

JOINT REGIONAL PLANNING PANEL (Sydney East Region)

JRPP No	2015/SYE137
DA Number	LDA 2015/0484
Local Government Area	City of Ryde
Proposed Development	Demolition, construction of 19 storey building containing 154 serviced apartments, ground floor café, rooftop restaurant, function centre for guests and basement car parking for 110 vehicles. Landscaping and road widening works to Hyundai Drive are also proposed.
Street Address	388 – 392 Lane Cove Road, Macquarie Park
Applicant/Owner	Shri Ganesh Capital Pty Ltd
Number of Submissions	None
Regional Development Criteria (Schedule 4A of the Act)	General Development over \$20 Million
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979; • Roads Act 1993; • Environmental Planning and Assessment Regulation 2000; • State Environmental Planning Policy (State and Regional Development) 2011; • State Environmental Planning Policy No. 55 – Remediation of Land; • State Environmental Planning Policy (Infrastructure) 2007; • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; • Ryde Local Environmental Plan 2014; • City of Ryde Development Control Plan 2014; and • Section 94 Development Contributions Plan 2007.

List all documents submitted with this report for the panel's consideration	Conditions of consent
Recommendation	Approval with Conditions
Report by	Andy Nixey, Senior Town Planner
Report date	4 April 2016

Assessment Report and Recommendation

1. EXECUTIVE SUMMARY

The following report is an assessment of a development application for the construction of a serviced apartment development at 388 to 392 Lane Cove Road, Macquarie Park.

The development application proposes demolition of all existing buildings, amalgamation of the existing allotments and the construction of a 19 storey building comprising:

- 154 serviced apartments;
- three (3) levels of basement car parking for 110 vehicles;
- communal facilities for the use of guests and visitors including a rooftop pool, gym, function centre and conference rooms;
- ground floor café;
- communal terrace on level 2;
- and a rooftop restaurant on level 19.

The application also includes road widening and improvement works to Hyundai Drive, and landscape works around the site.

A Voluntary Planning Agreement (VPA) has also been lodged with the application. The VPA proposes to dedicate land to Council as public road (276m² fronting Hyundai Drive), construction of the widened public road including new footpath, and a monetary contribution of \$1,659,139.09 (inclusive of Section 94 contributions).

During the notification period, Council received no submissions.

Assessment of the application against the relevant planning framework, and consideration of various design matters by Council's technical departments has not identified any fundamental issues of concern. Consequently this report

concludes the application is sound in terms of its design, function, and relationship with neighbouring properties.

This report recommends that consent be granted to this application, in accordance with conditions provided at **Attachment 1**.

2. APPLICATION DETAILS

Applicant: Shri Ganesh Capital Pty Ltd

Owner: Shri Ganesh Capital Pty Ltd

Estimated value of works: \$34,154,791

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 & CONTEXT

The site is located within Macquarie Park and is bounded by Lane Cove Road to the south-east and Hyundai Drive to the north-east. The site is located approx. 125m north-east of the major intersection between Lane Cove Road and Epping Road.

The site currently contains two single storey brick cottages which are currently vacant but were previously utilised for commercial purposes with vehicular access obtained from Lane Cove Road.

Neighbouring development consists of a mix of low and medium rise commercial buildings with the largest extending to 7 to 8 storeys in height. This includes the Hyundai building located on the opposite side of Hyundai Drive. To the south-west, a further two single brick cottages exist (the closest in residential use, the second in commercial use) with the 7 storey Aristocrat building beyond. Directly to the rear of the site, there is a 2 storey commercial building contained on a large site of over 11,000m².

Figure 1 below provides an aerial view of the site (shown in red) and its context whilst **Figure 2** provides an extract from the survey plan. Photographs of the site and neighbouring buildings are provided as **Figures 3, 4 and 5**.



Figure 1: Aerial photograph of the site and surrounding area



Figure 2: Survey plan extract



Figure 3: Subject site viewed from Lane Cove Road looking north-west



Figure 4: Northern portion of subject site (No.388) viewed from Lane Cove Road looking south-west



Figure 5: Existing Hyundai Drive frontage looking north-west from Lane Cove Road towards Giffnock Avenue

The site is essentially level with a slight fall from the Lane Cove Road frontage to the rear of the site. Approximately 11 trees exceeding 5m in height are located on the site, primarily on the north-eastern side and north-western rear boundaries. All trees are proposed to be removed.

4. SITE DETAILS

This DA relates to 388-392 Lane Cove Road, Macquarie Park. The development site is legally described as Lots 44-46, DP 1111722. The total area of the site is 2,477m². The site has a 52m frontage to Lane Cove Road and a 47m frontage to Hyundai Drive.

5. PROPOSAL

The scope of works for which consent is sought comprises:

- Demolition of all existing structures across the site;
- amalgamation of the existing allotments;
- construction of a 19 storey building comprising:
 - 154 serviced apartments (all 1 bedroom with sizes varying from 28m² to 44m²);

- three (3) levels of basement car parking for 110 vehicles;
 - communal facilities for the use of guests and visitors including a rooftop pool, gym, 170m² function centre and 2 conference rooms;
 - ground floor café with total retail area of 205m² and comprising indoor and outdoor seating areas;
 - communal terrace on level 2; and
 - a rooftop restaurant on level 18 with an indoor area of 103m² and an outdoor terrace measuring 69m²;
- road widening and improvement works to Hyundai Drive to allow for a 2 lane road between Giffnock Avenue and the entrance to the site (RMS do not support a 2 lane connection to Lane Cove Road), footpath and enhanced public domain; and
 - landscape works around the site. These works include the planting of 39 replacement trees ranging in mature height from 7m to 25m. 11 of the proposed trees comprise new street trees (7 fronting Lane Cove Road and 4 fronting Hyundai Way) plus 4 of the proposed trees are located on the level 2 terrace.

The serviced apartments are proposed to operate 24 hours a day, 7 days per week. The ground floor café is proposed to operate between 6am and 11pm, 7 days per week whilst the rooftop restaurant is proposed to operate between 11am and 2am, 7 days per week.

The application also includes a formal VPA offer for public domain improvements comprising:

- Dedication of land to Council as public road (276m² fronting Hyundai Drive);
- construction of the public road including new footpath, and
- a monetary contribution of \$1,659,139.09 (inclusive of Section 94 contributions).

The Land Dedication Plan included in the VPA is provided below as **Figure 6** with the road area dedication of 139m² highlighted in orange and the pedestrian area dedication of 137m² highlighted in green.



Figure 6: VPA Land Dedication Plan

A photomontage of the proposed development is provided in **Figure 7** below.



Figure 7: Proposed development viewed from Lane Cove Road looking south-west

6. BACKGROUND

6.1 Planning Proposal

A Planning Proposal was lodged with Council on 2 December 2014, which proposed the following amendments to the Ryde LEP 2014:

- an increase in the 'maximum height of buildings' development standard from 37m to 65m; and
- an increase the 'maximum floor space ratio' development standard from 2:1 to 3:1.

The Planning Proposal was endorsed by Council and forwarded onto the Department of Planning and Environment for Gateway Determination, where it was supported subject to conditions on 9 April 2015.

However, due to the subsequent gazettal of Council's 'Amendment 1' Planning Proposal, the requirement for the site specific Planning Proposal has been nullified and accordingly withdrawn.

6.2 Pre-Lodgement

A formal pre-lodgement and Urban Design Review Panel (UDRP) meeting took place on 12 November 2014. The panel generally supported the proposal and a number of suggestions were provided, predominantly in regard to complying with the 5m setback control to Hyundai Drive and removal of at-grade parking and servicing. The proposal has incorporated the suggestions with the exception that an at-grade loading dock is still proposed at the rear of the building given the site constraints. This issue is addressed in section 8.12 of this report.

6.3 Current Development Application

The development application was submitted to Council on 2 October 2015.

The applicant was advised on 27 November 2015 that additional information was required in relation to a Wind Tunnel Study Report, planting schedule and details of the proposed signage.

The UDRP reviewed the DA on 25 November 2015 and comments received were forwarded to the applicant on 14 December 2015 requesting further information and/or consideration in respect of the following issues:

- Public realm relationships with regard to alignment of the kerb with the future carriageway edge on Hyundai Drive; and
- architectural resolution with further exploration of the tower-to-ground approach encouraged.

Subject to these matters being addressed, the Panel concluded that the proposal is capable of delivering good design quality.

Further additional information in relation to traffic (including comments from RMS), drainage and landscaping was requested on 14 & 22 December 2015. This included the need to submit a '7 Part Test' or 'Assessment of Significance' prepared by a suitably qualified Ecologist to comment on the impact of the proposed tree removal on the Endangered Ecological Community (EEC). This was required due to the proposal including the removal of a number of *Syncarpia glomulifera* (Turpentine) and *Angophora costata* (Sydney Red Gum), which form part of an EEC of 'Sydney Turpentine-Ironbark Forest'.

Amended architectural plans and additional information were subsequently received by Council on 9 February 2016. The amended plans involved minor architectural changes to the awning design, relocation of fire tanks and adoption of the previous (pre-lodgement) podium design expression.

Additional information was also received with regard to traffic, drainage, wind and flora and fauna. Revised landscaping plans were also received. The response also deleted signage from the application with all signage to be subject to a later DA.

Given the minor nature of the amendments, it was not necessary to notify the revised plans.

Following consideration of the draft VPA submitted with the DA by Council, the VPA was signed by the General Manager on 11 February 2016. Clause 1.1 of Schedule 10 of this VPA requires the applicant, upon execution of the VPA, to provide a Bond to the Council for the contribution amount of \$1,659,139.09. To date this Bond has not been provided. This Bond will be returned upon payment of the contribution amount which will occur prior to the issue of any Construction Certificate for the development. To ensure that the Bond is paid in accordance with the executed VPA, it is proposed to issue a deferred commencement consent. This will give the applicant 2 years to allow activation of the consent. This outcome is supported by Council's General Counsel.

7. APPLICABLE PLANNING CONTROLS

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

- Environmental Planning and Assessment Act 1979;
- Roads Act 1993;
- Environmental Planning and Assessment Regulation 2000;
- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Infrastructure) 2007);
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- Ryde Local Environmental Plan 2014;
- City of Ryde Development Control Plan 2014; and
- Section 94 Development Contributions Plan 2007.

8. PLANNING ASSESSMENT

8.1 Environmental Planning and Assessment Act 1979

Section - 5A Threatened species, populations or ecological communities, or habitats

This section of this Act requires a range of matters to be taken into account in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats.

Noting the review undertaken for this development application including the Flora and Fauna Assessment Report, prepared by Lesryk Environmental and received by Council on 9 February 2016, it is apparent the site does not have any ecological attributes which, if lost, would impact adversely or substantially upon any threatened species, population, ecological community or habitat.

Council's Consultant Landscape Architect supports the findings of the applicants report noting that the proposed tree removal is acceptable from an ecological perspective.

Section 79C Evaluation

All relevant matters for consideration under Section 79C have been addressed in the assessment of this application.

Schedule 4A

As the proposal constitutes general development with a capital investment value of more than \$20 million, Part 4 of the State & Regional Development SEPP 2011 applies to the DA (see below).

8.2 Roads Act 1993

The proposed development includes works to an RMS classified road (Lane Cove Road). Accordingly, the application was referred to RMS for its concurrence. Following the submission of additional information, concurrence was subsequently provided on 3 March 2016.

8.3 Environmental Planning and Assessment Regulation

This application satisfies Clause 50(1) of the Regulation as it is accompanied by the nominated documentation for development stipulated in Part 1 of Schedule 1.

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

This proposal has a Capital Investment Value of more than \$20 million, and consequently the Joint Regional Planning Panel is the consent authority for this application.

8.5 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, the consent authority must consider if the land is contaminated and, if so, whether it is suitable, or can be made suitable, for the proposed use.

A preliminary site investigation report from JBS&G Australia Pty Ltd, dated 4 November 2014, was submitted with the application. It concludes that a detailed site assessment will be required because there is evidence of fill and illegal dumping on the site as well as some hazardous materials storage associated with the current and/or previous uses of the site. Additionally, there may be hazards such as asbestos or lead that could be encountered during demolition.

The report concludes however that it would be unlikely that any of these contamination factors would have impacted the land to such a degree that would prevent its redevelopment as proposed.

As such, the detailed site assessment can be carried out prior to the issue of any construction certificate. Hazardous materials encountered during demolition can be covered with standard planning conditions requiring the demolition to be carried out in accordance with the relevant Australian Standards.

Accordingly, the site is considered suitable for the proposed development subject to relevant conditions (see conditions 54 to 57).

8.6 State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP applies to proposal given the subject site has a frontage to Lane Cove Road, an RMS classified Road. In addition, the development is classified as a 'Traffic Generating Development' under clause 104 as it includes more than 2,500m² of commercial floorspace with vehicular access within 90m of Lane Cove Road. **Table 1** below contains the provisions of the Infrastructure SEPP applicable to this DA:

Infrastructure SEPP	Comments	Comply?
<p>Clause 101 Development with frontage to a classified road</p> <p>(1) The objectives of this clause are:</p> <ul style="list-style-type: none"> To ensure that new development does not compromise the effective and ongoing operation and function of classified roads; and To prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads. 	<p>The DA was referred to Roads and Maritime Services (RMS) for comment. RMS raised initial concerns with the proposal primarily in relation to potential delays to the rapid bus route corridor from vehicles queuing onto the bus lane whilst waiting to enter the site from Hyundai Drive. This issue has been addressed by the applicant by way of additional information.</p> <p>RMS has subsequently confirmed that the proposed works are acceptable.</p> <p>The acoustic report submitted by the applicant provides a number of recommendations to ensure the impact of noise from Lane Cove Road is minimised. These recommendations may be imposed as conditions of consent (see conditions 58, 59 and 123).</p>	Yes
<p>(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:</p> <ul style="list-style-type: none"> Where practicable, vehicular access to the land is provided by a road, other than a classified road; and 	<p>Access to the site will be provided from Hyundai Drive and replaces existing access points from the site directly onto Lane Cove Road.</p>	Yes

Infrastructure SEPP	Comments	Comply?
<ul style="list-style-type: none"> The safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of: <ul style="list-style-type: none"> The design of vehicular access to the land, or The emission of smoke or dust from the development, or The nature, volume or frequency of vehicles using the classified road to gain access to the land. The development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road. 	<p>As per the pre-lodgement advice of RMS, no works are proposed to provide 2 way access on Hyundai Drive from the intersection with Lane Cove Road.</p> <p>RMS have reviewed the current proposal and have raised no concerns in relation to the safe, efficient ongoing operation of Lane Cove Road subject to condition requiring the proponent to have a traffic management plan in place to prevent any queue at the intersection of Lane Cove Road and Hyundai Drive due to overflow in the drop off and pick up area (see condition 113).</p> <p>The acoustic report submitted with the application provides a number of recommendations to minimise adverse impacts of Lane Cove Road on future occupants of the serviced apartments.</p>	<p>Yes – subject to condition.</p> <p>Yes - may be appropriately conditioned.</p>
<p>Clause 102 Impact of road noise or vibration on non-road development</p> <ul style="list-style-type: none"> Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette. If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq measures are not exceeded: <ul style="list-style-type: none"> In any bedroom in the building – 35 dB(A) at any time between 10pm and 7am Anywhere else in the building (other than a garage, kitchen, bathroom or hallway) – 40dB(A) at any time. 	<p>Lane Cove Road is a State classified Road. As noted above, an acoustic report has been submitted and this includes a number of recommendations to ensure compliance with the appropriate noise levels for the proposed serviced apartment development. These recommendations may be imposed as conditions of consent (see conditions 58, 59 and 123).</p>	<p>Yes - may be appropriately conditioned.</p>

Infrastructure SEPP	Comments	Comply?
Clause 104 Traffic generating development <ul style="list-style-type: none"> The proposed development, being a development with ancillary parking for more than 50 vehicles, and with access to a road that connects to a classified road (within 90 metres) is considered traffic generating development. Before determining a DA for which this clause applies the consent authority must: <ul style="list-style-type: none"> Take into consideration any submission that the RMS provides in response to that notice within 21 days after the notice was given (unless before the 21 days have passed, the RMS advises that it will not be making a submission), The accessibility of the site concerned, and Take into consideration any potential traffic safety, road congestion or parking implications of the development. 	<p>The proposed development is considered 'traffic generating development'.</p> <p>RMS has raised no objection to the proposal.</p> <p>Satisfactory.</p> <p>As recommended by RMS, subject to condition 113 being imposed in relation to a traffic management plan for the proposed drop-off & pick up area, the proposal is considered acceptable in this regard.</p>	<p>Noted</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Table 1: Consistency with Infrastructure SEPP

Concurrence was sought from the Roads and Maritime Service and was subsequently granted on 3 March 2016 subject to conditions which form part of this consent (see conditions 6, 41, 90, 91 and 113).

8.7 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

This Plan, now a deemed State Environmental Planning Policy, applies to the whole of the Ryde local government area. The aims of the Plan are to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.

The site is a significant distance from the nearest point of Sydney Harbour. Given the topography of the surrounding area, the built environment between the waterways and the site, and the alignment of roads between the waterways and

the site, it is not considered the proposed development will have a significant visual impact on Sydney Harbour and there are no specific controls that directly apply to this proposal.

8.8 Ryde Local Environmental Plan 2014

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

Clause 2.3 Zone Objectives and Land Use Table

The land is zoned "B3 Commercial Core" under LEP 2014. The proposal includes a commercial development comprising serviced apartments and retail uses (café and restaurant). "Serviced apartments" and "retail premises" are permissible forms of development within the zone.

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives for the B3 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 subject site forms part of the Macquarie Park Corridor and the proposal meets the objectives of the zone though providing a suitable mix of commercial and retail uses that will serve the surrounding area and which will provide employment opportunities in an accessible location close to rail and bus services.

Clause 4.3 Height of Buildings

Clause 4.3(2) states that the height of a building on this site is not to exceed the maximum height shown on the Height of Buildings Map. Building height is defined in this planning instrument as meaning the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

The Height of Buildings Map specifies the maximum height for any building on the subject site as 37m. However, as per the LEP 2014 Macquarie Park Corridor Precinct Map, the site is located within the Macquarie Park Corridor Precinct. The provisions of clause 6.9 of LEP2014 therefore apply as does the associated 'Macquarie Park Corridor Precinct Incentive Height of Buildings Map' which

provides an uplift in the permitted maximum building height for the site to 65m if the consent authority is satisfied that the provisions in clause 6.9(3) will be satisfied.

As per the specific consideration provided below in relation to clause 6.9 of LEP2014, the proposal is considered to satisfy these provisions and accordingly, the applicable maximum building height for the site is 65m. Submitted plans confirm the proposed development has a maximum height of 65m with a maximum RL of 129. The proposal thus complies with the maximum height control and is acceptable in this regard.

Clause 4.4 Floor Space Ratio

Clause 4.4(2) states the floor space ratio (FSR) of a building is not to exceed the maximum specified on the FSR Map. The Map specifies a maximum FSR of 2:1 for the site. However, as noted above, the site is located within the Macquarie Park Corridor Precinct and the provisions of clause 6.9 of LEP2014 therefore apply as does the associated 'Macquarie Park Corridor Precinct Incentive Floor Space Ratio Map' which provides an uplift in the permitted FSR for the site to 3:1 if the consent authority is satisfied that the provisions in clause 6.9(3) will be satisfied.

As per the specific consideration provided below in relation to clause 6.9 of LEP2014, the proposal is considered to satisfy these provisions and accordingly, the applicable maximum FSR for the site is 3:1. This equates to a gross floor area (GFA) of approximately 7,431m². GFA diagrams submitted with the application confirm the proposed development has a GFA of 7,431m² and thus a compliant FSR of 3:1.

Clause 4.5B Macquarie Park Corridor

The site is located within the area identified as the Macquarie Park Corridor. Clause 4.5B(1) provides the following off-street parking objectives for development in the Macquarie Park Corridor:

- (a) to encourage the use of alternative types of transport by providing accessibility by pedestrian, cycling and public transport,*
- (b) to ensure that local car parking is available.*

Clause 4.5B(2) sets a maximum car parking rate for commercial and industrial development in the Macquarie Park Corridor of 1 space per 80m² of useable floorspace for this site. Serviced apartments are however defined in LEP2014 as a form of 'tourist and visitor accommodation' and therefore is not a commercial or industrial development subject to these maximum parking rates.

The reasonableness of the proposed 110 parking spaces for the development is therefore more appropriately considered under the parking provisions contained in Part 9.3 of DCP2014 (see section 8.9 of this report).

Nevertheless, as detailed in the consideration of Part 9.3 of DCP2014, Council's Senior Development Engineer has advised that the proposal aligns with the LEP objectives and controls to reduce reliance on motor vehicles as a primary form of transport within the Macquarie Park Corridor.

Accordingly, the proposed form of development is considered consistent with the objectives of clause 4.5B for off-street parking in the Macquarie Park Corridor.

Clause 6.9 Development in Macquarie Park Corridor

The site is located within the area identified as the Macquarie Park Corridor. The objective of clause 6.9 is to '*encourage additional commercial development in Macquarie Park Corridor co-ordinated with an adequate access network and recreation areas*'.

As referred to above in relation to clause 4.3 (height of buildings) and clause 4.4 (Floor space ratio), the proposed development relies on the additional height and floor space incentives offered under clause 6.9. In this regard, clause 6.9(3) states the following:

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.*

A VPA has been submitted and following approval by Council, was signed by the General Manager on 11 February 2016 in relation to providing public benefits that satisfy the provisions of clause 6.9(3) as follows:

- (a) The proposed monetary contribution, dedication of land and road works will contribute to the provision of recreation areas and an access network throughout the Macquarie Park Corridor.

- (b) Although the site is not nominated for the provision of any open space under DCP2014, the monetary contribution forming part of the VPA will contribute to the future provision of land for recreational purposes within the precinct.
- (c) The proposed monetary contribution, dedication of land and road works will increase pedestrian connectivity along both street frontages of the site and will increase vehicular connectivity between Giffnock Avenue and the site. The proposal will additionally improve the function of the turn into Hyundai Drive and access up to the site. RMS do not support the provision of 2 way access to Lane Cove Road from Hyundai Drive and therefore this does not form part of the proposed works.

Approval of the VPA demonstrates that Council is satisfied that the provisions of clause 6.9(3) have been suitably addressed and the proposed development is considered to satisfy the objective of the clause.

Other provisions

The table below (**Table 2**) considers other provisions relevant to the evaluation of this proposal:

Provision	Comment
Clause 5.1 Relevant acquisition authority	No part of the site is mapped as being reserved for acquisition for public purposes. It is noted though that the 4 allotments extending along the Lane Cove Road boundary of the site have been acquired by RMS for road widening and accordingly do not form part of the subject site.
Clause 5.9 Preservation of trees and vegetation	The application involves the removal of 11 trees. As detailed previously in this report, the proposed tree removal is considered acceptable and Council's Consultant Landscape Architect has raised no objection subject to conditions being imposed in relation to irrigation, a project arborist and suitable replanting (see conditions 79, 109, 110, 122 and 144).
Clause 6.2 Earthworks	The proposed development includes excavation for a basement car park. Council's Senior Development Engineer requires that the sediment and erosion control measures contained in the approved plan by C&M Consulting are to be installed and implemented during excavation and construction (see condition 104). Accordingly the development is considered satisfactory in respect of this clause.
Clause 6.4 Stormwater management	The proposed stormwater management system for the site is acceptable.

Provision	Comment
Clause 6.6 Environmental sustainability	This clause applies as the site area exceeds 1,500m ² and is located in a business zone. Assessment of the DA confirms that the proposed development satisfies the environmental requirements of the clause and is therefore acceptable in this regard.

Table 4: Other LEP2014 Relevant Provisions

8.9 City of Ryde DCP 2014

The following sections of DCP 2014 are of relevance, being:

- Part 4.5 - Macquarie Park Corridor
- Part 7.1 - Energy Smart, Water Wise
- Part 7.2 - Waste Minimisation and Management
- Part 8.1 - Construction Activities
- Part 8.2 - Stormwater Management
- Part 8.3 - Driveways
- Part 9.2 - Access for People with Disabilities
- Part 9.3 - Car Parking
- Part 9.5 - Tree Preservation

With regard to Parts 7.1 to 8.2, 9.2 and 9.5, noting the advice received from the various technical departments within Council and the consideration of issues previously in this report, the proposal is satisfactory in relation to the above matters. Parts 4.5 and 9.3 are considered below.

Part 4.5 – Macquarie Park Corridor

Part 4.5 of DCP 2014 is the primary DCP applicable to development within the Macquarie Park Corridor. This part of the DCP provides a framework to guide future development in the Macquarie Park Corridor, North Ryde. The DCP specifies built form controls for all development within the Corridor and sets in place urban design guidelines to achieve the vision for Macquarie Park as a vibrant community, as a place to live, work and visit. The relevant provisions of the DCP are outlined in **Table 3** below:

Control	Comments	Comply
4.1 Streets Provide new public streets and pedestrian connections in accordance with Access Structure Plan	Hyundai Drive is noted in Figure 4.1.1 as forming a new 16m wide road linking Giffnock Avenue with Lane Cove Road.	Yes

Figure 4.1.1	<p>However, following pre-lodgement comments from RMS that bi-directional access from Lane Cove Road to Hyundai Drive is not supported, the proposed design reflects Council and RMS' desired outcome. This outcome comprises the dedication of land (276.3m²) and embellishment of the Hyundai Drive frontage to provide for a two way road and enhanced public domain within a compliant 16m wide road reserve. The road will operate as a two way road (6m wide road paving) between Giffnock Avenue and the entrance to the site before becoming one way west bound from Lane Cove Road.</p> <p>The proposal therefore includes the physical component of the works required by the DCP along the Hyundai Drive frontage of the site with the cost to be borne fully by the applicant. Notably, until such time as No.4 Giffnock Avenue is redeveloped, there will be no complete footpath link provided along the southern side of Hyundai Drive.</p>	
<p>4.4 Sustainable Transport</p> <p>A Framework Travel Plan (FTP) is required to be submitted to Council for approval together with a DA for all development that exceeds 10,000sqm new floor space.</p> <p>Bicycle parking and end of trip facilities are to be provided in accordance with Ryde DCP Part 9.3 Parking.</p> <p>Parking is to be provided in accordance with DCP Part 9.3 Parking and clause 4.5B(2) Ryde LEP 2014</p>	<p>As the proposal does not exceed 10,000m² of new floor space, an FTP is not required for the proposal.</p> <p>11 bicycle parking spaces have been provided in accordance with Part 9.3 of DCP2014.</p> <p>110 car parking spaces have been provided. This is 13 less than the 123 spaces technically required under Part 9.3 of DCP2014 (see discussion of Part 9.3 following this table).</p>	<p>N/A</p> <p>Yes</p> <p>No</p>
5.8 Street Trees, Front Setback, Tree		

<p>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.</p> <p>At grade parking is not permitted in the front setback.</p>	<p>Street trees have been provided along both frontages of the site as part of the public domain works proposed as part of the DA (7 to Lane Cove Road and 4 to Hyundai Drive). Council's Public Domain Officer and Consultant Landscape Architect have raised no concerns with the proposed street tree planting. Condition 144 is recommended in relation to a 5 year on-going maintenance program.</p> <p>At grade parking is not proposed within the front setback.</p>	<p>Yes</p> <p>Yes</p>
<p>6.0 Implementation – Infrastructure, Facilities and Public Domain Improvements New and improved infrastructure community facilities, (road network and drainage) and public domain improvements (landscaping, parks, public art) within the Corridor is necessary to support growth, to create a vibrant work and living environment and to strengthen and sustain the existing and future communities. The provisions of these elements will be achieved through the provision of planning incentives (height and floor space) in return for new roads and parks identified in the Open Space and Access Structure Plans in this DCP.</p>	<p>As detailed in Section 6.3 of this report, a VPA has been approved by Council incorporating the following community benefits:</p> <ul style="list-style-type: none"> • Dedication of land to Council as public road (276m² fronting Hyundai Drive); • construction of the widened public road including new footpath; and • a monetary contribution of \$1,659,139.09 (inclusive of Section 94 contributions). <p>Accordingly the proposed development does benefit from the building height and floor space ratio incentive benefits contained in clause 6.9 of LEP2014 as detailed in section 8.8 of this report.</p>	<p>Yes</p>

	<p>frontage in this location together with 7 street trees. Council's Landscape Consultant has raised no concerns in relation to the proposed tree planting in this location or the ability of the proposed planter to sustain the trees.</p> <p>As such, the encroachment of the basement parking area within the front setback of the site will not result in an adverse impact on the visual amenity of the site or the overall landscape setting of Macquarie Park.</p>	
<p>7.5 Awnings and Canopies</p> <p>Awnings must be provided where Primary Active Frontages are shown in Figure 7.3.2.</p>	<p>Under Figure 7.3.2 of Part 4.5 of the DCP, there is no requirement for an awning to be provided on the site. Nevertheless, an awning has been provided within the site along the two street frontages which complies with Council's minimum width and height requirements and will provide desirable weather protection for pedestrians.</p>	Yes
<p>7.6 Rear and Side Setbacks</p> <p>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.</p> <p>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.</p>	<p>The proposed building complies with the 10m and 5m setback requirements from the rear and side boundaries respectively.</p> <p>The proposal does include some underground parking within the south-western side setback zone which will extend to within 1.5m of the boundary. This area is predominantly located beneath the proposed setdown area and main entry to the serviced apartments which would preclude the provision of deep soil planting in this location in any event. The encroachment does not extend within 11m of the rear boundary and suitable planters are located in this area to either side of the proposed loading area driveway. 6 street trees are also proposed along this frontage adjacent to the site.</p> <p>It is further noted in this regard that the proposal complies with the landscape and site coverage DCP controls and Council's Landscape Consultant has raised no concerns with regard to the proposed tree planting within</p>	<p>Yes</p> <p>No – Acceptable</p>

Natural ground level is to be retained throughout side and rear setbacks, wherever possible.	<p>this side setback.</p> <p>Overall given the context and circumstances of the site, the proposal is considered to result in an acceptable landscaped outcome compliant with the objectives of the DCP.</p> <p>Natural ground levels within the rear and side setbacks have been retained where possible.</p>	Yes
7.7 Building Separation Provide minimum 20m separation between buildings facing each other within a site.	Only one building is proposed on the site.	N/A
7.8 Building Bulk and Design 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 floor plate does not exceed 2000m ² .	Yes
Buildings are to address the street, and are to have a street address	The proposed development suitably addresses both street frontages.	Yes
8.1 Site Planning and Staging 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.	As detailed in the above consideration of section 4.1 (Streets), the proposed development suitably facilitates the widening of Hyundai Drive as required under Figure 4.1.1.	Yes

Where it is proposed to vary the locations of open space, and roads; a master plan must be submitted with the development application.	It is not proposed to vary the locations of any open space or roads.	Yes
8.2 Site Coverage, Deep Soil Areas and Private Open Space Minimum 20% of a site must be provided as deep soil area.	<p>17% of the site has been provided as deep soil area which represents an approx. shortfall of 74m² with the 20% (495.4m²) requirement. The applicant has justified the non-compliance on the basis of the following key points:</p> <ul style="list-style-type: none"> <i>Until recently, Council's requirement for deep soil landscaping within the Macquarie Park Station Precinct was 15% which the proposal was designed to comply with. The recent amendments to the DCP remove the precinct specific controls and inadvertently made the deep soil area requirement more onerous.</i> <i>The site is very close to Macquarie Park railway station and a more urban style form instead of a 'campus style' is a more suitable urban context for the station precinct.</i> <i>This control is best applied to large 'campus style' industrial parklands, which feature large floorplate buildings with significant open space between them. The site does not share these characteristics. Rather the site is a small consolidated site, which does not accordingly have the same amount of space as the 'campus style' development elsewhere in the corridor, and cannot accommodate such a large area of deep soil.</i> <i>The provision of a 'plaza' like treatment comprising raised planters, paving and generous setbacks is a more suitable treatment for the site and supports pedestrian movement along Lane Cove Road which is a better public domain outcome.</i> <i>The proposal will provide a significantly improved level of amenity and landscape</i> 	No – Acceptable

	<p><i>character when compared to the minimum requirements and the existing development at the site.</i></p> <p>The above justification is considered well founded and in particular, given the nature and location of the site, it is considered that the objective of maintaining 'campus style' industrial parklands within the corridor is not an appropriate outcome for the site. Instead, the active plaza style frontage would represent a more desirable and site appropriate outcome given the sites proximity to the Macquarie Park station. The proposal will otherwise still satisfy the other relevant objectives of the control which pertain to providing developments with a high level of amenity and landscape character, allowing for future tree planting, providing an area on site for soft landscaping and deep soil planting, and improving stormwater quality and minimise water consumption through implementation of water sensitive urban design guidelines.</p>	
Deep soil areas must be at least 2m deep.	All areas included in the above calculation of deep soil area exceed 2m in depth.	Yes
A minimum 20% of the site area is to be provided as Landscaped Area.	A total of approx. 39.5% of the site is provided as landscaped area.	Yes
8.3 Planters on Structures Design planters to provide the largest possible volume of soil, in accordance with the recommended standards.	The proposed planters above the basement structure and around the level 2 terrace satisfy the required depths and volumes. Council's Consultant Landscape Architect has raised no concerns with the proposed planters subject to a condition in relation to irrigation (see condition 79).	Yes

<p>8.4 Topography and Building Interface The maximum height of retaining walls within the front, side and rear setbacks is not to exceed 1.2 m.</p> <p>Publicly accessible open spaces under private ownership (courtyards, forecourts) must be provided at footpath level.</p>	<p>Retaining walls are not required due to the relatively flat nature of the site.</p> <p>The proposed café plaza/outdoor seating area is provided at grade with the footpath level.</p>	<p>Yes</p> <p>Yes</p>
<p>8.5 Site Facilities Vehicular access to loading facilities is to be provided from secondary and tertiary streets where possible.</p> <p>Rubbish and recycling areas must be provided in accordance with Section 6.3 Waste Management. These areas must:</p> <ul style="list-style-type: none"> a. be integrated with the development; i. minimise the visibility of these facilities from the street; and ii. be located away from openable windows to habitable rooms. <p>Barrier free access is to be provided to all shared facilities.</p>	<p>Vehicular access to the loading facilities has been provided from the secondary Hyundai Drive frontage.</p> <p>The garbage area has been integrated within the proposed building with minimal visibility from the street. The garbage/loading area is located away from openable windows.</p> <p>Complies.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>8.6 Vehicular Access Vehicular access is not permitted along streets identified as 'Active Frontages'.</p>	<p>Vehicular access has been provided from the secondary Hyundai Drive frontage.</p>	<p>Yes</p>

<p>8.7 On-Site Parking</p> <p>Basement parking areas should be located directly under building footprints to maximise opportunities for deep soil areas unless the structure can be designed to support mature plants and deep root plants.</p>	<p>The proposed basement parking areas are proposed predominantly under the building footprint with acceptable encroachments into the side and rear setbacks as detailed in the consideration of clause 7.6 above. As required in such circumstance, the area above the basement structure has been designed to support mature plants and is acceptable in this regard.</p>	<p>No - Acceptable</p>
<p>8.8 Fencing</p> <p>Fencing is not permitted on the perimeter boundary of sites. Security should be provided within buildings.</p>	<p>This control is considered appropriate to the larger campus style sites within the Macquarie Park Corridor. For the subject site, given its location within the 'business core' and more urban form, the proposed 1.8m fencing to the rear and south-western side boundary are considered acceptable, particularly given there is an adjacent dwelling to the south-west. Similar height fencing also currently exists on these boundaries.</p> <p>However, the proposed 14m long, 3m high 'green wall' on the south-western side boundary would be located 2.5m from the north-eastern side elevation of the dwelling at 386 Lane Cove Road which contains 3 windows. The height of the wall to No.386 is considered excessive and given its proximity, will have an adverse impact on the amenity of the dwelling and associated rear private open space. Accordingly condition 3(d) is recommended requiring the maximum height of the wall to be 1.8m.</p>	<p>No - Acceptable</p>
<p>9.0 Environmental Performance</p> <p>Commercial development is required to achieve a 4 Star Green Star Certified Rating.</p> <p>Development is required to comply with Section 6.1.7 Building Bulk.</p>	<p>There is no applicable Green Star rating system for serviced apartments.</p> <p>The development complies with Section 6.1.7 and includes a range of sustainability measures in relation to water, energy and waste reduction and maximising environmental</p>	<p>N/A</p> <p>Yes</p>

	quality.	
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.	The proposed development exceeds 9 storeys and a Wind Tunnel Study Report has been submitted accordingly. The report includes a number of recommendations comprising ameliorative treatments to improve the wind conditions of the development. Condition 38 is recommended requiring compliance with the recommended treatments prior to issue of the relevant CC.	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. Loading and unloading facilities must not be located immediately adjacent to residential development. Air conditioning ducts shall not be situated immediately adjacent to residential development.	A suitable acoustic report has been submitted with the application. The proposed loading facilities are not located adjacent to the existing dwelling at 386 Lane Cove Road. Details of air conditioning ducts have not been provided with the application. Condition 146 pertains to noise pollution from the operation of the development and will nevertheless ensure that any ducts will not impact adversely on the existing dwelling at 386 Lane Cove Road.	Yes Yes Yes
9.5 Soil Management Development is to be designed and constructed to integrate with the	The proposed development is considered to integrate suitably with the existing natural topography of the site.	Yes

natural topography of the site to minimise the need for excessive sediment disturbance and prevent soil loss.		
An Erosion and Sediment Control Plan (ESCP), prepared by a suitably qualified environmental engineer, is required to be submitted in support of all development proposals.	Appropriate conditions of consent will be imposed to require the submission of an erosion and sediment control plan that meets the Council's requirements.	Yes

Part 9.3 - Car Parking

With regard to Part 9.3 – Car Parking, Councils parking requirements are noted as follows:

Serviced Apartments: 1 space per 1.5 units

Conference facilities: 1 space per 80m²

Retail premises/café/restaurant/function room: 1 space per 25m²

Council's Senior Development Engineer has provided the following comments in relation to car parking and vehicular access:

The applicant's traffic report has acknowledged that the parking provisions contained in Clause 4.5B of the LEP relates only to commercial and industrial development. As such, the report has applied the relevant rates of the DCP Part 9.3 (Offstreet Parking). The LEP rate however has been applied for the conference area, which is appropriate given the commercial nature of its use. The tabled report is replicated as follows, with exception to the parking tally which has been rounded up for each use:

Use	Quantity	DCP Rate	Required spaces
Serviced Apartments	154 units	1 space / 1.5 units	103
Conference Facilities	63 m ²	1 space per 80m ² GFA (LEP Rate)	1 (0.8)
Café	200 m ²	1 space/25 m ²	8
Function Room	170 m ²	1 space/25 m ²	7 (6.8)

Restaurant / Bar	100 m ²	1 space/25 m ²	4
TOTAL			123

The development has provided a total parking capacity of 110 spaces, which is short of this requirement. The consultant's report has not thoroughly reviewed this aspect except to present that under the LEP provisions, a similar sized development would warrant 93 parking spaces. The consultant has ignored the maximum/ minimum requirements related to each and presented that the proposal is between these limits and therefore acceptable.

Whilst the development has a shortfall in parking when held against strictly in accordance with the DCP requirements, the following matters are noted:

- The LEP objectives and controls for the Macquarie Park Corridor seek to reduce reliance on motor vehicles as a primary form of transport. Therefore the parking shortfall is aligned with these objectives.*
- No consideration has been given in the applicants report that the proposed secondary uses (café, restaurant, conference areas) are ancillary to the primary function of the proposal for serviced apartments. It is foreseeable that these components would be utilised heavily by occupants of the serviced units and therefore it is not appropriate that they be allocated the full parking supply.*
- Recent, similar developments (serviced units) in the Macquarie Park Corridor have provided lower offstreet parking rates on the basis of parking surveys and RMS data.*

With respect to the design of the main parking area, all aspects are compliant with the requirements of AS 2890.1.

Accordingly, the proposed level of parking supply is considered acceptable with regard to the provisions of Part 9.3 of DCP2014 given the particular circumstances of the site and proposed form of development.

8.11 Section 94 Development Contributions Plan 2007

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.

Council however entered into a Voluntary Planning Agreement with the proponent on 11 February 2016. The approved VPA includes the Section 94 contributions and as such, the required payment is included as part of condition 2 in relation to the VPA. Council is therefore already a party to an agreement that covers the Section 94 contribution payable for the development of the site (see also consideration of VPA below).

8.12 LIKELY IMPACTS OF THE DEVELOPMENT

Most of the impacts associated with the proposed development have already been addressed in the report. The additional impacts associated with the development or those issues requiring further consideration are discussed below.

Traffic

Following a request from Council's Traffic Engineer, additional information in relation to traffic generation and potential impacts on bus services on Lane Cove Road from vehicles queuing to enter the site was received by Council on 9 February 2016. The additional information confirms that any queueing back onto Lane Cove Road would be highly unlikely given:

- a) the car park access point has been located at the furthest point from Lane Cove Road; and
- b) the porte-cochere will be a managed facility ensuring all vehicles will be located fully within the area and in the event that demand exceeds the capacity of the porte-cochere, vehicles will be directed into the basement carpark.

On the basis of the above, Council's Traffic Engineer has raised no objection to the proposal. RMS have also reviewed the additional information and have subsequently provided concurrence subject to a condition being imposed requiring the proponent to have a traffic management plan in place to prevent any queue at the intersection of Lane Cove Road and Hyundai Drive due to overflow in the drop off and pick up area (see condition 113). Condition 142 also requires ongoing compliance with the plan.

Accordingly, the proposed development is considered acceptable with regard to traffic generation.

Visual Privacy

The subject site is located within a business zone and raises no privacy concerns in relation to neighbouring properties to the north-east or north-west. However, a residential dwelling currently exists at 386 Lane Cove Road directly adjacent to the south-western boundary of the site. Whilst No.386 in conjunction with No.384 may well be redeveloped in the future for commercial purposes, the subject application must nevertheless be considered in terms of its potential privacy impacts to this residential property.

In this regard, concern is raised in relation to the large level 1, floor to ceiling window, in the south-western side elevation. This window serves the proposed function room and is located only 5m from the side boundary with No.386. As such, the window will allow a direct view into the rear open space of this dwelling. Whilst it is noted that no submission has been received from the owner of No.386, it is

nevertheless considered reasonable that a condition be imposed to negate the likely privacy impact from use of the function room. Condition 3(c) is therefore recommended requiring the window to be obscurely glazed to a minimum height of 1.8m above finished floor level and to be fixed shut.

Whilst 2 windows are proposed on each of the levels above the function room, these serve the bathroom and living area (secondary window) of the serviced apartments above. Given the minor size of these windows, the rooms served and height above ground level, these windows are considered acceptable in terms of privacy impact.

The level 2 roof terrace to the rear of the building will be located approx. 9.5m from the south-western side boundary with a further 1m to 1.8m deep landscaped planter located on this side of the terrace. The location of the terrace further to the rear also means any view to the private open space of No.386 would be largely obscured by existing outbuildings on the neighbouring property. As such, the terrace is acceptable in terms of visual privacy. However, to ensure no adverse impacts, condition 154 is proposed to restrict the use of the terrace to serviced apartment residents only.

Operating Hours

No issues arise with the proposed 24/7 operating hours of the serviced apartments. A Plan of Management for the proposed development is however recommended to ensure no adverse impact on surrounding uses from the operation of the development (see condition 115). This is consistent with Council's requirements for other serviced apartment developments within Macquarie Park.

With regard to the café and restaurant, the following operating hours are proposed:

Ground Floor Café: 6am to 11pm, 7 days per week.

Rooftop Restaurant: 11am to 2am, 7 days per week

No hours of operation were provided for the proposed level 1 function centre.

NSW Police have raised concerns with the proposed operating hours as it is unknown at this time whether the premises would be licensed. As such, it has been recommended by the Police that trading does not occur for the café, restaurant or function centre beyond midnight Monday to Saturday and 10pm on Sundays. It is understood that these recommended hours are based on liquor licencing restrictions in the area and given it would be difficult to enforce such restrictions if the approved operating hours exceed the licensing hours (should a licence be sought in the future).

On the basis of the above, it is considered reasonable and appropriate that the hours of operation for the restaurant and function centre are restricted to no later than midnight Monday to Saturday and 10pm on Sundays (see conditions 151 & 152).

With regard to the ground floor café, given the more sensitive location adjacent to the dwelling at 386 Lane Cove Road and associated proposed outdoor seating area, it is recommended that the hours be restricted as follows:

Café

Monday to Saturday: 5am to 11pm

Sundays & Public Holidays: 5am to 10pm

External seating area

Monday to Sunday: 7am to 10pm

Condition 153 is recommended in this regard. Condition 153 also includes a requirement for the café bi-fold doors to closed at all times between 10pm and 7am (7 days) to assist in protecting the amenity of 386 Lane Cove Road.

Overshadowing

The extent of shadows cast result from a compliant built form in terms of height, setbacks and floor space. Notably, due to the relatively slim building form, the shadow cast by the proposal will be relatively narrow and fast moving. As such, the extent of shadowing is considered reasonable in the circumstances and shadow diagrams submitted with the application indicate no unreasonable shadow impacts to neighbouring development or public open space would occur as a result of the proposed development.

Loading Area

The proposed loading dock is located internally at ground level orientated towards the rear (north-western) boundary. Although the access driveway to the loading dock is external, the internalisation of the loading dock itself is considered to suitably mitigate any potential unreasonable acoustic impacts from servicing of the site. Proposed landscape planting on the rear boundary will also further mitigate potential visual or acoustic impacts. Conditions 147 & 148 are also recommended in relation to ongoing waste management.

Road Noise

The development is in close proximity to Lane Cove Road, a major classified State road and is accordingly subject to high volumes of traffic. The proposal may therefore be subjected to potentially high levels of noise as a result of the operation of Lane Cove Road. As noted previously in this report, an acoustic report has been submitted as part of the DA. The acoustic report provides recommendations to

ensure a suitable noise environment to future occupants of the development. Compliance with these recommendations has been imposed as conditions of consent (see conditions 58, 93, 123 and 146).

Use of Pool and Gym

The proposed pool and gym should only be provided as communal facilities for serviced apartment residents. This restriction is included in recommended condition 154.

9. SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The proposed development is considered suitable for the subject site with respect to the 'B3 – Commercial Core' zoning under LEP 2014 and the associated planning controls.

Subject to further minor amendments as recommended, the development is considered to be acceptable in the location and will achieve an outcome compatible with the LEP 2014 controls and as envisaged in the Macquarie Park Corridor section of DCP 2014.

10. THE PUBLIC INTEREST

The development is considered to be in the public interest as it is generally consistent with the relevant controls and assessment of this application has not identified any issues of concern that have not been addressed by amended plans or by recommended conditions of consent.

11. REFERRALS

The following table (**Table 4**) provides a summary of internal and external referrals undertaken for this application:

Internal	
Consultant Landscape Architect	No objection - conditions provided. These include a requirement for the pot size of the proposed new <i>Cupaniopsis anacardoides</i> (Tuckeroo) trees on the Lane Cove Road street frontage to be increased from 75 Litres to 200 Litres in order to provide a more instant/effective impact given the scale of the proposed built form (see condition 3(e)).
Environmental Health Officer	No objection - conditions provided.
Senior Development Engineer	No objection - conditions provided.

City Works & Infrastructure (Drainage)	No objection following the submission of additional information - conditions provided.
City Works & Infrastructure (Traffic)	No objection following the submission of additional information - conditions provided.
City Works & Infrastructure (Public Domain)	No objection - conditions provided.
External	
Roads & Maritime Services	No objection following the submission of additional information - conditions provided.
NSW Police	<p>No objection - conditions provided. Aside from standard crime prevention conditions including CCTV cameras etc., the conditions include a requirement that no alcohol be sold as part of the approved restaurant or café, and that the proposed restaurant and café should not be permitted to trade beyond midnight Monday to Saturday and 10pm on Sunday.</p> <p>With regard to the restriction on alcohol, it is noted that this condition has been requested by the Police on the basis that a Plan of Management has not been submitted with the application. Given the operator of the restaurant or café are not known at this time, it is not possible for such a Plan to be provided. However, in order to serve alcohol, a liquor license must be obtained which would include plan of management details. It is therefore not considered appropriate or reasonable to impose a condition on the development consent with regard to prohibiting service of alcohol.</p> <p>Condition 115 however is recommended requiring a Plan of Management for the overall operation of the development to be approved by Council prior to the issue of any Occupation Certificate.</p> <p>In terms of hours of operation, this issue has been considered previously in section 8.12 of this report.</p>

Table 4: Referrals Table

12. PUBLIC NOTIFICATION AND SUBMISSIONS

The proposal was notified and advertised in accordance with Part 2.1 (Notification of Development Applications) of DCP2014. The exhibition period was from 18 November 2015 until 16 December 2015. No submissions were received.

13. CONCLUSION

This report considers an application for demolition and construction of a 19 storey building containing 154 serviced apartments, ground floor café, rooftop restaurant, function centre, landscaping, road widening works and basement car parking for 110 vehicles at 388-392 Lane Cove Road, Macquarie Park.

The proposal complies with the relevant objectives and provisions of Ryde LEP 2014 and generally complies with the relevant provisions in Ryde DCP 2014. The DCP non-compliances are considered relatively minor and justified and the design of the building satisfactorily responds to the conditions of the site, neighbouring development and the existing and desired character of the surrounding area. Appropriate on-site parking for the proposed uses will be provided for the development.

The application has demonstrated that the proposed development is visually acceptable and will provide appropriate public benefits to justify the uplift in height and FSR permitted under LEP 2014. Overall, the proposal can be supported.

It is recommended that the application be approved subject to conditions.

14. RECOMMENDATION

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 LDA2015/0484 for demolition and construction of a 19 storey building containing 154 serviced apartments, ground floor café, rooftop restaurant, function centre, landscaping, road widening works and basement car parking for 110 vehicles at 388-392 Lane Cove Road, Macquarie Park, subject to the conditions of consent in Attachment 1 of this report; and
- B. That RMS be advised of the decision.

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