

COUNCIL ASSESSMENT REPORT

Panel Reference	2018SNH009
DA Number	LDA2017/0547
LGA	City of Ryde
Proposed Development	<p>The proposal comprises a Concept Development Application for development of the entire 30,030m² site, and for the initial stage of development (Stage 01).</p> <p>The Concept Development Application includes the design parameters such as building envelopes, building layout, parking, roads, open space as well as staging of the future development of the site. The Concept Development includes the building envelopes for five commercial offices to a maximum height of 44.5m, and four retail and support pavilions around a central publicly accessible open space area, known as Bochetto Park. Basement parking will be provided for 987 vehicles. The proposal also includes a new public road, two private roads and a pedestrian through site link.</p> <p>Stage 01 works include the demolition of the existing south-western building, construction of a 10 storey mixed use commercial and retail building with 3 levels of basement car parking, construction of a portion of the internal 14.5m private road connecting to Khartoum Road, construction of a portion of the pedestrian through site link and associated landscaping.</p>
Street Address	11-17 Khartoum Road and 33- 39 Talavera Road, Macquarie Park
Applicant/Owner	Stockland Pty Ltd/ The Trust Company Limited
Date of lodgement	21 December 2017
Number Submissions	No submissions were received during the notification period for the DA. One submission was received during the notification of the VPA. This submission raised questions in respect to the DA and should be considered as a late submission.
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	<p>General Development over \$30 Million –</p> <p>Cost of works: \$246,500,000</p>

List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Regulation 2000; • Environmental Planning and Assessment Act 1979; • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (State and Regional Development) 2011; • State Environmental Planning Policy No. 55 – Remediation of Land; • State Environmental Planning (Vegetation in Non Rural Areas) 2017; • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; • Greater Sydney Regional Plan - A Metropolis of Three Cities, 2018; • Ryde Local Environmental Plan 2014; • Draft Remediation of Land State Environmental Planning Policy: • Draft Environment State Environmental Planning Policy; • City of Ryde Development Control Plan 2014; and • Section 94 Development Contributions Plan 2007.
List all documents submitted with this report for the Panel's consideration	<p>Attachment 1: Draft Conditions of consent</p> <p>Attachment 2: General Terms of Approval Water NSW</p>
Report prepared by	Brendon Clendenning, Consultant Town Planner
Report date	4 November 2019

Summary of s4.15 matters

Yes

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

Legislative clauses requiring consent authority satisfaction

Yes

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?

Clause 4.6 Exceptions to development standards

N/A

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?

Special Infrastructure Contributions

No

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

Conditions

Have draft conditions been provided to the applicant for comment?

Yes

1. EXECUTIVE SUMMARY

This report considers a concept development application ('concept DA') under Section 4.22 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for a four-stage commercial development at DP 633221, 11-17 Khartoum Road and 33-39 Talavera Road.

Per section 4.22(2) of the EP&A Act, the proposal also seeks approval for the first stage of development. Stage 01 is for a 10-storey commercial office building including three basement levels (Building A), the partial construction of a new 14.5m wide private road running parallel to Talavera Road, and partial construction of a new pedestrian through site link running parallel to Khartoum Road.

The concept DA involves building envelopes for the proposed tower forms, with floor area, open space and building siting nominated within this application. Inclusive of Stage 01, five tower envelopes are proposed across the site to be delivered in four stages. The tallest buildings within the development will be Buildings A, with a total height of 10 storeys.

The application was notified and advertised in accordance with Part 2.1 of *Ryde Development Control Plan 2014* (Ryde DCP 2014) and no submissions were received. None of the amendments to the plans during the assessment period necessitated the renotification of the application. One submission was received during the notification of the Voluntary Planning Agreement which raised questions associated with the development application rather than the VPA. For this reason, this submission has been addressed in this report.

The proposal complies with the planning requirements under Ryde Local Environmental Plan 2014 (Ryde LEP 2014). In particular, the proposal utilises the incentive provisions under clause 6.9 of Ryde LEP 2014 for additional floor space and height which is to be distributed across the site under the concept DA. A Planning Agreement has been executed between the applicant and council which will allow for the carrying out of road works, associated road dedication, public domain works, and creation of a pedestrian link and associated easement. These requirements are generally in accordance with the Access Network Structure Plan under the Ryde Development Control Plan 2014 (Ryde DCP 2014).

With respect to the Ryde DCP 2014, the proposal will result in a single non-compliance in relation to the concept DA (building separation), and 8 non-compliances associated with Stage 1, largely relating to site coverage and building siting controls. Each of these non-compliances have been addressed in the report and the variations can be supported.

Environmental constraints that affect the site include the existing vegetation found throughout, as well as the relatively shallow groundwater level. The application has demonstrated that the site is of minimal contamination risk and that no further information is required to satisfy clause 7 of State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55).

The Roads and Maritime Services (RMS) have provided their support for the proposal subject to conditions. The RMS have required that the applicant provide a financial contribution to intersection upgrades within the locality and this has been agreed to by the applicant.

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

The concept DA is consistent with the desired future character of the precinct as identified in the relevant planning instruments. It will contribute to significant economic growth and prosperity of Macquarie Park and facilitate the orderly development of the site. The Stage 01 building is of high-quality architectural design, which has responded to the location within the mixed-use area it is positioned, while providing commercial development within the central Macquarie Park precinct.

This report concludes that this development proposal for the broader concept DA and the construction of Stage 01 is sound in terms of design, function and relationship with its neighbours. This report recommends that consent be granted to this application in accordance with conditions provided in Attachment 1. These conditions have been reviewed and agreed to by the applicant.

2. APPLICATION DETAILS

Applicant: Stockland Pty Ltd c/- Urbis Pty Ltd

Owner: The Trust Company (Australia) Limited

Capital Investment Value:

- Entire Development: \$246,500,00 (estimate provided at lodgement)
- Building A: \$81,271,195 (estimate provided at lodgement)

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

3. SITE DESCRIPTION

The site is positioned on the corner of Khartoum Road and Talavera Road, as shown in **Figure 1**, and has a total site area of approximately 30,030m². The development site, known as the Macquarie Technology Park, has two primary frontages being 11-17 Khartoum Road to the north-west (181.05m) and 33-39 Talavera Road to the north-east (165.96m). The site comprises a single regularly-shaped allotment legally described as Lot 1 in DP 633221.

The site falls moderately from the western corner to the eastern corner by approximately 11m. As such, the site currently functions at two distinct levels with a concrete retaining wall at the Khartoum Road boundary, and an inclined driveway along the southeast boundary connecting the upper and lower levels. A significant portion of the site comprises at grade parking, primarily at the perimeter and along building edges, these are accessible via two driveways off Talavera Road and three off Khartoum Road.

Both frontages are lined by mature trees, landscaped garden beds, hedging and turf, creating a vegetative buffer to the adjoining footpaths and cycleway. Some mature trees are present across car parking and building entrances with landscaping at building edges predominantly comprising of hedging.



Figure 1. Aerial Image of the site location
(Source: SIX Maps, edited for diagrammatic purposes)



Figure 2. Image depicting lot boundaries
(Source: SIX Maps, edited for diagrammatic purposes)

Existing Development

The site is currently known as the Macquarie Technology Centre, which includes two buildings both comprising office and warehouse development and over 400 at-grade car parking spaces across the site. Building 1, as shown in **Figure 3**, is two storeys in height, features a white and grey façade with pronounced external pillars, and a broad, convex primary entrance. The eastern half of the building comprises office space, largely rectangular with some articulation, and the western half comprises warehouse space with a loading dock accessed from Talavera Road.

Building 2, as shown in **Figure 4**, is located toward the southwest boundary of the site, is six-storeys in height with its primary entrance accessed from the upper carpark level towards the site's rear boundary, and a loading dock at the lower level. The building features similar form, colour and materiality to Building 1. Demolition of Building 2 is sought as part of the Stage 01 proposal.



Figure 3. View to subject site from intersection of Talavera Road and Khartoum Road



Figure 4. Main driveway entrance to Building 1 from Talavera Road



Figure 5. View to Building 1 from Talavera Road with bicycle path and bus stop



Figure 6. View to rear boundary from Talavera Road carparking entrance



Figure 7. View to Building 2 from Khartoum Road carparking entrance



Figure 8. Main entrance to Building 2 from carpark adjoining rear boundary

Surrounding Development

The site is generally surrounded by commercial development consistent with Macquarie Park's function and character as a business precinct. Buildings in the immediate vicinity of the subject site include:

- Talavera Road: Health Macquarie Park, Westpac Data Centre, DXC Technology, Ancare Australia, Hitachi Vantara Australia, Merial Australia and Toshiba
- Khartoum Road: AstraZeneca, Fuji Xerox, Kennards Self Storage, Beiersdorf Australia

Nearby buildings are shown within the images below:



Figure 9. Fuji Xerox building opposite the site, on Khartoum Road



Figure 10. Kennards Self Storage adjoining the site at the rear, southwest boundary

4. SITE CONTEXT

The site is located approximately 12km north-west of the Sydney CBD within Macquarie Park. Macquarie Shopping Centre and Macquarie University's main campus entrance are located 550m and 850m north-west of the subject site respectively, with access to the Lane Cove National Park and Lane Cove River approximately 900m to the north-east – refer to image below.

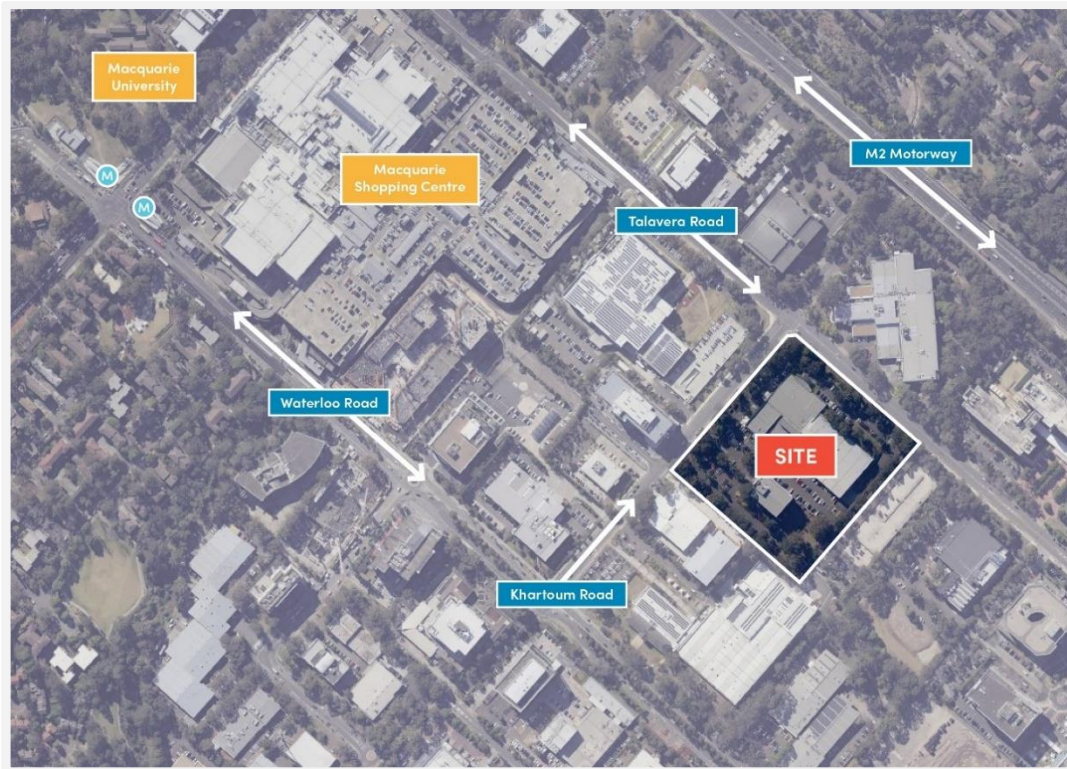


Figure 11. Site context and locality
 (Source: SIX Maps, edited for diagrammatic purposes)

The site is located within the B7 Business Park zone under the Ryde LEP 2014, on the corner of Khartoum Road and Talavera Road. The surrounding area contains land within the B4 Mixed Use to the west and land within the B3 Business Park zone immediate to the south. Adjoining properties on either side of Talavera Road are also located within the B7 zone.

The surrounding built form consists of lower density, older warehouse and office spaces, and higher density contemporary office buildings. The scale and style of buildings are diverse, indicative of the current trend of aged building stock being replaced by modern commercial offices, as well as technology and service-based industries.

Macquarie Park and Macquarie University metro stations are located approximately 750m south-west and north-west of the site respectively, with high frequency bus services running adjacent to the site on both Khartoum Road and Talavera Road. A marked bicycle path located along the Talavera Road frontage provides access to the wider walking and cycling network located in the vicinity. It is also noted that Transport for NSW and Roads and Maritime Services are proposing a range of improvements to the road network in Macquarie Park, as part of the Bus Priority Infrastructure Program.

5. PROPOSAL

The proposal comprises a Concept Development Application for development of the entire 30,030m² subject site, as discussed below. The proposal also seeks approval for the initial stage of development, known as Stage 01.

5.1 Concept Development

Section 4.22 of the EP&A Act outlines the legislative framework for concept development applications as follows:

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

- (1) For the purposes of this Act, a **concept development application** is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for the site or for separate parts of the site are to be the subject of a subsequent development application or applications.*
- (2) In the case of a staged development, the application may set out detailed proposals for the first stage of development.*
- (3) A development application is not to be treated as a concept development application unless the applicant requests it to be treated as a concept development application.*
- (4) If consent is granted on the determination of a concept development application, the consent does not authorise the carrying out of development on any part of the site concerned unless:
 - (a) consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site, or*
 - (b) the concept development application also provided the requisite details of the development on that part of the site and consent is granted for that first stage of development without the need for further consent.**

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

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

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

In this regard, the application specifically requests that the proposal be treated as a concept DA per subsection (3), with a detailed proposal set out for the first stage of the development, per subsection (2).

The concept application proposes five (5) commercial office buildings surrounding a central open space known as Bochetto Park. Building heights step down from 10 storeys at Building A, located on the southwest boundary adjoining proposed Road 01, to 8 storeys at Building B, 7 storeys at Building C and 6 storeys at Buildings D and E. The total gross floor area of the development is 59,769m², comprising a mix of office tenancies with retail tenancies at ground level as well as four (4) retail and support kiosks facing Bochetto Park. Two internal private roads are proposed to run north-west to south-east through the site connecting Khartoum Road to proposed new Road 22. A pedestrian link is proposed to run perpendicular to the internal roads connecting Talavera Road to proposed Road 01.

The retail component is anticipated to comprise a combination of food, beverage and convenience outlets, and will depend on future tenancy agreements (subject to future DAs). The development comprises three (3) levels of shared basement accommodating a total of 987 parking spaces (295 of which are to be provided in Stage 1), including accessible spaces, and designated car share spaces. The proposal also provides bicycle parking spaces, and end of trip facilities. The proposal includes a dedicated loading area, suitable for 8.8 MRV access, located at ground level of Building A to service commercial vehicles. A further 7 on street spaces will be provided on the proposed internal private roads, all of which are in future stages.

Component	Concept Development	Stage 01
Site Area	30,030m ²	
GFA	Office: 58,326m ² Retail: 1,443m ² Total: 59,769m ²	Office: 17,310m ² Retail: 443m ² Total: 17,753m ²
FSR	1.99:1	0.59:1
Height	Building A – 44.5m (10 storeys) Building B – 37.1m (8 storeys) Building C – 33m (7 storeys) Building D – 29.7m (6 storeys) Building E – 29.7m (6 storeys) Support Retail – 5m	Building A – 44.5m Support Retail – 5m
Parking	987 spaces 7 on street parking spaces	295 spaces, including: <ul style="list-style-type: none"> • 10 accessible spaces • 25 small car spaces • 6 car share spaces • 4 loading bays 60 bicycle parking spaces
Public Space	Bochetto Park Site boundary Landscaping	Perimeter landscaping around Building A

Table 1. Numeric Overview of Proposed Development

Access and Connectivity

New road and pedestrian connections are proposed as part of the concept development application, these include:

- Road 22, a 14.5m wide road constructed along the south-eastern boundary of the site connecting Talavera Road and future Road 01
- One Pedestrian Through Site Link to connect future Road 01 and Talavera Road.
- Two internal 14.5m private roads connecting Khartoum Road to Road 22.

Figure 13 demonstrates the location of these roads and pedestrian link. Associated landscaping for each of these connections is proposed, including street tree planting, raised planters with seating, and groundcover planting. The applicant notes that the private roads are not detailed in Council's structure plan, they have instead been incorporated into the design to meet tenant expectations and improve amenity and access to the overall development.

Open Space

The application proposes a publicly accessible, but privately-owned open space, known as Bochetto Park, at the centre of the development, and approximately 5,332m² in size. The Park's central location positions it as a communal shared space with views from each of the five commercial buildings and the four support retail kiosks fronting the Park.

The Landscape Plan prepared by Site Image Landscape Architecture proposes a perimeter of evergreen trees around a central lawn to create a space that intends to be flexible in active and passive use and cater to the needs of future tenants. The Park's design improves the pedestrian permeability of the site and provides opportunities for outdoor dining, street furniture and overall amenity for users. A Public Art Strategy prepared by Site Image Landscape Architecture proposes a number of public art opportunities for the site with a focus on implementing appropriate works within the Park.



Figure 12. Extract from Landscape Concept Proposal
(source: Site Image Landscape Architects)

Concept Development Stages

The concept involves the redevelopment of the site in four (4) stages for the purpose of commercial land uses, building envelopes, landscaping, road network and pedestrian link, car parking, and associated infrastructure which is further outlined in **Table 2** below. The development of subsequent stages (stages 2 – 4) will be subject to future development applications.

STAGE	Intended Development
01	Building A. Portion of 14.5m private road connecting to Khartoum Road.
02	Building B. Completion of 14.5m private road connecting to Road 22. Portion of Pedestrian Through Site Link. Portion of Road 22.
03	Building E. Majority of support retail and open space, including Bochetto Park. Portion of 14.5m private road connecting to Khartoum Road. Completion of Pedestrian Through Site Link.
04	Building C and Building D. Completion of Support retail and open space, including Bochetto Park Completion of Road 22. Completion of 14.5m private road connecting to Road 22.

Table 2 – Concept Proposal Staging

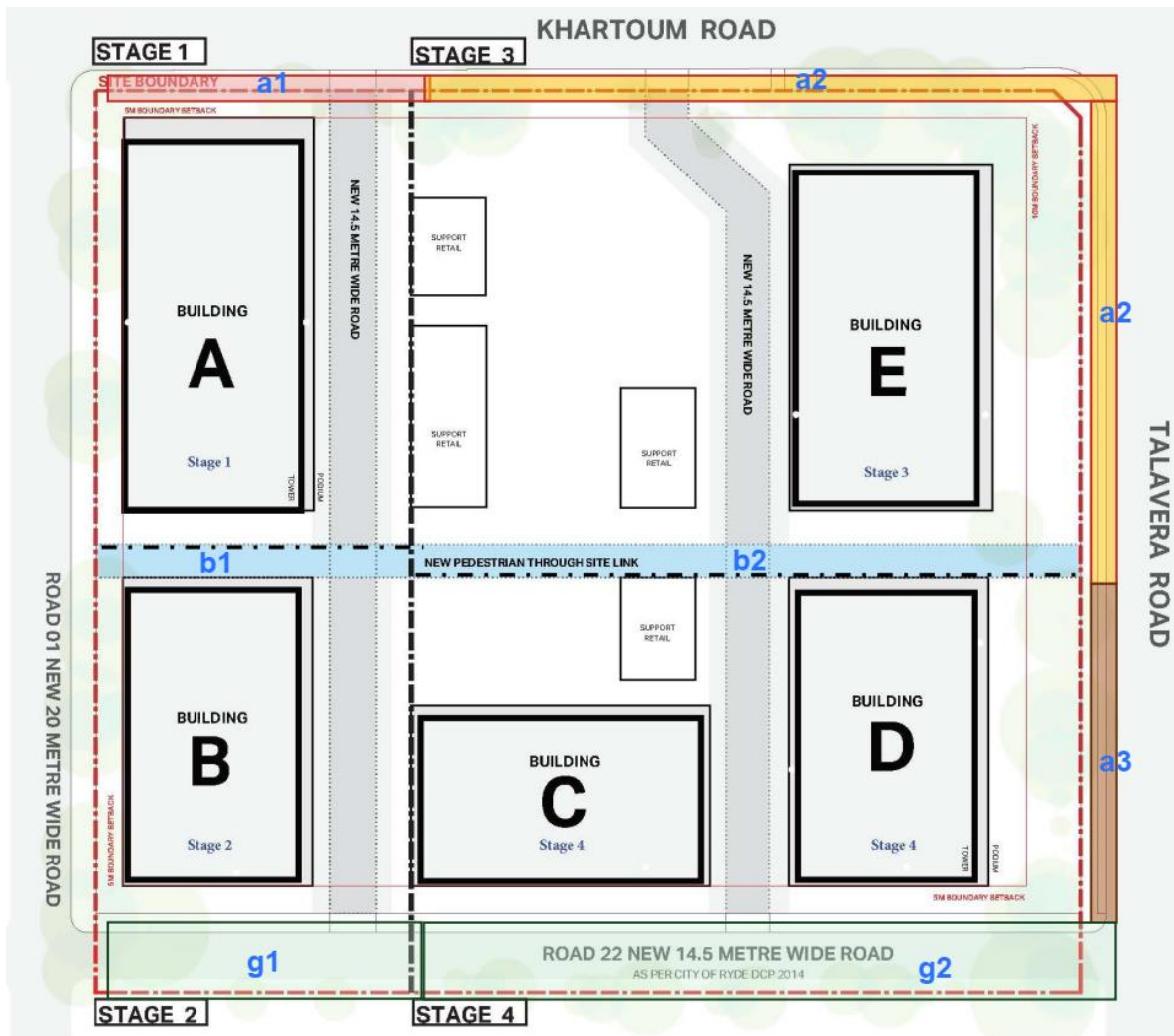


Figure 13. Extract from Staging Plan exhibited with the draft planning agreement (source: 3XN)

It should be noted that Figure 13 is different to the staging plan shown within the application package. The plans with the application indicate that the completion of the through-site link will be undertaken as part of Stage 4, whereas the plan attached to the planning agreement (shown above) indicates that the through-site link will be within Stage 3. Conditions have been imposed to ensure that this is completed in Stage 3.

It should also be noted that all stages include associated public domain works to the site frontages. However, no road works are required to New Road 01, given this area is located entirely within the neighbouring site to the south-west.

5.2 Stage 01

In addition to the Concept Development detailed above, the application concurrently seeks detailed approval for Stage 01, being for demolition, excavation

and construction. The site area of Stage 01 works accounts for approximately 20% of total subject site area with physical works consisting of:

- Demolition of the existing south-west building (Building 2) and associated structures.
- Construction of a 10-storey commercial building with a total height of 44.5m (Building A).
- Excavation to a depth of 9.2m for three basement levels containing 295 car parking spaces.
- Landscaping associated with new buildings and open space.
- Construction of portion of proposed internal 14.5m private road connecting to Khartoum Road.

Building A

Stage 01 works largely pertain to the construction of Building A, a 10-storey commercial building with a total GFA of 17,759m², which at 10 storeys is the tallest building in the proposed concept development. Building A will occupy the southwest corner of the site with its main entrance facing the proposed private road connecting to Khartoum Road, a secondary entrance at Khartoum Road, and third entrance which will face New Road 01 once completed. The building comprises of three (3) basement car parking levels and provides 295 spaces in total, including 10 accessible spaces, 6 car share spaces and 60 bicycle parking spaces with end of trip facilities.

A dedicated loading area, suitable for 8.8m MRV access, is located at ground level to service commercial vehicles. The ground level also comprises two retail spaces with a total GFA of 443m², a lobby and reception area, conference theatre and spaces for gas, water, fire control, garbage and recycling services. The remainder of floors comprise solely of office space and amenities with levels one and two featuring paved outdoor terraces landscaped with planter walls, shrubs and grasses. The building facade comprises sun shades in light grey perforated metal and high-performance glazing with laminated timber panels, also in grey. The podium façade and column cladding both feature dark brown terracotta.

Access and Connectivity

The first of two proposed private roads will be established, in part, during Stage 01. The 14.5m road will provide access to Building A from Khartoum Road and culminate in a temporary turning bay which is to be demolished at Stage 02. Stage 01 will also comprise the development of a portion of the proposed pedestrian through-site link running parallel to Building A's southeast frontage. These connections will be landscaped with street tree plantings, raised planters and turfed areas, as detailed in the Landscape Plan prepared by Site Image Landscape Architects.

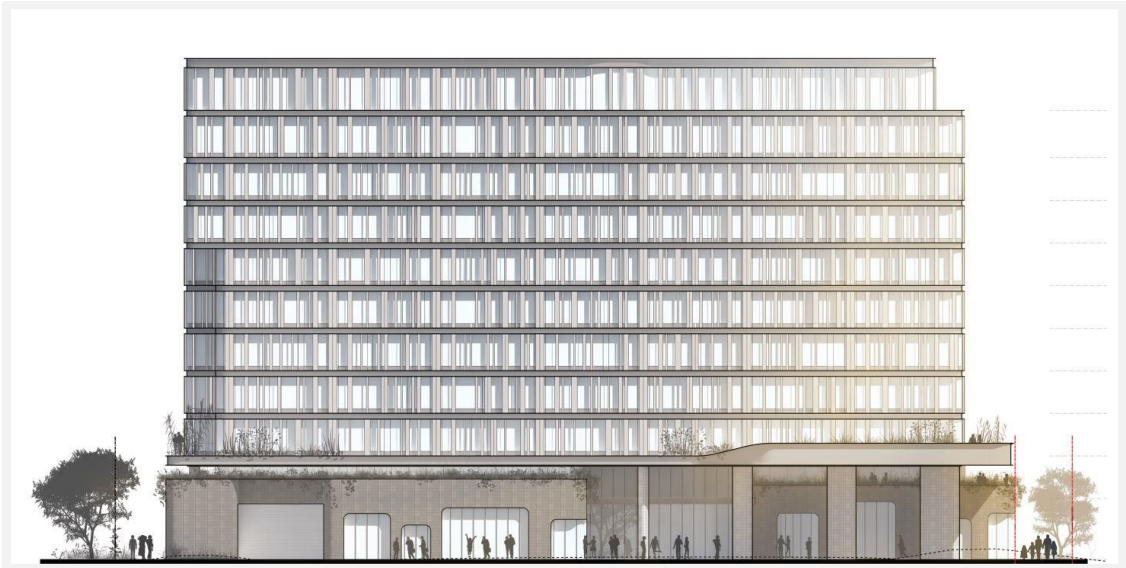


Figure 14. Front façade of proposed Building A, to face internal private road (Source: 3XN)

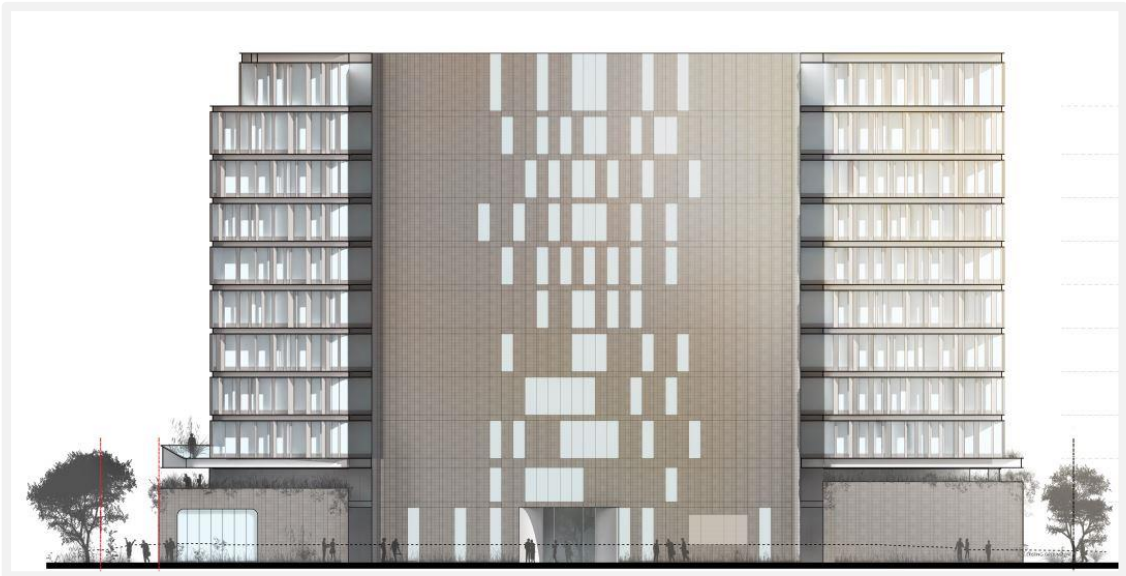


Figure 15. Rear façade of proposed Building A, to face new Road 01 (Source: 3XN)

6. PLANNING AGREEMENT

In support of the concept development application, the developer has submitted at Planning Agreement to Council under Section 7.4 of the EP&A Act. The VPA has been executed by the applicant, Council and the SNPP.

The following extract from the Explanatory Note provides a summary of the matters to be subject to the planning agreement:

(a) the carrying out of the Pedestrian Link Works and associated easement;

(b) the carrying out of the Road Land Works and dedication of the Road Land as public road (Road 22); and

(c) the carrying out of the Public Domain Works,

The agreement also includes residual monetary contributions totalling \$5,766,646.94.

7. HISTORY OF THE SUBJECT APPLICATION

A brief history of the progress of this application is provided below:

21 December 2017 – Development Application Lodged with Council.

24 January 2018 – Council issues stop the clock letter to applicant regarding details within the QS Report.

5 February 2018 – Applicant issues revised QS Report to Council.

16 February 2018 – External agency and internal department referrals circulated.

21 February-23 March 2018 – Application advertised in the Northern District Times; no submissions received.

8 March 2018 – RFI from City Works regarding Civil Engineering Package, traffic impact and modelling, trip generation rates, and service access.

19 March 2019 – Comments from Sydney Water received.

5 June 2018 – RMS request further information regarding the cumulative impact of the Concept Development in order to provide assessment.

14 June 2018 – Referral response from Ryde Police Area Command received.

4 July 2018 – RFI from City Works regarding DRAINS model.

25 July 2018 – Sydney North Planning Panel briefing meeting and site visit.

8 August 2018 – Applicant issues Voluntary Planning Agreement (VPA) offer.

29 August – Council respond to applicant indicating terms of VPA are not satisfactory.

14 September 2018 – RFI from City Works regarding stormwater and drainage system, traffic mitigation and SIDRA modelling.

24 September 2018 – Updated plans supplied to Council including:

- Revised Concept Plan layout.
- Revised Building A drawings.
- Revised Landscape Concept Plan.
- Revised Planting Schedule.

31 October – SEE Addendum Letter and SIDRA modelling supplied.

12 December 2018 – Council request further information regarding the following:

- Clarification on retail GFA figures.
- Clarification on proposed carparking quantities.
- Building A elevations to show integration within existing site in the absence of future stages.
- Deep soil calculations.
- The preparation of a Framework Travel Plan.
- Details of Future Road 1 street activation.

13 June 2019 – Initial conditions of consent provided by RMS.

12 July 2019 – Updated Architectural Plans supplied by 3XN (who replace Fitzpatrick + Partners as the project architect) for Building A and building envelopes for the Concept Plan. An outline of the design changes are as follows.

Concept masterplan

- Amendment to the overall concept plan to reflect the changes to Building A.
- Minor alignment of the western end of the 14.5m wide road to accommodate retention of existing trees (as largely amended in September 2018).
- Increased setback of Building E and D, responsive to the existing trees on Talavera Road (as amended in September 2018).
- Realignment of the indicative building pedestrian entries.

Stage 01 – Building A

- Straightening up the building and pulling back of the façade line at the entrance. The colonnade and a 'base' podium element are retained.
- Reconfiguration of the ground floor including reducing the retail tenancy space and inclusion of a conference theatre.
- Movement of the substation from the Khartoum Road frontage towards the intersection of New Road 01 and the through-site link.
- Split of the core at the rear of the site on the future Road 01 (creating the ability for an entrance lobby and active façade in the future).
- A pedestrian entrance for Building A is provided to the New Road 01, once constructed.
- Confirmation of the two loading docks for SRV and MRV in the basement of Building A.
- Inclusion of a landscaped podium or terrace (to be carried through across the site in future buildings).
- The reintroduction of a terracotta podium and colonnade expression, and ongoing refinement of its architectural expression.
- Amendments to the layout of the basements including the location of the End of Trip facilities located in basement.

18 July 2019 – Letter from Arcadis regarding location and operation of ground level substation adjacent to Building A supplied.

19 July 2019 – Updated BCA Report supplied.

22 July 2019 – Updated Fire engineering and ESD advice supplied.

29 July 2019 – Final Urban Design Review Panel meeting.

5 August 2019 – Updated Landscape proposal for Building A supplied.

14 August 2019 – Council requests additional documentation regarding Concept GFA for Buildings B, C, D and E, and Landscape for Concept Plan.

15 August 2019 – Updated Framework Travel Plan and SEE addendum supplied.

5 September 2019 – Final response and consent conditions from City Works.

30 September 2019 – Draft conditions of consent supplied by the applicant to RMS pertaining to the Transport Infrastructure Contributions Deed (discussed later in this Report).

24 October – Modified conditions of consent returned to applicant by RMS pertaining to the Transport Infrastructure Contributions Deed.

24 October – Concept GFA for Buildings B, C, D and E supplied.

25 October – Final conditions of consent pertaining to the Transport Infrastructure Contributions Deed agreed to by all parties (RMS, applicant, Council).

29 October – Final response and consent conditions from Council's Development Engineer.

4 November 2019 – Final response and consent conditions from consulting Landscape Architect.

7 November 2019 – Final conditions of consent pertaining to the Transport Infrastructure Contributions Deed agreed to by RMS and the applicant.

Urban Design Review Panel

UDRP Meeting 29 July 2019

The design was presented to the Ryde Urban Design Review Panel (UDRP) on four occasions (including once prior to lodgement). The comments provided in the most recent meeting, held on 29 July 2019, are reproduced in full below.

UDRP comments:

The Panel has been asked to consider additional minor adjustments to the revised pre-DA proposal for Building A, comprising a commercial office building for an as yet unknown end user, and which will form the first stage developed within the master plan.

Although a mixed-use commercial and retail proposal, the Panel's comments were structured against the relatively universal design quality principles outlined in SEPP

65. *The Panel remains generally supportive of the further revised pre-DA proposal subject to the applicant addressing the comments detailed below.*

Context and Neighbourhood Character

The site is a relatively large parcel of land (30,035sqm) in the Macquarie Park area, with a frontage to Khartoum Road and Talavera Road. The Council's vision anticipates two new roads in the immediate vicinity - one within the site to the south east and one immediately adjacent to the south west.

Recent consultation between the applicant and the RMS indicates the likely potential for road widening along Talavera Road, including the loss of significant existing trees. The Panel still notes its concern for the loss of mature existing trees, the resulting loss of urban tree canopy, local amenity, biodiversity and reduced ecological values. Anticipating the widening of Talavera Road, the master plan has moved buildings D and E further west, reducing the scale of the central park and balancing the gross floor area through a number of modifications.

The proposal remains broadly consistent with the Council's desired future character and will deliver significant public benefit in the form of new streets, publicly accessible open space of high amenity and improved pedestrian through site links. The site geometry is regular and potentially creates an efficient vehicle basement and on-street circulation system.

The Panel remains supportive of the proposed master plan configuration however there are still a number of minor concerns evident in this review that need to be addressed for the proposal for Building A to be fully supported. These points are discussed below and further in this report.

- No further information is provided in relation to the further refinement of the street alignment raised previously and its detailed design to ensure its resulting character is carefully considered and of a high quality and the scale and siting of the eastern support retail pavilions avoid potential crowding of the site.*
- No further information is provided regarding the new internal street treatments for unit pavers or cobbled treatments to further emphasise the pedestrian-friendly nature of the internal streets. These treatments are particularly encouraged in areas of greatest pedestrian use around the perimeter of the central park.*
- At the last meeting concern was raised regarding the location for the proposed kiosk substations which then were shown in a prominent location on the site.*

This further iteration of Building A still shows the substations external to the building and in fact blocking the pedestrian access. This is not appropriate.

The substations should be internalized within a chamber location within Building A if the applicant does not intend to link them with the design of the retail pavilions. No information or certainty is provided by the applicant that these kiosks would be

relocated, to where or how they would be integrated. The Panel does not support the arrangement shown in the plans as a solution permanently or from a temporary viewpoint.

Built Form and Scale

The previous plans showed adjustment to the design of Building A based on client feedback however the panel was concerned about the loss of the strong 2 storey brick podium, including its colonnade treatment. The Panel was persuaded that the architectural element would unify the 5 planned buildings, creating a familiar, human-scale feature across the site, and allowing some diversity in the expression of the commercial building's architecture above.

The amended drawings indicate a stronger base to the building but not to the extent previously. The colonnade does not seem to have been provided other than for a small section at the entrance of the building.

Instead the area for the colonnade is occupied by retail tenancies. The alignment of these tenancies appears to occupy the part of the building which would provide weather protection. This is a concern as the setback to the internal street is very tight for this tenancy and with no weather protection it will discourage pedestrian movement.

The retail should be further setback and enable a reasonable width of verge sufficient for protected pedestrian movement and street trees (which are not evident in the plans). The retail tenancy to the corner of the new south-west street now offers some interaction with this street which is supported however the majority of this frontage still remains inactive which is not ideal.

The Panel supports the open nature of the proposed east-west pedestrian link however there is no passive surveillance or activation to this lane at all which should be reconsidered for safety reasons.

Density

The proposed density and scale of building A appears to comply with the primary development standards for building height and floor space ratio and is supported by the Panel.

Sustainability

No additional information on sustainability is provided.

Landscape

The Panel is concerned that no further effort has been made to accommodate deep soil or large soil pockets to allow street trees to all of the frontage to Khartoum Road or the new internal private road and link.

The Panel notes that the lower floors of the proposal have a reduced excavation footprint. Therefore, it should be possible to adopt this reduced footprint for basement level 01 and move plant rooms etc to the next level down to provide a

continuous strip of deep contained soil over at least one level around the entire perimeter of the site so landscape and trees can be provided in all these locations.

Amenity

Greater activation should be considered to the future south west street and the link. Covered pedestrian access should be provided along the length of the new road opposite the park and the verge should be wider to provide cover for pedestrians and street trees.

Safety

The lack of passive surveillance to the pedestrian link could create future safety issues.

Aesthetics

The proposed architectural expression has been modified again to try and increase the solidity of the base. Whilst this has improved the materiality and design is not a strong or convincing as the previous version.

The Panel considers that a brick podium and colonnade expression is preferable as it can be provided for the height of the podium base. The upper levels of the commercial building have been increased in its solidity and is far more successful.

It is recommended that conditions be imposed to address issues raised by the UDRP; refer to individual discussion points below:

Substation

Figure 16 illustrates the location of the substation. The substation is proposed adjacent to Road 01 and the pedestrian through site link. The location relies on the new road which has not yet been constructed and is unlikely to be constructed in the short to medium term. This location will also detract from the pedestrian link through the site. Therefore, a condition is recommended to require that the substation be relocated to a position that it supported by Council. (See condition number 74).



Figure 16. Extract of ground floor plan showing the proposed location of the substation kiosks, with the through-site link (source: 3XN)

South-west street activation

The south-west frontage to New Street 1 and the through-site link are not provided with any ground floor street activation. As demonstrated in Figure 17, the uses along the future road 1 include the loading dock, garbage room, switch room, plant associated with the lifts, fire control room and gas and water metres.



Figure 17. Extract of ground floor plan showing that inactive uses are provided facing toward the New Road 01 and the through-site link (source: 3XN)

Although it is acknowledged that many of these services need to be located on the ground floor of the building, there remains an opportunity to improve the outcome to each of the south-west and the south-east frontage, as required by RDCP 2014. Therefore, a condition is recommended that the retail premises at the corner of Khartoum Road and New Road 01, be extended along New Street 1, and that the proportion of the glazed façade be increased in that location. This will require the gas and water meters room to be relocated to the basement. (See condition number 2 in Part 2). This may result in a marginal increase in gross floor area, which could be absorbed in future stages of the development, without creating a non-compliance.

A condition is also recommended in relation to the concept plan to ensure that service areas are minimised along ground floor facades within future stages. Note

that these conditions are not strictly relevant to the active frontage requirements of RDCP 2014, as the conditions are not intended to limit land uses at the site, but address general design and streetscape issues that were identified by the UDRP. (See condition 22 in Part 1).

Internal street finishes

A condition is recommended to require that the new internal street be finished with a paved treatment, in order to emphasise the pedestrian-friendly nature of the internal streets. This condition is recommended to apply to the entirety of the concept approval. (See condition 15 in Part 1).

Street trees

Several landscape conditions are recommended to require that additional planting be provided within the street frontages. Refer to discussion of comments from Council's Consultant Landscape Architect.

8. APPLICABLE PLANNING CONTROLS

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- Water Management Act 2000;
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- Greater Sydney Regional Plan - *A Metropolis of Three Cities*, 2018;
- Ryde Local Environmental Plan 2014;
- City of Ryde Development Control Plan 2014; and
- Section 94 Development Contributions Plan 2007

9. PLANNING ASSESSMENT

9.1 Environmental Planning and Assessment Act 1979

Division 4.4 Concept development applications

As indicated earlier within this report, the application specifically requests that the proposal be treated as a concept DA per section 4.22(3), with a detailed proposal set out for the first stage of the development, per section 4.22(2).

Division 4.8 Integrated development

The development application is Integrated Development pursuant to Division 4.4 of the Act, as approval is required under Section 91(3) of the *Water Management Act 2000* for an aquifer interference activity. The submitted geotechnical report, prepared by Golder Associates, indicates that the following groundwater measurements were taken at the site.

Table 3: Summary of Groundwater Monitoring Results (27th October 2017)*

Borehole	Screen range (mAHD)	Material	Depth to Groundwater (mbgl)	RL of Groundwater (m AHD)
BH1	58.0 to 52.0	Siltstone/Sandstone	7.94	51.86
BH3	58.75 to 52.25	Siltstone/Sandstone	8.89	50.81
BH4	55.15 to 52.65	Siltstone/Sandstone	6.20	50.1

*Heavy rainfall occurred a day prior to when the groundwater levels were monitored, which may have resulted in a temporary rise in the groundwater level.

Table 3 from the submitted geotechnical report, showing the summary of groundwater monitoring results (Source: Golder Associates)

The construction works will therefore require temporary dewatering.

In this regard, the development application was referred to the Department of Planning, Industry & Environment – Water (DPIE – Water). In a letter dated 14 November 2019, Water NSW provided General Terms of Approval for the proposed development, which have been included in the Schedule of Consent Conditions section of this report.

9.2 Environmental Planning and Assessment Regulation 2000

This application satisfies Clause 50(1)(a) of the Regulation as it is accompanied by the nominated documentation required.

9.3 State Environmental Planning Policy (Infrastructure) 2007

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

The development is identified within Schedule 3 of the Infrastructure SEPP as it comprises greater than 10,000m² in gross floor area associated with a commercial premises. In accordance with Clause 104 was referred to the RMS for comment.

RMS provided their final comments on 7 November 2019. These comments are discussed below:

Roads and Maritime Services has reviewed the submitted information and provided the following comments for Council's consideration:

- 1. The applicant is to enter into a Transport Infrastructure Contribution Deed (Stage 1 Deed) with the Roads and Maritime, prior to the issue of a construction certificate that authorises the construction of Building A, for the delivery of road improvement works at the intersection of Khartoum Road and Talavera Road, Macquarie Park comprising a monetary contribution of \$600,000.*
- 2. Prior to the submission of the Stage 2 development application, the applicant is to:*
 - (a) Undertake detailed traffic modelling using an appropriate modelling tool to assess road network performance within the area of influence of the site. The traffic model is to be prepared to the satisfaction of City of Ryde and RMS; and*
 - (b) Identify local and regional impacts using traffic modelling and propose mitigation measures to ameliorate the impacts identified as a result of the development proposed in further stages of the Concept Plan.*

*If the traffic modelling identifies that road improvement works and/or mitigation measures are required to the intersections in the vicinity of the development to ameliorate the traffic impacts arising from the development proposed in subsequent stages of the Concept Plan, the applicant is to consult with RMS in relation to entering into a further Transport Infrastructure Contributions Deed (**Further Stages Deed**) for the payment for road improvement works and/or mitigation measures to be carried out to, or within the vicinity of the intersection of Khartoum Road and Talavera Road, Macquarie Park.*

The Further Stages Deed is to include provision for the timing of payment of any further monetary contributions in stages, prior to issue of a construction certificate that authorises the construction of the building in the relevant stage in the Concept Plan that is identified in the traffic modelling as triggering the need for road improvement works and/or mitigation measures to ameliorate the identified traffic impacts.

Any monetary contributions determined by Roads and Maritime to be required as part of any subsequent stage of the Concept Plan must consider the equitable apportionment of works to reflect the cumulative impact of traffic generated by the relevant stage of the Concept Plan development within the wider Macquarie Park precinct.

Please note that letter superseded Roads and Maritime's letter dated 5 September 2019.

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

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

9.5 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The Vegetation SEPP provides approval pathways for the removal of vegetation in non-rural areas and matters for consideration in the assessment of applications to remove vegetation. This policy applies to land in the Ryde local government area on land within the B7 Business Park zone. 119 trees are proposed to be removed due to unsustainable levels of impact from demolition and construction works. A summary of these trees including their relative values, provenance and replacement plantings has been included in the below table. The existing trees are generally located towards the sites curtilage as buffer planting and centrally within existing hard stand parking areas as island/shade plantings. Included in the above, Stage 1 is to require removal of fifty-six (56) trees as a result of demolition and construction related impacts.

Concept Masterplan				
Category	Loccally Native	Australian Native	Exotic	Total
Trees Removed	35	83	1	118 (80 High Value and 38 Low Value)
Trees Retained	17	21	0	39 (35 High Value and 4 Low Value)
Trees Proposed	-	-	-	152
Stage 1 – Building A				
Category	Loccally Native	Australian Native	Exotic	Total
Trees Removed	6	49	1	51 (22 High Value and 29 Low Value)
Trees Retained	0	0	0	0
Trees Proposed	-	-	-	27

Whilst the required tree removal would appear to be significant when reviewing the above figures, it must be acknowledged that based on the nature of the plantings in terms of their locations, species diversity and age class, that these trees are likely planted specimens introduced as buffer and amenity planting at the time of construction of the previous buildings on site. None of those trees to be removed are classified as an 'endangered', 'critically endangered' or 'vulnerable' species under the *Biodiversity Conservation Act 2016*. Additionally, 28% of those trees to be removed are considered low value trees which should not be considered a constraint upon development. Accordingly, it is considered that a similar level of canopy cover, site amenity and landscape benefits from tree planting will be capable of being achieved within the medium term (≈ 20 years) provided a suitable level of replacement planting is carried out on site.

Further to the above, it must also be acknowledged that given the sites current land use zoning, height and FSR permissibility, any development on site is likely to result in a similar level of built form constructed and therefore necessitate a similar level of tree removal due to the location of the existing tree population.

To ensure the negative effects of tree removal in terms of amenity and landscape character are mitigated, and no unnecessary tree removal takes place, no tree removal is approved under this application other than those necessary to enable construction of Stage 1. Until such a time that detailed plans are received for future stages and accurate impacts can be determined, all other trees on site are to be retained and protected. Given tree removal will therefore be staged in accordance with construction, visual impact of vegetation loss will also be mitigated. Staged construction will also see new landscaping and tree planting of early stages establish to compensate for amenity lost through tree removal as part of later stages.

It must also be noted that negotiations between Council and the applicant during the assessment process has resulted in the amended proposal retaining an additional thirty-five (35) trees along the Talavera and Khartoum Road frontage therefore maintaining large tracts of existing mature buffer vegetation.

In order to offset those trees removed as part of the proposal, a significant area of open space is to be located within the central portion of the site which will enable the provision of a number of large growing canopy trees totalling forty-eight (48). In addition, sixty-six (66) new street tree plantings have been provided and thirty-eight (38) curtilage tree plantings. Collectively, this will result in a replacement planting ratio exceeding 1:1. As such, combined with those trees to be retained, the site will contain one-hundred and ninety (190) which is considered satisfactory given existing site conditions and the land use zoning of the site.

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

The requirements of State Planning Policy No. 55 – Remediation of Land apply to the subject site. In accordance with Clause 7 of SEPP 55, the consent authority must consider if the land is contaminated and, if so, whether it is suitable, or can be made suitable, for the proposed use.

A Phase 1 Environmental Site Assessment prepared by Golder Associates (dated 17 November 2017) has been submitted with the application. The report concludes that:

“The volumes of chemicals stored at the site are small/minor and they are considered unlikely to pose a significant risk to the environment if a release were to occur. They are also stored in areas where a leak or spill would be visible and appropriate spill management procedures are in place.

Asbestos visible at the time of inspection at the site was generally considered to be in good condition and was being managed under an AMP.

The results of this assessment indicate that there is a low potential for historical and current activities to have caused contamination.”

Council’s Environment Health Officer has indicated that, subject to conditions, there would appear to be minimal risk of contamination and the site is considered suitable for the proposed development.

9.7 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, and any matters of general relevance (erosion control, etc) are able to be managed by conditions of consent.

9.8 Greater Sydney Regional Plan - A Metropolis of Three Cities, 2018

A Metropolis of Three Cities (“the Plan”) is the regional plan for managing Greater Sydney’s growth. The Plan aims to ensure that planning and land use of the Greater Sydney Region is equitable and sustainable.

The Plan discusses Macquarie Park’s role as part of the Eastern Economic Corridor, described as the State’s greatest economic asset contributing two-thirds of NSW’s economic growth in the 2015-16 financial year.

The Plan also refers to Macquarie Park as part of the Epping and Macquarie Park Urban Renewal Corridor. Within the Macquarie Park Urban Renewal Area, the Department of Planning is undergoing strategic investigations into new community facilities, improved public space, residential development in proximity to transport links as well as the generation of employment opportunities.

Macquarie Park is also nominated as one of nine centres to accommodate commercial office precincts. The proposed development aligns with the vision of the Eastern Economic Corridor in that the proposed commercial office space will facilitate the provision of jobs and economic activity, be well connected to transport links and provide high quality open space.

The development is consistent with this plan.

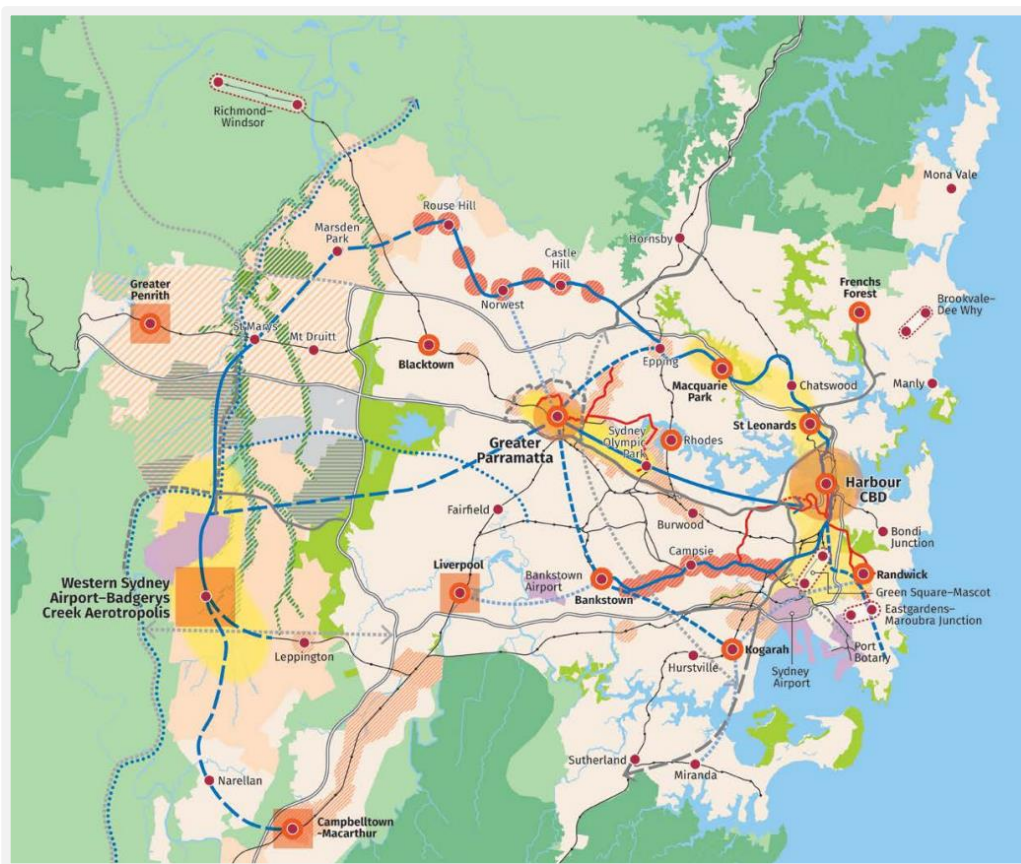


Figure 18. Map excerpt from 'A Metropolis of Three Cities – Greater Sydney Region Plan 2018' showing Macquarie Park's location as part of the Eastern Economic Corridor (Source: Greater Sydney Commission)

9.10 Ryde Local Environmental Plan 2014

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

Clause 2.2 – Zoning

Complies

The site is located within the B7 Business Park zone under the RLEP 2014 as indicated within the image below:

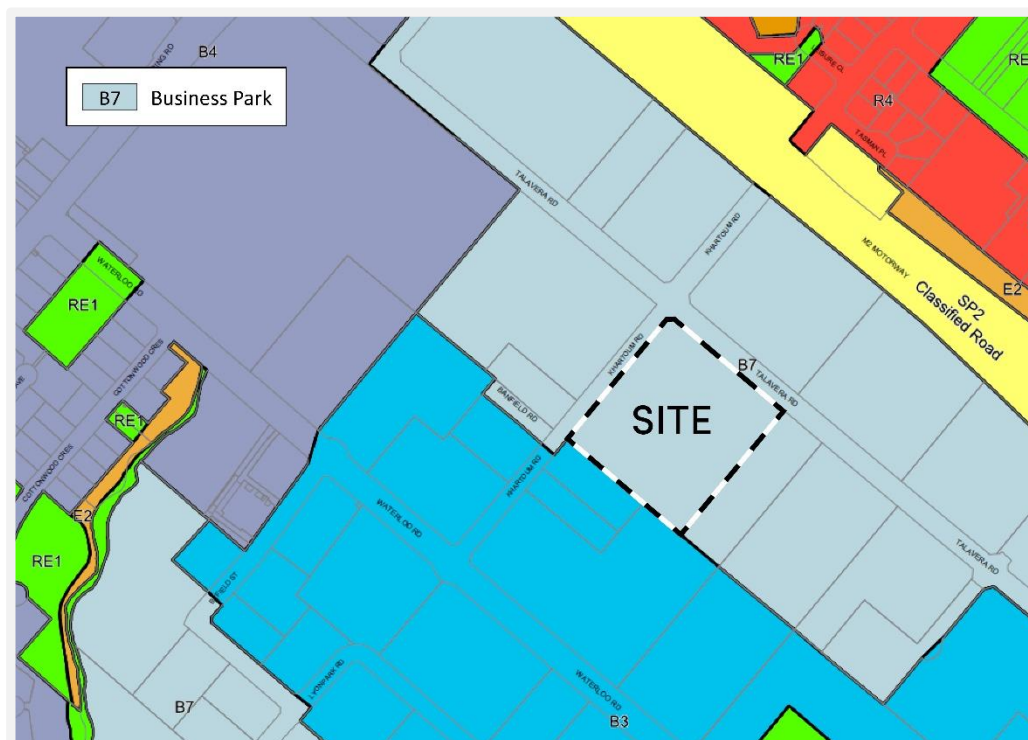


Figure 19. Site zoning marked in yellow (source: Ryde LEP 2014, edited for diagrammatical purposes)

Development for commercial and retail purposes is permitted with consent in this zoning. The proposal also seeks to provide a conference theatre, which is defined within RLEP 2014 as a 'function centre'. Function centres are not listed within the B7 zoning table, but any land uses not listed (innominate uses) are also permitted with consent.

Clause 2.3 – Zone Objectives

Complies

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 *B7 Business Park* zone are as follows:

- *To provide a range of office and light industrial uses.*
- *To encourage employment opportunities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- *To encourage industries involved in research and development.*

The development complies with the above objectives, and is deemed consistent with the State and local strategic intent for the zone and the Macquarie Park Corridor by introducing commercial buildings, facilities and retail services, which serve the employment needs of the local and wider community.

Clause 4.3 - Height of Buildings

Complies

A maximum building height limit under the RLEP 2014 of 30m applies to the development site. Despite the provisions of this clause, under clause 6.9 - Development in Macquarie Park Corridor, consent may be granted for development to a maximum height of 45m (as marked on the Macquarie Park Corridor Incentive Height of Building Map shown below) if the consent authority is satisfied there will be adequate provision of recreation areas and an access network whose configuration and location allow a suitable level of recreation and connectivity within the precinct.



Figure 20. Macquarie Park Corridor Precinct Incentive Height of Buildings Map
(X – maximum height of 45m) (source: Ryde LEP 2014, edited for diagrammatical purposes)

A maximum building height of 44.5m is proposed within the concept development application, being Building A, which forms part of Stage 01. The remaining four buildings are all of lower heights, as such, all components of the application comply with the requirements of this clause.

Height of buildings summary:

Development	Permissible Height	Proposed Height	Complies
Building A	45m	44.5m	Yes
Building B	45m	37.1m	Yes
Building C	45m	33m	Yes
Building D	45m	29.7m	Yes
Building E	45m	29.7m	Yes
Support Retail	45m	5m	Yes

Table 4. Summary of proposed building heights.

Clause 4.4 – Floor Space Ratio

Complies

Under the RLEP 2014, a floor space ratio (FSR) of 1:1 applies to the development site. Despite the provisions of this clause, under clause 6.9 - Development in Macquarie Park Corridor (as marked on the Macquarie Park Corridor Incentive Floor Space Ratio Map shown in the image below), consent may be granted for development to an FSR of 2:1, if the consent authority is satisfied there will be adequate provision of recreation areas and an access network whose configuration and location allow a suitable level of recreation and connectivity within the precinct.



Figure 21. Macquarie Park Corridor Precinct Incentive Floor Space Ratio Map (T1 – maximum FSR of 2:1) (source: Ryde LEP 2014, edited for diagrammatical purposes)

Clause 4.4A also enables development to provide additional floor space above that shown with the standard floor space ratio map, if the land contains land that has been dedicated to Council for a public purpose, which includes roads.

A floor space ratio of 1.99:1 is proposed for the concept development overall. As such, the application complies with the requirements of this clause at concept and stage level.

Information was provided by the applicant to demonstrate how they had estimated the figures for the proposed development, with the gross floor area (GFA) of each level of each building provided. The figures provided correspond with the layouts of buildings in future stages. However, similar to Stage 01, the ground floor plans represent a proportionally small component of the GFA of each building. This may indicate that the ground floor may comprise an open colonnade entry and/or services within the ground floor. These matters can be considered as part of future applications.

Clause 4.5B(4) – Macquarie Park Corridor

Complies

This clause states that development consent must not be granted for the erection of a building on land in Zone B7 Business Park in the Macquarie Park Corridor for the purposes of a function centre, neighbourhood shop, registered club or restaurant or cafe unless the total floor space of the building will not exceed:

- (a) 500 square metres for each individual land use, or*
- (b) an area equivalent to 5% of the site area for each individual land use, whichever is greater.*

The Concept Development Application pertains to a site with a total area of 30,030m². 443m² of retail floor area is proposed on the ground floor of Building A, a further indicative 450m² is proposed for the ground floor of Building B, and an additional total 550m² across four (4) separate support kiosks facing Bochetto Park. No retail floor area is proposed for Buildings C, D and E.

Only a portion of these areas would be expected to be used for restaurants and cafes: the submitted Statement of Environmental Effects indicates that the proposed design has assumed these spaces will comprise $\frac{3}{4}$ restaurant and café uses and $\frac{1}{4}$ neighbourhood shops. Based on the above, Stage 01 (Building A) will not exceed the maximum floor space prescribed by this clause. Building B can be considered in closer detail in the future, but is capable of complying with this requirement.

Clause 6.1 - Acid Sulphate Soils

Complies

The site is not identified on the Acid Sulphate Soils Map, as such this clause is not applicable.

Clause 6.2 - Earthworks

Complies – with conditions

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

The impacts of the earthworks – both in relation to the concept plan and Stage 01 - are able to be managed by conditions of consent.

Clause 6.3 – Flood Planning

Complies

The site is not identified on the Flood Planning Map, as such this clause is not applicable.

Clause 6.4 - Stormwater Management

Complies

The proposed stormwater management system for the site is acceptable and conditions are recommended as part of the completion and ongoing management of the stormwater system.

Clause 6.6 - Environmental Sustainability

Complies

The objective of this clause is to ensure that this development (being land in a business zone) embraces principles of quality urban design and is consistent with principles of best practice environmentally sensitive design.

This clause states that consent must not be granted to development on land in a business or industrial zone exceeding 1,500m² in GFA unless the consent authority is satisfied that development has had regard to a number of prescribed environmental outcomes. An Environmental Sustainable Design Report, prepared by Cundall, provides a summary of the applicant's sustainable design commitments for the proposed development.

The project aims to implement sustainability measures where proven to be cost effective and promotes opportunities to reduce the long-term cost of operating and maintaining the building. The following commitments are made:

- To reduce construction waste.
- To reduce energy consumption.
- To reduce potable water consumption and waste water discharge.
- The project is aiming to pursue environmental certifications for the base building of:
 - 4-Star Green Star Design & As-Built v1.2 rating

- 4.5-Star NABERS Energy base building rating

Based on the above commitments and detail provided in the report prepared by Cundall, the proposed development meets the requirements of this clause.

Clause 6.9 – Development in Macquarie Park Corridor

Complies

The objective of this clause is to encourage additional commercial development in Macquarie Park Corridor co-ordinated with an adequate access network and recreation areas, which as mentioned elsewhere, will be provided as set out in the voluntary planning agreement.

In this regard, the Macquarie Park Corridor Precinct Height of Building Map allows for an increase in height of the buildings from 30m to 45m. Similarly, the Macquarie Park Corridor Precinct Incentive Floor Space Ratio Map allows for an increase in FSR from 1:1 to 2:1. Compliance with these allowances is detailed above in Clauses 4.3 and 4.4.

Details regarding the public benefit offer made to Council, as part of the planning agreement, are outlined elsewhere within this report. The development satisfies the requirements of this incentive clause.

9.11 Draft Environmental Planning Instruments

9.11.1 Draft Remediation of Land State Environmental Planning Policy

The Draft SEPP is a relevant matter for consideration as it is an Environmental Planning Instrument that has been placed on exhibition. The explanation of Intended Effects accompanying the draft SEPP advises:

“As part of the review of SEPP 55, preliminary stakeholder consultation was undertaken with Councils and industry. A key finding of this preliminary consultation was that although the provisions of SEPP 55 are generally effective, greater clarity is required on the circumstances when development consent is required for remediation work”.

The draft SEPP does not seek to change the requirement for consent authorities to consider land contamination in the assessment of development applications. The conclusions made in relation to SEPP 55 are equally applicable to the draft SEPP.

9.11.2 Draft Environment SEPP

The draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018. The consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways and urban bushland areas. Changes proposed include consolidating SEPPs, which include:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The proposal is consistent with the provisions of the draft SEPP.

9.12 City of Ryde Development Control Plan 2014

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

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

Part 4.5 – Macquarie Park Corridor

The compliance table of the relevant controls pursuant to Part 4.5 Macquarie Park Corridor is below. It is noted that there is one non-compliance within this table relating to the Concept Development being:

- Section 7.7(a) - Proposed building separations are below 20m and for a length which exceeds 10m.

It is noted that there are eight (8) non-compliance's within this table relating to Building A being:

- Section 7.3(h) - Level changes between ground floor tenancies and the adjacent footpath are above 600 mm in some areas. Stairs have been appropriately integrated to facilitate level access to each retail premises;
- Section 7.4(f) and Section 7.6(d) – Basement carparking encroaches into the Khartoum Road setback to accommodate rainwater and OSD tanks negating the opportunity for deep root planting. This encroachment is isolated to the central portion of this frontage and is unlikely to interfere with the health of trees proposed in this location;
- Section 7.4(h) - Soft landscaping is proposed for less than 60% of the required setback;
- Section 7.8(a) – Building A is 10 storeys, with the largest floor-plates at levels 7 to 9 measuring 2,198m². Therefore, a non-compliance of 198m² is proposed.
- Section 7.8(b) – Building A does not adequately address New Road 01 or the through-site link;
- Section 7.8(d) - Areas of habitable floor space are located over 12m from the nearest source of natural daylight;

- Section 8.2(a) – Deep soil provision is nil when applying the minimum dimensions for measurement (although some deep soil is proposed);
- Section 8.2(d) – The total landscaped area is approximately 13.59%, below the minimum 20% required.

Relevant Control	Compliance/Comment
3.0 The Structure Plan	
3.2 Urban Structure Plan	
<p>The Business Park areas at the edges of the Corridor are characterised by lower density development with green leafy setbacks and attractive landscaping.</p>	<p>Complies –</p> <p>The application proposes a development concept of lower density relative to that of the Commercial Core. The proposal's 'campus' design also contributes to the evolving character of this zone.</p> <p>The Landscape Plan prepared by Site Image reflects the Urban Structure Plan's objectives by proposing a well landscaped central park and the retention of street trees where possible.</p>
<u>4.0 Access Network</u>	
<u>4.1 Streets</u>	
<p>a) Provide new public streets and pedestrian connections in accordance with Figure 4.1.1 Access Network.</p>	<p>Complies –</p> <p>The concept proposal incorporates a future road along the south-eastern boundary linking with Talavera Road (labelled within RDCP 2014 as Road 22). This will be constructed in Stages 02 and 04 of the development and dedicated to Council upon completion of Stage 04.</p> <p>A new pedestrian through site link connecting Talavera Road to new Road 01 will also be provided. A portion of the pedestrian link will be constructed in Stage 01, with the balance of the pedestrian link being completed within Stage 03 of the development. The draft planning agreement indicates that the pedestrian link will be subject to an easement to enable public use.</p> <p>Additionally, two new 14.5m internal private roads will be constructed, each connecting Khartoum Road to new Road 22. A portion of one road will be constructed in Stage 01 with the completion of both roads scheduled in later stages.</p> <p>Each of the abovementioned public streets and pedestrian connections are shown within the images below.</p>

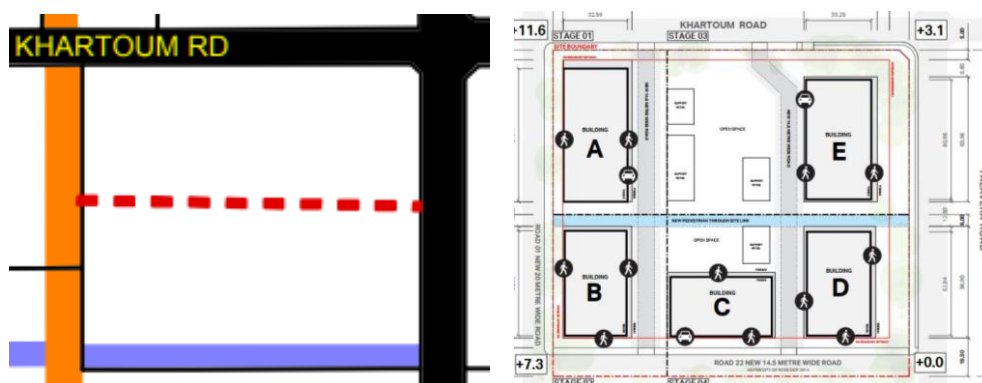


Figure 22. Extracts from Figure 4.1.1 (left) and the proposed staging plan (right) showing the location of required and proposed roads and pedestrian link.

b) New streets are to be dedicated to Council. New streets are to be maintained by the landowner until dedicated to Council.	Complies – New Road 22 will be dedicated to Council on the completion of Stage 04. Internal roads, are not required by RDCP 2014 and are to sit above basements. These roads are to be retained in private ownership.
c) Buildings are not permitted to be located on any proposed street and are required to be setback from proposed streets identified in Figure 4.1.1 Access Network.	Complies – Buildings have been planned to accommodate new Road 01 and Road 22.
d) Each site is to provide for coordination of proposed streets with neighbouring sites, including level adjustments and detailed plans. This detail is to be provided together with the development application.	Concept Development complies – Stage 01 complies – A Civil Engineering Package was submitted with the Development Application which has been assessed by Council's Civil Works Engineer who has no objections to the proposal subject to conditions. See detailed comments below in the "Internal Referral" section of this report.
e) Lighting, paving and street furniture, landscaped setbacks and tree planting are to be provided as required in the <i>Macquarie Park Corridor Public Domain Technical Manual</i> .	Complies – Council's Civil Works (Public Domain) Engineer has no objections to the proposal subject to conditions. See detailed comments below in the "Internal Referral" section of this report.
f) 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.	Complies – Road 01 is proposed to be 20m wide in accordance with figure 4.1.2. Road 22 and the two private internal roads are proposed to meet the dimensions for 14.5m wide streets, prescribed by Figure 4.1.3.
g) Where required by Council, an additional 0.5m footpath is to be provided to augment the 14.5m streets to achieve a minimum 2.5m footpath.	Complies – Conditions are recommended to provide paved surfaces to the internal roads, which negate the need for this requirement.
4.2 Pedestrian Connections	
a) Provide pedestrian bridges in accordance with the Access Structure	N/A

<p>Plan. Figure 3.4.1</p> <ul style="list-style-type: none"> iii. Over the M2 connecting Christie Park to Macquarie Park Corridor iv. Connecting across Shrimptons Creek 	
<p>b) Provide pedestrian connections in accordance with Figure 4.1.1 Access Network</p>	<p>Concept Development complies – Stage 01 complies –</p> <p>As stated above, a new pedestrian through site link connecting Talavera Road to new Road 01 will be provided in accordance with Figure 4.1.1.</p> <p>A portion of the pedestrian link will be constructed in Stage 01, with the balance of the pedestrian link being completed within Stage 03 of the development.</p>
<p>c) Pedestrian connections are to:</p> <ul style="list-style-type: none"> i. Be a minimum of 6m wide comprising 4m wide paving 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. 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). vii. Extend and enhance the public domain and have a public domain character. 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. ix. Paving shall be in accordance with the <i>Macquarie Park Public Domain Technical Manual</i>. x. Remain in private ownership and be created as Rights-of- Way in favour of Council or a similar mechanism. 	<p>Complies –</p> <p>The development proposes a new pedestrian through site link connecting Talavera Road to new Road 01 as well as pathways at the site's perimeter. These links provide passive surveillance at the ground plane with adequate visibility across links.</p> <p>The pedestrian link is 6m in width with 2m soft landscaping that includes tree planting, shrubs, turfed areas and raised planters. Links create permeable public space connecting pedestrians to each of the five buildings on site as well as street frontages, and the site's centrally located park.</p> <p>Conditions are recommended to ensure that materials and finishes applied to these links are in keeping with the urban character of the concept site and in adherence with the Macquarie Park Public Domain Technical Manual. (See condition 14 in Part 1 and conditions 58 and 59 in Part 2).</p> <p>Links throughout the site are publicly accessible and have been designed to adhere to pedestrian safety, DDA and CPTED standards.</p> <p>A right-of-way (pedestrian link easement) is to be provided over the pedestrian through-site link as required. This is a requirement of the VPA and will be conditioned in Stages 2 and 3.</p>
<p>d) Each site is to provide for coordination of pedestrian connections with neighbouring sites, including level</p>	<p>Stage 01 complies –</p> <p>Architectural Plans prepared by 3XN, and Landscape Plans prepared by Site Image have</p>

adjustments and detailed plans. Detailed plans, sections and other material as necessary are to be provided	been supplied for the purpose of assessment. Plans include section drawings pertaining to pedestrian connection between the subject site and those adjoining, as well as the through site link connecting public spaces and buildings within the site.
4.3 Bicycle Network	
<p>a) Provide dedicated cycle access in accordance with <i>Ryde Bicycle Strategy 2014</i> in accordance with <i>Figure 4.3.1 Indicative Cycleways</i>.</p> <p>b) The Regional Bicycle Network is to be implemented as on- street shared cycleways in accordance with the <i>Macquarie Park Public Domain Technical Manual</i>. The Regional Bicycle Network comprises:</p> <ul style="list-style-type: none"> i. Waterloo Road; ii. Delhi Road; iii. Epping Road; iv. Lane Cove Road; v. Khartoum Road; vi. The M2; and vii. Shrimptons Creek pathways. <p>c) The Local Bicycle Network is to be implemented as on-street shared ways in accordance with the <i>Macquarie Park Public Domain Technical Manual</i>. The Local Bicycle Network comprises:</p> <ul style="list-style-type: none"> i. Lyon Park Road; ii. Talavera Road; iii. Wicks Road; and iv. Proposed new roads in accordance with the <i>Ryde Bicycle Strategy 2014</i>. 	An existing cycle path is located on Talavera Road.
4.4 Sustainable Transport	
Travel Plans	
<p>a) Upgrade the bus interchange in Herring Road in accordance with the Access Structure Plan to:</p> <ul style="list-style-type: none"> i. Accommodate additional bus stops to provide for increased patronage; ii. Reduce pedestrian and vehicle conflict; iii. Enable active frontage. 	<p>N/A</p> <p>The site is not located near Herring Road bus interchange.</p>
<p>b) Any DA that includes residential development on the Macquarie Shopping Centre is to provide a master plan that demonstrates how the bus interchange upgrade may be achieved.</p>	<p>N/A</p> <p>The proposal does not include residential development.</p>
<p>c) A Framework Travel Plan (FTP) is required to be submitted to Council for</p>	<p>Concept Development complies with conditions –</p>

approval together with a DA for all development that exceeds 10,000m ² new floor space	<p>Stage 01 complies – The proposal has a total floor space of 30,030m² as such, a Framework Travel Plan (FTP) has been prepared by Ason Group for Stage 1.</p> <p>An overview of the indicative concept proposal (masterplan) for the site is outlined in the FTP, however the future concept proposal would be subject to separate DA assessments at a later stage. The preparation of an FTP for these stages has been conditioned accordingly.</p>
<p>d) For all development the FTP must also:</p> <p>i. Identify measures in an Action Plan that will implement the 40% public transport/60% private transport target for the journey to work, including appointing a Travel Plan Coordinator, minimising drive alone trips to work, encouraging walking, cycling, car sharing, car pooling and public transport use.</p>	<p>Concept Development complies with conditions – Green Travel Plans (GTP) are proposed for each building on the subject site, which aim to promote the use of 'active transport' modes such as walking and cycling, particularly for short-medium distance journeys, and to reduce reliance on the use of private vehicles for all journeys.</p> <p>A committee or Travel Plan Coordinator is proposed to undertake an annual review of development FTPs for a recommended period of five years after the issue of the Occupation Certificate.</p> <p>Stage 01 complies – The FTP has been prepared by Ason Group for Stage 1 to support the journey to work mode share target of 40% public transport/60% private transport.</p> <p>The ongoing implementation of the FTP during Stage 01 is also subject to condition.</p>
e) Provide a Final Travel Plan to Council for certification prior to the issue of any Occupation Certificate.	<p>Complies with conditions – See above</p>
Parking Rates	
f) Bicycle parking and end-of-trip facilities are to be provided in accordance with the RDCP 2014 Part 9.3 Parking Controls.	The provision of bicycle parking is detailed under Part 9.3 of the RDCP 2014.
g) Parking is to be provided in accordance with the RDCP 2014 Part 9.3 Parking Controls.	The provision of parking is detailed under Part 9.3 of the RDCP 2014.
Car Sharing Parking	
<p>h) All parking spaces for car share schemes are to be:</p> <p>i. Publicly accessible 24 hours a day seven days per week.</p> <p>ii. Located together in the most convenient locations.</p> <p>iii. Located near and with access from</p>	<p>Complies – The car share spaces are located within the building. Given that this is a commercial building, it is not considered appropriate to require these spaces to be publicly accessible 24 hours a day seven days per week. An appropriate condition has been imposed requiring compliance with the</p>


<p>a public road and integrated with the streetscape through appropriate landscaping where the space is external.</p> <p>iv. Designated for use only by car share vehicles by signage.</p> <p>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>	<p>other requirements. (See condition 176 in Part 2).</p>
<h2><u>5.0 Public Domain</u></h2>	
<h3><u>5.2 New Open Space</u></h3>	
<p>a) Provide public open space as shown in Figure 5.1.1 Proposed Open Space Network 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 Clause 8.1 Site Planning and Staging.</p>	<p>N/A Figure 5.1.1 does not apply to the development site.</p> <p>Notwithstanding, the proposal seeks to provide open space which will be owned and managed by the developers.</p>
<p>b) Buildings are not permitted to be located on any proposed new park identified in the Open Space Structure Plan identified in Figure 5.1.1.</p>	<p>N/A Figure 5.1.1 does not apply to the development site.</p>
<p>c) Parks are to be dedicated to the Council, unless by agreement with Council where they may be provided as privately-owned public spaces (POPS).</p>	<p>The planning agreement, does not include dedication of the land to Council. The park will be maintained as a privately-owned public space.</p>
<p>d) New parks are to be maintained by the landowner until dedicated to Council.</p>	<p>N/A</p>
<p>e) POPS are to be created as Rights-of-Way in favour of Council.</p>	<p>The planning agreement does not include any rights-of-way over the park. However, a through-site link is provided through the centre of the site, and registration of a pedestrian link easement over that part of the site, is required by the planning agreement.</p>
<p>f) POPS are to be maintained by the landowner in perpetuity. Public liability Insurances up to \$20,000,000 are to be maintained by the landowner.</p>	<p>As this space will remain in private ownership and no easement over the space is required, the issue of public liability rests with the land owner rather than Council.</p>
<p>g) At least 50% of new public space is to receive 3 hours direct sunlight between 9am and 3pm on 21 June.</p>	<p>Sun Shadow Diagrams prepared by previous architects, Fitzpatrick and Partners, pertaining to the concept proposal indicate that new open space, most notably that within Bochetto Park, receives sufficient sunlight at the time required.</p>
<p>h) Active frontages are to be provided in accordance with Section 6 Active Frontage controls.</p>	<p>N/A Does not apply to the development site. Conditions are recommended in relation to ground</p>

	floor design, but this does not necessarily require that the uses be for active purposes.
i) Provide internet connection to all publicly accessible space in Macquarie Park, particularly new parks.	As the park will be retained in private ownership, this requirement cannot be enforced.
j) Provide open space in accordance with Table 5.2.1 Controls for Open Spaces.	N/A Table 5.2.1 does not apply to the development site.
k) Refer to the <i>Macquarie Park Public Domain Technical Manual</i> for detailed design requirements.	As the site is not listed in Table 5.2.1, this clause is not applicable.
l) Provide pedestrian pathways and cycleway connections to adjoining public domain spaces.	Complies. Building A has provided appropriate connections to the public domain spaces.
m) Accommodate a range of seating areas with prospect and views across open space.	Complies The Landscape Plan prepared by Site Image details outdoor seating opportunities at ground floor retail with views to Bochetto Park.
n) Provide a mix of paved and open lawn/turf areas, shaded and sunny areas.	Complies The Landscape Plan prepared by Site Image provides details pertaining to Bochetto Park, an open space comprising of lawn areas which will receive both sun and shade.
o) Provide infrastructure. <u>Paving</u> p) Provide high-quality pavement that relates to public domain of adjoining streets in accordance with the <i>Macquarie Park Public Domain Technical Manual</i> . <u>Park Furniture</u> q) Install park lighting along key pedestrian routes. Reduce visual clutter by incorporating light fittings on built elements where possible. r) Provide a generous quantum of seating in sun/shade areas s) Locate bins at park entries/exits. t) Provide directional/information signage as key zones.	The park will not be public open space and it was not identified in Tables 5.2.1. Despite this, the development has provided distinctive areas within the park that will provide for adequate seating and interest.
<u>Vegetation</u> u) Minimum 20% consolidated area of the open space area should be provided as deep soil zone to establish large trees.	Complies The park comfortably complies with this requirement.
v) Provide exotic and endemic species (minimum 60%), large scale shade trees (over 8m height).	Complies Tree species selection satisfies this requirement.

w) Protect and retain existing trees over 5m in height.	N/A This control largely relates to existing open space area; the proposal seeks to provide a new open space area, which will increase tree coverage in that location.
<u>Stormwater</u> x) Implement water sensitive urban design. Provide for on-site absorption; manage water quality and run-off on site. y) Improve stormwater treatment through site and explore possibilities for incorporating stormwater drainage infrastructure as an evocative element within urban design.	Satisfactory, subject to conditions.
<u>5.8 Street Trees, Front Setback Tree Planting and Significant Trees</u>	
a) Street trees and front setbacks must be provided in accordance with the Street Tree Key Plan in the <i>Macquarie Park Public Domain Technical Manual</i> , and their health guaranteed for min. 5 years.	Subject to conditions.
b) At grade parking is not permitted in the front setback.	Any proposed at grade parking associated with new Buildings B, C, D and E will be assessed within the future Development Applications for each respective stage.
c) Where: (i) New floor space or parking areas are proposed; and (ii) A site is shown part coloured on the Sydney Metropolitan Catchment Vegetation Mapping 2013; (iii) and Removal of native vegetation species is proposed: Submit a Flora and Fauna Assessment prepared by a suitably qualified ecological consultant with the DA that has regard to: (i) Part 9.5 Tree Preservation of the RDCP 2014; (ii) NSW Threatened Species Conservation Act. (iii) Sydney Metropolitan Vegetation Mapping 2013	N/A The site is not affected by the Sydney Metropolitan Catchment Vegetation Mapping 2013.
<u>5.10 Art in Publicly Accessible Spaces</u>	
a) 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 \$1,500,00.00.	Concept Development complies with conditions – A Public Art Strategy prepared by Site Image was submitted with the development application. Comments from Council's Manager Urban Strategy have been received which stated that the submitted strategy is satisfactory at this stage,

	<p>however a public arts plan will be required prior to the issue of the relevant construction certificate. Additionally, the Strategy does not stipulate costs or expenditure associated with Public Art; however, this may also be addressed as part of the condition.</p> <p>Stage 01 N/A – Bochetto Park provides unique opportunities for public art. The draft plan has proposed 4 locations within this park for public art. Given the preferred location for public art would occur in Stages 3 and 4, it is not necessary to require details for public art in Stage 1.</p>
b) Art must be located within the site so as to be publicly accessible (i.e. viewed or experienced from publicly accessible places).	<p>Concept Development complies – The Public Art Strategy prepared by Site Image suggests public art be located in and around Bochetto Park, which is deemed publicly accessible. This space is scheduled to be completed in stages 03 and 04.</p>
<p>c) A site-specific Arts Plan is to be submitted together with the development application.</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 (train, bus, car) and people movement ▪ History of Macquarie Park Corridor e.g. market gardening ▪ Future of Macquarie Park ▪ Natural environment e.g. water <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 (including the building façade, paving, lighting design, outdoor seating, play equipment and the like) ▪ Proposed use of materials with particular information to be provided on robustness, durability, and low maintenance <p>(iv) Implementation (detailing at what stage the artwork will be implemented etc)</p>	<p>Concept Development complies – The Public Art Strategy prepared by Site Image considers the project context, site history and characteristics in its recommendations. The concept and themes set out in the Plan aim to align with Council's relevant strategic documents including the Public Art Strategy and Community Strategic Plan.</p> <p>Three thematic options are proposed as part of the Plan, these include environmental art, innovation and technology, and the preferred option – 'reflective view' which will integrate two pieces of art with the landscape of Bochetto Park.</p> <p>Precedent imagery has been used in lieu of concept drawings with recommendations regarding form, function and materials also provided.</p> <p>Comments from Council's Manager Urban Strategy have been received which stated that the submitted strategy is satisfactory at this stage, however more details of the public art will be required prior to the issue of the relevant construction certificate.</p>

(v) Preliminary construction details with particular emphasis on public safety considerations.	
6.0 Implementation – Infrastructure, facilities and Public Domain Improvements	
a) Floor Space Ratios and Height of Buildings are to comply with the Ryde LEP 2014.	Concept Development complies – Stage 01 complies – Refer to Clauses 4.3 and 4.4 of the Ryde LEP discussed previously in this report
b) The Access Network being roads and the Open Space Network being parks are to <ul style="list-style-type: none"> (i) be dedicated to Council as part of a new development and are to (ii) conform with the Macquarie Park Corridor Access Structure Plan. (iii) be designed and constructed in accordance with the <i>Macquarie Park Corridor Public Domain Technical Manual</i> and Section 4 of this Part. 	Road 22 and the pedestrian link have been identified in the DCP and are being provided as part of the development. The proposal also includes open space and two private roads which are not depicted within the Ryde DCP 2014. Dedication of these elements are not part of the draft planning agreement.
c) The public land such as the road verge adjoining a development site is to be embellished and dedicated to Council as part of any new development. The design and construction of the works are to be undertaken in accordance with the <i>Macquarie Park Public Domain Technical Manual</i> and Section 4 of this Part.	Complies Public domain works are included as part of the draft planning agreement. Appropriate conditions of consent have been included. (See condition 14 in Part 1 and conditions 58 and 59 in Part 2).
7.0 Built Form	
7.1 Site Planning and Staging	
a) Sites are to be planned to allow for the future provision of new streets and open spaces in accordance the Figure 4.1.1 Access Network and Figure 5.1.1 Proposed Open Space Network.	Concept Development complies – <u>New Roadway</u> The proposed Road 22 (which extends from the proposed new roadway (Road 01) to Talavera Road) is in the location nominated in Figure 4.1.1. <u>New Pedestrian Link</u> The proposed pedestrian link (which extends from the proposed new roadway (Road 01) to Talavera Road) is in the location nominated in Figure 4.1.1. <u>Open Space</u> The site is not affected by the requirements of Figure 5.1.1 Proposed Open Space Network. Stage 01 complies – The site has been planned to allow for the future provision of the 14.5m Road 22 and the new pedestrian link.

7.3 Active Frontage	
a) Continuous ground level active uses must be provided where primary active frontages are shown in Figure 7.3.2 Active Frontage and Setback Control Drawing. Buildings must address the street or public domain.	<p>N/A – Figure 7.3.2 of the DCP does not apply to the development.</p> <p>Notwithstanding, ground levels of Buildings A and B are to comprise retail tenancies beverage tenancies to activate the streetscape. Building frontages address the public domain (centrally located park). Conditions are also recommended in relation to the ground floor interface of future buildings, but this will not necessarily impact on the use of the building.</p>
b) Front door and street address is to be located on the primary frontage.	<p>Concept Development capable of complying – Front doors associated with Buildings B, C, D and E will be assessed within the future Development Applications for each respective stage.</p> <p>Stage 01 complies – Building A's primary entrance onto the new internal private road takes the form of a glazed lobby. The building entry, podium and lobby design provide clear access cues for visitors – see image below.</p>
 <p>Figure 23. Front façade of proposed Building A, to face internal private road (Source: 3XN)</p>	
c) 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.	<p>N/A – Figure 7.3.2 of the DCP does not apply to the development.</p> <p>Notwithstanding, the concept allows vehicular access from secondary streets such as the private 14.5m internal roads and the proposed Road 22.</p> <p>At Building A, vehicular access to the loading dock and car parking is provided off the new 14.5m private road from Khartoum Road.</p> <p>Vehicular access will be confirmed at the detailed DA stage for all future stages.</p>
d) Active ground level uses are	N/A

encouraged where secondary active frontages are shown in Figure 7.3.2 Active Frontage and Setback Control Drawing	Figure 7.3.2 of the DCP does not apply to the development, however ground levels are activated by retail tenancies.
e) Active uses are defined as one or more of the following: (i) shop fronts; (ii) retail/service facilities with a street entrance; (iii) cafe or restaurants with street entrance; (iv) community and civic uses with a street entrance; (v) recreation and leisure facilities with a street entrance; (vi) commercial or residential lobbies with a street entrance not more than 20% of the total length of the building's street frontage	Concept Development complies – Stage 01 complies – The proposal provides a variety of active uses including retail, food and beverage, and commercial lobbies at each building. Active uses are accessed from main building frontages and through site links.
f) Entries to active frontage tenancies are to be accessible and at the same level as the adjacent footpath.	Concept Development complies – Stage 01 complies – Tenancies are accessible to pedestrians from the ground plane, level with pathways and through site links, as per recommendations made in the DA Access Review prepared by MGAC.
g) Active uses must occupy the street frontage for a depth of at least 10m. Refer Figure 7.3.1 Active Frontages Plan Diagram and Active Frontages Elevation Diagram.	N/A The proposal is not affected by the active frontages requirement, and therefore compliance with a minimum dimension is not necessary.
h) On sloping sites, the maximum level change between ground floor tenancies and the adjacent footpath is 600 mm.	Stage 01 Does not comply - justified The retail premises located in the western corner of the site, sits up to approximately 0.9m below the existing adjacent street levels. However, a 5m setback is provided from the street, which allows for a gradual fall towards the retail premises. Additionally, the ground floor level is responsive to the continued fall towards the south-east, providing a suitable balance between cut and fill. The retail premises located fronting the new private road is compliant with this control.
i) Where active frontage is required a minimum of 90% of the building frontage is to be transparent i.e. windows and glazed doors (A maximum 10% active frontage may be fire stairs, plant, masonry walls and other non-active uses).	N/A Figure 7.3.2 of the DCP does not apply to the development, however Building A's primary facade is largely transparent and comprises significant glazing. New Buildings B, C, D and E will be assessed within the future Development Applications to be in keeping with this design.
j) Clear glazing is to be provided to windows and doors. The sill height for windows must be maximum 1200mm above the footpath, including for	N/A Figure 7.3.2 of the DCP does not apply to the development, however Building A's primary comprises floor to ceiling glazing. New Buildings

sloping sites. Refer Figure 7.3.1 below.	B, C, D and E will be assessed within the future Development Applications to be in keeping with this design.
7.4 Setbacks and Build-to Lines	
<p>a) Minimum setbacks and build-to lines must be provided as shown Figure 7.3.2 Active Frontage and Setback Control Drawing – summarised as follows:</p> <ul style="list-style-type: none"> (i) Zero setbacks / build-to lines to Primary Active Frontage; (ii) 5m setback to all existing and new streets unless otherwise specified; (iii) 10m setback to Waterloo Road and Talavera Road; (iv) 10m green setbacks to the M2 tollway and Epping Road; and (v) 5m built form setback to all parks (existing and proposed – subject to providing a Riparian Corridor in accordance with the NSW Office of Water's Guidelines for Riparian Corridors on Waterfront Land). 	<p>Concept Development complies – The development has proposed a 15m setback to Talavera Road. This will allow for the retention of significant vegetation. A 5m setback is provided to all other streets, including Khartoum Road.</p> <p>Stage 01 complies – The Stage 01 Construction component of the development is not affected by the requirements of Figure 7.3.2.</p> <p>Notwithstanding, a 5m setback from Building A to both the new street and Khartoum Road alignments is provided.</p>
b) Subject to negotiation with Council single storey structures which include active uses may be located within the Secondary Active Frontage. These structures must address the public domain, be transparent as far as practicable and will be subject to the ECRL Guidelines.	Buildings A to E do not contain any single storey structures. There are 4 pop up retail outlets proposed within the open space area. These structures have been appropriately setback from Khartoum Road.
c) Provide 2m setbacks to pedestrian pathways (unless within a building)	<p>Concept Development complies – Stage 01 complies – All buildings provide setbacks from pedestrian pathways greater than 2m.</p>
d) Despite clause 7.2. a development may be set back further from the street or public domain where it can be demonstrated to Council that the impacts of development on underground rail infrastructure are not in accordance with the ECRL Underground Infrastructure Protection Guidelines Report No. 20007300/ PO-4532 obtainable from Transport for NSW	<p>N/A The development will not have any impact upon the ECRL First or Second Reserve Support Zones.</p>
e) Council encourages development that complies with Figure 7.3.2 Active Frontage and Setback Control Drawing and meets the requirements of the ECRL Second Reserve Support Zone. The following are permitted in the Second Reserve support zone:	<p>N/A The development is not affected by the requirements of Figure 7.3.2 nor does it impact upon the ECRL Second Reserve Support Zone.</p>

<p>(i) Excavations less than 3m in depth are not required to be assessed. Excavations 3m or more in depth are required to be assessed for their impact on the underground infrastructure, including impacts during construction.</p> <p>(ii) Shallow footings with relatively light loadings (allowable bearing pressure of less than 150kPa on small pad or strip footings) are not required to be assessed. Other shallow footings and deep foundations are required to be assessed.</p>	
<p>f) Underground parking is not permitted to encroach into the front setback areas unless it can be demonstrated that the basement is designed to support significant mature trees and deep root planting. Refer to Figure 7.4.1.</p>	<p>Concept Development capable of complying – Any proposed basement levels for new Buildings B, C, D and E will be assessed within the future Development Applications for each respective stage.</p> <p>Stage 01 does not comply – justified The basement level parking does not encroach within the 5m front setback to the proposed new roadway. Rainwater and OSD tank will partially encroach on the Khartoum Road frontage. However, the encroachments are isolated to the central portion of this frontage and would not interfere with the health of trees proposed in this location.</p>
<p>g) Awnings, canopies, balconies, sun shading and screening elements can project forward of the street setback line.</p>	<p>Concept Development capable of complying – Any proposed elements for new Buildings B, C, D and E will be assessed within the future Development Applications for each respective stage.</p> <p>Stage 01 complies – Various Level 1 and Level 2 balconies are proposed to sit forward of the setback lines and are acceptable.</p>
<p>h) 60% of the street setback area is to be soft landscaping. Existing mature trees are to be retained where possible. Paved areas are to relate to the materials and finishes of the adjacent streetscape. At grade car parking must not be located within this setback.</p>	<p>Concept Development capable of complying – Setbacks to the existing street frontages being Talavera Road and Khartoum Road generally meet the minimum 60% soft landscaping requirement. It is noted however that existing mature trees within this zone are generally not to be retained and are proposed for removal based on unsustainable levels of impact.</p> <p>Compliance pertaining to new Buildings B, C, D and E will be assessed within the future Development Applications for each respective stage.</p>

	<p>Stage 01 does not comply – Justified The Khartoum Road setback does not meet the requirements of this clause providing approximately 25% soft landscaping. Additionally, existing trees in this area are proposed for removal.</p> <p>Despite this, landscaping opportunities have been pursued with tree plantings, turfed areas and raised planters proposed for future Road 01 and the private internal road provisioned under Stage 01 and conditions are recommended to provide further improvements along the Khartoum Road frontage. Given the substantial landscape setbacks provided elsewhere within the concept application, this non-compliance is acceptable.</p>
7.5 Awnings and Canopies	
a) Awnings must be provided where Primary Active Frontages are shown in Figure 7.3.2 Active Frontage and Setback Control Drawing. Entry canopies and discontinuous awnings are encouraged elsewhere in the Corridor.	<p>N/A – The Stage 01 Construction and the Concept Master Plan component of the development are not affected by the Primary Active Frontage requirements of Figure 7.3.2.</p>
Entry Canopies	
i) Entry canopies and discontinuous awnings may be provided to building entries not located along Active Frontages.	<p>Concept Development capable of complying – Any entry canopies or discontinuous awnings proposed for new Buildings B, C, D and E will be assessed within the future Development Applications for each respective stage.</p> <p>Stage 01 – N/A Although the site is not affected by the active frontage control, the proposed new building does not incorporate an entry canopy or discontinuous awning as Level 01 is cantilevered over the recessed entry lobby, serving a similar purpose.</p>
j) Entry canopies may be glazed or solid, and are to be coordinated with a soffit height of 3.6 m minimum.	See above
7.6 Rear and Side Setbacks	
a) Buildings are to be set back 10m from the rear boundary and 5m from a side boundary unless a proposed new road is shown on the site.	<p>Concept capable of complying – Buildings A, B and C provide 5m setbacks to new and existing adjoining roads. Buildings D and E provide a 10m setback to Talavera Road. This is also compliant with clauses 7.4(a)(ii) and 7.4(a)(iii).</p> <p>Stage 01 complies – Stage 01 is affected by the inclusion of a new road which runs in an east-west direction, between the northern property boundary and new Building A.</p>

	The new building A is setback 5m from the southern side of the new roadway which complies.
b) Buildings are not to be constructed on the locations for proposed new roads. An allowance for a 5m setback from a proposed road should also be made.	Concept Development complies – Stage 01 complies – Buildings A and B are setback 5m from new Road 01. Buildings B, C and D are setback 5m from new Road 22.
c) Awnings, canopies, balconies, sun shading and screening elements may project into the rear setback zones	Concept Development complies – Compliance will be assessed within the future Development Applications for each respective stage. Stage 01 complies – No awnings, canopies, balconies, sun shading or screening elements project into the rear setback zone.
d) Basement car park structures should not encroach into the minimum required rear or side setback zone unless the structure can be designed to support mature trees and deep root planting.	Concept Development capable of complying – Compliance will be assessed within the future Development Applications for each respective stage. Stage 01 Does Not comply – Building A's basement carparking encroaches into the Khartoum Road setback to accommodate rainwater and OSD tanks negating the opportunity for deep root planting. The development has proposed the use of raised angular planters in the front setback. This is appropriate given the fall of the land from Khartoum Road to the front of the building. The landscaping will integrate with the public domain formal streetscape as well as providing a human scale to the building forecourt. The basement also encroaches into the western setback along new Road 01; however, the extent of the encroachment is below the pedestrian pathway only and as such, does not impact planting opportunities.
e) Above ground portions of basement car-parking structures are discouraged and deep soil planting is promoted.	N/A No portions of basement carparking are above ground
f) Natural ground level is to be retained throughout side and rear setbacks, wherever possible. Refer to Section 8.4 Topography and Building Interface for controls.	Complies Refer to discussion relating to Section 8.4
7.7 Building Separation	
a) Provide minimum 20 m separation between buildings facing each other within a site. Refer to Figure 7.7.1 Commercial Building Separation Controls.	Does not comply – justified The following buildings separations are non-compliant: Building B to C – 14.5m for 33.1 length Building C to D – 14.5m for 33.1 length

<p>a) Provide minimum 10 m separation between buildings perpendicular to each other within a site. This reduced building separation control only applies where the width of the facing facades does not exceed 20 m. Refer to Figure 7.7.1 Commercial Building Separation Controls.</p>	<p>The above separations relate to the podiums of the development. The towers are setback further and would achieve the 20m separation. Rather than provided taller buildings with consistent building separation, the approach to the spatial arrangement of this development is to provide short buildings, mostly with a lesser building separation, but with an exceptionally large building separation associated with public open space. The Urban Design Review Panel was supportive of this configuration and the open nature of the proposed east-west pedestrian link.</p> <p>Further, this clause is more appropriately strictly applied in areas where the maximum building heights are achieved across the site. The majority of the proposed buildings fall significantly short of the maximum building height permitted, and the variation is acceptable in this instance.</p>
7.8 Building Bulk and Design	
<p>a) The floor-plate of buildings above 8 storeys is not to exceed 2,000m², unless it can be demonstrated that slender building forms are achieved through courtyards, atria, articulation or architectural devices.</p>	<p>Concept Development complies – Buildings to be constructed in Stages 02 – 04 are 8 storeys or below in height.</p> <p>Stage 01 Does not comply – Justified Building A is 10 storeys, with the largest floor-plates at levels 7 to 9 measuring 2,198m². Therefore, a non-compliance of 198m² is proposed.</p> <p>As stated in this clause, in the event the floor plate exceeds 2,000m², the applicant needs to demonstrate that slender built forms are achieved. To address this, the design of Building A proposes articulation through architectural features, a terrace at level 1 and podium at level 2 to reduce bulk and scale.</p> <p>Building design has been refined in accordance with comments received from the Urban Design Review Panel.</p>
<p>b) Buildings are to address the street, and are to have a street address.</p>	<p>Stage 01 does not comply – Although the proposal has provided a suitable presentation to Khartoum Road and the New Private Road, there are opportunities for improvements to the other two facades, which will face towards areas of high future activity. Refer to further discussion in relation to the UDRP comments.</p>
<p>c) Facade design is to (i) Reflect and respond to the orientation of the site using</p>	<p>Stage 01 complies – The façade design is generally supported by Council's UDRP.</p>

<p>elements such as sun shading and other passive environmental controls where appropriate.</p> <ul style="list-style-type: none"> (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 (eg a change in building articulation, material or colour, or roof expression). (iv) Integrate and co-ordinate 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. Refer to Ryde LEP 2014 for height controls. (vi) Ventilation louvres and car park entry doors are to be coordinated with the overall façade design. 	
<p>d) The distance of any point on a habited floor from a source of natural daylight should not exceed 12m (such as from the core to an external window).</p> <ul style="list-style-type: none"> (i) Atria and courtyards are to be used to promote access to natural light, pedestrian links and slender building forms. (ii) Arrange courtyards and atria to respond to street lot & solar orientation. (iii) The preferred height to width ratio of atria is 3:1. 	<p>Does not comply - justified–</p> <p>Parts of the development are further than 12m from the nearest source of natural daylight. However, this arrangement for Stage 01 is acceptable for the following reasons:</p> <ul style="list-style-type: none"> • Each building contains access to natural light from all four facades. • Areas to be used for amenities and vertical circulation are provided along the south-western frontage, with solar access maximised to the remainder of the floor area. <p>Given that similarly arranged buildings are proposed for future stages, it is likely that a similar rationale would apply to any non-compliances on buildings within future stages.</p>
<p>e) Buildings are to be designed to be flexible – car parking above the ground level is to have a floor to ceiling height of not less than 2.7m.</p>	<p>Concept Development capable of complying –</p> <p>Compliance of carparking structures will be assessed within the future Development Applications for each respective stage.</p> <p>Stage 01 complies –</p> <p>Stage 01 provides for basement parking, however Building A's ground level, which accommodates a loading dock, has a floor to ceiling height of 4.2m.</p>

8.0 SITE PLANNING AND STAGING	
8.1 Site Planning and Staging	
<p>a) Sites are to be planned to allow for the future provision of new streets, pedestrian connections and open spaces in accordance with Figure 4.1.1 Access Network and Figure 5.1.1 Proposed Open Space Network. Where it is proposed to vary the locations of open space, and roads; a master plan must be submitted with the development application in accordance with clause 8.1.b (below) and the following:</p> <ul style="list-style-type: none"> (i) Equal or greater quantum of open space or road area than shown in Figure 4.1.1 Access Network and Figure 5.1.1 Proposed Open Space Network; (ii) A highly visible and publicly accessible location for passive open space bounding Waterloo Road; (iii) The same functional outcomes for open space as specified in Section 5.2; (iv) The same connection points to existing roads as shown in the Figure 4.1.1 Access Network and the ability to enhance connectivity; and 	<p>Concept Development capable of complying – Stage 01 complies –</p> <p>The concept proposal has been designed with buildings sited to allow for the provision of the following:</p> <ul style="list-style-type: none"> • Central open space, known as Bochetto Park • New pedestrian through site link • Two (2) private 14.5m internal roads • New Road 01 • New Road 22 <p>The new pedestrian through site link, Road 01 and Road 22 are consistent with Figure 4.1.1 Access Network.</p> <p>Figure 5.1.1 Proposed Open Space Network does not apply to the site.</p>
<p>b) All sites 15,000m² or more in area should lodge a site-specific Master Plan and/or Stage 01 development application for approval. The Master Plan must be supported by a:</p> <ul style="list-style-type: none"> (i) Transport Management and Access Plan that entails the following measures: - Maximise access by sustainable modes of transport and reduce car dependency (i.e. Public Transport, Cycling and Walking) - Maximise public access (example: Bus Stops, public pick-up and drop-off points, 'thru' pedestrian connections and links); (ii) Proposed vehicular access to and from the site; including the provisions parking; (iii) Economic Impact Report which details retail floor space and impacts on local centres within 5 	<p>This application seeks consent for a Concept Plan and a Stage 01 development. The necessary documentation has been provided.</p>

<p>kms, the quantum of employment floor space and likely employment generation;</p> <p>(iv) Proposed floor space and height and general site layout that preserve the natural heritage of the site (as appropriate) and protect the amenity of the local neighbours;</p> <p>(v) Details of any proposed public benefits and proposed incentive bonus;</p> <p>(vi) Arts Plan; and</p> <p>(vii) Social Impact Study.</p>	
8.2 Site Coverage, Deep Soil Areas and private open space	
<p>a) A minimum 20% of a site must be provided as deep soil area.</p> <p>b) Deep soil areas must be at least 2 m deep.</p> <p>c) For the purpose of calculating deep soil areas, only areas with a minimum dimension of 20 m x 10 m may be included.</p>	<p>Concept Development does not comply – Approximately 7,700m² of deep soil has been provided across the entire site within Bochetto Park and tracts of deep soil along the Talavera Road frontage. This equates to an approximate coverage of 25% which complies with the requirement.</p> <p>Stage 01 does not comply – When applying the requirements of clause 8.2 (b) and (c), Stage 01 provides nil deep soil. This variation can be supported in light of the amount of deep soil plantings for the entire site.</p>
<p>d) 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>Concept Development complies – A minimum of 6,006m² landscaped area is required under this clause. Approximately 7,700m² has been provided within Bochetto Park and Talavera Road frontage as per deep soil calculations. When considering this in addition to landscaped setbacks and pathways, and plantings at terrace and podium levels the minimum 20% requirement is reached.</p> <p>Stage 01 does not comply – justified The total landscaped area of Stage 01 is approximately 16% and therefore fails to achieve the minimum level of landscaped area required. It is noted however, that the majority of the Concept Development's landscaped area lies within Bochetto Park, to be delivered at later stages. Additionally, the concept site achieves the minimum 20% landscaped area, as such this non-compliance is justified.</p>
<p>e) Solar access to communal open spaces is to be maximised. Communal courtyards must receive a minimum of 3 hours direct sunlight between 9 am and 3 pm on the 21st of June.</p>	<p>Concept Development complies – The communal open space is to be located between Building A and Building E with a north-western orientation available from Khartoum Road.</p>

	<p>The location of the communal open space enables the maximisation of the building separation between Building A and Building E. However, as a consequence, the communal open space would be largely overshadowed at 9am on the winter solstice.</p> <p>Overall the building siting provides an appropriate balance between solar access, building separation, and responsiveness to the street network. In addition, this spatial arrangement ensures that the communal open space is well connected to all other buildings within the development. The overshadowing impacts are acceptable on this basis.</p>
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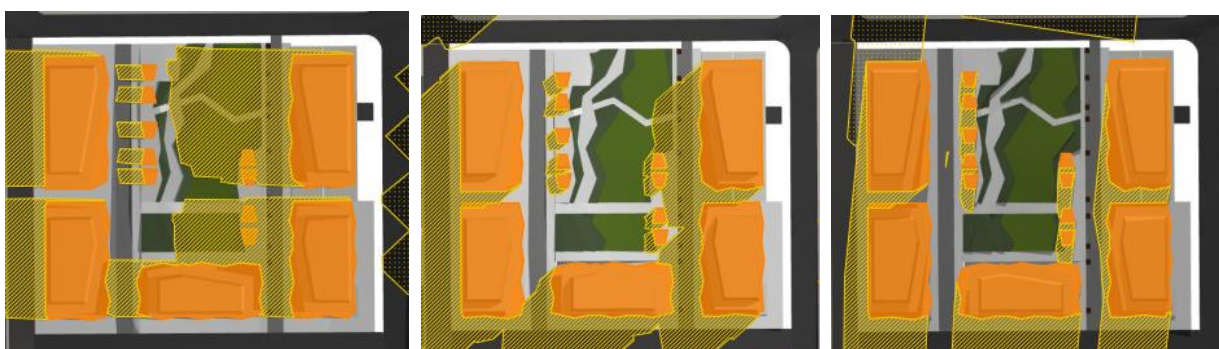


Figure 24. Midwinter shadow diagrams (from L to R - 9am, 12pm, 3pm) for communal open space (Source: 3XN)

f) Appropriate shading is to be provided so that communal spaces are useable during summer.	Capable of complying in future stages.
g) Communal open spaces are to incorporate the primary deep soil area where possible.	Deep soil area is located within park.
h) Landscaping is to contribute to water efficiency and effective stormwater management. Landowners are to consult with Council for requirements to address stormwater quality	Capable of complying in future stages.
8.3 Planting on Structures	
a) Provide optimum conditions for plant growth by providing appropriate irrigation and drainage methods. b) Design planters to provide the largest possible volume of soil, in accordance with the following recommended standards: (i) Large trees (canopy diameter up to 16 m at maturity) Min. soil volume 150 m ³ Min. soil depth 1.3 m,	Tree planting on structures is satisfactory, subject to conditions.

<p>Min. soil area 10 m x 10 m or equivalent</p> <p>(ii) Medium trees (canopy diameter up to 8 m at maturity) Min. soil volume 35 m³ Min. soil depth 1 m Min. soil area 6 m x 6 m or equivalent</p> <p>(iii) Small trees (canopy diameter up to 4 m at maturity) Min. soil volume 9 m³ Min. soil depth 800 mm Min. soil area 3.5 m x 3.5 m or equivalent</p> <p>(iv) Shrubs Min. soil depth 500-600 mm</p> <p>(v) Ground cover Min. soil depth 300-450 mm</p> <p>a) Turf Min. soil depth 100-300 mm</p>	
8.4 Topography and Building Interface	
<p>a) Level changes across sites are to be resolved within the building footprint.</p> <p>(i) Where buildings are built to the street boundary (i.e. zero setbacks, refer to Section 7.4 Setbacks and Build-to Lines), a level transition must be provided between the building and the adjacent footpath. This level must be maintained for a minimum depth of 10 m into the building.</p> <p>(ii) Where buildings are set back from the street boundary, entries are to be provided at street level wherever possible.</p>	<p>Concept Development capable of complying – Level changes have been incorporated into the siting and design of the overall concept proposal and public domain elements. Detailed compliance for building interface will be confirmed at the detailed DA stage for all future stages.</p> <p>Stage 01 complies – The front lobby entry into Building A is at-grade to the alignment of the new private road. The at-grade level and accessible path of travel is maintained for the full width of the new road alignment and the main entry to the building. An accessible path of travel is also available from Khartoum Road, where stairs and ramps are integrated with the landscape design of the front setback area. An accessible path of travel to New Road 01 is also provided.</p>
<p>b) An accessible path of travel is to be provided from the street through the main entry door of all buildings.</p> <p>(i) Where necessary, stairs and ramps are to be integrated with the landscape design of front setbacks.</p>	<p>See above</p>
<p>c) Natural ground level is to be retained for a zone of 4 m from the side and rear property boundaries. Retaining walls, cut and fill are not permitted within this zone.</p>	<p>Concept Development capable of complying – Compliance of ground levels and retaining walls will be assessed within the future Development Applications for each respective stage.</p> <p>Stage 01 complies – A retaining wall is included to the south-west of</p>

	Building A to ensure an appropriate level transition.
d) The maximum height of retaining walls within the front, side and rear setbacks is not to exceed 1.2 m.	<p>Concept Development capable of complying – Compliance of retaining walls will be assessed within the future Development Applications for each respective stage.</p> <p>Stage 01 complies – The retaining wall along the south-west boundary of Building A will be a maximum height of 1m (as shown within image below). It is intended that the top of the retaining wall will align with the level of proposed new Road 01 upon completion.</p>

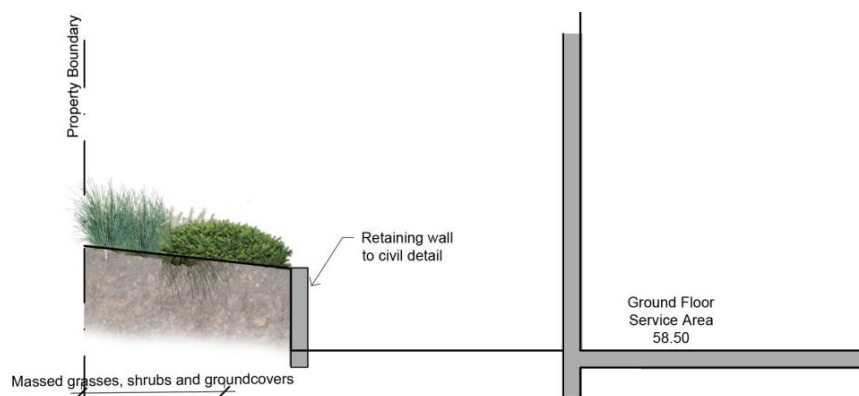


Figure 25. Section of retaining wall proposed along south-west side of Building A

e) Publicly accessible open spaces under private ownership (courtyards, forecourts) 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 1.2 m above footpath level.	<p>Stage 01 complies – Although there is a variation in levels adjacent to the New Private Road, the entry from Khartoum Road and the through-site link will be provided relatively level.</p>
8.5 Site Facilities	
a) Vehicular access to loading facilities is to be provided from secondary and tertiary streets where possible.	<p>Concept Development capable of complying – Compliance of vehicular access and loading facilities will be assessed within the future Development Applications for each respective stage.</p> <p>Stage 01 complies – Vehicular access to loading facilities within Building A is via a single driveway on the new internal private road, which is deemed secondary.</p>
b) Rubbish and recycling areas must be provided in accordance with Section 6.3 Waste Management. These areas must:	<p>Concept Development capable of complying – Compliance of rubbish and recycling areas will be assessed within the future Development Applications for each respective stage.</p>
(i) be integrated with the	

<p>development;</p> <p>(ii) minimise the visibility of these facilities from the street; and</p> <p>(iii) be located away from openable windows to habitable rooms.</p>	<p>Stage 01 complies –</p> <p>The application is accompanied by a Waste Management Plan prepared by The Mack Group which demonstrates compliance with Section 6.3 of the RDCP 2014. Private waste collection contractors will be responsible for providing waste removal and cleaning services. Internal waste removal will be undertaken by the cleaning contractor.</p> <p>The application and Waste Management Plan were referred to Council's Environmental Health Officer who did not raise any objection to the proposal.</p> <p>Appropriate conditions are imposed requiring compliance with the recommendations made in the Plan. (See condition 1 in Part 2).</p>
<p>c) Barrier free access is to be provided to all shared facilities.</p>	<p>Concept Development capable of complying Stage 01 complies</p>
<p>8.6 Vehicular Access</p>	
<p>a) Vehicular access is not permitted along streets identified as 'Active Frontages' (refer to Section 7.3 Active Frontages).</p>	<p>Concept Development capable of complying –</p> <p>Compliance of vehicular access will be assessed within the future Development Applications for each respective stage; however, the site does not contain streets identified as having an 'Active Frontage' as per Figure 7.3.2 of the RDCP 2014.</p> <p>Stage 01 complies –</p> <p>Vehicular access to Building 1 is provided from the internal 14.5m private road provided off Khartoum Road, neither of which is located within a street identified as an 'Active Frontage'.</p>
<p>b) Where practicable, vehicle access is to be from secondary streets.</p>	<p>Concept Development capable of complying –</p> <p>Compliance of vehicular access will be assessed within the future Development Applications for each respective stage.</p> <p>Stage 01 complies –</p> <p>Vehicle access to Building A is via the new internal private road which is not identified as a primary street.</p>
<p>c) Potential pedestrian/vehicle conflict is to be minimised by:</p> <p>(i) limiting the width and number of vehicle access points</p> <p>(ii) ensuring clear sight lines at pedestrian and vehicle crossings</p> <p>(iii) utilising traffic calming devices</p> <p>(iv) separating and clearly distinguishing between pedestrian and vehicular accessways</p>	<p>Concept Development capable of complying – Stage 01 complies –</p> <p>Building A carparking is accessed via a single driveway on the new internal private road. The driveway is located approximately 30m from the Building's primary pedestrian entrance, the two are clearly distinguished by their location and building materiality.</p> <p>Clear sight lines are present along the new internal</p>

	<p>private road and at pedestrian crossings, with traffic calming landscaping proposed along the road and adjoining footpath.</p> <p>The Urban Design Review Panel discussed the potential for the new internal street treatments to include unit paver or cobbled treatments to further emphasise the pedestrian-friendly nature of the internal streets. A condition is recommended in this regard. (See condition 15 in Part 1 and 59 in Part 2).</p>
<p>d) The appearance of car parking and service vehicle entries is to be improved by</p> <ul style="list-style-type: none"> (i) locating or screening garbage collection, loading and servicing areas visually away from the street (ii) setting back or recessing car park entries from the main façade line (iii) avoiding black holes in the façade by providing security doors to car park entries (iv) where doors are not provided, it is to be ensured that the visible interior of the car park is incorporated into the façade design and material selection and that building services pipes and ducts are concealed, and (v) returning the façade material into the car park entry recess for the extent visible from the street as a minimum. <p>e) The width of driveways is to be determined in accordance with the requirements of Ryde DCP 2014 and the relevant Australian Standards.</p>	<p>Concept Development capable of complying</p> <p>Stage 01 - complies</p> <p>The car park entry is recessed behind the adjacent retail premises. Garbage collection is integrated within the parking area, adjacent to its entry.</p>
8.7 Onsite Parking	
<p>a) Safe and secure 24-hour access to car parking areas is to be provided for building users.</p>	<p>Stage 01 Construction – Complies</p> <p>Concept DA – Capable of complying</p>

At-Grade Parking	
<ul style="list-style-type: none"> b) Parking areas must not be located within the front, side or rear setbacks. c) Parking areas are to be screened from view from the street, public domain and communal open space areas, using site planning and appropriate screen planting structures. d) Provide safe and direct access from parking areas to building entry points. e) Provide appropriate mature vegetation between parking bays to provide shade and enhance visual impact. 	<p>N/A – No at-grade parking is proposed.</p>
Basement Parking	
<ul style="list-style-type: none"> f) Basement parking areas should be located directly under building footprints to maximize opportunities for deep soil areas unless the structure can be designed to support mature plants and deep root plants. g) Basement parking areas must not extend forward of the building line along a street. h) Along active frontages, basement parking must be located fully below the level of the footpath. Refer to Section 7.3 Active Frontages. i) Basement parking should be contained wholly beneath ground level along public streets. j) Where this cannot be achieved due to topography, the parking level must protrude no more than 1.2 m above ground level for no more than 60% of the building frontage along a public street (Refer to Figures 8.7.1 and 8.7.2). k) Ventilation grills or screening devices of car park openings are to be integrated into the overall façade and landscape design of the development. 	<p>Stage 01 - Complies Whilst some basement areas are located forward of the building line, they are limited to service areas representing a minor encroachment. Otherwise, the basement parking is designed to be inconspicuous.</p>
8.8 Fencing	
<ul style="list-style-type: none"> a) Fencing is not permitted on the perimeter boundary of sites. Security should be provided within buildings. 	<p>N/A The development does not propose fencing.</p>
9.0 Environmental Performance	
9.1 Wind Impact	
<ul style="list-style-type: none"> a) Buildings shall not create uncomfortable or unsafe wind conditions in the public domain which exceeds the Acceptable Criteria for Environmental Wind Conditions. Carefully locate or design outdoor 	<p>Concept Development capable of complying – Compliance of wind impact will be assessed within the future Development Applications for each respective stage.</p> <p>Stage 01 complies</p>

areas to ensure places with high wind level are avoided.	<p>The application is accompanied by a Pedestrian Wind Environment Statement prepared by Windtech, which states:</p> <p><i>The results of the assessment indicate that the critical outdoor trafficable areas are exposed to a number of adverse wind effects that include direct wind effects, accelerating flows around corners of the building, down-wash and side-stream wind effects along the façade of the development.</i></p> <p>The Statement recommends a number of treatments to mitigate these effects.</p> <p>Appropriate conditions are imposed requiring compliance with the recommendations made in this report. (See condition 26 in Part 1 and 71 in Part 2).</p>
b) All applications for buildings over 5 storeys in height shall be accompanied with a wind environment statement. For buildings over 9 storeys and for any other building which may be considered an exposed building shall be accompanied by a wind tunnel study report. Refer to Council for documentation and report requirements.	<p>Concept Development capable of complying – Stage 01 complies with conditions</p> <p>The application is accompanied by a Pedestrian Wind Environment Statement, prepared by Windtech. However, the required wind tunnel study report for Building A, which is 10 storeys, has not been produced. The Windtech Statement indicates that this will need to be undertaken at a later stage in the design process to verify the assessment and recommendations presented in this report. A condition is recommended in this regard. (See condition 72 in Part 2).</p>
c) Calculation rules	<p>Concept Development capable of complying – Compliance of wind impact will be assessed within the future Development Applications for each respective stage.</p> <p>Stage 01 complies, subject to conditions</p> <p>The Pedestrian Wind Environment Statement recommends the following mitigation measures:</p> <p><i>Ground Level</i></p> <ul style="list-style-type: none">• Inclusion of operator-controlled localised impermeable screens for the various outdoor Licensed Seating Areas.• Inclusion of trees with dense undergrowth along the Future Retail Store towards the south-eastern corner of the development.• Inclusion of a permeable screen or densely foliating shrubs/hedges planting at the north-western corner along the western aspect of the subject development (west of the Bike Parking).• Retention of, or replacement with planting

Area Classification	Limiting Weekly Minimum Gust – Equivalent Mean	Limiting Annual Maximum Gust
Outdoor dining areas, amphitheatres etc	3.5 m/s	10 to 13 m/s
Main retail centres and retail streets, parks, communal recreational areas	5.5 m/s	13 m/s
Footpaths and other pedestrian	7.5 m/s	16 m/s

<p>accessways</p> <hr/> <p>Infrequently used laneways, easements, private balconies</p> <hr/>	<p>of a similar density and size, all existing and proposed planting.</p> <p><i>Level 2 Terrace Area</i></p> <ul style="list-style-type: none"> • Inclusion of an awning extending out from the slab above Level 2 along the eastern aspect of the development for the exposed trafficable areas. • Retention of proposed planting and impermeable balustrades. • Inclusion of a full-height impermeable screen on the northern aspect of the north-eastern corner of the subject development. • Inclusion of full-height impermeable screen along the southern aspect of the south-eastern corner of the subject development. The full-height screen should connect with the recommended awning/canopy at the corner. • Inclusion of a 2-3m high impermeable screen connecting to the recommended full-height screen along the south-eastern corner of the subject development. <p>Appropriate conditions are imposed requiring compliance with the recommendations made in this report. (See condition 71 in Part 2).</p>
<p>9.2 Noise and Vibration</p>	
<p>a) An Acoustic Impact Assessment report prepared by a suitably qualified acoustic consultant is required to be submitted with all development applications for commercial, industrial, retail and community buildings, with the exception of applications minor building alterations.</p>	<p>Concept Development capable of complying – Compliance of noise and vibration will be assessed within the future Development Applications for each respective stage.</p> <p>Stage 01 complies The application is accompanied by an Environment Noise Impact Assessment prepared by Acoustic Logic and conditions are recommended to ensure compliance with the recommendations.</p>
<p>b) Development is to comply with all relevant statutory regulations.</p>	<p>Recommendations have been provided in environmental noise assessment to ensure compliance with the relevant criteria is achieved.</p>
<p>c) Where light industrial and commercial development adjoins residential development, the use of mechanical plant equipment and building services will be restricted and must have appropriate acoustic insulation.</p>	<p>Complies</p> <p>The site is not located adjacent to any residential properties.</p>
<p>d) Loading and unloading facilities must not be located immediately adjacent to residential development.</p>	<p>N/A The site is not located adjacent to residential development.</p>
<p>e) Retail premises must limit any spruiking and the playing of amplified</p>	<p>Complies</p>

music or messages so as not to disturb the amenity of other public and private places.	Subject to conditions. (See condition 192 in Part 2).
f) Air conditioning ducts shall not be situated immediately adjacent to residential development.	N/A The site is not located adjacent to residential development.
9.4 Soil Management	
<ul style="list-style-type: none"> a) Development is to comply with the City of Ryde DCP 2014. b) Development is to be designed and constructed to integrate with the natural topography of the site to minimise the need for excessive sediment disturbance and prevent soil loss. c) Effective site management and maintenance practices are to be followed to prevent soil loss. d) Ensure that suspended Solid concentrations in stormwater leaving the site do not exceed more than 50 mg/litre. e) An Erosion and Sediment Control Plan (ESCP), prepared by a suitably qualified environmental engineer, is required to be submitted in support of all development proposals requiring development consent under the Ryde Local Environmental Plan, (other than for minor building modifications) including: Demolition; Excavation; Trenching and Building. f) The ESCP must make reference to the entire construction and post construction period, and all devices must be installed prior to commencement of any demolition or construction works on-site. g) The ESCP is to be prepared in conjunction with the Site Stormwater Management Plan and as a minimum contain the following information: <ul style="list-style-type: none"> (i) Property details; (ii) Site analysis (contours, access points, location of existing vegetation/creeks or other features); (iii) Extent and degree of clearing works and any excavations; (iv) Conservation/protection of sensitive areas and trees either on site or adjoining development; 	<p>Complies Subject to conditions. (See condition 54 in Part 2).</p>

<ul style="list-style-type: none"> (v) Truck movements and access arrangements/routes (load limits); (vi) Sediment and Erosion Control Measures (location and type of all control measures); (vii) Excavation pit protection; (viii) Material stockpile location and control method, waste management; (ix) Pump out method (if required); (x) Dust control measures to reduce surface or airborne movement of sediment from exposed areas of the site; (xi) Hours of operation (xii) Ongoing maintenance methods (xiii) Risks, safeguards and safety precautions; and (xiv) Contingencies. 	
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Table 3. Assessment of Part 4.5 of Ryde DCP 2014

Part 7.2 Waste Minimisation and Management

The application includes a Waste Management Plan dated 23 November 2017 as prepared by the Mack Group. The Plan addresses operational waste generation and management for Stage 01 (Building A) only. The application and Waste Management Plan were referred to Council's City Works (Waste) officer who did not raise any objection to the proposal. The management of Stage 01 demolition and construction waste is addressed in the Construction Management Plan prepared by Stockland, dated December 2017. The Plan also addresses collection and disposal procedures and the storage of dangerous goods. Appropriate conditions are imposed requiring compliance with the recommendations made in these plans. (See condition 20 in Part 1 and conditions 31, 181 to 188 in Part 2).

Part 9.2 Access for People with Disabilities

The application includes an Access Review Report dated 16 October 2018 as prepared by Morris-Goding Accessibility Consulting. The Report contains a number of recommendations associated with detailed design and advises they should be addressed prior to the issue of a Construction Certificate.

Appropriate conditions are imposed requiring compliance with the recommendations made in the Report, the BCA and relevant Australian Standards. (See conditions 76 and 173 in Part 2).

Part 9.3 Parking Controls

Parking within the Macquarie Park Corridor is controlled by a maximum rate, which differs depending on whether the development includes alterations to existing buildings, or new commercial floor space.

The rate for new floor space varies depending on the location of the site and the subject site is affected by a maximum rate of 1 space per 60sqm.

The parking generation for the Concept Development is outlined within the table below;

Space Type	DCP Control (Max)	Proposed	Compliant
Commercial	996	987	YES

The parking generation for Building A is outlined within the table below;

Space Type	DCP Control (Max)	Proposed	Compliant
Commercial	296	285	YES
Commercial Disabled	9 (min)	10	YES
Small Car Spaces	30	25	YES

In addition to the above, there are 6 car share spaces provided and 4 courier bays within the Building A basement parking. Council's development engineer is satisfied that the parking is both compliant with the maximum parking rates, and is designed generally in accordance with the requirements of AS2890.1

10. Section 94 Development Contributions Plan 2007

The Planning Agreement prevents Council from imposing a contribution under Section 7.11 of the Environmental Planning and Assessment Act, 1979.

11. 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.

11.1 Context and setting

The proposed development is considered appropriate with regard to context and setting. The subject site is located within the Macquarie Park Investigation Area which is looking at *"identifying opportunities to enhance the area's existing role as a major commercial centre and innovation district. This will also include investigating*

opportunities for securing the commercial future of Macquarie Park” (NSW Department of Planning and Environment website, 2018).

The proposed concept DA is in keeping with this intent of the investigation, as it will provide additional commercial floor space within the central business area of Macquarie Park. It will contribute towards improving connectivity within the locality and enhance the public realm through the provision of new roads, a pedestrian through site link and green space in the form of Bochetto Park. Council’s UDRP are generally supportive of the proposal and concept DA in its current form, identifying that is a suitable development for the area.

11.2 Built Form

The proposed development of Building A during Stage 01 will not create adverse impacts on the existing built environment or the amenity of the surrounding area. The development is consistent with Council’s controls with respect to the height and scale envisaged for future redevelopment of the area. The proposed built form and character of the development will contribute to an attractive public domain.

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

11.3 Natural Environment

The proposal does not result in any undue impacts to the natural environment, given the existing/previous use of the site, and the changing character of the locality. The extent of tree removal is satisfactory for a development of this scale and the design allows for tree retention where appropriate, with a total of 38 trees to be retained.

The proposal is to be constructed to a 4-star Greenstar office design rating and 4.5-Star NABERS Energy base building rating to reduce the impact of the development on the environment and in this sense the proposal will make a positive contribution to the natural environment.

11.4 Access and Traffic

The application was accompanied by a Traffic and Parking Report prepared by Ason Group. The comparison for the intersection performance for the 2031 scenarios indicates that the intersection of Talavera Road / Road 22 will be adversely impacted with the development. The TIA recommended this intersection should be limited to left in, left out movements only which improves the performance of the intersection of Talavera Road / Road 22 with minimum adverse effects on nearby road networks. This will affect Stage 4 of the development.

It is concluded that the development will not result in any unacceptable traffic implications to the road network, subject to conditions.

11.5 Overshadowing and Solar Access

The extent of overshadowing is an important consideration in terms of amenity to the proposed development as well as adjoining developments. Shadow diagrams in relation to the concept approval (shown within the compliance table at Table 3) indicate that the concept plan will cause the communal open space to be overshadowed for part of the morning on the winter solstice, but will maintain excellent solar access in the afternoon.

Overall the building siting provides an appropriate balance between solar access, building separation, and responsiveness to the street network, and the centralised location of the communal open space provides suitable connectivity to all other buildings within the development.

In relation to the Stage 01 proposal, **Figure 26** below depicts the overshadowing expected from proposed Building A.

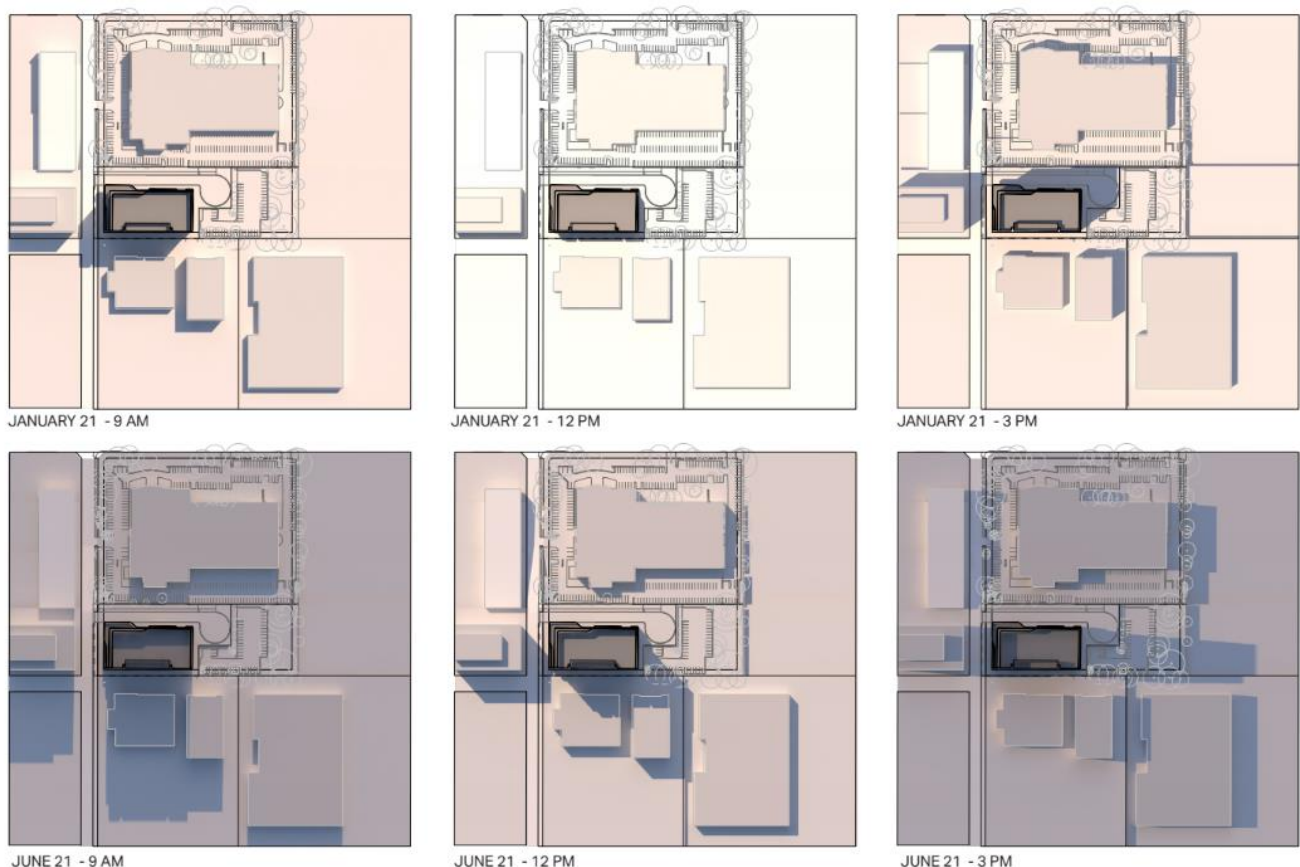


Figure 26. Building A shadow diagrams (Source: 3XN)

Building A will cause some overshadowing to neighbouring buildings, particularly the Kennards Self Storage site and associated parking adjoining the rear boundary of the development. However, the size and layout of buildings within the site are not unexpected, given the development controls that apply to the site, and the

overshadowing impacts will be limited to those existing or future commercial office buildings on Waterloo Road and Khartoum Road.

11.6 Construction Impacts

Construction impacts are controlled by Part 8.1 of the Ryde DCP 2014. Council's standard conditions of consent have been imposed to control the impact of the construction activities. Similar to any major redevelopment work, some level of inconvenience/impact may result once the construction commences. Conditions are recommended requiring compliance with the Construction Traffic Management Plan. (See conditions 55 and 116 in Part 2).

11.7 Public Domain

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

12. REFERRALS

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

12.1 Internal Referral Comments

Landscape Architect

The application was initially referred to the consultant landscape architect, who expressed concern in relation to the insufficient proposed tree retention and deep soil areas along the existing street frontages.

The amended proposal provided increased setbacks to Talavera Road and Khartoum Road. In addition, the re-organisation of internal roadways and paving plazas extending from Khartoum Road have enabled further tree retention. Overall, this results in a reduction in the proposed number of trees sought for removal from 146 to 119, which represents an increase in tree retention from 11 trees to 38 trees.

In earlier responses from RMS, RMS were requesting a 5 metre strip of land along both Talavera Road and Khartoum Road property frontages for future intersection upgrade works. Council's Landscape Officer has provided the following comment in respect to the RMS request:

With consideration of the potential RMS road widening, it must be acknowledged that this will directly result in the removal of an additional twenty-seven (27) high value trees all of which are native species including

nine (9) Sydney Blue Gums (Eucalyptus saligna). The removal of these trees will result in a negative impact to the landscape character of site, public domain and local catchment. In addition, road widening will significantly reduce the extent of deep soil capable of being provided along the road frontages therefore limiting any meaningful replacement planting opportunities in these locations.

This matter has been raised with RMS in several meetings between the applicant and Council. Both Council and the applicant did not support any road widening along these frontages due to the loss of trees as well as RMS not having a plan in place for any upgrades to the intersection. The latest letter from RMS has deleted this requirement.

In relation to landscape works elsewhere within the overall concept, the design was generally supported, however concerns were raised in respect to the location of the substation kiosk at the frontage of future Road 01 and the extensive hardstand surrounding each building. The issue of the substation has been addressed earlier in the report and a condition of consent is recommended to relocate the substation to the basement. (See condition 74). In respect to the extent of hardstand around the buildings, it is noted that the entire site does comply with Council's DCP requirements for landscaping. Hard paving is generally proposed adjacent to all of the roads. Overall the concept development has incorporated an integrated landscape approach for the site.

With regard to the Stage 1 landscape design, concerns were raised in relation to the following:

- Building A setback to Khartoum Road does not meet the minimum 60% soft landscaping requirement. This issue is however considered acceptable as discussed in the DCP.
- No details have been provided in relation to the proposed basement set-downs or planting above structure to ensure suitable soil depths and volumes are provided to enable establishment of the proposed planting species. This matter can however be conditioned to ensure adequate soil depth for plants.

Given the substantial landscape setbacks provided elsewhere within the concept application, these non-compliances are acceptable within the Stage 01 application. Conditions are recommended to ensure the soil depths and volumes are appropriate.

It should be noted that it is recommended that only tree removal that is necessary to facilitate Stage 01 be permitted as part of this development. Accordingly, conditions are recommended to indicate that only 52 nominated species may be removed as part of the Stage 01 development.

Traffic

The assessment of Council's Traffic Engineer considered the impacts of the proposal on traffic and parking, as well as vehicle manoeuvring in and out of the site, and service vehicle access and manoeuvring. The development will have an impact on the Khartoum Road/Talavera Road intersection which is expected to equate to a 3-4% increase in the 2031 background traffic volume. Following submission of additional information throughout the assessment of the application, no objections were raised to the development, subject to conditions. (See condition 11 in Part 1).

Stormwater Drainage

Several requests for further information were made as part of the assessment of this application, predominately in relation to the information used in preparing the drainage models. The issues in relation to stormwater were resolved in the assessment of the application and the application is not supported by Council's drainage engineer. Conditions are recommended for inclusion in the draft consent, including conditions relating to the timing of the delivery of road (and associated drainage) infrastructure. (See condition 17 in Part 1, 47 to 50 and 141 to 145 in Part 2).

Public Domain

Comments were provided which generally require that the final public domain plans be endorsed by Council (as the roads authority) prior to the issue of a construction certificate. Conditions were recommended in this regard. (See condition 14 in Part 1, 58 to 62, 144, 151 to 162 in Part 2).

Senior Development Engineer

Council's Senior Development Engineer considered public domain design, as well as onsite parking provision. Issues were raised initially with regard to each of these matters, but each matter has been addressed satisfactorily as follows:

- Overall parking has been reduced as required, including a significant reduction in small car spaces.
- Information has been provided to demonstrate that the proposed levels within Building A will respond appropriately to the levels of the future adjacent roads.
- Retail premises to the south of the loading dock has been deleted from the proposal.

Conditions have been recommended for incorporation into the development consent, including that a, and suggest a Loading Dock Management Plan (LDMP)

is to be submitted and implemented, as recommended by Ason Group in their report. (See conditions 17 to 19, 47 to 50 141 to 145 in Part 2).

Urban Strategy (Public Art)

The submitted Public Arts Strategy was supported; conditions recommended to require a site-specific Public Arts Plan for the approval of Council. (See condition 25 in Part 1).

Environmental Health Officer

Council's Environmental Health Officer considered the submitted Phase 1 Environmental Site Assessment Report, Noise Assessment Report, and Waste Management Plan and raised no objections to the proposal subject to conditions. (See conditions 23 to 31, 181 to 188 in Part 2).

Sustainability

The project aims to implement sustainability measures where proven to be cost effective and promotes opportunities to reduce the long-term cost of operating and maintaining the building. The project is aiming to pursue environmental certifications for the base building of 4-Star Green Star Design & As-Built rating and 4.5-Star NABERS Energy base building rating.

A Framework Travel Plan (FTP) has been prepared for Stage 01 to encourage and facilitate the use of alternative modes of transport to single-occupancy car travel for journeys associated with the Site. Green Travel Plans (GTP) are also proposed for subsequent development stages and will aim to reduce reliance on the use of private vehicle and promote the use of 'active transport' modes such as walking and cycling, particularly for short-medium distance journeys.

12.2 External Agency Referrals

Transport for NSW

The Sydney Coordination Office (SCO) reviewed the documentation and have recommended the applicant provide an estimate of freight and servicing tasks to demonstrate the provision of the proposed rigid vehicle bay is sufficient for operations.

The development provides a loading bay that will accommodate a SRV as well as a 8.8m MVR. Council's Traffic Engineer and Senior Development Engineer have advised that there are sufficient loading facilities for the development.

A robust draft of a Loading Dock Management Plan (LDMP) was also recommended for request. Conditions have been recommended for incorporation into the development consent, including that a LDMP is to be submitted and implemented, as recommended by Ason Group in their report. (See condition 13 in Part 1).

Sydney Water

No objections, with no conditions recommended.

NSW Roads and Maritime Service

The RMS comments have been addressed earlier in the report. RMS support the application subject to conditions of consent that requires the applicant to enter into a Transport Infrastructure Contribution Deed for Stage 1. For any Stage 2 Development Applications, the applicant is required to undertake further traffic modelling and identify mitigation measures to ameliorate the impacts identified as a result of the future development. This may require the applicant to enter into a further Transport Infrastructure Contributions Deed.

NSW Police

The NSW Police stated that they would like the opportunity to comment on any future DA's regarding tenancies that will operate as licenced premises or provide the service of alcohol. A number of additional CPTED (Crime Prevention Through Environmental Design) recommendations were made, and these have been incorporated into the recommended conditions where appropriate. (See condition 18 in Part 1, 129 to 134 in Part 2).

Water NSW

Water NSW has provided concurrence in relation to the dewatering required to accommodate the proposed basement, subject to conditions.

13. PUBLIC NOTIFICATION & SUBMISSIONS

The application was notified and advertised for a period of 21 days ending on 23 March 2018. During the notification period, no submissions were received to the proposal. None of the amendments to the plans during the assessment period necessitated the renotification of the application.

One submission was received in respect of the notification of the VPA. This submission however raised questions in respect to the development application rather than the VPA. For this reason, this submission has been considered as a late submission to the DA. The submission raised the following questions:

- *Building A is described as 10 storeys but the other 4 buildings as well as the retail and support pavilions have no height detail. When would their heights be available to the public?*

Comment: The remaining buildings will be lower in height than Building A. Condition 5 in Part 1 of the draft conditions is proposed to restrict the heights of these buildings. Building B will have an overall height of 37.1m (8 storeys), Building C 33m (7 storeys), Buildings D and E 29.7m (6 storeys) and the ancillary support/retail buildings 5 metres.

- *Is there a possibility that the developer will request more storeys for Building A?*

Comment: No. The maximum height for Building A under the incentive height provisions of the RLEP 2014 is 45m. Building A currently has a height of 44.5m. It would not be possible to provide any additional storeys on this building and comply with the height control.

- *Is the setback of Building A from Khartoum Road (5m) sufficient to allow visual spacing and to allow for significant landscaping? The other setbacks are 10m on the plan. One of the attractive features about Talavera Road and Khartoum Road is the generous setbacks which reduce the perception of congestion and contribute to a pleasant open environment.*

Comment: Council's DCP requirements specify that new buildings are to be setback 5m from Khartoum Road. The development complies with this requirement. The required setback to Talavera Road is 10m however the development has proposed a 15m setback to allow for the retention of significant vegetation. These setbacks are sufficient to retain the character of the locality.

- *When the detailed design is submitted to Council, can the public see and comment on it.*

Comment: Detailed development applications will be required for Buildings B to E as well as the support retail buildings. These applications will all be advertised in accordance with the Community Participation Plan.

The objector has been advised of the above answer to the questions.

14. CONCLUSION

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

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

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

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

15. RECOMMENDATION

- 1) That the Sydney North Planning Panel grant consent to development application LDA2017/0547 for a Concept Development Application for 5 commercial buildings and associated road works and a pedestrian link, including the initial stage of development (Stage 01), relating to a 10-storey commercial building, at 11-17 Khartoum Road and 33- 39 Talavera Road, of consent in **Attachment 1** of this report.
- 2) That RMS and Water NSW be advised of the decision.

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