

COUNCIL ASSESSMENT REPORT

Panel Reference	2017SNH031
DA Number	LDA 2017/0096
LGA	City of Ryde
Proposed Development	Concept Development Application for four commercial office buildings at 85 – 99 Waterloo Road and Stage 1 construction of a 13 storey commercial office/retail building at 93-99 Waterloo Road and 101 Waterloo Road, together with the construction of a new road and pedestrian link
Street Address	85 - 99 Waterloo Road, Macquarie Park.
Applicant/Owner	Applicant: Goodman Property Services Pty Ltd Owner 85 – 99 Waterloo Road: The Trust Company (Australia) Limited Owner 101 Waterloo Road: JQZ Eleven Pty Ltd
Date of DA lodgement	21 March 2017
Number of Submissions	None
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	General Development over \$30 Million
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy (Infrastructure) 2007 • Deemed State Environmental Planning Policy (Sydney Harbour Catchment) 2005 • Ryde Local Environmental Plan 2014 • City of Ryde Development Control Plan 2014 • Section 94 Development Contributions Plan 2007 • A Planning Agreement has been submitted with the application.

List all documents submitted with this report for the Panel's consideration	Conditions of Consent (Attachment 1) Plans (Attachment 2) Letter from the applicant agreeing to the draft conditions of consent (Attachment 3)
Report prepared by	Rebecca Lockart, Senior Town Planner
Report date	20 March 2019

Summary of s4.15 matters

Yes

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

**Not
Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

**Not
Applicable**

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment?

**Yes – agrees
to
conditions**

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

1. EXECUTIVE SUMMARY

This report considers a concept development application ('concept DA') under Section 4.22 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for a four stage commercial development at Lots 2 and 3, DP 1046092, known as 85 – 91 and 93 – 99 Waterloo Road, Macquarie Park.

Per section 4.22(2) of the EP&A Act, the proposal also seeks approval for the first stage of development. Stage 1 is for an 11 – 13 storey commercial office building including four split level basements, and the construction of a new 20m wide road along the northern boundary of 93 - 99 Waterloo Road, Macquarie Park (Lot 3), referred to as 'Road 1' (Banfield Road).

The concept DA involves building envelopes for the proposed tower forms including the floor area, parking layout and positioning within the broader site. Five tower envelopes (including 'twin tower' Building 2) are proposed across the two sites to be delivered in four stages, in addition to the existing five-storey commercial building at 93 - 99 Waterloo Road which is proposed to remain. The new towers will have maximum heights ranging from 11 to 13 storeys. The concept DA does not seek approval for any works, with detailed proposals for Stages 2, 3 and 4 of the site to be the subject of subsequent development applications.

The application was notified and advertised in accordance with Part 2.1 of *Ryde Development Control Plan 2014* (Ryde DCP 2014) and no submissions were received. None of the amendments to the plans during the assessment period necessitated the renotification of the application.

The proposal complies with the planning requirements under Ryde Local Environmental Plan 2014 (Ryde LEP 2014). In particular, the proposal utilises the incentive provisions under clause 6.9 of Ryde LEP 2014 for additional floor space and height which is to be distributed across the site under the concept DA. A Planning Agreement under Section 7.4 of the EP&A Act has been entered into which will allow for the construction and dedication of Road 1 under Stage 1 of the concept DA, and the construction of a pedestrian link under Stage 4 of the concept DA, both of which are generally in accordance with the Access Network Structure Plan under Part 4.5 of Ryde DCP 2014.

Under Ryde DCP 2014 the proposal complies with the relevant controls with the exception of the Building 1 site providing less than 20% deep soil area, the proposed carpark entry and ramp, and retaining walls on adjacent Road 27 protrude into the 5m street setback zone, the publicly accessible open spaces are more than 1.2m above at footpath level due the topography of the site, and only 90% of the typical floor plate has a distance of 12m or less from a source of natural daylight. This is further assessed in this report and is considered satisfactory on its merits.

The application has demonstrated that the site can be appropriately remediated and made suitable for the proposed use under clause 7 of State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55). Appropriate conditions are included on the draft consent (Attachment 1) for both the concept DA and the Stage 1 proposal.

It is noted that part of the land within 101 Waterloo Road Macquarie Park, forms part of the Stage 1 proposal for the purpose of completing the footpath and future public domain

works adjacent to Road 27, and connections for stormwater works. Land owners consent for this work on neighbouring land has been submitted with the proposal.

After consideration of the development against section 4.15 of the EP&A Act and the relevant statutory and policy provisions, the proposal is considered suitable for the site and is in the public interest. Consideration of various design matters by Council's technical departments has not identified any fundamental issues of concern, with any matters of concern recommended to be addressed via conditions of consent.

The concept DA is consistent with the desired future character of the precinct as identified in the relevant planning instruments. It will contribute to significant economic growth and prosperity of Macquarie Park and facilitate the orderly development of the site. The Stage 1 building is of high quality architectural design, which has responded to the location within the mixed-use area it is positioned, while providing commercial development within the central Macquarie Park precinct.

This report concludes that this development proposal for the broader concept DA and the construction of Stage 1 is sound in terms of design, function and relationship with its neighbours. This report recommends that consent be granted to this application in accordance with conditions provided in Attachment 1. These conditions have been reviewed and agreed to by the applicant (see letter at Attachment 3).

2. APPLICATION DETAILS

Applicant: Goodman Property Services Pty Ltd

Owner: The Trust Company (Australia) Limited

Capital Investment Value: \$200,524,697.00 consisting:

- Stage 1: \$44,940,107.00 (inc. GST)
- Stage 2: \$65,102,190.00 (excl. GST)
- Stage 3: \$49,011,300.00 (excl. GST)
- Stage 4: \$41,471,100.00 (excl. GST)

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

Note: Minor works associated with the development occurs on land at 101 Waterloo Road, Macquarie Park owned by JQZ Eleven Pty Ltd.

3. SITE DESCRIPTION

The concept DA site ('the site') is L-shaped and consists of two allotments known as Lots 2 and 3 in DP 1046092, No. 85 to 91 and 93 to 99 Waterloo Road, Macquarie Park. The site is located on the corner of Waterloo Road and Khartoum Road (**Figure 1**).

Lot 2 (No. 85 to 91 Waterloo Road) has an area of 11,705m² and Lot 3 (No. 93 to 99 Waterloo Road) has an area of 16,002m². The combined site has a total area of 27,707m².

The site currently accommodates two commercial buildings. The building located on Lot 2 consists of a part two, part three storey building with ground level carparking (with 189

spaces) and landscaping. Lot 3 consists of a five storey building commercial building with ground level carparking and landscaping. The Lot 3 building also has a child care centre for 148 children at the rear of the building on levels 1 and 2.

The existing site has vehicular access from Waterloo Road via two crossovers each located to the west of the Khartoum Road roundabout. The western-most crossover servicing No. 93 to 99 Waterloo Road is situated at the head of the Byfield Street roundabout. Banfield Road (off Khartoum Road) was recently completed under the development of 8 Khartoum Road and will provide access to the rear of Lot 3 via new Road 1. This road is also intended to be used for construction access for Stage 1.

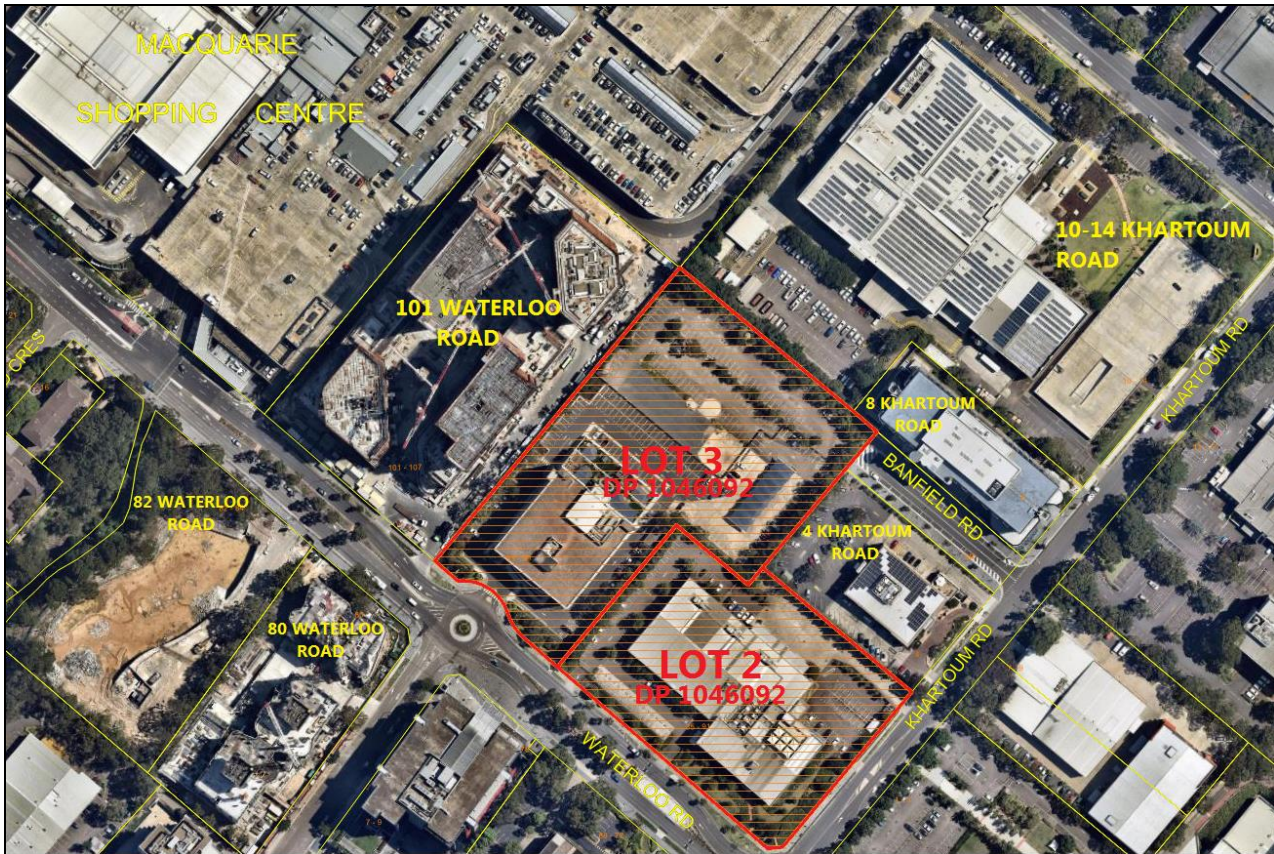


Figure 1. Aerial Image of the site location (outlined in red)

Early site works

On 25 January 2019 Local Development Application No. LDA2018/0481 was approved by Council for *Early site works, including excavation for basement development*. This DA applied to the portion of Lot 3 which will be the location of Building 1 and proposed new Road 1 (**Figure 2**).

Due to the timing of the subject development application assessment, the early works DA was submitted to Council to ensure the progress of the project and the applicant's commercial contractual timeframes.

Consent for early works on part of Lot 3 was limited to the following scope:

- Strip site of all above ground components;
- Installation of temporary access ways for construction vehicles;
- Removal of trees throughout the site in accordance with the Arborist Report;

- Installation of sediment controls in the relevant area, in accordance with civil package;
- Location and removal of redundant services throughout the development area;
- Excavation of 11m to 13m to facilitate construction of four (4) split basement levels;
- Re-contouring of the land to construct a new road, located at the rear of 97 Waterloo Road, to connect with the neighbouring property boundaries of 101-107 Waterloo Road (north west) and 8 Khartoum Road (south east), consistent with the Ryde DCP; and
- Shotcrete concrete to basement walls and add relevant anchors to stabilize basement.

On 27 February 2018 a Section 4.55 modification application was lodged with Council to amend configuration of the existing stormwater drainage across Lot 3. This application is still under assessment by Council.

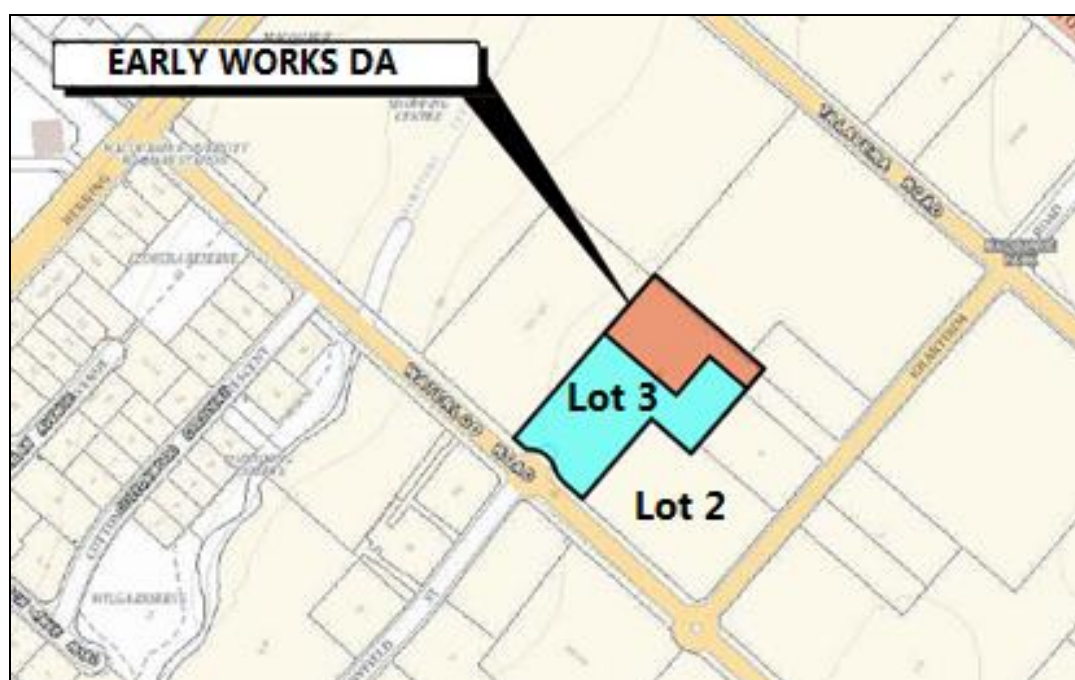


Figure 2. Extent of early works approved under LDA2018/0481 and proposed under MOD2019/0035
(Source – Locality plan prepared by AT&L, Drawing NO. 16-420-DAC001, Issue D)

The approved works include the removal of 71 trees, of which the submitted Arborist Report identified 10 were important, high category trees. These trees were required to be removed as a result of being located within the footprint of the proposed building, and/or having high disturbance of the tree protection zone (TPZ) as a result of the future development. **Figure 3** identifies the location of the site of the trees approved for removal.

The majority of trees to be removed were within the location of the proposed New Road 1 and within the footprint and front setback area of Building 1. The consent also required the retention of 18 trees within the Stage 1 area. The species for both trees to be removed and to be retained are outlined in **Tables 1 and 2** below.

Accordingly the subject DA, including both the concept DA and Stage 1, do not seek approval for the removal of any trees.

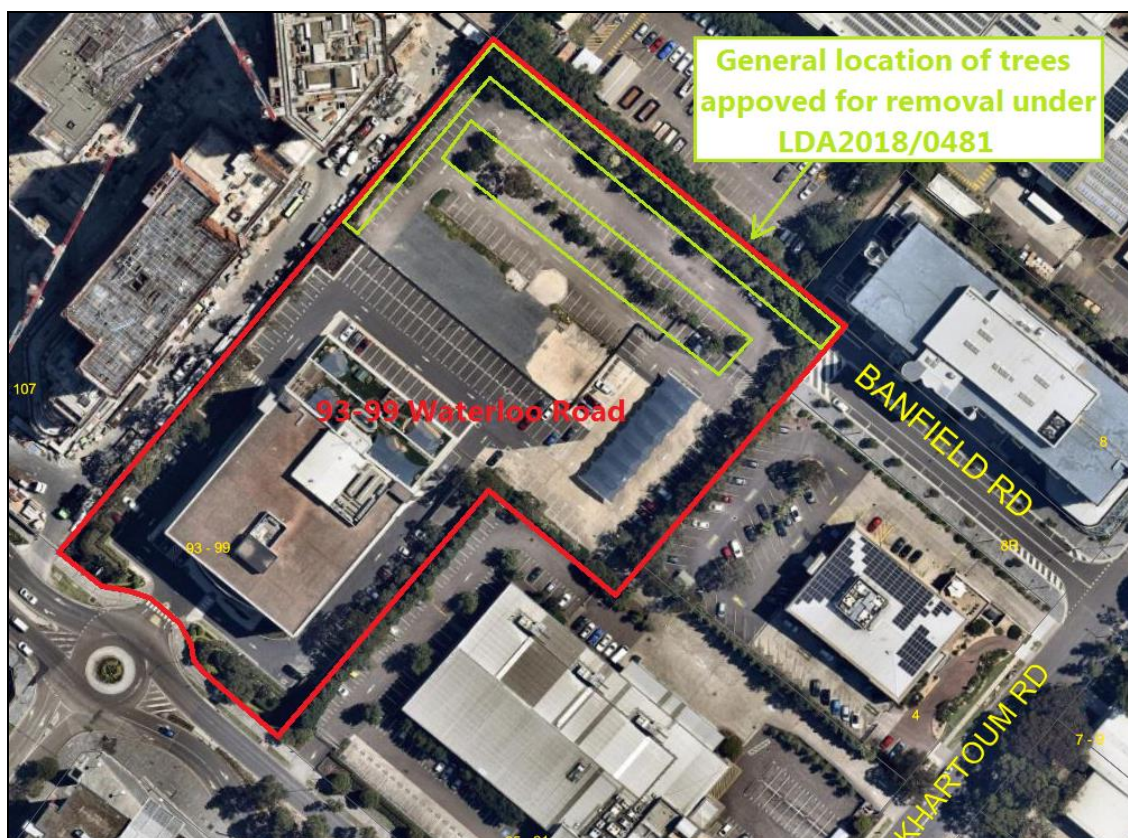


Figure 3. Aerial photo identifying location of trees approved to be removed under LDA2018/481 to facilitate the Building 1 DA and the construction of the new road.

<i>Trees approved for removal (Species 'Common Name')</i>	<i>Count</i>
<i>Ulmus</i> sp. 'Elm'	12
<i>Banksia integrifolia</i> 'Coast Banksia'	35
<i>Casuarina cunninghamiana</i> 'River She Oak'	1
<i>Callistemon saligna</i> 'White Bottlebrush'	3
<i>Acer negundo</i> 'Boxelder Maple'	1
<i>Melia azedarach</i> 'Chinaberry'	1
<i>Hakea</i> sp. 'Pink cushion'	5
<i>Cinnamomum camphora</i> 'Camphor Laurel'	1
<i>Eucalyptus robusta</i> 'Swamp Mahogany'	1
<i>Corymbia citriodora</i> 'Tall Smooth Barked Gum'	9
<i>Angophora floribunda</i> 'Rough Barked Apple'	1
<i>Angophora Costata</i> 'Smooth Barked Apple'	1
Total	71

Table 1: Trees approved for removal under LDA2018/481.

<i>Trees required to be retained (Species 'Common Name')</i>	<i>Count</i>
<i>Eucalyptus punctata</i> 'Grey Gum'	6
<i>Eucalyptus</i> sp. 'Eucalypt'	5
<i>Cupressus</i> sp. 'Cypress Pine'	1
<i>Ulmus</i> sp. 'Elm'	1
<i>Angophora floribunda</i> 'Rough Barked Apple'	3
<i>Angophora costata</i> 'Smooth Barked Apple'	1
<i>Corymbia eximia</i> 'Yellow Bloodwood'	1
Total	18

Table 2: Trees required to be retained under LDA2018/481

101 Waterloo Road, Macquarie Park

Lot 3 in DP104092 (93-99 Waterloo Road) has an existing retaining wall that runs along the western boundary of the site. This retaining wall encroaches into neighbouring 101 Waterloo Road by approximately 600mm (shown at **Figure 4**).

101 Waterloo Road is owned by JQZ Eleven Pty Ltd.

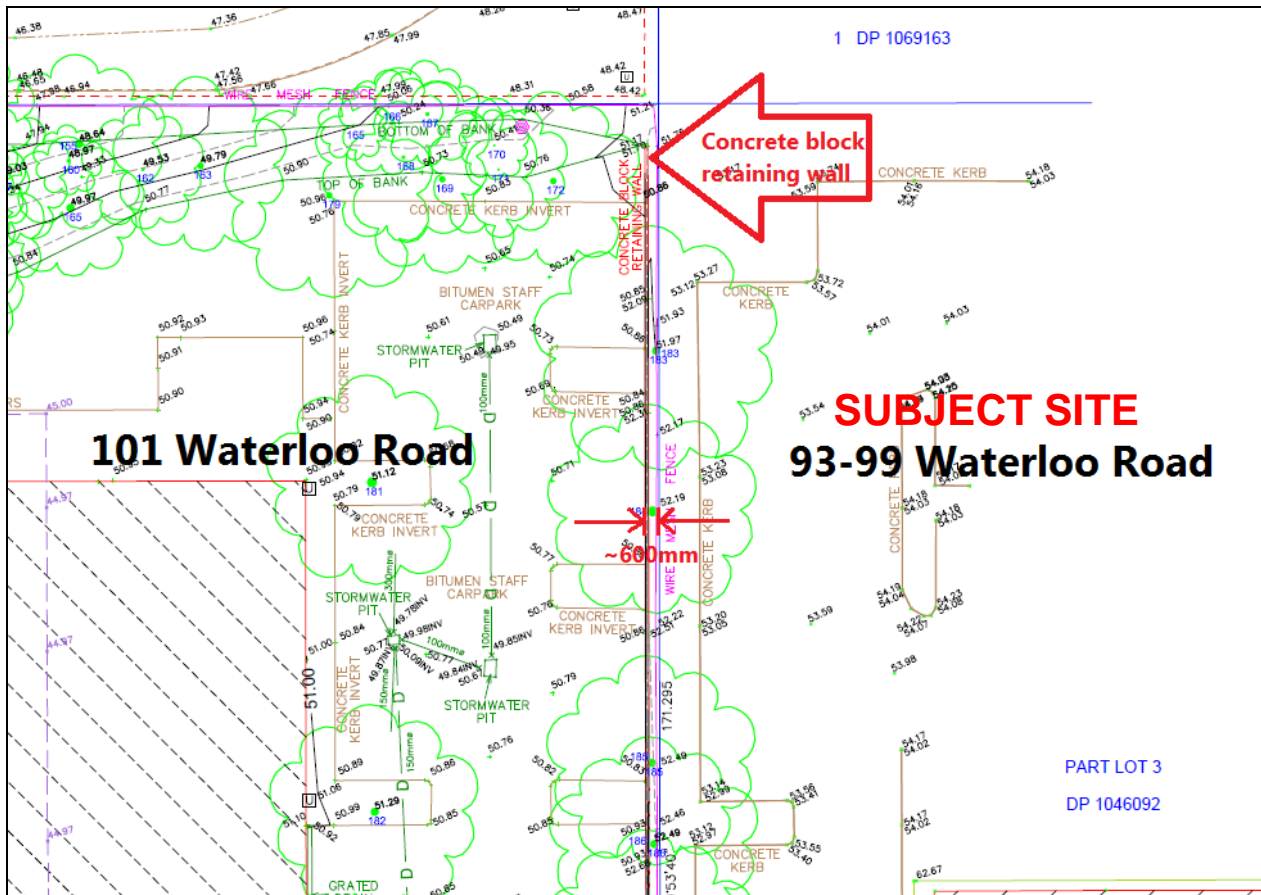


Figure 4. Excerpt of Survey Plan identifying location of encroaching retaining wall along the western boundary.

(Source: Submitted Survey Plan with LDA2016/0567, prepared by Cardno, Dated 16.8.2016, Revision 07.)

Local Development Application No. LDA2016/0567 was granted deferred commencement consent by the Sydney North Planning Panel on 7 August 2017 for a mixed use development containing four towers at 101 Waterloo Road, with a maximum height of 23 storeys containing 680 residential apartments and 1674.8m² of retail space. The approval also included the construction of a new public road (Road 27) along the south-eastern boundary of the site, adjoining 93-99 Waterloo Road (and the above-mentioned retaining wall).

Due to the location of the encroaching retaining wall, and the fact the retaining wall benefitted the existing development at 93-99 Waterloo Road, the consent under LDA2016/0567 for the construction of Road 27 permitted the retaining wall to remain in situ, with a reduced footpath width along the south-eastern side of the road (refer **Figure 5**).

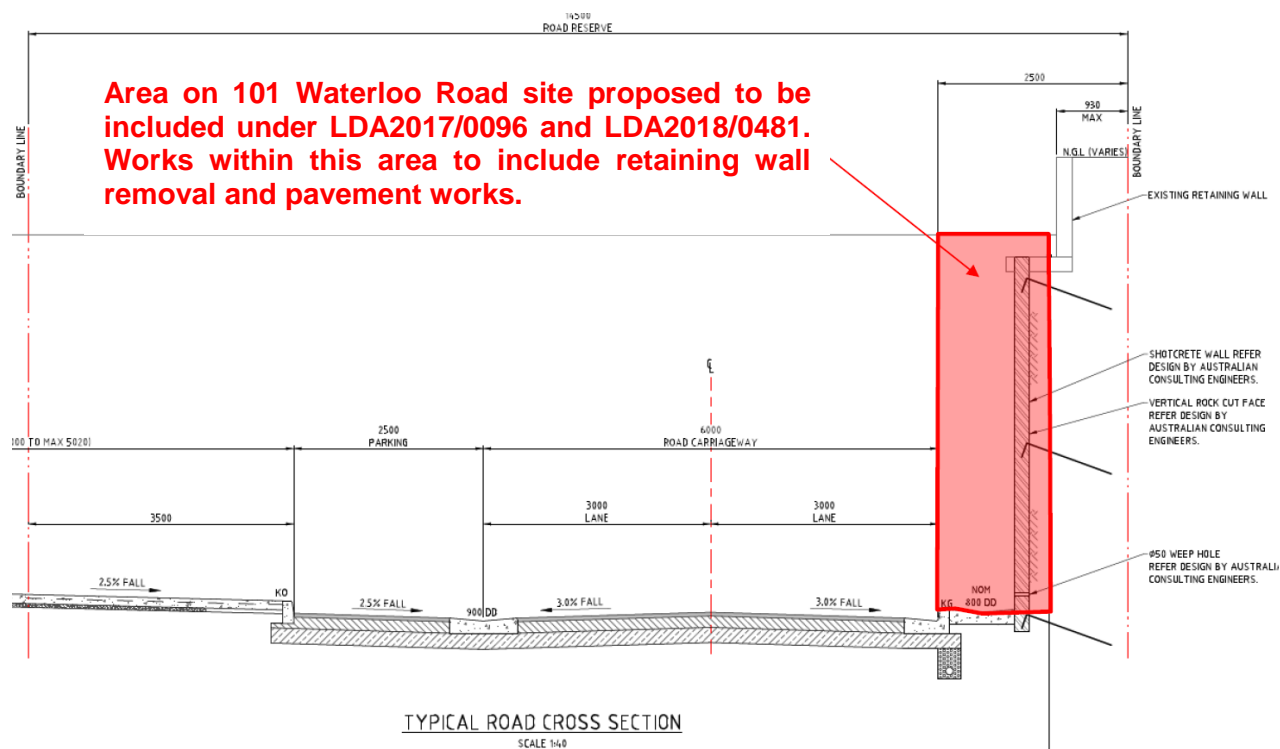


Figure 5. Road cross section of Road 27 (101 Waterloo Road – LDA2016/0567) indicating retaining wall and remaining part of Road 27 required to be completed.

As the Stage 1 application under this subject DA includes site access and frontage to Road 27, the retaining wall along a portion of the boundary (refer **Figure 5**) is to be removed under LDA2018/481, and the construction of the remaining footpath width in this location is included under this DA.

Additionally, the downstream stormwater connections for Road 1 are located within the new Road 27 and Road 1 approved under the 101 Waterloo Road consent (LDA2016/0567). Accordingly the proposed development also includes minor storm water works on land within 101 Waterloo Road, which will eventually be land dedicated to Council, however at the time of the DA determination will still be under private ownership.

Proposed subdivision of Lot 3

On 25 January 2019 Council approved the Torrens Title Subdivision of Lot 3 into three lots, reflecting the new construction of the lot under Stage 1 of the subject DA, for the new road, new building and existing building as follows:

- Proposed Lot 1 (containing the existing 4 storey building) with an area of 10,375m²;
- Proposed Lot 2 (containing the future development site of Building 1) with an area of 3,317m²; and
- Proposed Lot 3 (proposed New Road 1) with an area of 2,310m².

Figure 6 below outlines the proposed new lots.

A Subdivision Certificate for the subdivision of these lots has not yet been released.

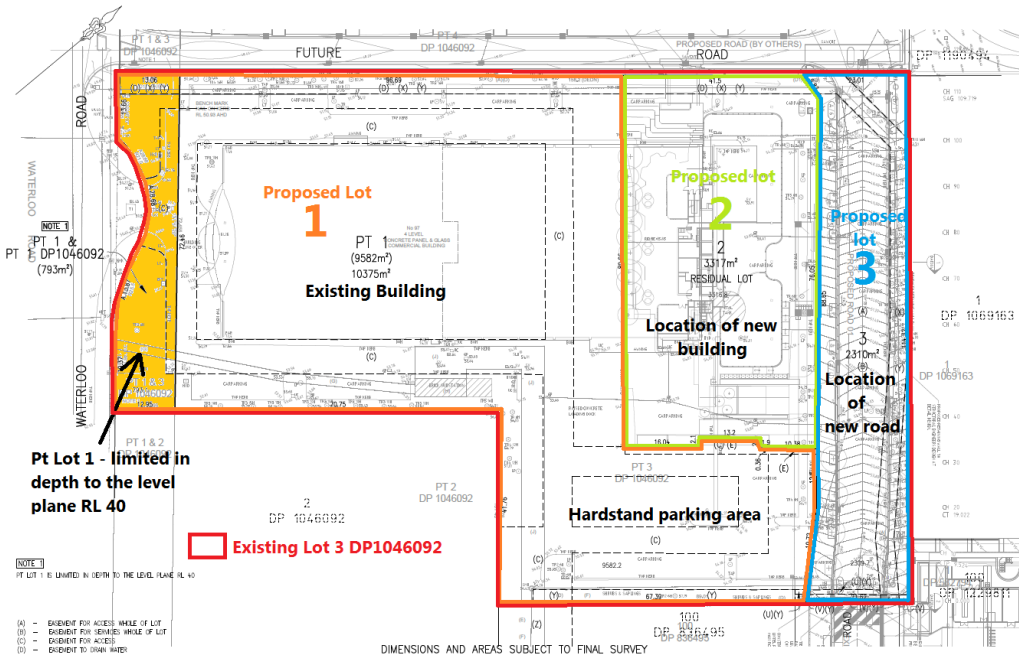


Figure 6. Proposed new lots identifying the proposed and existing use/development
(Source: Subdivision Plan of Lot 3, DP1046092 dated 10 January 2019, Issue 8, prepared by MA. Ayres)

4. SITE CONTEXT

The site is located within the B3 Commercial Core zone of the Macquarie Park Corridor and abuts the Herring Road & North Ryde Station Priority Precincts to the west.

The site is bounded by the B4 Mixed Use zone to the north and west, the B7 Business Park zone to the north and east, and B3 Commercial Core zone to the south (**Figure 7**). Therefore, the site is surrounded by a variety of commercial and mixed use development of varying architectural style and age as shown in the images at **Figures 8 to 14**.

The eastern wing of the Macquarie Park Shopping Centre is located directly at the north-west corner of the subject site.

Shrimptons Creek and Wilga Park Reserve are located approximately 140m to the west of the subject site.

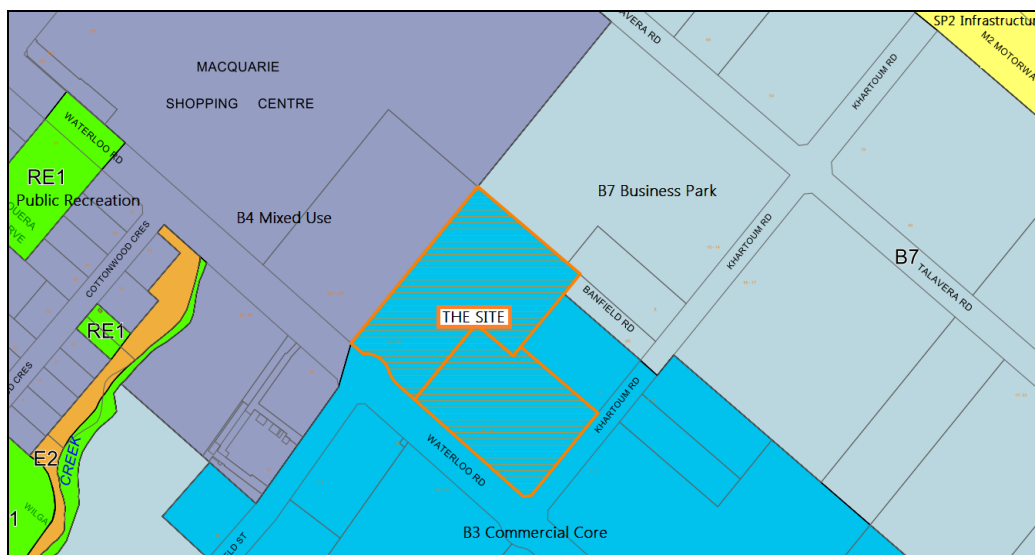


Figure 7. Site zoning – Ryde LEP 2014



Figure 8. 93-99 Waterloo Road – Existing building to be retained



Figure 9. 93-99 Waterloo Road – Existing car park area to be retained (8 Khartoum Road under development in the background)



Figure 10. 85-91 Waterloo Road – Existing building to be demolished (Location of future Buildings 2 and 4)



Figure 11. 60-66 Waterloo Road – opposite corner of the Waterloo Road and Khartoum Road intersection (taken from in front of the proposed Building 3)



Figure 12. 8 Khartoum Road (left) & new Banfield Road looking east which will connect with proposed Road 1



Figure 13. 8 Khartoum Road (right) & new Banfield Road looking west, with the construction of 101 Waterloo Road in the distance.

5. PROPOSAL

Pursuant to Division 4.4 of the *Environmental Planning and Assessment Act, 1979*, the applicant seeks approval for a concept development application and Stage 1 construction of a commercial office building and new road.

5.1 Concept development applications

Section 4.22 of the EP&A Act deals with concept DAs as follows:

“4.22 Concept development applications (cf previous s 83B)

- 1) For the purposes of this Act, a concept development application is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for the site or for separate parts of the site are to be the subject of a subsequent development application or applications.*
- 2) In the case of a staged development, the application may set out detailed proposals for the first stage of development.*
- 3) A development application is not to be treated as a concept development application unless the applicant requests it to be treated as a concept development application.*
- 4) If consent is granted on the determination of a concept development application, the consent does not authorise the carrying out of development on any part of the site concerned unless:*

(a) consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site, or

(b) the concept development application also provided the requisite details of the development on that part of the site and consent is granted for that first stage of development without the need for further consent.

The terms of a consent granted on the determination of a concept development application are to reflect the operation of this subsection.

- 5) The consent authority, when considering under section 4.15 the likely impact of the development the subject of a concept development application, need only consider the likely impact of the concept proposals (and any first stage of development included in the application) and does not need to consider the likely impact of the carrying out of development that may be the subject of subsequent development applications.*

Note. *The proposals for detailed development of the site will require further consideration under section 4.15 when a subsequent development application is lodged (subject to subsection (2)).”*

In this regard, the applicant has requested that the proposal be treated as a concept DA per subsection (3) with the different stages reflected in the Staging Plan, reproduced at **Figure 14**.

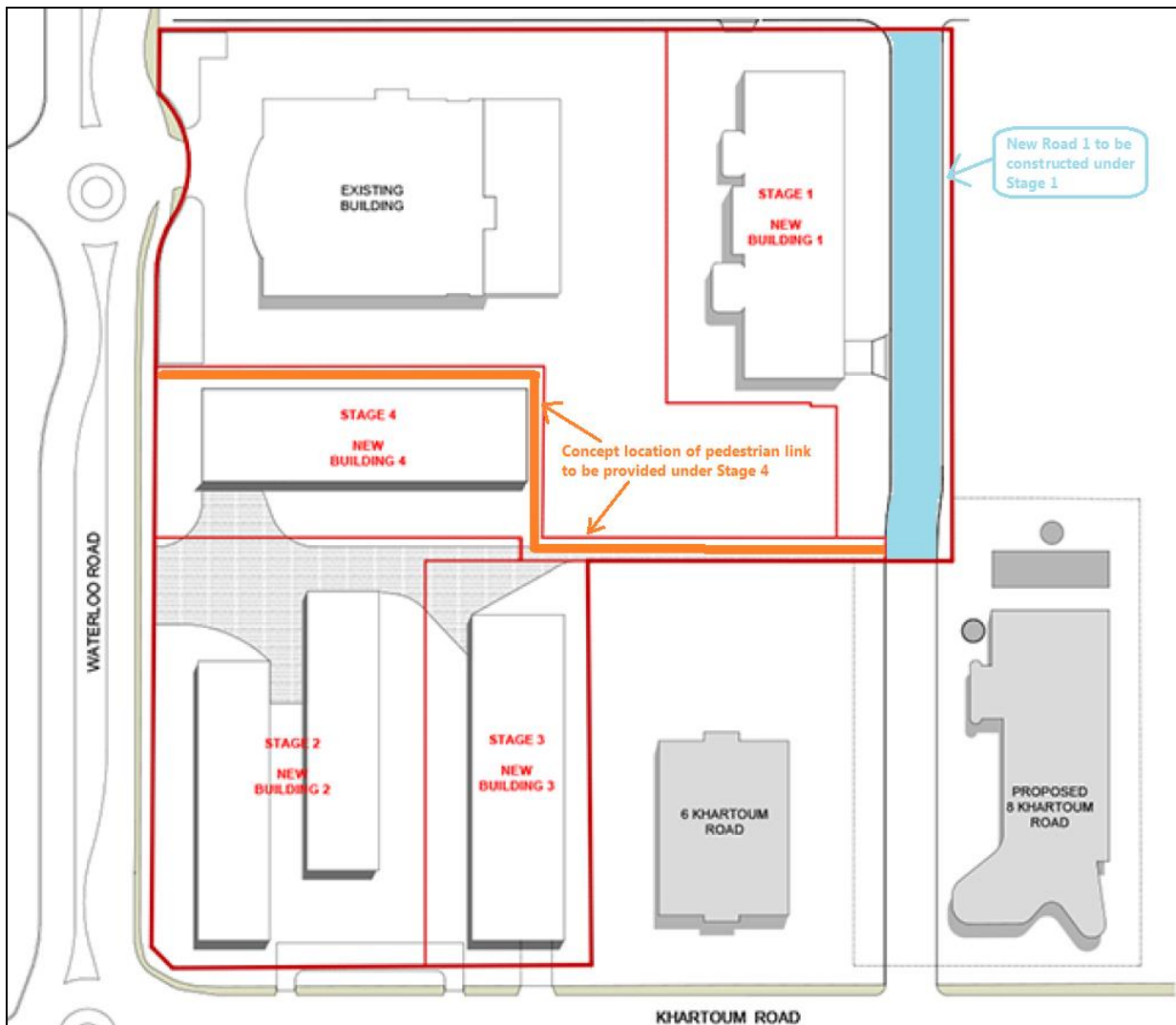


Figure 14. Concept DA Staging Plan identifying new road and pedestrian link

The application sets out concept proposals for the development of the site and the separate parts of the site they are to be the subject of a subsequent development application or applications in accordance with subsections (1) and (2). The application also sets out detailed proposals for the first stage of development as permitted by subsection (4)(b).

In order to clarify the limitations of concept DAs, the Land and Environment Court has provided some guidance in the form of a Planning Principle, handed down as part of the court hearing in relation to *Anglican Church Property Trust v Sydney City Council NSWLEC 353*. The judgement states that:

“Multi-stage applications are useful for large or controversial projects as they provide the applicant with certainty about the major parameters of a proposal before it embarks on the expensive exercise of preparing detailed drawings and specifications for a development application. The critical issue is: how much detail should be provided in the Stage 1 application as against the Stage 2 application?”

The principle we have adopted is that in multi-stage applications the information provided in Stage 1 should respond to all those matters that are critical to the assessment of the proposal. Where traffic generation is the critical issue, Stage 1 should include information on

the precise number of cars accommodated on a site. Where the floor space is critical, Stage 1 should include the precise FSR. Where the major issue is the protection of vegetation, the footprints of the proposed buildings may be sufficient.”

Accordingly, this application includes the land uses proposed, the maximum gross floor area (GFA) and approximate distribution across the site, building heights, setbacks and envelopes, the applicable parking rate to be applied across the stages, landscaped area and vehicular access/egress.

The built forms depicted on the plans may not necessarily be the same as the final form of the buildings which would normally be considered in a ‘Stage 2 development application’. Rather, the plans subject to this application generally indicate the building envelopes within which the future buildings will be contained. The actual shapes of the buildings, including the number of floors, the elevations, the external finishes and the colours are to be shown in the subsequent development applications which follow the approval of the concept DA consent.

The critical matters to be assessed and determined are:

- The visual consistency of the development to surrounding development;
- Traffic impacts from the proposed parking spaces and proposed new road;
- The impact of the development on surrounding properties and the public domain;
- The streetscape and urban design issues relating to the building heights, footprints and separations, traffic, accessibility and safety; and
- The shadow impacts of the development on the public domain and private properties.

The concept DA does not approve the removal of any trees, with this to be addressed and assessed under each subsequent DA.

Having reviewed the submitted documentation, it is considered that the level of supporting information adequately responds to those matters that are regarded as being critical to the assessment of the proposal in order to provide Council with an adequate level of certainty as to the appropriateness of the concept DA in its current form. **Part 1, Condition 3** of the draft consent outlines the limitations that are imposed on the concept DA, with other conditions within **Part 1** of the consent specifically approving various elements of the concept DA, such as **Conditions 4 and 5** for building height and FSR.

Concept DA Stages

The concept DA involves the redevelopment of the site in four (4) stages for the purpose of commercial and retail land uses, building envelopes, landscaping, road network and pedestrian link, car parking, and associated infrastructure which is further outlined in **Table 3** below.

Stage	Detail
Stage 1	Stage 1 forms part of the subject application for an approval to construct a new commercial office building referred to as ‘Building 1’.
Stage 2	Stage 2 is subject to a future development application and involves indicative building envelope for a 12-14 storey (+plant) commercial twin-tower referred to as ‘Building 2’, with gross floor area of 24,180m ² , maximum height of RL102.00, and basement car parking.

Stage	Detail
Stage 3	Stage 3 is subject to a future development application and involves indicative building envelope for a 13 storey (+plant) commercial building referred to as 'Building 3', with gross floor area of 18,200m ² , maximum height of RL105.00 and basement car parking.
Stage 4	Stage 4 is subject to a future development application and involves indicative building envelope for an 11 storey commercial building referred to as 'Building 4', with gross floor area of 15,400m ² , maximum height of RL98.00, plus basement car parking.

Table 3: Concept DA Stages

Car Parking – Concept DA

The concept DA proposes the provision of the following on-site car parking:

- Existing Building: 189 spaces
- Stage 1: 280 spaces
- Stage 2 – 4: Combined 578 spaces

It is noted that the existing approved at grade parking spaces associated with the existing building will remain in-situ and will not be affected by this proposal. The total amount of parking provided on the concept DA site will be 1,047 parking spaces.

Roadway, Footpaths and Drainage – Concept DA

The application proposes the construction of a new roadway, known as 'Road 1' (or Banfield Road) which is located at the northern side of Building 1.

The roadway is contained within a 20m wide road reserve which includes:

- Two-lane 6.0m wide roadway;
- Two x 2.5m wide parking lanes on either side of the roadway;
- Two x 1.5m wide paved pedestrian footpaths on either side of the parking lanes;
- Two landscaped strips on either side of the pedestrian footpaths (including 24 x street trees); and
- Six streetlights overhanging the roadway.

The new roadway reflects the proposed road location under Ryde DCP 2014 (**Figure 15**), and will slope downwards by 8.78m connecting the new internal roadway ('Road 27') to the west (on Lot 4, No. 101 – 107 Waterloo Road) and to the intended roadway on Lot 101, No. 8 Khartoum Road to the east (referred to on Council's mapping as Banfield Road).

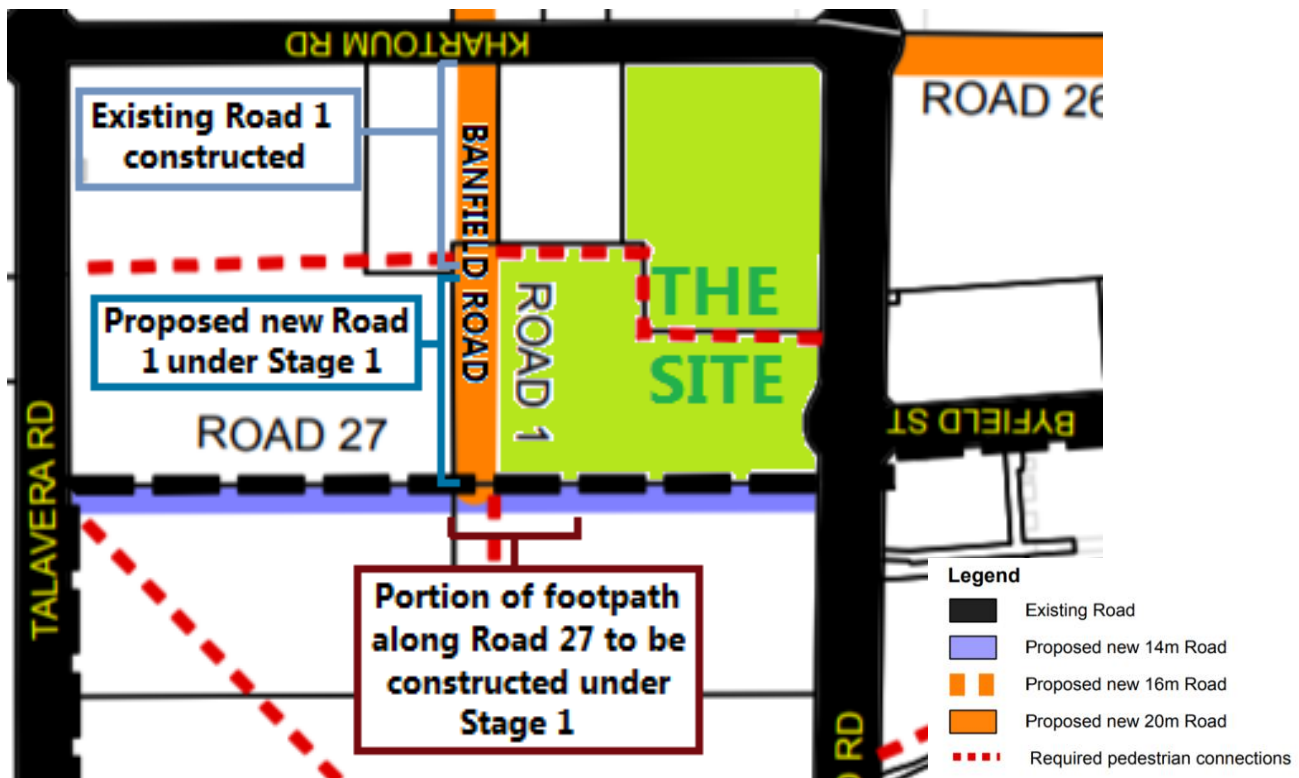


Figure 15. Excerpt of Access Network Plan from Part 4.5 of Ryde DCP 2014 (Figure 4.1.1)

In order to support the excavation of Road 1, a new variable height retaining wall will be required to be constructed along the north eastern boundary abutting Lot 1, No. 10 – 14 Khartoum Road.

The development includes stormwater drainage throughout the Stage 1 Construction site. According to the Civil Works Package submitted with the application, the drainage works include the following:

- A 375mm pipeline running down the length of the new roadway to connect to the existing stormwater pit at Lot 101, No. 8 Khartoum Road to the existing stormwater pit at No. 101 – 107 Waterloo Road;
- Installation of a 99m³ on-site stormwater discharge tank (OSD 1) beneath the proposed pedestrian lobby of the new building and 375mm pipeline connecting the OSD tank to the above-mentioned pipeline.

It is noted that no new vehicular access will be provided to Waterloo Road, with only the existing access via the roundabout to Byfield Street in front of 97 Waterloo Road to be utilised. Vehicular access for the Buildings 2 to 4 will be via Khartoum Road. The central crossover located between Buildings 2 and 4 is pedestrian only (see **Figure 14** for reference to the location of Building 2, 3 and 4).

As discussed earlier in Section 3 (Site Description) of this report, the Building 1 DA also includes the construction of part of the footpath along Road 27 within the 101 Waterloo Road land. This is due to the delivery timeframes of the approval of the development at 101 Waterloo Road which was required to retain an existing encroaching retaining wall which benefitted 93-99 Waterloo Road, but which will be demolished under the proposed Stage 1 works under this DA.

Gross Floor Area – Concept DA

The development (including the Stage 1 construction and the concept DA) proposes GFA across the site as outlined at **Table 4**. The concept DA seeks to distribute the combined permissible floor area across Lots 2 and 3 of the site.

<i>Lot</i>	<i>Site Area</i>	<i>Maximum FSR Incentive</i>	<i>Maximum GFA Permitted</i>	<i>Proposed & Existing GFA</i>	<i>GFA Difference (+/-)</i>
97 Waterloo Road Existing Building Stage 1 Building Sub-Total	16,002m²	3:1	48,000m²	9,277m ² 15,932m ² 25,209m²	-22,791m²
85 Waterloo Road Stage 2 Stage 3 Stage 4 Sub-Total	11,705m²	3:1	35,115m²	24,180m ² 18,200m ² 15,400m ² 57,780m²	+22,665m²
Total	27,707m²	3:1	83,115m²	82,989m²	-126m²

Table 4: GFA of concept DA

5.2 Section 7.4 Planning Agreement

In support of the Development Application, the developer submitted a letter of offer to enter into a Planning Agreement with Council under Section 7.4 of the EP&A Act.

This agreement requires the payment of a monetary contribution in connection with incentive gross floor area and height (incentive GFA) available under clause 6.9 of Ryde LEP, the construction and dedication of roadworks, and the provision of pedestrian rights of way in connection with the proposed development of Lot 2 and Lot 3.

The public benefits to be provided under the Planning Agreement consist of the following:

- The payment of monetary contributions totalling \$17,132,470.55[#]. This monetary contribution is to be paid by the Developer in instalments prior to the issue of a Construction Certificate at each stage in the Development and is to be used towards the embellishment of public parks and open space in Macquarie Park, and / or the Macquarie Park access network at Council's discretion.
- The construction and dedication to Council of a public road that will service the Development.
- The construction of a shared pedestrian link through the Land and the grant of a public right of way over the pedestrian path.

Council considered the Planning Agreement Offer at its meeting on 27 November 2018 and resolved as follows:

“(a) That Council accept the letter of offer as detailed in ATTACHMENT 2 dated 11 October 2018 from Goodman to enter into a Voluntary Planning Agreement in relation to Development Application LDA2017/96 for Concept Development at 97 to

85 Waterloo Road, Macquarie Park. The Voluntary Planning Agreement will require the Applicant to provide public benefits as summarised below:

- i. Road Dedication and Construction estimated construction cost at \$5.28M*
- ii. Pedestrian Access Link*
- iii. Monetary contributions to value of \$16,412,782.55[#] to be indexed over time, minus cost of construction of cost of pedestrian link to be agreed between the parties.*

(b) That Council delegate authority to the General Manager to negotiate the specific terms of the Voluntary Planning Agreement as outlined in ATTACHMENT 1 by Goodman, and to subsequently exhibit a draft of the Voluntary Planning Agreement in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979;

(c) That Council delegate authority to the General Manager to:

- i. Authorise any minor changes to the draft Voluntary Planning Agreement, following its public exhibition, provided that those changes do not diminish the value or nature of the public benefits to be delivered as identified in (a) above;*
- ii. Subsequently enter into the Voluntary Planning Agreement on behalf of Council.*

(d) That Goodman be informed of Council's decision."

[#]Note: This amount differs from the final monetary contribution total under the final executed Planning Agreement as per (c) of the Council Resolution.

The Planning Agreement was exhibited for an extended period of greater than 28 days from 12 December 2018 to 23 January 2019. No submissions were received as a result of its exhibition.

The Planning Agreement excludes the operation of Section 7.11 and 7.12 of the EP&A Act to the extent that monetary contributions under those provisions are payable under the provisions of the Planning Agreement and not the various Development Consents.

This exclusion requires the Sydney North Planning Panel (SNPP) to be a Party to the Planning Agreement as section 7.4(3A) of the EPA Act requires the 'consent authority' to the related development application to be a party to Planning Agreement when sections 7.11 or 7.12 contributions are being excluded by the Planning Agreement.

The reason for the exclusion is to significantly simplify the combination of section 7.11 and incentive monetary contributions payable over the life of the development in concert with the applicable offsets for the construction and dedication of the road; and construction of the pedestrian access.

The Planning Agreement has been signed and executed by the SNPP and City of Ryde Council.

It is noted that the SNPP is only a Party to the Planning Agreement for the purposes of satisfying Section 7.4(3A) of the EPA Act and Council remains the Planning Authority for administering and enforcing the Planning Agreement.

Further, the Planning Agreement requires the Developer to provide security to Council, in the form of bonds or bank guarantees for the monetary contribution and the public domain works including the public road. Additionally, the Developer is to provide Council with the documentation required to register the Planning Agreement on the title of the land.

Condition 6 of Part 1 of the draft consent requires the registration of the Planning Agreement on the title of the property in accordance with the terms of the Planning Agreement.

Condition 127 of Part 2 of the draft consent requires all public benefit works required by the Planning Agreement under Stage 1 to be completed to Council's satisfaction prior to the relevant Occupation Certificate being issued.

5.3 Stage 1 Construction (New Building 1)

The Stage 1 component of the application involves the construction of a 44m high, 12 storey (including plant) commercial office building and adjoining road within the north-eastern part of the site as shown at **Figures 16 and 17**.



Figure 16. Photomontage of proposed Stage 1 building looking north-east from Road 27



Figure 17. Photomontage of proposed Stage 1 building looking south-east from the intersection of Road 1 and Road 27

Description of Building 1

New Building 1 (Stage 1) includes the following across each of the levels as outlined at **Table 5:**

<i>Level</i>	<i>Level (RL)</i>	<i>Gross Floor Area</i>	<i>Description</i>
<u>Basement Level 04</u>	(RL 36.500 and RL 38.000)	0m ²	<ul style="list-style-type: none"> • Car parking for 39 vehicles (including 1 accessible space); • Two lift cores; • Two fire stairs; and • Entry/exit ramps.
<u>Basement Level 03</u>	(RL 39.500 and RL 41.000)	0m ²	<ul style="list-style-type: none"> • Car parking for 79 vehicles; • Two lift cores; • Two fire stairs; and • Entry/exit ramps.
<u>Basement Level 02</u>	(RL 42.500 and RL 44.000)	0m ²	<ul style="list-style-type: none"> • Car parking for 76 vehicles; • Two lift cores; • Two fire stairs; and • Entry/exit ramps.
<u>Basement Level 01</u>	(RL 45.500 and RL 47.000)	0m ²	<ul style="list-style-type: none"> • Car parking for 64 vehicles (including 2 accessible spaces); • Two lift cores; • Two fire stairs; • Entry/exit ramps; and • Plant Rooms.
<u>Lower Ground Floor</u>	(RL 49.095 and RL 50.000)	781m ²	<ul style="list-style-type: none"> • Pedestrian lobby; • Café; • Office; • Gym; • Bike Store for 68 bicycles; • Male/Female change rooms; • One (1) central lift core containing five (5) lifts; • Two (2) fire stairs; • Plant Rooms; • Car parking for 20 vehicles; and • Entry/exit ramps.
Lower Ground Floor: Externally, the development includes landscaping around the perimeter of the building including pedestrian pathways, lighting and terracing to address the slope of the site.			
<u>Ground Floor</u>	(RL 53.500)	473m ²	<ul style="list-style-type: none"> • Office/Retail; • Mezzanine above lower ground floor level office; • Void above lower ground floor lobby; • Male/Female toilet facilities; • One (1) central lift core containing five (5) lifts; • Two (2) fire stairs; • Delivery loading dock; • Garbage Room; • Medium Rigid Vehicle (MRV) manoeuvring area;

Level	Level (RL)	Gross Floor Area	Description
			<ul style="list-style-type: none"> Plant Rooms; and Driveway ramp and crossover onto the proposed roadway (being the subject of the Concept Plan element of this application).
Ground Floor: Externally, the development includes landscaping around the perimeter of the building including breakout areas, pedestrian pathways and terracing to address the slope of the site.			
<u>Level 01 to Level 06</u>	(RL 57.500 to RL 76.000)	Level 01 1,526m ² Level 02 1,564m ² Level 03 1,384m ² Level 04 1,384m ² Level 05 1,527m ² Level 06 1,564m ²	<ul style="list-style-type: none"> Open plan office; Two meeting rooms; Male/Female toilet facilities; One (1) central lift core containing five (5) lifts; and Two (2) fire stairs
<u>Level 07 & Level 08</u>	(RL 79.700 & RL 83.400)	Level 07 1,319m ² Level 08 1,319m ²	<ul style="list-style-type: none"> Open plan office; Two meeting rooms; Male/Female toilet facilities; One (1) central lift core containing five (5) lifts; Two (2) fire stairs; and External terrace.
<u>Level 09 & Level 10</u>	(RL 87.100 & RL 90.800)	Level 09 1,527m ² Level 10 1,564m ²	<ul style="list-style-type: none"> Open plan office; Two meeting rooms; Male/Female toilet facilities; One (1) central lift core containing five (5) lifts; and Two (2) fire stairs.
<u>Level 11</u>	(RL 94.500)	0m ²	<ul style="list-style-type: none"> Plant room(s); Lift overrun; and Two (2) fire stairs.
<u>Level 12</u>	(RL 99.500)	0m ²	<ul style="list-style-type: none"> Roof.
Total GFA		15,932m²	

Table 5: Level by level outline of the Building 1 development

Staged Construction of Building 1

The applicant has sought staged construction of the Stage 1 Building as follows:

Construction Certificate 1A

- All inground services and pits to basement
- Lift pits
- Piles and footings
- Ground slab
- All structures from B4 to upper ground level (UGL) inclusive
- Installation of OSD tank and stormwater

Construction Certificate 1B

- New council road, including retaining wall, services, lighting, Council signage and associated landscaping

Construction Certificate 1C

- Structure Level 1 to roof inclusive
- Roof coverings, including roof drainage
- Façade
- Services, including plant room fitout and finishes
- External and feature lighting (attached to the building)
- Vertical transport
- Basement levels fitout and finishes
- Lower Ground and Ground level fitout and finishes
- Levels 1 to 10 base build fitout and finishes

Construction Certificate 1D

- External hard landscaping
- External stairs and ramps (not forming part of the main structure)
- External feature and wayfinding lighting (separate from the building)
- Trees and soft landscaping (excluding to new council road)
- External furniture, fixtures and equipment.

These stages are included in the draft consent under **Condition 3 of Part 2.**

It is also noted that approved development application LDA2018/481 includes the following site preparation works which enable the subsequent Construction Certificates under this DA:

- Installation of erosion and sediment control
- Removal of redundant services
- Installation of temporary access ways
- Tree removal
- Site preparation, including removal of all structures and hard stand areas on the site.
- Bulk excavation to basement, including shotcrete and anchors

6. HISTORY OF THE SUBJECT APPLICATION

Lodgement and initial request for information

The development application was lodged on 21 March 2017.

The application was advertised in the *Northern District Times* on 12 April 2017 and adjoining property owners were notified of the application between 10 April 2017 and 3 May 2017. In response no submissions were received.

Between 5 July 2017 and 8 August 2017 the applicant was forwarded the referral responses from the various sections of Council and the NSW Roads and Maritime Service (RMS). The applicant was requested to make amendments to the submitted documentation, or provide further information in relation to a number of non-compliance's with the relevant planning controls as follows:

- Geotechnical Engineering Report, which had been submitted in a preliminary format only.
- Framework Travel Plan (FTP) to be submitted per Ryde DCP 2014 Section 4.4(c)
- Arts Plan to be submitted per Ryde DCP 2014 Section 8.1(b)(vi).
- Social Impact Study to be submitted per Ryde DCP 2014 Section 8.1(b)(vii).
- Economic Impact Report to be submitted per Ryde DCP 2014 Section cl 8.1(b)(iii).
- Traffic Impact Assessment amendments as requested by Council's Traffic Section.
- Amendments to the Stormwater Plans as requested by Council's Drainage Section.
- Amendments to the Civil Engineering drains requested by Council's Public Domain relating to the design of future Road 1 in the civil engineering plans.

Non-compliances with Ryde LEP 2014 and Part 4.5 of Ryde DCP 2014 were also identified. On 8 August 2017 the applicant was emailed with a request to amend the architectural plans or submit additional information in relation to the following:

- Parking: Clause 4.5B(1) & (2) Macquarie Park Corridor: Council required that the development site, including the at grade existing car parking for the existing building, provide no more than the maximum parking provision of 1,245 spaces (rounded up).
- New Pedestrian Link identified in the plans did not reflect the proposed layout under 4.1(a) Streets of Ryde DCP 2014, including the position within the site and the width of proposed footpaths.
- The concept DA plans did not identify the position of the proposed basements, with basement areas not permitted to encroach the front setback areas.
- The Building 2 towers have a separation of 7.5m which does not comply with Section 7.7(a).
- The secondary front setback area to Khartoum Road was below the requirement under Section 7.4(h) with only 34.1%, below the required 60%.

Application put on hold by applicant

On 17 January 2018 the applicant advised Council that they were working with a prospective tenant and were looking at amending the proposed development in light of their specific needs, and in response to Council's requested amendments.

On 2 February 2018 Council briefed the SNPP of the proposal, advising that the applicant was undertaking discussion with the future tenant regarding potential changes to the Stage 1 building, and that they were considering amending the current DA to remove the Stage 1 building and proceed with the concept approval only. At that stage it was intended that a separate DA for the Stage 1 building would be lodged at a later date, pending the outcome of the applicant's discussions with the tenant.

UDRP review

On 7 June 2017 a Ryde Urban Design Review Panel (UDRP) meeting was held, where the proposed Stage 1 (Building 1) office building was reviewed. The UDRP reviewed the proposal in regard to architectural design, the urban context and aesthetics of the development. The Panel were supportive of the application, with no need for a further review of the proposal, subject to their recommendations as follows being incorporated into the proposal. The following provides an outline of the Panel's comments and the response to these issues as provided by the applicant on 3 September 2018.

○ Built Form and Scale:

UDRP comments:

- It is recommended that the blade walls flanking the basement parking entry (**Figure 18**) be pushed back from the new road (no structure beyond grid line J) to open up the streetscape view.
- This will also enable terracing of the landscape within the site setback to ameliorate the slope and avoid a blank wall to the street.
- The ramp system shown for access to the ground level of the development from the new access road should be deleted or simplified as it dominates the future streetscape.



Figure 18. Photomontage of western elevation showing walls flanking the basement entrance, and proposed retaining wall adjoining Road 27 – Original plan as lodged

Response:

The slope of new Road 1 provided the opportunity for a mezzanine at the street corner, which enhanced the office space and activates the corner at the two levels with visuals connection from the outside.

The corner has a terracing landscape treatment with the blank wall satisfactorily addressed via landscaping, and terracing located within the site's setback to Road 27.

In response to the concern the blade walls have been pushed back providing an open view streetscape (**Figure 19**).

In relation to the ramp system, the ramp is required to enable accessible access along this frontage of the Building 1. The ramp will be recessive in appearance and will not

dominate the façade, with the landscaping reducing or softening the visual impact of this structure.

The removal of the concrete blades at the car park entry ensures that the landscape is a more prominent feature of the streetscape.



Figure 19. Photomontage of western elevation and proposed retaining wall adjoining Road 27 – Amended plans (Dwg no. DA01, Issue D)

○ Density

UDRP comments:

- The applicant tabled diagrams indicating how floor space ratio (FSR) may be relocated from the subject site onto adjoining parcels of land in the future. The panel considers that for such a proposition to be acceptable key principles should be provided to accompany the indicative masterplan that ensure the relocation of surface car parking to basements and to ensure an improvement and activation in the future of the proposed new pedestrian link. The principles should also include potential future open space within the proposal.
- The panel also notes that the length of some of the indicative building forms is excessive at 70m.

Response:

The DA has been updated to reduce the length of the Stage 2-4 buildings.

Note: the issue of at grade parking of the existing building is addressed elsewhere in this report.

○ Aesthetics

UDRP comments:

- The Panel notes that the building's glass facades are indented horizontally and that a terrace is provided at Level 7 (**Figure 20**). These design features help reduce the perceived scale of the building and consideration should be given to further façade modulation such as additional terraces and/or indentations on the long north elevation.

Response:

- The applicant advised that significant attention was given to the façade presentation, including lighting treatment which provides a modern and exciting public art contribution to the area. Additional façade modulation was not considered necessary to improve elevations and was retained in the amended plans (**Figure 21**).
- Additional terraces were not provided at Level 7 as the width of the horizontal indent is not adequate to be useable. The proposed terrace at this level is sufficient for a typical complementary open space for commercial development as proposed.



Figure 20. Photomontage of north-western elevation and the corner of Road 1 and Road 27 – Original plan as lodged



Figure 21. Photomontage of north-western elevation and the corner of Road 1 and Road 27 – Amended plans (Dwg no. DA25, Issue D)

Submission of amended plans

On 14 June 2018 the applicant formally submitted amended plans in response to the issues raised in the referral comments, UDRP minutes (as addressed above) and additional information requested by Council. The majority of the details submitted satisfactorily addressed the requested amendments or required information. The applicant also advised that despite previously stating otherwise, they would be proceeding with the application as submitted, including both the concept DA and Building 1 development. No major amendments to the Building 1 design were required to meet the prospective tenant's requirements.

Engineering matters resolved

Between 23 October 2018 and 4 December 2018 the applicant and Council's City Works Department liaised directly to resolve a number of outstanding drainage, traffic, and public domain issues. With regard to traffic generation and parking, the applicant resolved

to reduce the parking proposed in Buildings 2, 3 and 4 to comply with the Ryde DCP 2014 parking rate of 1 per 100m² rather than the Ryde LEP 2014 parking rate which was the applicable parking rate at the time of lodgement. By doing this, Council's traffic section was satisfied that traffic generation as a result of the parking and trip generation on the site was adequately addressed, and a maximum of 1,048 parking spaces would be provided (well below the 1,245 requested in the July 2017 requested amendments to the proposal).

In relation to drainage, Council's Engineers raised further issues regarding the stormwater plans and the capacity of the site to cater for upstream drainage and convey downstream via 101 Waterloo Road. This was addressed via the submission of amended stormwater plans and relevant conditions of consent. As detailed earlier in this report, land owners consent has been submitted by JQZ Eleven Pty Ltd for the works proposed within the 101 Waterloo Road land, despite the fact the works are proposed to be dedicated by the owner of 101 Waterloo Road to Council prior to the issue of an Occupation Certificate (OC) for the site under LDA2016/0567.

Final amendments to the plans

On 18 February 2019, the applicant contacted Council to clarify if the plans were required to be updated to amend the floor plans of Building 1. Access widths to the bathroom facilities on each level to meet the National Construction Code were needed to be widened, and which would have necessitated a modification of any future application. Accordingly, the plans were updated with no resultant perceptible change to the appearance of the development, and no numerical change to the GFA of the building.

The amended plans also responded to a concern of Council relating to the parking area within the Khartoum Road frontage (which had been previously raised in Council's letter in July 2017). The amended Concept Plan (Plan No. DA29) was amended to delete the line marking of parking spaces and instead identify the area as a turning circle as a vehicle drop off area (see **Figures 22 and 23**). This was not opposed by Council, with the specific details of paving and permeability to be addressed at the DA stage for future Buildings 2 and 3 (refer **Condition 15 of Part 1**).

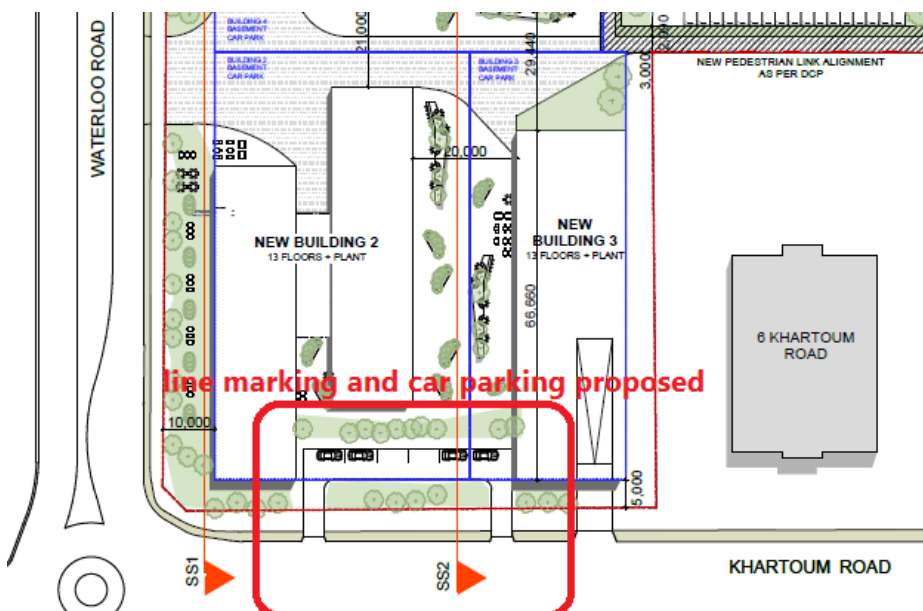


Figure 22. Excerpt of concept DA Plan indicating proposed car parking within the Khartoum Road setback area (Dwg no. DA29, Issue F)

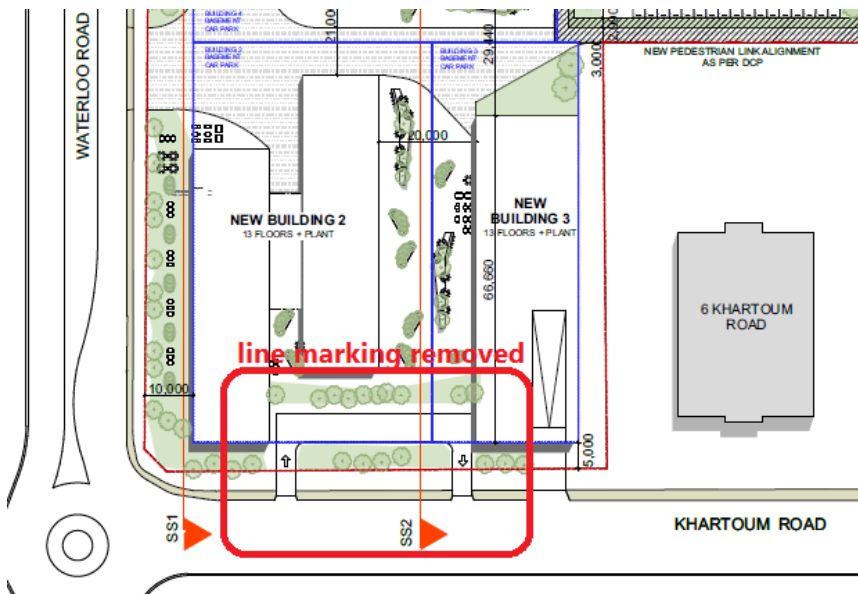


Figure 23. Excerpt of Amended concept DA Plan indicating removal of car parking within the Khartoum Road setback area (Dwg no. DA29, Issue H)

7. APPLICABLE PLANNING CONTROLS

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

- Environmental Planning and Assessment Act 1979;
- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Infrastructure) 2007;
- Deemed State Environmental Planning Policy (Sydney Harbour Catchment) 2005;
- Ryde Local Environmental Plan 2014;
- City of Ryde Development Control Plan 2014;
- Section 94 Development Contributions Plan 2007; and
- A Planning Agreement submitted with the application.

8. PLANNING ASSESSMENT

8.1 Environmental Planning and Assessment Act, 1979 - Section 7.4 Planning Agreements

In support of the Development Application, the developer has entered into a Planning Agreement with the City of Ryde Council and the Sydney North Planning Panel which provides that the developer will make various contributions to take advantage of the additional Building Height and FSR incentive of 65m and 3:1 available under Clause 6.9(3) of Ryde LEP 2014.

The public benefits to be provided under the Planning Agreement consist of the following:

- The payment of monetary contributions totalling \$17,132,470.55. This monetary contribution is to be paid by the Developer in instalments prior to the issue of a Construction Certificate at each stage in the Development and is to be used towards the embellishment of public parks and open space in Macquarie Park, and / or the Macquarie Park access network at Council's discretion.

- The construction and dedication to Council of a public road that will service the Development.
- The construction of a shared pedestrian link through the Land and the grant of a public right of way over the pedestrian path.

Condition 6 of Part 1 of the draft consent requires the registration of the Planning Agreement on the title of the property in accordance with the terms of the Planning Agreement.

Condition 127 of Part 2 of the draft consent requires all public benefit works required by the Planning Agreement under Stage 1 to be completed to Council's satisfaction prior to the relevant Occupation Certificate being issued.

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

The proposal is categorised as a 'General Development over \$30 million' under Schedule 7 of the above planning instrument and as such the proposal is required to be determined by the Sydney North Planning Panel in accordance with Section 4.7 of the EP&A Act.

8.3 State Environmental Planning Policy No. 55 – Remediation of Land

The requirements of SEPP 55 apply to the subject site. In accordance with Clause 7 of SEPP 55, the consent authority must consider if the land is contaminated. If it is contaminated, is it suitable for the proposed use and if it is not suitable, can it be remediated to a standard such that it will be made suitable for the proposed use.

The 'Environmental Report (Waste Classification and HAZMAT)' dated March 2017 (which includes a 'Letter Report On The In-Situ Classification Of Virgin Excavated Natural Material (Clay Soil And Underlying Rock)' and a letter entitled 'Waste Classification Of In-Situ Surface Fill Soil' both dated 22 February 2017 as prepared by P. Clifton & Associates and a 'Certificate of Analysis' dated 21 February 2017 as prepared by Envirolab Services) applies only to the Stage 1/Building 1 site. This report concludes that the soil located within the basement of Building 1 is classifiable as Virgin Excavated Natural Material (VENM), while the In-Situ Surface Fill Soil below the recently demolished building in the centre area of the Goodman development site at Lot 3, may be disposed of at a facility licenced to accept general solid waste for recycling subject to confirmation that these results are within the limits specified on their EPA licence.

Therefore, based upon the above findings, Council is satisfied that the Stage 1 site can be appropriately remediated (subject to conditions which have been included under **Condition 56 - 59 of Part 2** of the draft consent) without a further Stage 2 Site Investigation and is suitable for the proposed commercial development.

The Stages 2, 3 and 4 sites were not subject to the study, and accordingly any future Development Application for these Stages will be required to submit a Detailed Environmental Site Assessment to demonstrate that the site is suitable for the proposed use, or that the site can be remediated to the extent necessary for the proposed use (see **Part 1, Condition 20**).

8.4 State Environmental Planning Policy (Infrastructure) 2007

Ausgrid – Clause 45 (Determination of development applications—other development)

Clause 45 of State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) requires the Consent Authority to consider any development application (or an application for modification of consent) for development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists);
- immediately adjacent to an electricity substation;
- within 5m of an overhead power line; and
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5m of an overhead electricity power line.

The application includes an 'Underground Cable Location Search Advice' from Ausgrid dated 10 February 2017 which notes that the site is affected by underground cables. It was also noted during a site inspection that an Ausgrid kiosk substation is located within the Khartoum Road frontage.

The application was referred to Ausgrid who raised no objection to the proposal stating that Ausgrid has no comments at this time. Accordingly the proposal is considered satisfactory of this assessment under the Infrastructure SEPP.

Roads and Maritime Service – Clause 104 (Traffic-generating development)

The development is identified within Schedule 3 of the Infrastructure SEPP and in accordance with Clause 104 was referred to the RMS for comment. RMS has reviewed the submitted documentation and no objection was raised subject to conditions.

Waterloo Road is part of the RMS proposed Macquarie Park Bus Priority and Capacity Improvements project. Conditions required to be included on the consent by RMS relate to prohibiting development of buildings or structures over land required for road widening to facilitate this project and the submission of a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with Roads and Maritime.

A comment was also made in the letter that right turn access into 93 Waterloo Road will be banned once the signals at this site are installed, this is not a matter for the subject application as there is no proposed change to this access. The applicant was made aware of these comments during the assessment of this application.

The conditions imposed by the RMS are included on the draft consent at **Part 1, Condition 19**.

8.5 Deemed State Environmental Planning Policy Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above planning instrument. However, the site is not located on the foreshore or adjacent to the waterway. The relevant planning objective is for improved water quality.

The Stage 1 building meets the objective of improved water quality through compliance with the provisions of Part 8.2 of Ryde Development Control Plan 2014 (See **Part 2, Condition 49**). While the remaining stages of the concept DA will be required to address this as conditions of consent on the subsequent DA's.

8.6 Ryde Local Environmental Plan 2014

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

Clause 1.8 - Savings provision relating to development applications

The application was lodged in March 2017. During the assessment of this development a number of amendments have been made to Ryde LEP 2014 either as a result of Council led Planning Proposals (such as the changes to Clause 4.5B relating to parking within Macquarie Park), or as the result of State led changes (such as the *Standard Instrument (Local Environmental Plans) Amendment (Vegetation) Order 2017* and Clause 5.9).

Clause 1.8A of Ryde LEP 2014, states:

"If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced."

Accordingly it is noted that the assessment of the proposal is under the Historical version of Ryde LEP 2014 for 28 October 2016 to 20 April 2017 being Ryde Local Environmental Plan 2014 (Amendment No. 12).

Further to this, it is noted that State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (which commenced on 25 August 2017) and replaced Clause 5.9 of the Standard Instrument, does not apply as it was introduced after the date of lodgement of the application.

Clause 2.2 - Zoning

The site is zoned B3 Commercial Core under the provisions of the Ryde LEP 2014.

Development for commercial and retail purposes is permitted in this zoning.

Clause 2.3 – Zone Objectives

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

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

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

The development complies with the above objectives, and it will be consistent with the State and local strategic intent for the zone and the Macquarie Park precinct by

introducing commercial buildings which serve the employment needs of the local and wider community.

Additionally, the subject site is located within walking distance of bus services, retail and commercial services and is therefore considered to be a suitable location for this development.

Clause 4.3 - Height of Buildings

A maximum building height limit of 30 metres applies to the development site.

Despite the provisions of clause 4.3 - Height of Building, under clause 6.9 - Development in Macquarie Park Corridor development consent may be granted for development to a maximum height of 65 metres if the consent authority is satisfied that there will be adequate provision for an access network which has a configuration and location to allow a suitable level of connectivity within the precinct.

The maximum heights as proposed are outlined in **Table 6** below.

<i>Building</i>	<i>Height</i>	<i>Difference (+/-)</i>
Existing Building	No change	N/A
Stage 1 / Building 1 Construction	50m	(+20m)
Stage 2 / Building 2	49.5m	(+19.5m)
Stage 3 / Building 3	52.5m	(+22.5m)
Stage 4 / Building 4	46.5m	(+16.5m)

Table 6: Maximum height of buildings under the concept DA

The application includes the construction a road which is in the location of Road 1 as identified under Part 4.6 of Ryde DCP 2014. The road will provide the final connection between roads which have been delivered under developments at 101 Waterloo Road, and 8 Khartoum Road. Accordingly, through the dedication of the road to Council, this road will contribute to the fine grain road network of the Macquarie Park Corridor.

The concept DA also provides the construction of a pedestrian connection in Stage 4 of the concept DA which will provide pedestrian access from Road 1 to Waterloo Road. This pedestrian access will connect with the existing pedestrian link at 8 Khartoum Road.

The development, including both the Stage 1 construction and concept DA, complies with the 65m incentive height development standard. The assessment under clause 6.9 below provides further review on the application of the incentive height control for the site.

Clause 4.4 (2) – Floor Space Ratio

The maximum FSR for a building on any land is not to exceed the FSR shown for the land on the Floor Space Ratio Map. The maximum FSR for the development site is 1:1 and 1.5:1.

Despite the provisions of Clause 4.4 – Floor Space Ratio, under Clause 6.9 - Development in Macquarie Park Corridor, development consent may be granted to development to a maximum floor space ratio of 3:1 as an incentive provision if the consent authority is satisfied that there will be adequate provision for an access network which has a configuration and location to allow a suitable level of connectivity within the precinct.

As outlined under Clause 4.3, the Stage 1 development and broader concept DA include the construction of a new public road and a pedestrian connection, which will contribute to the fine grain road and pedestrian network of the Macquarie Park Corridor.

The development complies with the 3:1 incentive floor space ratio development standard with a maximum GFA of 82,978m² across the site, equating to an FSR of 2.99:1.

The distribution of FSR across each of the stages is as follows:

- Existing Building: 0.34:1
- Stage 1 Construction: 0.57:1
- Stage 2 Concept: 0.87:1
- Stage 3 Concept: 0.66:1
- Stage 4 Concept: 0.55:1

The assessment under clause 6.9 below provides further review on the application of the incentive FSR control for the site.

Clause 4.5B(1) & (2) – Macquarie Park Corridor

The application was lodged on 21 March 2017, being prior to the 21 April 2017 gazettal of Amendment No. 13 of the Ryde LEP 2014 which omitted Clause 4.5B(1) & (2) and the definition of the *Macquarie Park Corridor Parking Restrictions Map Sheet MPP 004* from the Ryde LEP 2014.

Accordingly, the requirements of Clause 4.5(B)(1) & (2) and the *Map Sheet* still apply. The Macquarie Park Corridor Parking Restrictions Map Sheet MPP 004 of the Ryde LEP 2014 requires parking at maximum part rate of 1 space per 46m² and 1 per 70m² of usable floor space for the development as shown at **Figure 24**. This is approximately split across the Stage 1 site evenly, as shown at **Figure 24**.

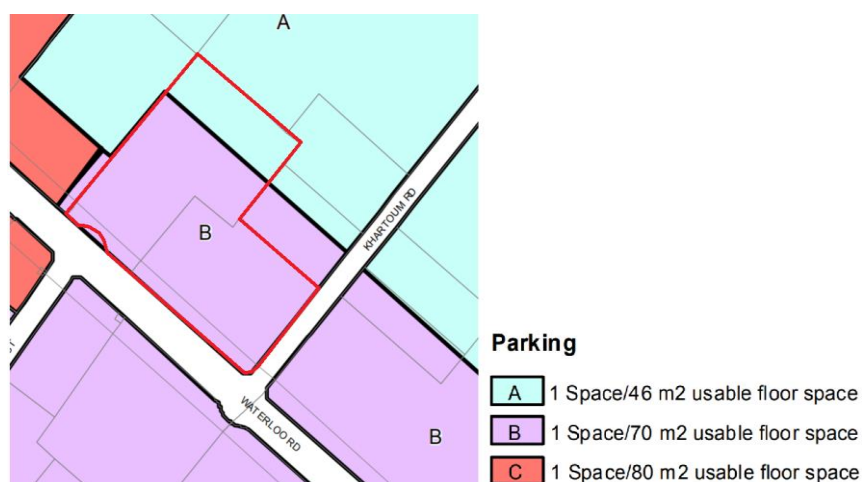


Figure 24. Excerpt of Access Network Plan from Part 4.5 of Ryde DCP 2014 (Figure 4.1.1)

The new parking rate for the site following the removal of the parking control from Ryde LEP 2014 falls under Ryde DCP 2014 which, for the proposed use and site, has a rate of 1 space per 100m².

Despite the higher maximum parking rate applying under the Ryde LEP 2014, Council's Traffic Section assessed the traffic generation and impacts on the local network to be unacceptable as a result of the broader concept DA having parking at the higher rate.

Consequently, the applicant advised that a suitable outcome would be for the Stage 1 development to propose parking at the Ryde LEP 2014 parking rate, with the subsequent Stages 2 to 4 proposed parking at the Ryde DCP 2014 parking rate. Accordingly, the proposed parking is as outlined below at **Table 7**.

While the existing building at Lot 3 (93-99 Waterloo Road) has more than the maximum parking spaces permitted under the Ryde LEP 2014 controls, the proposed Stage 1 building, and Stages 2 to 4 concept DA comply with maximum parking permitted under the relevant Ryde LEP 2014 and Ryde DCP 2014 controls. Furthermore Council's Senior Development Engineer, and Traffic Section, have both advised that the parking provision for the concept DA as a whole is considered acceptable from a traffic and parking perspective. Accordingly, as the existing spaces are not proposed to be changed under this application, and no work is proposed within this portion of the site, the proposed parking is considered satisfactory for the purpose of this clause, with proposed parking provision complying with the maximum amounts permitted.

<i>Stage</i>	<i>RLEP 2014 or RDCP2014 Rate</i>	<i>Maximum spaces</i>	<i>Provision</i>	<i>Compliance</i>
Existing Building (9,277m ²) (RLEP)	1/70m ²	132.5 spaces	189 spaces	No (+57)
Stage 1 (RLEP) Proposed Building (15,932m ²) <ul style="list-style-type: none"> 7967m² 7965m² 	1/46m ² 1/70m ²	Total: 287 spaces 173.2 spaces 113.8 spaces	280 spaces	Yes (-7)
Stage 2 (24,180m²) (RDCP)	1/100m ²	577.8 spaces	578 spaces	Yes
Stage 3 (18,200m²) (RDCP)				
Stage 4 (15,400m²) (RDCP)				
Total		997.3 (998) spaces	1,047 spaces	No (+50)

Table 7: Parking Calculations

Clause 5.9 – Preservation of Trees

The *Standard Instrument (Local Environmental Plans) Amendment (Vegetation) Order 2017* repealed this clause on 25 August 2017, nonetheless, as the application was lodged before this date the clause still applies.

Clause 5.9 applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council. The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

While no trees are proposed to be removed under this application, conditions are recommended under Part 2 of the consent to require the protection of the trees which are required to be retained on the site (refer **Conditions 98 to 113 and 142 of Part 2**).

Clause 6.2 - Earthworks

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The subject DA does not propose any earthworks, with all excavation for the basement and road work preparation approved under LDA2018/0481. Nonetheless, appropriate conditions are included on the Part 2 consent to ensure appropriate erosion and sediment control is in place for the duration of construction works (refer **Condition 54 and 117 of Part 2**).

Clause 6.6 - Environmental Sustainability

The objective of this clause is to ensure that development on land in a business or industrial zone exceeding 1,500m² in GFA embraces principles of quality urban design and is consistent with principles of best practice environmentally sensitive design.

The application includes an Ecologically Sustainable Design Statement dated 20 March 2017 as prepared by Cundall. The Statement addresses the Stage 1 construction of the new building 1 only. Future Development Applications for the builds related to the subsequent stages identified in the concept DA will require the submission of similar reports to ensure ongoing compliance with Clause 6.6 (refer **Condition 29 of Part 1 and Condition 44 of Part 2**).

Clause 6.9 – Development in Macquarie Park Corridor

Clause 6.9(3) permits a building height of 65m and a floor space ratio of 3:1 (which are above the normally permitted height of 30m and ratio of 1.5:1 and 1:1) subject to the following:

- “(3) *The consent authority may approve development with a height and floor space ratio that does not exceed the increased building height and floor space ratio identified on the Macquarie Park Corridor Precinct Incentive Height of Buildings Map and the Macquarie Park Corridor Precinct Incentive Floor Space Ratio Map, but only if the consent authority is satisfied that:*
- *there will be adequate provision for recreation areas and an access network, and*
 - *the configuration and location of the recreation areas will be appropriate for the recreational purposes of the precinct, and*
 - *the configuration and location of the access network will allow a suitable level of connectivity within the precinct”.*

The applicant is seeking to take advantage of the incentives provided for under Clause 6.9(3) through the provision of a new road which will be constructed and dedicated to Council.

The configuration and location of the new road aligns with the intended road network indicated in the Ryde DCP 2014 which allows for a planned and improved level of connectivity within the precinct.

The development (being the concept DA and the Stage 1 construction) also provides detail of future landscaping throughout the site which affords recreational and break-out areas for staff of the development. The configuration and location of these recreation areas are considered to be appropriate in complimenting the availability of existing recreational space (such as Shrimptons Creek) within the precinct.

Additionally, a Planning Agreement has been executed which requires the applicant to pay a monetary component totalling \$17,132,470.55. This monetary contribution is to be paid by the Developer in instalments prior to the issue of a Construction Certificate at each stage in the Development and is to be used towards the embellishment of public parks and open space in Macquarie Park, and / or the Macquarie Park access network at Council's will be paid to Council.

Given the above, it is considered that the application satisfies the criteria set out under Clause 6.9(3) and qualifies for the incentive to increase the building height and FSR.

8.7 City of Ryde Development Control Plan 2014

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

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

With regard to Parts 7.1 to 8.3, noting the advice received from the various technical departments within Council and the consideration of issues previously in this report, the proposal is satisfactory in relation to the above matters. Therefore, the following assessment addresses Parts 4.5, 9.2 and 9.3 only.

Part 4.5 – Macquarie Park Corridor


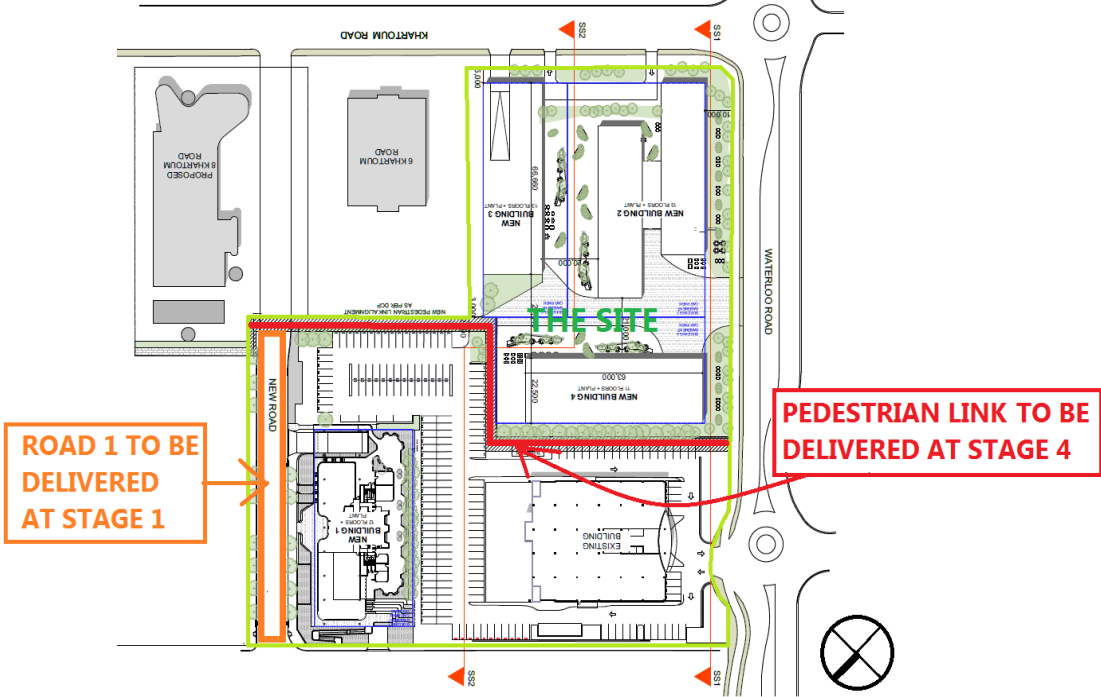
The compliance table of the relevant controls pursuant to Part 4.5 Macquarie Park Corridor is below. It is noted that there are four non-compliance's within this table relating to Building 1 being:

- Section 7.4(a) the proposed carpark entry and ramp, and retaining walls on Road 27 protrude into the 5m street setback zone;
- Section 7.8(d) as only 90% of the typical floor plate has a distance of 12m or less from a source of natural daylight. This is further assessed in this report and is considered satisfactory on its merits; and
- Section 8.2 (a) the Building 1 site provides less than 20% deep soil area;
- Section 8.4(e) as the publicly accessible open spaces are more than 1.2m above at footpath level due the topography of the site, and only 90% of the typical floor plate

has a distance of 12m or less from a source of natural daylight. This is further assessed in this report and is considered satisfactory on its merits.

Many of the controls relating to the concept DA will be assessed further at the individual DA stage for each future stage of the concept DA.

Relevant Control	Compliance/Comment
3.2 Urban Structure Plan	
The Commercial Core will evolve to become an employment centre supported by key public transport infrastructure.	<p>Complies</p> <p>The development proposes a concept plan for the site to provide for an additional 73,712m² GFA of employment space (above the retained GFA of 9,277m²). This is considered to be consistent with the aims of the Urban Structure Plan for the Commercial Core.</p>
4.0 Access Network	
4.1 Streets	
a) Provide new public streets and pedestrian connections in accordance with Figure 4.1.1 Access Network.	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Complies <p><u>New Roadway</u> The Stage 1 Construction component of the application includes provision of a 20m wide road reserve which includes a new roadway which aligns with Road 1 detailed in Figure 4.1.1 of the DCP.</p> <p><u>New Pedestrian Link</u> The alignment of the pedestrian link under the DCP follows the existing site boundaries. The proposed concept DA (Dwg. No DA29) shows the pedestrian link to be provided in accordance with the DCP as shown at Figures 25 and 26.</p> <p>The wording of Part 1, Condition 10, provides flexibility in the final positioning of the pedestrian link should it be relocated within the site, which will be required to be delivered with Building 4. The Condition allows for the specific detail and design to come at a later stage which is also underpinned in the Planning Agreement.</p>

Relevant Control	Compliance/Comment
	<p>Figure 25. Figure 4.1.1 of Part 4.5 of Ryde DCP 2014 – Access Network Plan</p>
	<p>Figure 26. Concept DA Masterplan showing access network to be delivered (DA29, Issue H)</p>
<p>b) New streets are to be dedicated to Council. New streets are to be maintained by the landowner until dedicated to Council.</p> <p>c) Buildings are not permitted to be located on any proposed street and are required to be setback from proposed streets identified in Figure 4.1.1 Access Network.</p>	<ul style="list-style-type: none"> • Stage 1 Construction – Complies <p>The proposed 20m wide road reserve which includes a new road and pedestrian connections is to be dedicated to Council.</p> <ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Complies <p><u>Stage 1 Construction</u></p> <p>The proposed new Building 1 is not located on any proposed street and is setback the required distance of 5m from the proposed new road.</p>


Relevant Control	Compliance/Comment
	<p><u>Concept DA</u> (Stages 2, 3 & 4)</p> <p>The concept DA indicates that the proposed building alignments of Buildings 2, 3 & 4 are not located or near to on any proposed streets.</p>
d) Each site is to provide for coordination of proposed streets with neighbouring sites, including level adjustments and detailed plans. This detail is to be provided together with the development application.	<ul style="list-style-type: none"> • Stage 1 Construction – Complies <p>The Longitudinal Sections of the proposed new road (see Plan No. DAC021(F) of the Civil Works Package submitted with the application) indicates that the connection and transition points of the new roadway will correspond to the levels of the existing road to Khartoum Street and the new road under construction at No. 101 Waterloo Road which has been confirmed by Council's City Works and Infrastructure Section.</p>
e) Lighting, paving and street furniture, landscaped setbacks and tree planting are to be provided as required in the <i>Macquarie Park Corridor Public Domain Technical Manual</i> .	<ul style="list-style-type: none"> • Stage 1 Construction – Complies <p>Public Domain have recommended conditions to ensure this is provided when New Road 1 is constructed (see Part 2, Condition 64).</p>
f) Provide new streets as follows: <ul style="list-style-type: none"> (i) 20m wide (typical) streets in accordance with Figure 4.1.2. or (ii) 14.5m wide (typical) streets in accordance with Figure 4.1.3. 	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Complies <p>The proposed new road reserve (which includes an 11m wide road, pedestrian footpaths and landscaped areas) has a total width of 20m which complies with the requirements detailed under Figure 4.1.2 of the DCP.</p>
g) Where required by Council, an additional 0.5m footpath is to be provided to augment the 14.5m streets to achieve a minimum 2.5m footpath.	N/A
4.2 Pedestrian Connections	
a) Provide pedestrian bridges in accordance with the Access Structure Plan. Figure 3.4.1. <ul style="list-style-type: none"> (i) Over the M2 connecting Christie Park to Macquarie Park Corridor; (ii) Connecting across Shrimptons Creek. 	N/A
b) Provide pedestrian connections in accordance with Figure 4.1.1 Access Network.	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Complies
c) Pedestrian connections are to: <ul style="list-style-type: none"> (i) Be a minimum of 6m wide comprising 4m wide paving 	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Complies

Relevant Control	Compliance/Comment
<p>and 2m wide soft landscaping as shown in Figure 4.2.1 (or as determined by Council).</p> <p>(ii) Be designed with a 2m setback to any building.</p> <p>(iii) Be publicly accessible at all times.</p> <p>(iv) Provide a clear sightline from one end to the other for surveillance and accessibility.</p> <p>(v) Maximise active frontages pedestrian connections.</p> <p>(vi) Be designed to consider pedestrian safety and the security of adjacent businesses, particularly at night (for example, where pedestrian through-site links are provided between buildings, windows are to be provided between the internal ground floor space of the building and the pedestrian link).</p> <p>(vii) Extend and enhance the public domain and have a public domain character.</p> <p>(viii) Be in accordance with Part 9.2 of the RDCP 2014 (Access for People with Disabilities) and designed to provide barrier-free access in accordance with AS 1428 and the Disability Discrimination Act 1992.</p> <p>(ix) Paving shall be in accordance with the Macquarie Park Public Domain Technical Manual.</p> <p>(x) Remain in private ownership and be created as Rights-of-Way in favour of Council or a similar mechanism.</p> <p>d) Each site is to provide for coordination of pedestrian connections with neighbouring sites, including level adjustments and detailed plans. Detailed plans, sections and other material as necessary are to be provided</p>	<p><u>Stage 1 Construction</u></p> <p>The Cross Section of the proposed new roadway (see Plan No. DAC004(E)) of the Civil Works Package submitted with the application) indicates that the southern footpath situated nearest to the proposed New Building 1 has a width of 2.8m and a landscaped width of 1.5m (total 4.5).</p> <p>The same Cross Section indicates that the northern footpath on the opposite side of the proposed new roadway has a width of 4.1m and a landscaped width of 1.5m (total 5.8m).</p> <p>It is considered that this component of the pedestrian connection through the site, particularly the northern footpath is satisfactory in that it provides adequate pavement widths to satisfy the remaining parts of this clause.</p> <p><u>Concept DA</u></p> <p>The Master Plan/Site Plan (see Plan No. DA29(F)) indicates that the proposed north-south pedestrian connection between the proposed new roadway and Waterloo Road has a footpath width of 3m and a landscaped width of 2m (total 5m). The recommended Condition 10 of Part 1 of the draft consent requires a 6m wide pedestrian link incorporating a 4m wide accessible paved footpath plus 2m landscape strip. This is considered possible to be provided under a future development application for Building 4.</p>

Relevant Control	Compliance/Comment
together with the development application.	
4.3 Bicycle Network	
<p>a) Provide dedicated cycle access in accordance with <i>Ryde Bicycle Strategy 2014</i> in accordance with <i>Figure 4.3.1 Indicative Cycleways</i>.</p> <p>b) The Regional Bicycle Network is to be implemented as on-street shared cycleways in accordance with the <i>Macquarie Park Public Domain Technical Manual</i>. The Regional Bicycle Network comprises:</p> <ul style="list-style-type: none"> (i) Waterloo Road; (ii) Delhi Road; (iii) Epping Road; (iv) Lane Cove Road; (v) Khartoum Road; (vi) The M2; and (vii) Shrimptons Creek pathways. 	<ul style="list-style-type: none"> • Stage 1 Construction – N/A • Concept DA – Capable of complying <p>Buildings 2 and 4 face Waterloo Road and any future public domain works along this frontage will be addressed at the DA stage for those buildings.</p>
4.4 Sustainable Transport	
<p>a) A Framework Travel Plan (FTP) is required to be submitted to Council for approval together with a DA for all development that exceeds 10,000m² new floor space.</p> <p>b) For all development the FTP must also:</p> <ul style="list-style-type: none"> (i) Identify measures in an Action Plan that will implement the 40% public transport/60% private transport target for the journey to work, including appointing a Travel Plan Coordinator, minimising drive alone trips to work, encouraging walking, cycling, car sharing, car pooling and public transport use. 	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Complies <p><u>Concept DA</u> The proposal has a total floor space of 82,989m² with each Stage having a GFA of >10,000m² and a FTP is required.</p> <p>The concept DA addresses this requirement under Condition 25 of Part 1 of the draft consent, requiring a FTP to be submitted for all DAs for Buildings 2, 3 and 4.</p> <p><u>Stage 1 Construction</u> The applicant has submitted a FTP, and a draft Workplace Travel Plan for Building 1.</p> <p>The operation of the future Metro line is known and Sydney's metro services are due to start in the first half of 2019, with 15 trains an hour to run in both directions between Epping and Chatswood during the peak. Accordingly it is considered there is enough detail available for an FTP to be submitted, however given the changing nature of services, that a final FTP to be submitted prior to the issue of an Occupation Certificate for each Building stage. Accordingly Part 2, Condition 161 is proposed to require a FTP to be submitted prior to the relevant OC for Building 1.</p>


Relevant Control	Compliance/Comment
c) Provide a Final Travel Plan to Council for certification prior to the issue of any Occupation Certificate.	<ul style="list-style-type: none"> • Stage 1 Construction – Capable of complying • Concept DA – Capable of complying <p>In both instances, the requirement to provide a FTP to Council for certification can be imposed as a condition prior to the issue of the relevant Occupation Certificate. See Part 1, Condition 25 and Part 2, Condition 161.</p>
<u>Parking Rates</u>	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Complies <p>The provision of bicycle parking across the concept DA site and Building 1 is in accordance with the DCP requirements and is supported by Council's Senior Coordinator Development Engineering Services.</p>
a) Bicycle parking and end-of-trip facilities are to be provided in accordance with the RDCP 2014 Part 9.3 Parking Controls.	
b) Parking is to be provided in accordance with the RDCP 2014 Part 9.3 Parking Controls.	<ul style="list-style-type: none"> • Stage 1 Construction – N/A • Concept DA – Complies <p>The provision of on-site car parking is assessed in detail under the Ryde LEP 2014 assessment earlier in this report.</p>
<u>Car Sharing Parking</u>	<ul style="list-style-type: none"> • Stage 1 Construction – N/A • Concept DA – N/A <p>The development does not propose any car share spaces. It should be noted that the DCP does not stipulate a car share parking rate for commercial buildings. There is opportunity to provide car share spaces on the new roads to be dedicated to Council if Council believes these spaces are warranted.</p>
c) All parking spaces for car share schemes are to be:	
(i) Publicly accessible 24 hours a day seven days per week.	
(ii) Located together in the most convenient locations.	
(iii) Located near and with access from a public road and integrated with the streetscape through appropriate landscaping where the space is external.	
(iv) Designated for use only by car share vehicles by signage.	
(v) Parking spaces for car share schemes located on private land are to be retained as common property by the Owners Corporation of the site.	
5.0 Public Domain	
5.8 Street Trees, Front Setback Tree Planting and Significant Trees	
a) Street trees and front setbacks must be provided in accordance with the Street Tree Key Plan in the <i>Macquarie Park Public Domain Technical Manual</i> , and their health guaranteed for min. 5 years.	<p>Council's Public Domain Section have reviewed the proposed development and included relevant conditions relating to the street trees (See Part 2, Condition 30). It is noted that the front setback of the development is to be developed as a linear park with concept plans to be submitted with the development application for Stages 2 and 4 respectively (see Part 1, Condition 64).</p>

Relevant Control	Compliance/Comment
<p>b) At grade parking is not permitted in the front setback.</p>	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Capable of Complying <p><u>Stage 1 Construction</u> All parking for the new building is located within the proposed basement levels.</p> <p><u>Concept DA (Stages 2, 3 & 4)</u> While the Khartoum Road frontage indicates a turning circle, this will not be permitted to be used for the purposes of parking. Condition 15 of Part 1 of the draft consent requires that no at-grade parking spaces are to be provided within the front setbacks of Buildings 2 and 2.</p>
<p>c) Where:</p> <ul style="list-style-type: none"> • New floor space or parking areas are proposed; and • A site is shown part coloured on the <i>Sydney Metropolitan Catchment Vegetation Mapping 2013</i>; and • Removal of native vegetation species is proposed: <p>Submit a Flora and Fauna Assessment prepared by a suitably qualified ecological consultant with the DA that has regard to:</p> <ul style="list-style-type: none"> • Part 9.5 Tree Preservation of the RDCP 2014; • NSW Threatened Species Conservation Act. • Sydney Metropolitan Vegetation Mapping 2013. 	<ul style="list-style-type: none"> • Stage 1 Construction – N/A • Concept DA – Capable of Complying <p>No tree removal or vegetation removal is proposed under this application. Any future application under the concept DA will be required to address this control under Ryde DCP 2014.</p>
5.10 Art in Publicly Accessible Places	
<p>a) Art must be included in all new development with more than 10,000m² new floor space in the amount of 0.1% of the construction cost of the works capped at \$1,500,00.00.</p> <p>b) Art must be located within the site so as to be publicly accessible (i.e. viewed or experienced from publicly accessible places).</p> <p>c) A site specific Arts Plan is to be submitted together with the development application.</p>	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Capable of complying <p>A Public Art plan for the Building 1 development has been provided, with excerpts included at Figures 27.</p> <p>It is considered that the concept is suitable for the site, and will achieve the objectives for Public Art under the DCP. Specific details will be required to be submitted prior to the issue of the relevant CC for Building 1 (Part 2, Condition 70).</p> <p>No concept has been suggested for the latter Stages 2 to 4, and Part 2, Condition 70 has been included to require a</p>

Relevant Control	Compliance/Comment
d) Preliminary construction details with particular emphasis on public safety considerations.	strategy to be included with any future DA for the respective buildings.
	
Figure 27. Examples of lighting for Public Art	
6.0 Implementation – Infrastructure, facilities and Public Domain Improvements	
a) Floor Space Ratios and Height of Buildings are to comply with the Ryde LEP 2014.	Complies
b) The Access Network being roads and the Open Space Network being parks are to: <ul style="list-style-type: none"> (i) Be dedicated to Council as part of a new development and are to: <ul style="list-style-type: none"> a. conform with the <i>Macquarie Park Corridor Access Structure Plan</i>. b. be designed and constructed in accordance with the <i>Macquarie Park Corridor Public Domain Technical Manual</i> and Section 4 of the RDCP 2014. 	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Complies <p>Part 2, Condition 147 of the draft consent requires Road 1 to be constructed and dedicated at Stage 1, while the pedestrian link will be provided at Stage 4, per Part 1, Condition 10.</p>
c) The public land such as the road verge adjoining a development site is to be embellished and dedicated to Council as part of any new development. The design and construction of the works are to be undertaken in accordance with the <i>Macquarie Park Public Domain Technical Manual</i> and Section	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Capable of complying <p>The Stage 1 draft consent conditions include relevant conditions to ensure the construction and dedication of Road 1 includes the relevant works within the road verge (Part 2, Condition 65 and 147).</p> <p>The Concept Plan approval includes Part 1 Condition 3 which identifies that works within the Public Domain are not included under the consent. Accordingly the submission of any Development Application for Stages 2, 3 and 4 will</p>

Relevant Control	Compliance/Comment				
4 of the RDCP 2014.	need to address any embellishment works required within the public domain at the relevant stage.				
7.0 Built Form					
7.1 Site Planning and Staging					
a) Sites are to be planned to allow for the future provision of new streets and open spaces in accordance with Figure 4.1.1 Access Network and Figure 5.1.1 Proposed Open Space Network.	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Complies <p><u>New Roadway</u> The Stage 1 Construction component of the application includes provision of a 20m wide road reserve which includes a new roadway which aligns with Road 1 detailed in Figure 4.1.1 of the DCP.</p> <p><u>New Pedestrian Link</u> As detailed earlier in this report, the Stage 4 component of the concept DA includes the construction of a pedestrian link which is in the nominated position under Figure 4.1.1 of the DCP.</p> <p><u>Open Space</u> The site is not affected by the requirements of Figure 5.1.1 of the DCP 'Proposed Open Space Network'.</p>				
7.3 Active Frontage					
a) Continuous ground level active uses must be provided where primary active frontages are shown in Figure 7.3.2 Active Frontage and Setback Control Drawing. Buildings must address the street or public domain.	<ul style="list-style-type: none"> • Stage 1 Construction – N/A • Concept DA – Capable of complying <p><u>Stage 1 Construction</u> The Stage 1 Construction component of the development is not affected by the requirements of Figure 7.3.2 of the DCP.</p> <p><u>Concept DA (Stages 2, 3 & 4)</u> Figure 7.3.2 of the DCP indicates that a Secondary Active Frontage extends for the full length of the Waterloo Road boundary of the site. Therefore, the southern tower of Building 2 and Building 4 will be affected.</p> <p>The ground level activities for Buildings 2 and 4 will be assessed within the future Development Applications for each respective stage.</p>				
7.4 Setbacks & Build-to-Lines					
a) Minimum setbacks and build-to-lines must be provided as shown in Figure 7.3.2 Active Frontage and Setback Control Drawing as follows:	<ul style="list-style-type: none"> • Stage 1 Construction – Does not comply • Concept DA - Complies <p><u>Stage 1 Construction</u> Building 1 provides a 5m setback to both new street alignments (i.e. Road 27 at 101 Waterloo Rd) and the new roadway proposed in the subject application (i.e. Road 1). The exception to this is the proposed carpark entry and ramp and retaining walls adjoining Road 27 protrude into</p>				
<table border="1"> <thead> <tr> <th>Frontage</th><th>Setback</th></tr> </thead> <tbody> <tr> <td>Primary active</td><td>Nil</td></tr> </tbody> </table>		Frontage	Setback	Primary active	Nil
Frontage	Setback				
Primary active	Nil				

Relevant Control		Compliance/Comment								
Frontage		the 5m street setback zone as shown at Figure 28 . This encroachment is considered acceptable as the design has aimed to provide a landscaped frontage to the new road while responding to the slope of the site. The encroachment is not at the main frontage of the site and the terracing of the area provide for visual interest and additional greenery within the streetscape.								
Existing/new streets	5m									
Waterloo Rd/Talavera Rd	10m									
M2 tollway and Epping Rd	10m green setback									
All parks	5m built form									
		<u>Concept DA (Stages 2, 3 & 4)</u> <table><tr><th>Stage (Building)</th><th>Provided Setback</th></tr><tr><td>Stage 2 Waterloo Road Khartoum Road</td><td>10m 5m</td></tr><tr><td>Stage 3 Khartoum Road</td><td>5m</td></tr><tr><td>Stage 4 Waterloo Road</td><td>10m</td></tr></table> <p>The front setback provides the required 10m to Waterloo Road and the proposal satisfies the intent of the setback control - to provide sufficient area for deep soil planting in front and enhance the existing character of the street and increase pedestrian amenity. This will be further enhanced by the Waterloo Road Linear Park which will provide additional open space in the area (see Condition 11 of Part 1). The proposal satisfies the above objectives as sufficient setback is provided to enhance and provide sufficient tree planting. Future DAs for Buildings 2 and 4 fronting the linear park will be required to ensure that the lobbies and entry points enhance this space.</p> <p>It is noted that Condition 19 of Part 1 of the consent identifies the RMS requirement for the proposed development to be setback from the boundary line of the attached plans (see Attachment 1 of the draft consent). To ensure that any new development has a setback to the new boundary line should RMS acquire the land in front of the site, Condition 37 of Part 1 of the consent requires Building 2 to be setback to reflect the requirements of the RMS and ensure Waterloo Road maintains a consistent street frontage.</p>	Stage (Building)	Provided Setback	Stage 2 Waterloo Road Khartoum Road	10m 5m	Stage 3 Khartoum Road	5m	Stage 4 Waterloo Road	10m
Stage (Building)	Provided Setback									
Stage 2 Waterloo Road Khartoum Road	10m 5m									
Stage 3 Khartoum Road	5m									
Stage 4 Waterloo Road	10m									

Relevant Control	Compliance/Comment
	
Figure 28. Photomontage of building lower ground identifying approximate 5m setback boundary line	
b) Subject to negotiation with Council, single storey structures which include active uses may be located within the Secondary Active Frontage. These structures must address the public domain, be transparent as practicable and will be subject to the <i>Epping to Chatswood Rail Line (ECRL) Guidelines</i> .	<p>N/A</p> <p>The development does not include any single storey structures within the Secondary Active Frontage.</p>
c) Provide 2m setbacks to pedestrian pathways.	<p>This will be identified at the relevant DA stage for Building 4. The DA (Plan No. DA29(H)) shows that 2m is provided between the proposed Building 4 and the proposed pedestrian path. It is noted however that this alignment may change under a future DA for Building 4.</p>
d) Despite Clause 7.2.a, a development may be setback further from the street or public domain where it can be demonstrated to Council that the impacts of development on underground rail infrastructure are not in accordance with the <i>ECRL Underground Infrastructure Protection Guidelines Report No. 20007300/PO-4532</i> . e) Council encourages development that complies with Figure 7.3.2 Active Frontage and Setback Control Drawing and meets the	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Capable of complying <p>The development will not have any impact upon the ECRL First or Second Reserve Support Zones.</p> <p><u>Stage 1 Construction</u> The Stage 1 Construction component of the development is not affected by the requirements of Figure 7.3.2 of the DCP nor does it impact upon the ECRL Second Reserve Support Zone.</p> <p><u>Concept DA (Stages 2, 3 & 4)</u> The southern tower of proposed Building 2 and the southern end of Building 4 include outlined basement areas which have not been detailed at the concept stage. As the buildings are setback 10m from the property boundary alignment to Waterloo Road, it is considered that any DA</p>

Relevant Control	Compliance/Comment
<p>requirements of the ECRL Second Reserve Support Zone:</p> <p>(i) Excavations less than 3m in depth are not required to be assessed. Excavations 3m or more in depth are required to be assessed for their impact on the underground infrastructure, including impacts during construction.</p> <p>(ii) Shallow footings with relatively light loads are not required to be assessed. Other shallow footings and deep foundations are required to be assessed.</p>	<p>will be capable of complying with this control and assessed further at the DA stage.</p> <p>The Rail Protection Reserves Plan (Sheet 13 of 20) contained within the <i>ECRL Underground Infrastructure Protection Guidelines Report No. 20007300/PO-4532</i> indicates that the Second Reserve Boundary extends 20m into the subject site (from the property boundary alignment to Waterloo Road). The top of the tunnel along the Waterloo Road frontage has a depth of RL 30. The existing ground level along this particular length of the Second Reserve Support Zone varies from RL 52 to RL 58 (approximate) which results in varying depths of between 22m and 28m.</p> <p>The <i>Guidelines</i> advise that, for excavation works within the Second Reserve Support Zone:</p> <p><i>“Shallow excavations (less than 3m depth) within the Second Reserve are not required to be assessed. Excavations of 3m depth or more within the Second Reserve should be assessed for their impact on the underground infrastructure, including the impact of their construction method”.</i></p> <p>Therefore, detailed investigations would be required to be undertaken by a qualified Geotechnical Engineer at individual DA stages to ascertain the impact of excavation works of more than 3m in depth for Buildings 2 and 4 which occur within the Second Reserve Support Zone. This has been supported by Sydney Trains in their referral response (see Conditions 17 and 18 of Part 1 of the draft Consent)</p>
<p>f) Underground parking is not permitted to encroach into the front setback areas unless it can be demonstrated that the basement is designed to support significant mature trees and deep root planting in accordance with Figure 7.4.1.</p>	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Capable of complying <p><u>Stage 1 Construction</u> The basement level parking does not encroach within the 5m front setback to the proposed new roadway.</p> <p><u>Concept DA</u> (Stages 2, 3 & 4) Any proposed basement levels for new Buildings 2, 3 and 4 will be assessed within the future Development Applications for each respective stage (see Condition 16 of Part 2).</p>
<p>g) Awnings, canopies, balconies, sun shading and screening elements can project forward of the street setback line.</p>	<ul style="list-style-type: none"> • Stage 1 Construction – N/A • Concept DA – Capable of complying <p><u>Stage 1 Construction</u> The proposed New Building 1 does not include any awnings, canopies, balconies, sun shading and screening elements forward of the street setback line.</p>

Relevant Control	Compliance/Comment												
	<p><u>Concept DA</u> (Stages 2, 3 & 4)</p> <p>The setback of any awnings, canopies, balconies, sun shading and screening elements for new Buildings 2, 3 and 4 will be assessed within the future Development Applications for each respective stage.</p>												
<p>h) 60% of the street setback area is to be soft landscaping.</p> <p>Existing mature trees are to be retained where possible.</p> <p>Paved areas are to relate to the materials and finishes of the adjacent streetscape.</p> <p>At grade car parking must not be located within this setback.</p>	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Capable of complying <p><u>Stage 1 Construction</u></p> <p>The Landscape Plan (Concept Design Report) prepared by Arcadia Landscape Architecture indicates that the Stage 1 construction will accommodate the following:</p> <table border="1"> <thead> <tr> <th>Front Setback Alignment</th><th>Landscaping</th></tr> </thead> <tbody> <tr> <td>Proposed New Roadway</td><td>76.6%</td></tr> <tr> <td>101 Waterloo Road – New Roadway</td><td>61.1%</td></tr> </tbody> </table> <p>The front setback area of the site does not contain any trees.</p> <p>Paving is nominated outside of the setback area and adjacent to the alignment of the new roadway. The selection of paving is subject to the Access Network requirements of the <i>Macquarie Park Public Domain Technical Manual</i> which prescribes full-width granite paving for a new 20m wide street.</p> <p>The site does not contain any at-grade parking within this setback area.</p> <p><u>Concept DA</u> (Stages 2, 3 & 4)</p> <p>The Site Plan for the Master Plan prepared by Rice Daubney indicates that the Concept DA will accommodate the following within the front 5m setback areas of the development:</p> <table border="1"> <thead> <tr> <th>Front Setback Alignment</th><th>Landscaping</th></tr> </thead> <tbody> <tr> <td>Waterloo Road</td><td>87.3%</td></tr> <tr> <td>Khartoum Road</td><td>82.7%</td></tr> </tbody> </table> <p>Notwithstanding, the landscaping provision for new Buildings 2, 3 and 4 will be assessed within the future Development Applications for each respective stage.</p>	Front Setback Alignment	Landscaping	Proposed New Roadway	76.6%	101 Waterloo Road – New Roadway	61.1%	Front Setback Alignment	Landscaping	Waterloo Road	87.3%	Khartoum Road	82.7%
Front Setback Alignment	Landscaping												
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Front Setback Alignment	Landscaping												
Waterloo Road	87.3%												
Khartoum Road	82.7%												
7.5 Awnings and Canopies													
<p>a) Awnings must be provided where Primary Active Frontages are shown in Figure 7.3.2 Active Frontage and</p>	<ul style="list-style-type: none"> • Stage 1 Construction – N/A • Concept DA – N/A <p>The Stage 1 Construction and the concept DA component</p>												

Relevant Control	Compliance/Comment
Setback Control Drawing. Entry canopies and discontinuous awnings and entry canopies are encouraged elsewhere in the Corridor.	of the development are not affected by the Primary Active Frontage requirements of Figure 7.3.2 of the DCP.
<u>Entry Canopies</u> b) Entry canopies and discontinuous awnings may be provided to building entries not located along active frontages. c) Entry canopies may be glazed or solid and are to be coordinated with a soffit height of 3.6m minimum.	<ul style="list-style-type: none"> • Stage 1 Construction – Not required • Concept DA – Capable of complying <u>Stage 1 Construction</u> The proposed new building does not incorporate an entry canopy or discontinuous awning as Level 01 is cantilevered over the recessed entry lobby. <u>Concept DA</u> (Stages 2, 3 & 4) Any entry canopies or discontinuous awnings proposed for new Buildings 2, 3 and 4 will be assessed within the future Development Applications for each respective stage.
7.6 Rear and Side Setbacks	
a) Buildings are to be setback 10m from the rear boundary and 5m from a side boundary unless a proposed new road is shown on the site.	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Complies <u>Stage 1 Construction</u> The Stage 1 component is affected by the inclusion of a new road which runs in an east-west direction, between the northern property boundary and new Building 1. The new building 1 is setback 5m from the southern side of the new roadway which complies with Clause 7.4(a) of this Part. <u>Concept DA</u> (Stages 2, 3 & 4) New Building 3 is set back 5m from the northern boundary abutting No. 6 Khartoum Road.
b) Buildings are not to be constructed on the locations for proposed new roads. An allowance for a 5m setback from a proposed road should also be made.	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – N/A The new Road is to be constructed and dedicated under Stage 1.
c) Awnings, canopies, balconies, sun shading and screening elements may project into the rear setback zones.	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Capable of complying <u>Stage 1 Construction</u> The Building 1 construction will not have components protruding into any of the setback zones. <u>Concept DA</u> (Stages 2, 3 & 4) Awnings and canopies etc can be further assessed at the DA stage for each respective stage for Buildings 2, 3 and 4.

Relevant Control	Compliance/Comment														
d) Basement car park structures should not encroach into the minimum required rear or side setback zone unless the structure can be designed to support mature trees and deep root planting.	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Complies <p><u>Stage 1 Construction</u> Stage 1 basement is not located within the setback areas from the new roads.</p> <p><u>Concept DA (Stages 2, 3 & 4)</u> The concept DA appears to comply with this control however numerical details are not specifically provided. Accordingly a condition is included in the draft consent requiring compliance. See Part 1, Condition 16.</p>														
e) Above ground portions of basement car parking structures are discouraged and deep soil planting is promoted.	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – N/A <p><u>Stage 1 Construction</u> The above ground portions of the Stage 1 building are in response to the sloping nature of the site. These are screened and landscaped and will not be visible from the street, but integrated into the overall building.</p> <p><u>Concept DA (Stages 2, 3 & 4)</u> The Building 2, 3 and 4, envelopes do not denote any above ground parking, however this will be further assessed at the respective DA stage for each building</p>														
f) Natural ground level is to be retained throughout side and rear setbacks, wherever possible.	<ul style="list-style-type: none"> • Stage 1 Construction – Not suitable to comply • Concept DA – N/A <p>The Stage 1 building has a sloping site which requires significant cut along the new road frontages to ensure level grade access from the street. This has been reviewed and supported by Council's UDRP, Senior Coordinator Development Engineering Services and Council's Public Domain Section.</p>														
7.7 Building Separation															
a) Provide a minimum 20m separation between buildings facing each other with a site in accordance with Figure 7.7.1 Commercial Building Separation Controls.	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Satisfactory <p>The development provides the following building separations:</p> <table border="1"> <thead> <tr> <th>Buildings</th><th>Separation</th></tr> </thead> <tbody> <tr> <td>Building 1 & Existing</td><td>28m to 50m</td></tr> <tr> <td>Building 1 & Building 4</td><td>45m</td></tr> <tr> <td>Building 2 (Towers 1 & 2)</td><td>7.5m</td></tr> <tr> <td>Building 2 & Building 3</td><td>20m</td></tr> <tr> <td>Building 3 & Building 4</td><td>28.5m</td></tr> <tr> <td>Building 4 & Building 2</td><td>23.5m to 35.5m</td></tr> </tbody> </table> <p>The applicant provided the following comments to this non-</p>	Buildings	Separation	Building 1 & Existing	28m to 50m	Building 1 & Building 4	45m	Building 2 (Towers 1 & 2)	7.5m	Building 2 & Building 3	20m	Building 3 & Building 4	28.5m	Building 4 & Building 2	23.5m to 35.5m
Buildings	Separation														
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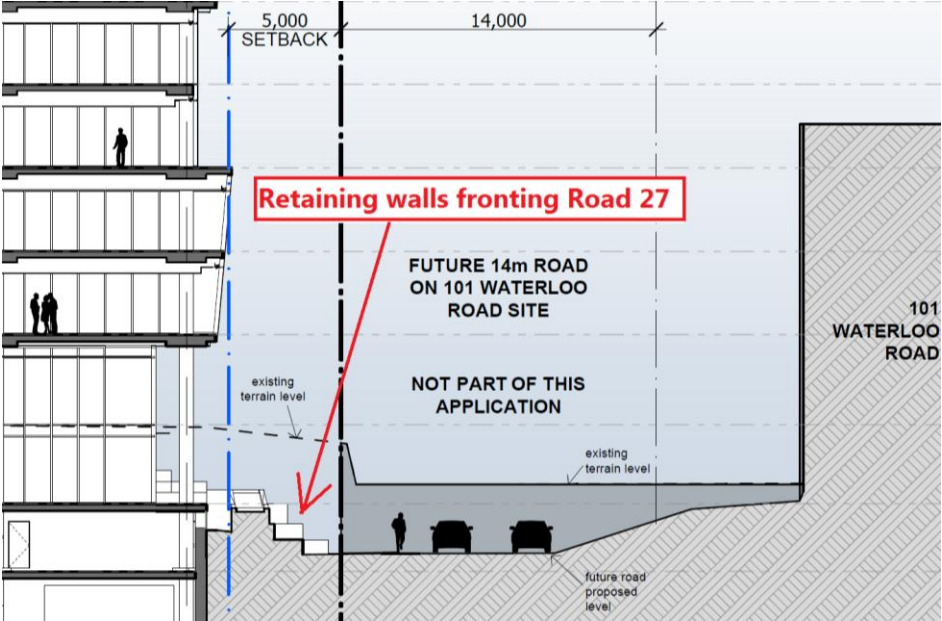
Relevant Control	Compliance/Comment										
	<p>compliance: <i>“Building 2 will be a single building, not separate buildings, with a single tenant. It is connected by a large foyer and walkway. Therefore, the building separation requirements of the DCP should not applied internally to Building 2.”</i></p> <p>This justification is supported.</p>										
b) Provide a minimum 10m separation between buildings perpendicular to each other within a site. This reduced building separation control only applies where the width of the facing facades does not exceed 20m.	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Complies <table border="1"> <thead> <tr> <th>Buildings</th><th>Separation</th></tr> </thead> <tbody> <tr> <td>Building 1 & Existing</td><td>28m</td></tr> <tr> <td>Building 1 & Building 4</td><td>40m</td></tr> <tr> <td>Building 3 & Building 4</td><td>29.44m</td></tr> <tr> <td>Building 4 & Building 2</td><td>20m to 40m</td></tr> </tbody> </table>	Buildings	Separation	Building 1 & Existing	28m	Building 1 & Building 4	40m	Building 3 & Building 4	29.44m	Building 4 & Building 2	20m to 40m
Buildings	Separation										
Building 1 & Existing	28m										
Building 1 & Building 4	40m										
Building 3 & Building 4	29.44m										
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7.8 Building Bulk and Design											
a) The floor plate of buildings above 8 storeys is not to exceed 2,000m ² , unless it can be demonstrated that slender built forms are achieved through courtyards, atria, articulation or architectural devices.	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Capable of complying 										
b) Buildings are to address the street and are to have a street address.	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Capable of complying <p>New Building 1 will address new Road 1, and the new road between 101 Waterloo Road and the site. Additionally new Buildings 2, 3 and 4 will address the relevant street frontage to Waterloo Road and Khartoum Road.</p>										
c) Façade design is to: <ul style="list-style-type: none"> (i) Reflect and respond to the orientation of the site using elements such as sun shading and other passive environmental controls where appropriate. (ii) Provide building articulation such as well design roof forms, expressed vertical circulation etc. (iii) Express corner street locations by giving visual prominence to parts of the façade. (iv) Integrate and coordinate building services such as roof plant, parking and mechanical ventilation with the overall façade and 	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Not required at this stage <p>The UDRP has reviewed the Stage 1 proposal and amendments have been made where required. The façade design has not changed since the UDRP reviewed the earlier design, which has not changed under the latest issue.</p> <p>Future designs of Buildings 2, 3 and 4 will be reviewed by the UDRP at the relevant DA stage.</p>										

Relevant Control	Compliance/Comment
<p>building design, and be screened from view.</p> <p>(v) Roof forms, building services and screening elements are to occur within the overall height controls.</p> <p>(vi) Ventilation louvres and car park entry doors are to be coordinated with the overall façade design.</p>	
<p>d) The distance of any point on a habited floor from a source of natural daylight should not exceed 12m.</p> <p>(i) Atria and courtyards are to be used to promote access to natural light, pedestrian links and slender building forms.</p> <p>(ii) Arrange courtyards and atria to respond to street lot and solar orientation.</p> <p>(iii) The preferred height to width ratio of atria is 3:1.</p>	<ul style="list-style-type: none"> • Stage 1 Construction – Does not comply • Concept DA – Not required at this stage <p>The Typical Floorplate Analysis (Plan No. DA11(C)) identifies that 90% of Net Leasable Area (NLA) is within 12m of glass, while 60% of NLA is within 6m of glass.</p> <p>Only a small proportion is >12m from a source of natural daylight. This floor area is adjacent to the lift and bathroom entry points, and is not considered to be detrimental to the use of the commercial office. The development has been designed to respond to the northerly solar access and to maximise natural sunlight to the building and this minor noncompliance is supported.</p>
<p>e) Buildings are to be designed to be flexible – car parking above ground level is to have a floor-to-ceiling height of not less than 2.7m.</p>	<ul style="list-style-type: none"> • Stage 1 Construction – N/A • Concept DA – Not required at this stage
8.0 Site Planning and Staging	
8.1 Site Planning and Staging	
<p>a) Sites are to be planned to allow for the future provision of new streets, pedestrian connections and open spaces in accordance with Figure 4.1.1 Access Network and Figure 5.1.1 Proposed Open Space Network. Where it is proposed to vary the locations of open space and roads, a Master Plan must be submitted with the development application in accordance with Clause 8.1.b and the following:</p> <p>(i) Equal or greater quantum of open space or road area than shown in Figure 4.1.1 Access Network and Figure 5.1.1 Proposed Open Space Network.</p>	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Complies <p>This DA is for an 82,989m² concept DA which includes the Stage 1 Development of Building 1. As required by this DCP control the application has addressed these requirements, as follows:</p> <ul style="list-style-type: none"> • The proposed Road 1 is a 20m which complies with the requirements detailed under Figure 4.1.2 of the DCP. • Buildings 2 and 4 will provide for the future Linear Park along Waterloo Road per Part 1, Condition 11 of the draft consent. • The application is for a 'Master Plan' in accordance with (b) of this DCP control, and for a Stage 1 approval which is supported by: <ul style="list-style-type: none"> ○ A Transport Management and Access Plan: A plan addressing Building 1 has been submitted. As outlined earlier regarding the FTP, a final FTP will be required to be submitted at each DA

Relevant Control	Compliance/Comment
<ul style="list-style-type: none"> (ii) A highly visible and publicly accessible location for passive open space bounding Waterloo Road. (iii) The same functional outcomes for open space as specified in Section 5.2. (iv) The same connection points to existing roads as shown in Figure 4.1.1 Access Network and the ability to enhance connectivity. (v) Where the site abounds Shrimptons Creek Parklands, a Riparian Corridor in accordance with the NSW Office of Water's Guidelines for Riparian Corridors on Waterfront Land. <p>b) All sites 15,000m² or more in area should lodge a site-specific Master Plan and/or a Stage 1 Development Application for approval. The Master Plan must be supported by a:</p> <ul style="list-style-type: none"> (i) Transport Management and Access Plan. (ii) Proposed vehicular access to and from the site, including the provision of car parking. (iii) Economic Impact Report (iv) Proposed floor space and height and general site layout that preserves the natural heritage of the site (as appropriate) and protects the amenity of the local neighbours. (v) Details of any proposed public benefits and proposed incentive bonus. (vi) Arts Plan. (vii) Social Impact Study. 	<p>stage for Buildings 2, 3 and 4, and a final to be finalised prior to the CC for Building 1 (see Part 1, Condition 25 and Part 2, Condition 161).</p> <ul style="list-style-type: none"> ○ Proposed vehicular access to and from the site, including the provision of car parking has been reviewed by Council's Senior Development Engineer and Traffic Section, both of whom have concluded that the development is satisfactory. ○ Proposed floor space and height and general site layout which complies with the maximum controls for the site. ○ Details of any proposed public benefits and proposed incentive bonus has been reviewed through the Clause 6.9 assessment of Ryde LEP 2014 and is reflected in the Planning Agreement. ○ An Arts Plan is required to be addressed for both the concept DA and Building 1, via condition, see Part 1, Condition 22 and Part 2, Condition 70.
8.2 Site Coverage, Deep Soil Areas and Private Open Space	
<ul style="list-style-type: none"> a) A minimum 20% of a site must be provided as deep soil area. b) Deep soil areas must be at least 2m deep. c) For the purpose of calculating 	<ul style="list-style-type: none"> • Stage 1 Construction – Does not comply • Concept DA – Complies <p>Building 1 building does not provide the required deep soil area, however across the whole concept DA site a</p>


Relevant Control	Compliance/Comment
<p>deep soil areas, only areas with a minimum dimension of 20m x 10m may be included.</p> <p>d) A minimum 20% of the site area is to be provided as Landscaped Area.</p> <p>Landscaped Area is defined as <i>“Area on the site not occupied by any buildings, except for swimming pools or open air recreation facilities, which is landscaped by way of gardens, lawns, shrubs or trees and is available for use and enjoyment by the occupants of the building, excluding areas used for driveways, parking areas or drying yards”</i>.</p> <p>e) Solar access to communal open spaces is to be maximised. Communal courtyards must receive a minimum of 3 hours direct sunlight between 9am and 3pm on 21 June.</p> <p>f) Appropriate shading is to be provided so that communal spaces are useable during summer.</p> <p>g) Communal open spaces are to incorporate the primary deep soil area where possible.</p> <p>h) Landscaping is to contribute to water efficiency and effective stormwater management. Landowners are to consult with Council for requirements to address stormwater quality</p>	<p>minimum of 20% site area is capable of comprising deep soil planting. A condition will be included on the consent requiring that each application provides the quantum of deep soil area across the concept DA site (See Condition 27 of Part 1). As the specific basement dimensions are unknown at this stage, and may change as the parking ratio has been reduced for Buildings 2, 3 and 4, it is considered this is the appropriate means to ensure that the resulting DA site includes 20% of deep soil area.</p> <p>27% of the site area is provided as Landscaped Area.</p> <p>All deep soil areas are capable of being 2m deep and 20m x 10m.</p> <p>Solar access and appropriate shading is provided under the Stage 1 building and is capable of being provided in future stage DAs.</p> <p>Council’s Stormwater Section and Development Engineer have not raised any concern with regard to stormwater management and the area of hard stand or basement.</p>
8.3 Planting on Structures	
<p>a) Provide optimum conditions for plant growth by providing appropriate irrigation and drainage methods.</p> <p>b) Design planters to provide the largest possible volume of soil, in accordance with recommended standards.</p>	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Capable of complying <p>A Landscape Concept Plan has been submitted with the DA prepared by Arcadia (dated September 2018). This plan details the planting proposed on the site.</p> <p>Council’s Consultant Landscape has reviewed the Landscape Plan and is satisfied the Building 1 Landscape Plan complies, and recommended conditions in relation to planting within the future Building 2, 3 and 4 developments.</p>

Relevant Control	Compliance/Comment
	See conditions at Condition 27, Part 1 and Condition 1, Part 2.
8.4 Topography and Building Interface	
<p>a) Level changes across sites are to be resolved within the building footprint.</p> <p>(i) Where buildings are built to the street boundary, a level transition must be provided between the building and the adjacent footpath. This level must be maintained for a minimum depth of 10m into the building.</p> <p>(ii) Where buildings are set back from the street boundary, entries are to be provided at street level where possible.</p> <p>b) An accessible path of travel is to be provided from the street through the main entry door of all buildings.</p> <p>c)</p> <p>(i) Where necessary, stairs and ramps are to be integrated with the landscape design of front setbacks.</p>	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Capable of complying <p><u>Stage 1 Construction</u> The front lobby entry into Building 1 is at-grade to the alignment of the new roadway. The at-grade level and accessible path of travel is maintained for a depth of 10m between the new road alignment and the front door to the building.</p> <p><u>Concept DA</u> (Stages 2, 3 & 4) Level changes and accessible paths of travel for Stages 2, 3 & 4 will be assessed within the more detailed future Development Applications for each respective stage</p>
<p>d) 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.</p>	<ul style="list-style-type: none"> • Stage 1 Construction – N/A • Concept DA – Capable of complying <p><u>Stage 1 Construction</u> The proposed building faces Road 1 and Road 27. As such the building has no definitive rear or side boundary as the boundaries are catered for within the site.</p> <p><u>Concept DA</u> (Stages 2, 3 & 4) Retaining walls within the areas designated for Stages 2, 3 & 4 as identified in the concept DA will be assessed within the Development Applications for each respective stage.</p>
<p>e) The maximum height of retaining walls within the front, side and rear setbacks is not to exceed 1.2m.</p>	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Capable of complying <p><u>Stage 1 Construction</u> The front setback boundary of Stage 1 occurs at the southern alignment of the new road which is located 20m from the northern property boundary. The 20m separation accommodates the new roadway, footpaths and landscaping.</p>

Relevant Control	Compliance/Comment
	<p>There are no retaining walls situated within the front setback area (being the frontage to Road 1) of Stage 1 as it has been designed to have level access from the street.</p> <p>Any retaining walls to the west have been integrated into the design of the building, with landscaping terracing from Road 27 moderating the gradient from RL48.0 at street level to RL53.5 at the podium outdoor landscaped area. These retaining walls have maximum heights of 1.2m (Figure 29).</p> <p><u>Concept DA (Stages 2, 3 & 4)</u> Retaining walls within the areas designated for Stages 2, 3 & 4 will be assessed within the future Development Applications for each respective stage.</p>
	 <p>Figure 29. Longitudinal Section Plan showing retaining walls fronting Road 27. (Source: Rice Daubney Long Section Plan Dwg no. DA17, Issue D).</p>
<p>f) Publicly accessible open spaces under private ownership must be provided at footpath level. Where level changes cannot be avoided due to topography, the finished level of the open space must not exceed 1.2m above footpath level.</p>	<ul style="list-style-type: none"> • Stage 1 Construction – Does not comply • Concept DA – Capable of complying <p><u>Stage 1 Construction</u> As identified in the assessment above, there is a steep level change between the private outdoor landscaped area and the street level facing Road 27. The site has been designed to provide at grade pedestrian access to the building from Road 1. However, facing Road 27 there is a 5.5m level difference which does not comply with this control. The retaining walls to this frontage are unavoidable and have been appropriately landscaped to reduce any bulky appearance and reduce the overall retaining wall heights at each level.</p>

Relevant Control	Compliance/Comment
	<p><u>Concept DA</u> (Stages 2, 3 & 4)</p> <p>Retaining walls within the areas designated for Stages 2, 3 & 4 as identified in the concept DA will be assessed within the future Development Applications for each respective stage.</p>
8.5 Site Facilities	
<p>a) Vehicular access to loading facilities is to be provided from secondary and tertiary streets where possible.</p>	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Complies <p><u>Stage 1 Construction</u></p> <p>All vehicular access and egress to loading facilities is via a 7m wide driveway and crossover to Road 1.</p> <p>As the proposed new roadway is to be dedicated to Council as a new local road reserve, the new roadway will form the primary street to new Building 1 in this instance.</p> <p><u>Concept DA</u> (Stages 2, 3 & 4)</p> <p>The fine detail of vehicular access to loading facilities will be addressed in the individual development applications for each building.</p> <p>The Master Plan for the site (see Plan No. DA29(F)) indicates that the existing driveway to Waterloo Road will be removed, and dedicated to pedestrian access only. This is reflected in Part 1, Condition 14. Vehicular access for Buildings 2, 3 and 4 will be via a crossover onto Khartoum Road.</p>
<p>b) Rubbish and recycling areas must be provided in accordance with Section 6.3 Waste Management. These areas must:</p> <p>(i) Be integrated with the development.</p> <p>(ii) Minimum the visibility of these facilities from the street.</p> <p>(iii) Be located away from openable windows to habitable rooms.</p>	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Capable of complying <p><u>Stage 1 Construction</u></p> <p>The application includes a Waste Management Plan dated March 2017 as prepared by Goodman which demonstrates compliance with Section 6.3 of the RDCP 2014. The application and Waste Management Plan were referred to Council's Environmental Health Officer who did not raise any objection to the proposal. Appropriate conditions are imposed requiring compliance with the recommendations made in the Plan. (Part 2, Condition 1)</p> <p><u>Concept DA</u> (Stages 2, 3 & 4)</p> <p>The fine detail of rubbish and recycling areas will be addressed in the individual development applications for each building.</p>
<p>c) Barrier free access is to be provided to all shared facilities.</p>	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Capable of complying
8.6 Vehicular Access	
<p>a) Vehicular access is not permitted along streets identified as 'Active Frontages'.</p>	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Complies

Relevant Control	Compliance/Comment
<p>b) Where practicable, vehicle access is to be from secondary streets.</p>	<p><u>Stage 1 Construction</u> The site of New Building 1 is not located within or near to a street identified as an 'Active Frontage'.</p> <p><u>Concept DA</u> (Stages 2, 3 & 4) All vehicle access is to be from Khartoum Road. This is included under Condition 14, Part 1.</p>
<p>c) Potential pedestrian/vehicle conflict is to be minimised by:</p> <ul style="list-style-type: none"> (i) Limiting the width and number of vehicle access points. (ii) Ensuring clear site lines at pedestrian and vehicle crossings. (iii) Utilising traffic calming devices. (iv) Separating and clearly distinguishing between pedestrian and vehicular accessways. 	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Capable of complying
<p>d) The appearance of car parking and service vehicle entries is to be improved by:</p> <ul style="list-style-type: none"> (i) Locating or screening garbage collection, loading and servicing areas visually away from the street. (ii) Setting back or recessing car park entries from the main façade line. (iii) Avoiding black holes in the façade by providing security doors to car park entries. (iv) Where doors are not provided, it is to be ensured that the visible interior of the car park is incorporated into the façade design and material selection and that building services pipes and ducts are concealed. (v) Returning the façade material into the car park entry recess for the extent visible from the street as a minimum. <p>e) The width of driveways is to be determined in accordance with the requirements of the RDCP 2014 and the relevant Australian Standards.</p>	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Capable of complying <p><u>Stage 1 Construction</u> Building 1 parking is located beneath the building structure and landscaping. The entry point to the car park is not recessed, however the terraced landscaping will provide adequate treatment of the entry point to ensure it integrates within the overall development.</p> <p>Figure 30 provides a photomontage of this elevation and depicts how the car park entry sits within the streetscape.</p>

Relevant Control	Compliance/Comment
	 <p>Figure 30. Western elevation photomontage (Dwg no. DA25, Issue D)</p> <p><u>Concept DA</u> (Stages 2, 3 & 4) Car parking design for Stages 2, 3 & 4 will be assessed within the future Development Applications for each respective stage.</p>
8.7 Vehicular Access	
<p>a) Safe and secure 24-hour access to car parking areas is to be provided for building users.</p>	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Capable of complying
<p><u>At-Grade Parking</u></p> <p>b) Parking areas must not be located within the front, side or rear setbacks.</p>	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Complies <p><u>Stage 1 Construction</u> All parking for the new building is located within the proposed basement levels.</p> <p><u>Concept DA</u> (Stages 2, 3 & 4) While the Khartoum Road frontage indicates a turning circle, this will not be permitted to be used for the purposes of parking. Condition 15 of Part 1 of the draft consent requires that no at grade parking spaces are to be provided within the front setbacks of Buildings 2 and 4.</p>
<p>c) Parking areas are to be screened from view from the street, public domain and communal open space areas, using site planning and</p>	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Capable of complying <p><u>Stage 1 Construction</u> The proposed parking areas are predominantly below</p>

Relevant Control	Compliance/Comment
appropriate screen planting structures.	ground, however where located above ground level, the building structure adequately screens the parking from visibility from the street. <u>Concept DA</u> (Stages 2, 3 & 4) Future development applications for Buildings 2, 3 and 4 will address this or subsequent stages.
d) Provide safe and direct access from parking areas to building entry points.	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Capable of complying <u>Stage 1 Construction</u> Parking areas are accessible internally within the Building 1 development, while future DAs will address parking access under subsequent DAs. <u>Concept DA</u> (Stages 2, 3 & 4) Future development applications for Buildings 2, 3 and 4 will address this or subsequent stages.
e) Provide appropriate mature vegetation between parking bays to provide shade and enhance visual impact.	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Capable of complying Public Domain have included relevant conditions to require street tree planting along the new Road 1 in accordance with this condition (Part 2, Condition 64).
<u>Basement Parking</u> f) Basement parking areas should be located directly under building footprints to maximise opportunities for deep soil areas unless the structure can be designed to support mature plants and deep roots.	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Capable of complying <u>Stage 1 Construction</u> The Building 1 basement is directly beneath the Building 1 footprint with direct lift access. <u>Concept DA</u> (Stages 2, 3 & 4) Future DAs will demonstrate this requirement at the relevant development application stage
g) Basement parking areas must not extend forward of the building line along a street.	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Capable of complying The basement of Building 1 is within the setback areas of the development. Future DAs for subsequent stages will be required to demonstrate this at the relevant development application stage, see Condition 16, Part 1 .
h) Along active frontages, basement parking must be located fully below the level of the footpath. i) Basement parking should be contained wholly beneath ground level along public streets. j) Where this cannot be achieved	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Capable of complying <u>Stage 1 Construction</u> The Building 1 development is not noted as an active frontage. The frontage to Road 1 will not have any parking areas extending above the footpath. The frontage to the Road 27 adjoining 101 Waterloo Road does have parking areas above ground level, however this is adequately

Relevant Control	Compliance/Comment
<p>due to topography, the parking level must protrude no more than 1.2m above ground level for no more than 60% of the building frontage along a public street.</p> <p>k) Ventilation grills or screening devices of car park openings are to be integrated into the overall façade and landscape design of the development.</p>	<p>screened through the building structure and terraced landscaping and has no exposed ventilation grills noted to be along the street.</p> <p><u>Concept DA</u> (Stages 2, 3 & 4) Future DAs will demonstrate this requirement at the relevant development application stage.</p>
<p><u>Parking in Structures</u></p> <p>l) Along all street frontages, above ground parking levels are to be laminated with another use for a minimum depth of 10m (e.g. building lobbies, retail tenancies, commercial floor space).</p>	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Capable of complying <p><u>Stage 1 Construction</u> The Building 1 Lower Ground Floor Plan has 20 parking spaces on the same level as the entry level of the building. The proposed gym, lobby and office floor space along the street frontage envelops the rear parking areas and will provide adequate separation from public areas to the parking.</p> <p><u>Concept DA</u> (Stages 2, 3 & 4) Future DAs will demonstrate this requirement at the relevant development application stage</p>
8.8 Fencing	
<p>a) Fencing is not permitted on the perimeter boundary of sites. Security should be provided within buildings.</p>	<ul style="list-style-type: none"> • Stage 1 Construction – N/A - No fencing proposed. • Concept DA – Capable of complying
9.0 Environmental Performance	
<p>a) Commercial development is required to achieve a 4 Star Green Star Certified Rating.</p> <p>b) Additional floor space may be permitted within a development where the building can demonstrate design excellence and environmental sustainability. For consideration of the additional floor space, a minimum 5 Green Star Green Building Council of Australia (GBCA) should be provided.</p> <p>c) Residential development is to comply with BASIX requirements.</p> <p>d) Development is required to comply with Section 7 Built Form.</p>	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Capable of complying <p><u>Stage 1 Construction</u> The DA has been submitted with an Ecologically Sustainable Design Statement prepared by Cundall, which identifies that "through a combination of energy, water and other strategies, the project will exceed minimum requirements for sustainable development". Compliance with the recommendations of this report is included as a recommended condition, see Part 2, Condition 44.</p> <p><u>Concept DA</u> (Stages 2, 3 & 4) Future DAs will demonstrate this requirement at the relevant development application stage</p>

Relevant Control	Compliance/Comment
9.1 Wind Impact	
<p>a) Buildings shall not create uncomfortable or unsafe wind conditions in the public domain which exceeds the Acceptable Criteria for Environmental Wind Conditions. Carefully locate or design outdoor areas to ensure places with high wind levels are avoided.</p> <p>b) All applications for buildings over 5 storeys in height shall be accompanied with a wind environmental statement. For buildings over 9 storeys and for any other building which may be considered an exposed building, shall be accompanied by a wind tunnel study report.</p> <p>c) Calculation rules - Acceptable criteria for environmental wind conditions.</p>	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Capable of complying <p><u>Stage 1 Construction</u> A Wind Assessment Report prepared by Vipac (dated 20 March 2017), has been submitted with the application addressing both Building 1 and the concept DA layout. This report concludes that subject to a number of proposed treatments, adverse wind conditions would be capable of being mitigated. A condition has been included to ensure the recommended treatments are provided in the subject development and at future DA stages. See Part 2, Condition 162.</p> <p><u>Concept DA</u> (Stages 2, 3 & 4) Future DAs will demonstrate this requirement at the relevant development application stage</p>
9.2 Noise and Vibration	
<p>a) An Acoustic Impact Assessment report prepared by a suitably qualified acoustic consultant is required to be submitted with all development applications for commercial, industrial, retail and community buildings with the exception of application for minor building operations.</p> <p>b) Development is to comply with all relevant statutory regulations.</p>	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Capable of complying <p><u>Stage 1 Construction</u> An Acoustic Assessment Report prepared by Wilkinson Murray (Report No. 16315, Version A) has been submitted which provides a preliminary noise and vibration assessment for the Stage 1 development against the relevant statutory regulations.</p> <p>This assessment has determined that, subject to further detailed design, the proposed developments would be expected to meet the relevant noise and vibration standards. The proposed developments are considered to present a minimal risk in terms of noise and vibration impact potential. Minimum glazing standards and any necessary requirements for the control of mechanical services noise will be confirmed during detailed design and this report may be updated to reflect the final design.</p> <p>Compliance with the recommendations of this report has been included as a draft condition on the consent. See Part 2, Condition 140.</p> <p><u>Concept DA</u> (Stages 2, 3 & 4) Condition 36 of Part 1 requires a noise impact assessment to be submitted with future DAs for Buildings 2, 3 and 4.</p>

Relevant Control	Compliance/Comment
<p>c) Where light industrial and commercial development adjoins residential development, the use of mechanical plant equipment and building services will be restricted and must have appropriate acoustic insulation.</p> <p>d) Loading and unloading facilities must not be located immediately adjacent to residential development.</p>	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Complies <p><u>Stage 1 Construction</u> The loading bay and service facilities areas of Building 1 are not located adjacent to any residential apartments.</p> <p><u>Concept DA</u> (Stages 2, 3 & 4) Buildings 2, 3 and 4, are not located adjacent to any residential buildings or residential zoned land.</p>
<p>e) Retail premises must limit any spruiking and the playing of amplified music or messages so as not to disturb the amenity of other public and private places.</p>	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Capable of complying <p><u>Stage 1 Construction</u> Part 2, Condition 168 has been imposed to restrict any spruiking and the playing of amplified music or messages from the retail component of Building 1 so as not to disturb the amenity of other public and private places.</p> <p><u>Concept DA</u> (Stages 2, 3 & 4) In relation to future Buildings 2, 3 and 4, this will be assessed at the relevant DA stage.</p>
<p>f) Air conditioning ducts shall not be situated immediately adjacent to residential development.</p>	<p>The site is not located adjacent to any residential apartments.</p>
9.3 Bushfire Management	This section is not applicable to the site.
9.4 Soil Management	
<p>a) Development is to comply with the RDCP 2014.</p> <p>b) Development is to be designed and constructed to integrate with the natural topography of the site to minimise the need for excessive sediment disturbance and prevent soil loss,</p> <p>c) Effective site management and maintenance practices are to be followed to prevent soil loss.</p> <p>d) Ensure that suspended solid concentrations in stormwater leaving the site do not exceed more than 50mg/litre.</p> <p>e) An Erosion and Sediment Control Plan (ESCP), prepared by a suitable qualified environmental engineer, is</p>	<ul style="list-style-type: none"> • Stage 1 Construction – Complies • Concept DA – Capable of complying <p><u>Stage 1 Construction</u> Appropriate conditions of consent will be imposed to require the submission of an Erosion and Sediment Control Plan that meets the Council's requirements. See Part 2, Condition 54 and 117.</p> <p><u>Concept DA</u> (Stages 2, 3 & 4) Buildings 2, 3 and 4 will be assessed as required at the relevant DA stage.</p>

Relevant Control	Compliance/Comment
<p>required to be submitted in support of all development proposals.</p> <p>f) The ESCP must make reference to the entire construction and post construction period, and all devices must be installed prior to commencement of any demolition or construction works on-site.</p>	

Part 7.2 Waste Minimisation and Management

The application includes a Waste Management Plan dated March 2017 as prepared by Goodman. The Plan addresses the development for the Stage 1 Construction (New Building 1) only.

The application and Waste Management Plan were referred to Council's City Works & Infrastructure (Waste) who did not raise any objection to the proposal.

Compliance with the Waste Management Plan is identified under **Condition 1 of Part 2** of the consent. While relevant waste management for the ongoing operation of the building is identified under **Conditions 164, 167, 169 and 170 of Part 2** of the consent. Furthermore, future applications for Stages 2, 3 and 4 will be required to submit appropriate documentation for the waste management plans at subsequent development applications as identified in **Condition 26 of Part 1**.

Part 9.2 Access for People with Disabilities

The application includes an Access Review Report dated 20 March 2017 as prepared by Morris-Goding Accessibility Consulting. The Report addresses the development for the Stage 1 Construction (New Building 1) only.

The Report concludes that the development demonstrates an appropriate degree of accessibility and that compliance with statutory requirements, pertaining to site access, common area access, accessible parking and accessible sanitary facilities, can be readily achieved.

Appropriate conditions are imposed requiring compliance with the recommendations made in the Report, the BCA and relevant Australian Standards (see **Part 2, Condition 43**).

Part 9.3 Parking Controls

Parking has been addressed earlier in this report under Ryde LEP 2014. The proposal includes the following parking provision:

- Stage 1: 280 spaces for 15,932sqm which complies with a rate of between 1 space per 46m² and 1 space per 70m² in accordance with the now repealed LEP requirements.

- Remaining concept DA Area 578 spaces at a rate of 1 per 100m² in accordance with the DCP requirements.

This parking provision has been reviewed by Council's Traffic Section and Senior Development Engineer and is supported.

8.8 Section 94 Development Contributions Plan 2007

As part of the executed Planning Agreement, the applicant is not required to pay any Section 7.11 Contributions for this development application.

9. LIKELY IMPACTS OF THE DEVELOPMENT

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

9.1 Context and setting

The proposed development is considered appropriate with regard to context and setting. The subject site is located within the Macquarie Park Investigation Area which is looking at *"identifying opportunities to enhance the area's existing role as a major commercial centre and innovation district. This will also include investigating opportunities for securing the commercial future of Macquarie Park"* (NSW Department of Planning and Environment website, 2018).

The proposed concept DA is in keeping with this intent of the investigation, as it will provide additional commercial floor area within the central business area of Macquarie Park. It will contribute towards improving connectivity within the park and enhance the public realm through the linear park under Stages 2 and 4. Council's UDRP support the proposal and concept DA in its current form, identifying that is a suitable development for the area.

Built Form

The proposed development of Building 1 will not have any significant adverse impacts on the existing built environment or the amenity of the surrounding area.

The development is consistent with Council's controls with respect to the height and scale envisaged for future redevelopment of the area. The proposed built form and character of the development will contribute to an attractive public domain.

Future development applications for Buildings 2, 3 and 4 will provide details regarding the appearance of the new developments, however the envelopes and footprints as proposed for these buildings are a suitable bulk and scale for a development of this size, and provide a considerable contribution to commercial floor space in the area.

9.2 Natural Environment

The proposed modification does not result in any impacts to the natural environment, being within an existing built up area. The proposed development does not include any removal of trees or vegetation on the site, which has already been approved under LDA2018/481.

The proposal will be required to meet sustainability standards for construction (see **Condition 29, Part 1 and Condition 44 of Part 2**) to reduce the impact of the development on the environment. Furthermore the development will incorporate a Water Sustainable Urban Design Plan throughout the concept DA site.

9.3 Access and Traffic

The application was accompanied by a Traffic and Parking Report prepared by Ason Group. The report concludes that through the amendments to parking provision (i.e. reducing the parking rate for Buildings 2 to 4 to 1 per 100m², *“These reductions would result in reduced traffic impacts on the surrounding road network which would greatly assist in improving the projected surrounding intersection performance”*.

Council Traffic Section and Senior Coordinator Development Engineering Services are satisfied with regard to the final parking traffic. See full discussion under “Comments from Council Departments”, Section 10 of the report.

From a traffic perspective it is concluded that the development will not result in any unacceptable traffic implications to the road network.

9.4 Overshadowing and Solar Access

The extent of overshadowing is an important consideration in terms of amenity to the proposed development as well as adjoining developments. **Figure 31** below depicts the overshadowing expected from the proposed Building 1. The Building 1 development will provide sufficient solar access to the adjoining child care centre within the existing building on Lot 3 (97-99 Waterloo Road). Building 1 will also not cause unreasonable overshadowing to neighbouring buildings, particularly the mixed use residential development at 101 Waterloo Road which is located to the north west of the site.

The Building 1 development is a commercial building which is sited in a northerly direction. The building will receive adequate solar access and the layout of the development has been designed with this in mind.

The proposed buildings under the concept DA are unlikely to result in any significant increase in overshadowing onto the surrounding commercial buildings or open spaces. Land to the south of the site is zoned B2 Commercial and any additional overshadowing will be to existing or future commercial office buildings on Waterloo Road and Khartoum Road.

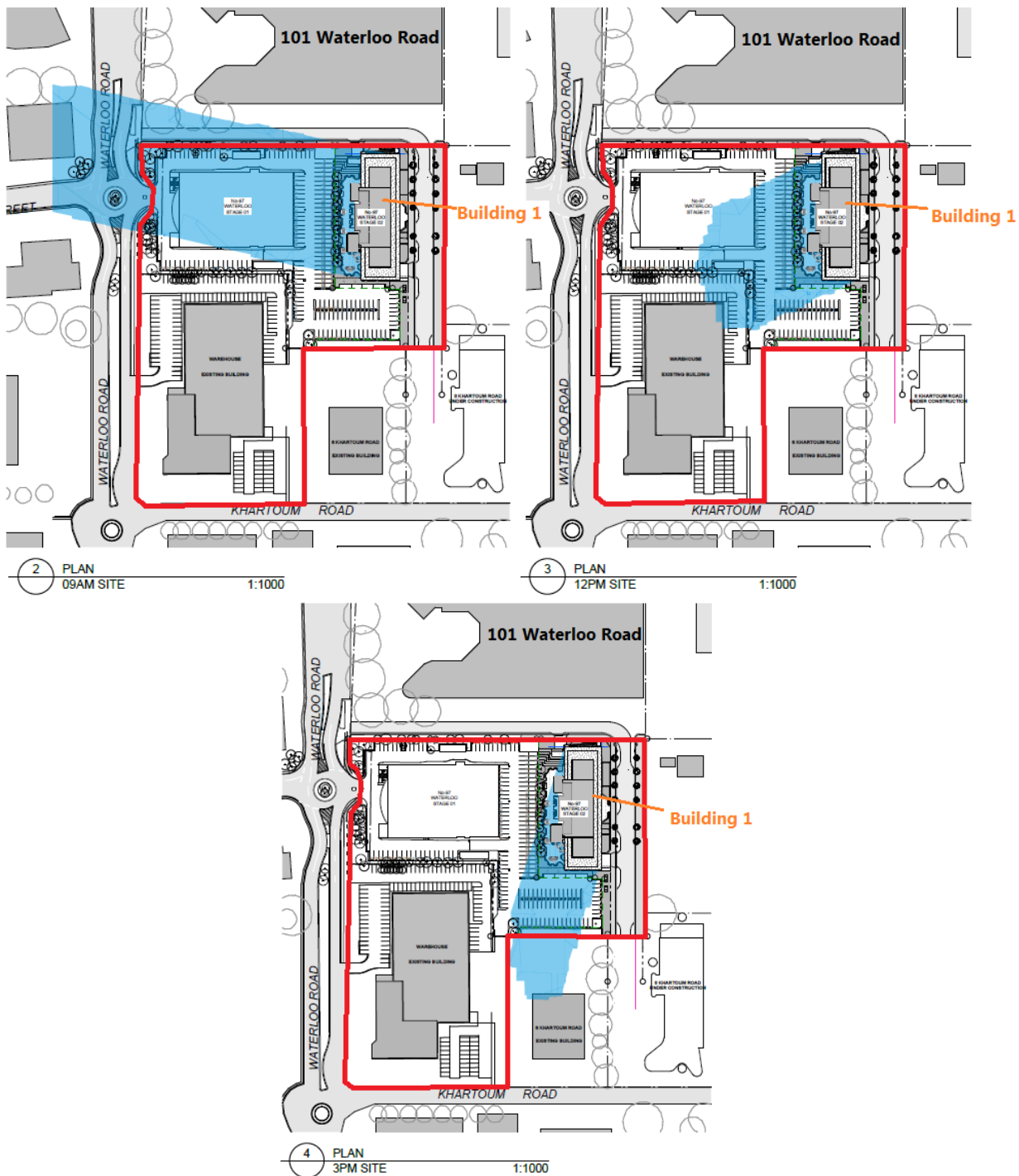


Figure 31. Shadow diagrams of Building 1 with Lot 2 development as existing (Dwg no. DA27, Issue C)

9.4 Construction Impacts

Construction impacts are controlled by Part 8.1 of the Ryde DCP 2014. Council's standard conditions of consent have been imposed to control the impact of the construction activities. Similar to any major redevelopment work, some level of inconvenience/impact may result once the construction commences. However, to address the issue and to minimise traffic impact, a Construction Traffic Management Plan (CTMP) will be required to be submitted and approved by Council's Traffic and Development Engineer for each future DA, and has been required for the Building 1 construction. See **Part 2, Condition 61**.

9.5 Public Domain

Council has a Public Domain Technical Manual that applies to Macquarie Park Corridor. This document specifies the landscaping, paving and street furniture required to be provided as part of an upgrade of the existing public domain. **Part 2, Conditions 64 and 65** have been imposed to ensure that the public domain is upgraded as part of this development consent.

10. REFFERALS

The following section outlines the response and conditions recommended from each of the internal and external referrals in relation to the subject application:

10.1 Internal Referral Comments

Consultant Landscape Architect

No issues with the proposal, draft conditions issued (See **Condition 27 of Part 1** and **Conditions 60, 79 to 80, 98 to 113 of Part 2**).

Environmental Sustainability Section

Raised concern with the FTP submitted with the application, however accepted that this can be provided prior to OC and a condition has been included regarding the Framework Travel Plan at (**Part 1, Condition 25 and Part 2, Condition 161**).

Urban Strategy Section

Comments were provided on the urban design outcome of the proposal including setbacks, bulk and scale, vehicle entry points and the public domain interface. These matters were resolved through the assessment of the application.

Civil Infrastructure and Integration Department

Traffic

Traffic have provided their support for the application, and recommended conditions for inclusion in the draft consent (**Conditions 30, 61, 62, 120, 144, 145, 146 of Part 2**), and provided the following assessment comments:

Traffic Generation Rates

In regards to traffic generation rates, Council agreed with the applicant to adopt the following rates:

- 0.45 trips/space for AM peak hour
- 0.39 trips/space for PM peak hour.

Parking Provision

Based on the agreed trip generation rates, the combined net increase in vehicle trips is expected to be in the order of 350-400 additional vehicles/hour during the commuter peak periods.

Therefore, it was agreed with the applicant to adopt the following maximum parking provision rates:

- Stage 1 DA – 1 space per 46m² and 1 space per 70m² (based on the relevant parking restriction map, as per the DCP when the DA was lodged with Council)
- Subsequent stages – 1 space per 100m² (as per the current DCP).

Based on the above agreed parking rates, the maximum permitted parking provision will be:

- Stage 1 DA – 280 spaces
- Remaining concept DA area – 578 spaces.

Road infrastructure upgrades

Macquarie Park Bus Priority and Capacity Improvement Project (BPIP) proposed by Transport for New South Wales (TfNSW) and Roads and Maritime Services (RMS) is a major infrastructure project in Macquarie Park area. This project involves a range of road and intersection upgrades.

The recommendations from BPIP Stage 2 included the following infrastructure upgrades along the Waterloo Road frontage:

- Upgrade of the Byfield Road and Waterloo Road intersection by replacing the existing roundabout with a signalised four-way intersection. Most notably this intersection and its northern leg serves 97 Waterloo Road.
- Upgrade of the Khartoum Road and Waterloo Road intersection by replacing the existing roundabout with a signalised four-way intersection.

Both upgrades require land acquisition from the subject site. The RMS conditions are included in the draft consent (see **Condition 19 of Part 1**).

Traffic Implications

Taking account of the existing site generation, the net increase in traffic generation is expected to be about 258 (PM) to 289 (AM) vehicle trips/ hour.

It is noted that the impacts of the proposed development have been accounted within the BPIP study with recommended upgrades to accommodate the forecast demand of the site.

In conclusion, BPIP study accounted for additional traffic generated by the proposed site and other potential developments within Macquarie Park. It is anticipated that infrastructure works as part of Stage 2 BPIP program will be undertaken in future by TfNSW and/or RMS, therefore offsetting the traffic impact due to the proposed development.

Stormwater Drainage

The issues in relation to stormwater were resolved in the assessment of the application and Stormwater Drainage section have provided their support for the application, and recommended conditions for inclusion in the draft consent (**Conditions 24 – 25, 55, 119, 121 – 125, 137, 157, 173, Part 2**).

Public Domain

From a Public Domain perspective there are no objections to approval of this application subject to conditions (**Condition 10 of Part 1, and Conditions 14, 63 – 68, 83-89, 126, 147 – 158 and 160 of Part 2**).

Environmental Health Officer

No issues with the proposal, providing the following comments and recommendation for inclusion of **Conditions 20 and 36 of Part 1, and Conditions 16 – 23, 56-59, 75-76, 140, 167, 169 and 170 of Part 2**. Waste storage for Stage 1 is proposed to be at basement level adjacent to the loading dock via which the waste containers will be serviced. Adequate turning space and overhead clearance will have to be provided to ensure that servicing can be carried out in the loading dock.

A noise and vibration report from consultants Wilkinson and Murray, Report No. 16315, Version A, March 2017, was submitted with the application. This report reveals that no measurements have yet been taken. Instead reliance upon estimates given in AS1055.3-1997 for a relevant location have been used. The main noise issues will arise during construction, which as stated in the report should adhere to the NSW EPAs construction noise guidelines. The other issue will be operational noise. Suggestion for a change to existing assessment construction noise standard condition will be given at the end of this comment section. Operational noise has to adhere to the NSW EPAs Industrial Noise Policy. Conditions for this and the submission of a compliance report to the PCA prior to the issuing of the occupation certificate have been included.

The site has existing commercial site and this will continue. The application was accompanied by a hazardous material report which included an assessment for soil to be excavated for waste classification purposes. The soil was classified as solid waste. Once the soil has been excavated the site should be validated to confirm that it is suitable for commercial purposes.

Senior Development Engineer

No issues with the proposal, providing the following comments and recommendation for inclusion of **Condition 13 in Part 1, and Conditions 13, 31-32, 34, 45, 47-49, 54, 63, 74, 114, 121, 131-138, 166, and 175 of Part 2** on the draft consent.

Drainage Easement

The development proposes to run its drainage network via the new road located at the rear of 101 Waterloo Road in order to connect to the drainage line through Macquarie Shopping Centre. Although no objection from an engineering regard, the development at 101 Waterloo Road is still under construction which includes the new road dedication as part of LDA 2016/567. As the road has not yet been dedicated to Council, the land is still privately owned and thus a drainage easement will be required to legally drain through the site.

As it is an ambiguous situation, where the timing and dedication of the road is out of Council's control, it is recommended a deferred commencement be imposed where the Applicant shall either provide a drainage easement or evidence that the road is owned by Council prior to activating the consent. Considering the Construction Certificate has been issued for 101 Waterloo Road and construction has begun, I am satisfied if the condition is imposed prior to the issue of any Occupation Certificate.

Stormwater Management

The proposed stormwater management system for the development discharges to the existing Council easement and infrastructure that runs via the Macquarie Shopping Centre and incorporates an onsite detention system complying with Council's requirements.

A review of the plans completed by AT&L Pty Ltd, has noted the following:

1. The existing stormwater system at 97 Waterloo Road will remain unchanged.
2. Stage 1 stormwater runoff will discharge to the proposed Road 1 new infrastructure which connects to Council's infrastructure system via Macquarie Shopping Centre.
3. The OSD for Stage 1 works requires a minimum volume of 100m³.
4. The stormwater drainage catchment plan is conceptual. Any subsequent development will require OSD to be provided and sized in accordance with Part 8.2 of Council's DCP 2014.
5. There is no objection to the location of the OSD system, however it is noted that these will most likely change once future applications are lodged.
6. WSUD treatment measures have been proposed and MUSIC model completed to Council's requirements.

These can be dealt within the standard condition of consent regarding stormwater management.

Vehicle Access and Parking

Parking Numbers – the letter in reply from Ason Group Pty Ltd, reference 0336102V3, dated 8th November 2018 appears to address the concerns previously raised within Council's Traffic RFI. At the time during lodgement, the DCP parking rates varied between 1 space per 46 / 70m² of GFA. Council's current DCP rates have been reduced to 1 space per 100m² of GFA. The Applicant has suggested that Stage 1 of the development will comply with the old DCP rates, and the remaining concept DA will meet Council's current DCP requirements. There are no objections to this. The parking numbers are summarised below in **Table 8**.

Stage	GFA – m²	DCP Control (Max)
Stage 1		
- Building 1	15,932	280
Remaining Concept DA:		
- Building 2	24,180	242
- Building 3	18,200	182
- Building 4	15,400	154

Table 8: Development Engineering Parking Assessment – Concept DA

Note the development at 97 Waterloo Road has 189 spaces available with a GFA of 9,277m². Because the development is existing, the parking numbers will be excluded from the remaining concept DA.

In regards to Stage 1, the proposed parking numbers are summarised below in **Table 9**.

Space Type	DCP Control	Proposed	Compliant
Commercial	280 (max)	280	YES
Commercial Disabled	9 (min)	9	YES

Table 9: Traffic Section Parking Assessment – Stage 1

Thus the proposed parking numbers meet Council's requirements. All future applications shall comply with Council's current DCP requirements.

Although Council's DCP is silent on Service Vehicle provisions, the development proposes one MRV space and two courier spaces that could be utilised by small service vehicles up to B99. These spaces are located on the ground floor.

The Traffic Report by Ason Group suggests and is agreed that a Loading Dock Management Plan (LDMP) should be submitted and implemented to manage the on-going operation for servicing the development.

The parking layout has been reviewed and is generally in accordance with AS2890 requirements. There is a concern regarding the secondary vehicular entry into basement level 1 as the boom gate location may conflict with the B99 swept path, however this will be dealt within the consent via a condition.

10.2 External Agency Referrals

Sydney Trains

No issues raised with the proposal, concurrence provided, and consent conditions proposed for the Concept Plan including **Part 1, Conditions 17 and 18**, and Building 1 works including **Part 2, Conditions 77 and 78, 141**.

NSW Roads and Maritime Service

No issues with the proposal, support provided, however consent conditions included for the concept DA works would require an additional setback of the proposed Building 2 to Waterloo Road to enable the future road widening of Waterloo Road (included at **Condition 19, Part 1**). There were no conditions relevant for the Building 1 (Part 2 of the Consent) required by RMS.

NSW Police

No issues with the proposal, support provided, and consent conditions proposed for the concept DA and Building 1 works (see **Conditions 26 – 29, and 159 of Part 2**).

Ausgrid

No objections raised with the proposal with no conditions required at this stage.

11. PUBLIC NOTIFICATION & SUBMISSIONS

The application was notified and advertised for a period of 21 days ending on 3 May 2017. During the notification period, no submissions were received to the proposal. None of the amendments to the plans during the assessment period necessitated the renotification of the application.

12. CONCLUSION

After consideration of the development against section 4.15 of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the proposal is considered suitable for the site and is in the public interest.

The proposal provides an opportunity to redevelop the site for commercial uses in a coordinated and staged manner. The concept DA is considered responsive to the strategic intentions of the Macquarie Park and Council's Ryde LEP 2014 and associated planning controls that have been adopted for the locality.

The proposed Building 1 development was amended as per the recommendations of the UDRP and will provide a high degree of amenity in terms of access to public transport, pedestrian connectivity and architectural design.

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

13. RECOMMENDATION

Pursuant to Section 4.16 of the Environmental Planning and Assessment Act, 1979 the following is recommended:

- a) That the Sydney North Planning Panel grant consent to development application LDA2017/96 for construction of a *Concept Development Application for four commercial office buildings at 85 – 89 and 93-99 Waterloo Road and Stage 1 construction of a 13 storey commercial office/retail building at 93-99 Waterloo Road and 101 Waterloo Road together with the construction of a new road and pedestrian link* subject to the conditions of consent in **Attachment 1** of this report.
- b) That a copy of the development consent be forwarded to Sydney Trains, Sydney Metro, and NSW Roads and Maritime Service.

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