

Sydney North Planning Panel

Panel No	2017SNH009
DA Number	LDA 2016/0602
Local Government Area	City of Ryde
Proposed Development	<p>Construction of a mixed use development as follows:</p> <ul style="list-style-type: none"> • Two x 20 storey towers including a shared basement and 4 storey podium; • 357 residential units comprising of 62 x 1 bedroom, 271 x 2 bedroom & 24 x 3 bedroom apartments; • 167m² of retail space; • 4 levels of basement car parking for 362 cars; • Construction of a riparian edge with a shared pedestrian/cycle path along the northern alignment of the site; • Landscaping works.
Street Address	82-84 Waterloo Road Macquarie Park
Applicant	Romeciti Project Management Pty Ltd
Number of Submissions	2 Submissions
Regional Development Criteria (Schedule 4A of the Act)	General Development over \$20 Million – Cost of works: \$122,316,067
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Regulation 2000; • Environmental Planning and Assessment Act 1979; • Statement Environmental Planning Policy (State & Regional Development) 2011 • State Environmental Planning Policy No. 55 – Remediation of Land; • State Environmental Planning Policy (Building Sustainability Index: BASIX); • State Environmental Planning Policy (Infrastructure) 2007; • State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development; • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; • Ryde Local Environmental Plan 2014; and • City of Ryde Development Control Plan 2014.
List all documents submitted with this report for the panel's consideration	<p>Attachment 1: Conditions of Consent</p> <p>Attachment 2: Clause 4.6 variation to building height</p>
Recommendation	Approval
Report by	Rebecca Lockart Senior Town Planner
Report date	29 June 2017

Summary of s79C matters	
Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction	
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 summarized, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards	
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?	Yes - <i>Clause 4.3 Height of buildings</i>
Special Infrastructure Contributions	
Does the DA require Special Infrastructure Contributions conditions (S94EF)?	No
Conditions	
Have draft conditions been provided to the applicant for comment?	Yes

Assessment Report and Recommendation

1. EXECUTIVE SUMMARY

The following report is an assessment of a development application for the construction of a mixed use development containing two x 20 storey residential towers with a total of 357 residential units and 167m² of retail space at 82-84 Waterloo Road, Macquarie Park.

The development proposes the following works:

- Construction of 2 x 20 storey mixed use buildings with a shared basement and 4 storey podium;
- 357 residential units comprising of 62 x 1 bedroom, 271 x 2 bedroom & 24 x 3 bedroom apartments;
- Four (4) below ground basement levels with a total of 362 car parking spaces;
- 167m² retail component at ground level;
- A 20 metre wide riparian edge with a four (4) metre wide shared pedestrian cycle path along the north-western alignment of the site;
- Landscaping works; and
- Associated communal facilities including an upper level swimming pool, outdoor library, games room, function room and a recreational gym facility.

It is noted that demolition of the existing buildings and structures and tree removal on site is not included as part of this development application.

The application was placed on public notification from 20 January 2017 to 25 February 2017. During this time, Council received 2 submissions. The submissions raised concerns in relation to insufficient car parking, and construction impacts including noise and traffic on the Holiday Inn Express at 10 Byfield Street. The issues raised in the submissions are discussed in Section 11 of the report.

The proposal fully complies with Ryde Local Environmental Plan 2014 (Ryde LEP 2014), with the exception of a minor variation to the maximum height control. The development also generally complies with the relevant planning requirements under the Apartment Design Guideline (ADG), and Ryde Development Control Plan 2014 (Ryde DCP 2014).

After consideration of the development against section 79C of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the relevant statutory and policy provisions, the proposal is considered suitable for the site and is in the public interest. Assessment of the application against the relevant planning framework and consideration of various design matters by Council's technical departments has not identified any fundamental issues of concern.

Consequently this report concludes that this development proposal is sound in terms of design, function and relationship with its neighbours. This report recommends that consent be granted to this application in accordance with conditions provided in **Attachment 1**.

2. APPLICATION DETAILS

Applicant: Romeciti Project Management Pty Ltd

Owner: GTA Industrial Custodian Pty Ltd

Estimated value of works: \$122,316,067

Disclosures: No disclosures with respect to the Local Government and Planning Legislation Amendment (Political Donations) Act 2008 have been made by any persons.

3. SITE DESCRIPTION

The site is known as 82-84 Waterloo Road, Macquarie Park and the legal description of the land is Lot 9 DP1046092. The site is an irregular shaped allotment due to sharing the north-western site boundary with Shrimptons Creek as shown at **Figure 1**. The site has a frontage of 93.66m to Waterloo Road and a depth of 109.095m. The total site area is 1.052ha.

The site also contains a single below ground allotment legally described as Lot 1 in Deposited Plan 1046092, which serves the Epping to Chatswood Rail Line (ECRL). The ECRL lot is limited in varying depths across the north-eastern boundary of the site from between RL36.4 and RL40.

The site slopes approximately 5m from the south-eastern to the north-western boundary of the site towards Shrimptons Creek. The site currently contains a four (4) storey commercial building with at-grade parking and landscaping – particularly along the adjoining boundary with Shrimptons Creek. Vehicular access is provided from one (1) driveway off Waterloo Road. The existing building is setback approximately 17m from Waterloo Road.



Figure 1: Aerial view of the site (outlined in red)

4. SITE CONTEXT

Development in the vicinity of the subject site comprises a mixture of environmental, residential, commercial, retail and education uses.

Figure 2 identifies the location of the site within the broader local area context. To the north of the site is Macquarie Shopping Centre, while to the east and north east are three proposed major development sites including:

- to the south-east is 80 Waterloo Road and 16 Byfield Street, Macquarie Park (Panel Reference: 2017SNH014);
- across Waterloo Road to the north-east is 101 - 107 Waterloo Road, Macquarie Park (Panel Reference: 2017SNH010); and
- also across Waterloo Road to the north-east is 85 – 97 Waterloo Road, Macquarie Park (Panel Reference: 2017SNH031).

To the north west of the site is Shrimptons Creek and Wilga Park which form part of the Shrimptons Creek Parklands, a 3.3km long green corridor beginning at Wilga Park in the north and continuing down to Santa Rosa Park in the south (**Figure 3**).

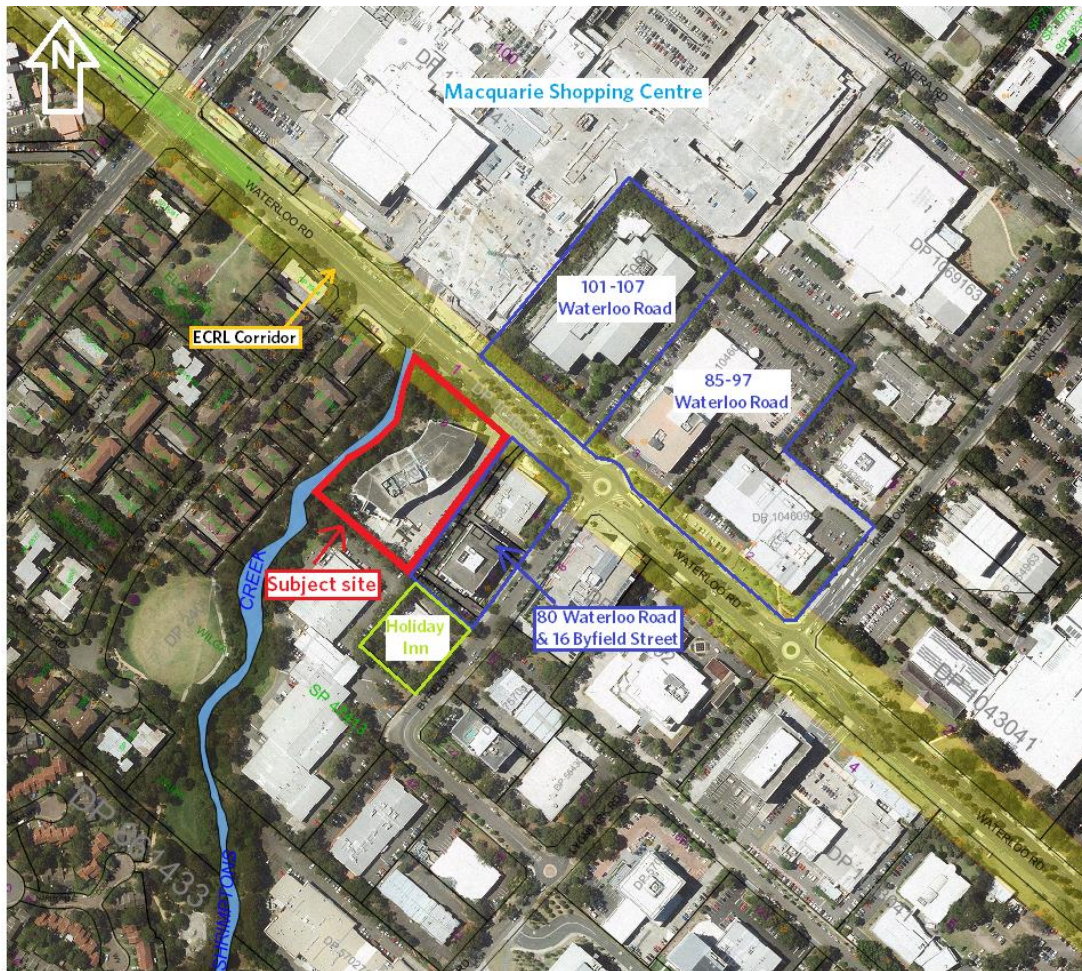


Figure 2: Locality Map – Site context within the surrounding area



Figure 3: Locality Map – Shrimptons Creek Parklands

5. PROPOSAL

The development proposes the following works:

- Construction of 2 x 20 storey mixed use buildings with a shared basement and 4 storey podium;
- 357 residential units comprising of 62 x 1 bedroom, 271 x 2 bedroom & 24 x 3 bedroom apartments;
- Four (4) below ground basement levels with a total of 362 car parking spaces;
- 167m² retail component at ground level;
- A 20 metre wide riparian edge with a four (4) metre wide shared pedestrian cycle path along the north-western alignment of the site;
- Landscaping works; and
- Associated communal facilities including an upper level swimming pool, outdoor library, games room, function room and a recreational gym facility.

Below provides a numerical overview of the scheme.

<i>Site Area</i>	10,520m ²
<i>Building Height</i>	67.75m
<i>Maximum RL</i>	RL108.6
<i>Storeys</i>	20 storeys
<i>Floor Space</i>	31,560m ² (3.0:1)
<i>Retail Floor Space</i>	167m ²
<i>Total residential units</i>	357
<i>1 bed</i>	62
<i>2 bed</i>	271
<i>3 bed</i>	24



Figure 4: Photomontage showing proposed development from north-western corner of the site at 80 Waterloo Road & 16 Byfield Street.



Figure 5: Photomontage of proposed development from Shrimptons Creek/north-western boundary of the site

The proposed development consists of the following uses across each of the levels:

<i>Level</i>	<i>Proposed development</i>
<i>Basement 4</i>	<ul style="list-style-type: none"> 38 residential car spaces (inc. 2 accessible), and 2 motorcycle parking spaces.
<i>Basement 3</i>	<ul style="list-style-type: none"> 117 residential car spaces (inc. 14 accessible), 7 motorcycle parking spaces, and 2 bicycle spaces
<i>Basement 2</i>	<ul style="list-style-type: none"> 116 residential car spaces (inc. 14 accessible), 1 car wash bay, 7 motorcycle parking spaces, and 2 bicycle spaces
<i>Basement 1</i>	<ul style="list-style-type: none"> 4 retail car spaces, 7 car share car spaces, 36 visitor car spaces, 44 residential car spaces (inc. 6 accessible), 4 motorcycle parking spaces, and 28 bicycle spaces. Bulky goods storage room, bin collection room, retail bin holding area, and residential garbage room.
<i>Ground</i>	<ul style="list-style-type: none"> Retail tenancy (167m²) Residential lobby, deck BBQ area, communal outdoor area, function room with outdoor deck, games area, outdoor lounge and reflection pool area. Shared driveway down eastern boundary to basement ramp. Shared drop-off zones off driveway.
<i>Upper Ground</i>	<ul style="list-style-type: none"> 2 Residential units within West Tower: 1 x 3bed, 1 x 2bed. Both with natural private ground level outdoor open space.
<i>Level 1</i>	<ul style="list-style-type: none"> 21 Residential units: <ul style="list-style-type: none"> West Tower: 3 x 1bed, 4 x 2bed, 1 x 3bed. East Tower: 4 x 1bed, 9 x 2bed. Breezeway with void over reflection pool below. Music Room (30m²), outdoor library.

Level	Proposed development
<i>Level 2</i>	<ul style="list-style-type: none"> • 21 Residential units: <ul style="list-style-type: none"> ○ West Tower: 3 x 1bed, 4 x 2bed, 1 x 3bed. ○ East Tower: 4 x 1bed, 9 x 2bed. • Pool and surrounding outdoor area.
<i>Level 3</i>	<ul style="list-style-type: none"> • 21 Residential units: <ul style="list-style-type: none"> ○ West Tower: 3 x 1bed, 4 x 2bed, 1 x 3bed. ○ East Tower: 4 x 1bed, 9 x 2bed. • Gym (37m²) with gym deck area
<i>No level 4</i>	
<i>Level 5</i>	<ul style="list-style-type: none"> • 18 Residential units: <ul style="list-style-type: none"> ○ West Tower: 1 x 1bed, 8 x 2bed, 1 x 3bed. ○ East Tower: 1 x 1bed, 7 x 2bed. • Communal roof garden over Level 4 roof of East Tower.
<i>Level 6 - 13</i>	<ul style="list-style-type: none"> • 20 Residential units: <ul style="list-style-type: none"> ○ West Tower: 1 x 1bed, 8 x 2bed, 1 x 3bed. ○ East Tower: 2 x 1bed, 8 x 2bed.
<i>No level 14</i>	
<i>Level 15 - 19</i>	<ul style="list-style-type: none"> • 20 Residential units: <ul style="list-style-type: none"> ○ West Tower: 1 x 1bed, 8 x 2bed, 1 x 3bed. ○ East Tower: 2 x 1bed, 8 x 2bed.
<i>Level 20 - 21</i>	<ul style="list-style-type: none"> • 14 Split-level Residential units: <ul style="list-style-type: none"> ○ West Tower: 4 x 2bed, 3 x 3bed. ○ East Tower: 4 x 2bed, 3 x 3bed. • Level 20 Roof Lounge Terrace over Level 19 roof of East Tower. • Level 20 Roof Lounge Terrace over Level 19 roof of West Tower.

Demolition of the existing buildings and structures and tree removal on site is not included as part of this development application, and is being considered under a separate Local Development Application No. LDA2017/204 currently being assessed by Council.

6. BACKGROUND

- The applicant first met with Council in June 2016 to introduce the project.
- Between that time and lodgement in December 2016 the applicant met with Council a further four (4) times regarding various issues of the proposal including:
 - a formal pre-lodgement meeting;
 - an Urban Design Review Panel (UDRP) meeting;
 - a meeting with Council's Waste Section to specifically discuss potential loading and unloading facilities for residents and waste vehicles;
 - a meeting with Council planning staff to discuss potential affordable housing at the site and the delivery of the riparian corridor pedestrian cycleway along Shrimptons Creek.
- As a result of the extensive pre-lodgement discussions with Council, most of the larger issues with the proposal particularly around design, public domain and site functionality were resolved prior to lodgement on 12 December 2016.
- As additional issues were identified during the assessment process, the applicant was notified of the relevant information or changes required. Issues that have arisen during the assessment process include:

- City Works and Infrastructure issues relating to insufficient information about drainage and flooding, the design and widths accommodated for waste vehicles within the site; driveway grades; details submitted regarding the public domain; and the proposed waste bin arrangements and waste vehicle sizes.
 - Structural engineering and excavation issues relating to the ECRL and requirements of Sydney Trains regarding the proposed excavation and rock anchors within the second rail tunnel reserve.
 - Request for an amended Wind Assessment which considered the proposed development at 80 Waterloo Road.
 - UDRP matters raised at the meeting dated 1 February 2017 including landscaping relating to the treatment of the loading dock and car park where it rises above ground level to the west of the site, the layout, size and design of studies within units, and the articulation of the eastern tower building requesting greater depth to the expressed 'slots' to improve the appearance of the façade.
 - Strategic Planning comments relating to the requirement of a linear park within the front setback to Waterloo Road.
- On 3 May 2017 amended plans and supporting documentation were submitted to Council. The assessment contained in this report is based on the amended details as submitted by the applicant. Amendments made included the following changes:
 - Minor reduction in the size of Units 1B 01-unit type and 2B.11 C to allow for creation of further defined slots on the north western elevation and south western elevation;
 - Minor amendments to the basement layout to ensure adequate turning circles and sufficient waste storage areas; and
 - Provision of additional supporting information to address Council's concerns regarding stormwater and flooding.

The amended plans dated 3 May 2017 were not renotified due to the minor nature of the amendments.

- On 11 May 2017 Council staff met with the applicant and their consultant Landscape Architect (Aspect) and Architect (Architectus), and the development manager of the proposed development at 80 Waterloo Road and 16 Byfield Street (Panel Reference: 2017SNH014), to discuss Council's request for a linear park along the Waterloo Road frontage of the site within the ECRL setback.

The meeting resolved that the applicant would submit amended plans for the landscaping and design of the street frontage area as a high quality space with resting nodes, continuation of the canopy from Shrimptons Creek and street furniture.

- On 24 May 2017 the applicant was requested to address the UDRP concerns that the proposed studies in a number of apartments were large enough to fit a single bed, and thus could be used for the purpose of a bedroom. Under the City of Ryde Section 94 Development Contribution Plan 2007 Interim Update (2014), a *room in a dwelling capable of being used as a bedroom is counted as a bedroom*. Accordingly the applicant was advised that these rooms would be charged as a bedroom for the purpose of the Section 94 calculations if an alternate design that prevented use as a bedroom was not submitted.
- On 25 May 2017 the applicant was also requested to provide details regarding the type, wait times and speeds of the proposed lifts in light of the ADG non-compliance which requires 1 lift per 40 units.
- On 27 May 2017 landscape plans for the linear park were submitted by the applicant. These plans were reviewed by Council's Open Space and Development Team and

considered unsatisfactory with a number of deficiencies in the proposal's response to the elements agreed to at the 11 May 2017 meeting. Accordingly **Condition 69** has been included on the draft consent to require amended plans to be submitted and approved by Council's Open Space Planning and Development Team prior to the issue of a Construction Certificate.

- On 7 June 2017 a lift assessment undertaken by Northrop (dated 7.6.17, ref: SY161960-VYL01-VTL01-1) was submitted to indicate that the proposed lift cores are capable of including lifts which are able to achieve a handling capacity of 6% of the population in five minutes, and a wait time of 50-60 seconds in accordance with CIBSE Guide D 2015 requirements for Normal Residential Buildings. **Condition 87** is included to require any proposed lifts to comply with these requirements.
- On 8 June 2017 the applicant submitted a plan for the purpose of demonstrating a revised partially glazed wall design for the studies to prevent these rooms being used as a bedroom. This plan has been used as a reference in **Condition 1(a)** requiring a number of units to be amended prior to Construction Certificate. This matter has been further addressed under Section 8.5(a) of this report under the State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP65) Urban Design Review Panel assessment.

7. APPLICABLE PLANNING CONTROLS

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

- Environmental Planning and Assessment Regulation 2000;
- Environmental Planning and Assessment Act 1979;
- Statement Environmental Planning Policy (State & Regional Development) 2011;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX);
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development;
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- Ryde Local Environmental Plan 2014;
- City of Ryde Development Control Plan 2014 and
- Section 94 Contribution Plan

8. PLANNING ASSESSMENT

8.1 Statement Environmental Planning Policy (State & Regional Development) 2011

As the proposed development has a Capital Investment Value of \$122,316,067, the development application is required to be determined by the Sydney North Planning Panel.

8.2 State Environmental Planning Policy No 55 – Remediation of Land

The requirements of State Planning Policy No. 55 – Remediation of Land (SEPP55) apply to the subject site. In accordance with Clause 7 of SEPP 55, the consent authority must

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

Council's Environmental Health Officer (EHO) has provided the following assessment in relation to SEPP 55 and contamination of the site:

"The application was accompanied by a preliminary site investigation report, SLR, Phase 1 Preliminary Site Investigation, 82-84 Waterloo Road, Macquarie Park, Report number 610.16080-R02, 2 November 2016 (D16/171624). It reviewed several previous site investigation reports. Soil testing from those previous investigations revealed no contamination issues of concern. This included an area around the presumed location of an old underground storage tank. The tank appears to have been removed as it was not able to be located in later investigations of the site.

Given there was no significant previous contamination and the development that is currently there would by its nature prevent subsequent contamination leads the consultant to a conclusion that the site is suitable for the proposed mixed use development."

Accordingly it is considered the site is suitable for the proposed use in accordance with the provisions of SEPP55.

8.3 State Environmental Planning Policy (Building Sustainability Index: BASIX)

The Policy seeks to ensure that new dwellings are designed to use less water and be responsible for fewer greenhouse gas emissions by setting energy and water reduction targets, which are based on the NSW average benchmark. The Policy also sets minimum performance levels for the thermal comfort of a dwelling.

This application as lodged was accompanied by BASIX Certificate No. 754794M, dated 30 November 2016 which confirmed that required targets would be met.

Appropriate conditions are to be imposed requiring compliance with the BASIX commitments detailed within the Certificate (see **Conditions 3, 61 & 154**).

8.4 State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP applies to the proposed development due to its location adjacent to a rail corridor, its relevant size and traffic generation capability. The applicable clauses under the Infrastructure SEPP are as follows:

Table 1. Infrastructure SEPP

Infrastructure SEPP	Comments	Comply
Clause 85 Development immediately adjacent to rail corridors The proposed development is on land that is immediately adjacent to a rail corridor and; (a) is likely to have an adverse effect on rail safety, or (b) involves the placing of a	The proposal involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, and involves the use of a crane in air space above any rail corridor.	Yes

Infrastructure SEPP	Comments	Comply
<p>metal finish on a structure and the rail corridor concerned is used by electric trains, or</p> <p>(c) involves the use of a crane in air space above any rail corridor.</p> <p>Before determining this DA the Consent Authority must:</p> <ul style="list-style-type: none"> • Take into consideration any submission that the Sydney Trains provides in response to that notice within 21 days after the notice was given (unless before the 21 days have passes, the Sydney Trains advises that it will not be making a submission), and • Take into consideration guidelines that are issued by the Secretary relating to Development immediately adjacent to rail corridors. 	<p>The proposal has been referred for concurrence to Sydney Trains in accordance with this clause.</p> <p>Sydney Trains advised Council on 30 June 2017 that it has granted its concurrence to the development application subject to Council imposing various conditions on the consent. (See Conditions 43 & 44, 96 – 105, 152 & 153, 198 & 199).</p>	
<p>Clause 86 Excavation in, above or adjacent to rail corridors</p> <p>The proposed development involves the penetration of ground to a depth of at least 2m below ground level (existing) on land within 25m (measured horizontally) of the ground directly above an underground rail corridor.</p> <p>Before determining this DA the Consent Authority must:</p> <ul style="list-style-type: none"> • Take into consideration any submission that the Sydney Trains provides in response to that notice within 21 days after the notice was given (unless before the 21 days have passes, the Sydney Trains advises that it will not be making a submission), and • Take into consideration guidelines that are issued by the Secretary relating to Excavation in, above or adjacent to rail corridors <p>The consent authority must not grant consent to development to which this clause applies without the concurrence of the CEO of Sydney Trains.</p>	<p>The proposal involves the excavation for the purpose of the basement levels on land within 25m (measured horizontally) of the ground directly above an underground rail corridor.</p> <p>The proposal has been referred for concurrence to Sydney Trains in accordance with this clause.</p> <p>Sydney Trains advised Council on 30 June 2017 that it has granted its concurrence to the development application subject to Council imposing various conditions on the consent. (See Conditions 43 & 44, 96 – 105, 152 & 153, 198 & 199).</p>	<p>Yes</p>

Infrastructure SEPP	Comments	Comply
<p>Clause 87 Impact of rail noise or vibration on non-rail development</p> <p>The proposed development involves a building for residential use on land adjacent to a rail corridor and may be adversely affected by rail noise or vibration.</p> <p>Before determining this DA the Consent Authority must:</p> <ul style="list-style-type: none"> Take into consideration any guidelines that are issued relating to Impact of rail noise or vibration on non-rail development. <p>If the development is for the purposes of a building for residential use, appropriate measures are to be taken to ensure that the following LAeq levels are not exceeded:</p> <p>(a) in any bedroom in the building—35 dB(A) at any time between 10.00 pm and 7.00 am,</p> <p>(b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.</p>	<p>The proposal includes a building for residential use on land adjacent to a rail corridor which may be adversely affected by rail noise or vibration.</p> <p>The applicant has submitted an Acoustic Report which demonstrates that the development complies with the requirements under this clause.</p> <p>This report has been reviewed by Council's Environmental Health Officer who has advised that the proposed development is satisfactory for the purpose of this clause subject to Condition 52 & 159.</p>	<p>Yes</p>
<p>Clause 104 Traffic generating development</p> <p>The proposed development, being an apartment or residential flat building with more than 200 motor vehicles is considered to be a traffic generating development.</p> <p>Before determining this DA the Consent Authority must:</p> <ul style="list-style-type: none"> Take into consideration any submission that the RMS provides in response to that notice within 21 days after the notice was given (unless before the 21 days have passed, the RMS advises that it will not be making a submission), and Take into consideration any potential traffic safety, road congestion or parking implications of the development. 	<p>The development proposal was forwarded to the Roads and Maritime Services (RMS) for comments. RMS has raised no objection to the proposed development.</p> <p>The issues of potential traffic safety, road congestion and parking implications have been considered elsewhere in the report and are considered satisfactory.</p>	<p>Yes</p> <p>Yes</p>

8.5 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

This Policy aims to improve the design quality of residential flat development. This proposal has been assessed against the following matters relevant to SEPP 65 for consideration:

- a. Urban Design Review Panel
- b. The 9 SEPP 65 Design Quality Principles; and
- c. The Apartment Design Guide

(a) Urban Design Review Panel

The proposal was reviewed by the Urban Design Review Panel first on 16 August 2016 prior to lodgement and again on 1 February 2017 after lodgement of the DA. Most issues raised at the first UDRP meeting were resolved prior to lodgement of the application. As such the Panel identified only a few matters to be amended to the design as submitted. Amendments were made to the proposal to address the issues raised by the Panel as discussed below:

- Landscape: *The panel considers that the only remaining area of concern is the treatment of the loading dock and car park where it rises above ground level to the west of the site. The landscape design should maximise the raised landscape berms and green wall planting to this façade to mitigate the impact the level difference and the treatment of the louvres in the façade above.*

Comment: The amended landscape plans received on 27 May 2017 identify 'Screen planting to façade of car park and loading dock with some green wall planting to façade', refer Sheet 1.9 of Landscape Strategy Concept Plans. Additionally Sheet 1.10 of the Landscape Strategy Concept Plans also identifies 5-8m high densely foliating evergreen trees along this façade.

Condition 57 has been included on the draft consent requiring these trees to be locally endemic species with a dense form/habit and minimum mature height of 5m. The condition also requires the planting to include a double row of staggered screen planting, spaced at a maximum of 1.5 metre centres, to be planted at a minimum 75 litre pot size, and maintained to ensure screening in perpetuity. This will adequately mitigate the impact the level difference and appearance of the air vent louvres in this location facing Shrimpton's Creek.

- Amenity:

Study sizes: *Unit layouts are generally well considered however the panel considers that the recessed study space in units such as W102 [Unit type 2B.10] is not appropriate. This study is large enough to function as a bedroom space and the deep recess between the balcony edge and window is excessive and will reduce available light and outlook. The study spaces should be move closer to the façade edge.*

Recessed studies: *The larger scale plans also show a number of study areas recessed into the units. The depth of these recesses should be minimized so that the spaces cannot be closed off as separate rooms e.g. 1B 01-unit type and 2B.11c type.*

Comment: The comments from the UDRP with regard to studies have been addressed as follows:

- **Recessed studies:** The amended plans submitted on 3 May 2017 have removed or reconfigured the study in the unit types 1B.01 and 2B.11C in response to the UDRP comments as shown at **Figure 6**. This will prevent the spaces from being closed off as a separate room.

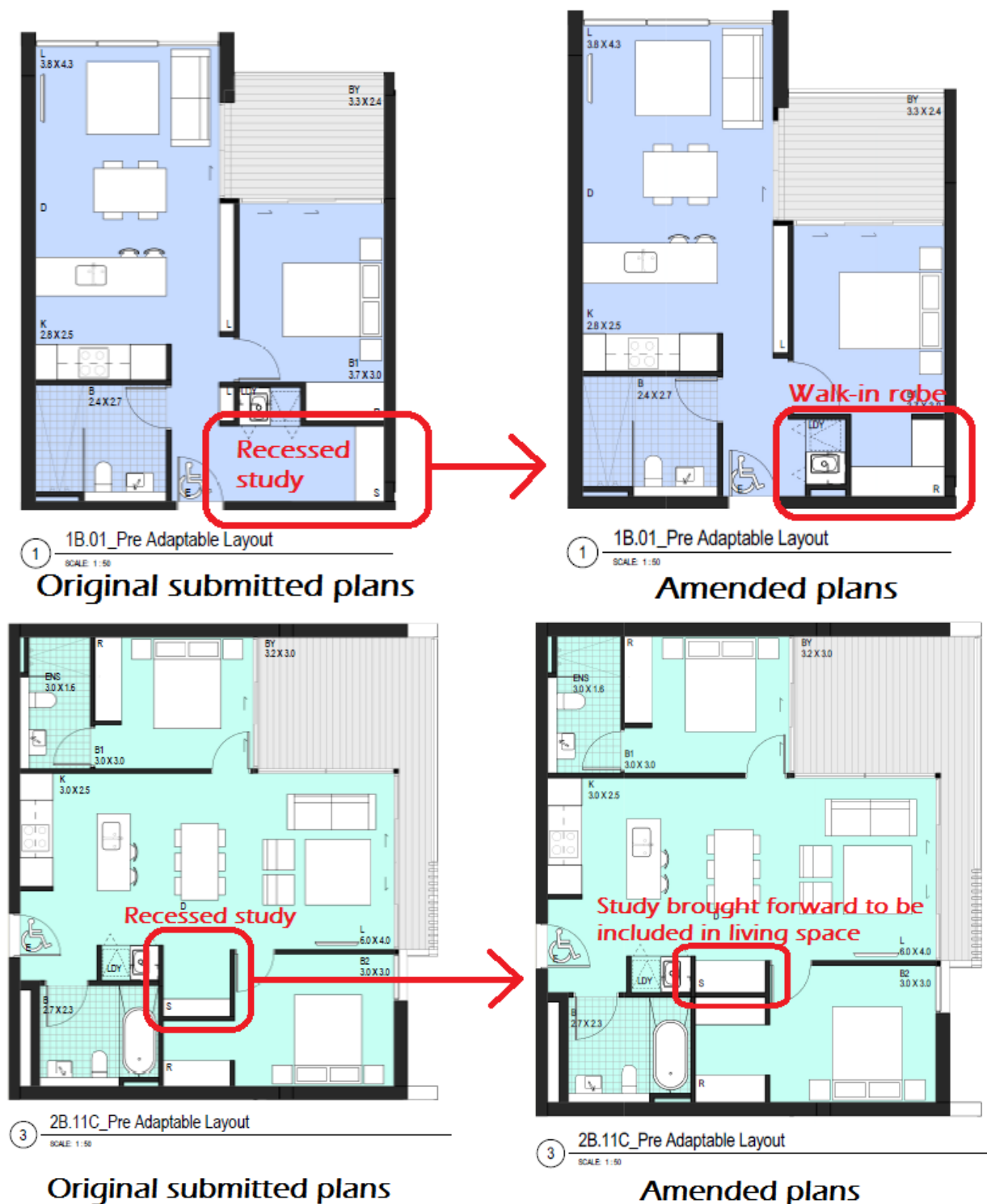


Figure 6: Original plans and amended plans showing reconfigured or removed studies

- **Study sizes:** Unit W102 (Unit type 2B.10) has not been amended in the 3 May 2017 amended plans, with the applicant advising that "the study in this space is

designed to function as a study rather than a bedroom based on size and orientation. Importantly, as a habitable room, it is provided access to ventilation and natural light”.

Review of the amended plans identifies that the studies in unit types 2B.04, 2B.07C, 2B.11, 2B.12 and 2B.16 are also capable of being used as a bedroom with sufficient space to fit a single bed (i.e. dimensions of 92cm x 187cm) with a closed door, refer **Figure 7** for example.

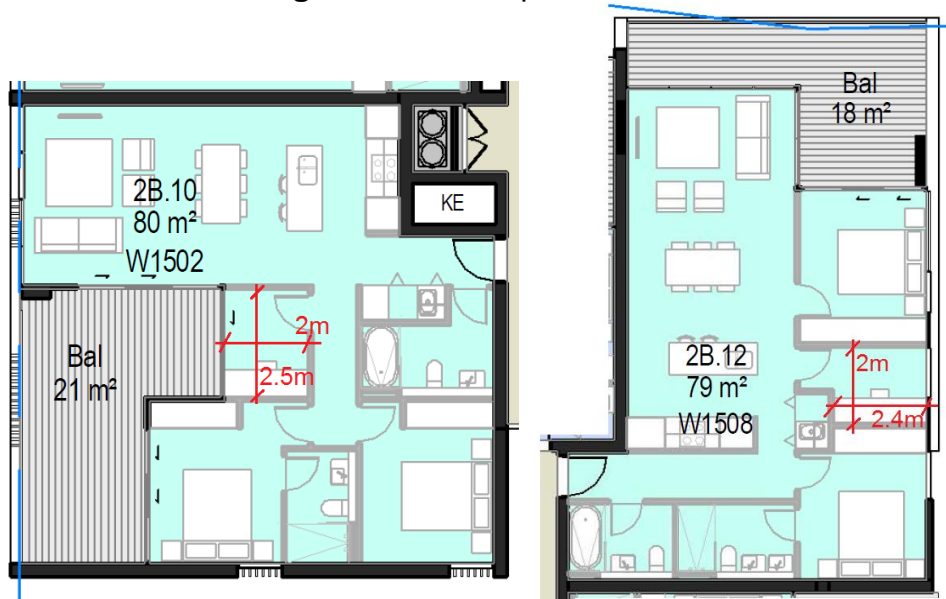


Figure 7: Unit type 2B.10 and 2B.12 identifying study dimensions

Condition 1(c) is recommended requiring internal joinery for a desk and storage area to be provided in all studies proposed in the development. However, while the studies all have a window and are shown to have a built in desk area, there is still space for a single bed and for the room to be closed off – thus continuing to be capable of being used as a bedroom.

In response, the applicant was requested to provide diagrams showing the short wall facing the hall way to be deleted and replaced with a half panel with glazing above so that it is open and the area not capable of being closed off and used as a separate bedroom. This diagram was submitted on 8 June 2017 which also identifies the wall or door of unit types 2B.07C, 2B.10, and 2B.11 as being deleted, refer Drawing No. DK-DA-001 (see **Figure 8**). The diagram is also capable of applying to unit type 2B.04. Accordingly **Condition 1(a)** recommends that studies in unit types 2B.04, 2B.07C, 2B.10, and 2B.11 be amended as identified in the diagram shown at Drawing No. DK-DA-001.



Figure 8: Diagram showing the short wall facing the hall way to be deleted and replaced with a half panel with glazing – applicable for studies in Unit types 2B.04, 2B.07C, 2B.10, and 2B.11

This diagram however is unable to be applied to unit types 2B.12 and 2B.16 due to the location of storage cabinets and laundry cupboards. Accordingly, **Condition 1(b)** is recommended for the door and adjacent entrance walls of these studies to be deleted as shown below at **Figure 9** to prevent these rooms being used as a bedroom.

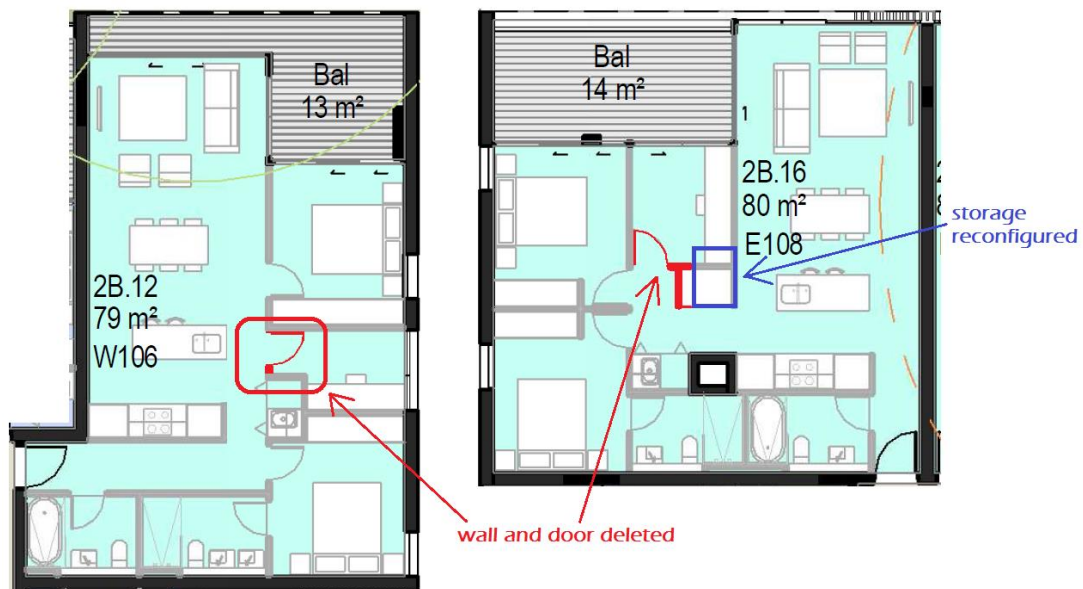


Figure 9: Diagram showing amendments to studies of unit types 2B.12 and 2B.16 to prevent use as a bedroom.

- **Aesthetics:** Generally, the architectural approach and materials are supported. The panel considers that greater depth to the expressed 'slots' particularly for the east tower would improve the articulation in the facades. Greater exaggeration of the framing elements would also assist.

Comment: **Figure 10** identifies the amendments made to the east tower in the 3 May 2017 amended plans, in response to the UDRP comments. This will provide greater depth of the 'slots' and greater articulation of this facade as identified by the UDRP.



Figure 10: East Tower amendments to Unit 1B.01 balcony

(b) Design Quality Principles

There are 9 design quality principles identified within SEPP 65. The following **Table 2** provides an assessment of the development proposed against the 9 design principles of the SEPP with comments from the UDRP meeting dated 1 February 2017 and the Planning assessment provided.

Table 2. SEPP 65 – Design Quality of Residential Flat Buildings

SEPP 65 – Design Quality of Residential Flat Buildings	Comments
Context and Neighbourhood Character Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental	<p>UDRP: This is the second time the Panel has reviewed a proposal for this site. The site is of significant size within the Macquarie Park precinct with frontage to both Waterloo Road and the Shrimptons Creek Corridor. The site includes a stand of significant Blue Gum forest.</p> <p>The design has developed further since last viewed by the panel. The strength of the concept is clear in the analysis of the context and the concept response.</p> <p>The landscape concept for the site has also been fully developed and presents a well-considered outcome for the corridor edge and the site</p>

SEPP 65 – Design Quality of Residential Flat Buildings	Comments
<p>conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p><i>itself.</i></p> <p><i>The panel is supportive of both the architectural concept and landscape strategy with only minor refinements now required in terms of the depth and modelling of the facades and the detailed design of some of the apartments.</i></p> <p>Planner's Comments: The proposal presents a high-quality design which responds to the context of the site both along Waterloo Road and Shrimpton's Creek. The proposed linear park along Waterloo Road provides a neighbourhood linkage which will enhance and improve the streetscape while providing important community infrastructure in the form of the pedestrian link along the riparian corridor.</p> <p>The built form responds well to the proposed development at 80 Waterloo Road with sufficient building separation distances proposed across the sites, in addition to responding to the natural environment and district views obtained from the upper levels of the development.</p> <p>The proposal is considered to exemplify the 'Tower' apartment style under 1A of the ADG, presenting a strong vertical form that has good consideration of wind, overshadowing and visual impacts of the design.</p>
<p>Built Form and Scale</p> <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>UDRP: <i>The scale of the proposal is generally consistent with the applicable building height controls and has been configured with suitable setbacks from boundaries and the creek.</i></p> <p><i>The use of 2 tower forms and the deep insets to both forms assists in reducing the apparent bulk and length of the towers. This is further developed in the architectural treatment of the proposal and the clear expression and materiality of the building base.</i></p> <p><i>The panel supports the built form and scale proposed.</i></p> <p>Planner's Comments: The proposed design is considered suitable for the site. The proposal complies with the desired future character of the locality and generally complies with the height provisions applicable to the site. The height, front setback and building separation and side setbacks has been adequately provided.</p> <p>The scale in terms of height is considered suitable in consideration of the site's context. The built form of the development is appropriately articulated and responds to the proposed development at 80 Waterloo Road and the natural riparian corridor and open space to the west of the site. The development will contribute positively to the existing and emerging character of the surrounding streetscape with the steady development of mixed-use development near the Macquarie University Station Activity Centre. The proposed landscape design further breaks up the overall mass of the development when viewed from the street with the Level 20 terraces and planting providing a softening effect on the overall development.</p> <p>The proposed built form is also considered to be acceptable given that the development achieves suitable compliance with the objectives contained in the ADG.</p>
<p>Density</p> <p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p>	<p>UDRP: <i>Information regarding the final FSR was not available at the meeting and not discussed.</i></p> <p>Planner's Comments: The proposal complies with the Ryde LEP 2014 floor space ratio (FSR) control of 3:1 as further detailed in this report.</p> <p>While the design includes building depths that exceed the ADG 12-</p>

SEPP 65 – Design Quality of Residential Flat Buildings	Comments
<p>Appropriate densities are consistent with the area's existing or projected population.</p> <p>Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>18m guide, the overall bulk and scale of the development is appropriate for the site and context, providing sufficient open space, solar access and ventilation for residents. Additionally the design provides for public open space improvements and a high quality design which includes additional residential accommodation near public transport, access to jobs, community facilities and environmental areas.</p>
<p>Sustainability</p> <p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p>UDRP: <i>Specific sustainability strategies were not discussed, however achievement of ADG targets for solar access, and cross ventilation, along with satisfactory BASIX scores will address this objective.</i></p> <p>Planner's Comments: The applicant has provided a BASIX Certificate which indicates that the development will meet the energy and water use targets set by the BASIX SEPP.</p> <p>The design maximises solar access and cross ventilation to apartments. The development complies with the ADG with respect of natural cross ventilation and provides the minimum required solar access to 69.7% of apartments.</p> <p>A total of 4,666m² of deep soil area has been provided on site, which is equal to 44% of the site area, greatly exceeding the minimum 7% under the ADG.</p>
<p>Landscape</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, coordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p>UDRP: <i>A detailed landscape design has been provided and the concept is well developed and articulated. The panel considers that the only remaining area of concern is the treatment of the loading dock and car park where it rises above ground level to the west of the site. The landscape design should maximize the raised landscape berms and green wall planting to this façade to mitigate the impact the level difference and the treatment of the louvres in the façade above.</i></p> <p>Planner's Comments: Given the location, size and context of the site, the proposed landscape outcome is considered reasonable and acceptable. Council's Open Space Planning and Development team and Consultant Landscape Architect have reviewed the proposal and have considered the landscaping satisfactory subject to conditions.</p> <p>The Panel's concerns have been addressed earlier in this report, with the amended plans showing screen landscaping along the north-western façade adjacent to the loading dock and car park where it rises above ground level to the west of the site.</p> <p>Additionally the landscape plans provide detail for seating, shading and BBQ facilities within the communal open space areas, with a range of common open space areas provided to suit the needs and convenience of the two towers and multiple levels of the development.</p>

SEPP 65 – Design Quality of Residential Flat Buildings	Comments
<p>Amenity</p> <p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p>UDRP: <i>The panel supports the provision of a larger retail tenancy to Waterloo Road combined with a generous residential lobby. The remainder of the podium is more passively activated with a series of rooms and spaces including lounge areas, games room and function area.</i></p> <p><i>The two linked breezeways assist with visual wayfinding and the termination of the north south breezeway in the second lobby space ensures safety and visual connection.</i></p> <p><i>Care will be required with the width of the footpath at the second drop off area to ensure safe passage of visitors and residents is possible.</i></p> <p><i>Unit layouts are generally well considered however the panel considers that the recessed study space in units such as W102 is not appropriate. This study is large enough to function as a bedroom space and the deep recess between the balcony edge and window is excessive and will reduce available light and outlook.</i></p> <p><i>The study spaces should be move closer to the façade edge.</i></p> <p><i>The larger scale plans also show a number of study areas recessed into the units. The depth of these recesses should be minimized so that the spaces cannot be closed off as separate rooms e.g. 1B 01-unit type and 2B.11c type.</i></p> <p>Planner's Comments: As detailed earlier in this report the design of studies within various apartment types have been amended to prevent use of the studies for the purpose of a bedroom.</p> <p>The width of the footpath (along the internal driveway) at the second drop off area is 1.2m which is considered sufficient for the purpose of the drop off point. Additionally the first drop off point closer to Waterloo Road has a width of 2.4m which can be used should it be required for the delivery of bulky items or the like.</p> <p>Overall the development will provide adequate amenity for the future occupants, ensure internal privacy of each unit and access to high quality communal facilities within the development. The following are noted which are consistent with the above principle:</p> <ul style="list-style-type: none"> - 69.7% (249 of 357 units) will receive a minimum of 2 hours solar access at midwinter. - 61.9% (101 of 163 units) within the first 9 storeys will achieve natural cross ventilation exceeding the ADG minimum requirement of 60%. - Considering the site constraints, the proposed design and orientation of the units are considered to result in an acceptable level of amenity for future occupants of the building. - Acoustic privacy is considered and incorporated in the design through tower orientation and materials. - Balconies and/or private open space are provided to all apartments. - On-site parking and storage areas are provided. - Provision of a centralised lift and accessibility have been incorporated into the design with sufficient access points provided to each level. - The development also complies with relevant key controls contained in the ADG and amenity for the units is satisfactory in terms of unit size, visual and acoustic privacy, storage, indoor and outdoor space, and ease of access. <p>Overall the proposed design and orientation of the units is considered to result in an acceptable level of amenity for future occupants of the building.</p>

SEPP 65 – Design Quality of Residential Flat Buildings	Comments
<p>Safety</p> <p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>UDRP: <i>The architectural drawings and landscape design show the intent to link the future footpath to the public footpath along the creek edge. The design achieves a clear definition between public and private through the level changes, stairs and gates at the top of the stairs.</i></p> <p>Planner's Comments: The development is considered consistent with the CPTED principles as follows:</p> <ul style="list-style-type: none"> - Clear, access secure pedestrian links are provided from the riparian corridor to building entry points along its northern elevation. - Secure and separate building entry points are provided along the north, north-east and southern building frontage which are in locations with legible and exposed access with clear signlines and passive surveillance. - Way finding signage is proposed to assist residents and visitors in locating and identifying access points. - There is a clear delineation between publically accessible areas of the development and private spaces through the use of well-designed fencing and access doorways. - Access to the retail component is limited to at grade access and via a passenger lift from the basement retail parking at level 1. - Lighting both internal and external will be provided in accordance with Australian Standards.
<p>Housing Diversity and Social Interaction</p> <p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p>UDRP: <i>The planning suggests an acceptable apartment mix.</i></p> <p>Planner's Comments: The proposal includes a mix of 1, 2 and 3 bedroom apartments and internal layouts that provide greater housing choice. The proposal comprises 357 apartments as follows:</p> <ul style="list-style-type: none"> - 62 x 1 bedroom apartment (17%); - 271 x 2 bedroom apartments (76%); and - 24 x 3 bedroom apartments (7%). <p>A total of 39 units are designed to comply with adaptable housing design provisions.</p> <p>This is considered to be a suitable mix of housing which should attract single, couples and family occupants alike into an area which is highly accessible to public transport and local shopping. In this regard, as a guide the Housing NSW Centre for Affordable Housing suggests 1 and 2 bedroom apartments contribute towards achieving housing affordability.</p>
<p>Aesthetics</p> <p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and</p>	<p>UDRP: <i>Generally, the architectural approach and materials are supported. The panel considers that greater depth to the expressed 'slots' particularly for the east tower would improve the articulation in the facades.</i></p> <p><i>Greater exaggeration of the framing elements would also assist</i></p> <p>Planner's Comments: The amended plans have increased the slots of the east tower as discussed earlier in this report.</p> <p>The overall appearance of the building is considered to reflect a 'Tower' building type under the ADG as encouraged by the SEPP65 guidelines, and is generally consistent with Council's LEP controls. The development has also considered privacy impacts of adjoining sites, the context of the development within a dynamically changing environment and incorporated suitable articulation and a variety of</p>

SEPP 65 – Design Quality of Residential Flat Buildings	Comments
repetitions of the streetscape.	<p>materials and finishes to assist in reducing the apparent massing of the development.</p> <p>Overall the aesthetics are considered to respond suitably to the context of the site and the desired future character of the area.</p>

(c) Apartment Design Guide

The SEPP requires consideration of the "Apartment Design Guide" (ADG) which supports the 9 design quality principles by giving greater detail as to how those principles might be achieved. **Table 3** below addresses the relevant matters.

Table 3: SEPP No. 65 Apartment Design Guide (Design Criteria) Compliance Table

SEPP No. 65 ADG Compliance Table	Considerations	Consistent
Part 2 Developing the controls		
Building Depth Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line.	<p>The proposed building depth ranges from 20m to 22.5m. With the East Tower having a building depth of 20-22m, and the West Tower having a depth of 22.5m.</p> <p>The Apartment Building Type of the development is a 'Tower Apartment' with two towers above a four-storey podium level. This typology is considered suitable for the site and context. The apartments are able to achieve suitable levels of amenity with adequate floor to ceiling heights, solar access, cross ventilation and outlooks. Additionally apartment depths range from 8.5m to 14m (dual aspect).</p> <p>The ADG states, "Where greater depths are proposed, demonstrate that indicative layouts can achieve acceptable amenity with room and apartment depths. This may require significant building articulation and increased perimeter wall length."</p> <p>The proposed building depths are acceptable as the proposal provides acceptable levels of cross ventilation (62% of total apartments) and high quality amenity for residents through adequate ceiling heights and common open space areas.</p> <p>Furthermore, externally the design incorporates articulation through deviations in the building façade depths, and variation in materials and finishes.</p>	No - Acceptable
Building Separation Minimum separation distances for buildings are: <i>Up to four storeys (approx 12m):</i> <ul style="list-style-type: none"> - 12m between habitable rooms/balconies - 9m between habitable and non-habitable 	<p>The building separation between the two towers is 24m between habitable to habitable rooms/balconies, complying with the requirements for 9+ storeys.</p>	Yes

SEPP No. 65 ADG Compliance Table	Considerations	Consistent
<p>rooms</p> <ul style="list-style-type: none"> - 6m between non-habitable rooms <p><i>Five to eight storeys (approx. 25m):</i></p> <ul style="list-style-type: none"> - 18m between habitable rooms/balconies - 12m between habitable and non-habitable rooms - 9m between non-habitable rooms <p><i>Nine storeys and above (over 25m):</i></p> <ul style="list-style-type: none"> - 24m between habitable rooms/balconies - 18m between habitable and non-habitable rooms - 12m between non-habitable rooms <p><u>Note:</u></p> <ul style="list-style-type: none"> • At the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m • No building separation is necessary where building types incorporate blank party walls. Typically this occurs along a main street or at podium levels within centres. 	<p>To the south-east the towers are both setback 12m to the boundary with 80 Waterloo Road, providing adequate separation for future development on the site.</p> <p>To the south-west (rear of the site) a minimum setback of 12m is provided to allow for future development of the site.</p>	
<p>Front, Rear & Side Setbacks</p> <p>Street setbacks establish the alignment of buildings along the street frontage. Side and rear setbacks govern the distance of a building from the side and rear boundaries and govern the height of the building.</p>	<p><u>Front Setback:</u> dictated by the ECRL reserve zone along the front of the site.</p> <p>Predominant front setback is 14.2m Ground floor setback is at 16.7m with the exception of the ground floor retail in the northern corner which is setback 14.2m to provide articulation and activation of this corner.</p> <p>Ryde DCP 2014 Part 4.5 requires a front setback of 10m.</p> <p><u>Side & Rear setbacks:</u> The 10m ground floor rear setback, and 12m for >Level 1 and 20 and 12m side setbacks are acceptable.</p> <p>The setbacks provide adequate privacy and amenity for neighbouring sites.</p>	<p>Yes</p> <p>Yes</p>
Part 3 Siting the development Design criteria/guidance	Considerations	Consistent
<p>3B Orientation</p> <p>Building types and layouts respond to the streetscape and site while optimising solar access and minimising overshadowing of neighbouring properties in winter.</p>	<p>The building layout has been designed to face Waterloo Road to the north. The proposed orientation allows the building to maximise solar access balanced against noise impacts from Waterloo Road. The proposal is considered satisfactory in this regard.</p>	<p>Yes</p>
<p>3C Public domain interface</p> <p>Transition between private & public domain is achieved without compromising safety and security and amenity of the public domain is retained and enhanced.</p>	<p>Clear sightlines are provided from Waterloo Road into the development which encourages passive surveillance and crime deterrence.</p> <p>Public domain improvements are also proposed to Waterloo Road, in addition to the enhanced front setback in the form of the Linear Park as required by</p>	<p>Yes</p>

SEPP No. 65 ADG Compliance Table	Considerations	Consistent												
<p>3E Deep Soil Zone Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.</p> <p>Design criteria Deep soil zones are to be provided equal to 7% of the site area and with min. dimension of 3m.</p>	<p>Site Area = 10,520m² 7% = 736.4m²</p> <p>Provided: 4,666m² deep soil area = 44%</p> <p>The building footprint is setback from the street and riparian corridor which contribute significantly to the overall deep soil areas provided.</p>	Yes												
<p>3F Visual Privacy Building separation distances to be shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</p> <p>Design Criteria Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1" data-bbox="121 857 563 1232"> <thead> <tr> <th>Building Height</th><th>Habitable rooms & balconies</th><th>Non habitable rooms</th></tr> </thead> <tbody> <tr> <td>Up to 12m(4 storeys)</td><td>6m</td><td>3m</td></tr> <tr> <td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr> <tr> <td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr> </tbody> </table> <p>Note:</p> <ul style="list-style-type: none"> • Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties. • At the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m • No building separation is required between blank party walls. 	Building Height	Habitable rooms & balconies	Non habitable rooms	Up to 12m(4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	<p>The proposed development is satisfactory with regard to building separation under the ADG controls (refer building separation and setback assessment outlined earlier in this table). Apartments will receive reasonable levels of external and internal visual privacy.</p>	Yes
Building Height	Habitable rooms & balconies	Non habitable rooms												
Up to 12m(4 storeys)	6m	3m												
Up to 25m (5-8 storeys)	9m	4.5m												
Over 25m (9+ storeys)	12m	6m												
<p>3G Pedestrian Access & entries Pedestrian Access, entries and pathways are accessible and easy to identify.</p>	<p>Pedestrian entrances to the building are suitably identifiable from Waterloo Road and the driveway area along the side setback area. The entrances are provided to allow access via car drop off or from the street in appropriate locations.</p>	Yes												
<p>3H Vehicle Access. Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</p>	<p>The vehicular access point is located adjacent to the eastern side boundary onto Waterloo Road. The location is at the furthest point from the riparian corridor and pedestrian/cycle path to prevent conflict between these two access paths. It is also provided with</p>	Yes												

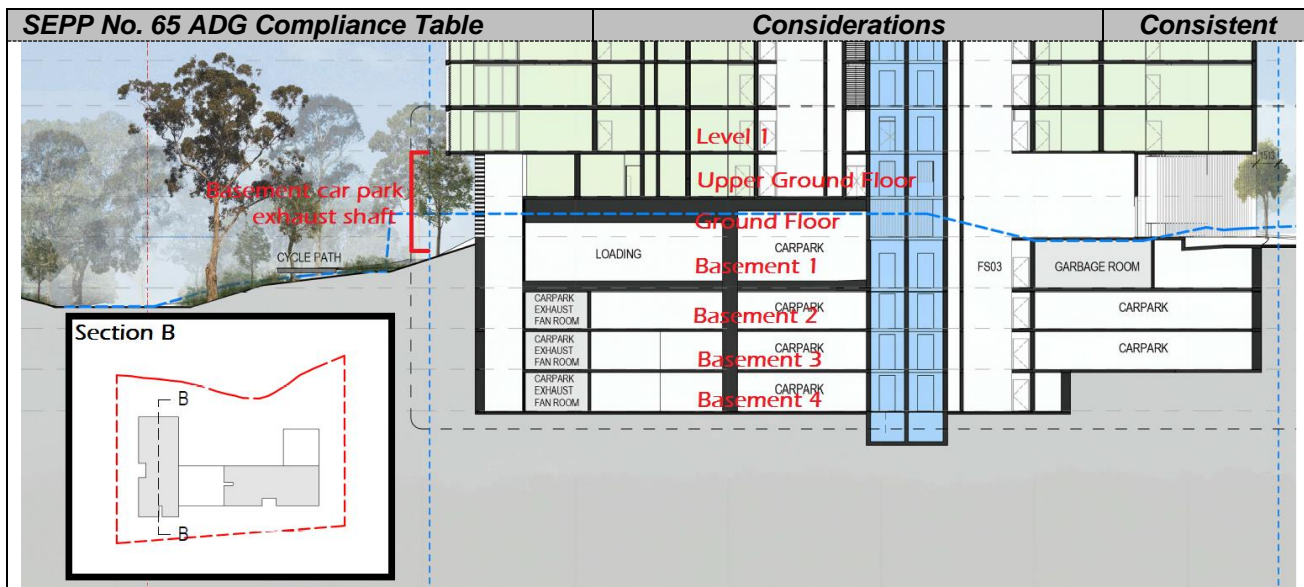


Figure 11: Excerpt from Section B plan (Dwg No. DA2001 Issue A) identifying portion of basement above ground level

Part 4 Designing the building		
4A Solar & daylight access		
Design Criteria		
<p>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.</p> <p>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid- winter.</p>	<p>69.7% of units, or 249 of 357 residential units will receive more than 2 hours solar access.</p> <p>The shortfall of 0.3% of apartments receiving more than 2 hours solar access equates to 10.71 units.</p> <p>This shortfall is the result of the orientation of the towers which aim to reduce acoustic impacts from Waterloo Road while maximising outlooks from south-west and south-east facing apartments. Despite the shortfall the amenity of apartments is of a high standard with adequate 2.7m floor to ceiling heights, a range of apartment types including dual aspect, shallow apartment layouts, and two storey level apartments.</p> <p>Only 10.9% of apartments will receive no solar access to living rooms and private open space, in compliance with the ADG control which requires a maximum of 15%.</p>	<p>No - Acceptable</p> <p>Yes</p>
<p>Design should incorporate shading and glare control, particularly for warmer months.</p>	<p>Shading is provided to north facing windows and balconies in the form of metal and timber screening.</p>	<p>Yes</p>
4B Natural Ventilation		
<p>All habitable rooms are naturally ventilated.</p>	<p>All habitable rooms are naturally ventilated.</p>	<p>Yes</p>
<p>Design layout of single aspect apartments to maximises natural ventilation.</p>	<p>Single aspect apartments maximise natural ventilation through inset balconies which will allow for effective air circulation.</p>	<p>Yes</p>

SEPP No. 65 ADG Compliance Table		Considerations	Consistent												
Design criteria															
1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.		101 of 163 of apartments in the first 9 storeys achieve cross ventilation = 62%	Yes												
2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.		No cross through/over apartments however maximum depth of apartments is 14m.	Yes												
4C Ceiling Heights Ceiling height achieves sufficient natural ventilation and daylight access. The following is required as a minimum:		Floor to floor is 3.1m with ceiling heights of 2.7m. Ground level has a floor to floor height of 5.9m.	Yes												
<table><tr><th colspan="2">Min ceiling height for apartment & mixed use buildings</th></tr><tr><td>Habitable rooms</td><td>2.7m (3.1m floor to floor)</td></tr><tr><td>Non Habitable</td><td>2.4m</td></tr><tr><td>2 storey parts</td><td>2.7m for main living area , 2.4m for 2nd floor</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room</td></tr><tr><td>Mixed used zone</td><td>3.3m for ground & 1st floor to promote future flexibility of use.</td></tr></table>		Min ceiling height for apartment & mixed use buildings		Habitable rooms	2.7m (3.1m floor to floor)	Non Habitable	2.4m	2 storey parts	2.7m for main living area , 2.4m for 2 nd floor	Attic spaces	1.8m at edge of room	Mixed used zone	3.3m for ground & 1 st floor to promote future flexibility of use.		
Min ceiling height for apartment & mixed use buildings															
Habitable rooms	2.7m (3.1m floor to floor)														
Non Habitable	2.4m														
2 storey parts	2.7m for main living area , 2.4m for 2 nd floor														
Attic spaces	1.8m at edge of room														
Mixed used zone	3.3m for ground & 1 st floor to promote future flexibility of use.														
4D Apartment size and layout Apartments are required to have the following minimum internal areas with one bathroom: <ul style="list-style-type: none">• Studio = 35m²;• 1 bedroom = 50m²;• 2 bedroom = 70m²;• 3 bedroom = 90m²;• 4 bedroom = 102m². <u>Note:</u> Additional bathrooms increase the minimum internal area by 5m ² .		All apartments meet the minimum internal areas.	Yes												
Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.		Every habitable room has a window with an external wall with no borrowed light or air from another room.	Yes												
Habitable room depths are limited to a maximum of 2.5 x the ceiling height. In open plan layouts – habitable room (where the living, dining and kitchen are combined) be maximum depth of 8m from a window.		Maximum habitable room depth is 6.75m. Open plan apartments have a maximum depth of 8m.	Yes												
Master bedrooms - minimum area of 10m ² & other bedrooms 9m ² (excluding wardrobe space).		All master bedrooms are 10m ² or more, with min 9m ² for other bedrooms.	Yes												
Bedroom - minimum dimension of 3m (excluding wardrobe space)		Min dimension of 3m achieved for all bedrooms.	Yes												

SEPP No. 65 ADG Compliance Table	Considerations	Consistent															
<p>iving rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments; • 4m for 2 and 3 bedroom apartments. 	<p>Living room widths have been designed to comply with minimum widths under this design criteria.</p>	<p>Yes</p>															
<p>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.</p>	<p>No cross through apartments.</p>	<p>N/A</p>															
<p>4E Private Open Space and balconies Apartments must provide appropriately sized private open space and balconies to enhance residential amenity.</p> <p>Design criteria 1. All apartments are required to have primary balconies as follows:</p> <table border="1" data-bbox="145 719 563 969"> <thead> <tr> <th>Dwelling type</th><th>Min. area</th><th>Min. depth</th></tr> </thead> <tbody> <tr> <td>Studio apartments</td><td>4m²</td><td>N/A</td></tr> <tr> <td>1 bedroom</td><td>8m²</td><td>2m</td></tr> <tr> <td>2 bedroom</td><td>10m²</td><td>2m</td></tr> <tr> <td>3+ bedroom</td><td>12m²</td><td>2.4m</td></tr> </tbody> </table> <p>2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.</p> <p>Primary private open space and balconies are appropriately located to enhance liveability for residents.</p> <p>Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.</p>	Dwelling type	Min. area	Min. depth	Studio apartments	4m ²	N/A	1 bedroom	8m ²	2m	2 bedroom	10m ²	2m	3+ bedroom	12m ²	2.4m	<p>All balconies comply with the minimum area and depth requirements.</p> <p>The two 'upper ground' apartments on the mezzanine level have 31m² and 27m² balconies providing adequate private open space area.</p> <p>Primary private open space is located adjacent to living areas to improve outlook and connectivity of units.</p> <p>Balconies are used to provide articulation and variation in the building façade. They are suitably integrated into the overall design of the development and form part of the detail of the building.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
Dwelling type	Min. area	Min. depth															
Studio apartments	4m ²	N/A															
1 bedroom	8m ²	2m															
2 bedroom	10m ²	2m															
3+ bedroom	12m ²	2.4m															
<p>4F Common circulation and spaces. Design criteria 1. The maximum number of apartments off a circulation core on a single level is 8. 2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p>	<p>1. The design guidance under this criteria states that where Criteria 1 is not achieved no more than 12 apartments should be provided off a circulation core on a single level.</p> <p>The proposal does not comply with this requirement, with more than 12 apartments of a single level on Levels 1-3 (East Tower) with 13 apartments.</p> <p>The variation is accepted as the exceedance is minor, the corridors on these levels are well ventilated with a central open stairwell and void directly serving these levels from the ground floor. Additionally, natural daylight and ventilation is provided to the common circulation areas which will provide a high level of amenity for residents</p>	<p>No – for levels 1-3 number of east tower.</p> <p>Variation acceptable</p>															

SEPP No. 65 ADG Compliance Table	Considerations	Consistent										
	<p>2. There are 4 lifts servicing 357 apartments – averaging 89 apartments per lift.</p> <p>West Tower: 173 units=86.5 units/lift East Tower: 184 units=92 units/lift</p> <p>The applicant has advised that this is due to the 'slender tower forms and limited floor plate size of each tower'.</p> <p>The variation is accepted as Levels 1-5 are supplemented with an open spiral stair providing direct access to the lobbies and common areas of the development. Additionally due to the tower design and limited floor plates for each tower, there is limited space for additional lift cores within the design. The variation is further supported as the corridors will provide high amenity with natural daylight and generally meet the requirements for number of apartments per circulation core.</p> <p>A lift assessment undertaken by Northrop (dated 7.6.17, ref: SY161960-VYL01-VTL01-1) was submitted to indicate that the proposed lift cores are capable of including lifts which are able to achieve a wait time of 50-60 seconds in accordance with CIBSE Guide D 2015 requirements for Normal Residential Buildings. Condition 87 is included to require any proposed lifts to comply with these requirements.</p>	<p>No for number of apartments sharing a single lift.</p> <p>Variation Acceptable subject to condition.</p>										
<p>Design Guide: Daylight and natural ventilation should be provided to all common circulation space above ground. Windows should be provided at the end wall of corridor, adjacent to the stair or lift core.</p>	<p>Windows are at the end of the corridor walls and interspersed along the corridors on most levels. Natural daylight and ventilation is provided to the corridors to improve the amenity of the circulations spaces.</p>	<p>Yes</p>										
<p>4G Storage Adequate, well designed storage is to be provided for each apartment.</p> <p>Design criteria 1.In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided:</p> <table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio</td><td>4m³</td></tr><tr><td>1 bedroom apt</td><td>6m³</td></tr><tr><td>2 bedroom apt</td><td>8m³</td></tr><tr><td>3 + bedroom apt</td><td>10m³</td></tr></table> <p>At least 50% of the required storage is to be located within the apartment. Additional storage is conveniently located, accessible and nominated for individual apartments (show on the plan).</p>	Dwelling type	Storage size volume	Studio	4m ³	1 bedroom apt	6m ³	2 bedroom apt	8m ³	3 + bedroom apt	10m ³	<p>Storage is provided in the basement and within units for all apartments. Adequate storage is provided for all units.</p>	<p>Yes</p>
Dwelling type	Storage size volume											
Studio	4m ³											
1 bedroom apt	6m ³											
2 bedroom apt	8m ³											
3 + bedroom apt	10m ³											

SEPP No. 65 ADG Compliance Table	Considerations	Consistent
<p>4H Acoustic privacy Noise transfer is minimised through the siting of buildings and building layout.</p> <p>Noise impacts are mitigated within apartments through layout and acoustic treatments.</p> <p>In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.</p> <p>Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.</p>	<p>The proposal is accompanied with an Acoustic Report which makes suggestions regarding any attenuation required for the apartments. The report concludes that the design is capable of reducing any traffic and external noise impacts. The report has been based on the criteria of Department of Planning publication "<i>Development Near Rail Corridors & Busy Roads – Interim Guideline</i>" 2008 and AS2017:200 "<i>Acoustics – Recommended design sound levels and reverberation times for building interiors</i>" (AS2107).</p> <p>Council's EHO has reviewed the Acoustic Report and included Conditions 52, 159, 218 and 219 to ensure compliance with the recommendations of the report.</p>	Yes
<p>4K Apartment mix A range of apartment types with different number of bedrooms (1 bed, 2 bed, 3 bed etc.) should be provided.</p>	<p>The proposal includes an appropriate mix of apartment types: 1bed: 62 2bed: 271 3 bed: 24</p>	Yes
<p>4L Ground floor apartments Building facades to provide visual interest, respect the character of the local area and deliver amenity and safety for residents.</p>	<p>Upper ground apartments are adequately secured with gates/fencing and provide casual surveillance to this elevation with living spaces of these apartments facing towards the rear of the site. The apartments will have high quality amenity with large open space areas.</p>	N/A
<p>Building functions are expressed by the façade.</p>	<p>The building has a ground floor retail tenancy which is clearly defined as being separate from the residential units above. Lobbies are readily identifiable and public and private areas delineated from the façade.</p>	Yes
<p>Privacy and safety should be provided without obstructing casual surveillance.</p>	<p>No ground floor apartments facing Waterloo Road. The upper ground apartments at the rear of the site provide an active presentation to the future pedestrian walkway which will be developed along this frontage as part of any development of the adjacent site.</p>	Yes
<p>4N Roof design Roof treatments are integrated into the building design and positively respond to the street.</p>	<p>Proposed roof design integrates with the overall design of the tower built form of the development. Mechanical plant is setback to be imperceptible from the street.</p>	Yes
<p>Opportunities to use roof space for residential accommodation and open space are maximised.</p>	<p>Level 20 and 21 have split level penthouses which are setback with deeper balconies (Level 20) and building setbacks (Level 21) which reduces the roof footprint. Skylights to the 2B apartments on Level 20/21 are also provided within the roof space.</p>	Yes
<p>Roof design incorporates sustainability features.</p>	<p>Solar access is maximised in addition to integrating skylights into the roof design.</p>	Yes

SEPP No. 65 ADG Compliance Table	Considerations	Consistent
4O Landscape design Landscape design contributes to the streetscape and amenity. Landscape design is viable and sustainable	<p>The proposal includes a landscape concept plan prepared in accordance with the design principles outlined in this Part, which has been reviewed by Council's Consultant Landscape Architect and considered acceptable.</p> <p>The proposal includes a range of communal open space areas and communal indoor areas to provide a high level of amenity for residents.</p> <p>Landscaping is carefully chosen to respond to the quality and context of the development.</p>	Yes
4P Planting on structures Appropriate soil profiles are provided.	<p>The proposal includes planters on the ground level, level 5 and Level 20. Council's Consultant Landscape Architect has raised no concerns in this regard and it is considered that the planters are of sufficient size and depth to ensure the future healthy growth of vegetation. See Condition 62.</p>	Yes
4Q Universal design Universal design features are included in apartment design to promote flexible housing for all community members. A variety of apartments with adaptable designs are to be provided.	<p>The development includes 72 units (20%) which are designed in accordance with the Liveable Housing Guidelines.</p>	Yes
4R Adaptive reuse New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place. Adapted buildings provide residential amenity while not precluding future adaptive reuse.	<p>39 units of 10.9% of the units are adaptable in accordance with Ryde DCP Part 9.2.</p>	Yes
4S Mixed use Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.	<p>The proposed retail tenancy provides sufficient active street frontage and is located adjacent to the street frontage and pedestrian/cycle path to allow for activation and encourage pedestrian movement.</p>	Yes
4T Awnings and signage Awnings are well located and complement and integrate with the building design.	<p>Awnings to Waterloo Road are provided which extends over the outdoor retail dining area and is integrated with the overall design.</p>	N/A
4U Energy efficiency Development incorporates passive environmental design measures – solar design, natural ventilation etc.	<p>Complies with BASIX</p>	Yes

As indicated by the table, the development overall is considered to be satisfactory in terms of the Apartment Design Guide.

8.6 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

This Plan, now a deemed State Environmental Planning Policy, applies to the whole of the Ryde local government area. The aims of the Plan are to establish a balance between

promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.

The site is over 3km from the nearest point of Sydney Harbour. As such, it is not considered the proposed development will have a significant visual impact on Sydney Harbour and the catchment and there are no specific controls that directly apply to this proposal.

8.7 Ryde Local Environmental Plan 2014

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

Clause 2.3 Zone Objectives and Land Use Table

The land is zoned B4 Mixed Use under Ryde LEP 2014.

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

- To provide a mixture of compatible uses.
- To integrate suitable business, office, residential, retail and other development in accessible location so as to maximise 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 complies with the above objectives. It will be consistent with the desired future character for the precinct by introducing a mixed use building within walking distance of train and bus services, commercial services and is therefore considered to be a suitable location for this development. As demonstrated in the assessment by the UDRP and against the built form controls of the ADG, the massing and scale of the development is considered appropriate in terms of the future built environment. The built form contributes to the character and public domain of the area and significant public benefit is provided through the delivery of the pedestrian and cycleway along Shrimpton's Creek and the linear park along Waterloo Road.

Clause 4.4 Floor Space Ratio

The FSR for the site is 3:1. The proposal will have a FSR of 3:1 which complies with this control.

Clause 4.3 Height of building

The maximum height of building control for the site is 65m. The proposal has a maximum height of 67.75m. A clause 4.6 variation has been submitted for the height exceedance.

Clause 4.6 Exceptions to development standards – Height of buildings

A request for exemption under clause 4.6 was lodged as the maximum height of the building exceeds the maximum height of buildings control under Clause 4.4 of Ryde LEP 2014. The applicant's seeks a variation to Clause 4.4 of the Ryde LEP 2014 entitled 'Height of buildings'. The objection outlines the rationale for the departure and identifies the constraints of the site.

The proposal departs from this development standard by a maximum of 2.75m above the maximum height of 65m. The height exceedances are located at the rear of the site on the West Tower, and the front north-eastern corner of the East Tower as shown at **Figures 12 and 13.**

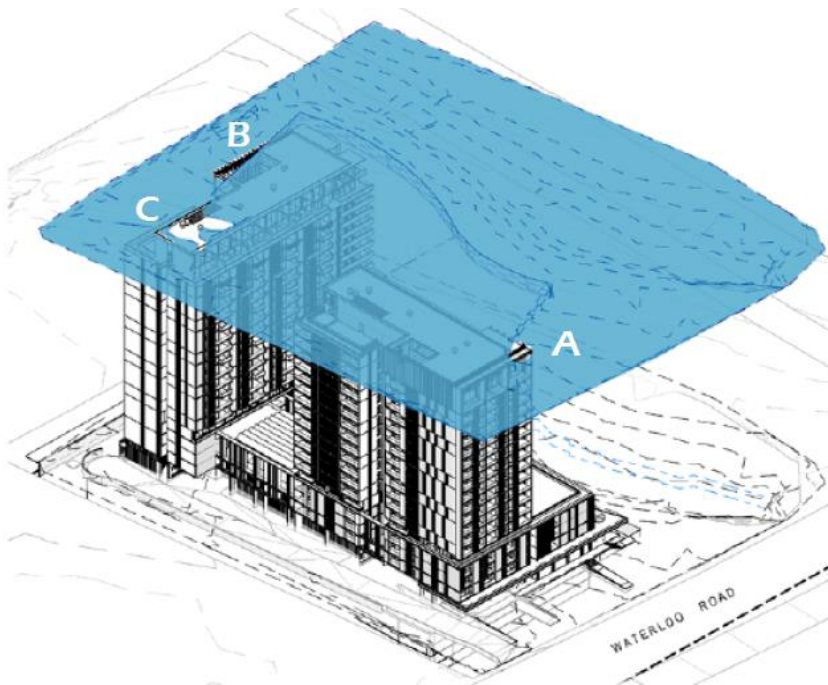


Figure 12: Height plane study (South-east elevation) identifying area of height noncompliance

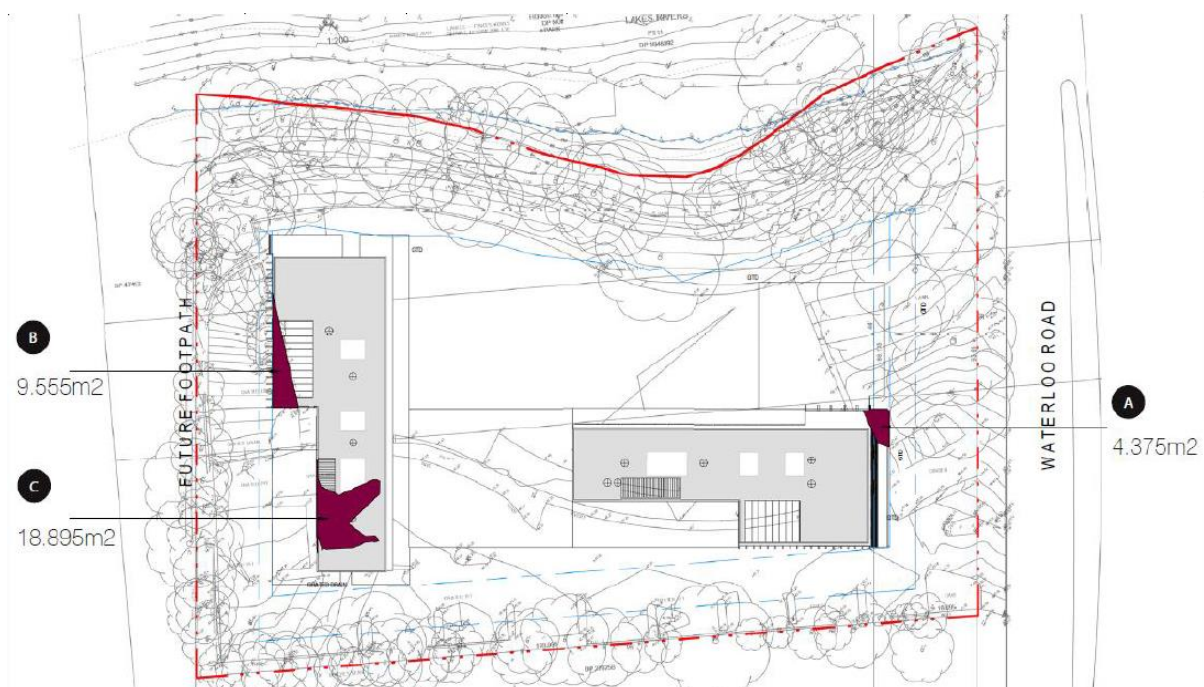


Figure 13: Plan identifying area of height noncompliance

The proposed height non-compliances are the result of the existing ground levels as further outlined below at **Table 4**.

Table 4: Clause 4.6 Variation – height exceedances

Area of noncompliance	Proposed height	Height variation	Reason
Area A	66.06m	1.06m / 1.63%	Level drop outside of existing pedestrian pathway on the site.
Area B	67.75m	2.75m / 4.23%	Reduced levels as a result of existing basement car park access
Area C	65.9m	0.9m / 1.38%	Location of substation and other plant which is set below surrounding levels.

This exception is considered to warrant the Panel's support and is discussed in further detail within this report.

The clause sets out the tests for establishing if the variation is 'well founded' and requires the consent authority to be satisfied of the following matters:

1. Is the planning control a development standard?

Yes, Clause 4.4 'Height of buildings' of the Ryde LEP 2014 is a development standard under the definition of the EP&A Act.

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

The applicant's written request has demonstrated that compliance with the development standard would be unreasonable and unnecessary as the development complies with the objectives of the standard. The written request has also considered the environmental planning grounds that are particular to the circumstances of the proposed development.

The applicant has stated that the primary justification for the proposed variation is due to the site topography and the existing ground levels, and presenting a complying development would provide an inferior design and planning outcome. The applicant further states that:

"A development could be designed to achieve compliance with the maximum Height of Buildings, however, this would need to be achieved through the deletion of the areas of non-compliance as the ground floor level cannot be lowered further due to flooding constraints.

The deletion of the areas of non-compliance would result in an unresolved roof form with a stepped roof form. The possible relocation of this Gross Floor Area elsewhere on site is limited as the subject site is constrained due to the location of the Epping-Chatswood Rail Line, riparian setbacks, and minimum building separation requirements."

The following assessment has also been provided by the applicant regarding why it is considered that compliance with the standard is unreasonable or unnecessary in the circumstances of the case:

"The areas of height non-compliance are relatively minimal and will not result in additional environmental impacts upon adjoining and adjacent properties or the wider streetscape.

- *The majority of the proposal achieves compliance with the maximum height control, and to require the deletion of the upper floor area to simply achieve compliance with this control will result in a worse built form outcome.*
- *There are limited opportunities to lower the ground floor of the building due to flood level constraints.*
- *The proposal, inclusive of the minor building height non-compliance FSR variations, is a superior planning outcome to what would be achieved by a strictly complying development.*
- *The proposed height non-compliances are a direct result of the existing ground levels which have been developed over the years and are limited to the following key areas which are reduced in level for the following reasons:*
 - *Area A – Level drop outside of existing pedestrian pathway on the site.*
 - *Area B – Reduced levels as a result of basement car park access*
 - *Area C – Location of substation and other plant which is set below surrounding levels.”*

It is considered that compliance with the ‘height of buildings’ development standard is unreasonable in this case. The proposed departure from the development standard in relation to the height of building is acceptable for the following reasons:-

- The development incurs the minor building height breach due to the existing topography of the site. The incursions are primarily in parts of the roof area of the development which breach the 65m height limit due to the uneven nature of the existing site levels.
- The intent of the height of building controls under Ryde LEP 2014, are not undermined with only minor portions of the building encroaching the 65m height limit. It is considered that the applicant has demonstrated that compliance with the development standard would be unreasonable and unnecessary in the circumstances of the case.
- In terms of bulk and scale the minor breach does not result in an additional storey nor does it result in an overdevelopment of the site. The portion of the roof that exceeds the height control is minor and only located in limited areas of the roof form as shown at **Figure 12 and 13**.
- Due to the orientation of site, the encroachment to the 65 metre height control does not result in additional detrimental impacts to the surrounding properties such as overshadowing or privacy impacts.
- The proposed development complies with all the building envelope controls for a development of this type, meeting the minimum front, side and rear setback controls under the ADG and Ryde DCP 2014. The proposal complies with the FSR control of 3:1 Ryde LEP 2014 and therefore the height encroachments do not result in a non-complying density for the site.
- The proposed height is considered to meet the objectives of the control. A strict numerical compliance with the development standard would not deliver any substantive additional benefits to the owners or occupants of the surrounding properties or the general public and such compliance can therefore be considered to be unreasonable and unnecessary in the circumstances of the case.
- Overall, the design of the proposal is commensurate with the existing locality and desired future character of the street, satisfying the underlying objectives of the clause.
- The development does not unreasonably compromise the amenity of surrounding properties with respect to privacy or overshadowing.

3. Environmental grounds to justifying contravening the development standard.

The applicant has addressed the environmental grounds to justify the non-compliance as detailed in the above section. All of the above issues are supported. Despite the breach of the control, the development does not result in unacceptable impacts on the environment.

4. The proposed development is in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

The proposed development is also consistent with the objectives of the B4 Mixed Use zone as detailed earlier in this report.

The objectives of Clause 4.3 Height of Buildings are:

- (a) to ensure that street frontages of development are in proportion with and in keeping with the character of nearby development,*
- (b) to minimise overshadowing and to ensure that development is generally compatible with or improves the appearance of the area,*
- (c) to encourage a consolidation pattern and sustainable integrated land use and transport development around key public transport infrastructure,*
- (d) to minimise the impact of development on the amenity of surrounding properties,*
- (e) to emphasise road frontages along road corridors.*

The proposed development is consistent with these objectives as:

- The proposed development is compatible with the emerging character of the area. The bulk and scale of the building as viewed from the street is consistent with the planning controls and desired character for the Macquarie Corridor. The height of this development responds to the street presentation to Waterloo Road and the emerging developments within the immediate locality. The overall built form ensures acceptable setbacks, streetscapes, scale and visual interest in the building.
- The applicant has provided shadow diagrams for 9.00am, 10am, 11am, 12noon, 1pm, 2pm and 3.00pm in midwinter. The diagrams demonstrate that there will be no unreasonable overshadowing to surrounding properties, with the proposed development at 80 Waterloo Road receiving direct solar access to the majority of the site for approximately 3 hours between 9am and 12 noon as shown at **Figure 14**. This is considered acceptable given the site controls for both sites and the site orientation.
- The development supports sustainable integrated land use and transport development around key public transport infrastructure, providing additional residential accommodation within walking distance to key transport infrastructure.
- The impact on adjoining properties has been considered previously under the ADG assessment. The height exceedance will not add to any impact due to shadowing as demonstrated by the above figure. The careful design of the development has aimed to reduce privacy impacts between the two towers in addition to neighbouring sites

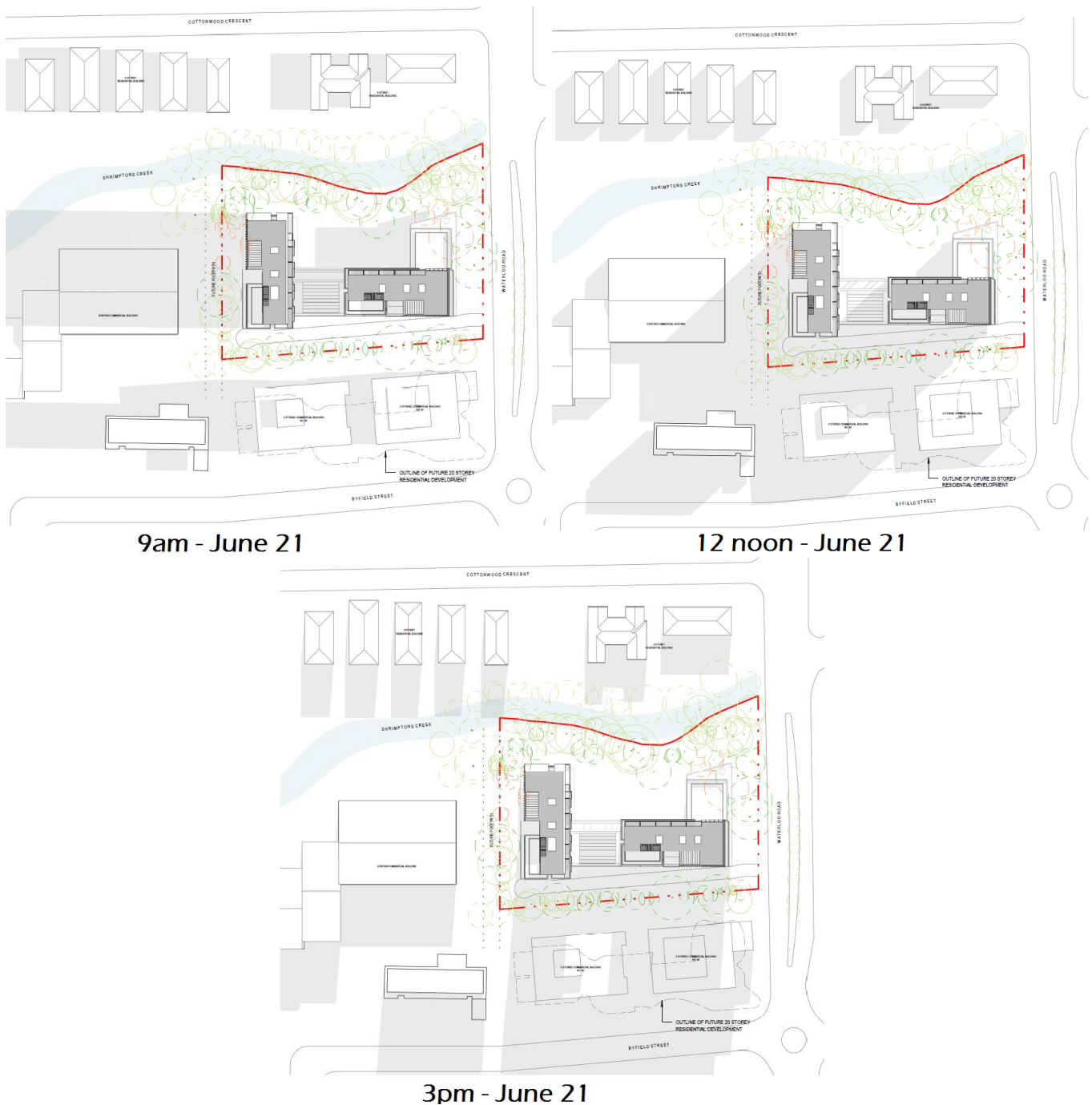


Figure 14: Shadow diagrams at 9am, 12 noon and 3pm on June 21.

- 5. The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and the exception is well founded.**

The applicant has provided a written request which adequately justifies the variation to the development standard.

The justification provided for the departure from the development standard is considered well founded as the objectives of the standard are achieved notwithstanding non-compliance with the standard. Additionally the written request provides justification for the departure and addresses the constraints of the site while also addressing how the proposal meets the objectives of the ADG, Ryde LEP 2014 and DCP 2014.

In this instance, there are sufficient environmental planning grounds to justify contravening the development standard. These grounds are particular to the circumstance of the proposed development on this site. To accept a departure from the development standard in this context would promote the proper and orderly development of land as contemplated by the controls applicable to the B4 zoned land and the objectives of the EP&A Act.

6. Concurrence of the Director General.

Circular PS 08-003 issued on 9 May 2008 informed Council that it may assume the Director-Generals concurrence for exceptions to development standards.

Conclusion

Compliance with the development standard would be inconsistent with the aims of the Ryde LEP 2014 and the objectives of the EP&A Act. Refusal of the application on the basis of this minor non-compliance which is unique to the site, would hinder the orderly and economic use and development of the site as the development is in all other means compliant with the relevant mandatory planning controls, with this exception of the minor breach of the maximum height control of 65m by 2.75m.

In light of the above assessment, the variation to the height of buildings standard is supported.

Clause 4.5B Macquarie Park Corridor – Car parking

Ryde LEP 2014 Amendment No.13 – Macquarie Park Corridor car parking controls was notified on the NSW Legislation website on Friday 21 April 2017. This LEP Amendment deleted the Macquarie Park Corridor Parking Restrictions Maps from Ryde LEP 2014 and Clause 4.5B Macquarie Park Corridor (1) and (2) Off street car parking controls.

As the subject development application was submitted before the date of this amendment, the controls of the LEP relating to Macquarie Park Corridor car parking still apply (per Clause 1.8A Savings provision relating to development applications of Ryde LEP 2014).

Subclause (1) of Clause 4.5B relates to off street parking. The maximum off street parking spaces for commercial and industrial development in the Macquarie Park Corridor is not to exceed those shown on the relevant map. For the subject site the maximum parking control of $1/46\text{m}^2$ of commercial gross floor area applies for the Waterloo Road part of the site, and $1/80\text{m}^2$ for the remaining rear part as shown at **Figure 15** over page.

The applicant has used the $1/46\text{m}^2$ rate, as the largest portion of the site is located within this Area of the mapping, however the retail component of the development is located fronting Waterloo Road, and therefore it is considered that the $1/80\text{m}^2$ is the applicable parking rate. This has been supported by Council's Senior Coordinator Development Engineering Services.

The development comprises of 167m^2 of retail space requiring 2 car spaces. The proposal includes 4 retail car spaces on the Basement 1 level which exceeds this maximum parking control. Accordingly **Condition 5** is recommended requiring the deletion of two (2) retail parking spaces.

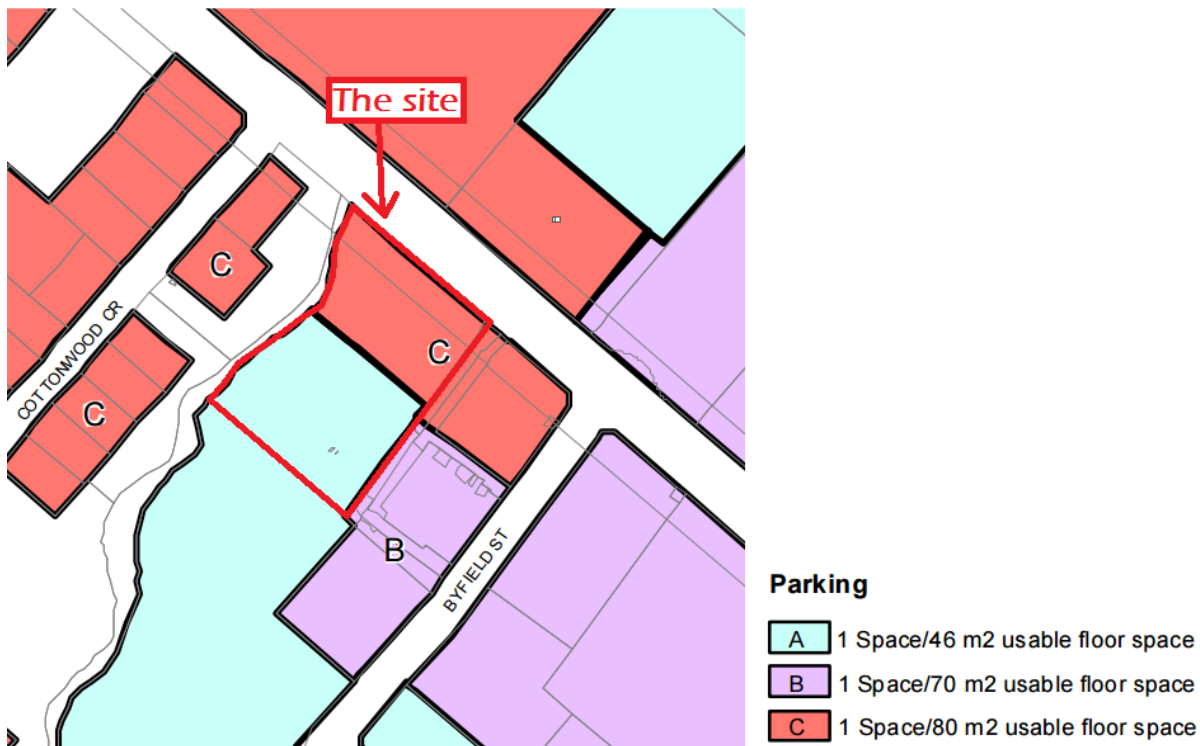


Figure 15: Excerpt from Ryde LEP 2014 Macquarie Park Corridor Parking Restrictions Map

Clause 5.9 Preservation of trees or vegetation

This clause applies to species or kinds of trees or other vegetation that are prescribed under Council's DCP Part 9.5: Tree Preservation. A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation that DCP Part 9.5 applies, without the consent of Council.

While the application notes that 14 of the 120 existing trees on site will need to be removed to facilitate this development, this DA does not seek consent for tree removal which is instead being considered under Local Development Application No LDA2017/204 which seeks consent for *Demolition of existing office building and removal of trees*. Accordingly **Condition 6** has been applied to specify that no consent is given for tree removal under the subject DA.

Conditions are recommended on the consent requiring the protection of the existing trees on site that will not be required to be removed to facilitate the development (see **Conditions 30, 85, 127 - 137**). Council's Consultant Landscape Architect has reviewed the required trees to be removed and has raised no concern to their removal, and thus to prevent inconsistency between the DAs and facilitate the construction staging of the development, no condition is included on the consent restricting their removal or protection.

Clause 6.1 Acid Sulphate Soils

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

Clause 6.2 Earthworks

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

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

The proposed development includes excavation for a four level basement car park. Council's Senior Coordinator Development Engineering Services requires that a number of conditions be included in the consent to address engineering issues such as a sediment and erosion control plan to be submitted prior to any works commencing on the site. (See **Condition 147**).

Additionally, Council's Consultant Structural Engineer has considered the extent of proposed excavation to be satisfactory subject to compliance with the Douglas Partners Geotechnical Investigation Report dated November 2016. (See **Conditions 92 and 96**).

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

Subject to the imposition of the recommended conditions of consent, the development is considered satisfactory in respect of the provisions of clause 6.2.

Clause 6.3 Flood planning

This clause applies to land identified as "Flood Planning Area" on the Flood Planning Map, and other land at or below the flood planning level.

The site is not identified on the Flood Planning Map, however being adjacent to Shrimpton's Creek, the site is identified as a floodway area. The application is submitted with a Flood Report which has identified how proposed stormwater flow management and drainage strategy works within the site conditions.

Council's Senior Coordinator Development Engineering Services and Stormwater Coordinator Asset Systems have both reviewed the proposed development, concluding that the development is compatible with the land's flood hazard and will not cause significant adverse impacts on flood behaviour.

Clause 6.4 Stormwater management

Development consent must not be granted to development on land within residential, business and industrial zones unless the consent authority is satisfied that the development:

- is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and
- includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and
- avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.

Council's Senior Coordinator Development Engineering Services has advised that the proposed stormwater management system for the development discharges to the natural watercourse running through the site and incorporates an onsite detention system and WSUD components. No objections to the proposed development with respect to the engineering components, subject to the application of conditions being applied to any development consent regarding stormwater management. (See **Conditions 90, 146, 190, 191, 196, and 202**).

Clause 6.6 Environmental sustainability

Development consent must not be granted to development on land in a business or industrial zone if the development has a GFA of 1,500m² or greater unless the consent authority is satisfied that the development incorporates environmental sustainability measures that are consistent with principles of best practice environmentally sensitive design.

The proposed development complies with the requirements of SEPP BASIX, in addition to the retail space complying with the relevant BCA Section J Deemed to Satisfy requirements. The development uses Water Efficient fixtures and fittings to reduce the water consumption of the site, and passive and active design elements within the development to reduce energy consumption.

It is considered that through the measures outlined in the submitted Energy Efficiency Performance Report prepared by Northrop that the proposed development embraces principles of quality urban design and is consistent with principles of best practice environmentally sensitive design in accordance with the objectives of this clause.

8.8 Any proposed instrument (Draft LEP, Planning Proposal).

None applicable.

8.9 City of Ryde Development Control Plan 2014

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

Part 4.5 – Macquarie Park Corridor
Part 7.1 - Energy Smart, Water Wise
Part 7.2 - Waste Minimisation and Management
Part 8.1 - Construction Activities
Part 8.2 - Stormwater Management

Part 8.3 - Driveways

Part 9.2 - Access for People with Disabilities

With regard to Parts 7.1 to 8.3, noting the advice received from the various technical departments within Council and the consideration of issues previously in this report, the proposal is satisfactory in relation to the above matters.

(a) Part 4.5 – Macquarie Park Corridor

Table 5: Ryde DCP 2014 - Part 4.5 – Macquarie Park Corridor

Control	Comments	Comply
4.0 Access Network		
4.1 Streets Provide new public streets and pedestrian connections in accordance with Access Structure Plan New Streets are to be dedicated to the Council. New streets are to be maintained by the landowner until dedicated to Council.	<p>The Access Network Map identifies a pedestrian connection to be provided along the western site boundary of the site. See Figure 13 below after the table.</p> <p>This pedestrian connection is in the location of the riparian corridor of Shrimptons Creek, where an existing narrow pathway exists along the site.</p> <p>The proposal includes a 20m building setback to the western boundary and a 4m wide shared path along the western boundary which will link to the future planned pedestrian network in Macquarie Park.</p>	Yes
4.4 Sustainable Transport. A Framework Travel Plan. (FTP) is required to be submitted to Council for approval for all development that exceeds 10,000sqm new floor space.	<p>Proposal has a floor space of 31,560m² and a FTP is required.</p> <p>The applicant has stated that a FTP <i>"is not provided with the proposal however this is done as the redevelopment of the Metro line is likely to significantly change travel patterns for the wider Macquarie Park, making it irrelevant at this stage"</i>.</p> <p>The location and operation of the future Metro line is known and Sydney's metro services are due to start in the first half of 2019, with 15 trains an hour to run in both directions between Epping and Chatswood during the peak. Accordingly it is considered there is enough detail available for an FTP to be submitted. A FTP will be required to be submitted to Council for approval prior to the issue of an Occupation Certificate. See Condition 189.</p>	Yes
Parking Rates Bicycle parking in accordance with Ryde DCP 9.3 Parking. - In every new building, where	<p>Require: 36 bicycle parking spaces. Proposed: 34 spaces for residents and 4 for visitors.</p>	Yes

Control	Comments	Comply
<p>the floor space exceeds 600m² GFA (except for dwelling houses and multi unit housing) provide bicycle parking equivalent to 10% of the required car spaces or part thereof.</p> <p>Car Parking within residential development to be provided in accordance with the following maximums:</p> <p>0.6 space/1 bed 0.9 space/2 bed 1.4 space/3 bed 1 visitor space/10 dwelling 1 car share space per 50 parking spaces.</p>	<p>357 apartments comprising of: 62 x 1 bedroom, 271 x 2 bedroom & 24 x 3 bedrooms. Retail – 167m²</p> <p>Required (residential): 0.6 x 62 = 37 0.9 x 271 = 244 1.4 x 24 = 34</p> <p>Total residential units: 315 car spaces Visitors spaces: 357/10 = 35.7 (36 visitors)</p> <p>Total Residential: <u>351 residential spaces</u></p> <p>Car Share: 1/50 spaces = 7.02 (<u>7 car share spaces</u>)</p> <p>Retail: <u>2 retail spaces</u> per Clause 4.5B of Ryde LEP 2014.</p> <p>Total = <u>360 spaces is the maximum.</u></p> <p>Proposed: 362 car spaces comprising of:</p> <ul style="list-style-type: none"> - 315 residential parking spaces - 36 visitor parking spaces - 4 retail spaces - 7 car share spaces <p>The proposed number of car parking spaces is exceeds the maximum permitted for the retail component of the development. Accordingly Condition 5 has been included on the draft consent requiring the deletion of two (2) retail parking spaces.</p> <p>Council's Senior Coordinator Development Engineering Services concluded that in light of the proposed deletion of two retail spaces, the proposed parking is satisfactory.</p> <p>See Conditions 5 and 200 and full discussion under Section 10 – Senior Development Engineer's comments.</p>	<p>No – satisfactory subject to Condition 5</p>
5.0 Public Domain		
<p><u>5.1 Open Space Network</u> Provide public open space as shown in Figure 5.1.1 Open Space Network.</p>	<p>A privately owned public space is required to be provided along the western side boundary per the DCP requirements. See Figure 16 below after the table</p> <p>This is to be provided as a 4m wide shared path in this location adjacent to the Shrimptons Creek Riparian Corridor.</p>	<p>Yes</p>
<p><u>5.8 Street Trees, Front Setback Tree Planting and</u></p>	<p>Council's Public Domain Section have reviewed the proposed development and</p>	<p>Yes – subject to condition.</p>

Control	Comments	Comply
<p><u>Significant Trees.</u> Street trees and front setback must be provided in accordance with the Street Tree Key Plan in Macquarie Park Public Domain Technical Manual, and their health guaranteed for a minimum of 5 years. At grade parking is not permitted in the front setback</p> <p><u>5.9 Community Facilities.</u> Community facilities are to be provided in accordance with the relevant documentation prepared by Council, particularly the City of Ryde: Social and Cultural Infrastructure Framework. Based on population growth statistics (available 2011) within Macquarie Park Corridor the City of Ryde.</p> <p><u>5.10 Art in Publicly Accessible Place.</u> Art must be included in all new development with more than 10,000m² new floor space in the amount of 0.1% of the construction cost of the works capped at \$1,500,000. Art must be located within the site so as to be publicly accessible i.e. viewed or experienced from publicly accessible places.</p>	<p>included relevant conditions relating to the street trees (See Condition 66). It is noted that the front setback of the development is to be developed as a linear park with final plans to be approved by Open Space Planning and Development Team prior to the issue of the construction certificate (see Condition 69).</p> <p>No at grade parking is proposed within any of the setbacks.</p> <p>Section 94 contributions will be required to be provided. See Condition 45.</p> <p>No specific details provided with regard to Public Art for the site. Conditions 84 and 158 have been imposed requiring a Public Art Plan to be submitted.</p>	<p></p> <p>Yes</p> <p>Yes</p> <p>Yes – subject to condition.</p>
6.0 Infrastructure, facilities and public domain improvement.		
<p>Floor space ratios and height are to comply with Ryde LEP 2014.</p> <p>Access Network and open space network being park are to be dedicated to Council, be design and constructed in accordance with the</p>	<p>Maximum height of 65m permissible. Proposal has submitted a Clause 4.6 variation under Ryde LEP 2014 for a maximum variation of 2.75m. This is further assessed under Section 6 of this report.</p> <p>FSR: 3:1 across the whole site Site area: 10,520m². The proposed GFA for the proposed building is 31,560m². Based on the above, a FSR of 3:1 is proposed.</p> <p>This application proposes to provide the pedestrian connection as part of this application.</p>	<p>No - acceptable</p> <p>Yes</p> <p>Yes</p>

Control	Comments	Comply
<p>2m setback to pedestrian pathways.</p> <p>Underground parking is not permitted to encroach into the front setback areas unless it can be demonstrated that the basement is designed to support significant mature trees and deep root planting. 60% of the street setback area is to be soft landscaping. Existing mature trees are to be retained where possible. Paved areas are to relate to the materials and finishes of the adjacent streetscape. At grade car parking must not be located within this setback. Figure 7.2.2 Parking is not permitted within required setbacks, allowing for deep soil landscaping along streets</p>	<p>Min. 5m setback to pedestrian corridor pathway along western side boundary. No encroachment into the Waterloo Road (front) 16.7m setback due to rail corridor requirements. Sufficient area for deep soil planting with no parking within this area.</p> <p>The street setback area will be subject to further refinement per Condition 69 from Council's Open Space Planning Section regarding the provision of a linear park.</p>	Yes
<p><u>7.4 Awning and Canopies.</u> Awnings must be provided where Primary Active Frontages are shown in Figure 7.3.2 Active Frontage and Setback Control Drawing. Entry canopies and discontinuous awnings and entry canopies are encouraged elsewhere in the Corridor</p>	<p>The north-western corner of the site is noted in Figure 7.3.2 (See Figure 17 below after the table) as active frontage. This corner of the building has a retail tenancy which has an awning wrapping around the front of the building and extending for the full length of Waterloo Road. Fronting the pedestrian corridor the awning has a minimum width of 3m and 2m facing Waterloo Road.</p> <p>The site layout and context is not such that continual awnings are able to be provided, however the awning proposed will provide both an entry canopy and weather protection for pedestrians around the building.</p>	Yes
<p><u>7.5 Rear and Side Setbacks</u> Buildings are to be set back 10m from the rear boundary and 5m from a side boundary unless a proposed new road is shown on the site.</p>	<p><u>South-western rear boundary:</u></p> <ul style="list-style-type: none"> • 10m on the ground floor. • 12m level 1 & above. <p><u>South eastern side boundary:</u> 12m min on all levels</p> <p><u>North-western side boundary:</u> 20m min setback all levels.</p>	Yes
<p>Buildings are not to be constructed on the locations for proposed new roads. An</p>	<p>The proposal is not constructed over a new road or pedestrian connection.</p>	Yes

Control	Comments	Comply
allowance for a 5m setback from a proposed road should also be made. Awnings, canopies, balconies, sun shading and screening elements may project into the rear setback zones.	No screening elements encroach the rear setback.	Yes
Basement car park structures should not encroach into the minimum required rear or side setback zone unless the structure can be designed to support mature trees and deep root planting.	Basement levels do not encroach into the rear or side setback zones. <u>South-western rear boundary: 10m</u> <u>South eastern side boundary: 5m</u> <u>North-western side boundary: 20m</u> <u>Waterloo Road front boundary: 16.7m</u>	Yes
Above ground portions of basement car-parking structures are discouraged and deep soil planting is promoted. Natural ground level is to be retained throughout side and rear setbacks, wherever possible.	No above ground basement parking structures proposed. Natural ground level within side and rear setbacks are generally retained.	Yes
<u>Building Separation</u> Provide building separation as recommended by the ADG.	See ADG compliance table.	Yes
<u>Building Bulk & Design</u> The floor-plate of buildings above 8 storeys is not to exceed 2000m ² , unless it can be demonstrated that slender building forms are achieved through courtyards, atria, articulation or architectural devices.	The proposal complies as the floor plate for Levels 9 & above is 1733m ² The building form of the building has been reviewed by UDRP and is considered satisfactory.	Yes
Buildings are to address the street, and are to have a street address.	An entry from Waterloo Road has been provided plus an entry from the internal driveway area. The building addresses the street when view from Waterloo Road and is considered to provide a suitable streetscape presentation.	Yes
Facade design is to: Reflect and respond to the orientation of the site using elements such as sun shading and other passive environmental controls where appropriate. Provide building articulation such as well design roof forms, expressed vertical circulation etc. Express corner street	The UDRP has reviewed the proposal and amendments have been made where required. The Panel is supportive of the final proposal.	Yes

Control	Comments	Comply
locations by giving visual prominence to parts of the façade (eg a change in building articulation, material or colour, or roof expression).		
8.1 Site Planning & Staging <u>Site Planning & staging</u> Sites are to be planned to allow for the future provision of new streets, pedestrian connections and open spaces in accordance with Figure 4.1.1 Access Network and Figure 5.1.1 Proposed Open Space Network. All sites 15,000m ² or more in area should lodge a site-specific Master Plan and/or Stage 1 development application for approval <u>Site coverage, DS areas & POS</u> A minimum 20% of a site must be provided as deep soil area. Deep soil areas must be at least 2 m deep. For the purpose of calculating deep soil areas, only areas with a minimum dimension of 20 m x 10 m may be included. A minimum 20% of the site area is to be provided as Landscaped Area. Solar access to communal open spaces is to be maximised. Communal courtyards must receive a minimum of 3 hours direct sunlight between 9 am and 3 pm on the 21st of June. Appropriate shading is to be provided so that communal spaces are useable during summer. Communal open spaces are to incorporate the primary deep soil area where possible. <u>Planting on Structures</u> Provide optimum conditions	<p>The proposed building is located to allow for the pedestrian corridor along the western side boundary. It also makes provision for a future pedestrian corridor along the rear of the site on the adjacent property through providing landscaping and direct access from Units on the Upper Ground level to the pedestrian corridor. See Figures 16 and 18 below.</p> <p>The site is only 10,520m² and a Master Plan is not required.</p> <p>44% of the site will be deep soil area, with depths of ≥ 2m. The deep soil areas have a minimum dimension in accordance with this control.</p> <p>Sufficient landscaped area is provided for the whole site.</p> <p>The communal open space faces north and will receive ≥ 3 hours solar access.</p> <p>Pergola and shading provided.</p> <p>The communal open space is in the central courtyard of the building, over the basement parking, in addition to roof lounges and Level 5 Rooftop garden area. The deep soil area is primarily located adjacent to the south-western boundary in the location of the riparian corridor, in addition to the front and rear setback areas. This will provide screening and will soften the development from the adjoining future residential flat buildings.</p> <p>Where planting is proposed over a structure, the development is to achieve the minimum standards for soil provision</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Control	Comments	Comply
<p>for plant growth by providing appropriate irrigation and drainage methods.</p> <p>Design planters to provide the largest possible volume of soil, in accordance with the recommended standards (contained in the DCP).</p> <p><u>Topography and Building Interface</u></p> <p>Level changes across sites are to be resolved within the building footprint.</p> <p>Where buildings are set back from the street boundary, entries are to be provided at street level wherever possible. An accessible path of travel is to be provided from the street through the main entry door of all buildings.</p> <p>Where necessary, stairs and ramps are to be integrated with the landscape design of front setbacks.</p> <p>Natural ground level is to be retained for a zone of 4 m from the side and rear property boundaries. Retaining walls, cut and fill are not permitted within this zone.</p> <p><u>Site Facilities</u></p> <p><u>Commercial</u></p> <p>Vehicular access to loading facilities is to be provided from secondary and tertiary streets where possible.</p> <p>Rubbish and recycling areas must be provided in accordance with Section 6.3 Waste Management. These areas must be integrated with the development;</p> <p><u>Residential</u></p> <p>Provide either communal or individual laundry facilities to each dwelling, and at least one external clothes drying area. The public visibility of this area should be minimised. Clothes drying is only permitted on balconies that are permanently screened from view from the public</p>	<p>as contained in the ADG. See Condition 62.</p> <p>Ground floor fence and retaining wall along south-western side boundary corresponds with the topography, and provides for separation from the pedestrian corridor while allowing for access and activation along this elevation. The building entry from Waterloo Road is accessed via a pathway and is generally at grade.</p> <p>An accessible path of travel is provided from Waterloo Road to the building's lobby.</p> <p>Natural ground levels are maintained within the 4m from the side and rear boundaries.</p> <p>Vehicular access from internal driveway off Waterloo Road and waste collection area on Basement 1. Loading facilities are accessible on the Basement 1 level.</p> <p>Council's Environmental Health Officers and Waste Officer have reviewed the proposal and raised no objections.</p> <p>Individual laundry facilities are provided in each dwelling. Each dwelling will have a balcony however clothes drying within balconies are not encouraged and Condition 10(b) has been imposed to prohibit clothes drying on balconies in the public view. Generally Body Corporate Management will outline rules/policies for clothes drying on balconies.</p> <p>Storage has been provided in accordance with the requirement. Condition 60 has</p>	<p></p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes – subject to condition.</p> <p>Yes</p>

Control	Comments	Comply
<p>domain. Provide storage to dwellings as required by the NSW Residential Flat Design Code. Lockable mail boxes are to be provided in a location visible from the public domain. Mailboxes are to be integrated with the design of building entries and to Australia Post standards.</p> <p><u>Vehicular Access</u> Vehicular access is not permitted along streets identified as 'Active Frontages' (refer to Section 7.2 Active Frontages). Where practicable, vehicle access is to be from secondary streets. Potential pedestrian/vehicle conflict is to be minimised by: limiting the width and number of vehicle access points ensuring clear site lines at pedestrian and vehicle crossings utilising traffic calming devices separating and clearly distinguishing between pedestrian and vehicular access-ways.</p> <p><u>On site Parking</u> Safe and secure 24 hour access to car parking areas is to be provided for building users.</p> <p><u>Basement parking</u> Basement parking areas should be located directly under building footprints to maximize opportunities for deep soil areas unless the structure can be designed to support mature plants and deep root plants. Basement parking areas must not extend forward of the building line along a street.</p> <p><u>Fencing</u> Fencing is not permitted on the perimeter boundary of sites. Security should be</p>	<p>also been imposed to ensure that this is complied with.</p> <p>No detail has been provided with regard to location of letterboxes and street/house numbering. Condition 207 has been imposed requiring all letterboxes and house numbering to be designed and constructed to be accessible from the public way.</p> <p>Waterloo Road is not identified as "Active Frontage" only as a "Secondary Frontage" and vehicular access is provided from Waterloo Road.</p> <p>Council's Traffic & Development Engineer has reviewed the proposal and has not raised any objections to the proposal.</p> <p>Safe and secure parking will be provided as part of the development.</p> <p>Basement parking under building footprint. Deep soil areas are provided with the southern side and front setback areas.</p> <p>Basement parking does not extend forward the building line along Waterloo Road largely due to rail corridor required setbacks.</p> <p>The fencing along the building interface with the riparian corridor is proposed to delineate between public and private</p>	<p>Yes – subject to condition.</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No – considered acceptable.</p>

Control	Comments	Comply
provided within buildings.	areas of the development. The fencing is not along the perimeter of the boundary. The fencing is integrated with the proposed landscaping and meets the objective to create an attractive public domain and open landscaped character.	
<p>Environmental Performance Residential development is to comply with BASIX (Building Sustainability Index) requirements. Development is required to comply with Section 7.8 Building Bulk.</p> <p><u>Wind Impact</u> Buildings shall not create uncomfortable or unsafe wind conditions in the public domain which exceeds the Acceptable Criteria for Environmental Wind Conditions. Carefully locate or design outdoor areas to ensure places with high wind level are avoided. All applications for buildings over 5 storeys in height shall be accompanied with a wind environment statement. For buildings over 9 storeys and for any other building which may be considered an exposed building shall be accompanied by a wind tunnel study report. Refer to Council for documentation and report requirements.</p> <p><u>Noise & Vibration</u> An Acoustic Impact Assessment report prepared by a suitably qualified acoustic consultant is required to be submitted with all development applications for commercial, industrial, retail and community buildings, with the exception of applications minor building alterations. Development is to comply with all relevant statutory regulations. Loading and unloading facilities must not be located immediately adjacent to residential development.</p>	<p>BASIX Certificate provided.</p> <p>Bulk and scale is satisfactory. The UDRP raised no objections to the floor plate and scale of the development.</p> <p>A wind assessment report has been submitted with the application concluding that subject to a number of proposed treatments, adverse wind conditions would be capable of being mitigated. An amended wind environment statement has been also provided which takes into consideration the proposed development at 80 Waterloo Road. The report concludes that <i>“recommended treatments have been incorporated into the design of the development and are expected to be effective in ensuring the wind conditions within these areas to be acceptable for its intended uses with the inclusion of the future development located at 80 Waterloo Road, Macquarie Park”</i>. A condition has been included to ensure the recommended treatments are provided in the subject development. See Condition 167.</p> <p>An Acoustic Assessment Report prepared by Renzo Tonin & Associates has been submitted which conclude that subject to the treatments and recommendations contained with the report, the proposal will comply with the requirements of the NSW State Environmental Planning Policy. The development will comply with all relevant noise and vibration criteria. See Conditions 52 & 159</p> <p>The loading bay and service facilities areas are not located adjacent to any residential apartment.</p> <p>Condition 219 has been imposed to restrict any spruiking and the playing of</p>	<p>Yes</p> <p>Yes</p> <p>Yes – subject to condition.</p> <p>Yes</p> <p>Yes – subject to condition.</p> <p>Yes – subject to condition.</p>

Control	Comments	Comply
<p>Retail premises must limit any spruiking and the playing of amplified music or messages so as not to disturb the amenity of other public and private places.</p> <p><u>Soil Management</u> Development is to comply with the City of Ryde DCP 2014 Development is to be designed and constructed to integrate with the natural topography of the site to minimise the need for excessive sediment disturbance and prevent soil loss.</p>	<p>amplified music or messages so as not to disturb the amenity of other public and private places.</p> <p>Appropriate conditions of consent will be imposed to require the submission of an Erosion and Sediment Control Plan that meets the Council's requirements See Condition 147.</p>	<p>Yes – subject to condition.</p>

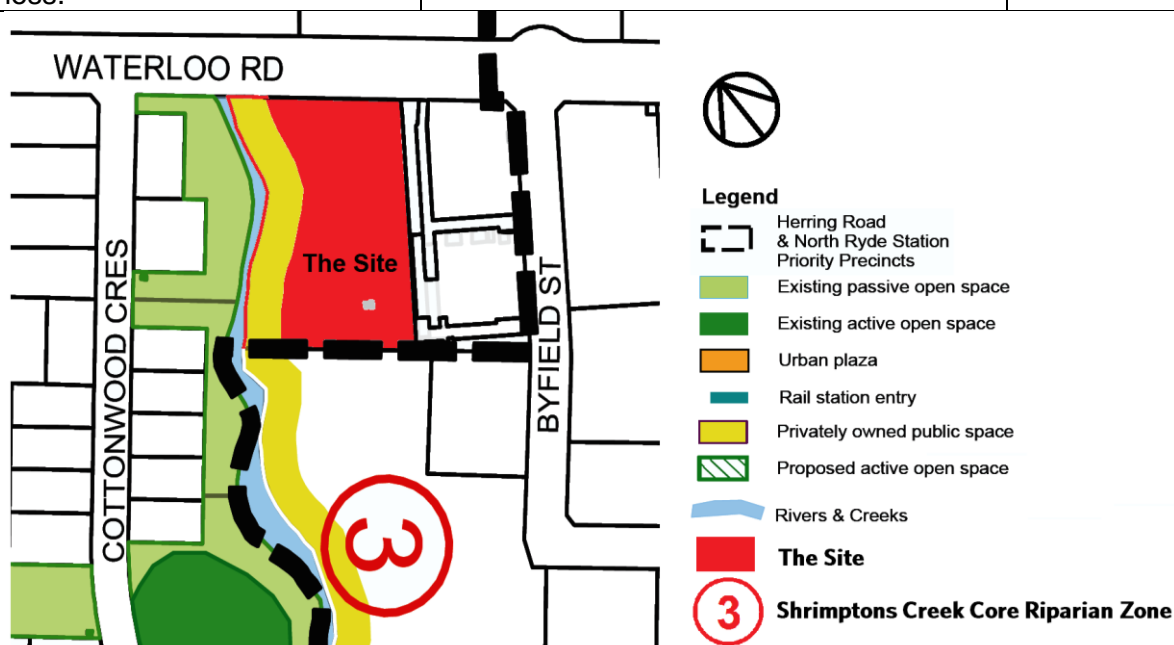


Figure 16: Public Owned Public Space along western site boundary shown in the DCP Proposed Open Space Network Map.

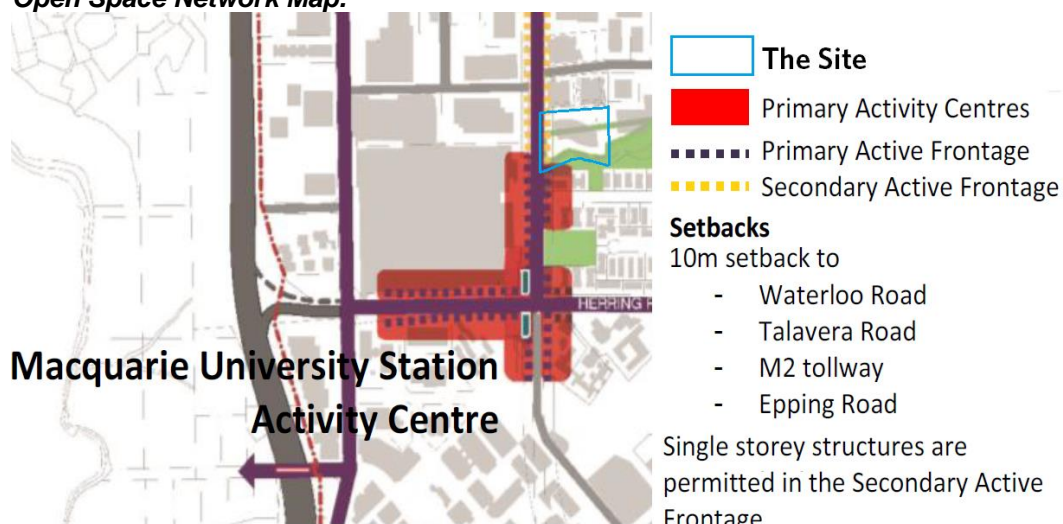


Figure 17: Primary active frontage along western site boundary and secondary active frontage along Waterlog Road shown in the DCP Active Frontage and Setback Control Drawing Map.

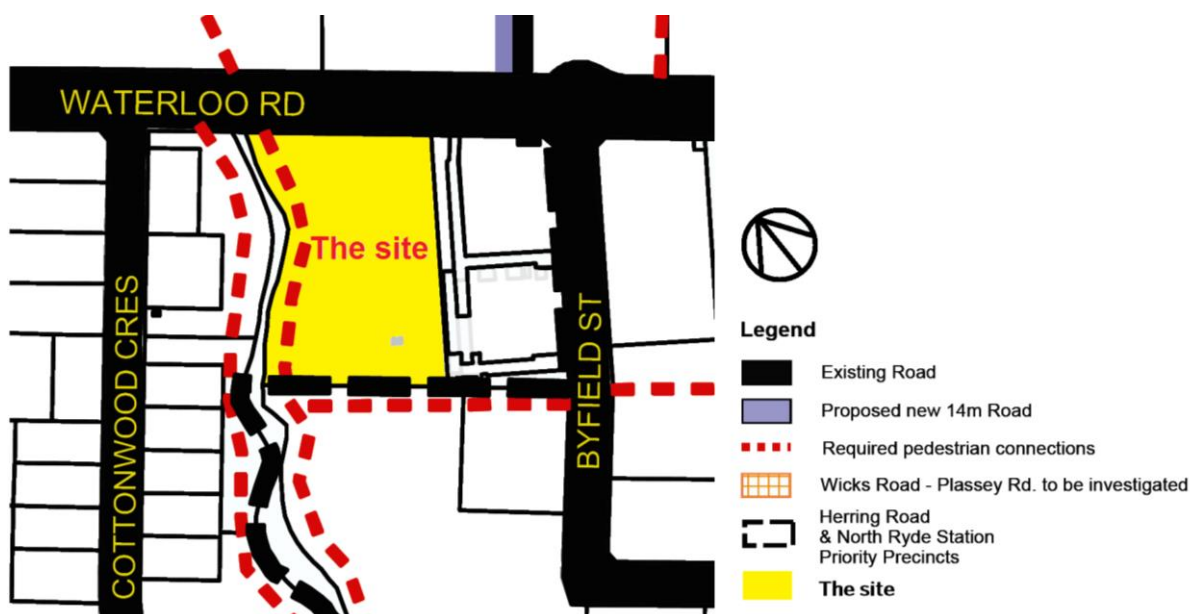


Figure 18: Required pedestrian connection along western site boundary shown in the DCP Access Network Map.

(b) Part 7.2 Waste Minimisation and Management

The application includes a Waste Management Plan which has been reviewed by Council's Senior Co-ordinator Waste. A garbage storage room is provided and waste and bulky good collection will be from the loading area within the Basement 1 level. The waste truck will enter the building and utilise a turn table next to the bin collection & bulky waste rooms. The loading bay is provided close to the garbage storage area and bulky goods area. Council's City Works and Infrastructure have no objections to the proposed loading bay. **Conditions 77 – 81, 177 – 179, 212, and 214 – 216** have been recommended with regard to the waste room.

(c) Part 9.2 Access for People with Disabilities

The application includes an Access Compliance Report prepared by Accessible Building Solutions which states that the development can achieve compliance with the access provisions of the BCA, the Access to Premises Standards, and the requirements of AS4299 – Adaptable Housing. 39 adaptable units are proposed to be provided, which is in accordance with Council's requirements. **Conditions 58 & 59** have been recommended requiring compliance with the recommendations of the Access Compliance Report and for the required adaptable units, each with an allocated disable parking space to be provided.

(d) Part 9.3 Parking

The DCP states that: *in every new building, where the floor space exceeds 600m² GFA (except for dwelling houses and multi-unit housing) provide bicycle parking equivalent to 10% of the required car spaces or part thereof.*

Based on the above, 32 bicycle spaces are required to be provided, with 32 bicycle spaces provided for residents and visitors. This is considered satisfactory. **Condition 200** also includes a requirement for a minimum of 32 bicycle spaces to be provided.

The BCA requires that 10% of the total 351 residential spaces are to be provided as disabled spaces. As such, 36 disabled spaces are required for the residential dwellings.

With 39 of the units as adaptable in accordance with the minimum 10% requirement, these 36 disabled spaces will be allocated to these units. **Condition 59** has been imposed requiring the residential disabled car spaces to be allocated to the adaptable units.

8.10 Section 94 Development Contributions Plan 2007

Development Contributions Plan – 2007 (Interim Update (2014)) allows Council to impose a monetary contribution on developments that will contribute to increased demand for services as a result of increased development density/floor area.

Included in the recommendation is a condition requiring payment of the relevant contribution prior the issue of any Construction Certificate. See **Condition 45**. This contribution is based on:

- 62 one-bedroom apartments;
- 271 two-bedroom apartments;
- 24 three-bedroom apartments; and
- 167m² of commercial area.

This rate also deducts the 11,123.28m² of existing commercial/office floor space existing on the site.

Note: The common areas including the ground floor games, function and deck BBQ area is for residents only and not for commercial use. **Condition 204** has been imposed that common open space areas are not to be used for commercial purposes accordingly this area has not been included in the S94 calculation.

Where a study has been provided, it is considered that subject to condition 1(a), (b), (c) requiring the opening to these rooms to be enlarged and for appropriate internal joinery for the construction of a desk and storage areas to be provided, that these rooms cannot potentially be used as bedrooms in the future. As such, they have not been considered as bedrooms for the purposes of Section 94 calculations.

The commercial tenancy on the ground floor is shown as “retail” on the architectural plans, accordingly this area has been charged the “retail” rate.

The required contributions have been calculated as follows:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$522,476.51
Open Space & Recreation Facilities	\$3,882,853.57
Civic & Urban Improvements	\$62,964.53
Roads & Traffic Management Facilities	\$80,501.72
Cycleways	\$8,667.85
Stormwater Management Facilities	\$8,103.91
Plan Administration	\$2,278.86
The total contribution is	\$4,567,846.95

9. LIKELY IMPACTS OF THE DEVELOPMENT

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

Context and setting

The proposed development is considered appropriate with regard to context and setting. The subject site is strategically located for high density development with Macquarie University and Macquarie Shopping Centre located to the north-west of the site. The site is also located close to public transport. The development takes advantage of the natural setting provided by Shrimpton's Creek and will enhance the street presentation of the development to Waterloo Road through the provision of the linear park.

Built Form

The development is consistent with the built form objectives envisaged for the redevelopment of the Macquarie Park Corridor area. It provides a suitable bulk and scale for a development of this size, and provides a considerable contribution to additional housing in the area in a high-quality architectural design.

Traffic

A Traffic Impact Statement has been submitted with the application which assessed the impacts of the proposal with regard of the proposed development. The report states:

"The residential component is expected to generate up to 69 and 54 vehicle trips during the weekday AM and PM peak hours respectively.

A conservative approach has been taken by assessing future traffic generation based on rates in excess of RMS Technical Direction guidance. As such, the proposal could generate up to 107 vehicle trips in any peak hour.

Given the existing commercial building generates 150 vehicle trips per hour, the proposal will result in a net decrease in traffic volumes."

The proposal was reviewed by Council's Traffic Engineer and RMS who raised no objections based on traffic generation or parking grounds.

10. REFERRALS

10.1 Internal Referrals:

Development Engineer: Council's Senior Coordinator Development Engineering Services has provided the following response:

Stormwater Management

The proposed stormwater management system for the development discharges to the natural watercourse running through the site and incorporates an onsite detention system and WSUD components. A review of the plan has noted the following;

- *Whilst the submitted documentation depicts a very conceptual layout, the nominated surface levels and RL of the OSD system indicates that the*

nominated surface areas can feasibly drain to the OSD unit. All areas essentially have a failure mode (in the event of blockage) which would direct runoff to the creek, easement to the rear or Waterloo Road.

- The plans do not clearly address drainage of the vehicle access lane as it approaches the basement garage entry. The design report and catchment plan specifies this is to discharge to the OSD however, considering the expanse of area falling to the basement garage area, it is advised that a crest be provided at the vehicle entry point prior to the descent into the basement garage (equivalent to a driveway crossover) so as to minimise the potential for flows to enter the garage.*
- The OSD system has been designed utilising DRAIN's software, based on the PSD requirements specified in the DCP. A review of the arrangement notes that the total discharge from the developed lot (317 L/s) is in the order of the net post developed discharge (307 L/s) and therefore accepted.*
- The WSUD component has been addressed utilising a 60kL rainwater tank in conjunction with MUSIC modelling of the system.*
- There is a public drainage line adjoining the development site located in 6 to 8 Byfield Street. Due to the extent of excavation works it is warranted that a CCTV inspection of the drainage line be undertaken prior to and following construction of the development to ensure the integrity of the drainage line is maintained.*

*Standard conditions have been applied. (See **conditions 90, 146, 190-191, and 202**)*

Vehicle Access and Parking

A review of the parking demand requirements in accordance with the recent update to the DCP Part 9.3 (Parking) notes the following requirements with respect to the residential component;

Unit Type	Quantity	Maximum Resident.	Visitor	Bicycle
1 Bedroom	62	37.2		
2 Bedroom	271	243.9		
3 Bedroom	24	33.6		
TOTALS	357	314.7	35.7	31.47
		(315)	(36)	(32)

The development has provided a total of 315 resident spaces (inc. 36 accessible spaces), 36 visitor spaces and 7 car share spaces thereby complying with the DCP requirements.

The application was submitted before Ryde LEP 2014 Amendment No.13 which removed subclause (1) and (2) of Clause 4.5B relating to Macquarie Park Corridor - Off street car parking controls for commercial and industrial development. Accordingly these controls are the relevant controls for this application. The retail component of the development is located within the 1 per 80m² of mapped area under the LEP, which with 167m² of usable retail space, requires a maximum of 2 retail parking spaces.

With 4 parking spaces proposed, this exceeds the maximum parking rate of the LEP, and 2 parking spaces are to be deleted. A condition is to be included requiring 2 retail parking spaces to be deleted from the plans prior to the issue of a Construction Certificate.

Flooding and Overland Flow

Whilst a detailed review of the submitted Flood Impact Statement is to be undertaken by CWI, a cursory review notes;

The proposed development will increase the level of setback from Shrimptons Creek. This not only enhances the level of flood protection afforded by the development but also increases the level of capacity of flood storage.

The eastern end of the proposed retaining wall bounding the southern side of the development is crucial to prevent inundation of the basement garage from overland flow emanating from 10 Byfield Street and the upstream catchment. It is crucial that the barrier be retained given that any significant overland flow entering this area would enter and flood the basement garage. Accordingly it is warranted that a restrictive covenant be placed over the wall, ensuring the structure is to be maintained for the life of the dwelling.

There are no objections to the proposed development with respect to the engineering components, subject to the application of the following conditions being applied to any development consent being issued for the proposed development."

Landscape Architect: Council's Consultant Landscape Architect has made the following comments regarding the proposal:

"Tree removal / retention has been supported given the proposal intends to retain a large portion of the existing mature trees on site. I note a suite of detailed protection conditions have been recommended to be imposed as part of any consent granted to ensure retained trees are appropriately protected from any construction related impacts.

With regards to the proposed landscaping, the scheme is considered to be of a high quality and integrate well with the existing riparian corridor as well as provide generous and high quality communal open spaces. As such, no issues have been raised in relation to the proposed landscape scheme. It is noted some conditions have been recommended in relation to provision of lighting, irrigation and a Vegetation Management Plan (VMP) in accordance with the recommendations of the Ecological Assessment."

Conditions 56, 57, 155 & 156 have been included in accordance with the recommendations made by the Landscape Architect.

City Works & Infrastructure:

Senior Traffic Engineer: Council's Senior Traffic Engineer has reviewed the proposal and has advised:

A development of this nature is deemed a large scale development and in accordance with RMS guidelines will incorporate the following generation rates:

0.19 vehicle trips per hour in the AM peak

0.15 vehicle trips per hour in the PM peak

2 vehicles per 100m² of commercial floor space

A function centre in this scenario would be utilised irregularly and as such the generation cannot be gauged accurately.

Note: the applicant has undertaken a 'worst case scenario' and adopted a rate of 0.3 vehicle trips in the peak hour for the residential components to adopt a better understanding of the net change between the existing and proposed developments.

This equates to a traffic generation rate of:

Existing Commercial Building – 223 Vehicles
Residential component – 107 Vehicles
Commercial Component – 4 vehicles
Total net reduction – - 112 vehicles

Based on the figures above, the site is anticipated to result in a significant net decrease in traffic generation, hence improving the local network in and around Macquarie Park.

Turntable access in the basement level has provided ample clearance for a waste vehicle body to ensure no collision will occur between the vehicle and any of the building walls. “

Public Domain: From a public domain perspective there are no objections to approval of this application subject to conditions. See **Conditions 29, 31, 66, 68, 75, 76, 110, 141, 162, 169 – 172, 175 and 203.**

Waste Management Officer: Conditions have been recommended to address access to the main bin storage rooms and to the bulky waste storage room. See **Conditions 77 – 81, 177 – 179, 212, and 214 – 216.** From a waste perspective there are no objections to approval of this application subject to conditions of consent.

Environmental Health Officer: No objection has been raised to the development subject to appropriate conditions of consent as discussed within this report.

Sustainability & Environment: No objection to the development subject to the conditions imposed by Office of Water (See Attachment B of the draft consent).

Section 94 Contributions Officer: No objections raised. No VPA has been entered in to, however a recommended condition requiring payment of Section 94 Contributions is included at **Condition 45.**

Public Art Officer: No detailed Public Art Strategy was submitted with the application, accordingly, recommended conditions of consent are included at **Condition 84 and 158.**

Structural Engineer: No objections raised with the proposal. Final referral received with draft conditions of consent requiring support from Sydney Trains prior to determination.

10.2 External Referrals:

NSW Police: NSW Police have raised no objections to the development subject to conditions regarding surveillance, landscaping, lighting, territorial reinforcement, maintenance and access control. **Conditions 181 to 187** have been imposed.

NSW Roads and Maritime Service: In accordance with Schedule 3 of the State Environmental Planning Policy (Infrastructure) 2007 the proposal was referred to RMS.

RMS has reviewed the proposal and raised not objections subject to a condition ensuring that the car parking areas is in accordance with Australian Standards. See **Condition 65**.

Sydney Trains: No objections were raised subject to conditions of consent. (See **Conditions 43 & 44, 96 – 105, 152 & 153, 198 & 199**).

NSW Department of Primary Industries - Office of Water: Integrated development approval was required under Clause 91 of the EP&A Act. General Terms of Approval under s91 of the *Water Management Act 2000* have been issued and included on the draft consent as **Conditions 220 to 258**.

11. PUBLIC NOTIFICATION AND SUBMISSIONS

The application was notified and advertised in accordance with Part 2.1 (Notification of Development Applications) of DCP2014. The exhibition period was from 20 January 2017 to 25 February 2017.

Submission 1: Parking

One submission is from a resident from Cottonwood Crescent raising concerns with off-street parking and the insufficiency of parking provided within the proposed development. Council's Senior Coordinator Development Engineering Services has reviewed the proposed and stated that the proposed development complies with the relevant parking rates under Council's controls and is adequate for the propose use.

Submission 2: Construction and development impacts

The second submission is from Landerer & Company on behalf of their client the Holiday Inn Express at 10 Byfield Street (refer **Figure 1**). Issues raised in the submission relate to construction management, specifically the impacts of construction traffic, noise and air quality on the operations and amenity of the hotel as a result of the proposed development.

Traffic and parking

In relation to traffic impact concerns, Council's Senior Coordinator Development Engineering Services has provided the following response:

"A submission has been received expressing concerns regarding the adequacy of the vehicle access width and lane separation. Based on the applicant's traffic report, the development is anticipated to have a peak traffic generation of some 69 vehicles per hour in the morning peak, equating to 55 vehicles departing/ 14 vehicles entering. With the driveway of sufficient width to accommodate 2 way traffic flow for 2 standard vehicles and the access enforcing a left in – left out configuration, there is not a strong warrant to separate the driveway access other than to achieve a technical compliance with AS2890.1. Note that with the provision of bus lanes in Waterloo Road proposed by the RMS, vehicles entering/ exiting the site will be doing so from the middle lane thereby having a reduced vehicle swept path at the gutter crossover.

Further to the above, the submission has also expressed a concern regarding the level of parking provided, noting it exceeds the requirements of the RMS document, "Guide to Traffic Generating Developments" (GtTGD). The Department of Planning's advice concerning the application of parking requirements under the SEPP (Design Quality of Residential Apartment Development) stipulates that the minimum parking level is the lesser of the rates stipulated in the GtTGD or Council's DCP. In this case

the GtTGD minimum applies however the maximum (Council's DCP) would also be applicable. Whilst there is merit in the submission to opt for a lesser rate, the applicant has complied with the requirements of both the GtTGD and the DCP and therefore is accepted."

*As noted in the comments under stormwater drainage above, the vehicle entry at the head of the cul-de-sac warrants a raised threshold, to minimise the potential for excessive stormwater flows to enter the basement garage. This is addressed by a condition of consent. (See **Condition 90**).*

The internal vehicle ramps have right angled corners, in lieu of a curved ramp which would best accommodate the swept path of a vehicle. The submitted vehicle swept paths demonstrate that it does not accommodate two way traffic flow at these points. This could be addressed by the provision of a 2m by 2m splay on the inside corner of these corners and is addressed by condition.

The waste loading bay is to accommodate a vehicle turntable to avoid having to provide a manoeuvring area. Whilst the use of this device is subject to the consideration by Council's Waste section, it is advised that a positive covenant be registered on the title of the property to ensure the device is maintained."

Development and Construction Traffic Management

Furthermore Council's Traffic Engineer has provided the following response in relation to the development and construction traffic impacts:

"Development Traffic Impact – Additional traffic assessment is not necessary as the proposal will result in minor reduction in traffic generation. Due to the size of retail component (i.e. 167m²), it is expected that business would rely on walk-in customers. Even if retail component is included in the overall traffic assessment, the impact would be minor.

Construction Traffic Management Plan – we will only request Construction Traffic Management Plan (CTMP) to be submitted during DA stage, if the site is located on State Road with no possibility of obtaining work zone or when we believe the building cannot be constructed. We prefer CTMP to be prepared prior to Construction Certificate as more details can be provided by the contractor. We will not be requesting CTMP to be submitted during DA stage for this application.

Noise

Council's Environmental Health Officer has reviewed the proposal in consideration of the construction noise, vibration and dust issues raised in the submission, and provided the following assessment:

"A submission from the Holiday Inn adjacent to the site, regarding the noise from both the development and operational stage of the development, highlighted their concern about disturbance to their guests. They wish to see a construction noise management plan (including vibration) be developed and implemented. Also, they are concerned that the location where the noise measurements were taken for the applicant's report may not be representative of the noise environment adjacent to the Holiday Inn's boundary, which they consider to be quieter and that any noise management plan

developed from the higher measured noise levels will not provide adequate protection for the Holiday Inn.

Additionally, they request that the construction is restricted to the standard work hours in the EPA's Interim Construction Noise Guidelines which are:

Between 7.00am – 6.00pm Monday to Friday; Between 8.00am – 1.00pm Saturdays; and no work Sunday or Public Holidays.

These are different to Council's standard work times which allow slightly longer hours [i.e. Building activities permitted between 7am and 7pm Monday to Friday, 8am and 4pm Saturday, and no building activities on a Sunday or a public holiday]. It may be difficult to restrict this site specifically more than Council's standard hours as many similar sites in the area would be working to these hours. Though it would be prudent to prohibit would outside of Council's work times without providing justification and seeking approval.

A further submission from the Holiday Inn, regarding the generation of dust during demolition/construction phase should be addressed in the general demolition and building conditions used by the assessment team.

It is reasonable that a development of this size has in place, prior to the commencement of any work, a construction management plan dealing with issues such as noise or dust or other issues that may arise during the construction phase”.

It is considered that the hours requested in the submission would unfairly restrict the development of the subject site in comparison to other development in the Macquarie Park Corridor area, particularly in light of the fact that there are no residential dwellings in close proximity of the site. Conditions are included on the draft consent to restrict the potential impacts of construction including **Condition 150** (Construction Noise Control), **Condition 147** (Erosion and Sediment Control), and **Condition 151** (Dust Control), and **Condition 11** (Hours of work).

12. SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The proposed development is considered to be a suitable development for the site, being permissible in the zone and being generally compliant with the relevant planning controls relating to the built form. As detailed earlier in this report, the development is consistent with the emerging character of the area and appropriately responds to the natural and built environmental assets and constraints of the site.

13. THE PUBLIC INTEREST

The development is considered to be in the public interest as it is reasonably consistent with the relevant planning controls. Where variations to the planning controls occur in terms of height and the ADG, any potential impact on the community is adequately compensated through construction of the new pedestrian link and the linear park on the site. The development complies with the objectives of the planning controls.

14. CONCLUSION

This report considers an application for the construction of a mixed use development containing retail and residential uses at 82-84 Waterloo Road, Macquarie Park

The site is zoned B4 Mixed Use under Ryde LEP 2014 and the development results in one variation to the development standards contained in Ryde LEP 2014 in respect to the overall height of the building. The non-compliance is due to the uneven nature of the existing ground levels of the site. The height exceedance is only in minor portions of the roof form and will not contribute to additional overshadowing to adjoining properties. The applicant has provided a Clause 4.6 variation which can be supported.

A number of minor variation have been identified in respect ADG including building depths, the amount of outdoor communal open space, the proportion of units which will receive more than 2 hours solar access, and common circulation and spaces regarding number of apartments per lift core and number of lifts provided. Each of these variations can be supported on planning grounds, with the variations considered minor or capable of being addressed via conditions of consent.

The development generally complies with Part 4.5 Macquarie Park Corridor of Ryde DCP 2014 with any variations able to be resolved or enforced via condition of consent.

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

15. RECOMMENDATION

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

- A. That the Sydney North Planning Panel grant consent to development application LDA2016/602 for the construction of a mixed use development at 82-84 Waterloo Road, Macquarie Park, subject to the Conditions of Consent in Attachment 1 of this report; and
- B. That a copy of the development consent be forwarded to the Roads and Maritime Services, NSW Office of Water and Sydney Trains; and
- C. That those persons making a submission be advised of the decision.

Report prepared by:

Rebecca Lockart
Senior Town Planner

Report approved by:

Sandra Bailey
Senior Co-ordinator - Major Development

Vince Galletto
Acting Manager Assessment

Liz Coad
Acting Director – City Planning and Development