

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

JRPP No	2014SYE091
DA Number	LDA2014/0299
Local Government Area	City of Ryde
Proposed Development	Demolition of a warehouse building and construction of a four store commercial building with 3 levels of basement car parking
Street Address	66-82 Talavera Road, Macquarie Park
Applicant	Holdmark NSW Pty Ltd
Number of Submissions	2 submissions received objecting to the development
Regional Development Criteria (Schedule 4A of the Act)	General Development over \$20 Million
List of All Relevant S79C(1)(a) Matters	<ul style="list-style-type: none"> • Section 5A Environmental Planning and Assessment Act 1979 • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No. 64 – Advertising and Signage • Deemed State Environmental Planning Policy Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 • Ryde Local Environmental Plan 2014 • Ryde Local Environmental Plan 2010 • Draft Ryde Local Environmental Plan 2014 (Amendment 1) • City of Ryde Development Control Plan 2014.
List all documents submitted with the report for the panel's consideration	Condition of consent
Recommendation	Approval with Conditions
Report by	Sandra Bailey, Team Leader Major Development

Assessment Report and Recommendation

1. EXECUTIVE SUMMARY

The following report is an assessment of a development application for the construction of a four storey commercial building with basement car parking, associated site and landscaping works at 66 to 82 Talavera Road, Macquarie Park.

The development has been assessed in respect of the relevant planning instruments and the application is non-compliant with the following DCP requirements:

- A signage zone has been provided on the Talavera Road façade of the building. The zone will have an area of 24m² which exceeds Council's maximum area of signage permitted by 8.9m².
- The basement car park encroaches into the 10m setback requirement along Talavera Road by 5m.

Following an assessment of the development application, it is considered that these non-compliances are consistent with the objectives of the requirements and are acceptable on planning grounds.

During the notification period, Council received two submissions objecting to the development. The issues raised in these submissions generally related to the likely traffic impacts. These matters are addressed in full detail in Section 13 of this report.

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

2. APPLICATION DETAILS

Name of applicant: Holdmark NSW Pty Ltd

Owner of site: Macquarie Park Investments Pty Ltd

Estimated value of works: \$23,252,768

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 site is located on the north eastern corner of the intersection of Talavera Road and Alma Road, Macquarie Park. The site has two street frontages, with a frontage of 252.44m to Talavera Road and 150.68m frontage to Alma Road. The site has an area of 37,830m². The site also adjoins the M2 Motorway. Figure 1 demonstrates an aerial photograph of the site. The proposed development is located in the south-east corner of the site as demonstrated in figure 2.



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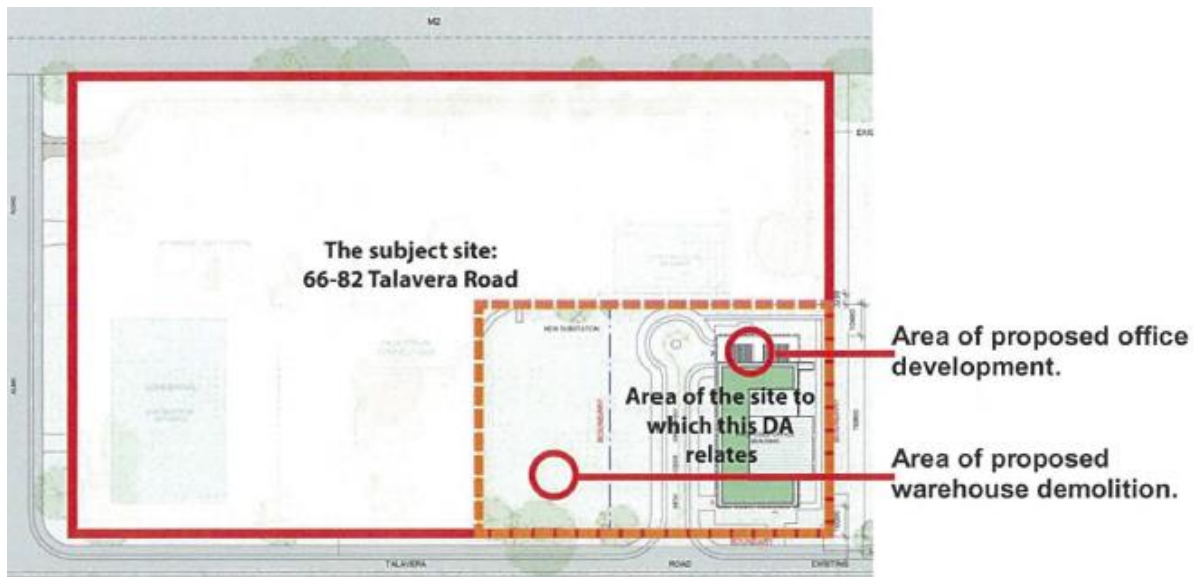


Figure 2. The proposed development is restricted to the south east corner of the site as demonstrated in the above figure.

The site has a fall of approximately 18m from east to west. Currently the site contains three buildings being the warehouse building which is to be demolished, a conference centre building located at the rear of the proposed development site and a four storey commercial building near the intersection of Talavera Road and Alma Road.

The site is surrounded by:

- The Macquarie Shopping Centre and an AstraZeneca development to the south opposite Talavera Road.
- The recently approved Meriton development comprising 2 buildings used as serviced apartments and 2 buildings used as residential flat buildings to the west of the site.
- Three storey commercial development exists to the east of the site.

The site within close proximity to the Macquarie University Railway Station, bus interchange and Macquarie University.

Photographs of the site and surrounding developments are provided in Photographs 1 to 5.



Photograph 1. The subject warehouse to be demolished. This photograph was taken from Talavera Road looking east.



Photograph 2. The subject warehouse as viewed from Talavera Road.



Photograph 3. The existing commercial building on the corner of Talavera Road and Alma Road.



Photograph 4. Macquarie Shopping Centre to the south of the site.



Photograph 5. 3 storey commercial building to the east of the site.

4. SITE DETAILS

Total site area:	37,830m ²
Frontage to Talavera Road:	252.44m
Frontage to Alma Road:	150.68m
Land use Zone:	B7 Business Park under Ryde Local Environmental Plan 2010.

5. PROPOSAL

Development consent is sought for the following:

- Demolition of the existing warehouse building.

- Construction of a four storey commercial building with three levels of basement car parking. The commercial building will contain a gross floor area of 5,538m². A small retail tenancy is located on the ground floor and the rest of the building will be commercial. A total of 119 car parking spaces are proposed within the three levels of basement. A photomontage of the development is demonstrated in Figure 3. The building will be of a contemporary design.



Figure 3. Photomontage of the development as viewed from Talavera Road looking at the western side and northern front façade of the building.

- A business identification signage zone is proposed along the Talavera Road frontage. The signage zone will be 2m wide by 12m high spanning elevations 1, 2 and 3. The signage is not intended to be illuminated.
- A driveway access is proposed into the subject site off Talavera Road. This will replace two existing driveways/cross overs. A 6m wide driveway access is proposed along the western façade of the building. A turning circle will be provided at the entry to the basement.
- The development involves the removal of 14 trees.

6. **BACKGROUND**

Urban Design Review Panel

As part of the development process the development was considered by Council's Urban Design Review Panel on 7 May 2014 prior to the development application

being submitted. The Panel was generally supportive of the development and provided the following comments:

Height

The Panel understands that the proposal is compliant with the height controls for the site.

Comment: Noted.

Setbacks

The proposal is compliant with the required setbacks. The Panel notes that the building is located with a bias towards the eastern boundary of the site. It is understood that this is driven by the desire to give the driveway a similar width and character to a new street. The position of the driveway or new 'street' is driven by the alignment of the future road that is intended by Council for the opposite side of Talavera Road. On this basis the Panel considers that the setbacks and relationship of the building to the boundaries of the site is acceptable.

Comment: Noted.

Driveway design

The Panel supports the intent to provide the driveway as a new internal street given the wider master plan that will occur for the remainder of the block up to Alma Street. It is appropriate that sufficient width should be provided to allow for two way traffic, potentially some on street parking and generous footpaths and landscape to both sides of this 'street'.

Comment: Council's access network/structure plan for Macquarie Park does not show a proposed road on the subject site. Draft Ryde Local Environmental Plan 2014 (Amendment 1) also does not demonstrate a road on this site. The Panel refer to a wider Masterplan for the site, however there no such plan exists for the site. The access driveway is intended to be a private driveway rather than a public road. The driveway will be 6m in width which will allow for two way traffic. A footpath will be provided on the eastern side of the driveway and landscaping has been proposed on both sides of the driveway. To distinguish the driveway from a public road, it is proposed to provide a brick paved banding at the entrance to the driveway. Parallel parking is not proposed along the access driveway. As the planning controls do not specify a road in this location, no objections are raised to the design of the driveway.

The Panel does not support the large cul-de-sac configuration at the end of the driveway. This is not an appropriate form of termination for a future street and is not seen to be necessary given it is only servicing a small car park and loading area. The Panel recommends that the design be changed to a T intersection or street corner which provides a future stub for the future expansion of the street, and also

creates a more appropriate connection into the driveway rather than a continuation of the 'street' character.

Comment: The original DA plans failed to change the turning circle. As part of the amended plans however, the turning circle has been deleted. The driveway has been amended to provide direct entry to the basement with a stub to allow for the turning of vehicles if required. This is consistent with the Panel's requirements.

The new 'street' should be provided with street trees and pedestrian-friendly public realm on both sides of the street.

Comment: Trees have been provided along the each side of the driveway. A footpath is proposed along the eastern side of the driveway.

Services

At present the scheme shows services such as the fire hydrant and substation kiosk located to the Talavera Road frontage. Given the provision of the new 'street' connection the Panel recommends that these services be relocated onto the new street to minimise their visual impact.

Comment: The services are required to be provided along a public street frontage to ensure accessibility for the appropriate utility service providers. As the driveway is not a street, it is not possible to relocate the services to this frontage. There is adequate opportunity to provide landscaping around the services to reduce their visual impact.

Address to Talavera Road Street Frontage

The Panel supports the inclusion of the café use to the Talavera Road frontage with the connection to the new street.

Comment: Noted.

Architectural Resolution

The proposal indicates an architectural concept that has the potential to be acceptable, subject to detailed design of the blades and façade system, and the materials intended for the lift core. It is imperative that quality solutions are provided for the materiality of the building.

Comment: The building facades are characterised by grey and yellow vertical fins and the lift core is characterised by zinc cladding. These finishes will ensure that the building presents as a contemporary design.

There are a number of anomalies on the drawings in regard to the relationship of the building to ground level which need to be clarified particularly in relation to the core and exit points along the side boundaries where the sections indicate a level change. The Panel is concerned to ensure that no more than 1.2m of basement protrudes

above finished ground level, and that the proposed outdoor terraces relate well to the finished ground level.

Comment: The core and exit points are located along the eastern boundary. It is proposed to provide a pathway along this boundary to ensure pedestrian access is possible. Due to the levels of the site it will be necessary to provide cut in this area. The maximum height of the retaining wall will be 1.45m. The current plans have removed the anomalies that were raised by the Panel.

The Panel were also concerned that the basement would protrude more than 1.2m above NGL and that the outdoor terrace would not relate well to the finished ground level. Due to the need to provide adequate head height for the loading dock and waste area, the basement will project above NGL at the rear of the site. This area of the basement will exceed NGL by a maximum of 3.5m. The material used in this area is expanded metal mesh enclosure. Due to the levels of the site, this cannot be avoided. However it is located at the rear of the site and has been treated in such a manner to ensure it is compatible with the building. This is demonstrated in the following diagram.

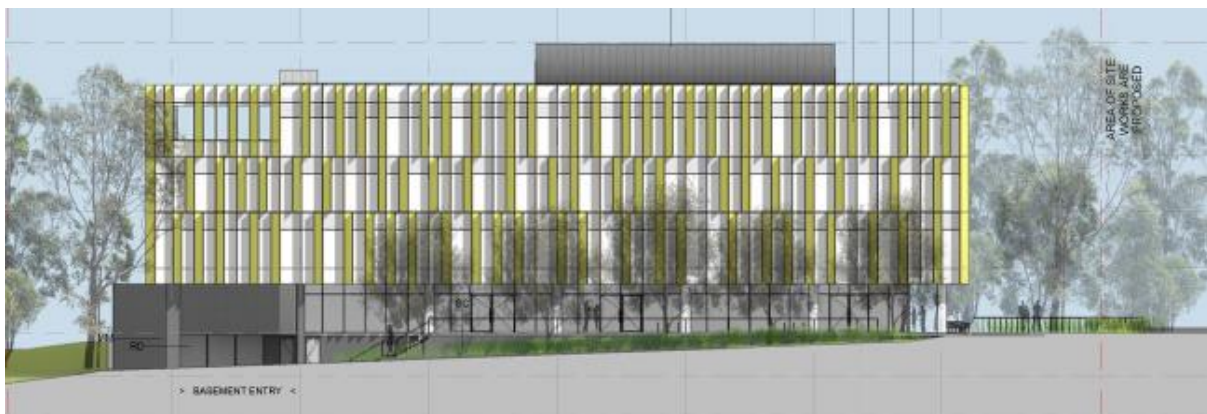


Figure 4. The above diagram represents the north west elevation of the building. The metal mesh enclosure is visible at the rear of the building.

The outdoor terraces are located on the eastern and western side of the building. These will relate to existing ground levels, but due to the level changes stairs will need to be incorporated at the rear of the western façade.

Recommendations

If the above advice is incorporated into the proposal to the satisfaction of Council Officers, the Panel would support subsequent review after DA lodgement.

Development Application

The development application was submitted to Council on 11 July 2014. Following a preliminary assessment of the application, a letter was sent to the applicant on 11 August 2014 which raised the following issues:

- The development proposes the removal of several Sydney Blue Gums which are characteristic species of Blue Gum High Forest which is listed as an endangered ecological community under the Threatened Species Conservation Act. The applicant was requested to address Section 5A of the Environmental Planning and Assessment Act, 1979.
- Clarification was requested in respect to several of the statements made in the Bushfire Hazard Assessment Report.
- The applicant was requested to provide a plan showing the retaining wall required along the eastern boundary.
- Further information was requested in respect to public art as well as a public domain plan.
- The size of the turning area at the end of the driveway was requested to be reduced.
- Clarification was requested as to the height of the entry basement.
- Details were requested in respect to the median strip proposed at the entrance to the basement.

Amended plans and additional information were submitted to Council on 4 September 2014.

7. APPLICABLE PLANNING CONTROLS

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

- Section 5A Environmental Planning and Assessment Act 1979
- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 64 – Advertising and Signage
- Deemed State Environmental Planning Policy Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Ryde Local Environmental Plan 2014
- Ryde Local Environmental Plan 2010
- Draft Ryde Local Environmental Plan 2014 (Amendment 1)
- City of Ryde Development Control Plan 2014.

8. PLANNING ASSESSMENT

8.1 Section 5A Environmental Planning and Assessment Act, 1979

The development involves the removal of eleven Sydney Blue Gums from the site. Sydney Blue Gums are a characteristic species of Blue Gum High Forest (BGHF) which is listed as a Critically Endangered Ecological Community under the NSW *Threatened Species Act*, (1995) and the Commonwealth *Environment Protection and Biodiversity Conservation Act*, 1999.

The applicant has undertaken an assessment of significance in accordance with section 5A of the EP&A Act 1979. This report has included the following conclusion:

The semi-mature Blue Gum trees proposed for removal as part of a redevelopment of 66 Talavera Road, Macquarie Park are considered to have been planted as part of an earlier landscape plan for the site. Whilst it is not possible to definitely state that the site never supported BGHF, all extant species on site characteristic of BGHF are of unknown provenance and are very likely to be remnant of the original vegetation.

It would however be recommended to replace the individuals of Blue Gum with an equal number of saplings of this species in any landscaping plan that may be associated with the proposed development to maintain the current continuity of canopy habitats for native avifauna, flying fox and arboreal mammals that may utilise the canopies for foraging and roosting.

As such, the proposed action to remove the Blue Gum trees will have no impact on vegetation considered to be remnant Blue Gum High Forest and therefore a species impact statement and referral to the Director General of the Office of Environment and Heritage is not required.

Council's Consultant Landscape Architect supports the findings of the report. The landscaping plan has not incorporated the recommendation of the above report to provide saplings of Sydney Blue Gums to replace the trees to be removed. Rather than requiring saplings to be provided, it is proposed to include a condition of consent to require the evergreen trees proposed along the north-western boundary to be larger specimens as this help to replace the loss of canopy as a result of the development. (See condition number 1c).

8.2 State Environmental Planning Policy (State and Regional Development) 2011

As the proposed development has a Capital Investment Value of \$23,252,768, the development application is required to be determined by the Joint Regional Planning Panel.

8.3 State Environmental Planning Policy No 55 – Remediation of Land

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

The site is currently being used for commercial and warehousing purposes. No manufacturing has occurred on the site. Council's Environmental Health Officer has advised that the site is considered suitable for the proposed development and is unlikely to contain any contaminated materials.

8.4 State Environmental Planning Policy No. 64 – Advertising and Signage

SEPP 64 defines a '*building identification sign*' as a sign that identifies or names a building, and that may include the name of a business or building, the street number of a building, the nature of the business and a logo or other symbol that identifies the business, but that does not include general advertising of products, goods or services.

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.

The development proposes a business identification signage zone along the Talavera Road frontage. The signage zone will be 2m wide by 12m high spanning elevations 1, 2 and 3. The signage is not intended to be illuminated. This is demonstrated in the following figure.



Figure 5. The above figure demonstrates the Talavera Road elevation. The signage zone extends for three levels of the building and has a maximum area of 24m².

SEPP 64 Part 2 Clause 8 requires that 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 and that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1. The following table contains the relevant assessment criteria in Schedule 1. As the signage satisfies the assessment criteria it is considered to be consistent with the objectives of the Policy.

SCHEDULE 1 – ASSESSMENT CRITERIA	
1 Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The size of the signage panel will exceed the Council's requirements for the maximum extent of signage on the building. The size of the sign however, is consistent with other signage in the immediate area. The signage will not detract from the future character of the area.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The theme for outdoor advertising includes tenant identification signage at the top of newly constructed buildings. A more recent theme includes the signage on the building spanning several levels rather than on the top of the building. The signage as proposed is consistent with the more recent theme for outdoor advertising.
2 Special areas	
Does the proposal detract from the amenity or visual quality of any environmentally	The signage will not detract from the amenity or visual quality of any environmentally

SCHEDULE 1 – ASSESSMENT CRITERIA	
sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscape or residential areas.
3 Views and vistas	
Does the proposal obscure or compromise important views?	No.
Does the proposal dominate the skyline and reduce the quality of vistas?	No. The signage will not be higher than the proposed building.
Does the proposal respect the viewing rights of other advertisers?	Yes.
4 Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale of the sign is compatible with the size of the building and frontage and would not be out of character with other signage within the Macquarie Park area.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signage zone extends across three levels of the building. This adds more visual interest to the building as well as the streetscape.
Does the proposal screen unsightliness?	No.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No.
Does the proposal require ongoing vegetation management?	No. The signage will not be affected by vegetation.
5 Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Despite the sign being larger than what would be permitted by the Council's DCP for Advertising Signs, the signage is considered to be in proportion with the scale and architectural features of the building. The size of the sign reflects the size of other recent approvals for signage.

SCHEDULE 1 – ASSESSMENT CRITERIA	
Does the proposal respect important features of the site or building, or both?	Yes. The signage does not detract from the architectural appearance of the building.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signage helps to contribute to the visual interest and aesthetics of the building. It shows innovation and imagination.
6 Safety	
Would the proposal reduce the safety for any public road?	The signage would not detract from the safety of Talavera Road or any other nearby street.
Would the proposal reduce the safety for pedestrians or cyclists?	No. The signage will not impact on the safety of pedestrians or cyclists.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage will not obscure any sightlines from public areas.

8.5 Deemed State Environmental Planning Policy Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

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 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 2014. The proposed development raises no other issues and otherwise satisfies the aims and objectives of the planning instrument.

8.6 Ryde Local Environmental Plan 2014

Ryde Local Environmental Plan 2014 (RLEP 2014) commenced on 12 September 2014 as the new environmental planning instrument applicable to the City of Ryde. In relation to existing development applications undetermined as of 12 September 2014, this instrument contains a Saving Provision (clause 1.8A) which states:

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

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The application was lodged on 11 July 2014, before the commencement of this Plan and so it must be determined as if RLEP 2014 had not commenced and RLEP 2014 is to be considered as a draft planning instrument. This matter has been further considered in section 8.7 of this report.

8.7 Ryde Local Environmental Plan 2010

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

Clause 2.3 Zone Objectives and Land Use Table

The site is zoned B7 Business Park under the provisions of the RLEP 2010. The development is permitted in this zoning.

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within that zone. The objectives for the B7 Business Park zone are as follows:

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

The development will satisfy the above zone objectives. The development proposes commercial office spaces which will encourage new employment opportunities on the site. The provision of a ground floor café will assist in servicing the day to day needs of the area. The design of the development is considered to be of a high design resulting in a modern and contemporary building that will be located in a natural setting. At this stage it is not certain who the final tenant for the building will be. It is possible that the building will be tenanted by AstraZeneca who is a high-technology medical manufacturer. This company is also involved in research and development and will contribute to the vision for Macquarie Park as a premium location for globally competitive businesses.

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

Clause 2.6A Demolition Requires Consent

The demolition of a building or work may be carried out only with consent. Appropriate conditions of consent have been imposed to ensure minimal impacts as a result of the demolition of the warehouse building. (See condition numbers 17 to 27).

Clause 4.3 Heights of Buildings

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

The development has a maximum height of 22.2m which complies with the height control.

Clause 4.4 Floor Space Ratio

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

The existing office and conference centre has a combined gross floor area of 10,464m². The proposed development will have a gross floor area of 5,538m². The total site gross floor area will be 16,002m². This equates to a FSR of 0.42:1, which complies with the requirement.

Clause 4.5E Macquarie Park Corridor

Subclause (1) relates to off street car parking. The maximum off street car parking spaces for commercial and industrial development in the Macquarie Park Corridor is not to exceed those shown on the relevant map. The site is identified as having a maximum parking requirement of 1 space per 46m² of GFA.

Following the demolition of the warehouse building, the site will provide on grade car parking for 190 vehicles. Based on the floor area of the existing commercial building and conference centre, a maximum of 227 car parking spaces is permitted. As the existing on grade car parking does not exceed 227 spaces, this component of the development complies with the LEP requirement.

The proposed new building will contain a gross floor area of 5,538m². A maximum of 120 car parking spaces would be permitted based on 1 space per 46m². As the

development proposes 119 car parking spaces, it complies with the LEP requirement.

Clause 6.1 Acid Sulphate Soils

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

Clause 6.2 Earthworks

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

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

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

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

The development is considered satisfactory in respect of this clause.

Clause 6.6 Macquarie Park Corridor Objectives

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

- (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.

The development will provide commercial office space in Macquarie Park that is likely to be used by AstraZeneca. This company is already established in Macquarie Park and contributes to the identity of Macquarie Park as a premium business location. The design of the development is contemporary and is of high quality. The building is situated in a natural setting. To ensure that the development reduces car dependency, the proposal does not exceed Council's maximum car parking requirements. The site is also within walking distance to the railway station which will contribute to these stations being the focal point of the Corridor.

The development is consistent with the Macquarie Park Corridor objectives.

8.8 Any Draft Planning Instruments

RLEP 2014 contains a saving provision that affects DAs that were lodged before the gazettal of RLEP 2014. This saving provision requires DAs to be determined as if RLEP 2014 had not commenced and are considered to be a draft planning instrument.

As a result of the above, the site is affected by two 'draft' planning instruments being Ryde Local Environmental Plan 2014(RLEP 2014) and draft Ryde Local Environmental Plan 2014 (Amendment 1) (draft RLEP (Amendment 1)).

The zoning of the property is B7 Business Park under RLEP 2014. The proposed development is permissible with consent and complies with the development standards in RLEP 2014.

Draft RLEP 2014 (Amendment 1) has also been prepared by Council and publicly exhibited from 12 June 2013 to 19 July 2013. This plan was adopted by Council on 22 October 2013 and has been forwarded to Department of Planning and Infrastructure and is awaiting gazettal. This plan is considered to be certain and imminent.

This plan outlines proposed changes to the RLEP 2014 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 controls in RLEP 2014 still apply.

Under this draft plan, the floor space ratio and the maximum height of the site will be increased to 1.5:1 and 45m respectively. The development application does not rely on any uplift under this draft plan and is consistent with the development standards in RLEP 2014.

8.9 City of Ryde DCP 2014

The following sections of DCP 2014 are relevant to the proposed development:

Part 4.5 of DCP 2014 – Macquarie Park Corridor

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

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

Control	Comments
s3.0 – Structure Plan	
Street Network 1. Provide new public streets as shown in the Street Network Structure Plan.	The Structure Plan does not identify any new roads for this site.
Open Space Network	The site is not required to provide any open

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Control	Comments
1. Provide public open space as shown in Figure 4.5.06 Open Space Network.	space.
5.3 – General Public Domain Controls	
Cycle Strategy 1. Provide dedicated cycle access in accordance with Ryde Bicycle Strategy & Master Plan 2007. 2. Provide lockable bicycle storage and end-of-trip facilities at train stations and within development.	Talavera Road is identified as a local bike route. The development will not affect this bike route. Bicycle storage and shower facilities are proposed within basement level 1. Access to these facilities is via the main entry/exit point of the development. The facilities are consistent with Council's requirements.
Street Furniture 1. Utilise paving materials, furniture and lighting standards as identified in the Macquarie Park Public Domain Technical Manual.	The site has two large street frontages being Talavera Road and Alma Road. As the development is proposed within the southeast corner of the site adjacent to Talavera Road, it is recommended that the Talavera Road frontage for the area in the vicinity of the works be upgraded. This approach has been supported by the applicant. The applicant has submitted a plan showing the public domain improvements along Talavera Road. This plan is not consistent with Council's Public Domain Plan and it will require amendments. These amendments can be addressed as conditions of consent. (See condition number 47).
Street Tree & Front Setback Tree Planting 1. Street trees and front setback must be provided in accordance with the Street Tree Key Plan in the Macquarie Park Public Domain Technical Manual, and their health guaranteed for a minimum of 5 years.	The public domain plan provided by the applicant has demonstrated street tree plantings. This plan has shown the retention of the Eucalyptus Robusta which is located on the front boundary. The retention of this tree is supported. The Public Domain is not consistent with Council's Public Domain Plan. The required amendments can however be addressed as conditions of consent. (See condition number 47).
Community Facilities 1. Community facilities are to be provided as required by the Ryde City Council's Section 94 Plan.	Any development consent would include a condition requiring the payment of Section 94 Contributions. Part of this contribution will be towards the provision of community facilities.
Public Art 1. Public art must be included in all new	The applicant has requested that this matter be conditioned to provide the information prior to

Control	Comments
<p>development on sites over 15,000sqm.</p> <p>2. A site specific Arts Plan is to be included in a Stage 1 DA or Master Plan and submitted together with the DA.</p>	<p>the issue of any Construction Certificate. Under Council's Public Art Policy as a guide the costing of the art should be 1%. The applicant has requested that this amount be reduced to 0.5%. Until the detailed public art plan is provided it is not possible to determine what the actual cost of the public art will be. A condition of consent has been imposed that refers to the costing to be 1% as a guide. (See condition number 56).</p>
s6.0 – Site & Building Design	
6.1 – General Built Form Controls	
<p>Height Controls</p> <p>1. Building heights are to comply with the Ryde LEP 2014.</p>	<p>The development does not exceed the maximum building height of 30m. As proposed the development has a maximum height of 22.2m.</p>
<p>Floor Space Ratio Controls</p> <p>1. Floor space ratios are to comply with the Ryde LEP 2014.</p>	<p>The development does not exceed the maximum floor space ratio of 1:1. The floor space ratio of the development is 0.42:1.</p>
<p>Site Planning & Staging</p> <p>1. Buildings are to be sited to address existing and new frontages in the following order of precedence:</p> <p>a) Primary frontages: These are located along existing streets (typically Type 1 or 2 streets).</p> <p>2. Front door and street address is to be located on the primary frontage. Loading docks, vehicular access is not permitted to be located on the primary frontage unless it can be demonstrated that there is no alternative.</p>	<p>Talavera Road has been identified as a primary frontage. The development has been designed to address this street frontage with a café and the main lobby accessed from Talavera Road. Talavera Road will be the main pedestrian entry into this building.</p> <p>The loading dock and vehicular access to the basement is located at the rear of the building and is accessed from the new driveway.</p>
<p>Street Setbacks & Built-To Lines</p> <p>1. Minimum setbacks and build-to lines must be provided as shown in Figure 4.5.81 of the DCP.</p> <p>a) Where minimum setbacks are shown, buildings may setback further from the street according to specific site conditions.</p> <p>2. Underground parking is not permitted to encroach into the setback areas unless it can be demonstrated that the basement is designed to support</p>	<p>The DCP requires that the development is setback 10m from Talavera Road. The development complies with this requirement. Solid coloured panels along the Talavera Road elevation project within this setback. This however is permitted by the DCP.</p> <p>The basement car park will encroach into this setback by 5m. No objection is raised to this encroachment as the remaining 5m setback will include deep soil planting and landscaping.</p>

Control	Comments
<p>significant mature trees and deep root planting.</p> <p>3. <u>10m Green setbacks</u> 80% of the street setback area is to be soft landscaping. Existing mature trees are to be retained where possible, and additional trees planted. At grade car parking must not be located within this setback.</p>	<p>Also, as the development has proposed a café on the ground floor, outdoor seating has been provided within the front setback. This is again permitted by the DCP.</p>
<p>Side & Rear Setbacks</p> <ol style="list-style-type: none"> Buildings are to be setback 10m from a rear and 5m from a side site boundary. Awnings, canopies, balconies, sun shading and screening elements can project into the side or rear setback zones. 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. Natural ground level is to be retained throughout the side and rear setbacks, where possible. 	<p>This control is applicable for the south eastern side setback. Along this boundary the building has been setback a minimum of 5m and maximum of 10m. The basement car park does not encroach into the required setback area. The development complies with the required setbacks.</p> <p>The development has retained the natural ground level as much as possible. The ground level will be consistent with the natural ground level at the front of the site. Due to the slope of the land, part of the car park structure will be visible along the side and rear boundaries. Landscaping has been provided to reduce the visual impact of the building.</p>
<p>Building Separation</p> <ol style="list-style-type: none"> Provide a minimum 20m separation between buildings facing each other within a site. Provide a minimum 10m separation between buildings perpendicular to each other within a site. This reduced building separation control only applies where the width of the facing facades do not exceed 20m. 	<p>The proposed development will be separated from the existing conference centre building by approximately 12.5m. As these buildings are perpendicular to each other, the development complies with the control.</p>
<p>Site Coverage & Deep Soil Areas</p> <ol style="list-style-type: none"> A minimum 20% of a site must be provided as deep soil area. 	<p>The development will exceed this requirement and provide more than 20% of the site as deep soil area.</p>
<p>Building Articulation</p> <ol style="list-style-type: none"> Facades are to be composed with an appropriate scale, rhythm and proportion, which respond to the building use and the desired character by: <ol style="list-style-type: none"> Defining a base, middle and top 	<p>The building articulation has been supported by Council's Urban Design Review Panel. The facades of the upper three levels have been designed with fins or panels. These contribute to the articulation in the building and assist in identifying the levels within the development.</p>

Control	Comments
<p>related to the overall proportion of the building.</p> <ul style="list-style-type: none"> b) Expressing key datum lines in the context using cornices, a change in materials or building setback. c) Expressing the internal layout of the building, for example, vertical bays or its structure, such as party wall divisions. d) Expressing the variation in floor to floor height, particularly at the lower levels. e) Articulating building entries with awnings, porticos, recesses, blade walls and projecting bays. f) Incorporating architectural features which give human scale to the design of the building at street level. These can include entrance porches, awnings, pergolas and fences using recessed balconies and deep windows to create articulation and define shadows thereby adding visual depth to the façade. 	<p>The building entry has been articulated by setting this back from the front façade. This helps in providing a sense of address for the development as well as giving a human scale to the entry.</p> <p>The plant room has been integrated with the lift core by providing zinc cladding to these features.</p>
<p>Ceiling Heights</p> <ol style="list-style-type: none"> 1. Maximum ceiling heights are to be provided as follows: Minimum dimensions are measured from finished floor level to finished ceiling level: <ul style="list-style-type: none"> • Ground level – 3.6m • Upper levels – 2.7m 	<p>The ground floor has provided a ceiling height of 3.6m and the upper floors 2.7m. The development complies with the DCP requirement.</p>
<p>Topography & Building Interface</p> <ol style="list-style-type: none"> 1. Level changes across sites are to be resolved within the building footprint. 2. Where buildings are setback from the street boundary, entries are to be provided at street level wherever possible. 3. An accessible path of travel is to be provided from the street through the main entry door of all buildings. 4. Natural ground level is to be retained for a zone of 4m from the side and rear property boundaries. Retaining walls, cut and fill are not permitted within this zone. 	<p>The development has addressed the level changes across the site. An entry at street level and an accessible path of travel has been provided throughout the development.</p> <p>The development has not been able to retain natural ground level for a zone of 4m from the southeast side boundary. This is due to the need to provide a pathway around the building. A retaining wall with a maximum height of 1.45m will be located within this side setback. This is however unlikely to affect the amenity of any users of this path as this breach only occurs for a short distance.</p>

Control	Comments
5. The maximum height of retaining walls within the front, side and rear setbacks is not to exceed 1.2m.	
Environmental Performance 1. Commercial development is required to achieve a 4 Star Green Star Certified Rating.	The applicant has provided a Sustainability Strategy Report to verify that the development will achieve a NABERS base building operational rating of 5 stars and a design rating of Green Star 5 Stars. A condition of consent will be imposed to ensure that the development achieves this rating. (See condition numbered 54).
Wind Impact 1. Buildings shall not create uncomfortable or unsafe wind conditions in the public domain which exceeds the Acceptable Criteria for Environmental Wind conditions. Carefully locate or design outdoor areas to ensure places with high wind levels are avoided.	Due to the height of the building the development is unlikely to create uncomfortable or unsafe wind conditions.
Noise & Vibration 1. An Acoustic Impact Assessment report prepared by a suitably qualified acoustic consultant is required to be submitted with all development applications for commercial, industrial, retail and community buildings, with the exception of applications minor building alterations. 2. Development is to comply with all relevant statutory regulations.	The applicant has submitted an Acoustic Report with the development application. The report has concluded that the development may be affected by road traffic noise from the M2 Motorway and has provided details in respect of the required glazing. A condition of consent will be imposed to require the development to comply with the recommendations of this report. (See condition number 55).
Bushfire Management 1. A Bushfire Threat Assessment report must form part of all development applications for lands identified as 'fire prone' on the Bush Fire Prone Lands Maps.	A small portion of the site near the rear boundary is identified as Bush Fire Prone Land. Accordingly, a Bushfire Threat Assessment has been provided. This report has been reviewed by Council's Bushfire Consultants who have agreed with the findings of the report. The proposed development is located more than 150m from the bushfire hazard and the separation distance comprises predominantly of hard stand areas. There will be no maintenance issues in respect to the Asset Protection Zones. The development is satisfactory in terms of bush fire.

Control	Comments
6.2 – Private & Communal Open Space	
Landscaping & Communal Courtyards <ol style="list-style-type: none"> 1. A minimum 30% of the developable area of the site is to be provided as Landscaped Area. 2. Solar access to communal open spaces is to be maximised. Communal courtyards must receive a minimum of 3 hours direct sunlight between 9am and 3pm on 21 June. 3. Appropriate shading is to be provided so that communal spaces are useable during summer. 4. Communal open spaces are to incorporate the primary deep soil area where possible. The landscaping of courtyard spaces is to provide for the growth of mid to large sized trees. 5. Landscaped areas are to incorporate trees, shrubs and ground covers endemic to the area where appropriate. 6. Landscaping is to contribute to water efficiency and effective stormwater management. 	<p>The development will achieve more than 30% of the site as landscaped area. Open space has been provided around the development to enhance the amenity of the occupants of the building as well as ensuring a natural setting for the development. This includes the provision of seating walls surrounded by canopy trees and mass plantings. This area will receive shading in summer as well as sunshine in winter due to the use of deciduous trees. The communal open space has incorporated deep soil areas.</p>
6.3 – Services & Site Management	
Floodplain Management <ol style="list-style-type: none"> 1. All stormwater leaving the site, at any time, up to a 1-in-20 year stormwater event, is treated/filtered in accordance with ANZECC Guidelines for Urban Stormwater management. 	<p>The development has been assessed by Council's Engineers and the application is satisfactory.</p>
Stormwater Drainage <ol style="list-style-type: none"> 1. Development shall comply with the requirements outlined in the Stormwater Drainage Section of the DCP and is to provide a stormwater drainage system in accordance with the "major/minor" system concept set out in Australian Rainfall and Runoff. 	<p>The development has been assessed by Council's Engineers and the application is satisfactory.</p>
Waste Management <ol style="list-style-type: none"> 1. All applications for demolition and development must be accompanied by a Waste Management Plan that specifies the type of waste to be produced and the proposed 	<p>A Waste Management Plan has been submitted with the development application. This document is considered satisfactory.</p>

Control	Comments
arrangements for ongoing waste management, collection and disposal.	
Soil Management <ol style="list-style-type: none"> 1. Development is to be designed and constructed to integrate with the natural topography of the site to minimum the need for excessive sediment disturbance and prevent soil loss. 2. Effective soil management and maintenance practices are to be followed to prevent soil loss. 	The development has been conditioned to ensure that appropriate sediment and erosion control measures will be implemented. (See condition number 43).
Site Contamination <ol style="list-style-type: none"> 1. Prior to the submission of subdivision and development applications, a suitably qualified environmental engineer on behalf of the applicant is to assess whether the subject land is contaminated. 	Council's Environmental Health Officer has looked at the site in terms of contamination. Given the previous land use history of the site, contamination is not likely to be an issue.
Site Facilities <ol style="list-style-type: none"> 1. Vehicular access to loading facilities is to be provided from secondary and tertiary streets where possible. 2. Rubbish and recycling areas must be provided in accordance with the DCP. These areas must: <ol style="list-style-type: none"> a) Be integrated with the development. b) Minimise the visibility of the these facilities from the street. c) Be located away from openable windows to habitable rooms. 3. Barrier free access is to be provided to all shared facilities. 4. Provide at least one shower and changing facility that is accessible to the building users. 	<p>Vehicular access to the loading dock is to be provided from the new driveway.</p> <p>The rubbish and recycling area has been provided on basement level 1. This space will be accessed via the loading dock. The area has been integrated with the development and will not be visible from any street or adjoining property.</p> <p>The applicant has provided an access report which verifies that the development can comply with the access requirements.</p> <p>Change rooms and showers have been provided in the basement adjacent to the main bicycle parking area.</p>
Vehicular Access <ol style="list-style-type: none"> 1. Vehicular access is not permitted along streets identified as 'Active Frontages'. 2. Where practicable, vehicle access is to be from secondary streets. 3. Potential pedestrian/vehicle conflict is to be minimised by: 	Vehicular access is provided at the rear of the site from a driveway of Talavera Road. The driveway will have a width of 6m to allow for 2 way movement of vehicles. As the main pedestrian entry to the development is from Talavera Road, there is unlikely to be conflict between pedestrians and vehicles. All pedestrian routes are clearly distinguished. The

Control	Comments
<ul style="list-style-type: none"> a) Limiting the width and number of vehicle access points. b) Ensuring clear site lines at pedestrian and vehicle crossings. c) Utilising traffic calming devices. d) Separating and clearly distinguishing between pedestrian and vehicular accessways. <p>4. The width of driveways is to be determined in accordance with the requirements of the DCP and Australian Standards.</p>	<p>development complies with the requirements of the DCP.</p>
<p>On-Site Parking</p> <ul style="list-style-type: none"> 1. Safe and secure 24 hour access to car parking areas is to be provided for building users. 2. Parking areas must not be located within the front, side or rear setbacks. 3. Parking areas are to be screened from view from the street, public domain and communal open space areas, using site planning and appropriate screen planting or structures. 4. Provide safe and direct access from parking areas to building entry points. 5. Ventilation grills or screening devices of car park openings are to be integrated into the overall façade and landscape design of the development. 6. Bicycle parking is to be secure and end of trip facilities provided. 7. A total of 1 bicycle space per 200m² of GFA is required for employees and 1 space per 750m² of GFA for visitors. 	<p>The development will provide safe and secure parking in the basement levels of the development. Roller shutters are proposed at the entry to the building to ensure authorised access.</p> <p>Lift access will be provided from the basement levels to each level of the building.</p> <p>The new car parking will not be visible from Talavera Road. Due to the levels of the site, the basement will exceed NGL at the rear. This has been appropriately treated with metal mesh screening and landscaping.</p> <p>The development has provided 28 secure bicycle parking spaces located on basement level 1. Adjacent to these spaces are end of trip facilities. 7 visitor bicycle parking spaces are located on the ground floor in the vicinity of the café. The development complies with the bicycle parking requirements.</p>
<p>Work Place Travel Plan (WPTP)</p> <ul style="list-style-type: none"> 1. A WPTP is required for all developments that exceed 15,000sqm floor space or 300 employees. 2. Large sites shall employ a suitably qualified workplace travel coordinator to implement the objectives and strategies of a WPTP. 	<p>The applicant has provided a work place travel plan. This plan has identified 6 actions that will be introduced once the building has been occupied. These actions include:</p> <ul style="list-style-type: none"> • Investigate the introduction of a car share 'pod' on site. • Provide public transport information for workers at the site on central notice boards.

Control	Comments
	<ul style="list-style-type: none"> • Provide end of trip bicycle facilities on site. • Establish carpool register on line. • Priority parking for car pool vehicles. • Promotion of local childcare centres. <p>A condition of consent will be imposed to ensure that the actions identified in this plan are satisfied once the building is occupied. (See condition number 104 and 107).</p>

Part 7.2 – Waste Minimisation and Management

A concept Waste Management Plan has been submitted with the development application. The information generally satisfies the requirements of this part of the DCP.

Part 8.1 – Construction Activities

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

These matters have been addressed by way of appropriate conditions of consent. (See condition numbers 43, 44, 62, 63, 67 and 79).

Part 9.1 –Signage

The maximum extent of signage (excluding the area of a business directory board or pylon sign) as permitted by the DCP 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. Given that the building has a frontage of 27m, the maximum area of signage permitted would be 15.1m².

The development has proposed a signage zone on the building. This zone will be 2m wide and extend for a height of 12m. The signage zone will span the elevations of Level 1, 2 and 3. It should be noted that this is the maximum area of the sign and it is possible the area may be smaller depending on the final tenant of the building.

Although the sign exceeds the Council's requirements, the signage is part of the architectural design of the building and it will not result in any visual or physical clutter of the building or streetscape. Council has also approved similar signage (which also exceeds Council's requirements) on the recent approval of the Meriton development at 84-92 Talavera Road.

The DCP also requires that the signage complies with the definitions and controls in respect to all types of signage. In this case the signage does not strictly fit in with any of the definitions of signs provided in the DCP. The closest definition would be a panel signs. Panel signs are defined as a sign with an advertisement area that is greater than 5m² but no more than 12m². The signage zone would have a maximum area of 24m² which exceeds this control. As previously stated the signage is compatible to the architectural design of the building and will not result in any adverse impacts to the streetscape. The sign will comply with all of the controls applicable to a panel sign.

Part 9.2 – Access for People with Disabilities

The DCP requires that the building must be accessible to people with disabilities via a continuous accessible path of travel to and through the entrances as well as the entire ground floor and all other floors within the building. The applicant has provided an Access Design Assessment Report which identifies that the development is capable of complying with the access requirements. This report has identified recommendations that will need to be addressed in the detailed design prior to any Construction Certificate. A condition of consent will be imposed to ensure compliance with this report (see condition number 50).

8.10 Section 94 Development Contributions Plan 2007 (Amendment 2010)

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

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

Contribution Plan	Contributions	Total
Community and Cultural Facilities	\$212,872.44	
Open Space and Recreation Facilities	\$0	
Civic and Urban Improvements	\$208,551.17	
Roads and Traffic Management Facilities	\$219,321.11	
Cycleways	\$28,786.31	
Stormwater Management Facilities	\$25,528.74	

Plan Administration	\$7,711.81	
Grand Total		\$702,771.57

Notes:

- The CPI for June Quarter has been applied to the development. The CPI index for September quarter is likely be issued by Bureau of Statistics by 23 October 2014. Should a new rate be available prior to determination of this DA, the Panel will be advised of the same via a separate memorandum with the revised S94 Contributions amount.

Condition 28 requiring the payment of a Section 94 contribution has been included in the recommendation of this report which will further be indexed at the time of payment if not paid in the same quarter. This condition has required the Section 94 Contribution to be paid prior to the issue of any Construction Certificate for the buildings.

The applicant has requested that as the public domain design works and construction (including footpaths, street furniture, tree plantings and kerb and gutter improvements) are funded under Part 3.5.5 of the Section 94 Contribution Plan, the cost of these works should be deducted from the final Section 94 contribution. No deduction has been given for this work. The Section 94 Contribution Plan is designed to provide funds for Council to meet the demand expected to be generated by future development. The works identified in Part 3.5.5 of the Section 94 Contribution Plan are public domain works and these funds can be used by Council to provide or upgrade public domain in any part of Macquarie Park as part of Council's strategy to improve the style, ambience, convenience and accessibility of the precinct for all workers, visitors and residents in the precinct.

9. LIKELY IMPACTS OF THE DEVELOPMENT

Many of the impacts associated with the development have already been addressed in the report. The outstanding issues are discussed below:

Tree Removal

The arborist report has recommended the removal of 14 trees. These trees are either within the building footprint or will be impacted by encroachment into the tree protection zone. In addition to these trees, Council's Consultant Landscape Architect has recommended that a further five trees be removed. This is due to the Arborist Report only considering the impact of the building footprint and not taking into account the impact of the 2.5m wide egress path along the northern and eastern side of the building.

The removal of these trees will present a significant loss of canopy over the site as the trees to be removed are generally small to medium in size. To compensate for the removal of these trees, it is recommended that the proposed evergreen trees along the north-western boundary be large native species such as *Eucalyptus saligna*. A condition of consent has been imposed to reflect this. (See condition number 1c).

10. SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The subject site is considered suitable for the proposed development for the reasons outlined below.

A small portion of the site is affected as bushfire prone land. However this is not within the vicinity of where the development is being constructed. The site is not affected by any other natural constraint.

The site is zoned B7 under RLEP 2010 and RLEP 2014, which permits the development of commercial buildings. Accordingly, the proposed development is considered suitable with respect to land use permissibility. In addition, the development complies with all of the development standards contained in the above planning instruments which demonstrates the development's suitability for the site.

11. THE PUBLIC INTEREST

The development is considered to be in the public interest as it is consistent with the desired future character of the area.

12. REFERRALS

External Referrals

NSW Police

No objection has been raised to the development subject to appropriate conditions of consent. (See condition numbers 68 to 74).

Bushfire

No objections have been raised to the proposed development. There are no specific recommendations pertinent to bushfire protection measures required for this development.

Internal Referrals:

Senior Development Engineer

No objections were raised to the proposed development subject to conditions of consent. (See condition numbers 12 to 15, 38 to 43, 59, 95 to 99).

Environmental Health Officer

No objections were raised to the proposed development subject to conditions of consent. (See condition numbers 10, 11, 22 to 27, 34 to 37, 75 to 78, 92 to 95).

Landscape

No objections were raised to the development application subject to appropriate conditions of consent. (See condition numbers 85 to 88).

Traffic

No objections subject to appropriate conditions of consent. (See condition numbers 44 to 46).

Public Domain

No objections subject to appropriate conditions of consent. (See condition numbers 16, 47, 48, 49 and 100).

Waste

No objections subject to appropriate conditions of consent. (See condition numbers 35 and 106).

13. PUBLIC NOTIFICATION AND SUBMISSIONS

The proposed development was notified and advertised in accordance with Development Control Plan 2010 – Part 2.1, Notification of Development Applications. The application was advertised on 23 July 2014 in the *Northern District Times*. Notification of the proposal was from 22 July 2014 until 6 August 2014. During this period, two submissions were received. The issues raised in the submissions included the following:

- *Since metered parking was introduced in Khartoum Road between Waterloo Road and Tasman Place, there are frequently vacant spaces in the metered section during working hours while cars are solidly parked from Tasman Place to the northern end of Khartoum Road. Adjoining residential streets are also full of cars. This spill over of cars in the residential streets will be made worse by this LDA.*

To prevent the spill over of cars into the residential areas Council should review the car/floor space ratio in relation to this LDA and future LDA's. In addition, Council should also extend the proposed Macquarie Park Parking Study for 2014-2016 to include adjacent residential streets.

Comment: Metered parking was introduced in Macquarie Park to help turn over parking spaces. At times parking spots may be vacant; but in the main, these spots are in high demand.

Council is soon to begin a parking study to review the parking rates in Macquarie Park. This review will focus on the B4, B3 and B7 zones in Macquarie Park. The aim of the study is to identify parking rates that are appropriate to manage future demand, whilst not adversely impacting future growth. Until this study is completed, the parking controls will remain as present. It is not intended to extend this study to the residential areas.

To control the issue of parking in the local streets, residential parking schemes could be considered. While these schemes can discourage workers parking in the residential streets, they do introduce parking restrictions that will apply to all drivers. If the local residents are interested in such a scheme, it will be necessary to make such a request to Council.

- *Talavera Road is perilous to navigate during peak hours. This particular section of road near this development has suffered from extensive construction blockages causing massive delays. I am concerned that this development would simply extend these road blockages further.*

Comment: This section of Talavera Road has been affected by the recent construction of the Meriton development at the corner of Talavera Road and Alma Road and the expansion of the Macquarie Shopping Centre. The Meriton development is completed and the Macquarie Shopping Centre will be finished shortly. These developments are both significantly larger than what is proposed in this development and in all likelihood, this development will have a much shorter construction time.

In the vicinity of the site, Talavera Road is a four lane road. The construction impacts to Talavera Road are not considered significant enough the warrant any particular conditions to control the development process.

- *A solution to help alleviate traffic problems that this development will cause would be to not allow the construction of the driveway. Instead, extend the existing vehicle access to be the only vehicle access to the rear of the building. In conjunction with this, introduce a right turn traffic light on the west heading of Talavera Road into Alma Road along with a left turn from Alma Road into Talavera Road only traffic light.*

Comment: Access to Alma Road is currently restricted to left in/left out movements in order to minimise conflict with traffic associated with the Macquarie Shopping

Centre. This will not be changed as a result of the recent development works at Macquarie Shopping Centre.

The increase in traffic movements is unlikely to have a significant impact on the surrounding road network. Based on the RTA Guide to Traffic Generating Development – Updated Traffic Surveys, the proposed development is likely to generate a further 83 vehicular trips in the AM peak hour and 62 in the PM peak hour. In the morning peak hour, 90% of these trips will be to the development and in the evening peak hour 90% of the trips will be from the development.

This increase is unlikely to adversely affect the operation of Talavera Road. For this reason it was not necessary to consult with the applicant about changing the location of the driveway as suggested by the objector.

14. CONCLUSION

The development application is fully compliant with the planning controls contained in RLEP 2010 and RLEP 2014 and results in two relatively minor variations in respect of the DCP controls. These variations relate to the setback of the basement car park to Talavera Road as well as the area of the signage zone. Neither of these non-compliances will result in any adverse impacts to the appearance of the building or the amenity of the area.

The development will have an acceptable impact in terms of traffic, waste management, sustainable development and the amenity of the area.

The development application is recommended for approval subject to conditions.

15. 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 LDA2014/299 for the construction of a commercial building and basement parking at 66 to 82 Talavera Road, Macquarie Park, subject to the Conditions of Consent in Attachment 1 of this report.
- B. That the objectors be advised of this decision.

Report prepared by:

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Report approved by:

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