

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

<b>JRPP No</b>	2016/SYE029
<b>DA Number</b>	LDA2015/0655
<b>Local Government Area</b>	City of Ryde
<b>Proposed Development</b>	Stage 1 Development Application for the mixed use redevelopment of the Macquarie Centre
<b>Street Address</b>	197-223 Herring Road, Macquarie Park
<b>Applicant</b>	AMP Capital Investors Limited
<b>Number of Submissions</b>	13 submission received. 11 submissions objecting to the development and 2 submissions supporting the development.
<b>Regional Development Criteria (Schedule 4A of the Act)</b>	General Development over \$20 Million
<b>List of All Relevant S79C(1)(a) Matters</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy No. 55 (Remediation of Land)</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX)</li> <li>• State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• Deemed State Environmental Planning Policy Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</li> <li>• Ryde Local Environmental Plan 2014</li> <li>• Ryde Development Control Plan 2014</li> <li>• Section 94 Development Contributions Plan 2007 (Amendment 2010)</li> <li>• Draft Planning Agreement that a developer has offered to enter into under Section 93F of the Act.</li> </ul>
<b>List all documents submitted with the report for the panel's consideration</b>	<p>Attachment 1 - Conditions of consent</p> <p>Attachment 2 – Stage 1 Concept Plans</p> <p>Attachment 3 – Hill PDA review</p> <p>Attachment 4 – Preliminary Site Investigation Report</p> <p>Attachment 5 – Email from Department of Planning and Environment re Clause 6.10 of RLEP 2014</p> <p>Attachment 6 – Landowners consent – RailCorp</p>
<b>Recommendation</b>	Approval subject to conditions
<b>Report by</b>	Sandra Bailey, Acting Manager Assessment
<b>Report date</b>	10 October 2016

<b>Summary of s79C matters</b>	<b>Yes</b>
Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?	
<b>Legislative clauses requiring consent authority satisfaction</b>	<b>Yes</b>
Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised in the Executive Summary of the assessment report?	
<b>Clause 4.6 Exceptions to development standards</b>	<b>NA</b>
If a written request for a contravention to a development standard (Clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	
<b>Special Infrastructure Contributions</b>	<b>No</b>
Does the DA require Special Infrastructure Contributions (S94EF)?	
<b>Conditions</b>	<b>Yes</b>
Have draft conditions been provided to the applicant for comment?	

## **Assessment Report and Recommendation**

### **1. EXECUTIVE SUMMARY**

The following report is an assessment of a development application for the Stage 1 concept approval for a mixed use redevelopment at Macquarie Centre at 197-233 Herring Road Macquarie Park.

The Stage 1 Development Application will involve building envelopes for the proposed basement, expanded podium and tower forms. Four tower envelopes fronting Herring Road are proposed and these towers will have maximum heights ranging from 90m to 120m. The expanded podium is also located along Herring Road and will replace the existing structure as well as allow for greater activation for pedestrians along Herring Road. The Stage 1 Development Application does not seek approval for any works or the final land uses and numbers of car parking spaces. This approval will be sought by subsequent development applications.

The site is part of the Macquarie University Station (Herring Road) Priority Precinct and the Department of Planning and Environment have established a site specific planning regime for the Precinct. As part of this, the consent authority cannot grant consent to development which this clause applies unless the Secretary has certified in writing that satisfactory arrangements have been made to the provisions of designated State public infrastructure in relation to that development. The Department of Planning and Environment are amending this clause so that it does not preclude the granting of development consent for Stage 1 Development Applications under Section 83A of the Environmental Planning and Assessment Act, 1979. This is expected to be finalised prior to the determination meeting for this development application.

The development application has been assessed in respect of the relevant planning instruments and the Stage 1 development application is generally consistent with the applicable planning controls.

Clause 7 of State Environmental Planning Policy No. 55 Remediation of Land requires the consent authority to consider if the land is contaminated and if it is contaminated, is it suitable for the proposed development. The potential for significant or widespread land contamination is low however a condition of consent has been recommended to ensure that a Detailed Environmental Site Assessment (DESA) is provided with any Stage 2 development application.

Concurrence is also required to be provided by Sydney Trains in accordance with Clause 86 of State Environmental Planning Policy (Infrastructure) 2007. This has been provided and conditions of consent have been imposed.

During the notification period, Council received 13 submissions, 11 of which objected to the development and 2 which supported the development. The issues raised in the objection submissions included:

- Too many high rise developments in the area
- Traffic and parking impacts
- Height
- Concerns over loss of the ice skating rink
- Request a library in the centre
- Impact on local schools
- Impact on bus services
- Increased pedestrian congestion
- Lack of details in respect to sustainability.

All of these matters are addressed in full detail in Section 11 of the report.

The applicant has provided Council with a letter of offer to enter into a voluntary planning agreement under Section 93 of the Act. The VPA will allow for the delivery of a 5000m<sup>2</sup> library and creative hub as part of the future expansion of the Macquarie Centre. Council has resolved to accept the letter of offer and a VPA will be finalised as a deferred commencement condition.

The concept proposal is consistent with the desired future character of the precinct as identified in the relevant planning instruments. It will contribute to significant economic growth and prosperity of Macquarie Park. The development application is therefore recommended for approval subject to appropriate conditions of consent provided in Attachment 1 of this report.

## **2. APPLICATION DETAILS**

**Name of applicant:** AMP Capital Investors Limited

**Owner of site:** AMP Macquarie Pty Limited, AMP Capital Funds Management Limited, Rail Corporation of NSW

**Estimated value of works:** \$941,000,000

**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

Macquarie Centre is known as 197 Herring Road, Macquarie Park and is located at the corner of Waterloo Road, Herring Road and Talavera Road. The legal description of the site is Lot 100 in DP 1190494 and it has a site area of approximately 11.25 hectares (excluding RailCorp land). The following aerial photograph demonstrates the location of the site.



Figure 1. Aerial photograph of the subject site and surrounds.

The development also includes land owned by Rail Corp, legally described as Pt Lot 120 in DP 1130457 and Pt Lot 2 in DP 1047085. (Land owners consent has been granted by RailCorp to lodge this development application. See Attachment 6).

The site is bound by Herring Road to the north west, Talavera Road to the north East, commercial uses to the south east and Waterloo Road to the south west. The site is situated immediately adjacent to the Macquarie University Railway Station and



the Herring Road Bus Interchange. The site is also located in close proximity to the M2 Hills Motorway.

Macquarie Centre was originally constructed in 1981. Major refurbishments have occurred in 2000, 2003 and 2014. The shopping centre spans five levels and currently has a gross floor area of 170,850m<sup>2</sup> and accommodates 4,755 car spaces. The centre accommodates 368 stores, including major retailers such as David Jones, Myer, Target, Big W, Aldi, Coles and Woolworths. The centre also accommodates a number of mini major retail stores including Zara, Uniqlo, Forever 21, GAP and Sephora. The centre also contains a cinema complex and ice skating rink. Photographs of the existing development are indicated below.



Photograph 1. Herring Road frontage of the site looking towards Talavera Road. The bus interchange is currently located adjacent to the Herring Road frontage of the site.



Photograph 2. Herring Road frontage of the site looking towards Waterloo Road. The train station is visible in the distance. This photograph illustrates the pedestrian congestion that occurs along Herring Road.



Photograph 3. Talavera Road near the intersection with Herring Road. This photograph illustrates the loading dock area and part of the vehicular ramp that is intended to remain as part of the development.



Photograph 4. Talavera Road as viewed from Alma Road. This photograph demonstrates the original construction of the Centre that occurred in 1981.





Photograph 5. The eastern portion of the shopping centre on Talavera Road. This illustrates some of the major refurbishment works that occurred in 2014.



Photograph 6. The Waterloo Road elevation of the shopping centre.

The site slopes from the north-west to the south-east becoming steeper towards the creek catchment to the east of the site and further towards Lane Cove National Park. Herring Road follows a ridge line from Epping Road to the site, which then falls away towards Talavera Road. Waterloo Road and Talavera Road present significant grade changes as they fall away from the ridge line towards Shrimptons Creek. Shrimptons Creek runs in an approximate north-easterly direction underneath the south east portion of Macquarie Centre.

The area is characterised by a mix of land uses. This includes the shopping centre, Macquarie University, commercial buildings, and residential developments. The surrounding land uses consist of the following:

- The opposite side of Talavera Road to the north east comprises of a residential development consisting of two eight storey buildings, two serviced apartment buildings and a 6 storey commercial office.
- Adjacent to the site in a south easterly direction there are commercial developments with associated at grade car parking and landscaping.
- To the north west of the site is the Herring Road Bus Station. On the opposite side of Herring Road is Macquarie University.
- The Macquarie University railway station is located in the south western corner of the site. The Parramatta to Epping railway tunnels run below Waterloo Road adjacent to the southern site boundary. The opposite side of Waterloo Road comprises medium density residential development. There is also public open space known as Elouera Reserve.

Photographs of the surrounding development are demonstrated in Figure 7 to 10.



Photograph 7. Talavera Road looking east. The blue and yellow building is the new Astra Zeneca building located at 66 Talavera Road.





Photograph 8. Talavera Road looking west. A four storey commercial building and the Meriton development consisting of 2 serviced apartment buildings and 2 residential flat buildings are located opposite Macquarie Centre.



Photograph 9. Herring Road looking towards Macquarie Centre. The existing bus interchange is located in front of the Centre. Macquarie University is located on the western side of Herring Road.



Photograph 10. Looking east along Waterloo Road from the intersection of Waterloo and Herring Roads. The southern side of Waterloo Road consists of residential flat buildings & Elouera Reserve.

#### 4. **PROPOSAL**

Pursuant to Section 83B of the Environmental Planning and Assessment Act, the Stage 1 DA seeks concept approval for the mixed use redevelopment of the Macquarie Centre. The first stage will seek concept approval only for:

- Mixed use development to enable a range of land uses. The final mix of land uses will be subject to and determined under the relevant Stage 2 detailed DA. The applicant has provided the following overview of the indicative mix of land uses.

COMPONENT	PROPOSED
Basement	<ul style="list-style-type: none"> <li>▪ Loading docks, car parking and associated vehicle circulation, waste rooms, utilities, future connection to existing train station and retail premises.</li> </ul>
Podium	<ul style="list-style-type: none"> <li>▪ Retail premises, commercial premises, food and drink premises, entertainment facilities, recreation facilities (indoor), recreation area, car parking and associated vehicle circulation, community uses (subject to further discussions with Council) and communal open space associated with the towers.</li> </ul>
Tower 1	<ul style="list-style-type: none"> <li>▪ Mixed use development comprising commercial premises and/or residential accommodation and/or serviced apartments above a retail podium.</li> </ul>
Towers 2, 3 and 4	<ul style="list-style-type: none"> <li>▪ Mixed use development comprising residential accommodation and/or serviced apartments above a retail podium.</li> </ul>

Figure 2. Overview of indicative mix of land uses. Source – Statement of Environmental Effects prepared by Urbis.

- Building envelopes for the proposed basement, expanded podium and tower forms. The building envelopes have been attached to this report at Attachment 2. These drawings define the parameters for the building envelopes across the site. These envelopes will set the framework within which the detailed building design can be established. The building envelopes have been designed to allow for architectural detailing and articulation for the detailed design of the buildings. The aspects of the building envelope are discussed below:
  - The building envelope for the basement will primarily involve extending the existing basement to the Herring Road site boundary. It is expected that the new basement will accommodate a further 1086 cars with the remaining car parking provided on the roof top towards the east of the site. A maximum of 2175 additional car parking spaces will be provided. It should be noted that the Stage 1 Development Application does not seek approval for the car parking numbers. This will be determined in future development applications having regard to the final land use mix. A future link to the train station is proposed as part of the basement.
  - The podium will replace and increase the height of the existing structure along Herring Road as well as expanding additional retail across the site. The Herring Road podium will be four storeys in height. The increase in floor space for the podium will be equivalent to 49,000m<sup>2</sup>. The podium will allow for an active frontage with separate pedestrian entries to Herring Road.
  - The development is proposing four towers above the podium fronting Herring Road. The towers will range in maximum height from 90m to 120m. (Note: These heights include the podium of the building). The proposed building envelopes will allow for articulation, balconies and potential design changes. Tower 1 has proposed dimensions that will accommodate alternate tower forms. The numeric overview of each tower envelope is provided in Figure 3.



OVERVIEW	TOWER 1	TOWER 2	TOWER 3	TOWER 4
Maximum Height (m)	120m (RL 176.72)	120m (RL176.56)	90m (RL 145.79)	90m (RL140.92)
Maximum Height (approx. storeys) inclusive of podium	37 storeys	37 storeys	27 storeys	25 storeys
Building Envelope	2,943sqm	1,232sqm	1,232sqm	1,200sqm
Anticipated Footprint GBA (sqm)	Residential: 999sqm Commercial: 2,081sqm	840sqm	840sqm	830qm

Figure 3. Details of the proposed towers. Source – Statement Of Environmental Effects. Source – Statement of Environmental Effects prepared by Urbis.

- The Stage 1 DA also proposes a network of interconnected public open space and publicly accessible spaces. This includes Station Plaza, Herring Road entry and the Atrium. The location of these spaces is demonstrated in Figure 4.

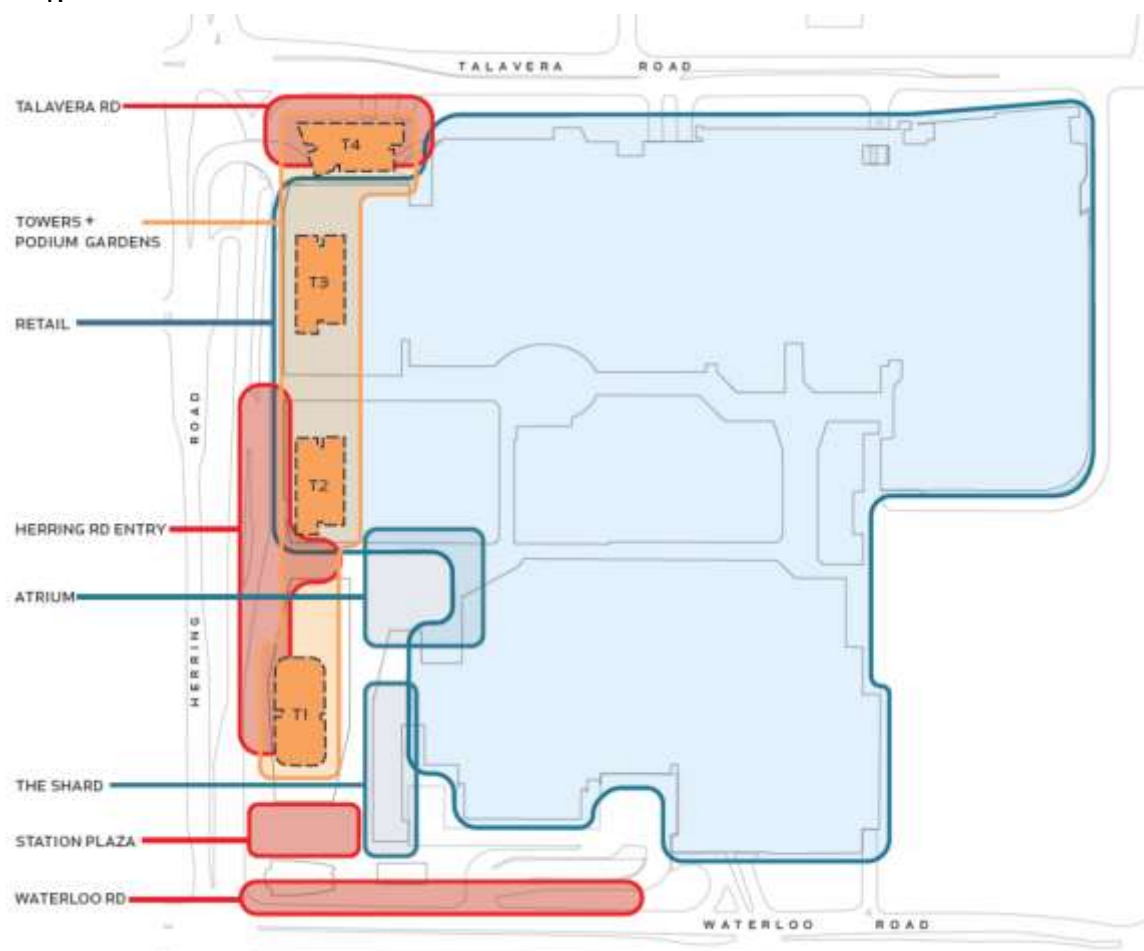


Figure 4. Location of the open spaces. Source – Statement of Environmental Effects prepared by Urbis.

Station Plaza is located at the corner of Herring Road and Waterloo Road and will be approximately 1500m<sup>2</sup> in size. This space is intended to be activated by uses fronting the plaza from the retail podium. This space will provide connectivity between Macquarie Centre, the University and Railway Station and will be publically accessible 24 hours 7 days a week. Some of the work is within Rail Corp land. This space is intended to provide landscaping, opportunities for public art and outdoor seating associated with the ground floor retail and landmark “shard” building.

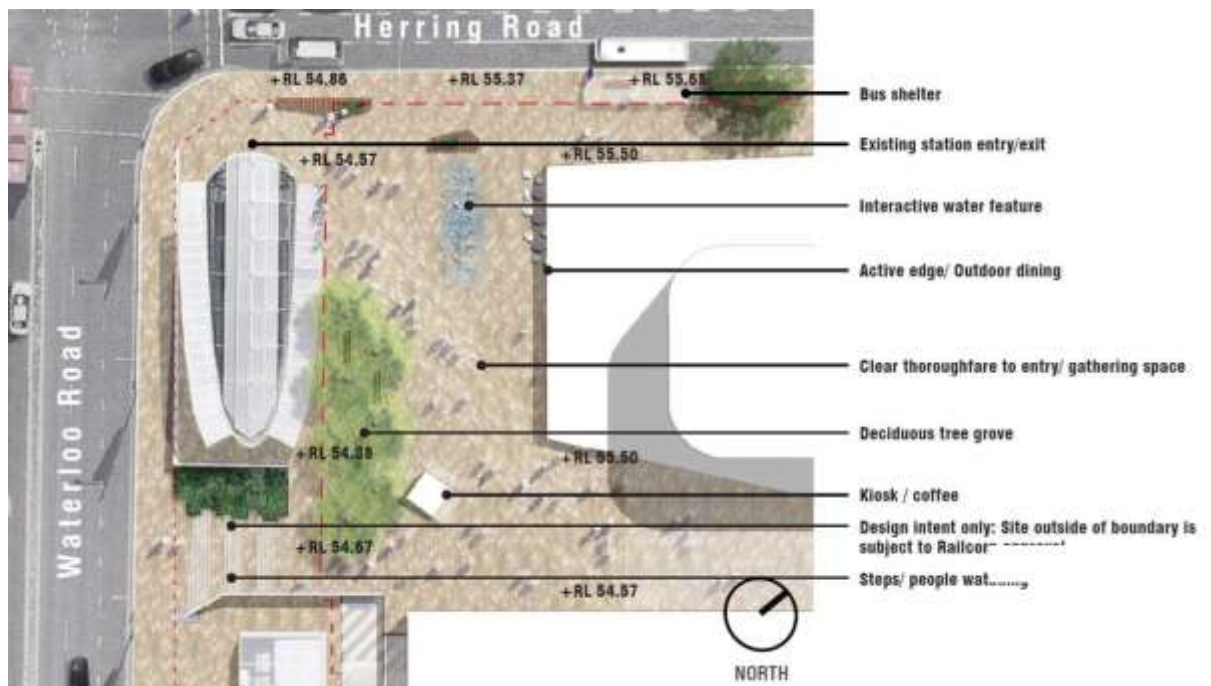


Figure 5. Station Plaza illustrative design. Source – Oculus.

The Herring Road entry is intended to have a width of 15.3 metres which will create a significantly wider entry to the centre than what currently exists. It is intended to be an “eat street” and will have three levels of visible retail above.



Figure 6. Herring Road entry illustrative concept. Source – AJ+C Architects.

The Herring Road entry will then connect with the Atrium. The Atrium is an internal space and will connect all levels of the podium. This space is intended to be the gathering place within the centre and will provide a central entrance core and improve legibility through the centre. The Atrium will also be accessible from a secondary “laneway” connection from the Station Plaza. The Atrium will be provided with a glassed roof.



Figure 7. The Atrium illustrative concept. Source – AJ+C Architects.

- As part of the Concept Plan it is proposed to provide new pedestrian and vehicular access points. Figure 8 demonstrates the new pedestrian access points for the retail space and the towers.



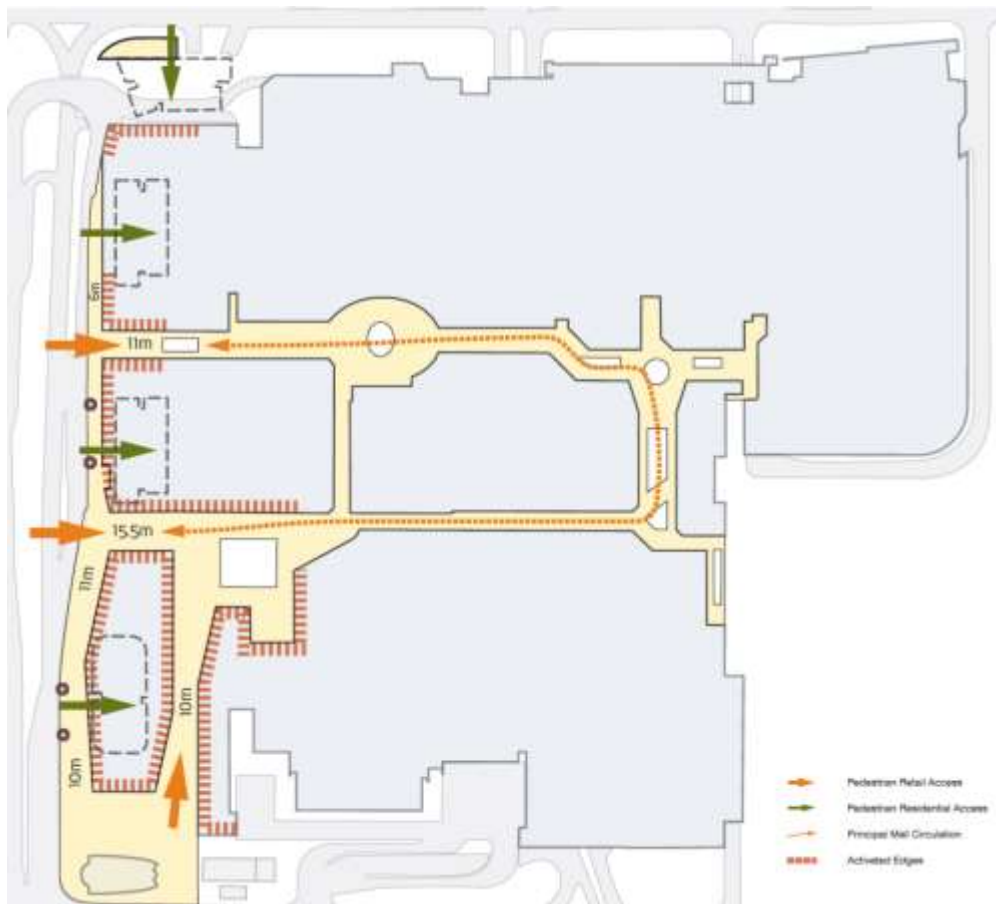


Figure 8. Proposed pedestrian access points. Source – Statement of Environmental Effects prepared by Urbis.

Figure 9 demonstrates the vehicular access for the site. As demonstrated in Figure 9, the majority of the vehicular access points are as per the existing situation. The following changes to the vehicular access are proposed:

- A new entry driveway off Talavera Road accessing the tower parking for tower 4.
- A new loading dock access driveway and reconfigured existing loading dock access driveway off Talavera Road.
- Removal of the existing car park exit driveway onto Herring Road located to the north of Waterloo Road.
- An additional exit lane on the Link Road approaches to the traffic signals at Waterloo Road and Talavera Road.

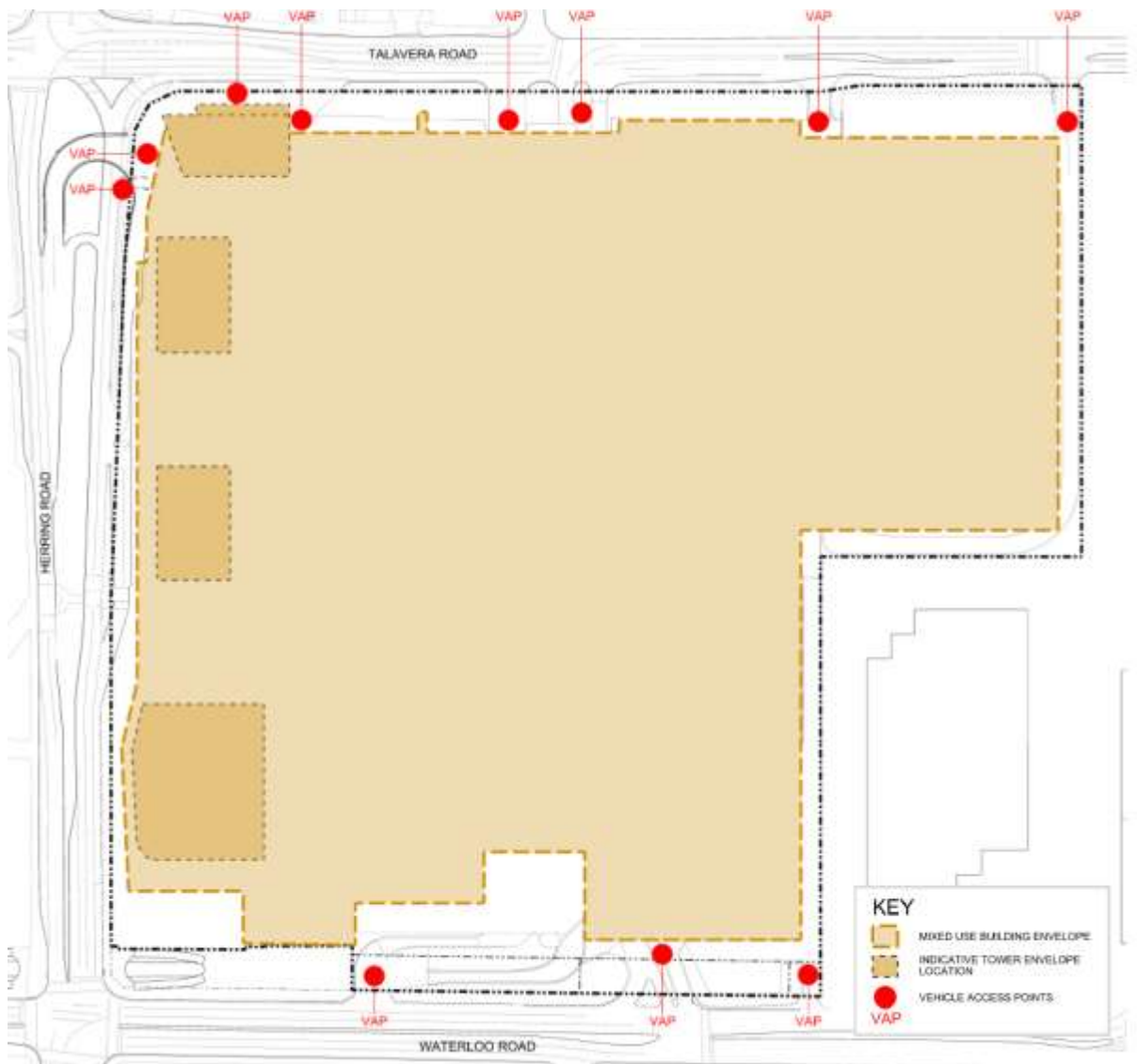


Figure 9. Vehicular access control drawing. Source – Statement of Environmental Effects prepared by Urbis.

The following table provides the numeric requirements for the development. In this table the applicant has assumed two scenarios. These scenarios are:

Scenario 1 – 4 x residential accommodation and/or serviced apartment towers above a podium.

Scenario 2 – 3 x residential accommodation and/or serviced apartments and/or commercial tower (Tower 1) above a podium.

Component	Proposal				
	Podium	Tower 1	Tower 2	Tower 3	Tower 4
Existing GFA	170,850sqm				
Existing FSR	1.54:1				
Additional GFA	49,000sqm	Scenario 1: 75,000sqm			
	Total (including existing): 294,850sqm				
		Scenario 2: 99,000sqm			
	Maximum total (including existing): 318,850sqm				
Proposed FSR	Total: 2.83:1				
Additional GFA	49,000sqm	48,000sqm	19,900sqm	14,700sqm	16,400sqm
Minimum setbacks					
North (Talavera Road)	N/A	N/A	N/A	N/A	4m – 5m
East (Rear)	7m	N/A	N/A	N/A	N/A
South (Waterloo Road)	1m	33.5m	N/A	N/A	N/A
West (Herring Road)	4m - 10m	8.1m	15.6m	11.7m	7.1m
No. of residential apartments (indicative)	Scenario 1: 915 across four towers Scenario 2: 615 across three towers				
Existing Parking	4,755 retail spaces				
Proposed Additional Parking	2,175 non retail spaces				
Addition Parking Allocation	1,390 spaces	785 spaces			
Total Car Spaces(including existing)	6,930 spaces				

Figure 10. Numeric requirements for the development. Source – Statement of Environmental Effects prepared by Urbis.

The development is likely to occur over a 10-15 year period and it is intended that the project will be delivered over four stages. These stages include:



- Stage 1 Additional parking and relocation of the Myer loading dock.
- Stage 2 Retail podium, which will be staged to maintain retail operations and access along Herring Road.
- Stage 3 Towers, which could be individual stages.
- Stage 4 Retail and car park expansion above level 3 south eastern retail including Coles.

These stages are demonstrated in the following figure.

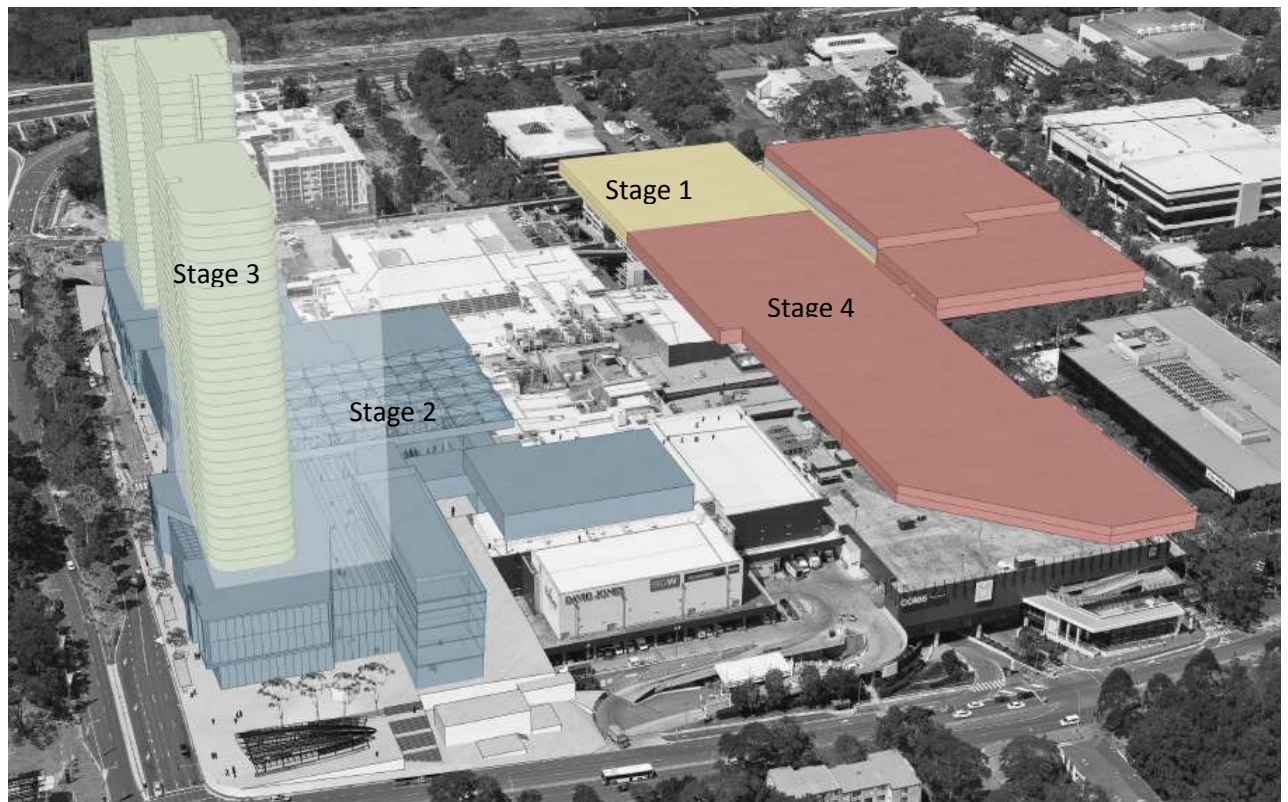


Figure 11. Indicative stages of the development. Source – AJ+C Architects.

The following image includes a photomontage of the Herring Road elevation of the development.



Figure 12. Photomontage of the development as viewed from Herring Road. Source AJ+C Architects.

The Stage 1 DA seeks concept approval for improvements to the existing bus interchange including street upgrades and kerb realignment and activation of the street including landscaping. Approval of this work will be sought via Stage 2 DA's.

Transport for NSW are currently considering the opportunities for a more significant upgrade to the capacity of the existing Herring Road bus interchange. The potential for this upgrade does not form part of the current DA, however the design of the Stage 1 DA has taken this potential future interchange opportunity into account and would be capable of being incorporated into any Stage 2 DA.

A letter of offer to enter into a Voluntary Planning Agreement has accompanied the Stage 1 development application. The letter of offer identifies that AMPC will provide for the delivery of a 5000m<sup>2</sup> library and creative hub as part of the future expansion of the Macquarie Centre. The library and creative hub will be delivered by offsetting the required Section 94 contributions.

## **5. BACKGROUND**

### **5.1 Macquarie University Station (Herring Road) Priority Precinct**

In 2012, Ryde Council nominated the Macquarie University Station area as a Priority Precinct and this was endorsed by the NSW Government. The Precinct includes Macquarie University and Macquarie Centre and is in close proximity to the employment opportunities offered by Macquarie Park. The precinct is well serviced



by public transport including buses and trains and upgrades to the M2 have recently been completed. The location of the Precinct is demonstrated in Figure 13.



Figure 13. Boundaries of the Macquarie University Station (Herring Road) Priority Precinct. Source – Herring Road Urban Activation Precinct Planning Report Volume 1, June 2014. Planning and Environment.

The precinct plan informed the rezoning of the priority precinct and amendments to the planning controls were gazetted on 2 October 2015 and incorporated into RLEP 2014. The amendments to RLEP 2014 resulted in increases to the height and density controls, particularly around the station and major road intersection approaches to the precinct.

## **6. PLANNING ASSESSMENT**

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

As the proposed development has a Capital Investment Value of \$941,000,000, the development application is required to be determined by the Joint Regional Planning Panel.



## **6.2 State Environmental Planning Policy No 55 – Remediation of Land**

The requirements of State Planning Policy No. 55 – Remediation of Land apply to the subject site. In accordance with Clause 7 of SEPP 55, the consent authority 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.

A preliminary assessment report was submitted with the application. This report has concluded that in general, the potential for significant or widespread contamination is low. The report also identified that the following potential sources of contamination and contaminants may be present.

- Imported fill of unknown origin – Fill material across the site likely to be shallow and for levelling purposes in building and trafficked area. Could also be potential asbestos contamination from historical uncontrolled demolition of previous structures.
- Ultratune mechanical workshop – Possible oil and fuel leaks and spills and use of degreasers containing volatile components.
- Dry cleaner – Possible discharge of dry cleaning chemicals to sewer (either historical or current) and potential leaks from sewer to soil and groundwater.

The report has concluded that the site can be made suitable for the proposed development subject to the following recommendations to be completed prior to and as part of a Stage 2 Development Application:

- An intrusive investigation is recommended to assess possible contamination and aesthetic issues including chemical testing of the soils and groundwater targeting the potential sources of contamination, as identified in the conceptual site model.
- A review of sewer plans and locations of previous dry cleaning facilities within the shopping complex may be necessary during further detailed investigations due to the historical potential for discharge of dry cleaning chemicals to the sewer system.
- Hazardous materials inspection should any parts of the existing building be demolished (although it is noted that this is not part of the Stage 1 DA process) as part of the proposed development.

The above will be required to form part of the future detailed development applications. If these investigations identify contaminations, it will be necessary for further consideration to be given in respect of mitigation/remediation measures. (See condition number 9).

## **6.3 State Environmental Planning Policy (Building Sustainability Index: BASIX)**

Any future development application which proposes residential uses will be required to satisfy BASIX requirements. A condition is recommended for imposition that any future residential scheme must comply with SEPP (Building Sustainability Index: BASIX) and that a BASIX Certificate must be submitted with any future Stage 2 or subsequent Stage DA. (See condition number 10).

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

##### **Clause 86 – Excavation in, Above or Adjacent to Rail Corridors**

As the development proposes excavation deeper than 2m above and within 25m of the easement, this clause is applicable to the development.

Sydney Trains advised Council on 1 April 2016 that it has granted its concurrence to the development application subject to Council imposing various conditions on the consent. (See condition number 44).

##### **Clause 87 – Impact of Rail Noise and Vibration**

Before determining a development application, a consent authority is to take into consideration “*Development Near Rail Corridor and Busy Roads – Interim Guidelines*”. The applicant has provided an acoustic report which demonstrates that compliance is possible with this document. A condition of consent will be imposed to ensure that the applicant addresses this clause with any Stage 2 DA and subsequent DA's. (See condition number 11).

##### **Clause 104 – Traffic Generating Development**

The development is identified within Schedule 3 of this SEPP and in accordance with Clause 104 was referred to the Roads and Maritime Services (RMS) for comment. RMS has reviewed the submitted documentation and no objection was raised subject to appropriate conditions as outlined in Attachment 1.

#### **6.5 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development**

This policy aims to improve the design quality of residential flat development in NSW. It recognises that the design quality of residential flat developments is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design.

The proposed development is for a conceptual building envelope only and no physical building works are sought, or recommended for approval, as part of this application. In the event that the subject application is approved, the detailed design will be the subject of a Stage 2 Development Application.

As this proposal includes indicative residential land uses on the site, consideration has been given to the design principles of SEPP 65 in the table below. Again, a more detailed assessment against these principles will occur with any Stage 2 Development Application.

Planning Principle	Comment
<p><b>Context</b> Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.</p> <p>Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.</p>	<p>The site is located within the Macquarie University Station (Herring Road) Priority Precinct. It is envisaged that this precinct will be transformed into a vibrant, mixed use and transit orientated centre. The application seeks concept plan approval for the redevelopment of the Macquarie Centre. The concept plans are consistent with the desired future character for the Precinct as identified in the recent amendments to RLEP 2014.</p>
<p><b>Scale</b> Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.</p> <p>Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.</p>	<p>The scale of the development reflects the height controls for the site being 90m at the corner of Talavera Road and Herring Road, 120m at the corner of Waterloo Road and Herring Road and 65m for the rest of the site. The applicant intends that the podium to Herring Road will be 4 storeys in height. This will provide an appropriate human scale to Herring Road.</p>
<p><b>Built Form</b> Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.</p>	<p>The building envelopes have been designed so that they are 25-30% greater than the achievable floor area which will allow for building components that do not count as floor space but contribute to building design and articulation. This is consistent with the requirements of the Apartment Design Guide. Adequate building separation has been provided between each tower which will also ensure an appropriate built form.</p>
<p><b>Density</b> Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents). Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density.</p>	<p>The density of the development is consistent with the floor space ratio and height controls permitted by the LEP.</p>
<p><b>Resource, energy and water efficiency</b> Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction. Sustainability is integral to the design process.</p>	<p>The energy efficiency and sustainability of the development will form part of the future detailed design development applications. Appropriate conditions are recommended for imposition to require that the Stage 2 DA's</p>



Planning Principle	Comment
<p>Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.</p>	<p>comply with SEPP 65 and BASIX. (See condition numbers 10 and 14).</p>
<p><b>Landscape</b>            Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain. Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.</p>	<p>The provision of ground level landscaping is limited due to the setbacks and the location of the existing and proposed buildings. The applicant has indicated that it will provide rooftop podium landscaped areas. As this application is for the concept plan for the building envelopes it will be necessary to provide further details with the Stage 2 DA's.</p>
<p><b>Amenity</b>            Good design provides amenity through the physical, spatial and environmental quality of a development.            Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.</p>	<p>As the proposal is for a Stage 1 concept proposal only, it will be necessary to undertake a more detailed assessment of the amenity issues with the Stage 2 DA's. These applications will be required to comply with SEPP 65 and the Apartment Design Guide. The building envelopes have demonstrated that any residential development will provide adequate visual and acoustic privacy, solar access and ventilation.</p>
<p><b>Safety and Security</b>            Good design optimises safety and security, both internal to the development and for the public domain.            This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.</p>	<p>At this stage minimal information has been submitted in respect to safety and security. This will be provided in greater detail with the Stage 2 DA's. These applications will be required to be designed in accordance with the principles of Crime Prevention Through Environment Design. (See condition number 37).</p>

Planning Principle	Comment
<p><b>Social Dimensions and Housing Affordability</b></p> <p>Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.</p> <p>New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.</p> <p>New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.</p>	<p>At this stage the only information that has been provided in respect of possible apartment numbers is that there would be 915 apartments across four towers and 615 apartments across three towers. No details have been provided in respect to the mix of apartments. Council's DCP does not contain any requirements for a particular unit mix.</p>
<p><b>Aesthetics</b></p> <p>Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.</p>	<p>The proposal is for a conceptual building envelope only. The detailed design and aesthetics of the building will be included as part of Stage 2 DA's. Any application for residential uses and commercial/retail uses will be subject to a future Urban Design Review Panel meeting before the DA is submitted.</p>

The SEPP also requires the Council to take into consideration the requirements of the Apartment Design Guide with regard to any residential uses. As the development application is for the concept plan only, it is not appropriate to consider this plan at this stage. A condition of consent will be imposed to ensure that any Stage 2 or subsequent DA for residential development considers the Apartment Design Guide. (See condition number 14).

#### Urban Design Review Panel

Council's Urban Design Review Panel reviewed the proposed development on 2 November and 26 November 2015. The following comments were provided by the Panel.

#### **General Comments**

*The Panel reiterates that Herring Road at Macquarie Centre and the University should be the focus of a town centre which has a wide diversity of uses, a public realm which includes significant public open space, substantial development and integrated public transport. It is essential that the current plans for Macquarie Centre form part of and are consistent with the overall plan for the town centre as a whole.*

**Comment:** The concept plan will ensure that Herring Road will be the focus of the town centre. It should be noted that there are no specific plans for the town centre. The appropriate controls are the RLEP 2014 and DCP 2014.

## **Design Changes**

*The key amendments since the previous Panel meeting are limited to:*

- *Shifting of the Tower 1 (T1) envelope towards the Herring Road frontage so that it is setback a minimum of 4m from the retail podium.*
- *Minor increases in the size of Tower 2(T2) and Tower 3 (T3) envelopes, in order to allow for building articulation, encourage architectural diversity and promote flexibility in future applications; and*
- *Increase in the envelope associated with the Shard building towards the southern (waterloo Road) boundary.*

**Comment:** Noted.

## **Proposed Uses and Community Facilities**

*It is understood that Council is currently negotiating with the applicant for the inclusion of a community space within the Centre. This community space must be directly accessible from the public domain, ideally Herring Road, within a short walk to the station and bus interchange and should front and be visually open to the Station Plaza and/or Herring Road.*

*The Panel does not support any bridging over the proposed laneway link into the centre from the Station Plaza. Any community facilities should be provided in groupings that link internally within buildings not by linking two separate buildings.*

**Comment:** Council has accepted a “letter of offer” from the applicant that will form the basis of a Voluntary Planning Agreement. This includes the provision of a library and creative hub within the Centre. The location of these facilities will meet the locational criteria as specified by the UDRP. The facility will be located within one building rather than two separate buildings and no bridges are proposed.

## **Relationships to Context and Connections to Site**

*The Applicant’s Design Principles show a circulation path within Macquarie University which connects to Herring Road about midway along the Talavera Road to Waterloo Road block front. Confirmation should be sought from the University that this connection is still part of their planning strategy.*

**Comment:** The applicant and Macquarie University have had regular meetings in respect of the development plans for both the shopping centre and the university. It should be noted that Macquarie University have raised no objections to the application.

## **Talavera Road Changes**

*The Panel remains concerned about the proposed access for pedestrians to the main entry to Tower 4, especially how the proposed vehicle drop off will function relative to pedestrian movement into the tower. Additional drawings are requested to show how the proposed arrangement will work however the Panel considers that it should be possible to enter the tower without having to cross the residential vehicle entry from the public domain. At the corner of Talavera and Herring Roads the*



*pedestrian link to Herring Road leading to the Centre and the station should be adjusted so that a more direct connection is possible to either avoid this conflict or provide a second pedestrian entry point to the tower. The connection from here to points west on Herring Road needs to be shown clearly on supplementary drawings.*

*The Panel also considers that upgrades should occur to the existing built form along Talavera Road to improve its appearance to the public domain.*

**Comment:** The following diagrams demonstrates the indicative concept for access to Tower 4. The UDRP are concerned that for a pedestrian to access the building it will be necessary to cross at a pedestrian crossing over one of the vehicular entries to the building. This is demonstrated in the following diagram.





Figure 14 and 15. The above figures demonstrate the pedestrian entry to Tower 4. To access the lobby which contains the lifts, it is necessary to cross the vehicular entry for the building. This raises the potential for conflict between pedestrians and vehicles. Source – Urban Design Report prepared by AJ+C.

This vehicular entry is for the tower parking rather than the retail parking, however there is still the potential for conflict between pedestrians and vehicles. The applicant has suggested that this arrangement will also act as a porte cochere for the pedestrians. While such an arrangement may be more appropriate if this building was intended as serviced apartments and involved valet parking, the configuration is considered inappropriate for a residential building. A condition of consent has been included requiring further consideration of this issue prior to the detailed design DA. (See condition number 15).

### **Waterloo Road Improvements**

*Waterloo Road is the primary north-south spine in the future plans for Macquarie Park corridor, as described in the DCP. The Panel is concerned that the planting now proposed along the street edge is insufficient by itself to screen the vehicle ramps / entry points and service entries. The treatment should include built elements such as screening to existing car park structures, walls, roofing/pergola as well as landscaping to ensure a robust and permanent solution. It is understood that the Applicant is investigating possible new cladding to some of the building facades facing the street and this approach is supported.*

*Given the extent of uplift occurring through redevelopment of the site the Panel considers that the improvements to both the public domain and the building facades*

*to each street should be directly linked within the Stage 1 DA to the construction of the towers closest to these streets.*

**Comment:** Photograph 11 demonstrates the Waterloo Road entry to the building that the Panel are concerned about.



Photograph 11. This photograph demonstrates the existing vehicular entry as viewed from Waterloo Road.

The applicant has proposed new screen planting along Waterloo Road and potential architectural treatments to be added to the existing building façade. This is demonstrated in the following diagram.

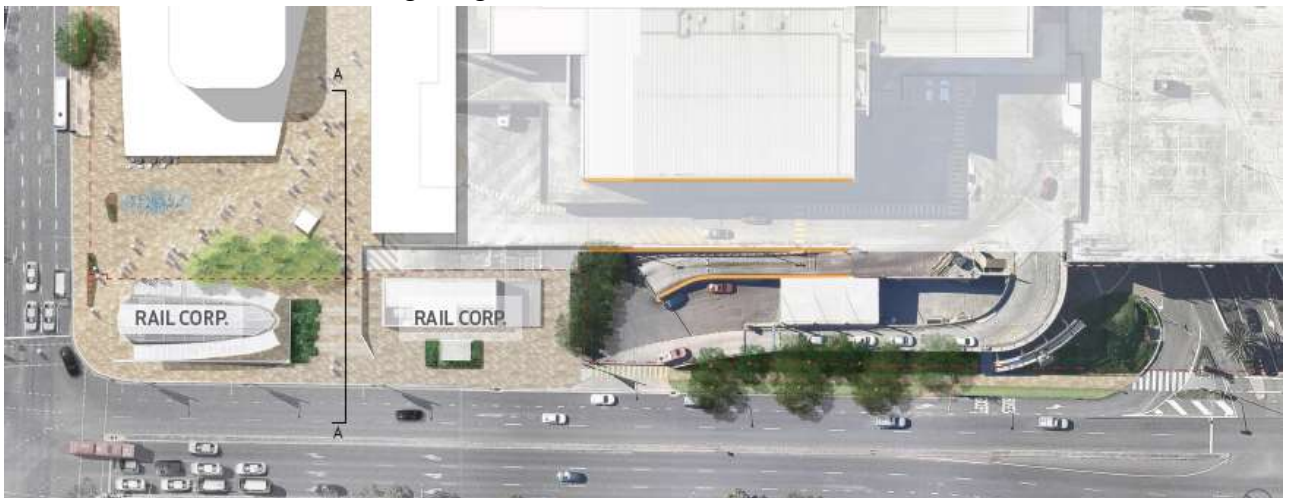


Figure 16. The applicant intends to provide further landscape planting and potential architectural treatments added to the building in the locations indicated in yellow. Source – Urban Design Report prepared by AJ+C.

Concerns are raised that the landscaping proposed by the applicant may not be possible due to the number of services that are provided within Waterloo Road. It is agreed with the Panel that the Waterloo Road elevation does require some type of screening to improve the visual appearance of the existing vehicle ramps/entry points. Photograph 11 demonstrates the existing access arrangement and clearly demonstrates the unattractiveness of this particular entrance.

It is proposed to include a condition that will require details of the screening to be provided with any Stage 2 DA for a retail use. (See condition 15).



### **Public Open Space (Plazas)**

*The Panel refers to the Drawing “Network of Places” in the Applicant’s most recent presentation. This reinforces concerns about the number, hierarchy and utility of potential public open spaces envisaged for the town centre as a whole.*

*The Panel believes that it is essential that a central public open space connected directly to the university and the proposed atrium in the Centre be provided and that the plaza should occupy the highest place in the hierarchy of the town centre.*

*The Panel is concerned that a public space that is only focused around the bus interchanges may result in a space that is dominated by transport mode change and have lower amenity due to noise associated with bus movements. The ‘town square’ needs to be located for quiet enjoyment as well as major events and needs to have the character of a major focal point. The Panel has concerns about the plaza at the station, particularly now that it is informed that the link to the new Centre Atrium will likely need to be roofed and walled over to control wind impacts. The impact of winter winds on the plaza and its overshadowing in the morning also raise questions about its likely value. With a direct connection to the Centre from the train station at the level below, it is unclear how much use the rear of the station plaza (southern end) will attract, noting that access to and from the station at ground level is only available on Herring Road at the northern edge of the plaza.*

*For clarity the Panel does not support an open courtyard undercroft space below Tower 1 as tabled in the meeting.*

*To help clarify the roles and likely use levels of the various open spaces proposed for the town centre, a pedestrian analysis of current and predicted future movement patterns throughout the precinct as well as specifically for the site should be undertaken.*

*With so much uncertainty surrounding the design of the proposed bus interchange in Herring Road, notably the potential for the main town centre plaza to be located there, the Panel strongly recommends that approval of the application be deferred until such time as the plans for Herring Road are developed and available for consideration.*

**Comment:** The UDRP have raised several concerns in respect to the various plaza spaces associated with the development. No objection is raised to Station Plaza as the location of Station Plaza is consistent with Part 4.5 Macquarie Park Corridor of DCP 2014. This space will provide a valuable connection between the University, Shopping Centre and Railway Station. Condition 17 specifies criteria for the design and layout of this space which should ensure that the plaza will be an active area. The development application does not involve any future upgrading of the bus interchange other than street upgrades and kerb alignment. While consideration is

being given by the State Government to an unsolicited proposal to upgrade the Herring Road bus interchange, the current application is not dependent upon this proposal. Deferral of the development application until the bus interchange plans are known is not necessary or recommended.

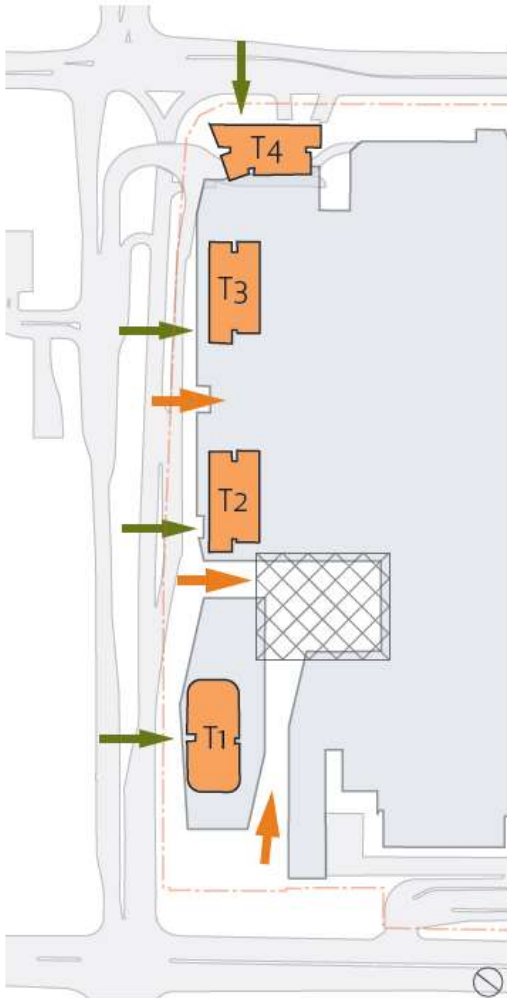
The concerns raised by the Panel in respect of the Herring Road entry are not supported. The entry is in a similar position to the existing entry however the width of the entry will be increased to 15m which will provide a greater sense of space.

### **Tower 1**

*The Panel remains concerned about the impact of Tower 1 if it is developed as a commercial use, particularly the tower mass over the proposed open air connection between the train station and shopping centre atrium and the potential visual impacts from the public realm of such a large building. The requirement for a row of columns on the side of the entry link is also a concern, As before, it is suggested that the Herring Road façade of Tower 1 should not project forward of the residential tower facades. Additional design work is required to determine the best configuration of the street level circulation and tower placement under the Tower 1 commercial option.*

**Comment:** The Panel are concerned in respect of the use of Tower 1. If this tower is residential, it will be located entirely above the podium. However if it is a commercial tower the footprint will be bigger and the tower will be erected over part of the retail arcade. This is demonstrated by the following diagrams:

RESIDENTIAL TOWER SCENARIO



COMMERCIAL TOWER SCENARIO

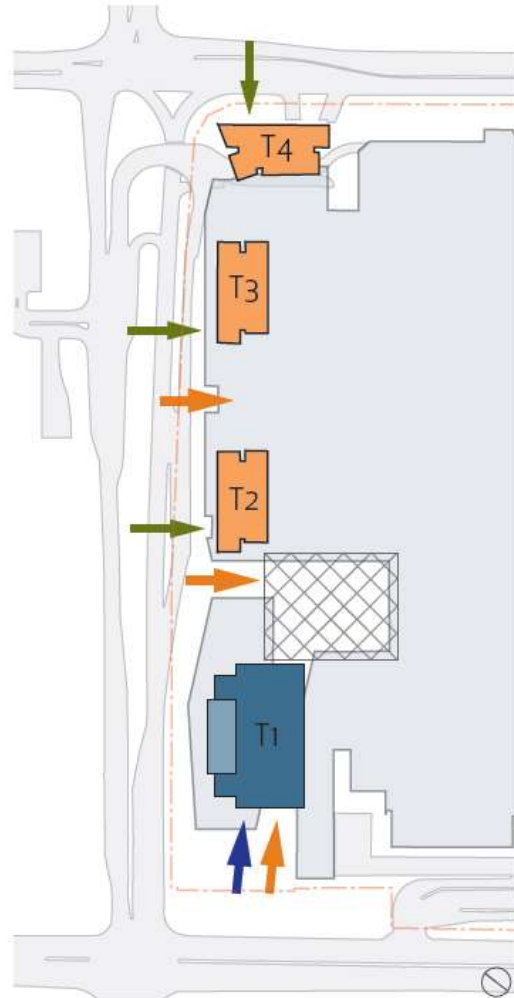


Figure 17. The location of tower 1 is dependent upon its use. If it is entirely residential it will be located over the podium. If it is commercial the footprint will be enlarged over the retail laneway. Source – Urban Design Report prepared by AJ+C.

RESIDENTIAL TOWER SCENARIO



COMMERCIAL TOWER SCENARIO



Figure 18. The above diagrams demonstrate the impact of Tower 1 as viewed from Station Plaza. The impact of the tower will be significantly greater if this tower is commercial. Source – Urban Design Report prepared by AJ+C.



While the residential is the preferred option as views towards the sky will be retained, the impact as a result of the commercial option is considered to be acceptable. Combining the width of the laneway and the height of the tower above the laneway will ensure that this space does not feel enclosed and it will still be a legible connection between the Shopping Centre and the Railway Station.

#### **6.6 Deemed State Environmental Planning Policy Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above planning instrument. However, the site is not located on the foreshore or adjacent to the waterway. The relevant planning objective is for improved water quality. This is not applicable to the Stage 1 concept plan but will be applicable for any Stage 2 DA's. This matter can be addressed as conditions of consent on the subsequent DA's. (See condition number 28).

#### **6.7 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 site is zoned B4 Mixed Use under the provisions of RLEP 2014. The development is permitted in this zoning.

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within that zone. The objectives for the B4 Mixed Use zone are as follows:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximize public transport patronage and encourage walking and cycling.
- To ensure employment and educational activities within the Macquarie University campus are integrated with other businesses and activities.
- To promote strong links between Macquarie University and research institutions and businesses within the Macquarie Park corridor.

The development proposes a mixed use development with the final mix of uses to be determined under future Stage 2 DA's. The indicative mix of land uses include retail premises, commercial premises, food and drink premises, entertainment facilities, recreational facilities, community uses and residential uses. All of these uses are permitted in the B4 zoning and will contribute to the development being a genuine mixed use development.

The development intends to provide car parking in accordance with Council's DCP rates. These rates are maximum rates and have been designed to reflect a transit

oriented development area. Public transport patronage, walking and cycling will be encouraged through the provision of residential development.

The development is not inconsistent with the final two objectives.

### Clause 4.3 Heights of Buildings

Amendments to the height controls as a result of the Macquarie University Station (Herring Road) Priority Precinct were gazetted on 2 October 2015 and incorporated into RLEP 2014. Building heights for this site are varied with the corner of Herring Road and Waterloo Road having a height control of 120m, the corner of Herring Road and Talavera Road having a height of 90m and the rest of the site having a height control of 65m. This is demonstrated in the following extract from RLEP 2014.

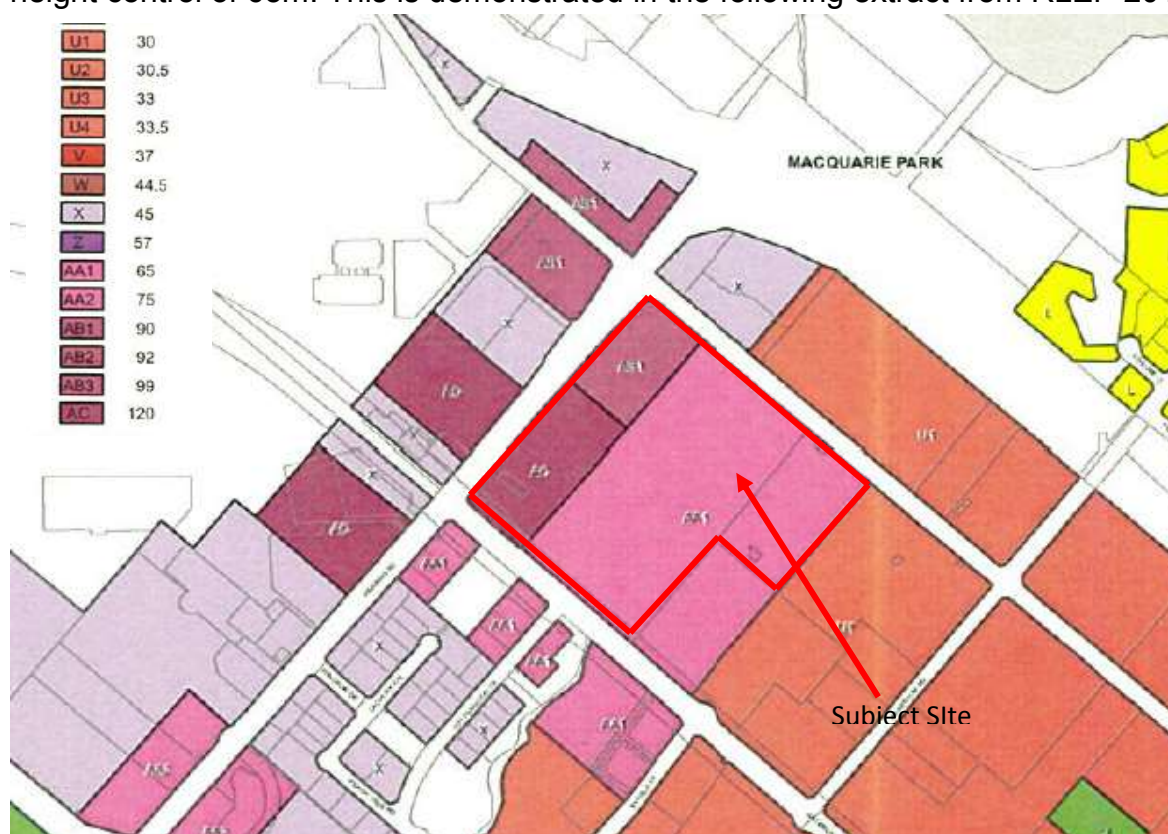


Figure 19. Extract from the Building Heights Map. The height control for the site is 65m, 90m and 120m.

The development complies with the height controls.

### Clause 4.4 Floor Space Ratio

The floor space ratio of a building is not to exceed the maximum floor space ratio as specified on the Floor Space Ratio Map. The map identifies the site as having a floor space ratio of 3.5:1. This is demonstrated from the following extract from RLEP 2014.

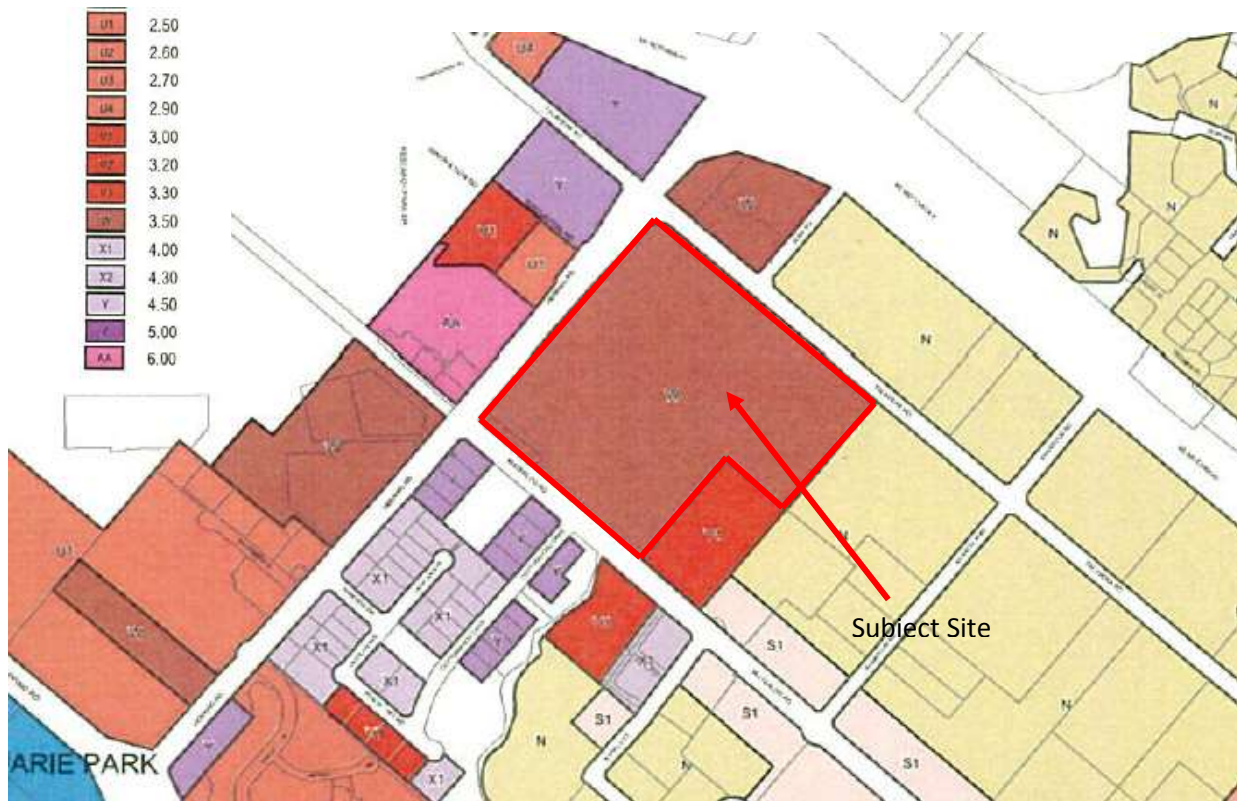


Figure 20. Extract from the Floor Space Ratio Map. The site has a maximum floor space ratio of 3.5:1.

The concept development will have a FSR of 2.83:1 and complies with the requirement.

#### **Clause 4.5B Macquarie Park Corridor**

The maximum number of off street parking spaces for commercial and industrial development in the Macquarie Park Corridor is the number identified on the Macquarie Park Corridor Parking Restriction map. For commercial development the site is required to provide a maximum of car parking at the rate of 1 space per 80m<sup>2</sup>. As this development is for a concept plan, the approval does not seek approval for the specific number of car spaces as this will be determined having regard to the final mix of land uses. The applicant has however proposed to provide commercial car parking at the rate of 1 space per 160m<sup>2</sup>. As the car parking rate is a maximum control rather than a minimum control, this would be consistent with the LEP requirement. Condition 22 in Attachment 1 refers to the car parking demand rates that are applicable for any Stage 2 DA. This specifies that the commercial rate should be equivalent to 1 space per 160m<sup>2</sup> of GFA.

#### **Clause 5.10 Heritage Conservation**

The site does not contain any heritage items nor is it located in a Heritage Conservation Area. The site is however in the vicinity of several heritage items being the Macquarie University and Lane Cove National Park. This is demonstrated in the following figure.



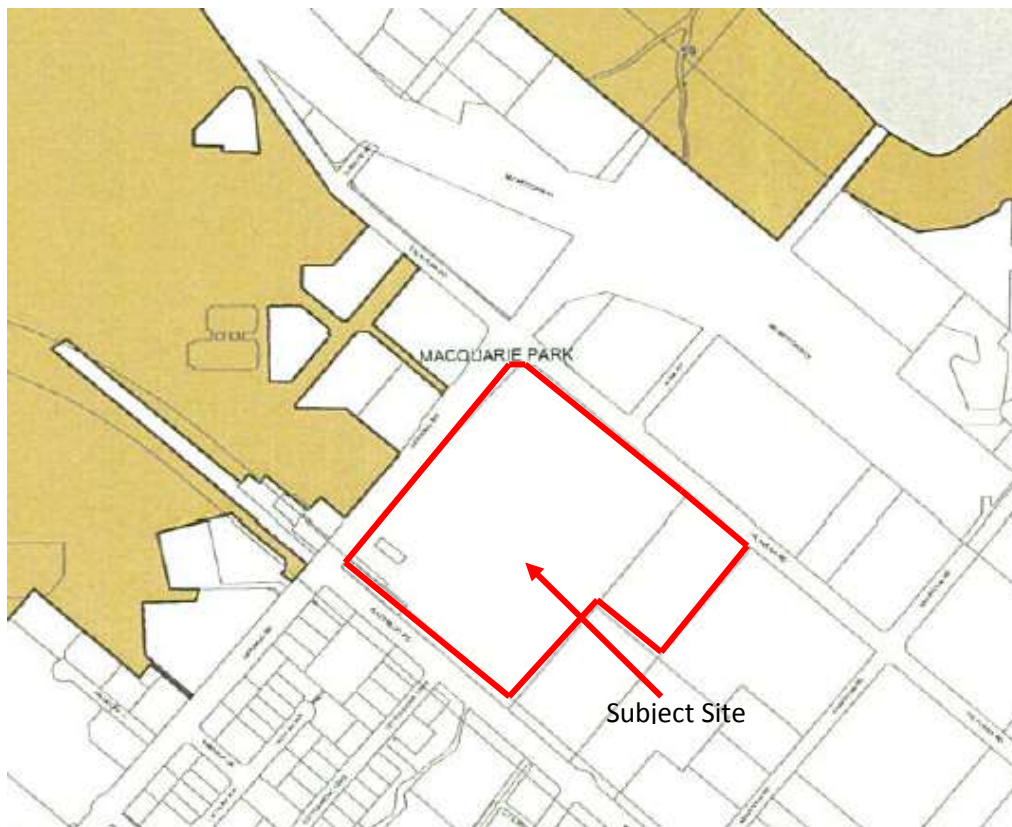


Figure 21. Extract from the Heritage Map.

Council's Heritage Officer has raised no objections to this development application.

### **Clause 6.10 Arrangements for Contributions to Designated State Public Infrastructure**

The objective of this clause is to require assistance towards the provision of designated State public infrastructure to satisfy needs arising from intensive development for residential accommodation on all the land identified as "Area A" on the appropriate map. The clause applies to the Macquarie Centre and Macquarie University.

At the time that the development application was submitted to Council, the clause stated that development consent must not be granted for development to which this clause applies unless the Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that development.

AMP Capital have offered to enter into a voluntary planning agreement with the Minister in accordance with the above clause. The Department however, have advised AMP that it is preferable to await the resolution of AMP Capital's unsolicited proposal for the construction of a new regional transport interchange and the finalisation of local infrastructure contributions for the redevelopment of the Macquarie Centre before a contribution towards designated state public infrastructure under Clause 6.10 is determined.

Accordingly, the Department have advised that there is a need to amend Clause 6.10 of Ryde LEP to ensure that the clause does not preclude the granting of development consent for AMP's Stage 1 Development Application prior to these matters being resolved.

Under Section 73A of the Environmental Planning and Assessment Act, 1979, the Department of Planning and Environment have requested that the above clause be amended to clarify that the clause does not apply to staged development applications under Section 83A of the Environmental Planning and Assessment Act, 1979.


Attachment 5 includes an email from the Department of Planning and Environment advising the process to amend Clause 6.10 and that this is being expedited and that it should be finalised prior to the JRPP determination meeting on 10 November 2016. This report has been finalised on the assumption that the amendment to Clause 6.10 has been finalised in accordance with the above email. Confirmation of the finalisation will be provided to the JRPP prior to the determination meeting.

## **6.8 City of Ryde DCP 2014**

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

### **Part 4.5 Macquarie Park Corridor**

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


Control	Comments
<p><b>4.2 Pedestrian Connections</b></p> <p>1. Provide pedestrian connections in accordance with Figure 4.1.1 Access Network. These connections are to be 6m wide and publicly accessible at all times.</p>	<p>The following diagram demonstrates the desired pedestrian connections through the shopping centre.</p>  <p>Figure 22. Pedestrian connections through the site.</p>

Control	Comments
	<p>Given that the shopping centre already exists, it is not possible to get these connections through the site.</p> <p>Council is currently holding prelodgement meetings with the applicant at 101 Waterloo Road. This represents an opportunity to provide a pedestrian link over the site to the Macquarie Centre. Such a link would significantly improve the pedestrian connectivity along Waterloo Road. Pedestrians are currently required to cross a major exit driveway to enter the centre. This conflict would be eliminated by a new access link being provided over 101 Waterloo Road. This is something that both owners are currently working on. To ensure that this is achieved the applicant has provided an amendment to the envelopes plan to include a 7m wide zone adjacent to 101 Waterloo Road. This exit ramp will be enlarged to provide access to parking at a higher level as well as the future connection to 101 Waterloo Road. A condition of consent has been included to require this to be provided in a Stage 2 DA. (See condition number 20).</p>
<p><b>4.4 Sustainable Transport</b></p> <p><b>Public Transport</b></p> <p>1. Upgrade the bus interchange in Herring Road. Any DA that includes residential development on the shopping centre site is to provide a master plan that demonstrates how the bus interchange upgrade may be achieved.</p> <p><b>Travel Plans</b></p> <p>1. A Framework Travel Plan must be submitted for all development that exceeds 10,000m<sup>2</sup> of new floor space.</p> <p><b>Parking Rates</b></p> <p>1. Bicycle parking is to be in accordance with Ryde DCP Part 9.3 Parking.</p> <p>2. Parking is to be in accordance with DCP Part 9.3 Parking and clause 4.5B(2) Ryde LEP 2014.</p>	<p>The development does not involve any work to the bus interchange. This matter has already been considered earlier in the report.</p> <p>A condition of consent will be included to require a Framework Travel Plan to be submitted for any subsequent Stage 2 DA that increases the floor space by 10,000m<sup>2</sup>. (See condition number 21).</p> <p>As part of the Stage 1 approval, the maximum number of car parking spaces is not being sought. This will be detailed with each subsequent DA having regard to the final mix of land uses. The applicant has however provided information to verify that the subsequent stages of the development will be able to provide sufficient car parking. The shopping centre currently has 4,755 car parking spaces. It is possible for this to be increased to 6,930 as a result of the various stages. The parking for the retail component of the development would be provided at a rate of 3.5 spaces per 100m<sup>2</sup> GLA. This rate has been determined based on the existing floor space and car parking ratio. Residential car parking will be provided</p>



Control	Comments
<p>3. Residential development is to be provided in accordance with the following maximums</p> <ul style="list-style-type: none"> <li>• 0.6 space / 1 bedroom</li> <li>• 0.9 spaces / 2 bedroom</li> <li>• 1.4 spaces / 3 bedroom</li> <li>• 1 visitor space per 10 dwellings</li> <li>• 1 car space per 50 proposed parking spaces.</li> </ul>	<p>in accordance with the DCP. Any commercial parking would be provided at the rate of 1 space per 160m<sup>2</sup>. Given that the residential and commercial rates are maximum controls, these rates are appropriate. The amount of car parking has been considered by Council's Traffic Engineer and Senior Development Engineer who have raised no objections to the rate of car parking proposed to be provided.</p> <p>No details have been provided in respect of bicycle parking. The applicant has indicated that bicycle parking and end of trip facilities will be provided for the residential and commercial uses. Council also requires parking and facilities to be provided for the retail uses. A condition of consent will be imposed to require further details to be provided with the Stage 2 DA's. (See condition number 25).</p>
<p><b>5.7 Rail Station Plazas</b></p> <p>1. To provide Macquarie Park Station Plaza –East Area: Minimum 0.35ha Dimensions: Minimum 88x40m Install minimum 10 park benches and 10 bicycle parking spaces.</p> <p>2. Station plazas to be privately owned public spaces and accessible at all times.</p> <p>3. Continuous active frontage to be provided.</p>	<p>The development proposes to provide Station Plaza however its size and dimensions do not meet the DCP requirements. Station Plaza is proposed to be 42m x 44m or 1850m<sup>2</sup>. This is almost half the size of the plaza as required by the DCP. It is acknowledged that the development will incorporate internal space including the Herring Road entry and the Atrium space, however this space will not be publically accessible 24 hours 7 days a week and it will function differently to the external space. The plans submitted indicate that retail kiosks will be located within Station Plaza. Given the limited size of the plaza any retail kiosks will interfere with the intended use of the plaza. For this reason the retail kiosks will not be permitted. Although the size of the plaza is below the DCP requirements, in this instance this can be supported as the size of the community space to be provided within the centre will significantly exceed the DCP requirement of 3000m<sup>2</sup>. A condition of consent has been imposed to ensure the design of the plaza satisfies the requirements of the Macquarie Park Public Domain Technical Manual. (See condition 17).</p>
<p><b>5.9 Community Facilities</b></p> <p>1. Provide community space of not less than 3000m<sup>2</sup> within the Macquarie Shopping Centre. The community space must be directly accessible from the public domain and within a short walk of the station and</p>	<p>Council has accepted a letter of offer from the owner of the site to enter into a VPA to provide a 5000m<sup>2</sup> community space within the shopping centre. The community centre will have direct frontage to the Atrium. A deferred commencement condition of consent will be recommended to require the VPA to be executed prior to the development consent becoming activated.</p>

Control	Comments
bus interchange.	
<b>5.10 Public Art</b> 1. Public art must be included in all new development on sites over 15,000sqm. 2. A site specific Arts Plan is to be included in a Stage 1 DA or Master Plan and submitted together with the DA.	<p>As part of the Stage 1 DA, the applicant has provided a public art strategy. The applicant has intended that this document will establish a framework for the development of more detailed public art strategy. The public art strategy has identified four sites for public art. These include Station Plaza, Herring Road retail zone, building foyers and wayfinding throughout the centre. Each subsequent stage will require more information to be provided in respect of public art. A condition of consent has been imposed to reflect this. (See condition number 16).</p>
<b>7.3 Active Frontage</b> 1. Continuous ground level active uses must be provided where primary active frontages as shown in Figure 7.3.2. Buildings must address the street or public domain.	<p>Herring Road and Waterloo Road are identified as primary activity centres and primary active frontages. It is difficult to provide the active frontages along Waterloo Road due to the location of the existing ramps and entries which are intended to be retained. The development does propose active frontages along Herring Road. A condition of consent has been included to ensure compliance with this requirement for any Stage 2 DA. (See condition number 17).</p>
<b>7.4 Setbacks &amp; Built-To Lines</b> 1. Minimum setbacks and build-to lines must be provided as shown in Figure 4.5.81 of the DCP. Zero Setbacks to Herring Road 10m setback to Talavera Road and Waterloo Road 5m setback to other roads. 2. Development may be setback further from the street or public domain where it can be demonstrated that there is an impact to the rail line. 3. Underground parking is not permitted to encroach into the setback areas unless it can be demonstrated that the basement is designed to support significant mature trees and deep root planting. 4. Awnings, canopies, balconies can project further forward of the street setback line. 5. 60% of the street setback area is to be soft landscaping. Existing trees are to be	<p>The DCP requires a zero setback along Herring Road. The podium is to be setback between 4.1m and 11.7m and the towers are proposed to be setback 8.1m and 15.5m. The greater setbacks for the podium will allow for wider footpaths along Herring Road to be provided which will improve pedestrian movements along Herring Road as well as improve the capacity for the interchange.</p> <p>Along Waterloo Road, the new podium will be constructed with a zero to 1m setback. This is consistent with the DCP. The setback for the rest of the elevation will be varied from 20.5m to 54m. This part of the building is not intended to be changed from the existing situation.</p> <p>Along Talavera Road the setback of the podium is proposed to be 5 metres rather than the 10m. The reduced setback will allow for improved pedestrian permeability along Talavera Road via the provision of lifts from the street level and a possible pedestrian bridge across Talavera Road. Tower 4 will be setback 10m from Talavera Road.</p> <p>Basement parking is proposed to be constructed to</p>

Control	Comments
retained where possible.	the Herring Road frontage. No objection is raised to this noncompliance as the Herring Road frontage is important as it will contribute to the bus interchange. The placement of any trees will be done in conjunction with the bus interchange.
<b>7.7 Building Separation</b> Residential buildings should be separated as per the SEPP 65 requirements.	SEPP 65 requires a minimum of 24m separation between the towers. As demonstrated below, the towers will achieve this separation.  <p>Figure 23. Separation distances between each tower.</p>
<b>8.2 Site Coverage &amp; Deep Soil Areas</b> <ol style="list-style-type: none"> <li>1. A minimum 20% of a site must be provided as deep soil area.</li> <li>2. Solar access to communal open spaces is to be maximised.</li> </ol>	The existing site cannot comply with this requirement. Accordingly, the current DA will also fail to comply. Given the site constraints, no objection is raised to this variation.



<p><b>8.6 Vehicular Access</b></p> <ol style="list-style-type: none"> <li>1. Vehicular access is not permitted along street identified as active frontages.</li> <li>2. Potential pedestrian and vehicular conflicts are to be minimised.</li> </ol>	<p>The Stage 1 DA involves the removal of one of the exit points along Herring Road. This will reduce the potential conflicts between pedestrians and vehicular movements in this area.</p>
<p><b>9.1 Wind Impact</b></p> <ol style="list-style-type: none"> <li>1. Buildings are not to create uncomfortable or unsafe wind conditions in the public domain which exceeds the Acceptable Criteria for Environmental Wind Conditions.</li> <li>2. All applications for buildings over 5 storeys are to be accompanied with a wind environmental statement. Buildings over 9 storeys are to be accompanied by a wind tunnel report.</li> </ol>	<p>A preliminary wind assessment report has been submitted with the Stage 1 development application. This report has concluded that: <i>“The development will provide appropriate wind conditions however a wind tunnel test is recommended to confirm the qualitative findings and quantify the wind conditions in and around the site during detailed design”</i>. A condition of consent will be imposed to ensure that all Stage 2 DA's are accompanied with the appropriate wind report. (See condition number 18).</p>
<p><b>9.2 Noise and Vibration</b></p> <ol style="list-style-type: none"> <li>1. An acoustic Impact Assessment report is to be provided with all applications for commercial, industrial, retail and residential developments.</li> </ol>	<p>As part of the development application a preliminary acoustic report has been submitted. A condition of consent has been included which will require the submission of a detailed acoustic report with any Stage 2 DA. (See condition number 11 and 12).</p>

## 6.9 Voluntary Planning Agreement

AMPC have provided a letter of offer to Council to enter into a Voluntary Planning Agreement under Section 93 of the Act. The VPA will allow for the delivery of a 5000m<sup>2</sup> library and creative hub facility as part of the future expansion of Macquarie Centre. The facility will be delivered by offsetting the required Section 94 contributions. Council on 25<sup>th</sup> October 2016 resolved to accept the letter of offer. A deferred commencement condition has been imposed to ensure that the VPA is entered into prior to this consent becoming operative.

## 7. LIKELY IMPACTS OF THE DEVELOPMENT

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

### **Economic Impacts**

As part of the development application, an economic impact assessment has been prepared. This report has concluded the following:

- Impacts as a result of the proposed expansion on the four regional centres (including Chatswood CBD, Westfield Hornsby, Castle Towers and Westfield Parramatta) will range between 2% to 5%. This impact is expected to be comfortably absorbed.
- Estimated impacts on the surrounding sub-regional centres are all estimated to be less than 5%. This is due to the centre already having 3 supermarkets.

The EIA was peer reviewed by Hill PHA and a copy of the report has been attached to this development. The methodology and findings of the EIA have been supported. The peer review has concluded that the loss of 5% in trade is not considered to be significant enough to warrant concern.

### Visual Impacts

As part of the assessment the applicant completed a visual assessment of the development application from various locations surrounding the development. For the purposes of the following diagrams, the commercial option for tower 1 has been selected as this has a larger footprint and therefore greater bulk and scale than if this tower was residential. The diagrams also include building envelopes reflective of the Macquarie University Station (Herring Road) Priority Precinct as green and the building envelopes permitted by the Macquarie University Part 3a Concept Plan as pink. Figures 24 to 27 demonstrates that for the majority of the locations the development will be visually prominent. The figures were sourced from the urban design report prepared by AJ+C. The height of the building is reflective of the site being close to public transport and it being a corner location. The podium will provide an important visual element to the development as it will provide a human scale for the development. It is also important to consider that the development will be compatible with the heights of other buildings in the precinct.

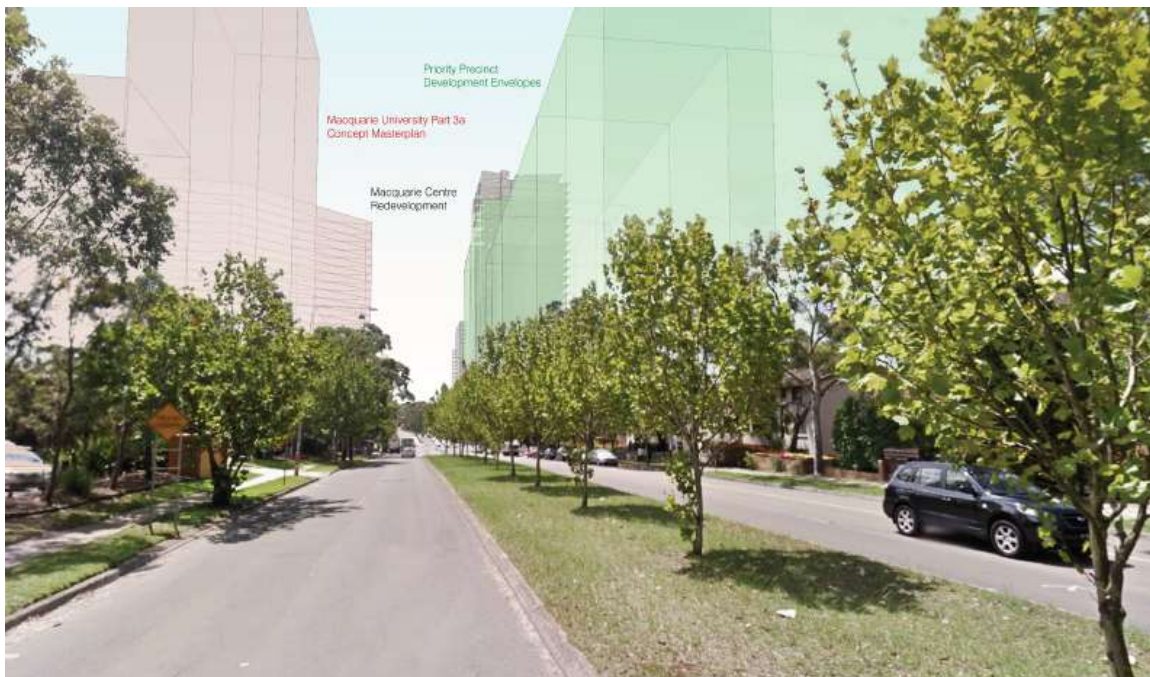


Figure 24. View from Herring Road taken near the Morling College site. The building heights on the site are largely blocked by the potential heights of other developments within the Macquarie University Station (Herring Road) Priority Precinct.



Figure 25. View from Elouera Reserve. The development will be visually prominent from Elouera Reserve.



Figure 26. The view of the development from the intersection of Waterloo Road and Herring Road. The podium will provide an important visual element to the development as it will provide a human scale for the development.





Figure 27. View of the development from Talavera Road and Herring Road.

### Traffic Generation

The Finalisation Report concluded that “it is considered that the precinct can support additional residential development without major upgrades to the regional road network because of the public transport infrastructure currently available and planned in the future, as well as the changes in travel behaviour whereby people are using private vehicles less for travel during the peak periods”. The Finalisation Report did not consider increases in traffic due to commercial and retail uses. This however was considered as part of the development application. As part of the DA, a Transport Management and Access Plan was prepared by Arup on behalf of the applicant. This plan has considered the redevelopment on the site based on the two options for the towers. The first option is that all of the towers are residential and the second option is that one of the towers will be commercial and the remaining three will be residential. The report identifies that the increased retail will result in significant traffic generating. The report has concluded as follows:

*“The traffic modelling indicates a number of intersections are forecast to function above their operational capacity in the forecast year 2026. At many intersections, even without an expansion of the Macquarie Centre, intersections were found to operate at Level of Service F. Therefore upgrades are required irrespective of any future development at the Macquarie Shopping Centre.*

*With the proposed development of Macquarie Centre, it is expected that average delays at these intersections would increase. It should be noted however that changes in delay as a result of the proposal are relatively minor and generally in the order of 10% or less. The exception to this is at already saturated intersections such*

*as Epping Road / Herring Road and Lane Cove Road / Talavera Road where minor increases in traffic can result in significant increases in vehicle delays.*

*Importantly, the modelling indicates that the proposal does not result in any change to intersection levels of service compared with the base scenario. For the Saturday peak hour, the intersections along Herring Road were found to continue to operate satisfactorily following the completion of the proposed expansion.”*

The report has also identified improvement works to a number of intersections. It is intended that further investigations into these improvements works (including infrastructure works, signal optimisation, other mitigating measures) be undertaken as the project progresses in subsequent detailed development applications.

This approach has been considered by Transport for NSW and RMS who have raised no objections to the application subject to conditions of consent. These conditions have been included in the conditions of consent contained in Attachment 1.

### **Car Parking**

The Stage 1 development application is not seeking approval for the maximum number of car parking spaces. This will be considered as part of any subsequent Stage 2 development application. The following is a review of the nominated parking capacity.

**Residential** – Car parking will be in accordance with the DCP requirements. These rates are a maximum rate and are intended to reflect the good access to public transport. The DCP specifies a rate of car share parking for 1 space per 50 proposed parking spaces. The DCP indicates that this is a maximum rate however the rate was intended as a minimum rate.

**Commercial** – RLEP 2014 requires car parking to be provided at a maximum rate of 1 space per 80m<sup>2</sup> of gross floor area. The applicant has advised that any commercial development would provide parking at the rate of 1 space per 160m<sup>2</sup>. As this car parking rate is a maximum control rather than a minimum, this is consistent with Council's requirements.

**Retail** – Council's DCP requires retail parking to be provided at the rate of 1 space per 25m<sup>2</sup> GFA. The applicant is intending to retain the present parking demand ratio based on gross leaseable floor area that has been previously approved for the site. This rate is equivalent to 3.5 car spaces per 100m<sup>2</sup> of GLFA. Council's car parking rate of 1 space per 25m<sup>2</sup> of GFA would be aligned with this rate.

**Serviced apartments** – It is possible that the development may incorporate serviced apartments. Council's DCP requires 1 parking space per 1.5 unit. This rate is intended for locations that have low levels of access to public transport. Given the

accessibility of public transport and the likelihood of such units being predominately used for work or study in the area, the parking demand should be in the region of 1 space per 2.5 units. Such a rate is consistent with other developments in the area.

A condition of consent will be imposed to ensure that the car parking rates are in accordance with the LEP or DCP rates unless otherwise specified. A specified rate will be included for the retail, commercial, car share parking and serviced apartment uses. (See condition number 22).

### **Overshadowing**

The development will not result in an unreasonable level of overshadowing to the adjoining properties. This is demonstrated in the following plans.

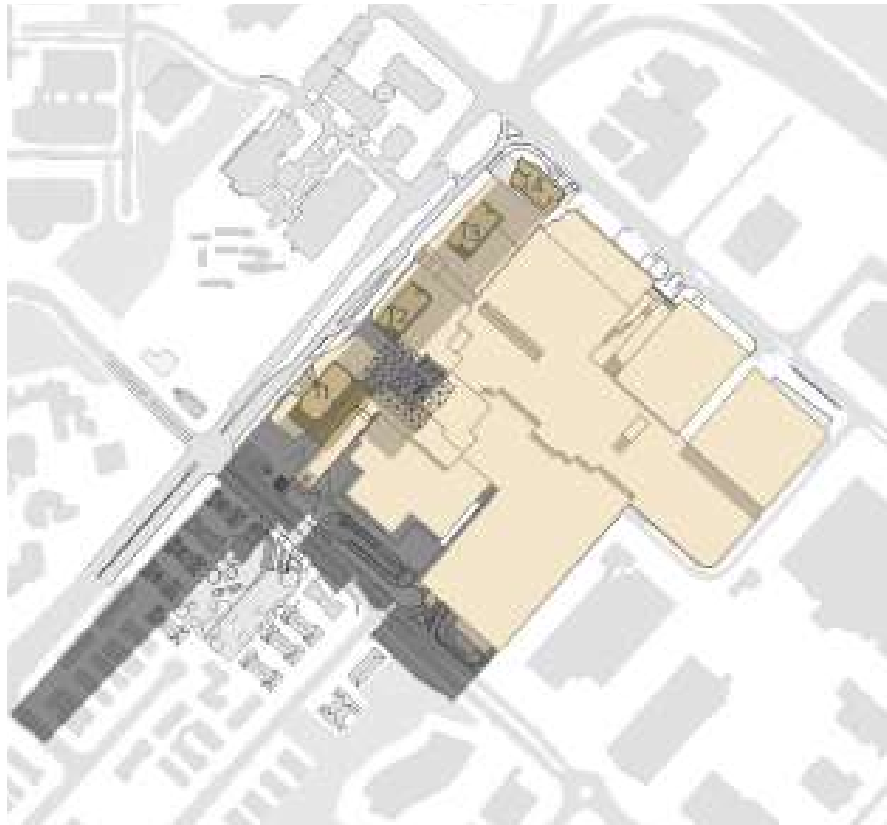


Figure 31. Overshadowing at 9am mid winter. This shadow will affect the adjoining residential flat buildings along Herring Road. All properties however will retain two hours of sunlight. Source – Urban Design Report prepared by AJ+C.

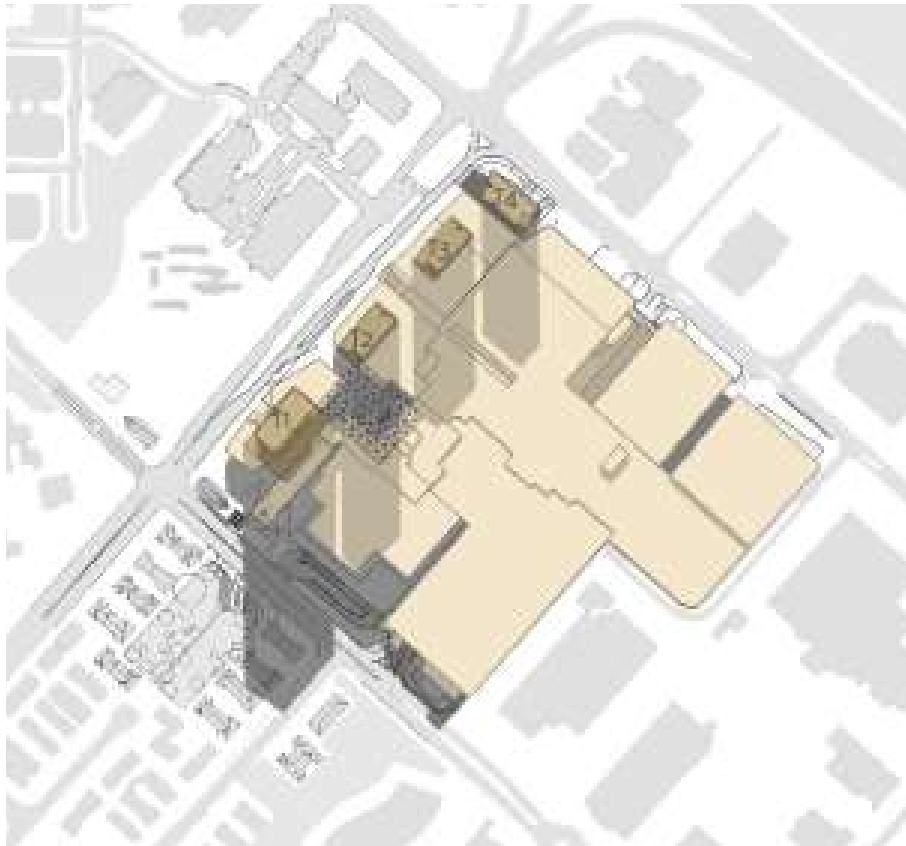


Figure 32. Overshadowing at noon in midwinter. Elouera Reserve will be affected between the hours of 9.30 to 11.30am & by 12 noon this park will receive solar access. It should be noted that if other properties along Herring Road are redeveloped, this park will be affected for the majority of the day. Source – Urban Design Report prepared by AJ+C.

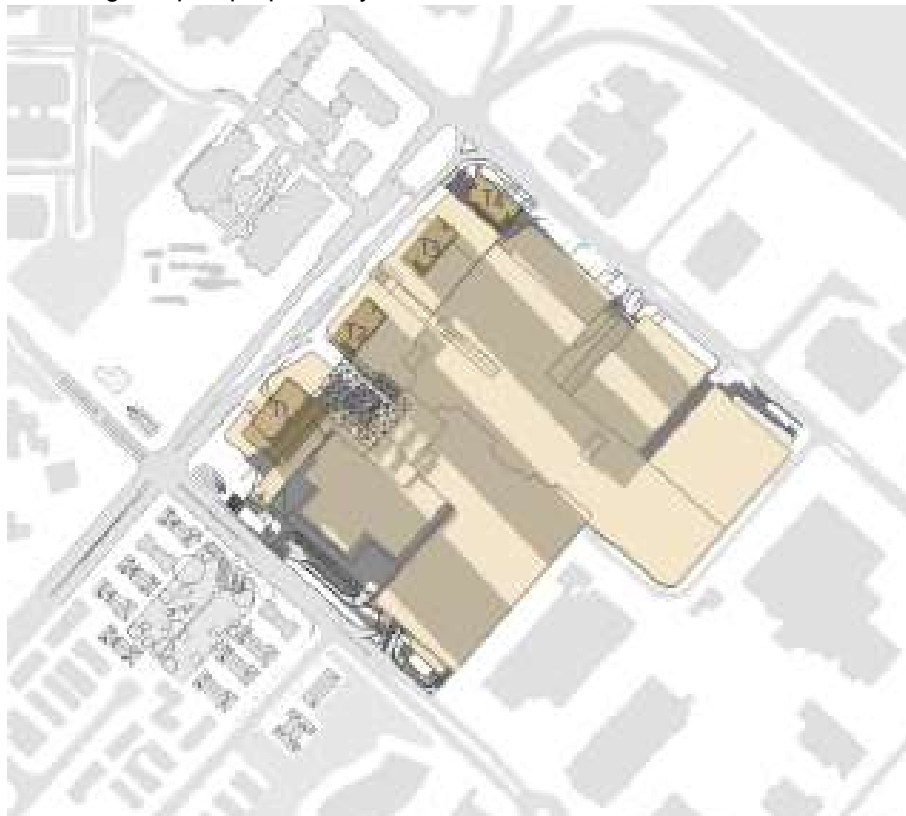


Figure 32. Overshadowing at 3pm. Shadows will be restricted to the subject site. Source – Urban Design Report prepared by AJ+C.



## **8. SUITABILITY OF THE SITE FOR THE DEVELOPMENT**

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

The site is zoned B4 Mixed Use under RLEP 2014, which permits the development of residential flat buildings, commercial and retail premises. Accordingly, the proposed development is considered suitable with respect to land use permissibility.

The development complies with the planning controls identified under the various planning instruments. In this respect the development is consistent with the desired future character of the area.

## **9. THE PUBLIC INTEREST**

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

## **10. REFERRALS**

### **External Referrals**

#### **Roads and Maritime Services**

No objection has been raised to the development subject to appropriate conditions of consent. (See condition number 38 to 43).

#### **Transport for NSW**

No objections were raised subject to conditions of consent. (See condition numbers 38 to 43).

#### **Sydney Water**

No objections were raised to the proposed development.

#### **Sydney Trains**

No objections were raised subject to conditions of consent. (See condition number 45).

#### **Environmental Protection Authority**

No objections were raised to the proposed development.

#### **National Parks and Wildlife Services**

The following concerns were raised by NPWS:

- No shadow diagrams submitted to determine the impact on the environment.

- Design has limited water sensitive urban design materials and principles which could alleviate the impacts on the river system and Lane Cove National Park.
- Inappropriate selection of landscaping species such as Fountain Grass.

NPWS have identified that there is the opportunity to address these impacts as part of the Stage 2 development applications.

It should be noted that the development will not result in overshadowing to the Lane Cove National Park as demonstrated earlier in the report. Conditions of consent have been imposed in respect to water sensitive design and landscaping. (See condition numbers 28 and 33).

#### **Internal Referrals:**

##### **Senior Development Engineer**

No objections were raised to the proposed development subject to conditions of consent. (See condition numbers 22, 23, 28 and 29).

##### **Environmental Health Officer**

No objections were raised to the proposed development subject to conditions of consent. (See condition number 9).

##### **Heritage Officer**

No objections are raised to the proposed development.

##### **Public Domain Engineer**

No objections were raised to the proposed development subject to conditions of consent. (See condition number 34).

##### **Waste**

No objections were raised to the proposed development subject to conditions of consent. (See condition number 30).

##### **Traffic Engineer**

No objections subject to appropriate conditions of consent. (See condition numbers 35, 38, 39 and 43).

## **11. PUBLIC NOTIFICATION AND SUBMISSIONS**

The proposed development was originally notified and advertised in accordance with Development Control Plan 2014 – Part 2.1, Notification of Development Applications. The application was advertised on 20 January 2016 in the *Northern District Times*. Notification of the proposal was from 18 January 2016 to 18 March 2016.

During the notification period, 13 submissions were received. The issues raised in the submissions included the following:

- *There are too many high rise buildings under construction. This will cause an over-supply to housing in the short term. There will be a bubble which will lead to economic catastrophe.*

**Comment:** This is not a relevant consideration under Section 79C of the Environmental Planning and Assessment Act, 1979.

- *The development will cause significant problems to local traffic conditions. The current infrastructure will not allow for increased cars.*

**Comment:** It should be noted that the Stage 1 development application will not contribute to any additional traffic.

The issue of increased traffic was considered in the Finalisation Report as well as the traffic report which accompanied the DA. In terms of residential development, the Finalisation Report concluded that additional residential development can occur without the need for major upgrading of the road due to the proximity of public transport. The traffic report has concluded that many of the intersections in the area are currently operating at service level F regardless of whether there is an expansion of the shopping centre. As part of each Stage 2 Development Application it will be necessary to provide a more detailed traffic report which identifies local and regional impacts and proposes mitigation measures to ameliorate the identified impacts.

- *Height should not exceed the current height limit without contributions to the local landscape and traffic improvements.*

**Comment:** The development does not propose to exceed the current height limits. The current height limits have been set as a result of the Macquarie University Station (Herring Road) Priority Precinct. This resulted in significantly greater heights than what was previously allowed in Council's planning controls. As part of the conditions of consent the applicant will be required to undertake detailed traffic modelling as part of any Stage 2 development application. This report will be required to identify mitigation measures to ameliorate any identified impacts. Where these impacts relate are attributable for the increase in retail floor space, the applicant will be required to make contributions or complete works in kind to address the impact.

- *Local schools are already full. What new infrastructure will be provided?*

**Comment:** This issue was raised in the Finalisation Report for the Herring Road Priority Precinct. During the Priority Precinct process the Department of Education and Communities (DEC) were consulted in respect of the proposal. An education needs analysis for the area was completed and DEC advised that the existing schools in the area will have sufficient capacity in the short to mid-term. Within the next ten years, additional classrooms may need to be provided at existing schools

and DEC have identified that a new primary school may be needed in the area. The timing for any upgrades to schools will depend on the rate of development as well as the demographic profile of the community, which will determine the number of school aged children living in the precinct. DEC will monitor these factors which will inform their forward planning for school infrastructure.

- *The ice rink is being forfeited. This brings people into the area and the occasional cultural presentation.*

**Comment:** The development does involve the removal of the ice rink. There are no controls in the LEP or the DCP that requires an ice rink to be retained on the site. The removal of the ice rink is based on an economic decision of the applicant.

- *There is a lack of all- day car spaces for workers of office buildings in the area which causes staff to park as far away as Kent Street. This causes congestion in the small streets and prevents locals from parking in front of their house. Council should implement stricter parking restrictions.*

**Comment:** There is no legal right for residents to have access to the on street parking at the front of their house. If this is a concern to the local residents it is possible for them to advise Council and then Council can give consideration to a resident parking scheme in the area.

- *The tower heights will not match the skyline of the buildings around the centre.*

**Comment:** As part of the Macquarie University Station (Herring Road) Priority Precinct the building heights in the vicinity have all been amended. The tallest buildings have been located closest to the railway station and then the next tallest buildings are at the major road intersections that access the precinct so that these buildings will become gateway or landmark buildings. The heights of buildings have been adopted following an extensive planning study for the area which did involve consultation with the community.

- *Request a library be provided in the Centre.*

**Comment:** Agreed. Council has accepted a letter of offer for the applicant to enter into a Voluntary Planning Agreement which will provide 5000m<sup>2</sup> of space for a community facility which will include a library.

- *Bus services will need to be increased to cater for the additional people.*

**Comment:** As part of the Finalisation Report, Transport for NSW advised that the bus service levels are continually reviewed and that revisions to bus timetables are made as required based on development in the area and changes in patronage.

- *Residents should not need cars due to the railway station and the shopping centre. The number of apartments with allocated parking spaces should be minimised therefore minimising the additional impact on traffic.*



**Comment:** Agreed. The site is well serviced by public transport so there is capacity to reduce the residential car parking rates to encourage higher public transport use and walking. As part of the Finalisation Report it was acknowledged that car parking rates are a local issue and should be set by Council. Council's DCP for residential development in Macquarie Park are as follows:

- 0.6 space per 1 bedroom dwelling
- 0.9 spaces per 2 bedroom dwelling
- spaces per 3 bedroom dwelling
- 1 visitor space per 10 dwellings.

These controls are a maximum control rather than a minimum and are intended to reflect the access to public transport in this area. A condition of consent will be imposed to ensure that car parking is provided at the above rate for future Stage 2 DA's. (See condition number 22).

- *The development does not provide enough car parking. Council should enforce the developer to provide more parking.*

**Comment:** The exact amount of car parking is not proposed with the Stage 1 Development Application. Car parking numbers will be determined with Stage 2 Development Applications when the final land use mix is known. These applications will be required to demonstrate that car parking is to be provided with Council's car parking controls. These controls are maximum controls which reflect that the site is well serviced by public transport.

- *There is not enough space allocated around the towers for gardens and children's playgrounds.*

**Comment:** Each Stage 2 Development Application for residential uses will be required to demonstrate how it has provided communal open spaces and complied with the requirements of SEPP 65 and the Apartment Design Guide. In this instance all communal open spaces will be required to be provided on the podium or roof of the buildings. Facilities such as play equipment or play areas can be provided within this communal open space.

- *These building heights will set a precedent for the entire Macquarie Park/North Ryde (plus Sydney and major metropolitan centres such as North Sydney, Chatswood and Parramatta). This is a significant land policy issue and it must be specifically addressed and agreed by all.*

**Comment:** As detailed in the background of the report, the site was identified and endorsed by NSW Government as a Priority Precinct. The Department of Planning undertook consultation with the community prior to adopting a Finalisation Report. Amendments to the planning controls were gazetted on 2 October 2015 and incorporated into RLEP 2014. The Stage 1 concept plan aims to comply with these controls.

- *It is not appropriate for the DA to be determined on the basis that the development in the future will satisfy a target/intention/vision or an aspiration. The various sustainability elements must be fully known, acceptable to the community and be fully achievable (later incorporated in future DA's before any final development consent is granted).*

**Comment:** This development involves a Stage 1 concept proposal. It is intended to include a condition that will require any Stage 2 DA to meet certain targets. How the subsequent applications meet these targets will be a matter for any Stage 2 DA.

- *AMP Capital Investors do not have any plans in their proposal to build bridges across Waterloo Road and Talavera Road into Macquarie Centre. Bridges will ensure the safety of pedestrians in crossing these roads.*

**Comment:** The submission is correct in stating that there are no plans to build any pedestrian bridges. Although pedestrian bridges are not identified on the plans, there is nothing preventing these being constructed in the future.

- *Station Plaza should become an outdoor dining area like Top Ryde City Shopping Centre.*

**Comment:** All buildings that will front Station Plaza will be required to be active frontages so that they contribute to the activation of this space. The type of uses that will occupy this space is not known at this stage as this will be a matter for subsequent development applications.

- *The new vehicle and pedestrian access points are beneficial.*

**Comment:** Noted.

- *The proposal to build four towers fronting Herring Road and to expand basement and rooftop car parking will create excessive pedestrian congestion in and around Macquarie Centre. The Centre is already overcrowded at times.*

**Comment:** The development aims to improve the pedestrian environment along Herring Road by providing wider footpaths, the provision of Station Plaza and an improved pedestrian entry from Herring Road. There is no control that restricts the number of people able to enter the shopping centre. There will always be days and times that are more popular than other days. This is a matter of personal preferences rather than being a matter that can be controlled under Section 79C of the Environmental Planning and Assessment Act, 1979.

## 6 CONCLUSION

This report considers an application for a Stage 1 Development Application for building envelopes for the proposed basement, expanded podium and tower forms for the Macquarie Centre. It does not seek approval for any works or the final land uses and number of car parking spaces. This approval will be sought by subsequent development applications.

During the notification period 13 submissions were received. The issues raised in the submissions have all been adequately addressed in the report.

The proposed building envelopes generally respond to the constraints of the site and applicable planning controls. There are numeric variations to the planning controls in respect to the setback to Talavera Road and the size of Station Plaza however these variations have been justified on planning grounds.

It is recommended that the application be approved subject to appropriate conditions of consent as outlined in Attachment 1.

## **7 RECOMMENDATION**

Pursuant to section 80(1)(a) 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 LDA2015/0655 for the Stage 1 Development Application to the Macquarie Centre at 197-223 Herring Road, Macquarie Park subject to the conditions of consent in Attachment 1 of this report.
- B. That the persons who made submissions be advised of this decision.
- C. That a copy of the development consent be forwarded to Sydney Trains, Transport for NSW, RMS and RailCorp.

### **Report prepared by:**

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### **Report approved by:**

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