control	Comments
<p>2. Utilise paving materials, furniture and lighting standards as identified in the Macquarie Park Public Domain Technical Manual.</p>	<p>As part of the development, the Khartoum Road frontage would be upgraded in accordance with the Public Domain Technical Manual (PDTM). The applicant has submitted a plan demonstrating the improvements to the public domain along Khartoum Road. This plan however, does not reflect all the public domain works required under Council's DCP and the PDTM. Condition number 1(a), 32 &amp; 81 requires the submission a more detailed landscape plan which will specify all construction details for the public domain.</p>
<p><b>Street Tree &amp; Front Setback Tree Planting</b></p> <p>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.</p>	<p>The public domain plan provided by the applicant has demonstrated street tree planting. The recommended conditions will ensure submission of additional details and compliance with this matter (Condition number 1(a), 32 &amp; 81).</p>
<p><b>Community Facilities</b></p> <p>1. Community facilities are to be provided as required by the Ryde City Council's Section 94 Plan.</p>	<p>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.</p>
<p><b>Public Art</b></p> <p>1. Public art must be included in all new development on sites over 15,000sqm.</p>	<p>The area of the site is 5,937m<sup>2</sup>. The proposed floor area is 11,731m<sup>2</sup>. Public art is not required for this development.</p> <p>However, the applicant has provided a public art proposal for the site integrated into the landscaping and built form of the development. The public art plan shows simple white neon forms echoing the cube reference of the square screens on the building façade.</p> <p>This is demonstrated on the below diagram.</p>  <p>The concept has been considered by Council's Arts and Cultural Planner and is supported. A condition will be imposed on the consent requiring compliance with the public art plan. (See condition number 83).</p>
<p><b>Implementation – infrastructure, facilities and public domain improvements</b></p> <p>1. Public land such as the road verge adjoining a development site is to be</p>	<p>As part of this development the public domain</p>

Control	Comments
<p>embellished and dedicated to Council as part of any new development.</p> <p>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.</p> <p>3. Council may consider granting consent to a development where the building height and FSR are in excess of the control if:</p> <ul style="list-style-type: none"> <li>• The development provides a community benefit such as works in kind, monetary contribution, development agreement, VPA.</li> <li>• 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.</li> </ul> <p>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.</p>	<p>along the existing and the proposed roads will be embellished.</p> <p>The Road will be dedicated to Council upon completion to Council standards.</p> <p>A VPA has been submitted with the development application which proposes community benefit through the construction and dedication of the new road for the additional floor space. The development does exceed the maximum floor space ratio prescribed for the site under the RLEP 2010.</p> <p>This matter has been discussed in detail under the previous section of this report.</p> <p>Notwithstanding the breach in FSR, the bulk, design and height of the proposed building is unlikely to result in any significant environmental impact on the locality and is deemed acceptable.</p> <p>The road will be dedicated to Council. However, the shared pedestrian link proposed at the rear of the site will not be transferred to Council but a ROW will be created for public access. This is in accordance with the pre-DA advice provided to the applicant and is consistent with the objectives of the DCP.</p>
<b>s6.0 – Site &amp; Building Design</b>	
<b>6.1 – General Built Form Controls</b>	
<p><b>Height Controls</b></p> <p>1. Building heights are to comply with LEP2010.</p> <p>2. Council may vary the height where the development is providing a public benefit such as roads etc.</p>	<p>The proposed building complies with the maximum height allowed on the site as has been discussed earlier in this report.</p>
<p><b>Floor Space Ratio Controls</b></p> <p>1. Floor space ratios are to comply with the Ryde LEP 2010.</p> <p>2. Council may consider a variation to the floor space ratios controls where the development is providing a public benefit. Refer to Section 5.3.7 Implementation for details and Height of Buildings and Floor Space maps in Adopted Ryde LEP 2010.</p>	<p>This issue has already been addressed in the earlier part of this report. A variation to the FSR control is being sought as an incentive to construct and dedicate a road to Council. The construction of the road will ensure the orderly development of land and the provision of required infrastructure in Macquarie Park. A VPA has been considered and approved by Council in relation to the construction of the road. The proposal is considered acceptable in relation to this matter.</p>



Control	Comments
<p><b>Site Planning &amp; Staging</b></p> <ol style="list-style-type: none"> <li>1. Sites are to be planned to allow for the future provision of new streets and open spaces in accordance with Ryde LEP..</li> <li>2. Buildings are to be sited to address existing and new frontages in the following order of precedence: <ol style="list-style-type: none"> <li>a) Primary frontages: These are located along existing streets (typically Type 1 or 2 streets).</li> <li>b) Secondary frontages: these are generally existing, or new Type 2 or 3 streets.</li> </ol> </li> <li>3. Front door and street address is to be located on the primary frontage. Loading docks, vehicular access is not permitted to be located on the primary frontage unless it can be demonstrated that there is no alternative.</li> </ol>	<p>The development has proposed a new road and a shared pedestrian link. The building setbacks are generally consistent with the DCP.</p> <p>The building addresses Khartoum Road which the primary frontage.</p> <p>The design also ensures street activation with respect to the new proposed road which becomes the secondary frontage.</p> <p>Loading dock has been located behind the primary and secondary façade of the building. No issues are raised with respect to these matters.</p>
<p><b>Street Setbacks &amp; Built-To Lines</b></p> <ol style="list-style-type: none"> <li>1. Minimum setbacks and build-to lines must be provided as shown in Figure 4.5.83 of the DCP. <ul style="list-style-type: none"> <li>• A 5m setback is required along Khartoum Rd.</li> <li>• A 5m setback is required along the proposed new 20.4m wide road.</li> <li>• Single storey cafe structures may be located within the street setback. These structures must address the public domain and be of transparent construction.</li> </ul> </li> <li>2. Underground parking is not permitted to encroach into the setback areas unless it can be demonstrated that the basement is designed to support significant mature trees and deep root planting.</li> <li>3. Awnings, canopies, balconies, sun shading and screening elements can project forward of the street setback line.</li> </ol>	 <p>As shown in the above diagram, a 5m setback has been provided along Khartoum Road except for the minor single storey encroachment by the ground floor café (seating area – coloured orange). This encroachment occurs by 2.5m over a length of 5.5m along the frontage.</p> <p>The proposal also shows a variation of the 5m setback along the proposed new road. The setback along this frontage ranges from 1m (café encroachment) to 5m. The majority of the</p>

Control	Comments
<p>4. <u>5m setbacks - landscaping</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.</p>	<p>setback variation occurs at the ground floor level except for the stairwells as demonstrated in the above plan. The variation is supported as it creates an improved interface with the primary and secondary road. This is encouraged under the DCP to enable street activation and has been supported by Council's Urban Design Review Panel. Generally the retail space is functionally better if it is located closer to the public domain area which is what is proposed via the minor variation.</p> <p>Soft landscaping - This requirement is not fully achieved along the Khartoum Road frontage (retail frontage). As part of the development it is proposed to pave the area adjacent to the café for improved street activation and to create pedestrian friendly interface. On the southern side adjacent to the proposed new road, except for the area taken up by the driveway and ramp, the frontage will have soft landscaping. Despite this a mix of paved and turfed areas with additional street trees are being proposed which will create a pleasant and interactive interface to achieve street activation. The design matters have been reviewed by Council's UDRP and Urban Design Architect, the treatment of the interface and choice of materials and finishes adjacent to the street is considered acceptable. The proposal is in line with the advice provided by Council's Urban Design Review Panel at the pre-DA stage.</p>
<p><b>Side &amp; Rear Setbacks</b></p> <ol style="list-style-type: none"> <li>1. Buildings are to be set back 10m from a rear and 5m from a side site boundary.</li> <li>2. Awnings, canopies, balconies, sun shading and screening elements can project into the side to rear setback zones.</li> <li>3. Basement car park structures should not encroach into the minimum required side or rear setback zone unless the structure can be designed to support mature trees and deep root planting.</li> </ol>	<p>The development is required to be set back 5m from the western boundary. The building complies with this setback except for minor acceptable variation (by the rear fire stairs).</p> <p>The basement car park does not project within the required setback. The basement slab has been designed to include planter box on the western elevation.</p>
<p><b>Building Separation</b></p> <ol style="list-style-type: none"> <li>1. Provide a minimum 20m separation between buildings facing each other within a site.</li> <li>2. Provide a minimum 10m separation</li> </ol>	<p>This clause is not applicable to the development and only a single building is proposed on the</p>

Control	Comments
<p>between buildings perpendicular to each other within a site. This reduced building separation control only applies where the width of the facing facades do not exceed 20m.</p>	<p>site.</p>
<p><b>Building Bulk</b></p> <ol style="list-style-type: none"> <li>1. All buildings must comply with Section 6.1.15 of the DCP (Environmental Performance – 4 star green star rating).</li> <li>2. The preferred distance of any point on a habited floor from a source of natural daylight is 12m.</li> <li>3. Atria and courtyards are encouraged to promote access to natural light, pedestrian links and slender building forms. Arrange courtyards and atria to respond to street and solar orientation. Preferred height to width ration of atria is 3:1.</li> </ol>	<p>An energy performance report has been provided. The building will achieve a 4 green star rating. The development complies with these requirements.</p> <p>The building has a depth of 27m which will allow a distance of at least 13.5m. This is acceptable as the building will still achieve the required energy efficiency performance and the requirement under Section J of the BCA.</p> <p>Adequate sunlight will be achieved where required particularly to the shared pedestrian link and the ground floor café.</p>
<p><b>Site Coverage &amp; Deep Soil Areas</b></p> <ol style="list-style-type: none"> <li>1. A minimum 20% of a site must be provided as deep soil area. For the purpose of calculating deep soil areas, only areas with a minimum dimension of 20m x 10m may be included.</li> <li>2. Deep soil must be at least 2m deep.</li> </ol>	<p>Due to the site configuration and road dedications for the Macquarie Park road network, the minimum deep soil zone dimensions of 10m x 20m is not able to be achieved on this site. As all deep soil areas must have the dimensions of 20m x 10m, via the definition, the site contains no deep soil areas. Also the development utilizes 1,774m<sup>2</sup> of site area for the new road that will be dedicated to Council and thus leaves limited area for the viable building footprint. However, a total of 14% of the site area will have deep soil and landscaping. This is considered satisfactory.</p> <p>The site does provide deep soil areas (600mm – 4.3m) within the building footprint and clear deep soil areas around the perimeter of the site which will permit adequate landscaped areas. This adds up to a total of 588m<sup>2</sup> which equates to 14% of the site. This deep soil zone provision allows the retention of deep soil planting along the site's northern boundary and other smaller areas of planting along the alignment of the pedestrian link and new through road. Notwithstanding the minor non-compliance, it is considered that the proposal provides good opportunities for planting given the significant area of the site being dedicated as roadways to Council. The variation is supported.</p>

Control	Comments
<p><b>Building Articulation</b></p> <ol style="list-style-type: none"> <li>1. Facades are to be composed with an appropriate scale, rhythm and proportion, which respond to the building use and the desired character.</li> <li>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.</li> <li>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.</li> </ol>	<p>The façade incorporates a combination of glass and aluminium panels. The development incorporates angled sun shading panels and a glass system to the façade which provides an integral part of the overall modern and functional appearance of the building.</p> <p>The building entry is articulated by way of a recess at the ground floor.</p> <p>The building articulation has generally been positively supported by Council's Urban Design Review Panel. The facades have been designed to ensure an appropriate scale, rhythm and proportion.</p> <p>The plant room is located in the central area on top of the building which is set in and adequately screened.</p>
<p><b>Ceiling Heights</b></p> <ol style="list-style-type: none"> <li>1. Maximum ceiling heights are to be provided as follows: Minimum dimensions are measured from finished floor level to finished ceiling level: <ul style="list-style-type: none"> <li>• Ground level – 3.6m</li> <li>• Upper levels – 2.7m</li> </ul> </li> <li>2. Upper levels which are predominantly plant or parking may vary the minimum floor to ceiling height.</li> </ol>	<p>Ground floor to ceiling height is 4.6m.</p> <p>Upper floors ceiling height is 3.5m.</p>
<p><b>Active Frontages</b></p> <ol style="list-style-type: none"> <li>1. Continuous ground level active uses must be provided where primary active frontages are shown in figure 4.5.94 of the DCP.</li> </ol>	<p>The site is not identified as a primary active frontage or secondary active edge. Accordingly, this clause is not applicable. However, the design interface adjacent to both the street will encourage activation of the frontages especially adjacent to the café on the site. This is considered a good outcome for the site and the locality.</p>
<p><b>Awnings &amp; Canopies</b></p> <ol style="list-style-type: none"> <li>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</li> </ol>	<p>An awning is not required to be provided on the site.</p> <p>An architectural feature/ canopy has been</p>



Control	Comments
<p>the corridor.</p> <ol style="list-style-type: none"> <li>2. Entry canopies and discontinuous awnings may be provided to building entries not located along active frontages.</li> <li>3. Entry canopies may be glazed or solid, and are to be coordinated with the overall façade design.</li> <li>4. Provide canopies with a soffit height of 3.6m-4.2m.</li> </ol>	<p>provided along part of the elevation. The canopy is of solid construction, will have sufficient clearance from the finished ground and will not encroach onto the road reserve.</p>
<p><b>Topography &amp; Building Interface</b></p> <ol style="list-style-type: none"> <li>1. Level changes across sites are to be resolved within the building footprint.</li> <li>2. Where buildings are set back from the street boundary, entries are to be provided at street level wherever possible.</li> <li>3. An accessible path of travel is to be provided from the street through the main entry door of all buildings.</li> <li>4. Where necessary, stairs and ramps are to be integrated with the landscape design of front setbacks.</li> <li>5. Natural ground level is to be retained for a zone of 4m from the side and rear property boundaries. Retaining walls, cut and fill are not permitted within this zone.</li> </ol>	<p>The development has incorporated level changes within the footprint of the building. An accessible path of travel is provided from the street to the building and throughout the building. Two pedestrian ramps have been provided to allow accessible entry to the ground floor lobby, restaurant and to the lifts.</p> <p>Ground level will be retained.</p>
<p><b>Advertising Signage</b></p> <ol style="list-style-type: none"> <li>1. Signage shall comply with Part 9.1 of the DCP.</li> </ol>	<p>Signage is not included as part of this development application.</p>
<p><b>Environmental Performance</b></p> <ol style="list-style-type: none"> <li>1. Commercial development is required to achieve a 4 Star Green Star Certified Rating.</li> </ol>	<p>The development is expected to meet the requirements for a 4 Green Star rating. This will ensure that the building achieves an acceptable environmental performance. Condition 45 is recommended to ensure compliance.</p>
<p><b>Wind Impact</b></p> <ol style="list-style-type: none"> <li>1. Buildings shall not create uncomfortable or unsafe wind conditions in the public domain which exceeds the Acceptable Criteria for Environmental Wind conditions.</li> <li>2. All applications for buildings over 5 storeys in height shall be accompanied with a wind environment statement.</li> </ol>	<p>A Wind Assessment Report has been submitted with the development application. This report has concluded that the wind conditions for all trafficable areas within and around the site will be acceptable for the intended uses by pedestrians and occupants of the development.</p>
<p><b>Noise &amp; Vibration</b></p> <ol style="list-style-type: none"> <li>1. An Acoustic Impact Assessment report prepared by a suitably qualified</li> </ol>	<p>The applicant has provided an Acoustic Report which has concluded that the development will comply with the relevant noise targets for</p>

Control	Comments
<p>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.</p> <p>2. Development is to comply with all relevant statutory regulations.</p>	<p>commercial premises. The report has also concluded as follows:</p> <ul style="list-style-type: none"> <li>• No additional noise mitigation is required for the main rooftop plant room.</li> <li>• Acoustic silencers may be required for the car park exhaust fans, depending on the final plant selections and discharge location.</li> <li>• The loading dock is not proposed to take large trucks and its use will not be intensive.</li> </ul> <p>Accordingly, there will not be any adverse acoustic impacts as a result of the proposal (see Condition 93, 98 &amp; 99).</p>
<b>6.2 – Private &amp; Communal Open Space</b>	
<p><b>Landscaping &amp; Communal Courtyards</b></p> <ol style="list-style-type: none"> <li>1. A minimum 30% of the developable area of the site is to be provided as Landscaped Area.</li> <li>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.</li> </ol>	<p>Only 14% of the site will have soft landscaping. This figure excludes the dedicated road reserves and the paved area. Communal areas will be the café and the street interface which are appropriately designed. The green space to the west and north will achieve sufficient sunlight as required. The landscaping is considered satisfactory for the reasons discussed earlier in this report.</p>
<p><b>Pedestrian Through-Site Links</b></p> <ol style="list-style-type: none"> <li>1. Pedestrian through site links must be provided: <ol style="list-style-type: none"> <li>a) Where Pedestrian Access Corridors are shown in the Ryde LEP 2010.</li> </ol> </li> </ol>	<p>This clause is not applicable to the development as the site does not contain any pedestrian through site links.</p>
<p><b>Planting on Structures</b></p> <ol style="list-style-type: none"> <li>1. Provide optimum conditions for plant growth by providing appropriate irrigation and drainage methods.</li> <li>2. Design planters to provide the largest possible volume of soil in accordance with recommended standards.</li> </ol>	<p>The planter structures provided at the edge of ground floor slab is will have 600mm to 4300mm soil depth and is considered satisfactory.</p>
<b>6.3 – Services &amp; Site Management</b>	
<p><b>Floodplain Management</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>2. Development must not increase peak stormwater flows for rainfall events of up to 1-in-2 year storm.</li> </ol>	<p>The development has been assessed by Council Engineers and has been found to be satisfactory subject to appropriate conditions (conditions 33 &amp; 34).</p>
<p><b>Stormwater Drainage</b></p> <ol style="list-style-type: none"> <li>1. Development shall comply with the</li> </ol>	<p>The development has been assessed by</p>

Control	Comments
<p>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.</p>	<p>Council’s Engineer and has been found to be satisfactory subject to conditions (Conditions 33 &amp; 34).</p>
<p><b>Waste Management</b></p> <ol style="list-style-type: none"> <li>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.</li> </ol>	<p>A Waste Management Plan was submitted with the development application. This document was considered satisfactory subject to conditions (Conditions 20 - 25).</p>
<p><b>Soil Management</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>2. Effective soil management and maintenance practices are to be followed to prevent soil loss.</li> </ol>	<p>The development has been conditioned to ensure that appropriate sediment and erosion control measures will be implemented. (See condition numbers 33).</p>
<p><b>Site Contamination</b></p> <ol style="list-style-type: none"> <li>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.</li> </ol>	<p>The site has previously been used as a commercial/warehouse building. In respect of site contamination, the site is considered suitable for the intended use.</p>
<p><b>Site Facilities</b></p> <ol style="list-style-type: none"> <li>1. Vehicular access to loading facilities is to be provided from secondary and tertiary streets where possible.</li> <li>2. Rubbish and recycling areas must be provided in accordance with the DCP. These areas must: <ol style="list-style-type: none"> <li>a) Be integrated with the development.</li> <li>b) Minimise the visibility of these facilities from the street.</li> <li>c) Be located away from openable windows to habitable rooms.</li> </ol> </li> <li>3. Barrier free access is to be provided to all shared facilities.</li> <li>4. Provide at least one shower and changing facility that is accessible to the building users.</li> </ol>	<p>Vehicular access to the site and loading area will be provided from the new (secondary) road that is to be constructed as part of the proposed development.</p> <p>A garbage and recycling storage area has been provided at the entry level within the building. The storage is adequately screened and easily accessible. The arrangement achieves the DCP requirements.</p> <p>Barrier free access has been provided to all aspects of the development.</p> <p>Change rooms and showers and amenities are provided on the ground level adjacent to the main bicycle parking area (see condition 44).</p>

Control	Comments
<p><b>Vehicular Access</b></p> <ol style="list-style-type: none"> <li>1. Vehicular access is not permitted along streets identified as 'Active Frontages'.</li> <li>2. Where practicable, vehicle access is to be from secondary streets.</li> <li>3. Potential pedestrian/vehicle conflict is to be minimised by: <ol style="list-style-type: none"> <li>a) Limiting the width and number of vehicle access points.</li> <li>b) Ensuring clear site lines at pedestrian and vehicle crossings.</li> <li>c) Utilising traffic calming devices.</li> <li>d) Separating and clearly distinguishing between pedestrian and vehicular accessways.</li> </ol> </li> <li>4. The width of driveways is to be determined in accordance with the requirements of the DCP and Australian Standards.</li> </ol>	<p>A single driveway is proposed via the secondary street. No vehicular access is proposed from Khartoum Road. The width of the driveway will comply with the requirements of the DCP as well as the Australian Standard.</p> <p>Potential pedestrian and vehicular conflict has been minimised as the driveway is located away from the active areas adjacent to the café. Adequate sight lines can be achieved (also see condition 39 &amp; 42).</p> <p>All new parking is located within the basement of the building except for 8 spaces on the ground level (behind the front façade).</p>
<p><b>On-Site Parking</b></p> <ol style="list-style-type: none"> <li>1. Safe and secure 24 hour access to car parking areas is to be provided for building users.</li> <li>2. Parking areas must not be located within the front, side or rear setbacks.</li> <li>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.</li> <li>4. Provide safe and direct access from parking areas to building entry points.</li> <li>5. Basement parking to be located under building footprints to maximise deep soil areas unless the structure can be designed to support mature plants. Basement parking be 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.</li> <li>6. Ventilation grills or screening devices of car park openings are to be integrated into the overall façade and</li> </ol>	<p>The development has incorporated safe and direct access from the basement and car parking areas (and ground floor spaces) to the building entry points as well as providing 24 hour access to the car parking areas.</p> <p>The basement car parking will not be visible from the proposed road or Khartoum Road as it does not extend within the setbacks of the development.</p> <p>The number of car parking spaces has been determined in accordance with the RLEP 2010. Safe access will be provided (see condition 42).</p> <p>The basement car parks are located directly under the building's footprint.</p> <p>The basement level is underground and street interface has been satisfactorily designed.</p> <p>The ground floor car park to be screened as required by condition of consent (see Condition 1(a)).</p>



Control	Comments
<p>landscape design of the development.</p> <p>7. Car parking for commercial/industrial development is to be provided for in accordance with the rates contained in under the LEP2010.</p> <p>8. Bicycle parking is to be provided at the following rates:  <u>Commercial (require = 57 + 15)</u>  Employees - 1 space per 200m<sup>2</sup> FGA;  Visitor minimum 1 space per 750m<sup>2</sup>  <u>Retail (require = 2 spaces)</u>  Employees – 1 per 300m<sup>2</sup> of GFA;  Shoppers – 1 space per 500m<sup>2</sup>.</p>	<p>Car parking rate complies with the LEP. A total of 250 spaces are proposed which is less than the maximum permitted on the site.</p> <p>The commercial component requires 72 bicycle parking spaces and retail component requires 2 spaces (Total Required = 74spaces).</p> <p>The application proposed a total of 76 bicycle parking spaces have been provided on the ground level.</p>
<p><b>Work Place Travel Plan (WPTP)</b></p> <p>1. A WPTP is required for all developments that exceed 15,000sqm floor space or 300 employees.</p>	<p>The proposed development does not exceed 15,000sqm or 300 employees and therefore a WPTP is not required. Bicycle parking at 10% of the car parking (25 spaces) is provided. End of trip facilities will be provided in the car parking area.</p>

## Part 7.2 of DCP 2010 - 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. Appropriate conditions of consent have been incorporated into the recommendation to ensure compliance with the general objectives of the DCP.

## Part 8.1 of DCP 2010 - 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 of DCP 2010 - Stormwater Management

Council's Development Engineer has reviewed the proposed development and advised that the stormwater design concept complies with the requirements of Part 8.2 of DCP 2010. Conditions have been recommended to ensure compliance with this requirement (Conditions 33 & 34).

## Part 9.2 of DCP 2010 - Access for People with Disabilities

The DCP requires that the commercial 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. In addition, the each level of the building must be accessible via lifts.

The applicant has provided an Access Review Report prepared by Morris-Goding Accessibility Consulting which confirms that the proposal has been reviewed to ensure that ingress and egress, paths of travel, lifts, circulation areas, car parking and toilets comply with relevant statutory guidelines that are applicable to the development. The report indicates that the proposed development has demonstrated an appropriate degree of accessibility. The Development Application drawings indicate that compliance with statutory requirements, pertaining to site access, common area access, accessible parking and accessible sanitary facilities, can be readily achieved.

Specific recommendations have been made in the report which can be complied with prior to the issue of Construction Certificate or prior to the issue of any Occupation Certificate. The following recommendations have been provided in the Access Report:

***Retail Entrances***

- *The main entrance is required to be accessible in accordance with DDA Premises Standards. It is recommended a low rise vertical platform lift be provided adjacent the internal entry stairs.*
- *The retail tenancy requires full accessibility to all areas within the tenancy.*
- *All stairs require handrails in accordance with AS1428.1 and TGSI in accordance with AS1428.4.1.*

***Emergency Egress***

- *Consider emergency services should include audible and visual warnings and signals to assist people with sensory disabilities.*

***Doors***

- *Ensure all doors have a minimum open clear width of 850mm in accordance with AS1428.1.*

***Lifts***

- *Ensure all lift cars have internal components (control panel, handrails, visual & audio devices) that comply with AS1735.12.*

***Internal Ramps***

- *The ramps require handrails on both sides in accordance with AS1428.1-2009. This will also allow the width from wall to wall to be 1200mm in accordance with Ryde DCP.*

***Upper Floor Accessible Toilets***

- *The latch side clearance at the accessible toilets on all floors is required to be 510mm*

***Accessible Car Parking***

- *It is noted that the Ryde Council DCP required 3% of total car bays to be designated as accessible car bays.*
- *Ensure the accessible car bays and shared areas have 2500mm vertical clearance with 2200mm vertical clearance leading to the accessible car bays.*

- *Ensure the 5 accessible car bays are for common use for the entire car parking area.*

### **Signage**

- *Signage to comply with BCA part D3.6.*

It is noted that the recommendations in this report are associated with detailed design and will be incorporated into the development prior to **Construction Certificate** stage. Condition 37 has been recommended to ensure compliance with this requirement.

## **Part 9.3 of DCP 2010 - Car Parking**

The number of car parking spaces required to be provided for the commercial development has been previously considered in this report based on the requirements of Clause 4.5E of LEP 2010.

The DCP2010 requires that all new developments are required to provide on-site loading and unloading facilities which complies with AS2890.1 and AS2890.2. Servicing of the site is proposed to be undertaken via the new road to be constructed. A loading bay is provided on the ground floor level on the site. Council's Traffic Engineer is satisfied with this access arrangement subject to a condition of consent (see condition 38, 39 & 74).

## **9.0 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:

<b>Contribution Plan</b>	<b>Contributions</b>	<b>Total</b>
Community and Cultural Facilities	\$433,532.84	
Open Space and Recreation Facilities	\$0	
Civic and Urban Improvements	\$424,734.83	
Roads and Traffic Management Facilities	\$455,723.82	
Transport and Accessibility Facilities	\$0	
Cycleways	\$58,623.77	
Stormwater Management Facilities	\$53,045.76	
Plan Administration	\$15,705.95	
<b>Grand Total</b>		<b>\$1,441,366.97</b>

### Notes:

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.

## **10. LIKELY IMPACTS OF THE DEVELOPMENT**

Many of the impacts associated with the proposed development have already been addressed in the report. Other likely impacts are discussed below:

### **10.1 Tree Removal**

The redevelopment of the site including the construction of the new road (where most of the trees are located) will result in a significant loss of existing trees. This matter has been discussed in detail under Part 8.1 of the Assessment Report.

The applicant has submitted a detailed landscaped plan which proposes a significant amount of replacement planting. The replacement planting addresses the location of the proposed roads as well as being appropriate sized species for the site. The replacement planting will compensate for the loss of the existing trees as well as improving the long term landscape treatment of the site. All proposed landscape elements are consistent with the details specified in Ryde City Council's Macquarie Park Corridor Development Control Plan 2010, and Macquarie Park Public Domain Technical Manual. The proposal is considered satisfactory.

### **10.2 Traffic**

Council's assessment process for traffic generation in Macquarie Park requires the future traffic generation to be assessed in accordance with the RMS Guide to Traffic Generating Developments. A Traffic and Parking Assessment Report has been prepared by Traffix in support of the proposed development. The report provides an assessment of the access arrangements, parking provision and anticipated traffic generation associated with the proposal.

An assessment was undertaken using the Macquarie Park Paramics Model which allows for an assessment to be undertaken using SIDRA in circumstances where significant redistribution of traffic occurs. The analysis concludes that:

- *Due to the significant variations in queue length and delays at intersections not necessarily influenced by the development traffic it is reasonable to conclude that these delays are a result of traffic redistribution and recalculation of trips routes through the network compared to that recorded in the base model. In this regard, SIDRA modelling has been undertaken for the subject intersections.*

SIDRA modelling has been undertaken which finds that whilst some increase in delays as a result of the application are anticipated, the analysis demonstrates that the application will have no impact on the existing Level of Service at critical intersections and as such the application is considered supportable on traffic planning grounds.

The RMS has reviewed the proposal and advised that the impact of traffic from the proposal will have minimal impact on the operation of surrounding traffic control lights.

The traffic generation has also been reviewed by Council's Traffic Engineer and is considered satisfactory.

## **10.2 Social and Economic Impact**

The proposed development is likely to have a positive economic and social impact on the locality and region. The proposal will increase commercial floor space in the locality, providing increased opportunities for employment in the Macquarie Park Corridor. This is consistent with State and local planning objectives to create an additional 19,000 job opportunities by 2036 in the Macquarie Park Specialised Centre and in close proximity to public transport and local services.

The proposal will also enable construction of part of the fine grain road network that will connect to Khartoum Road. This will enable an orderly development of the adjacent sites in the future.

It is not considered that the proposal will have any negative economic or social impacts on the surrounding area.

## **11. THE PUBLIC INTEREST**

The development is considered to be in the public interest as it is reasonably consistent with the relevant planning controls. Where variations to the planning controls occur in terms of floor space ratio and road location, any potential impact on the community is adequately compensated through construction of the new road and a pedestrian link on the site. The development complies with the objectives of the planning controls.

## **12. REFERRALS**

### **External referrals**

#### **Roads and Maritime Services, 16 May 2013:**

No objections have been raised to the proposed development subject to condition 41.

### **Internal Referrals**

**Development Engineer: 9 September 2013:** No objections subject to conditions of consent. The following general comments were received:

*The supplied DRAINS model, OSD and PSD have been reviewed and are compliant with Councils requirements. A condition of consent ensuring this is recommended.*

*The proposed development has a total of 250 carspaces allocated to the combined office and retail floor space area equal to 11871m<sup>2</sup>. The resulting ratio of car parking to floor area is equal to 1 car space to every 47.5m<sup>2</sup> which complies with the limit stipulated by the 2010 LEP.*



*The proposed Loading Bay has been assessed in accordance with the requirements of AS 2890.2 Offstreet Commercial Vehicle Facilities in terms of loading bay dimensions and vehicle turning area and has noted to comply with these requirements.*

*Assessment of the internal engineering components of the proposed development indicates that it is generally acceptable subject to the application of the recommended conditions (conditions 7-13, 32-36).*

**Public Arts Officer, 9 September 2013:** Raised no objections to public arts being incorporated within the building façade.

**Consultant Landscape Architect, 30 May 2013:**

The proposed landscape treatment appears to tie into the overall outcomes for the precinct, while not all trees will be replaced as part of the development, approximately 65 trees will be replanted as part of the proposal. It is considered acceptable that the trees be removed as part of the development proposal on the condition that all replacement tree species be planted at a minimum 100L pot size, to provide some canopy replacement within the development during its establishment. Replacement trees should meet the requirements set out in, *Part 6 of the 'City of Ryde: Urban Forest Technical Manual (2012)'*.

The Landscape Plan prepared by Spirit Level designs Pty Ltd in accordance with the City of Ryde's DCP, is generally acceptable. The following items should be included as part of the Construction Certificate:

- Screen planting (to 2.5m high) along the Northern boundary should be considered as part of the proposed plant palette for the site.
- Details of the proposed podium planting along the Western end of the building are to be provided for Construction Certificate, showing top of wall heights, wall materials along with details of drainage within the raised planters.
- All public domain areas are to be detailed and installed as per the '*Macquarie Park Public Domain Technical Manual*' (February 2008), which outlines pavement types, street tree types, lighting, furniture and fixtures.
- Provide Landscape details and technical Specification as part of the Construction Certificate documentation.
- The Landscape plans do not show locations of stormwater pit locations or stormwater management. Further information on the location of stormwater pits should be provided and coordinated with the Engineers plans as part of the Construction Certificate.

NOTE: The above have been included in the recommended conditions (see Conditions 1(a))

**City Landscape Architect, 5 September 2013:** Advised that the amended plans and the public domain interface is satisfactory. The following condition was recommended:

- Public domain improvements including footpath paving and street tree planting are to be provided along Khartoum Road and the new road in accordance with City of Ryde Public Domain Technical Manual. Full construction details for the

public domain are to be submitted and approved by Council prior to the issuing of the Occupation Certificate including dimensioned plans, schedules, details and samples. Applicants must ensure that the health of the street trees are guaranteed for a minimum of two years to ensure the character and appearance of the streetscape is established and maintained. Any plants that die within two years of planting must be replaced by the applicant with a specimen of a similar size and maturity.

- Paving of the pedestrian link at rear of property is to be coloured concrete with black granite (600x300x60mm) banding at 6m intervals.

Note: The above has been included in the recommended conditions under Attachment 1.

### **Senior Strategic Planner, 5 July 2013 & 27 August 2013:**

#### Variation to the width of the pedestrian link:

Given the transitional nature of the timing and the site constraints we are agreeable to narrowing the footway by 1m to 3m. The footway is to be according to the relevant public domain standard (see Condition 31)

#### Road Location:

The proposed road location is in accordance with Council's Draft LEP2013 and DCP2010

### **Public Works, 21 August 2013:**

#### Drainage Engineer:

The following detailed comment was received:

*The stormwater runoff from the site is proposed to be connected to a 185m<sup>3</sup> OSD tank. The overflows and discharge from the tank are proposed to be connected into the proposed new road stormwater system and discharged into the existing stormwater system currently traversing through No. 93-99 Waterloo Road. The applicant has advised that this easement is currently a private inter-allotment drainage easement. Accordingly, discharge from the new future road will need to be legalised by extinguishing the existing private easement and registering a new easement in favour of Council over this pipeline. Accordingly it is recommended that this requirement be enforced via a **deferred commencement** consent condition.*

*The applicant has not submitted sufficient information to demonstrate the stormwater pipeline located inside the easement through No. 93-99 Waterloo Road will have adequate capacity to accept the flows generated from the proposed development, including demonstrating that the stormwater quality improvement targets for the development will be met. Accordingly, this matter will be conditioned for compliance prior to issue of **Construction Certificate**.*

The following condition is to be complied with prior to consent becoming operational.

- **Registration of Easement:** To legalise future stormwater discharge from proposed new road into the existing stormwater pipeline traversing No. 93-99 Waterloo Road, a minimum 2.5m wide drainage easement shall be created in favour of Council over this pipeline and applicable downstream properties. Documentation from the Land and Property Information Office demonstrating compliance with this requirement is to be submitted to council for review and approval.

NOTE: A deferred commencement approval is recommended to ensure that this occurs.

#### Traffic Engineer:

- It is noted that a security boom gate is proposed at the entrance to the site. Accordingly, the location of the gate will need to ensure there will be sufficient shelter length in accordance with AS/NZS 2890.1 Section 3.4 and Table 3.3 to prevent vehicles queuing or reversing across the footpath. It is also noted that the kerb returns and geometry of the intersection of the new road with Khartoum Road will need to be designed to accommodate the safe 15km/hr turning path of a Heavy Rigid Vehicle (HRV).

The plans received on 9/8/13 in response to Council's request for further information have not addressed the above matters adequately, accordingly it is proposed to deal with these outstanding issues, including RMS conditions via conditions of consent (see Conditions 38, 39 & 41).

#### Public Domain

The applicant has submitted concept plans (received on 9/8/13 in response to Council's request for further information on 4/6/13) for the proposed new road and drainage system including lighting. These plans have been reviewed and it would appear from the concept road longitudinal section provided, that a connecting road from the site at the current proposed design level can be constructed to the proposed new Road 5 downstream (at the Macquarie Park Shopping Centre).

The road drainage and lighting design on the other hand are only conceptual and a more detailed design is required to be submitted and will be conditioned for compliance prior to Construction Certificate.

A Master Street Lighting Plan for Macquarie Park is to be developed for use in nominating consent conditions for multifunction street lighting poles. The application is recommended for approval subject to recommended conditions (see Conditions 32 & 81)

#### Waste Management

A garbage truck will be required to service bins from within the building, with access via the new road. The ground floor height clearance seems adequate for Council's waste truck to enter the site. The bin storage seems adequate to store the required

bins. From a waste perspective there are no objections to approval of this application subject to the following conditions:

1. Waste Disposal: To facilitate safe waste disposal from the site, safe access to the loading area shall be provided to Council's waste vehicles to service the proposed bins.

**Environmental Health Officer:** The following comments were received:

*Contamination:*

*The current building on the subject site was constructed during the 1980's. The company which occupied the premises may have used the building for commercial or manufacturing purposes however, it is thought not to have been used for any of the activities listed in the Guidelines to SEPP 55 as being likely to cause contamination. I recommend that should any contamination be found within the soils during the demolition process, then the demolition process be stopped until such time as all sources of contamination are assessed and a report commissioned.*

*Asbestos:*

*I note that the current building was constructed during the 1980's and therefore is unlikely to contain asbestos within the building components. However, should any asbestos be discovered during the demolition process, then it shall be removed in compliance with the Work Health and Safety Act 2011 and Regulations and disposed of appropriately in accordance with the Protection of Environment Operations Act 1997 and Regulations.*

*Noise*

*An acoustic report has been prepared with the application by Renzo Tonin and Associates, dated 22 November 2012. This report states that the development is able to comply with the relevant noise goals for commercial premises. Specifically the report states that:*

- *Based on the indicative mechanical plant selections and the manufacturer noise data available no additional noise mitigation is required for the roof top plan area, however an acoustic silencer may be required for the car park exhaust fan depending on the final plant selection and discharge location*
- *There is unlikely to be a noise issue from the loading docks and main car park as they are located in the basement of the building and the loading dock is not proposed for an intensive use.*
- *There is unlikely to be a significant increase in the traffic noise along Khartoum Road.*

*Ventilation*

*The carpark in the basement shall be mechanically or naturally ventilated in accordance with the requirements of AS 1668 and the Building Code of Australia. Furthermore, ducting shall be installed to allow for ventilation of the future café , should ventilation be required.*

*Public Health*

*It is proposed to install cooling towers in the plant room of the subject premises. The installation and commissioning of the cooling towers shall comply with the*

requirements of AS 3666 and they shall be notified to Council in accordance with the Public Health Act 2010.

#### *Retail*

*The applicant proposes to install a café on the ground floor of the subject development. However, the use and fit out of the café is not the subject of this application. Therefore the use of the retail area for the sale of food and the fit out of the café shall be subject to a separate application for approval.*

#### *Rainwater*

*I note that the applicant proposes to reuse rainwater to water the landscaping after having disinfected the water first. Rainwater tanks over 10 000 litres in capacity should be notified to Sydney Water.*

Note: The above matters have been adequately addressed via conditions of consent.

#### **Urban Design Architect:**

Setbacks – No issues were raised by the panel and this is supported in the current proposal

Height, bulk (massing) and Architectural Concept – The massing of the building was supported by the panel. The panel was supportive of the architectural concept/design if the architectural screens were made integral to the design, not decorative elements that could be removed during or post construction. Having reviewed the documentation it is not clear that this has been achieved. Certainly their effectiveness as sun shading devices has not been demonstrated. However, if conditioned as integral then the concept is supported.

Note: The applicant has advised that the decorative element on the façade will be a permanent feature and that the proposal will comply with the BCA Section J requirement with respect to energy efficiency. This is considered satisfactory subject to condition 45.

Street activation – The amended plans and the public domain interface is now satisfactory. I note that the Landscape Plan needs to be amended to be consistent with the architectural plans.

**Building Surveyor:** Advised that a review of the details provided would suggest that the requirements of the BCA can be achieved. Alternative Solutions are proposed with respect to some of the BCA requirements.

### **13. PUBLIC NOTIFICATION AND SUBMISSIONS**

The proposed development was exhibited between 1 May 2013 and 29 May 2013. During this time, no submissions were received. However, on 30 July 2013 a late submission was received from Kennards Self Storage Pty Ltd which owns 7-9 Khartoum Road (located approximately opposite the subject site). The issues raised in the submission have been considered in the assessment of this application.



The following issues have been raised:

- a) *The DA shows the road located along its southern boundary contrary the location shown on the LEP2010 and this will have detrimental impact on No 7-9 Khartoum Road. The proposed road alignment will encroaches on No 7-9 Khartoum Road building and improvements.*

Assessment Officer's Comments:

While the LEP2010 makes reference to the proposed road network in conjunction with the bonus floor space provision, a more detailed plan for the fine grain road network has been provided in the Structure Plan adopted by Council in 2004. This Plan has continued to coexist with the earlier Ryde Planning Scheme Ordinance, 1979 (RPSO) and subsequently the now LEP2010. In this regard the access network in the LEP2010 was directly transferred from the earlier Ryde Planning Scheme Ordinance, 1979 (RPSO). Under the draft LEP2013 (previously called LEP2011), the relevant map showing access network has been removed as this detail is already provided via the DCP. This approach is also consistent with the Department of Planning's requirement. Thus Council relies on the DCP for the fine grain road network.

The Structure Plan is contained under Section 3 of Part 4.5 of Council's DCP2010. This plan is more detailed and sets out the broad framework for development of roads, public domain, infrastructure and built form. This plan is supported by the Ryde LEP 2010. Council has applied the DCP in a consistent manner for other similar developments in Macquarie Park with respect to the provision of road network which establishes street layout and blocks.



**Figure 14. Extract from the DCP 2010 which shows the location of the road affecting both the 8 Khartoum Road and 7-9 Khartoum Road (Kennards site).**

The proposed road on No. 8 Khartoum Road is in accordance with Council's DCP2010 and reflects Council's preferred location of the road as shown in the above road network plan (extract from the DCP2010).

A number of meetings have occurred between Kennard's management and Council's Senior Officers (including a meeting on 26/8/2013). It has been revealed that Kennards only recently acquired the property at 7-9 Khartoum Road. As a result the new owners of the property missed out on the landowner consultation in March 2012 and September 2012.

None the less, the Section 149 Certificate issued for the property, informed the stakeholder that the site was affected by the LEP2010 and also the DCP2010 which showed the road affecting both the subject site and the objector's site. At the time, the DCP2010 clearly indicated the location of the Road 1 which affected No 7-9 Khartoum Road and 8 Khartoum Road.

- b) *The re-location of the road in the Draft LEP2013 to a sympathetic position for the applicant appears irregular and deserves scrutiny and transparency. What influence has the applicant had on manipulating a preferential outcome in the Draft LEP2013. We request this be explained.*

Assessment Officer's Comments:

It is noted that the indicative location of the "road network" in the LEP2010 is not consistent with the DCP2010. The LEP2010 shows the location of the road along the centre of the site at 8 Khartoum Road and not affecting the objector's site at 7-9 Khartoum Road. Under the DCP2010, the road is shown to be along the southern side boundary of 8 Khartoum Road and also falls on the north eastern boundary of the objector's site. This departure has been dealt with earlier in this report under FSR and Clause 4.6 consideration.

The position of the roads as indicated on the DCP2010 (derived from the Macquarie Park Structure Plan) is the Council's preferred location as it is consistent with the strategic intentions of the Council to be delivered through the Structure Plan. The location of the road on No. 8 Khartoum Road (as proposed on the DA) is consistent with the DCP2010.

During landowner consultation the owners of 8 Khartoum Rd raised issues about the impact of the road location (being through the middle of their small site) rendering any development economically unviable. Similar issues were raised during the pre DA consultation. The applicant was advised of the road network based on the DCP2010 and the Draft LEP2013.

The recent exhibition of the Planning Proposal for Macquarie Park – Amendment 1, encouraged further consultation. In the preparation of the Planning Proposal included economic viability of redevelopment of the sites, rationalising the road network, providing incentives for delivery of infrastructure and roads were of paramount consideration in order to enhance the likelihood of delivery of new roads.

The road on 8 Khartoum Rd was moved to the southern side of the site so as to be located along the boundary alignment rather than through the middle of the site to ensure it was deliverable.

It should be noted that the Planning Proposal outlining further changes to the road network has recently been exhibited. Kennards have made a detailed submission in relation to the Planning Proposal and further policy concerns will be addressed through that process.

c) *We understand our submission is outside the submission period.*

Assessment Officer's Comments:

Noted.

## **14. CONCLUSION**

The proposed development is for the demolition of an existing office and warehouse and the construction of a generally 6 storey building with a plant room on top. The development will contain a gross floor area of 11,831m<sup>2</sup> as well as three levels of basement car parking. The development also involves construction and dedication of the new road and creation of a ROW over a pedestrian link to be constructed on the site.

The proposal complies with the maximum height prescribed under the LEP2010. However, the development results in non-compliance with the floor space ratio applicable for the site. This includes a floor space of 4,120m<sup>2</sup> proposed in excess of that allowed on the site. This variation is supported in this instance as significant public benefit is proposed to offset any possible negative impact emanating from the breach of the respective development standards. The public benefit includes construction of a 20.5m wide road and its dedication to Council and construction of a new pedestrian link on the site and creation of a ROW in favour of the public. These additional works will be carried out pursuant to a Voluntary Planning Agreement that was considered and approved by Council on 24 September 2013.

There are other minor variations to Council's DCP requirements in respect of the total minor encroachment of the setbacks (supported by Council's Urban Design Review Panel) and deep soil planting. These variations occur due to the significant part of the site being taken up by the proposed new road. Despite these variations, the objectives of Council's Planning Controls will be achieved as demonstrated in this report.

The development application is recommended for approval subject to conditions.

## **14 RECOMMENDATIONS**

A. Pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, the following is recommended:

- (a) That the Sydney East Region Joint Regional Planning Panel grant consent to development application LDA2013/0106 for the construction of a commercial building at No. 8 Khartoum Road, Macquarie Park, subject to the Conditions of Consent in Attachment 1 of this report.

- B. That a copy of the development consent be forwarded to the Roads and Maritime Services.

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**Attachments:**

1. Attachment 1 – Conditions of Deferred Commencement Consent;