

SYDNEY NORTH PLANNING PANEL

Panel Reference No.	2017SNH071
DA Number	LDA 2017/0390
Local Government Area	City of Ryde
Proposed Development	Construction of a ten storey mixed use building comprising retail and commercial components as well as 355 car spaces over 2 basement levels, landscaping and road works
Street Address	No. 45 to 61 Waterloo Road, Macquarie Park.
Applicant/Owner	Applicant: John Holland Macquarie Park Land Custodians Pty Ltd Owner: Property NSW
Date of Lodgement	1 September 2017
Number of Submissions	Nil
Recommendation	Approval subject to conditions
Regional Development Criteria - Schedule 7 of SEPP(State & Regional Development 2011)	General Development over \$20 Million
List of All Relevant s4.15(1)(a) Matters	<p>Environmental Planning Instruments</p> <ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979; • Sydney Environmental Planning Policy (State and Regional Development) 2011; • State Environmental Planning Policy No. 55 – Remediation of Land; • State Environmental Planning Policy (Infrastructure) 2007; • State Environmental Planning Policy No. 33 – Hazardous and Offensive Development; • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; and • Ryde Local Environmental Plan 2014. <p>Development Control Plans</p> <ul style="list-style-type: none"> • City of Ryde Development Control Plan 2014; and • Section 94 Development Contributions Plan 2007. <p>Planning Agreements</p> <p>A Voluntary Planning Agreement has been submitted with the application.</p>
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Conditions of Consent (Attachment 1) • Plans (Attachment 2) • Letter from the applicant agreeing to the draft conditions of consent (Attachment 3)
Report prepared by	Sandra Bailey, Manager Development Assessment
Report Date	1 August 2018

Summary of s4.15 matters

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

Legislative clauses requiring consent authority satisfaction

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

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not Applicable**

Conditions

Have draft conditions been provided to the applicant for comment? **Yes – agrees to conditions (see attached letter)**

1. EXECUTIVE SUMMARY

The following report is an assessment of a development application for the construction and use of a ten-storey mixed use commercial and retail building at 45-61 Waterloo Road, Macquarie Park. The development will contain 37,478m² of office floor space and 939m² of retail floor space and car parking for 355 vehicles within two basement levels, part of the ground floor and mezzanine levels. The development also includes the construction of two internal roads known as Road 14 and Road 1. Road 14 is a 14.5m wide road and will extend from Waterloo Road to the northern portion of the site. This will intersect with Road 1 which is a 20m wide road that is located adjacent to the northern boundary.

The site is zoned B3 Commercial Core under the Ryde Local Environmental Plan 2014. The development relies on the incentive provisions contained in this planning document. These incentive provisions provide additional height and floor space if the development contributes to the required access network and open space network. The development proposes the two roads described above and a pedestrian connection, all of which are identified as part of the access network. The applicant has offered to enter into a Voluntary Planning Agreement with Council for the provision of these roads as well as other roads and pedestrian connections required elsewhere on the site.

The development has been assessed in respect of the relevant planning instruments and the application is non-compliant with two considerations under DCP 2014 Part 4.5. These non compliances are in regard to the following:

- The basement car park encroaches into the required 5 metre setback required along Road 1. The basement is setback 1.55m from Road 1. The intent of the control is to

provide a landscaped setback to the street frontage. The setback to Road 1 provides the vehicular and pedestrian access to the building, substation and access to the services. As such there is no opportunity to provide landscaping in this area and the variation to the extent of the basement is supported.

- The development has been setback 9.5 metres from the rear boundary rather than the required 10 metres. The 9.5m setback will still provide deep soil areas to enable landscaping and will provide adequate building separation. For this reason, this variation is also supported.

Clause 7 of SEPP No. 55 Remediation of Land requires the consent authority to consider if the land is contaminated and if it is contaminated, is it suitable for the proposed development. A Detailed Site Investigation was submitted with an earlier development application for bulk excavation associated with this development. This report concluded that the site is suitable for the proposed development.

During the notification period, Council received no submissions.

The development is consistent with the desired future character of the precinct as identified in the relevant planning instruments.

After consideration of the development against section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the relevant statutory and policy provisions, the proposal is considered suitable for the site and is in the public interest. Assessment of the application against the relevant planning framework and consideration of various design matters by Council's technical departments has not identified any fundamental issues of concern. Consequently this report concludes that this development proposal is sound in terms of design, function and relationship with its neighbours. This report recommends that consent be granted to this application in accordance with conditions provided in **Attachment 1**. These conditions have been reviewed by the applicant who has agreed with all of the conditions.

2. APPLICATION DETAILS

Applicant: John Holland Macquarie Park Land Custodians Pty Ltd

Owner: Property NSW

Capital Investment Value: \$135,125,000 (including GST)

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

3. SITE DESCRIPTION AND CONTEXT

The site is located at the northern side of Waterloo Road and is legally described as Lot 102 in DP 1130630, known as No. 45 – 61 Waterloo Road, Macquarie Park.

City of Ryde Council has approved a two lot torrens title subdivision of Lot 102 and the proposed development is situated on proposed Lot 2 in this subdivision. Lot 2 has a total

area of 31,987m², however the development seeks consent for works on part of this lot as demonstrated in Figure 1. The site area of Lot 2 which is subject to the current development has an area of 12,164m².

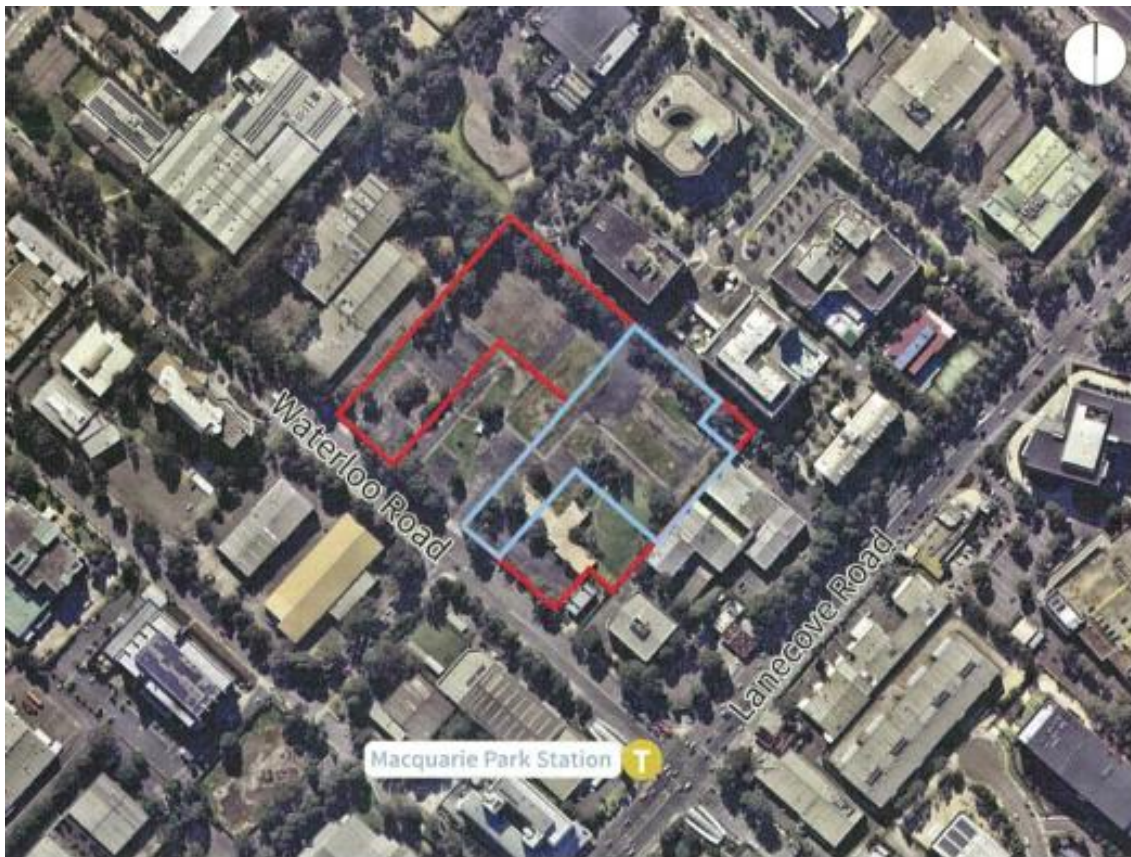


Figure 1: Location of the subject works. Lot 2 is identified in red and the application boundary in blue. Source: Statement of Environmental Effects prepared by Ethos Urban.

The site currently accommodates a single storey commercial building located towards the Waterloo Road frontage. The remainder of the site is vacant and consists of at-grade car parking and lawn area. There are existing trees located along the north-eastern boundary of the site.

The site has vehicular access from Waterloo Road.

The natural ground surface on the site generally falls toward the north and north-west from RL59 m to RL53m relative to Australian Height Datum (AHD).

Photographs 1 to 3 demonstrate the existing site.



Photograph 1. The existing single storey building on the site which is to be demolished.



Photograph 2. At grade asphalt car parking.



Photograph 3. Existing site looking north.

The site is located within the B3 Commercial Core zone of the Macquarie Park Corridor.

The site is bounded by the B7 Business Park zone to the north and the B3 Commercial Core to the east, south and west. Therefore, the site is surrounded by a variety of commercial and mixed use development of varying architectural style and age as demonstrated in Photographs 4 to 5.



Photograph 4. Adjoining development to the west of the site.



Photograph 5. Adjoining development to the north of the site.

The Epping to Chatswood Railway Line (ECRL) tunnels run below Waterloo Road (understood to be about 19m to 25m below the roadway) parallel to the south-west site boundary. Macquarie Park Railway Station and associated infrastructure is situated adjacent to the south-east corner of the site, with the station entry located about 100 m to the southwest. An associated emergency evacuation facility is located on the neighbouring Lot 101 (No. 43 Waterloo Road) to the south-east of Lot 102. The following photographs demonstrate the station and emergency evacuation facility. (See photographs 6 and 7).



Photograph 6. Macquarie Park Station to the south of the site.



Photograph 7. Emergency Evacuation Facility associated with the Epping to Chatswood Rail Line.

4. BACKGROUND

In June 2014, Council and the Department of Planning and Environment entered into a funding agreement for the delivery of a 7,000m² park at 45 - 61 Waterloo Road, Macquarie Park.

Under the agreement, the NSW Government is providing \$6 million through the Precinct Support Scheme in connection with the North Ryde Station Urban Activation Precinct.

On 9 June 2015, Council resolved to seek guarantees from the NSW Government for the provision of the 7,000m² park and the related \$6 million funding and, in accordance with this resolution, the General Manager convened a meeting with senior representatives from the Department and Property NSW on 14 August 2015.

It was agreed at this meeting that one of the necessary steps to secure the delivery of the park is the submission of a Planning Proposal to identify the park, rezone the relevant land “RE1” Public Recreation and to transfer the floor space ratio from the park area to the remainder of the site. Property NSW agreed to undertake the proposal and subsequently lodged a planning proposal with Council.

Council considered a report on the planning proposal at its meeting on 10 November 2015 and resolved to proceed to Gateway subject to:

- a) *Removal of the proposal to amend the Macquarie Park Corridor Parking Restrictions Map; and*
- b) *The provision by the proponent of a satisfactory Stage 1 Site Assessment Contamination Report; and*
- c) *The minimum width of the proposed park fronting Waterloo Road being 63m in accordance with the funding agreement between the Council and the NSW Minister for Planning (or as near as possible in order to cater for functions including informal sport, active and passive recreation, trade expos and events).*

Council subsequently obtained a “gateway” determination from the NSW Department of Planning and Environment to allow public exhibition and consultation to proceed. Public exhibition and consultation occurred from 4 May 2016 to 1 June 2016.

The property was rezoned on 23 June 2017 under *Ryde Local Environmental Plan 2014 (Amendment No 14)* and made the following changes to the site in RLEP 2014:

- Rezoned a 7,000m² portion of the site fronting Waterloo Road from B3 Commercial Core to RE1 Public Recreation for the purposes of Open Space;
- Amended the maximum floor space ratio (FSR) development standard in order to:
 - Remove the FSR limit applying to the new area zoned RE1 Public Recreation; and
 - Evenly distribute the park site area and existing split FSRs of 1:1 and 2:1 at a unified rate of 2.26:1 across the land that continues to be zoned B3 Commercial Core;
- Amended the maximum height of building development standard to:
 - Remove the height limit applying to the new area zoned RE1 Public Recreation; and
 - Amend the height controls in the south-west corner of the site to reflect those adjacent and the proposed location of the park;
- Include the 7,000m² public open space area on the relevant Land Acquisition Reservation Map as “Local Open Space”.

The RLEP 2014 amendment resulted in the following zoning as shown in Figure 2.

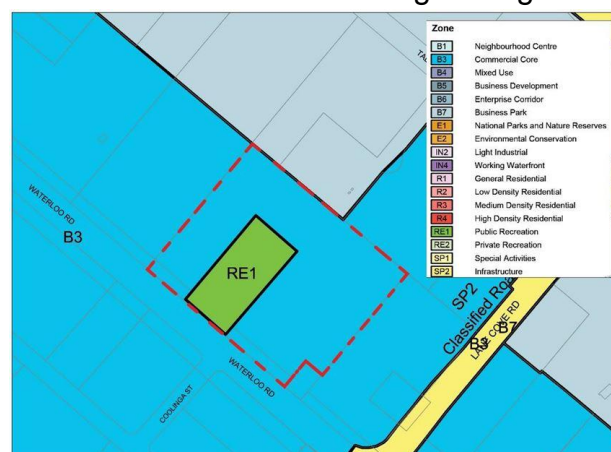


Figure 2. Zoning extract as a result of the recent amendment to the RLEP 2014.

LDA2017/0048

Concurrent with the above-mentioned process, this application was lodged on 9 February 2017 for the subdivision of a single allotment (being Lot 102) into two torrens title allotments.

The application considered the proposal for the creation of new Lot 1 (which will have an area of 7,000m²) and new Lot 2 which will have an area of 31,987m².

The subdivision is detailed in Figure 2 below:

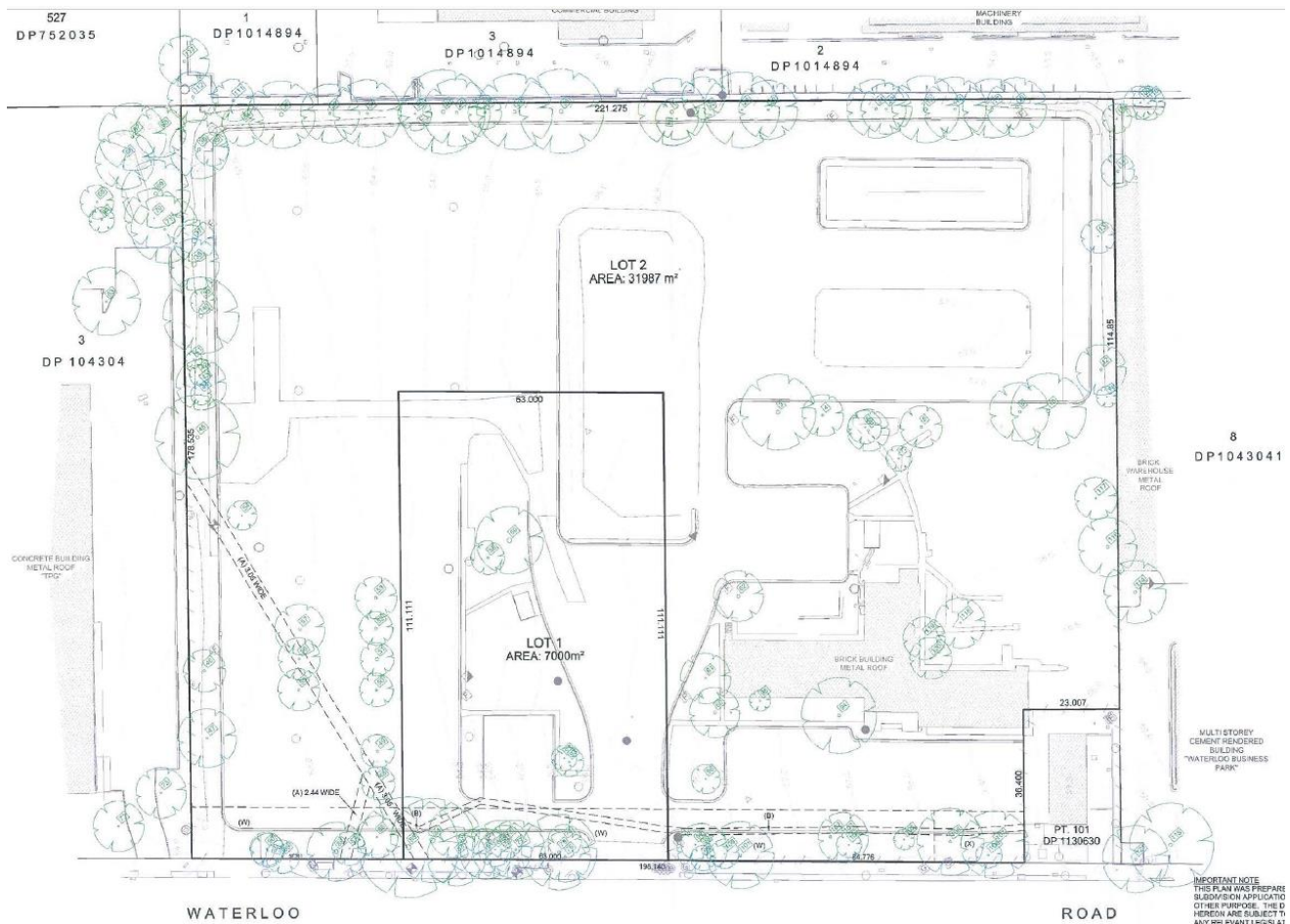


Figure 3 - Subdivision of Lot 102 into two new allotments. Lot 101 is zoned RE1 Public Recreation and the proposed development is located on Lot 102.

The creation of the two torrens title allotments facilitates the funding agreement entered into between Council and the Department of Planning and Environment in June 2014 for the delivery of a 7,000m² park at 45 - 61 Waterloo Road, Macquarie Park (being the newly created Lot 1).

The application was approved under delegation on 9 March 2017.

LDA2017/0334

This application was lodged on 1 September 2017 for early works which included the following only:

- Site preparation (including tree removal);
- Demolition (decoupling) of part of an existing single storey commercial building (circa 1960s) and brick shelter;
- Bulk excavation of 37,000m³ to a depth of approximately 6.0m and shoring; and
- Installation of stormwater infrastructure.

The application was approved on 7 December 2017.

This application seeks approval for works on part of approved Lot 2 (see Figure 3 in this report).

Current Development Application

Prior to the development application being submitted to Council, the matter was considered by Council's Urban Design Review Panel on 28 June 2018. The following comments were provided by the Panel.

Context and Neighbourhood Character

The proponent presented a number of aspects of the project to the Panel. This included foreshadowing a forthcoming master plan application and early works development application. Subsequent to the formalisation of the rezoning process, the proponent also intends to lodge a development application for Building C.

Broadly, the proposal is consistent with the Council's desired future character as described in the Macquarie Park DCP. The primary structural features of the DCP, which are now evident in the proponent's master plan include:

- *Two new 14.5m parallel north-south streets defining the central park;*
- *A new 20m east-west boundary road along the northern boundary;*
- *A new 2.5m east-west pedestrian link;*
- *The creation of a 7,000m² central park with regular geometry.*

The Panel is also aware of a master plan prepared by Government Property NSW to guide the divestment of the site. Although this master plan has no formal status, it extends the principles established in the Macquarie Park DCP and is a useful reference. The proponent's proposed master plan makes some adjustments to this earlier master plan, namely swapping the locations of Buildings B and C.

Subject to the satisfactory resolution of a number of master planning issues, the Panel supports this adjustment and the broad site planning arrangement proposed.

Comment: Noted.

Built Form and Scale

The proponent's master plan includes a number of proposed Buildings A-F sited around the central park in a logical manner, familiar to the Government Property NSW master plan and broadly consistent with Council's DCP. It is evident that the majority of effort to date has been allocated to the development of Building C, which has a committed tenant and will be lodged as a DA early in the process.

The Panel expects that the master plan lodged ahead of detailed design for each building will address some critical access and public realm issues. This master plan approval will need to:

- Demonstrate that each individual site is capable of achieving independent access, servicing and building address given the proposed public realm configuration. The Panel is concerned that unless carefully planned, building presentation to the central park may be compromised by building servicing, basement access and loading. This is particularly the case for Buildings A and B, which present only a narrow frontage to the street network and central park.*
- Address the character and role of New Road (20m, not a service lane) and include an approach to building frontages that seeks to balance vehicle and service access with creating a quality and safe public realm envisaged by Council.*
- Confirm the viability of pedestrian links between Buildings B and C and Buildings E and F as the intent of pedestrian access may conflict with necessary vehicle access.*

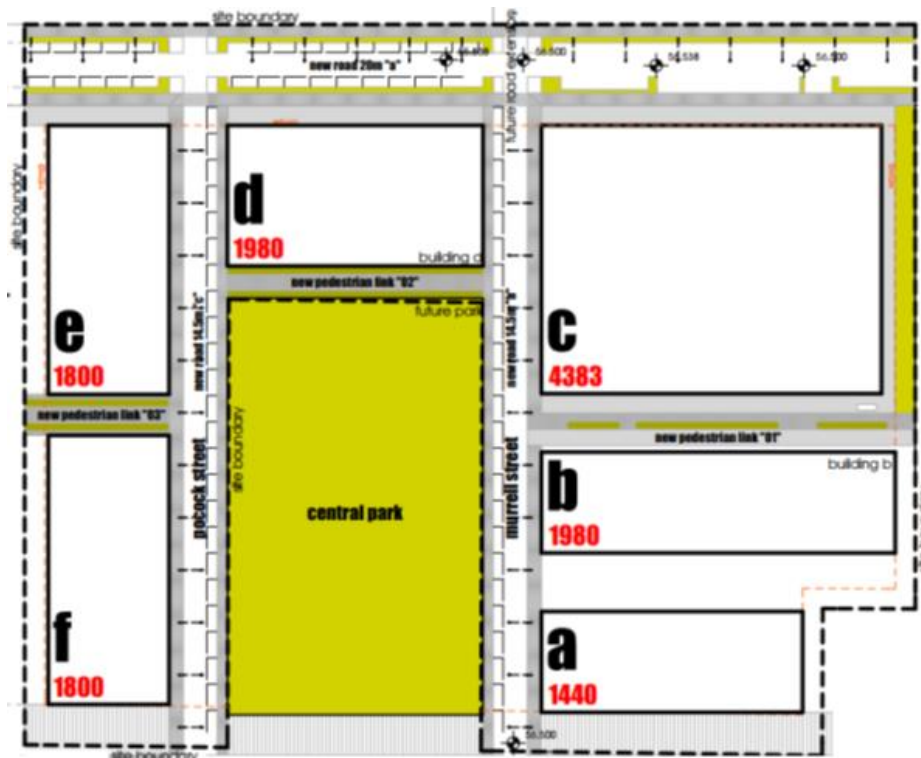
The master plan DA will also need to resolve all public domain tie in levels across the site and facilitate the future extension of the planned street network.

The footprint of Buildings A, B, D, E and F are each approximately 2,000m² and are typically designated as commercial buildings with a component of active ground floor retail. Building C is significantly larger at approximately 5,600m² in footprint. This brings with it a number of challenges for building scale, architectural composition and internal amenity. The building design strategy is simple and clear – two large floor plates connected either side of a central atrium.

The atrium configuration will be critical to the success of the project and the Panel is initially concerned that having created this central atrium, a number of building elements – lifts, stairs and toilets – serve to limit its spatial reading, potentially constraining visual permeability, admission of natural light and the sense of connection across a single work place floor.

The Panel also questions the utility of the long, tall and slim retail frontage provided to the ground level southern frontage, although the intent is understood.

Comment: At the time of the prelodgement meeting and UDRP, the applicant had prepared an indicative layout for the site that included the buildings footprints, proposed roads and pedestrian links. This plan is demonstrated in Figure 4 and the Panel comments relate to this figure. The applicant did intend on providing a DA for the master plan of the site however the submission of this DA was delayed due to issues with the traffic modelling.



The Panel raised concerns that any masterplan would need to demonstrate that each individual site is capable of providing independent access and servicing that would not impact on the park. The configuration of the buildings in Figure 4 allows for buildings C, D and E to have access from Road 1. This cannot occur for buildings A, B and F. The proposed access arrangement is demonstrated in Figure 5. (It should be noted that although Buildings A and F have access to Waterloo Road, RMS are unlikely to permit access from this road). The vehicular access will not impact with the pedestrian connections as required by Council's DCP. The configuration as proposed is considered acceptable as it will result in the least impact to the proposed park.

The Panel also wanted to ensure that Road 1 (20m wide road to the north of the site) maintains the character and role of the road as required by the Council's DCP. Due to the layout of the park and surrounding roads, Road 1 will provide the access and servicing for 3 of the proposed buildings. This is unavoidable given that Council envisages active frontages along roads 14 and 16. The access and servicing arrangements will be considered with each subsequent DA.

The final concern of the Panel related to the atrium and whether it would allow adequate light to enter the building and permit the visual permeability between the two floor plates. The atrium does contain the lifts and amenities. Despite this, the atrium provides a deep setback between the two floor plates. The contrast being active and passive qualities of the atrium and floor plates is expected to be read externally from the street. The applicant has also provided a daylight report which confirms that the majority of the floor plates will receive daylight. This matter has been discussed in greater detail further in the report.

Density

The proposed density and scale of buildings appears capable of complying with the primary development standards and is generally supported by the Panel.

Comment: Noted.

Sustainability

The Panel notes and supports the stated intention for Building C to target a 5 star green star building rating, 4.5 star energy rating a 4 star water rating.

Ongoing sustainability targets for successive buildings should be no lower than those proposed at the outset.

As noted previously, the central atrium will be critical to the success of the building as a work place, and the Panel encourages the integration of sustainability measures to ensure the atrium delivers superior natural light and potentially ventilation.

Comment: The issue of the atrium has been discussed earlier. The application is proposed to be conditioned to ensure that the development complies with the ESD strategy as outlined in the report submitted with the development application. (See condition number 38 and 133).

Landscape

At this point only very schematic landscape design has been undertaken.

In principle, the Panel supports the proposed urban structure and general approach to the public realm. Further work and development of the detailed public realm design is required to accompany the master plan development application.

The Panel is concerned that street cross-sections be developed to demonstrate that shared streets and tie-in levels with adjacent buildings and public realm are capable of adequate resolution. As noted previously, the Panel is also concerned that necessary access and servicing for buildings can be satisfactorily accommodated while still allowing the buildings to address and activate the central park and primary streets.

Comment: The issue of the levels of the roads with the adjacent park and buildings has been considered by the Council's Public Domain Engineers. In principal, no objection is raised to the plans however any approval will be conditioned to require more detailed plans to be submitted to Council. (See condition number 46 and 47).

Amenity

The building's address to central park offers significant amenity and outlook and the general arrangement of ground floor retail, end of trip facilities and sky lobby is supported.

As noted earlier, the Panel is initially concerned for the central atrium and its tendency to loss coherence and spatial clarity given the scale of elements placed within it. The current configuration including lift cores, toilets and stairs potentially diminishes the internal amenity offered by the atrium.

Comment: The issue of the atrium has been addressed earlier.

Safety

The proposed urban structure and general site planning supports passive surveillance and good levels of safety and security in the public realm and is supported.

Comment: Noted.

Aesthetics

The preliminary design approach and architectural expression of Building C is supported.

The Panel notes the tenant will be a Government department and supports the solid, framed expression of the building and its sense of depth and relief – appropriate to a civic building.

Comment: Noted.

5. THE PROPOSAL

The applicant seeks consent for the construction of Building C, the necessary road and pedestrian linkages as well as landscape works which include the following:

- Construction and use of a ten-storey mixed use commercial and retail building comprising:
 - 37,478m² office GFA;
 - 939m² retail GFA; and
 - 355 car parking spaces provided within two basement levels, part of the ground floor and mezzanine levels.
- Associated landscaping and public domain improvements;
- Construction of two internal roads (Road 14 and part of Road 1); and
- Extension and augmentation of physical infrastructure/utilities as required.



Figure 6. Photomontage of the proposed development. The image has been taken from Road 14 and is looking east. The photomontage also includes Building B which is subject to a future development application as well as the pedestrian connection between the two buildings.

The development is described in detail as follows:

Building C

Basement Level 2 (RL 51.00)

- Car parking for 163 vehicles;
- Lift cores;
- Storage rooms;
- Potable water tank room;
- Diesel storage tank room;
- Grease trap room;
- Fire stairs; and
- Entry/exit ramps.

Basement Level 1 (RL 53.90)

- Car parking for 132 vehicles;
- Lift cores;
- Storage rooms;
- OSD tank;
- Rainwater collection tank;
- Substation;
- Fire sprinkler hydrant pump room;
- Cleaners room;
- Fire stairs; and
- Entry/exit ramps.

Ground Floor (RL 56.80 & 57.40)

- Car parking for 21 vehicles;
- Colonnade and pedestrian lobby;
- 4 x retail premises;
- Bike parking for 263 bicycles;
- Male/Female change rooms;
- Lift cores;
- Fire stairs;
- Plant Rooms;
- Delivery loading dock;
- 5 courier bay parking spaces;
- Waste Room;
- Substation; and
- Entry/exit ramps.

Mezzanine (RL 60.65)

- Car parking for 39 vehicles;
- End of trip facilities;
- Lift cores;
- Fire stairs;
- Entry/exit ramps; and
- Plant Rooms.

Level 1 to Level 8 (RL 63.90 to RL 91.70)

- Open plan office;
- Male/Female toilet facilities; and
- Fire stairs.

Level 9 (RL 95.50)

- Atrium;
- Plant rooms;
- lift core; and
- Fire stairs.

Roadways

The application proposes the construction and dedication of two new roadways which are located at the northern and western sides of the site.

Figure 7 details the location and layout of the new roadways. Road 1 will be a 20 metre wide road that runs east-west along part of the northern boundary of the site. Road 14 is a 14.5 metre wide road that runs north south along the eastern boundary of the park. This road will provide a left in – left out with Waterloo Road.

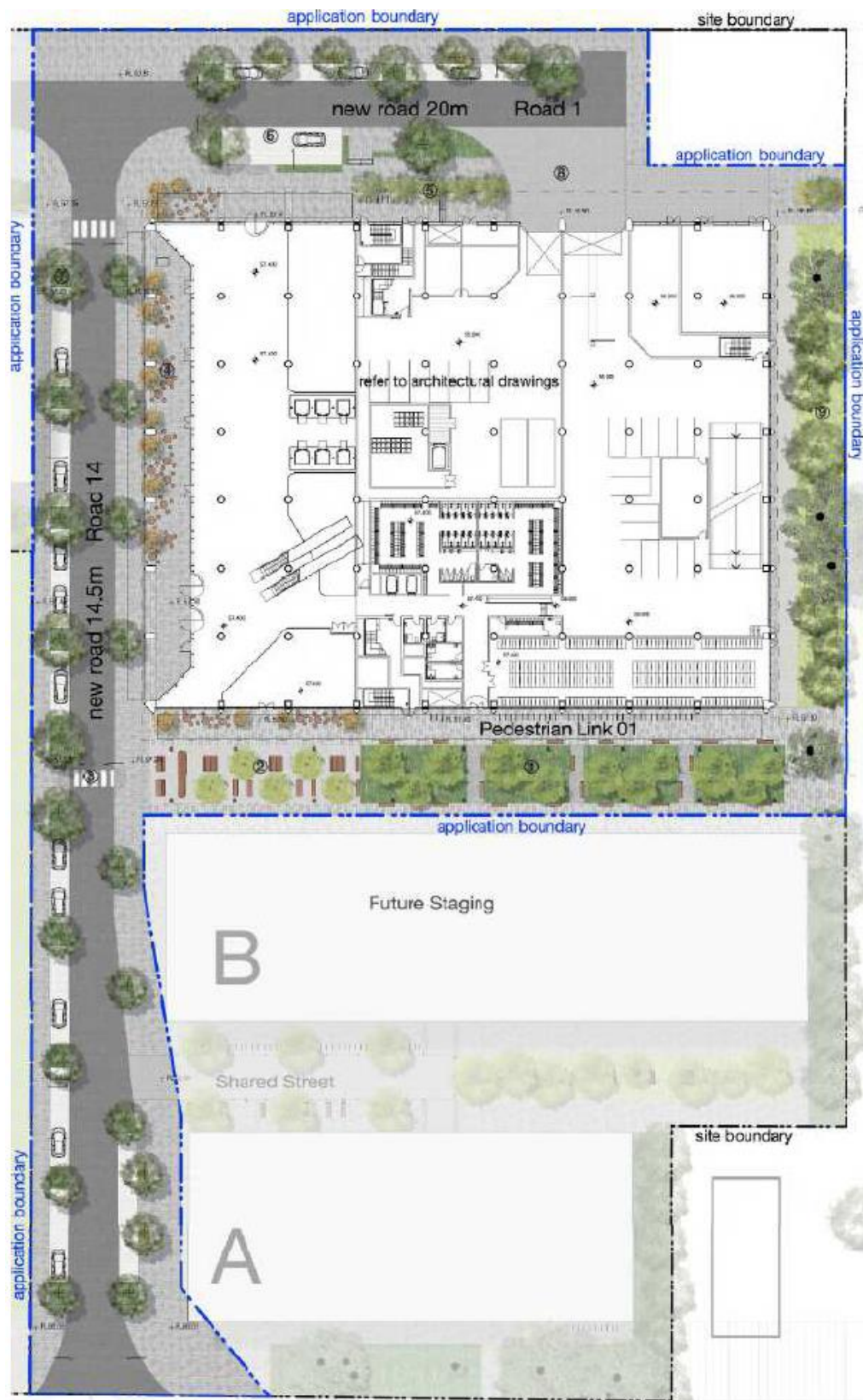


Figure 7: Location of Roads 1 and 14. Source: Statement of Environmental Effects prepared by Ethos Urban.

Construction Hours

The applicant has requested the following construction hours:

- 7am to 7pm Monday to Friday

- 7am to 7pm Saturday
- No work on Sundays or Public Holidays.

In addition to the above, it is also requested that consent be granted for 24 hour construction hours for internal work.

Voluntary Planning Agreement (VPA)

In support of the Development Application, the developer has included a letter of offer to enter into a VPA in accordance with Section 7.4 of the Environmental Planning and Assessment Act, 1979, seeking benefit of the height and floor space ratio incentive provisions under Clause 6.9 of RLEP 2014. This VPA would be applicable for the current development application as well as subsequent DA's for the site. The letter of offer details the following contributions:

- a) A monetary contribution of \$1,840,420. This figure represents the monetary contribution required for the incentive FSR permitted under Clause 6.9 of RLEP offset by the agreed value of the Material Public Benefits in respect of land dedications, public access easements, road and public domain contribution on the land to be dedicated. This contribution will be paid on the earlier of:
 - i. The dedication of the first of the public roads to Council; or
 - ii. The date of the first issue of an Occupation Certificate for the Building C Development.
- b) Dedication of constructed roads at various stages of the development. For this development Road 14 and part of Road 1 will be constructed and dedicated to Council prior to the Occupation Certificate of Building C.
- c) Construction of the various pedestrian links identified in the DCP. For this development it is proposed to construct the pedestrian link to the south of Building C prior to the issue of any Occupation Certificate. The applicant is also offering access easements over the pedestrian link.

The draft VPA is currently on exhibition. The VPA must be in place prior to the incentive provisions of Clause 6.9 of the RLEP 2014 being activated. For this reason the development application is recommended as a deferred commencement consent which requires the VPA to be executed by both parties before the consent becomes operative.

6. APPLICABLE PLANNING CONTROLS

The following planning instruments, policies and controls are relevant 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;
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development;

- Deemed SEPP - Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- Ryde Local Environmental Plan 2014;
- Ryde Development Control Plan 2014; and
- Section 94 Contribution Plan.

7. PLANNING ASSESSMENT

7.1 Environmental Planning and Assessment Act, 1979

Section 4.15 Evaluation

All relevant matters for consideration under Section 4.15 have been addressed in the assessment of this application.

Section 7.4F Planning Agreements

The applicant is proposing to utilise the incentive floor space and height controls under Clause 6.9 of RLEP 2014. Accordingly, the applicant has offered by letter to enter into a VPA with Council in relation to the current development application and future development for Stages A, B, D, E and F on the subject site. The VPA will require the applicant to provide public benefits in stages as summarised below:

- Road dedication and construction at relevant stages, estimated total construction cost of approximately \$9.5m. As part of this application Road 14 and part of Road 20 are proposed to be constructed and dedicated to Council.
- Pedestrian access links 1, 2 and 3 at relevant stages as Public Access Easements. As part of this application pedestrian link 1 will be provided.
- Incentive monetary contribution to the value of \$1,840,420 which is to be paid prior to the issue of an Occupation Certificate for Building C or the dedication of the roads with Building C.

Council at its Ordinary Meeting held on 24 April 2018 accepted the letter of the applicant to enter into a VPA in relation to the Development Application.

It is intended to impose a deferred commencement condition which would require the applicant to enter into a VPA for the delivery of the public benefits as identified within the letter of offer. The VPA must be in place prior to the incentive provisions in respect to height and floor space as identified in Clause 6.9 of the RLEP 2014 being able to be accessed.

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

This proposal has a Capital Investment Value of more than \$30 million, and consequently the Sydney North Planning Panel is the consent authority for this application.

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

The requirements of State Planning Policy No. 55 – Remediation of Land apply to the subject site. In accordance with Clause 7 of SEPP 55, Council must consider if the land is

contaminated. If it is contaminated, is it suitable for the proposed use and if it is not suitable, can it be remediated to a standard such that it will be made suitable for the proposed use.

A Detailed Site Investigation report prepared by Douglas Partners was submitted with the development application as well as the DA for bulk excavation. This report found that *“proposed Lot 2 does not present a significant risk to human health or the environment, and is suitable for future commercial or industrial development, subject to the following:*

- *Existing building – as the building on the site is known to contain hazardous building materials, hazardous materials removal works should be undertaken in accordance with the National Code of Practice: how to Safely Remove Asbestos (Safe Work Australia 2016). Upon demolition and removal, the footprint of the building should be validated as being suitable for the proposed development;*
- *Asbestos – whilst no asbestos was identified in soil and on the ground surface during the current investigation, asbestos has been identified in previous investigations. Prior to undertaking bulk demolition of hardstand etc the entire site should be cleared of asbestos by a qualified occupational hygienist.*
- *The identification of asbestos in private reports. An unexpected finds protocol should form part of the demolition, civil and construction contractors works plans. This protocol must outline the process for identification, assessing and investigating any unexpected finds of potential contamination within the site.*
- *Waste classification – in accordance with the Protection of the Environment Operations Act, waste classification of material for off-site disposal will be required if excavation is proposed at the site.*

The issue of contamination was considered by Council’s Environmental Health Officer in respect of the DA for early works. The EHO supported the findings of the above report and raised no objections to the approval of the development.

7.4 State Environmental Planning Policy (Infrastructure) 2007

The following clauses of the Infrastructure SEPP applies to the proposed development:

Clause 104 Traffic Generating Development

The proposed development, being a commercial building with a floor area greater than 10,000m² is considered to be a traffic generating development. Before determining this DA, the consent authority must:

- Take into consideration any submission that the RMS provides in response.
- The accessibility of the site including the efficiency of movement of people to and from the site and the potential to minimise the need for travel by car.
- Take into consideration any potential traffic safety, road congestion or parking implications of the development.

The Development Application was referred to RMS and RMS have provided the following comments:

From the submitted Statement of Environmental Effects it was noted that the site comprise a Masterplan for 117,072m² of Gross Floor Area (GFA) across the site with on-site parking facility. However there was no traffic assessment accompanied with the submitted application with cumulative traffic impact from the site. Consequently Roads and Maritime did not support this application.

On 1 May 2018, RMS had a meeting with the applicant and Council where it was discussed that the proponent will submit the Masterplan with cumulative traffic impact assessment with mitigation measures (if required) in the near future. Based on this RMS has assessed this application (Building C) on its own merit and as a standalone development proposal and provided comments.

RMS does not raise any objection to the subject development subject to the following comments to be included in any consent issued by Council:

- 1. The subject property is affected by a road proposal as shown by pink colour of the attached Aerial – “X” and Sketch SR 4839. The subject property is also subject to a proposed lease to RMS for compound site purposes as shown by the green hatching on the attached Aerial – “X” and sketch SR 4839 C.*

The proponent should be advised that the subject property is within an area under investigation for the proposed Macquarie Park Bus Priority and Capacity Improvements project.

Further information about this project is available by contacting the project Team on: 1800 575 250 or email Macquarieparkbuspriority@rms.nsw.gov.au or by visiting the project website at <http://www.rms.nsw.gov.au/projects/sydney-north/macquarie-bus-priority-capacity-improvement/index.html>

The land required for future road works shall be sub-divided into a separate lot in any future subdivision.

Comment: This has been included as a condition of consent. (See condition number 19).

- 2. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone may not be permitted on Waterloo Road.*

Comment: This has been included as a condition of consent. (See condition number 79).

- 3. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Waterloo Road, Herring Road and Lane Cove Road during construction activities.*

Comment: This has been included as a condition of consent. (See condition number 71).

4. A Construction Traffic Management Plan (CTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be prepared in consultation with Sydney Coordination Office (SCO) of the Transport for NSW and submitted to Council for approval prior to the issue of any Construction Certificate. In this regard any further enquiry related with the CTMP should be directed to Joel Azzopardi on 0466 427 016 or email at Joel.Azzopardi@transport.nsw.gov.au or David Collaguazo on 0435 658 792 or email at David.Collaguazo@transport.nsw.gov.au for their attention. The CTMP should consider the followings:

Station Link (formerly known as Epping to Chatswood Temporary Transport Plan) will commence on 30 September and will operate for around 7 months. Key features of Station Link include:

- *High frequency, turn-up-and-go services to stations between Epping and Chatswood at least every six minutes during the peak.*
- *More than 10 services per hour in the busiest parts of the day.*
- *A dedicated high frequency service to Macquarie University Campus from Epping Station.*
- *A loop service running at least every 10 minutes 7 days a week to all stations between Epping and Chatswood.*

Comment: A condition of consent has been imposed to require the submission of a Construction Traffic Management Plan. This condition has been amended to require the applicant to undertake consultation with Transport for NSW prior to the submission to Council. (See condition number 53).

Roads and Maritime provides the following advisory comments for Council's consideration during determination of this application:

1. *Since the proposed development site (building C) does not provide required loading dock facilities as per the Roads and Maritime Guide to Traffic Generating Development and a Loading Dock Management Plan (LDMP) would be prepared to satisfy Council; in this regard it is advised to prepare the LDMP in consultation with Sydney Coordination Office (SCO) of the Transport for NSW due to Sydney Metro Stations Upgrade works and Waterloo Road Bus Priority Project. Any further enquiry related with the LDMP should be directed to Joel Azzopardi on 0466 427 016 or email at Joel.Azzopardi@transport.nsw.gov.au or David Collaguazo on 0435 658 792 or email at David.Collaguazo@transport.nsw.gov.au for their attention.*

Comment: A condition of consent has been imposed in respect to the provision of a loading dock management plan. This plan will be required to be prepared in consultation with Transport of NSW before it is submitted to Council. (See condition number 126).

2. *Council should consider reducing car dependency on developments in Macquarie Park (including the subject site) due to the proximity of Sydney*

Metro Stations and Bus interchange; which could be achieved by significantly reducing the number of car parking spaces, introducing car share scheme and implementing Green Travel Plan.

Comment: Council has been reducing the amount of on site car parking. The most latest change occurred on 14 February 2017 where the maximum rate of 1 space per 80m² was reduced to 1 space per 100m² for new floor space.

3. *Council should consider implementation of 'fine grain road network' for the site as per the City of Ryde Development Control Plan 2014 – Part 4.5 – Macquarie Park Corridor to ease internal traffic congestions and to improve road network efficiency.*

Comment: The development application does propose roads that are part of the fine grain road network for the site as per the DCP. This has been discussed further in the report.

4. *The proposed internal roads should be constructed in such a way that in future local road connections can be implemented as per City of Ryde Development Control Plan 2014 – Part 4.5 – Macquarie Park Corridor.*

Comment: Council's planning controls have been designed to offer incentive floor space and height in exchange for a site providing the required road network or open space. Where a site that is proposing redevelopment contains neither part of the road network or open space, a cash contribution is taken which will enable Council to purchase the required land for roads or open space. This is being implemented in accordance with the DCP.

The consent authority is also required to take into consideration the following:

- The accessibility of the site including the efficiency of movement of people to and from the site and the potential to minimise the need for travel by car. Council's DCP proposes a maximum car parking rate of 1 space per 100m² of commercial floor space. This rate has been adopted by Council given that the development is located close to the Macquarie Park Railway Station. The development does not exceed this requirement. The construction of Road 14 will ensure that pedestrians have an easy access between the railway station and the site.
- Any potential traffic safety, road congestion or parking implications of the development. The anticipated traffic generation as a result of the development will have no significant effect on the operation of surrounding intersections.

Clause 85 – Development Immediately Adjacent to Rail Corridors

Clause 85 applies to development on land that is in or adjacent to a rail corridor if the development:

- a) Is likely to have an adverse effect on rail safety; or
- b) Involves the placing of a metal finish on a structure and the rail corridor concerned is used by electronic trains; or
- c) Involves the use of a crane in air space above any rail corridor.

The development application does not involve any elements of Clause 85a, b or c. The early works DA was referred to Sydney Trains. Sydney Trains advised that they had no comments for this application and requested that future DA's for the rest of the buildings on the site be forwarded to Sydney Trains for comments.

7.5 State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

The development will incorporate a standby diesel generator system. The amount of stored fuel will be approximately 6000 litres which would allow the generator to operate for a period of 12 hours. A diesel storage tank is located on basement level 2 of the building.

Diesel is classified as a Class C1 Combustible Liquid. Class C1 Combustible Liquids are not considered hazardous for the purposes of SEPP 33 unless they are stored together with Class 3 Flammable Liquids. The diesel will not be stored together with petrol or any other Class 3 Flammable Liquid. Accordingly, the storage of the diesel does not make the development potentially hazardous and does not trigger the need for a Preliminary Hazard Analysis.

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

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

Given the nature of the project and the location of the site, there are no specific controls that directly apply to this proposal.

7.7 Ryde Local Environmental Plan 2014

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

Clause 2.2 - Zoning

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

The development 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.

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 (2) - 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 to development to a maximum height of 65 metres as an incentive provision if the consent authority is satisfied that:

- a) There will be adequate provision for recreation areas and an access network;*
- b) The configuration and location of the recreation areas will be appropriate for the recreational purposes of the precinct; and*
- c) The configuration and location of the access network will allow a suitable level of connectivity within the precinct.*

The development has proposed a maximum height of 45.3m and the application relies on the incentive provisions under Clause 6.9. Clause 6.9 of the LEP is a beneficial provision, in that it seeks to provide benefits in that it allows consent to be granted to a proposed development which exceeds development standards without the need for a clause 4.6 variation request, and requires that issue to be linked with the consent authority being satisfied about the provision for recreation areas and an access network.

Ryde DCP 2014 Part 4.5 identifies the open space and access networks for the Macquarie Park Corridor. This Part of the DCP was subject to detailed strategic planning by Council to augment existing public open spaces and identify new public spaces within the Corridor, in addition to creating a permeable network of streets and pedestrian ways through identifying new streets and laneways within the Corridor.

This strategic planning process resulted in the Open Space Structure Plan which allocated new recreation areas in locations considered by Council to be appropriate for the recreational purposes of the precinct and to ensure there is adequate provision of open space for the anticipated densities and uses within the Corridor. Additionally, the Access Network Structure Plan was created to identify a hierarchy of streets which is considered to best improve permeability within the precinct in a coordinated manner.

The subject site does not have any proposed areas of open space identified on the site, as shown at Figure 8, however it does have proposed new roads (Roads 1, 14 and 16) as identified in Figure 9.



Figure 8. Extract of the Open Space Structure Plan as contained in DCP 2014 Part 4.5. No open space is identified on the subject site.

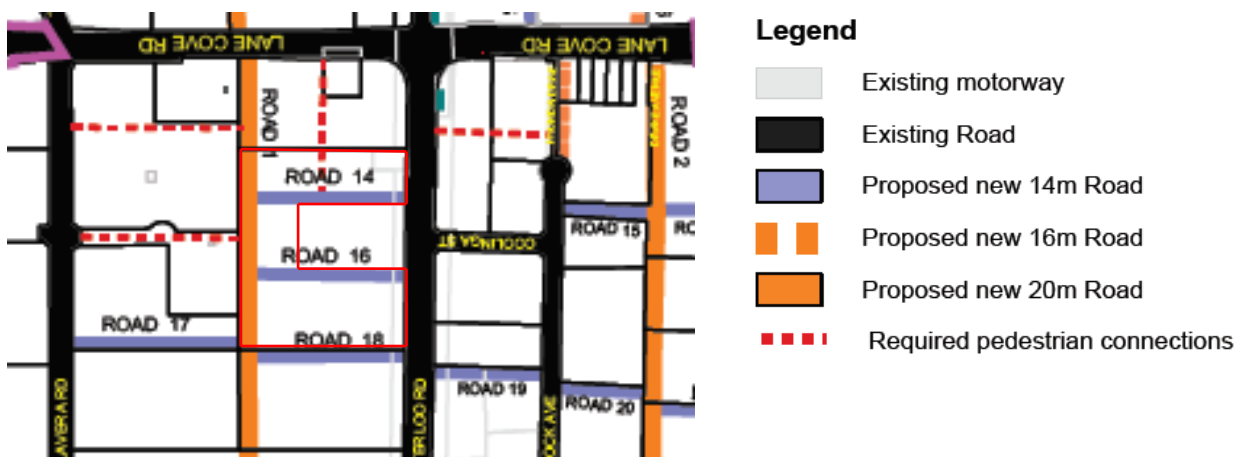


Figure 9. Extract of the Access Network Structure Plan as contained in DCP 2014 Part 4.5. The site is required to provide roads and a pedestrian link.

To enable development to utilise the incentive provisions on site that would not provide in part or full provision of recreation areas and/or access network, Council adopted a per square metre dollar rate, payable per sqm of incentive FSR sought. The current incentive \$ rate per sqm in Council's Fees and Charges document is \$259 per sqm.

The incentive system works by offsetting the value of material public benefit against the incentive monetary contribution rate. The applicant has offered to enter into a VPA for the future redevelopment of the entire site. As detailed earlier in the report the VPA proposes the construction and dedication of all roads on the site as well as the construction of the pedestrian connections and a cash contribution. As demonstrated in Figure 9, these roads and pedestrian connections have been identified in Part 4.5 of Ryde DCP 2014. It is proposed to include a deferred commencement condition on the consent to require the Applicant to enter into a Planning Agreement (as defined pursuant to Section 93F of the

Environmental Planning and Assessment Act 1979) with Council for the delivery of the public benefits as identified within their letter of offer.

Council is satisfied that the provisions of clause 6.9(3) have been suitably addressed and the development will allow a suitable level of connectivity within the precinct and overall public benefit in accordance with the objectives of the clause. The development is therefore able to be approved with the incentive height permitted under clause 6.9.

Clause 4.4 - Floor Space Ratio

The Floor Space Ratio Map specifies a maximum floor space ratio (FSR) of 2.26:1 for the site. The proposed development has a GFA of 38,417m². Based on Lot 2 having an area of 31,987m², this results in the site having a FSR of 1.2:1. The proposal complies with the FSR control.

Clause 6.1 – Acid Sulfate Soils

The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

Council's Acid Sulfate Soils Mapping identifies the site as not being located within a classified acid sulfate soils area.

Clause 6.4 Stormwater Management

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

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

Council's Senior Coordinator Development Engineering Services has advised that the proposed stormwater management system for the development and stormwater runoff from upstream drainage will be collected and piped by gravity flow to the existing infrastructure. No objections to the proposed development with respect to the engineering components, subject to the application of conditions being applied to any development consent regarding stormwater management. (See condition numbers 58, 101, 127 to 129).

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 Environmental Sustainable Design (ESD) Report dated 8 September 2017 as prepared by LCI Consultants (Aust) Pty Ltd.

The Report notes that the development incorporates a number of ESD strategies which will demonstrate the development's contribution by exceeding the Council's sustainability to policy Green Star target of 4 Stars. The Strategy includes (but not limited to):

- Cycle facilities, including bicycle storage and end of trip facilities;
- NABERS 5 Star Energy;
- NABERS 4 Star Water;
- Lighting selection to provide low energy uniform, and low glare;
- Commissioning and Tuning;
- Use of sustainable materials;
- Low emission external lighting; and
- Minimising waste during construction.

A condition is imposed requiring compliance with the recommendations of the Report (see condition number 38 and 133).

8. DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

There are no relevant Draft Environmental Planning Instruments for the subject site.

9. DEVELOPMENT CONTROL PLANS

9.1 City of Ryde Development Control Plan 2014 (RDCP 2014)


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

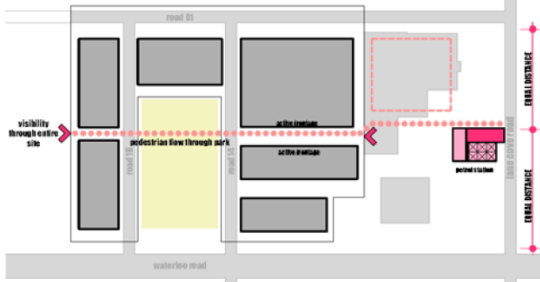
- Part 4.5 – Macquarie Park Corridor;
- Part 7.2 - Waste Minimisation and Management;
- Part 8.1 - Construction Activities;
- Part 8.2 - Stormwater Management;
- Part 8.3 – Driveways;
- Part 9.2 - Access for People with Disabilities; and
- Part 9.3 – Parking Controls.


Note: With regard to Parts 7.2 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 as follows:

Relevant Control	Comment	Comply
Part 4.5 – Macquarie Park Corridor		
4.0 Access Network		
4.1 Streets		
<p>Provide new public streets and pedestrian connections in accordance with Figure 4.1.1 Access Network.</p>  <p>Figure 10. Extract from Figure 4.1.1 showing the proposed road and pedestrian network.</p>	<p>Figure 4.1.1 has identified two roads being Road 1 and Road 14 as well as a pedestrian connection that affects the portion of the site which is subject to this development application. The development has proposed part of Road 1 and Road 14 in its entirety. A pedestrian connection has also been proposed.</p>	Yes
<p>New streets are to be dedicated to Council. New streets are to be maintained by the landowner until dedicated to Council.</p>	<p>As part of the VPA, Roads 14 and part of Road 1 will be constructed and dedicated to Council prior to the Occupation Certificate of Building C.</p>	Yes
<p>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>	<p>The proposed Building C is not located on any proposed street. The DCP requires an active frontage with a zero setback along Road 14 and the building to be setback 5m from Road 1. The development complies with this requirement.</p>	Yes
<p>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.</p>	<p>The Longitudinal Sections of the proposed new roadway (see Plan No. MP1-ENS-DRW-CIV-5601 (F) and 5602 (F) of the Civil Works Package submitted with the amended application) indicates that the connection and transition points of the new roadways will correspond to the levels of Waterloo Road and the will be consistent with the future road network.</p>	Yes
<p>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>.</p>	<p>A condition of consent will be imposed to ensure that the development complies with the Macquarie Park Corridor Public Domain Technical Manual. (See condition number 46 and 49).</p>	Yes
<p>Provide new streets as follows: (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.</p>	<p>Road 1 is identified as a 20m wide street and Road 14 as a 14.5m wide street. Road 1 and the majority of Road 14 comply with the requirements of Figure 4.1.2 and Figure 4.1.3. The applicant has proposed to widen Road 14 where it adjoins Waterloo Road and then provide a widen carriageway for a distance of approximately 42m from Waterloo Road. The intent of this configuration is to allow for traffic lights at a future stage which would permit a left and right out onto Waterloo Road. At this stage, RMS are not willing to consider traffic lights with this DA. This will be further investigated with the Concept Plan DA. It is proposed to include a condition that restricts the entire length of road 14 to 14.5m in width. If RMS do permit traffic lights at this</p>	Yes

Relevant Control	Comment	Comply
	<p>intersection, this work will then be completed as part of the Concept Plan DA. (See condition number 47).</p> <p>Road 1 has included an area marked “dedicated drop off and set down area” which is located within the proposed road reserve near the entry lobby labelled 2. This is inconsistent with the layout required in the Macquarie Park Public Domain Manual. Condition 1a General has included an amendment to advise that this has not been approved. Condition 50 requires the road to be constructed in accordance with the Public Domain Technical Manual Section 6 – Macquarie Park.</p>	
4.2 Pedestrian Connections		
Provide pedestrian connections in accordance with Figure 4.1.1 Access Network.	<p>The pedestrian link is not located in the required position as Figure 4.1.1. As proposed the pedestrian link has been located approximately 5m to the south of the location identified in Figure 4.1.1. The pedestrian link is intended to provide connection from Lane Cove Road to the new park. At this stage the entire connection cannot be provided to Lane Cove Road as the rest of the link is located on an adjoining site. The revised location of the pedestrian link is supported by Council’s Senior Coordinator Strategic Planning and it will not prevent the link to Lane Cove Road being provided when the adjoining site is redeveloped. This is demonstrated in Figure 11 which demonstrates the future connection of the pedestrian link.</p>  <p>Figure 11. Proposed plan demonstrating how the pedestrian link will still provide access to Lane Cove Road.</p>	No. Acceptable on merit.
<p>Pedestrian connections are to:</p> <ul style="list-style-type: none"> (i) Be a minimum of 6m wide comprising 4m wide paving and 2m wide soft landscaping as shown in Figure 4.2.1 (or as determined by Council). (ii) Be designed with a 2m setback to any building. (iii) Be publicly accessible at all times. (iv) Provide a clear sightline from one end to the other for surveillance and accessibility. (v) Maximise active frontages pedestrian connections. 	<p>The pedestrian link proposed by the applicant will have a width of 14.5m. The link will provide an area 7.5m wide that will contain planting as well as bio-retention swales and bicycle racks. To the north of this space the applicant has proposed a 3.25m wide walkway with an awning over the top. To the south of the planting is a 3.75m wide paved area. This will enable pedestrian activity on either side of the planting. The development has also proposed two retail frontages to the pedestrian link.</p>	Yes

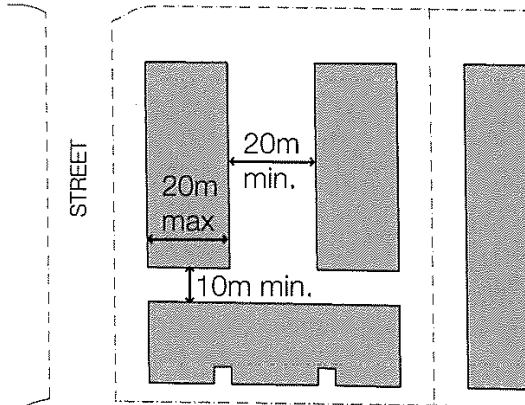
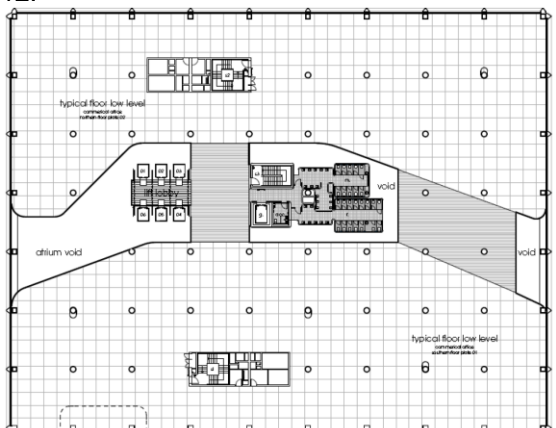
Relevant Control	Comment	Comply
<p>(vi) Be designed to consider pedestrian safety and the security of adjacent businesses, particularly at night (for example, where pedestrian through-site links are provided between buildings, windows are to be provided between the internal ground floor space of the 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>Figure 12. Layout of the proposed pedestrian connection.</p> <p>This pedestrian connection exceeds Council's minimum requirements and will provide an important space between Buildings C and B. A condition of consent will be imposed to ensure that the pedestrian connection is publicly accessible at all times and that finishes within the area are in accordance with the Macquarie Park Public Domain Technical Manual. (See condition number 48).</p>	
4.4 Sustainable Transport		
<p>A Framework Travel Plan (FTP) is required to be submitted to Council for approval together with a DA for all development that exceeds 10,000m² new floor space. For all development, the FTP must:</p> <p>(i) Adopt strategies and procedures to meet a 40% public transport/60% private transport target for the development for journey-to-work trips, to minimise drive-alone vehicle trips and to encourage transport choice to and within the Macquarie Park Corridor.</p> <p>(ii) Demonstrate how on-site parking provision and built form design will contribute to the FTP and assist in meeting the 40% public transport/60% private transport target for the development for the journey-to-work.</p> <p>(iii) Demonstrate infrastructure connections to the nearby footpath, bicycle and public transport networks including through-site-links where required.</p> <p>(iv) Provide, to Council satisfaction, supportive infrastructure for:</p> <ul style="list-style-type: none"> Public transport passengers (bus shelters and passenger waiting areas) to be provided where a new public bus stop or service is required to service the additional demand from the development or meet relevant mode share targets for the development. Taxi drop-off areas or parking (as appropriate) and carpooling and car share dedicated parking in publicly accessible locations, within the development site. The number of dedicated parking spaces provided 	<p>The applicant has provided a Green Travel Plan as part of the DA. The plan is consistent with the DCP requirements and provides a package of site specific measures to promote and maximise the use of sustainable travel modes, including walking, cycling, public transport and car sharing. A condition of consent will be required to ensure that a final framework Travel Plan is submitted prior to the issue of any Occupation Certificate. This will enable a more detailed plan to be submitted that addresses the individual tenant needs as well as the DCP requirements. (See condition number 113).</p>	Yes

Relevant Control	Comment	Comply
<p>must support relevant mode share targets for the development. Car share parking requirements are detailed in Clause 4.4.i below.</p> <ul style="list-style-type: none"> Walking and cycling (lockers and end-of-trip facilities). 		
<p><u>Parking Rates</u> Bicycle parking and end-of-trip facilities are to be provided in accordance with the RDCP 2014 Part 9.3 Parking Controls.</p>	<p>The DCP requires that for buildings greater than 600m² GFA, bicycle parking shall be equivalent to 10% of the required car parking spaces or part thereof. As the development has proposed 355 car parking spaces, a total of 36 bicycle parking spaces are required. The development has proposed 263 bicycle parking spaces which are located on the ground floor and accessed via the loading dock. A further 46 bicycle parking spaces are located external to the building which will be used by visitors to the site. This number of bicycle parking spaces should encourage the extent of cycling as proposed in the Travel Plan.</p>	Yes
<p>Parking is to be provided in accordance with the RDCP 2014 Part 9.3 Parking Controls.</p>	<p>The DCP requires car parking to be provided at the following maximum rates; Commercial – 1 space per 100m² GFA Retail – 1 space per 25m² GFA. Based on 37,478m² of commercial floor space and 939m² of retail floor space, the development could provide a maximum of 413 car parking spaces. However a total of 355 spaces are proposed. As the car parking provided is less than the maximum amount of car spaces, the development complies.</p>	Yes
<p><u>Car Sharing Parking</u> All parking spaces for car share schemes are to be:</p> <ul style="list-style-type: none"> (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. 	<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>	NA
5.0 Public Domain		
5.2 New Open Space		
<p>Provide public open space as shown in <i>Figure 5.1.1 Proposed Open Space Network</i> and in accordance with Sections 5.3 and 5.6 of this Part. To vary public open space requirements, refer to master plan controls under <i>Clause 8.1 Site Planning and Staging</i>.</p>	<p>As detailed in the background of the report, the site has been rezoned to create public open space known as “Central Park”. The development does not involve any buildings or work on the proposed park.</p>	Yes
5.8 Street Trees, Front Setback Tree Planting and Significant Trees		
<p>Street trees and front setbacks must be provided in accordance with the Street Tree</p>	<p>A condition of consent will be imposed to ensure that the new roads will provide street</p>	Yes

Relevant Control	Comment	Comply
Key Plan in the <i>Macquarie Park Public Domain Technical Manual</i> , and their health guaranteed for a minimum of 5 years.	planting in accordance with the Street Tree Key Plan in the Macquarie Park Public Domain Technical Manual. (See condition number 46 and 47).	
At grade parking is not permitted in the front setback.	All parking for the new building is located within the proposed basement levels.	Yes
5.10 Art in Publicly Accessible Places		
Art must be included in all new development with more than 10,000m ² new floor space in the amount of 0.1% of the construction cost of the works capped at \$1,500,000.	The applicant has provided a detailed Art Plan with the DA. This plan has identified two possible locations for the artwork associated with Building C. This includes the entry awning/glazing as well as seating and bike racks located in the pedestrian link to the south of the building. These works have been nominated to have a value of \$1.5 million.	Yes
Art must be located within the site so as to be publicly accessible (i.e. viewed or experienced from publicly accessible places).	The development complies with this requirement.	Yes
<p>A site specific Arts Plan is to be submitted together with the development application. The Arts Plan will include:</p> <p>(i) Arts project description and statement of artistic intent.</p> <p>(ii) Thematic framework for the artwork. Suggested themes arising from the history of the Macquarie Park Corridor are:</p> <ul style="list-style-type: none"> • Innovation and/or technology • Transport and people movement • History of Macquarie Park Corridor • Future of Macquarie Park • Natural environment <p>(iii) Concept drawing and descriptions of proposed art works including:</p> <ul style="list-style-type: none"> • Proposed location • Whether or not the artwork is integrated into the building design, landscape or other site features • Proposed use of materials with particular information to be provided on robustness, durability and low maintenance. <p>(iv) Implementation</p> <p>(v) Preliminary construction details with particular emphasis on public safety considerations.</p>	While the Art Plan provides general information on possible locations, it does not address the details required by the DCP in respect to a detailed description of the art work. The applicant is intending to complete a competitive selection process for the artist procurement, concept design and design development. It is intended that City of Ryde will have input into this process. It is proposed to include a condition of consent to require a more detailed plan to be submitted to Council which will detail the thematic framework for the artwork, concept drawings, implementation and preliminary construction details. (See condition number 40).	Yes
6.0 Implementation – Infrastructure, facilities and Public Domain Improvements		
Floor Space Ratios and Height of Buildings are to comply with the RLEP 2014.	The development complies with the FSR and building height requirement.	Yes
<p>The Access Network being roads and the Open Space Network being parks are to:</p> <p>(i) Be dedicated to Council as part of a new development and are to:</p> <ol 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</i> 	The proposed roads will be dedicated to Council as part of the development. These roads conform with the Macquarie Park Corridor Access Structure Plan and will be designed and constructed in accordance with the Macquarie Park Public Domain Technical Manual. (See condition number 46 and 47).	Yes

Relevant Control	Comment	Comply												
<i>Technical Manual</i> and Section 4 of the RDCP 2014.														
7.0 Built Form														
7.1 Site Planning and Staging														
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.	The proposal includes the provision of Road 1 and Road 14 in accordance with the DCP.	Yes												
7.3 Active Frontage														
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.	Figure 7.3.2 requires an active frontage along Road 14. The development has complied with this requirement.	Yes												
Front door and street address is to be located on the primary frontage.	The main pedestrian entrances to Building C is provided on the active frontage along Road 14.	Yes												
Loading docks, vehicular access is not to be located where primary active frontages are shown in Figure 7.3.2 Active Frontage and Setback Control Drawing unless it can be demonstrated that there is no alternative.	The loading dock and vehicular entrance is proposed from Road 1. The development complies with this requirement.	Yes												
Active uses are defined as one or more of the following: (i) Shop fronts. (ii) Retail/service facilities with a street entrance. (iii) Café or restaurants with street entrance. (iv) Recreation and leisure facilities with a street entrance. (v) Commercial or residential lobbies with a street entrance not more than 20% of the total length of the building's street frontage.	The active frontage along Road 14 includes the commercial lobby and entry area to the building. The development proposes 4 retail tenancies that are located within the ground floor. 3 of these retail spaces are setback from the main entries to the building so that you are required to access the building to access the retail spaces. The fourth retail space can be accessed directly from the pedestrian link. The development complies with the active uses requirement of the DCP.	Yes												
Entries to active frontage tenancies are to be accessible and at the same level as the adjacent footpath.	The development complies with this requirement.	Yes												
Active uses must occupy the street frontage for a depth of at least 10m in accordance with Figure 7.3.1 Active Frontages Plan Diagram and Active Frontages Elevation Diagram.	The active uses occupy the street frontage for a depth of at least 10m.	Yes												
7.4 Setbacks & Build-to-Lines														
Minimum setbacks and build-to-lines must be provided as shown in Figure 7.3.2 Active Frontage and Setback Control Drawing as follows: <table><tr><th>Frontage</th><th>Setback</th></tr><tr><td>Primary active Frontage</td><td>Nil</td></tr><tr><td>Existing/new streets</td><td>5m</td></tr><tr><td>Waterloo Rd/Talavera Rd</td><td>10m</td></tr><tr><td>M2 tollway and Epping Rd</td><td>10m green setback</td></tr><tr><td>All parks</td><td>5m built form</td></tr></table>	Frontage	Setback	Primary active Frontage	Nil	Existing/new streets	5m	Waterloo Rd/Talavera Rd	10m	M2 tollway and Epping Rd	10m green setback	All parks	5m built form	The DCP requires that the development provides a nil setback along Road 14 and a 5m setback along Road 1. The development complies with the DCP requirements.	Yes
Frontage	Setback													
Primary active Frontage	Nil													
Existing/new streets	5m													
Waterloo Rd/Talavera Rd	10m													
M2 tollway and Epping Rd	10m green setback													
All parks	5m built form													
Provide 2m setbacks to pedestrian pathways.	The building has been setback 3.25m from the pedestrian pathway. An awning is proposed over this setback which will effective result in	Yes												

Relevant Control	Comment	Comply
	the width of the pedestrian link being widened as well as providing all weather protection for pedestrians. The development complies with the intent of the DCP requirement.	
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.	The basement car park will extend to the boundary of Road 14. Given that the building is required to have a zero setback to Road 14, the basement location is considered acceptable. The basement will encroach the 5m setback by 3.45m along Road 1. The variation to the DCP is supported. The ground floor which adjoins Road 1 provides vehicular access and access to the services and substation required for the building. The development also proposes a pedestrian entry door near retail space 1. This results in the setback not being able to provide a landscape setting for the building. As such it is not necessary to provide deep soil planting in this area.	No. Variation acceptable
7.5 Awnings and Canopies		
Awnings must be provided where Primary Active Frontages are shown in Figure 7.3.2 Active Frontage and Setback Control Drawing.	An awning is required to be provided along Road 14. The development complies with this requirement. The development has also proposed an awning adjacent to the pedestrian link. This awning does not encroach the pedestrian link but will enhance the link.	Yes
Awning width is to be 3m.	The awning widths are 3.25m.	Yes
Provide awnings with a soffit height of 3.6m above the finished ground floor level.	The awnings along Road 1, Road 14 and the pedestrian link will have a soffit height of 3.9m.	Yes
Awning heights are to be coordinated with adjoining properties.	This clause is not applicable to the development as the building is not located adjacent to other developments.	NA
Glazing is not permitted in continuous awnings.	The awning will be constructed of metal clad finish.	Yes
Under awning lighting is to be provided to achieve appropriate luminance levels for pedestrians. This should be recessed into the soffit of the awning.	No details have been provided in respect to the under awning lighting. A condition of consent will be imposed to ensure details are provided on the Construction Certificate plans. (See condition number 47).	Yes
7.6 Rear and Side Setbacks		
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.	As the frontage to Road 14 is the main frontage of the building, the rear setback is the eastern elevation. The building has been setback 9.5m from the rear boundary. The building design has proposed a light weight cladding which will encroach the rear setback. This part of the building will be setback 9m from the rear boundary. This setback is considered acceptable as the development will still provide a deep soil area that will be landscaped. Also the DCP does permit elements such as sun shading, screening elements and balconies to encroach into the required area. The light weight cladding is considered to satisfy this requirement. This landscaping will contribute to the landscape character of the area. The 9.5m separation will also ensure appropriate building separation.	No. Variation acceptable
Basement car park structures should not	The basement does not encroach upon the	Yes

Relevant Control	Comment	Comply
encroach into the minimum required rear or side setback zone unless the structure can be designed to support mature trees and deep root planting.	rear setback.	
7.7 Building Separation		
<p>Provide a minimum 20m separation between buildings facing each other with a site in accordance with Figure 7.7.1 Commercial Building Separation Controls.</p> <p>Provide a minimum 10m separation between buildings perpendicular to each other within a site.</p>  <p>Figure 13. Figure 7.7.1 of Part 4.5 of DCP 2014.</p>	<p>At this stage development consent is only being given for Building C. The applicant has however provided an indicative plan that indicates the future development on the site. This is demonstrated in Figure 4.</p> <p>From this plan, Buildings C and B would be facing each other and would require a 20m separation. Buildings C and D would be perpendicular to each other and require a 10m separation. (These figures assume that both Buildings B and D would be commercial).</p> <p>There will be a non-compliance in respect of the separation between Buildings C and B as this development proposes a possible separation of 14.5m. At this stage the applicant has lodged a Concept Plan DA for the rest of the site which includes the building envelopes. This issue will be addressed in greater detail in the subsequent DA. However the separation as proposed will still allow for the future development to comply with the objective of the clause which is to provide separation to allow visual privacy and solar access to buildings and courtyard spaces.</p>	Yes. However future buildings will not comply.
7.8 Building Bulk and Design		
<p>The floor plate of buildings above 8 storeys is not to exceed 2,000m², unless it can be demonstrated that slender built forms are achieved through courtyards, atria, articulation or architectural devices.</p>	<p>The floor plate of the building will exceed 2,000m². The floor plate is effectively divided by an atrium void as demonstrated in Figure 12.</p>  <p>Figure 14. Typical floor plan showing the atrium.</p> <p>The atrium provides two bridges which will connect the northern and southern commercial floor plates as well as providing the lift and amenity facilities. This results in the north plate having an area of 1,890m² GFA and the southern floor plate being 2,085m² GFA. Solar modelling and daylight factor analysis has been completed by the applicant and this has concluded that the development provides acceptable levels of daylight. One of the other</p>	No. Variation acceptable

Relevant Control	Comment	Comply
	objectives of this requirement is to contribute to the scale and proportion of the urban form. Given the size of the atrium and that the active areas of the atrium are setback at least 19m from the front of the building means that the passive aspects of the atrium should be read externally from the street. This will contribute to the development proposing an acceptable bulk and scale.	
Façade design is to: (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 building design, and be screened from view. (v) Roof forms, building services and screening elements are to occur within the overall height controls. (vi) Ventilation louvres and car park entry doors are to be coordinated with the overall façade design.	<p>The façade of the building has been designed with an “expressed” grid pattern on each elevation. This grid pattern consists of a horizontal and vertical lightweight cladding frame. In addition to this, the curtain wall system has been articulated with the use of horizontal and vertical spandrel panels which will be laid behind the glass line in a cross shape pattern. The façade is demonstrated in Figure 15.</p>	

Relevant Control	Comment	Comply
<p>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 support by a:</p> <p>(i) Transport Management and Access Plan that entails the following measures:</p> <ul style="list-style-type: none"> • Maximise access by sustainable modes of transport and reduce car dependency. • Maximise public access. <p>(ii) Proposed vehicular access to and from the site, including the provision of car parking.</p> <p>(iii) Economic Impact Report which details retail floor space and impacts on local centres within 5kms, the quantum of employment floor space and likely employment generation.</p> <p>(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.</p> <p>(v) Details of any proposed public benefits and proposed incentive bonus.</p> <p>(vi) Arts Plan.</p> <p>(vii) Social Impact Study.</p>	<p>The applicant has not submitted a masterplan with this development. Despite this the development has submitted sufficient information to enable the development application to be adequately assessed. This has included the submission of an indicative layout for the site as demonstrated in Figure 4.</p> <p>Council has now received a concept DA for the rest of the site. This includes site layout, maximum building envelopes, on site car parking and staging of the indicative development. This DA is currently under assessment.</p>	No. Variation acceptable
8.2 Site Coverage, Deep Soil Areas and Private Open Space		
<p>A minimum 20% of a site must be provided as deep soil area.</p>	<p>The development will provide 1,474m² of deep soil planting. This equates to 12.2% of the application site area. The site area includes a significant portion of the site that is to be dedicated to Council as public roads. If this area was removed from the application area, the extent of deep soil planting would increase to 26.9% which would comply with the DCP requirement.</p>	Yes
<p>A minimum 20% of the site area is to be provided as Landscaped Area. Landscaped Area is defined as “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”.</p>	<p>The development will provide 24.8% of the site area (excluding the roads which will be dedicated to Council) as landscaped area.</p>	Yes
8.4 Topography and Building Interface		
<p>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>An accessible path of travel is to be provided from the street through the main entry door of</p>	<p>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>	Yes

Relevant Control	Comment	Comply
all buildings.		
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.	The development has retained the natural ground levels and does not need to rely on retaining walls.	Yes
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.	This clause is applicable to the pedestrian link. The development complies with this requirement.	Yes
8.5 Site Facilities		
Vehicular access to loading facilities is to be provided from secondary and tertiary streets where possible.	The access to the loading facility is proposed from Road 1. The development complies with the DCP requirement.	Yes
Rubbish and recycling areas must be provided in accordance with Section 6.3 Waste Management. These areas must: (i) Be integrated with the development. (ii) Minimum the visibility of these facilities from the street. (iii) Be located away from openable windows to habitable rooms.	All rubbish will be collected from inside the building. Vehicles will entry via the loading dock entry and exit. The waste arrangements have been considered satisfactory by Council's Senior Coordinator Resources Recovery.	Yes
Barrier free access is to be provided to all shared facilities.	The proposed development has been assessed by an Access Consultant who has concluded that the development is capable of complying with the provisions of the Disability (Access to Premises) Standard 2010 and Australian Standards AS1428.	Yes
8.6 Vehicular Access		
Vehicular access is not permitted along streets identified as 'Active Frontages'. Where practicable, vehicle access is to be from secondary streets.	Vehicular access is proposed from Road 1 which is not identified as an active frontage. The development complies with this DCP requirement.	Yes
Potential pedestrian/vehicle conflict is to be minimised by: (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.	The development has separated the vehicular access for the car parking and the loading dock, however these entries are located adjacent to each other. This results in a combined driveway width of 15m. To reduce the adverse impacts to pedestrians, between the two driveways there is a 2m wide strip that will allow the driveways to be distinguished. The access points have been assessed by Council's Senior Coordinator Development Engineering Services who has confirmed that the access arrangement is satisfactory.	Yes
Safe and secure 24-hour access to car parking areas is to be provided for building users.	The development has proposed roller doors to the car parking and the loading dock areas. This will provide secure 24-hour access to these areas.	Yes
<u>At-Grade Parking</u> Parking areas must not be located within the front, side or rear setbacks.	All parking for the new building is located within the proposed basement levels or the ground and mezzanine. Parking will not be provided in the setbacks areas.	Yes
Ventilation grills or screening devices of car park openings are to be integrated into the overall façade and landscape design of the development.	The development has proposed car parking above ground. To provide adequate ventilation, integrated louver panels have been provided along the along the eastern elevation of the ground floor. These louvers are provided	Yes

Relevant Control	Comment	Comply
	at the rear of the building and will not impact on the streetscape. There is also an adequate setback to provide landscaping which will help soften the view of the curves.	
9.0 Environmental Performance		
Commercial development is required to achieve a 4 Star Green Star Certified Rating.	<p>The applicant has submitted an Environmentally Sustainable Report in respect of the development. This report has identified that the building is targeting a 5 Star Green Star rating. The final selection of strategies will be determined during the design stage of the project, however some of the ESD strategies to be considered will include:</p> <ul style="list-style-type: none"> • Cycle facilities, including bicycle storage and end of trip facilities • NABERS 5 Star Energy • NABERS 4 Star Water • Lighting selection to provide low energy uniform, and low glare. • Commissioning and Tuning • Use of sustainable materials • Low emission external lighting • Minimising waste during construction. <p>Prior to the issue of an Occupation Certificate the applicant will be required to submit detail to verify that the development has achieved this rating. (See condition number 38 and 133).</p>	Yes
9.1 Wind Impact		
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. All applications for buildings over 5 storeys in height shall be accompanied with a wind environmental statement.	The applicant has provided a Wind Report by Vipac. The report indicates that there would be some changes to existing wind conditions in adjacent ground level areas, however, the footpaths and entrance areas would be expected to fulfil the relevant comfort criteria. It is predicted that any outdoor seating areas associated with the retail spaces 1 and 3 might be impacted by high winds over the sitting comfort criterion. The report has recommended that a 1.5m porous windscreen such as the inclusion of planters that will be 1.5m high be installed to improve the wind environment at this location. A condition of consent will be imposed to ensure compliance with the recommendations of this report. (See condition number 42 and 136).	Yes
9.2 Noise and Vibration		
An Acoustic Impact Assessment report prepared by a suitably qualified acoustic consultant is required to be submitted with all development applications for commercial, industrial, retail and community buildings with the exception of application for minor building operations.	The applicant has provided an Acoustic Report which has concluded that the development will comply with the relevant noise targets for commercial premises.	Yes
9.4 Soil Management		
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	Appropriate conditions of consent will be imposed to require the submission of an erosion and sediment control plan that meets the Council's requirements. (See condition	Yes

Relevant Control	Comment	Comply
prevent soil loss. An Erosion and Sediment Control Plan (ESCP), prepared by a suitable qualified environmental engineer, is required to be submitted in support of all development proposals.	numbers 60 and 76).	

Part 9.2 - Access for People with Disabilities

The application includes an Access Report dated 10 September 2017 as prepared by iAccess Consultants.

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 achieved subject to conditions.

Appropriate conditions are imposed requiring compliance with the recommendations made in the Report, the BCA and relevant Australian Standards. (See conditions 35 and 135).

Part 9.3 – Car Parking

The parking requirement under Part 9.3 of the RDCP 2014 is a maximum flat rate of 1 space per 100m² floor space for new industrial and commercial premises in the Macquarie Park Corridor. Retail car parking is provided at the rate of 1 space per 25m² of floor space.

The development provides the following parking provision:

	Rate (Max)	Permitted (Max)	Provision	Compliance
Commercial (37,478m ²)	1/100m ²	274.78 (375)		
Retail (939m ²)	1/25m ²	37.56 (38)		
Total		413	355	Yes

The development proposes 355 car parking spaces. As this is less than the maximum permitted, the development complies.

7 SECTION 7.11 CONTRIBUTIONS

Section 7.11 Development Contributions Plan 2007 (Interim Update (2014))

Council's current Section 94 Development Contributions Plan 2007 (Interim Update (2014)) effective 10 December 2014 requires a contribution for the provision of various additional services required as a result of increased development density.

Accordingly the contribution is based on the additional floor space there is in the development proposal. The contribution that are payable with respect to the increased density on the subject site (being for commercial development inside the Macquarie Park Area) are as follows:

A Contribution Type	B Contribution Amount
Community & Cultural Facilities	\$1,568,374.87
Open Space & Recreation Facilities	-
Civic & Urban Improvements	\$1,536,873.75
Roads & Traffic Management facilities	\$1,636,180.03
Cycleways	\$212,506.00
Stormwater Management Facilities	\$190,548.32
Plan Administration	\$57,305.42
Total Contribution	\$5,201,788.39

A condition on the payment of Section 94 Contribution of \$5,184,229.25 has been included in the draft notice of determination attached to this report. (See condition number 23).

12. LIKELY IMPACTS OF THE DEVELOPMENT

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

Trees

No trees are proposed to be removed as part of this development application. Existing trees on the portion of the site subject to this application have already been approved to be removed as part of the DA for bulk excavation.

Concerns were raised in respect to three trees that are located on neighbouring properties. While these trees were to be retained and protected as part of the bulk excavation DA, this current application results in additional disturbances to the tree protection zones of these trees. The applicant subsequently provided a revised Arboricultural Impact Statement that addressed these trees. The trees in question are trees number 73, 85 and 101. These trees are a *Syzygium* species, a *Corymbia citriodora* and *Lophostemon confertus* respectively and are all located along the northern boundary of the site. These trees are to have special protection measures implemented and precautions taken during demolition and construction works to ensure impacts are mitigated to a sustainable level. A condition of consent has been imposed to require these measures to be implemented. (See condition number 64).

Construction Hours

As part of the application, the applicant has requested that the construction hours be approved as follows:

- 7am to 7pm Monday to Friday
- 7am to 7pm Saturday
- No work on a Sunday or public holiday.

In addition to the above, the applicant has also requested that consent be granted for 24 hours construction for internal works.

Part 8.1 of DCP2014 pertains to 'Construction Activities'. Section 4.6 states the following controls in relation to construction hours:

- a. All demolition and/or construction and associated work is to be restricted to between the hours of 7 am and 7 pm Mondays to Fridays and between 8 am and 4 pm on Saturday. No work is to be carried out on Sunday or public holidays.*
- b. Council may vary these conditions if the applicant provides a formal submission demonstrating that due to the nature of the work being undertaken, or the location of the site, residents in the vicinity of the construction site will not be adversely affected.*

Excluding the internal work, the applicant has requested that construction extend until 7pm on Saturdays which would allow for a further 3 hours of construction beyond what Council's standard construction hours permit.

The relevant guideline for managing construction noise is the Interim Construction Noise Guideline (DECC, 2009). According to the Guideline construction work should only be allowed outside standard hours in the following circumstances:

- the delivery of oversized plant or structures that police or other authorities determine require special arrangements to transport along public roads;
- emergency work to avoid the loss of life or damage to property, or to prevent environmental harm;
- maintenance and repair of public infrastructure where disruption to essential services and/or considerations of worker safety do not allow work within standard hours;
- public infrastructure works that shorten the length of the project and are supported by the affected community; and
- works where a proponent demonstrates and justifies a need to operate outside the recommended standard hours.

The Guideline further states that in the last two categories, the proponent should provide the relevant authority with clear justification for reasons other than convenience, such as to sustain operational integrity of road, rail and utility networks.

The Guideline also requires the proponent to apply all feasible and reasonable work practices to minimise noise and sets a management level (LAeq) for noise outside standard hours of background level (LA90) + 5dB(A) at the property boundary of the most noise affected residence.

The reason given by the applicant for the extended hours is the location of the site and that neighbouring properties are all commercial in nature and that any noise generated by the proposed extended period of 4pm to 7pm on Saturday would not affect the acoustic amenity of those receivers as they are not typically in operation. It should be noted that there is a hotel in the vicinity of the site but for the purposes of noise, the hotel is also considered to be commercial in operation. It should also be noted that the construction period is proposed to occur predominantly within the same period as the rail shut down. Transport NSW support any hours of construction that are outside of the core hours of construction as this is likely to have less impact on the replacement bus services that will

operate in the area. This is particularly relevant given that the site is in the vicinity of a railway station. While there may be further noise impact to the nearby hotel, the extended hours will result in the overall construction time being reduced which would be beneficial to the hotel and the extended hours are relatively minor.

Consideration has also been given to the applicant's request to permit the 24 hour construction for internal works. As long as the works cannot be heard from and adjoining property, no objection is raised to internal works being completed beyond the standard hours.

To address the issue of construction hours it is recommended that the following conditions be imposed:

- **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Saturday (other than public holidays). No building activities are to be carried out at any time on a Sunday or a public holiday.
- **Works outside standard hours of construction.** Internal work may be undertaken outside of the approved hours of work outlined in the above condition only after the completion of the external shell and the sealing of the entire floor during the hours between 7.00pm and 7.00am, Mondays to Saturdays subject to:
 - i. No works are to be undertaken externally;
 - ii. No material delivery or removal of waste must take place during the extended hours;
 - iii. Approval is not given for the use of any high noise intrusive plant and equipment other than hand operated power tools; and
 - iv. The works should not be heard at the boundary of any adjoin property.

(See conditions number 5 and 6).

Crime Prevention through Environmental Design

A crime Prevention Through Environmental Design Report has been prepared in accordance with the CPTED requirements of the Act. This report has identified a number of recommendations which are to be incorporated into the detailed design of the proposed building. These recommendations are in respect to lighting, territorial reinforcement, environmental maintenance, activity and space management and access control. A condition of consent will be imposed to require the development to incorporate all of the recommendations of the report into the design of the development. (See condition number 41).

Signage

Each elevation of the building has two signage zones nominated as demonstrated in Figure 16 with the following dimensions:

- Four upper signage zones 17.2m x 3m; and
- Four lower signage zones 17.2m x 2.1m.

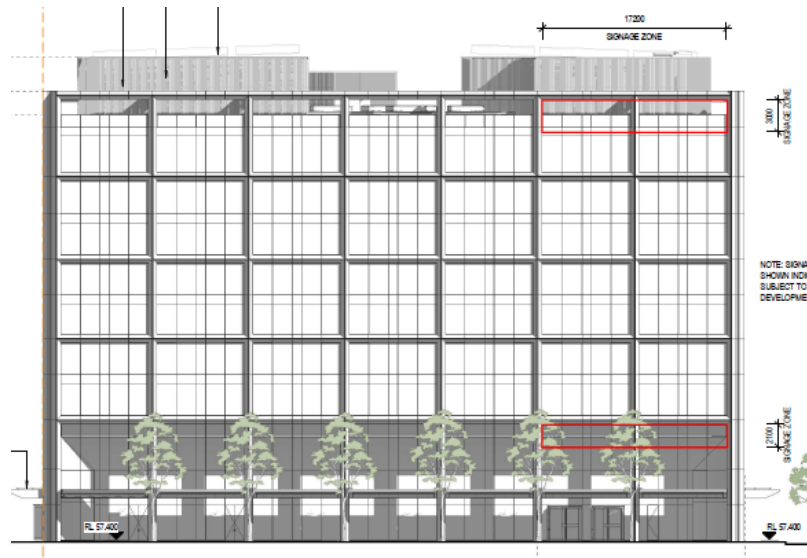


Figure 16. Typical elevation demonstrating the location of the two signage zones proposed on each elevation of the building.

The applicant intends to submit a separate development application for the installation of signage within the above zones.

RDGP 2014 Part 9.1 identifies that signage in Macquarie Park is to be provided at the rate of 1m² of signage per 1 metre of building frontage for the first 10m then 0.3m² of signage for each 1m of building frontage after that. As the site has 2 street frontages, the length of the building as it presents to the longest street may be used. Using this criteria, the building will permit a total area of approximately 32m². The extent of the signage zones as proposed by the applicant is equivalent to an area of 350.88m², which significantly exceeds Council's requirements.

Given that there is such a significant variation from Council's signage requirements and what the applicant is proposing, it is recommended that a condition of consent be imposed advising that no approval has been granted for any signs or signage zones. Any signage would require the submission of a separate development application. This approach would enable the applicant to prepare a more detailed application that considers Council's requirements in respect to signage and would result in a more appropriate balance between the established built form and character of the streetscape. (See condition number 4).

13. REFERRAL RESPONSES

External Referrals

Roads and Maritime Service (RMS)

The application was referred to the RMS for review. The full comments from RMS have been provided earlier in the report under the heading State Environmental Planning Policy (Infrastructure) 2007. RMS has provided no objections to the development subject to condition of consent. (See condition numbers 19 71, 79 and 126).

Internal Referrals

Development Engineering

The application was referred to Council's Development Engineer for review.

The following comments have been provided:

"Stormwater Management"

An initial review identified several matters which the applicant has responded to by way of revised plans. A review of these items is as follows;

- *Copies of the software files used to formulate the OSD and WSUD design parameters must be submitted to Council for clarification of the design.*

As noted in the initial review, the OSD analysis has slightly deviated from Council's requirements (the consultant has based on the rates from the *pre-developed* flows – not the *post-developed* flows). Despite these discrepancies the analysis reveals that the consultant has modelled the *pre-developed* site as only 40% impervious which, in comparison to the *post-developed* conditions being 90% impervious, presents as a conservative level of PSD and is accepted.

- *The proposed Road 1 (adjoining the northern boundary) is noted to incorporate a sag just east of the intersection with the new Road 14 (aligned north-south, originating from Waterloo Road). The sag must be eradicated as any extreme storm event or blockage of the drainage system will result in road water ponding in Road 1 along the southern frontage of Building C, before overflowing and entering downstream property (No. 2 Talavera Road). It would appear the civil design has nominated approximately a metre of fill at the intersection of Road 1 and Road 14, creating a crest at this intersection. This will need to be lowered to approximate the existing ground levels and may require reconfiguration of access paths to Building C.*

The revised civil plans have eradicated the sag however the eastern portion of the new Road 1 (fronting the proposed vehicle entry to Building C) slopes towards Lane Cove Road, contrary to the point of discharge. As such, the failure mode (failure of the below ground system either due to an extreme storm event or blockage in the system) would have potential to impact downstream property. Technically the arrangement would warrant an easement however the development presents the following circumstances and measures which address this issue;

- The portion affected is relatively very minor, presenting as less than 1% of the greater development site.
- The stormwater management system servicing this location is a dual line system, each line having capacity to service the area. Accordingly the chance for failure or overland flow into adjoining properties is greatly reduced.
- Notwithstanding the above, any ponding water in this location would overflow to the west. Not an entirely acceptable arrangement given the natural fall of the land is to the east however, the arrangement could be tolerated until Road 1 is extended east.

- Following the above point, Road 1 will be extended east to Lane Cove Road upon development of the neighbouring property to the east. This will entail the connection of Road 1 in the subject site, providing a clear defined overflow path and drainage to the greater trunk drainage system in Lane Cove Road thereby eradicating the low spot.

In summary of the Stormwater component, the following matters are to be noted and/ or addressed in the following conditions;

- As noted in the initial review, it appears that the site has a natural fall to the northwest corner however the present state of development on the lot has graded the land to a discharge point midway along the western boundary. It would appear that this current arrangement exacerbates flooding in a localised sag spot, mostly effecting the property to the north (TPG site). It therefore would be desirable that the topography (and drainage system) be aligned with the natural form of the land and all stormwater runoff directed to the north-western corner. This arrangement however would require the registration of an easement over the adjoining lot in order to discharge to the public drainage infrastructure located in the neighbouring lot. The applicant advised Council during this application that the procurement of an easement has not been forthcoming from the owner of the neighbouring lot. Accordingly, it has been agreed that the retention of the existing discharge point would be accepted for this application due to the scale of the development and implementation of OSD however future development of the lot (and the inevitable extension of Road 1 to the western boundary) would need to resolve this matter.
- The provided stormwater management plans are very conceptual in regards to the private drainage system and are inadequate for the purpose of issuing stamped plans. Notwithstanding this, the plans have been referenced in the standard condition and additional clauses have been included to address the final design of the system and its correlation with the final approved Public Domain system.
- The standard conditions concerning stormwater management have been tailored for building “C” only to remove confusion in regards to the infrastructure to be allocated for Public Domain.
- The applicant has reduced the extent of infrastructure to be dedicated as public road (the length of Road “1” has been reduced such that it does not extend west of Road 14). Drainage of this infrastructure will however be directed to the western end of the site, to the point of discharge. As this infrastructure will service public domain areas, the services will come under the care and ownership of Council and will warrant an easement in gross over the services. This is addressed by condition.

Vehicle Access and Parking

The revised plans have reduced the parking capacity from 359 to 355 parking spaces and increased bicycle storage capacity from 240 spaces to 376. These levels are in accordance with the DCP controls which stipulate;

- Commercial parking should not exceed 1 space per 100m² for commercial / retail and therefore, with the proposed GFA of 38,279m², the maximum parking limit for

the development is 383 parking spaces. The development is in accordance with 355 spaces proposed.

- The level of bicycle parking has far exceeded the minimum required (bike parking must be equivalent to at least 10% of the vehicle parking required) specified in the DCP Part 9.3 (*Parking Controls*).

An initial review of the parking layout notes with respect to the DCP and AS 2890 noted that the proposed loading bay and garage entry were to be separated by at least 2m so as to provide a pedestrian refuge. CWI have also identified that the configuration of the driveway access as an extension of the road pavement into the site will not be accepted (ie the footpath takes precedence and a formed crossover is required). The applicant appears to have responded with retaining the driveway as originally configured and provided a physical pedestrian refuge. This is not supported. The matter can be rectified by reducing the vehicle entry width at the building alignment. In this case, the loading dock entry is to be reduced from 5.3m wide to 4.30m and the greater carpark entry reduced from 8.21m to 7m, enabling a 2m, separation at the building alignment. This is addressed by condition.

Recommendation

There are no objections to the proposed development with respect to the engineering components, subject to the application of the following conditions being applied to any development consent being issued for the proposed development.” (See condition numbers 20 to 22, 55 to 60, 68 to 70, 100 to 103, 127 to 132).

City Works & Infrastructure (Drainage)

The application was referred to the Drainage section of Council’s City Works & Infrastructure Department for review.

The following comments have been provided:

“The plans are acceptable and can be approved subject to appropriate conditions of consent.”

The appropriate conditions have been included. (See condition numbers 59 and 60).

City Works & Infrastructure (Traffic)

The application was referred to the Traffic section of Council’s City Works & Infrastructure Department for review.

The following comments have been provided:

Traffic Generation Rates

The applicant has conducted traffic count survey at 8 Khartoum Road, a predominantly commercial site in Macquarie Park which the applicant considered comparable to the development site. The survey resulted to peak hour trip generation rates of 0.42 (AM) and 0.30 (PM) based from 250 parking spaces.

In order to verify the applicant's traffic generation rates, Council staff has undertaken a traffic count survey at 8 Khartoum Road, Macquarie Park on 22 March 2018. Survey result indicated that between 4:30PM and 5:30PM, a total of 102 vehicle trips were generated by the site. Discussion with the building manager revealed that at 8 Khartoum Road, only 4 out of 5 floors were occupied and hence, the building manager has allocated only 200 out of the 250 spaces for use by the current occupant. Adapting 200 parking spaces for the site as discussed above, the site currently generates 0.51 trips per parking space in the PM peak hour. In addition, the building manager also confirmed that parking occupancy rate is always above 90%, if not 100%.

However, Council has recently accepted traffic generation rates of 0.65 (AM) and 0.39 (PM) trips per space, on another development site in Macquarie Park.

Therefore, to be consistent and in absence of more relevant and detailed surveys, Council has accepted the applicant's proposed rates of 0.52 (AM) and 0.39 (PM) trips per parking space for Building C only.

It was agreed with the applicant's traffic consultant that the above traffic generation rates will be validated or updated prior to submission of Masterplan Traffic Impact Assessment report. Survey site location(s) and duration must be agreed with Council's Traffic department prior to undertaking this work.

External Traffic Implications

Intersection assessment undertaken at Waterloo Road/Lane Cove Road and Waterloo Road/Khartoum Road intersections indicated that the anticipated traffic generation due to the proposed development (that is Building C only) has no significant effect on the operation of these intersections."

Appropriate conditions have been included. (See condition numbers 18, 53, 54, 98, 99, and 126).

City Works & Infrastructure (Public Domain)

The application was referred to the Public Domain section of Council's City Works & Infrastructure department for review.

The following comments have been provided:

- *"The development is subject to the standards and requirements of the City of Ryde Development Control Plan DCP 2014 Part 4.5 Macquarie Park Corridor, North Ryde, and the City of Ryde Public Domain Technical Manual PDTM Section 6 – Macquarie Park Corridor.*
- *The pavement of the footway is to be designed according to the requirements of the Public Domain Technical Manual, Section 6 - Macquarie Park Corridor.*
- *According to the City of Ryde Council DCP 2014 Part 4.5 the new public roads will have to be provided – Figure 4.1.1 Access Network. The new road **Nº14** is to be 14.5 m wide in accordance with Figure 4.1.3 and the new road **Nº1** is to be 20.0 m wide.*
- *The design of the new roads **Nº1** and **Nº14** must consider matching with existing levels of Waterloo Road and Lane Cove Road. At the rear section of the site proposed road levels must be suitable for future connection with existing infrastructure. The*

applicant shall redesign the finished levels for all Council's infrastructures elements in order to ensure a smooth transition will be achieved.

- The vehicular access from Waterloo Road to the site is restricted in manner left in/left out way into new road **Nº14**.*
- The new roads **Nº1** & **Nº14** and proposed **pedestrian link** are to be fully constructed and dedicated to Council. All elements of required infrastructure within the new roads, including lighting, paving, street furniture, landscaping and the tree planting are to be provided as required in the Macquarie Park Corridor Public Domain Technical Manual.*
- New roads **Nº1** & **Nº14** and proposed **pedestrian link** are to be maintained by the landowner until dedicated to Council. The mechanism to dedicate and timing should be elucidated in the Voluntary Planning Agreement.*
- The reconstruction of existing infrastructure is to be achieved through the construction of new footpath, kerb and gutter along the Waterloo Road and infill of road pavement for a minimum width of one traffic lane.*
- Proposed kerb return profiles are to be provided to ensure proper connections to existing kerb and gutter along Waterloo Road.*
- The applicant is to provide suitably prepared engineering plans providing details that demonstrate the smooth connection of the proposed road into the remaining street scape. This will include relevant existing and design surface levels, drainage pit configurations, kerb returns that would enable street sweepers to properly manoeuvre.*
- Existing power poles in Waterloo Road fronting the development site are to be replaced with new MFP's (minimum of 5) in accordance with Council's MFP schema plan.*
- Multi-function poles (minimum of 6) are required on the Eastern side of new road **Nº1** (Reference to be made to Council's MFP schema plan).*
- Multi-function poles (minimum of 6) are required along new road **Nº14** (Reference to be made to Council's MFP schema plan)*
- Multi-function poles are required along new pedestrian link.*
- All telecommunication and utility services are to be placed underground along both Waterloo Road and new roads **Nº1** and **Nº14** frontages.*
- According to Public Domain Manual - Section 6 and 3.3 Access Network – Cycleway strategy- The **Bicycle Network** is to be implemented as off-street shared cycleway along **Regional Bicycle Route** in Waterloo Road. Cycleways are to be located, as per approved concept plan from Council's Traffic Department adjacent to the property, to minimise conflict with street trees, lighting, signage and other public domain elements. The **Local Bicycle Network** is to be implemented as off-street shared cycleway in accordance with the Ryde Bicycle Strategy 2014 along proposed new road **Nº1**, located adjacent to property boundary to minimise conflict with street trees, lighting, signage, and other public domain elements.*
- Road Opening Permits will be required for any construction work on the road.*
- There will be several hold points for inspections during the course of the construction in the public domain area."*

Appropriate conditions have been included. (See condition numbers 16, 17, 46 to 52, 67, 68, 114 to 125).

City Works & Infrastructure (Waste)

The application was referred to the Waste section of Council's City Works & Infrastructure Department for review.

No comments or conditions were required to be provided.

Consultant Landscape Architect

The application was referred to Council's Consultant Landscape Architect for review.

The following comments have been provided:

"This assessment considers the proposed landscaping as part of a development application for the construction of a new mixed use commercial and retail building at the subject site being 45-61 Waterloo Road, Macquarie Park. It is noted that the proposal forms Stage 1 of a broader masterplan for the overall site and an early works development application (LDA2017/0334) has been previously approved.

The submitted landscape and open space design has generally been assessed as satisfactory however it is noted that the overall level of deep soil and dimensions of deep soil areas do not meet the requirements of Section 8.2 of Part 4.5 of the Ryde DCP 2014. In addition, the location/alignment of the through site pedestrian connection has not been provided in accordance with the location demoted within Figure 4.1.1 of Part 4.5 of the Ryde DCP 2014. A number of other minor issues have been raised in relation to tree planting and tree retention which has been addressed via conditions.

It is noted that while no tree removal is proposed as part of this application, some concern has been raised in relation to the level of impact three (3) trees located on the adjoining allotments. Whilst this was raised as part of the early works development application for the site, the Stage 1 works appear to result in additional levels of impact to these trees. As such, further clarification has been sought from the applicant that these trees will be unaffected by the proposal or alternatively design modifications undertaken to reduce impacts to a sustainable level.

In addition to the above, a number of tree protection conditions have been recommended to form part of any consent granted to ensure sufficient protection of existing retained trees is undertaken."

The applicant subsequently submitted a revised Arboricultural Impact Appraisal in respect of the three (3) trees that were of concern. This was reviewed by Council's Consultant Landscape Architect who provided the following comments:

"The revised Arboricultural Impact Appraisal submitted indicates that those trees of concern (Tree 73, 85 and 101) are to have special protection measures implemented and precautions taken during demolition and construction works to ensure impacts are mitigated to a sustainable level. Provided protection and supervision of works within the tree protection zones is carried out in accordance with the recommendations of the revised Arboricultural Method Statement, the retention of these trees can be supported."

Appropriate conditions of consent have been included in the application. (See condition numbers 43, 44 63, 64, 92 to 96).

14. PUBLIC NOTIFICATION & SUBMISSIONS

The application was publicly exhibited from 6 October 2017 to 1 November 2017 and an advertisement was placed in the *Northern District Times* on 11 October 2017 in accordance with the relevant provisions of the RDCP 2014.

No submissions were received.

15. CONCLUSION

This report considers an application for the construction of a mixed use development containing commercial and retail uses at 45-61 Waterloo Road, Macquarie Park.

The development results in two minor variations to the DCP requirements in respect to the extent of the basement within the required setback to Road 1 and the rear setback. Both of these variations are relatively minor can be supported on planning grounds.

The development is consistent with the desired future character of the precinct as identified in the relevant planning instruments. The application relies on the incentive provisions in respect to height that are permitted by the Ryde Local Environmental Plan 2014.

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

16. 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 deferred commencement consent to development application LDA2017/390 for the construction of a mixed use development at 45-61 Waterloo Road, Macquarie Park subject to the conditions of consent in Attachment 1 of this report.
- B. That a copy of the development consent be forwarded to RMS.

Report prepared by:

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Report approved by:

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