

**JOINT REGIONAL PLANNING PANEL  
(Sydney East Region)**

<b>JRPP No</b>	<b>2014SYE006</b>
<b>DA Number</b>	<b>LDA 2013/522</b>
<b>Local Government Area</b>	<b>City of Ryde</b>
<b>Proposed Development</b>	Demolition of existing buildings and construction and use of a nine storey building for a hotel comprising of 192 rooms, on-site parking for 66 vehicles, business identification signage and provision of a 4m wide pedestrian pathway adjacent to the north eastern boundary.
<b>Street Address</b>	10 Byfield Street, Macquarie Park.
<b>Applicant/Owner</b>	Applicant: Tactical Group Owner: Pro-Invest Australian Hospitality Opportunity
<b>Number of Submissions</b>	Two submissions were received. Both submissions supported the proposal but raised concerns about: <ul style="list-style-type: none"><li>• parking during the construction stage and</li><li>• whether the proposed pathway along the northern boundary is necessary.</li></ul>
<b>Recommendation</b>	<b>Approval</b>
<b>Report by</b>	<b>Sandra McCarry</b> <b>Senior Town Planner – City of Ryde</b>

**Assessment Report and Recommendation**

**1. EXECUTIVE SUMMARY**

The application proposes to demolish the existing buildings on site and construct a new nine storey building at 10 Byfield Street, Macquarie Park and commence the use of the building as a hotel for Holiday Inn.

The proposed works will comprise of:

- demolition of the existing warehouse building and two storey office component
- construction of a nine storey building for use as a hotel with 192 rooms, on site restaurant and a part basement/open car park for 66 vehicles. The building will have a total gross floor area of 6263.8m<sup>2</sup>
- installation of business identification signs
- removal of 21 trees together with landscaping works and
- provision of a 4m wide pedestrian pathway adjacent to the north eastern boundary. Note: The pathway is 4m wide which is of a sufficient width to encourage shared use (informal cycleway).

The consent authority for the purposes of determining the application is the Sydney East Region Joint Regional Planning Panel (JRPP) as the proposal has a Capital Investment Value of \$23,827,965.00.

The development application was publicly exhibited and adjoining property owners notified and given between 15 January 2014 to 12 February 2014 to make a submission. During the notification period two submissions were received. Both submissions support the proposal but raised concerns about parking and traffic management during the construction phase and whether the pedestrian path was necessary.

As part of the original assessment a number of issues were identified in respect to floor space, rear setback, deep soil planting and engineering and health matters. Amended plans were submitted which addressed the above issues.

The development results in non-compliances with the current controls in respect to floor space ratio, carparking, rear setback in respect to the driveway and carparking, deep soil planting requirements. A variation under Clause 4.6 of the LEP has been submitted in respect of the floor space ratio. This variation is supported. The variation to the setback, parking and deep soil controls are not considered to result in any significant adverse impact on the amenity of the locality and is supported by Council's officers. The variations are discussed in full later in the report.

In addition, the applicant submitted a Voluntary Planning Agreement which proposed a publicly accessible pedestrian with an informal bicycle path on the site, completion of stormwater drainage works on the site and a monetary contribution. This was provided as public benefit for the increase in floor space.

It is recommended that the proposed development be approved, subject to conditions of consent.

## **2. APPLICATION DETAILS**

**Name of applicant:** Tactical Group

**Owner of the site:** Pro-Invest Australian Hospitality Opportunity

**Estimated value of works:** \$23,827,965

**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**

The subject site is known as 10 Byfield Street, Macquarie Park and is legally described as Lot 3 in Deposited Plan 567569. The site has an area of 3,280m<sup>2</sup> with frontage to Byfield Street (south-east boundary) of 62.03m. The north eastern (side) boundary is 53.35m, north western (rear) boundary is 60.96m and the south western (side) boundary is 53.34m.

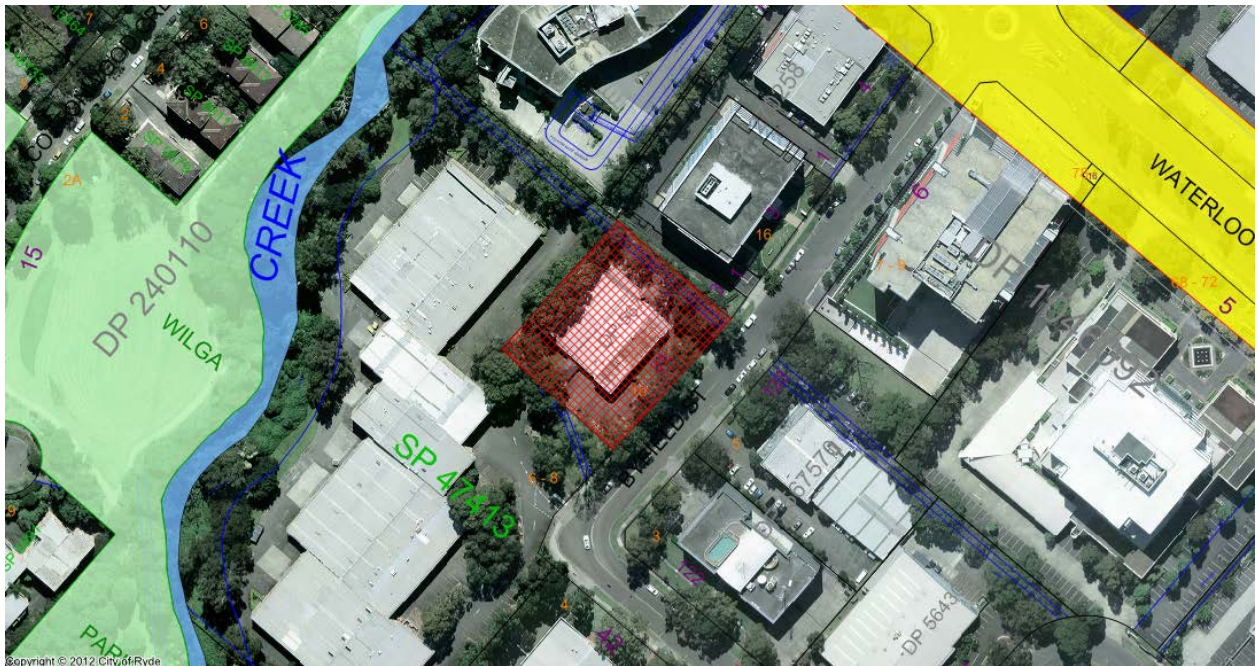


Figure 1: Location map - Aerial photo of the subject site with existing building.

The site is earmarked for part of the future fine grain road network as identified under Council's Development Control Plan 2010 and Amendment 1 Macquarie Park Planning Proposal. Amendment 1 Macquarie Park Planning Proposal changed the proposed Type 4 road to a pedestrian pathway.

The site currently contains a single storey warehouse, with a two storey attached office component with associated onsite parking and uncovered loading dock. Vehicular access is presently provided from two separate driveway crossings, located either side of the existing building. The building envelope and its apron are generally surrounded by established landscaping in the form of turf, shrubs and trees.

The site is gently undulating and falls approximately 3m from the high point in the south east corner (front) to the low point in the north west corner, at the rear.

#### **4. PROPOSAL**

This application seeks approval for demolition of the existing warehouse/ commercial building on site. It is also proposed to construct a nine storey hotel comprising 6,263.8m<sup>2</sup> of gross floor area and parking for 66 vehicles.

The ground floor will contain the lobby/lounge, restaurant, meeting rooms, front office, back of house area and kitchen area. Level 1 of the hotel will contain a gym, guest laundry, maid room and 24 guest rooms. Levels 2 to level 8 inclusive will contain 28 rooms on each floor, resulting in a total of 192 rooms.

The main vehicular entry and pedestrian entry to the hotel is located on Byfield Street with a semi-circular drop off and pick up area with separate vehicular entry and exit driveways to/from Byfield Street. A ramp is proposed to the lower ground floor car

parking area, which due to the topography of the land is under ground at the front with an open driveway access at the rear to the underground car parking area.

Associated signs are to be erected on each of the elevations for business identification.

The proposal also includes a public pathway adjacent to its northern eastern boundary. The pathway will be publicly accessible and forms part of Ryde Council's Masterplan to improve pedestrian permeability throughout Macquarie Park.

The hotel component will operate 24 hours, 7 days per week. The restaurant will operate between 11.00am to 10.00pm, 7 days a week.




Figure 2: Photomontage of the proposed building as viewed from Byfield Street with proposed pedestrian path adjacent to the north eastern boundary.

### **Voluntary Planning Agreement**

A Voluntary Planning Agreement (VPA) has been submitted with the development application. Matters proposed by the proponent to be delivered as part of the VPA are as follows:

- A completed stormwater drainage system on the site to cater for standard drainage and to comply with the overland flow path necessitated by the site's proximity to Shrimpton's Creek



- The impact on the streetscape created by the two vehicle crossovers and the large porte cochere.
- Level difference between the street and the hotel entry.
- The need for large tree planting between the car park edge and the street.
- The extent of paving created by the driveways and porte cochere.
- The extent of the canopy over the porte cochere.
- The design and location of the café and its interface to the street and pathway.
- The two substations and their locations.
- The façade design is not achieving a high quality design including the roof expression and materials.
- Signage at roof level.

The development application was submitted to Council on 18 December 2013.

As the proposal submitted was substantially different to what was proposed in the original UDRP meeting, the proposed was referred again to the Urban Design Review Panel on 13 February 2014. It was noted that whilst some improvements have been made as result of the pre-lodgement meeting there were still some concerns with the amended design. The following comments were made:

### **Streetscape**

*The integration of the car park entry and ramp with the porte cochere area has reduced the number of cross overs and this is positive. However the hotel is still a considerable distance from the street. It is recommended that the hotel is shifted closer to the street with a further reduction in the extent of the porte cochere and hardscape to allow a better connection visually between the hotel foyer and café and the streetscape. Future landscape should allow visual connection between the two.*

*The location of the hydrant and booster within the frontage unscreened is poor and should either be relocated or enclosed or both to reduce its visual dominance.*

*The panel supports the relocation and consolidation of the substations to the side boundary however these also are liable to be highly visible. Efforts should be made to screen the substations also.*

*The relocation of the café to adjacent to the cycleway is supported. However the fire stair from the lower car parking cuts off the opportunity for the café outdoor seating area to extend through to the street and assist in activating the street. This stair should be relocated and the outdoor seating extended through to the street edge with low planting at the boundary.*

*It is also noted that the partial basement car park extends fully to the front setback of the site. This will not allow for taller trees etc to be established in the front setback area and is not supported to the extent shown. The car park should be moved away from the boundary a sufficient distance to allow a deep soil planting area sufficient to establish trees. Mounding is not supported as an approach to achieve soil depth as it will further interrupt the visual connection between the hotel and the street.*



Comment :

The applicant has changed the front design of the hotel to allow for a better connection between the hotel foyer and the streetscape and has advised *that the hotel requires a drop off zone of two lanes, the provision of a porte cochere is typical of hotel, which will help define and emphasise the entry, assisting in making the building uniquely identifiable from the surrounding commercial buildings.*

Whilst the building is set back, approximately between 8m (for the restaurant) to 17m (predominant setback) from the front boundary, the provision of drop off zone, cafe and a porte cochere within the front of the building is a standard format for hotels. This will help activated the front section thus providing a connection between building and the streetscape (See photomontage above illustrating the front setback). Furthermore, the adjoining building to the north east is also setback further from the street, approximately 13m from their front boundary, as such the setback is not too dissimilar to the other commercial buildings currently along Byfield Street. A 5m wide landscaping strip is provided within the front, however to enable to provide some underground car parking across the site, the underground car park extends to the front boundary, as such deep soil planting is not possible within the front setback. Council's Team Leader – Strategic Planner and Council's Landscape Consultant has raised no issues with the proposed landscaping within the front setback area. Tree planting will be provided within the front footpath area and soft landscaping will be provided within the front setback area. The landscaping is to include a central feature garden bed with layered low shrub/groundcover plantings and open turf to the front boundary. In addition, there will be a requirement for the verge is to be updated with a row of new street trees and new granite paving. Separate vehicle entry and exit point are proposed at each end of the frontage with garden beds adjacent. Accordingly the landscaping within the front of the site is considered satisfactory.

With regards to the hydrant/booster and substations, **Condition 1a(iii)** has been imposed requiring these services to be landscaped and screen to minimise their visual impact to the streetscape.

***At grade car parking***

*The amended drawings have removed the car parking within the side setbacks but have not altered the remaining car parking exposed to the rear and to some extent to the cycleway. This is considered an improvement but is not sufficient to address the issue.*

*Further an OSD tank has now been located within the side setback area thereby again stopping the setback being able to be used for landscape. This tank should be removed and relocated under the building or within the driveway area.*

*The parking within the rear setback zone is not supported. The DCP discourages on grade car parking and using the setback areas for parking is directly contradictory to the intent of the controls to ensure deep soil areas with buffer landscape between properties. This parking should be removed and replaced with screen planting and landscape and a partial basement created to accommodate the necessary cars to meet Council requirements.*

Comment :

The applicant has amended the design to increase the rear setback from 0.9m to 5m. Accordingly the car parking in this zone has been removed and replaced with deep soil planting. Whilst the rear setback of 5m is still non compliance with Council's control of 10m, the increased to 5m is sufficient to allow for the retention of the existing strand of trees located adjacent to the rear boundary, on the neighbouring property. These trees are of good health with varying height and canopy spreads and retention of these five trees are considered favourable as they are of high landscape significance. The 5m setback is of a sufficient width to allow landscaping and screening to screen the rear driveway and soften the development from the adjoining rear building. Council's Consultant Landscape Architect supports the 5m setback advising that this is sufficient to enable the establishment of a variety of plants of varying mature heights so as to provide coverage to the full elevation of the driveway and car park. **Condition 1a(i)** has been imposed requiring an amended landscaping plan to be submitted which is to include native canopy trees, understorey trees, shrubs of varying heights and forms, and a range of native grasses and groundcovers suitable for the position.

**The pathway**

*The amendment to the grade of the pathway is supported as is the reduction in the extent to which the car park is exposed to the pathway. However the parking to the rear will be exposed to views from the pathway which is not supported.*

*The relocation of the café to provide overlooking of the pathway is supported and further interaction between the two and the street is encouraged with the potential for the café to open to the pathway as well as the porte cochere.*

*However the rear portion of the hotel adjacent to the pathway is back of house uses and toilets and this does not activate the area and results in a blank wall to the western part of the building. The panel notes that to the west the hotel foyer includes dining areas and seating that currently have as one outlook a view to the vehicle ramp.*

*The panel considers that this area would be better placed on the northern corner of the building still integrating into the entry space and potentially with the café. This would provide an outlook over the pathway and along the future pedestrian link rather than the vehicle ramp and car park and would also provide more surveillance and activation of the link itself. The panel also considers that a terrace area over the vehicle aisles and car parking below adjacent to the pathway would be positive as it would cover the exposed parking and would provide high amenity to the hotel visitors with a north facing outdoor space for dining.*

*Back of house uses would then be located adjacent to the vehicle ramp which is more appropriate.*

Comment:

The applicant has noted the panel's comments with regards to relocating the back of the house operation to the western side of the building and providing a terrace area at the rear of the café. However, the applicant has advised "there are numerous operational and functional requirements within a hotel. Each room has a relationship



*with the rooms adjacent and must be oriented next to vertical circulation, loading bay areas and circulation points. The current layout addresses these operational requirements including providing appropriate relationships with the café and its servicing requirements. Should the ground floor be rearranged as per the UDRP comments there would be a crossover of Front of House, Back of House, circulation and servicing making the building inoperable.”*

The proposal complies with Council's side setback controls with the proposal amended to provide the café adjacent to the pedestrian pathway which provides surveillance and activation to the pathway. There is no planning requirement for the applicant to relocate the internal arrangement or to provide a terrace area. The applicant has advised that a terrace area and re-arrangement of the internal areas as suggested, does not align with the global brand standards for the hotel and that the a terrace area would not be utilised by patrons, therefore has chosen not to provide a terrace area as suggested.

### ***The façade design***

*The panel notes that the façade to the street has been redesigned and is more successful than the previous scheme. However the rear of the building and the side elevations still require more work to achieve a high quality design outcome. The materials selected are overly dependent on paint finishes and the panel encourages the applicant to use a wider range of materials that achieve a better ‘quality’ outcome for the building.*

*The panel notes that the building will be highly visible to the future pedestrian connection and also that the rear corner adjacent to the driveway will be seen from the nearby park. Therefore it is imperative that the building offers a quality design solution when seen from all viewpoints not just the street.*

#### **Comment:**

It is proposed to use colour penetrated concrete with coloured specs with articulation accentuated through use of shading devices. The proposed materials are considered satisfactory and are consistent with other commercial buildings within the area. The use of shading devices on the side elevations will provide architectural relief and articulation to the building. The proposed materials are considered satisfactory.

### ***Signage***

*The signs should not be illuminated where they can be seen from residential areas (side and rear).*

#### **Comment:**

There are no residential areas adjoining the subject site, however to ensure that the signs do not have any adverse impact **Condition 35** has been imposed restricting the illumination of the signs to between the hours 7.00 am to 11pm. With the restriction of the illumination to 11pm, which is a standard requirement for illumination of signs within the Macquarie Park area, the proposed signs are not considered to adversely impact on the amenity of the area. **Condition 5** has been imposed requiring the deletion of the panel sign facing the north western (rear) elevation which faces distant residential properties.

## **Voluntary Planning Agreement**

The VPA was considered and approved by Council on 10 June 2014. Accordingly, to ensure that the terms of the VPA and to progress the VPA to satisfactory completion to both City of Ryde and the proponent, a Deferred Commencement Condition, has been imposed, (**Part 1 Deferred Commencement Consent 1**) stating that the consent will not operate and it may not be acted upon until the Planning Agreement has been registered on title.

## **6. APPLICABLE PLANNING CONTROLS**

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

- Environmental Planning and Assessment Act 1979;
- State Environmental Planning Policy (State & regional Development) 2011;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy 64 – Signage;
- Deemed SEPP Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- Ryde Local Environmental Plan 2010;
- Ryde Development Control Plan 2010
  - Part 4.5 Macquarie Park Corridor
  - Part 7.1 Energy Smart, Water Wise
  - Part 7.2 Waste Minimisation and Management
  - Part 9.3 Car Parking

## **7. PLANNING ASSESSMENT**

### **State Environmental Planning Policy**

#### **State Environmental Planning Policy (State and Regional Development) 2011**

The proposal is a class of development described in Schedule 4A of the EP&A Regional Act, being a development that has a capital investment value of more than \$20 million, Part 4 of the State and Regional Development SEPP applies to the DA.

The consent authority for the purposes of determining the application is the Sydney East Region Joint Regional Planning Panel (JRPP) as the proposal has a Capital Investment Value of \$23,827,965.

#### **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 remediate to a standard such that it will be made suitable for the proposed use.

A Phase Two Environmental Site Assessment (ESA) was prepared by JBS&G (NSW & WA) Pty Ltd (JBS&G) which concluded:

- *The site in its current condition is considered suitable for the intended commercial landuse (hotel) with access to soils without further investigation or need for management; and*
- *It is recommended appropriate site management controls be implemented during development to adequately manage any unexpected finds.*

P. Clifton & Associates Pty Ltd also carried out a Hazardous Building Materials Assessment (Hazmat) investigation of the site.

The report concluded: *The hazardous construction materials found to be present within the commercial warehouse building were in good condition at the time of the site inspection and do not pose a measurable health risk to persons within the building whilst these materials remain in-situ and undisturbed.*

*When required the removal of asbestos containing materials is to be carried out in accordance with the regulations and requirements of the NSW Work Health and Safety Regulation 2011 and the How to Safely Remove Asbestos Code of Practice issued by Safe Work Australia in 2011.*

*At the completion of asbestos removal a visual clearance inspection must be carried out prior to the asbestos removal areas being re-opened for demolition. Written certification detailing the results of the visual clearance inspection is to be provided.*

The proposal was referred to Council's Environmental Health Officer who has raised no objections to the proposal subject to appropriate conditions. Conditions concerning the removal of asbestos have been included as **Conditions 28, 29 & 103.**

#### State Environmental Planning Policy No. 64 – Signs

The proposal includes the installation of signage (seven signs) around the perimeter of the building and along the front of the site, facing Byfield Street. The signs will identify the Holiday Inn Express hotel business operating on the site.

The proposed signs are as follows:

Signs	Elevation	Dimensions	Wording
Pylon	South (Byfield St)	1.58 x 6m high	Logo H – Holiday Inn Express
Pylon x 2 (directional sign)	South	0.4 x 1.2m high	Directional sign – arrow and “In” “out”
Panel	South east (front elevation)	10 x 1.5m	Logo H – Holiday Inn Express
Panel	North west (rear elevation)	10 x 1.5m	Logo H – Holiday Inn Express
Panel	North east (side)	2.4 x 4.8m	Logo H – Holiday Inn

			Express
Panel	South west (side)	2.4 x 4.8m	Logo H – Holiday Inn Express

The aims and objectives of SEPP 64 are stated in Part 1 Clause 3(1) as follows:

- (a) to ensure that signage (including advertising):
  - (i) is compatible with the desired amenity and visual character of an area, and
  - (ii) provides effective communication in suitable locations, and
  - (iii) is of high quality design and finish, and
- (b) to regulate signage (but not content) under Part 4 of the Act, and
- (c) to provide time-limited consents for the display of certain advertisements.

SEPP 64 Part 2 Clause 8 states the following:

*A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:*

*that the signage is consistent with the objectives of this Policy as set out in Clause 3(1)(a), and;*  
*that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.*

Schedule 1 of SEPP 64 considers such matters as the character of the area, special areas, views and vistas, streetscape setting or landscape, site and building, associated devices and logos with advertisements and advertising structures, illumination, and safety. The signs have been assessed under the criteria contained in Schedule 1 and with the imposition of **Condition 35** to restrict the illumination of the signs to between 7am to 11pm daily, the signs are considered to be satisfactory, having regard to the aims and objectives of SEPP 64 Advertising and Signage.

#### Sydney Environmental Plan (Sydney Harbour Catchment) 2005

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

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

## **7.6 Ryde Local Environmental Plan 2010**

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

## **Zoning**

The subject site is zoned – B3 Commercial Core under the provisions of LEP2010. The proposed development is for a hotel with ancillary café/restaurant. A hotel is defined as

*“...a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that:*

- (a) comprises rooms or self-contained suites, and*
- (b) may provide meals to guests or the general public and facilities for the parking of guests’ vehicles, but does not include backpackers’ accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.”*

Hotel or motel accommodation is permissible within B3 Commercial Core with the proposal consistent with the above mentioned definition.

The objectives of B3 Commercial zone are:

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

The proposed hotel will provide temporary accommodation, employment opportunities and facilities which will serve the local and wider community. The site is located within close proximity to public transport with the development supportive of the primary employment role of the business park and is consistent with the objectives of the B3 zone.

## **Other Mandatory Requirements**

### Clause 4.3 (2): Height of Buildings

The height of any building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. The site has a maximum height limit of 30m.

The proposed building will have a maximum height of 30 metres from existing natural ground level (RL 74.9 – 44.9 = 30m).

### Clause 4.4B Macquarie Park Corridor – Floor Space ratio

Council may consent to a development that results in a floor space ratio in excess of the floor space ratio shown for that land on the Floor Space Ratio 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.*

The subject site is not shown on the Macquarie Park Corridor Proposed Access Network Map, therefore the additional floor space is not provided under this Clause. However, it should be noted that the map referred in this clause is out of date and does not reflect Council's intended access network. This matter has been discussed further in the report under the DCP requirements.

#### Clause 4.4 (2) – Floor Space ratio

The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. The maximum floor space allowable is 1.5:1.

The maximum floor space permitted for the entire site is 4,920m<sup>2</sup>. This proposal will have a total gross floor area of 6263.8 m<sup>2</sup>, a FSR of 1.91:1 which is over the maximum allowed on the site by 1,343.8m<sup>2</sup>, a 27% variation. The applicant has requested a variation to this standard under Clause 4.6 of the LEP.

Clause 4.6 of LEP 2010 allows exceptions to development standards. Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard.

The consent authority must be satisfied that the applicant's written request has satisfied the above criteria and that the proposed development will be in the public interest as it is consistent with the zone objectives as well as the objectives of the particular development standard. In addition, consent cannot be granted unless the concurrence of the Director-General has been obtained. These matters are discussed below.

#### **1. Written request provided by the applicant.**

The applicant has provided a written request within their Statement of Environmental Effects to seek a variation to Clause 4.4 to vary the floor space ratio.

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

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

- *The proposed building is 9 storeys and presents a fitting design for a commercial hotel. The building itself is set well within the external site boundaries of the site, allowing for the site's visible edges to be landscaped or*



*otherwise treated to Council's requirements. By virtue of its central positioning within the site and the configuration of development on adjoining sites, the proposed development does not impact negatively on the amenity of adjoining lands.*

- *The FSR variation requested enables the provision of a viable yield of hotel rooms that will help meet Macquarie Park's current underlying demand for short-stay accommodation facilities.*
- *Independent market research has confirmed the practical location of Macquarie Park as a business hotel location on the basis of:*
  - *Strong demand from 'corporate guests' visiting businesses located in Macquarie Park and nearby facilities including Macquarie University, the newly built Macquarie University Hospital and the Royal North Shore Hospital at Artarmon;*
  - *Spillover demand from Sydney Olympic Park events at Homebush Bay; and*
  - *The limited nature of existing supply that services the locality.*
- *The proposed hotel development will serve the needs of the Macquarie Park business park. In doing so, it is supportive of the employment objectives of the zone and the current and future strategic context of Macquarie Park.*
- *The FSR variation does not render the proposed building unattractive when viewed from adjacent streets or from neighbouring sites. The scale and bulk of the building is not substantially different to other new development. Its design is in keeping with contemporary expectations for a commercial hotel and not out of character with recent nearby development, or which would be expected of a 'global' business park.*
- *Compliance with the development standard is unnecessary to achieve an appropriate built form outcome that is consistent with the character of its locality. The proposed development is designed to the high standards expected of a business hotel and imposes no detrimental impact on adjoining land.*
- *The bulk and scale of the proposed development is such that it does not present as an overdevelopment of the site. The building is centrally located within its site and does not overshadow or over-impose on adjoining sites. The scale of the development is consistent with the 'business' character of the locality and with that which has occurred on nearby lands. The development does not impact negatively on the central spine of Waterloo Road, some 100 metres north of the subject site, and does not impinge upon or prevent improvements to the public domain, as envisaged by Council's future planning strategies for the area. The FSR variation requested therefore does not compromise the objectives of the FSR standard as outlined in RLEP 2010.*

Planner's comments:

The proposed variation to the floor space can be supported in this instance as the proposed extra floor space does not adversely impact on adjoining properties and will not be out of scale with the future and desired character for the area.

The development complies with the height control and front and side building setback requirements. The bulk and scale of the development is consistent with other recent developments in the immediate areas such as the eight storey building located at the corner of Waterloo and Byfield Street.

The site is located in close proximity to public transport and facilities and the use as a hotel is unlikely to have an adverse impact on the existing road network.

To support the growth of the Macquarie Park Corridor it is necessary to provide new and improved infrastructure and public domain improvements. The Development Control Plan 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. Any increase in floor space should not exceed the controls shown on the maps associated with Draft RLEP 2013 Amendment 1.

The applicant has provided a VPA which offers the construction of a new pedestrian pathway, stormwater drainage works and a monetary contribution. All of this work meets the requirements of a public benefit.

The proposed floor space is consistent with the Draft Ryde Local Environmental Plan 2013 Amendment 1 (exhibited) in that the proposed FSR will be 1.91:1 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 sites 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. In this instance, the applicant has entered into an agreement with Council to provide a public benefit to offset the additional floor space.

The applicant's submission is consistent with the Council's DCP requirements and future direction as identified in DRLEP 2013 Amendment 1. The development complies with the zone objectives and objectives for the floor space ratio as demonstrated further in the report. In these circumstances, compliance with the development standard would be unreasonable and unnecessary.

### **3. 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 clause are:

- (a) to provide effective control over the bulk of future development,*
- (b) to allow appropriate levels of development for specific areas,*
- (c) to enable the consent authority to assess and respond appropriately to future infrastructure needs.*

*(1A) In addition to the objectives specified in subclause (1), the objectives for the control of floor space ratios on land within the Macquarie Park Corridor are as follows:*

- (a) to achieve a consolidation of development around railway stations, with the highest floor space ratios at the station nodes,*
- (b) to allow feasible development of the sites around railway stations and facilitate focal points at the station areas,*
- (c) to ensure that the peripheral locations of the corridor reflect the landscape needs and building setting requirements of the corporate building,*
- (d) to reinforce the importance and function of the central spine (Waterloo Road and Riverside Main Street) with suitable built form,*
- (e) to encourage the provision of a new street network,*
- (f) to provide incentives for redevelopment in return for the provision of the proposed access network as a public benefit.*

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 pedestrian link with informal shared use for bicycle which will eventually lead to increase public access to Shrimpton's Creek open space corridor, stormwater drainage works and cash contributions pursuant to Section 94 of the EP&A Act. The stormwater drainage works and provision of the new pedestrian link will be constructed 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 that permeability 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. Despite this, the floor space proposed on the site will not detract from these sites near the station being the focal point.

- 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, amendments were made to provide a greater rear setback to enable the trees adjacent to the rear boundary to be retained, accordingly landscaping will be enhanced along the front, side and rear boundaries. The landscaping and tree removal has been reviewed by an Arborist and Council's Consultant Landscape Architect. No objections have been raised. The development is consistent with the intent of the above objective.

#### **4. 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.

#### Clause 4.5E(2) Off Street Parking

The maximum off-street parking for commercial and industrial development in the Macquarie Park Corridor are those shown on the Macquarie Park Corridor Parking Restrictions Map.

The proposal is separately defined as a “Hotel”, the maximum off street parking rate is not applicable to this application.

#### Clause 4.6(6) Retail Activity in Commercial Core Zone

Development for the purposes of retail premises must not be carried out on land that is in Zone B3 Commercial Core in the Macquarie Park Corridor, unless the premises are located on the ground floor level of a building and do not exceed 2,000 square metres, or in the case of a pub, 250 square metres in floor space.

The proposal provides for a restaurant on the ground floor, being only 104.6m<sup>2</sup> in size, which complies with the above requirement.

#### Clause 6.6 Objectives for Macquarie Park Corridor

*(1) This clause applies to land within the Macquarie Park Corridor.*

*(2) The objectives for the land to which this clause applies are as follows:*

- (a) 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,*
- (b) 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,*
- (c) to guide the quality of future development in the corridor,*
- (d) 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,*
- (e) 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.*

*(3) 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 objectives stated in subclause (2).*

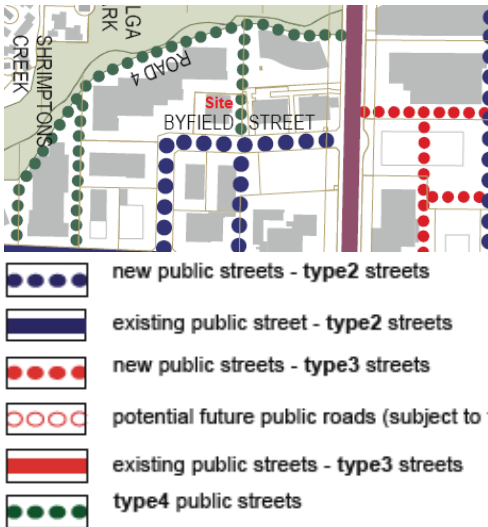
The proposed development is consistent with the above objectives. It will provide accommodation for visitors within the area, providing a business hotel in a business park location.

## **7.7 City of Ryde Development Control Plan 2010**

The following sections of DCP 2010 are relevant to the proposed development:

## Part 4.5 – 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 following compliance table indicates the proposal's compliance with this part:

Control	Comments	Comply
<b>S3.0 – Structure Plan</b>		
<b>3.2 Street Network</b> Provide new public streets as shown in the Street Network Structure Plan.	<p>The Street Network Structure Plan requires a new type 4 road on the site, as shown on the diagram below.</p> <p>Note: This section of Byfield Street is already a Type 2 road approximately 20m in width. (see discussion under 5.1.3 – Type 2 Streets).</p>  <p>Street Network Structure Plan</p> <p>Note: A larger map of the Street Network Structure Plan and Draft Macquarie Park (Amendment 1) is attached as Attachment 2.</p> <p>The Macquarie Park Plan review which lead to draft RLEP 2013 (Amendment 1) identifies that the type 4 road is no longer required and has been replaced with a pedestrian link. This link will be 4m in width with landscaping on either side of the pathway.</p> <p>The applicant is providing a pedestrian link which is acceptable to Council. The pedestrian link will be constructed by the</p>	No – changed from road to pathway in accordance with Amendment 1.



	applicant and a Right of Way will be created for public access.	
<b>3.3 Open Space Network</b> Provide public open space as shown in Figure 4.5.06 Open Space Network.	The site has not been earmarked for open space.	N/a
<b>3.4 Built Form Network</b> a. Buildings are to be designed in accordance with s6.0. b. Refer to City of Ryde LEP 2010 for Building Height & Floor Space Ratio controls.	See Section 6 below.  Compliance with building height but floor space over the maximum allowed.	See below  No - the proposal seeks to vary the FSR
<b>S4.0 – Special Precinct</b>		
Must comply with special precinct requirements	The site does not form part of any special precinct identified in the Macquarie Park Corridor.	N/a
<b>S5.0 – Public Domain</b>		
<b>5.1.1 Introduction</b> a. Buildings are not permitted on any proposed street identified in the Street Network Structure Plan section 3.	No part of the building will encroach onto the pathway.	Yes
<b>5.1.3 Type 2 Streets</b> a. Varies, Typically 20.4m road reserve. b. Cycle facilities are to be provided in accordance with Ryde Bicycle Strategy & Master Plan 2007.	The DCP indicates Byfield Street as a Type 2 road. Byfield Street is already a 20.4m wide road accordingly, no widening is required.  The use of the building is an Express Hotel. It is not envisaged that users or visitors to the hotel will arrive by bicycle, however <b>Condition 1 (b)</b> has been imposed requiring some bicycle storage being provided.	Yes  No – condition to provide some bicycle storage for staff.
<b>5.1.3 Type 4 Street</b> a. 7.2m road reserve.	The DCP identifies a Type 4 street being located along the north eastern boundary. However the Macquarie Park Planning Proposal (for Draft LEP2013 - Amendment 1), replaced the type 4 street to a pedestrian link (4m wide path flanked with landscape). Accordingly, the development provides a 4m	No –changed from road to pathway in accordance with Amendment 1

	pedestrian link.	
<b>5.3.1 Cycle Strategy</b> a. Provide dedicated cycle access in accordance with Ryde Bicycle Strategy & Master Plan 2007.	The site fronts on to Byfield Street which is not shown as a local bike route (existing and proposed). The bike routes on Lyon Park Road and Waterloo Road will not be affected by the development. The pedestrian pathway with an informal shared use for bicycle will eventually provide access to Shrimpton's Creek area however this is dependent on the adjoining property, 6-8 Byfield Street being redeveloped in the future and extending the pedestrian link to Shrimpton's Creek.	N/a
<b>5.3.2 Street Furniture</b> a. Design and build streets in accordance with the details provided in the Macquarie Park Public Domain Technical Manual.	No detail plans submitted – architectural plans show street trees and new footpath.	Yes – <b>Condition 37</b> imposed requiring this.
<b>5.3.3 Street Tree &amp; Front Setback Tree Planting</b> a. Street trees and front setback must be provided in accordance with the Street Tree Key Plan in the Macquarie Park Public Domain Technical Manual, and their health guaranteed for a minimum of 5 years.	The subject site has frontage – Byfield Street.  The Landscaping Concept plan shows street trees and paving on Council's verge along Byfield Street and <b>Condition 37</b> have been imposed requiring the applicant to upgrade the public domain along Byfield Street in accordance with the Macquarie Park Public Domain Technical Manual.	Yes
<b>5.3.4 Community Facilities</b> a. Community facilities are to be provided as required by the Ryde City Council's Section 94 Plan.	The issue of Section 94 is discussed further in the report.	N/a
<b>5.3.5 Public Art</b> a. Public art must be included in all new development on	The subject site has an area of 3,280m <sup>2</sup> , as such does not require the provision of public art.	N/a

sites over 15,000m <sup>2</sup>		
<b>S6.0 – Site &amp; Building Design</b>		
<b>6.1 – General Built Form Controls</b>		
<b>6.1.1 Height Controls</b> a. Building heights are to comply with Ryde LEP 2010.	The development complies with the height requirements under the LEP2010 as discussed earlier in this report.	Yes
<b>6.1.2 Floor Space Ratio Controls</b> 1. Floor space ratios are to comply with the Ryde LEP 2010. 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.	This issue has already been addressed earlier in this report. The applicant has provided public benefit via a VPA to include the construction of a pedestrian link, stormwater drainage works and a monetary contribution. The VPA has been considered and agreed to by Council. The proposal is considered acceptable in relation to this matter.	No – variation is sought, see discussion above.
<b>6.1.3 Site Planning &amp; Staging</b> a. Sites are to be planned to allow for the future provision of new streets and open spaces. b. Buildings are to be sited to address existing and new frontages in the following order of precedence: i. Primary frontages: These are located along existing streets (typically Type 1 or 2 streets). c. Front door and	<p>The development has provided a pedestrian link adjacent to the north eastern boundary. This will link up with future access to Shrimpton's Creek.</p> <p>Byfield Street is identified as a secondary frontage. The development will address Byfield Street with the front entrance located/facing the street with the access to the car parking via a side driveway. There are no other frontages for vehicular access, accordingly vehicular access is from Byfield Street.</p>	<p>Yes</p> <p>Yes</p>

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.		
<b>6.1.4 Street Setbacks &amp; Built-To Lines</b> a. Minimum setbacks and build-to lines must be provided as shown in Figure 4.5.83 of the DCP. b. 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. Refer to Section 6.1.8.  c. Awnings, canopies, balconies, sun shading and screening elements can project forward of the street setback line. d. Subject to negotiation with Council, single storey cafe structures may be located within the	<p>The DCP identifies the setback to Byfield Street as being a minimum of 5m. The proposed building is setback more than 5m from the front boundary however the underground parking encroaches into the front setback being approximately 600mm from the front boundary. The proposed encroachment does not support mature trees and deep soil planting. There are number of large trees within the front setback however Council's Consultant Landscape Architect has advised that these trees, whilst healthy, are not classified as threatened species or remanent vegetation and therefore are considered to have lower landscape significance. Replacement landscaping along the front of the site with lower shrub planting are appropriate for the use.</p> <p>The rear setback has been increased to ensure deep soil planting is provided.</p> <p>None proposed which will be forward of the front setback.</p> <p>Café proposed however located behind the front setback.</p>	<p>Yes</p> <p>No – variation acceptable.</p> <p>N/a</p> <p>N/a</p>

<p>street setback. These structures must address the public domain and be of transparent construction.</p> <p>e. 5m Setbacks 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>The development has proposed a 9.2m to 17.2m setback. While 60% of this setback is not landscaped, it should be noted that within the first five metres, approximately 75% will be landscaped with small shrubs. The development satisfies the intent of the control.</p>	<p>Yes</p>
<p><b>6.1.5 Side &amp; Rear Setbacks</b></p> <p>b. Buildings are to be set back 10m from a rear and 5m from a side site boundary.</p> <p>c. Awnings, canopies, balconies, sun shading and screening elements can project into the side or rear setback zones.</p> <p>d. 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.</p> <p><b>Note:</b> Above ground portions of basement car-parking structures are discouraged and</p>	<p>Proposed: Rear: 13 to 10m Western side: 5m Eastern side: 6m to 5m.</p> <p>None proposed.</p> <p>The driveway and two of the open car space at the rear of site encroach into the 10m rear setback. Originally it was proposed to provide 17car parking spaces adjacent to the rear boundary with only a setback of 900mm from the rear boundary. This would have required the removal of the adjoining property trees located adjacent to the rear boundary. The development was amended to increase the setback of the driveway and car parking to 5m. This ensured the retention of the trees and provided for deep soil planting to screen and soften the development from the rear.</p>	<p>Yes</p> <p>N/a</p> <p>No –variation acceptable.</p>

deep soil planting is promoted.	Note: The at-grade parking was discouraged by Council however the applicant has justified the provision of providing at grade parking by locating the parking back from the common boundary (setback 6.2m to 13m) and providing sufficient area to screen and landscape the car parking.	
<b>6.1.6 Building Separation</b> a. Provide a minimum 20m separation between buildings facing each other within a site.	Not adjacent/facing other buildings on site.	N/a
<b>6.1.7 Building Bulk</b> a. Building Bulk All buildings must comply with Section 6.1.15 of the DCP (Environmental Performance).	The building bulk is consistent with the desired future character of Macquarie Park.	Yes
<b>6.1.8 Site Coverage &amp; Deep Soil Areas</b> a. A minimum 20% of a site must be provided as deep soil area. b. Deep soil areas must be at least 2m deep. c. For the purpose of calculating deep soil areas, only areas with a minimum dimension of 20m x 10m may be included.	Based on the site area of 3,280m <sup>2</sup> , 656m <sup>2</sup> of deep soil area is required to be provided. It is proposed to provide 447.2m <sup>2</sup> of deep soil area, which equate to only 13.6%. However Council's Planning Proposal For Macquarie Park Corridor - Ryde Local Environmental Plan 2013 (Amendment 1) Macquarie Park Corridor (Macquarie Plan Review) requires a 4m path adjacent to the north eastern boundary. This pedestrian pathway has been shown on the architectural plans. Provision of the pathway has reduced the area utilised for deep soil planting. If the pathway was not provided, this area would have been provided as landscaping.	No – variation acceptable.
<b>6.1.9 Building Articulation</b> a. Facades are to be composed with an appropriate scale, rhythm and proportion, which respond to the building use and the desired character.	It is proposed to use colour penetrated concrete with coloured specs with articulation accentuated through use of shading devices. The proposed materials are considered satisfactory and are consistent with other commercial buildings within the area. The use of shading devices on the side elevations will provide architectural relief and articulation to the	Yes



	building.	
<b>6.1.10 Ceiling Heights</b> a. 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>	Ground floor – 4.5m Upper levels – 2.9m	Yes
<b>6.1.11 Active Frontages</b> a. Continuous ground level active uses must be provided where primary active frontages are shown in figure 4.5.94 of the DCP. b. Active ground level uses are encouraged where secondary active frontages are shown in figure 4.5.94.	The site does not provide for an active primary or secondary edge.	N/a
<b>6.1.12 Awnings &amp; Canopies</b> a. Continuous awnings must be provided where primary active frontages are shown in Figure 4.5.94 of the DCP.	As the site has not been identified as having a primary active frontage, there is no requirement for an awning or canopy. This control is not applicable to the development.	N/a
<b>6.1.3 Topography &amp; Building Interface.</b> a. 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	The development has incorporated level changes within the footprint of the building.  The development will involve excavation within the building footprint. The excavation will be clear of the 4m zone from the side and rear boundaries. The development	Yes

<p>zone.</p> <p>b. Where buildings are set back from the street, entries are to be provided at street level where possible.</p> <p>c. An accessible path of travel is to be provided from the street through the main entry door of all buildings.</p>	<p>complies with the requirements of this clause.</p> <p>Entries at street level.</p> <p>An accessible path of travel is provided from the street to the building and throughout the building.</p>	<p>Yes</p> <p>Yes</p>
<p><b>6.1.14 Advertising Signage</b></p> <p>a. Signage shall comply with Part 9.1 of the DCP.</p>	<p>Signage is proposed as part of this application and complies with the general requirements and the objectives of Part 9.1 of DCP.</p>	<p>Yes</p>
<p><b>6.1.15 Environmental Performance</b></p> <p>a. Commercial development is required to achieve a 4 Star Green Star Certified Rating.</p>	<p>A summary of the key ESD strategies for the proposed development has been submitted with the application.</p> <p>The main ESD initiatives proposed for the hotel are:</p> <ul style="list-style-type: none"> <li>• Energy efficient centralised air conditioning plant</li> <li>• Energy efficient lighting and lighting control system</li> <li>• Rainwater collection and storage for irrigation and washdown</li> <li>• Ongoing operational management strategies for monitoring energy and water consumption.</li> </ul> <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.</p> <p><b>Condition 33</b> is recommended to ensure compliance.</p>	<p>Yes</p>
<p><b>6.1.16 Wind Impact</b></p> <p>a. Buildings shall not create uncomfortable or unsafe wind conditions in the public domain which</p>	<p>A Wind Analysis has been submitted with the proposal. The proposal is not considered to create unsafe wind conditions.</p>	<p>Yes</p>

exceeds the Acceptable Criteria for Environmental Wind Conditions. Carefully locate or design outdoor areas to ensure places with high wind level are avoided		
<b>6.1.17 Noise &amp; Vibration</b> a. An Acoustic Impact Assessment report prepared by a suitably qualified acoustic consultant is required to be submitted with all development applications for commercial, industrial, retail and community buildings, with the exception of applications minor building alterations. Development is to comply with all relevant statutory regulations.	<p>The applicant has submitted an acoustic report prepared by an appropriately qualified acoustic consultant. The following findings have been determined:</p> <ul style="list-style-type: none"> <li>• Site-specific noise emission criteria have been established for the residential area to the North West of the site. It is noted that mechanical services and plant have not been selected; however, it is envisaged that standard engineering noise control can be implemented at design stage to meet established noise criteria.</li> <li>• A review of potential noise associated with the outdoor area of the cafe indicated that this area will not be acoustically significant.</li> <li>• Internal noise isolation requirements in accordance with the BCA will be achieved by adopting appropriate constructions.</li> </ul> <p>It is proposed to include conditions on the consent to ensure that the development complies with the recommended controls contained in the acoustic report (See <b>Condition 32</b>).</p>	Yes
<b>6.2 – Private &amp; Communal Open Space</b>		
<b>6.2.1 Landscaping &amp; Communal Courtyards</b> a. A minimum 30% of the developable area of the site is to be provided as Landscaped Area. b. Solar access to	<p>Only 22% of the site will have soft landscaping. Communal areas will be the café and the street interface. The use of the building as a hotel means that the occupiers are short term users and are unlikely to use landscaped area. The site is required to</p>	No – variation acceptable.

<p>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.</p> <p>e. Landscaped areas are to incorporate trees, shrubs and ground covers endemic to the area where appropriate.</p> <p>f. Landscaping is to contribute to water efficiency and effective stormwater management.</p>	<p>provide a pedestrian link which makes compliance with the landscaped area difficult.</p> <p><b>Condition 1(a)</b> has been imposed to provide various trees, shrubs and ground cover. With the incorporation of more native plants, this will contribute to water efficiency plus rainwater collection and reuse for landscape irrigation is proposed.</p>	Yes
<p><b>6.2.2 Pedestrian Through-Site Links:</b></p> <p>a. Pedestrian through-site links must be provided:</p> <p>i. where pedestrian access corridors are shown on RLEP 2010</p>	<p>Though not required in the current DCP, Amendment 1 Macquarie Park Corridor, required a pedestrian access.</p>	Yes
<b>6.3 – Services &amp; Site Management</b>		
<p><b>6.3.2 Stormwater Drainage</b></p> <p>a. Development shall comply with the requirements outlined in the Stormwater Drainage Section of the DCP &amp; a stormwater drainage system in accordance with the “major/minor” system concept set out in Australian Rainfall and Runoff.</p>	<p>Council’s Senior Development Engineer has assessed the development application and raised no objections to the proposal, subject to conditions.</p>	Yes
<b>6.3.3 Waste Management</b>		

a. 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.	A waste management plan was submitted with the development application. This has been reviewed by Council's Environmental Health Officer and no objections have been raised.	Yes
<b>6.3.4 Soil Management</b> b. Development is to be designed and constructed to integrate with the natural topography of the site.	<b>Condition 84</b> has been imposed requiring compliance with the approved Erosion and Sediment Control Plan.	Yes
<b>6.3.5 Site Contamination</b> a. 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.	An environmental site assessment report together with a Hazardous Building Materials Assessment prepared by P. Clifton & Associates Pty Ltd have been submitted with the application which concludes that that site is suitable for the proposed development. Council's Environmental Health Officer has reviewed the application and raised no objection to the proposal.	Yes
<b>6.3.6 Site Facilities</b> a. Adequate loading facilities to be provided	Adequate loading/unloading and access provisions has been provided.	Yes
<b>6.3.7 Vehicular Access</b> a. Vehicular access is not permitted along streets identified as 'Active Frontages'. b. Where practicable,	Byfield Street is not identified as an "active frontage".	N/a

<p>vehicle access is to be from secondary streets.</p> <p>c. Potential pedest/vehicle conflict is to be minimised by:</p> <p>i. Limiting the width and no. of vehicle access points.</p> <p>ii. Ensuring clear site lines at pedestrian and vehicle crossings.</p> <p>iii. Utilising traffic calming devices.</p> <p>iv. Separating and clearly distinguishing b/w pedestrian and vehicular accessways.</p> <p>d. The appearance of car parking and service vehicle entries is to improved by:</p> <p>i. Locating/ screen garbage collection, loading &amp; service areas away from the street.</p> <p>ii. back or recessing car park entries from the main façade line.</p> <p>iii. Avoiding black holes in the façade by providing security doors to car parking entries.</p>	<p>Access from Byfield Street – no secondary street.</p> <p>One way in and out for visitors and employees car parking.</p> <p>Clear sight lines.</p> <p>Not required.</p> <p>Separate accessway.</p> <p>Loading and servicing area located at rear.</p>	<p>N/a</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><b>6.3.8 On site Parking</b></p> <p>a. Safe and secure 24 hour access to car parking areas is to be provided for building users.</p> <p>b. Parking areas must</p>	<p>Open at grade parking at rear and in basement level of the building. <b>Conditions 15 &amp; 63</b> have been imposed to provide suitable lighting.</p> <p>The rear driveway and two car spaces will be located within the 10m rear setback area.</p>	<p>Yes</p> <p>No – variation</p>



<p>not be located within the front, side or rear setbacks.</p> <p>c. Parking areas are to be screened from view from the street, public domain &amp; communal open space areas, using site planning &amp; appropriate screen planting or structures.</p> <p>d. Provide safe &amp; direct access from parking areas to bldg entry points.</p> <p>e. Provide appropriate mature vegetation b/w parking bays to provide shade and enhance visual impact.</p> <p>f. Basement parking areas should be located directly under building footprints to maximise opportunities for deep soil areas unless the structure can be designed to support mature plants and deep root plants.</p> <p>g. Basement parking areas must not extend forward of the building line along the street.</p> <p><b>Parking Rates:</b></p> <p>i. car parking for commercial and industrial activities is to be provided in accordance with the rates contained in RLEP 2010.</p>	<p>To screen the driveway and car spaces, a five metres setback is provided. The setback allows for sufficient dense landscaping to screen the development from the rear.</p> <p>Lifts provided from parking area to lobby area.</p> <p>Landscaping proposed.</p> <p>Basement parking forward of the building footprint. The proposed encroachment does not support mature trees and deep root planting. There are number of large trees within the front setback however Council's Consultant Landscape Architect has advised that these trees are not classified as threatened species or remanent vegetation and are considered to have lower landscape significance. Replacement landscaping along the front of the site with lower shrub planting is more appropriate for the use.</p> <p>DCP Part 9.3 Car Parking is applicable to the site and is discussed in detail further in the report.</p>	<p>acceptable.</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No – variation acceptable</p> <p>N/a</p>
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<b>Bicycle Parking</b> Commercial: employee -1 space/200m <sup>2</sup> GFA Visitor - 1 space/750m <sup>2</sup> GFA	This requirement does not apply to a “hotel” use. It is unusual for hotel guests and visitor to arrive by bicycle, accordingly bicycle parking is not required however <b>Condition 1(c)</b> has been imposed to provide bicycle storage for employees.	No – conditioned to provide bicycle storage.
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## Part 7.2 - Waste Minimisation and Management

As the development involves the demolition and construction of a building the applicant submitted a Waste Management Plan (WMP) which has been reviewed by Council’s Environment Health Officer and is considered satisfactory.

Appropriate conditions of consent will be imposed to ensure that the waste materials will be disposed of satisfactorily.

## Part 9.1 - Advertising Signs

As previously advised the development includes a total of seven signs. Four of the signs are panel signs and three pylon signs. The panel signs are to be erected on each of the elevations. The larger (6m high) pylon sign is to be erected at the front of the site with the other two smaller (1.2m high) pylon signs, which are for directional purposes, located at the entrance and exit of the driveway.



Figure 4: Proposed signage at front and side elevations. Similar front sign is proposed along the rear elevation.

The DCP allows signs in Macquarie Park Corridor. Clause 3.3.1 states: *The total area of signs on a site (excluding the area of a business directory board or pylon sign) must not exceed 1 square metre of signage per 1 metre of building frontage for the first 10 metres then 0.3 square metres of signage for each 1 metre of building frontage after that.*

The Building has a frontage of 42m to Byfield Street. Based on the above a maximum of 19.6m<sup>2</sup> (10 + 9.6m<sup>2</sup>) of signage is allowed. It is proposed to provide the following: (Note: the Dimensions of the signs are taken from the front to end of the words plus company logo).

	Wording	Elevation	Dimension	Area
1 – Panel Sign	Logo + Holiday Inn Express	South east (front)	10 x 1.5m	15m <sup>2</sup>
2 – Panel Sign	Logo + Holiday Inn Express	North west (rear)	10 x 1.5m	15m <sup>2</sup>
3 – Panel Sign	Logo + Holiday Inn Express	North east (side)	2.4 x 4.8	11.5m <sup>2</sup>
4 – Panel Sign	Logo + Holiday Inn Express	South west	2.4 x 4.8	11.5m <sup>2</sup>
			<b>Total</b>	<b>53m<sup>2</sup></b>

#### Variation:

It is proposed to provide four panel signs, one on each of the elevations, resulting in the total amount of signage being 53m<sup>2</sup>, which is 33.4m<sup>2</sup> over the maximum and a variation of 170%. It is considered that the extent of variation is excessive and given that the wording on each of the signs are identical the amount of signage is unnecessary and duplication of signage. Therefore to reduce the extent of the variation and minimise duplication of signage on site, the proposed sign along the north western (rear) elevation, which has no direct street frontage be deleted.

**Condition 5** has been imposed requiring this.

Clause 4.0 of the DCP sets out the definitions and requirements for different types of signage.

#### Panel Signs

Requirement	Proposed	Comply
<p><b>Panel Sign</b> - A sign with an advertisement area that is greater than 5m<sup>2</sup> but no more than 12m<sup>2</sup>.</p> <p><b>Controls</b></p> <ul style="list-style-type: none"> <li>a. only permitted in business and industrial zones;</li> <li>b. shall not extend laterally beyond the wall of the building to which it is attached;</li> <li>c. shall not project above the top of the wall to which it is attached;</li> </ul>	<p>A panel sign on each of the elevations – measuring 10 x 1.5m for the front and rear elevations &amp; 2.4 x 4.8m for the two side elevations.</p>	<p>No – see discussion below.</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

d. shall not project horizontally more than 300mm from the wall.		Yes
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#### Variation:

The DCP stipulates the requirements for panel signs which are signs greater than 5m<sup>2</sup> but not greater than 12m<sup>2</sup>. The proposed panel signs for the front and rear elevations are 10m long x 1.5m wide, with a total area of 15m<sup>2</sup> each. Accordingly the panel signs proposed for the front and rear elevations do not comply with the maximum area allowed. Note: The proposed panel sign along the rear elevation is not supported and **Condition 5** has been imposed for the deletion of this sign.

The front panel sign will exceed the maximum area allowed for a panel sign by 3m<sup>2</sup>. This variation can be supported as the sign will not be out of scale with the building. Given the scale of the building, nine storey in height and 42m long, the proposed sign is not excessive and is compatible with the building.

#### Pylon Signs

Requirement	Proposed	Comply
<b>Pylon</b> - A sign located at ground level independent of any building and structure.		
a. Maximum height 6m;	Max height - 6m	Yes
b. Maximum area of structure 12m;	Less than 12m <sup>2</sup>	Yes
c. One per site;	One main pylon +	No – variation acceptable.
d. A pylon sign and a business directory board sign are not to be located at the same entrance way or access way. Such signs must be physically separated from each other;	two directional pylon signs for entry and exit.	
e. Must be provided within a landscaped setting;		Yes
f. illumination of sign will be considered by Council on a merit basis ie. location of sign, proximity to main road, hours of operation. Up lighting is the preferred form of illumination.	Pylon sign located at front at Byfield Street and is not considered to have adverse impact in terms of illumination	Yes

#### Variation:

DCP 9.1 stipulates one pylon sign per site. It is proposed to erect one 6m high pylon sign at the front of the site. No objections are raised to this sign.

It is also proposed to erect two smaller directional pylon signs – 1.2m high x 0.4m wide for “in” and “out” adjacent to the driveway. The additional two smaller pylon signs are for directional purposes and are located within the site. The two proposed

pylon signs will not conflict with the larger pylon sign at the front of the site and are considered satisfactory.

In summary, the signs have been designed to be an integrated part of the building design, is compatible in scale and proportion with the building and the surrounding buildings within the Macquarie Park Corridor. With the requirement to delete Sign 2 - south eastern (rear) sign, the proposed variations to the signs are considered acceptable.

#### Part 9.2 - Access for People with Disabilities

The applicant has submitted an Access Report by One Group P/L which concluded: *The recommendations in this report have been provided to assist in the creation of a universally accessible environment within the development proposed.* **Condition 32** has been imposed requiring the development to comply with the recommendations contained in the report to ensure compliance with the relevant legislations.

#### Part 9.3 - Car Parking

Council's DCP Part 9.3 requires car parking to be provided at the following rates for Hotel and Motel Accommodation, and Serviced Apartments:

- 1 space / 1.5 units.

Based on 192 rooms, the proposal would require 128 spaces. The proposal provides for 66 spaces.

The applicant has provided justifications for the reduced rate as follows:

a. Consistency with RTA recommendations

*RTA analysis recommends the adoption of a rate of 1 space per 4 rooms for 3-4 star accommodation.*

*Adoption of this rate results in a hotel parking requirement for this development of only 48 spaces.*

b. Marriot Hotel Precedent (7 Talavera Road)

*The Marriot Hotel has been developed with a car parking rate consistent with our original proposal of 1 space per 2.4 rooms providing a total of 94 car parking spaces. A survey of the Marriot hotel car parking utilisation was undertaken by Traffix which concluded a peak utilisation of 53 occupied spaces (41 vacant spaces) or 56%. It would seem that the parking provided at this hotel is generally in excess of its requirement. Further the Marriot is a full service hotel offering conferencing facilities for large numbers. It also has on-site restaurants.*

*The proposed hotel at 10 Byfield Street does not have any provision for conferencing as the Marriot does and therefore should be expected to have a lower car parking demand.*

c. Meriton Serviced Apartments Precedent (88 Talavera Road)

The 88 Talavera Road development has a car parking rate of 1 space per 2.5 rooms. This development is serviced apartments which materially differs to that of a hotel. Serviced apartments are likely to have a much higher demand for car parking due to:

- Serviced apartments typically cater to longer average lengths of stay by providing in-room facilities that a hotel does not. Longer stays usually have a propensity for self-drive guests;
- Serviced apartments generally have larger internal room areas to cater for multiple occupants, therefore having a higher occupant density than hotels; and
- Due to longer average lengths of stays, serviced apartments are more likely to accommodate 'Visiting Friends and Family' (VFF) guests as opposed to hotels in the area which will primarily service the employees of existing businesses. As such there is a greater propensity for non-guests to visit friends and relatives staying at the serviced apartments by car.

The hotel proposed at 10 Byfield Street does not have any of these attributes and therefore should be expected to have a much lower demand for car parking.

#### d. Guest Profile

Macquarie Park is home to a large number of significant domestic and international businesses. The majority of guests likely to be staying at the proposed hotel will be employees or visitors to these businesses, most likely travelling from interstate via aeroplane. It is anticipated that a significant proportion of these guests will access the hotel by alternative means of transport, including:

- Taxi or Private Driver;
- Public Transport, via the existing strong public transport network servicing Macquarie Park;
- By foot, either after being dropped off at their place of work, or after parking a vehicle at their place of work/visitation in the area.

As such, the typical guest profile for the hotel is likely to place a very limited demand for on-site car parking.

#### e. Consistency with State Government Policy

It is current State Government Policy to reduce parking for sites that are in close proximity to good public transport. That is clearly the case with this development and our proposed car parking provision is consistent with this.

#### f. Relevance of Non Compliance with Ryde DCP 2010 Parking Rate for Hotels

We understand that Council agree that the rate of 1 car parking space per 1.5 rooms as stipulated in DCP 2010 for Hotels may not necessarily be appropriate, particularly in Macquarie Park and this is reinforced by the approval of similar developments noted above.

The reality is that our assessment of the actual demand for car parking for the hotel is likely to be very low and more consistent with the RTA recommended rate of 1 space per 4 rooms, or around 48 spaces.

*Whilst we are cognisant of the fact that this new car parking number may represent a ratio that is marginally lower than what Council has approved on similar developments, we wish to stress that any additional car parking in excess of this provides no material benefit to the operation of the development, and in fact the imposition of increasing the number of car parking spaces would require a basement which would impact the projects viability, given the substantial cost in creating basement car parking.*

*We also note that it is not in our interest to under-supply car parking to the hotel as this would be detrimental to the sustainability of the operating business of which our client will be both owner and operator for a very long time.*

Council's Senior Development Engineer has reviewed the justifications presented by the applicants and the applicant's Planning and Traffic consultant. The following comments were made by Council's Senior Development Engineer:

- *Parking survey data undertaken by the RMS for Motel accommodation rated as 3 to 4 star accommodation indicates a parking demand rate of 1 space per 4 rooms. For the subject development, the parking demand requirement based on such a rate is 48 parking spaces. As such, the available 46 parking spaces to customers is equivalent. A review of the RMS document, "Guide to Traffic Generating Developments" notes that parking demands vary depending on the rating of the hotel. It goes on to note that 5 star hotels, "...incorporate the operational characteristics of retail, entertainment, conference facilities and health clubs which cater for the international visitor market." Accordingly the application of the 5 star parking demand rate, which is 1 space per 5 rooms, is held in regard.*
- *A parking survey of a similar development (Marriot Hotel) in the area presented that the level of parking utilisation is similar to the level of parking proposed as part of this development. The Marriot Hotel was approved with a carspace per 2.4 units however the applicants parking surveys note that parking occupancy rates were in the order of 56%, indicating that a good portion of the parking was not utilised.*
- *The developments "Guest Profile" is considered to mostly comprise of interstate or international visitors undertaking business in the area. A majority of guests would arrive in the arriving by flight and would select the Hotel based on the proximity to the trip destination, excluding the need for a vehicle.*
- *The site is in proximity to public transport hubs which will reduce the need for guests to rely on a motor vehicle to rely for transport.*
- *The applicant has drawn note to the objectives outlined in Ryde LEP for parking the Macquarie Park area generally seeks to reduce the reliance on motor vehicles as a means of transport throughout the area. This is also reflected in the parking controls for other uses in the Macquarie Park area being stipulated as a maximum and the probability that the parking limits will likely be reduced further in the future.*

*Whilst not presented by the applicant, it is also noted that the peak parking demand period for the proposed Hotel use (overnight) is in contrast with that of the surrounding area (weekday, business hours). Considering this and the points above, the proposed parking capacity is not considered to have an impact to onstreet parking conditions in the area such to warrant refusal of the application.*

### Planner's Comments

Given that one of the objectives within the Macquarie Park Corridor is to, *inter alia, 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*, the proposed reduction in car parking spaces support the objectives of reduction in car dependency.

In addition, whilst the proposal does not fall within Clause 4.5E of RLEP for maximum off street parking for commercial and industrial development, the objectives off street parking in the Macquarie Park Corridor is to:

- (a) to encourage accessibility by foot, bicycle and public transport,*
- (b) to support the management and supply of parking as the primary means to influence travel behaviour of employees,*
- (c) to encourage greater reliance on public transport,*
- (d) to assist in the management of increased car usage and traffic congestion in the corridor,*
- (e) to effect a greater shift to public transport.*

If the proposal was to apply clause 4.5E for maximum car off street parking at a rate of one space/80m<sup>2</sup>, the maximum off street parking would be 78 spaces. The provision of 66 car spaces is under the maximum and satisfies the above objectives.

Accordingly given that one of the general objectives within the Macquarie Park Corridor is to reduce car dependence and encourage greater use of public transport, the justifications given are considered reasonable. In addition, no objections are raised by Council's Traffic and Development Engineers to the reduction in car parking for the hotel, accordingly the variation in the car parking rate can be supported by Council.

## **7.8 Any Draft Planning Instruments**

A Section 65 Certificate enabling the formal exhibition of Draft Local Environmental Plan 2011 was issued by the then Department of Planning and Infrastructure on 23 April 2012. The Draft Plan has been placed on public exhibition between 30 May 2012 and 13 July 2012. This Draft is now called Draft LEP2013. The Draft LEP2013 was adopted by Council on 12 March 2013 and is awaiting gazettal by Planning and Environment, as such LEP2013 can be considered certain and imminent. The proposed development is permissible with consent within this zoning under the Draft LEP.

In addition Draft LEP2013 (Amendment 1) has also been prepared by Council and publicly exhibited from 12 June 2013 to 19 July 2013 with the maps and related explanatory materials. At Council's meeting of 22 October it was resolved to adopt Draft (Amendment 1) Macquarie Park Corridor and to forward it to the then Department of Planning and Infrastructure. Therefore Draft Ryde LEP 2013 (Amendment 1) Macquarie Park Corridor – as amended is waiting gazettal by Planning and Environment.



The plan outlines proposed changes to draft RLEP 2013 in respect to the floor space ratio and height controls applying to the Macquarie Park Corridor and aims to encourage development that implements new roads and parks. Specifically the plan includes new provisions to defer sites for increased (incentive) FSR and heights upon entering into an agreement with Council to implement roads and/or parks as in kind or cash contribution. Once an agreement is reached, the greater height and FSR is made available through VPAs and the development assessment process. The scheme is voluntary and if a developer chooses not to enter into an agreement, the existing RLEP 2013 controls still apply.

Under this draft planning instrument, the maximum height will be increased to 45m and the maximum floor space ratio will be increased to 2:1. As the developer has entered into a VPA which offer public benefit, the development is consistent with these controls.

## **7.9 Section 94 Development Contributions Plan 2007 (2010 Amendment)**

A Voluntary Planning Agreement (VPA) between Ryde City Council and the proponent was considered and approved by Council on 10 June 2014. The VPA commits the developer to contributions which included the design, construction of the pathway, stormwater drainage works and a monetary contribution. S94 contributions are not applicable in this instance.

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

### **Traffic Impact**

Council's Traffic Engineer has reviewed the proposal and has raised no objections to the proposal with regards to traffic. The SIDRA Modelling prepared and submitted by TRAFFIX indicates no significant impact on the surrounding traffic conditions at the major intersections.

### **Safety by Design**

In assessing this development application Council must have regard for the "*Crime Prevention Guidelines to Section 79C of the Environmental Planning and Assessment Act, 1979*" issued by the Department of Planning in April 2001. These guidelines include 4 key areas for assessment:

1. Surveillance
2. Access Control
3. Territorial Reinforcement
4. Space Management

Generally, the proposed development is capable of addressing each of the above criteria in an acceptable manner. Standard security and lighting conditions have been imposed (See **Conditions 15, 16 & 63**).

### **Public Domain**

Council has a Public Domain Technical Manual that applies to Macquarie Park. This document specifies the landscaping, paving and street furniture required to be provided as part of an upgrade of the existing public domain. **Condition 37** has been imposed requiring the public domain to be upgraded in Byfield Street, in accordance with the Technical Manual.

## 9. COMMENTS FROM COUNCIL DEPARTMENTS

**Senior Development Engineer: 23 May 2014:** Council's Senior Development Engineer has made the following comments:

- *The design of the OSD does not strictly comply with Councils OSD requirements.* – The applicant's drainage consultant has based the PSD rate on Councils simplified design approach (Section 3.3 of the Stormwater Technical Manual) which is applicable only for sites up to 3000m<sup>2</sup>. Furthermore, the DCP clearly states in Section 3.2 of the design objective that the PSD is to be based on "State of Nature" conditions. As stated in the initial review, preliminary calculations indicate that the design requires adjustment of the PSD rate however the given storage volume appears adequate. Given this is a technical detail that does not warrant great change to the plans, the matter is addressed by a condition of consent.
- *Drainage of the parking area* – The applicant has presented that the HGL in Councils drainage infrastructure is below the surface of the carpark during the 1% AEP storm event and would enable this area to drain to this infrastructure. This has been addressed.
- *Service vehicle access (waste vehicles)* – This aspect has been addressed.

### Recommendation

There are no objections to the proposed development with respect to the engineering components, subject to the application of the following conditions (see **Conditions 20 to 23, 43 to 49, 68, 69, 79, 83 to 86, 90, 94, 97 & 98 to 101**) being applied to any development consent being issued for the proposed development.

### **Public Works: 15 May 2014:**

#### Traffic

General comments – The Traffic Impact Assessment (TIA), prepared by TRAFFIX and submitted with the development application, was reviewed and the following comments are offered.

The report indicated 66 parking spaces will be provided for employees and customers, which is substantially lower than the minimum required of 155 as defined by City of Ryde Council DCP 9.3 – Car Parking.

The SIDRA Modelling prepared and submitted by TRAFFIX indicates no significant impact on the surrounding traffic conditions at the major intersections.

From a traffic perspective there are no objections to approval of this application subject to conditions.

### Public Domain

No objections subject to conditions (see **Conditions 37 to 42, 87 & 96**).

Note: The construction of the pathway is part of the VPA with details of the materials and lighting scheduled in the VPA. Council's Urban Planner has no objections to the proposed material (brush concrete and granite banding) for the pathway. Public Works has no objections to the proposed number of lights to be provided for the pathway.

### Waste

The Waste Minimisation Plan seems very thorough, however there is concerns at the distance that the waste contractor will be required to travel within the basement area to service the bins. We note that the height of the basement is 3.065 metres which is inadequate for a standard rear load vehicle, which is generally 3.7m in height or a side arm recycling vehicle of 4.5m, however if the property is commercial, then a private contractor may be utilised with a smaller vehicle.

The proponent has advised that waste collection will be undertaken by private waste collection contractors using SRV. Council's Environmental Health Officer has reviewed the proposal and noted that the waste will be collected by a private company.

### Drainage

No objections subject to conditions (See **Conditions 1(c), 38, 44 & 46**).

**Environmental Health Officer: 7 April 2014:** The proposal was referred to Council Environmental Health Officer who has raised no objections to the proposal, subject to conditions (see **Conditions 50 to 56, 70 and 103 to 113**).

**Consultant Landscape Architect: 6 March 2014:** Council's Consultant Landscape Architect has reviewed the application and has made the following comments:

*It is noted that the trees identified on the subject site and neighbouring allotments are not classified as threatened species and do not form part of an endangered ecological community.*

*Generally the tree removal across the site is supported with the exception of the stand of *Corymbia maculata* (Trees 17-22) at the rear of the site which can be retained if the car parking area setback is increased. Landscaping across the site is generally considered to be appropriate however some minor concerns have been noted below in relation to plan inconsistency and lack of provision of a suitable access pathway to the rainwater tank and on site detention tank for maintenance purposes.*

### Planner's Comments:

The proposal has increased the rear setback to 5m with car parking in this zone removed with the increased rear setback zone utilised for deep soil planting. The trees in the adjoining property will be retained and **Condition 1(a)** has been imposed requiring a revised landscaping plan to be submitted which includes appropriate

planting to visually screen the proposed driveway and at-grade car park located to the rear boundary of the subject site.

Given that there are no endangered ecological communities or threatened flora species on the site and that Council's Consultant Landscape Architect has raised no objections to the removal of trees on the site and with a condition for replacement trees to be planted (See **Condition 1(a)(v)**), the proposal is considered satisfactory. Tree protection, **Conditions 80 to 82 & 92**, have been imposed.

## 11. PUBLIC NOTIFICATION AND SUBMISSIONS

The application was advertised and notified between 15 January 2014 and 12 February 2014. Two submissions were received generally supporting the proposal however one of the submission raised the following concern:

- *Concerns are raised regarding the traffic management for the surrounding street system and the non-provision of on-street/on-site parking for construction workers during the construction period. Although the traffic report and the Statement of Environmental Effects support the development and conclude that the development during operation will adequately accommodate for future users of the hotel, the issue of available parking and traffic management is limited in detail and solutions for the duration of site preparations and construction phase. During normal business hours, the surrounding locality is restricted with on-street parking and thus, available on-street car parking spaces will be utilised early by these construction workers, leaving limited accessible parking for business workers and visitors to the area. Although there is the benefit of the Macquarie University and Macquarie Park railway stations, only a small portion of workers with their equipment will travel by rail. Although buses will be an option, no information is available to suggest that bus companies will increase services to cater for the potential influx or constructions workers who will be competing with school children and business park workers.*

### Comment:

**Condition 69** has been imposed requiring a Construction Management Plan (CMP) to be submitted which will detail provision to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent the site. The CMP is to, inter alia,

- Make provision for all construction materials to be stored on site, at all times.
- Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council's Public Works.
- Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- Consider on and off site parking arrangements for workers during the construction period.

With regards to off street parking for the construction workers, there is no planning requirement for the proponent to provide off street parking during the construction period. However metered parking is available along Byfield and surrounding streets and it should be noted that the construction period is temporary.

- *Whilst we support the proposal, we do query the purpose of the proposed pedestrian pathway shown on the DA drawings (and its size) , and whether such a connection is completely necessary, and/or the timing of its construction given that it may be many years before the adjoining lands are redeveloped to offer a complete thoroughfare. At present, the proposed shared pathway appears to terminate at the end of the property, effectively a 'dead end'. This could pose a security risk for tenants and hotel patrons and staff.*

Comment:

Within the Macquarie Park Corridor one of the key objectives of the street network is to: *maximises cross connections within the corridor and to surrounding areas and aims to substantially improve pedestrian and cycleway paths to enable a more permeable and amenable public domain. The layout also responds to the open space and built form structure, providing access to parks and significant public places within the Corridor.*

Amendment 1 Macquarie Park Corridor (Macquarie Plan Review) replaced the type 4 street to a pedestrian link (4m wide path flanked with landscape). The pedestrian connection will eventually increase public access to the Shrimpton's Creek open space corridor. Whilst the pathway will currently terminate at the rear boundary, it is envisage that a connection will eventually be constructed which will lead to the creek. The new pathway will help to provide improve pedestrian and cycle accessibility and permeability within the Macquarie Park Corridor.

## **12. CONCLUSION**

The proposed development has been modified and designed to address some of the Urban Design Review Panel original comments and Council Officers' initial concerns such as rear setback, retention of trees and landscaping along the rear setback. The Proponent has undertaken negotiations with Council officers to confer a public benefit to improve permeability within the Macquarie Park Corridor.

The proposal generally complies with Council's planning controls, albeit, some variations to the deep soil requirement which can be supported by Council officers. The design of the building has been amended in accordance with the recommendations by the Urban Design Review Panel (UDRP) to provide a more public interaction adjacent to the public pathway and is considered satisfactory. The building provides a high degree of amenity for future users in terms of access to public transport and internal facilities.

The provision of a 4m wide pedestrian pathway which is part of Amendment 1 Macquarie Park Planning Proposal - Street Network Structure Plan, helps to ensure that the objectives of the LEP and DCP can be achieved.

It is recommended that the application be approved as a deferred commencement with the requirement for the VPA to be registered on title prior to the release of the consent.

## **RECOMMENDATIONS**

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 LDA2013/522 for the demolition of the existing warehouse/ commercial building on site and construct a nine storey hotel comprising 6,263.8m<sup>2</sup> of gross floor area and parking for 66 vehicles.
- b) That the persons who made a submission be notified of this decision.

### **Report Prepared By:**

Sandra McCarry  
Senior Town Planner – City of Ryde

### **Report Checked By:**

Sandra Bailey  
Team Leader – Major Development Team

### **Report Approved By:**

Liz Coad  
Manager Assessment

Dominic Johnson  
Group Manager Environment & Planning

## ATTACHMENT 1 PROPOSED CONDITIONS OF CONSENT

### Part 1 – Deferred Commencement

- (1) Pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979 (Act), this consent does not become operative until such time as the following deferred commencement conditions are satisfied by the Applicant:
- A. The Planning Agreement as generally contemplated in the letter of offer from Pro-Invest Australian Hospitality Opportunity (ST) Pty Ltd dated 15 May 2014 being entered into and registered on the title of the land, the subject of this development consent; and
  - B. Evidence that will sufficiently enable Council to determine that the matters identified in deferred commencement consent condition (1)(A) above have been satisfied, must be submitted to Council within 24 months from the date of this Notice of Determination.

Note: If deferred commencement condition (1)(B) above is not satisfied, this consent, pursuant to Section 95(6) of the Act, **will lapse**.

This consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement conditions (1)(A) and (B) above, have been satisfied.

Upon Council giving written notification to the Applicant that deferred commencement conditions (1)(A) and (B) above have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent as detailed below in Part 2 of this consent.

**PART 2** - The conditions in the following sections of this consent shall apply upon satisfactory compliance with the above requirements and receipt of appropriate written confirmation from Council.

### GENERAL

1. **Approved Plans** - Development is to be carried out in accordance with the following plans and supporting documentation as submitted to Council, except where amended by these conditions of consent:

Document	Author	No. and Revision
Cover Page	Reid Campbell	DA01 Issue A
Site Analysis	Reid Campbell	DA02 Issue A
Site Plan	Reid Campbell	DA03 Issue B
Lower Ground Floor	Reid Campbell	DA04 Issue B
Upper Ground Floor	Reid Campbell	DA05 Issue B
Level 1	Reid Campbell	DA06 Issue A
Level 2	Reid Campbell	DA07 Issue A

Level 3	Reid Campbell	DA08 Issue A
Level 4	Reid Campbell	DA09 Issue A
Level 5	Reid Campbell	DA10 Issue A
Level 6	Reid Campbell	DA11 Issue A
Level 7	Reid Campbell	DA12 Issue A
Roof Plan	Reid Campbell	DA13 Issue A
South east elevation	Reid Campbell	DA14 Issue B
North east elevation	Reid Campbell	DA15 Issue B
North west elevation	Reid Campbell	DA16 Issue B
South west elevation	Reid Campbell	DA17 Issue B
Section A	Reid Campbell	DA18 Issue B
Section B	Reid Campbell	DA19 Issue A
Finished Board	Reid Campbell	DA24 Issue A
Signage	Reid Campbell	DA25 Issue A
Demolition Plan	Reid Campbell	DA26 Issue B
GFA Area Plans	Reid Campbell	DA27 Issue A
Landscape Plan	Reid Campbell	DA28 Issue A
Acoustic Report	Acoustic Report 13308	Date: October 2013 Version A
Accessibilty Report	One Group	Job No. 65461 Rev 2
Geotechnical Report	JK Geotechnics	16 April 2013 Ref: 26487Srpt
Arboricultural Impact Assessment	UTM Urban Tree Management	20 November 2013 Reference 16042

Prior to the issue of a Construction Certificate, the following amendments shall be made:

- a. **Amended Landscaping Plan:** A revised Landscaping Plan is to be submitted and approved by Council prior to the issue of the Construction Certificate. The revised plan should include the following details:
  - i. Screen Planting to Car Park - Appropriate planting to visually screen the proposed at-grade car park located adjacent to the rear boundary of the subject site. The plantings should enable the establishment of a variety of plants with varying mature heights so as to provide coverage to the full elevation of the car park. This should include native canopy trees to complement the existing tress to be retained along the rear boundary, understorey trees, shrubs of varying heights and forms, and a range of native grasses and groundcovers suitable for the position in terms of environmental requirements.

In addition, layered low shrub plantings should be provided within the front setback area to screen the three front car- spaces and soften the development.

Details of the proposed species, pot sizes and planting locations are to be included on the amended landscape plans submitted to Council.



- ii. Pathway Planting – Appropriate plantings are to be provided adjacent to the pedestrian pathway located along the north eastern boundary. Details of the proposed species, pot sizes and planting densities are to be included on the amended landscape plans submitted to Council.
  - iii. The proposed hydrant booster pumps and kiosk substation should be located or screened so they are not visible from the public domain. Details of the proposed screening to be provided prior to issue of the Construction Certificate.
  - iv. Retention of the trees adjacent to the rear boundary - Trees 17, 19 to 22 are to be retained and protected, in accordance with Conditions 81 & 82 of this consent.
  - v. Compensatory Tree Plantings – A minimum of eight (8) native trees of a minimum 100 Litre pot size are to be planted as compensation for the tree loss across the site. The trees planted are to be chosen from the following species: *Corymbia maculata*, *Corymbia citridora*, *Angophora costata*, *Eucalyptus botryoides*. Details of the compliance are to be submitted to the Principal Certifying Authority prior to Construction Certificate.
- b. **Bicycle parking:** Six bicycle parking spaces are to be provided on site. The bicycle spaces are to be secure with easy access from the street and building entries. Bicycle parking is located to ensure passive surveillance (e.g. highly visible areas such as near building entries) and where adequate lighting is provided.
- c. **Revised Level:** To ensure that Council's freeboard requirements in relation to flooding and overland flow are satisfied, the landing floor located on the northern side of the building is to be raised from 45.6m to 46.0 AHD.

The Development must be carried out in accordance with the amended plans approved under this condition. Details of the above amendments are to be submitted to Council prior to approval of the Construction Certificate.

2. **Voluntary Planning Agreement.** The development is to be undertaken in accordance with the terms of the Planning Agreement referred to in Condition Part 1(A) above.
3. **Building Code of Australia.** All building works are required to be carried out in accordance with the provisions of the Building Code of Australia.
4. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (a) Protect and support the adjoining premises from possible damage from the excavation, and

- (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.

5. **Signage.** Approval is given for the erection of the following signs only:

Panel Sign	Logo + Holiday Inn Express	South east (front)	10 x 1.5m
Panel Sign	Logo + Holiday Inn Express	North east (side)	2.4 x 4.8m
Panel Sign	Logo + Holiday Inn Express	South west (side)	2.4 x 4.8m
Pylon	Logo + Holiday Inn Express	South east (front)	6 x 1.58m
2 x Pylon	Out & In	South east (front)	1.2 x 0.4m

The panel sign, measuring 10m x 1.5m on the north western (rear) elevation is not supported and is to be deleted as marked in red on the approved architectural plans.

6. **Signage – not approved unless shown on plans.** This consent does not authorise the erection of any signs or advertising structures not indicated on the approved plans. Separate approval must be obtained from Council for any additional signs, unless such signage is “exempt or complying development”.
7. **Materials and Finishes Schedule** - The development materials, colours and finishes to be in accordance with the Façade Glazing Schedule and External wall finishes (DA24 Issue A) prepared by Reid Campbell except as varied by any other condition on this consent.
8. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
9. **Hoardings.**
- A hoarding or fence must be erected between the work site and any adjoining public place.
  - Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
10. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
11. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties.

12. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
13. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. AusGrid, Sydney Water, Telstra, RMS, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
14. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.
15. **Security Lighting.** Where security lighting is provided within the development it shall provide the appropriate level of illumination in accordance high security guidelines and should be designed so as not to illuminate or impact on pedestrians or motorists using Byfield Street.
16. **Surveillance Equipment.** Surveillance equipment is to be installed at entrances and front deck areas and are to utilise digital or video technology to record images from the cameras. Any surveillance system should be manufactured and installed by a qualified/reputable installer and regularly function tested.
17. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the requirements specified within Council's publication *Environmental Standards Development Criteria* and relevant Development Control Plans except otherwise as amended by conditions of this consent.
18. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
19. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.
20. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) required within the road reserve. No works shall be carried out on the footpath without this permit being paid and a copy kept on the site.
21. **Property above/below Footpath Level.** Where the ground level adjacent the property alignment is above/below the ultimate footpath level, as set by Council, adequate measures are to be taken (either by means of constructing approved

retaining structures or batters entirely on the subject property) to support the subject land/footpath. An approved fence shall be erected along the boundary for public safety.

22. **Ground Anchors.** The installation of permanent ground anchors into public roadway is not permitted. The installation of temporary ground anchors may be considered subject to application for approval from Council's Public Works department, as per the provisions of Section 138 of the Roads Act. The application for consent must include detailed structural plans prepared by a chartered structural engineer, clearly nominating the number of proposed anchors, depth below existing ground level at the boundary alignment and the angle of installation. Approval is subject to the applicant paying all applicable fees in accordance with Council's Management Plan.
23. **General Requirements – Fees and Charges.** Any review of plans, applications for permits, request for inspections and other corresponding requirements of Council, shall be addressed by the proponent in accordance with Council's Policies. As such, the proponent shall be required to pay, in full, all associated fees as stipulated in Council's Schedule of Fees and Charges in respect of each requirement prior to the issuance of approval for corresponding stages of the development.
24. **Proposed restaurant** - A separate development application must be submitted to Council to fitout and use the proposed restaurant unless otherwise stated by Exempt and complying SEPP.

## DEMOLITION CONDITIONS

The following conditions are imposed to ensure compliance with relevant legislation and Australian Standards, and to ensure that the amenity of the neighbourhood is protected.

A Construction Certificate is not required for Demolition.

25. **Provision of contact details/neighbour notification.** At least 7 days before any demolition work commences:
- a. Council must be notified of the following particulars:
    - (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
    - (ii) The date the work is due to commence and the expected completion date
  - b. A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.
26. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).

## 27. Excavation

- (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.
- (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with the Work Cover Authority, in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.

28. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.

29. **Asbestos – disposal.** All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.

30. **Waste Management Plan.** Demolition material must be managed in accordance with the approved Waste Management Plan.

## PRIOR TO CONSTRUCTION CERTIFICATE

A Construction Certificate must be obtained from a Principal Certifying Authority to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before a Construction Certificate can be issued.

Council Officers can provide these services and further information can be obtained from Council's Customer Service Centre on 9952 8222.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with the conditions in this Section of the consent.

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

31. **Voluntary Planning Agreement – monetary contribution.** The total amount of the monetary contribution, as listed in Schedule 5 of the VPA is to be paid in full prior to the issue of the **Construction Certificate**.

32. **Consultants Reports.** The recommendations/strategies contained in the following reports, as attached at end of the consent, are to be adhered to:

- Acoustic Report prepared by Wilkinson Murray dated October 2013,
- Geotechnical Report prepared by JK Geotechnics dated 16 April 2013.
- Access Report prepared by One Group.

- Arborist Report prepared by Urban Tree Management dated 20 November 2013.
- Energy & Water Wise Report by Cundall P/L dated 12/12/2013

**33. Energy Efficiency.** Prior to the issue of the Construction Certificate, plans and specifications must be provided to the Principal Certifying Authority (PCA) that detail how the development will achieve the recommendations and predictions contained in the Energy Report prepared by Cundall Pty Limited (dated 12/12/13). Certification that the building will achieve the prediction of this evaluation must also be submitted to the PCA by a suitably qualified consultant prior to the issue of the Construction Certificate.

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

**34. Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.

**35. Sign illumination.** The hours of illumination for the signs are restricted to between 7:00am to 11:00pm daily only and the applicant is to provide details of how this condition will be complied with and monitored to Council prior to the issue of the **Construction Certificate**.

**36. Signage.** The proposed flush wall signs are not to project more than 300mm from the wall of the building. Details of the sign are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.

**37. Public domain -** The public domain is to be upgraded along the Byfield Street frontage to the site, unless varied by the requirement of points (i) & (ii) of this condition, in accordance with the City of Ryde Public Domain Technical Manual Section 6- Macquarie Park. This work is to include but not be limited to paving, multifunction light poles, street furniture and plantings. A Public Domain plan is to be submitted to Council for approval prior to the issue of the Construction Certificate. The work is to be completed to Council's satisfaction prior to the issue of the Occupation Certificate.

- i. All telecommunication and utility services are to be placed underground along the Byfield Street. Plans prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing network and constructing the new network are to be submitted to Council and relevant utility authorities for approval prior to commencement of work.
- ii. New street lighting serviced by metered underground power and on multifunction poles shall be designed and installed to Australian Standard AS1158.3.1-1999 Road Lighting vehicular luminance category V5 and pedestrian luminance category P2. Lighting upgrade to be in

accordance with the City of Ryde Public Domain Technical Manual Section 6 – Macquarie Park. Liaison with Council's Public Works Group is advisable prior to submission of the plans to Council. Plans are to be submitted to Council for approval prior to lodgement of the scheme with Ausgrid for their approval.

- iii. No street planting is to be provided between the shared pathway and Byfield Street.

Full engineering details, including plans, sections, finished levels and schedule of materials and finishes complying with the Public Domain Technical Manual must be submitted to Council and approval obtained prior to the issue of a Construction Certificate.

**38. Pedestrian Pathway** To ensure the design and construction of infrastructure are undertaken to Council's requirements and assurance of their serviceability is commiserate with the life of the development, detailed engineering plans prepared by a Civil engineer must be submitted to Council's Public Works for approval prior to the issue of the Construction Certificate.

The plans must be prepared in general accordance with the documents "City of Ryde Public Domain Technical Manual – Macquarie Park", "City of Ryde Environmental Standards - Development Criteria - 1999 Section 4 - Public Civil Works", Council's DCP Part 8.2 (Stormwater Management) and associated annexure. At a minimum, the plans must show works in plan view, longitudinal sections and details at a scale relevant for the level of detail and include all existing services/ infrastructure to be retained in the area of works.

The works required are as follows;

- Pedestrian path – A 4.0m pedestrian path (with informal bicycle use) (as shown on the Site Plan Drawing No. DA 03 Rev B dated 19 March 2014) shall be designed and constructed in accordance with the approved plans, as indicated in the VPA plans C4.01, Revision 3 and approved architectural plans. The paving of the pedestrian link is to be coloured concrete (dark grey) with dark grey granite (Raven Black) banding at 6m intervals. The size of the granite paving is 600x300x60mm. Full construction details are to be provided prior to the issue of a construction certificate, including samples and dimensioned plans.
- The architectural drawing DA19, Rev A dated 19 March 2014 by Reid Campbell, shows the pathway will be a suspended structure for a certain length. Therefore, underside of the structure must be minimum of 150mm above the 1 in 100 year ARI water level to allow free passage of overland flow. A certificate from a suitably qualified engineer to this effect shall be provided to the PCA prior to the issue of a Construction Certificate.
- Lighting shall be Lighting Type 3 (LT3) (refer to the City of Ryde Public Domain Technical Manual – Macquarie Park) for the Pedestrian path, with the exception of height being 4m. Certification from an appropriately qualified person that there will be no offending glare onto adjoining properties, are to be submitted with the plans.

The approval of the Public Domain engineering plans and payment of any Council inspection fees (in accordance with Council's Management Plan) must be finalised prior to the issue of a Construction Certificate.

- 39. Public Infrastructure Works.** To facilitate safe access to and from the proposed development detailed engineering plans for the following works, prepared by a Chartered Civil Engineer (with NPER registration with Engineers Australia) are to be submitted and approved by Council prior to issue of Construction Certificate. The works shall be in accordance with Ryde Environmental Standards - Development Criteria Section 4 - Public Civil Works, the City of Ryde Public Domain Technical Manual – Macquarie Park, and DCP 2010 Part 8.2 - Stormwater Management and must be completed at no cost to Council, prior to issue of any occupation certificate.
- a. The removal of all redundant vehicular crossings and restoration of concrete kerb and gutter in the sections of the driveways made redundant.
- 40. Infrastructure.** Any modification to Council's infrastructure must be inspected by a Council Engineer. Inspections of work on Council infrastructure are required as set out in "Environmental Standards Development Criteria Section 4 Public Civil Works". Before commencement of work a fee, in accordance with Council's Fees and Charges, will be payable for four inspections. The stages of inspections are after the excavation, pipe laying and connections, prior to back filling and final inspection to check the debris has been removed and the area has been reinstated to the pre-construction condition.
- 41. Vehicle Footpath Crossings -** Footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicular traffic. The location, design and construction shall conform to Ryde Environmental Standards - Development Criteria Section 4 - Public Civil Works, and all relevant Australian Codes and Standards. Crossings are to be constructed to match the granite paving and finished levels shall conform to property alignment levels issued by Council's Public Works Division. Kerbs shall not be returned to the alignment line.
- The applicant shall provide Council with certification from a Chartered Civil Engineer (with NPER registration with Engineers Australia) confirming that the vehicle crossing design meets Council requirements and the relevant standards.
- 42. Vehicle Access & Parking.** All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Offstreet Parking standards).
- 43. Stormwater Management.** To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed plan and certification of the development's stormwater management system must be submitted with the application for a Construction Certificate.



Stormwater runoff on the site shall be collected and piped by gravity flow to Council's inground drainage infrastructure located in the adjoining reserve, generally in accordance with the plans by Northrop Consulting Engineers (Refer Project No. 130746 Dwgs C1.01, C3.01, C3.02, C4.01, C4.02 and C5.01 Iss 1 dated 13 December 2013) subject to the following variation;

- The total site discharge is to be limited to "State of Nature" conditions. The applicant is to recalculate the PSD for the onsite detention, taking into the account stormwater runoff from areas bypassing the OSD system.

The detailed plans, documentation and certification of the system must be prepared by a chartered civil engineer with NPER registration with Engineers Australia and comply with the following;

- The certification must state that the submitted design (including any associated components such as pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS 3500.3 (2003) and any further detail or variations to the design are in accordance with the requirements of City of Ryde – DCP 2010 Part 8.2 (Stormwater Management).
- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.

#### **44. Stormwater Management – Connection to Council Drainage System.**

Connection to Council's in-ground stormwater drainage infrastructure located in the adjoining drainage reserve will require the assessment, approval and inspection by Council's Public Domain section. The detailed plans and an inspection fee (in accordance with Council's schedule of fees and charges) shall be submitted to Council prior to the issue of the Construction Certificate.

Where the point of connection is on neighbouring property, the applicant must provide written notification to the affected property owner no less than a week prior to the works and all structures/ surface areas affected by the drainage connection works must be reinstated at the completion of this activity, at no cost to the affected property owner.

#### **45. Stormwater Management - Quality.** A first flush infiltration system is to be designed and installed to capture the initial runoff from the paved parking area and store this flow off line to allow infiltration to the surrounding soil.

#### **46. Certifications.** Prior to the issue of the Construction Certificate, a suitably qualified structural engineer shall certify:

- that the piers of the elevated pathway are able to withstand the forces of floodwaters.
- the retaining walls are able to withstand the loads due to embankment filling.
- confirming the building structure is able to withstand the forces of floodwaters having regard to hydrostatic pressure, hydrodynamic pressure, the impact of debris and buoyancy forces up to and including a 100 year flood plus freeboard

47. **Council Inspections.** A Council engineer must inspect the stormwater connection to the Council drainage infrastructure. Council shall be notified when the connection has been made to the pipe and an inspection must be made **before** backfill. An inspection fee, in accordance with Council's Schedule of Fees and Charges shall be paid to Council prior to the issue of the Construction Certificate.

48. **Dilapidation Survey – Public Infrastructure.** To clarify any claims of damage to public infrastructure that may arise during construction of the development, a dilapidation report of existing public infrastructure no less than 10m in range of the proposed development must be undertaken. The report is to note observable defects, including a description of the location, nature of the defect and a photographic record. The report is to encompass damage to any of the following infrastructure.

- Road pavement
- Kerb and gutter
- Constructed footpath.
- Drainage pits.
- Traffic signs
- Any other relevant infrastructure

A CCTV inspection of the Council drainage line located in the drainage reserve through the property must also be undertaken. The extent of the inspection must be performed from the existing kerb inlet pit in Byfield Street, through the site and at least 5m beyond the property boundary into the neighbouring lot.

The report and documentation must be submitted to Council prior to the issue of the construction certificate.

49. **Driveway Grades.** The driveway access and footpath crossing(s) shall be designed to fully comply with the relevant section of AS 2890.1.-2004 and Council's issued alignment levels. Engineering certification indicating compliance with this condition is to be submitted with the Construction Certificate application.

50. **Ventilation of carpark** - The basement carpark must be provided with an adequate system of permanent natural ventilation or an approved system of mechanical ventilation. Details of the proposed method of ventilating the basement carpark must be submitted to Council or an accredited private certifier for approval with the application for the Construction Certificate

51. **Kitchen exhaust vent** - The kitchen exhaust vent must be located above roof level at least 6 metres from any fresh air intake vent, natural ventilation opening or neighbouring property boundary and at least 8 metres from any cooling tower. Exhaust hoods must be provided over cooking equipment where required by the *Building Code of Australia*, and over any dishwasher or other washing or sanitising equipment that is likely to cause steam to collect on the walls or ceiling.

The exhaust air from the kitchen exhaust vent must be discharged in a vertical direction at a minimum velocity of 5 metres per second.

Details of the provisions made for the installation of kitchen exhaust systems must be submitted to Council or an accredited private certifier for approval with the application for the Construction Certificate.

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

- (a) Certified plans of the proposed work, with any alterations coloured to distinguish between new and existing work;
- (b) A site survey plan showing the location of all proposed air intakes and exhaust outlets on the site, and any existing cooling towers, air intakes, exhaust outlets and natural ventilation openings in the vicinity;
- (c) A Mechanical Services Design Certificate from a suitably qualified practising mechanical engineer certifying that the new/altered mechanical ventilation system(s) will comply with the *Building Code of Australia*, the *Public Health Act 1991* and any relevant conditions of consent; and
- (d) Documentary evidence in support of any departures from the deemed-to-satisfy provisions of the *Building Code of Australia*.

**53. Cooling tower details** - Details of any proposed water-cooling systems, and alterations to any existing systems (including the installation of new cooling towers), must be submitted to and approved by Council before the issue of a Construction Certificate. Such details must include:

- (a) Certified plans and specifications of the proposed water cooling system;
- (b) A site survey plan showing the location of the proposed cooling tower and any air intakes, exhaust outlets and natural ventilation openings in the vicinity;
- (c) Access details for inspection and maintenance purposes;
- (d) Details of the proposed water treatment system; and
- (e) A Compliance Certificate from a suitably qualified person certifying that the design of the cooling tower(s) complies with Australian/New Zealand Standard AS/NZS 3666.1:2002 *Air-handling and water systems of buildings – Microbial Control – Design, installation and commissioning*.

**54. Construction and fit-out of food premises** - The construction and fitout of the hotel kitchen, must comply with the requirements of:

- (a) Food Safety Standard 3.2.3 *Food Premises and Equipment*; and
- (b) Australian Standard AS 4674 - 2004 *Design, construction and fit-out of food premises*.

Details of any fitout must be submitted to and approved by Principal Certifying Authority before the issue of a Construction Certificate.

**55. Construction of garbage rooms** - The garbage room must be constructed in accordance with the following requirements:

- (a) The room must be of adequate dimensions to accommodate all waste containers, and any compaction equipment installed, and allow easy access to the containers and equipment for users and servicing purposes;
- (b) The floor must be constructed of concrete finished to a smooth even surface, coved to a 25mm radius at the intersections with the walls and any exposed plinths, and graded to a floor waste connected to the sewerage system;
- (c) The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation;
- (d) The walls must be constructed of brick, concrete blocks or similar solid material cement rendered to a smooth even surface and painted with a light coloured washable paint;
- (e) The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light coloured washable paint;
- (f) The doors must be of adequate dimensions to allow easy access for servicing purposes and must be finished on the internal face with a smooth-faced impervious material;
- (g) Any fixed equipment must be located clear of the walls and supported on a concrete plinth at least 75mm high or non-corrosive metal legs at least 150mm high;
- (h) The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation;
- (i) The room must be provided with adequate artificial lighting; and
- (j) A hose cock must be provided in or adjacent to the room to facilitate cleaning.

Details of the garbage room and the above requirements must be submitted to and approved by Principal Certifying Authority before the issue of a Construction Certificate.

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

If a grease trap is required, details of the location and grease trap are to be submitted and approved by the Principal Certifying Authority prior to the release of the **Construction Certificate**.

**57. Security deposit** - The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release

of the **Construction Certificate**. (category: other buildings with delivery of bricks or concrete or machine excavation)

58. **Fees** -The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:

- (a) Infrastructure Restoration and Administration Fee
- (b) Enforcement Levy

59. **Long Service Levy** - Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.

60. **Sydney Water – quick check** - The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, prior to the release of the **Construction Certificate**, to determine whether the development will affect any Sydney Water assets, sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Quick Check agents details - see Building, Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water assets - see Building, Development and Plumbing then Building and Renovating.

Or telephone 13 20 92.

61. **Reflectivity of materials**. Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.

62. **Fencing**. Fencing is to be in accordance with Council's Development Control Plan and details of compliance are to be provided in the plans for the **Construction Certificate**.

63. **Lighting of common areas (driveways etc)**. Details of lighting for internal driveways, visitor parking areas and the street frontage shall be submitted for approval prior to issue of the **Construction Certificate**. The details to include certification from an appropriately qualified person that there will be no offensive glare. The lighting is not to cause nuisance to the owners or occupiers of adjacent premises or to motorists on adjoining or nearby roads. All proposed lights shall comply with the Australian Standard AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting.

64. **A "Fire Safety Schedule"** specifying the fire safety measures proposed or required to be implemented in the building premises as required by Clause 168

- Environmental Planning & Assessment Regulation 2000 are to be submitted and approved prior to the issue of the Construction Certificate.

65. **Access & Parking.** All internal driveways, vehicle turning areas, garage opening widths and parking space dimensions shall comply with AS 2890.1-2004.

## **PRIOR TO COMMENCEMENT OF CONSTRUCTION**

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

### **66. Site Sign**

- (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
  - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.
- (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

### **67. Excavation adjacent to adjoining land**

- (a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.
- (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.
- (c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

69. **Construction Management Plan.** As a result of the site constraints, limited vehicle access and parking, a Construction Management Plan (CMP) must be submitted to Council for the approval by Councils Public Works section, prior to the commencement of any works on the site. The CMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent the site.

The CMP must:-

- Make provision for all construction materials to be stored on site, at all times.
- Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council's Public Works.
- Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- Consider on and off site parking arrangements for workers during the construction period.
- Be in accordance with Council's DCP 2010 Part 8.1 (Construction Activities)
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street tree's.

Structures or works on Council property (such as hoardings, scaffolding, shoring or excavation), the modification of parking restrictions (Work Zones) and standing heavy vehicles (crane, concrete pump, etc) on a footpath/ roadway are subject to separate approval from Council and/or the Local Traffic Committee.

**70. Discovery of Additional Information** - Council and the Principal Certifying Authority (if Council is not the PCA) must be notified as soon as practicable if any information is discovered during demolition or construction work that has the potential to alter previous conclusions about site contamination.

**71. Further requirements** - If additional information is discovered about site contamination, the proponent must comply with any reasonable requirements of Council.

## **DURING CONSTRUCTION**

Unless otherwise specified, the following conditions in this Part of the consent must be complied with at all times during the construction period. Where applicable, the requirements under previous Parts of the consent must be implemented and maintained at all times during the construction period.

**72. Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.

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

- 74. Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
- 75. Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
- Fill is allowed under this consent;
  - The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
  - the material is reused only to the extent that fill is allowed by the consent.
- 76. Construction materials.** All materials associated with construction must be retained within the site.
- 77. Site Facilities.** The following facilities must be provided on the site:
- toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
  - a garbage receptacle for food scraps and papers, with a tight fitting lid.
- 78. Site maintenance.** The applicant must ensure that:
- approved sediment and erosion control measures are installed and maintained during the construction period;
  - building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
  - the site is clear of waste and debris at the completion of the works.
- 79. Traffic Management Work within public road.** Any works being undertaken within the public road will require adequate Traffic management procedures and systems. These must be in accordance with AS1742.3 1996 "Traffic Control Devices for Work on Roads" and the City of Ryde, Development Control Plan 2010: Part 8.1; Construction Activities. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. All Traffic Management Plans (TMP) and Traffic Control Plans (TCP) will require the approval of Council's Public Works Sector. All fees associated with the review of these plans, as stipulated in Council's Schedule of Fees and Charges, must be paid in full to Council prior to the issue of any approval.
- 80. Tree works – Australian Standards.** Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards. All tree removal work is to be carried out in accordance NSW Workcover Code of Practice (2007) and undertaken by an Arborist with minimum AQF Level 2 qualifications.
- 81. Tree Management.** Trees which are to be retained on site are to be protected and managed in accordance with the Development Impact Assessment Report prepared by Urban Tree Management dated November 2013. A Consultant Arborist with AQF Level 5 qualifications is to be engaged to ensure compliance with the tree protection measures, oversee all works, including demolition and construction, in relation to the trees identified for retention on the site and to monitor the trees throughout the development process. All trees are to be



monitored to ensure adequate health throughout the construction period is maintained. Additionally, all work within the Tree Protection Zones is to be supervised throughout construction. Details of the Project Arborist are to be submitted to Council prior to the commencement of construction.

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

82. **Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically shown on the approved plans for removal or otherwise necessary as a result of construction works approved by this consent.
83. **Truck Shaker.** A truck shaker grid with a minimum length of 6 metres must be provided at the construction exit point. Fences are to be erected to ensure vehicles cannot bypass them. Sediment tracked onto the public roadway by vehicles leaving the subject site is to be swept up immediately.
84. **Erosion and Sediment Control.** The applicant shall install erosion and sediment control measures in accordance with the approved plan by Northrop Consulting Engineers (Refer Project No. 130746 DwgsC2.01 Iss 1 dated 13 December 2013) at the commencement of works on the site. Suitable erosion control management procedures in accordance with the manual “Managing Urban Stormwater: Soils and Construction” by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction. Where construction works deviate from the plan, soil erosion and sediment control measures are to be implemented in accordance with the above referenced document.
85. **Construction Management Plan – Compliance.** All works and construction activities are to be undertaken in accordance with the approved Construction Management Plan (CMP). All controls in the CMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. A copy of the approved CMP is to be kept onsite at all times and made available to the accredited certifier or Council on request. Any works outside of the approved CMP will require Council’s Public Works approval.
86. **Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan by Northrop Consulting Engineers (Refer Project No. 130746 Dwgs C1.01, C3.01, C3.02, C4.01, C4.02 and C5.01 Iss 1 dated 13 December 2013) submitted in compliance to the condition labelled “Stormwater Management.” and the requirements of Council in connection to the trunk drainage system.

## **PRIOR TO OCCUPATION CERTIFICATE**

An Occupation Certificate must be obtained from a Principal Certifying Authority prior to commencement of occupation of any part of the development, or prior to the commencement of a change of use of a building.

Prior to issue, the Principal Certifying Authority must ensure that all works are completed in compliance with the approved construction certificate plans and all conditions of this Development Consent.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with conditions in this Part of the consent. Details to demonstrate compliance with all conditions, including plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

**87. Right of Way** – A Right of Way (ROW) for public access shall be created over the 4m wide pedestrian path, as shown on the Site Plan Drawing No. DA 03 Rev B dated 19 March 2014.

The Terms and wording of the instrument the creation of the ROW are to be submitted and approved by Council prior to lodgement at the Lands & Property Information Office. The terms of the ROW should include, but not limited to:

- ROW shall be accessible to the public at all times.
- The maintenance of the pedestrian path and its associated lighting will be the responsibility of the owner.

Evidence regarding the effective registration of the ROW shall be submitted to Council prior to the issue of any Occupation Certificate.

**88. Voluntary Planning Agreement – Trunk Drainage and Pedestrian pathway works.** The scope of works shown in Schedules 2 and 3 of the VPA is to be completed to Council's satisfaction prior to the issue of any Occupation Certificate.

**89. Work Place Travel Plan.** A Work Place Travel Plan (WPTP) to be submitted to Council detailing the promotion, development, implementation and monitoring of a co-ordinated transport strategy for the company. The objectives of the WPTP are to encourage/provide incentives for employees to utilise public transport, walking and cycling and to investigate alternative modes of transport (away from single-occupancy car use) to more sustainable forms of transport and how the plans will achieve and monitor the objectives.

**90. Work-as-Executed Plan.** To ensure public infrastructure works are completed in accordance with approved plans and specifications, a Work-as-Executed plan for the works certified by a registered surveyor is to be submitted to the Principal certifying Authority and Council for review with any required rectifications being completed prior to issue of any Occupation Certificate.

The W.A.E plans are to note all departures clearly in red on a copy of the approved Construction Certificate plans and certification from a qualified and

experienced civil engineer should be submitted to support all variations from approved plans.

91. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final Occupation Certificate.
92. **Certification.** A Tree Protection Schedule which provides a logical sequence of hold points for the various development stages including pre construction, construction and post construction and a checklist of various hold points that are to be signed and dated by the Project Arborist. This is to be completed progressively and included as part of the final certification. A copy of the final certification is to be made available to the City of Ryde Council on completion of the project.
93. **Fire safety matters.** At the completion of all works, a Fire Safety Certificate must be prepared, which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Interim/Final Occupation Certificate.

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

94. **Road opening permit – compliance document.** The submission of documentary evidence to Council of compliance with all matters that are required by the Road Opening Permit issued by Council under Section 139 of the *Roads Act 1993* in relation to works approved by this consent, prior to the issue of the Occupation Certificate.
95. **Sydney Water – Section 73.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Interim/Final Occupation Certificate.

96. **Public domain – work-as-executed plan.** A works as executed plan for works carried out in the public domain must be provided to and endorsed by Council prior to the issue of the **Occupation Certificate**.
97. **Stormwater Management - Work-as-Executed Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted with the application for an Occupation Certificate. The WAE must be prepared and certified (signed and dated) by a Registered Surveyor and is to clearly show the constructed stormwater drainage system (including any onsite detention, pump/ sump, charged/ siphonic and onsite disposal/ absorption system) and finished surface levels which convey stormwater runoff.
98. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to Section 88 E of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention components incorporated in the approved Stormwater Management system. This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site(s). The terms of the 88 E instrument are to be in accordance with the Council's draft terms for these systems as specified in City of Ryde DCP 2010 - Part 8.4 (Title Encumbrances) - Section 7, and to the satisfaction of Council, and are to be registered on the title prior to the release of the Occupation Certificate for that title.
99. **Restriction as to User, Floodway.** A restriction as to user is to be placed on the property title to prevent any works which would result in the alteration of the ground surface level or impose on overland flow due to stormwater runoff in the 100ARI, such to adversely impact flood protection of the approved building or have an adverse impact on neighbouring properties. The terms of the restriction shall be generally in accordance with Council's draft terms for provision for overland flow, to the satisfaction of Council and must be registered on the property title prior to the release of any Occupation Certificate.
100. **Compliance Certificates – Engineering.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.
- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and the City of Ryde DCP 2010, Part 9.3 “Car Parking”.
  - b) Confirming that the sites Stormwater Management system (including any ancillary components such as onsite detention) servicing the development complies with the City of Ryde DCP 2010, Part 8.2, “Stormwater Management” and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
  - c) Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream

of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.

- d) Confirming that the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 - 2003 (National Plumbing and Drainage Code) and the relevant sections of the City of Ryde DCP 2010, Part 8.2 "Stormwater Management" and associated annexure.
- e) Confirming that the footings adjacent to drainage easements are founded below the zone of influence of this infrastructure, in accordance the City of Ryde DCP 2010, Part 8.2 "Stormwater Management" and associated annexure.
- f) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual *"Managing Urban Stormwater: Soils and Construction"* by the NSW Department – Office of Environment and Heritage and the City of Ryde DCP 2010, Part 8.1 "Construction Activities".
- g) Certification from a suitably qualified structural or geotechnical engineer confirming that any temporary soil/ rock anchors installed into public roadway, have been de-stressed and are no longer providing any structural support.
- h) Compliance certificate from Council confirming that all public domain works have been completed to Council's satisfaction.

**101. On-Site Stormwater Detention System - Marker Plate.** To ensure the constructed On-site detention will not be modified, a marker plate is to be fixed to each on-site detention system constructed on the site. The plate construction, wordings and installation shall be in accordance with City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. The plate may be purchased from Council's Customer Service Centre at Ryde Civic Centre (Devlin Street, Ryde).

**102. Engineering plans assessment and works inspection fees** – The applicant is to pay to Council for assessment of all engineering and public domain plans and works inspection fees, in accordance with Council's Schedule of Fees & Charges, prior to any approval being granted by Council.

All works are to be completed to Council's satisfaction prior to the issue of the Occupation Certificate.

**103. Asbestos clearance certificate** - A thorough clearance inspection of the site to be carried out in accordance with Safe Work Australia's Code of Practice for the Safe Removal of Asbestos and a final clearance certificate must be issued and a copy provided to Council.

**104. Inspection of fitout work by Council** - Council's Environmental Health Officer must inspect the completed fitout before the issue of an Occupation Certificate.

Inspections may be arranged by calling Council's Customer Service Centre on Tel. 9952 8222 at least 48 hours before the inspection is required.

## **BEFORE OCCUPATION OR SITE OPERATIONS COMMENCE**

105. **Registration of premises** - The operator of the business must register the premises with Council's Environmental Health Unit before trading commences. Registration forms may be obtained from Council's Customer Service Centre on Tel. 9952 8222.
106. **Notification of business details** - The operator of the business must notify their business details to the NSW Food Authority before trading commences. Written notifications may be lodged with Council, together with the approved fee. Alternatively, notifications may be lodged free of charge via the Internet at [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au). Notification forms may be obtained from Council's Customer Service Centre on Tel. 9952 8222.

## OPERATIONAL CONDITIONS

The conditions in this Part of the consent relate to the on-going operation of the development and shall be complied with at all times.

107. **Offensive noise** - The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.
108. **Clean water only to stormwater system** - Only clean unpolluted water is permitted to enter Council's stormwater drainage system.
109. **Cleaning wastes and spills** - All cleaning wastes and spills must be collected and disposed of in an environmentally acceptable manner.
110. **Regulated systems** - All air-handling and water systems regulated under the *Public Health Act 1991* must be installed, operated and maintained in accordance with the requirements of the *Public Health (Microbial Control) Regulation 2000*.
111. **Access for maintenance purposes** - Safe easy access must be provided for the inspection and maintenance of all plant, equipment and components covered by Australian/New Zealand Standard AS/NZS 3666.2: 2002 *Air-handling and water systems of buildings - Microbial control - Operation and maintenance*.
112. **Registration of water-cooling and warm water systems** - All water-cooling and warm water systems (including thermostatic mixing valves) regulated under the *Public Health Act 1991* must be registered with Council's Environmental Health Unit within one (1) month of installation. Registration forms may be obtained from Council's Customer Service Centre on Tel. 9952 8222.
113. **Noise and vibration from plant and equipment** - Unless otherwise provided in this consent, the operation of any plant or equipment installed on the premises must not cause:

- (a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the New South Wales Industrial Noise Policy (EPA, 2000).
- (b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*.
- (c) The transmission of vibration to any place of different occupancy.

**114. Signage – English language.** All advertising signs are to be displayed in the English language but may include a translation into another language using letters or characters that are no larger than the English language letters or characters.

Any translated message must be accurate and complete.

No amendment to the size of a sign will be permitted to allow for both the English and translated language to be displayed.

## ADVISORY NOTES

### Health Inspections:

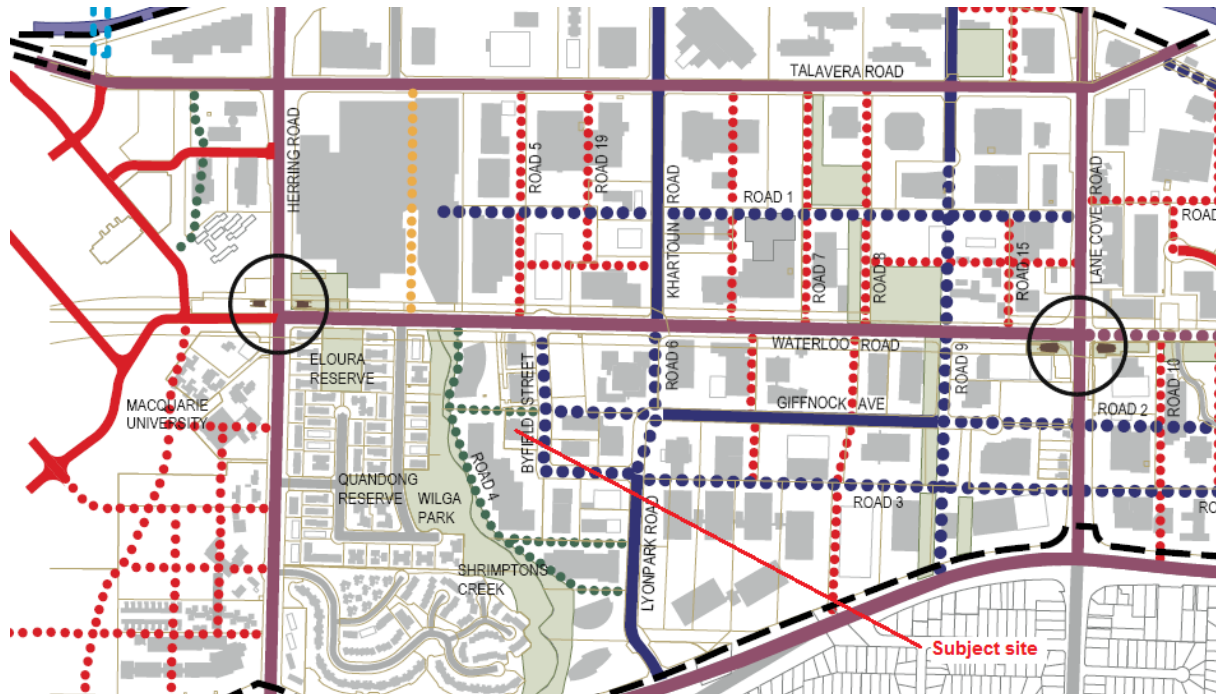
**Health inspections** - Council officers may carry out periodic inspections of the premises to ensure compliance with relevant environmental health standards and Council may charge an approved fee for this service in accordance with Section 608 of the *Local Government Act 1993*.

The approved fees are contained in Council's Management Plan and may be viewed or downloaded at [www.ryde.nsw.gov.au](http://www.ryde.nsw.gov.au).

**Saturated and trans fats** - To minimise the risk of cardiovascular disease in the community, fats and cooking oils that are high in saturated and/or trans fats should not be used in the preparation or cooking of food. Alternatively, instead of deep frying, change to healthier cooking methods such as baking, grilling, steaming or microwaving or use mono/polyunsaturated fats or oils such as canola, olive, sunflower, soybean and safflower oils and margarines.

## Attachment 2

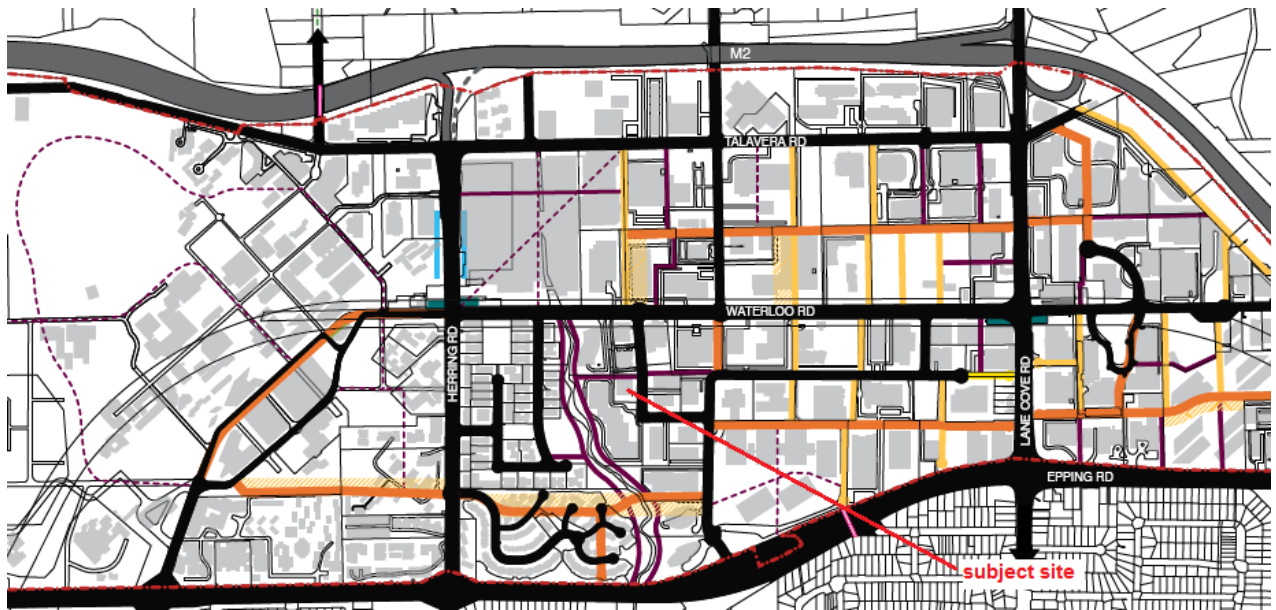
### Street Network Structure Plan (DCP 4.5 Macquarie Park Corridor).



- new or modified public streets - **type1** streets
- existing public streets - **type1** streets
- new public streets - **type2** streets
- existing public street - **type2** streets
- new public streets - **type3** streets
- potential future public roads (subject to testing)
- existing public streets - **type3** streets
- type4** public streets
- existing public streets
- existing underpass
- potential bridge
- site boundary
- existing property boundaries
- location of train stations
- M2 Motorway
- new public street type and width TBC
- new shared pedestrian & cycle links over the M2 are to be implemented. Final locations are subject to negotiation with landowners including Transurban and the outcomes of Macquarie Park Integrated Transport & Movement Study



## Proposed Pedestrian Network (Draft Macquarie Park (Amendment 1)).



### KEY

	Study area boundary		Building footprints (existing & proposed)		Deferred sites owned by TCA
	Existing road grid		Building envelope (proposed)		Lane Cove National Park pedestrian connections and walking tracks
	M2		Road connecting Wicks Rd and Delhi Rd proposed for future consideration		Existing and proposed footbridge
	Proposed new 20m road		Required pedestrian connection		Railway station entry/exit
	Proposed new 16m road		Required pedestrian connections (location flexible)		Upgrade Interchange
	Proposed new 14m road				
	Proposed new road to be provided in this zone				