

SYDNEY NORTH PLANNING PANEL

Panel Ref No	2018SNH038 DA
DA Number	LDA 2018/0269
Local Government Area	City of Ryde
Proposed Development	Construction of a mixed use development comprising a part 7 / part 27 storey building to accommodate 216 residential apartments, retail tenancies, a child care centre and a multi storey car park for 242 vehicles.
Street Address	112 Talavera Road, Macquarie Park
Applicant/ Owner	112 Talavera Road: Karimbla Properties (No. 52) Pty Ltd 192 Balacclava Road: Macquarie University
Date of Lodgement	9 July 2018
Number of Submissions	121 submissions received
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 7 of SEPP (State and Regional Development) 2011)	General Development over \$30 Million The CIV of the application as outlined in a detailed cost report by a Registered Quantity Surveyor is \$67,584,257.
List of All Relevant s4.15(1)(a) Matters	• Environmental Planning and Assessment Act 1979; • Environmental Planning and Assessment Regulation 2000; • State Environmental Planning Policy (State and Regional Development) 2011; • State Environmental Planning Policy No. 55 – Remediation of Land; • State Environmental Planning Policy (Building Sustainability Index: BASIX); • State Environmental Planning Policy (Infrastructure) 2007; • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; • State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development; • Draft Remediation of Land State Environmental Planning Policy; • Draft Environment State Environmental Planning Policy; • Ryde Local Environmental Plan 2014; • City of Ryde Development Control Plan 2014; and • Section 7.11 Contribution Plan.
List all documents submitted with this report for the panel's consideration	Attachment 1: Conditions of consent
Report by	Alison Davidson from Planning Ingenuity, Consultant Planners
Report date	30 May 2019

Summary of s4.15 matters	Yes
Have all recommendations in relation to relevant S4.15C matters been summaries in the Executive Summary of the assessment report?	
Legislative clauses requirement consent authority satisfaction	Yes
Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?	
Clause 4.6 Exceptions to development standards	NA
If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	
Special Infrastructure Contributions	No
Does the DA require Special Infrastructure Contributions conditions (S7.24)?	
Conditions	Yes – the applicant has agreed to the conditions.
Have draft conditions been provided to the applicant for comment?	

1. EXECUTIVE SUMMARY

The following report is an assessment of a development application for the construction of a mixed use development at 112 Talavera Road, Macquarie Park.

The proposed development (as amended) includes the construction of a seven (7) and twenty-seven (27) storey mixed use building containing 216 residential apartments, 243m² of retail floor space and a childcare centre. A multi-storey car park is proposed providing a total of 242 car parking spaces. The proposal includes public domain works comprising the construction of a publicly accessible landscape corridor.

The site is zoned B4 Mixed Use under Ryde Local Environmental Plan 2014 (Ryde LEP 2014) and the proposed development is permissible with consent.

The development undertakes works in, on or under waterfront land in accordance with the Water Management Act 2000 as the applications involves works within 40m of a watercourse, being a drainage culvert that runs beneath the site, and within 192 Balaclava Road opposite the site on which the DA proposes stormwater management works. The applicant initially submitted the development application as integrated development however during the assessment of the proposal the applicant amended the application in accordance with Clause 55(1) of the

Environmental Planning and Assessment Regulation 2000 electing for the application not to be treated as integrated development. The draft consent recommends a deferred commencement condition (Condition (A)(1)) to be imposed requiring a controlled activity approval under the *Water Management Act 2000* or a notice of an exemption from the Natural Resources Access Regulator (NSW Department of Primary Industries) to be submitted to Council within a period of 12 months for the consent to be operative.

The application was placed on public notification from 19/7/18 to 24/8/18. During this time a total of 121 submissions (including 85 pro formas) were received. Many of the submissions are related to the pending Planning Proposal regarding to the Stage 2 component of the site (not the subject application). These submissions raised various concerns including the following primary issues:

- Insufficient infrastructure for the increased population;
- Increased traffic congestion, parking shortages;
- Adverse impact on amenity;
- Application will set a precedent for the 60 storey tower on the site;
- Excessive overdevelopment;
- Increased train and bus passengers;
- The development will overpopulate schools;
- Out of scale for the area;
- Accommodation will be expensive and not affordable;
- The development will result increased pressure on parks and hospitals;
- Unnecessary density proposed;
- Development will put in increased stress and anxiety on residents;
- The proposed buildings are too close to the road;
- Denial of right of carriageway shared with Fujitsu; and
- Adverse impacts on adjacent business and site access during construction.

The development has been assessed in respect of the relevant planning instruments and the application is non-compliant with the following design criteria of the Apartment Design Guide (ADG):

ADG Controls

2F Building Separation:

- The minimum internal separation distance between Units 1 and 15 is less than recommended between the Unit 1 (balcony) and Unit 15 (bedroom) on Levels 1 to 3, and between balcony to balcony at Level 6.

4D Apartment size and layout:

- Maximum habitable room depth of 8m not achieved to 2 units on Level 6 (9.1m).
- Living room width of 4m for 2 bedroom units not achieved for 6 units (Units 101, 201, 301, 401, 501 and 602) with a minimum width of 3.6m.

4E Private open space and balconies

- The minimum 15m² area for ground floor apartments is not achieved for 3 units and minimum 3m dimension is not achieved for 6 units.

These shortfalls are considered minor and acceptable and the objectives of the design criteria are upheld. It should also be noted that as stated in Planning Circular 17-001 (Using the Apartment Design Guide) that apart from the non-discretionary development standards in the State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (SEPP 65), the ADG is not intended to be, and should not be applied as, a set of strict development standards.

The development also proposes the following two variations to the Ryde Development Control Plan 2014 (Ryde DCP 2014) Part 4.5 – Macquarie Park Corridor:

Ryde DCP 2014 – Part 4.5 Controls

Section 7.4 – Setbacks and build to lines

- Less than requisite 60% landscaping within front setback.

Section 8.7 – On-site Parking

- Contrary to the requirement that no parking be located within the rear setback, 6 spaces are proposed within the rear setback area adjoining M2 (1 to be deleted by agreed condition to retain tree).

Following an assessment of the development application, it is considered that these non-compliances are acceptable on planning grounds. Consideration of various design matters by Council's technical departments has not identified any fundamental issues of concern with the proposal. Consequently this report concludes that the proposal is acceptable in terms of its design, function and relationship with its neighbours and broader site context.

This report recommends that consent be granted to this application in accordance with conditions provided in **Attachment 1**.

2. APPLICATION DETAILS

Name of applicant: Karimbla Properties (No. 52) Pty Ltd

Owner of site: Karimbla Properties (No. 52) Pty Ltd

Owner of 192 Balaclava Road: Macquarie University

Estimated value of works: \$67,584,257.00

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

3. SITE DESCRIPTION

3.1 Broader site

The subject site (“the site”) is known as 112 Talavera Road, Macquarie Park and is legally described as Lot 422 in DP 1221081. The site is situated on the north-eastern side of Talavera Road, between Christie Road and ramps to the M2 Motorway. The site is irregular in shape with a 189m frontage to Talavera Road, a 128m alignment with the on-ramp to the M2 Motorway and has a total area of approximately 19,530m². There is vegetation and a number of trees located throughout the site. The portion of the site where the development is proposed contains a total of 17 trees, 11 of which are to be retained on site.

The previously existing building on the site was a multi storey concrete, rendered, clad and glass office warehouse building, comprising a number of commercial / industrial premises. This building is currently being demolished under separate consent. Vehicular access to the site is currently provided from Talavera Road, Christie Road and the M2 on-ramp (Herring Road).

The site is flood-affected with low to high risk precincts occurring at and in the immediate vicinity of the site. An existing trunk drainage line with a 2400mm diameter pipe also traverses the site in an existing drainage easement across the western end of the site.

Figures 1 and 2 below provide an aerial view of the site (outlined in red). The applicant has identified the site as consisting of ‘Stage 1’ and ‘Stage 2’ as shown at **Figure 3**.



Figure 1. Aerial photo of the site and surrounds (Source: NearMap and Ryde Maps)

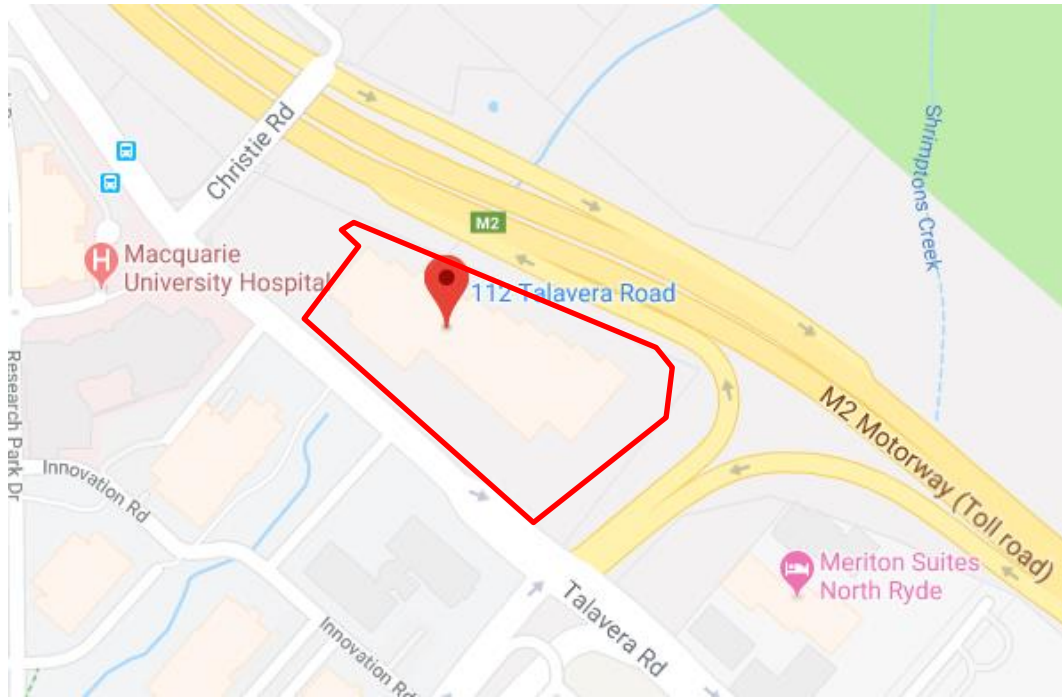


Figure 2. Site location (Source: Google Maps)

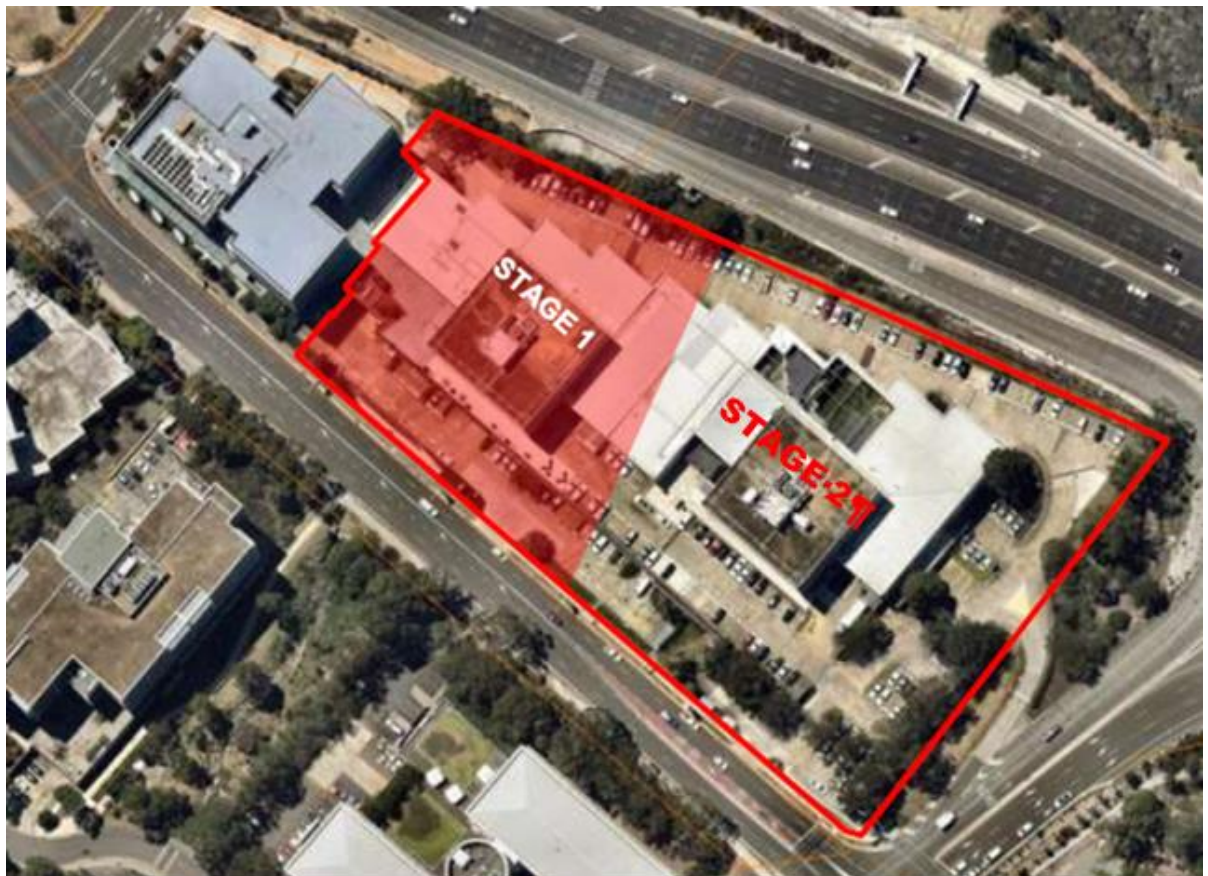


Figure 3. Aerial of the broader site (red outline) and Stage 1 development site (red shading)
(NB existing buildings as shown are now demolished).

3.2 Development Site (Stage 1)

The portion of the site that is the subject of this application (“the development site”) relates to the western portion noted as Stage 1 at **Figure 3**, which has an area of 5,656m².

Any development of the remaining ‘Stage 2’ area of the site will be undertaken subject to a separate Development Application.

Photographs of the site and context are provided at **Figures 4, 5 and 6**.



Figure 4. Photograph of the site (looking north west from Talavera Road) showing the buildings now demolished with Fujitsu building on the left



Figure 5. Photograph of the site (looking north east from Talavera Road) showing the buildings now demolished



Figure 6. Photograph of the site (looking east from in front of the north of the Fujitsu building) showing the buildings now demolished. The M2 Motorway is to the left of the photograph.

3.3 Stormwater works

The development of Stage 1 also involves stormwater works on the neighbouring site at 192 Balaclava Road, Macquarie Park (Part Lot 191 DP 1157041) in the locations shown at **Figures 7 and 8**. This site is owned by Macquarie University.



Figure 7. Area on adjacent site subject to stormwater works under this application



Figure 8. Area of 192 Balaclava Road (Macquarie University) land forming part of the site of the proposed works

4. SITE CONTEXT

The site is located at 112 Talavera Road, Macquarie Park in the northern section of the Macquarie Park Corridor within a B4 Mixed Use zone. It is located to the north-east of Talavera Road, between Christie Road and M2 Motorway on-ramps.

To the north-west of the site is a multi-storey commercial building at 118 Talavera Road, identified as the Fujitsu Building (Figure 4 above) which has frontage to Christie Road which provides access via a bridge across the M2 Motorway to Christie Park sportsgrounds. To the north-east of the site is the M2 Motorway which provides connectivity to the north-western suburbs, Chatswood CBD and Sydney CBD and the on/off ramp extends along the south-eastern boundary of the site. Opposite the site across Talavera Road to the south-west are a number of commercial and healthcare facilities. Macquarie Centre is located further south-east beyond Herring Road. The subject site is also opposite Macquarie University and within walking distance to a range of services, retail and commercial facilities.

The site is also within 500m walking distance to Macquarie University Railway Station located on the Sydney Metro Northwest line. A number bus routes are also provided throughout the area with a bus interchange located on Herring Road adjacent to Macquarie Centre.

5. SITE BACKGROUND

5.1 Planning Proposal

On 7 March 2018, Gateway Approval was granted to a Planning Proposal to amend Ryde Local Environmental Plan 2014 in relation to the site, including both Stages 1 and 2 of the site. The Planning Proposal and draft Voluntary Planning Agreement (Draft VPA) was publicly exhibited from 24 October to 21 November 2018. The following amendments formed the subject of the exhibited Planning Proposal:

- Amend the Height of Buildings Map to give the land a maximum building height of 18.5m, 90m and RL 243 (the land currently has height controls of 45m and 90m);
- Amend the Floor Space Ratio Map to give the land a FSR control of 6.5:1 (the land currently has a floor space ration of 4.5:1);
- Add site specific provisions for design excellence for all development on the site;
- The Planning Proposal was accompanied by a draft VPA which outlined the terms in which the developer is willing to deliver public benefits including:

- Dedication of stratum of approximately 27 affordable Housing Apartments to Council , being 7% of total uplift of GFA as sought by Planning Proposal.
- A Monetary Contribution towards the construction of Stage 2 of Christie Park upgrades; and
- Easement for public access over passive pedestrian link (open space) within the development.

The proposed application of building heights ranging from 18.5m, 90m and RL 243 are illustrated in **Figure 9** below and the proposed Floor Space Ratio applies to the whole site as illustrated by **Figure 10** below. **Figure 11** below demonstrates the indicative site layout as submitted for the Planning Proposal.



Figure 9. Proposed allocation of building heights across the site



Figure 10. Proposed FSR across the site 6.5:1



Figure 11. Indicative site layout (Development site – western portion)

Following consultation, the Planning Proposal was reduced to 42 storeys. Further community consultation on the amended planning proposal was carried out in October 2018. There was overwhelming public interest in the Planning Proposal with a total of 395 submissions received during the exhibition period.

On 4 December 2018, at an Extraordinary Council meeting (No. 16/18) it was resolved that Council does not support the finalisation of the Planning Proposal and the Council seek refusal of the Planning Proposal by the NSW Minister for Planning for the following reasons:

- The proposal does not meet community expectations identified in the objections received during the exhibition period;
- There is a lack of supporting infrastructure provided by the State Government;
- The increase in height and density is not in the community interest noting the recent growth and development experienced in the wider Local Government Area;
- The proposal is not required for the City of Ryde to meet its housing target set by the Greater Sydney Commission's North District Plan.

On 7 December 2018, the Planning Proposal was returned to the Department of Planning for final assessment. At the time of completing this report, the Planning Proposal remains under assessment and undetermined.

While the Planning Proposal applies to both the Stage 1 and 2 portions of the site, the proposed changes in height and FSR will not affect the development of Stage 1 under this DA.

5.2 Demolition Approval

On 7 September 2017, LDA2017/0273 was approved by Council for demolition of the existing commercial building and associated structures at the site.

Demolition of the existing building on the site has almost completed at the time of this report.

6. PROPOSAL

The scope of works for which consent is sought under the subject application comprises Stage 1 works, for the construction of a part seven (7) and twenty-seven (27) storey building which accommodates 216 residential apartments (47x 1 bedroom, 108 x 2 bedroom, and 61x 3 bedroom), two (2) retail tenancies (total 243m²), a childcare centre and multi storey car park to accommodate 242 vehicles.

More specifically, the proposed development comprises:

Table 1: Proposed Development By Level

Building Level	Inclusions
Basement Level	Storage and services
Ground Floor	• 2x retail tenancies (158m² and 85m²); • 6x units (1x 1 bed, 5x 2bed); • 49x parking spaces, including 5 accessible (3x retail, 19x visitor, 2x resident and 20x child care centre, 5x care share); • Services, storage, bulky goods holding area, waste rooms (commercial and residential); • Two-way driveway ramp from Talavera Road; • Loading zone; and • Landscaped public corridor extending along the eastern boundary of the site.
Level 1	• 5x units (3 x 1bed, 2 x 2 bed); • 6x first floor level to units below; • 53 parking spaces, including 5 accessible (33x single bay, 20 x tandem bays); • Bin room; • Services; and • Storage.
Level 2	• 12x units (4x 1bed, 8x 2 bed), • 53 parking spaces including 5 accessible (33x single bay, 20 x tandem bays);

Building Level	Inclusions
	• Bin room; • Services; and • Storage.
Level 3	• 6x units (4x 1bed, 2x 2 bed), • 6x first floor level to units below; • 53 parking spaces, including 5 accessible (33x single bay, 20 x tandem bays); • Bin room; • Services; and • Storage.
Level 4	• 12x units (4x 1 bed, 8x 2 bed); • 34 parking spaces (16x single bay, 9x tandem bays); • Motorbike and bicycle parking; • Pool plant room and heater room; • Bin Room; • Services; and • Storage.
Level 5	• 5x units (3x 1x bed, 2x 2 bed); • 6x first floor level to units below; • Residential pool, gym, sauna and change room, • Childcare centre indoor area (641m²) and childcare centre outdoor area (560m²)*; • Bin room; and • Services.
Level 6	• 8x units (4x 1bed, 3x 2bed, 1x 3bed); • 6x terrace level to units below; • Resident communal open space; • Bin room; and • Services.
Levels 7-9	• 9x units (4x1 bed, 3x 2 bed, 2x 3 bed)
Levels 10-25	• 8x units (1x 1 bed, 4x 2 bed, 3x 3bed)
Level 26	• 7x units (3x 2 bed, 4x 3bed)
Roof terrace	• Private roof top terraces to Units Level 26 units

**Childcare centre concept subject of approval, fitout and detailed design, capacity, child and staff ratio subject to separate Development Application.*

The development involves the removal of 5 of the 16 trees that exist on the site. A total of 29 trees will be replaced.

A photomontage of the proposed development viewed from the corner of Talavera and Herring Roads looking north is provided at **Figure 12**.



Figure 12. Photomontage of proposed development

6. APPLICATION HISTORY

Table 2: Timeline of DA History

Date	Comment
14 December 2016	At a Pre-Lodgement application, an earlier iteration of the proposal was reviewed by the Urban Design Review Panel (PRL No. 2016/026).
9 July 2018	Development Application lodged.
19 July to 24 August 2018.	The application was advertised in the Northern District Times and notified to surrounding properties. In response, 121 submission were received during this period. <i>NB: A large proportion of these make reference to the Planning Proposal (discussed in Section 5.1 of this report) relating to Stage 2 of the site, not Stage 1 the subject of this application.</i>
8 August 2018	A request for further information was sent to the Applicant

Date	Comment
	requiring the following to be submitted: • Bushfire report required and referral to Rural Fire Services (RFS); • Detailed site investigation; • Updated Noise Acoustic Report; • Air Quality Report; • Confirm location of rainwater tank; • Confirm location of public drainage services; • Management of external parking services; • Redesign ramp; provide pedestrian pathway to building entry; • Amended Traffic Report; • Public Domain and Waste issues to be addressed; • Roads and Maritime do not support proposal in its current form.
18 August 2018	Urban Design Review Panel Meeting was held.
3 September 2018	Urban Design Review comment provided to Applicant by email. Primary issues raised include: • Future context of the site not entirely clear at this DA stage; • Extent of screened car park podium – the proposal indicates up to 5 levels of above ground car park along the M2 Motorway. More an issue on the internal street opposite the commercial (Fujitsu) building, where sleeving of the car park, its activation, articulation and permeability are encouraged to ensure appropriate interface in any future renewal scenario to the adjacent commercial site; • The internal shared street should be adjusted to align and extend the open space corridor from the University to the Lane Cove National Park to reduce apparent density; • Amendments to the Landscape Plan are required to improve pedestrian safety and experience; • Pedestrian access to the proposed child care centre to be resolved so children do not have to cross the driveway to get to the lift lobby; and • Architectural detailing (the horizontal white slab) should be increased to achieve the design intent.

Date	Comment
	(See full discussion under Section 8.8 – SEPP 65 of this Assessment Report).
25 September 2018	A further request for additional information was sent to the Applicant requiring the following to be submitted: • Response to outstanding information from correspondence dated 8 August 2018; • Response to UDRP comments dated 3 September 2018; • Response to submissions received during notification period; • Response to planning compliance issues: ○ Solar access; ○ Communal open space; ○ Revised SEPP 65 table; ○ DCP non-compliances – Part 4.5 Macquarie Park Corridor / Part 9.3 Parking Controls; ○ Site interface with Talavera Road • Additional Information required: ○ Updates plans and documentation anomalies; ○ Site specific arts plan; ○ Framework travel plan; ○ Public domain improvement plan; and ○ Provision of affordable housing per PRL2016/28 advice.
1 November 2018	A further request for additional information was sent to the Applicant requiring resolution of extensive flooding and drainage issues.
5 December 2018	Sydney North Planning Panel briefing conducted.
10 December 2018	Applicant response to additional information request issued, in relation to correspondence dated: • 8 August 2018; • 3 September 2018 (UDRP); • 25 September 2018; • 1 November 2018.
17 January 2019	A further request for additional information was sent to the Applicant requiring the following to be submitted: • Resolution of flooding and drainage issues; • Flood modelling; • Confirmation provide the drainage design ensures 20 year ARI flow arriving at site can be safely accommodated;

Date	Comment
	• Revised Flood Assessment Report, Revised Plans to comply with Council's freeboard requirements; • Revised Civil Development Application Report relating to WSUD Strategy and stormwater treatment devices. • Revised Traffic Report ○ Delete references to Planning Proposal; ○ Updated swept path diagrams. • Public domain clarification on right-of-way details; • Clarification of waste room design and access; • Clarification on revised Landscape Plan and Arborist Report anomalies.
1 February 2019	Meeting was held with Council staff and Applicant to discuss outstanding issues. These predominantly relate to stormwater and flooding issues.
15 March 2019	Applicant provides response to issues dated 17 January 2019 including: • Updated Survey; • Revised Flood Report; • Revised Architectural Plans; • Civil Plans; • Traffic Report; • Waste Management Plan; • Arborist Report; and • Landscape Plans.
10 April 2019	Correspondence from the Director City Planning and Environment sent to the Applicant regarding remaining outstanding stormwater, flooding, drainage, waste, traffic, public domain issues, outlining correspondence to date, insisting on final meeting 16 April 2019 and submission of final documentation by 10 May 2019.
16 April 2019	Meeting was held with Council staff and Applicant to discuss and finalise outstanding issues.
2 May 2019	Amended Architectural Plans submitted to Council
14 May 2019	Peer review of drainage and flooding assessments prepared by Advision.
17 May 2019	Amended Stormwater documentation submitted to Council.

Final amended plans, were submitted to Council on 2 May 2019 and all unresolved matters have now been addressed or have been further reviewed and conditioned as part of this DA assessment report. The general scale, bulk and building

footprints have not significantly altered from the original submission beyond improvements to assist access, pedestrian movement, servicing and response to high level referral issues, particularly flooding and overland flows. Design amendments are detailed in the UDRP response at **Table 4** below.

The final documentation provides the following:

- Detailed flood response to Council's satisfaction having undertaken peer review by Advision.
- Waste
 - Bulky waste room relocated immediately adjacent to loading dock to negate need for path of travel from waste room to the loading dock;
 - Access for residential cars not provided from the loading bay into the basement. All vehicles must circulate the northern vehicle access;
 - Waste decanter shown in garbage room;
 - Swept paths are shown for the loading truck;
- Traffic:
 - Loading dock: loading area shown on amended plans to allow the existing loading arrangement to continue on the site in benefit of Fujitsu. The 7 visitor car parking spaces previously located on the ROW area have now been relocated inside the car park (6 spaces) and one space located along the M2 boundary.
 - Circulation roadways: The design of the roadways has been demonstrated to be satisfactory, as detailed in revised Traffic response.
- Public Domain:
 - Details for emergency vehicle access to public corridor;
 - Pram ramp access point from the internal road has been removed, ensuring that pram access is direct from the footway along Talavera Road and into its connection with the public accessway along the eastern side of the site. Amended architectural, civil and landscape documentation updated to reflect this.
 - The area of the publicly accessible corridor does encroach on the existing ROW as it is indicated (D1) in DP1221081P. Amended architectural documentation provided to reflect this.
 - Pedestrian access across the internal driveway to the publicly accessible corridor has been deleted – only available from Talavera Road.

7. APPLICABLE PLANNING CONTROLS

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

- Environmental Planning and Assessment Act 1979;

- Environmental Planning and Assessment Regulation 2000;
- Statement Environmental Planning Policy (State & Regional Development) 2011;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX);
- State Environmental Planning Policy (Infrastructure) 2007;
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development;
- Draft Remediation of Land State Environmental Planning Policy;
- Draft Environment State Environmental Planning Policy;
- Ryde Local Environmental Plan 2014;
- City of Ryde Development Control Plan 2014; and
- Section 7.11 Contributions Plan 2007.

8. PLANNING ASSESSMENT

8.1 Environmental Planning and Assessment Act 1979

Section 1.7 – Application of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994

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

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

Section 4.15 Evaluation

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

8.2 Environmental Planning and Assessment Regulation

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

- A design verification statement from a qualified designer;
- An explanation of the design in terms of the design quality principles set out in Part 2 of State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development;

- BASIX Certificate; and
- Relevant drawings and montages.

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

This proposal is categorised as a 'General Development over \$30 million' under schedule 7 of the SEPP and as such, the proposed is required to be determined by the Sydney North Planning Panel.

8.4 State Environmental Planning Policy No 55 – Remediation of Land

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

The initial Preliminary Site Investigation prepared by SMEC dated October 2012 indicated potential contamination sources including historical use of the site for market gardening involving the application of pesticides and fill material that was likely imported into the site for levelling purposes. The report concluded however that there was a low risk that these sources had resulted in significant contamination. The site was identified as being suitable for ongoing commercial/industrial land use however should a change in land use be proposed, a soil sampling program should be under taken.

As such a Detailed Site Investigation was requested by Council in additional information correspondence dated 8 August 2018.

A further contamination report prepared by by ADE Consulting Group dated 23 November 2018 was submitted. The report recommend that *“further in-situ sampling classification after demolishing of the current buildings present within the Site. Twelve (12) further boreholes should be advanced to achieve the sampling density described in the report, according to proposed locations. The further investigation will provide enough data to determine if the Site is suitable for the proposed development”*.

The report goes on to say that taking into consideration the data obtained from previous and current investigations that they consider that the site can be made suitable for the proposed use subject to a full soil assessment after demolishing of current buildings within the site.

On this basis, as the demolition of the building is not yet complete Council's Environmental Health Officer has provided conditions of consent seeking a detailed

site investigation report and any requisite remediation works prior to the issue of the Construction Certificate. No Construction Certificate is to be issued for any building work on the land until Council has confirmed in writing that it is satisfied that the land is suitable for the proposed use, without the need for further remediation. See **Conditions 87 to 91**.

8.5 State Environmental Planning Policy (Building Sustainability Index: BASIX)

The development is identified under the Environmental Planning and Assessment Regulation 2000 as a BASIX Affected Building. As such, a BASIX Certificate 934519M_03 has been prepared for the development which provides the development with a satisfactory target rating.

Appropriate conditions will be imposed requiring compliance with the BASIX commitments detailed within the Certificate. **Conditions 6, 78, and 177** have been imposed requiring compliance with the commitments of the BASIX certificate.

8.6 State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP applies to the subject site given the site is adjacent to a classified road (M2 Motorway), is located on a road that connects to a classified road and is traffic generating (more than 75 dwellings). **Table 3** below contains the provisions of the Infrastructure SEPP applicable to this DA:

Table 3: Infrastructure SEPP

Provision	Comments	Comply?
Clause 102 Impact of road noise or vibration on non-road development - Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette. - If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq measures are not exceeded: - In any bedroom in the building – 35 dB(A) at any time between 10pm and 7am - Anywhere else in the building (other than a garage, kitchen, bathroom or	The site is adjacent to the M2 Motorway which is a State Classified Road. An acoustic report has been submitted and this includes a number of recommendations to ensure compliance with the appropriate noise levels for residential development. The recommendations are covered by conditions of consent (See Conditions 30, 31, 185 and 187).	Yes

Provision	Comments	Comply?
hallway) – 40dB(A) at any time.		
Clause 104 Traffic generating development		
The proposed development, being a residential development with more than 75 dwellings, and with access to a classified road is considered traffic generating development.	The proposed development is considered 'traffic generating development'.	Noted
- Before determining a DA for which this clause applies the consent authority must: - Take into consideration any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless before the 21 days have passes, the RTA advises that it will not be making a submission), - The accessibility of the site concerned, and - Take into consideration any potential traffic safety, road congestion or parking implications of the development.	RMS has raised no objection to the proposal subject to conditions (See Conditions 8, 9, 10 and 98). The site is accessed from Talavera Road. Required parking is provided and no traffic safety or congestion are issues anticipated.	Yes Yes Yes

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

Deemed SEPP Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, applies to the whole of the Ryde local government area. The aims of the Plan are to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.

As the site is not located on the foreshore or adjacent to the waterway, with the exception of the objective of improved water quality, the objectives of the planning instrument are not applicable to the proposed development. Matters relating to improved water quality have been assessed elsewhere in the assessment of this application.

8.8 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) requires that prior to determination of an

application for apartment development, the consent authority must take into consideration the following:

- a. The advice (if any) of the design review panel;
- b. The design quality of the development evaluated against the design quality principles provided under Schedule 1 of the SEPP; and
- c. The Apartment Design Guide (ADG).

8.8.1 Urban Design Review Panel and evaluation against the design quality principles.

On 16 August 2018, the Ryde Urban Design Review Panel (UDRP) reviewed the proposal for the second time. The following **Table 4** is a summary of the comments provided to the applicant by the UDRP (“the Panel”).

The Panel concluded the following in its advice:

The Panel recommends further design development to address the above recommendations and that the proposal is resubmitted to the Council for review.

Table 4: SEPP 65 – Schedule 1 Design Quality Principles

Planning Principle	Comments
Context and Neighbourhood Character Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Responding to context involves identifying the desirable elements of an area’s existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for	<u>Panel Comments:</u> The DA proposal appears to broadly conform with these development standards. At a previous pre-DA Panel meeting, the proponent presented the results of an informal design ideas competition to test a range of alternative approaches to the full extent of the site. This DA is generally consistent with that approach, with some modification of the siting of buildings. The Panel was advised that the eastern portion of the site is the subject of a separate planning proposal process seeking to modify the existing development standards. In this sense, the future context of the subject site is not yet entirely clear. The lack of clarity around how the remainder of the site might resolve is a concern for the Panel as it appears to be restricting options around the movement network for the site and the opportunities to consider other access solutions for the site to west and to continue the existing urban structure to the south into the site. The issues discussed in summary include: • General support for the tower/terrace typologies and clear differentiation between these types • General support for the on-grade north-south shared street, although questioning its precise alignment

Planning Principle	Comments
change.	• Vehicle access and street networks in shorter and longer term development scenarios • Various recommended refinements to detailed building resolution and design intent <u>Planners Comments:</u> The subject proposal is Stage 1 and does not rely on the uplifting height or FSR under the Planning Proposal. The Planning Proposal relates to Stage 2 within the eastern portion of the site which would be the subject of a separate development application.
Built Form and Scale Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.	<u>Panel Comments:</u> Extent of screened car park podium – the proposal indicates up to 5 levels of above ground car park podium. This strategy may be more appropriate along the M2 Motorway although the Panel does not consider it ideal, but less so on the internal street opposite the existing Fujitsu commercial building, where sleeving of the car park, its activation, articulation and permeability will be encouraged to ensure an appropriate street interface in any future renewal scenario for the adjacent commercial site. The Panel therefore considers that the subject proposal should also provide sleeving of the car park to improve this interface for all podium levels. Building form and articulation - The introduction of a strong street wall building (the terraces) of approximately 8 storeys in height along the new north-south shared street is supported. Variations to building height - the Panel supports the distinct variation in building heights between the 8 storey and 27 storey elements. Alignment of proposed shared street - the proposed shared street is supported in principal, however the Panel notes that its alignment is a consequence of decisions regarding development staging rather than a conscious response to the urban context. <u>Planners Comments:</u> The interface with the Fujitsu office building to the west of the site is an undesirable interface for the residential units. The Applicant has addressed the car parking screening with an animated wall that provides adequate screening to the car park. The screening to the building has also been considered and redesigned to provide an interesting presentation to the lane – see Figure 13 below.

Planning Principle	Comments
	 Figure 13 Car park screening treatment The scale is consistent with the planned development within this precinct. The bulk and scale of the proposed development is considered acceptable given that it is compliant with setbacks and 45m and 90m heights allowed on site. The differing heights and scale of the two blocks are supported and achieve the desired character. The proposal has been architecturally treated to provide interest in the design and assist in providing the development with acceptable distribution of building bulk. The development improves the streetscape frontage, provides improved landscaping and open spaces and encourages views and vistas to the surrounding areas.
Density Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.	<u>Panel comments:</u> The Panel restates that a numeric FSR control of 4.5:1 is very challenging to successfully resolve in terms of built form. On larger sites it can generate a particularly dense urban form. Intelligent site planning and careful design refinement are therefore critical to ensuring significant densities can be accommodated successfully. Incorporating a range of design strategies and meaningfully incorporating the Panel's recommendations are central to achieving an appropriate density in this case <u>Planners Comments:</u> The proposal complies with the FSR for the site with the overall bulk and scale of the buildings being appropriate with relation to the future density anticipated for the area. Additionally, due to the close proximity of public transport, employment opportunities and numerous facilities, the density is considered reasonable and suitably resolved in combination with the landscape corridor and distribution of building mass.

Planning Principle	Comments
Sustainability Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.	<u>Panels Comments:</u> Sustainability was discussed in general terms and the Panel encourages the exploration of a broad range of strategies to achieve improved sustainability outcomes. Water, energy and waste cycles should be made as efficient as possible and on site energy generation, along with water harvest and reuse is strongly encouraged. It is assumed that solar access and cross ventilation targets established in the ADG are able to be achieved or exceeded. <u>Planners Comments:</u> The proposal has been submitted with a BASIX Certificate No 934519M_03 which indicates that the residential component of the buildings will meet the energy and water use targets set by the BASIX SEPP. A Waste Management Plan for the demolition of the existing buildings has been submitted and is considered acceptable by Council's Waste Officer. The design has also ensured that the development will comply with the passive solar design principles and cross ventilation as provided in the Apartment Design Guide.
Landscape Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks. Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access,	<u>Panels Comments:</u> The rooftop communal courtyard space and childcare outdoor space is supported by the Panel, subject to further refinement and elaboration on balustrades, edge conditions and adjacencies to ensure that privacy, acoustic measures, views and public safety are all appropriately balanced. The decision to locate the BBQ areas for resident use next to the M2 edge of the building is questioned as the amenity here could be compromised by highway noise. The Panel also supports the proposed character of the north-south shared street, which appears to be a successful proposition. The Panel notes some tie in levels at the intersection with Talavera Road need to be corrected and resolved. The areas of particular concern are: • The slip road parallel to, but below the level of, Talavera Road - in a future renewal scenario, this interface should be a more positive and pedestrian-focused environment. • Providing continuous pedestrian refuge along the Talavera Road frontage and pedestrian access to ground floor retail uses addressing Talavera Road. • The future character and activation of the internal street between the subject site and the neighbouring commercial building.

Planning Principle	Comments
respect for neighbours' amenity and provides for practical establishment and long term management.	<u>Planners Comments:</u> Figure 14 demonstrates the location of Talavera Road, the slip lane and the retail space on the ground floor. The slip lane is required due to the existing easements on the site that are required to maintain access to the adjoining Fujitsu building. The slip lane is lower than Talavera Road, however the retail space is higher than the slip lane. The retail space is approximately 800mm lower than Talavera Road at its worst location, and from Talavera Road, the retail spaces will be visible. Access to these spaces is however restricted to the public corridor that is located approximately in the middle of the site. This cannot be avoided due to the need to retain the slip lane and the need to provide safe pedestrian access to the retail spaces. The panel also raised the concern about future activation of the internal street between the proposed development and the neighbouring commercial building. The ground floor of the neighbouring commercial building contains the loading docks and vehicular access. The proposed development also contains a loading dock and service area. These functions are unlikely to change and this street is not suitable for activation. The development exceeds the provision for deep soil landscaping along the setback to Talavera Road and east (side) setback to future Stage 2 works. Council's Consultant Landscape Architect has raised no objections to the proposed landscaping on site. The landscaping of the ground level communal open space is an open public corridor which includes numerous types of planting and seating. The level 6 podium space has design features which provide a variety of planting, seating and screening. Both landscaped areas ensure useable recreational and passive areas for future residents.
	 The diagram is a detailed site plan for a development. At the bottom, Talavera Road is shown as a grey horizontal strip. Above it is a 'Slip lane' indicated by a double-headed arrow. To the left of the slip lane are two large rectangular areas labeled 'Retail 1' and 'Retail 2' in red. To the right of the slip lane is a 'Public corridor' shown as a green landscaped area with trees and paths. Further back, there are various building footprints, parking areas, and a 'LOADING AREA' on the far left. The plan is covered with numerous dimension lines and elevation markers (e.g., +0.00, +0.10, +0.20).

Figure 14 Location of retail tenancies adjacent to the slip lane

Planning Principle	Comments
Amenity Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.	<u>Panels Comments:</u> The Panel supports the approach to building siting, configuration and orientation. The achievement of solar access and natural cross ventilation targets appears to be achieved and the internal planning of apartments appears to be sound. There remains an inherent tension between the proximity of the M2 Motorway and the northern orientation enjoyed by many apartments, the childcare facility and the communal open spaces, which will need careful detailed planning to successfully resolve. The Panel is also concerned about the resolution of access to the child care centre. The centre does not have a clear address point and appears to rely on access by car rather than balancing opportunities for pedestrian access as well. The Panel does not support access to the centre relying on children crossing over the throat of the main driveway to gain access to the child care lift lobby. This lobby seems to be designed to require all access to be gained via the basement car park. <u>Planners Comments:</u> Amended plans provide a pedestrian entry to the child care centre lobby from the public corridor along the eastern side of the development site. This has provided accessible pedestrian access (including pram access) from the public corridor without impeding on the amenity or access of ground floor 'terrace' residential units facing the public corridor. The stairs that face the public corridor will provide sufficient visibility and access for pedestrians. The design of the units allows for sufficient level of amenity for occupants of the building and surrounding properties. The development achieves a suitable level of compliance with the design guidance and/or objectives contained in the Apartment Design Guide in respect to apartment size, building depth, access to sunlight, ventilation, acoustic privacy, storage and access requirements. Some variations form part of the proposal and are considered to be justified as detailed under the ADG assessment below. The NSW Police have reviewed the proposal and do not raise any objection subject to the development addressing particular recommendations pertaining to the installation of a CCTV system, lighting of entrances and communal areas, effective signage and other minor security measures. Conditions 99 and 189 to 195 have been imposed as recommended by NSW Police.

Planning Principle	Comments
Safety Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.	<u>Panel Comments:</u> The detailed design of the public realm should address and resolve the provision of continuous safe pedestrian passage along the full frontage of Talavera Road and the new slip road running parallel to Talavera Road. The detailed configuration of access, parking and drop off for the childcare use should be refined and resolved to ensure maximum safety. <u>Planners Comments:</u> As previously advised it is not possible to provide a safe pedestrian passage adjacent to the slip road that would allow direct access to the retail spaces from Talavera Road. The Applicant has proposed an area of the publicly accessible corridor, with an approximate width of 11 m, adjacent to the proposed boundary between Stage 1 and Stage 2 works. Public access to the corridor is proposed to be directly from the existing footpath along Talavera Road. The vehicular parking for the childcare is located on the ground floor in close proximity to the childcare lobby. No objection has been raised by Council's Traffic Engineer to the location of these spaces. As required through consent conditions, the pavements of the footway and vehicular access from Talavera Road are to be designed and constructed according to the standards of the Public Domain Technical Manual (PDTM), Section 6 - Macquarie Park (see Conditions 106 and 107). The development is consistent with the CPTED principles as follows: • The entrance to each apartment building will be clearly legible and well lit. • Suitable level of casual surveillance from units; • Appropriate signage to be provided to the building's entrance with appropriate lighting. • All areas at ground level will have clear delineation between public and private spaces. The development has been designed to communicate effective space management. • The proposal will include appropriate lighting at street level and in all public areas of the building to mitigate crime and provide maximum safety.

Planning Principle	Comments
Housing Diversity and Social Interaction Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.	<u>Panel Comments:</u> The proposed apartment mix and sizes are supported. <u>Planners Comments:</u> The proposed unit mix will contribute a suitable mix of housing in the area which is highly accessible to public transport and nearby services, shops and health and educational facilities. As a guide the Housing NSW Centre for Affordable Housing suggests 1 and 2 bedroom apartments contribute towards achieving housing affordability. 1 and 2 bedroom apartments are well represented in the subject proposal.
Aesthetics Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.	<u>Panel Comments:</u> The Panel is supportive of the broad approach to architectural language, form and expression in the 27 storey tower, but notes that the strength and dynamism of the white horizontal elements appears to have been diminished in the final translation of the design, particularly when compared with the precedent images provided by the applicant. The Panel recommends the 'weight' of the horizontal white slab edges needs to be substantially increased to achieve the design intent. The Panel understands the desire to maximise floor to ceiling glass in apartments, but feels a better balance needs to be struck. This is a very tall and visually prominent tower with a sculptural form that currently falls short in its final architectural expression. The Panel also notes that given the extent of repetition between floors, this is a relatively easy and efficient amendment to adopt. <u>Planners Comments:</u> The Applicant has taken on board the façade treatment comments by the Panel and has redesigned the facade. In order to express the horizontal slab edges, the columns of the building have been setback by 250mm. The horizontal elements of the slabs are now expressed together with the sculpted shape of the building. Larger glazing elements with 500mm coloured elements that 'hit and miss' provide further patternation to the facade but also allows the white slab edges to be the strong element of the architecture.

Planning Principle	Comments
	 Figure 15 Amended façade treatment The development has incorporated a variety of materials and finishes to assist in the massing of the building as well as providing differentiation between the uses and various elements within the development.

8.8.2 Apartment Design Guide

The SEPP requires consideration of the "Apartment Design Guide" (ADG) which supports the 9 design quality principles by giving greater detail as to how those principles might be achieved. **Table 5** below provides an assessment of the proposal against the matters in the ADG:

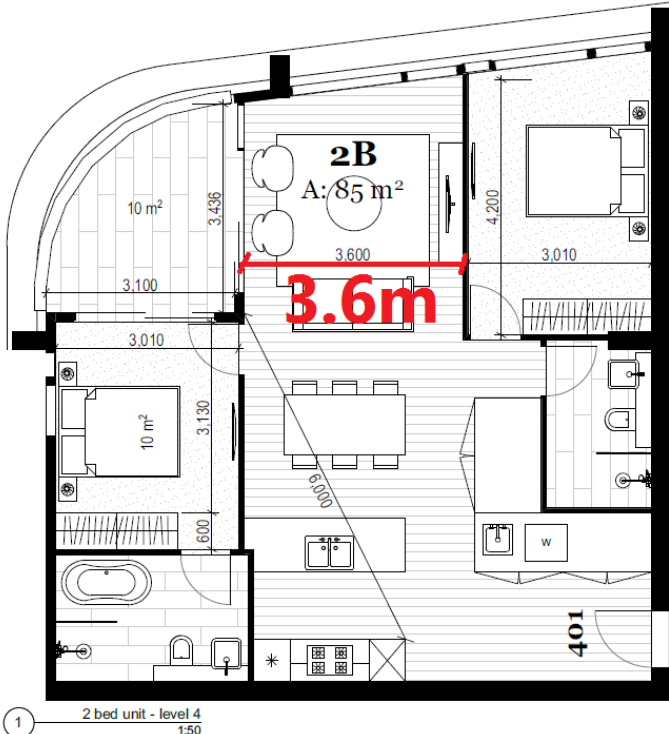
Table 5: SEPP No. 65 Apartment Design Guide - Compliance Table

Design Criteria	Proposal	Complies
Part 2 Development Controls		
Building Depth Use a range of approximate maximum apartment depths of 12-18m from glass line to glass line	Maximum unit depths do not exceed 18m	Yes

Design Criteria	Proposal	Complies
Building Separation Minimum separation distances for buildings are: Up to 4 storeys: • 12m (Habitable) • 9m (habitable/non-habitable) • 6m (non-habitable) 5-8 Storeys • 18m (Habitable) • 12 (habitable/non-habitable) • 9m (non-habitable) 9+ storeys • 24m (Habitable) • 18m(habitable/non-habitable) • 12m (non-habitable) No separation is required between blank walls.	Consideration is given to the western side boundary adjoining No. 118 Talavera Road and the eastern boundary adjoining future Stage 2 works at the site. <i>Note: The dimensions given are measured to the property boundary.</i> <u>Ground to Level 3:</u> West side boundary shared with 118 Talavera Road: • Level 1 to 3 habitable rooms and balconies: 15.217m East side boundary to future Stage 2 works; • Ground to Level 3 balconies setback from boundary 15m (no building to east to measure separation, albeit min. separation distance achieved by subject development). <u>Level 1 to 3 – Internal Separation:</u> Unit 1 (balcony) to Unit 15 (bedroom) on each level: 6.5m. <u>Level 4 to Level 7:</u> West side boundary shared with 118 Talavera Road: • Level 4 to 7 habitable rooms and balconies: 15.217m to 16.263m. • Level 6 communal open space: 16.263m. East side boundary to future Stage 2 works: • Level 4 to 6 balconies setback from boundary 15m – 16.5m. • Level 7 (26 storey portion) setback from boundary 20.2m. (No building to east to measure separation, albeit min. separation distance achieved by subject development). <u>Level 4 to 7 – Internal Separation:</u> • Levels 4 to 5 - Unit 1 (balcony) to Unit 15 (bedroom): 6.5m • Level 6 – Unit 1 (balcony) to Unit 15 (balcony): 6.5m. <u>Level 8 and above:</u> West side boundary shared with 118 Talavera Road:	Yes Yes No, refer to discussion Yes Yes Yes Yes No, refer to discussion No, refer to discussion

Design Criteria	Proposal	Complies
	- Level 6 communal open space setback from boundary 16.263m. East side boundary to future Stage 2 works: - Level 4 to 6 balconies setback from boundary 15m – 16.5m. - Level 7 (26 storey portion) setback from boundary 20.2m. <u>Level 8 and above:</u> West side boundary shared with 118 Talavera Road: - Level 8 to 26 habitable rooms and balconies setback from boundary 15.217m – 18.163m. East side boundary to future Stage 2 works; - Level 8 to 26 (26 storey portion) setback from boundary 20.2m. <u>Roof Terrace:</u> West side boundary shared with 118 Talavera Road: Private roof terraces setback from boundary 15.217m – 18.163m. Non-trafficable zone is further setback (18.69m – 21.66m)	Yes Yes Yes Yes Yes
<u>Car parking</u> For development in the following locations: - on sites that are within 800 metres of a railway station; or - within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre, the minimum parking for residents and visitors to be as per RMS Guide to Traffic Generating Developments, or Council's car parking requirement, whichever is less.	Refer to DCP compliance table for parking rates.	N/A
Solar Access and Daylight Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan	151 of 216 units (70%) receive in excess of 2 hours of sunlight to living room windows and private open space areas during mid-winter. NB: reliance on skylights to some units	Yes

Design Criteria	Proposal	Complies
Area and in the Newcastle and Wollongong local government areas A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	(Level 5 and 26) 29/216 units (13%) do not receive direct sunlight.	Yes
Natural Ventilation At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.	43/71 (61%) of units up to 9 storeys are cross ventilated.	Yes
Ceiling Height Measured from finished floor level to finished ceiling level, minimum ceiling heights are: - Habitable Rooms – 2.7m - Non-habitable rooms – 2.4m - If located in a mixed use area - 3.3m for ground and first floor to promote future flexibility	All habitable rooms have minimum 2.7m ceiling heights. Non-habitable rooms contain ceiling heights that are at least 2.4m. Floor to floor height of Ground floor to Level 1 is 3.84m.	Yes
Apartment Layout Apartments are required to have the following minimum internal areas: - Studio - 35m² 1 Bedroom - 50m² 2 Bedroom - 70m² 3 Bedroom - 90m² The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	1B min. 55m² 2B min. 79m² 3B min. 104m² Units with an additional bathroom provide the additional floor space. Complies. 214 of 216 units comply, with the exception of: - Unit 1 and 8 (Level 6) – 9.1m	Yes Yes Yes Yes Yes No, but considered acceptable

Design Criteria	Proposal	Complies
Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space) Bedrooms have a minimum dimension of 3m (excluding wardrobe space) Living rooms or combined living/dining rooms have a minimum width of: • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments	Minimum 10m² and 9m². Complies. There are 6x 2 bedroom units (Units 101, 201, 301, 401, 501, and 602) that provide 3.6m width instead of 4m. These are considered acceptable as they remain capable of providing suitable living, dining and kitchen area with a depth of 9m and immediately adjoin POS (see Figure 16)	Yes Yes No, but considered acceptable
 Figure 16. 2 bedroom units with 3.6m living room width.		
Private Open Space All apartments are required to have primary balconies as follows: • Studio - 4m² • 1 Bedroom - 8m² (Minimum depth of 2m) • 2 Bedroom - 10m² (Minimum depth of 2m) • 3 Bedroom - 12m² (Minimum depth of 2.4m) For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a	1B – 8m² (2m depth or greater) 2B – 10m² (2m depth or greater) 3B – 12m² (2.4m depth or greater) Ground floor apartments (G10-G15) are two storeys and provide a total POS of >18m² across Ground and Level 1.	Yes Yes Yes No, but considered acceptable

Design Criteria	Proposal	Complies
minimum area of 15m² and a minimum depth of 3m	The ground floor component of these units have a minimum depth of 2.6m to with the following areas: G10 (1br) = 8m² G11 (2br) = 15m² G12 (2br) = 16m² G13 (2br) = 12m² G14 (2br) = 14m² G15 (2br) = 15m² Despite these units not meeting the minimum ground floor POS requirements, the area provided is sufficient to accommodate a table and chairs for passive recreation purposes immediately adjoining the primary living areas. In addition, the ground level POS combined with the first floor POS provide a generous total POS for each unit. These units are also benefited by direct access to the landscape link immediately adjoining to the east.	
Common Circulation Space The maximum number of apartments off a circulation core on a single level is 8. For buildings of 10 storeys and over a maximum number of apartments sharing a single lift is 40.	Terrace apartments On each of these Levels 1 to 6 'terrace' apartments, only 6 apartments have access from the core on a single level. There is one lift servicing the child care centre and the 18 terrace apartments that face the public corridor on levels 1 to 6 which is sufficient for this density. Tower apartments Levels 10 to 26 comply with a maximum of 8 apartments off a circulation core. Levels 7 to 9 however have 9 units off a circulation core on a single level. Additionally, there are 3 lifts servicing the 198 apartments within the tower – averaging 66 apartments per lift. The variation to both the number of units per core, and the number of apartments per lift, is accepted as due to the tower design and limited floor plates for each tower, there is limited space for additional lift cores within the design. The variation is further supported as the corridors will provide high amenity with natural daylight and generally meet the requirements for number of apartments per	Yes No, but considered acceptable

Design Criteria	Proposal	Complies
	circulation core with the exception of levels 7-9. A Lift Traffic Analysis Report undertaken by Kone (dated 05.06.2019) was submitted to indicate that the proposed lift cores are capable of including lifts which are able to achieve a wait time of 43.5s seconds in accordance which exceeds the exceeds the PCA Australia guidelines for lift traffic performance. Condition 123 is included to require any proposed lifts to comply with these requirements.	
Storage In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: • Studio - 4m³ • 1 Bedroom - 6m³ • 2 Bedroom - 8m³ • 3 Bedroom - 10m³ At least 50% of the required storage is to be located within the apartment	Compliant storage is provided within each unit and within the parking levels. (Confirmed by storage schedule on plans TP003). Storage is provided within each unit and the parking levels. At least 50% of required storage is located within apartments.	Yes Yes

Building Separation

Part 2F of the ADG seeks the following building separation relevant the development:

Building height	Separation Distance
Up to 4 storeys	6-12m
Up to 8 storeys	9-18m
9 storeys and above	12-24m

As identified in the above ADG table, at 6.5m separation, the proposal does not meet the recommended separation distances internal to the site between:

- Unit 1 (balcony) and Unit 15 (bedroom) to Levels 1 to 3 which require 12m separation;
- Unit 1 (balcony) and Unit 15 (bedroom) to Levels 4 to 5 which require 18m separation; and
- Unit 1 (balcony) and Unit 15 (balcony) on Level 6 which requires 18m.

See **Figures 17** and **18**.

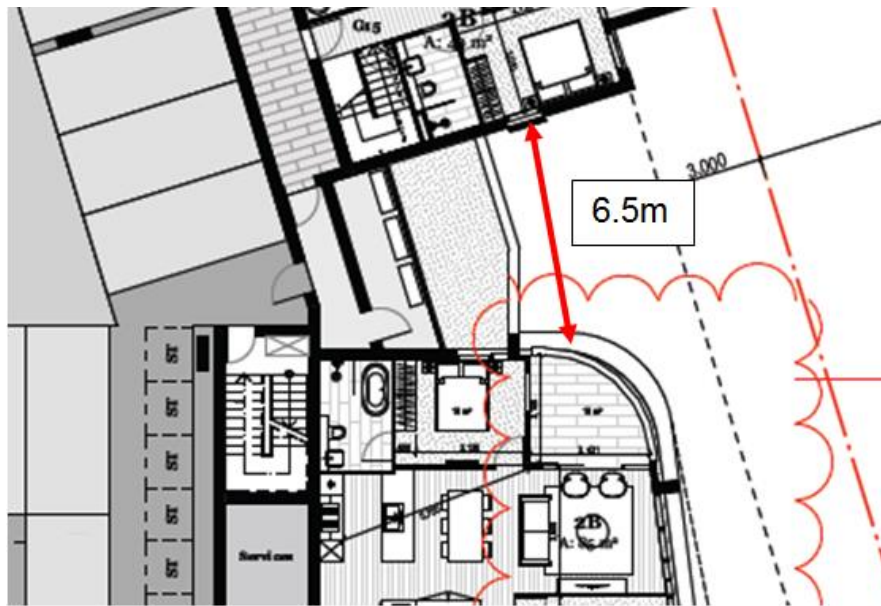


Figure 17: Separation distance between Unit 15 bed and Unit 1 balcony – L1



Figure 18: Separation distance between balconies – L6

The aims identified under 2F Building Separation seek to:

- *Ensure that new development is scale to support the desired future character with appropriate massing and spaces between buildings;*
- *assist in providing residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook;*
- *Provide suitable areas for communal open spaces, deep soil zones and landscaping.*

The area of non-compliance referred to above do not contravene the above stated aims as the building has suitable spatial separation and well in excess of the requisite communal open space. To Units 1 at each level, the balcony is a curved

form and the opposing bedroom window is provided with a privacy screen. There is considered to be limited privacy compromise in this instance however it is considered reasonable to impose by condition that the Units 15 to Levels 1-5 are highlight windows in addition to screening. Refer to **Condition 1(a)**. Retention of these openings enables cross ventilation to these units.

Regarding Level 6, the balcony to Unit 15 will be conditioned to provide a solid blade wall along the southern edge. Refer to **Condition 1(b)**.

8.9 State Environmental Planning Policy Educational Establishments and Child Care Facilities 2017

The NSW State Government has introduced the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 to encourage the development of new childcare centres. The Child Care Planning Guideline was introduced as part of this new SEPP. Clause 26 of the Childcare SEPP relates to development control plans and provides that the Childcare Planning Guideline overrides the local development control plan provisions.

The proposed development includes 641m² of internal floor area and 560m² external outdoor play area for a future child care centre at Level 5 and associated parking. It is indicated that these areas would accommodate up to an 80 place child care centre. The detailed design, numbers, staff and child ratios, and fitout will be the subject of a separate development application which will need to be accompanied by a Plan of Management and Emergency Evacuation Plan. Refer to **Condition 2**.

The provisions of this guideline are addressed in **Table 6** below.

Table 6: Child Care Planning Guideline Compliance Table.

Criteria	Proposal	Complies
3.1 Site selection and location		
C1 For proposed developments in or adjacent to a residential zone, consider: • the acoustic and privacy impacts of the proposed development on the residential properties • the setbacks and siting of buildings within the residential context • traffic and parking impacts of the proposal on residential amenity.	Not applicable	NA
For proposed developments in commercial and industrial zones,	The CCC is located within a B4 Mixed Use zone. The proposal is considered to be	Yes

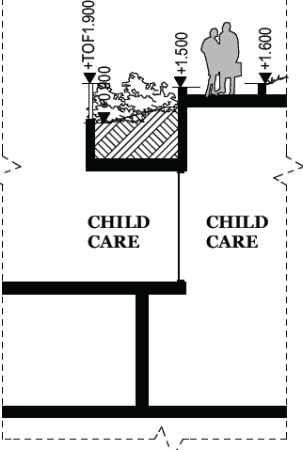
Criteria	Proposal	Complies
consider: • potential impacts on the health, safety and wellbeing of children, staff and visitors with regard to local environmental or amenity issues such as air or noise pollution and local traffic conditions • the potential impact of the facility on the viability of existing commercial or industrial uses. For proposed developments on school, TAFE or university sites in Special Purpose zones, consider: • the compatibility of the proposal with the operation of the institution and its users • the proximity of the proposed facility to other uses on the site, including premises licensed for alcohol or gambling • proximity to sources of noise, such as places of entertainment or mechanical workshops • proximity to odours, particularly at agricultural institutions • previous uses of a premises such as scientific, medical or chemical laboratories, storage areas and the like.	acceptable in regards to its location and surrounding context. A large amount of employment facilities, retail outlets and residential accommodation is within close proximity to the CCC. Additionally, Macquarie University is also within close proximity. An air quality report was prepared by SLP (Reference 610.16946-R03). The report concludes that <i>"Given that the assessment of local air emission sources has concluded that they have a very low risk of resulting in any adverse impacts at the Development Site, and the generally good air quality in the Sydney region, air quality impacts are not considered to be a constraint to the development of a child care centre at the Development Site."</i> The child care centre and Talavera Road are separated by the proposed high rise residential building at the front. This building will act as an obstruction, which would minimise the potential for any direct 'channelling' of air emissions from Talavera Road towards the child care centre. Based on the above, air emissions from Talavera Road onto child care centre are not considered to be a constraint to the child care centre. In terms of the M2. The distance between the existing kerbside of M2 Motorway and the proposed outside play area will be approximately 35 m at the closest point. As the child care centre is proposed on level 5 of the podium building, the height above ground level of this floor is approximately 15.5 m. The effective distance between outside play area and M2 Motorway will be approximately 38 m. According to the Guideline, pollutant concentrations would be at approximately 22% of the kerbside levels at these distances. The report concludes that: <i>Given that the assessment of local air emission sources has concluded that they have a <u>very low risk</u> of resulting in any adverse impacts at the Development Site, and the <u>generally good air quality</u> in the Sydney region, air quality impacts are <u>not considered to be a constraint</u> to the development of a child care centre at the Development Site.</i>	

Criteria	Proposal	Complies
	This has been reviewed and supported by Council's Health Officer. In terms of acoustic treatment, the Acoustic Advice provided by Acoustic Logic dated 28/8/18 (recognising no fitout details) provides building and management controls recommended to control noise emissions from outdoor play and indoor activities. Further Acoustic input would be required at the detailed detail stage for the centre as would a POM for the management use of the outdoor play area to limit noise impacts to the residential components.	
C2 When selecting a site, ensure that: • the location and surrounding uses are compatible with the proposed development or use • the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards • there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed	The B4 zone is suitable for childcare centres. It is located within a high density RFB, and is in close proximity to numerous educational, health and employment facilities. An overland flow path follows the drive way and discharges into culverts which cross the M2 motorway. Detailed consideration has been given by Council's drainage department in light of the site's flood affectation with low to high flood risk precincts occurring at and in the immediate vicinity of the site to ensure the overland flow is safely conveyed through the site. In addition, the site is in Bushfire Prone land and proposes construction of a child care centre which is a Special Fire Protection Purpose (SFPP) development. Accordingly a Bush Fire Safety Authority (BFSA) has been obtained from the NSW Rural Fire Service (NSW RFS) under section 100B of the Rural Fires Act 1997. The contamination report submitted indicates data obtained from previous and current investigation that it is consider the site can be made suitable for the proposed use (including the CCC) subject to a full soil assessment after demolishing of current buildings within the site. On this basis, Council's Environmental Health has provided conditions of consent seeking a detailed site investigation report and any requisite remediation works prior to the issue of the Construction Certificate. Strictly no Construction Certificate is to be issued for any building work on the land until Council has confirmed in writing that it is	Yes Yes Yes

Criteria	Proposal	Complies
- the characteristics of the site are suitable for the scale and type of development proposed having regard to: - size of street frontage, lot configuration, dimensions and overall size - number of shared boundaries with residential properties - the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas - where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use - there are suitable drop off and pick up areas, and off and on street parking - the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use - it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises.	satisfied that the land is suitable for the proposed use, without the need for further remediation. The site is considered suitable for the proposed development. The site is appropriate in size, frontage and dimensions. Not applicable. The proposal will not have any environmental impact as discussed elsewhere in this report. Not applicable. Required parking has been provided on site at ground level. Lift access from lobby available to centre. Given nature of the CCC at Level 5, drop off zones not required. CCC parking is accessed from Talavera Road and access within building. Not located near the mentioned.	Yes N/A Yes N/A Yes Yes Yes
C3 A child care facility should be located: - near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship - near or within employment areas, town centres, business centres, shops	Proposal is located near Macquarie University, open spaces and other facilities. Proposal is located within the Macquarie Park Corridor in which numerous employment areas are located.	Yes Yes

Criteria	Proposal	Complies
• with access to public transport including rail, buses, ferries	Located near Macquarie University Metro and buses.	Yes
• in areas with pedestrian connectivity to the local community, businesses, shops, services and the like.	The subject site is within walking distance to Macquarie Shopping Centre and a large number of services.	Yes
C4 A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from: • proximity to: - heavy or hazardous industry, waste transfer depots or landfill sites - LPG tanks or service stations - water cooling and water warming systems - odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses	Not applicable. Not applicable. The site backs onto the M2 Motorway. The proposal has been setback >10m from the rear boundary, and is located on Level 5. Refer to above discussion on air emissions.	NA NA NA
3.2 Local character, streetscape and the public domain interface		
C5 The proposed development should: • contribute to the local area by being designed in character with the locality and existing streetscape • reflect the predominant form of surrounding land uses, particularly in low density residential areas • recognise predominant streetscape qualities, such as building form, scale, materials and colours • include design and architectural treatments that respond to and integrate with the existing streetscape • use landscaping to positively contribute to the streetscape and neighbouring amenity • integrate car parking into the building and site landscaping design in residential areas.	The proposed CCC is located on Level 5. Design qualities of the proposed development have been assessed under SEPP 65 Design Quality Principles of this report in light of the overall development and found to be suitable and consistent with future anticipated character informed through LEP provisions.	Yes
C6 Create a threshold with a clear transition between public and private realms, including: • fencing to ensure safety for children entering and leaving the	No fencing but sufficient separation and treatment between public and private	Yes

Criteria	Proposal	Complies
facility • windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community	interface, relating to residential units at Level 5. Proposal has louvered openings to the public domain providing passive surveillance. Views are orientated to the M2 Motorway and Lane Cove National Park. Proposed apartments facing Talavera Street.	Yes
• integrating existing and proposed landscaping with fencing	Suitable boundary treatment proposed to outdoor play landscaping.	Yes
C7 On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.	The CCC is within a building with multiple uses. Separate child care centre lobby is located at the rear of the building. The CCC lobby has a dual sided lift providing access direct from the car park.	Yes
C8 Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions: • clearly defined street access, pedestrian paths and building entries • low fences and planting which delineate communal/ private open space from adjoining public open space • minimal use of blank walls and high fences.	Not applicable.	N/A
C9 Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.	Not applicable.	N/A
C10 High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.	The proposed CCC on Level 5 faces the M2 Motorway. The louvered façade is setback approximately 14m from the rear boundary. Refer to acoustic discussion above, design management measure provided and are to be refined at detailed DA stage for CCC.	Subject to future detail
3.2 Building orientation, envelope and design		
C11 Orient a development on a site and design the building layout to: • ensure visual privacy and minimise potential noise and overlooking impacts on neighbours	CCC is situated on the same level as residential apartments but has been suitably separated and treated to minimise associated impacts.	Yes

Criteria	Proposal	Complies
by: - facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties - placing play equipment away from common boundaries with residential properties - locating outdoor play areas away from residential dwellings and other sensitive uses	 Figure 19 cross section of COS planter The residential COS is located at Level 6 above the outdoor play area to the CCC. Below is a section showing the landscaping planter proposed along the north-eastern edge of the COS to ensure cross-viewing into the child care centre does not occur (Figure 19). This treatment will be required by condition of consent to be replicated along the north-western edge also to ensure the same protection is provided from the entire COS area. The proposed CCC has no windows or open spaces facing the proposed units the same level. Windows and outdoor play areas to the north-west (side) boundary shared with No. 118 Talavera Road are setback 16m. Louvres have also been proposed at openings to the side and rear boundaries. This reduces visual privacy concerns in addition to generous separation between the centre and No. 118 to the west in the event it is redeveloped in the future.	Yes
• optimise solar access to internal and external play areas	The CCC is orientated to the north, maximizing solar gain to indoor and outdoor areas. A void is placed on the floor above to permit direct solar access to the outdoor area and further light infiltration to the indoor area. Solar diagrams TP621-624 demonstrate solar gain to Level 5.	Yes
• avoid overshadowing of adjoining residential properties	Relates to overall building and is assessed elsewhere in this report. Found to be acceptable.	Yes
• minimise cut and fill	Not applicable. No excavation in relation to CCC.	N/A

Criteria	Proposal	Complies
• ensure buildings along the street frontage define the street by facing it • ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions.	Not applicable. CCC within multi-use development. Louvres have been placed on the façade bounding the outdoor play area. This will provide additional protection from wind and other conditions generally associated with higher levels.	N/A Yes
C16 Entry to the facility should be limited to one secure point which is: • located to allow ease of access, particularly for pedestrians • directly accessible from the street where possible • directly visible from the street frontage • easily monitored through natural or camera surveillance • not accessed through an outdoor play area. • in a mixed-use development, clearly defined and separate from entrances to other uses in the building.	Access for pedestrians is required via the lobby and off the proposed Public Corridor. Lift accessibility from Ground to Level 5. Not directly visible from street due to nature of subject site and location on Level 5. This is considered acceptable. Due to nature of the CCC, the proposal will be conditioned to utilize camera surveillance on GF and Level 5. Natural surveillance on L5 is created through limited site entry and multi-use nature of overall development. Complies. Access from public corridor to lobby and lift or via lift from carpark. This lift is shared with 18 units (6 of which have separate access direct from the public corridor). The residential tower elements of the development is serviced by separate lifts. Given the mixed use nature of the building combining CCC, retail and residential uses within a high density environment, the shared nature of a limited number of units with the CCC lift core is not considered unreasonable. There is not considered to be a safety issue in this regard give that the children will be attended by an adult when entering and departing the child care centre.	Yes Yes Yes Yes Yes Yes
C17 Accessible design can be achieved by: • providing accessibility to and within the building in accordance with all relevant legislation	The pedestrian access to the CCC is via the main lobby entrance to the building or via the public corridor along the eastern side of the site which provides ramp and stair access.	Yes

Criteria	Proposal	Complies
linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry	Per above.	
providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible	Access to CCC is via lift given Level 5 location.	-
minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath.	Minimal ramps proposed to access lifts.	-
3.5 Visual and acoustic privacy		
C20 Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces	Discussed above.	Yes
C21 Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through: - appropriate site and building layout - suitably locating pathways, windows and doors - permanent screening and landscape design	Due to the proposed location on Level 5, direct overlooking is generally mitigated. Louvres have been proposed on the side and rear boundary in which windows and open spaces are located, stopping overlooking concerns. As detailed above the L6 COS is treated with planter treatment to create non-trafficable zone. This shall be required to be replicated along both COS edges by Condition.	Yes
C22 Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through: - appropriate site and building layout - suitable location of pathways, windows and doors - landscape design and screening.	The proposal provides a 16m setback to the neighbouring No. 118 Talavera Road and louvres to avoid direct overlooking.	Yes
C24 A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters: - identify an appropriate noise level for a child care facility located in residential and other zones - determine an appropriate	Acoustic advice and general management measures have been provided recognising further Acoustic Assessment is required following detailed design and refined capacity numbers are established.	-

Criteria	Proposal	Complies
background noise level for outdoor play areas during times they are proposed to be in use determine the appropriate height of any acoustic fence to enable the noise criteria to be met.		
3.6 Noise and air pollution		
C25 Adopt design solutions to minimise the impacts of noise, such as: - creating physical separation between buildings and the noise source - orienting the facility perpendicular to the noise source and where possible buffered by other uses - using landscaping to reduce the perception of noise - limiting the number and size of openings facing noise sources - using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens) - using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits - locating cot rooms, sleeping areas and play areas away from external noise sources.	Air quality is addressed above under 3.1. The proposed CCC is located on Level 5 and setback >10m from the M2 Motorway. Louvres are proposed to provide additional separation from the outdoor area. Proposed indoor area is located away from the M2 motorway. Outdoor area faces M2 motorway, however is located on Level 5 with louvered screens. Mitigation measures have been provided within the Air Quality Report. Outdoor area proposed with landscaping to reduce noise to indoor area. Indoor area is setback considerably from M2 motorway. No significant impact considered. Acoustic treatment will be subject to further review following detailed design under separate application, whereby satisfactory acoustic outcomes will be required to be demonstrated. The provided Acoustic advice submitted with the application indicated a range of treatment to be appropriate including barriers, awnings, time restrictions, limits on numbers of children. Can be accommodated within detailed design.	Yes Yes Yes Yes Subject to future detail and assessment Future detail
C26 An acoustic report should identify appropriate noise levels for sleeping areas and other non play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations: - on industrial zoned land - where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000 - along a railway or mass transit corridor, as defined by State	Subject to future design detail under separate development application.	Future detail

Criteria	Proposal	Complies
Environmental Planning Policy (Infrastructure) 2007 • on a major or busy road • other land that is impacted by substantial external noise.		
C27 Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.	Addressed above. Location to M2 considered acceptable.	Yes
C28 A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines.	Addressed above. Location to M2 and Talavera Road considered acceptable.	Yes
3.7 Hours of operation		
C29 Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.	The proposed hours of use will be determined in a separate development application.	Future detail
C30 Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.	The proposed hours of use will be determined in a separate development application.	Future detail
3.8 Traffic, parking and pedestrian circulation		
C31 Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.	Parking rates have been assessed in accordance with DCP controls.	Yes
C32 In commercial or industrial zones and mixed use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicle movement or potential conflicts with trucks and large vehicles.	All parking is proposed on site.	Yes
C33 A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates	Traffic study prepared for whole development and is supported by Council's Traffic Engineer.	Yes

Criteria	Proposal	Complies
and demonstrate that: - the amenity of the surrounding area will not be affected - there will be no impacts on the safe operation of the surrounding road network.		
C34 Alternate vehicular access should be provided where child care facilities are on sites fronting: - a classified road - roads which carry freight traffic or transport dangerous goods or hazardous materials. The alternate access must have regard to: - the prevailing traffic conditions - pedestrian and vehicle safety including bicycle movements - the likely impact of the development on traffic.	Parking accessed from Talavera Road, no suitable alternative available. Supported by Councils Traffic Engineer and RMS.	Yes
C35 Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.	Not applicable.	NA
C36 The following design solutions may be incorporated into a development to help provide a safe pedestrian environment: - separate pedestrian access from the car park to the facility - defined pedestrian crossings included within large car parking areas - separate pedestrian and vehicle entries from the street for parents, children and visitors - pedestrian paths that enable two prams to pass each other - delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities - in commercial or industrial zones	Pedestrian access is provided from the street via public corridor to the lobby and lift to the CCC. Access via the car park is provided to the car park side of lift to the CCC. CCC parking area is separate to residential zone, reducing its size. Parking is only shared with visitor and retail parking, which is not considered to be excessive and supported by Council's Traffic Engineer. Vehicle entry provided via driveway, pedestrian entry provided via public corridor. Pedestrian pathway large enough to enable two prams to pass each other. Delivery loading and unloading located at western side boundary away from main pedestrian access.	Yes Yes Yes Yes Yes

Criteria	Proposal	Complies
and mixed use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas	Travel from car parking to lift access to the CCC is separated from truck loading / unloading areas.	Yes
• vehicles can enter and leave the site in a forward direction.	Complies.	Yes
C37 Mixed use developments should include:		
• driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks	Parking for CCC is separate to any parking and manoeuvring used by trucks.	Yes
• drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or manoeuvring areas used by vehicles accessing other parts of the site	Required parking spaces are proposed for the CCC and will be clearly marked.	Yes
• parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility.	CCC parking is grouped together at ground floor and located near to lift access. CCC parking is in proximity to visitor and retail parking. Residential parking is provided separately at levels above.	Yes
C38 Car parking design should:		
• include a child safe fence to separate car parking areas from the building entrance and play areas	Not applicable. Parking and CCC are on different levels.	NA
• provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards	Accessible parking space provided in close proximity to lift providing access to CCC.	Yes
Part 4 – Applying National Regulations to development proposals		
This assessment approves the proposed use for a Child Care Centre on Level 5 within the building. However, it has been conditioned that a future application will be required for fit out and use. Some of the controls below are applicable at this current stage, other will require future application as to be mentioned.		
4.1 Indoor space requirements		
Regulation 107 Education and Care Services National Regulations Every child being educated and cared for within a facility must have a minimum of 3.25m ² of	The proposal has an internal area of 641m ² and proposes 80 children. Based on the National Regulations, 80 children requires an unencumbered indoor space of 260m ² . A future application will be required to ensure	Future detail

Criteria	Proposal	Complies
unencumbered indoor space.	this number can be achieved in conjunction to the required services and amenities. <i>Additional controls outlined in 4.1 to be assessed with future application.</i>	
4.2 Laundry and hygiene facilities <i>Controls outlined in 4.2 to be assessed with future application.</i>		
4.3 Toilet and hygiene facilities <i>Controls outlined in 4.3 to be assessed with future application.</i>		
4.4 Ventilation and natural light <i>Controls outlined in 4.4 to be assessed with future application.</i>		
4.5 Administrative space <i>Controls outlined in 4.5 to be assessed with future application.</i>		
4.6 Nappy change facilities <i>Controls outlined in 4.6 to be assessed with future application.</i>		
4.7 Premises designed to facilitate supervision <i>Controls outlined in 4.7 to be assessed with future application.</i>		
4.8 Emergency and evacuation procedures <i>Controls outlined in 4.8 to be assessed with future application.</i>		
4.9 Outdoor space requirements		
Regulation 108 Education and Care Services National Regulations An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m ² of unencumbered outdoor space.	The proposed development provides an unencumbered outdoor area of 560m ² , accommodating 80 children at 7m ² per child. <i>Additional controls outlined in 4.9 to be assessed with future application.</i>	Future detail
4.10 Natural environment <i>Controls outlined in 4.10 to be assessed with future application.</i>		
4.11 Shade <i>Controls outlined in 4.11 to be assessed with future application.</i>		
4.12 Fencing <i>Controls outlined in 4.12 to be assessed with future application.</i>		
4.13 Soil assessment Addressed elsewhere in this report regarding development overall.		

As mentioned in the Table above, this assessment applies only to the use of a Child Care Centre within the proposed building. As conditioned, a future application will be required which confirmed the internal fitout, capacity numbers, staff ratios and resolve management issues such as noise mitigation and emergency evacuation procedures. Refer to **Condition 2**.

The assessment above demonstrates that location wise the proposed child care centre is suitable and can be managed through mitigation methods to future detail.

8.10 Draft Remediation of Land State Environmental Planning Policy

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

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

The draft SEPP does not seek to change the requirement for consent authorities to consider land contamination in the assessment of development applications. The requirements under SEPP 55 have been addressed earlier in this report. As such, it is considered the requirements of the draft SEPP are adequately considered in the assessment of this proposal.

8.11 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:

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

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

8.10 Ryde Local Environmental Plan 2014

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

Clause 2.3 Zone Objectives and Land Use Table

The land is zoned B4 Mixed Use under Ryde LEP 2014.

The proposal constitutes a mixed use development comprising residential, child care and retail uses. The proposed development is permissible within the B4 zone.

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 B4 zone are as follows:

- *To provide a mixture of compatible land uses.*

- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To ensure employment and educational activities within the Macquarie University campus are integrated with other businesses and activities.
- To promote strong links between Macquarie University and research institutions and businesses within the Macquarie Park corridor.

The subject site forms part of the Macquarie Park corridor under the Ryde DCP 2014. The proposal meets the objectives of the B4 zone by providing a suitable mix of retail floor space, a child care centre and residential units on a site that is located within close proximity to public transport, public open space and community services. The proposed development is consistent with the zone objectives and provides a form of development compatible with the anticipated future character for the locality.

Clause 4.3 Height of Buildings

Clause 4.3(2) states that the height of a building on this site is not to exceed the maximum height shown on the Height of Buildings Map. The map specifies the maximum height for any building on the site as 45m and 90m split across the site as shown at **Figure 20**. Building height is defined in Ryde LEP 2014 as meaning the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

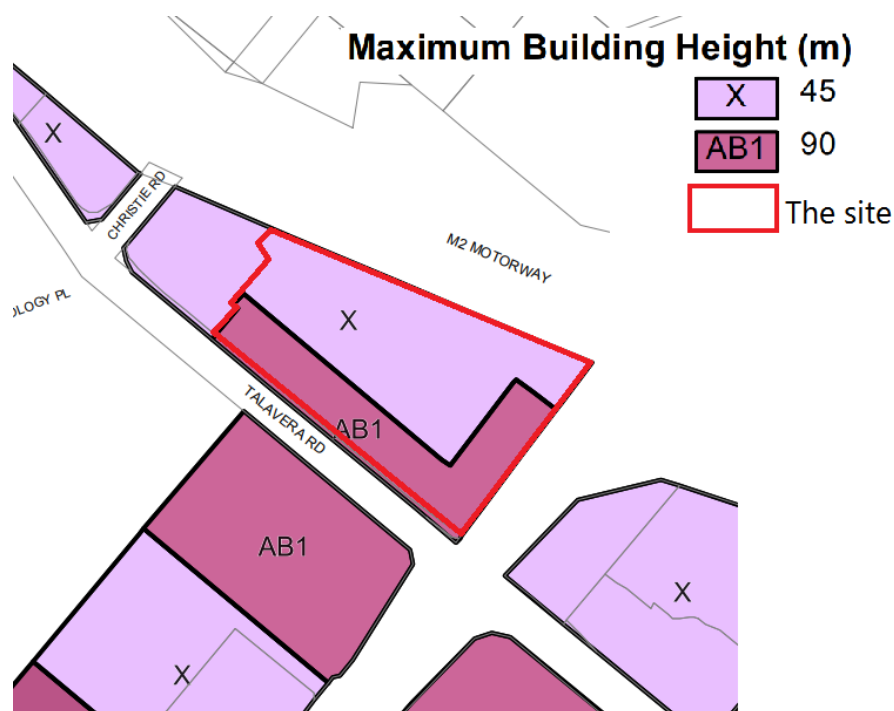


Figure 20. Ryde LEP 2014 height of building map

The proposed development provides heights of up to 21.7m and 88.4m which comply with the LEP standards.

Clause 4.4 Floor Space Ratio

Clause 4.4(2) states the floor space ratio (FSR) of a building is not to exceed the maximum specified on the FSR Map. The FSR Map specifies a maximum FSR of 4.5:1 and 2.9:1 for the site as shown at **Figure 21**.

Table 7 below outlines the FSR calculated across the Stage 1 site (with Part A being the area with an FSR of 4.5:1 and Part B being the portion with an FSR of 2.9:1).

Table 8 identifies the FSR across the entire site (including both Stage 1 and 2). It is noted that existing development across the entire site has been demolished, and any future Stage 2 development will need to consider the entire site for the calculation of FSR across the single lot.

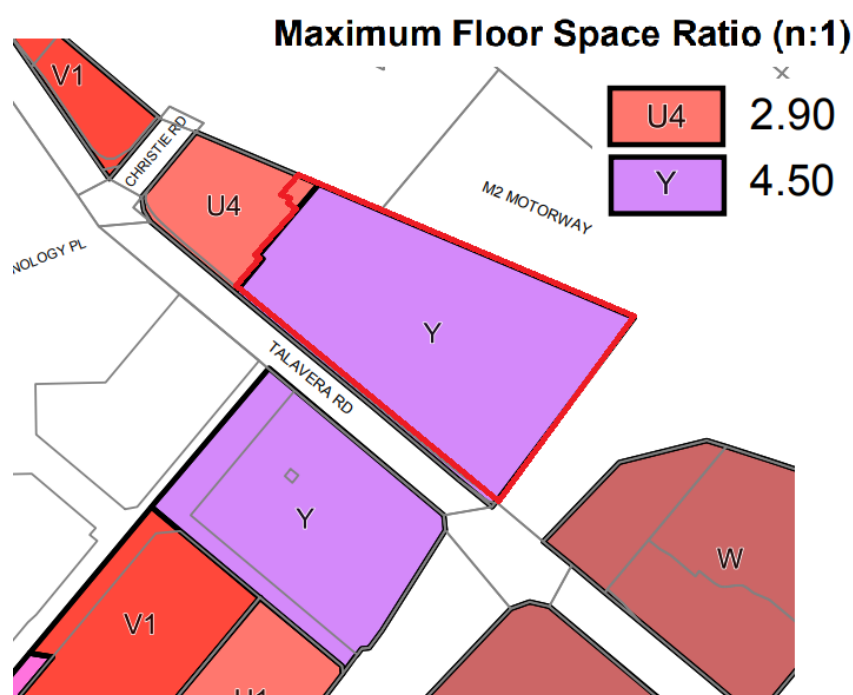


Figure 21. Ryde LEP 2014 height of building map

Table 7: Clause 4.4 FSR calculation – Stage 1 only

Site Part	Area	LEP FSR	LEP GFA	Proposed FSR	Proposed GFA
Part A	5,518sqm	4.5:1	24,831.0 sqm	4.15:1	22,895 sqm
Part B	130sqm	2.9:1	400.2 sqm	Nil	Nil
Totals	5,656sqm		25,231.2 sqm		22,895 sqm

Table 8: Clause 4.4 FSR calculation – Entire site

<i>Site Part</i>	<i>Area</i>	<i>LEP FSR</i>	<i>LEP GFA</i>	<i>Proposed FSR</i>	<i>Proposed GFA</i>
Part A	19,392sqm	4.5:1	87,264.0.0 sqm	1.18:1	22,895 sqm
Part B	130sqm	2.9:1	400.2 sqm	Nil	Nil
Totals	19,522sqm		87,644.2 sqm		22,895 sqm

The proposed development has a GFA of 22,938m² which results in an FSR of 4.15:1 for the Stage 1 portion of the site, and an FSR of 1.18:1 when considered across the entire site. This complies with the maximum FSR for the site under Clause 4.4(A).

Clause 6.3 Flood Planning

The site is subject to an overland flow path, depicted at **Figure 22** below. This flow path travels from upstream properties at Macquarie Park, across the site and the M2, discharging in the Lane Cove National Park. Stormwater flows are ultimately directed into Lane Cove River to the north-west.

The proposed development will result in a new building, with a residential, retail and child care use, as opposed to an industrial/commercial building. The development also results in an increase in pervious area with the central pedestrian corridor proposed, and thus the stormwater runoff generated by the development will be less than the existing scenario on site.

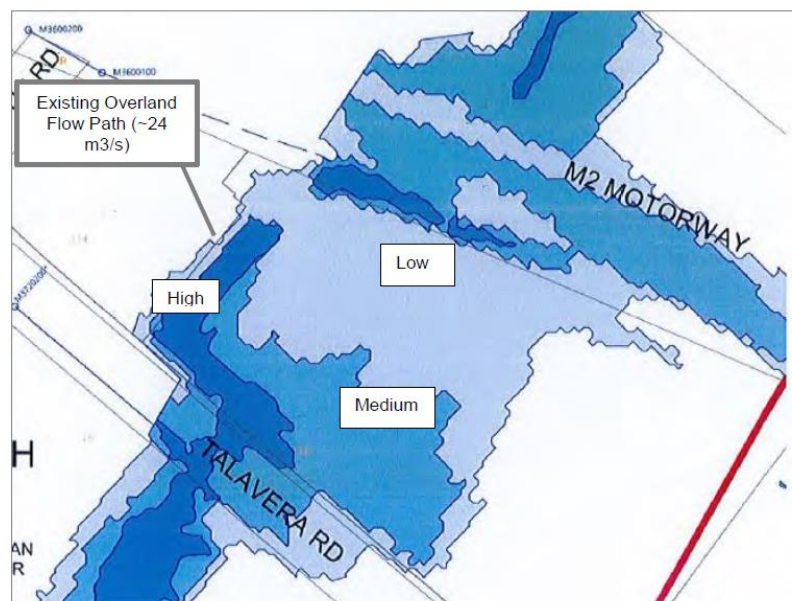


Figure 22. Flood Risk Map (City of Ryde 2017)

Clause 6.3(3) of Ryde LEP 2014 states:

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

(a) is compatible with the flood hazard of the land, and

(b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and

(c) incorporates appropriate measures to manage risk to life from flood, and

(d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and

(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

The proposed stormwater drainage system has been designed to the 20-year ARI storm (excluding existing overland flow path) with all overland flow paths designed to the 100-year ARI storm. The development's stormwater drainage proposes an upgrade to the existing stormwater drainage assets traversing the site and within Talavera Road to cater for the 1% AEP flood event, through:

- *Upgrade and extension of existing headwall on southern side of Talavera Road to cater for;*
- *1 x 3600 x 2100 RCBC from extended headwall to southern kerb line of Talavera Road;*
- *3 x 1800 RCP's within Talavera Road from southern kerb line entering the development site; and*
- *2 x 3000 x 1200 RCBC's extending from southern development boundary and draining to existing stormwater structure located at the north-western corner of the site.*

The submitted Flood Impact Assessment (prepared by Calibre dated 15 May 2019) identifies that *"the proposed works have improvements upstream of the site including improvements to flooding of Talavera Road. The proposed building provide freeboard above the 100 year ARI flood levels and a flood free evacuation route to the M2 overpass"*. Furthermore, the Flood Afflux assessment identifies there *"is an improvement on flood depths from the proposed development, when compared to the existing results"*, and there will be a reduction in flood risk from the existing medium to high risk scenario, to low hazard as a result of the provision for the greater capacity in the trunk drainage system.

Based on the information presented with the development application and the review by Council's City Works (Drainage) Section, it is concluded that the proposed stormwater drainage upgrades will result in a development that

- *is compatible with the flood hazard of the land – with the proposed drainage upgrades resulting in a reduction in the site's flood hazard, and*

- *will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties* – with the proposed drainage solution improving upstream flooding, and
- *incorporates appropriate measures to manage risk to life from flood* – with adequate flood evacuation procedures and design measures incorporated into the development, and
- *will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses* – with the proposed sediment and erosion control measures prepared in accordance with the POEO Act, Council's DCP and the Office of Environment and Heritage's 'Managing Urban Stormwater: Soils and Construction. Landcom, (4th Edition) (The "Blue Book") Volume 1 and Volume 2, and
- *is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding* – with an improved flooding outcome proposed as a result of the development and design measures incorporated into the stormwater drainage system.

Based on the above, the consent authority can be satisfied that the development meets the requirements of Clause 6.3 of Ryde LEP 2014.

The application has been reviewed by Council's City Works (Drainage) section and found to be satisfactory subject to conditions (See **Condition numbers 58 to 60, 117 to 122, 143 to 146, 224 to 240 and 275**).

Other LEP provisions

The table below (**Table 9**) considers other provisions relevant to the evaluation of this proposal:

Table 9: RLEP 2014 Provisions

Provision	Comment
Clause 5.1 Relevant acquisition authority	No part of the site is mapped as being reserved for acquisition for public purposes.
Clause 5.10 Heritage Conservation	The subject site is in proximity to the following item: Macquarie University (ruins) at No. 192 Balaclava Road, Macquarie Park (Item No. 10). Council's Heritage Advisor has confirmed, that the proposed works will not result in any material or visual impacts on the heritage item and the proposal is supported on heritage grounds.
Clause 6.4 Stormwater management	Sufficient information has been provided to determine suitability of the proposed stormwater management for the site in relation to Clause 6.4. The application has been reviewed by Council's Senior Coordinator Development Engineering Services and found to be satisfactory

Provision	Comment
	subject to conditions (See Condition numbers 82, 83, 170, 172, 199 to 203, and 243).
Clause 6.6 Environmental sustainability	The objective of this clause is to ensure that development on land in a business or industrial zone exceeding 1500m² in GFA embraces principles of quality urban design and is consistent with principles of best practice environmentally sensitive design. This clause applies as the site area exceeds 1,500m² and is located in a business zone. The proposed development complies with the requirements of SEPP BASIX, in addition to the retail space capable of complying with the relevant BCA Section J Deemed to Satisfy requirements. The submitted Efficiency and ESD Report prepared by SLR dated June 2018 recommends a number of measures to improve the existing key sustainability elements of the proposal such as water efficient bathroom and kitchen fittings, gas hot water systems, light efficiency measures in the carparks using motion sensors, energy efficient individual reverse cycle 1-phase air-conditioning system and/or Efficient VRV/VRF air conditioning system and electricity sub-metering for significant end uses that will consume more than 10,000 kWh/a. Based on the recommendations of this report it is considered that the proposed development adequately addresses principles of quality urban design and is consistent with principles of best practice environmentally sensitive design in accordance with the objectives of this clause. A condition is recommended requiring compliance with the recommendations of the Report (See Condition 70)

8.11 City of Ryde DCP 2014

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

- Part 3.2 – Child Care Centres
- Part 4.5 – Macquarie Park Corridor
- Part 7.1 - Energy Smart, Water Wise
- Part 7.2 - Waste Minimisation and Management
- Part 8.1 - Construction Activities
- Part 8.2 - Stormwater Management
- Part 8.3 - Driveways
- Part 9.2 - Access for People with Disabilities
- Part 9.3 - Car Parking
- Part 9.5 – Tree Preservation

With regard to Parts 7.1 to 9.2, noting the advice received from the various technical departments within Council and the consideration of issues previously in this report,

sufficient information has been provided to carry out a thorough assessment of these matters and suitable conditions have been included in the consent where required. Parts 3.2, 4.5, 9.3 and 9.5 are considered below.

Part 3.2 – Child Care Centres

A portion of Part 3.2 of Ryde DCP 2014 is applicable to the development. As confirmed by the Child Care Planning Guidelines, the proposed of the Guidelines (as addressed above) will generally take precedence over a DCP, other than building height, side and rear setbacks and car parking.

The relevant provisions are outlined in **Table 10** below:

Table 10: Part 3.2 Child Care Centres

Control	Comment	Compliance
5.1 Car Parking		
<u>All child care centres</u>		
a. All on-site parking areas are to be designed in accordance with Australian Standard AS 2890.1 and AS 2890.2.	Noted	-
b. Off-street parking is to be provided at the rate of 1 space per 8 children, and 1 space per 2 staff. Stack or tandem parking may only be used for staff parking and with no more than 2 spaces in each tandem space.	Proposed 80 children. 1 space per 8 children = 10 spaces Based on the <i>Education and Care Services National Regulations</i>, 'Educator to child ratios', the highest possible amount of educators will result in a childcare centre of 0-2 year olds. With 80 children, 20 educators would be required. 1 space per 2 staff = 10 spaces Total required: 20 spaces Total provided: 20 spaces	Yes
c. Where calculations for car parking result in a fraction, the number is to be rounded up to the nearest whole number.	Noted.	Yes
d. One off-street accessible parking space (3.6 metre width) is to be provided for use by persons using mobility aids (refer Section 5.5 Accessibility). It is to be located close to the continuous path of travel and have a minimum height clearance of 2.5 m.	Provided.	Yes
e. Developments for new centres shall	Noted.	

Control	Comment	Compliance
comply with the access requirements contained within Section 5.5 of this Part, and Part 9.2 of this DCP <u>Work based child care centres, and centres in mixed use facilities</u> i. For child care centres in mixed use developments car parking spaces for drop off/ pick up areas are to be provided in close proximity (a maximum of 30 m distance) to the centre's main entrance and preferably at the same floor levels. To assist accessibility (refer 5.5 Accessibility) and safety considerations. If not at the same floor level, direct access is to be provided which does not require crossing of driveways or manoeuvring areas shared by vehicles accessing other parts of the centre. j. In mixed use developments, the drop off/pickup zones are to be exclusively available for use in conjunction with the child care centre throughout the period of the centre's operating hours. Spaces are to be clearly marked to reflect this requirement. k. Driveway access, manoeuvring areas and parking areas are not to be shared with access, parking, manoeuvring areas used by other uses or truck movements.	Parking is located at Ground Level. Direct lift access from parking to the L5 CCC. No drop off zones provided due to the location of centre at L5. The CCC parking access is shared with main parking entrance at rear. Most traffic (resident) will be ramping up to upper level parking. The Child Care parking area is shared with a limited number of visitor and retail spaces. This arrangement is supported by Council's Traffic Engineer. All truck movements are separate.	Yes NA No, but acceptable

Part 4.5 – Macquarie Park Corridor

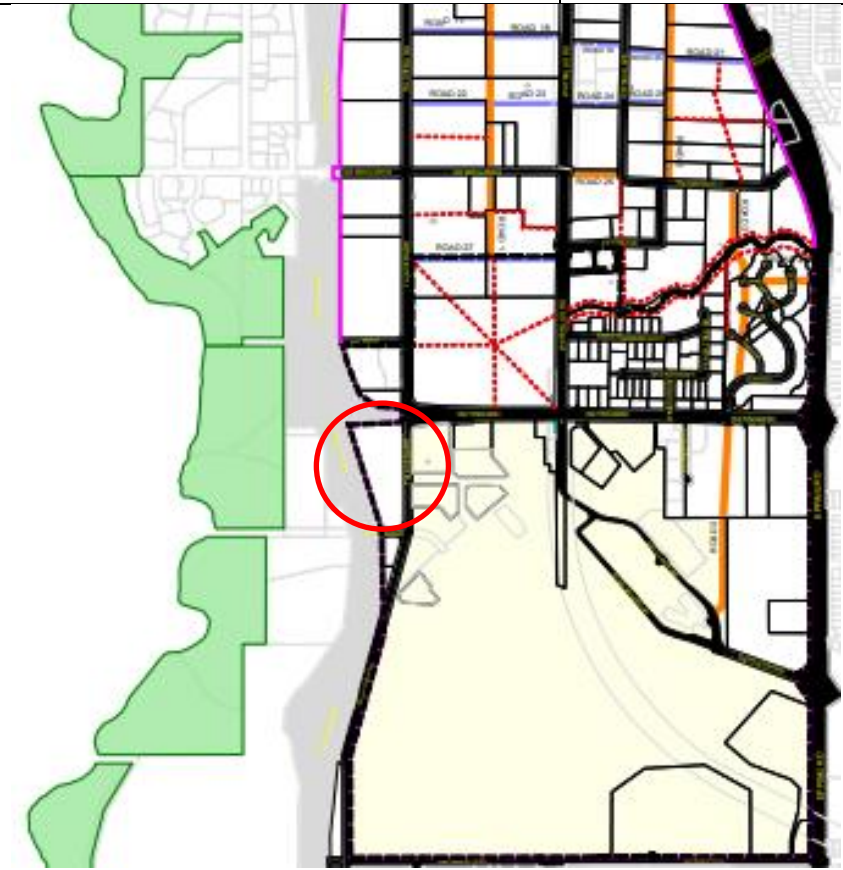
The Urban Structure Plan under the Ryde DCP 2014 states:

Planned residential communities centres on the North Ryde and Macquarie University Rail Stations provide for more than 10,000 new dwellings close to transport, employment and education facilities. Together Herring Road and North Ryde Station UAPs and this DCP provide for new residential development and working communities supported by new infrastructure including new parks, road connections and community facilities.

The development is considered to respond to this vision through the provision of additional housing within close proximity of transport, education and employment education facilities.

Part 4.5 of Ryde DCP 2014 is the primary DCP applicable to development within the Macquarie Park Corridor. The relevant provisions of the DCP are outlined in **Table 11** below:

Table 11: Part 4.5 Macquarie Park Corridor

Control	Comment	Compliance
4.0 Access Network		
a. Provide new public streets and pedestrian connections in accordance with Figure 4.1.1 Access Network.	There are no new public streets or pedestrian connections required for the site (see Figure 23).	NA
 Figure 23 Extract from Figure 4.1.1 showing the proposed road and pedestrian network		
4.4 Sustainable Transport		
<u>Travel Plans</u> 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. For all development (including residential development) the FTP must: i. Adopt strategies and procedures to meet a 40% public transport/ 60% private transport target for the development for journey-to-work trips, to minimise drive-alone vehicle trips and to encourage transport choice to	The applicant has provided a draft FTP which shows that the proposal is capable of providing measures to promote and maximise the use of sustainable travel modes, including walking, cycling, public transport and car sharing. A condition of consent will be required to ensure a finalised Framework Travel Plan is	Yes, by condition

Control	Comment	Compliance
and within the Macquarie Park Corridor. ii. Demonstrate how on-site parking provision and built form design will contribute to the Framework Travel Plan and assist meet the 40% public transport/60% private transport target for the development for the journey-to-work. iii. Demonstrate infrastructure connections to the nearby footpath, bicycle and public transport networks including through site links where required iv. Provide, to council satisfaction, supportive infrastructure for: - Public transport passengers (bus shelters and passenger waiting areas) to be provided where a new public bus stop or service is required to service the additional demand from the development or meet relevant mode share targets for the development. Note: This infrastructure may be provided either within the development site or, subject to consultation with Council, within the adjoining public domain area. - Taxi drop-off areas or parking (as appropriate) and carpooling and carshare dedicated parking in publicly accessible locations, within the development site. The number of dedicated parking spaces provided must support relevant mode share targets for the development. Carshare parking requirements are detailed in Clause 4.4.i below. - Walking and cycling (lockers and end of trip facilities). - Walking and cycling (lockers and end of trip facilities). <u>Parking Rates</u> f. Bicycle parking and end of trip facilities are to be provided in accordance with Ryde DCP Part 9.3 Parking. g. Parking is to be provided in accordance with DCP Part 9.3 Parking Controls. Note: Development approval will be conditioned to require that the proponent demonstrate that an agreement with a car-share provider is executed prior to the issue of any Occupation Certificate (including an "Interim" Occupation Certificate) <u>Car Share Parking</u>	submitted prior to the issue of any Occupation Certificate. This will enable a detailed plan to be submitted that addresses the individual tenant needs as well as the DCP requirements. See Condition 197. 10% of car spaces to be provided as bicycle spaces. 242 car spaces proposed, 24 bicycle spaces proposed. Parking has been provided in accordance with DCP controls. See <i>Discussion of Control</i> in this report. Accessible at all times. Located together. Located at rear of site, accessible from neighbouring sites via rear access handle. By condition. By condition.	Yes Yes Yes Yes Yes

Control	Comment	Compliance
h. All parking spaces for car share schemes are to be: i. Publicly accessible 24 hours a day seven days per week ii. Located together in the most convenient locations iii. Located near and with access from a public road and integrated with the streetscape through appropriate landscaping where the space is external iv. Designated for use only by car share vehicles by signage v. Parking spaces for car share schemes located on private land are to be retained as common property by the Owners Corporation of the site		Yes Yes
5.0 Public Domain		
5.10 Art in publicly accessible places		
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 \$1,500,000. b. Art must be located within the site so as to be publicly accessible i.e. viewed or experienced from publicly accessible places. c. A site specific Arts Plan is to be submitted together with the development application. The Arts Plan will include: 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: - 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 Note: Four creeks traversed the Macquarie Park Corridor. These were Industrial Creek, Porters Creek, Shrimptons Creek and University Creek. For the most part they have been piped and are not now visible. iii. Concept drawing and descriptions of proposed art works including: - Proposed location - Whether or not the artwork is	Public Art Plan has been submitted with the application and identifies the site as a suitable location for public art. The plan assesses a broad range of public art opportunities for the site in terms of potential locations and formats, and themes and opportunities for integration with architecture and landscape design. The Plan provides a direction for dialogue with Council and the project team during design development phase for the project and by way of imposing a condition, the Application will be required to provide a detailed Art Plan prior to the issue of the relevant Construction Certificate. See Condition 71 and 186.	Yes, by condition

Control	Comment	Compliance						
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 iv. Implementation (detailing at what stage the artwork will be implemented etc) v. Preliminary construction details with particular emphasis on public safety considerations								
7.0 Built Form								
7.4 setbacks and build-to lines Minimum setbacks and build-to lines must be provided as shown Figure 7.3.2 Active Frontage and Setback Control Drawing as follows: <table><tr><th>Frontage</th><th>Setback</th></tr><tr><td>Talavera Road</td><td>10m</td></tr><tr><td>M2</td><td>10m green setback</td></tr></table> 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.	Frontage	Setback	Talavera Road	10m	M2	10m green setback	11m front setback to Talavera Road. 10.9m rear setback to M2 Motorway. Front setback area is 921.4m² (60% = 552.8m²). Proposed 415.8m² (75%) The two existing trees and an additional 9 trees are proposed within the site frontage landscape strip. The numerical shortfall is a result of the parallel circulation road located below street level (ie. not visible) and is offset by the positive contribution provided by the public corridor along the eastern side of the site which will connect Talavera Road with the site and will capitalise on the presentation to the street, particularly at the intersection of Herring and Talavera Roads as encouraged by the objectives of the control to “enhance the existing character of the streets within the Corridor” and “increase pedestrian amenity”. No at grade parking is proposed within the setback.	Yes Yes No - considered acceptable
Frontage	Setback							
Talavera Road	10m							
M2	10m green setback							
7.6 Rear and side setbacks 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.	Proposal is setback to northern rear boundary (M2 tollway) by 10.9m.	Yes						
7.7 Building separation								

Control	Comment	Compliance
Provide building separation as per SEPP 65 - Design Quality of Residential Apartment Development requirements.	See discussion under SEPP 65 (ADG)	Minor variation supported
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.	The proposed development exceeds 2000m ² above 8 storeys. It is considered to be acceptable in its design as outlined by the UDRP.	Yes
b. Buildings are to address the street, and are to have a street address.	The proposal addresses the Talavera Road through habitable dwellings and retail units.	Yes
c. Facade design is to:	Proposal incorporates balconies and protruding floor slabs as sun shading devices and controls.	Yes
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.	A detailed in the SEPP 65 statement articulation and façade treatment have been strongly developed. Vertical fins have been introduced to break down the massing of the proposed apartment blocks into several slender elements to achieve an appropriate overall proportion. The colour choices utilise light colour framings with dark colour underlay to create strong contrast and to sculpt the building, giving a sense of depth to the façade presentation.	
iii. Express corner street locations by giving visual prominence to parts of the façade (eg a change in building articulation, material or colour, or roof expression).		
iv. Integrate and co-ordinate building services such as roof plant, parking and mechanical ventilation with the overall façade and building design, and be screened from view.		
v. Roof forms, building services and screening elements are to occur within the overall height controls. Refer to Ryde LEP 2014 for height controls.		
vi. Ventilation louvres and car park entry doors are to be coordinated with the overall façade design.		
d. The distance of any point on a habited floor from a source of natural daylight should not exceed 12m (	Council's Urban Design Review Panel raised no issues in respect of the building facades and articulation.	Yes
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.	Suitable depths proposed. Above ground parking has a floor to ceiling height of >2.8m on all floors.	Yes
8.0 Site Planning and Staging		
8.2 Site Coverage, Deep soil Areas and Private Open space		

Control	Comment	Compliance
A minimum of 20% of a site must be provided as deep soil.	1,695m ² = 23%	Yes
A minimum of 20% of the site area must be provided as Landscape Area.	2,109m ² = 28.6% (includes elevated communal open space in accordance with definition).	Yes
8.3 Planting on structures a. Provide optimum conditions for plant growth by providing appropriate irrigation and drainage methods. b. Design planters to provide the largest possible volume of soil. i. Large trees (canopy diameter up to 16 m at maturity)	Planting is proposed on Level 5 CCC outdoor play area and Level 6 Podium COS. Planting on structures has been assessed by Councils Landscape Architect and is considered acceptable, subject to a revised Landscape Plan prior to Construction Certificate that requires (amongst other things) sections and soil volumes and verification by the Structural Engineer that the building can take the requisite soil loads to accommodate the upper level planting.	By condition (see condition 100)
8.4 Topography and building interface a. Level changes across sites are to be resolved within the building footprint. 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. ii. Where buildings are set back from the street boundary, entries are to be provided at street level wherever possible. b. An accessible path of travel is to be provided from the street through the main entry door of all buildings. i. Where necessary, stairs and ramps are to be integrated with the landscape design of front setbacks. c. Natural ground level is to be retained for a zone of 4 m from the side and rear property boundaries. Retaining walls, cut and fill are not permitted within this zone. d. The maximum height of retaining walls	Topography of the site has been appropriately resolved within building footprint. Not applicable. Entry to proposed building through lobby via street level. Accessible path of travel provided via public corridor to main lobby of building. Ramps and stairs integrated successfully. Ground levels are retained close to existing along site boundaries. No retaining walls within these	Yes Yes Yes Yes Yes Yes

Control	Comment	Compliance
within the front, side and rear setbacks is not to exceed 1.2 m. e. Publicly accessible open spaces under private ownership (courtyards, forecourts) must be provided at footpath level. Where level changes cannot be avoided due to topography, the finished level of the open space must not exceed 1.2 m above footpath level.	areas. Public corridor is provided at close to footpath level with a gradual fall along the corridor.	Yes
8.5 Site facilities Commercial a. Vehicular access to loading facilities is to be provided from secondary and tertiary streets where possible. b. Rubbish and recycling areas must be provided in accordance with Section 6.3 Waste Management. These areas must: i. be integrated with the development; ii. minimise the visibility of these facilities from the street; and iii. be located away from openable windows to habitable rooms. c. Barrier free access is to be provided to all shared facilities. Residential d. Provide either communal or individual laundry facilities to each dwelling, and at least one external clothes drying area. The public visibility of this area should be minimised. Clothes drying is only permitted on balconies that are permanently screened from view from the public domain. e. Provide storage to dwellings in accordance with SEPP 65 requirements. f. Lockable mail boxes are to be provided in a location visible from the public domain. Mailboxes are to be integrated with the design of building entries and to Australia Post standards.	Provided from Talavera Road from parallel circulation road. No objection is raised to the proposed waste provisions by Council's Waste Officer in terms of location, capacity and access. Each dwelling contains a laundry facility capable of accommodating a clothes dryer. The Body Corporate Management will enforce rules/policies for clothes drying on balconies. Complies A mailroom is provided at the lobby level.	Yes Yes Acceptable Yes Yes
8.6 Vehicular access a. Vehicular access is not permitted along streets identified as 'Active Frontages' (refer to Section 7.3 Active Frontages). b. Where practicable, vehicle access is to be from secondary streets. c. Potential pedestrian/vehicle conflict is to be minimised by:	No Active Frontages to subject site. Not applicable. One vehicular entry point provided from Talavera Road,	N/A N/A Yes

Control	Comment	Compliance
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	and is distinguished from the pedestrian access way.	
d. The appearance of car parking and service vehicle entries is to be improved by: i. locating or screening garbage collection, loading and servicing areas visually away from the street	All services, garage and loading are located behind the front building façade and away from Talavera Road.	Yes
ii. setting back or recessing car park entries from the main façade line	Vehicular access from Talavera Road. Driveway screened by vegetation and level change and leads to parking setback behind main building façade.	Yes
iii. avoiding black holes in the façade by providing security doors to car park entries	No 'black holes' proposed in front façade.	Yes
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.	Car park not visible from front façade.	Yes
8.7 On-site parking		
a. Safe and secure 24-hour access to car parking areas is to be provided for building users.	Parking within the building is secure and available 24/7.	Yes
At-grade parking	No parking is provided at the front setback.	No - considered acceptable
b. Parking areas must not be located within the front, side, or rear setbacks.	Visitor parking and loading area provided at western side setback, no impact considered to be created. Parking provided in rear setback, no impact considered due to M2 motorway location. 1 space is required to be removed by condition to ensure tree retention (T12) and treatment of these spaces are to be constructed of permeable paving to reduce the impact of the car parking spaces on the existing trees. Refer to Condition 100.	
c. Parking areas are to be screened from view from the street, public domain and communal open space areas, using site planning and appropriate screen planting or structures.	Vegetation planting and screening proposed at front boundary and parking located behind front façade to mitigate visual impact from public domain.	Yes

Control	Comment	Compliance
Parking in structures l. Along all street frontages, above ground parking levels are to be laminated with another use for a minimum depth of 10 m, e.g. building entry lobbies, retail tenancies, commercial floor space.	Above ground parking structure covered by residential apartments and retail tenancies >10m of depth.	Yes
8.8 Fencing a. Fencing is not permitted on the perimeter boundary of sites. Security should be provided within buildings.	Not proposed.	Yes
9.0 Environmental Performance		
9.1 Wind impact 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. 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.	The applicant has submitted a detailed Wind Assessment Report by SLR. This report has found that wind impact of the proposed development on surrounding areas has been found to be moderate and manageable. The report has provided wind mitigation measures in relation to the main entry area, areas between the building and No. 118 (Fujitsu Building), Podium Levels 5 (CCC) and Level 6 (COS) A condition will be imposed in response to the Wind Assessment Report to require compliance with the recommendations of the report (See Condition 69).	Yes
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 exception of applications minor building alterations.	The Applicant has submitted an Acoustic Report prepared by Acoustic Logic and follow up advice. The car park is located on the same levels as the residents and could potentially be an issue for noise in the future, however the report has placed some recommendation for this. The report confirms, the development is capable of compliance with State of Environment Planning Policy (Infrastructure), Ryde Council DCP, EPA Noise Policy for Industry and the Protection of	

Control	Comment	Compliance
	the Environmental Operation Act Regulation, if the recommendations are followed. These recommendations will be included in the consent condition. See Condition 68. The uses of the retail spaces at this time are not known. To ensure the retail uses will not affect the amenity of the residential apartment, it will be necessary to include conditions to limit the hours of operation and timing of service deliveries. See Condition 250. Regarding the CCC, indicative recommendations have been provided, however a detailed acoustic report will be required to accompany a future application for detailed design.	
9.3 Bushfire management a. A Bushfire Threat Assessment report, prepared by a suitably qualified bush fire consultant, must form part of all development applications for lands identified as 'fire prone' on the Bush Lands Maps. This assessment is to be prepared in accordance with the Planning for Bushfire Protection Guidelines, prepared by the Rural Fire Service.	A Bushfire Assessment Report has been submitted with the application. The site is in Bushfire Prone land and proposes construction of a child care centre which is a Special Fire Protection Purpose (SFPP) development. Accordingly a Bush Fire Safety Authority (BFSA) has been provided from the NSW Rural Fire Service (NSW RFS) under section 100B of the Rural Fires Act 1997. See Conditions 51 – 54.	Yes
9.4 Soil management Development is to be designed and constructed to integrate with the natural topography of the site to minimise the need for excessive sediment disturbance and prevent soil loss. 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.	Soil management and sediment control measures are included in the civil plans. Appropriate conditions of consent have been imposed to require the management of sediment and polluted water. See Conditions 83, 150, 153, 171 and 203(e).	Yes

Discussion on Ryde DCP 2014 Controls

Chapter 9.3 – Parking Controls

The resident parking requirements under Part 9.3 of the Ryde DCP 2014 are:

- Maximum 0.6 space / one bedroom dwelling
- Maximum 0.9 spaces / two bedroom dwelling
- Maximum 1.4 spaces / three bedroom dwelling
- Maximum 1 visitor space / 10 dwellings
- 1 car share space per 50 proposed parking spaces

The non-residential parking requirements under Part 9.3 of the Ryde DCP 2014 are:

- Child care centres – 1 per 8 children and 1 per 2 employees
- Retail 1 spaces per 25m²

The development provides the following parking provision:

Table 12: Parking Compliance

Type	Number of units/area	Required (Max)	Provided	Compliance
1 bedroom	47	0.6 spaces = 28.2	195	Yes
2 bedroom	108	0.9 spaces = 97.2		
3 bedroom	61	1.4 spaces = 85.4		
Visitor	216	1 per 10 units = 21.6	19 (incl. 2 accessible)	No
Car share	-	1 per 50 spaces = 5	4	No
Sub-total		238	219	Yes
Retail	243m ²	1 space per 25m ² = 10	3	No
Child Care Centre	Max. 80 children Based on 1:4 educator: child ratio (highest)	1 space per 8 children = 10 1 space per 2 employees = 10	20	Yes
Total		268	242	Yes
Motorcycle	-	-	9	-
Bicycle		10% of provided parking = 24	24	Yes

Parking assessment:

Council's Senior Coordinator Development Engineering has reviewed the parking provisions and found the final numbers to be acceptable. The proposed development does not exceed the maximum permitted residential rates and complies with the child care centre rates.

With respect to the retail component the initial review identified that the provision of resident visitor parking and retail parking would present an oversupply of parking on the site. In response, the applicant has reduced the extent of external parking and presents that as the resident visitor and retail parking mostly have peak demand periods contrary to the other, would suit shared use of these spaces. As such that the applicant has proposed only 3 spaces for retail use (incorrectly derived from the commercial rate of 1 space per 100m²) despite the correct retail parking rate (as per the DCP at 1 space per 25m²) warranting 11 (10.44) parking spaces. It is considered appropriate having a pool of parking spaces (19 visitor plus 3 retail) servicing both the retail and visitor parking demands and that the nominated 3 retail parking spaces be allocated to retail staff only.

The applicants presented parking capacity in the Traffic Report does not correlate with the level of parking shown on the most recent architectural plans, which the above comments are based upon. Accordingly the condition concerning allocation of parking reference the approved architectural plans and any changes to parking warranted by conditions, in lieu of specifying parking numbers.

It is also noted that in order to retain Tree 12 at the rear of the property, it was agreed between Council's Landscape Architect and Development Engineer that Car share space 04 could be deleted, leaving the total provision at 4 care share spaces.

Part 9.5 – Tree Preservation

The proposal includes the retention of eleven (11) trees across the (Stage 1) site. The development (the subject of this application) will require the removal of five (5) trees as outlined below in **Table 13** (as categorised in the *Arboricultural Impact Assessment Report*, prepared by Jacksons Nature Works dated 12 March 2018 submitted with the application):

Table 13: Trees to be removed

Tree No	Botanical Name	Common name
4	<i>Dead Tree</i>	Dead
7	<i>Casuarina glauca</i>	Swamp She-Oak
13	<i>Cupaniopsis anacardioides</i>	Tuckeroo
14	<i>Cupaniopsis anacardioides</i>	Tuckeroo
15	<i>Cupaniopsis anacardioides</i>	Tuckeroo

The trees to be removed are within the location of the building footprint and paved areas as shown at **Figure 24**. These trees (with the exception of Tree 4) are mature trees with heights between 4m and 9m and good vitality and a ULE rating of 2a and 2b, meaning 'Trees that may only live between 15 and 40 more years', and 'Trees that could live more than 40 years but may be removed for safety or nuisance reasons' respectively'. Council's Landscape Architect has not objected to the removal of these trees.

It is noted that the application also sought the removal of Tree 12 (shown at **Figure 24**), being a *Eucalyptus microcorys* (Tallowood) in order to pave the area for the purpose of a car share space. This is a 14m tree with good vitality and a life expectancy of 15 to 40 years. As the parking provision is a maximum amount within

Macquarie Park, Council's Landscape Architect and Senior Coordinator Development Engineering Services have advised that the removal of parking space 4 and the retention of Tree 12 is possible and supported. Council's Landscape Architect has recommended conditions to this effect on the draft consent (**Condition 100**).

Conditions of consent are also recommended to ensure the trees to be retained are protected in accordance with industry standards (**Condition 126 to 130 and 157**).

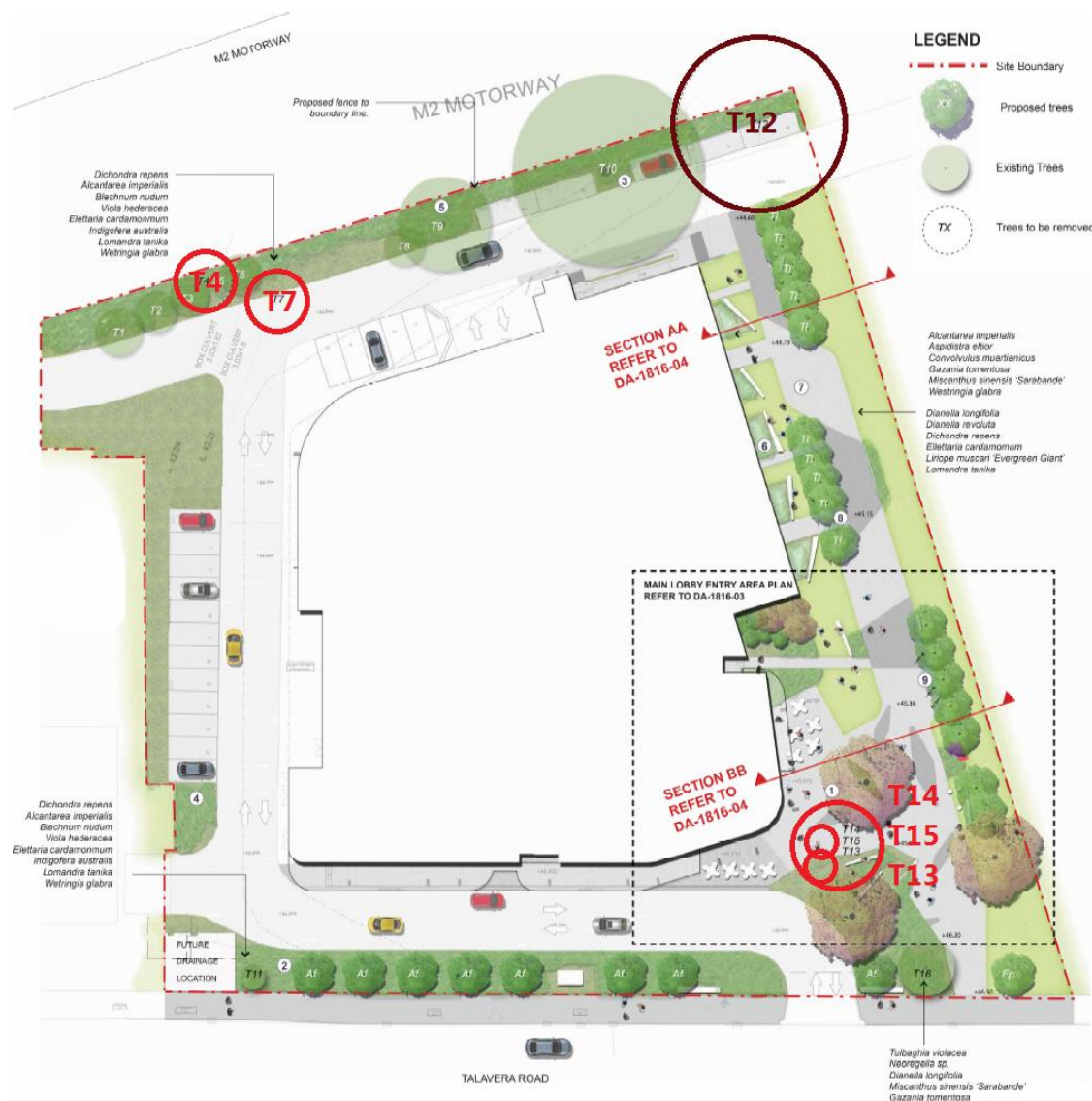


Figure 24. Landscape Plan indicating trees to be removed (in red)

9. SECTION 7.11 CONTRIBUTIONS

Section 7.11 Development Contributions Plan 2007 (Interim Update 2014)

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

Accordingly the contribution is based on the additional floor space there is in the

development proposal. The contribution that are payable with respect to the increased density on the subject site are as follows:

A Contribution Type	B Contribution Amount
Community and Cultural Facilities	\$621,335.23
Open Space and Recreation Facilities	\$2,472,136.24
Civic and Urban Improvements	\$322,979.11
Roads and Traffic Management Facilities	\$351,759.40
Cycleways	\$44,654.51
Stormwater Management Facilities	\$40,139.16
Plan Administration	\$12,038.21
Total Contribution	\$3,865,041.86

A condition on the payment of a total contributions amount of **\$3,865,041.86** has been included on the draft notice of determination attached to this report (See **Condition 61**).

10. REFERRALS

The following table (**Table 14**) provides a summary of internal and external referrals undertaken for this application:

Table 14: Referrals

Referral	Comment
Internal	
Heritage Advisor	No objection has been raised to the development.
Environmental Health Officer	No objection has been raised to the development subject to appropriate conditions of consent. (See Condition numbers 29 to 50, 87 to 97, 104, 159 to 166, 184 -185, and 255 to 271).
Development Engineer	No objection has been raised to the development subject to appropriate conditions of consent. (See Condition numbers 25 to 27, 81 to 83, 132 - 133, 168 to 171, 198 to 203, 242 to 244).
City Works (Drainage)	No objection has been raised to the development subject to appropriate conditions of consent. (See Condition numbers 58 to 60, 117 to 122, 143 to 146, 188, 224 to 240 and 288).

Referral	Comment
City Works (Traffic)	No objection has been raised to the development subject to appropriate conditions of consent. (See Condition numbers 57, 115 – 116, 141 - 142, 175 and 222 – 223).
City Works (Public Domain)	No objection has been raised to the development subject to appropriate conditions of consent. (See Condition numbers 25 – 26, 55 – 56, 81 to 86, 105 to 114, 134 to 140, 174, and 208 to 221).
City Works (Waste)	No objection has been raised to the development subject to appropriate conditions of consent. (See Condition numbers 101 to 104, 172 -173, 204 to 207, 271 to 273).
Landscape Architect	No objection has been raised to the development subject to appropriate conditions of consent. (See Condition numbers 100, 126 to 131, 155 to 158, and 178).
S7.11 Contributions	Condition Imposed (See Condition number 61)
External	
Roads and Maritime Services (RMS)	Concurrence provided subject to appropriate conditions of consent. (See Condition numbers 8 to 10 and 98).
Rural Fire Service (RFS)	No objection has been raised. General Terms of Approval and Bushfire Safety Authority have been issued. (See Condition numbers 51 – 54).
NSW Police	No objection has been raised to the development subject to appropriate conditions of consent. (See Condition numbers 99 and 189 to 195).

11. LIKELY IMPACTS OF THE DEVELOPMENT

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

Traffic

The proposed development can accommodate sufficient parking within the site for the proposed mix of uses including retail, child care and residential uses. The proposed access and egress points for the site are found to be acceptable. Council review of the vehicle access and parking area have been concluded to comply with AS 2890.1.

Turning paths for waste collection demonstrate that the design vehicles can be accommodated within the proposed loading facilities. In terms of the road circulation, turning paths have clarified that a WCV/9m truck and B99 car can pass each other on the straight section of the service road. On the external bends/intersections between buildings there are conflict points and either oncoming vehicle would need to give way but there are adequate stopping sight distances provided. This proposed arrangement is considered acceptable.

Council's Traffic Engineers have reviewed the proposed traffic generation on the site and provided the following comments:

“As this application is seeking approval for Stage 1 only, the traffic implication assessment of the overall development has not been assessed.

Traffic report adopted the following traffic generation rate (AM/PM) in relates to the proposed uses:

- *Residential – 0.19 (AM)/0.15 (PM) trips/hour per unit*
- *Retail – 0.5 (AM)/1 (PM) trips/hour per car space*
- *Childcare Centre – 0.6 (AM)/0.54 (PM) trips/hour per child*
 - *The childcare trip generation rates are reduced by 25%*

With the assumption that the trip generated by the residential component is tidal with outbound being the dominant movement (80%) in AM peak and vice versa while the trip generated by retail and childcare centre will be 50%/50% (AM/PM), the inbound and outbound trips of the proposed development and the change in trip generation can be calculated as shown below. The existing trip generation data presented in the Traffic report Table 2 contains weekday AM and PM peak.

Traffic Generation					
Inbound	AM	PM	Outbound	AM	PM
Residential	34	7	Residential	9	27
Retail	1	2	Retail	1	2
Childcare	24	22	Childcare	24	22
Proposed	59	31	Proposed	34	51
Existing	137	58	Existing	50	162
Difference	-78	-27	Difference	-16	-111

As shown in the table above, the proposed Stage 1 AM/PM weekday trips are less than the existing site trips. Consequently there are no adverse traffic impacts”.

Based on the above, it is considered the traffic generation associated with the development will not have detrimental impacts on the surrounding road networks.

RMS have also provided concurrence to the proposed development.

Privacy

The proposal as detailed includes retail, child care and residential uses within a mixed use development. The residential component has been assessed against the visual privacy provisions under the ADG and found to be acceptable, noting a minor internal separation shortfall for which privacy impacts are minor and can be easily mitigated. The development is adequately sited to ensure appropriate relationship with existing commercial development to the west and future development to the east.

The child care centre is located at Level 5 which also includes residential units however there is found to be acceptable separation through design treatment (ie solid walls and limited shared access) and opposing orientation. The outdoor play area to the centre is located within the northern corner at this Level with good separation from the residential uses at this level.

The residential communal open space (COS) is located at Level 6 which is set in from the level below. As detailed in this report, the landscape planter treatment provided will preclude trafficable use of one side of the COS, however it is critical to the privacy of the child care play area that this treatment be extended along both edges to the COS to ensure the non-traffic zone is maintained to the entire edge of the COS. This will be enforced through conditions of consent. See **Condition 1(c)**.

The residential levels within the south-western tower element above have outlook immediately to the COS area and are setback from the northern located outdoor child area space. The units within the lower eastern wing are oriented to the public corridor.

The privacy resolution of the development is considered to be acceptable in light of the mixed use / high density zoning.

Overshadowing and solar access

The proposal is accompanied by detailed sun eye and solar diagrams, along with solar analysis. At Council's request, further analysis by way of solar diagrams have been provided level by level to demonstrate sun penetration into each residential level. The proposal results in 151 (70%) units receiving 2 hours of solar access (this includes 2 units through skylight treatment – Level 26, representing only 1% of the total residential units) and 29 (13%) of units receiving no solar access during mid-winter. The eastern side of the tower form has been “chamfered” to ensure the maximum number of units not receiving solar access do not exceed 15%.

Solar access to the communal open space located at Level 6 is located to the north of the tower element and as demonstrated by the sun eye diagrams benefit from solar access all day between 9am and 3pm in mid-winter.

Noise Impacts

Consideration has been given to the potential noise impacts resulting from the site location adjoining Talavera Road and M2 Motorway. The accompanying Acoustic Report has conducted an external noise intrusion assessment, primarily related to traffic noise and provided acoustic treatment to ensure future occupants will have acceptable amenity. The noise emission criteria for the development site have been determined based on the site noise logging and NSW EPA Noise Policy for Industry and POEO Act Regulation.

Internal requirements are for residential spaces and are measured internally with windows closed. Given the site location it is recognised that internal levels cannot be achieved with windows open. It is required that an alternative outside air supply system or air-conditioning be installed in accordance with AS1668.2.

Proposed mitigation measures provided within the Acoustic Report will be required through consent conditions, to achieve the necessary guidelines identified within SEPP (Infrastructure) and a suitable noise environment for future occupants.

In terms of the future child care centre operation, the acoustic assessment provides indicative treatments, noting further acoustic advice and mitigation measures are necessary. Given the relatively high ambient noise environment at apartments in proximity to the child care centre, compliance can be achieved through the use of treatments or a combination of treatments (barriers, awnings, time restrictions, limits on numbers of children).

Council's Environmental Health Officer has raised no objections to the proposal subject to the imposition of conditions in line with the recommendations of the submitted Acoustic Report. (See **Condition 68 and 187**).

12. SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The proposed development is considered suitable for the subject site with respect to the B4 – Mixed Use zoning under Ryde LEP 2014 and the associated planning controls.

The development predominantly complies with the planning controls identified under the various planning instruments, and is considered suitable for the site.

13. THE PUBLIC INTEREST

The development is considered to be in the public interest as it is consistent with the relevant planning controls and allows the redevelopment of the site as anticipated by relevant controls. Subject to conditions, assessment of this application has not identified any significant compliance issues, unresolved matters or amenity impacts for adjoining development.

14. PUBLIC NOTIFICATION AND SUBMISSIONS

The proposal was notified and advertised in accordance with Part 2.1 (Notification of Development Applications) of Ryde DCP 2014. The exhibition period was from 19 July 2018 to 23 August 2018. 121 submissions (including over 85 pro formas) were received objecting to, or commenting on, the proposal.

It is important to highlight that considerable public interest has been given to this application in light of the pending Planning Proposal (discussed earlier in this report) that relates to Stage 2 development at the site. As discussed, the subject application does not rely on the uplift to FSR and height sought under the Planning Proposal and has been designed to accord with the existing suite of controls applicable to the site.

Comments are however provided (**Table 15**) in relation to the following matters:

Table 15: Submissions

Objection	Response
The proposal will result in an increase in traffic congestion and parking shortages.	The proposal has been reviewed in detail by Council's Traffic Engineer and Development Engineer in terms of traffic, access and parking implications and has been found to be satisfactory with the overall traffic generation of the development resulting in no adverse traffic impacts. RMS have also raised no objection to the development.
There is insufficient infrastructure for the increased population that will result from the proposal.	The proposal is subject to S7.11 Contributions. Section 7.11 enables Councils to levy contributions for public amenities and services as a consequence of development. These contributions are imposed commensurate to the scale of development. The development is consistent with the LEP controls in respect to height and floor space.

Objection	Response
Will set a precedent for approval of the 60 storey tower on the site	The proposed height of the building proposed under this DA is permissible under the current LEP controls. Further uplift in relation to Stage 2 relies on the pending Planning Proposal the outcome for which remains uncertain. In the event Stage 2 is developed without the uplift sought under the Planning Proposal, redevelopment of the site would be subject to existing controls applicable to the site.
Overdevelopment is excessive	The proposal provides gross floor area consistent with the maximum areas permitted at the site. The proposal is supported by the UDRP as an acceptable overall form and scale and recognises that the site is suitable for an intense level of development given the proximity to transport infrastructure and within the mixed use zone. In terms of bulk and scale, the proposed development is a suitable response to the site and applicable controls and is not considered an overdevelopment within the locality.
Stage 1 seeks concessions with respect to setbacks and deep soil zones	The development (as amended) complies with the requisite deep soil and setback controls.
Approval of this stage would set troubling precedent that will serve as a gateway to the approval of the monstrous 60 storey Stage 2.	Approval of the Stage 1 DA which complies with the existing Ryde LEP planning controls, in no way precedes the approval of the Planning Proposal on Stage 2 or requires any form of development on the Stage 2 land. The assessment of the Planning Proposal is a separate assessment process, which is not impacted by this application.
Will set a precedent for future developments of similar bulk and density at other sites within Ryde.	The proposal complies with the current planning controls for the site. There is no precedent to be set.
Suggestions that concessions are being made for developers which in turn is changing the amenity of the area.	There are no concessions being made. A thorough assessment has been carried out under the requisite provisions of Part 4 of the EP&A Act 1979. Amenity considerations have been provided during this assessment as detailed throughout this report.
Council sought to voluntarily enter into an agreement of this scale despite community opposition.	The Planning Proposal was accompanied by and exhibited concurrently with a Planning Agreement proposed by the applicant. The Planning Proposal and thus the Planning Agreement was refused by Council and is currently under

Objection	Response
	assessment by the Department of Planning and Environment. The subject application is a DA submitted to Council for which assessment has been carried out under the appropriate procedures. The proposal has been given due scrutiny to ensure an acceptable level of compliance and appropriate design to resolve issues identified through the assessment process.
For consistency sake the proposal should be put on hold until the LEP is sufficiently updated.	This DA is not tied up in the pending Planning Proposal. Council have a statutory timeframe to carry out assessment. The proposal does not contravene the existing relevant controls under the LEP.
RMS recommendation to defer consideration of this planning proposal until infrastructure upgrades have been considered has been ignored	The objections relate to the Planning Proposal, not the subject DA which complies with existing density and parking controls for the site.
A pedestrian link and upgrade to Christie Park is not adequate tradeoff for approving an additional 212 units, let alone 1,000 proposed for stage 2.	The subject development provides sufficient onsite infrastructure in terms of parking, communal open space, private open space and deep soil to accommodate the proposed residential occupation of the site. The factors raised in the objections will be a separate matter for consideration under any future DA for Stage 2.
The proposal at 27 storeys is a strategy by the developer to make it easier to justify 60 storeys in the future.	The proposed building height is permitted under current planning controls and any landowner has the right to seek to maximize development potential of their site. This does not in turn encourage further uplift or likelihood of uplift under any future application, be it a Planning Proposal or DA.
27 units is an insufficient provision for affordable housing	Affordable housing is offered under the Planning Proposal not the subject DA. There is no requirement for the developer to provide affordable housing under this DA and Council do not have any mechanism for its provision to be enforced.
This DA should be refused until the final outcome of the current comprehensive review of overdevelopment in Ryde LGA.	This DA has been assessed under the necessary provisions and matters for consideration under the EP&A Act 1979. Determination of the application is based on those findings.

Objection	Response
Development should not be of a scale and height which significantly exceeds planning and development in the Sydney Region, and in Macquarie Park in particular.	The proposal is entirely compliant with the maximum permitted height and FSR under the LEP.
The Stage 2 development is out of character with the nearby Macquarie Centre.	This DA does not relate to Stage 2.
The hierarchy of Macquarie Centre should not be adversely impacted (or reduced) by any other nearby development including 112 Talavera Road.	The subject development application will not impact on the hierarchy of Macquarie Centre or Macquarie Park. The recognition by Council and the State Government of the area as an economic and employment hub will not be diminished but supported by the proposed development by locating high density residential development close to these commercial facilities as well as transport.
Ryde does not have the capacity to accommodate more density.	Macquarie Park is earmarked as a growing highly connected business district and a strong vision under the corridor is to integrate residential and business areas. As detailed in the Macquarie Park Corridor DCP, planned residential communities centered on the Macquarie University Railway Stations provide for more 10,000 new dwellings close to transport, employment and education facilities. This places the site in a suitable locality to accommodate increased density as reflected in the permitted density and building heights for the site.
Increased train and bus passengers	The site is zoned for high density development due to its location close to trains and public transport.
Schools are already overpopulated	This is not a relevant consideration for the DA as this is a matter for the State Government. The State Government is aware of pressures on schools and is currently investigating possible solutions to meet the demand generated in the area by new developments.
Out of scale for the area	The scale of development and associated increase of cars and future occupants is commensurate with the locality. The proposal is generally consistent with the design criteria of the ADG which is the measure for appropriate high density development within an urban environment. The Development is also supported by the UDRP in terms of its scale.
The residential units will be expensive and not affordable	The development is not required to provide affordable housing. A suitable mix

Objection	Response
	of 1, 2 and 3 bedroom units as well as adaptable units are included in the development which will provide a range of residential options.
Parks and hospitals not ready for this type of local density – unfair burden on existing social infrastructure.	The development will be subject to s7.11 Contributions towards community, open space and recreational facilities to support the locality.
Unnecessary density	The proposal complies with the permitted density under the LEP.
Health impacts on residents – stress, anxiety	There are no residents in close proximity to the site.
All development should be put on hold due to lack of infrastructure	The provision of infrastructure and contribution towards infrastructure forms a consideration to the assessment of this application, with s.7.11 contributions forming a condition of consent.
Buildings are too close to the road	The proposal complies with the setback requirements under the DCP.
Will there be sufficient electricity and gas for all new and existing dwellings.	The proposal includes a substation and appropriate utility infrastructure.
Impact on business operations on adjoining land	With any form of development there will be disruption from building construction. The development will be subject to construction management conditions relating to hours, access, noise etc. Strict construction management measures will be required to ensure that no access impediments occur as a result of the development. A Construction Traffic Management Plan is also required by Conditions to be prepared in consultation with RMS.
Impact on access when temporary fencing is installed	Condition 115 on the consent requires the preparation of a Construction Pedestrian and Traffic Management Plan, and its submission for approval of Council and the RMS prior to the issue of a Construction Certificate. This condition has included a requirement for the CPTMP to be prepared in consultation with the neighbouring property at 118 Talavera Road.

Objection	Response
Access during demolition/construction and post completion. The ROW must remain readily accessible at all times for use by Fujitsu otherwise they will not be able to carry out its business.	A loading area has been included on the plans to allow the existing loading arrangements to continue on the site in benefit of Fujitsu. The 7 visitor parking spaces previously in the ROW have been relocated inside the building and one along the M2 boundary. Ongoing access arrangements to the loading bay during construction is not a planning consideration, and rights of access are to be discussed between neighbours.
The construction management plan has not been made available to Fujitsu. Concern is raised regarding the mitigation measures proposed to ensure health and safety of Fujitsu employees. Greater clarity sought regarding the actual site boundary and temporary fence to be installed.	While submitted at the DA stage for information purposes, the CPTMP is not approved until the Construction Certificate stage due to the changing nature of the development once the fine details of a consent and the construction are identified. Per the comments above, the CPTMP is to be prepared in consultation with Fujitsu.
Given the close proximity to the Fujitsu building concerns are raised regarding vibration levels and impacts on the building.	It is standard practice for buildings to have suitable Contractor's risk insurance, a policy that covers risks associated with a construction project. This will apply should the developer cause damage to the site or adjacent property which carrying out works. An imposed condition of consent will require the completion of a dilapidation report in relation to the adjoining building that may be affected by the construction work and must be submitted to the PCA and Council prior to CC issue. (see Condition 67).
The accuracy of the submitted traffic data is questionable	A thorough traffic and parking assessment has been carried out by Council's Traffic Engineer and the proposal has been found satisfactory subject to conditions.
The 27 storey building will have a significant impact on natural light within and outlook from the Fujitsu's workspace due to proximity of buildings.	The proposed development exceeds minimum building separation requirements.
The destruction of mature tree canopy is not supported.	The proposed landscape treatment for the site (including tree removal and replacement) has been reviewed and supported by Council's Landscape Architect, subject to conditions.
The buildings are too close to the road.	The proposed development meets the minimum 10m setback requirements to both Talavera Road and M2.
Insufficient parking provisions for units	The proposed development provides the

Objection	Response
	DCP requisite parking rates.

13. CONCLUSION

This report considers an application for construction of a mixed use residential and commercial building containing a total of 216 residential units, a child care centre and 243m² of retail floor space at 112 Talavera Road, Macquarie Park.

The proposal results in several minor shortfalls to the ADG requirements being:

- 2F Building Separation (internal between units)
- 4D Apartment size and layout (habitable room depth, living room width); and
- 4E Private Open Space and balconies (ground floor terrace area and dimensions)

These shortfalls are considered minor and acceptable and the objectives of the design criteria are upheld and noting that as stated in Planning Circular 17-001 (Using the Apartment Design Guide) that apart from the non-discretionary development standards in the SEPP 65, the ADG is not intended to be, and should not be applied as, a set of strict development standards.

The development also proposes the following two variations to the Ryde DCP 2014 Part 4.5 – Macquarie Park Corridor being:

- Section 7.4 – Setbacks and build to lines (60% landscaping within front setback)
- Section 8.7 – On-site Parking (parking within rear setback)

Despite these variation sought they have been found to be justified and the form and scale of the proposed development is considered to be acceptable achieving full compliance with the core LEP building height and floor space ratio controls applicable to the site.

The application has demonstrated that the level of amenity in terms of solar access, communal open space, privacy and energy efficiency can be met.

Whilst significant community interest has been given to the subject site, this has predominantly resulted from the pending Planning Proposal seeking significant uplift of the eastern part of the site “Stage 2”. There is a clear position by the community that the proposal is excessive in scale and height, however the proposal under the consideration of this DA is entirely within the capacity of the current suite of planning controls applicable to the site under Ryde LEP 2014. The proposal does not in any way relay on the uplift sought by the Planning Proposal

Having regard to the provisions of Section 4.15 of the Environmental Planning & Assessment Act 1979, the application is considered to be reasonable in the context

of the site, and is recommended for approval subject to appropriate conditions of consent provided at Attachment 1 of this report.

15. 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 LDA2018/0269 at 112 Talavera Road, Macquarie Park, subject to the recommended Conditions of Consent within Part A in Attachment 1 of this report.
- B. That those persons making a submission be advised of the decision.
- C. That NSW Roads and Maritime Services be advised of the decision.

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