

JOINT REGIONAL PLANNING PANEL (Sydney East Region)

JRPP No	2015SYE048
DA Number	LDA2015/0144
Local Government Area	City of Ryde
Street Address	144 Wicks Road and 16 Waterloo Road, Macquarie Park
Proposed Development	Site preparation and construction of a building to be used as a hardware & building supplies store and garden centre, comprising 13,728m ² of gross floor area with parking for 380 cars. The proposal also includes on site loading facilities, business identification signs, the construction of a 6m wide pedestrian link, partial construction of two new roads and installation of traffic lights at the new Wicks Road intersection.
Applicant /Owner	Woolworths/ Hydrox Nominees Pty Ltd
Total Submissions	3
Regional Development Criteria (Schedule 4A of the Act)	Schedule 4A(3) of EP& A Act – The development has a capital investment value of more than \$20 million. The JRPP is the Consent Authority.
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011; • State Environmental Planning Policy No. 55 – Remediation of Land; • State Environmental Planning Policy (Infrastructure) 2007; • State Environmental Planning Policy No 64 – Advertising and Signage; • Deemed SEPP – Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; • Ryde Local Environmental Plan 2014; • Draft LEP2014 (Amendment 1) Planning Proposal; • Ryde Development Control Plan 2014.
List of documents attached to this report	Attachment 1 – Recommended Conditions of Consent;
Recommendation	Approval
Report by	Sanju Reddy – Senior Town Planner
Report date	15 September 2015

Assessment Report and Recommendation

1. EXECUTIVE SUMMARY

The following report is an assessment of a development application for the construction and fit-out of a Masters Home Improvement Centre with car parking and associated infrastructure works (including construction of vehicle and pedestrian access ways), landscaping and business identification signs proposed at 144 Wicks Road, Macquarie Park. The development proposes a gross floor area of 13,728m² and parking for 380 cars.

The development site is zoned Business Park (B7) and Commercial Core (B3) under Ryde Local Environmental Plan 2014. The application complies with the building height and floor space ratio restrictions under the Ryde Local Environmental Plan 2014. There are minor variations to the requirements under Ryde Development Control Plan 2014 with respect to signage which are supported.

The development application was publicly exhibited between 29 April 2015 and 13 May 2015. During this time, 3 submissions were received including 1 in support of the proposed development. The issues raised in the two submissions which objected to the development mainly related to the construction impacts of the development on a child care centre which is located adjacent to the Waterloo Road frontage of the site. The issues raised in the submissions can be adequately addressed through conditions of consent.

The capital investment value of the application exceeds \$20 million. In accordance with Schedule 4A of the Environmental Planning & Assessment Act 1979, the consent authority for the purposes of determining the subject application is the Sydney East Region Joint Regional Planning Panel.

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

2. APPLICATION DETAILS

Name of applicant: Hydrox Nominees Pty Ltd & Masters Home Improvement Australia Pty Ltd (Woolworths)

Owner of site: Hydrox Nominees Pty Ltd

Estimated value of works: \$27,357,000.00

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 comprises two allotments, legally described as Lot 21 in Deposited Plan 1101233 (144 Wicks Road) and Lot 4 in Deposited Plan 1046090 (16- 18 Waterloo

Road) and has a total site area of approximately 5.92 hectares. The part of the site allocated for the Masters development covers an area of approximately 26,221m².



Figure 1: Location Plan

The site has frontages to 3 roads (Epping Road, Wicks Road and Waterloo Road) as shown in the location map below. The frontage to Epping Road measures approximately 183 metres. The eastern frontage to Waterloo Road measures approximately 7 metres and the southern frontage to Wicks Road is approximately 112 metres.



Figure 2: Plan showing 3 frontages.

The site was formerly occupied by the Peter Board High School, which was decommissioned several years ago. All buildings associated with the School have been removed. The site is vacant except for trees, fencing, and remnant footings from former buildings which will require removal during site works.



Figure 3: Photo showing old school building slabs

A child care centre (Nought to Five) is also located on part of the site (at 16 Waterloo Road - Lot 4 in DP1046090). Vehicular access to the child care centre is from Waterloo Road. The child care centre building is shown in Figure 2 above.

Part of the land on the south-western quadrant of the site is affected by an easement for the Epping –Chatswood Railway Tunnel, which restricts development depth to RL 37.00 AHD. The development does not affect the easement.

The site slopes from the highest point at the northern-western corner near the Epping Road frontage, with a maximum level of RL69.83 and the lowest point being at the south-eastern corner on Wicks Road with a minimum level of RL44.76. Given the site topography, excavation is proposed to create appropriate building interface with the proposed new roads since vehicular access is not permitted from Epping Road.



Figure 4: Photo showing street view of the site from Epping Road frontage (vehicular access is from adjoining Wicks & Waterloo Road) (Source: Google Streetview).



Figure 5: Photo showing Wicks Road frontage from where the new Road 3 is proposed (Source: Google Streetview).

The surrounding development comprises of office buildings to the north along Epping Road frontage and office building, service station and retail to the south as shown in the photos below.



Figure 6: The above photo shows adjoining office buildings along Epping Road frontage (Source: Google Streetview).

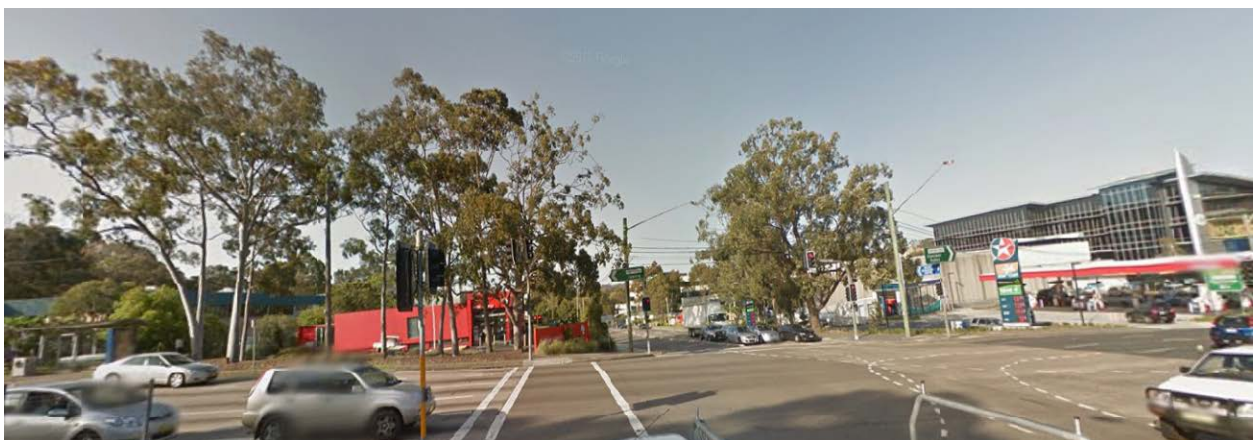


Figure 7: Photo showing adjoining office building, computer outlet and Caltex Service Station (Source: Google Streetview).

4. SITE DETAILS

Total site area: 5.92 hectares (development proposed on part of the site);
Frontage to Epping Rd: 183 metres;
Frontage to Wicks Rd: 112 metres;
Frontage to Waterloo Rd: 7 metres.

5. PROPOSAL

The development involves the construction and fitout of a hardware & building supplies store and garden centre with car parking, construction of two roads (to be privately owned and publicly accessible), provision of a pedestrian access link, landscaping, business identification signs and associated site and infrastructure works. In greater detail, the proposed development involves the following:

- i) Site preparation works (including excavation and tree removal);
- ii) Construction of a building to be occupied by Masters as a *hardware & building supplies* store and *garden centre* comprising 13,728m² of gross floor area;
- iii) Provision of parking for 380 vehicles located at grade, undercroft and basement level;
- iv) Partial construction of future Road 3 (Type 2 Road) to provide access from Wicks Road including installation of traffic lights at the intersection;
- v) Partial construction of Future Road 11 (Type 3 Road) to provide access to the proposed building from the Waterloo Road;
- vi) Construction of a 6m wide pedestrian link providing connection between Epping Road and proposed Road 3 (the pedestrian link will be used for dual use as pedestrian access and fire truck access to the site from Road 3) along the eastern boundary providing connection through the site between Epping Road and Road 3;
- vii) Erection of 11 business identification signs, 10 directional signs and 1 advertising sign which is prohibited.

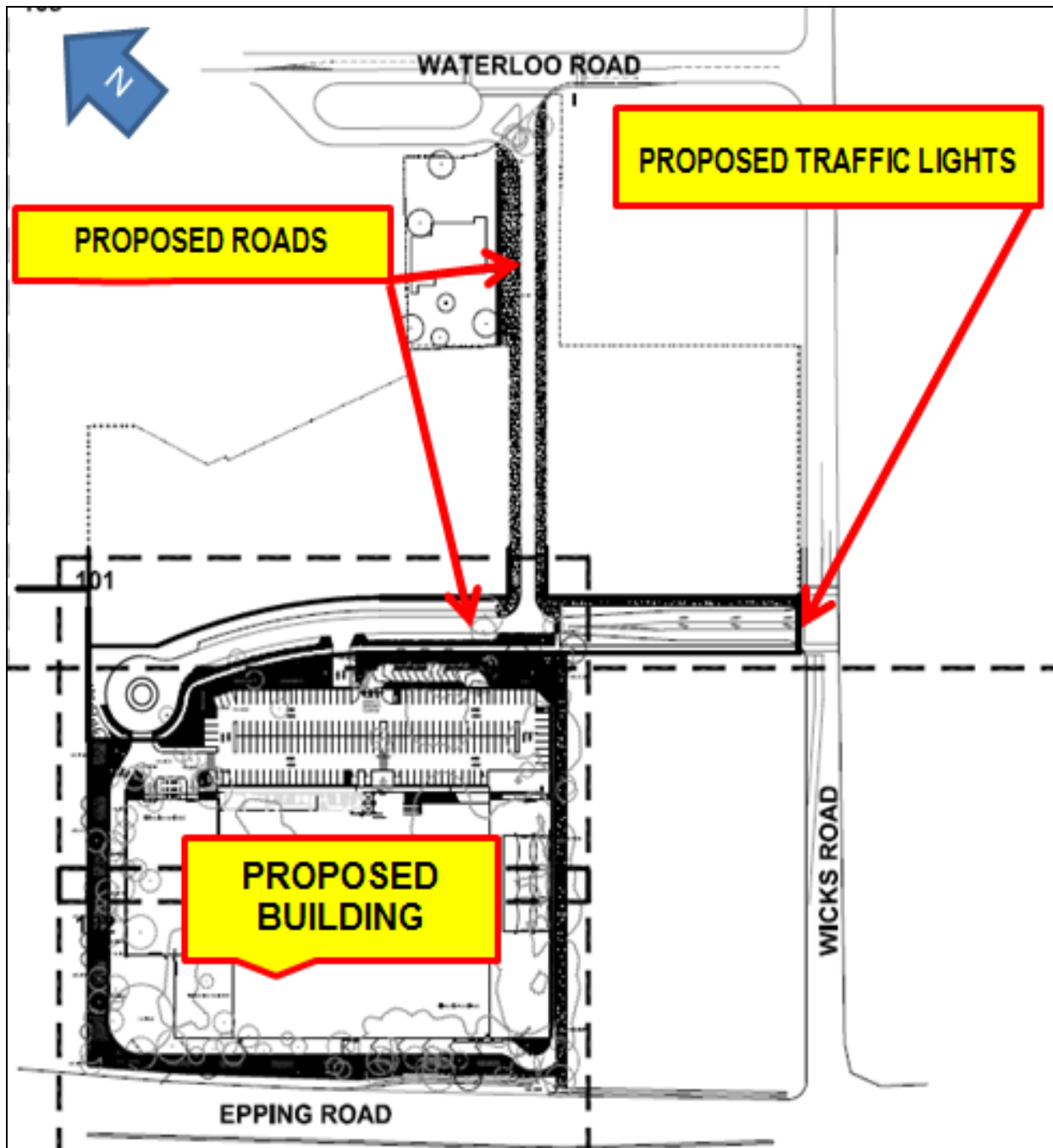


Figure 9: Plan showing location the proposed building and the new roads.

Building Details

The Masters store will have an area of 13,728m² GFA. This will be divided into the following separate components:

- General sales/main floor area of approximately 8,589m²;
- Administration, staff lunch room, lobby and amenities area of 512m²;
- Garden/Nursery display area of approximately 1,994m²;
- Trade sales area of approximately 1,978m²;
- Back of house area for loading goods and material for 655m².

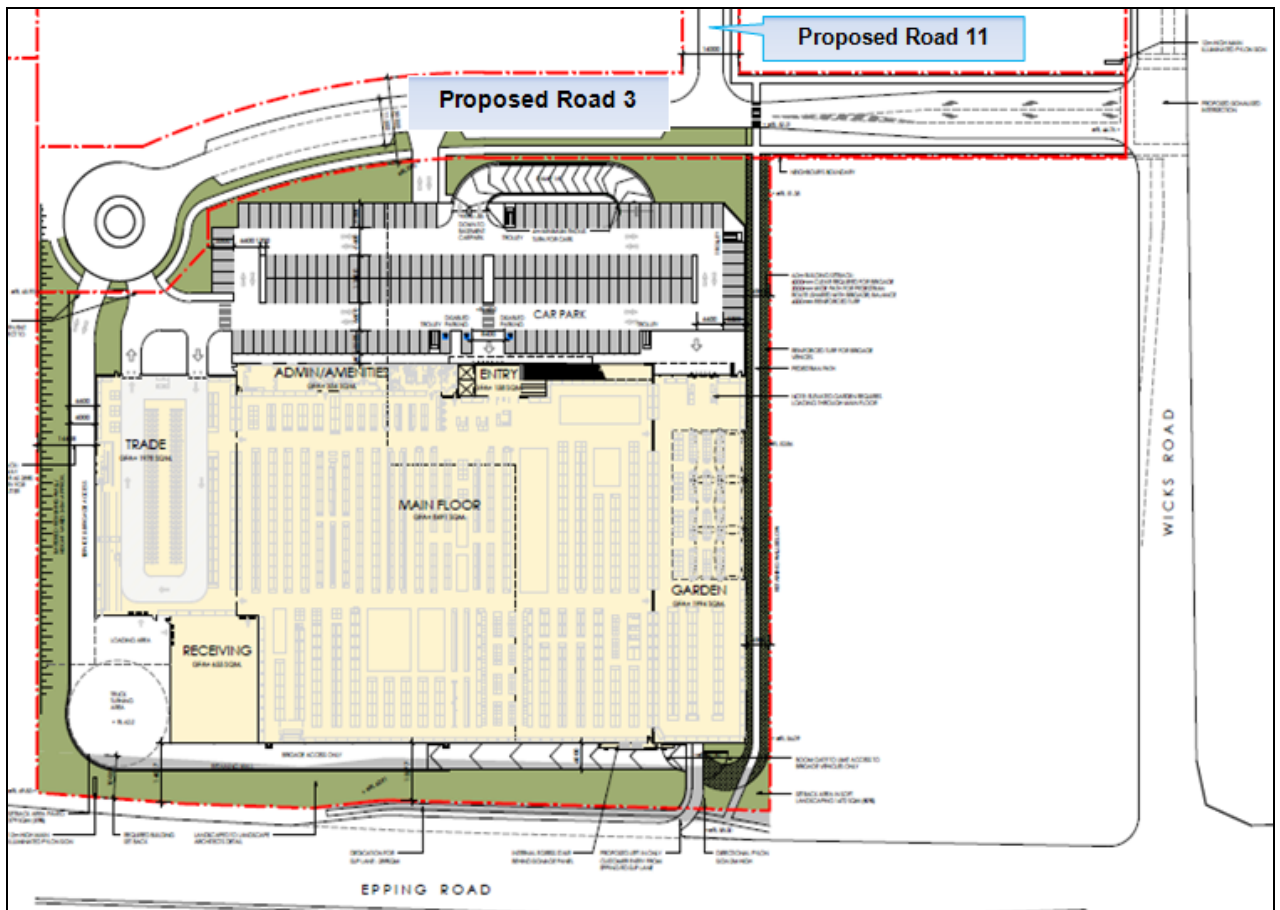


Figure 10: Plan showing floor layout, deck level parking and proposed Road.

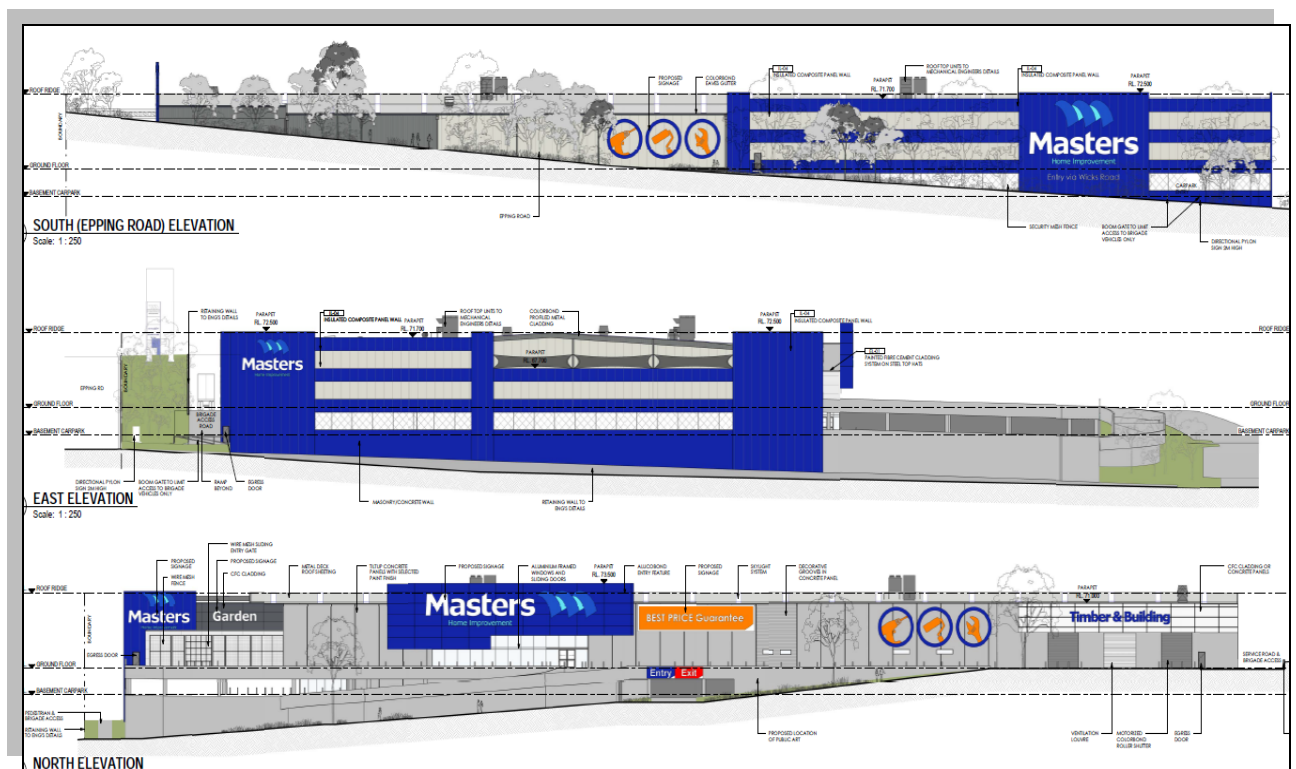


Figure 11: Plan showing building elevations

Parking and loading/ unloading details:

- Parking will be provided to accommodate 380 cars (in both undercroft and upper deck car spaces), inclusive of 13 accessible parking spaces.
- One shared loading and garbage bay is proposed that will accommodate 19 metre semi-trailers and 12.5 metre large rigid trucks;
- A drive through customer trade arrangement is also provided within the trade sales area;
- Loading hours will generally be restricted to the following operating hours:
 - Monday to Friday - 6am to 10pm,
 - Saturday and Sunday - 6am to 9pm.

Provision of new Roads and Pedestrian Link

The proposal incorporates the provision of two internal roadways and one pedestrian link. These roads form part of Council's future fine grain street network as identified in Ryde DCP 2014. At this stage, these roads will not be constructed to Council's requirements and they are not intended to be dedicated to council as part of this development.

- Road No.3 runs east west on the site and provides the main access to the proposed building from the Wicks Road frontage of the site. This road will have the following characteristics:
 - A 20m wide road reserve will be provided;
 - A 11m wide carriageway will be constructed within the 20m road reserve to allow access vehicular to the Masters building based on the applicant's current needs;
 - A footpath will be provided on the western side of the road;
 - Street lighting will be provided to ensure safety and security of customers and visitors to the site;
- Road No. 11 runs north south and provides access to the site from the Waterloo Road frontage and intersects with proposed Road 3 approximately in front of the proposed building. This road will have the following characteristics:
 - A 14.5m wide road reserve will be provided;
 - A 6m wide carriageway will be constructed within the 14.5m road reserve to allow access to the Masters building from Waterloo Road based on the applicant's current needs;
 - A footpath will be provided on the eastern side of the road;
 - Street lighting will be provided to ensure safety and security of customers and visitors to the site;
- Pedestrian Link: A new pedestrian pathway to the southeast of the Masters store will be provided. This will enable pedestrians to access Road No. 3 from the Epping Road frontage. This pathway will have the following characteristics:
 - The pedestrian link will be 6m wide, incorporating a 4m wide paved footpath and 2m of soft landscaping.
 - A ROW in favour of Council will be created over this pedestrian link to enable public access over it.

Proposed Business Identification Sign

The signs are proposed as indicated in the table below:

Sign Id	Sign Type/ Description	Contents	Size	Location of Signs Elevation/ Frontage	Illumination
1/SA01	Pylon	Masters	7.77m X 2m	Epping Rd frontage	Internal LED
1/SA01	Pylon	Masters	6.0m X 2m	Wicks Rd entry	Internal LED
1/SA01	Pylon	Masters	6.0m X 2m	Waterloo Rd entry	Internal LED
10/SA02	Panel	Masters	15.54m2	East Elevation	Externally
6/SA02	Panel	Garden	9.3m2	North Elevation	None
3/SA02	Panel	Masters	67m2	North Elevation	Internally
9/SA02	Panel	Masters	34m2	North Elevation	Internally
8/SA02	Panel	Timber & Building	27.7m2	North Elevation	None
2/SA03	Panel	Masters	51.13m2	South Elevation	Externally
4/SA02	Iconography	Logo	70m2	North Elevation	None
5/SA02	Panel (General Advertising)	"Best Price Guarantee"	18m2	North Elevation	None
3/SA03	Iconography	Logo	21.23m2	South Elevation	None
2/SA01	Pole - Directional	Accessible Parking	2.7m X 0.465	In car park	None
3/SA01	Pole – Directional	Loading Dock	2.7 X 0.465	Near loading dock	None
9/SA01	Panel – Directional	Loading Dock	930 X 600	Wall Mounted	None
10/SA01	Panel - Directional	Trade Entry	465 X 600	Wall Mounted	None
4/SA01	Pole - Directional	Emergency Vehicles Only	2.7 X 0.465m	Internal service road	None
7/SA01	Pole – Directional	"All Trucks Stop until called in"	2.7 X 0.465	West Elevation	None
5/SA01	Pole – Directional	Service Vehicles Only	2.7 X 0.465	In carpark	None
11/SA02	Panel – Directional	Entry/ Exit	8.1m X 1.5m	Basement Entrance	Internally
12/SA01	Pylon – Directional	Customer Parking	2m X 1m	Adjacent to basement parking	None
13/SA01	Pylon – Directional	Basement parking	2m X 1m	Adjacent to basement parking	None

NOTE:

The Sign referenced 5/SA02 displaying the words "Best Price Guarantee" does not constitute business identification sign since it does not represent the name of the business or the building and therefore is not permitted on the site. A condition has been recommended requiring deletion of this sign (see Condition 8).

Opening Hours

The premises will operate within the following hours:

- 6am to 10pm, Monday to Friday; and
- 6am to 9pm Saturday and Sunday.

6. BACKGROUND

A Planning Proposal was submitted to Council in August 2013 to enable the permitted uses in the B7 zoning to be expanded to include a *garden centre* and *hardware and building supplies*. Council resolved to endorse the Planning Proposal on 9 December 2014 and the Planning Proposal was subsequently gazetted on 30

January 2015. The site was included in Schedule 1 of RLEP 2014 to identify *garden centre* and *hardware and building supplies* as site specific additional permitted uses.

- 25 March 2015 - the DA was lodged with Council;
- 17 April 2015 – The application was referred to the Roads and Maritime Services (RMS) for concurrence since the application was seeking access to the site from Epping Road via a proposed slip lane;
- 23 April 2015 – Issues such as plans not drawn to scale, survey plan not provided, future road reserve not shown on the plans etc. were identified. A letter was sent to the applicant seeking additional information to allow full and proper assessment.
- 29 April 2015 – The application was advertised and notified for 14 day ending on 13 May 2015;
- 18 May 2015 - Additional information was received from the applicant;
- 22 May 2015 – The RMS requested additional information in relation to the slip lane and traffic modelling;
- 30 June 2015 – The RMS informed Council that it could not support the slip lane off Epping Road and raised issues with the application in relation to the slip lane and the inadequacy of traffic modelling accompanying the application. The applicant provided further information directly to RMS;
- 23 July 2015 – Letter issued to the applicant outlining all outstanding issues with the application including the concerns raised by the RMS;
- 31 July 2015 – Correspondence received from RMS advising Council that RMS cannot issue concurrence to the proposed slip lane and that the slip lane has to be deleted. The applicant was informed of this on the same day.
- 6 August 2015 – A meeting was held with the applicant to discuss and resolve issues identified by RMS and Council. The applicant was of the view that RMS would support the slip lane and that the applicant made further representation to the RMS;
- 10 August 2015 – A letter was sent to the applicant in regard to the matters discussed in the meeting of 6 August 2015;
- 18 August 2015 – Amended plans were received from the applicant. These plans deleted the slip lane and addressed the other issues raised by Council;
- 20 August 2015 – A briefing was provided to the JRPP.

7. APPLICABLE PLANNING CONTROLS

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

- Section 5A of the Environmental Planning and Assessment Act, 1979;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy No. 64 (Advertising and Signage);
- State Environmental Planning Policy (State and Regional Development) 2011;
- Deemed SEPP – Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- Ryde Local Environmental Plan 2014;
- Ryde Local Environmental Plan 2014 (Amendment 1) gazetted 11 September 2015;
- Ryde Development Control Plan 2014;

8. PLANNING ASSESSMENT

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

The development involves the removal of several tree species that have been classified as being part of a vulnerable, threatened or endangered ecological community under the NSW Threatened Species Conservation Act, 1995 or the Commonwealth Environmental Protection and Biodiversity Conservation Act, 1999. These trees include 8 *Angophora costata* (Sydney Red Gum), 7 *Eucalyptus pilularis* (Blackbutt), 4 *Eucalyptus punctata* (Grey Gum), 1 *Eucalyptus saligna* (Sydney Blue Gum), 4 *Syncarpia glomulifera* (Turpentine) and 5 *Eucalyptus scoparia* (Wallangarra White Gum). Both the Wallangarra White Gum and Sydney Blue Gum are endangered species. The remaining trees are part of an endangered ecological community.

The applicant has undertaken an assessment of significance in accordance with Section 5A of the EP&A Act, 1979.

In respect of the Wallangarra White Gums, this assessment has concluded as follows:

“Wallangarra White Gums were identified at the subject site and are listed as endangered species in NSW under the NSW Threatened Species Conservation Act 1995 and as a nationally vulnerable species under the Commonwealth Environment Protection and Biodiversity Conservation Act, 1999. As this species is not recorded as occurring naturally at this locality, it is assumed that these trees are not components of an indigenous plant community. No other individual threatened tree species that were listed within this database for the area were identified during the current field investigations of the subject site.”

The single Sydney Blue Gum on the site is not a remnant species and appears to have been planted as part of earlier landscaping for the site. The removal of this tree will have no impact on vegetation considered to be remnant Blue Gum High Forest.

In respect to the remaining species, the assessment has concluded the following:

“Although there are some species consistent with the TSC Act listed Sydney Turpentine Ironbark Forest on site, it is likely that there have been planted and are not remnant native vegetation, and do not meet the criteria for the Endangered Ecological Community.”

Council had engaged its Consultant Arborist and Landscape Architect to review the impact on existing trees and consider tree preservation requirements under the relevant legislation. Council's Consultant Arborist and Landscape Architect have generally supported the proposal as recommended in the Arboricultural Impact Assessment Report.

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

As the proposed development has a capital Investment Value of \$27,357,000, 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 application was reviewed by Council's Environmental Health Officer (EHO) in relation to this matter. The following advice was received:

The SEE includes a preliminary contamination assessment (due diligence) report by Geo-Logix. The report stated:

Based on known site history potential contamination issues identified included:

Extensive filling to form playing fields and terracing for school building pads;

- *Demolition of former school buildings known to contain asbestos. Asbestos Containing Material (ACM) was observed during site inspection;*
- *Previous orcharding/cropping across the site;*
- *Two soil stockpiles; and*
- *Potential for hazardous building materials from demolition of houses and sheds pre 1960's.*

The results of assessment indicate the following:

- *The School Building Footprint is free of Chemicals of Potential Concern (COPC) with the exception of OCP contamination at F27 and occasional surface bonded asbestos fragments;*
- *The Natural/Undisturbed area of the site is free of contamination hotspots of 47.2m diameter with the exception of asbestos located at NB and N17;*
- *The Fill/Disturbed Area is free of COPC with the exception of a hotspot of asbestos contamination at B15 and petroleum at B54;*
- *Asbestos was identified in Stockpile S1 located in the northern corner of the site;*
- *Significant volumes of fill comprising predominately reworked native soil and rock occur across the site.*

Occasional anthropogenic material was observed in fill however asbestos was only identified in fill at two locations out of 110 test pits. The other asbestos detections are related to demolition of a former dwelling and a stockpile of dumped soil material. With the exception of OCPs at F27/FS2 and petroleum at B54 the site was free of all other COPC hotspots as defined by the investigation scope.

Geo-Logix considers the site suitable for the proposed intended commercial use; however the asbestos, OCP and petroleum contaminated areas warrant further investigation to determine the extent of contamination. "

Relevant conditions have been recommended to ensure that this occurs (see Condition 32, 33, 66, 67 & 68).

8.4 State Environmental Planning Policy (Infrastructure) 2007

This policy identifies matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and provides for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.

The Infrastructure SEPP applies to the proposed development due to the location of the site within 90m of a classified road and the traffic generation capability. The applicable clauses under the Infrastructure SEPP are as follows:

Infrastructure SEPP	Comments	Comply
Clause 101 <i>(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:</i> <i>(a) where practicable, vehicular access to the land is provided by a road other than the classified road, and</i> <i>(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:</i> <i>(i) the design of the vehicular access to the land, or</i> <i>(ii) the emission of smoke or dust from the development, or</i> <i>(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</i>	<p>The site fronts Epping Rd, Wicks Rd and Waterloo Rd. The RMS has advised that access from Epping Road will not be permitted. Vehicular access is being provided from the Wicks Road and Waterloo Road. This is satisfactory to the RMS and Council.</p> <p>The issues in relation to internal access, proposed roads, traffic impact and site management have been considered elsewhere in the report. Adequate access and parking have been provided on the site. Where appropriate, conditions have been recommended.</p>	<p>Yes</p> <p>Yes</p>
Clause 104 Traffic generating development <p>The proposed development, being a commercial building with a floor area greater than 10000m² is considered to be a traffic generating development. Before determining this DA the Consent Authority must:</p> <ul style="list-style-type: none"> Take into consideration any 	<p>The development proposal was forwarded to the Roads and Maritime Services (RMS) for comments. RMS has raised no objection to the proposed development subject to conditions.</p>	<p>Yes</p>

Infrastructure SEPP	Comments	Comply
<p>submission that the RMS provides in response to that notice within 21 days after the notice was given (unless before the 21 days have passed, the RMS advises that it will not be making a submission), and</p> <ul style="list-style-type: none"> Take into consideration any potential traffic safety, road congestion or parking implications of the development. 	<p>The issues of potential traffic safety, road congestion and parking implications have been considered elsewhere in the report and are considered satisfactory.</p>	<p>Yes</p>

The comments and conditions recommended by the RMS are included in the recommended conditions (See Conditions 42- 44).

8.5 **State Environmental Planning Policy No 64—Advertising and Signage:**

The provisions of State Environmental Planning Policy No. 64 – Advertising and Signage came into force in March 2001. The aims and objectives of SEPP 64 are as follows:

- (a) to ensure that signage (including advertising):
 - (i) is compatible with the desired amenity and 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 of states the following:

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

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

A total of 22 Signs are proposed (including 11 Business identification signs, 10 Directional Signs & 1 general advertising sign displaying the words “Best Price Guarantee”) on the site associated with the proposed development. The proposal being an outlet for building and hardware supplies is not the type of development generally expected in the B7 zone. Given the unique nature of development (in otherwise a Business/ Office Park), the signage has been designed to be larger than that permitted under Council’s DCP. Nevertheless, it has been designed to complement the building form as they are integrated with various elements of the building and surrounding landscaped areas to form part of the development. It is considered that the signage is consistent with the objectives of SEPP 64.

An assessment of the proposed signage against the SEPP 64 Assessment Criteria specified in Schedule 1 is undertaken below:

Assessment Criteria	Comment	Compliance
1 Character of the area <ul style="list-style-type: none"> Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? 	<p>The proposed signs are compatible with the character of the area.</p> <p>The area is characterised by a number of large commercial sites including Officeworks, Domayne & Caltex. The signs are professionally designed and integrated with the design of the building. There are no established themes for outdoor advertising in the area apart from relevant signage standards within Part 9.1 of the DCP (see DCP section later in this report).</p>	Yes
2 Special areas <ul style="list-style-type: none"> Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? 	<p>The site is not located within an environmentally sensitive area and will not detract from the amenity or visual quality of the locality. Illumination will be low lux and controlled.</p>	Yes
3 Views and vistas <ul style="list-style-type: none"> Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers? 	<p>There are no views of significance that are obtained across the site.</p> <p>The proposed development will have no adverse impacts to the viewing rights of other advertisers within proximity of the site and will not obstruct other advertisers.</p>	Yes
4 Streetscape, setting or landscape <ul style="list-style-type: none"> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? 	<p>The size and proportion of the sign is suitable for the location and setting of the building. No issues are raised in relation to this matter.</p>	Yes
5 Site and building <ul style="list-style-type: none"> 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? Does the proposal show innovation and imagination in its relationship to the site or building, or both? 	<p>Yes the design and height of the sign will be compatible with the character of the site.</p>	Yes
6 Associated devices and logos		

<p>with advertisements and advertising structures</p> <ul style="list-style-type: none"> • Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? 	<p>Yes logos integrated with the signage and on the building wall.</p>	<p>N/A</p>
<p>7 Illumination</p> <ul style="list-style-type: none"> • Would illumination result in unacceptable glare? • Would illumination detract from the amenity of any residence or other form of accommodation? • Can the intensity of the illumination be adjusted, if necessary? • Is the illumination subject to a curfew? 	<p>Illumination of the signs in this location would not result in unacceptable glare as the internal LED illumination of the signs is low intensity and bulbs can be replaced by technicians if necessary.</p> <p>Illumination will be low lux and controlled. A time restriction will apply for the illumination (see Condition 10).</p>	<p>Yes</p>
<p>8 Safety</p> <ul style="list-style-type: none"> • Would the proposal reduce the safety for any public road? • Would the proposal reduce the safety for pedestrians or bicyclists? • Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? 	<p>The proposed signs will not reduce the safety of Epping Road, Wicks Road and Waterloo Rd as it will be setback from the road. No sightlines will be obscured from public areas.</p>	<p>Yes</p>

Overall, the proposed signage (especially those that will be visible from public places) is considered to be generally consistent with the objectives and provisions of SEPP 64.

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

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

The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the above planning instrument. However, the site is not located on the foreshore or adjacent to the waterway and it is not a heritage item and therefore, with the exception of the objective of improved water quality, the objectives of the planning instrument are not applicable to the proposed development. The objective of improved water quality is satisfied through compliance with the provisions of Part 8.2 of DCP 2014. The proposed development raises no other issues and otherwise satisfies the aims and objectives of the planning instrument.

8.7 Ryde Local Environmental Plan 2014

The following is an assessment of the proposed development against the applicable provisions of the Ryde Local Environmental Plan 2014 (RLEP2014).

Clause 2.3 Land Use Table and Zone Objectives

The RLEP2014 'Land Zoning Map' indicates that the site is affected by two separate land use zones as shown in the plan below.



Figure 8: Extract of Zoning Map (RLEP2014)

The northern portion of the site (facing Waterloo Road) is zoned B3 (Commercial Core) in which the proposed development is permitted with consent. However, only the proposed roads affect this part of the site.

The *hardware and building supplies* building is proposed on the southern portion of the site which is zoned B7 (Business Park). While the list of permitted uses under the zoning table does not include 'commercial', 'retail', 'hardware, building supplies' or 'garden centre', the proposed development is permitted in this zone by virtue of Clause 10A of Schedule 1 of the LEP2014 which states;

Schedule 1

10A Use of certain land at 144 Wicks Road, Macquarie Park

- (1) This clause applies to the part of 144 Wicks Road, Macquarie Park, that is in Zone B7 Business Park, being part of Lot 21, DP 1101233.
- (2) Development for the purposes of a garden centre and hardware and building supplies is permitted with development consent.

The consent authority must also have regard to the zone objectives when determining a development application in respect of land within the zone.

The objectives for the B3 Commercial Core zone are as follows:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*

The objectives for the B7 (Business Park) zone are as follows:

- *To provide a range of office and light industrial uses.*
- *To encourage employment opportunities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- *To encourage industries involved in research or development.*

The proposed development satisfies the objectives of both zones as follows:

- The proposed use is permissible within the zone, therefore is suitable for the location;
- The proposal will provide employment throughout the construction phases of the development, as well as the operational phases of the building;
- The proposed development is located within walking distance to various public transport options including a train and bus services;
- The development will make an important contribution to the viability and diversity of land uses in Macquarie Park.

Clause 4.3 Heights of Buildings

Under this Clause the height of a building on any land is not to exceed the maximum height as specified on the 'Building Heights Map'. The map indicates a maximum height restriction of 22m on the southern portion of the site where the building is proposed.

The application proposes a maximum height of 18.8m. The application complies with the maximum height control.

Clause 4.4 Floor Space Ratio

Under this Clause the floor space ratio of any building on any land is not to exceed the maximum floor space ratio as specified on the Floor Space Ratio Map. The 'Floor Space Ratio Map' indicates that the site is affected by two separate floor space ratio (FSR) standards. The FSR restriction is split cross the site as follows:

- A maximum FSR of 1:1 for Lot 21 in DP 1101233 (southern part of the site facing Epping Road – the Masters building is proposed on this part of the site);
- A maximum FSR of 1.5:1 for Lot 4 in DP1046090 (northern part of the site);

The proposed building & hardware store seeks a gross floor area of 13,728m² which equates to a FSR is 0.24:1 against the total site area of 56,512m².

The proposed building and its curtilage (area attributed to the "Masters" building) will occupy approximately 26,221m² of the site (being the area located on the southern side of the proposed Road 3). The FSR of the proposed building relative to the site

area proposed for Masters, will equate to 0.52:1. This is considered satisfactory and is fully compliant with the FSR provision under the RLEP2014.

Clause 4.5B Macquarie Park Corridor

Off Street Parking

Subclause (1) relates to off street parking. The maximum off street parking spaces for commercial and industrial development in the Macquarie Park Corridor is not to exceed those shown on the relevant map.

Under the LEP2014, this site is identified as having car parking restrictions for commercial and industrial uses of 1 space per 46m² of gross floor area.

The development proposes a hardware & building supplies store. This clause is not applicable to this form of development. Car parking for the proposed development must be determined in accordance with Council's DCP. This aspect has been discussed later in the report.

5.9 Preservation of trees or vegetation

- (1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.
- (2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

The proposed tree removal and landscaping have been considered as part of the development assessment process. The application has been accompanied by an Arboricultural Impact Assessment Report from TreeIQ dated 31 March, a Flora & Fauna Assessment from Eco Logical Australia dated 8 November 2013 and Landscape Plan by Site Image Landscape Architects dated 17 April 2015.

The arboricultural impact assessment identified one hundred and sixteen (116) trees located on the subject site and on neighbouring allotments which may be impacted by the proposed development. The tree species included a mix of locally planted indigenous species, Australian natives and exotic species. Of the one hundred and sixteen (116) trees identified, 103 are to be removed, 1 tree is proposed to be transplanted on site and 12 trees are to be retained.

Of the 103 trees to be removed, 29 have been classified as being part of a vulnerable, threatened or endangered ecological community. These trees have been discussed earlier in this report in considering matters under Part 5A of the EP&A Act, 1979 and it is not intended to discuss these trees again.

The issue of the removal of the remaining 74 trees has been considered by Council's Consultant Arborist and Landscape Architect. The comments are summarised below:

- None of the vegetation on site is classified as remnant vegetation;
- It is inevitable with an infill development of this scale that tree removal will be an inherent consequence. Tree removal is supported on the site;
- As part of the proposed development, 12 trees are proposed to be retained and protected. These trees are generally confined to the curtilage areas

whereby landscape buffers are to be incorporated and include native species of *Angophora costata*, *Lophostemon confertus*, *Callistemon viminalis*, *Eucalyptus punctata*, *Eucalyptus robusta* and *Eucalyptus scoparia*. These trees range in height from 8-20 metres, canopy spreads of 4-10 metres and diameter at breast heights (DBH) of 250-500mm. Given the scale of the development and the removal of a significant number of mature trees, the retention of any existing mature trees is considered to be important in attempting to retain some of the landscape character and canopy cover to the site.

- The trees proposed for retention will require full protection as detailed within the submitted Arborist Report. Accordingly, a condition has been recommended that a Project Arborist be engaged to undertake appropriate tree protection and supervise all works that may impact any tree to be retained;
- The submitted landscape plan is generally considered to provide a high-quality landscape design with appropriate species selection and level of deep soil planting;
- Accordingly, detailed and thorough protection measures will be required to ensure these trees are retained in a healthy and viable condition. This is to include on site Arborist supervision and tree sensitive construction methods.

Conditions of consent have been included to address the above issues (see Conditions 57, 70, 71, 75, 76 & 77).

Clause 6.1 Acid Sulfate Soils

The site is not identified on the Acid Sulfate Soils Map. This clause is not applicable to the development as the site is not affected by acid sulfate soil.

Clause 6.2 Earthworks

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

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

The proposed development proposes a significant amount of excavation because of the topography of the site. The proposed development includes excavation for basement car park and the need to bring the ground floor level with the future Road 3 (to be partially constructed under the current DA). All excavation will be adequately

managed and retained using engineered retaining walls. Council's Senior Development Engineer requires that a condition 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 (see Condition No. 84, 87 & 111). 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 Environmental Sustainability

The objective of this clause is to ensure that development on land in a business or industrial zone embraces principles of quality urban design and is consistent with principles of best practice environmentally sensitive design.

Development consent must not be granted to development on land in a business or industrial zone if the development is 1,500 square metres in gross floor area or greater unless the consent authority is satisfied that the development has regard to the following:

(a) water demand reduction, including water efficiency, water recycling and minimisation of potable water usage,

A stormwater management system has been designed for the proposed development to:

- Implement an integrated water collection and recycling system for capturing and recycling roof water;

The development will comply with the Section J (BCA) requirement, thus incorporating measures that will be put in place to improve water consumption and energy performance. High water efficiency taps, showers, toilets and urinals will be selected to reduce potable water consumption. The collection and storage of rainwater from the roof provides an alternative water supply for toilet flushing, garden irrigation and general outdoor use to reduce mains potable water.

(b) energy demand reduction, including energy generation, use of renewable energy and reduced reliance on mains power,

The building will comply with the requirements of the BCA Section J energy efficiency provisions. Passive solar design principles have been considered in the design to avoid the need for additional heating and cooling. Energy efficient light fittings and components will be used.

(c) indoor environmental quality, including daylight provision, glare control, increased outside air rates, thermal comfort,

(d) a reduction in new materials consumption and use of sustainable materials, including recycled content in concrete, sustainable timber and PVC minimisation,

(e) emissions reduction, including reduced flow to sewer and light pollution,

The application indicates that Masters will consider the use of durable, adaptable and recyclable products with respect to the construction and continued use of the proposed building. Consideration will also be given to selecting products with low

environmental toxicity e.g. low vac paints. The design will also ensure reliance on natural ventilation wherever possible.

8.8 Ryde Local Environmental Plan 2014 (Amendment 1)

At the time of lodgement of the Development Application, the Draft Ryde Local Environmental Plan 2014 (Amendment 1) was awaiting gazettal and considered certain and imminent.

The Ryde Local Environmental Plan 2014 (Amendment 1) was published on the NSW Legislation website on 11 September 2015 and has become effective from the date of publication. There are no savings provisions for this amendment. The objective of this amendment is to encourage additional commercial development in Macquarie Park Corridor co-ordinated with provision of an adequate access network and recreation areas. The Amendment 1 inserts the following Clause to the LEP2014:

Clause 6.9 Development in Macquarie Park Corridor

The consent authority may approve development with a height and floor space ratio that does not exceed the increased building height and floor space ratio identified on the Macquarie Park Corridor Precinct Incentive Height of Buildings Map and the Macquarie Park Corridor Precinct Incentive Floor Space Ratio Map, but only if the consent authority is satisfied that:

- (a) there will be adequate provision for recreation areas and an access network, and*
- (b) the configuration and location of the recreation areas will be appropriate for the recreational purposes of the precinct, and*
- (c) the configuration and location of the access network will allow a suitable level of connectivity within the precinct.*

Under the Macquarie Park Corridor Precinct Incentive Height of Buildings Map and the Macquarie Park Corridor Precinct Incentive Floor Space Ratio Map the maximum height and FSR limit has increased to 45m and 2:1 respectively.

The development application does not rely on these provisions to seek the additional height or the FSR and therefore the proposed does not have to be constructed to the standards prescribed under Council's Public Domain Technical Manual. The roads will not be dedicated to Council at this stage.

8.9 Any proposed instrument (Draft LEP, Planning Proposal)

N/A

8.10 City of Ryde DCP 2014

Council adopted City of Ryde Development Control Plan 2014 (RDCP) on 28 May 2013, and it came into effect on 12 September 2014. The DCP was amended on 1 July 2015, with changes made to Part 4.5 Macquarie Park Corridor.

The development is subject to the following provisions of the DCP:

- Part 4.5 Macquarie Park Corridor (as amended)

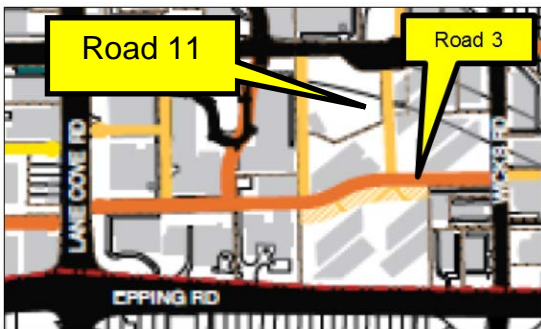
- Part 7.2 – Waste Minimisation and Management
- Part 8.1 Construction Activities
- Part 8.2 – Stormwater Management
- Part 9.2 – Access for People with Disabilities
- Part 9.3 – Car Parking
- Part 9.4 – Tree Preservation

Part 4.5 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 table provides an assessment of the development against the above parts:

[illegible]

PLANNING CONTROLS	COMMENTS	Complies
	intent of the DCP. The lack of additional setback enables lighting for the pedestrian link to be provided on the building wall. Conditions have been recommended to ensure compliance with this requirement (see Condition 51, 52 & 53).	
4.3 Bicycle Network Provide dedicated cycle access in accordance with Ryde Bicycle Strategy 2014 refer Figure 4.3.1 Cycleways routes.	The DCP identifies Waterloo & Epping Rd to accommodate a Regional Bicycle Network and Wicks Road as a Local Bicycle Network. The proposal was reviewed by Council's Public Domain consultant, who did not raise any concern regarding the proposal. As such, it is considered the proposal does not impact on the provision of these cycle ways when implemented in the future.	Yes
Implement Regional Bicycle Network as off-street shared cycleways on Waterloo Rd, Delhi Rd, Epping Rd, Lanecove Rd, Khartoum Rd, M2 and Shrimpton's Creek pathways as per MPPD Technical Manual.	The public domain area along Epping Road will be upgraded with construction of a shared footpath. This will ensure that the bike routes are incorporated.	Yes
Implement Local Bicycle Network as shared on-street cycleways on Lyon Park, Talavera, Wicks and new roads.	Works are not being proposed along Wicks Rd and the existing arrangement will remain unchanged.	Yes
4.4 Sustainable Transport Parking Rates Bicycle parking and end of trip facilities are to be provided in accordance with Ryde DCP Part 9.3 Parking. Parking is to be provided in accordance with DCP Part 9.3 Parking and clause 4.5B (2) Ryde LEP 2014	Bicycle parking will be provided. Parking is addressed later in this compliance table.	Yes N/A
5.0 PUBLIC DOMAIN 5.1 Open Space Network Provide public open space as shown in Figure 5.1.1 Open Space Structure Plan and in accordance with table 5.2.1 and sections 5.3 – 5.6 of this Part (which contain specific requirements for each park). To vary public open space requirements refer to master plan controls clause 8.1.a – Site Planning and Staging.	Additional public open space is not identified for the subject site.	N/A
5.8 Street Trees, Front Setback Tree Planting and Significant Trees Street trees and front setback must be provided in accordance with the Street Tree Key Plan in Macquarie Park Public Domain Technical Manual, and their health guaranteed for a minimum of 5 years.	Setback required: <ul style="list-style-type: none"> • 10m along Epping Rd; • 5m along proposed Road 11. • 5m along proposed Road 3; The proposed development provides the required setback along all frontages with a minor variation proposed along the proposed Road 3 where the setback ranges from 3.1m to 12m. The encroachment occurs because of the proposed access ramp that provides vehicular access to the deck level parking. This breach is considered minor given that the average setback is greater than 5m.	Yes Yes No, but satisfactory on merit.

PLANNING CONTROLS	COMMENTS	Complies
	<p>The frontage will be adequately landscaped to ensure that the intent of the setback is achieved. This is considered satisfactory.</p> <p>The street tree planting is not required along the new roads at this stage as the roads are not intended to be dedicated to Council. However, public domain works including tree planting along Epping Road will occur as recommended by Council's Public Works Group (see Condition 49 & 50).</p>	<p>Yes</p> <p>Yes</p>
b. At grade parking is not permitted in the front setback.	No at grade parking is proposed in the front setback area.	
5.9 Community Facilities	N/A	N/A
5.10 Art in Publicly Accessible Places		
Development with over 10,000m ² floor area to provide public art.	Public art will be provided (see Condition 59).	Yes
Locate public art so it is accessible and viewable from public places.	Located on the building façade along the proposed Road No. 3. The public art will be facial image (pixels) of Peter Board reflecting the history of the site.	Yes
Public Art plan to be submitted with the DA	Plan has been submitted and reviewed by Council's Public Arts Coordinator who has recommended that a condition be imposed requiring detailed approval prior to the issue of Construction Certificate.	Yes
6.0 IMPLEMENTATION – INFRASTRUCTURE, FACILITIES AND PUBLIC DOMAIN IMPROVEMENTS		
Floor Space Ratio and Height to comply with LEP2014	The proposal complies with the height and FSR requirement.	Yes
<p>The Access Network being roads and the Open Space Network being parks are to:</p> <ul style="list-style-type: none"> i. be dedicated to Council as part of a new development; ii. conform with the Macquarie Park Corridor Access Structure Plan; iii. be design and constructed in accordance with the Macquarie Park Corridor Public Domain Technical Manual and Section 5 of this DCP. 	<p>The DCP has identified two roads on the site. The first road is identified as Road 3 which is a type 2 road and connects to Wicks Road. The other road is a type 3 road known as Road 11 which connects the site to Waterloo Road.</p> <p>While new roads are required on this site, it's construction and dedication can only be mandated if the applicant claims bonus FSR under the Macquarie Park Planning Proposal.</p> <p>It is noted that the Macquarie Park Planning Proposal (exhibited 12/6/13 – 19/7/13 – see extract on the left column) shows these roads and provides a mechanism for the developers to construct and dedicate these to Council. 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</p>	<p>Yes</p>
		

PLANNING CONTROLS	COMMENTS	Complies
	<p>parks. Once an agreement is reached the greater height and FSR is made available through VPAs. The scheme is voluntary and if a developer chooses not to enter into an agreement, the existing controls in RLEP2014 still apply.</p> <p>A 20m wide road reserve for Road 3 and 14.5m wide road reserve for Road 11 is being provided on the site and the proposed building is located clear of the road reservation. This is consistent with the Council's planning controls. The position and alignment of the roads have been supported by Council's Public Works staff.</p> <p>The new roads are not proposed to be dedicated to Council. For the current stage of the development the applicant does not need to rely on the bonus floor space and thus there is no benefit to the applicant to construct the road to full specifications and dedicate it to Council. The applicant has advised that it is intended that the road would be upgraded and dedicated in the future with the next stage of development involving the remainder of the site when the bonus provisions are activated.</p>	
The public land such as the road verge adjoining a development site is to be embellished and dedicated to Council as part of any new development. The design and construction of the works are to be undertaken in accordance with the Macquarie Park Public Domain Technical Manual and Section 4 of this Part.	<p>The public domain area along Epping Rd and Wicks Road frontage will be upgraded.</p> <p>As for the new roads, the roads are not to be dedicated to Council at this stage.</p> <p>As proposed, the road configuration reflects the applicant's needs rather than Council's future requirements for a type 2 and type 3 roads. The works proposed by the applicant will not prevent the roads being provided on the site at some future time.</p>	Yes
7.0 BUILT FORM 7.1 Site Planning and Staging Sites are to be planned to allow for the future provision of new streets and open spaces in accordance the Open Space Network Figure 5.1.1 and Access Network Figure 4.1.1.	The site has been planned to identify the future provision of new streets. It is noted a new 14.5m Road is identified that connects to Waterloo Road and a 20m wide road that connects to Wicks Road. A pedestrian link is also identified along part of south eastern boundary which is being provided as part of the current development. There is no public open space identified on the site.	Yes
7.2 Activity Centres	N/A	N/A
7.2 Active frontage a. Continuous ground level active uses must be provided where primary active frontages	The site is not identified to have primary	N/A

PLANNING CONTROLS	COMMENTS	Complies
are shown in Figure 7.3.1 Active Frontage and Setback Control Drawing. Buildings must address the street or public domain.	active frontages.	
b. Front door and street address is to be located on the primary frontage.	The proposed building will be accessed from the internal road (future Road 3) and the entry has been designed to address that street.	Yes
c. Loading docks, vehicular access is not to be located where primary active frontages are shown in Figure 7.3.1 Active Frontage Control Drawing unless it can be demonstrated that there is no alternative.	The site is not identified as having an active frontage.	N/A
d. Active ground level uses are encouraged where secondary active frontages are shown in Figure 7.2.1 Active Frontage Control Drawing	The site is not identified as having an active frontage.	N/A
7.3 Setbacks and Build-to Lines Minimum setbacks and build-to lines must be provided as shown Figure 7.3.1 Active Frontage and Setback Control Drawing – summarised as follows; i. Zero setbacks / build-to lines to Primary Active Frontage ii. 5m setback to all existing and new streets unless otherwise specified iii. 10m setback to M2, Epping Rd, Waterloo Road and Talavera Road. iv. 5m built form setback to all parks (existing and proposed – subject to providing a Riparian Corridor in accordance with the NSW Office of Water Guidelines for Riparian Corridors on Waterfront Land).	Setbacks provided as follows: Epping Road: =12m; Wicks Road: No buildings along Wicks Rd; Waterloo Rd: No building along Wicks Rd; Road 11: No building along the road; Road 3: A minimum 5m setback is required, however a minor variation to the setback is proposed along the proposed Road 3 where the setback ranges from 3.1m to 12m. The encroachment occurs by the proposed access ramp that provides vehicular access to the deck level parking. This breach is considered minor given that the average setback is greater than 5m. The frontage will be adequately landscaped to ensure that the intent of the setback will be maintained. This is considered satisfactory.	Yes
Provide 2m setback to pedestrian pathways unless within a building	A 4m wide paved pathway is proposed with 2m wide landscaped setback along the building. This is deemed satisfactory.	Yes
Underground parking not to encroach into the front setback areas unless demonstrated for reasons of tree protection.	Front setbacks are clear of any parking.	Yes
Awnings, canopies, balconies, sun shading and screening elements can project forward of the street setback line.	No awnings are proposed.	N/A
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.	At least 60% of the setback area will be soft landscaped. The proposal includes landscaping in the setback along the proposed new roads. There will also be 2m wide landscaping along the pedestrian link on the eastern side of the site.	Yes
7.4 Awnings and Canopies	No awnings are required.	N/A
7.6. Side and Rear Setbacks		
Buildings are to be set back 10m from the rear boundary and 5m from a side boundary unless a proposed new road is shown on the site.	The proposed building will face 2 roads (2 frontages and 2 sides). The side setback provided is 14.4m on the western side and	Yes

PLANNING CONTROLS	COMMENTS	Complies
	6m on the eastern side.	
Buildings are not to be constructed on the locations for proposed new roads. An allowance for a 5m setback from a proposed road should also be made.	The proposal provides an approximate setback as discussed earlier in this table.	Yes
Basement car park structures should not encroach into the minimum required rear or side setback zone unless the structure can be designed to support mature trees and deep root planting.	Front setbacks are clear of any parking.	Yes
Above ground portions of basement car-parking structures are discouraged and deep soil planting is promoted	Adequate deep soil areas provided on the site and all setbacks provided (except for minor variation as dealt with earlier in this table).	Yes
Natural ground level is to be retained throughout side and rear setbacks, wherever possible. Refer to Section Topography and Building Interface for controls.	Excavation is proposed because of the topography of the site. Cut and fill ensures that the ground floor of the store is generally consistent with the levels with respect to the proposed Road 3 frontage. All cut will be retained via engineered retaining wall or battered.	Yes
7.7 Building Separation Commercial:		
a. Provide minimum 20 m separation between buildings facing each other within a site. Refer to Figure 7.7.1	N/A since the site has only one building and the side setbacks are satisfied.	N/A
b. Provide minimum 10 m separation between buildings perpendicular to each other within a site. This reduced building separation control only applies where the width of the facing facades does not exceed 20 m. Refer to Figure 7.7.1	N/A	N/A
7.8 Building Bulk and Design		
a. The floor-plate of buildings above 8 storeys is not to exceed 2000 m ² , unless it can be demonstrated that slender building forms are achieved through courtyards, atria, articulation or architectural devices.	The proposed building does not exceed 2 levels. This requirement does not apply.	N/A
b. Buildings are to address the street, and are to have a street address	The proposed building addresses the street.	Yes
c. Facade design is to		
i. Reflect and respond to the orientation of the site using elements such as sun shading and other passive environmental controls where appropriate.	The proposed building incorporates where applicable, environmental control features.	Yes
ii. Provide building articulation such as well design roof forms, expressed vertical circulation etc.	The proposed building articulation is considered satisfactory.	Yes
iii. Express corner street locations by giving visual prominence to parts of the façade (eg a change in building articulation, material or colour, or roof expression).	The site is not a corner lot.	N/A
iv. Integrate and co-ordinate building services such as roof plant, parking and mechanical ventilation with the overall façade and	Plant area is located within the building.	Yes

PLANNING CONTROLS	COMMENTS	Complies
<p>building design, and be screened from view.</p> <p>v. Roof forms, building services and screening elements are to occur within the overall height controls. Refer to Ryde LEP 2014 for height controls.</p> <p>d. The distance of any point on a habitable floor from a source of natural daylight should not exceed 12m (such as from the core to an external window).</p> <p>i. Atria and courtyards are to be used to promote access to natural light, pedestrian links and slender building forms.</p> <p>ii. Arrange courtyards and atria to respond to street lot & solar orientation.</p> <p>iii. The preferred height to width ratio of atria is 3:1.</p> <p>e. Buildings are to be designed to be flexible – car parking above the ground level is to have a floor to ceiling height of not less than 2.7m</p>	<p>Services are located within the building, and do not extend beyond the height limit.</p> <p>This numerical requirement cannot be complied with because of the different form of the development, being a hardware & building supplies store. A large floor plate is required to accommodate the development. Most of the floor area will be used for display & sales of hardware and trade items. The day light amenity as it would apply to “habitable floor” of an office building is not relevant in this case. The building maintains very high floor to ceiling height (8m) and relies on natural ventilation where appropriate.</p> <p>The deck level parking has no ceiling. The car parking in the basement has floor to floor height of 3.5m.</p>	<p>Yes</p> <p>No, but satisfactory on merit.</p> <p>Yes</p>
<p>8.0 SITE PLANNING AND STAGING</p> <p>8.1 Site Planning and staging</p> <p>a. Sites are to be planned to allow for the future provision of new streets, pedestrian connections and open spaces in accordance the Open Space Network Figure 5.1.1 and Access Network Figure 4.1.1. Where it is proposed to vary the locations of open space, and roads; a master plan must be submitted with the development application in accordance with clause 8.1.b (below) and the following:</p> <p>b. All sites 15,000m² or more in area should lodge a site-specific Master Plan and/or Stage 1 development application for approval.</p>	<p>Master plan submitted which identifies the future roads and pedestrian link on the site. No public open space is required on the site.</p> <p>The application does not propose to vary the location of the roads.</p>	<p>Yes</p>
<p>8.2 Site Coverage, Deep Soil Areas and private open space</p> <p>A minimum 20% of a site must be provided as deep soil area.</p>	<p>The overall site area is approximately 5.92 hectares. Only a portion of the site will accommodate the Masters development leaving more than half the site undeveloped equating to a deep soil area of 60%. The part of the site allocated for the Masters development covers approximately 26,221m². Against the Masters development area the site provides approximately 14% landscaping. This is considered satisfactory given that there is scope for provision of additional deep soils area elsewhere on the site at subsequent stages of development. The proposed landscaping is considered a satisfactory level of deep area. Council's Consultant Landscape Architect did not raise objection to the landscaping areas</p>	<p>No, but satisfactory on merit.</p>

PLANNING CONTROLS	COMMENTS	Complies
<p>Deep soil areas must be at least 2m deep.</p> <p>Solar access to communal open spaces is to be maximised. Communal courtyards must receive a minimum of 3 hours direct sunlight between 9 am and 3 pm on the 21st of June.</p> <p>Appropriate shading is to be provided so that communal spaces are useable during summer.</p> <p>Communal open spaces are to incorporate the primary deep soil area where possible</p> <p>Landscaping is to contribute to water efficiency and effective stormwater management.</p>	<p>provided.</p> <p>Significant portion of the site is capable of accommodating deep soil plantings with depths greater than 2m.</p> <p>No communal courtyard is proposed as the development is a hardware outlet. Staff amenities are provided internal to the shop. Communal open space may be provided as part of the next stage of the development of the site.</p> <p>N/A</p> <p>N/A</p> <p>Selection of native plants and use of rainwater tank on site are some of the means of improving water efficiency on the site. Stormwater management has been considered suitable, subject to conditions, as per Council's Senior Development Engineer.</p>	<p>Yes</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>Yes</p>
8.3 Planting on Structures	Council's Landscape consultant is satisfied with the proposed landscaping.	Yes
<p>8.4 Topography and Building Interface</p> <p>Level changes across sites are to be resolved within the building footprint.</p> <p>i. Where buildings are built to the street boundary (i.e. zero setbacks, refer to section 7.3 Street Setbacks), a level transition must be provided between the building and the adjacent footpath. This level must be maintained for a minimum depth of 10 m into the building.</p> <p>ii. Where buildings are set back from the street boundary, entries are to be provided at street level wherever possible.</p> <p>An accessible path of travel is to be provided from the street through the main entry door of all buildings.</p> <p>The maximum height of retaining walls within the front, side and rear setbacks is not to exceed 1.2m.</p>	<p>The land slopes significantly and retaining walls are proposed where cut is proposed along Epping Road façade. The cut on the western side will be battered. Masters store requires a large level floor plate and cannot be designed as split level. Notwithstanding, the building interface with respect to Road 3 is satisfactory as this is the main entry to the building and the building will be accessible.</p> <p>An accessible path of travel will be provided to the car park and to the building. In addition the pedestrian link will also be designed to be accessible.</p> <p>While the height of retaining walls from the base of the cut on the north western corner of the building exceeds 1.2m, the TOW will not exceed the existing ground level and will not be visible from Epping Road.</p>	<p>Yes</p> <p>Yes</p> <p>No, but satisfactory on merit.</p>
<p>8.6 Vehicular Access Objectives</p> <p>To integrate adequate car parking and servicing access without compromising street character, landscape or pedestrian amenity and safety.</p>	Access to the proposed development is provided via both Wicks Road and Waterloo Road. Both access is through new roads to be partially constructed as	Yes

PLANNING CONTROLS	COMMENTS	Complies
To encourage the active use of street frontages.	part of the current DA. The site is not identified for active frontage.	N/A
8.7 On-site Parking -At-grade parking Parking areas must not be located within the front, side or rear setbacks. 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. Provide safe and direct access from parking areas to building entry points. Provide appropriate mature vegetation between parking bays to provide shade and enhance visual impact	The car parking is not located in the setback area and will only be accessible when the store is open for business. Adequate screening will be provided for the ground level parking. Safe and clear access is provided to the car park. Planting between parking bays is not necessary as most parking spaces will be under cover or on deck level.	Yes Yes Yes N/A
8.8 Fencing Fencing is not permitted on the perimeter boundary of sites. Security should be provided within buildings.	There is no fencing along the eastern or northern elevation. Some form of retaining wall or fencing would be required on the Epping Road frontage to provide additional safety due to the significant level difference and to ensure public safety. This can be low level fence behind the landscaping zone.	Yes
9.0 ENVIRONMENTAL PERFORMANCE		
9.1 Wind Impact All applications for buildings over 5 storeys in height shall be accompanied with a wind environment statement. For buildings over 9 storeys and for any other building which may be considered an exposed building shall be accompanied by a wind tunnel study report. Refer to Council for documentation and report requirements.	The building is less than 5 storeys in height and is only partly visible from the Epping Road because of the slope of the land. It will not create adverse wind impacts.	Yes
9.2 Noise and Vibration 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.	Loading and servicing is positioned to ensure any associated noise is screened from the nearest residential dwelling located on the opposite side of Epping Road. The dock is also below ground level and will not be viewed from surrounding streets. An acoustic report has been prepared by Acoustic Logic and was submitted in support of the DA. Council Environmental Health Officer has reviewed the DA documentation, and has not raised any concerns. Suitable conditions have been attached to ensure the relevant recommendations within the Acoustic Report are adopted (see Conditions 69 & 113).	Yes
9.5 Soil Management An Erosion and Sediment Control Plan (ESCP), prepared by a suitably qualified environmental engineer, is required to be	The application is supported by an Erosion and Sediment Control Plan A condition is also recommended to ensure compliance	Yes

PLANNING CONTROLS	COMMENTS	Complies
submitted in support of all development proposals requiring development consent under the Ryde Local Environmental Plan, (other than for minor building modifications) including: Demolition; Excavation; Trenching and Building.	with this requirement.	
PART 7.2 WASTE MINIMISATION		
Submission of a Waste Management Plan in accordance with Part 7.2 of DCP 20014.	A waste management plan has been submitted with the development application. Council's Environmental Health Officer has reviewed the DA documentation, and has provided suitable conditions to ensure waste is handled in accordance with Council's requirements (see Conditions 28, 31, 94-96 & 115).	Yes
PART 8.1 CONSTRUCTION ACTIVITIES		
The objectives of this Part are: <ol style="list-style-type: none"> 1. To encourage consideration of Ecologically Sustainable Development and Site Management when developing a site; 2. To ensure adequate controls are in place on or near a site to minimise the impact of construction activities on adjoining properties; 3. To provide requirements and advice to applicants in regard to site management; 4. To improve water quality of creeks and receiving waters (Lane Cove River & Parramatta River); and 5. To ensure public health and safety is maintained. 	<p>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.</p> <p>These matters have been addressed by way of appropriate conditions of consent. (see Condition 30, 40, 47, 84, 87 & 90).</p>	Yes
PART 8.2 STORMWATER & FLOODPLAIN MANAGEMENT		
Stormwater is s to be piped in accordance with Part 8.2 - Stormwater Management..	Council's Development Engineer has reviewed the proposed development and advised that the stormwater design complies with the requirements of the DCP 2014, subject to conditions.	Yes
9.2 ACCESS TO DISABLED		
Buildings are to be accessible in accordance with Part 9.2-Access for People with Disabilities	Two lifts are proposed in the building, accessible parking spaces and continuous accessible path is also provided. The proposal can be made to comply with accessibility requirement, details of which can be determined and certified prior to Construction Certificate (see Condition 51(d) & 62).	Yes
PART 9.3 CAR PARKING		
Car Parking The DCP does not stipulate a specific parking rate for the proposed type of development. In such cases the DCP requires that " <i>comparisons should be drawn with similar development and outlined in Traffic and Parking Impact</i> "	<p>Proposed: 380 spaces including 13 accessible parking spaces.</p> <p>The current DA proposes a total gross floor area of 13,728m² and 380 car parking</p>	Yes

PLANNING CONTROLS	COMMENTS	Complies
<p><i>Assessment Report submitted together with the Development Application"</i></p> <p>It is noted that the proposed building supplies and hardware store has been made permissible on this site through amendment of the RLEP2014 (via a Planning Proposal earlier approved by Council). During the consideration of the Planning Proposal, Council had considered a Traffic Study prepared by CBHK that had recommended a parking rate of 1 car space per 35m² for the proposed Masters Development. The rate was considered to be satisfactory.</p> <p>Bicycle Parking In every new building, where the floor space exceeds 600 m2 GFA (except for dwelling houses and multi unit housing) provide bicycle parking equivalent to 10% of the required car spaces or part thereof..</p>	<p>spaces on the site. This equates to a parking being provided at a rate of 1 space per 36m² of gross floor area and is generally consistent with the parking rate considered reasonable for the proposed development during approval of the Planning Proposal. A traffic and car parking analysis prepared by CBHK was submitted with the DA which also has been prepared based on comparable parking data reflecting similar hardware stores located in Bankstown and Minchinbury which have provided parking at a rate of 1 space per 29m² - 30m² of gross floor area.</p> <p>The application has been reviewed by Council's Traffic Engineer and no issues have been raised in relation to the proposed number of parking.</p> <p>38 bicycle spaces are required to satisfy the DCP. The applicant has requested a reduction in this requirement based on the nature of use proposed on the site. The customers generally do not use bicycle to come to the shop as this is not the best mode of transport to carry the items purchased. It is considered that provision of 20 bicycle spaces on the site is satisfactory. A condition of consent is attached to ensure 20 spaces are provided (see Condition 60).</p>	No (supported)

Part 9.1 – Advertising Signs

The following forms of signs are proposed:

- 11 X Business Identification Signs;
- 10 X Directional Signs;
- 1 X General Advertising Sign displaying the words “**(NOTE:** The Sign referenced 5/SA02 displaying the words “Best Price Guarantee” does not constitute business identification sign and therefore is not permitted on the site.

The signage has generally been integrated with the building façade (other than the Pylon signs). The following signs are proposed:

Sign Id	Sign Type/ Description	Contents	Size	Location of Signs Elevation/ Frontage	Illumination
1/SA01	Pylon	Masters	7.77m X 2m	Epping Rd frontage	Internal LED
1/SA01	Pylon	Masters	6.0m X 2m	Wicks Rd entry	Internal LED
1/SA01	Pylon	Masters	6.0m X 2m	Waterloo Rd entry	Internal LED
10/SA02	Panel	Masters	15.54m2	East Elevation	Externally
6/SA02	Panel	Garden	9.3m2	North Elevation	None
3/SA02	Panel	Masters	67m2	North Elevation	Internally

9/SA02	Panel	Masters	34m2	North Elevation	Internally
8/SA02	Panel	Timber & Building	27.7m2	North Elevation	None
2/SA03	Panel	Masters	51.13m2	South Elevation	Externally
4/SA02	Iconography	Logo	70m2	North Elevation	None
5/SA02	Panel (General Advertising)	"Best Price Guarantee"	18m2	North Elevation	None
3/SA03	Iconography	Logo	21.23m2	South Elevation	None
2/SA01	Pole - Directional	Accessible Parking	2.7m X 0.465	In car park	None
3/SA01	Pole – Directional	Loading Dock	2.7 X 0.465	Near loading dock	None
9/SA01	Panel – Directional	Loading Dock	930 X 600	Wall Mounted	None
10/SA01	Panel - Directional	Trade Entry	465 X 600	Wall Mounted	None
4/SA01	Pole - Directional	Emergency Vehicles Only	2.7 X 0.465m	Internal service road	None
7/SA01	Pole – Directional	"All Trucks Stop until called in"	2.7 X 0.465	West Elevation	None
5/SA01	Pole – Directional	Service Vehicles Only	2.7 X 0.465	In carpark	None
11/SA02	Panel – Directional	Entry/ Exit	8.1m X 1.5m	Basement Entrance	Internally
12/SA01	Pylon – Directional	Customer Parking	2m X 1m	Adjacent to basement parking	None
13/SA01	Pylon – Directional	Basement parking	2m X 1m	Adjacent to basement parking	None

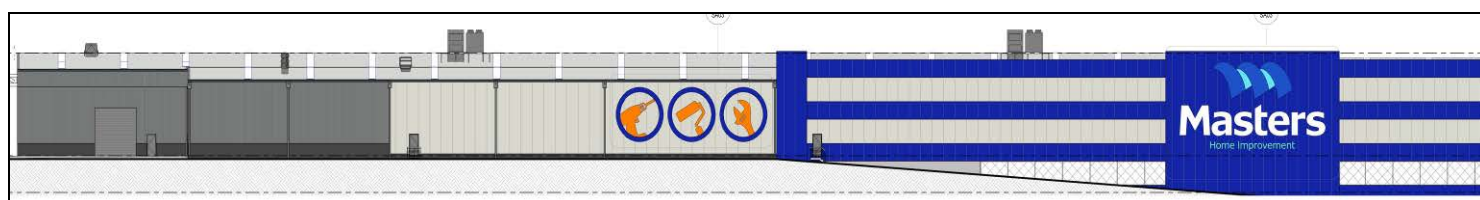


Figure 12: Signage on Epping Road Elevation



Figure 13: Signage on East and North Elevation

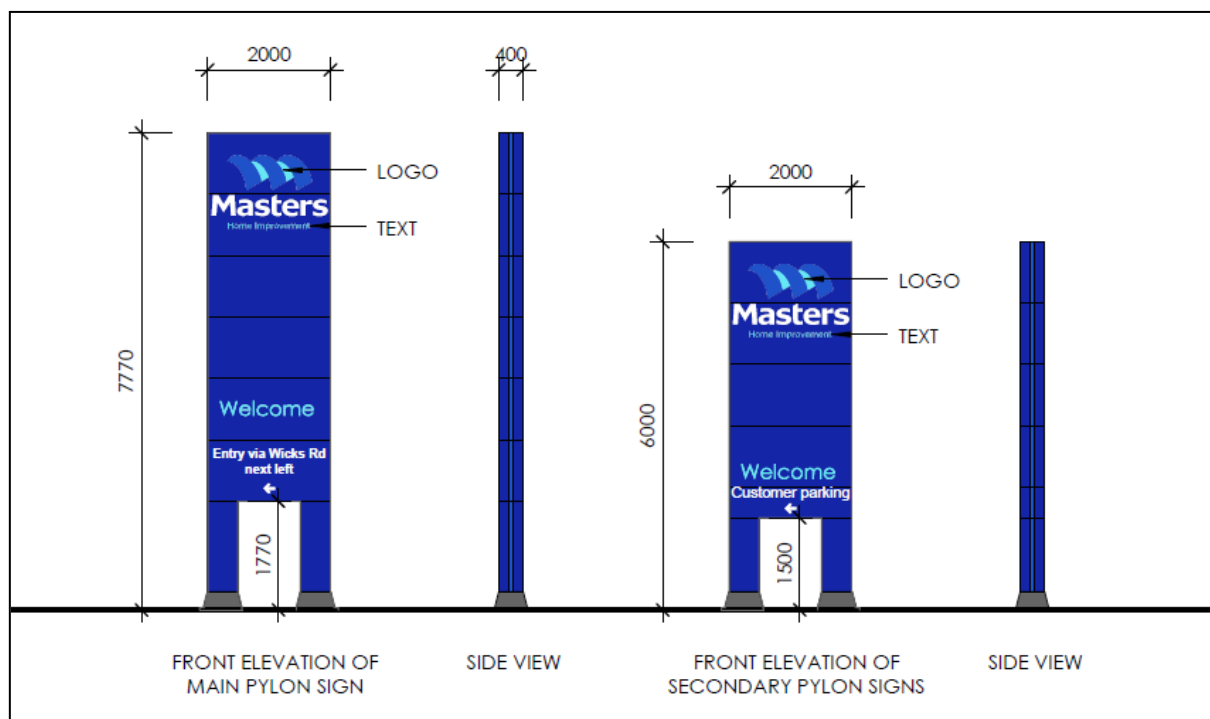


Figure 14: Pylon Signs

Signage in Macquarie Park based on total area of signs on the building

The DCP provides controls for 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 Panel Signs (on the building façade):

The proposed building (longest elevation) has a frontage of 160m to the proposed Road 3. Based on this a maximum of 55m² (10 + 45m²) of signage is allowed (excluding the pylon signs). The total area of all the signage proposed on the site *excluding the area of a business directory board or pylon sign* equates to 200.4m² in area which is significantly over the maximum that would be allowed (this is over by 145.4m²).

During assessment of the proposal, the applicant has deleted 1 sign, consolidated 2 signs, reduced the height of the 3 pylon signs and provided additional support information (photo montage etc) to Council in order for the proposed signage scheme to be supported by Council Officers.

Notwithstanding the numerical non-compliance with the DCP, the proposed signage scheme is supported for the following reasons:

- The restrictions applicable to signs under Clause 3.3.1 of Part 9.1 of the DCP2014 is more suited to the forms of development generally existing in Macquarie Park which include office buildings, warehouse, research facilities etc. The proposed development is unique to Macquarie Park Corridor and thus the restriction on the signage applicable to the forms of development does not reflect the requirement for a “hardware & building supplies store.”
- The building has two street frontages and one frontage facing the pedestrian link. The signage are spread over the three facades thus does not result in

any significant visual clutter given that the length of the building is some 160m along the 2 street frontage.

- There only a single large sign (excluding the pylon and the logo) on the Epping Road frontage which represents the main streetscape and is the frontage located opposite the residential area;
- The signs are designed as an integral part of the façade design and blends with the choice of material and colour scheme;

The Pylon Sign (Reference 1/SA01):

Sign 1: 1 X Pylon Sign (on Epping Road frontage = 7.77m high X 2m width);

Sign 2: 1 X Pylon Sign (on Wicks Road entry = 6m high X 2m width);

Sign 3: 1 X Pylon Sign (on Waterloo Road entry = 6m high X 2m width).

Design Criteria under the DCP:

- *Maximum height 6 m;*
- *Maximum area of structure 12 m;*
- *One per site;*
- *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;*
- *Must be provided within a landscaped setting;*
- *illumination of sign will be considered by Council on a merit basis i.e. location of sign, proximity to main road, hours of operation. Up lighting is the preferred form of illumination;*
- *Signs should generally be placed on buildings. Therefore Pylon signs will not be permitted where signs are capable of being placed on a building and buildings are within 5 metres of the road frontage.*

Compliance:

All criteria are met except for the requirement that:

- *One pylon sign can be permitted on one site, and*
- *The maximum height of the pylon on Epping Road frontage exceeds 6m.*

The one Pylon Sign per site control is more relevant for a site with a single frontage to the street. However, in this instance the site has a large frontage to Epping Road, Wicks Road and Waterloo Road and without the proposed identification signs it would be difficult to identify the entries to the proposed Masters building. The proposed pylon signs are unlikely to result in any significant adverse impact on the locality. No visual impact is likely to result. The sign is supported. The signs will switch off at 11:00pm as per recommended condition (see Condition 10).

The 7.77m high pylon sign to be located on Epping Road frontage exceeds the maximum height of 6m permitted for such signs. It should be noted that initially under this application the applicant had proposed a 9m high X 3.95m wide pylon signs. The applicant was advised that these signs were considered too excessive and could not be supported by Council Officers. Through negotiation, the applicant agreed to lower the height to 7.77m which is a more reasonable height given the circumstances of the case as discussed below.

The proposed 7.77m high pylon sign on Epping Road frontage is supported for the following reasons:

- A second pylon sign on the Epping Road frontage has been deleted and consolidated into a single 7.77m high pylon. The consolidation of signage is consistent with SEPP64 and the objectives of Council's DCP in that the application will remove visual clutter. This represents a reduction in the overall number of signs on the same street frontage;
- The site has a large frontage to Epping Road relative to adjoining sites, that is 183m front boundary along Epping Road;
- The proposed signs do not introduce any significant adverse impacts;
- The height of the sign at 7.77m is similar to the sign approved for Caltex Service Station located at the intersection of Wicks Road and Epping Road;
- No objections from the public has been raised to this aspect of the development;
- The proposal will not result in any additional visual glare as it uses internal LED illumination consistent with AS4282.

In light of the foregoing it is noted that the proposal is meritorious particularly in relation to consolidation of 2 pylons into 1 to reduce visual clutter along Epping Road frontage. The sign that has been deleted was 2m in height. An additional 1.77m in height will have negligible impact on the streetscape and locality. RMS raised no objections to the proposed changes and no objection was raised as a result of public notification. Accordingly the proposed variation is supported.

9.0 Section 94 Development Contributions Plan 2007 (Amendment 2010)

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

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

Contribution Plan	Contributions
Community and Cultural Facilities	\$269,480.64
Open Space and Recreation Facilities	\$0
Civic and Urban Improvements	\$264,126.72
Roads and Traffic Management Facilities	\$555,434.88
Cycleways	\$36,516.48
Stormwater Management Facilities	\$64,658.88
Plan Administration	\$9,884.16
Grand Total Payable	\$1,200,101.76

Notes:

Condition 21 requiring the payment of a Section 94 contribution has been included in the recommendation of this report which will further be indexed at the time of payment if not paid in the same quarter.

10. LIKELY IMPACTS OF THE DEVELOPMENT

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

10.1 Traffic

The traffic and parking issue have been reviewed by the RMS and Council's Traffic Engineer in light of the traffic study and SIDRA analysis date submitted by the applicant. The development is unlikely to result in any unacceptable impact with respect to traffic congestion in the locality.

The site is surrounded by 3 roads with 2 separate entry and exit points. As such, the anticipated 150 vehicle trips would be distributed over the surrounding road network, in the vicinity of 80 vtpd from the Epping Road, 50 vtpd from Waterloo Road and 20 vtpd from Wicks Road. This is relatively minor compared to the typical volumes experienced in this roadway and not expected to impact the surrounding traffic network.

The applicant has agreed to reduce the parking capacity of the development, from the 411 spaces proposed to 380 parking spaces, so as to align with the traffic planning objectives in the DCP & LEP which seek to reduce potential traffic congestion. In general, all internal parking areas have carspace dimensions, aisle widths, ramp grades and ramp widths complying with AS 2890.1 for the respected user class and do not present any traffic safety concerns.

The proposed driveway entries to the Loading Bay area and traders supply from the roundabout has been amalgamated into a single driveway entry, resolving the issues and concerns related to the original 2 entry points.

11. THE PUBLIC INTEREST

The development is considered to be in the public interest as it is reasonably consistent with the relevant planning controls and allows the redevelopment of site for a use as envisaged and previously approved via a planning proposal. This development also allows for the construction of a pedestrian link and reservation of the future roads which are going to benefit the public.

12. REFERRALS

External referrals

Roads and Maritime Services, 31 July 2015: No objections have been raised to the amended plan with deleted access point from Epping Road. Conditions have been recommended (see Condition No. 42-44).

NSW Police, 19 May 2015: Raised no objection to the development subject to conditions (see Conditions 78 - 80).

Internal Referrals

Senior Development Engineer, 10 September 2015: Raised no objections subject to conditions of consent (see Conditions 16- 19, 30, 37-41, 86-89, 109-112).

Traffic Engineer, 1 September 2015: Raised no objection to the proposed development subject to a number of conditions (see Conditions 45-48, 104 - 108).

Public Domain Coordinator, 1 September 2015: No objection has been raised as there are no requirements in relation to this matter subject to conditions (see Conditions 49 – 52, 102-103).

Drainage Engineer, 1 September 2015: Raised no objection to the proposed development subject to a number of conditions (see Condition 30).

Public Art Coordinator, 22 July 2015: Raised no objection to the proposed development subject to condition that detailed design details are submitted for approval prior to Construction Certificate and public art is constructed prior to the issue of Occupation Certificate (see Condition 59).

Consultant Landscape Architect, 29 April 2015: Raised no objections subject to conditions of consent (see Conditions 57, 36, 70-71, 75-77).

13. PUBLIC NOTIFICATION AND SUBMISSIONS

The proposed development was advertised and notified for 14 days from 29 April 2015 ending on 13 May 2015. During this time, three submissions were received including one letter of support.

The issues raised in the submissions are discussed below:

- (a) The Masters proposal includes an access road from Waterloo Road, located adjacent to the childcare centre. The centre is likely to be affected during the construction phase. The Nought to Five Childcare Centre requests that Council consider applying the following conditions:*
- a. Traffic management control to ensure safe uninterrupted access;*
 - b. Contact number for the primary contractor be provided on the site;*
 - c. The construction contractor to meet with the Childcare operator to discuss construction schedule prior to commencement of construction;*
 - d. Noise mitigation measures must be implemented;*
 - e. Dust mitigation measures must be implemented as some of the children attending the child care centre have respiratory conditions;*
 - f. Construction fencing must be installed;*
 - g. The Child Care Centre operator must be informed when asbestos is to be removed from the site;*
 - h. The construction workers must not park in the Nought to Five carpark;*
 - i. Landscaping of the area between Nought to Five and the proposed access road must occur as soon as possible;*
 - j. Services to the childcare centre are located under the proposed road. Services must be maintained at all times.*

Assessment Officer's Comment

The developer has been informed of the above requests and has indicated that the requests made in the submission will be complied with. In order to ensure this does occur in a timely manner, appropriate conditions of consent has been recommended by Council (see Conditions 33, 69, 72, 81, 85, 90 & 114).

- (b) Stephen Edwards Constructions Pty Ltd owns the neighbouring building located at 140 Wicks Rd. We are in support of the proposed Masters development and look forward to the completion of the new store and the associated benefits that it will provide for the area.*

Assessment Officer's Comment

Noted.

- (c) AUSGRID has an existing substation located on this site. Prior to construction works commencing on the site and if necessary, the developer must arrange for the decommissioning and removal of the existing substation equipment on the site as well as the relocation of the associated underground cables. It may be necessary for the developer to arrange for installation of a temporary substation on the site prior to establishment of a permanent substation in order to supply site construction loads and maintain existing street network loads.*

Assessment Officer's Comment

Appropriate conditions have been recommended to ensure compliance with AUSGRID's requirement (see Condition 73).

- (d) The power supply arrangements to the development will be confirmed upon receipt of a formal connection application from the developer. It is likely that the establishment of a substation on the property will be required in order to provide supply to the development. It is unclear from the DA drawings whether space has been allocated for a substation on the site or if the existing substation is to be used. This may need to be addressed by the developer.*

Assessment Officer's Comment

Appropriate conditions have been recommended to ensure compliance with AUSGRID's requirement (see Condition 15).

14. CONCLUSION

After consideration of the development against section 79C of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions,

the proposal is suitable for the site and is in the public interest. Therefore, it is recommended that the application be approved.

The development application is recommended for approval subject to conditions.

15 RECOMMENDATIONS

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

(a) That the Sydney East Region Joint Regional Planning Panel grant consent to development application LDA2015/0144 at No. 144 Wicks Road, Macquarie Park, subject to the recommended Conditions of Consent in Attachment 1 of this report.

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

Report prepared by:

Sanju Reddy
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Report reviewed by:

Sandra Bailey
Team Leader Major Developments

Report approved by:

Liz Coad
Manager Assessment

Sam Cappelli
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Attachments:

1. Attachment 1 – Recommended Conditions of Consent