

SYDNEY NORTH PLANNING PANEL

Panel Reference	2018SNH022
DA Number	LDA2018/0172
LGA	City of Ryde
Proposed Development	A concept plan application for the mixed use development of the site comprising site layout, maximum building envelopes and gross floor area distribution across 5 buildings across site, on site car parking, 3 pedestrian links, and staging of development into 4 stages.
Street Address	45-61 Waterloo Road, Macquarie Park
Applicant/Owner	John Holland Macquarie Park Land Custodians Pty Ltd
Date of DA lodgement	4 May 2018
Number of Submissions	None
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	General Development over \$30 Million – Cost of works: \$327,565,000
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979; • Environmental Planning and Assessment Regulation 2000; • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; • State Environmental Planning Policy (Infrastructure) 2007; • State Environmental Planning Policy (State and Regional Development) 2011; • State Environmental Planning Policy (State and Regional Development) 2011; • State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017; • State Environmental Planning Policy No. 19 – Bushland in Urban Areas; • State Environmental Planning Policy No. 55 – Remediation of Land; • Draft Remediation of Land State Environmental Planning Policy;

	<ul style="list-style-type: none"> • Draft Environmental State Environmental Planning Policy; • Ryde Local Environmental Plan 2014; • Ryde Development Control Plan 2014; and • Ryde Section 7.11 Development Contributions Plan 2020
List all documents submitted with this report for the Panel's consideration	Attachment 1: Conditions of Consent Attachment 2: Concept Plans Attachment 3: Civil Plans
Report prepared by	Peggy Wong, Senior Town Planner
Report date	22 September 2020

Summary of Section 4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	N/A
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.24)?	No
Conditions Have draft conditions been provided to the applicant for comment?	Yes - applicant agrees to conditions, except for Conditions 13 and 25

1. EXECUTIVE SUMMARY

This report is an assessment of a development application for a concept plan application comprising five (5) mixed use building envelopes, distribution of car parking spaces, provision of new roads and public domain works and pedestrian links at 45 – 61 Waterloo Road, Macquarie Park.

The development application seeks consent to distribute 117,070m² of floor space and 1,170 car parking spaces across 5 buildings ranging in height between 6 to 18 storeys, provision of 3 new roads (Roads 1, 14 and 16) and 3 east-west pedestrian links between Buildings C and AB, Building D and the future park (Catherine Hamlin Park), and Buildings E and F.

A development consent (LDA2017/0390) was approved on 22 August 2018 for construction of a 10 storey mixed use building (Building C) comprising retail and commercial uses, 355 car spaces over 2 basement levels, construction of 2 internal roads (Road No. 14 and part of Road No. 1), landscaping and public domain works. Construction of Building C has been completed and the building is currently occupied by Transport for NSW as the major tenant. Road 14 has been constructed with a temporary intersection at Waterloo Road. Completion of the permanent Road 14 and Waterloo Road intersection in accordance with the concept plan proposal is due to be completed in 2021. Whilst the area occupied by Building C, Road 14 and part of Road 1 is part of the whole concept plan, the works have been completed and does not form part of the future stages of development for the site.

Catherine Hamlin Park has an area of 7,000m² and is bounded by Waterloo Road to the south, Road 14 to the east and Road 16 west. Proposed Building D adjoins Catherine Hamlin Park to the north. The park is a separate allotment in the ownership of Property NSW and does not form part of the concept plan application.

The proposed concept plan for a mixed use development is permissible with consent under the Ryde Local Environmental Plan 2014 (RLEP). In accordance with the incentive provisions in Clause 6.9 the RLEP, the site is eligible for additional height and floor space, subject to contributions to identified access and open space networks.

The proposed new roads and pedestrian links are identified as part of the Access Network under Sections 4.1 and 4.2 in Part 4.5 of the Ryde Development Control Plan 2014 (RDCP) and satisfy the incentive provision subject to a Planning Agreement under Section 7.4 of the Environmental Planning and Assessment Act 1979. On 31 August 2018, a Planning Agreement was executed between the City of Ryde Council and John Holland Macquarie Park Land Custodian Pty Ltd for the delivery of new roads and pedestrian links as part of the construction of future buildings under separate development applications.

The Planning Agreement was varied by a Deed of Variation on 13 February 2020 to delay the timing for the completion of road works for Road 14 at the intersection of Waterloo Road.

The proposal complies with relevant controls under Part 4.5 – Macquarie Park Corridor in the RDCP 2014 with the exception of deep soil with the site providing approximately 330m² of deep soil representing 1% of the required 20% deep soil area, and provision of 3 hours of direct sunlight to 50% of the park between 9am and 3pm on 21 June. The proposal achieves solar access to 41% of the park between 10am and 11am, 60% between 11am and 1pm and 30% between 1pm and 2pm. This is further assessed in the report and is considered satisfactory on its merits.

The application was notified and advertised between 10 May 2018 and 6 June 2018, in accordance with Part 2.1 of RDCP 2014 with no submissions received. Amended plans were submitted on 5 July 2019 and the proposal was renotified between 11 July 2019 and 31 July 2019. No submissions were received in response to the renotification.

Further amended plans were submitted on 22 May 2020, however the scope of the amendments did not necessitate renotification of the application.

The application has demonstrated that the site can be appropriately remediated and made suitable for the proposed use under Clause 7 of SEPP No. 55 Remediation of Land (SEPP 55). Appropriate conditions are included on the draft consent (see **Attachment 1**).

The concept plan application is deemed consistent with the desired future character of the precinct as identified in the relevant planning instruments and policies. The development application will provide parameters for future detailed design of the remaining 4 buildings and delivery of new roads, pedestrian links and public domain works.

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the relevant statutory and policy provisions, the proposal is considered suitable for the site and is in the public interest as the development will contribute to significant economic growth and the future prosperity of Macquarie Park and facilitate the orderly development of the site.

Assessment of the application against the relevant planning framework and consideration of various design matters by Council's technical departments has not identified any fundamental issues of concern. The application was referred to external authorities for comment including Transport for NSW (TfNSW), Sydney Metro, Sydney Water, Ausgrid and NSW Police. No objections have been raised by external authorities.

TfNSW reviewed and objected to the applicant's original proposal to provide a signalised intersection or pedestrian crossing at the intersection of Road 14 and Waterloo Road due to traffic flow and queuing impacts on the intersection of Waterloo Road and Lane Cove Road. TfNSW subsequently recommended the installation of a mid-block signalised pedestrian crossing on Waterloo Road, between Roads 14 and 16, to address the pedestrian demand generated by the development. Council's Traffic Section recommended signalisation of the intersection of Road 16 and Waterloo Road

to address vehicular traffic flow and congestion generated by the development and to provide a pedestrian crossing on Waterloo Road in adjacent to the site.

At the request of Council's Traffic Section, TfNSW considered additional information relating to a signalised intersection at Road 16 and Waterloo Road which was submitted by the applicant and Council. On 18 November 2020, TfNSW provided a letter to Council advising that no objection is raised to the signalisation of Road 16 and Waterloo Road, subject to conditions relating to design of the intersection including the restriction of right turns from Waterloo Road into Road 16 for northbound traffic. As such, Council recommends the replacement of the proposed mid-block signalised pedestrian crossing on Waterloo Road with a signalised intersection at Road 16 and Waterloo Road as a signalised intersection would address the needs of both vehicular and pedestrian traffic generated by the development.

As this is a concept plan application and does not include any construction works, a condition has been included in the recommendation requiring detailed design and delivery of a signalised intersection at Road 16 and Waterloo Road as part of a future development application for building works associated with Stage 4 of the development.

This report concludes that the development is sound in terms of design, function and relationship with its surroundings. The report recommends that consent be granted to this application in accordance with conditions provided in **Attachment 1**. These conditions have been reviewed by the applicant who has agreed with all of the conditions with the exception of Condition 13 – Waterloo Road Upgrades and Condition 25(c) – Public Domain Improvements – Waterloo Road.

Condition 13 requires the applicant to design and deliver a signalised intersection at Road 16 and Waterloo Road. The applicant is opposed to providing a signalised intersection and being responsible for the cost of delivering the infrastructure as the proposal for left in left out traffic movements from Road 16 was previously supported by TfNSW. Council officers disagree with the applicant as traffic modelling concludes that the site will generate additional vehicle and pedestrian traffic that cannot be adequately accommodated by a left in left out arrangement at Roads 14 and 16 and a signalised intersection will also provide the required pedestrian crossing across Waterloo Road.

Furthermore, the applicant is required to be responsible for the cost of providing the infrastructure in accordance with the provision in the Planning Agreement executed between the City of Ryde Council and John Holland Macquarie Park Land Custodian Pty Ltd on 31 August 2018.

Condition 25(c) requires the applicant to upgrade the footpath on Waterloo Road between Road 14 and Road 16 to granite paving as part of Stage 4 works. These works are to be completed at the same time as the delivery of the signalisation of the intersection at Road 16 and Waterloo Road to provide safe pedestrian access to and from the development and enhance the amenity of the public domain.

The applicant is opposed to the payment of upgrading this section of footpath as it is not immediately adjacent to the boundaries of the subject site. Whilst this section of

footpath is adjacent to the future public park, the proposed development is uniquely associated with the public park as the rezoning and subdivision of land that subsequently provided the site with an FSR uplift, borrowed amenity and pedestrian access between the north-eastern and south-western portions of the site. As pedestrians within the development will likely utilise the footpath on Waterloo Road (between Road 14 and Road 16) to access the signalised intersection at Road 16, travel west along Waterloo Road or between proposed Buildings AB and F, there is a direct nexus between the proposed development and the required footpath upgrade works.

2. APPLICATION DETAILS

Applicant/Owner:	John Holland Macquarie Park Land Custodians Pty Ltd
Capital Investment Value:	\$327,565,000
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 AND SURROUNDING DEVELOPMENTS

The site is located at the northern side of Waterloo Road and comprises of Lots 2, 3 and 4 in DP 1255496, and is known as No. 45 – 61 Waterloo Road, Macquarie Park. The site has a primary frontage to Waterloo Road and a total area of 31,984m². At the centre of the site, also fronting Waterloo Road, is Lot 1 in DP 1231416 which has been designated as a future public park (Catherine Hamlin Park) with an area of 7,000m².

The site is located to the north-west of the intersection of Waterloo Road and Lane Cove Road and is approximately 80 metres from the Macquarie Park Train Station.

Currently, the site comprises a recently constructed 10 storey retail/commercial building, known as Building C (Lot 3 in DP 1255496), hard stand paved car parking areas adjacent to the northern and western boundaries, and a single storey building at the south-eastern portion of the site that has been approved for demolition.

The development consent for construction of Building C also approved the construction of part of Roads 1 and 14. A temporary access road connecting Road 14 and Waterloo Road has been constructed whilst approval and construction works for the relocation of essential services along the Waterloo Road frontage is completed. Prior to 30 June 2021, the temporary road forming the intersection of Road 14 and Waterloo Road will be removed and the permanent alignment of Road 14 to Waterloo Road will be constructed in accordance with the development consent for Building C, and the concept plan proposal.

The site has a fall of approximately 5 metres from Waterloo Road towards the north and north-west, with the lowest point at the north-west corner of the site. Along the north-

eastern boundary is a retaining wall of approximately 2m in height separating the site from adjacent properties.

Photographs of the site and surrounding developments are provided in **Figures 1 to 9** below.



Figure 1. Aerial Image of the site location

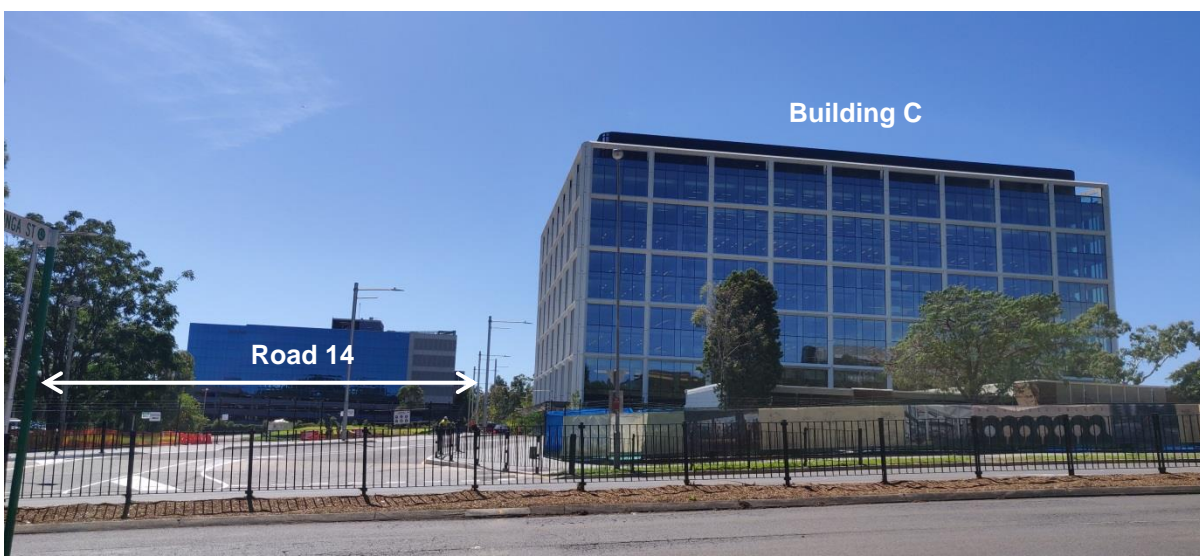


Figure 2. View of south-eastern portion of site from Waterloo Road



Figure 3. View of south-western portion of site from Waterloo Road



Figure 4. Macquarie Park Station fire egress stairs, ventilation shaft and bike storage, and a 3 storey commercial office building to the south-east of the site



Figure 5. TPG property to the west, viewed from Waterloo Road



Figure 6. Existing commercial office/warehouse buildings opposite site at intersection of Waterloo Road and Coolinga Street



Figure 7. Macquarie University building at intersection of Waterloo Road and Coolinga Street



Figure 8. Existing commercial office building at No. 48 Waterloo Road

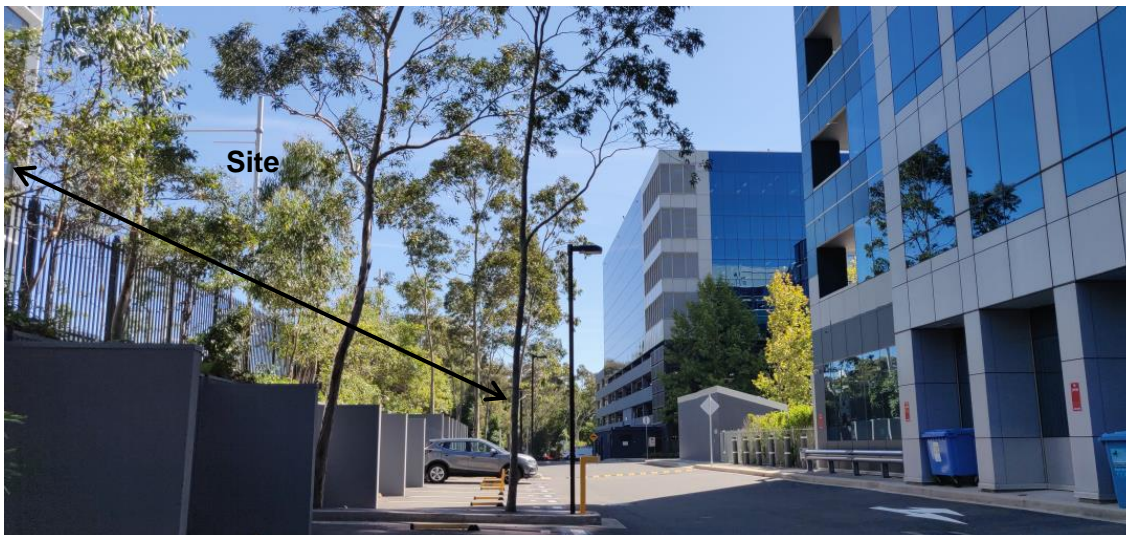


Figure 9. Existing commercial developments adjacent to the northern boundary of the site

Immediately surrounding properties include commercial office buildings and Sydney Metro land containing secure bicycle lockers and fire egress stairs to the south-east of the site fronting Waterloo Road, the Property Link Business Park and Macquarie Park Data Centre to the north, and TPG offices to the west.

The site and immediately adjacent properties comprise of commercial and light industrial uses which are consistent with the RLEP zoning, and character of the Macquarie Park Corridor and the Macquarie Park Station Activity Centre (see **Figure 10**).

Development within the Macquarie Park Station Activity Area and the wider Macquarie Park Corridor is in transition with existing lower scale warehouse and commercial buildings and recently constructed multi-storey commercial developments.

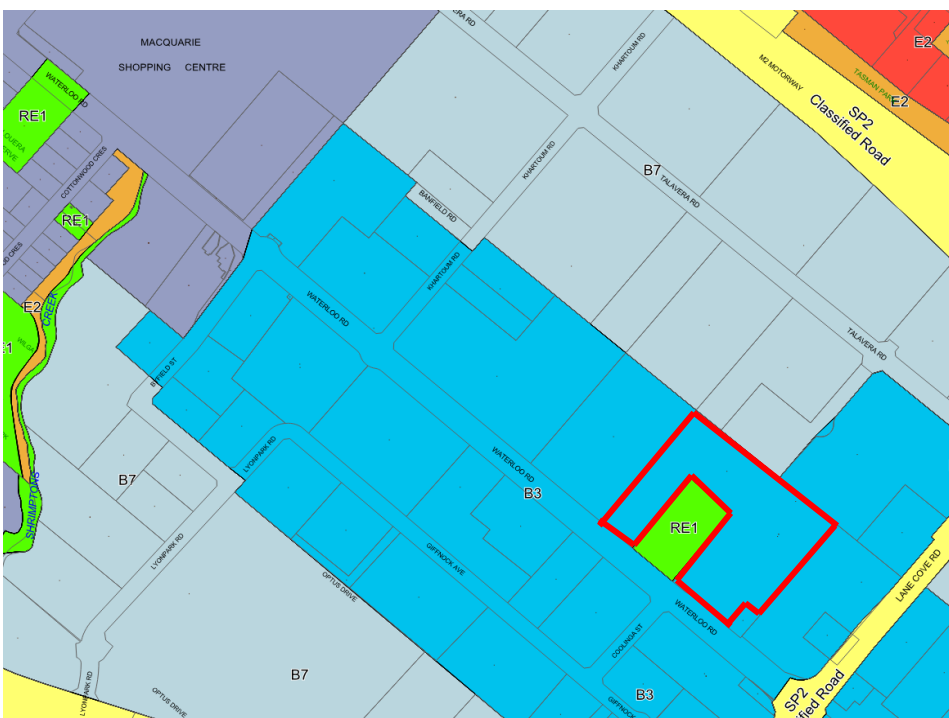


Figure 10. Site zoning (B3 Commercial Core) with site outlined in red

The surrounding road network connects the site to Greater Sydney and the CBD via major roads including Lane Cove Road, Epping Road and the M2 Motorway. The M2 motorway is located approximately 618m to the north and Epping Road is 470m to the south-east of the site. A network of smaller roads connects the site to the remainder of the Macquarie Park precinct, surrounding residential suburbs and local centres.

4. THE PROPOSAL (AS AMENDED)

In accordance with Clause 4.22 in Division 4.4 of the Environmental Planning and Assessment Act 1979, the applicant has sought for the proposal to be treated as a concept development application for five (5) mixed use buildings comprising retail and commercial uses and consisting of the following:

- Maximum building envelopes;
- Maximum building heights ranging between 32m and 65m;
- Maximum building height in storeys between 6 storeys and 18 storeys;
- Distribution of 171,070m² of Gross Floor Area across the site;
- Distribution of 1,170 onsite car parking spaces;
- Site layout including 3 new roads (Road 1, Road 14 and Road 16), 2 east-west pedestrian links and a shared zone;
- Construction of a signalised intersection at Road 14 and Waterloo Road; AND
- Staging of construction in 4 stages.

Building Height and Envelopes

The proposal seeks approval for building envelopes ranging between 6 to 18 storeys with a building heights ranging between 32m and 65m. The following **Table 1** outlines the building envelopes and floor areas across the concept plan:

Table 1. Proposed building heights and envelopes.

Building	GFA (as amended)	Depth Metres	Width Metres	Height Storeys	Height Metres	Height RL
A	52,470m ²	60.2	87.3	11	51	107.35
B						
D		39.7	63	6-18	65	118.70
C*	38,500m ² *	66.5*	84.5*	10*	45*	103.00*
E	10,350m ²	31.4	64.8	6	32	83.35
F	15,750m ²	31.1	64.7	9	43	94.75

*Note: * Building C has already been constructed in accordance with LDA2017/0390 and is shown for completeness and comparison*

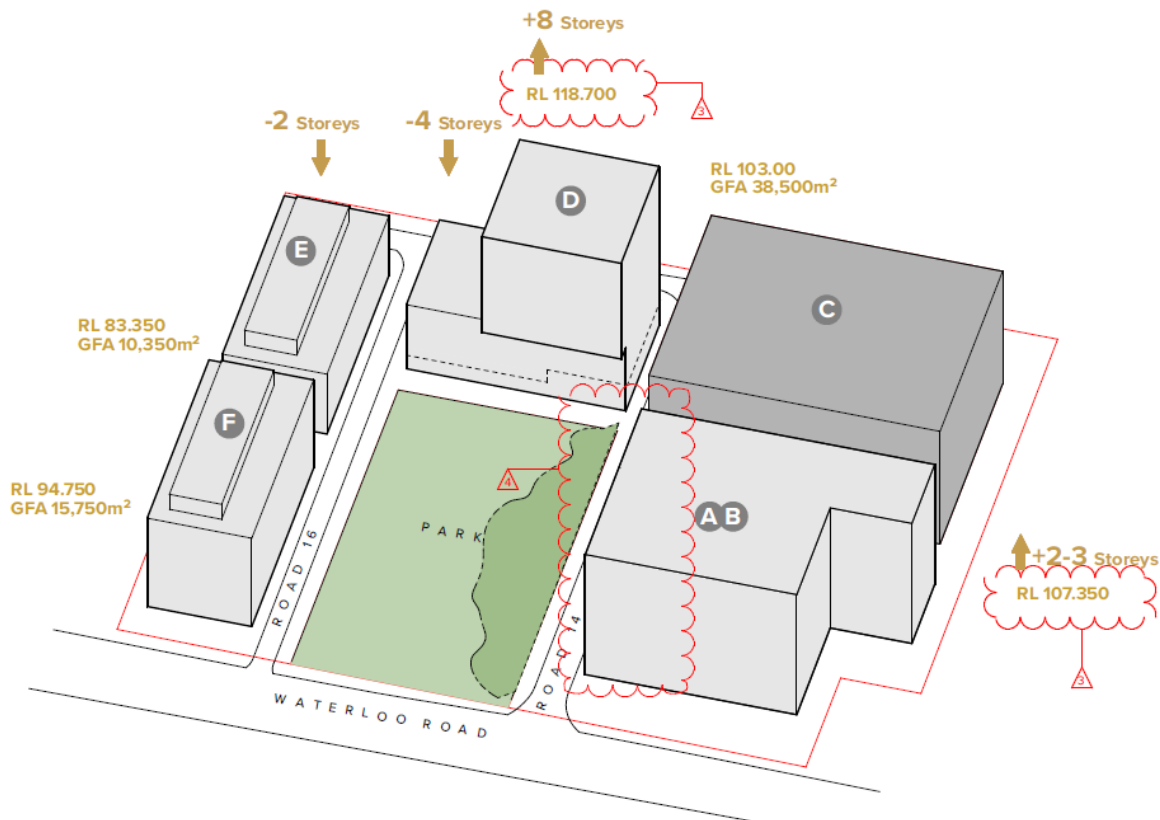


Figure 11. Proposed building envelopes (as amended)

The proposed building envelopes provide setbacks of 25m to the northern boundary, 5m setbacks to the eastern and western side boundaries and 10m setback to the southern boundary (Waterloo Road). It is proposed that Buildings D and E are setback 5m from Road 1 which is consistent with the existing setback of Building C to Road 1.

New Roads

The proposal includes three new roads identified as Road Nos. 1, 14 and 16, measuring 20m wide (Road 1) and 14m wide (Roads 14 and 16) that are to be constructed in stages associated with the staged construction of the proposed buildings. The positions of these roads are generally in accordance with the Access Network in Part 4.5 of RDCP.

Road 1 will provide part of the east-west connection between Lane Cove Road and Khartoum Road, in association with future development of surrounding properties. Construction of part of Road 1, adjacent to Building C has been constructed in accordance with Development Consent LDA2017/0390. It is proposed that the remainder of Road 1, contained within the subject site, will be constructed as part of Stages 3 and 4.

Roads 14 and 16 will provide north-south connections between Road 1 and Waterloo Road, and connections within the local road network, subject to development of surrounding properties. Road 14 has been constructed as part of Development Consent LDA2017/0390 and currently provides vehicular and pedestrian access from Waterloo Road to Building C.

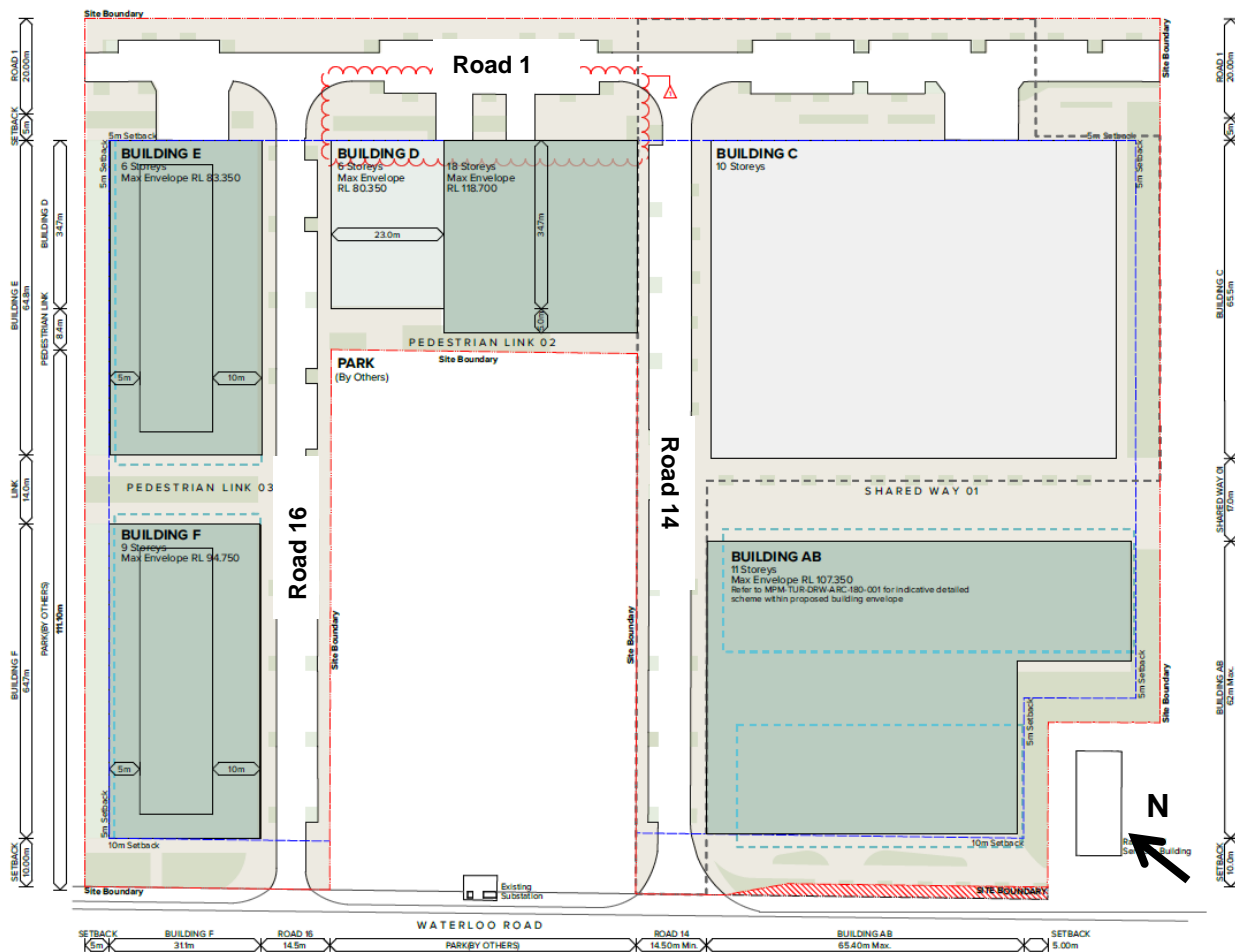


Figure 12: Proposed building footprints, new roads and pedestrian links

Vehicular Access and Car Parking

The proposal seeks to provide vehicular access to Buildings D, E and F from Road 1 and access to Building AB via a shared zone located along the northern boundary of Building AB. In accordance with Development Consent LDA2017/0390 vehicular access to Building C is provided from Road 1. The proposed road and access network is shown in **Figure 12** above.

Through-Site Pedestrian Connections

In accordance with the commitment for delivery of works under the Planning Agreement, the concept plan proposes 3 east-west pedestrian links (including 1 shared zone) between Buildings AB and C, Building D and Catherine Hamlin Park, and Buildings E and F. The location of the pedestrian links and shared zone are identified in **Figure 12** above.

The shared zone between Buildings AB and C will provide pedestrian connections between Road 14 and Lane Cove Road, subject to future development of properties to the east of the site. Pedestrian Link 2 (between Building D and Catherine Hamlin Park) and Pedestrian Link 3 provide the east-west pedestrian access within the site.

Staging of DA and Construction

The proposed staging of the development in 4 stages (refer to **Figure 13** below) consists of the following:

- Stage 1 – Construction of Building C, part of Road 1 and whole of Road 14 (constructed as per Development Consent LDA2017/0390);
- Stage 2 – Construction of Building AB;
- Stage 3 – Construction of Building D, part of Roads 1 and 16 adjacent to the building; and
- Stage 4 – Construction of Buildings E and F, remainder of Roads 1 and 16 adjacent to the buildings.

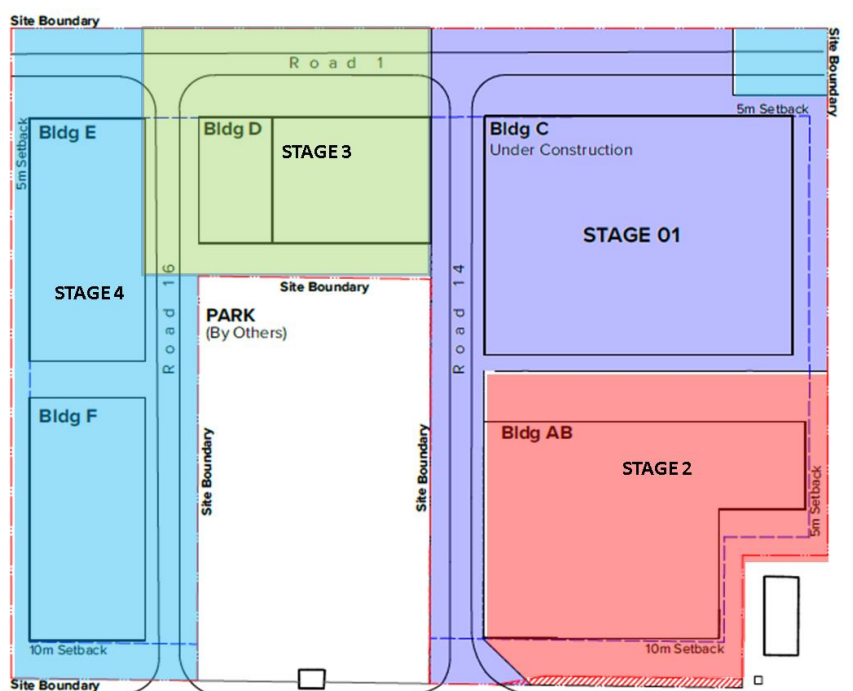


Figure 13. Staging Plan

4.1. Planning Agreement

In support of the development application, the developer entered into a Planning Agreement with Council under Section 7.4 of the EP&A Act 1979. The agreement was executed on 31 August 2018 for contributions associated with the incentive floor space and building height sought pursuant to Clause 6.9 of RLEP 2014, and the construction and dedication of new roads and pedestrian links that form part of the concept plan.

The Planning Agreement required the submission of a concept plan Development Application for building envelopes for Buildings AB, D, E and F, site layout including infrastructure, distribution of gross floor area and car parking and staging of the development. This application has been submitted to satisfy the requirement of the Planning Agreement.

The public benefits to be provided under the Planning Agreement and associated with the stages of the concept plan consist of the following:

Stage 1

- Monetary contribution to the amount of \$2,175,825.86 (paid to Council on 24 February 2020);
- Construction of Road 14 and part of Road 1 adjacent to Building C, and dedication of land as public road; and
- Construction of intersection of Waterloo Road and Road 14 to allow left in/left out traffic movement, upgrade works and dedication of land as public road.

Stage 2

- Construction of Pedestrian Link 1 along the northern boundary of Building AB and creation of an easement for public pedestrian access.

Stage 3

- Construction of part of Road 1 adjacent to Building D and dedication of land as public road;
- Construction of Pedestrian Link 2 along the southern boundary of Building D and creation of an easement for public pedestrian access; and
- Construction of intersection works on Waterloo Road, subject to approval of TfNSW and Council.

Stage 4

- Construction of Road 16 and the north-western and north-eastern portions of Road 1, and dedication of land as public roads; and
- Construction of Pedestrian Link 3 between Buildings E and F and creation of easement for public pedestrian access.

A Deed of Variation was executed on 13 February 2020 to amend the Planning Agreement to modify the timing for completion of construction of the southern portion of Road 14 and upgrade works to the Waterloo Road intersection to 30 June 2021 or otherwise agreed in writing between Council and the applicant. The Deed of Variation also includes a new bank guarantee to the amount of \$4,800,000 as security for the delivery of the subject road works.

5. HISTORY OF DEVELOPMENT OF THE SITE

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

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

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

agreed that a Planning Proposal was required to be submitted to rezone the land for the park to “RE1” Public Recreation and to transfer the floor space ratio from the park area to the remainder of the site. Property NSW agreed to undertake the proposal and subsequently lodged a planning proposal with Council.

At Council’s meeting on 10 November 2015, Council considered a report on the planning proposal and resolved to proceed to Gateway subject to:

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

Council subsequently obtained a “gateway” determination from the NSW Department of Planning and Environment to allow public exhibition and consultation to proceed. The proposal was placed on public exhibition between 4 May 2016 to 1 June 2016.

On 23 June 2017, the land for the future park was rezoned under *Ryde Local Environmental Plan 2014 (Amendment No 14)* and included the following changes to the site in RLEP 2014:

- Rezoned a 7,000m² portion of the site fronting Waterloo Road from B3 Commercial Core to RE1 Public Recreation for the purposes of Open Space;
- Amended the maximum floor space ratio (FSR) development standard in order to:
 - Remove the FSR limit applying to the new area zoned RE1 Public Recreation; and
 - Evenly distribute the park site area and existing split FSRs of 1:1 and 2:1 at a unified rate of 2.26:1 across the remainder of the land identified as 45-61 Waterloo Road that continues to be zoned B3 Commercial Core;
- Amended the maximum height of building development standard to:
 - Remove the height limit applying to the new area zoned RE1 Public Recreation; and
 - Amend the height controls in the south-west corner of the site to reflect the height control for the adjacent properties;
- Include the 7,000m² public open space area on the relevant Land Acquisition Reservation Map as “Local Open Space”.

Relevant development applications for the site are summarised as follows:

- LDA2017/0048 was approved on 11 March 2017 for subdivision of the site into two (2) Torrens Title allotments comprising of Lot 1 with an area of 7,000m² (future park) and Lot 2 with an area of 31,987m² (subject site).
- LDA2017/334 was approved on 7 December 2017 for early works to the north-eastern portion of the site and part of the site fronting Waterloo Road including demolition of existing structures, bulk excavation of 37,000m³, tree removal, shoring and installation of stormwater infrastructure, and site preparation for construction of Building C.
- LDA2017/0390 was approved by the Sydney North Planning Panel as a Deferred Commencement Consent on 22 August 2018 for the construction of a ten (10) storey commercial and retail building (Building C) with 355 car spaces in 2 levels of basement, new road works and landscaping. The Deferred Commencement approval required the applicant to enter into a Planning Agreement with Council for the delivery of public benefits within 12 months of the consent. On 31 August 2018, the Planning Agreement between the applicant and Council was executed and satisfied the Deferred Commencement requirement. The development consent was made operational on 31 August 2018.

The development consent has been subject to Section 4.55 modification applications including the following:

- MOD2019/167 was approved on 3 October 2019 to adjust the boundary between Building C and Building AB to locate the pedestrian link/shared zone within the boundaries of Building AB, installation of temporary stormwater infrastructure, reduction in width of Road 14 to 14.5m and relocation of the fire booster valve fronting Road 14. The modification application also sought to amend the description of the development to correct references to a ten story building and 355 car spaces over 2 basement levels.
- MOD2019/43 was approved on 14 February 2020 to delay the timing for delivery of public domain works until the construction of the southern portion of Road 14 (at the intersection of Waterloo Road) by 30 June 2021. The approved modification included additional conditions requiring bank guarantees, creation of a Right of Way at the splay adjacent to the intersection of Road 14 and Waterloo Road for public access, and management and maintenance of Roads 1 and 14 by the applicant prior to 30 June 2021, after which Council will resume responsibility for the roads.
- LDA2019/0331 was approved on 27 November 2019 for the demolition of an existing single storey building at the south-eastern portion of the site, removal of hardstand areas and removal of six (6) trees in preparation for the construction of Building AB.

- LDA2019/274 was approved on 18 December 2019 for subdivision of the site into 3 lots to facilitate development of the buildings in accordance with the staging of the concept plan and dedication of Road 14 to Council. The Subdivision Certificate to subdivide the site into 3 lots was issued on 28 February 2020.
- LDA2019/0370 was approved on 19 December 2019 for the construction of a temporary access road across the south-eastern portion of Lot 2 (the future park) to connect Road 14 and Waterloo Road, and provide vehicular and pedestrian access to Building C. The development consent is time limited and will lapse on 20 June 2021. At the lapsing of development consent, the developer is required to remove the temporary access road and reinstate the subject area of Lot 2 to park land. Construction of the intersection of Road 14 and Waterloo Road will be completed in accordance with development consent LDA2017/0390.
- A development application (LDA2020/0169) was lodged on 20 May 2020 for the construction of an eleven (11) storey mixed use building (Stage 2 of the concept plan - Building AB) comprising commercial and retail uses, 243 car spaces within 2 levels of basement car park, end of trip facilities, an east-west shared zone along the northern boundary (adjacent to Building C). The proposal also includes an urban plaza at the north-western corner of the site, tree removal, landscaping and public domain works including the relocation of a pedestrian crossing on Road 14. The application was on public exhibition between 26 May and 26 June 2020, and no submissions were received. The application is currently under assessment and has not been determined.
- A development application (LDA2020/218) was lodged on 26 June 2020 for the construction of a part eight (8) storey, part fifteen (15) storey mixed use building (Stage 3 of the concept plan - Building D) comprising commercial and retail uses, two and a half levels of basement car parking for 188 car spaces, 154 bicycle spaces and 6 motorcycle spaces. The proposal also includes construction of an east-west pedestrian link adjacent to Catherine Hamlin Park and public domain works including the construction of part of Roads 1 and 16. The application was on public exhibition between 1 July 2020 to 6 August 2020, and no submissions were received. The application is currently under assessment and has not been determined.

6. HISTORY OF THE SUBJECT APPLICATION

Urban Design Review Panel and Pre – Lodgement Meeting

On 28 June 2017, a Pre Lodgement Meeting was held with the Ryde Urban Design Review Panel (UDRP) and Council officers to discuss the lodgement of a concept plan application and a separate application for the construction of Building C. The Panel were supportive of the application, subject to resolution of master planning issues such as built form and scale, vehicular and pedestrian access, amenity of the public domain.

The Panel's comments relating to the concept plan have been summarised and responses by the applicant, where relevant, are provided below.

- **Context and Neighbourhood Character**

- The proposal is consistent with the Council's desired future character as described in the Macquarie Park DCP.

- **Built Form and Scale**

- The proposed buildings are sited around Central Park (now known as Catherine Hamlin Park) in a logical manner, and are similar to the siting of buildings in the master plan previously prepared by Property NSW. The proposal is also considered to be consistent with Council's DCP.
- The master plan must address the following:
 - Each site is capable of independent access, servicing and building address to the public domain. Frontages to Catherine Hamlin Park must not be dominated by servicing or parking/loading access;
 - Design of Buildings A and B must be carefully considered given the narrow street frontages to the road network and Catherine Hamlin Park;
 - The character and purpose of Road 1 (being 20m wide) needs to balance use by vehicles and pedestrians to ensure a safe environment;
 - Viability of pedestrian links between Buildings B and C, and Buildings E and F to ensure there is no conflict between pedestrians and vehicles; and
 - Ensure public domain levels across the site will facilitate extension of road and pedestrian network.

Applicant Response

The proposal has been amended to consolidate the building envelopes of Building A and B to improve active frontages on Road 14 and fronting the future park. The amended proposal provides greater separation between Building AB and Building C, and includes a shared zone along the northern boundary of Building AB to provide vehicular access to the basement car park and loading dock.

The building separation between Buildings E and F have been increased to provide visual relief at the pedestrian level and improve the amenity within the pedestrian link.

- **Vehicular and servicing access to future buildings**

- Each individual building must be capable of achieving independent access and servicing.
- Each building must address the character of the new roads with building frontages balancing vehicle and service access with a high quality public domain.
- Ensure that pedestrian links between Buildings B and C, and Buildings E and F, do not conflict with necessary vehicle access.

Applicant's Response

- Buildings A and B have been consolidated to provide one single building envelope (Building AB), to increase building frontages, provide a flexible building layout and vehicular access via a shared zone along the northern boundary.
- Vehicular access and servicing for Building D will be provided via Road 1.
- Buildings E and F will have a consolidated basement car park with access via Road 1.
- Vehicular access is not provided along the frontage of active streets identified in the RDCP 2014.
- The pedestrian link between Buildings E and F will not conflict with vehicular traffic as no vehicular access to basement car parking or servicing on Road 16.
- The shared zone located between Buildings AB and C will have a width of 7m comprising of 2 x 3m wide vehicular carriageways and footpaths.
- The amended proposal incorporates appropriate road levels determined by Council's City Works and Infrastructure Department and is consistent with the level of the future park.

• **Sustainability**

The Panel notes that Building C has a target of 5 star Green Star building rating, 4.5 star energy rating and 4 star water rating. Future buildings should achieve Green Star ratings no less than that achieved for Building C.

Applicant's Response

The proposal is supported by a Sustainability Report and all buildings will target a 5 star Green Star rating.

• **Landscape**

- The Panel supports the proposed urban structure and general approach to public domain, subject to detailed design. Further work and development of the design of the public domain is required to accompany the master plan development application.
- Street cross sections need to be developed to demonstrate that shared streets and tie-in levels with adjacent buildings and public domain are capable of adequate resolution.
- The Panel is concerned with the ability to provide access and servicing to buildings whilst ensuring buildings address and activate primary streets and the park.

Applicant's Response

Landscape plans and street sections have been submitted with the application to demonstrate provision of landscaping and deep soil zones within the site and along proposed roads.

- **Density**

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

Applicant's Response

Noted by Applicant.

- **Safety**

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

Applicant's Response

Noted by Applicant.

- **Housing Diversity and Social Interaction**

Not applicable to a mixed-use commercial proposal. However, the Panel notes the significant public benefit for social interaction provided by the future park.

Applicant's Response

Noted by Applicant.

Lodgement and Requests for Additional Information

The development application was lodged on 4 May 2018.

The application was advertised in the Northern District Times on 16 May 2018 and adjoining property owners were notified of the application between 11 May 2018 and 6 June 2018. In response, no submissions were received.

On 4 October 2018, the applicant was provided with Council's City Works and Infrastructure Department's request for information to address drainage and traffic issues. In regard to drainage, Council requested further hydrologic and hydraulic modelling and a detailed Flood Impact Assessment Report to address existing and proposed conditions. In regard to traffic issues, Council advised that TfNSW was unlikely to support the installation of traffic signals at the intersection of Road 14 and Waterloo Road.

On 5 November 2018, referral comments were received from TfNSW advising that the proposed signalised intersection at Road 14 and Waterloo Road is not supported as traffic signals less than 200m from Lane Cove Road will result in increased travel time and delays within the road network. TfNSW acknowledged the increase in pedestrian traffic generated by the development and recommended alternative pedestrian facilities such as an underpass or overpass across Waterloo Road.

On 12 November 2018, Council advised the applicant of TfNSW's objection to the proposed signalisation at the intersection of Road 14 and Waterloo Road. Council also advised the applicant that the recommendation by TfNSW for a pedestrian under or overpass across Waterloo Road is not supported by Council. However, Council supports the recommendation for a mid-block signalised pedestrian crossing on Waterloo Road between Khartoum Road and Coolinga Street.

On 26 November 2018, Council issued a further request for information letter to the applicant, identifying issues raised by TfNSW and Council's officers. The issues raised related to TfNSW land acquisition along the site's Waterloo Road boundary, stormwater drainage, road levels, built form, solar access to communal open spaces and Catherine Hamlin Park, and vehicular access and impacts on active street frontages.

Specifically, the following matters were raised for the applicant's consideration:

- The compulsory acquisition of a 2m wide strip of land along Waterloo Road by TfNSW requires the 10m setback to Waterloo Road to be measured from the boundary of the land acquisition.
- The proposal to fill the north-western portion of Road 1 (up to 2m in fill) to redirect the fall of the road to the east and direct discharge into Road 16 is not supported. Road 1 will be elevated 2m above the finished levels of adjoining properties exacerbating flooding impacts to these properties and will require future extensions of Road 1 to also be filled to align with the proposed increase in road levels. The proposed road level for Road 1 will have adverse impacts on adjoining properties and the public domain and must be amended to align with the levels of adjoining properties.
- Council maintains that a drainage easement at the north-western corner of the site across the adjoining property is required to enable discharge from Road 1 to Council's existing drainage system.
- Landscape plans are required to provide details of landscaped areas and solar access to communal open spaces demonstrating compliance with requirements under the RDCP 2014.
- The proposed building envelopes result in significant overshadowing of the Catherine Hamlin Park and do not achieve a minimum of 2 hours of direct sunlight to 50% of the park at the winter solstice. Having regard to the use of the park by works of surrounding buildings, solar access should be maximised between 11am and 2pm. It is recommended that the building envelopes of Buildings D, E and F be amended to reduce overshadowing impacts on the future park. In particular, it is recommended that the proposal increases building separation and reduce building height to Buildings D, E and F.

- Further building separation between Buildings B and C particularly from the third storey and above, is recommended to provide visual relief and enhanced amenity at the pedestrian level.
- Vehicular access via Road 16 for Building E is contrary to the active frontage requirement in RDCP 2014 and is not supported. The proposed plans are to be amended to remove vehicular access to Building E from Road 16.

On 11 January 2019, Council received further correspondence from TfNSW confirming that a 2m wide road acquisition along Waterloo Road is required by TfNSW for the Bus Priority Infrastructure Program (BPIP).

On 22 January 2019, Council provided the applicant with an update on outstanding issues relating to TfNSW acquisition of land along Waterloo Road and stormwater drainage requirements.

On 18 May 2019, Council received correspondence from TfNSW advising that the proposed traffic signals at the intersection of Road 14 and Waterloo Road is not supported as it would have detrimental impacts on the efficiency and journey times in the state road networks and bus travel times. TfNSW acknowledged the need to provide a safe pedestrian crossing on Waterloo Road and recommended a mid-block signalised pedestrian crossing on Waterloo Road between Coolinga Street and Khartoum Road and supported a left in/left out arrangement at the Road 14 and Waterloo Road intersection, with a deceleration lane.

On 26 June 2019, Council received further correspondence from TfNSW clarifying support for a mid-block signalised pedestrian crossing in Waterloo Road, between Khartoum Road and Road 14, and in the vicinity of the future public park. TfNSW reiterated the need for a safe pedestrian crossing as a result of the proposed development. TfNSW also supported left in left out traffic movements from Roads 14 and 16 to Waterloo Road.

Submission of amended plans

On 5 July 2019, the applicant submitted amended plans to address the issues raised by Council and TfNSW as outlined in Council's letter dated 26 November 2019 and 22 January 2019. Amended architectural plans, landscape plans, stormwater plans and an overland flow assessment report were submitted for consideration.

The scope of the amended proposal includes modification to the built form and site layout as follows:

- Consolidation of Buildings A and B (Building AB) into a single built form and increase building height by 2-3 storeys. Building separation between Buildings AB and C is increased from 14.5m to 17m.
- Increase setback of Building AB by 2.5m from the southern boundary to provide a 10m setback from the new property boundary after TfNSW land acquisition;

- Increase separation between Building AB and Building C from 14.5m to 17m to accommodate a shared zone for vehicular access to Building AB;
- Increase separation between Buildings E and F from 10.1m to 14m;
- Reduce building height of Building E by 2 storeys;
- Reduce building height of Building D by 4 storeys to the west and increase building height to the east by 8 storeys;
- Vehicular access to Buildings D, E and F provided via Road 1;
- The width of Pedestrian Link 3 between Buildings E and F has been increased from 10.1m to 14m to provide a footpath width of 3.5m and 3m wide WSUD treatment;
- Pedestrian Link 3 (between Buildings E and F) amended to replace stairs with accessible ramp;
- Landscape plans showing provision of 29% landscape areas and 1% deep soil areas; and
- Shadow diagrams demonstrating solar access is achieved for 50% of the future park between 11am and 1pm at the winter solstice.

Pedestrian Crossing on Waterloo Road

On 5 July 2019, the applicant submitted amended plans incorporating an indicative location for the mid-block pedestrian crossing on Waterloo Road, with final design details subject to TfNSW approval with a future development application.

On 22 May 2020, the applicant confirmed their position that the onus on funding the construction of the mid-block pedestrian crossing should not be borne by the applicant as the location of the crossing, adjacent to the future park, does not provide a specific benefit to the development. In particular, the applicant submits that the majority of pedestrian movements generated by the development will enter and exit the site at Road 14. The applicant is of the opinion that the location of the mid-block pedestrian crossing provides a wider community benefit and should be funded by Section 7.11 contributions and delivered as part Council's infrastructure works program for Macquarie Park.

Having regard to the scale of the proposed development and generation of pedestrian trips to and from the site, Council and TfNSW acknowledges that existing infrastructure along Waterloo Road cannot adequately service the demand generated by the proposed development. Without a mid-block pedestrian crossing, pedestrians from the

development will only be able to traverse across Waterloo Road to the train station and west bound buses by utilising the signals at Lane Cove Road. However, Council and TfNSW have raised concerns that the existing signalised crossing at the intersection of Waterloo Road and Lane Cove Road is at capacity and cannot safely accommodate the additional demand generated by the development.

At the completion of the proposed development (Stage 4 works), three (3) of the five (5) buildings on the site will have direct pedestrian access along Road 16 towards Waterloo Road and the mid-block signalised pedestrian crossing. Occupants of the two (2) buildings at the north-east and south-east corner of the site (Buildings AB and C) will have access to the proposed mid-block signalised pedestrian crossing via Road 14 and Waterloo Road.

The applicant has confirmed their preference to provide a signalised intersection at Road 14 and Waterloo Road, however given that Road 14 is less than 200m from the intersection of Waterloo Road to Lane Cove Road, a signalised intersection will have significant adverse impacts on traffic queueing and travel times and is not supported by TfNSW.

Whilst the recommended location of the mid-block pedestrian crossing is not in the applicant's preferred location, it is considered to be in a central location between the two buildings fronting Waterloo Road (between Buildings AB and F), and will provide pedestrian access from the site to the southern side of Waterloo Road. Therefore, the mid-block pedestrian crossing recommended by TfNSW is directly related to servicing the pedestrian traffic generated by the site and will provide a benefit to the future occupants of the development.

Signalised Intersection at Road 16 and Waterloo Road

On 12 June 2020, Council's Traffic Section and assessing officer held a meeting with TfNSW and discussed the possibility of TfNSW supporting a signalised intersection at Road 16 and Waterloo Road to provide pedestrian access and improve vehicular access to and from the site compared to the originally considered left in/left out arrangement.

TfNSW advised that a mid-block pedestrian crossing is considered to have the least impact on the State road network and bus travel times, however, it was willing to consider a proposal for a signalised intersection at Road 16 and Waterloo Road, subject to further traffic modelling to demonstrate that a signalised intersection at Road 16 will not result in adverse traffic impacts along Waterloo Road and the surrounding road network.

On 6 July 2020, the applicant submitted further traffic modelling including consideration of a signalised intersection at Road 16 and Waterloo Road. The modelling was referred to TfNSW for comment.

On 29 June 2020, Council requested the applicant submit further SIDRA modelling data relating to the traffic modelling for review. The requested SIDRA modelling was submitted to Council on 13 August 2020 and was also provided to TfNSW for consideration.

Council's Traffic Section carried out further traffic modelling and warrant assessments to investigate the traffic impacts of a signalised intersection at Road 16 and Waterloo Road on the traffic flow and travel times to the State network. The traffic modelling undertaken by Council's Traffic Section was provided to TfNSW for consideration in addition to the traffic modelling submitted by the applicant. Council's Traffic Section's assessment of the additional traffic modelling is provided in Section 11 of the report below.

On 19 August 2020, Council officers met with TfNSW to further discuss Council's preference for the signalisation of the Road 16 and Waterloo Road intersection to replace the need for a mid-block pedestrian crossing. Council also provided TfNSW with a draft condition seeking to provide flexibility for the developer to provide detailed designs for either a mid-block pedestrian crossing or signalised intersection at Road 16, at lodgement of a Development Application for Stage 4 of the concept plan (Building E and F).

Following the meeting, TfNSW finalised their referral and advised that no objection is raised to the proposal. On 18 November 2020, further correspondence was received from TfNSW advising that traffic volumes provided in the warrant assessment is consistent with the warrants set out in the Traffic Signal Design Guide and is acceptable. TfNSW provided support for the signalisation of Road 16, subject to conditions as follows:

- *A concept plan for the signals is to be prepared and submitted to Transport for NSW for review and acceptance*
- *The Northbound right turn from Waterloo Road into Road 16 is to be banned. Access to the road will be via a left turn only from Waterloo Road, and the right turn from Road 16 into Waterloo Road will be acceptable.*
- *The development of these signals must take into account the future upgrade of surrounding intersections.*
- *That the full cost of the design and construction of the proposed signals are met by Council or the Developer.*

The signalisation of Road 16 and Waterloo Road will minimise traffic congestion impacts and provide safe pedestrian crossing across Waterloo Road and is a better outcome than the provision of a mid-block signalised pedestrian crossing between Road 14 and Road 16. As such, Council officers no longer seek to pursue an alternative option for the provision of either a signalised intersection at Road 16 and Waterloo Road or a mid-block signalised pedestrian crossing. As per Condition 13, Council requires the applicant to deliver a signalised intersection at Road 16 and Waterloo Road to address vehicular and pedestrian traffic generated by the development.

Stormwater Management

As a result of Council's preliminary assessment of the proposed stormwater management design, the applicant was advised that the development would result in a worsening flood hazard to the adjoining property which is inconsistent with Council's stormwater management requirements under Part 8.2 of the RDCP 2014 and could not be supported.

The applicant provided an amended overland flow assessment report with the information submitted on 5 July 2019. The applicant objected to the requirement for a drainage easement across the adjacent property (63-71 Waterloo Road) to the north-west as the proposal provides an acceptable engineered solution for stormwater discharge.

On 10 September 2019, Council issued a letter to the applicant raising concerns and requested additional information in response to the amended plans submitted on 5 July 2019. In particular, Council's City Work and Infrastructure Department reiterated the request for a drainage easement at the north-western corner of the site across the adjoining property. The amended stormwater management plans and overland flow assessment report submitted were considered insufficient and did not satisfactorily address flood impacts to the site or adjoining properties. In addition, the proposal to divert stormwater to the temporary stormwater infrastructure approved for Building C and the use of 90 degree connections to the pits on Road 16 between Building F and the future park, were not supported.

Additional information was requested including submission of flood levels as part of the hydraulic assessment provided within the Overland Flow Assessment Report, stormwater plans that clearly demonstrate the minor and major design criteria for drainage system and overland flow paths in accordance with the requirements under RDCP 2014.

On 1 November 2019, the applicant submitted additional information including amended architectural plans, stormwater and civil plans, a revised Overland Flow Assessment Report to address Council's letter dated 10 September 2019.

On 8 April 2020, Council's letter to the applicant advised that the submitted information has not satisfactorily addressed the drainage, traffic and public domain issues previously raised by Council officers. In particular, the proposed stormwater management system still presents unacceptable drainage and flooding impacts and will impact the levels for Road 1 and the public domain. Council reiterated that a drainage easement across the adjacent property will result in the least drainage and flooding impacts and is Council's preference.

Additionally, Council reiterated the recommendation for the upgrade of existing single stormwater pipes from 1500mm to twin 1500mm pipes and realignment of the pipe along Road 16 towards Road 1 to ensure that the drainage system has the capacity to

accommodate all storm events up to and including 1 in 20 year ARI with an overland flow paths for storm events up to 1 in 100 year ARI. Council is of the view that realignment of the stormwater pipes long Road 16 would be of benefit to the site and the adjoining property.

On 22 May 2020, the applicant submitted amended stormwater management plans, flood report and civil drawings following further discussions with Council officers to clarify Council's stormwater requirements and preferences. Subsequently, the proposed stormwater system will upgrade the trunk drainage along Road 16 connecting to Road 1 and no longer requires a pipe above the basement link between Buildings E and F.

The applicant's stormwater engineer submits that the proposal demonstrates that the stormwater design is capable of achieving Council's drainage requirements and an upgrade of the single stormwater pipes to twin 1500mm pipes is not necessary. In addition, the applicant submits that the rip-rap contained within the boundaries of Building F minimises flooding hazard and velocity impacts to the adjoining TPG site and should be maintained.

On 30 October 2020, Council's Senior Drainage Engineer met with the applicant's stormwater engineers to further clarify Council drainage requirements and it was agreed that the applicant would provide an upgraded pipe of 2100mm in diameter to satisfy requirements under the Ryde DCP 2014. Subsequently, **Condition 26** and **Condition 28** were drafted with the agreement of the applicant.

The amended drawings have been reviewed by Council's City Works and Infrastructure Department as discussed in Section 11 of the report.

Road Levels

Council's Public Domain Team raised concerns that the amended stormwater management plan fails to demonstrate road levels for Roads 1, 14 and 16 that achieve Council's requirements and flood mitigation.

Council officer's also reiterated that the proposed stormwater plans adversely affect the road levels particularly for Road 1, and are not acceptable as Council requires Road 1 to have a longitudinal gradient between 3%-4% to enable vehicles to travel at the same speed along the length of the road and appropriate grading for footpaths.

On 22 May 2020, additional information including amended drawings showing Road 1 with a gradient of less than 4% which is consistent with Council's request.

7. 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 Act 1979;

- Environmental Planning and Assessment Regulation 2000;
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- Greater Sydney Regional Plan - A Metropolis of Three Cities, 2018;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;
- State Environmental Planning Policy No. 19 – Bushland in Urban Areas;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- Draft Remediation of Land State Environmental Planning Policy;
- Draft Environmental State Planning Policy;
- Ryde Local Environmental Plan 2014;
- Ryde Development Control Plan 2014; and
- Ryde Section 7.11 Development Contributions Plan 2020.

8. PLANNING ASSESSMENT

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

In support of the development application, the developer entered into a Planning Agreement with Council under Section 7.4 of the EP&A Act 1979. The agreement was executed on 31 August 2018 for monetary contributions and works in kind to contribute to public infrastructure to enable the developer to utilise the additional building height incentive of 65m and additional FSR incentive of up to 3.66:1 available pursuant to Clause 6.9(3) of RLEP 2014.

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

- Monetary contribution to the amount of \$2,175,825.86 (paid to Council on 24 February 2020);
- Construction of Roads 1, 14 and 16 and dedication of land as public roads;
- Upgrade works along Waterloo Road;
- Construction of 3 pedestrian links;

A Deed of Variation was executed on 13 February 2020 to amend the Planning Agreement to modify the timing for completion of construction of the southern portion of Road 14 and upgrade works to the Waterloo Road intersection to 30 June 2021 or otherwise agreed in writing between Council and the applicant. The Deed of Variation also includes a new bank guarantee to the amount of \$4,800,000 as security for the delivery of the subject road works.

Each subsequent stage of the development will be required to comply with this Planning Agreement.

8.1. 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.

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

8.2. Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 is a deemed SEPP and applies to the whole of the Ryde Local Government Area.

The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the above planning instrument. However, the site is not located on the foreshore or adjacent to the waterway and therefore, with the exception of the objective of improved water quality, the objectives of the planning instrument are not applicable to the proposed development.

Given the nature of the development as a concept plan application, the proposed stormwater management design for the site, subject to detailed design as part of future detailed development applications for each stage of development, satisfies the aims and objectives of the planning instrument.

8.3. 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, Industry and Environment, is expected to undertake 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 concept plan aligns with the vision of the Eastern Economic Corridor in that the proposed commercial office space will facilitate jobs, creating economic activities, be well connected to transport links and provide high quality open space areas for people to enjoy.

8.4. State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

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

The proposed concept plan seeks to distribute 1,170 car parking spaces across 5 buildings and is identified as traffic generating development under Schedule 3 of the SEPP. In accordance with Clause 104 of the SEPP, the proposal was required to be referred to TfNSW for comment.

As indicated in the report above, TfNSW supported the construction of a mid-block signalised pedestrian crossing on Waterloo Road between Coolinga Road and Khartoum Road and has since considered a proposal for the construction of a signalised intersection at Road 16 and Waterloo Road at the recommendation of Council's Traffic Department.

On 19 August 2020, TfNSW advised Council that no objection was raised to the amended development subject to a condition requiring the provision of either a mid-block pedestrian crossing but did not provide clarification regarding the alternative of providing a signalised intersection at Road 16 and Waterloo Road.

At the time of preparing this report, TfNSW is finalising its review of traffic modelling provided by the applicant and Council's Traffic Section to consider traffic impacts from a left in left out arrangement from both Roads 14 and 16 compared to a signalised intersection at Road 16 and Waterloo Road. Whilst written correspondence confirming TfNSW recommendation, Council's Traffic Section has been advised that TfNSW does not object to a signalised intersection, subject to restrictions such as no right turn into Road 16 from Waterloo Road to minimise impacts on traffic flow and queuing along Waterloo Road.

8.5. State Environmental Planning Policy (State and Regional Development) 2011

The proposal has a Capital Investment Value of more than \$30 million, as such the proposal is required to be determined by the Sydney North Planning Panel in accordance with Section 4.7 of the EP&A Act.

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

The objective of this SEPP is to protect the biodiversity values of trees and other vegetation and to preserve the amenity of the area through the preservation of trees and other vegetation. The subject site is not identified as containing significant urban bushland on Council's Environmentally Sensitive Areas map.

No tree removal is proposed as part of this application. However, it is acknowledged that tree removal of some existing trees will form part of future development applications given the proposed siting of buildings, roads and pedestrian links. **Condition 3** included on the recommended consent outlines that no tree removal is approved under this application and tree removal will be subject to further assessment under subsequent building applications.

In this regard, Council's Consultant Landscape Architect has advised that the high category trees located on the Waterloo Road frontage are considered to be of priority given their location away from the primary building and roadway envelopes and are of

medium-high retention values. Any future applications for building works on the site will assess the retention of these trees.

8.7. State Environmental Planning Policy No. 19 – Bushland in Urban Areas

The SEPP is applicable to the whole of the City of Ryde area and aims to protect and preserve bushland within urban areas. The site is not identified as containing bushland that is to be conserved in accordance with the provisions of the SEPP.

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

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

A Detailed Site Investigation Report prepared by Douglas Partners, dated July 2017 was submitted with the application and concluded that the site “*does not present a significant risk to human health or the environment, and is suitable for future commercial or industrial development*” and is suitable for the proposed use, subject to the following:

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

Council's Environmental Health Officer has reviewed the Detailed Site Investigation Report and supports the conclusion that the site is capable of being made suitable for the proposed use, subject to conditions discussed in the report below and provided in **Condition 19** contained in Attachment 1.

8.9. Ryde Local Environmental Plan 2014

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

Clause 2.2 – Zoning

The site is located within the B3 Commercial Core zone under the Ryde LEP 2014. Development for commercial and retail purposes is permitted in this zoning.

Clause 2.3 – Zone Objectives

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

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

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

The development complies with the above objectives, and will be consistent with the State and local strategic intent for the zone and the Macquarie Park Corridor by providing commercial buildings which serve the employment needs of the local and wider community.

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

Clause 4.3 - Height of Buildings

A maximum building height limits of 30m applies to the development site.

Despite the provisions of clause 4.3 - Height of Building, under Clause 6.9 - Development in Macquarie Park Corridor, development consent may be granted to development to a maximum height of 65 metres as an incentive provision if the consent authority is satisfied that:

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

The proposal is seeking a maximum building height of 65m (Building D) which relies on the incentive provisions under Clause 6.9 of the RLEP 2014, subject to the consent authority being 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.

The proposed maximum building heights for the Buildings AB, D, E and F are shown in **Table 2** below and further assessed under Clause 6.9 below.

Table 2. Proposed building heights

Building	Proposed height (m)	Proposed height (in storeys)
Building AB	51m	11
Building C	45m	10
Building D	65m	6-18
Building E	32m	6
Building F	43m	9

Note: Building C has been constructed under Development Consent LDA2017/0390

Clause 4.4 – Floor Space Ratio

The maximum floor space ratio (FSR) control for the site is 2.26:1 under Clause 4.4 of the RLEP 2014. The proposed concept plan seeks approval for a total of 117,070m² and a FSR 3.66:1 which exceeds the maximum FSR for the development site.

Despite the FSR control under Clause 4.4, incentive FSR under Clause 6.9 of the RLEP 2014 allows a maximum FSR of 3.66:1 for the development site, 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.

The proposed gross floor area for each building is shown in Table 3 below and is further assessed under Clause 6.9 below.

Table 3. Proposed gross floor area

Building	Proposed gross floor space
Buildings AB and D	52,470m ²
Building C	38,500m ²
Building E	10,350m ²
Building F	15,750m ²
Total	117,070m ²

Note: Building C has been constructed under Development Consent LDA2017/0390

Clause 6.1 – Acid Sulfate Soils

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

In accordance with Council's Acid Sulfate Soils Map, the site is not identified as being located within a classified acid sulfate soils area. As such the proposed development will not impact acid sulfate soils and the provision of the clause is not applicable.

Clause 6.2 – Earthworks

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

The subject application does not propose any earthworks. Separate development applications will be required for earthworks associated with the construction of future buildings on the site.

Clause 6.4 - Stormwater Management

The proposed stormwater management system for the site (as amended) has satisfactorily demonstrated that drainage at different stages of the development can be appropriately facilitated and will not result in any detrimental impacts on adjoining properties or the capacity of Council's stormwater infrastructure.

The proposal is considered acceptable subject to conditions (refer to **Conditions 26, 27, 28, 30, 33 and 36**) requiring the creation of a drainage easement across the adjacent property to connect drainage to Council's stormwater infrastructure, staging of infrastructure works and ongoing management of the stormwater system.

Clause 6.6 - Environmental Sustainability

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

An Ecologically Sustainable Development Report prepared by LCI, dated 14 August 2017 demonstrates that future buildings will be designed to achieve a 5 Star NABERS Energy rating, 3 Star NABERS Water rating, minimum 4 Star Green Star rating and enter into a Commitment Agreement with the Office of Environment and Heritage.

Whilst the final design of future buildings and the use of specific ESD strategies will be subject to detailed design of each stage of the development, the following strategies are to be considered and incorporated, where appropriate:

NABERS 5 Star Energy Efficiency

- Thermal efficiency with air handling systems separated into zones
- High efficiency air handling units
- Thermal metering of tenant air conditioning plants
- High efficiency cooling towers for the chilled water system
- High efficiency modular boilers for heating hot water
- Dedicated tenant condenser water pumps for efficient low load operation
- Installation of lifts with regenerative braking systems
- High efficiency LEP and fluorescent lighting in the base building areas (including but not limited to car park, lobbies, corridors, amenities and plant areas)

- Low energy lighting systems in commercial office spaces
- Daylight sensor lighting control in public areas adjacent to building facades
- Installation of high performance building materials for building facades
- Carbon monoxide sensors in multi fan ventilation systems for the car park
- Natural ventilation to plantrooms where practicable
- Battery charging stations for electric cars

NABERS 3 Star Water Efficiency

- Rainwater harvesting
- Water efficient appliances/fixtures in toilet facilities and kitchens
- Six cycles of concentration for cooling towers

Green Star

- Bicycle storage and end of trip facilities
- NABERS 5 Star Energy rating for commercial office buildings (as above)
- NABERS 3 Star Water rating (as above)
- Low energy and low glare lighting
- Use of sustainable materials
- Minimisation of waste during construction

The ESD Report submitted with the application satisfies the provisions for environmental sustainability in Clause 6.6 of the RLEP 2014. Any future development applications will be required to provide ESD reports demonstrating building designs that achieve ongoing compliance with Clause 6.6. Conditions have been included in the conditions of consent in **Attachment 1** (see **Condition 39**).

Clause 6.9 – Development in Macquarie Park Corridor

Clause 6.9(3) permits additional building height to a maximum of 65m and a floor space ratio of 3.66:1 for the site, subject to the consent authority being satisfied of the following:

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

The proposed concept plan seeks to utilise the incentive building height and floor space provisions under the Clause 6.9(3) to achieve a maximum building height of 65m and floor space ratio of 3.66:1 for the site. The applicant seeks to satisfy the provisions of Clause 6.9(3) with the construction and dedicate of new roads to Council and construction of pedestrian links within the site.

The location of the new roads and pedestrian links are consistent with the road and pedestrian access network identified in Section 4.0 of Part 4.6 of the RDCP 2014 and is consistent with the requirements of the Planning Agreement, and will contribute to the connectivity within Macquarie Park and surrounding areas.

As per the funding agreement between Council and the Department of Planning, Industry and Environment in June 2014, a 7,000m² public park that is bounded by the subject site will be delivered providing one of five key public open spaces within Macquarie Park and contributing to the open space networks in accordance with the RDCP 2014. Whilst the park does not form part of the site area of the concept plan application, the new roads and buildings will be orientated towards the public open space and future buildings will benefit from the amenity provided by the park.

The concept plan includes a landscape plan showing the allocation of landscaped areas adjacent to future buildings that will be used for passive recreational areas for occupants and visitors of the development. Detailed landscape designs will be required to be submitted with Development Applications for each stage of the development.

Given the above, it is considered that the application satisfies the considerations for incentive building height and floor space ratio for the site. The proposed maximum floor space ratio of 3.66:1 and building height of 65m is acceptable. The development complies with these requirements.

8.10. Draft Environment State Environmental Planning Policy

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 the following:

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

As the site does not contain any endangered or significant bushland and is not located in the foreshore and waterways areas, the proposal is considered to be consistent with the provisions of the draft SEPP.

8.11. Draft Remediation of Land State Environmental Planning Policy

The draft Remediation of Lands SEPP was exhibited from 31 January 2018 to 13 April 2018. The SEPP will maintain the objectives and existing framework of SEPP 55 and require the consent authority to consider the potential for land contamination as part of the assessment of development applications and rezoning of land. The SEPP will identify remediation works that require development consent and introduce certification and operational requirements for remediation works that can be carried out without development consent.

A Detailed Site Investigation Report has been submitted with the application and is considered to be consistent with the provisions of the draft SEPP.

8.12. Ryde Development Control Plan 2014

The proposal has been considered against relevant sections of the Ryde DCP 2014 below.

Part 4.5 – Macquarie Park Corridor

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

- Section 7.4(h) - Soft landscaping of 60% of the front setback has not been achieved;
- Section 7.7(a) - Proposed building separation is less than the required minimum separation of 20m;
- Section 8.2(a) and (c) - Deep soil area is less than 20% of site area; and
- Section 8.2(e) - Less than 50% of new public spaces receive the minimum direct sunlight requirements;


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

The non-compliances identified above are further assessed in **Table 3** below.

Table 3. Assessment of Part 4.5 of Ryde DCP 2014.

Relevant Control	Compliance/Comment
3.2 Urban Structure Plan	
The Commercial Core will evolve to become an employment centre supported by key public transport infrastructure.	Complies The development seeks to provide 117,010m ² GFA for commercial/retail uses that will contribute to employment in Macquarie Park. This is considered to be consistent with the aims of the Urban Structure Plan for the Commercial Core. The development is supported by key public transport infrastructure including the Macquarie Park Train Station and frequent bus services which connect the site to both the local Macquarie Park area and Greater Sydney.
4.0 Access Network	
4.1 Streets	
a) Provide new public streets and pedestrian connections in accordance with Figure 4.1.1 Access Network.	Complies

Relevant Control	Compliance/Comment
	The proposed location of the 3 new roads and 3 pedestrian links are consistent with the access network diagram in the RDCP 2014.
b) New streets are to be dedicated to the Council. New streets are to be maintained by the landowner until dedicated to Council.	Complies The timing for the dedication of new roads to Council has been agreed between Council and the developer as part of the Planning Agreement.
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 <p>The proposed building setbacks along the new roads (Roads 1, 14 and 16) are consistent with the DCP controls.</p> <p>Specifically, the proposed building envelopes are built to the boundary of active frontages on Roads 14 and 16, setback 10m from Waterloo Road and 5 metres from Road 1.</p>
d. Each site is to provide for co-ordination of proposed streets with neighbouring sites, including level adjustments and detailed plans. This detail is to be provided together with the development application.	Complies <p>The proposal (as amended) provides road levels that are consistent with Council's requirements and are consistent with the levels of adjoining properties.</p>
e. Lighting, paving and street furniture, landscaped setbacks and tree planting are to be provided as required in the Macquarie Park Corridor Public Domain Technical Manual.	Able to Comply <p>Detailed public domain and landscaping works do not form part of this concept plan application.</p> <p>Separate Development Applications for each stage of the development will be required to include details of public domain and landscaping works.</p>
f. Provide new streets as follows: i. 20m wide (typical) streets ii. 14.5m wide (typical) streets	Complies <p>The proposed new roads are consistent with the width for new roads in accordance with the RDCP 2014 as follows:</p> <ul style="list-style-type: none"> • Road 1 – 20m • Road 14 – 14.5m • Road 16 – 14.5m
4.2 Pedestrian Connections	

Relevant Control	Compliance/Comment
<p>Pedestrian through-site links are to be provided as they contribute to the walkability of the Corridor by providing a useful addition to the street network and walkable destinations (e.g. building entries, shopfronts, courtyards, outdoor dining). The design of through-site links is to maximise pedestrian accessibility, walkability, amenity and safety.</p> <p>b) Provide pedestrian connections in accordance with Figure 4.1.1 Access Network</p>	<p>Complies</p> <p>The proposed east-west pedestrian link between Road 14 and the eastern boundary of the site is consistent with the identified pedestrian link in the RDCP 2014 and shown in the diagram below.</p> <p>The proposal includes 2 additional pedestrian links that are not specifically identified in the RDCP 2014, however, will contribute to pedestrian access within the site and walkability within the Macquarie Park area and is consistent with the Planning Agreement.</p>  <p>Note: RDCP 2014 Access Network showing the delivery of required roads (Roads 1, 14 and 16) and pedestrian links (in dashed red line)</p>
<p>c) Pedestrian connections are to:</p> <ol style="list-style-type: none"> Be a minimum of 6m wide comprising 4m wide paving Together with the development application and 2m wide soft landscaping as shown in Figure 4.2.1 (or as determined by Council). Be designed with a 2m setback to any building. Be publicly accessible at all times. 	<p>Complies</p> <p>The pedestrian links (Pedestrian Link 2 and 3) have a width of 14m and the shared zone between Buildings AB and C will have a width of 17m. The proposed widths satisfy the minimum required dimensions for pedestrian links.</p> <p>Detailed design of the pedestrian links and shared zone are to be submitted with future Development Applications for the relevant stages of development for the site.</p>

Relevant Control	Compliance/Comment
<ul style="list-style-type: none"> v. Provide a clear sightline from one end to the other for surveillance and accessibility. vi. Maximise active frontages pedestrian connections. vii. 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). ix. Extend and enhance the public domain and have a public domain character. x. 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. xi. Paving shall be in accordance with the Macquarie Park Public Domain Technical Manual. xii. Remain in private ownership and be created as Rights-of- Way in favour of Council or a similar mechanism. 	
<p>d) Each site is to provide for coordination of pedestrian connections with neighbouring sites, including level adjustments and detailed plans. Detailed plans, sections and other material as necessary are to be provided</p>	<p>Complies</p> <p>The concept plan drawings clearly identify the location of pedestrian links within the site. The proposed shared zone between Road 14 and the eastern boundary will provide a pedestrian connection from the site to Lane Cove Road, subject to the future development of the adjoining property.</p> <p>Detailed plans of the pedestrian links and shared zone will be required to be provided with the relevant Development Applications for Stages 2, 3 and 4 works.</p>
4.3 Bicycle Network	
<p>a) Provide dedicated cycle access in accordance with <i>Ryde Bicycle</i></p>	<p>Able to comply</p>

Relevant Control	Compliance/Comment
<p><i>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 Ryde Bicycle Strategy 2014. 	<p>In accordance with Figure 4.3.1 Indicative Cycleways, Waterloo Road and Road 14 are part of the Regional and Local Bicycle Networks, respectively.</p> <p>Design details incorporating cycleways do not form part of this concept plan application. Condition 25 requires the submission of public domain plans including cycleways as part of separate Development Applications with relevant stages of the development.</p>
4.4 Sustainable Transport	
Travel Plans	
<p>c) A Framework Travel Plan. (FTP) is required to be submitted to Council for approval together with a DA for all development that exceeds 10,000sqm new floor space.</p>	<p>Able to Comply</p> <p>A FTP is required to be prepared as the development has a gross floor area of 171, 010m². A FTP is required to be prepared and submitted for approval for each stage of the development with the requirements provided in Condition 29.</p>
Parking Rates	
<p>a) Bicycle parking and end-of-trip facilities are to be provided in accordance with the RDCP 2014 Part 9.3 Parking Controls.</p>	<p>Able to Comply</p> <p>The detailed design of buildings will be subject to separate development applications that will be required to demonstrate compliance with bicycle parking requirements.</p>

Relevant Control	Compliance/Comment
b) Parking is to be provided in accordance with the RDCP 2014 Part 9.3 Parking Controls.	<p>Complies</p> <p>The proposed 1,170 car parking spaces to be distributed between the 5 buildings area consistent with the maximum car parking spaces permitted for the scale of development in Macquarie Park.</p>
Car Sharing Parking	
<p>h) All parking spaces for car share schemes are to be:</p> <ul style="list-style-type: none"> i. Publicly accessible 24 hours a day seven days per week. ii. Located together in the most convenient locations. iii. Located near and with access from a public road and integrated with the streetscape through appropriate landscaping where the space is external. iv. Designated for use only by car share vehicles by signage. v. Parking spaces for car share schemes located on private land are to be retained as common property by the Owners Corporation of the site. 	<p>Able to Comply</p> <p>The allocation of car parking spaces including car share spaces does not form part of this concept plan application.</p> <p>Details of any proposed car share spaces will be considered as part of the future development applications associated with the various stages of development.</p>
5.0 Public Domain	
5.8 Street Trees, Front Setback Tree Planting and Significant Trees	
a) Street trees and front setbacks must be provided in accordance with the Street Tree Key Plan in the Macquarie Park Public Domain Technical Manual, and their health guaranteed for min. 5 years.	<p>Complies</p> <p>Street trees are proposed along the new roads and the shared zoned between Buildings AB and C. The front setback of the development along Waterloo Road will be developed as part of the Linear Park along Waterloo Road. Detailed landscape plans are required to be submitted with development applications for Stages 2, 3 and 4 works (see Condition 9, 12 and 41).</p>
b) At grade parking is not permitted in the front setback.	<p>Complies</p> <p>All parking is proposed to be located within basement car parking levels.</p>

Relevant Control	Compliance/Comment
<p>c) Where:</p> <ul style="list-style-type: none"> 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: <p>Submit a Flora and Fauna Assessment prepared by a suitably qualified ecological consultant with the DA that has regard to:</p> <ul style="list-style-type: none"> i. Part 9.5 Tree Preservation of the RDCP 2014; ii. NSW Threatened Species Conservation Act. iii. Sydney Metropolitan Vegetation Mapping 2013 	<p>Not applicable</p> <p>The site is not affected by the Sydney Metropolitan Catchment Vegetation Mapping 2013.</p> <p>The concept plan application does not include the removal of trees on the site. Any tree removal that requires development consent will be subject to a separate Development Application for relevant stages of development.</p>
5.10 Art in Publicly Accessible Spaces	
<p>a) Art must be included in all new development with more than 10,000m² new floor space in the amount of 0.1% of the construction cost of the works capped at \$1,500,00.00.</p>	<p>Able to Comply</p> <p>The Public Art Strategy prepared by UAP Studio dated August 2017, identifies potential locations for public art for each building.</p> <p>A Public Art Strategy is required to be prepared and submitted with development applications for each building or stage of development. Condition 20 has been included in Attachment 1 requiring each Public Art Strategy to be consistent with the provisions in Part 4.5 of the RDCP 2014.</p>
<p>b) Art must be located within the site so as to be publicly accessible (i.e. viewed or experienced from publicly accessible places).</p>	<p>Complies</p> <p>The Public Art Strategy prepared by UAP Studio has identified potential key, publicly accessible locations for art within each stage of the development.</p>
<p>c) A site specific Arts Plan is to be submitted together with the development application.</p> <ul style="list-style-type: none"> i. Arts project description and statement of artistic intent. ii. Thematic framework for the artwork. Suggested themes arising from the history of the Macquarie Park Corridor are: 	<p>Complies</p> <p>A detailed Public Art Strategy will be required to be submitted with development applications for each stage of the development (see Condition 20).</p>

Relevant Control	Compliance/Comment
<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>v. Preliminary construction details with particular emphasis on public safety considerations.</p>	
6.0 Implementation – Infrastructure, facilities and Public Domain Improvements	
<p>a) Floor Space Ratios and Height of Buildings are to comply with the Ryde LEP 2014.</p>	<p>Complies</p> <p>The proposal seeks to utilise the incentive building height and FSR provisions under Clause 6.9 of the RLEP 2014. The proposal has a maximum building height of 65m and FSR of 3.66:1, which is consistent with the incentive provisions for building height and FSR.</p> <p>Refer to Clauses 4.3, 4.4 and 6.9 of the Ryde LEP discussed previously in this report.</p>
<p>b) The Access Network being roads and the Open Space Network being parks are to</p>	<p>Complies</p>

Relevant Control	Compliance/Comment
<ul style="list-style-type: none"> i. be dedicated to Council as part of a new development and ii. conform with the Macquarie Park Corridor Access Structure Plan. iii. be design and constructed in accordance with the Macquarie Park Corridor Public Domain Technical Manual and Section 4 of this Part. 	<p>The concept plan provides new roads and pedestrian links in accordance with the location and configuration of roads and pedestrian links identified in the Access Structure Plan for Macquarie Park.</p> <p>The construction and dedication of new roads to Council will be undertaken in accordance with the terms of the Planning Agreement between Council and the developer.</p>
<p>c) The public land such as the road verge adjoining a development site is to be embellished and dedicated to Council as part of any new development. The design and construction of the works are to be undertaken in accordance with the Macquarie Park Public Domain Technical Manual and Section 4 of this Part.</p>	<p>Complies</p> <p>The construction of new roads and associated public domain works will be carried out in stages, in accordance with the Planning Agreement between Council and the developer.</p>
7.0 Built Form	
7.1 Site Planning and Staging	
<p>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.</p>	<p>Complies</p> <p>New roads and pedestrian links will be constructed in stages associated with the proposed staged development of the site. The proposed location of new roads and pedestrian links are consistent with the access network plan under the RDCP 2014.</p> <p>Although the provision of the future park is not part of this application, the concept plan for the site takes into consideration the location of the park and its contribution to the open space network and character of Macquarie Park under the RDCP 2014.</p>
7.3 Active Frontage	
<p>Active uses at ground level are encouraged within Macquarie Park generally but more particularly in Activity Centres in order to ensure vibrant streetscapes, community meeting places and the provision of local services and facilities.</p>	<p>Complies</p> <p>The proposed building envelopes are orientated to address active frontages along Roads 14 and 16 with a mix of commercial and retail uses addressing the public domain.</p> <p>Details of uses and presentation of buildings at ground level will be submitted with the development</p>

Relevant Control	Compliance/Comment
	applications for the various stages of development and will be required to satisfy relevant provisions for active frontages.
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>Complies</p> <p>The proposed building envelopes and setbacks from primary active frontages are consistent with the setback controls.</p> <p>The proposed 10m setback from Waterloo (measured from the road acquisition by TfNSW) is consistent with the setback controls.</p>
<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.</p>	<p>Not Applicable</p> <p>The site is not located along a secondary active frontage and the proposal does not include any single storey structures.</p>
<p>c) Provide 2m setbacks to pedestrian pathways (unless within a building)</p>	<p>Complies</p> <p>The building envelopes adjacent to pedestrian links are capable of providing sufficient setbacks at ground level. Detailed design of buildings and pedestrian links will be submitted for consideration with development applications associated with the different stages of development.</p>
<p>d) Despite clause 7.2.a development may be set back further from the street or public domain where it can be</p>	<p>Not Applicable</p> <p>No excavation is proposed as part of this concept plan application. Impact on underground rail</p>

Relevant Control	Compliance/Comment
<p>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> <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.</p> <p>The following are permitted in the Second Reserve support zone:</p> <ul style="list-style-type: none"> 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. 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>infrastructure will be considered by Sydney Trains as part of any future development application for excavation works of more than 2m and is within 25m of the rail corridor.</p> <p>Sydney Trains has advised that no objection is raised to the proposal given it is a concept plan.</p> <p>Consideration of impacts on underground rail infrastructure will be undertaken by Sydney Trains as part of future development applications that impact on the Second Rail Reserve adjacent to Waterloo Road.</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.</p>	<p>Complies</p> <p>The basement footprint of Buildings AB and F do not encroach on the 10m setback to Waterloo Road or Road 1 and complies with the requirements of the RDCP 2014. The proposed basement setbacks will enable deep soil planting within the Linear Park along Waterloo Road.</p>
<p>g) Awnings, canopies, balconies, sun shading and screening elements can project forward of the street setback line.</p>	<p>Able to Comply</p> <p>Details of building designs, including any awning, canopies or shading elements that project forward of the building setback, will be submitted with</p>

Relevant Control	Compliance/Comment
	Development Applications for future stages of development.
<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>Does Not Comply – Justified</p> <p>The required 10m setback from Waterloo Road will facilitate the Linear Park and pedestrian pathways. The proposal is unlikely to achieve 60% soft landscaping within the setback area as the Linear Park requires pedestrian pathways (subject to future detailed design).</p> <p>The proposed installation of a rip rap adjacent to Building F to manage stormwater and minimise flooding impacts could accommodate some landscaping, subject to detailed design to be submitted with the development application for Stage 4 works.</p> <p>Soft landscaping and deep soil areas area within the setback to Road 1 are identified on the landscape plans and will be subject to detailed design to be provided with development applications for the different stages of development.</p> <p>Given that Roads 14 and 16 are primary active frontages with zero setbacks controls, no soft landscaping will to be provided.</p> <p>Paving finishes will be required to be consistent with Council’s Public Domain Manual.</p> <p>No at grade parking is proposed within street setbacks.</p>
7.5 Awnings and Canopies	
<p>a) Awnings must be provided where Primary Active Frontages are shown in Figure 7.3.2 Active Frontage and Setback Control Drawing. Entry canopies and discontinuous awnings are encouraged elsewhere in the Corridor.</p> <p>b) Awning width is to be 3 m.</p> <p>c) Provide awnings with a soffit height of 3.6m above the finished</p>	<p>Able to Comply</p> <p>Detailed design of buildings including provisions of awning along primary active frontages will be subject to future development applications for each stage of development.</p>

Relevant Control	Compliance/Comment
<p>ground floor level. On sloping sites, awning soffit height may vary from 3.6 m - 4.2 m.</p> <p>d) Awning heights are to be coordinated with adjoining properties.</p> <p>e) Where the topography slopes along the street, awnings are to step to provide a regular height over the footpath. Steps in awnings should not exceed 600 mm.</p> <p>f) Stepped awnings must be detailed to provide continuous weather protection.</p> <p>g) Glazing is not permitted in continuous awnings.</p> <p>h) Under awning lighting is to be provided to achieve appropriate luminance levels for pedestrians (Refer to relevant Australian Standards). This should be recessed into the soffit of the awning.</p>	
Entry Canopies	
<p>i) Entry canopies and discontinuous awnings may be provided to building entries not located along Active Frontages.</p> <p>j) Entry canopies may be glazed or solid, and are to be coordinated with a soffit height of 3.6 m minimum.</p>	<p>Able to comply</p> <p>Detailed design of entry canopies will be subject to assessment of separate development applications for buildings in accordance with the proposed stages of development.</p>
7.6 Rear and Side Setbacks	
<p>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>	<p>Complies</p> <p>The buildings are setback 25m from the rear (northern) boundary, accommodating 20m width for Road 1. The proposed buildings will be setback 5m from the boundary of Road 1.</p> <p>A 5m side setback is provided along the western and eastern (side) boundaries.</p>
<p>b) Buildings are not to be constructed on the locations for proposed new roads. An allowance for a 5m setback from</p>	<p>Complies</p> <p>No buildings are located on land for proposed new roads.</p>

Relevant Control	Compliance/Comment
a proposed road should also be made.	A 5m setback is proposed to Road 1. No setbacks are proposed for buildings along Roads 14 and 16 in accordance with the setback controls for primary active frontages.
c) Awnings, canopies, balconies, sun shading and screening elements may project into the rear setback zones	Able to Comply Awning design will be subject to separate development applications associated with the stages of development.
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.	Complies The proposed basement footprints for buildings do not encroach within the 5m side setbacks.
e) Above ground portions of basement car-parking structures are discouraged and deep soil planting is promoted.	Not Applicable Detailed design of basement car parks are not part of this concept plan application and will be submitted with separate development applications for the various stages of development.
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.	Does Not Comply – Justified The proposal provides 17m building separation between Buildings AB and C, and 14m separation between Buildings E and F. Notwithstanding the building separation between Buildings AB and C being less than 20m, the separation provides adequate width for a shared zone and future landscaping that will contribute to the amenity of pedestrians. The northern setback has been increased to accommodate a shared zone and an urban plaza adjacent to Road 14. Whilst Building C will have

Relevant Control	Compliance/Comment
	<p>some overshadowing impacts on the northern elevation of Building AB, direct sunlight to the north-western and northern elevations is achieved between 12.00noon and 3.00pm. Given the required setback to Waterloo Road and the 2.5m wide road dedication to TfNSW the building envelope is appropriate within the context of the site.</p> <p>The proposed building envelope is a maximum with the detailed design of Building AB subject to a separate development application and will be required to demonstrate that the bulk and scale of the future building provides adequate solar access, daylight, visual privacy and outlook for occupants.</p> <p>The proposed 14m building separation between Buildings E and F is supported by Council's Urban Designer. Given the primary address of Buildings E and F fronts Catherine Hamlin Park, the separation between the buildings are secondary and is satisfactory as it provides visual and spatial relief particularly for pedestrians within the pedestrian link. The building separation also contributes to solar access to the future park.</p>
b) Provide a 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.	<p>Not Applicable</p> <p>The proposed building envelopes exceed 20m in width.</p>
7.8 Building Bulk and Design	
a) The floor-plate of buildings above 8 storeys is not to exceed 2,000m ² , unless it can be demonstrated that slender building forms are achieved through courtyards, atria, articulation or architectural devices.	<p>Does Not Comply – Justified</p> <p>This concept plan does not provide specific building layouts to demonstrate maximum floor plates of 2,000m² for individual buildings.</p> <p>The detailed design of buildings will be subject to separate development applications that will be required to demonstrate the built form is contained within the building envelopes under this concept plan and able to achieve adequate internal amenity for occupants.</p> <p>Building C, approved under LDA2017/0390, has floor plates of approximately 5,600m². The proposal was considered acceptable given the incorporation of a</p>

Relevant Control	Compliance/Comment
	<p>central atrium that effectively divided the floor plate into two portions measuring 1,890m² and 2,085m². The proposal demonstrated that adequate daylight could be achieved contributing to internal amenity for occupants.</p> <p>The development application submitted for Building AB (Stage 2) indicates a proposed floor plate of approximately 3,110m². Although the floor plate exceeds 2,000m², the design of the building seeks to reduce building bulk by providing different addresses and architectural treatments to elevations. The application is currently under assessment and further design amendments to address built form and amenity has been requested.</p> <p>The development application submitted for Building D (Stage 3) proposes floor plates between 1,271m² and 2,023m² which is generally consistent with the development control. The application is currently under assessment and the proposed built form and internal layout of the building is being considered.</p>
b) Buildings are to address the street, and are to have a street address.	<p>Able to Comply</p> <p>All buildings envelopes provide an address to adjacent roads. Detail design of building address to the public domain will be submitted with separate development applications for the stages of development and will be required to demonstrate compliance with controls under RDCP 2014.</p>
<p>c) Facade design is to</p> <ul style="list-style-type: none"> i. Reflect and respond to the orientation of the site using elements such as sun shading and other passive environmental controls where appropriate. ii. Provide building articulation such as well design roof forms, expressed vertical circulation etc. iii. Express corner street locations by giving visual prominence to parts of the façade (eg a change in building articulation, material or colour, or roof expression). 	<p>Able to Comply</p> <p>Details of façade treatments to buildings do not form part of this concept plan application and will be submitted with separate development applications. Development applications for buildings will be required to demonstrate compliance with controls under RDCP 2014.</p>

Relevant Control	Compliance/Comment
<ul style="list-style-type: none"> 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>Able to Comply</p> <p>This concept plan application does not include details of building layouts. Separate development applications will be submitted for buildings in accordance with the stages of development and will be required to demonstrate compliance with building layout controls under the RDCP 2014.</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>Not Applicable</p> <p>No above ground car parking is proposed.</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</p>	<p>Complies</p> <p>The proposed staging of development provides for the construction and dedication of new roads in accordance with the Access Network diagram in the RDCP 2014.</p> <p>Pedestrian links are proposed to be constructed in stages, in accordance with the Planning Agreement between Council and the developer. The location of</p>

Relevant Control	Compliance/Comment
<p>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. 	<p>the pedestrian links is consistent with the Access Network diagram in the RDCP 2014.</p> <p>The provision of the future park is not part of this concept plan application but is being delivered concurrently by NSW Property in partnership with Council and the developer. The site will benefit from the availability of publicly accessible open space immediately adjacent to proposed buildings.</p>
<p>b) All sites 15,000m² or more in area should lodge a site-specific Master Plan and/or Stage 1 development application for approval. The Master Plan must be supported by a:</p> <ul style="list-style-type: none"> i. Transport Management and Access Plan that entails the following measures: <ul style="list-style-type: none"> - 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 with 5kms, the quantum of employment floor space and likely employment generation; iv. Proposed floor space and height and general site layout that preserve the natural heritage of the site (as 	<p>Complies</p> <p>This concept plan is similar to that of a Master Plan.</p> <p>The concept plan is supported by:</p> <ul style="list-style-type: none"> i. A Traffic Impact Assessment report prepared by Ason Group. The Plan promotes sustainable forms of transport (public transport, walking, cycling) and compliance with the maximum car parking rates under RDCP 2014. ii. Vehicular access to and from the site will be provided from Waterloo Road and Road 1. Waterloo Road will be the primary vehicular access point for the site until construction of Road 1 is completed, subject to the development of surrounding properties between Lane Cove Road and Khartoum Road. iii. An Economic Impact Report prepared by Ethos Urban. The report provides an analysis of the economic and social impacts of the proposed development comprising of 111,000m² of commercial floor space and 6,000m² of retail floor space. The study areas for the economic impact assessment included Macquarie Park, the Ryde Local Government Area and the Greater Sydney area. The proposal contributes to additional commercial floor space in Macquarie Park and will employment opportunities for approximately 5,550 office workers.

Relevant Control	Compliance/Comment
<p>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>	<p>iv. The proposed floor space and building height are detailed in the architectural plans and is consistent with the maximum permitted incentive floor space and building height controls under the RLEP 2014. The amenity impacts of the proposed building envelopes on adjoining properties and the future park have been considered in the proposal.</p> <p>v. Public benefits (construction and dedication of roads and pedestrian links) and incentive bonuses are detailed under the Planning Agreement discussed in the report above.</p> <p>vi. A Public Art Strategy prepared by UAP Studio identifies potential locations for public art within the site to be detailed in separate development applications for various stages of development.</p> <p>vii. A Social Impact Assessment is included in the Economic Impact Report prepared by Ethos Urban.</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>Does Not Comply – Justified</p> <p>The proposal provides approximately 338m² of deep soil (1% of the site area) as calculated in accordance with the definition for deep soil area in subclause (c).</p> <p>In accordance subclause (b) the proposal provides approximately 3,191m² (10% of the site area) of deep soil areas achieve the minimum depth of 2m.</p> <p>Having regard to the Planning Agreement for the provision of 3 new roads and 3 pedestrian links within the site, and the location of roads and pedestrian links in accordance with the Access Network required in the Ryde DCP 2014, the remainder of the site cannot accommodate a minimum 20% of the site for deep soil areas, with minimum dimensions of 20m x 10m.</p> <p>Given the history of development of the site, specifically the transfer of floor space ratio from the future park lot to the subject site, and the amenity to be provided by the park to the occupants of the development, the non-compliance with deep soil areas is considered acceptable as landscaping areas will be provided where possible throughout the site as part of different stages of development.</p>

Relevant Control	Compliance/Comment
<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>Complies</p> <p>The proposal provides 8,036m² of landscaped area across the development site (20% of site area). Detailed landscape plans will be required to be submitted as part of separate development applications for each stage of development.</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>Does Not Comply – Justified</p> <p>Given the orientation of the site and the new roads required under the Access Network in the RDCP 2014 and the Planning Agreement, building footprints and envelopes are constrained and will overshadow potential communal open spaces particularly at ground level.</p> <p>The availability of the future park to provide passive recreational spaces for occupants of surrounding buildings will enhance amenity within the development and is taken into consideration.</p> <p>The amendments to building envelopes seek to maximise solar access to the future park between 9.00am and 3.00pm on 21 June and is considered acceptable.</p> <p>This concept plan does not include detailed layouts for buildings and solar access to communal open spaces associated with proposed buildings is based on maximum building envelopes. Separate development applications for buildings at different stages of development and will be required to address solar access to any communal open spaces.</p>
<p>f) Appropriate shading is to be provided so that communal spaces are useable during summer.</p>	<p>Able to Comply</p> <p>The design of communal spaces and provision of appropriate shading does not form part of this concept plan application. Detailed designs will be submitted with separate development applications and will be required to demonstrate compliance with</p>

Relevant Control	Compliance/Comment
	relevant building design controls under the RDCP 2014.
g) Communal open spaces are to incorporate the primary deep soil area where possible.	Refer to discussion above.
h) Landscaping is to contribute to water efficiency and effective stormwater management. Landowners are to consult with Council for requirements to address stormwater quality	<p>Able to Comply</p> <p>Details of landscaping across the site will be subject to separate development applications associated with stages of development. Detailed stormwater management plans demonstrating compliance with Council's requirements are required to be submitted with future development applications.</p>
8.3 Planting on Structures	
<p>a) Provide optimum conditions for plant growth by providing appropriate irrigation and drainage methods.</p> <p>b) Design planters to provide the largest possible volume of soil, in accordance with the following recommended standards.</p>	<p>Able to Comply</p> <p>On 4 September 2019, McGregor Coxall provided written confirmation that the proposal will be able to provide deep soil depths of 1.5m above basement structures and the soil depth is capable of supporting growth of mature trees.</p> <p>Any proposed planting on structures will be subject to separate development applications.</p>
8.4 Topography and Building Interface	
<p>d) 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>e) An accessible path of travel is to be provided from the street</p>	<p>Able to Comply</p> <p>The level changes across the site are addressed by corresponding road and footpath levels. Future buildings will be required to address level changes in accordance with the requirements of the RDCP 2014.</p> <p>Detailed architectural plans demonstrating appropriate level transitions between buildings and the public domain are to be submitted with development applications.</p>

Relevant Control	Compliance/Comment
<p>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>f) 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>g) The maximum height of retaining walls within the front, side and rear setbacks is not to exceed 1.2 m.</p>	<p>Complies</p> <p>Natural ground level is being retained adjacent side and rear boundaries.</p>
<p>h) 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>	<p>Complies</p> <p>The Linear Park is provided within the 10m front setback from Waterloo Road. The area will be publicly accessible and comprise of landscaping, pathways and seating. Detailed landscape design will be submitted with development applications for Stages 2 and 4 of the development.</p>
8.5 Site Facilities	
<p>a) Vehicular access to loading facilities is to be provided from secondary and tertiary streets where possible.</p> <p>b) Rubbish and recycling areas must be provided in accordance with Section 6.3 Waste Management. These areas must:</p> <ul style="list-style-type: none"> (i) be integrated with the development; ii. minimise the visibility of these facilities from the street; and iii. be located away from openable windows to habitable rooms. <p>c) Barrier free access is to be provided to all shared facilities.</p>	<p>Complies</p> <p>Vehicular access to basement car parks is provided from secondary streets.</p> <p>Detailed design of loading docks and servicing of buildings are to be submitted with separate development applications for the stages of development.</p>
8.6 Vehicular Access	

Relevant Control	Compliance/Comment
a) Vehicular access is not permitted along streets identified as 'Active Frontages' (refer to Section 7.3 Active Frontages).	<p>Complies</p> <p>No vehicular access is provided from primary active frontages (Roads 14, 16 and Waterloo Road).</p>
b) Where practicable, vehicle access is to be from secondary streets.	<p>Complies</p> <p>Vehicular access is provided from Road 1 and a shared zone along the northern boundary of Buildings AB.</p>
<p>c) Potential pedestrian/vehicle conflict is to be minimised by:</p> <ul style="list-style-type: none"> i. limiting the width and number of vehicle access points ii. ensuring clear site lines at pedestrian and vehicle crossings iii. utilising traffic calming devices iv. separating and clearly distinguishing between pedestrian and vehicular accessways 	<p>Able to Comply</p> <p>Vehicular access is proposed to be limited to Road 1 for Buildings C, D, and E and F, and via a shared zone for Building AB.</p> <p>Detailed design of driveways and pedestrian links and footpaths are to be submitted with development applications for relevant stages of development and are required to demonstrate compliance with Council's controls to minimise pedestrian and vehicular conflict.</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>Able to Comply</p> <p>The detailed design of car park entries do not form part of this concept plan application and will be submitted with separate development applications for individual buildings.</p>

Relevant Control	Compliance/Comment
e) The width of driveways is to be determined in accordance with the requirements of Ryde DCP 2014 and the relevant Australian Standards.	<p>Not Applicable</p> <p>Driveways do not form part of this concept plan application and will be subject to separate development applications. Detailed design of driveways will be required to comply with relevant controls under the RDCP 2014.</p>
8.7 Onsite Parking	
Basement parking	
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.	<p>Complies</p> <p>The footprint of basement car parks comply with setback controls under the RDCP 2014. Deep soil areas across the site have been addressed above.</p>
g) Basement parking areas must not extend forward of the building line along a street.	<p>Complies</p> <p>The alignment of basement car parking does not extend beyond building setbacks.</p>
h) Along active frontages, basement parking must be located fully below the level of the footpath. Refer to Section 7.3 Active Frontages.	<p>Not Applicable</p> <p>This concept plan application does not include detailed design of basement car parking. The configuration of basement car parks and position in relation to building frontages will be required to comply with relevant controls in the RDCP 2014 as part of separate development applications for relevant stages of development.</p>
i) Basement parking should be contained wholly beneath ground level along public streets.	<p>Refer to above.</p>
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).	<p>Able to Comply</p> <p>The concept plan does not include detail design of car parking. However, it is intended that all car parking will be contained in basement levels. The detailed design of car parking will be required with separate development applications for the stages of development and will be required to demonstrate compliance with car parking design controls in RDCP 2014.</p>

Relevant Control	Compliance/Comment
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>Not Applicable</p> <p>Details of ventilation or screening for car parks do not form part of this concept plan application. Detailed design demonstrating compliance with relevant controls in RDCP 2014 will be required with separate development applications.</p>
8.8 Fencing	
a) Fencing is not permitted on the perimeter boundary of sites. Security should be provided within buildings.	<p>Not Applicable</p> <p>No fencing proposed.</p>
9.0 Environmental Performance	
9.1 Wind Impact	
<p>a) Buildings shall not create uncomfortable or unsafe wind conditions in the public domain which exceeds the Acceptable Criteria for Environmental Wind Conditions. Carefully locate or design outdoor areas to ensure places with high wind level are avoided.</p> <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> <p>c) Calculation rules – acceptable criteria for environmental wind conditions.</p>	<p>Complies</p> <p>A Pedestrian Level Winds – Wind Tunnel Test prepared by Vipac Engineers and Scientists Limited (dated 28 October 2019) has been submitted. The report concludes that pedestrian comfort and safety criteria can be achieved subject to implementation of wind control measures including 3m wide canopies for all buildings, 4m setback of ground floors on all buildings, colonnades for all buildings, and full length wind screens at the corners of buildings.</p> <p>As detailed building design does not form part of this concept plan application, separate development applications for buildings will have to demonstrate appropriate wind control measures (refer to Condition 38).</p>
9.2 Noise and Vibration	
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	<p>Complies</p> <p>An Environmental Noise Impact Assessment Report prepared by Acoustic Logic and dated 3 July 2017 has been submitted.</p> <p>The report assessed noise intrusion from traffic movement, train vibration and back ground noise monitoring to determine noise emission objectives</p>

Relevant Control	Compliance/Comment
<p>exception of applications minor building alterations.</p> <p>b) Development is to comply with all relevant statutory regulations.</p>	<p>for future use of the development to meet Council and NSW EPA Industrial Noise Policy (INP) acoustic requirements.</p> <p>The report concluded that provided the recommended acoustic treatments are adopted, noise and vibration impacts on future occupants can be adequately addressed.</p> <p>Condition 36 requires a noise impact assessment to be submitted with development applications for future buildings as part of the staged development.</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>d) Loading and unloading facilities must not be located immediately adjacent to residential development.</p>	<p>Not Applicable</p> <p>The site is not located adjacent to any residential development.</p>
<p>e) Retail premises must limit any spruiking and the playing of amplified music or messages so as not to disturb the amenity of other public and private places.</p>	<p>Not Applicable</p> <p>Noise impacts from retail premises will be assessed as part of separate development applications.</p>
<p>f) Air conditioning ducts shall not be situated immediately adjacent to residential development.</p>	<p>Not Applicable</p> <p>The site is not located adjacent to any residential development.</p>
9.4 Soil Management	
<p>a) Development is to comply with the City of Ryde DCP 2014.</p> <p>b) Development is to be designed and constructed to integrate with the natural topography of the site to minimise the need for excessive sediment disturbance and prevent soil loss.</p> <p>c) Effective site management and maintenance practices are to be followed to prevent soil loss.</p> <p>d) Ensure that suspended Solid concentrations in stormwater</p>	<p>Able to Comply</p> <p>Appropriate soil management will be assessed, where relevant, as part of separate development applications for the stages of development.</p>

Relevant Control	Compliance/Comment
<p>leaving the site do not exceed more than 50 mg/litre.</p> <p>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.</p> <p>f) The ESCP must make reference to the entire construction and post construction period, and all devices must be installed prior to commencement of any demolition or construction works on-site.</p>	

Part 7.2 Waste Minimisation and Management

The application does not include any demolition or construction works and therefore a waste management plan has not been submitted and is not required. However, future development applications associated with the construction of buildings in accordance with the proposed staged development will be required to submit waste management plans demonstrating compliance with Council's requirements under the RDCP 2014 (see **Condition 14, 17 and 31**).

Part 9.2 Access for People with Disabilities

Accessibility for persons with disabilities is not relevant to the assessment of this concept plan application, however development applications for future buildings will be required to be demonstrated appropriate degrees of accessibility and compliance with relevant Australian Standards, the BCA and RDCP 2014 (see **Condition 40**).

Part 9.3 Parking Controls

The proposal seeks consent for a total of 1,170 car parking spaces to be distributed between 5 buildings across the development site. This concept plan application does not seek to allocate the number of car parking spaces per building with car parking subject to detailed design of buildings and submitted with separate development applications.

Of the 1,170 car parking spaces proposed, 355 car parking spaces have been approved and constructed under the approval (LDA2017/0390) for Building C. As such, a total of 815 car parking spaces remain to be distributed between Buildings AB, D, E and F as part of future development applications.

The proposed number of car parking spaces for the development equates to a rate of 1 space per 100m² which is consistent with the maximum car parking rate permitted for development in Macquarie Park under Figure 2.3.1 of the DCP.

9. SECTION 7.11 CONTRIBUTIONS

Section 7.11 Development Contributions Plan 2020

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

10. 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.

10.1. Context and setting

The proposed development is considered appropriate with regard to context and setting.

Macquarie Park is part of an economic corridor identified as the Global Sydney Area in the *Building Momentum State Infrastructure Strategy 2018-2038* published by Infrastructure NSW. The Global Sydney Area comprises of finance, technology, higher education, health and other services that contribute to Sydney's economy and global significance. Macquarie Park is identified as an area with a high concentration of IT and pharmaceutical expertise, and knowledge based activity associated with Macquarie University.

The proposed concept plan is in keeping with the strategies to provide infrastructure that contributes to a growing economy and population in the wider Sydney region.

The proposal for a development comprising a mix of commercial and retail uses is considered a suitable development for the area.

10.2. Natural Environment

As discussed in the report above, this concept plan application does not include any tree removal or detailed landscape plans. However, the submitted landscape plans provide indicative landscaping within the site comprising potential locations for street trees, configuration of linear park fronting Waterloo Road, new plantings and raingardens within the pedestrian links and along the side boundaries.

Whilst detailed landscaped plans will form part of future development applications associated with buildings, the submitted landscaping details demonstrate opportunities to increase landscaping within the site and will contribute to the character of the natural environment of the site and immediately surrounding area.

10.3. Access and Traffic

The application was accompanied by a Traffic and Parking Report prepared by Ason Group.

The report adopted vehicular trip generation rates of 0.45 and 0.39 trips per hour in AM and PM peak periods based on surveys of peak hour traffic generation of similar developments in Macquarie Park. It is noted that the vehicular trip generation rate adopted by the application is less than the rate specified in TfNSW's *Guide to Traffic Generating Developments* and its *Technical Direction (TDT2013/04)*. However, the reduced rate is consistent with Council's green travel plan initiative seeking to reduce the rate of vehicle trips to and within the Macquarie Park precinct.

The report projects pedestrian movements during peak hour periods as follows:

- 2,332 walk trips during the AM Peak; and
- 2,112 walk trips during the AM Peak.

The applicant proposed the construction of a four-way signalised intersection at Waterloo Road, Coolinga Road and Road 14 to provide direct access into the development site.

The development application was required to be referred to TfNSW in accordance with the requirements of State Environmental Planning Policy (Infrastructure) 2007. The original response dated from TfNSW objected to the proposal on the basis that a four-way signalised intersection would have *"a detrimental impact on the network efficiency and journey time reliability along Waterloo Road"* due to its close proximity to the intersection of Lane Cove Road/Waterloo Road.

Further consultation between Council, the applicant and TfNSW resulted in a revised response from TfNSW providing support for a mid-block signalised pedestrian crossing on Waterloo Road between Khartoum Road and Road 14, and in the vicinity of the future park.

On 24 June 2019 the applicant provided the following response in respect of the condition:

"JHG appreciate the support for the new pedestrian crossing as this will assist access for the broader Macquarie Park community to cross Waterloo Road safely and will allow access in the vicinity of the public park. As the intersection no longer provides a direct crossing into the JHG site or provides direct access to Coolinga Street from the site, it no longer provides a specific benefit to JHG. Accordingly, the cost to deliver the crossing should be funded by development within the broader Macquarie Park area through a funding mechanism such as a Section 7.11 plan. This would be in accordance with the principles of nexus and apportionment when delivering community infrastructure."

Council's Contributions Co-ordinator considered the applicant's response and advised that Council's recently adopted Capital Works Program does not include the mid-block signalised pedestrian crossing and the scale of the works does not result in substantial

public domain improvements to warrant an amendment to Council's Contributions Plan. As such, there are no funding mechanisms currently available under Section 7.11 or Section 7.12 Contribution Plans for the construction of the pedestrian crossing.

Whilst Council acknowledges that a signalised intersection at Road 14 and Waterloo Road is preferred by the applicant, TfNSW has previously considered the proposal and advised that it is not in support of a signalised intersection at Road 14 based on the detrimental impacts on traffic volumes, queueing and bus travel times on Waterloo Road and the broader road network.

Having regard to the additional pedestrian demand generated by the development, Council is of the view that a pedestrian crossing providing access to and from the site to Macquarie Park Station is necessary and it is justified that funding of the pedestrian crossing be the responsibility of the applicant.

Council's Traffic Section acknowledges that a mid-block signalised pedestrian crossing will adequately address additional pedestrian traffic generated by the development, it does not adequately address vehicular traffic impacts, particularly congestion during afternoon peak periods within the development and the surrounding road network.

In particular, Council's Traffic Section raises concerns that a left in left out arrangement at Roads 14 and 16 will result in motorists circulating around the surrounding road network and vehicles performing U-turns at roundabouts to travel eastbound or westbound along Waterloo Road.

Council officers have approached the applicant and TfNSW with the possibility of providing a signalised intersection at Road 16 and Waterloo Road to provide vehicular access and pedestrian access to and from the site. During initial discussions, the applicant agreed to provide further traffic modelling to demonstrate that an intersection at Road 16 and Waterloo Road will not result in any detrimental impacts on bus or vehicular travel times and queueing. TfNSW also agreed to consider a signalised intersection at Road 16 and Waterloo Road if it is supported by appropriate traffic modelling.

The signalisation of Road 16 and Waterloo Road is preferred by Council as it will provide opportunities for vehicular traffic from the development to exit onto Waterloo Road (and the precinct) in a safe and efficient manner. It will also punctuate the eastbound traffic flow within Waterloo Road, which will provide gaps for drivers to exit from Road 14 onto Waterloo Road, alleviating future congestion within Road 14 during weekday peak periods. As Road 16 is further away from Lane Cove Road compared with Road 14, the full signalisation of Road 16 is expected to have less impact on the right turn bays within Waterloo Road compared with the signalisation of Road 14, which addresses the concern previously raised by TfNSW.

On 6 June 2020, the applicant provided additional traffic modelling which was reviewed by Council's Traffic Section who undertook some additional traffic modelling works and referred the information to TfNSW for consideration.

On 18 November 2020, TfNSW provided further correspondence in support of the traffic modelling and warrant assessment, and the signalisation of Road 16 and Waterloo Road, subject to conditions restricting right turn traffic from Waterloo Road into Road 16, preparation of a concept plan to be submitted to TfNSW for approval and the delivery of the signalised intersection is provided at no cost of TfNSW.

Condition 13 has been amended to delete the requirement for the provision of a mid-block signalised pedestrian crossing and requires the applicant to deliver a signalised intersection at Road 16 and Waterloo Road including a pedestrian crossing as discussed in Section 13 of this report.

10.4. Solar Access

Solar access is an important consideration regarding the provision of communal and public open spaces. Whilst communal open spaces associated with the proposed buildings have not been included as part of this concept plan application, the provision of the future park is consistent with the RDCP 2014 and assessment of solar access for the future park can be considered against the proposed building envelopes.

The amended proposal seeks to improve solar access to the future park by reducing the number of storeys for Building E from 8 storeys to 6 storeys and alteration to the building envelope of Building D from a 10 storey building to a part 6 storeys and part 18 storey building with the lower storeys situated at the north-western portion of the building. The amended proposal demonstrates that direct solar access to a minimum of 50% of the park is achieved between 11am and 1pm (2 hours) which does not satisfy the minimum solar access requirement of 3 hours of direct sunlight to a minimum 50% of the open space area.

The non-compliance is considered acceptable given the constraints of the site including the orientation of the site, the location of the park bounded by the subject site along the northern, eastern and western boundaries and the permitted FSR and building height for the site. As the park is likely to be predominantly used by office workers from the development, it is considered that critical hours for solar access is between 11am and 2pm rather than between 9am and 3pm on 21 June.

In addition to achieving direct solar access to 50-60% of the area of the park between 11am and 1pm on 21 June, the proposal achieves direct solar access to 41% of the park at 10am and 30% of the park at 2pm. Although solar access at 10am and 2pm does not achieve compliance with Part 4.5, Section 5.2 (g) and Section 8.2 (e) of Ryde DCP 2014, the areas of the park that receive solar access is substantial and will contribute to public amenity.

10.5. Crime Prevention Through Environmental Design

A Crime Prevention Through Environmental Design Report will be required to be submitted with development applications at each stage of the development to demonstrate compliance with CPTED requirements of the Act. A condition requiring

compliance with CPTED principles have been included in the conditions of consent (see **Condition 39**).

10.6. 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 (see **Conditions 9, 22, 23 and 25**).

11. REFERRALS

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

11.1. Internal Referral Comments

Urban Designer

Council's Urban Designer raises no objection to the proposal subject to conditions included in **Attachment 1** that require future DAs to be wholly contained within the building envelopes and demonstrate design treatments that mitigate wind impacts on pedestrians (see **Conditions 8 and 37**).

Consultant Landscape Architect

Council's Consultant Landscape Architect raises no objection to the proposal, subject to conditions that require future DAs to be submitted for any tree removal and detailed landscape plans to be included with future DAs at each stage of development, which have been included in **Attachment 1** (see **Conditions 3 and 41**).

City Works (Traffic)

Council's Traffic section raises no objection to the proposal, subject to conditions addressing the installation of a signalised traffic signal at the intersection of Road 16 and Waterloo Road or a mid-block signalised pedestrian crossing, and the shared zone which have been included in **Attachment 1** (see **Conditions 11 and 13**).

City Works (Public Domain)

Council's Public Domain section raises no objection to the proposal subject to conditions requiring the completion of public domain works at relevant stages of development which have been included in **Attachment 1** (see **Conditions 9, 22, 23, 25 and 26**).

City Works (Drainage)

Council's Drainage Engineer raises no objection to the proposal subject to conditions addressing stormwater management requirements which have been included in **Attachment 1** (see **Conditions 23, 26, 27, 28, 30**).

Environmental Health

Council's Environmental Health Officer raises no objection to the proposal subject to conditions which have been included in **Attachment 1** (see **Conditions 19 and 31**).

Development Engineering

Council's Senior Development Engineer raises no objection to the proposal subject to conditions included in **Attachment 1** (see **Conditions 14, 17, 23, 34 and 35**).

Development Contributions Coordinator

Council's Development Contributions Coordinator advises that in accordance with Item 1.4(f)(ii) in Schedule 4 of the Planning Agreement executed between the City of Ryde Council and John Holland Macquarie Park Land Custodians Pty Ltd dated 31 August 2018 does not require Council to contribute to costs associated with any works that are required by another Authority. As such, the provisions of the Planning Agreement requires the applicant to be responsible for the costs associated with the design and delivery of the required signalised intersection at Road 16 and Waterloo Road.

Environmental Sustainability

A Framework Travel Plan was submitted with the application and reviewed by Council's Environmental Sustainability section. No objection is raised to the proposal subject to the preparation of a Framework Travel Plan in accordance with the requirements under the RDCP 2014, with each stage of development (see **Condition 39**).

11.2. External Agency Referrals

Sydney Metro

Transport for NSW (TfNSW) has delegated its rail authority functions in relation to the Sydney Metro Northwest rail corridor to Sydney Metro, and Sydney Metro is therefore the relevant rail authority for the Sydney Metro Northwest rail corridor for the purpose of the Infrastructure SEPP.

Sydney Metro raised no objections to the proposal concept plan and have advised that any future development application involving excavation within 25m of the rail corridor will require concurrence.

Transport for NSW

Transport for NSW raises no objection to the proposal subject to a condition regarding the provision of a mid-block pedestrian crossing along Waterloo Road or a signalised

intersection at Road 16 and Waterloo Road which has been included in **Attachment 1** (refer to **Conditions 13**).

NSW Police

The NSW Police did not raise any issues with the proposed concept plan and have advised that the Police would like the opportunity to comment on any future development applications for commercial and retail uses.

12. PUBLIC NOTIFICATION & SUBMISSIONS

The application was notified and advertised for a period of 28 days between 10 May 2019 and 6 June 2019. As a result of the notification period, no submissions were received.

The proposal was amended and required renotification to owners of surrounding properties for a period of 14 days between 11 and 31 July 2019. No submissions were received during the renotification period.

13. CONTENDED CONDITIONS

On 29 September 2020 Council officers provided the applicant with draft conditions for review.

On 13 and 16 October 2020 the applicant agreed to some of the draft conditions and provided comments seeking to amend conditions relating to building envelopes, pedestrian links, design of the Linear Park, car parking and vehicular access, contamination, public domain infrastructure works, framework travel plan provisions, water sustainable urban design strategy plan, stormwater management and ecological sustainable development. Council officers accepted partial amendments to the wording of conditions and provided the applicant with further revised draft conditions which were accepted by the applicant on 27 October 2020.

The applicant opposes two (2) conditions requiring the payment of the mid-block pedestrian crossing (Condition 13), public domain upgrade works in Waterloo Road (Condition 25(c)) for a new granite footpath in Waterloo Road between Road 14 and Road 16. The conditions reads as follows:

13. Waterloo Road Upgrades.

- (a) *The Applicant must contribute to the design and delivery of future infrastructure upgrades along Waterloo Road adjacent to the site frontage that has been deemed necessary, based on the potential vehicular and pedestrian traffic implications associated with the overall development.*
- (b) *Prior to the submission of any development application relating to Stage 4, the applicant shall liaise and obtain agreement with TfNSW and Ryde Council on the following items:*
 - i. *Design and construction of traffic signals at the intersection of Road 16 and Waterloo Road to provide right turn in and out of Road 16; or*

- ii. *Design and construction of a mid-block signalised pedestrian crossing across Waterloo Road between Road 14 and Road 16.*
- (c) *A compliance certificate must be obtained from Council and Transport for NSW (TfNSW) confirming that all external public works mentioned above, which involve modification to Council assets have been completed to Council and TfNSW's satisfaction prior to the issue of any Occupation Certificate relating to Stage 4 works and construction of Road 16.*

The applicant has requested amendment to Condition 13 to read as follows:

13. Waterloo Road Upgrades.

- (a) *Prior to an occupation certificate being issued for Stage 4 works, the Applicant is to undertake detailed pedestrian modelling of the local and regional impacts to pedestrian movement and performance as a consequence of creating a new mid-block pedestrian signalised intersection across Waterloo Road between Road 14 and Road 16 to identify and apportion the demand contributed by the Applicant's development against the overall demand for the proposed intersection; and*
- (b) *Pay to Council, having regard to the apportionment of demand referred to in (a), an equitable monetary contribution for the delivery of the proposed intersection in accordance with its letter of offer dated 16 October 2020 to vary the existing planning agreement between the Applicant and Council dated 31 August 2018, as varied on 13 February 2020.*

The applicant seeks to remove the requirement for a signalised intersection at Road 16 and Waterloo Road in Clause 13(b)(i) as no changes are proposed to the left in left out arrangement that has been accepted by TfNSW. The applicant also argues that the developer should not be responsible for the entire cost of delivering a mid-block signalised pedestrian crossing as it is located adjacent to the future public park and will provide a wider public benefit. As such, the applicant proposes to contribute proportionately to the construction costs based on the demand generated by the development.

Council officers disagree with the applicant's justification that the development does not generate significant pedestrian traffic to warrant the delivery of the mid-block signalised pedestrian crossing. In particular, TfNSW has identified that the development will generate additional demand for pedestrian infrastructure to enable safe pedestrian crossing across Waterloo Road. Whilst the location of the mid-block signalised pedestrian crossing is not immediately adjacent to frontage of the subject site, the recommended location by TfNSW takes into consideration the central location between the north-western and south-eastern portions of the site fronting Waterloo Road and constraints within the existing road network. The proposed location of the crossing will provide direct pedestrian access for occupants of Buildings D, E and F to the southern side of Waterloo Road at the completion of Stage 4 works and will also provide an alternative pedestrian crossing for occupants of Buildings AB and C given that the existing pedestrian crossing at the intersection of Waterloo Road and Lane Cove Road is at capacity.

Having regard to discussions between TfNSW and Council's Traffic Section relating to the traffic impacts of the proposed left in left out arrangement, the development will result in unacceptable traffic impacts unless the development provides a signalised intersection at Road 16 and Waterloo Road.

In regard to the funding of the mid-block signalised pedestrian crossing or the recommended signalised intersection at Road 16 and Waterloo Road, the applicant is responsible for the cost of delivering the works as the works are required as a result of the development as identified by TfNSW and in accordance with Item 1.4(f)(ii) in Schedule 4 of the Planning Agreement executed between the City of Ryde Council and John Holland Macquarie Park Land Custodian Pty Ltd dated 31 August 2018.

Item 1.4(f)(ii) reads as follows:

Item 1.4

(f) For the avoidance of doubt:

(ii) nothing in this clause requires the Council to pay the cost of any variation that is required by another Authority, even if that requirement is recommended in a report prepared by Council to the Consent Authority, or if it is imposed as a condition of Development Consent.

As such, Condition 13 has been amended to read as follows:

13. Waterloo Road Upgrades.

- (a) The Applicant must deliver as part of the Stage 4 works, signalised traffic control infrastructure at the intersection of Road 16 and Waterloo Road that is also to provide for a pedestrian crossing across Waterloo Road.*
- (b) Prior to the submission of any development application relating to Stage 4, the applicant shall obtain approval from TfNSW and the Council of the City of Ryde as to the design and operation of the signalised traffic control infrastructure referred to in condition 13(a) above.*
- (c) In accordance with Item 1.4(f)(ii) in Schedule 4 of the Planning Agreement entered into on 31 August 2018 between the Council of the City of Ryde and John Holland Macquarie Park Lane Custodians Pty Ltd, all costs associated with the design and delivery of the signalised traffic control infrastructure in accordance with condition 13(a) above, are to be borne by the Applicant.*

The applicant has agreed to Condition 25 except for subclause (c) which requires the construction of a new granite footpath on Waterloo Road between Road 14 and Road 16. The condition reads as follows:

25. Public Domain Improvements – Waterloo Road.

The works are to include the following:

- (a) Upgrade of the existing shared user path (bicycles and pedestrians) in front of Building AB (Stage 2) and Building F (Stage 4) as part of the Regional Bicycles Network along Waterloo Road;*

- (b) *Construction of new intersection at Road No. 14 and Waterloo Road as part of Stage 1;*
- (c) *Construction of new granite footway area between Road 14 and Road 16 as part of Stage 4; and*
- (d) *Construction of new intersection at Road No. 16 and Waterloo Road as part of Stage 4; and*
- (e) *Multifunction light poles, street furniture and plantings.*

The works must be completed to Council's satisfaction, at no cost to Council, prior to the issue of any Occupation Certificate for each stage for the development.

The applicant contends that the footpath on Waterloo Road between Road 14 and Road 16 is not immediately adjacent to the boundary of the subject site as such, upgrade works to the footpath in this location should be carried out as part of the delivery works for the adjacent public park.

Consideration has also been given to the unique history of development of this site, where the current land for the future public park was originally part of the subject site prior to the subdivision and rezoning of the land to separate the public park land from the remainder of the site and permit a FSR uplift and redevelopment of the site. As development of the site relies on the borrowing of amenity afforded by the future public park, in regard to deep soil area, open space and outlook, and occupants of the development are likely to traverse the public park and adjacent footpath to travel east or west along Waterloo Road, the required public domain upgrade works are associated with the demand likely to be generated by the development despite its frontage to the public park.

As such, Council officers recommend that Condition 25(c) be maintained and the construction of a new granite footpath is required as part of the final stage (Stage 4) of the development of the site to enhance the amenity for pedestrians and the public domain.

26. CONCLUSION

This report considers the proposed concept plan application for a mixed use development consisting of 5 building envelopes, distribution of gross floor area and carparking, provision of 3 new roads and 3 pedestrian links and staging of development into 4 stages.

The site has an area of 31,984m² and development of the site requires a site specific Master Plan or Stage 1 development application under the provisions in Part 4.5 of the RDCP 2014. The proposed concept plan application is consistent with the intent of a Master Plan application and is supported by adequate transport and access plans, an Economic Impact Report that demonstrates the contribution of the development to employment opportunities in Macquarie Park, Public Art Strategy, and public benefits provided through the building height and FSR incentive bonus.

The proposed site layout including the location of new roads, pedestrian links and building envelopes are consistent with the built form, access network and public domain controls under Part 4.5 – Macquarie Park Corridor in the RDCP 2014. The proposed concept plan layout is also consistent with the maximum building height of 65m and FSR of 3.66:1 permitted under Clause 6.9 of the RLEP 2014, subject to the executed Planning Agreement that provides for the construction and dedication of 3 new roads, construction of 3 pedestrian links and associated public domain works.

The site provides approximately 338m² of deep soil area which equates to 1% of the site area and is non-compliant with the minimum 20% deep soil area required under Part 4.5 of the RDCP 2014. The non-compliance with the deep soil requirement is considered acceptable in this circumstance given the site is constrained by the required delivery of new roads, pedestrian links, building envelopes that can accommodate the permitted FSR and building height, and the location of Catherine Hamlin Park, Roads 14 and 16 and Pedestrian Link 2.

Notwithstanding the non-compliance for deep soil areas measuring a minimum 20m x 10m as defined under the RDCP 2014, the proposal seeks to maximise deep soil areas (with a minimum depth of 2m) where available and provides approximately 3,191m² of deep soil that can sustain substantial landscaping and tree plantings.

Subject to detailed landscape plans being submitted with development applications for different stages of the development, the site is able to facilitate landscaping that will enhance the amenity of the site and contribute to the character of Macquarie Park.

Whilst the future park is not part of the subject site, the location of the park and its proximity to future buildings provide the site with visual and passive recreational amenity. The proposed landscaped areas within the front and side setbacks in conjunction with the future park provides adequate landscaping that contributes to the urban form that is consistent with surrounding developments in Macquarie Park.

The proposed building envelopes have been amended to maximise solar access to the future park and provides solar access to 50% to 60% of the public open space between 11am and 1pm. At 10am and 2pm, the future park will receive 41% and 30% direct sunlight, respectively. Whilst solar access to a minimum of 50% of the future park is achieved for 2 hours, and is 1 hour less than the solar access requirement on the winter solstice, the proposal is considered acceptable as the likely hours in which the park will be occupied by workers and visitors of the adjacent commercial/retail buildings, is likely to be between mid-morning and lunch time. As such, the proposed building envelopes are not considered to have any adverse amenity impacts on the amenity within the adjacent public domain and open space.

The proposal provides an opportunity to redevelop the site for commercial uses in a coordinated and staged manner. The proposal is considered responsive to the strategic intentions for Macquarie Park under the RDCP 2014 and RLEP 2014 and associated planning controls that have been adopted for the locality.

Having regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979, the application is considered suitable for the site, is in the public interest and is recommended for approval subject to appropriate conditions of consent provided in **Attachment 1** of this report.

27. RECOMMENDATION

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

- A. That the Sydney North Planning Panel grant consent to development application LDA2018/0172 for a Concept Plan Application comprising five (5) buildings for commercial/retail uses with a maximum building height of 65m, floor space ratio of 3.66:1 and a total of 1,170 car parking spaces to be distributed between the basement car parking levels of the 5 buildings. The proposal also includes the construction of three (3) new roads and 3 pedestrian links including one shared zone at 45-61 Waterloo Road, Macquarie Park, subject to the conditions of consent in **Attachment 1** of this report.
- B. That a copy of the development consent be forwarded to Sydney Metro, Transport for NSW and NSW Police.

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