

## **Appendix A – Original Assessment Report**

## SYDNEY NORTH PLANNING PANEL

<b>SNPP No</b>	2017SNH012
<b>DA Number</b>	LDA2016/0395
<b>Local Government Area</b>	City of Ryde
<b>Proposed Development</b>	<p>Construction of a mixed use development including the following works:</p> <ul style="list-style-type: none"> <li>• 3 levels of shared basement car parking for 891 car spaces;</li> <li>• A tunnel beneath Jarvis Circuit that will link Basement Levels 00 &amp; 01 across Lots 104 &amp; 105;</li> <li>• A single level podium across Lot 104 comprising of retail &amp; community facilities uses;</li> <li>• 8 residential buildings comprising of 879 units ranging in height from 3 to 17 storeys;</li> <li>• Publicly accessible open spaces;</li> <li>• 5,966m<sup>2</sup> commercial/retail floor space;</li> <li>• A 2500m<sup>2</sup> community facility; and</li> <li>• Site landscaping.</li> </ul>
<b>Street Address</b>	25-27 Epping Road, Macquarie Park (Lachlan's Line)
<b>Applicant</b>	Greenland (Sydney) Lachlan's Line Macquarie Park Development Pty Ltd
<b>Number of Submissions</b>	5 submissions objecting to the development
<b>Regional Development Criteria (Schedule 4A of the Act)</b>	General Development over \$20 Million
<b>List of All Relevant S79C(1)(a) Matters</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy No. 55 (Remediation of Land)</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX)</li> <li>• State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• Deemed State Environmental Planning Policy Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</li> <li>• Ryde Local Environmental Plan 2014</li> <li>• North Ryde Station Precinct Development Control Plan</li> <li>• Ryde Development Control Plan 2014</li> <li>• Section 94 Development Contributions Plan 2007 (Amendment 2010)</li> </ul>

<b>List all documents submitted with the report for the panel's consideration</b>	Conditions of consent Clause 4.6 variation to height of building standard Clause 4.6 variation to the floor space ratio standard
<b>Recommendation</b>	Deferred Commencement Approval subject to conditions
<b>Report by</b>	Planning Ingenuity, Consultant Planners
<b>Report date</b>	10 July 2017

## **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 comprising retail, commercial, community and residential uses at Nos. 25-27 Epping Road, Macquarie Park. The proposed development incorporates the following:

- Three (3) levels of shared basement car parking and loading to service all activities on the site across Lots 104 and 105 for 891 car spaces;
- A tunnel beneath Jarvis Circuit linking Basement Levels 00 and 01 across Lots 104 and 105;
- A single level podium across Lot 104 comprising retail and community facilities uses;
- Eight (8) residential buildings comprising 879 units ranging in height from 3 to 17 storeys;
- Publicly accessible open spaces - Lachlan's Square and Village Square;
- 5,966m<sup>2</sup> of commercial/retail floor space;
- A 2,500m<sup>2</sup> community facility over two levels (delivered by way of VPA); and
- Site landscaping.

The Development Application has been presented to Council in two parts being Lot 104 and Lot 105, with development of each lot designed by different architects. The proposed works have been integrated to form the overall development. The site is part of the North Ryde Station Urban Activation Precinct and a site specific planning regime for the Precinct was established by the then Department of Planning and Infrastructure.

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

- The development results in a 5% variation in relation to Clause 4.3 - Height of Buildings under Ryde LEP 2014. The applicant has submitted a Clause 4.6 statement in relation to variation of this development standard;

- The development results in a 2.6% variation to Clause 4.4 - Floor Space Ratio under Ryde LEP 2014. The applicant has submitted a Clause 4.6 statement in relation to variation to this development standard;
- There are minor non compliances with the Residential Apartment Design Code in respect to common open space and building separation; and
- There are minor non compliances with the North Ryde Station Precinct DCP 2014. The non-compliances relate to street frontage heights, building setbacks, building depth, overshadowing and car parking.

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

During the notification period, Council received five (5) submissions objecting to the development. The issues raised in these submissions related to overdevelopment, traffic congestion, insufficient parking provision, lack of facilities to support population growth, and need for a child care centre. These matters are addressed in full detail in Section 11 of this report.

The development is consistent with the desired future character of the precinct as identified in the relevant planning instruments. It will contribute to greater activity around the railway station as well as integrating open spaces and public domain areas.

The matter of parking provision has been the subject of detailed assessment and discussion with the applicant during the assessment process. Essentially, parking for the retail component of the proposed development exceeds the maximum parking provisions set out in the North Ryde Station Precinct DCP. Council has also identified concerns that, should the amount of parking proposed be approved, additional traffic impacts beyond those initially modelled and contemplated by the planning controls would result. The discouragement of parking through supply restraint is an important method in the suite of planning controls which aim to encourage low private vehicle mode shares in the promotion of Transit Orientated Developments (TODs). The DCP had contemplated a small, locally oriented supermarket which had assured less “destination” traffic generation and parking demand.

The applicant has demonstrated through the submission of an Assessment of Market Potential that there is a demand for a full line supermarket and that typically associated parking provisions should be provided. Through detailed consideration and peer review of documentation by Council’s Economic Consultant and Traffic Consultant it has been concluded that the excess parking can be supported on the basis that sufficient justification exists for a supermarket based shopping centre at the proposed Lachlan’s Line site given the population growth and strong trading levels in Macquarie Centre.

In accepting that the provision of a full line supermarket is justified it also necessitates an acceptance of the parking provision that is typical of such a use in the current marketplace. Accordingly, a higher rate of parking than envisaged by the DCP has been provided to the retail supermarket and that lower rates have been

applied to the residential uses. This has been supported by a Retail Car Park Capacity Review conducted by Council's Economic Consultant.

The development is likely to contribute to additional traffic congestion in the area. This impact will rely on planned regional infrastructure upgrades to be completed by the State Government. RMS has raised no objection to the application.

The development application is therefore recommended for Deferred Commencement approval subject to appropriate conditions of consent provided in Attachment 1 of this report. Deferred Commencement matters relate to Sydney Trains Concurrence and VPA matters.

## **2. APPLICATION DETAILS**

### **Name of applicant:**

Greenland (Sydney) Lachlan's Line Macquarie Park Development Pty Ltd

**Owner of site:** Urban Growth NSW

**Estimated value of works:** \$319,547.529.00

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

## **3. SITE DESCRIPTION**

The site is known as Lot 104 and 105 in DP 1224238 of Lachlan's Line and is located at Nos. 25-27 Epping Road, Macquarie Park. The site is located on the northern side of Epping Road at the intersection with Delhi Road and is currently vacant. Preliminary site works, subject to separate approval has commenced.

Lot 104 has an area of 12,531m<sup>2</sup> and Lot 105 has an area of 2,822m<sup>2</sup> providing a total site area of approximately 15,353m<sup>2</sup>. The site has frontage to Epping and Delhi Roads and is bordered to the west by commercial development and to the east by Central Park within Lachlan's Line. Further east is the M2 Motorway. A site location plan is provided at Figure 1 below.



**Figure 1: Site Location**

Existing access to the site is via Waterloo Road and Wicks Road, a driveway off the M2 Motorway access road located 150m north of the intersection at Delhi Road, and a driveway off Epping Road. Access to the site will be via Halifax Street, a new local road linking Epping Road to Wicks Road.

The site is located within the North Ryde Station Precinct, within close proximity to the Epping to Chatswood Railway Line.

To the north of Lot 104 (within Lachlan's Line site) is cleared land pending future development. To the north-west of the site is Macquarie Park Train Station. To the east of the site across the M2 Motorway corridor is Macquarie Park Cemetery and Crematorium. , North Ryde Railway Station is located on Delhi Road approximately 250m east of the site. Commercial uses are located along Epping Road to the north west of the site. To the south west and west of the site across Epping Road is North Ryde, characterised by low density development. Blenheim Park is located on Epping Road.



#### 4. PROPOSAL

The development involves the construction of a mixed use development comprising:

- Three (3) levels of shared basement car parking and loading to service all activities on the site across Lots 104 and 105 for 891 car spaces;
- A tunnel beneath Jarvis Circuit linking Basement Levels 00 and 01 across Lots 104 and 105;
- A single level podium across Lot 104 comprising retail and community facilities uses;
- Eight (8) residential buildings comprising 879 units ranging in height from 3 to 17 storeys;
- Publicly accessible open spaces - Lachlan's Square and Village Square;
- A 2500m<sup>2</sup> community facility over two levels;
- A total of 5,966m<sup>2</sup> of retail / commercial uses; and
- Site landscaping.

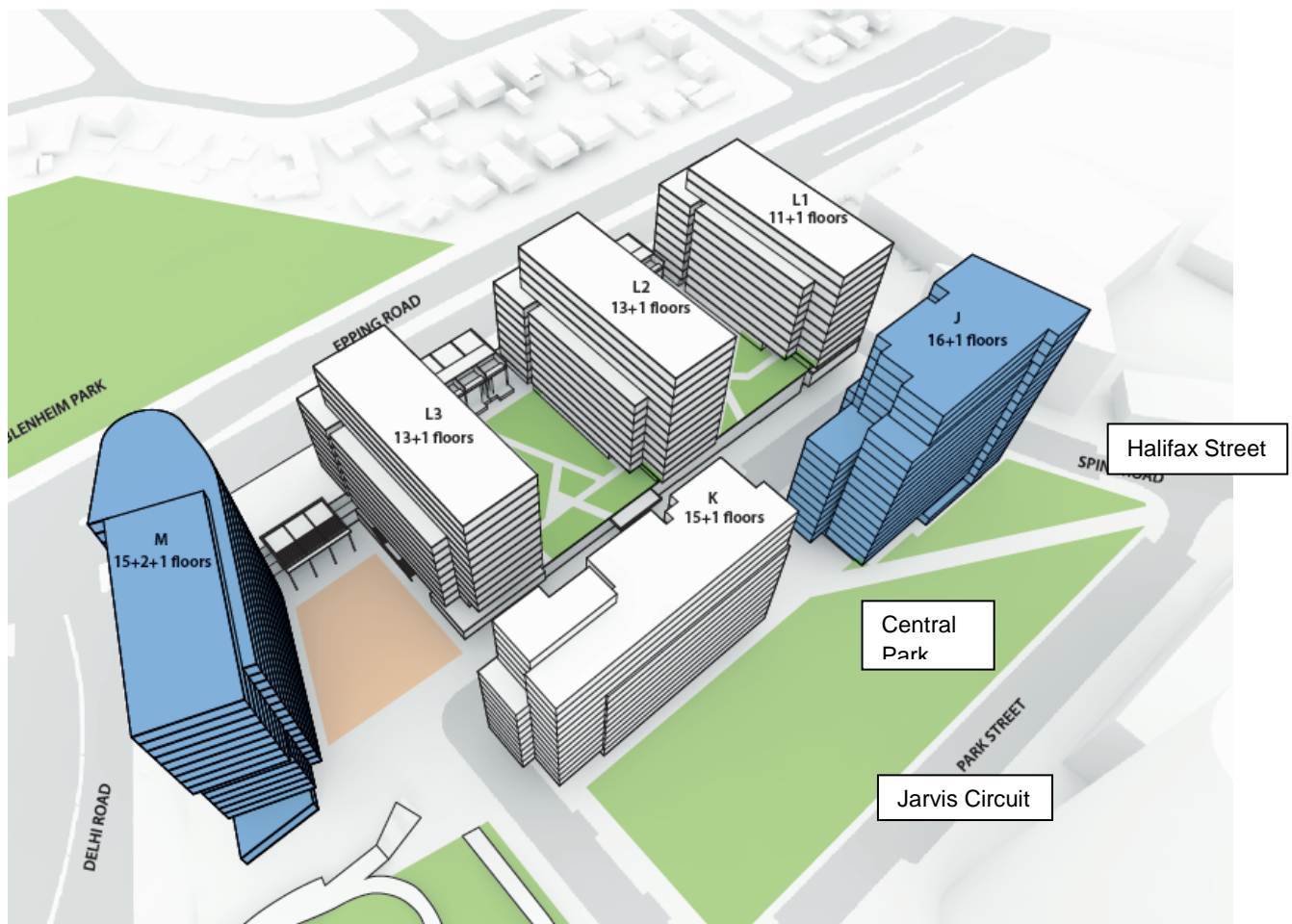


Figure 2: Block diagram of proposed buildings across Lot 104 and Lot 105

The proposal includes 67,554m<sup>2</sup> residential floor space (allocated as, Lot 104 – 44,184m<sup>2</sup> and Lot 105 – 23,370m<sup>2</sup>), a provision of 5,966m<sup>2</sup> of retail/commercial floor space (allocated as, Lot 104 – 5,200m<sup>2</sup> and Lot 105 – 766m<sup>2</sup>), and 2,500m<sup>2</sup> of floor space dedicated to community facilities.

Pedestrian access is focused between a new bridge, providing station access over Delhi Road and the northern corner of Central Park that leads to the greater precinct. These points feed into the site with civic and activity focus on Lachlan's Square, Pedestrian Square, Jarvis Circuit and through Central Park.

Lobby access to buildings is primarily off Retail Street or from Lachlan's Square. Lower level retail and the main entry to the Medical Centre are also accessed from Retail Street.

Vehicular access to the site is primarily through Spine Road which is accessed by south travelling vehicles at the western point of Lot 104. The main vehicular entry point to Lot 105 is off Epping Road where separate access points are provided to the retail loading dock and car parking facilities along Spine Road.

Of the 879 residential apartments the following mix is proposed:

- 59 x studio;
- 389 x 1 bed apartments;
- 419 x 2 bedroom apartments; and
- 12 x 3 bedroom apartments.

A photomontage of the development as viewed from Retail Street Street has been provided in Figures 3 and 4.



**Figure 3: Photomontage of the development as viewed from within Jarvis Circuit looking north-west**





Figure 4: Photomontage of the development as viewed from the south-eastern end of Jarvis Circuit looking south-west at Block M (left) and Lachlan's Square (right).

- Of the 5,966m<sup>2</sup> of retail / commercial space provided, this will consist of small scale, specialty retail along Jarvis Circuit, a main line supermarket which is centrally located and accessed off Jarvis Circuit, restaurants and bars with dual frontage to Jarvis Circuit Street and Central Park. A gym is located on the northern perimeter of Lachlan's Square, and a medical centre is located at the northern end of the site with frontage to Halifax Street and Jarvis Circuit .
- The 2,500m<sup>2</sup> Council community centre will be accessed from Lachlan's Square, will have frontage to Epping and Delhi Roads and will contribute to the civic nature of Lachlan's Square.
- The development proposes 891 car parking spaces across Lot 104 and Lot 105 with an underground tunnel providing access between lots. Parking is split between 3 levels. Parking Level 01 will accommodate on-grade access to both the retail loading dock, visitor car parking and residential car parking. There are 2 centrally located ramps on this level. One ramp will provide access to upper level parking (Parking Level 00 – retail and community parking). The second ramp will provide access to the lowest level (Parking Level 02 – additional residential parking).

## 5. **BACKGROUND**

### **North Ryde Station Urban Activation Precinct**

On 16 March 2013, The NSW Premier announced the Urban Activation Precincts Program. The aim of the program was to deliver more homes in places with access to infrastructure, transport, services and jobs. The North Ryde Station was identified as one of the Urban Activation Precincts. This Precinct is located at the south-eastern end of the Macquarie Park corridor and is centred on vacant government

owned land around the station and a privately owned site. The location of the Precinct is demonstrated in Figure 5.



**Figure 5.** This figure demonstrates the location of the North Ryde Station Precinct. The site is located within Mixed Use Precinct.

The planning process for this precinct was managed by the then Department of Planning and Infrastructure and involved public consultation with the community and Council.

As a result of this process a site specific planning regime for the Precinct was developed. This involved an amendment to Ryde LEP 2010 which established land use zones, building height and floor space ratio for the sites. The State Environmental Planning Policy Amendment (North Ryde Station Precinct) 2013 was gazetted on 23 September 2013.

The North Ryde Station Precinct Development Control Plan (NRSP DCP) prepared by the Department came into effect on 4 December 2014.

### **State Significant Development (SSD)**

On 5 March 2015, under Section 83B of the EP&A Act 1979, the Delegate of the Minister for Planning approved State Significant Development Application

(SSD\_5093) for the staged development of the North Ryde Station Precinct - M2 Site (including the subject site, Lots 104 and 105). The approval comprised the following:

- Subdivision of the site into 12 development lots, 5 public open space lots and 2 public road lots;
- Allocation of a maximum gross floor area to each of the development lots (total of 238,919m<sup>2</sup> across the site plus an additional 2,500m<sup>2</sup> to Lot 104 for a community facility); and
- Infrastructure, civil works and landscaping.

The subject site is part of the created parcels under the SSD, being Lots 104 and 105.

## **Development Applications**

### Related Applications

Development of the subject site has been staged. Two separate applications were lodged with Council for “Early Works” relating to each Lot. LDA2016/0307 relates to Lot 104, and was approved by Council on 22 December 2016 for “early site works, bulk excavation and construction of shoring walls on Lot 104 of Lachlan's Line”. LDA2016/0308 relates to Lot 105 for the same works as Lot 104 and was approved by Council on 25 May 2017.

The subject development application was submitted to Council on 19 August 2016. 2014. The application was notified from 7 September to 7 October 2016.

### Subject Application - background

The proposal was referred to the Urban Design Review Panel (UDRP) for consideration on 27 September 2016.

Following an initial assessment, a letter was sent to the applicant on 28 November 2016 identifying various concerns raised by the UDRP and other Council staff of various disciplines. These included:

- FSR calculation anomalies across submitted documentation;
- Apartment Design Guide compliance issues;
  - Building separation and communal open space provisions;
- RMS comments;
- Traffic – access and egress, excess retail parking;
- Waste management inefficiencies and shortfalls; and
- Open space matters –questions of provision, allocation and hierarchy.

A meeting was held at Council with the applicant on 14 December, 2016. Amended documentation was submitted to Council on 23 December, 2016.

The application was presented to the Sydney North Planning Panel on 22 February, 2017.

As discussed above, the primary issue for the application was the provision of excess retail parking spaces which conflicts with rates adopted by Transport for NSW with the objective to deliver a transit-oriented development (TOD).

A further meeting was held at Council with the Applicant and Council's Independent Traffic Consultant on 1 March, 2017. Consolidated plans and documentation was submitted to Council on 10 April, 2017. The proposal maintained the excess retail parking to support a full line supermarket and this was supported by an Economic Report (dated June, 2016). This report has been peer reviewed by Council's Economic Consultant.

This assessment report and final referral advice relates to the amended plans issued on 23 December, 2016 that were consolidated and reissued on 10 April, 2017.

The primary amendments made by the applicant include:

- Modifications to the upper floor layouts of Building M as part of the design development process. Specifically, changes have been made to the configuration of the plans at the top 2-levels of Building M (Levels 15 and 16). These 2 levels are identical in plan;
- The change results in a reduction of 8 studio apartments and two 2 bedroom apartments, and introduction of four 3-bedroom apartments. This is an overall reduction of 6 apartments, to result in a total of 571 units on Lot 104; and
- There is no change to the cross-ventilation compliance numbers as the changes are above Level 9.

## **6. 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;
- State 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 No 65 – Design Quality of Residential Apartment Development;
- State Environmental Planning Policy (Infrastructure) 2007;
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- Ryde Local Environmental Plan 2014; and
- North Ryde Station Precinct DCP; and
- City of Ryde Development Control Plan 2014.



## **7. PLANNING ASSESSMENT**

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

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

Noting the review undertaken for this development application, it is apparent the site does not have any ecological attributes which, if lost, would impact upon any threatened species, population, ecological community or habitat.

### ***Section 79C Evaluation***

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

### ***Section 93F Planning Agreements***

The applicant has offered by letter to enter into a VPA with Council. The applicant has proposed a vehicular access tunnel between the basements of the buildings on Lot 104 and 105 which will link the parking for the residential and mix use buildings allowing for a more cost effective design for the provision of the residential parking. This tunnel is proposed under Jarvis Circuit which was dedicated to Council as public road under the North Ryde (M2 site) Planning Agreement with Urban Growth NSW dated 26 October 2016.

The VPA letter of offer proposes works-n-kind by the applicant to the value of \$900,000 for the construction and fitout of the community facility in Lachlan's Line. This is in addition to the \$7.6 million of construction and fit out works to be provided by Greenland as required under the North Ryde (M2 site) Planning Agreement between Council and Urban Growth NSW executed on 20 October 2016.

Council at its Ordinary Meeting held on 9 May 2017 accepted the letter of the applicant to enter into a VPA in relation to the Development Application.

### **7.1 Environmental Planning and Assessment Regulation**

This application satisfies Clause 50(1)(a) of the Regulation as it is accompanied by the nominated documentation for development seeking consent for a mixed use development, including:





As the road network was previously approved and the proposed development is consistent with the SSD approval, the subject application does not fall under the state significant provisions of the SEPP.

As the proposed development has a Capital Investment Value of \$319,547,529.00, the development application is required to be determined by the Sydney North Planning Panel.

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

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

The applicant has provided a Site Audit Report A02-0255087-SAR-F02 which has concluded that the site is suitable for the proposed development. The applicant has also submitted a Site Audit Statement SAW002x2. These documents were prepared by ERM dated 30 January, 2015 and have been reviewed by Council's Environmental Health Officer. Site contamination was dealt with during the prior groundworks LDA and a series of site audits found that the site is suitable for the proposed use.

For background to the previous comments in relation to the groundworks applications at the site, Council's Environmental Health Officer advised the following:

*The whole of the Lachlan's Line site including these lots of 104 and 105 have been subject to numerous site assessments by various consultants, along with remediation where necessary, as the site have been used for different uses over the past few years.*

*To provide an overview of the current site contamination status several site audits have been carried out and site audit statements issued. Those that cover these 2 lots were carried out by ERM. Site Audit Report number A02-0255087-SAR-F02 (TRIM: D16/144349) and Site Audit Statement number SAW002v2 (TRIM: D16/144359) both dated 30 January 2015.*

*The auditor concluded that the site was suitable for the proposed use of mixed residential development with minimal soil access including provision of schools or child care centres.*

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

The development is identified under the *Environmental Planning and Assessment Regulation 2000* as a BASIX Affected Building. Following amended plans, updated BASIX Certificates have been prepared for each building (No. 738993M\_03 – Lot 104 apartments, 720454M\_03 – Lot 104 Terraces, and 717601M – Lot 105 apartments) which provides the development with a satisfactory target rating.

Appropriate conditions will be imposed requiring compliance with the BASIX commitments detailed within the Certificate. (See condition numbers 8 and 121).

## **7.5 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment 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:

- Urban Design Review Panel (prior to lodgement);
- The 9 SEPP 65 Design Quality Principles; and
- Apartment Design Code Guide.

### **Urban Design Review Panel**

Council's Urban Design Review Panel reviewed the preliminary proposal on 1 March, 2016 and the current proposal on 27 September, 2016. The primary concerns raised by the Panel have been addressed by the applicant through revised plans issued to Council on 23 December, 2016, as discussed below:

- a. Building L1, L2, L3 and M Lobby design, size and presence as seen on approach at the street corner;*

**Comment:** The lobby to Building L1 has been reconfigured and provided with additional glazing which provides activation to Halifax Street and Jarvis Circuit.

The Lobby to L3 has been separated from the retail entry. It is accepted that the lobbies to L2 Building L2 and Building M are not located at corners and have appropriate and generous frontages to the street at 6.5m and 8.5m respectively.

- b. Building J – resolution of 17 storey element at street level (facing Halifax Street);*

**Comment:** It is accepted that Building J addresses the corner with a lobby to the Jarvis Street. The need for 2 substations (unable to be located underground or on Lot 104) have greatly limited design solutions. The applicant's position that the proposal is the best outcome for the site whilst addressing authority requirements for utility providers.

- c. Confirmation of provision of adjustable sun control;*

**Comment:** The screens located on Buildings L1, L2 and L3 have been removed as they do not provide any solar shading or privacy. Sufficient solar access and ventilation are provided to these units in any case.

Screens are included on the courtyard facades of the terraces which serve to provide privacy benefit.

- d. *Provision of street planting in lieu of deep soil (Lot 105), roof top garden to accommodate Building M (Lot 104) and Building K (Lot 105);*

**Comment:** The applicant has indicated that it is not possible to provide street planting as the street is located outside the site boundary and is under construction by Urban Growth.

Also, to provide a rooftop garden on Building M and K would introduce a height breach under the LEP. This response is supported on the basis that generous landscaping is provided and 20.5% of communal open space is provided in addition to 16.6% of communal and public spaces including a communal room, Lachlan's Square, and Laura's Place. It is noted that the site is also located in close proximity to a newly completed neighbourhood park within Lachlan's Line.

- e. *Privacy concerns to Building J, Bedroom 1 and Study. Design changes recommended;*

**Comment:** A privacy screen has been provided to address this concern.

- f. *Cross ventilation - Building K north-east facing single aspect units. High performance shading required in combination with large deciduous trees.*

**Comment:** Single aspect units on Building K have windows to side elevations to naturally cross ventilate. Privacy screens have been provided to address privacy concerns.

Further treatment to the building façade to Lot 105 has not been provided on the basis that shading and reduction in glazing has been well considered and the development provide a good BASIX performance level.

#### Subsequent Urban Design Review Panel Consideration

Further informal review of the revised plans was conducted by a member of the Panel with the following comments being provided in correspondence dated 7 February, 2017:

#### *Lot 104*

- *Building L1 in Lot 104 has an improved residential lobby configuration at ground level and the medical centre has also been reconfigured around an improved interface with the street and public realm, all evident in the plans and elevations - these changes are supported.*

**Comment:** Changes have been supported.

- *Other ground floor residential lobbies across Lot 104 have benefited from minor improvements to their configuration and are supported.*

**Comment:** Changes have been supported.

- *A number of minor internal planning changes have been made to various apartments across Lot 104, these generally improve efficiency without any diminution on internal amenity and are supported.*

**Comment:** Changes have been supported.

- *Cross section Lot 104 through the supermarket (DA08.005 rev H) and the Epping Road elevation (DA07.001 rev H) both suggest it may be possible to introduce additional window(s) into the southern facade to improve the animation of the podium when viewed from Epping Road. This will be dependent to some extent on the internal planning of the supermarket and particularly the area allocated to back of house (which isn't indicated on the plans yet). Any windows introduced here can be at high level to not constrain the function of the supermarket, and are intended to bring animation to the exterior composition of the podium.*

**Comment:** The suggestion for inclusion of windows to the podium facing Epping Road is appropriate and would assist in breaking up the solid podium. A condition of consent will be required for glazing to be incorporated within the Epping Road elevation to the podium through highlight windows or some other treatment (see Condition 1a).

#### *Lot 105*

- *One drawing appears to have been omitted from the application. Lot 105 Basement 1 has not been included in the set - this is a critical drawing as it shows Building J's residential lobby and its interface with the public realm, which was a concern of the Panel during its last review. As confirmed - the drawing was not included because it has not been revised...the Panel's significant concern has not been addressed. The concern relates to the amenity and setting for the address of over 160 dwellings in Building J. The lobby is situated between a fire control room, substation, fire egress stairs and other service functions of the building. The Panel's view was that this arrangement does not provide an acceptable level of amenity. It was also the Panel's view that an alternative configuration was relatively feasible. The Panel's earlier comments were as follows:*

*The Panel recommends that the lobby be extended to the corner, in conjunction with the reconsideration of the façade treatment at this location discussed above. It may also be possible to configure an alternative lobby entry from the park frontage.'*

**Comment:** Building J addresses this corner with a lobby to the Jarvis Circuit. The site has a requirement for 2 separate substations and the applicant has advised that they have investigated options of relocating the substations within Lot 104 or underground. However, discussions with the energy provider have led to each of the options being unfeasible. The substations must face a street and be located on the face of the building, they require clearance from windows and



openings. As such the applicant has confirmed that there are no other locations on the building perimeter that would result in a preferable street outcome.

The retail frontage to the Jarvis Circuit is important for activation, and it is agreed that this frontage should not be broken up with areas of louvred façade. Pedestrian movement along the Halifax Street will be far less than any point around the building perimeter due to the through site link connectivity with the new park.

Accordingly, the Halifax Street elevation has not been modified. The explanation is considered acceptable and it is agreed that greater visual impact would result from alternate locations.

- *A number of minor internal planning changes have been made to various apartments across Buildings J and K in Lot 105, these generally improve efficiency and privacy, without any diminution on internal amenity and are supported.*

**Comment:** Changes have been supported.

#### *Landscape design*

- *It isn't 100% clear if the applicant is establishing the planting and public realm along Jarvis Circuit and Epping Road (the detail is ghosted in the landscape drawings and detailed cross sections aren't shown). The scheme appears credible and is supportable - the concern raised here is one of implementation.*

*The Panel previously made the following comment:*

*'Arguably, the most visible and prominent frontage in the scheme is the frontage to Epping Road/M2, exposed to high volume, high speed vehicular traffic. As such, the strong landscape design treatment to the otherwise blank frontage presented by the car park and retail uses, is critical to the success of the project. The Panel expects the landscape design to be implemented in full without and diminution of the design intent. This should be a fundamental condition of any development approval.'*

*This remains a concern as it appears the applicant does not propose to establish the large tree planting(lophostemonconfertus)shown in the landscape drawings.*

**Comment:** The proposed development has been reviewed by Council's Consultant Landscape Architect and has been found to be acceptable subject to conditions. In relation to the treatment of the Epping Road frontage, the following comments have been provided:

*Curtilage landscaping is to be provided to the Epping Road and Delhi Road frontages to provide a level of screening and greening to the built form of the development. Adjacent to the buildings at the ground floor level is a battered planting bed which is*

*offset between 1-3m from the building edge and is to include a range of mass planted small-medium shrubs with some small trees planted intermittently. A turf batter extends from the mass planting bed to the public footpath and is to include a row of large canopy trees (Brush Box). It is noted that the tree plantings have been provided in accordance with the recommendations and advice provided as part of Pre-DA lodgement process.*

*The landscape scheme to this edge of the site is generally considered to be satisfactory and will contribute towards providing a green corridor to Epping and Delhi Road as well as providing screening to the increased built form. Species selection is appropriate with a predominantly low maintenance native palette.*

To ensure landscaping is satisfactory completed, further plans, details and planting schedules will be required by condition (see condition 83 to 84).

### SEPP 65 Design Quality Principles

There are nine design quality principles identified within SEPP 65. The following table provides an assessment of the proposed residential flat building (RFB) against the nine design principles of the SEPP.

Planning Principle	Comment	Comply
<p><b>1.Context and neighbourhood character</b></p> <p>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 conditions. 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>The site is located within the Station Precinct of the North Ryde Station Precinct DCP.</p> <p>Development of Lots 104 and 105 as proposed is consistent with the future character for the Precinct and RLEP 2014. The vision for the Precinct "is for a 'Transit Oriented Development' which has direct access to North Ryde Station on the Epping to Chatswood Rail Link, and which is connected, accessible, permeable and has a high base population density".</p> <p>The proposal will provide increased residential density, well integrated with retail and community uses around North Station Precinct and is consistent with the vision for the Precinct.</p> <p>The proposed development contributes to the changing nature of the area which is establishing a new high density population underpinned by new infrastructure and community facilities.</p>	Yes
<p><b>2. Built form and scale</b></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</p>	<p>The proposal establishes an appropriate scale and massing across the site and accommodates the permitted GFA previously approved under the staged development consent under SSD_5093.</p> <p>Buildings range in height from 1 to 17 storeys and the siting of the eight buildings facilitate a through site link (Village Square) to define the streets and public spaces, activate streets with retail frontages</p>	Yes

Planning Principle	Comment	Comply
<p>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>and residential lobbies, and are relatable in the broader context of the developing character of the locality.</p> <p>The varied heights achieve good variation in scale and solar access resolution through the stepping of Buildings L1, L2 and L3. Buildings J and M act as landmark buildings and anchor the permeability of the site from the south-east and north west.</p> <p>The scale of the buildings is mediated by the breaking of the built form as well as using differing architectural details and materials. The scale of the buildings is consistent with the desired future character of the area.</p>	
<p><b>3.Density</b></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>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>The proposed development provides a good level of amenity for residents and is contextually appropriate. As recognised by the UDRP, the site appears suitable for an intense level of development, given its proximity to transport infrastructure, including Delhi Road rail station (pedestrian overpass proposed) and minimal material impacts on nearby sensitive land use zones.</p> <p>The proposal is generally consistent with the GFA allocation permitted under SSD_5093. Excess parking provision for the retail supermarket is proposed (discussed elsewhere in this report) which is contained entirely within the basement and therefore does not contribute to additional building bulk.</p>	Yes
<p><b>4.Sustainability</b></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>The applicant has provided a BASIX Certificate which indicates that the residential component of the buildings will meet the energy and water use targets set by the BASIX SEPP.</p> <p>The design has also ensured the development will comply with the passive solar design principles, soil depth and cross ventilation as required by the Apartment Design Guide.</p>	Yes

<p><b>5. Landscape</b></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, co-ordinating 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>The landscape design is integrated with the overall development and provides a hierarchy of activities, uses and connectivity.</p> <p>Buildings J and K straddle a public plaza and through site link - "Laura's Place" that is activated by the retail precinct and the park.</p> <p>The proposal incorporates a centrally located public square ("Lachlan's Square") and a hierarchy of communal space is provided across the site for access by residents.</p> <p>As supported by Council's Consultant Landscape Architect, the primary public plazas result in a positive open space outcome which will provide both functional and aesthetically pleasing outdoor environments that link well with the future open space arrangements. Curtilage landscaping associated with the Delhi and Epping Road frontages will provide a high level of screening and greening to the built form and has been carried out in accordance with the advice received as part of Pre-DA lodgement discussions.</p> <p>The landscape scheme to this edge of the site is considered to be satisfactory and will contribute towards providing a green corridor to Epping and Delhi Road as well as providing screening to the increased built form. Species selection is appropriate with a predominantly low maintenance native palette. Pedestrian links via stairs and ramps along the Delhi Road frontage are well located and easily identifiable.</p> <p>Private courtyards and rooftop gardens to Lot 104 are considered to be well designed and provide a high level amenity and opportunity for high quality outdoor recreation.</p> <p>The landscape strategy for the site establishes a high quality, integrated landscape setting for the development that adopts a hierarchy of public spaces with good connectivity to residential retail and community uses and good pedestrian amenity.</p>	<p>Yes</p>
<p><b>6. Amenity</b></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</p>	<p>All apartments achieve or are larger than the minimum apartment size recommended under the ADG. As identified by the UDRP, all apartment layouts offer good levels of internal amenity.</p> <p>The proposal will achieve adequate levels of natural ventilation and solar access. The orientation and configuration of apartments results in minimal opportunities for overlooking between</p>	<p>Yes</p>

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>units. Minor issues raised earlier in terms of privacy between some bedrooms (Building J) have been resolved through introduced design measures such as screening.</p> <p>Storage is provided to all dwellings, both internally and in the basement parking levels. In addition, all units are provided with sufficient indoor and outdoor living spaces.</p> <p>All levels within the buildings are accessible from lifts as well as each building being accessible from the street.</p>	
<p><b>7. Safety</b></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>The development is consistent with the CPTED principles as follows:</p> <ul style="list-style-type: none"> <li>• The entrance to each apartment building will be clearly legible and well lit;</li> <li>• Appropriate signage to be provided to each building entrance with appropriate lighting; and</li> <li>• Lighting, both internal and external, will be provided in accordance with Australian Standards.</li> </ul> <p>The proposal was referred to NSW Police and no objections were raised subject to conditions.</p>	Yes
<p><b>8. Housing diversity and social interaction</b></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>Of the 879 residential apartments, the development will included the following housing mix:</p> <ul style="list-style-type: none"> <li>• 448 x Studio / 1 bed units (50.9%);</li> <li>• 419 x 2 bed units (47.7%); and</li> <li>• 12 x 3/4 bed units (1.4%).</li> </ul> <p>The development predominantly contains one and two bedroom apartments. The development also provides adaptable units.</p> <p>The proposed range of apartments provides a suitable mix of housing in response to current housing demand and responds to the need for economic housing choice within an area with good public transport access, social and commercial facilities. Furthermore, The unit mix was found to be acceptable by the UDRP.</p>	Yes



<p><b>9. Aesthetics</b></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 repetitions of the streetscape.</p>	<p>The proposed development represents high level of architectural merit. The UDRP provided the following comments with respect to the design response of the proposal:</p> <p><i>“The quality of the architectural design in general is noted and the Panel commends the architects for the effort made to lessen the perceived scale of the buildings through thoughtful design.”</i></p> <p>The design report provided by the applicant identifies that the building facades were a product of a direct response to orientation and the site exposure to significant traffic noise along Epping Road. These two aspects have strongly influenced the building expression.</p> <p>As indicated within the design response submitted with the application, the architectural expression from two different Architects between Lots 104 and 105 is similar but offers differentiation. The proposed development responds well to the local context with 2 linear buildings (Lot 105) fronting Central Park and the southern buildings being organised around large landscaped courtyards. The Epping Road buildings (Lot 104) are setback with height limited to 2 storeys to create an acoustic and visual buffer to the development.</p> <p>On Lot 104, Building M, with primary orientation to the civic square acts as a “primary anchor” for the overall development and has been finished with glass to present as a more urban and distinct material. To create the distinction, Buildings L1, L2 and L3 are treated with masonry to acknowledge their residential nature.</p> <p>Lot 105 presents Buildings J and K with 3 façade types – 1: Fully glazed with expressed white mullions, 2: Concrete frame portals, painted white with expressed slabs and masonry panels, 3: Expressed concrete slabs, painted white, full height glazing.</p> <p>The base of the building is given civic expression through a single storey colonnade with a glazed white brick and cantilevered awning.</p> <p>The overall development is a good design response to the site context and strategic vision for the precinct with an interesting and well resolved architectural expression.</p>	<p>Yes</p>
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## Apartment Design Guide

The SEPP also requires the Council to take into consideration the requirements of the Apartment Design Code (ADG) which supports the 9 design quality principles by giving greater detail as to how those principles might be achieved with regard to the proposed residential flat building (RFB).

Many of the requirements are already covered by the LEP and the North Ryde Station Precinct DCP and will be addressed elsewhere in the report. The following table addresses the relevant matters.

SEPP NO. 65 APARTMENT DESIGN GUIDE (DESIGN CRITERIA) COMPLIANCE TABLE		
DESIGN CRITERIA	PROPOSAL	COMPLIES
<b>Part 2: Development Controls</b>		
<b>Building Depth</b> Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line.  Where <b>greater depths are proposed</b> , it must be demonstrated that indicative layouts can achieve acceptable amenity with room and apartment depths.	Lot 104 Building depth ranges: L1 – 15m to 20m L2 – 13m to 20m L3 – 15m to 20m M – 8m to 18m  Lot 105 Building depth ranges: J - 6m to 22m K – 11m to 17m  As greater depths are proposed to some units it has been adequately demonstrated that indicative layouts can achieve acceptable amenity with room and apartment depths. Furthermore, good levels of solar access and natural ventilation are afforded to units across the development.	Yes
<b>Building Separation</b> Minimum separation distances for buildings are: Up to 4 storeys: <ul style="list-style-type: none"> <li>• 12m (Habitable)</li> <li>• 9m (habitable/non-habitable)</li> <li>• 6m (non-habitable)</li> </ul> 5-8 Storeys <ul style="list-style-type: none"> <li>• 18m (Habitable)</li> <li>• 12 (habitable/non-habitable)</li> <li>• 9m (non-habitable)</li> </ul> 9+ storeys <ul style="list-style-type: none"> <li>• 24m (Habitable)</li> <li>• 18m(habitable/non-habitable)</li> <li>• 12m (non-habitable)</li> </ul> No separation is required between blank walls.	Internal - 9 storeys+  Lot 104 Between L1 and L2 – 32.55m Between L2 and L3 – 32.55m Between L3 and M – 25.25m  Across Jarvis Circuit – 9 storeys + Between L1 and J – 19.4m  Between L3 and K – 18.7m  Lot 105 – 9 storeys + Between J and K – 25.26m	Yes           No (refer below)   No (refer below)  Yes

### Part 3 Siting the development Design criteria/guidance

#### Communal and Public Open Space

Communal open space has a minimum area equal to 25% of the site.

Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).

Where developments are **unable to achieve the design criteria**, such as on small lots, sites within business zones, or **in a dense urban area**, they should:

- provide communal spaces elsewhere such as a landscaped roof top terrace or a common room
- provide larger balconies or increased private open space for apartments
- demonstrate good proximity to public open space and facilities and/or provide contributions to public open space

The proposal provides a total of 20.5% of the site area as common open space.

Common open space is located between Building L1 and L2 and Buildings L2 and L3 on Lot 104. Buildings J and K on Lot 105 shadow the proposed common open space.

The ADG provides some flexibility through recognizing that solar access to communal open space may not be achievable in dense urban environments, which is the case for the subject development. The DCP seeks to provide increased residential densities with the North Ryde Station Precinct and the proposal addresses this intent through a spatially considered, high density development with good design resolution.

In addition to the communal open space within Lot 104, the proposed development also includes 2,553m<sup>2</sup> (16.6%) of communal and public spaces, including a communal room (86m<sup>2</sup>), Lachlan's Square (1,833m<sup>2</sup>) and Laura's Place (632m<sup>2</sup>). These common spaces deliver a range of recreational opportunities and provide good levels of solar access across the day.

Individual units are also provided with generous private balconies and terraces.

In addition, it is recognised that there is a neighbourhood park immediately adjacent to the site providing outdoor recreation opportunities for residents. Also, the site is located within close proximity to a number of established parks including Blenheim Park to the south-west..

No  
(refer below)

Yes

#### Deep Soil Zones

Deep soil zones are to meet the following minimum requirements:

Site area greater than 1,500m<sup>2</sup> = 7%

Total Lot 104 and 105: 1,263m<sup>2</sup> = 8%

Yes

<p><u>Visual Privacy</u></p> <p>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> <ul style="list-style-type: none"> <li>• Up to 12m (4 storeys) 6m (habitable) / 3m (non-habitable)</li> <li>• Up to 25m (5-8 storeys) 9m (Habitable) / 4.5m (non-habitable)</li> <li>• Over 25m (9 storeys and above) 12m (Habitable) / 6m (non-habitable)</li> </ul>	<p>Refer to setback discussions under North Ryde Station Precinct DCP Compliance table below.</p>	<p>-</p>
<p><u>Bicycle and Car parking</u></p> <p>For development in the following locations:</p> <ul style="list-style-type: none"> <li>• on sites that are within 800 metres of a railway station; or</li> <li>• within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre,</li> </ul> <p>the minimum parking for residents and visitors to be as per RMS Guide to Traffic Generating Developments, or Council's car parking requirement, whichever is less.</p> <ul style="list-style-type: none"> <li>• 0.6 spaces per 1 bedroom unit <math>28 \times 0.6 = 16.8</math> spaces</li> <li>• 0.9 spaces per 2 bedroom unit <math>38 \times 0.9 = 34.2</math> spaces</li> <li>• 1.40 spaces per 3 bedroom unit <math>8 \times 1.4 = 11.2</math> spaces</li> <li>• 1 space per 5 units (visitor parking) – <math>74/5 = 14.8</math> visitor spaces</li> </ul> <p>Total required spaces: 77</p> <p><b>Bicycle Parking</b> Provide adequate motorbike, scooter and bicycle parking space (undercover).</p>	<p>The site is within 500m of North Ryde Station</p> <p>Residential rates under the RMS guide are consistent with DCP rates, however visitor parking is a lower rate under the DCP (1 per 10) instead of 1 per 5. Refer to DCP table.</p> <p>Bicycles : 136 (residential) and 56 (retail) = 192 (within Lot 104 basement)</p> <p>Motorcycles – 30 spaces (within Lot 105 basement)</p>	<p>-</p> <p>Yes</p> <p>Yes</p>

<p><b>Solar Access and Daylight</b></p> <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 in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas</p> <p>No more than 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.</p>	<p>Lot 104 – (571 unit) – 397 (69.52%)</p> <p>Lot 105 – (308 units) – 232 (75.3%)</p> <p><b>Lot 104 &amp; Lot 105 = 71.5%</b></p> <p>Lot 104 – 82 (14.36%) Lot 105 – 41 (13.3%)</p>	<p>Minor variation (Lot 104) Acceptable as compliant across total site (per below) Yes</p> <p>Yes</p> <p>Yes Yes</p>
<p><b>Natural Ventilation</b></p> <p>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.</p>	<p>Lot 104 – 203 (60%) (up to 9 storeys)</p> <p>Lot 105 – 108 (60.3%) (up to 9 storeys)</p>	<p>Yes</p> <p>Yes</p>
<p><b>Ceiling Height</b></p> <p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <ul style="list-style-type: none"> <li>Habitable Rooms – 2.7m</li> <li>Non-habitable rooms – 2.4m</li> <li>If located in a mixed use area - 3.3m for ground and first floor to promote future flexibility</li> </ul>	<p>Lot 104 – 3.1m floor to floor Lot 105 – 3.1m floor to floor</p> <p>Lot 104</p> <p>M – 3.9m (GF and L1 Community Facility), L1 – 4.76m (above ground – Medical Centre) L3 – 3.9m (GF and L1 Gym), Supermarket – 4.4m</p> <p>Lot 105 Building J and K retail GF = 4m</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><b>Apartment Layout</b></p> <p>Apartments are required to have the following minimum internal areas:</p> <ul style="list-style-type: none"> <li>Studio - 35m<sup>2</sup></li> <li>1 Bedroom - 50m<sup>2</sup></li> <li>2 Bedroom - 70m<sup>2</sup></li> <li>3 Bedroom - 90m<sup>2</sup></li> </ul>	<p>Lot 104</p> <p>Studio – min. 35m<sup>2</sup> 1 bed – min. 50m<sup>2</sup> 2 bed – min. 71m<sup>2</sup> 3 bed – min 118m<sup>2</sup></p> <p>Lot 105 Studio – min. 38m<sup>2</sup></p>	<p>Yes Yes Yes</p> <p>Yes</p>



<p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m<sup>2</sup> each</p> <p>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</p> <p>Master bedrooms have a minimum area of 10m<sup>2</sup> and other bedrooms 9m<sup>2</sup> (excluding wardrobe space)</p> <p>Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</p> <p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> <li>• 3.6m for studio and 1 bedroom apartments</li> <li>• 4m for 2 and 3 bedroom apartments</li> </ul>	<p>1 bed – min. 50m<sup>2</sup> 2 bed – min. 70m<sup>2</sup> 3 bed – NA</p> <p>Units with 2 bathrooms have the additional 5sqm</p> <p>Every habitable room has a window.</p> <p>Complies</p> <p>Complies</p> <p>Complies</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><b>Private Open Space</b></p> <p>All apartments are required to have primary balconies as follows:</p> <ul style="list-style-type: none"> <li>• Studio - 4m<sup>2</sup></li> <li>• 1 Bedroom - 8m<sup>2</sup> (Minimum depth of 2m)</li> <li>• 2 Bedroom - 10m<sup>2</sup> (Minimum depth of 2m)</li> <li>• 3 Bedroom - 12m<sup>2</sup> (Minimum depth of 2.4m)</li> </ul>	<p>Lot 104 – Generally compliant and acceptable on merit</p> <p><i>1x 1 bed unit within Building L2 and L3 on levels 12 and 13 are 7m<sup>2</sup>.</i></p> <p>Remainder of units comply:</p> <p>Minimum area – Studio – 4sqm, 1 bed 8m<sup>2</sup>, 2 bed 10m<sup>2</sup>, 3 / 4 bed 14.6m<sup>2</sup></p> <p>Lot 105 – Compliant or exceed minimum.</p> <p>Minimum area - Studio – 7m<sup>2</sup>, 1 bed – 8m<sup>2</sup>, 2 bed 10m<sup>2</sup></p>	<p>On merit</p> <p>Yes</p> <p>Yes</p>
<p><b>Common Circulation Space</b></p> <p>The maximum number of apartments off a circulation core on a single level is 8.</p>	<p>Lot 104 – Building:</p> <p>L1 Max. 12 L2 Max. 11 L3 Max. 11 M Max. 12</p>	<p>Yes</p>

	<p>Lot 105 – Building J – 11 K - 11</p> <p>All circulation areas <b>meet alternate criteria ie max 12</b> and development supported by a Lift Traffic Analysis Report which confirms each building will meet the transportation needs of passengers and goods.</p>	Yes
<p><b>Storage</b></p> <p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <ul style="list-style-type: none"> <li>• Studio - 4m<sup>2</sup></li> <li>• 1 Bedroom - 6m<sup>2</sup></li> <li>• 2 Bedroom - 8m<sup>2</sup></li> <li>• 3 Bedroom - 10m<sup>2</sup></li> </ul> <p>At least 50% of the required storage is to be located within the apartment</p>	<p>(Lot 104) - Complies (Lot 105) – 11x 2 bed units of 308 units provide 4m<sup>2</sup> of storage (within unit).</p> <p>The remaining 4m<sup>2</sup> of storage for these units will be required within the basement levels (see condition 85).</p> <p>Storage is provided within each unit and the basement levels. At least 50% of required storage is located within apartments.</p>	<p>Yes Comply by condition</p> <p>Yes</p>

As indicated in the above ADG table, the proposed development does not meet the design criteria relating to communal open space and building separation between Lot 104 and Lot 105 across Retail Street. Each of these issues is discussed further below.

#### Building Separation

Due to the lot layout, street width, and setback requirements of the DCP, separation between Lot 104 and Lot 105 across the Jarvis Circuit is not achieved. This non-compliance affects Buildings L3 and K and Building L1 and J. A separation of 24m is required under the ADG, however 18.7m and 19.4m separation distances are achieved, respectively.

The objectives of the building separation design criteria seek to achieve appropriate building scale and massing, provide suitable amenity and opportunities for communal open space and landscaping.

The above objectives will not be contravened by the reduced building separation between Lots 104 and 105. The development represents an orderly spatial massing, achieve suitable common open space and design measures have been incorporated to minimise overlooking and resolve a good relationship between opposing buildings. The buildings and apartments have been designed to ensure oblique views are provided either side of the adjacent building.

Units within Buildings L1 and L3 are afforded views to the north-east and north-west of Buildings J and K. Furthermore, the affected units within Buildings J and K have a primary orientation away from the adjacent buildings and only the secondary orientation is affected.

Accordingly, notwithstanding a reduced building separation across Jarvis Circuit, the proposed relationship between buildings on each parcel is acceptable.

#### Communal Open space

The provision of communal open space is 3,144m<sup>2</sup> which equates to 20.5% across the total site. The required provision under the ADG is 25% (3,838m<sup>2</sup>). Accordingly, the proposal represents a shortfall of 694m<sup>2</sup> or 18% variation.

The objectives of the communal open space design criteria seek to enhance residential amenity and to provide opportunities for landscaping. These objectives will not be contravened due to the shortfall in communal open space provision as additional communal areas not included in the figure are available and the overall scheme provides a high quality landscape strategy with ADG compliant deep soil provision.

The proposed development also includes 2,553m<sup>2</sup> (16.6%) of communal and public spaces, including a communal room (86m<sup>2</sup>), Lachlan's Square (1,833m<sup>2</sup>) and Laura's Place (632m<sup>2</sup>). Compliant and larger private open space areas are provided to many units in the form of terracing and balconies to contribute to the variety of public and private recreational opportunities across the development site.

In addition, it is recognised that there is a neighbourhood park immediately adjacent to the site providing outdoor recreation opportunities for residents. Also, the site is located within close proximity to a number of established parks including Blenheim Park to the south-west.

Accordingly, notwithstanding a shortfall in the provision of communal open space, the proposed development is considered to be adequately supported by a hierarchy of open space opportunities within and external to the site in close proximity and with good access.

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

The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure and applies to State.

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

The Early Works approvals relating to the subject site under LDA2016/307 and LDA2016/0308 were referred to Sydney Trains as the works included excavation deeper than 2m above and within 25m of the easement. Following resolution of issues pertaining to Lot 105, concurrence was issued for each application.

The subject application was also referred to Sydney Trains who advised Council on 14 December 2016 that it has granted its concurrence to the development application subject to Council imposing a deferred commencement condition to provide documentation for certification by Sydney Trains. Concurrence also imposes operational conditions of consent (See condition numbers 30, 31, 64 to 68). It is noted that the same deferred commencement condition has been imposed on LDA2016/308 in relation to the early works approval for Lot 105 of the site.

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

Before determining a development application, a consent authority is to ensure that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- (a) In any bedroom in the building – 35dB(A) at any time between 10pm-7am; and
- (b) Anywhere else in the building – 40dB (A) at any time.

The applicant has provided an acoustic report which assessed the impact of rail vibration and ground borne noise on the buildings. The report identified that the predicted internal railway noise level for ground and structure borne noise for habitable rooms within both Lots 104 and 105 has been predicted to be less than 35dB(A) due to the passing by of a train and is not expected to generate any adverse impact on the occupants of the residential apartments.

However due to the nature of the unpredictable variables involved in the assessment (coupling losses from soil to structure, soil attenuation etc.) and the potential for the regenerated noise to be low frequency, it is recommended that a further more detailed assessment be conducted, in order to determine the likelihood of any adverse impacts. Based on the results of an additional assessment, the application of any reasonable and feasible mitigation measures should be investigated, such as the consideration of resilient construction between the ground and the building where required.

A condition of consent has been imposed to ensure compliance with the recommendations of this report. (See condition number 76 and 77).

#### **Clause 101 – Development with frontage to a Classified Road**

Clause 101 applies to the development as the site has a frontage to a classified road. The consent authority must not grant consent to development unless it is satisfied of certain criteria.

The first criteria require that where practicable, vehicular access to the land is to be provided by a road other than a classified road. Access to the site from Epping Road is restricted to left-in/left-out. Access is also available via the Waterloo Road/Wicks Road intersection.

The second criteria requires that the safety, efficiency and ongoing operation of the classified road is not adversely affected by the development as a result of the design of the vehicular access to the land, the emission of smoke or dust from the

development, or the nature, volume or frequency of vehicles using the classified road to gain access to the land.

The development site is accessed via Halifax Street which runs in a north-south direction from Epping Road to Waterloo Road. Halifax Street is the main vehicular connection through the Lachlan's Line site. To the south, Halifax Street forms a left in only intersection with Epping Road. To the north, Halifax Street forms a four way signalised intersection with Wicks Road and Waterloo Road. As such, there will be no adverse impacts to the classified road as a result of the design of the vehicular access. The development will not result in the emission of smoke or dust.

The intersections along Delhi Road including at Epping Road, operate at capacity during peak periods. Any development traffic on the site will worsen these conditions for existing users and future users.

A site specific planning regime for the North Ryde Station Urban Activation Precinct was established by the then Department of Planning and Infrastructure. The rezoning of the site was based on the North Ryde Station Urban Activation Precinct Finalisation Report (July 2013). This report acknowledged the need to upgrade roads and intersections surrounding the Station Precinct as well as the other Sub-Precincts within the DCP area due to the mix of new development traffic and existing traffic. The following regional transport measures have been identified:

- Widening of Delhi Road (eastbound) from the M2 Motorway to east of Julius Avenue;
- Duplication of left turn lane from Pittwater Road to Epping Road.
- Provision of new left and right turn lanes on Wicks Road (both north and south) at its intersection with Epping Road;
- Construction of signals at the intersection of Wicks Road and Waterloo Road;
- Provision of additional storage on the eastern approach of Waterloo Road at its intersection with Lane Cove Road; and
- New on-ramp from Lucknow Road to Epping Road.

The Finalisation Report stated that *“individual developments in the Precinct will be required to make regional contributions to recover part of the cost of funding regional upgrades.”* This report implies that the regional upgrades would precede the development recognising that enabling infrastructure upgrades were important to cater for any new development in this capacity constrained area.

As discussed previously, the applicant has provided excess retail parking spaces to cater for a full line supermarket that the DCP otherwise does not contemplate. The intent of the parking limitation relates to traffic generation and potential impacts to the surrounding road network. As such the matter has been considered by the applicant's Traffic consultant, RMS and Council's Traffic Consultant.

Following Economic review and peer assessment by Council's Economic Consultant, the conclusions have led to an acceptance that there is sufficient justification for a supermarket based shopping centre and that the additional car spaces are justified.



The advising engineers are satisfied that the provision of infrastructure work combined with the car parking proposed for this development application will ensure that the traffic generated by the development will have an acceptable impact on the road network.

### **Clause 102 Impact of Road Noise or Vibration on Non-road Development**

Clause 102 applies to any residential building that is located on land that is adjacent to the road corridor for any road that has an annual average daily traffic volume of more than 40,000 vehicles. The consent authority is required to take into consideration the interim guideline "Development near Rail Corridors and Busy Roads". In addition, the development must achieve appropriate noise levels within the building.

As the development adjoins Epping Road and Delhi Road, the applicant has submitted an Acoustic Report which addresses these requirements. The acoustic report has identified that the development will achieve the required noise levels by the provision of appropriately glazed windows. Glazing for the buildings residential spaces has been designed to achieve internal noise levels in accordance with the requirements of the DoP Guidelines.

The general limiting factor of the performance of a building façade in term of noise attenuation is the glazing. In the case of the proposed development, the traffic noise on the M2 Motorway and Epping Road places the most significant acoustic demand on the facades. The façade noise levels have been predicted based on a SoundPLAN model that has been calibrated to the noise monitoring levels. No attenuation was considered through any external façade components such as louvres etc. and as such, the findings represent what is required from the outside to the internal spaces through all components.

In order to achieve the internal noise levels specified in the DoP Guideline for the residential apartments, the minimum recommended glazing selection for the façades of the proposed development are provided. The glazing is applicable to both living areas and bedrooms, as the night time level has been determined to be 5dB less than the day time level.

In terms of road traffic noise assessment, the residential receivers have been considered to the future residential developments at the site at a distance of at least 10 metres from the vehicles. Based on this quantity of vehicles movements during peak hour, the predicted noise level at the expected location of the façades of the residencies is not expected to exceed 55dB(A) during the AM and PM peak hours. As such, it is expected that this development will not results in an exceedance of the RMS criteria for traffic generated noise.

A condition of consent will be imposed to ensure the recommendation for the Acoustic Report for both Lots 104 and 105 are implemented. (See Condition 83 and 84).

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

The development is identified within Schedule 3 of this SEPP and in accordance with Clause 104 was referred to the Roads and Maritime Services (RMS) for comment. RMS has reviewed the submitted documentation and raised no objection to the application subject to conditions of consent that would be required on any approval. (See condition number 139).

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

Deemed SEPP Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 applies to the subject site and has been considered in this assessment. The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the above planning instrument. However, the site is not located on the foreshore or adjacent to the waterway and therefore, with the exception of the objective of improved water quality, the objectives of the planning instrument are not applicable to the proposed development.

### **7.8 Ryde Local Environmental Plan 2014**

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

### **Clause 2.3 Zone Objectives and Land Use Table**

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

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

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to 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 site is within a highly accessible location being within close proximity to North Ryde Railway Station and having access to a bus service and employment opportunities. This unique location encourages a high density residential development with ancillary and compatible land uses such as community, retail and commercial premises. The proposed development has incorporated such land uses within the development. The development will provide a safe and attractive environment for pedestrians as well as providing a vibrant and active development. Accordingly, the proposal is entirely consistent with objectives of the zone.

## Clause 4.3 Heights of Buildings

Clause 4.3(2) states that the height of a building on this site is not to exceed the maximum height shown on the Height of Buildings Map. The map specifies the maximum height for any building on the site as 57m. Building height is defined in this planning instrument as meaning the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

Buildings L1, L2, L3, L4, L5, M on Lot 104 and K on Lot 105 are all at a maximum building height at or below 57m ranging between 3 storeys and 17 storeys. Building J on Lot 105 provides a parapet height of 58.3m and lift overrun height of 59.9m which represents a maximum 5.1% variation (based on the 57m height limit). The height breach is illustrated below in Figures 7 and 8.

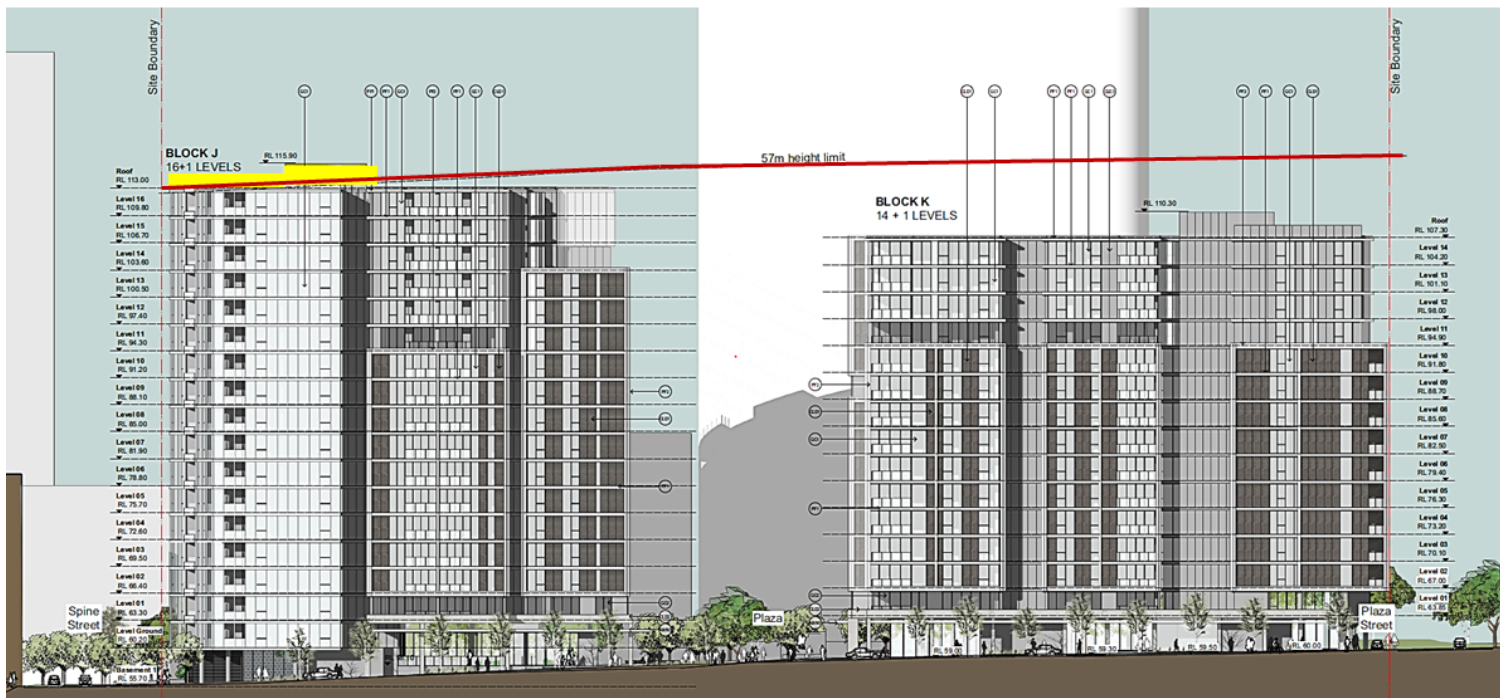


Figure 7. Height encroachment beyond 57m (Building J – Lot 105)

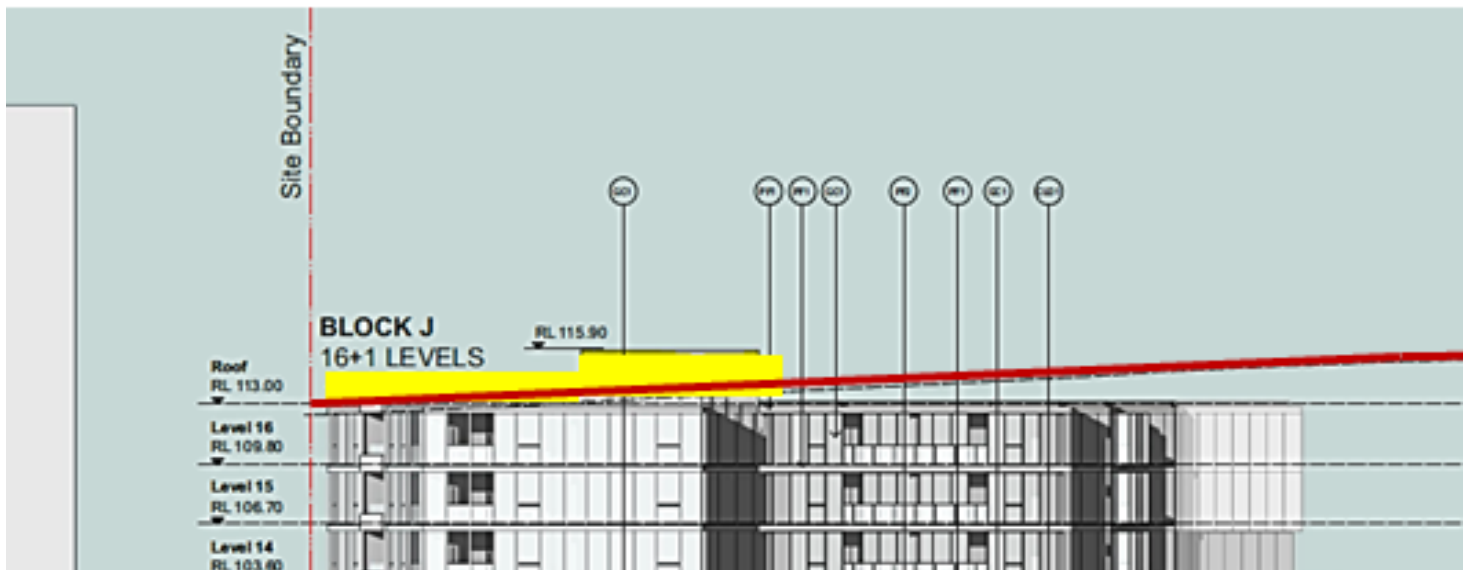


Figure 8. Zoomed image of height encroachment beyond 57m (Building J – Lot 105)

The applicant has provided a Clause 4.6 Variation Statement which emphasises that the majority of the proposal is compliant and the point of variation is to a lift overrun located within the centre of the building.

The justification relied upon in supporting the variation relates to meeting objectives of control and the zone, that the variation does not result in any amenity impacts or additional GFA and to enforce compliance would require a reduced or stepped building height that would be an undesirable urban design response to this key corner of Lachlan's Line. That is, a strong vertical expression is a desirable urban design response to the corner location of proposed Building J.

The assessment against the applicant's request to vary the LEP height control is provided under Clause 4.6 (Exceptions to Development Standards) below.

#### **Clause 4.4 Floor Space Ratio**

The floor space ratio of a building is not to exceed the maximum floor space ratio as specified on the Floor Space Ratio Map. The map identifies the site as having a floor space ratio of 3.3:1. However, given there is an SSD approval for the site, under Section 83D(2) of the EP&A Act 1979 a consent authority must determine subsequent DAs submitted under Section 83B(3)(a) consistently with the approved Staged consent.

Accordingly, the GFA allocation under SSD\_5093 is the applicable GFA for the subject proposal and is broken up as follows:

<b>GFA Allocation under SSD_5093</b>		
<b>Lot</b>	<b>GFA Allocation</b>	<b>Proposed GFA</b>
104	49,384m <sup>2</sup> + 2,500m <sup>2</sup> community facility.	51,328 + 2,500m <sup>2</sup> community facility.  (101 excess parking spaces included as GFA)
105	24,136m <sup>2</sup>	24,136m <sup>2</sup>
TOTAL	73,520m <sup>2</sup> + 2,500m <sup>2</sup>	75,464m <sup>2</sup> + 2,500m <sup>2</sup>  <b>Excess GFA = 1,944m<sup>2</sup></b>  <b>Variation is 2.6% of approved GFA under SSD_5093</b>

As indicated above, the proposal exceeds the GFA allocation as a result of excess parking provision which by definition is included in GFA. The total excess GFA is 1,944m<sup>2</sup> which represents a variation of 2.6%.

The applicant has provided a Clause 4.6 Variation Statement which emphasises that the variation is minor and that the variation is necessary to facilitate an appropriate mixed use retail centre.

The justification relied upon in supporting the variation relates to meeting the objectives of the control and zone, the variation does not result in any amenity impacts and that reduction in parking would be inconsistent with the DCP and result in a diminished management of car parking demand.

The assessment against the applicant's request to vary the LEP FSR control is provided under Clause 4.6 (Exceptions to Development Standards) below.

### **Clause 4.6 Exceptions to Development Standards**

Clause 4.6 of LEP 2014 allows exceptions to development standards. Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard.

The consent authority must be satisfied that the applicant's written request has satisfied the above criteria and that the proposed development will be in the public interest and it is consistent with the zone objectives as well as the objectives of the particular development standard. In addition, consent cannot be granted unless the



concurrence of the Director-General has been obtained. These matters are discussed below.

### Variation to Clause 4.3 Height of Buildings

#### **1. Written request provided by the applicant.**

Building J on Lot 105 provides a parapet height of 58.3m and lift overrun height of 59.9m which represents a maximum 5.1% variation (based on the 57m height limit). The applicant has provided a written request seeking to justify the variation to the development standard.

#### **2. Whether compliance with the development standard would be unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard.**

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. In part the applicant's submission is as follows:

*The general underlying intent of the clause is to control the bulk of development and to ensure compatibility of the building form, define the street edge, preserve amenity and encourage land consolidation around public transport nodes.*

*The proposed development, as proposed is considered consistent with the relevant objectives of the control for the following reasons:*

- *The proposal will be compatible with the height and scale of adjacent development and is in proportion to the width of the Retail Street, Spine Road and Central Park. Good separation is afforded the nearest neighbouring properties;*
- *The proposed development and in particular the additional height does not contribute unreasonably to additional overshadowing impacts or diminish the amenity of adjacent land. Notably the variation does not cause a contravention of Council's solar access control for adjacent residential lots;*
- *The parapet height proposed enhances the architectural quality of the building by containing the glazed façade above the roof slab to provide a architectural crowing of the western end of Building J;*
- *The lift overrun, which is setback from all sides of the building and located close to the centre of the floor plate, will not result in any significant adverse environmental impacts*
- *The additional height of the parapet from the façade extension above the roof level assist to define a key arrival point from the residential to the mixed use precincts.*

*The development despite the minor non-compliance with the development standard is consistent with the planning and environmental objectives of the control.*

*Compliance with the development standard is considered unreasonable and unnecessary in the circumstance of the application based on the following:*

- The development, as proposed be modified, is consistent with the objectives of the development standard as provided in clause 4.3 (1) of the RLEP 2014.
- The variation to the HOB standard does not:
  - Result in Gross Floor Area or cause a non-compliance with floor space ratio;
  - Contribute unreasonably to amenity impacts, including privacy loss or overshadowing;
  - Alter parking or traffic impacts associated with the development; or
  - Alter the built form character or design quality of the outcome.
- Strict compliance would result in the lowering of the lift over run to Level 17, and potentially the provision of stairs to the top most residential floor, located below the 57m HOB standard. It is understood that stairs in units are not preferred for the majority of people living in residential units.

*Introducing stairs is considered to be unreasonable and have an adverse impact on residents of the top most floor. Alternatively a step in the building massing would be required to achieve strict compliance. A step in the building form is considered undesirable urban design response to this key corner of the Lachlan's Line mixed use precinct. A strong vertical expression is a desirable urban design response to this specific location.*

- Strict compliance with the HOB standard would result in the lowering of the façade extension to the height of the roof level, which would undermine the well considered architectural expression of this end.
- The potential environmental impacts of the variation have been documented and detailed in this Statement of Environmental Effects. It is our view that compliance in this instance would not contravene the environment planning objectives of the height control, in particular the proposed minor increase in the parapet height does not contribute to significant or unreasonable overshadowing impacts of adjacent residential land.

*Taking into account the above, the particular circumstances of this application warrant a variation of the development standard to facilitate an appropriate urban design and architectural response to eastern end of Building J fronting Spine Road and Central Park. A reduction in height would not improve the development but rather would result in a diminished response to this part of the Lachlan's Line site.*

### **3. 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 objectives of the Building Height standard and the zone objectives have been addressed in the applicant's submission detailed above.

### **4. Concurrence of the Director General has been obtained.**

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

### **Planning Assessment**

The applicant has demonstrated satisfactorily that the development complies with the objectives of the Building Height standard and the objectives of the B4 zoning. It is agreed that the proposed development is in the public interest because the objectives of the control are met and the variation does not result in any significant

adverse impacts and therefore strict compliance with the Height of Buildings standard would be unreasonable and unnecessary.

In this instance, there is sufficient environmental planning grounds to justify contravening the development standard. The minor variation to the building height is located at the centre of the site and will facilitate an appropriate urban design and architectural response to the eastern end of Building J fronting Halifax Street and Central Park which acts as a marker to the site with its higher corner element, thus defining the edge of the site. A reduction in height would be counterproductive in that the difference would not be perceptible to the casual observer, however it would result in lessor amenity to upper level residents through absence of lift facilities or the development not realising the allocated GFA approved for the site, thereby reduced residential accommodation in an appropriate location. 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 orderly and economic development of land as contemplated by the controls applicable to the B4 zoned land and the objectives of the EP&A Act.

The variation to the Height of Buildings standard is supported in planning terms and the UDRP have also provided support for the minor variation.

#### Variation to Clause 4.4 Floor Space Ratio

##### **1. Written request provided by the applicant.**

The development exceeds the permissible GFA under Consent SSD\_5093 and the FSR standard by 1944m<sup>2</sup> equal to a variation of 2.6 per cent of the approved GFA and adopted development standard. The applicant has provided a written request seeking to justify the variation to the development standard.

##### **2. Whether compliance with the development standard would be unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard.**

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. In part the applicant's submission is as follows:

*The general underlying intent of the clause is to control the bulk of development and to ensure appropriate density of development for specific areas.*

*The proposed development, as proposed is considered consistent with the relevant objectives of the control for the following reasons:*

- *The proposal will be compatible with the bulk and scale of adjacent development and is in proportion to the width of the Retail Street, Spine Road and Central Park.*

- *The proposed development and in particular the additional GFA does not contribute unreasonably to any building bulk impacts in term of loss of privacy, overshadowing or loss of views or diminish the amenity of adjacent land as the additional car parking is proposed below ground level.*
- *Additional car parking has been assessed in terms of traffic generation impacts on the local and regional road network and found to be within the assumptions of the original traffic modelling undertaken at the site of the site's rezoning for mixed use development.*
- *The additional parking will serve a full line supermarket and retail tenancies, which is an appropriate use for the site, and will provide a convenience for existing and future residential within the precinct. The retail precinct will be a destination attracting people to shop.*
- *The proposed car parking for the retail is consistent with the car parking rate for retail development under the Ryde DCP 2014 (1 space per 25m<sup>2</sup> of retail GFA).*

*The development despite the minor non-compliance with the development standard is consistent with the planning and environmental objectives of the control.*

*Compliance with the development standard is considered unreasonable and unnecessary in the circumstance of the application based on the following:*

- *The development, as proposed be modified, is consistent with the objectives of the development standard as provided in clause 4.4 of the RLEP 2014.*
- *The variation to the FSR standard does not:*
- *Result in external bulk and scale impacts or cause a non-compliance with the HOB Standard;*
- *Contribute unreasonably to amenity impacts, including privacy loss or overshadowing; or*
- *Alter the built form character or design quality of the Lachlan's Line development or surrounding North Ryde Station Precinct.*
- *Strict compliance would not result in a significantly reduced level of retail development. The retail centre is a viable scale to support the objectives for a vibrant mixed use centre consistent with the zone objectives and the vision for the North Ryde Station Precinct expressed in the NRSP DCP 2013. An appropriate amount of retail car parking is required to meet parking demand.*
- *The potential environmental impacts of the variation have been documented and detailed in this Statement of Environmental Effects. It is the opinion of the author of the report that the non-compliance in this instance would not contravene the environment planning objectives of the FSR control.*

*Taking into account the above, the particular circumstances of this application warrant a variation of the development standard to facilitate an appropriate mixed use retail centre. A reduction in retail car parking, would result in a development that is inconsistent with the Ryde DCP 2014 car parking provision for retail uses. Strict compliance would not improve the development but rather would result in a diminished management of car parking demand, as it would likely result in car parking spilling into local residential streets.*

- 1. 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 objectives of the FSR standard and the zone objectives have been addressed in the applicant's submission detailed above.

## **2. Concurrence of the Director General has been obtained.**

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

### **Planning Assessment**

The applicant has demonstrated satisfactorily that the development complies with the objectives of the FSR standard and the objectives of the B4 zoning. It is agreed that the proposed development is considered to be in the public interest and that strict compliance with the FSR standard would be unreasonable and unnecessary. The proposed variation relates to excess parking associated with the provision of a full line supermarket otherwise not anticipated for the site.

As discussed earlier in this report, the applicant has demonstrated through the submission of an Assessment of Market Potential that there is a demand for a full line supermarket and that typically associated parking provisions should be provided.

Through detailed consideration and peer review of documentation by Council's Economic Consultant and Traffic Consultant it has been concluded that the excess parking can be supported on the basis that sufficient justification exists for a supermarket based shopping centre at the proposed Lachlan's Line site given the population growth and strong trading levels in Macquarie Centre.

The full-line supermarket will provide an economic benefit to the adjoining retailers as well as other facilities including the community facilities, future child care centre and public spaces. As indicated by the applicant, it is recognised that the full-line supermarket will secure high level tenants and contribute to the success and vibrancy of the mixed use precinct, consistent with the controls.

In accepting that the provision of a full line supermarket is justified it also necessitates an acceptance of the parking provision that is typical of such a use in the current marketplace. Accordingly, a higher rate of parking has been provided to the retail supermarket and the lower rates have been applied to the residential uses. This has been supported by a Retail Car Park Capacity Review conducted by Council's Economic Consultant.

The development is likely to contribute to additional traffic congestion in the area. This impact will rely on planned regional infrastructure upgrades to be completed by the State Government. RMS has raised no objection to the application.

The excess parking is located within the basement level and as such does not contribute to additional building bulk. In addition, the additional parking within the basement will eliminate on-street impacts such as congestion and pedestrian/vehicular conflict. It is agreed with the conclusions of the Clause 4.6 Statement that strict compliance would not improve the development but rather result in a diminished management of car parking demand, as it would likely result in car parking spilling into the local residential streets.



In terms of assessment against the principles for Transit Oriented Development, it is agreed that in light of the Economic Review findings that the intent is maintained through the reduced rate of private residential parking to encourage use of alternate transport options. In particular the resident visitor parking rate is reduced. It is anticipated that visitors to the site may also utilise the retail services creating dual trip purposes and therefore benefit from the retail parking provisions without impact in terms of the offset of reduced visitor parking at the site.

In essence, the proposed development is compatible with the anticipated bulk and scale of development for the site as approved under the SSD\_5093. The proposal will meet the stated objectives for the control and zone and will not result in significant impacts subject to the planned regional infrastructure upgrades by the State Government for the Precinct.

In this instance, there is sufficient environmental planning grounds to justify contravening the development standard. These grounds are particular to the circumstance of the proposed development on this site in that the demand for a full line supermarket has been identified and accepted and to support the demand a higher retail parking rate is appropriate. The development is capable of supporting the proposer retail use and the provisions of such parking can be accommodated within the basement of the development without reducing the above ground floor area (and residential accommodation) that is consistent with the approved density for the site. To accept a departure from the development standard in this context would promote the and orderly and economic development of land as contemplated by the controls applicable to the B4 zoned land and the objectives of the EP&A Act.

The variation to the FSR standard is supported.

#### Other provisions

The table below considers other provisions relevant to the evaluation of this proposal:

Provision	Comment
<b>Clause 5.10 Heritage conservation</b>	<p>The site is not identified as being listed as a heritage item or within a heritage conservation area. The site is located opposite a heritage listed item located at No. 12 Delhi Road – Item No. 44 Macquarie Park Cemetery and Crematorium. This item is of local significance under Schedule 5 of the LEP.</p> <p>Council's Heritage Officer has reviewed the proposal in light of the adjacent heritage item and concluded that the development will not result in any material affectation to any fabric or elements of the cemetery, that the height, scale and form of the proposed residential towers at the site will not visually dominate the heritage item and the spatial separation by the M2 Motorway will provide for a sufficient transition.</p>

<b>Clause 6.1 Acid sulfate soils</b>	The site is not identified as containing acid sulphate soils under the LEP Maps.
<b>Clause 6.2 Earthworks</b>	Earthworks have been addressed under the assessment of the Early Works approvals under LDA2016/307 and LDA2016/308. Council's Development and Structural Engineers have reviewed the geotechnical documentation and approvals have been issued with conditions.
<b>Clause 6.4 Stormwater management</b>	<p>Appropriate stormwater management has been provided for the development. WSUD component have been implemented at each point of discharge.</p> <p>The proposed stormwater management system for the development discharges directly to the public drainage infrastructure constructed as part of the Public Domain component in the approved SSD. The system does not include any OSD component however there is justification for OSD exemption. The application has been found to be acceptable by Council's Drainage Engineer, in that the lack of OSD would be beneficial in conveying stormwater runoff discharge to the point of restriction prior to the peak flood event.</p>

## **6.7 North Ryde Station Precinct Development Control Plan**

The North Ryde Station Precinct DCP provides a framework to guide future development in the North Ryde Station Precinct. The document specifies built form and other controls for all development within the Precinct to achieve the vision for the Precinct as a vibrant community and as a place to live, work and visit.

The vision for the Precinct is for a "Transit Orientated Development" which has direct access to North Ryde Station on the Epping to Chatswood Rail Link, and which is connected, accessible, and permeable and has a high base population density. The Precinct's development will encourage greater activity around the railway station through the inclusion of suitable land uses to encourage greater use of the public transport network. The vision for the Precinct also seeks to:

- *Maximise public transport patronage through the appropriate placement of compatible land uses and improvements in accessibility and connectivity through the Precinct and to North Ryde Station.*
- *Represent 'place making' through activation of the space, creation of a destination and creation of identifiable landmarks, including an appropriate mix of uses and community facilities.*
- *Create communities that are well connected to employment areas via public transport, pedestrians and bicycle links.*
- *Create integrated open space and public domain spaces encouraging their use and activation by key buildings.*
- *Create liveability through innovation, leading edge design and sustainability.*

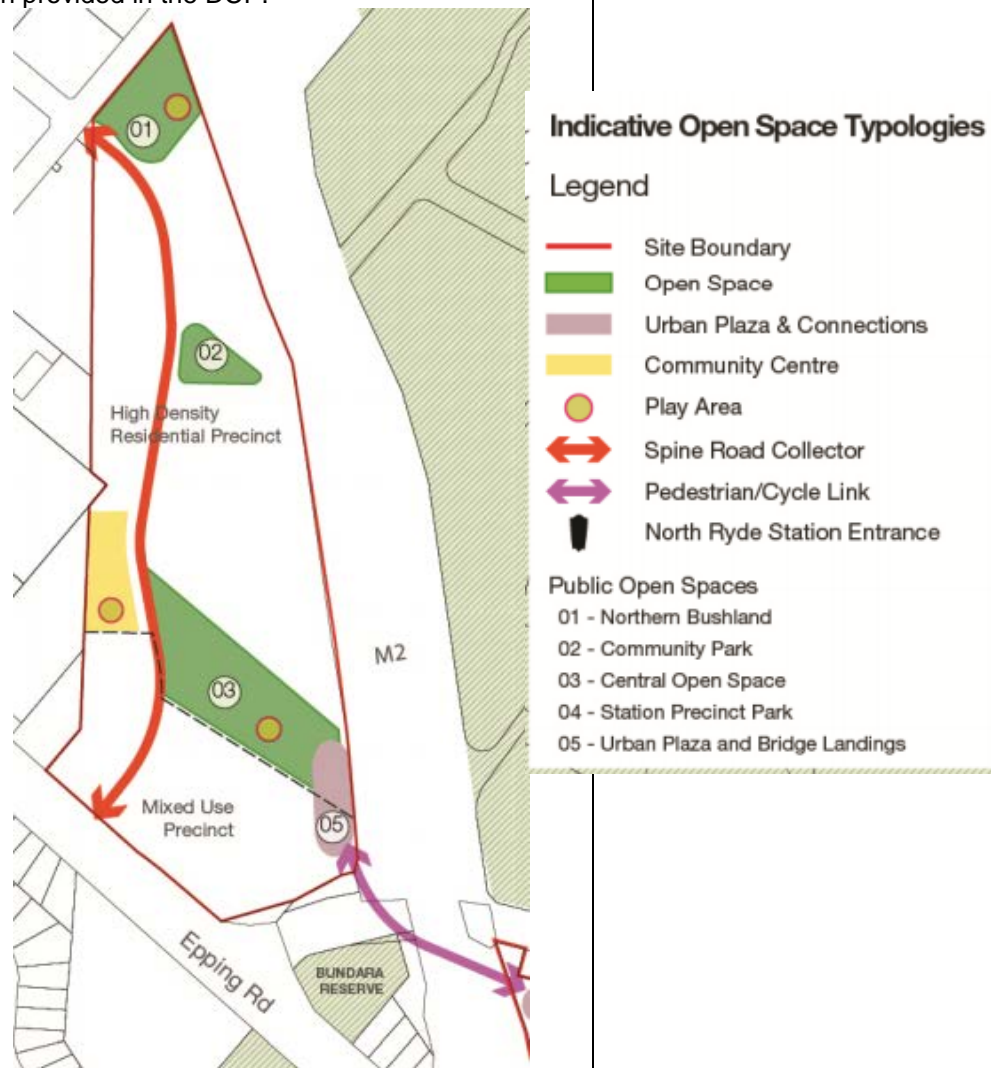
- *Provide a logical extension of urban areas for employment, residential, retail and commercial land uses.*

To achieve this vision, the DCP provides for various controls as demonstrated in the table below.

<b>North Ryde Station Precinct DCP</b>		
<b>Control</b>	<b>Proposed</b>	<b>Comply?</b>
<b>3.1.2 Indicative Layout Plan</b> 1. All development applications are to be generally in accordance with the Indicative Layout Plan. However, the Indicative Layout Plan is preliminary only and shows one option for development of the Precinct. An alternative layout can be considered.	SSD_5093 approved with a different road and open space layout to the indicative layout plan. The consent established the subdivision of the Lachlan's Line site to include development Lots 104 and 105 and the approved subdivision layouts result in Jarvis Street dividing the two parcels.  As such the proposed development is consistent with SSD_5093.	On merit
<b>3.2 Circulation Networks</b> 1. DA's for subdivision are to be generally in accordance with the Indicative Vehicular Movement Plan at Figure 4. 2. Any variations to the Indicative Vehicular Movement Plan must demonstrate compliance with the objectives and adequate connections to the area.	No change is proposed to the approved circulation network under SSD_5093. This includes closure of the vehicular access to the M2 Motorway and signalised intersection at Wicks Road/Waterloo Road.	Yes
<b>3.3 Public Transport</b> 1. A Public Transport Facilities Plan is to be prepared for the Precinct identifying the location, design, timing, funding and responsibilities for delivery of key public transport facilities with the Precinct. 2. Two separate Public Transport Plans may be lodged for the Precinct being for the station precinct and the high density residential and mixed use precincts combined. 3. The Public Transport Plan is to be lodged with the first development application for residential/commercial development and approved prior to the first occupation by residents/workers.	A public Transport Facilities Plan has been prepared by Urban Growth NSW and approved with Consent SSD_5093. The key public transport facilities identified in the DCP are: <ul style="list-style-type: none"> <li>• Passenger set-down/pick up and cycle parking at the North Ryde Railway Station. The pick-up and drop off spaces have been identified on SSD consent 6256. This road will be required to be constructed and dedicated to Council prior to the issue of any Occupation Certificate for any building.</li> </ul>	Yes

	<ul style="list-style-type: none"> <li>Relocation of bus stop facilities at Delhi Road eastbound stop at Road 38.</li> <li>New bus facilities at Epping Road outbound stop at Delhi road.</li> <li>Waterloo Road (northern side) shared pedestrian and cycle path.</li> <li>New bus shelter and facilities at Epping Road inbound stop between Wicks and Delhi Road.</li> <li>Completion of the Macquarie University to Macquarie Park North Ryde active transport spine.</li> </ul> <p>These key public transport facilities were all identified in the Finalisation Report. These facilities have/are to be provided by Urban Growth NSW rather than the applicant. A Voluntary Planning Agreement exists between the Minister for Planning and Urban Growth NSW. This VPA identifies the upgrading on the public transport facilities and provides certainty that they will be provided.</p>	
<p><b>3.4 Open Space</b></p> <ol style="list-style-type: none"> <li>Open spaces are to be provided in accordance with the Indicative Open Space Typologies Plan and the requirements in Table 3. This requires Station Precinct Plaza to have a minimum area of 2,900m<sup>2</sup>. The pedestrian plaza is to extend from the station and link to the bridge landing area. It is to provide sufficient area to facilitate ease of circulation to the Station in peak times.</li> <li>Open spaces should be designed to maximise solar access but also to provide for shade.</li> <li>Parks and plazas are to be designed in accordance with the Macquarie Park Public Domain Technical Manual.</li> <li>Trees will be predominantly indigenous with some specimen exotic trees. Tree selection and planting should be undertaken in accordance with the City of Ryde Street Tree Master Plan.</li> <li>Any variations to the Indicative Open Space Typologies Plan must demonstrate that the development meets the objectives and that at least 50% of new public space is to receive 3 hours of sunlight on June 21 between 9am and 3pm.</li> </ol>	<p>The provision of open space is consistent with the Open Space Typologies Plan.</p> <p>Both squares are publicly accessible and will incorporate shade tree planting.</p> <p>Lachlan's Square is 1,550m<sup>2</sup>  Laura's Place is 578m<sup>2</sup>  TOTAL area = 2,128m<sup>2</sup></p> <p>Provided  Shade planting provided  Seating is provided  (Detailed in Landscape Plan)</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

The following diagram demonstrates the indicative plan provided in the DCP.



Mixed use precinct plazas:- 2,000m<sup>2</sup> (Min. area)

Provision is to be made for:

- At least 2 pedestrian plazas
- Sufficient shade planting
- Seating and other street furniture

Yes  
Yes  
Yes

#### Public Domain

##### 4.1 Streets

1. New streets are to confirm with Section 3.2 Circulation Networks.

No new streets are proposed as part of this LDA.

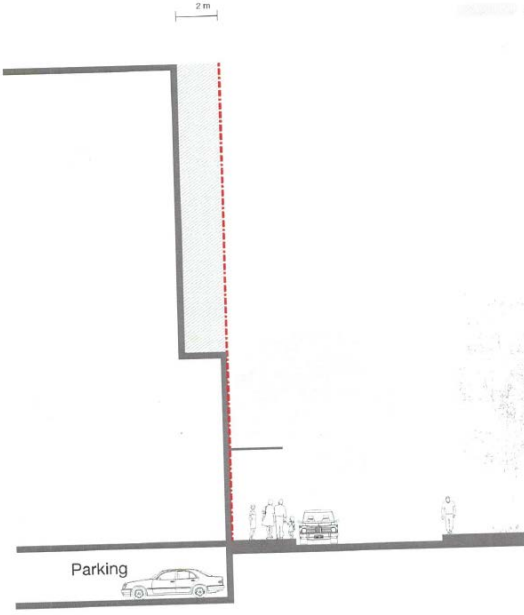
NA



<p><b>4.2 Pedestrian and Cycle Network</b></p> <ol style="list-style-type: none"> <li>1. Cycle and pedestrian links are to be provided generally in accordance with the Indicative Pedestrian and Cycle Links Plan.</li> <li>2. Bicycle parking is to be provided at the station entry, retail nodes and community facilities in centrally located and well defined areas.</li> <li>3. Cycle facilities are to be provided in accordance with Part 9.3 of Ryde DCP 2010.</li> <li>4. Any variations must demonstrate that the proposed changes meet the objectives for this section.</li> </ol>	<p>The public domain design included a pedestrian and cycle network which was incorporated within the SSD approval.</p> <p>The proposed development will provide connectivity with the pedestrian cycleway network through creation of publicly accessible open spaces through the site.</p>	<p>Yes</p>
<p><b>4.3 Pedestrian and Cycle Station Link</b></p> <ol style="list-style-type: none"> <li>1. A pedestrian cycle link is to be provided between the North Ryde Station and mixed use precinct. This link is to comprise a bridge between the mixed use precinct and Bundara Reserve and a pedestrian/cycle crossing between Bundara Reserve and North Ryde Station.</li> </ol>	<p>The bridge was approved under SSD_5093.</p>	<p>NA</p>
<p><b>4.4 Stormwater Management</b></p> <ol style="list-style-type: none"> <li>1. An Integrated Water Management Plan is to be prepared for the Precinct to incorporate water sensitive urban design measures and ensure that stormwater systems are designed and built to minimise pollutant discharge into receiving waterways.</li> </ol>	<p>The applicant has submitted site specific stormwater management plans. These have been reviewed by Council's Engineers and are considered acceptable.</p> <p>Appropriate stormwater management has been provided for the development. WSUD component have been implemented at each point of discharge.</p> <p>The proposed stormwater management system for the development discharges directly to the public drainage infrastructure constructed as part of the Public Domain component in the approved SSD. The system does not include any OSD component however there is justification for OSD exemption. The application has been found to be acceptable by Council's Drainage Engineer, in that the lack of OSD would be beneficial in conveying stormwater runoff discharge to the point of restriction prior to the peak flood event.</p>	<p>Yes</p>

<p>4.5 Street Tree Planting</p> <ol style="list-style-type: none"> <li>1. Street tree planting is to be provided on all streets and generally in accordance with the City of Ryde Street Tree Master Plan.</li> <li>2. Street trees are to be planted in accordance with the relevant street sections.</li> </ol>	<p>In terms of the Epping Road and Delhi Road frontage, a turf batter extends from the mass planting bed to the public footpath and is to include a row of large canopy trees (Brush Box). It is noted that the tree plantings have been provided in accordance with the recommendations and advice provided as part of Pre-DA lodgement process.</p> <p>The Landscape Plan will form part of the approval documentation. The proposed landscape scheme has been reviewed by Council's Consultant Landscape Architect and found to be acceptance.</p>	<p>Yes</p>
<p>4.6 Street Furniture and Lighting</p> <ol style="list-style-type: none"> <li>1. Street furniture and lighting is to be provided in accordance with the Macquarie Park Public Domain Technical Manual.</li> </ol>	<p>Street lighting and furniture was included in SSD_5093. Some minor concerns have been raised by Council's Consultant Landscape Architect in relation to the absence of any details of outdoor lighting.</p> <p>Given these public spaces are likely to be highly utilised outside of daylight hours, a condition has been recommended that lighting details be provided as part of the Construction Certificate (see condition 62).</p>	<p>Yes subject to conditions</p>
<p>4.7 Public Art</p> <ol style="list-style-type: none"> <li>1. Developments with a CIV of \$5 million or more are to include an element of public art. Details are to accompany the DA.</li> </ol>	<p>Public Art Plan has been submitted with the application and identifies Lachlan's Square as the suitable location for public art.</p> <p>The applicant has suggested that this matter be addressed as a condition of consent (see condition 78).</p>	<p>Yes subject to condition</p>
<p>4.8 Safety</p> <ol style="list-style-type: none"> <li>1. Incorporate the principles of Crime Prevention through Environmental Design and Safer by Design into the design of the public domain.</li> <li>2. Plantings alongside pathways are to be a combination of canopy trees and groundcovers so that sight lines are not obstructed.</li> <li>3. The public domain is to be lit to comply with</li> </ol>	<p>The four CPTED principles include surveillance, access control, territorial reinforcement and space management.</p> <p>The applicant has submitted a CPTED report where application specific recommendations have been made.</p>	<p>Yes</p>

<p>Australian Standards.</p> <p>4. Open spaces are to have more than two access points so that people cannot be cornered.</p> <p>5. Retail and commercial activities are to be located adjacent to open space so that the open space is activated.</p>	<p>Potential risk areas associated with the redevelopment which should be the focus of design mitigations include:</p> <ul style="list-style-type: none"> <li>• Halifax Street and Epping Road</li> <li>• Public Plazas</li> <li>• Entry and exit points (including entry/exit between residential and commercial areas and public and service areas)</li> <li>• Car parking areas</li> <li>• Construction areas.</li> </ul> <p>Recommendations have included access control measures (doors, barriers), active surveillance measures (CCTV, security), adequate lighting, adequate wayfinding and security signage, and use of appropriate landscaping and materials.</p> <p>The application was also referred to NSW Police. Support of the proposal has been granted subject to conditions relating to lighting, territorial reinforcement, landscaping and access control (see conditions 108 to 111).</p>	
<p>5.1 Street Frontage Heights</p> <p>1. Buildings are to generally comply with street frontage heights as shown.</p>	<p><u>Retail Street</u>  Lot 104:  Ground – 4m  Level 1-13 – 0m</p> <p>Lot 105:  Ground – 0m to 5m  Level 1-16 – 0m with articulation</p> <p>•  <u>Delhi Road / Epping Road</u>  Building M 0m /1.5m Epping Rd</p>	<p>No, refer below</p>

		
<p><b>5.2 Building Setbacks</b></p> <ol style="list-style-type: none"> <li>Building setbacks are to be generally in accordance with Table 5. Table 5 provides the following setbacks:   Epping Road – 5m landscape setback   Spine Road, Delhi Road – 5m   Other road frontages – 3m   Public plazas – 3m</li> <li>Setbacks between buildings are to comply with SEPP 65 and the Residential Flat Design Code.</li> <li>Buildings are to be aligned to the street to define and frame the street edge.</li> </ol> <p>Buildings are to provide clear delineation between the public and private domain.</p>	<p><b>Epping Road :</b> Variable setbacks between 2m to 6m (ground floor). Upgraded landscaping by Urban Growth NSW is to be provided in the Epping Road reserve in accordance with SSD_5093.</p> <p>Terrace housing along Epping Road – variable 2m-4m. Towers L1, L2 and L3 – 8-10m.</p> <p><b>Halifax Street (Spine Road):</b> L1 (Lot 104) &amp; J (Lot 105) – 0m</p> <p><b>Delhi Road:</b> Building M – 0m – 5m Central open space – 2m -3m</p> <p><b>Public Plaza</b> – 0m, this setback complies with the street wall requirements</p>	<p>No, refer below</p>
<p><b>5.3 Building Depth and Bulk</b></p> <ol style="list-style-type: none"> <li>No building above 22 metres in height is to have a building length that aligns to a street in excess of 50 metres.</li> <li>All points on an office floor are to be no more than 10 metres from a source of daylight (e.g. windows, atria or light wells) in buildings less than 24 metres in height, and no more than 12.5 metres from a window or daylight source in buildings over</li> </ol>	<p>This control is applicable for the tower components of the development as all of the towers are greater than 22m in height. Buildings L1, L2 and L3 – are aligned perpendicular to Jarvis Circuit with an average width of 17m Building J is aligned to the Jarvis Circuit with a length of 33m. Building K is aligned to Jarvis</p>	<p>No, refer below</p>

<p>24 metres in height.</p> <p>3. Use atria, light wells and courtyards to improve internal building amenity and achieve cross ventilation and/or stack ventilation.</p>	<p>Circuit with a length of 57.5m and therefore represents an excess building length of 7.5m</p>	
<p>5.4 Mixed Use Buildings</p> <p>1. Provide flexible building layouts which allow variable tenancies or uses on the first two floors of a building above the ground floor.</p>	<p>Buildings L1, L2, L4, L5, J and K comprise residential uses at Levels 1 and 2.</p> <p>Building L5 - contains a gym Building M – contains Community Centre</p>	<p>No, acceptable given the variety of retail and commercial provisions.</p> <p>Yes Yes</p>
<p>2. The first two floors above ground are to have a minimum floor to ceiling height of 3.3m to maximise future adaptability of units.</p>	<p>Floor to floor of ground level retail is 6.5m. Retail / commercial components have been designed for specific end users and specific to the GFA allocation for commercial area.</p>	<p>No, acceptable as specific to end users.</p>
<p>3. Minimum floor to ceiling heights for residential developments are to comply with the requirements of the Residential Flat Design Code. (now ADG).</p>	<p>Complies.</p>	<p>Yes</p>
<p>4. Provide non-residential uses at the lower levels of buildings immediately adjacent to Epping Road.</p>	<p>The lower level of buildings fronting Epping Road accommodates a supermarket (ie. non-residential).</p>	<p>Yes</p>
<p>5. Separate commercial service requirements, such as loading docks, so as not to interfere with residential access, servicing needs and primary outlooks.</p>	<p>Achieved</p>	<p>Yes</p>
<p>6. Locate clearly identified residential entries directly from the public street.</p>	<p>The residential entries are all accessed from Jarvis Circuit as well as the Plaza area. The entries are clearly identifiable</p>	<p>Yes</p>
<p>7. Clearly separate commercial and residential entries and vertical circulation.</p>	<p>Achieved.</p>	<p>Yes</p>
<p>8. Incorporate the Safety principles of the Residential Flat Design Code into the design of residential flat buildings.</p>	<p>CPTED principles and recommendations will be incorporated.</p>	<p>Yes</p>
<p>9. Provide security access controls to all entrances into private areas, including car parks and internal courtyards.</p>	<p>The development has proposed secure access points to the buildings and car park entries. CCTV is also proposed to the car park and public areas.</p>	<p>Yes</p>
<p>10. Provide safe pedestrian routes through the site, where required.</p>	<p>Safe pedestrian routes have been provided around the 'public' areas of the site with adequate lighting and signage.</p>	<p>Yes</p>
<p>11. Front buildings onto major streets with active uses.</p>	<p>Active uses have interface with Retail Street and Delhi Road.</p>	<p>Yes</p>



<p>12. Avoid the use of blank building walls at the ground level.</p>	<p>Setback and landscape treatment does not enable the same “active” interface with Epping Road.</p> <p>Blank walls are minimised – screening to Epping Road elevation.</p>	<p>Yes</p>
<p>5.5 Building Design and Materials</p> <ol style="list-style-type: none"> <li>1. Balconies and terraces are to be provided, particularly where buildings overlook parks and on low rise parts of buildings. Gardens on the top of setback areas of buildings are encouraged.</li> <li>2. Articulate façades so that they address the street and add visual interest. Avoid extensive expanses of any single material.</li> <li>3. Building design is to include articulation of the ground floor elevation to enable it to read differently from the upper floors.</li> <li>4. External walls are to be constructed of high quality and durable materials and finishes with ‘self-cleaning’ attributes, such as face brickwork, rendered brickwork, stone, concrete and glass. Finishes with high maintenance costs, those susceptible to degradation or corrosion that result in unacceptable amenity impacts, such as reflective glass, are to be avoided.</li> <li>5. Limit opaque or blank walls for ground floor uses.</li> <li>6. Maximise glazing for retail uses and break glazing into sections to avoid large expanses of glass.</li> <li>7. Highly reflective finishes and curtain wall glazing are not permitted above ground floor level.</li> <li>8. A materials sample board and schedule is required to be submitted with applications for development with a capital investment value of \$1 million or more for that part of any development built to the street edge.</li> </ol>	<p>The development has proposed balconies and terraces for each apartment. The north-eastern elevation of Buildings J and K have an outlook to Central Park. Buildings within Lot 104 have an internal overlook to communal open space areas and Lachlan’s Square.</p> <p>Communal open space areas are provided on the podium between L1 and L2 as well as L2 and L3 (Level 1). This space is proposed to include grass and paved areas, shade structures, a lap pool, raised planter beds and a hierarchy of recreation spaces. The space will be functional as well as providing visual amenity for the residents.</p> <p>Pedestrian scale provided at ground floor through design detail, articulation and material treatment.</p> <p>Building materials include glass brick, concrete, frosted glass, metallic finish to infill elements, brick textured finish, and powder coated glazed windows/ balustrades. Colours to be used are muted in tone to suit the landscape setting and white is to be used as a highlight colour. These materials are consistent with the DCP requirements.</p> <p>Provided above ground floor fronting Halifax Street (Medical Centre) which is considered suitable.</p>	<p>Yes</p>

	<p>The retail floor space has maximised glazing on the front elevation. This glazing has been divided into sections to avoid the appearance of large expanses of glass.</p> <p>Materials schedule has been submitted with the Development Application.</p> <p>The building design and materials is considered satisfactory by Council's UDRP.</p>	
<p>5.6 Overshadowing</p> <p>1. Detailed overshadowing studies are to be lodged with development applications for buildings.</p> <p>2. Daylight access for residential flats is to be provided in accordance with the Daylight Access provisions in the Residential Flat Design Code.</p> <p>3. Solar access to communal open spaces for residents is to be maximised. At least 50% of communal courtyards must receive a minimum of 3 hours direct sunlight between 9am and 3pm on June 21.</p> <p>4. At least 50% of new public open space is to receive 3 hours direct sunlight between 9am and 3pm on June 21.</p> <p>5. No overshadowing of residential lots outside of the Precinct is to occur after 11 am on June 21.</p> <p>. No overshadowing of Blenheim Park or Bundara Reserve is to occur after 9am on June 21.</p> <p>7. No overshadowing of Myall Reserve is to occur after 11 am on June 21.</p> <p>8. No overshadowing of Yinnell Reserve is to occur after 12:30 pm on June 21.</p>	<p>Shadow diagrams and sun-eye diagrams have been provided with the Development Application.</p> <p>69.52% of Lot 104 units and 75.3% of Lot 105 units will receive 2 hours of direct sunlight between 9am and 3pm during midwinter which is considered acceptable against the ADG.</p> <p>The communal open space will not receive solar access to 50% of the area during mid-winter.</p> <p>Lachlan's square: solar access achieved to 50% for 1.5 hours in mid-winter.</p> <p>Laura's Place: solar access achieved to 50% for 3 hours during mid-winter.</p> <p>Shadow impact from the tower development will fall on Bundara Reserve from 2pm in mid-winter. This shadow will extend to the adjoining residential lots after 2pm.</p> <p>After 9am, shadows will extend across Epping Road and impact on 2 residential parcels, however this impact will be minimal by 11am and the submitted wall height solar modelling demonstrates that the shadow height will sit below the sill height of the dwellings.</p>	<p>Yes</p> <p>Acceptable on merit.</p> <p>No, see below</p> <p>No, see below</p> <p>Yes</p> <p>No, see below</p> <p>Yes</p>

<p>5.6 Landscape Design</p> <ol style="list-style-type: none"> <li>1. A minimum 30% of the developable area of residential sites is to be provided as landscaped area.</li> <li>2. Appropriate shading is to be provided in the design of communal spaces to facilitate use during summer.</li> <li>3. Communal open spaces are to incorporate the primary deep soil area where possible.</li> <li>4. Landscaped areas are to incorporate trees, shrubs and ground covers endemic to the area where appropriate.</li> <li>5. Landscaping is to contribute to water efficiency and effective stormwater management.</li> <li>6. Deep soil planting within residential and mixed use developments is to be provided in accordance with the deep soil zone provisions of the RFDC.</li> </ol>	<p>Landscaped area is defined as the area not occupied by any buildings (except swimming pools or open air recreation facilities), which is landscaped by way of gardens, lawns, shrubs or trees and is available for use by the occupants. A minimum of 30% (ie.4,605.9m<sup>2</sup>) of the developable area is to be landscaped.</p> <p>The landscaped area consists of the communal area on the podiums, plaza areas and setback areas of the buildings. This area represents 36.5% (ie. 5,609m<sup>2</sup>) of the site as landscaped area.</p> <p>The landscaped areas all incorporate trees, shrubs and ground covers that are endemic to the area. In addition, the communal open spaces will provide adequate shading. The landscape design has incorporated suitable WSUD measures.</p> <p>The proposed deep soil provision of 8% is consistent with the requirements under the ADG (ie. 7%).</p>	<p>Yes</p> <p>Yes</p>
<p>6.1 Active Street Frontages</p> <ol style="list-style-type: none"> <li>1. Retail development is to be provided within the mixed use precinct adjacent to the central open space and in the vicinity of the entrance to North Ryde Station within the station precinct.</li> <li>2. Buildings within the mixed use and station precincts are to be designed to provide high activity zones. Active ground level uses are required on all street frontages in these areas.</li> <li>3. Buildings adjacent to or opposite open space are to have 'entry points' (such as gates or front doors) to activate the space, and make it feel inhabited to maximise visibility along the public domain.</li> <li>4. Glazing of windows and doors of building frontages in the mixed use zone should be maximised.</li> <li>5. Commercial and residential lobbies are not to</li> </ol>	<p>Active street frontages are provided along both sides of Jarvis Circuit, to Lachlan's Square and Laura's Place.</p> <p>Achieved.</p> <p>Retail uses adjoining Central Park have direct access to the park with likely opportunities for food premises with park outlook.</p> <p>Sufficient glazing proposed to maximise outlook to public spaces.</p> <p>Residential and commercial</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

occupy more than 25% of the total length of the building's street frontage	lobbies do not equate to 25% of Jarvis Circuit frontage.	
<p>6.2 Awnings</p> <p>1. Awnings are to be provided at key pedestrian and active frontage locations, including along Delhi Road adjacent to the station and within the mixed use precinct.</p> <p>2. Awning width is to be appropriate to the building design and streetscape and have regard to the location of street trees.</p> <p>3. Awnings are to have a minimum soffit height of 3.6m above the FGL.</p> <p>4. Steps in awnings should not exceed 600mm.</p>	<p>Awnings are proposed to all pedestrian entries and along active frontages.</p> <p>The awning strategy places varying heights and steps appropriate to change in footpath levels along Jarvis Circuit.</p>	<p>Yes</p> <p>Yes</p>
<p>6.3 Signage</p> <p>1. Signage is to comply with the provisions of Part 4.5 of Ryde DCP 2010. In particular, way finding and directional signage is to be installed throughout the development and at site entry points.</p>	No signage proposed under the subject application.	NA
<p>7.1 Vehicular Access</p> <p>1. Design of driveway crossings is to be in accordance with Part 8.3 of Ryde DCP 2010.</p> <p>2. Driveway widths/grades, vehicular ramp width/grades and passing bays are to be in accordance with the relevant Australian Standard.</p> <p>3. The location and design of access ways to underground parking is to consider residential amenity particularly the location of doors and windows of habitable rooms.</p>	Council's Senior Coordinator Development Engineering Services has raised no objection to the location or width of these access points. The access points will cause minimal conflict between pedestrians and vehicles.	Yes
<p>7.2 Car Parking</p> <p>1. A Parking Management Strategy is to be prepared to address the co-ordination and management of on-street parking for the Precinct and identify measures to address potential parking overspill into surrounding areas, including the Macquarie Park Cemetery and Crematorium.</p> <p>5. Development applications for residential and commercial development must be accompanied by a traffic and transport impact assessment.</p> <p>6. Development is to comply with the car parking controls for Macquarie Park, as set out in Section 6.3.8 of Part 4.5 of the Ryde DCP 2010, with the exception of car parking rates which are to comply with Table 6 below.</p>	<p>A Parking and Management Strategy was prepared and approved under SSD_5093.</p> <p>A Traffic and Parking Impact Assessment in support of the proposed development was submitted with the Development Application.</p>	<p>-</p> <p>Yes</p>





<p>1. Development is to be designed to comply with the controls set out in Part 9.2 of Ryde DCP 2010.</p>	<p>must provide an accessible path of travel to all units as well as the development containing a 10% adaptable units (10% of 879 = 88) The provision of adaptable units is as follows:</p> <p>L1 – 21, L2 – 21, L3 – 21, J – 31</p> <p>Total = 94 provided.</p> <p>The applicant has provided an access report which confirms that the development will be able to comply with the relevant statutory guidelines in terms of access. The conclusion of this report states:</p> <p><i>adaptable apartments and associated common domain facilities will comply with relevant aspects of AS1428, AS4299 and consequently the Ryde DCP requirements for access and adaptability as outlined in Section 9.2.</i></p> <p>Conditions will be included on the consent to ensure that the development complies with the Access Report. (See condition number 70 and 71).</p>	
<p>8.1 Environmental Performance</p> <p>1. All multi-unit residential buildings are to be assessed and certified against Green Star (Design Rating) and achieve a minimum 4 star rating.</p> <p>2. All commercial buildings are to be assessed and certified against Green Star (Design Rating) and achieve: a. A minimum 5 star rating (if the associated Development Application is lodged before 1 January 2017); b. A minimum 6 star rating (if the associated Development Application is lodged on or after 1 January 2017).</p> <p>3. Potable water demand in residential buildings is to be reduced by at least 50% from BASIX baseline for an average household.</p> <p>4. Potable water demand in commercial buildings is to be reduced to achieve a 4.5 stars NABERS water rating.</p> <p>5. Potable water demand in retail buildings is to be reduced to achieve a 4.5 stars NABERS water rating.</p> <p>6. All buildings are to be connected to smart water</p>	<p>The applicant has provided information in respect to the BASIX requirements.</p> <p>To address the other requirements of this clause it would be necessary to include conditions on any consent. This will include the requirement for smart water metering, electro-voltaic charging infrastructure and ensuring that the building achieves a minimum of 4 star rating against Green Star (Design Rating). (See condition 82).</p>	<p>Yes subject to conditions.</p>

<p>metering.</p> <p>7. All buildings with basement parking should make provision for electro-voltaic charging infrastructure to allow for the transition to electric car technology.</p> <p>8. The following targets for the reduction in energy use are to be met.</p> <p>a. BASIX 25 – achieve a 25% reduction in kgCO<sub>2</sub> – e/person/year in residential buildings 6 storeys or higher;</p> <p>b. BASIX 35 – achieve a 35% reduction in kgCO<sub>2</sub> – e/person/year in residential buildings 4-5 storeys;</p> <p>c. BASIX 45 – achieve a 40% reduction in kgCO<sub>2</sub> – e/person/year in residential buildings 1-3 storeys.</p> <p>9. All residential buildings are to achieve:</p> <p>a. A 7 star NatHERS for heating and cooling where development applications are lodged prior to 1 January 2017;</p> <p>b. An 8 star NatHERS for heating and cooling where development are lodged on or after 1 January 2017.</p> <p>10. Commercial buildings are to achieve NABERS 5.5 star (equating to an 11% kgCO<sub>2</sub> e/sqm/year reduction compared to 5 star).</p>		
<p>8.3 Wind Mitigation</p> <p>1. Development is to comply with the Macquarie Park Wind Impacts controls contained in Part 4.5 of DCP 2010.</p>	<p>The applicant has submitted a detailed Wind Assessment Report. This report has concluded:</p> <p><i>The results of this study indicate that the subject development will benefit from shielding provided by the other proposed buildings of the development precinct, especially for the lower levels. However, some areas of the subject development may be exposed to strong winds, and hence the treatments are recommended.</i></p> <p><i>... With the inclusion of the recommended treatments in the final design of the development, it is expected that suitable wind conditions will be achieved for all outdoor trafficable areas within and around the site. Furthermore, the development is not expected to have any further adverse impact onto the wind conditions for the local surrounding area. However, due to the overall height and exposure of the subject</i></p>	<p>Yes, with conditions</p>

	<p><i>development to the prevailing winds, it is recommended to undertake a wind tunnel study to verify the outcomes of this assessment.</i></p> <p>Two conditions will be imposed in response to the Wind Assessment Report. The first will require compliance with the recommendations of the report and the second will require a Wind Tunnel Study. (See conditions 80 and 81)</p>	
<p>8.4 Air, Noise and Vibration</p> <p>1. The provisions of State Environmental Planning Policy (Infrastructure) 2007 and Development near Rail Corridors and Busy Roads Interim Guideline must be taken into consideration to minimise impacts of busy roads and railway corridors on residential and other sensitive development such as child care centres and health services facilities.</p> <p>2. An Acoustic Impact Assessment report prepared by a suitably qualified acoustic consultant is to be submitted with all development applications for commercial, retail and residential buildings, with the exception of applications for minor building alterations or where Council considers an assessment is not required.</p> <p>3. Non-residential development is not to adversely affect the amenity of adjacent and nearby residential development and public spaces as a result of noise, hours of operation and/or service deliveries.</p> <p>2. Noise from plant and equipment (including roof plant, air conditioning ducts and plant and servicing associated with green infrastructure) is to be attenuated to an appropriate level to ensure the amenity of adjacent and nearby uses is achieved and maintained.</p>	<p>The applicant has provided an acoustic report that addresses the relevant documents. This acoustic report has identified that glazing for the buildings residential spaces has been designed to achieve internal noise levels in accordance with the requirements of the DoP Guidelines.</p> <p>The acoustic report has also addressed the issue of predicted internal railway noise level for ground and structure borne noise. The report concludes the following:</p> <p><i>Based on assessment the maximum noise levels inside the most affected habitable rooms has been predicted to be less than 35dB(A) due to the pass by of a train and is not expected to generate any adverse impact on the occupants of the residential apartments.</i></p> <p><i>However due to the nature of the unpredictable variables involved in the assessment (coupling losses from soil to structure, soil attenuation etc.) and the potential for the regenerated noise to be low frequency, <b>it is recommended that a further more detailed assessment be conducted</b>, in order to determine the likelihood of any adverse impacts. Based on the results of an additional assessment, the application of any reasonable and feasible mitigation measures should be investigated, such as the consideration resilient construction between the ground and the building where required.</i></p>	Yes, with conditions

<p>5. Mechanical ventilation systems are to be designed to meet the requirements of the Building Code of Australia and relevant Australian Standards, and air intakes are to be sited as far as practicable from major sources of air pollution.</p> <p>6. A vegetation buffer is to be established between the M2 Motorway and any residential buildings in the mixed use precinct prior to occupation. The vegetation buffer is to be of sufficient width to assist in intercepting wind-blown dust by physical entrapment of airborne particles.</p>	<p>Two conditions will be imposed in response to the Acoustic Report. The first will require compliance with the recommendations of the report and the second will require a more detailed assessment. (See conditions 76 to 77).</p> <p>The main mechanical sources associated with the development will include:</p> <ul style="list-style-type: none"> <li>• VRV units located on the rooftop of Building L1, L2 and L3;</li> <li>• Condenser unit plant rooms with louvres on south east façade of Building M;</li> <li>• Car park exhaust fans (CPEF) in basement exhausting at low level;</li> <li>• Stair pressurisation fan (SPF) and relief fans (SPRF) on roof level;</li> </ul> <p>An acoustic barrier will be required for the rooftop mechanical plant located on buildings L1, L2 and L3 to provide shielding to the proposed Lot 104 development.</p> <p>Mechanical ventilation systems will be designed to meet BCA and Australian Standards and so should not create noise that would affect the amenity of the locality.</p> <p>The development is setback from the M2 corridor to allow a vegetation buffer.</p>	
<p>8.5 Waste Management</p> <p>1. Development is complying with the Macquarie Park Waste Management controls set out in Part 4.5 of DCP 2010.</p>	<p>A waste management plan was submitted with the application and found to be acceptable following review by Councils Environmental Health Officer, subject to conditions.</p>	<p>Yes</p>
<p>8.7 Soil Management</p>	<p>The applicant has submitted and</p>	<p>Yes</p>

1. Development is to comply with the Macquarie Park Soil Management controls set out in Part 4.5 of DCP 2010.	soil and water management plan that meets Council's requirements.	
<p>8.8 Site Contamination</p> <p>1. Development is complying with the Macquarie Park Site Contamination controls set out in Part 4.5 of DCP 2010.</p>	The applicant has provided a Site Audit Report A02-0255087-SAR-F02 which has concluded that the site is suitable for the proposed development. The applicant has also submitted a Site Audit Statement SAW002x2. These documents were prepared by ERM dated 30 January 2015 and have been reviewed by Council's Environmental Health Officer. It was stated that site contamination was dealt with during the prior groundworks LDA. A series of site audits found that the site is suitable for the proposed use.	Yes
<p>8.9 Heritage and Archaeology</p> <p>2. Where works are proposed in the vicinity of the bricked domed well or cistern located within the mixed use precinct (as identified in Figure 16 of the North Ryde Station Precinct Rezoning Study - Aboriginal Heritage Assessment and Non-Indigenous Archaeological Assessment (Artefact Heritage, November 2012)), a report is to be provided detailing the arrangements for the archaeological monitoring of the cistern. These should include that: a. When the well/cistern is located during construction excavation works, all works within 15m of the well/cistern are to cease immediately and a heritage/archaeological consultant is to be engaged; b. The archaeological consultant is to prepare a report on the condition of the item and its significance. This heritage assessment is to be submitted to Council and a site visit undertaken by Council; and c. Once Council is satisfied the appropriate research works and methodology have been prepared, written approval is to be issued by Council prior to any works commencing within this 15m restricted zone.</p>	The Heritage Assessment Report prepared by SSD_5093 shows the item is not located within the Mixed Use Precinct. As such the proposed development will have no impacts on the item located in the High Density Residential Precinct.	NA

As indicated by the above DCP table, the proposed development does not comply with respect to street frontage heights, building setbacks, building depth, overshadowing and car parking. Each of these issues is discussed further below.

#### Street Frontage Height (Part 5.1)

Part 5.1 of the DCP nominates a street frontage height with a zero setback to 9m, then a 2m articulation zone. The street wall treatment to Jarvis Circuit is a zero



alignment from ground to the upper level for Buildings J and K (Lot 105) with articulation through balcony recesses. Ground level retail within Lot 104 is setback predominantly 4m with Level 1 to 16 providing a zero setback cantilevered above Ground level (as illustrated by Section Plan through Jarvis Circuit below).

The objectives of the control seek to ensure a comfortable street environment for pedestrians, provide a strong, consistent definition of the public domain and ensure sunlight to key streets and public spaces.

The applicant has defined the treatment to the extent that the datum at 11-storeys gives a scale to the street, and reflects a similar device used on Lot 104. The subtle plane changes vertically also present the building form as a series of towers, rather than large planes.

The UDRP consider that the treatment of the lower levels provides an appropriate scale for pedestrians on the Jarvis Circuit.



**Figure 9:** Section Plan through Jarvis Circuit

It is considered that the objectives of the control can be met notwithstanding variation of the street frontage height as the built form and landscape scheme is very pedestrian focused and through building design elements such as breaking down elements through façade treatment, change in materials, modulation of building elements and clearly defined pedestrian spaces such as the integrated plaza and

square, a good level of pedestrian “comfort” and definition to the public domain will be achieved.

### Building Setbacks (Part 5.2)

Part 5.2 of the DCP requires the following setbacks:

- *Epping Road – 5m landscape setback;*
- *Halifax Street, Delhi Road – 5m;*
- *Other road frontages – 3m; and*
- *Public plazas – 3m.*

The following setbacks have been provided:

- **Epping Road :**  
Variable setbacks between 2m to 6m (ground floor). Upgraded landscaping by Urban Growth NSW is to be provided in the Epping Road reserve in accordance with SSD\_5093.
- Terrace housing along Epping Road – variable 2m-4m.
- Towers L1, L2 and L3 – 8-10m.
- **Halifax Street:**  
L1 (Lot 104) & J (Lot 105) – 0m
- **Delhi Road:**  
Building M – 0m – 5m  
Central open space – 2m -3m
- **Public Plaza** – 0m, this setback complies with the street wall requirements

The objectives of the setback controls seek to contribute to the character and identity of the Precinct. They also seek to provide variety and activation, pedestrian amenity, separation for visual and acoustic privacy and contribute to the landscape character.

In terms of from Epping Road, from review of the landscape details by Council’s Consultant Landscape Architect, the landscape scheme to this edge of the site is generally considered to be satisfactory and will contribute towards providing a green corridor to Epping and Delhi Road as well as providing screening to the new built form. Species selection is appropriate with a predominantly low maintenance native palette.

The proposed spatial arrangement of buildings within the subject site appropriately responds to the varied interface they adjoin. The proposal responds to the new context of streets and parks, defining the new public spaces, and establishing suitable scale within the precinct.

The proposed community facility within the southern corner of the site along Delhi Road and Epping Road is located with a zero setback to Delhi Road with a setback introduced (1 to 1.5m) as the building curves around the corner along Epping Road.

At the upper levels Building M provides a small portion of the tower on a zero setback with an increased setback as the building extends east.

Overall, the proposed setbacks establish a suitable pedestrian scale at the street level balanced with the tower element. High level street activation is provided to Jarvis Circuit and a variety of setbacks are afforded to the development as a result of the numerous buildings that make up the development. Appropriate articulation has also been provided to the street elevations of the tower. The proposed setback treatment is supported by the Council's UDRP.

It is considered that the objectives of the control are maintained despite an alternative setback arrangement being sought. Suitable provision of quality landscape treatment is available and the proposed setbacks maintain good relationship between buildings and the development will contribute to the character of the precinct.

#### Building Depth (Part 5.3)

Part 5.3 of the DCP requires that any building above 22m with a building length that aligns with the street must not have a length in excess of 50m. This control is applicable for the tower components of the development as all of the towers are greater than 22m in height.

Buildings L1, L2 and L3 – are aligned perpendicular to Jarvis Circuit with an average width of 17m and Building J is aligned to the Jarvis Circuit with a length of 33m. Accordingly, each of the building comply with Part 5.3.

Building K is aligned to Jarvis Circuit with a length of 57.5m and therefore represents an excess building length of 7.5m.

The objective of the control seeks to reduce bulk and scale of buildings by breaking up expanses of building walls with modulation of form and articulation of facades.

The proposed length of Building K does not conflict with the objectives given that the non-compliance represents a small exceedance that when viewed within the development as a whole it will not contribute to any perception of excess bulk or scale for the development. A variety of façade articulation and building modulation are presented within the development and Building K is proportionate with the surrounding building forms within the development. Furthermore, the length of the building is broken up through vertical recesses, a framed corner element and a cantilevered element above the Level 1 (see Figure below).



**Figure 10:** Building K looking from Lachlan's Square

#### Overshadowing (Part 5.6)

Part 5.6 of the DCP requires that communal courtyards and new public spaces receive direct sunlight to 50% of the area for a minimum of 3 hours between 9am and 3pm in mid-winter.

The communal open space areas are located between Building L1 and L2, L2 and L3. These areas will not receive solar access to 50% of the area during mid-winter as north-west to south-east orientation of Blocks J and K, and north-east to south-west orientation of Buildings L1, L2 and L3 create shadows. It is noted that units themselves achieve an acceptable level of solar access.

Lachlan's square: solar access achieved to 50% for 1.5 hours in mid-winter and is therefore 30min short of compliance.

Laura's Place: solar access achieved to 50% for 3 hours during mid-winter and therefore complies.

Shadow impact is created from the tower development and will impact on the rear portion (greater than 50%) of Bundara Reserve from 2pm in mid-winter.

The shadow will extend to the residential lots adjoining Bundara Reserve after 2pm. The impacts are limited to the rear portion of the properties, areas that would likely currently receive some level of shadow from vegetation within the reserve.

After 9am, shadows will extend across Epping Road and impact on 2 residential parcels, however this impact will be minimal by 11am and the submitted wall height solar modelling demonstrates that the shadow height will sit below the sill height of the dwellings.

Essentially, across the development site different areas at different times of the day and throughout the year will provide passive and active recreation opportunities to residents and visitors with varied levels of solar access. The intent of the DCP is to provide for increased residential densities and the permitted height at the site is akin to a tower form at 57m.

As noted by *Roseth SC in Parsonage v Ku-ring-gai [2004] NSWLEC 347* in an urban context, the ease with which sunlight access can be protected is inversely proportional to the density of development. At higher densities sunlight is harder to protect and the claim to retain it is not as strong. The impact on sunlight must be assessed in the context of the reasonable development expectations of the proposal and the constraints imposed by the topography and the subdivision pattern.

The proposed development is a well resolved scheme that maximises amenity potential for residential units through building orientation and form. At this scale, it is very difficult to avoid solar impacts should it be sought to maximise height and floor space potential and the vision of the DCP.

As such the above stated solar impacts are considered to be an acceptable trade-off for the high density development which other than the lift overrun at the centre of Building J, complies with height and the approved GFA allocation (above ground level).

#### Car Parking (Part 7.2)

Part 7.2 of the DCP seeks the provision of parking for retail, commercial, community and residential uses:

Use	Maximum Parking Rate
Commercial	1 space per 90sqm GFA
Retail	1 space per 100sqm GFA
Supermarket	1 space per 60sqm GFA
Residential	0 space per studio 0.6 space per one bedroom dwelling 0.9 space per two bedroom dwelling 1.4 space per three bedroom dwelling 1 space per 10 dwellings for visitor parking
Community	1 space per 100sqm GFA
Student housing and serviced apartments	1 space per 5 bedrooms

**Figure 10:** Parking rates (Part 7.2 of NRSP DCP)

The above requirements against the development proposed result in a provision of retail parking spaces of 79 however 180 have been provided (refer to below table).

Use	Rate	Required	Proposed	Complies
Commercial (medical centre)	1/90m <sup>2</sup>	515/90 = 5.7		
Retail	1/100m <sup>2</sup>	Lot 104 – 1,796/100 = 17.96 Lot 105 – 766/100 = 7.66 TOTAL = 31.32		
Supermarket	1/60m <sup>2</sup>	2,966/60 = 48.15		
<b>Commercial TOTAL = 79.47</b>			180	<b>No (101 excess retail spaces)</b>
Residential (Max.)	0 per Studio 0.6 per 1 bd 0.9 per 2 bd 1.4 per 3 bd	Studio – 59 x0 1 bed – 389x0.6 = 233.4 2 bed – 419x0.9 = 377.1 3 bed – 12x1.4 = 16.8	625	Yes
SUB TOTAL = 627.3				
Visitor	1/10 dwellings	879/10 = 87.9 (max)	49	Yes
<b>Resident/visitor TOTAL = 715.2 (maximum)</b>			674	Yes
Car share	1/50 req space	627/50 = <b>12.5</b>	12	Yes
Community	1/100m <sup>2</sup>	2,500/100 = <b>25</b>	25	Yes
<b>PROPOSED</b>			891	

The proposal provides a total of 891 parking spaces which includes an excess of 101 retail spaces in relation to the supermarket. The applicant identified that (a) there was a need for a full line supermarket and (b) that the supermarket rates within the DCP did not allow appropriate provision for a supermarket of the scale proposed.

This matter has been a concern for Council given that the precinct is identified as a Transit Oriented Development precinct with controls aimed at promoting reduced car dependence. Should the amount of parking proposed be approved, additional traffic impacts would be introduced that have not previously been foreseen for the site. The discouragement of parking through supply restraint is an important method in the suite of measures to encourage low private vehicle mode shares in Transit Orientated Developments (TODs) which is a focus under the DCP. Instead the DCP contemplates a small, locally orientated supermarket, hence a rate of 1/60.

The applicant has demonstrated through the submission of an Assessment of Market Potential that there is a demand for a full line supermarket and that typical parking provisions should be provided. Through detailed consideration and peer review of documentation by Councils Economic Consultant and Traffic Consultant it has been concluded that the excess parking can be supported on the basis that sufficient justification exists for a supermarket based shopping centre in the proposed Lachlan's Line site, given the population growth and strong trading levels in Macquarie Centre.

In accepting that the provision of a full line supermarket is justified it also necessitates an acceptance of parking provision commensurate with the particular use. It has therefore been accepted that a higher rate of parking for the retail



supermarket is reasonable whilst minimum rates have been applied to the residential uses. The excess parking (101 spaces and access to) is included as GFA and is located entirely below ground level within the basement.

## 6.8 City of Ryde DCP 2014

Many of the DCP provisions have been superseded by the controls within the North Ryde Station Precinct DCP. The following sections of DCP 2014 are however relevant to the proposed development:

### Part 4.5 Macquarie Park Corridor

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

Control	Comments
<b>Sustainable Transport</b> <ol style="list-style-type: none"> <li>1 car share space per 50 proposed parking spaces.</li> <li>Car share spaces are to be publicly accessible 24 hours a day 7 days a week.</li> <li>Parking spaces for car share schemes located on private land are to be retained as common property by the Owners Corporation of the site.</li> </ol>	<p>The development has proposed 12 car share spaces. This complies with the DCP's requirements. A condition of consent will be imposed to ensure that all 12 spaces are retained as common property and are publicly accessible. (See condition 158 and 160).</p>
<b>Topography &amp; Building Interface</b> <ol style="list-style-type: none"> <li>Level changes across sites are to be resolved within the building footprint.</li> <li>Where buildings are set back from the street boundary, entries are to be provided at street level wherever possible.</li> <li>Where necessary, stairs and ramps are to be integrated with the landscape design of front setbacks.</li> <li>Natural ground level is to be retained for a zone of 4m from the side and rear property boundaries. Retaining walls, cut and fill are not permitted within this zone.</li> </ol>	<p>The development complies with the required DCP controls.</p>

## **Part 8.1 – Construction Activities**

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

These matters have been addressed by way of appropriate conditions of consent. (See condition numbers 92 to 96, 100 and 101).

### **6.9 Section 94 Development Contributions Plan 2007 (Amendment 2010)**

As part of the North Ryde (M2 site) Planning Agreement between Council and Urban Growth NSW executed on 20 October 2016, the applicant is not required to pay any Section 94 Contributions for this development application.

## **7 LIKELY IMPACTS OF THE DEVELOPMENT**

The impacts associated with the proposed development have already been addressed in the report.

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

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

The site is not affected by any overland flow or other natural constraint.

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

## **9 THE PUBLIC INTEREST**

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

## **10 REFERRALS**

### **External Referrals**

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

No objection has been raised to the development subject to conditions of consent. (See condition number 129).

**Sydney Water**

No objections were raised to the proposed development subject to conditions of consent. (See condition numbers 38 and 123).

**Sydney Trains**

The application was referred to Sydney Trains who advised Council on 14 December 2016 that it has granted its concurrence to the development application subject to Council imposing a deferred commencement condition to provide documentation for certification by Sydney Trains. Concurrence also imposes operational conditions of consent (See condition numbers 30, 31, 64 to 68). It is noted that the same deferred commencement condition has been imposed on LDA2016/308 in relation to the early works approval for Lot 105 of the site.

**NSW Police**

No objections were raised to the proposed development subject to conditions of consent. (See condition numbers 108 to 111).

**Internal Referrals:****Senior Coordinator Development Engineer's**

No objections were raised to the proposed development subject to conditions of consent. (See condition numbers 18 to 22, 40 to 46, 100 to 102, 124 to 128).

**Environmental Health Officer**

No objections were raised to the proposed development subject to conditions of consent. (See condition numbers 23, 24, 26 to 28, 46, 47, 115 to 118, 153, 163 to 169, 176).

**Heritage Officer**

No objections are raised to the proposed development.

**Waste**

No objections were raised to the proposed development subject to conditions of consent. (See condition numbers 48 to 50, 56 to 60, 106, 107, 134 to 136, 146, 162, 170 to 175.)

**Public Domain**

No objections were raised to the proposed development subject to a condition of consent. (See condition numbers 151).

**Open space**

No objections were raised to the proposed development subject to conditions of consent. (See condition numbers 83 to 84).

**Consultant Landscape Architect**

No objections subject to appropriate conditions of consent. (See condition number 145). Concern was raised with regard to the absence of any dedicated private open space for Buildings J and K of Lot 105 and this issue was deferred to planning

assessment for consideration. This matter is addressed above under the UDRP discussion and concluded as acceptable.

### **Consultant Structural Engineer**

Geotechnical matters have been addressed following determination of LDA2016/307 and LDA2016/308.

### **Consultant Traffic Engineer**

The matter of excess retail parking provisions has continued to be an issue during the assessment of the subject development application in respect of the DCP parking requirements seeking provision supportive of a Transit Oriented Development (TOD). Review of the proposal was carried out and advice provided by Council's Consultant Traffic Engineer on 21 February 2017. A meeting was then held between Council and Council's Consultant Traffic Engineer, the applicant and applicant's Traffic consultant on 1 March 2017. The applicant submitted a response to both the 21 February advice and meeting which continued to justify the excess retail parking provision, along with an economic report. This further information was reviewed and the following final comments have been provided by Council's Consultant Traffic Engineer.

*Overall, it appears that the parking supply issue is essentially a proxy for the issue of whether a full line supermarket (and associated speciality stores) is desired/possible versus a smaller more locally-orientated supermarket as contemplated under the DCP. That is, it appears from the advice of Urbis that the DCP parking rates will not support (from a commercial perspective) a full line supermarket but will support a more locally-orientated supermarket.*

*On this basis, the trade-off between supermarket size and associated retail viability, and the associated permitted parking supply is not only a 'traffic issue' but is a trade off which needs to consider what type of commercial/retail centre Council desires for the precinct (and when) relative to what was originally contemplated in the DCP.*

### **Consultant Economic Consultant**

Council's Economic consultant undertook a peer review of the Economic Report submitted by the applicant in relation to justification for a full-line supermarket within Lachlan's Line. The findings of the review concluded that overall there is sufficient justification for a supermarket based shopping centre in the proposed Lachlan's Line site, North Ryde given the population growth and strong trading levels in Macquarie Centre.

The same consultant also undertook a retail car park capacity review and those finding concluded that additional car spaces to service the retail centre at Lachlan's Line is justified.

## **11 PUBLIC NOTIFICATION AND SUBMISSIONS**

The proposed development was originally notified and advertised in accordance with Development Control Plan 2014 – Part 2.1, Notification of Development Applications. The application was advertised on 3 December 2014 in the *Northern District Times*. Notification of the proposal was from 7 September until 7 October 2016.

During the notification period, five (5) submission were received. The issues raised in the submission included the following:

**Issue 1: Overdevelopment within the locality**

**Comment:**

The proposal provides gross floor area consistent with the maximum areas permitted under the Concept approved under SSD\_5093. The proposal is supported by the UDRP as an acceptable overall form and scale and recognises that the site is suitable for an intense level of development given the proximity to transport infrastructure. In terms of bulk and scale, the proposed development is a suitable response to the site and applicable controls and is not considered an overdevelopment within the locality.

**Issue 2: Traffic congestion (need for road widening / upgrades)**

**Comment:**

A number of upgrades to the surrounding road network are proposed or underway to support vehicle movements to and from the site including new traffic signals, upgrade to existing traffic signals, road widening, and a new access intersection.

It is agreed that the intersections in the vicinity of the site all operate at capacity during the peak periods. The degree to which these roads will be made worse is related to the traffic generation of the development, which is related to the residential parking provision. The provision of more car parking will encourage residents to use private motor vehicles rather than public transport. By reducing the car parking as discussed in the point above, it will reduce the traffic generation associated with the development.

**Issue 3: Insufficient parking provisions**

**Comment:**

The proposed development in fact provides excess parking provision with respect to application of the DCP requirements. The residential parking rates within the DCP are provided as maximum rates, which could anticipate no resident parking being provided at all.

The DCP seeks a lower parking rate as this precinct is earmarked for “Transit Orientated Development” which has direct access to North Ryde Station on the Epping to Chatswood Rail Link, and which is connected, accessible, and permeable and has a high base population density. The Precinct’s development will encourage greater activity around the railway station through the inclusion of suitable land uses to encourage greater use of the public transport network. In such a Precinct it is appropriate to provide less car parking rather than more car parking. More car parking would encourage residents to use private motor vehicles rather than public

transport. This would then exponentially increase delays and queuing within the surrounding road network.

**Issue 4:** Lack of facilities to support population growth (such as schools)

**Comment:**

The site forms part of an Urban Activation Precinct and seeks to provide a mix of non-residential uses that are compatible with the objectives and vision for the Mixed Use Precinct. The proposal is an entirely suitable response to the DCP objectives and anticipated demand.

**Issue 5:** Need for a child care centre within the development to support increased population and demand.

**Comment:**

It is intended that a child care centre will be provided within the Community Centre building, however this would be subject to a separate development application and assessment process.

## **12 CONCLUSION**

This report considers an application for the construction of a mixed use development containing commercial, retail, community and residential uses at 25-27 Epping Road, Macquarie Park.

The development does result in a minor variation to the height standard resulting from a lift overrun and also to the FSR standard as a result of excess parking provision to support a full-line supermarket. For the reasons stating within this report both of the applicant's Clause 4.6 variations can be supported.

Minor variations have been identified in respect to common open space and building separation as identified in the Apartment Design Guide. The development also fails to comply with the requirements in respect to the street frontage heights, building setbacks, building depth, overshadowing, and car parking as identified in the North Ryde Station Precinct DCP 2014. These variation statements are all considered to be acceptable on planning grounds.

During the assessment process the applicant provided an economic report to justify the demand for a full-line supermarket at the development site to service the broader locality. This analysis was reviewed and backed up by Council's Economic Consultant. As a result, a higher provision of parking has been accepted at the site to accommodate the supermarket, despite the transit oriented development nature of the precinct.

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



### **13     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 deferred commencement consent to development application LDA2016/0395 for the construction of a mixed use development at 25-27 Epping Road, Macquarie Park subject to the conditions of consent in Attachment 1 of this report.
- B. That the objectors be advised of this decision.
- C. That a copy of the development consent be forwarded to Sydney Trains and RMS.

**Report prepared by:**

Alison Davidson  
Planning Ingenuity, Consultant Planner

**Report approved by:**

Sandra Bailey  
Senior Coordinator Major Development

Liz Coad  
Acting Director City Planning and Development