

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSNH – 2018/075
DA Number	LDA2018/0498
LGA	City of Ryde
Proposed Development	Demolition of part of existing shopping centre and redevelopment of the Herring Road Corner Podium site, Station Plaza and additional deck parking on the Talavera Road frontage. The development involves 22,764m ² of additional gross floor area, 500 additional car parking, 5 signage zones and a digital screen, landscaping and public domain improvements.
Street Address	197 – 223 Herring Road, Macquarie Park
Applicant	AMP Capital Investors Limited
Owner	AMP Macquarie Pty Limited AMP Capital Funds Management Limited Sydney Metro
Date of DA lodgement	19 December 2018
Submissions	The development application was notified and advertised between 9 October 2020 and 4 November 2020. Thirty-One (31) submissions were received. Fifteen (15) objecting to the proposal, each of which are a proforma document, thirteen (13) in support of the proposal and three (3) which are neutral.
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	General Development over \$30 Million – Cost of works: \$ 225,369,00 inc. GST
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Regulation 2000 • Environmental Planning and Assessment Act 1979 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No.64 – Advertising and Signage • State Environmental Planning (Vegetation in Non Rural Areas) 2017 • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 • Ryde Local Environmental Plan 2014 • Draft Remediation of Land State Environmental Planning Policy • Draft Environment State Environmental Planning Policy • City of Ryde Development Control Plan 2014

	<ul style="list-style-type: none"> City of Ryde Section 7.11 Development Contributions Plan 2020.
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> Attachment 1: Draft Conditions of consent Attachment 2: Concept Plan Compliance Table (LDA2015/02665) Attachment 3: Plans
Clause 4.6 requests	<ul style="list-style-type: none"> N/A
Summary of key submissions	<p>Each submission raised five (5) key issues:</p> <ul style="list-style-type: none"> Noise Pollution. Reflectivity. Heat Reflection. Light Pollution. Construction Working Hours.
Report prepared by	Alicia Hunter, Senior Town Planner and Sandra Bailey, Manager Development Assessment
Report date	7 October 2021

Summary of s4.15 matters

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

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? Yes
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

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

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions Not applicable

Conditions

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

1. EXECUTIVE SUMMARY

This report considers a development application for staged works under the existing Concept Approval LDA2015/0655 at 197 – 223 Herring Road, Macquarie Park (Lot 100 in DP 1190494).

Development Application LDA2018/0498 was lodged in December 2018 for the detailed design of the Herring Road corner podium. The detailed design included the redevelopment of this podium, delivery of the Station Plaza and the demolition of the existing Olympic sized ice rink and construction of additional access points and car parking. Business identification signage was also proposed.

The application was advertised and notified to adjoining property owners from 11 January 2019 to 6 February 2019. 174 unique submissions objecting to the proposal were received. Concerns raised in the submissions related to the demolition of the existing ice rink and the extent of development proposed. A number of petitions were also received.

The applicant (AMPC) sent a letter to Council requesting the application be placed on hold until further community engagement is undertaken regarding the proposal and the ice rink.

At an Extraordinary Council meeting held on 29 January 2019, Council resolved to place an Interim Heritage Order (IHO) over the ice rink. The IHO was made by the Minister for Heritage on 4 February 2019.

Amended plans and documentation for the redevelopment of the Macquarie Shopping Centre were submitted to Council on 29 September 2020. Specifically, the amended detailed DA seeks approval for a staged development consent comprising:

- Enabling works
- Demolition of the existing buildings and structures on the Herring Road Corner Podium Site
- Construction of a new three (3) storey podium and use as “retail premises” and “entertainment facilities”
- Construction of a new Olympic-sized ice rink and use as a “recreation facility (indoor)”
- Construction of a Station Plaza adjacent to the Macquarie University Station Entrance. The construction works include excavation, fill, landscaping, tree removal, public domain improvements and associated infrastructure to support the development
- Installation of three (3) new business identification signage zones on Herring Road, two (2) new business identification signage zones on Waterloo Road;
- Installation of a digital screen for public art in the Station Plaza
- Construction of two basement levels under the corner podium including one (1) level to be used as retail premises and one (1) level of basement parking;
- Construction of two (2) additional levels of deck parking fronting Talavera Road
- New pedestrian access points, and removal of one vehicular crossover on Herring Road.

The proposed works will result in an additional 22,764m² of net GFA and 500 net additional car parking spaces.

Community notification and advertisement

In accordance with the Ryde Community Participation Plan the amended Development Application was notified and advertised between 9 October 2020 and 4 November 2020. Thirty-One (31) submissions were received. Fifteen (15) objecting to the proposal, each of which are a proforma document, thirteen (13) in support of the proposal and three (3) which are neutral.

The key issues in the submissions relate to

- Noise Pollution
- Reflectivity
- Heat Reflection
- Light Pollution
- Construction Working Hours

None of the amendments to the plans during the assessment period necessitated the renotification of the application.

Section 4.15 Assessment summary

Concept Approval LDA2015/0655 was granted in November 2016 by the Joint Regional Planning Panel for the mixed use redevelopment of Macquarie Shopping Centre. The Stage One (1) Concept Approval established building footprints, building heights and publicly accessible pedestrian areas and new vehicle access points. The Concept Approval also granted consent for an additional Gross Floor Area (GFA) of 148,000m². This proposal is consistent with the Concept Approval.

The Concept Approval also required the applicant to enter into a Voluntary Planning Agreement (VPA) with Council for the establishment of a library and creative hub as part of the redevelopment of the podium toward the corner of Herring and Talavera Roads. The VPA was executed on 2 November 2018.

The proposal complies with the planning requirements under Ryde Local Environmental Plan 2014 (Ryde LEP 2014).

Amendments to the height controls as a result of the Macquarie University Station (Herring Road) Priority Precinct were gazetted on 2 October 2015 and incorporated into RLEP 2014. Building heights for this site are varied with the corner of Herring Road and Waterloo Road having a height control of 120m, the corner of Herring Road and Talavera Road having a height of 90m and the rest of the site having a height control of 65m. It is proposed to construct the building to a maximum height of 31.30m. The development complies with the height controls.

The maximum floor space ratio for the site is 3.5:1. The proposed works will result in an additional 22,764m² of net Gross Floor Area (GFA). The proposed total GFA for the site is 193,706m², resulting in an FSR of 1.47:1. The application complies with the requirements of this clause.

The development is deemed consistent with the State and local strategic intent for the zone by introducing mixed use building which will provide a variety of retail, entertainment and recreational uses integrated with public transport to encouraging patronage and walking and cycling opportunities.

With respect to the Ryde DCP 2014, a number of non-compliances have been identified and have been addressed in the report. However, these non-compliances were also identified in the Concept Plan and the Concept Plan prevails over the requirements of the RDCP 2014.

The application has demonstrated that the site is of minimal contamination risk and that no further information is required to satisfy clause 7 of State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55). Appropriate conditions are included on the draft consent (**Attachment 1**).

Transport for NSW (TfNSW) and Sydney Metro have provided their support for the proposal subject to conditions.

After consideration of the development against section 4.15 of the EP&A Act and the relevant statutory and policy provisions, the proposal is considered suitable for the site and within the public interest.

Consideration of technical matters by Council's engineering and landscaping departments have not identified any fundamental issues of concern.

This report concludes that in its context, this development proposal is able to be supported in terms of the development's broader strategic context, function and overall public benefits. This report recommends that consent be granted to this application in accordance with draft conditions provided in **Attachment 1**. These conditions have been reviewed and agreed to by the applicant.

2. APPLICATION DETAILS

Applicant: AMP Capital Investors Limited

Owner: AMP Macquarie Pty Limited, AMP Capital Funds Management Limited and Sydney Metro

Capital Investment Value: \$ 225,369,000 inc. GST

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

3. SITE DESCRIPTION & SITE CONEXT

Macquarie Centre is known as 197-233 Herring Road, Macquarie Park and is located at the corner of Waterloo Road, Herring Road and Talavera Road. The legal description of the site is Lot 100 in DP 1190494 and it has a site area of approximately 11.25 hectares (excluding Sydney Metro land).

The development also includes land owned by Sydney Metro, legally described as Lot 120 in DP 1130457 and Pt Lot 2 in DP 1047085. (Land owner's consent has been granted by Sydney Metro to lodge this development application).

The site is located approximately 12km north-west of the Sydney CBD within Macquarie Park. Macquarie University's main campus entrance is located directly across the road from the Herring Road entrance of the site. Macquarie University Metro Station and the Herring Road Bus Interchange is located directly adjacent to the subject site. Elouera Reserve is located directly opposite the existing Waterloo Road entrance to the site.

To clarify the location of the application site and specifically that of the subject site, refer to the aerial image in **Figure 1** below.

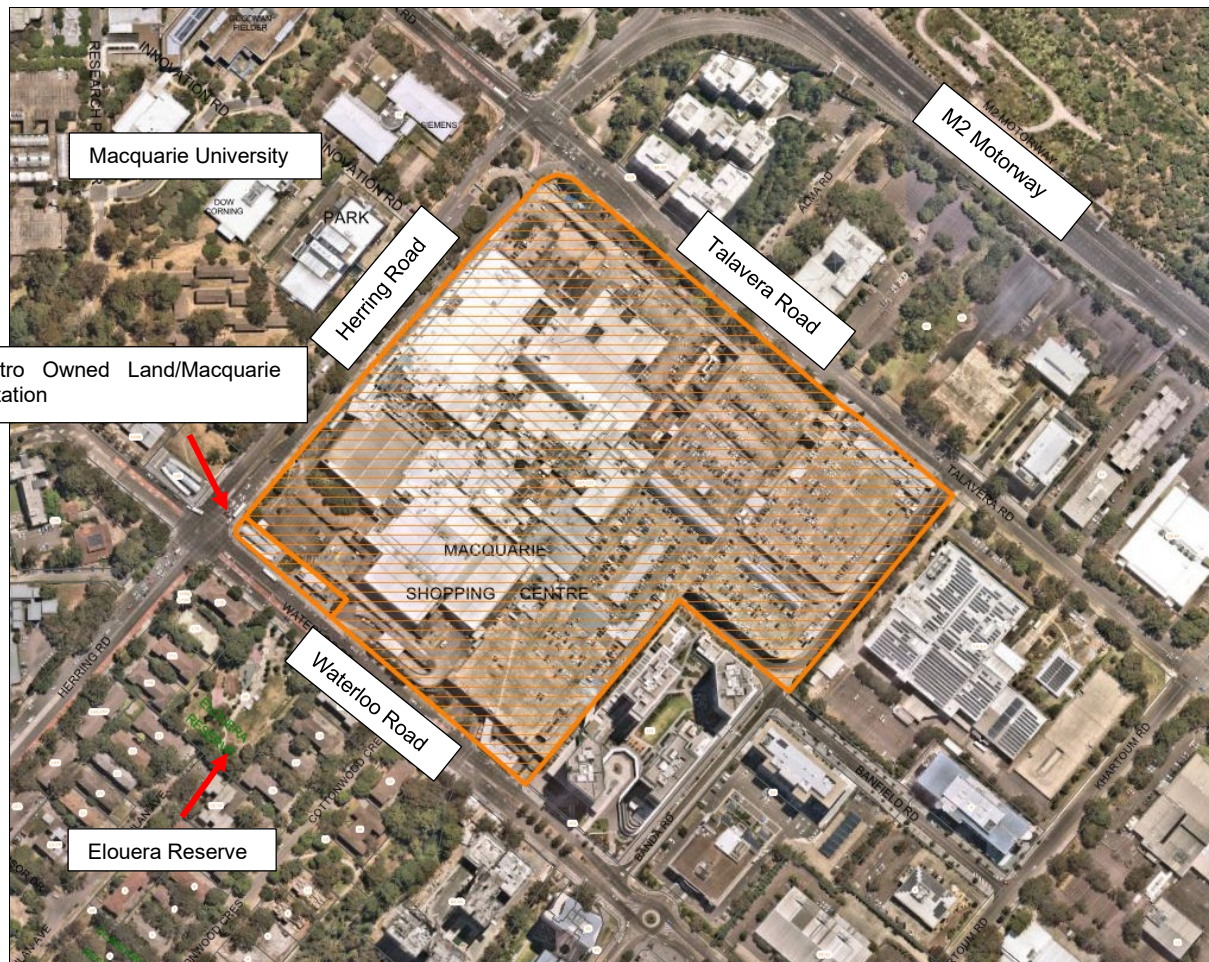


Figure 1: Aerial photograph of the subject site and surrounds

Existing Development

Macquarie Centre was originally constructed in 1981. Major refurbishments have occurred in 2000, 2003 and 2014. The shopping centre spans four (4) levels and currently has a gross floor area of 170,850m² and accommodates 4,735 car spaces.

The centre accommodates more than 400 stores, including major retailers such as David Jones, Myer, Target, Big W, Aldi, Coles and Woolworths. The centre also accommodates a range of entertainment options including restaurants, cafes, a bowling alley, a cinema and an Olympic sized ice rink.

Pedestrian access is achieved via pedestrian crossings at major intersections as well as signalised pedestrian crossing on Herring Road facilitating access between Macquarie University and the shopping centre.

Vehicular access and parking are achieved from all frontages.

Figures 2 to 5 demonstrate existing development.



Figure 2: Herring Road frontage of the site. Looking toward Talavera Road.



Figure 3: Herring Road frontage of the site. Look towards Waterloo Road. Macquarie University Metro Station is visible in the distance.



Figure 4: Waterloo Road frontage of the proposed development.



Figure 5: Talavera Road as viewed from Alma Road. Area subject to car park extension.

Surrounding Development

The site slopes from the north-west to the south-east becoming steeper towards the creek catchment to the east of the site and further towards Lane Cove National Park. Herring Road follows a ridge line from Epping Road to the site, which then falls away towards Talavera Road. Waterloo Road and Talavera Road present significant grade changes as they fall away from the ridge line towards Shrimptons Creek. Shrimptons Creek runs in an approximate north-easterly direction underneath the south east portion of Macquarie Centre.

The area is characterised by a mix of land uses. This includes the shopping centre, Macquarie University, commercial buildings, and residential developments. The surrounding land uses consist of the following:

- The opposite side of Talavera Road to the north east comprises of a residential development consisting of two eight storey buildings, two serviced apartment buildings and a 6 storey commercial office as shown in **Figure 6**
- Adjacent to the site in a south easterly direction is 101 Waterloo Road, a mixed use development comprising of four (4) residential towers above a mixed use podium. A pedestrian bridge connects this site to Macquarie Centre as shown in **Figure 7**
- On the opposite side of Herring Road is Macquarie University (**Figure 8**)

- The Macquarie University Metro Station is located in the south western corner of the site. The Chatswood to Epping railway tunnels run below Waterloo Road adjacent to the southern site boundary. **(Figure 9)**
- The opposite side of Waterloo Road comprises medium density residential development. There is also public open space known as Elouera Reserve **(Figure 10)**.



Figure 6: Talavera Road (Meriton Suites)



Figure 7: 101 Waterloo Road, Macquarie Park

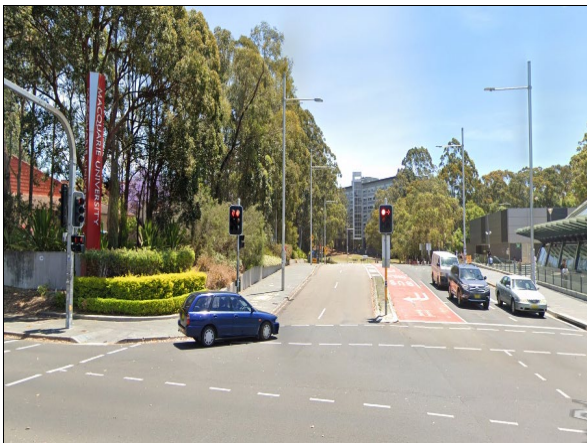


Figure 8: Macquarie University – Herring Road entrance



Figure 9: Macquarie University Metro Station



Figure 10: Elouera Reserve

4. APPROVALS HISTORY

Table 1 below provides details of existing approvals relating to the site.

Table 1. Development Approvals History Summary

Development Application	Description	Relevant dates and information
Concept Approval (LDA2015/0655)	<p>The Concept Approval established building footprints, building heights and publicly accessible pedestrian areas and new vehicle access points. The Concept Approval also granted consent for an additional Gross Floor Area (GFA) of 148,000m².</p> <p>The Concept Approval also required the applicant to enter into a Voluntary Planning Agreement (VPA) with Council for the establishment of a library and creative hub. The VPA has been agreed to and executed.</p>	Development consent was granted by the Sydney East Joint Regional Planning Panel for the Concept DA on 10 November 2016.
Modification Application MOD2017/0181 to Concept Approval (LDA2015/0655)	<p>The Modification Application granted consent to amend the wording of a total of nine (9) conditions of consent.</p> <p>The amendment to these conditions sought to permit the construction of a Stage two (2) DA for early works for a future underground pedestrian link connecting Macquarie Centre and the adjacent train station.</p>	Development consent was granted on 26 September 2017.
Modification Application MOD2018/0287 to Concept Approval (LDA2015/0655)	<p>The Modification Application granted consent to amend Condition 38 to change the time of when this Condition is to be met.</p> <p>This Condition was imposed on the original consent by Transport for New South Wales (TfNSW).</p>	Development consent was granted 17 June 2019.
Modification Application MOD2020/0209 to Concept Approval (LDA2015/0655)	<p>The Modification Application granted consent for an increase in the building height envelope along the Waterloo Road frontage from an RL of 61.3 to an RL of 80.0. The proposed height increase is limited to this portion of the Macquarie Centre site only and is approximately 35m below the maximum building height limit for this portion of the site, being 65m.</p> <p>This increase in the building height envelope allowed for the proposed relocation of the ice rink under this LDA.</p>	Development consent was granted 4 March 2021.

Of particular relevance to this application is Concept Approval LDA2015/0655 and Modification Application MOD2020/0209. These applications are discussed below:

Concept Approval LDA2015/0655

Concept Approval LDA2015/0655 was granted in November 2016 by the Joint Regional Planning Panel for the mixed use redevelopment of Macquarie Shopping Centre. The Stage One (1) Concept Approval established building footprints, building heights and publicly accessible pedestrian areas and new vehicle access points. The Concept Approval also granted consent for an additional Gross Floor Area (GFA) of 148,000m². Consent was not granted for specific land uses.

The Concept Approval noted that the redevelopment was intended to be delivered over four (4) stages. The indicative stages included:

Table 2: Indicative Staging Details.

Indicative stage	Potential works
Stage One (1)	Additional parking and relocation of the Myer loading dock
Stage Two (2)	Retail podium, which will be stages to maintain retail operations and access along Herring Road
Stage Three (3)	Towers, which could be individual stages
Stage Four (4)	Retail and car park expansion above level three (3) eastern retail including Coles

The Concept Approval granted building envelopes for the proposed basement, expanded podium and tower forms. The aspects of the building envelope are discussed below.

Basement Envelope

Consent was granted for a basement building envelope. The envelope extended the existing basement toward the Herring Road site boundary. The extension of the envelope would allow for an increase in car parking numbers in subsequent stages.

The Podium

Consent was granted to replace and increase the height of the existing structure to four (4) storeys along Herring Road. This allowed for an increase in floor space as well as the space to create an active frontage with separate pedestrian entries to Herring Road.

Tower Envelopes

LDA2015/0655 granted building envelopes for four (4) towers above the Herring Road frontage. The envelopes allowed for articulation, balconies and potential design changes. The numeric overview of each tower envelope (including the podium of the building) is discussed below:

Table 3: Numerical overview of building envelopes granted in LDA2015/0655.

Overview	Tower 1	Tower 2	Tower 3	Tower 4
Maximum Height	120m (RL 176.72)	120m (RL 176.56)	90m (RL 145.79)	90m (RL 140.92)
Maximum Height	37 storeys	37 storeys	27 storeys	25 storeys
Building Footprint	2,943m ²	1,232m ²	1,232m ²	1,200m ²

Each tower included an indicative mix of residential and commercial uses.

Figure 11 shows an extract of the floor plate envelope approved under the Concept Approval (LDA2015/0655).

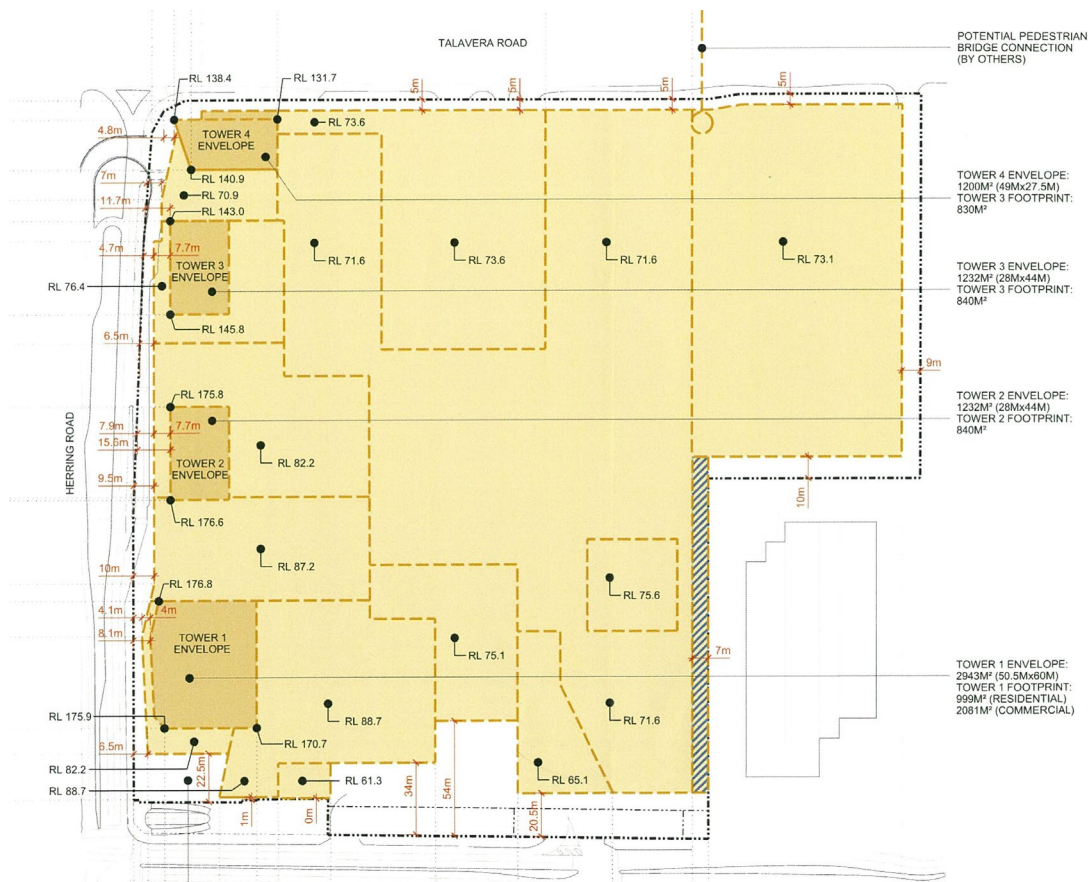


Figure 11: Approved building envelope floor plate plan (LDA2015/0655)

Figure 12, shows the building envelope height approved under Concept Approval (LDA2015/0655).

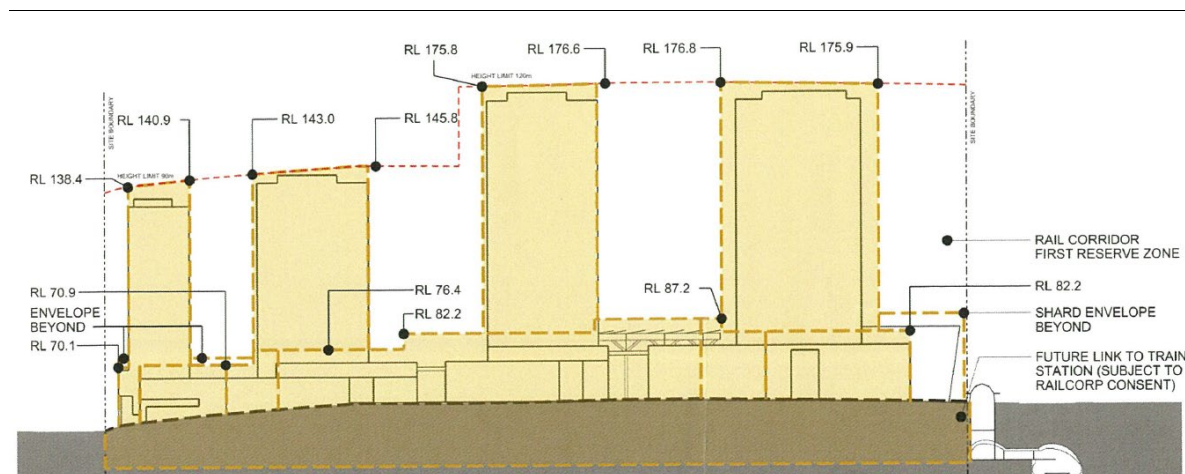
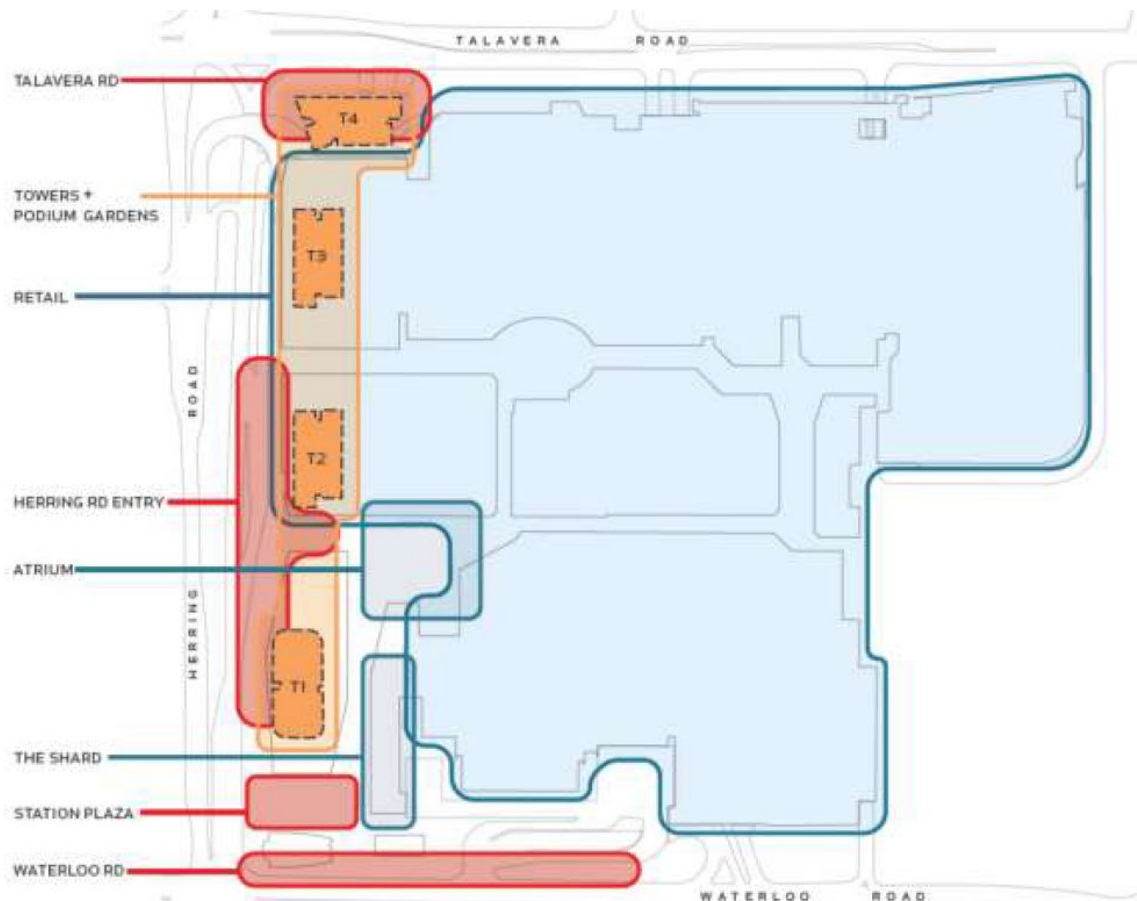


Figure 12: Approved Building Envelope Height Plan (LDA2015/0655).

The Concept Approval also proposed a network of interconnected public spaces including the Station Plaza, the Herring Road entry and the Atrium (**Figure 13**).



The Concept Approval granted consent to the Station Plaza. The Station Plaza is approximately 1,500m² in size and located on the corner of Herring and Waterloo Roads. The Station Plaza will be publicly accessible 24 hours 7 days a week.

A widened Herring Road entry connected to the atrium was also proposed. The atrium is a publicly accessible space connecting the Herring Road entry to all levels of the podium.

In addition, the concept approval granted consent to new pedestrian and vehicle access points throughout the site.

Consent was granted in two (2) parts. Part A included one (1) deferred commencement conditions relating to the Voluntary Planning Agreement (VPA). Part B included 45 conditions of consent. An assessment against the satisfaction of these conditions has been undertaken (**Attachment 2**).

The Concept Approval required the applicant to enter into a Voluntary Planning Agreement (VPA) with Council for the establishment of a library and creative hub as part of the redevelopment of the podium located toward the corner of Herring and Talavera Roads (**Figure 14**). The VPA was executed on 2 November 2018. The consent became operable on 2 November 2018.

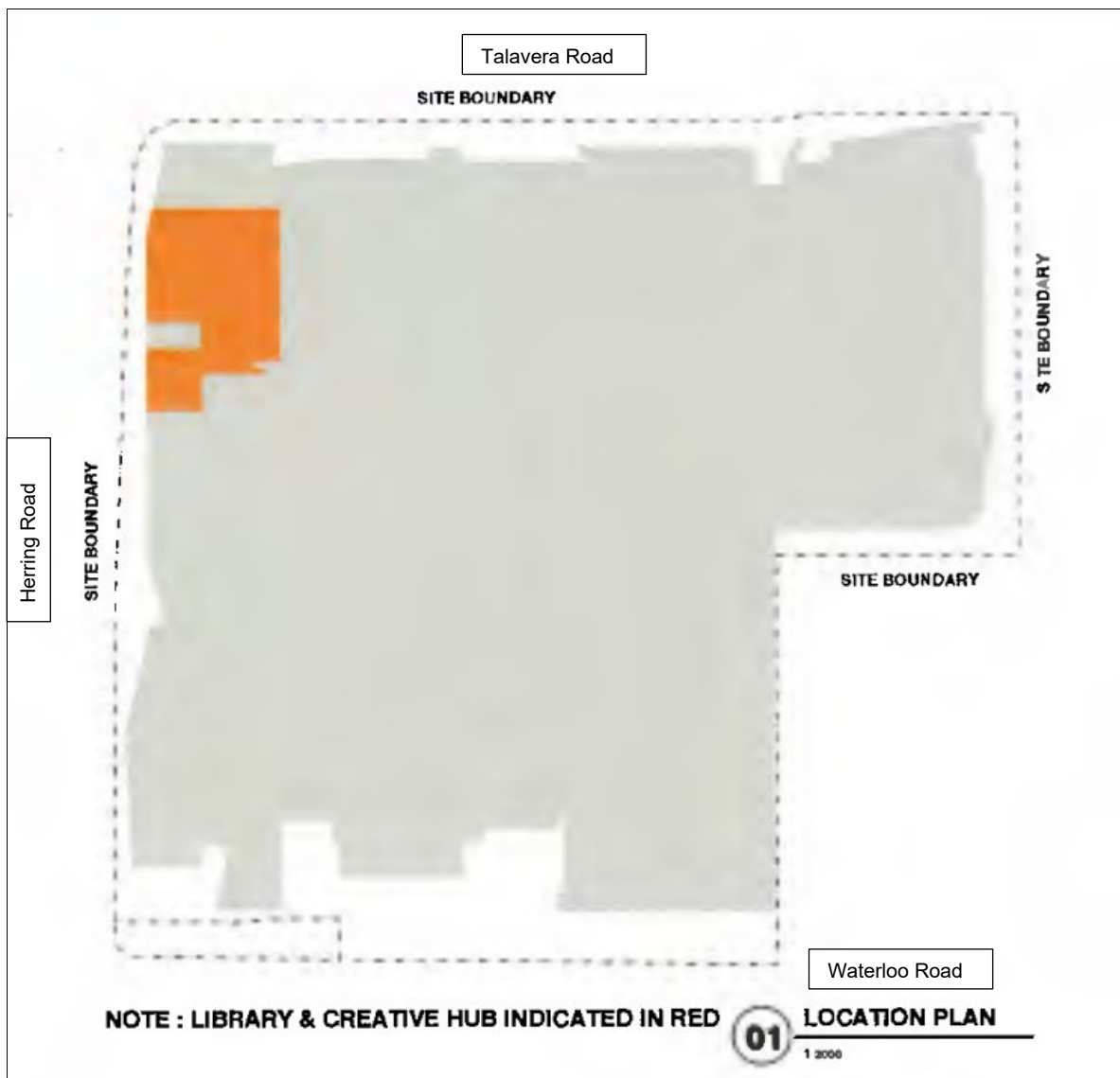


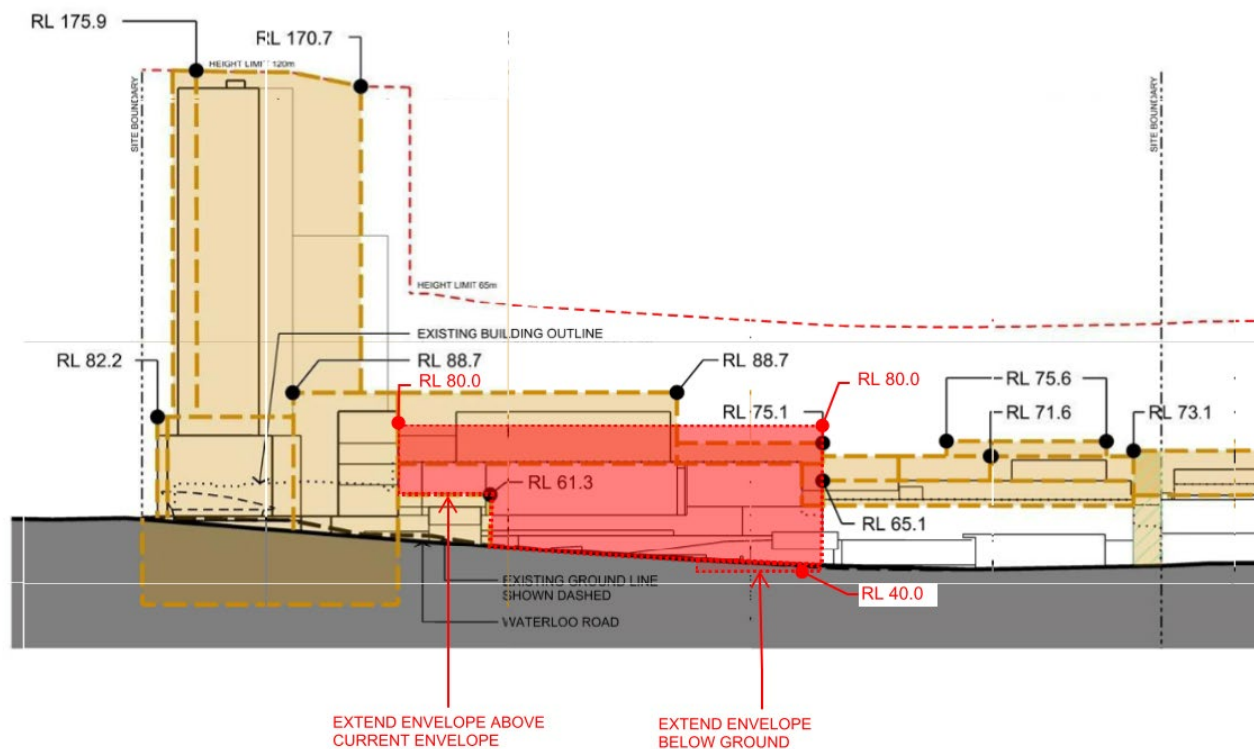
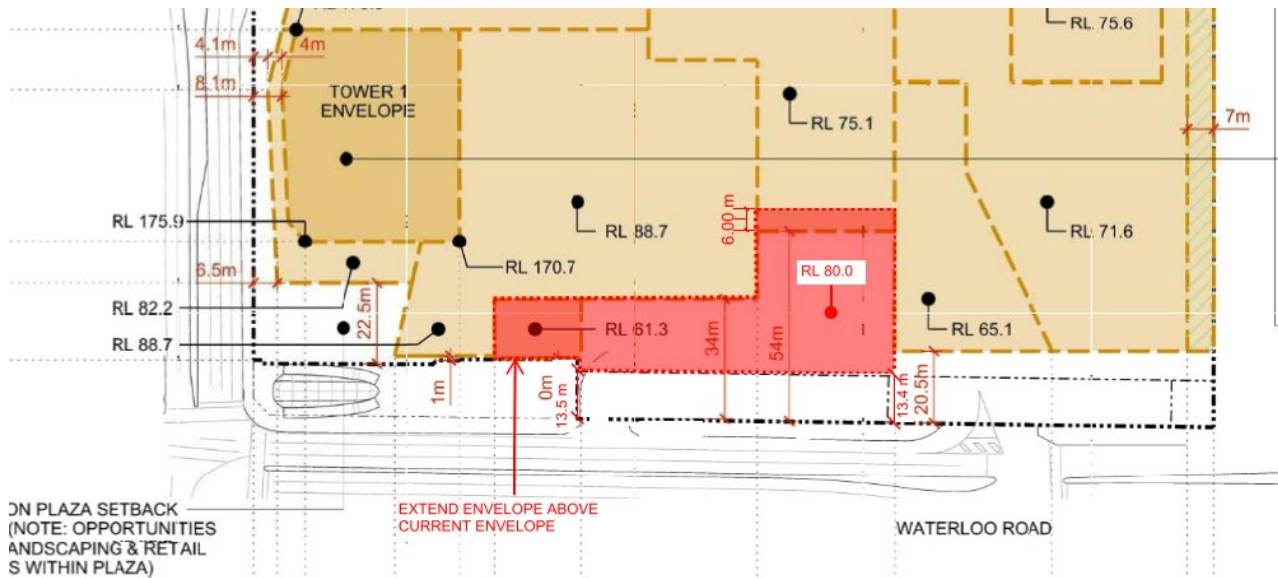
Figure 14: Location of library and creative hub: extract from the VPA.

Modification Application MOD2020/0209

MOD2020/0209 granted consent on 4 March 2021 to modify the building envelope established under Concept Approval LDA2015/0655 to accommodate the relocated Olympic ice rink, fire egress stairs and building plant equipment associated with the Herring Road corner podium redevelopment.

The amended envelope was proposed to extend towards Waterloo Road, over the existing hardstand areas. An increase in height to the envelope was also required to accommodate the double storey ice rink.

Figure 15 demonstrates the extent of the proposed amended building envelope floor plate toward Waterloo Road. **Figure 16** demonstrates the extent of the amended building envelope height along Waterloo Road.



Heritage Listing

Following the submission of the original DA in 2018 the application was advertised in January 2019. This resulted in an extensive number of submissions opposing the loss of the Macquarie Ice Rink as a result of the redevelopment. At an Extraordinary Council meeting held on 29 January 2019, Council resolved to place an Interim Heritage Order (IHO) over the ice rink. The IHO was made by the Minister for Heritage on 4 February 2019.

At this stage the DA was requested to be placed on hold by the applicant.

Council undertook a heritage assessment of the ice rink (prepared by GML Heritage) to determine if the ice rink met the criteria for a listing within the Ryde Local Environmental Plan 2014 (RLEP 2014). The assessment concluded that the ice rink had a heritage significance at a State level. This assessment was considered by the State Heritage Register Committee and the committee concluded that it is unlikely the ice rink is of State significance, but of local significance.

In response, Council has prepared a Planning Proposal which seeks to list the Macquarie Ice Rink as a local heritage item. Gateway Determination for the Planning Proposal was issued on 21 September 2020. The Planning Proposal concluded that the heritage significance of the ice rink is related to the facility's social significance, not the physical fabric of the rink.

On 6th August 2021, Ryde Local Environmental Plan 2014 (Amendment No 29) was gazetted. The Macquarie Ice Rink was included as a local heritage item in Schedule 5 of the LEP.

5. PROPOSAL

This proposal is for the Stage 1 detailed Development Application (DA) under the existing Concept Approval LDA2015/0655 approved on 10 November 2016.

This DA relates to the Herring Road Corner Podium located in the north western corner of the site, the car park area located towards the north eastern extent of the site and a portion of the roof top plant area. This DA also relates to the land owned by Sydney Metro located in the south western corner of the site. The location of the proposed works is shown in **Figure 17**.

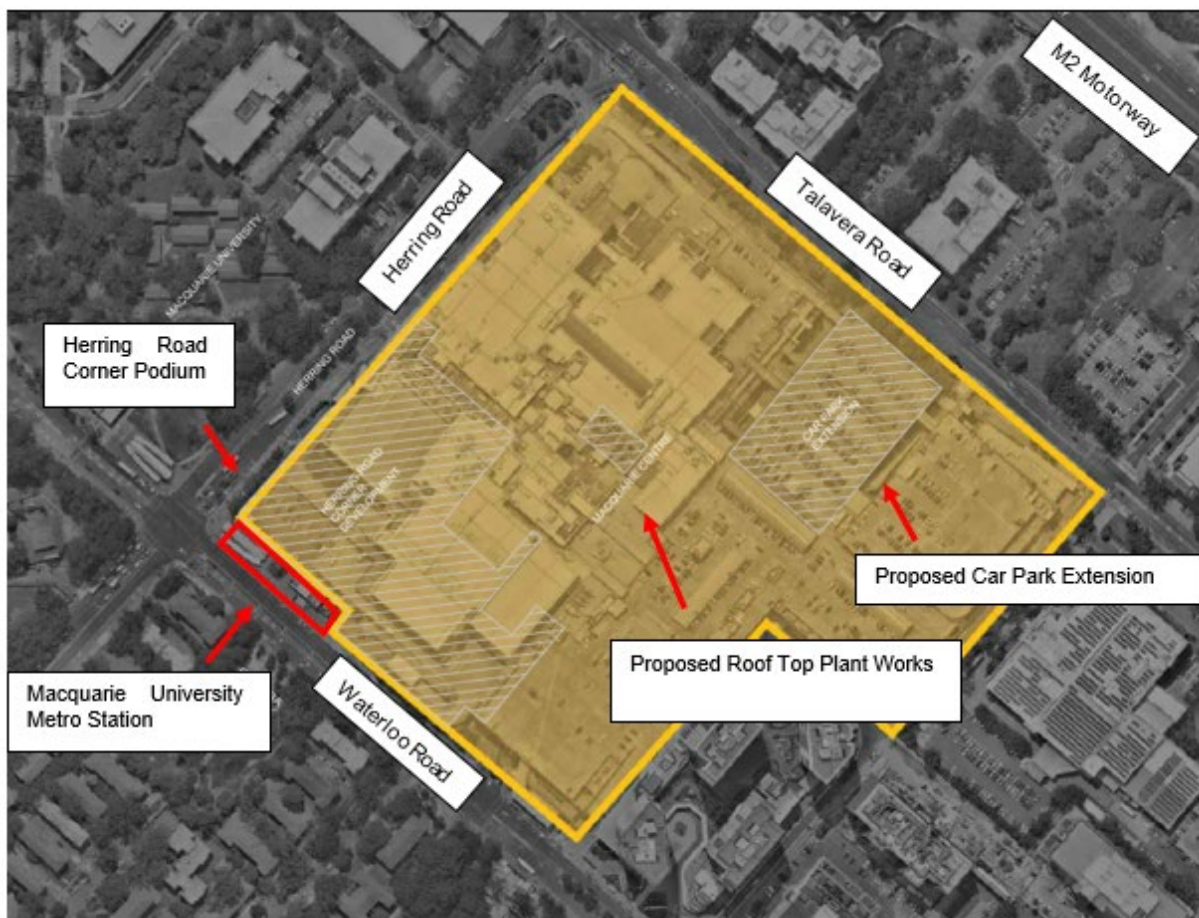


Figure 17: Site Plan. Proposed works shown hatched in white. Sydney Metro owned land outlined

5.1 Development Application as lodged (December 2018)

Development Application LDA2018/0498 was lodged in December 2018 for the detailed design of the Herring Road corner podium. The detailed design sought approval for:

- Demolition of the existing buildings and structures on the Herring Road Corner Podium Site
- Construction of a new four (4) storey podium and use as “retail premises”
- Construction of two basement levels under the corner podium including one level to be used as retail premises and one level of basement parking
- Construction of two (2) additional levels of deck parking fronting Talavera Road
- Creation of Station Plaza, a new publicly accessible plaza adjacent to the Macquarie University Station entry portal; Landscaping and public domain improvements
- Three (3) new business identification signage zones and a digital screen to be used for community viewing and business identification
- 21,258sqm of net additional GFA and 481 net additional car parking spaces
- New pedestrian access points, and removal of one vehicular crossover on Herring Road.

This application as lodged included the demolition of the existing Olympic sized ice rink.

On 18 January 2019, the applicant sent a letter to Council requesting the application be placed on hold until further community engagement be undertaken regarding the proposal. The letter acknowledged the outpouring of support for the existing ice rink and indicated its preference to engage with the Macquarie Centre community as a priority.

5.2 Development Application as amended (29 September 2020)

In accordance with Section 55 of the Environmental Planning and Assessment Regulation 2000 and with agreement of Council, the Applicant lodged an amended application. The amended proposal is discussed below.

Amended plans and documentation for the redevelopment of the Macquarie Shopping Centre were submitted to Council on 29 September 2020. Specifically, the amended detailed DA seeks approval for a staged development consent comprising:

- Enabling works which comprise:
 - Decommissioning and demolition of the existing cinema and Woolworths Supermarket roof plant
 - Relocation of the cinema plant and switch rooms
 - Modifications to the existing central roof plant to accommodate the relocated Woolworth plant
 - Upgrade and expansion of existing cooling towers and up existing boilers at roof level
- Demolition of the existing buildings and structures on the Herring Road Corner Podium Site
- Construction of a new three (3) storey podium and use as “retail premises” and “entertainment facilities”

- Construction of a new Olympic-sized ice rink and use as a “recreation facility (indoor)”
- Construction of a Station Plaza adjacent to the Macquarie University Station Entrance. The construction works include excavation, fill, landscaping, tree removal, public domain improvements and associated infrastructure to support the development
- Installation of three (3) new business identification signage zones on Herring Road, two (2) new business identification signage zones on Waterloo Road;
- Installation of a digital screen for public art in the Station Plaza
- Construction of two basement levels under the corner podium including one (1) level to be used as retail premises and one (1) level of basement parking;
- Construction of two (2) additional levels of deck parking fronting Talavera Road
- New pedestrian access points, and removal of one vehicular crossover on Herring Road.

The proposed works will result in an additional 22,764m² of net GFA and 500 net additional car parking spaces.

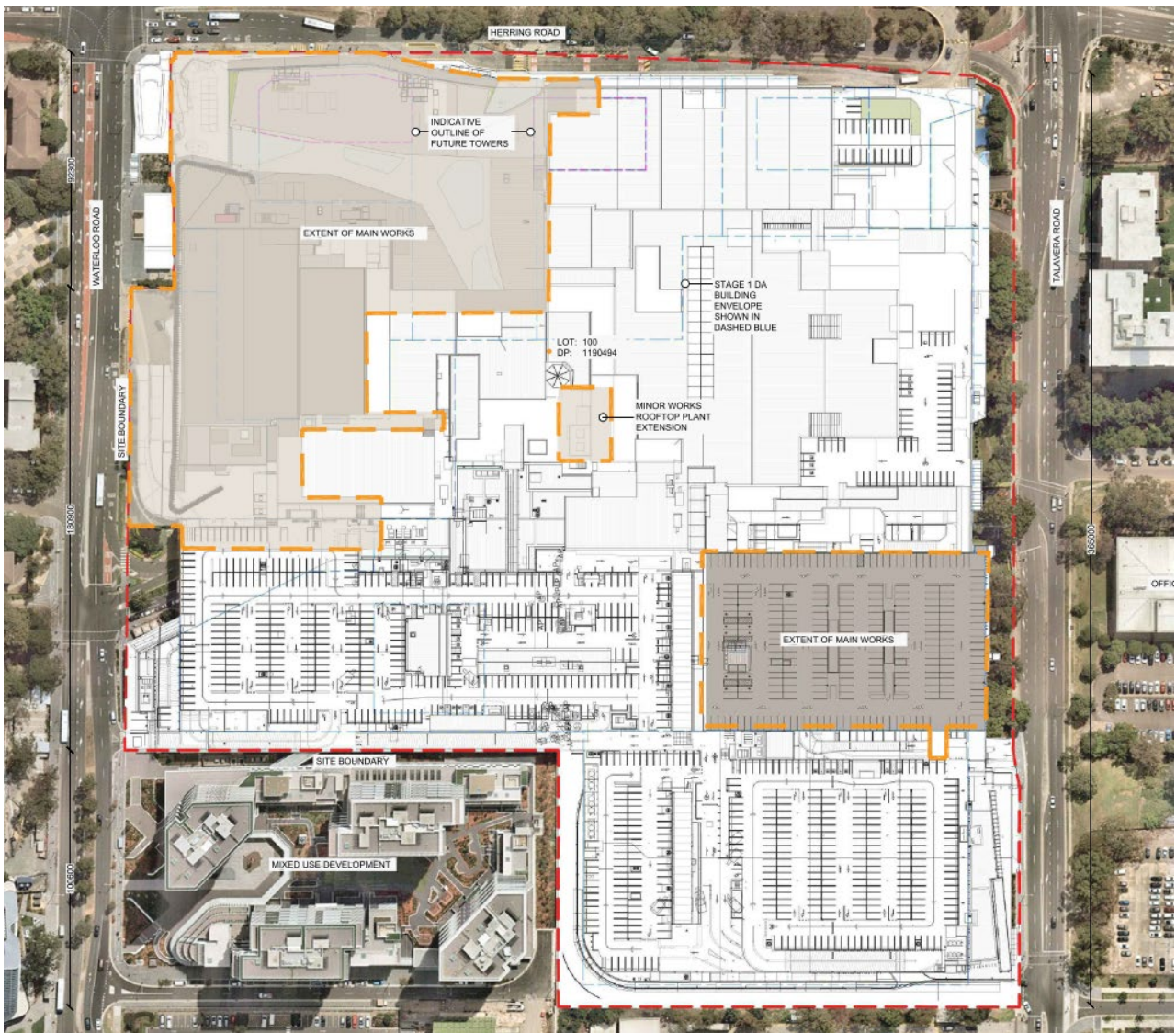




Figure 18: Artists Impression - Aerial View of Site



Figure 19: Artists Impression - View from Herring Road



Figure 20: Artists Impression - View from Elouera Reserve.

Podium (Herring Road Podium)

The application proposes a construction of a three (3) storey podium incorporating a mix of retail space, entertainment and recreational facilities (**Figures 22 - 24**).

Consent is also sought for its use as a *retail premise* which will include uses such as food and drink premises, kiosks and shops, *entertainment facilities* for the modified existing cinemas and *recreational facilities (indoor)* for the Olympic sized ice rink.

The podium is proposed to be located fronting both Herring and Waterloo Roads. The podium is proposed to represent a 'Cloud' form comprising of perforated screens, angular roof features, articulation, digital art and vertical green walls.

The proposed additional retail space is located on Levels 2A, 3A and 4A. This includes the proposed cinema foyer, located on level 3A and the proposed Olympic sized ice rink located on levels 3A and 4A.

The application proposes an additional floor space of 22,764m².

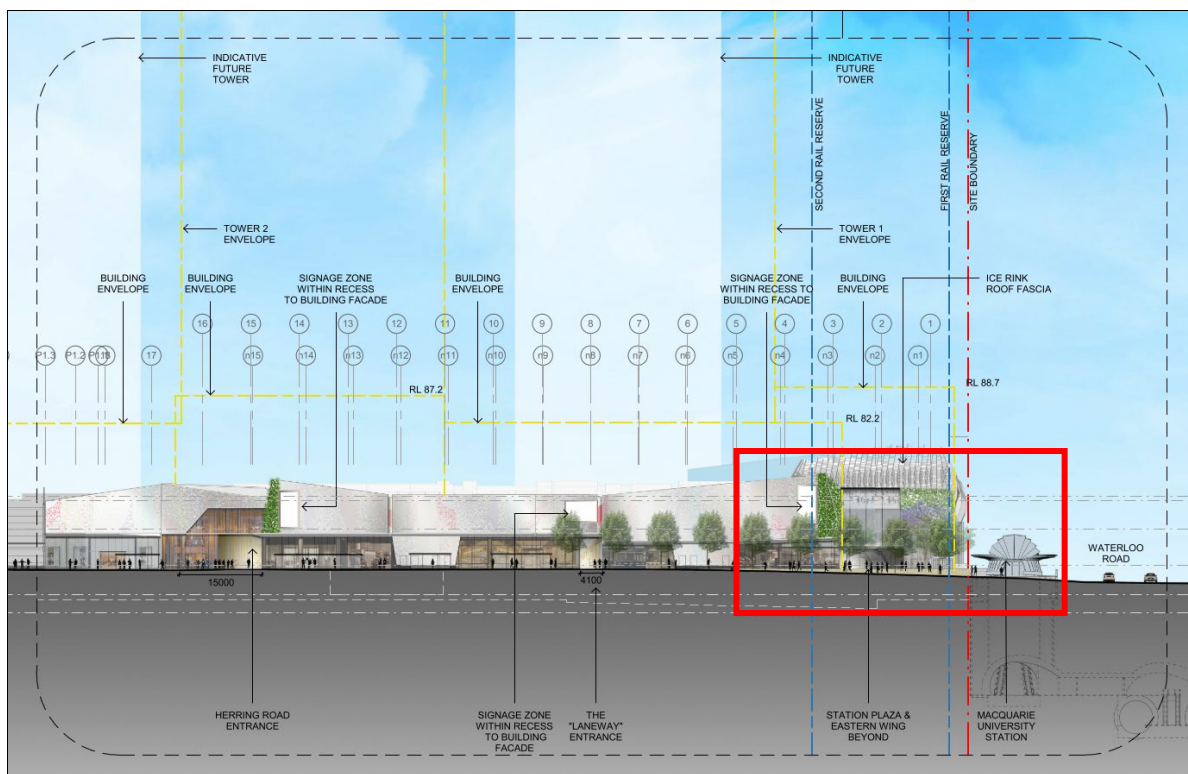
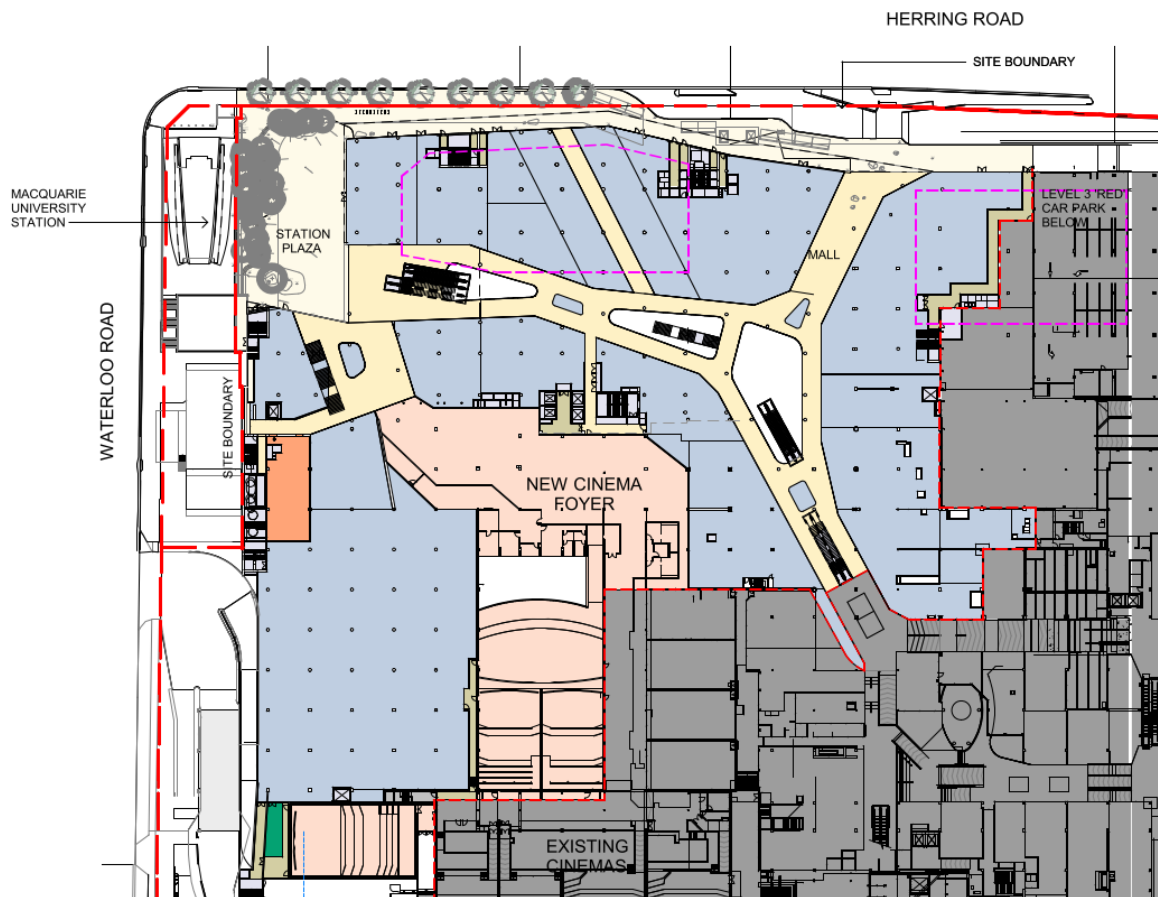
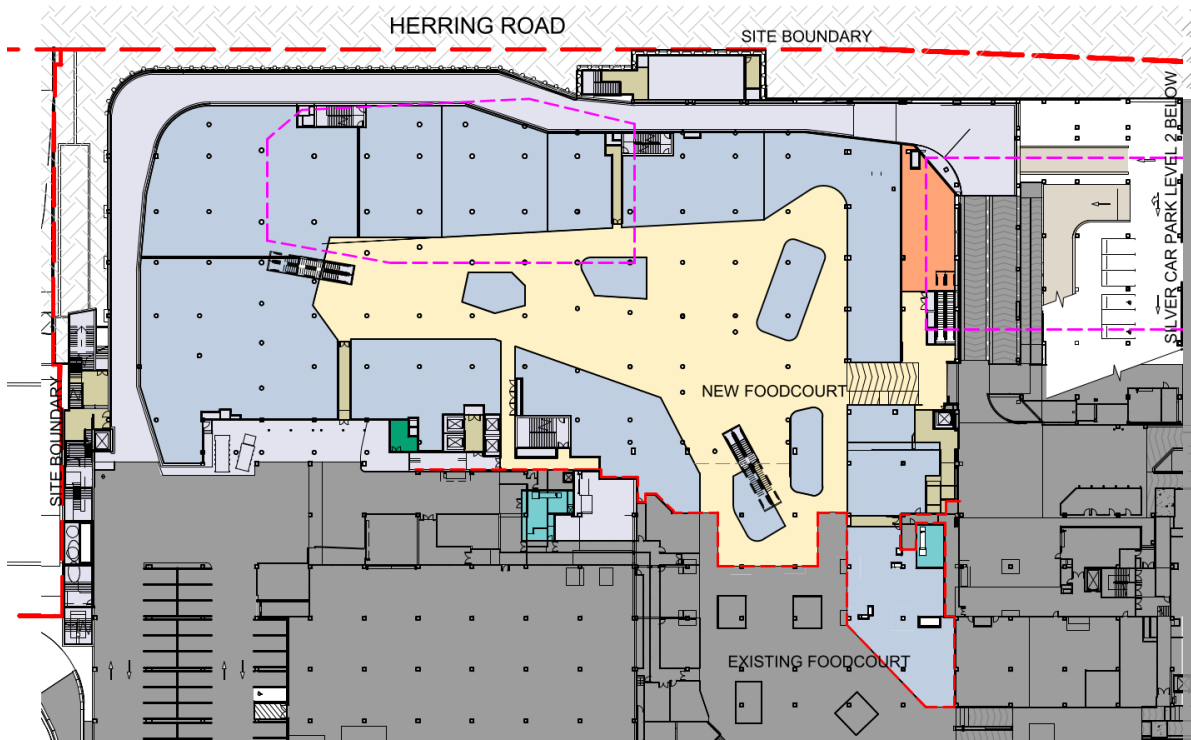


Figure 21: Proposed Herring Road Elevation (Podium outlined in red)



The application proposes the construction of an Olympic sized ice rink and grandstand seating. The ice rink is proposed to be located adjacent to Waterloo Road. The 'Cloud' form is proposed to sit atop of the ice rink and will provide illumination and theatrical lighting which forms part of the public art strategy. **(Figures 25 - 27).**

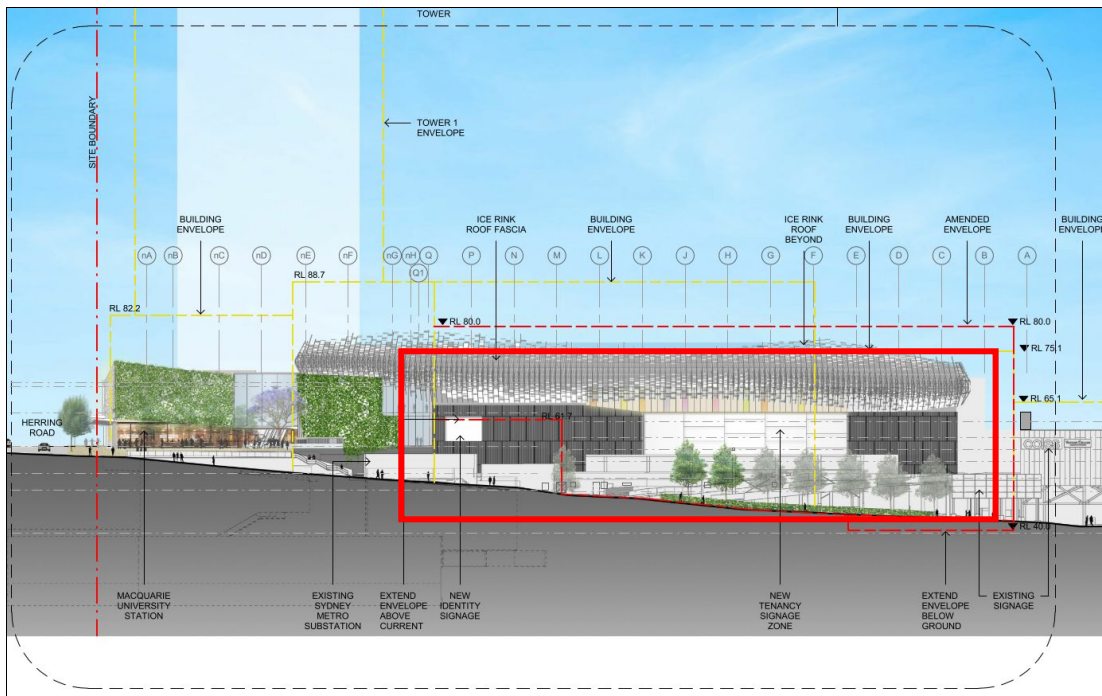


Figure 24: Proposed Waterloo Road Elevation (Ice Rink outlined in red)

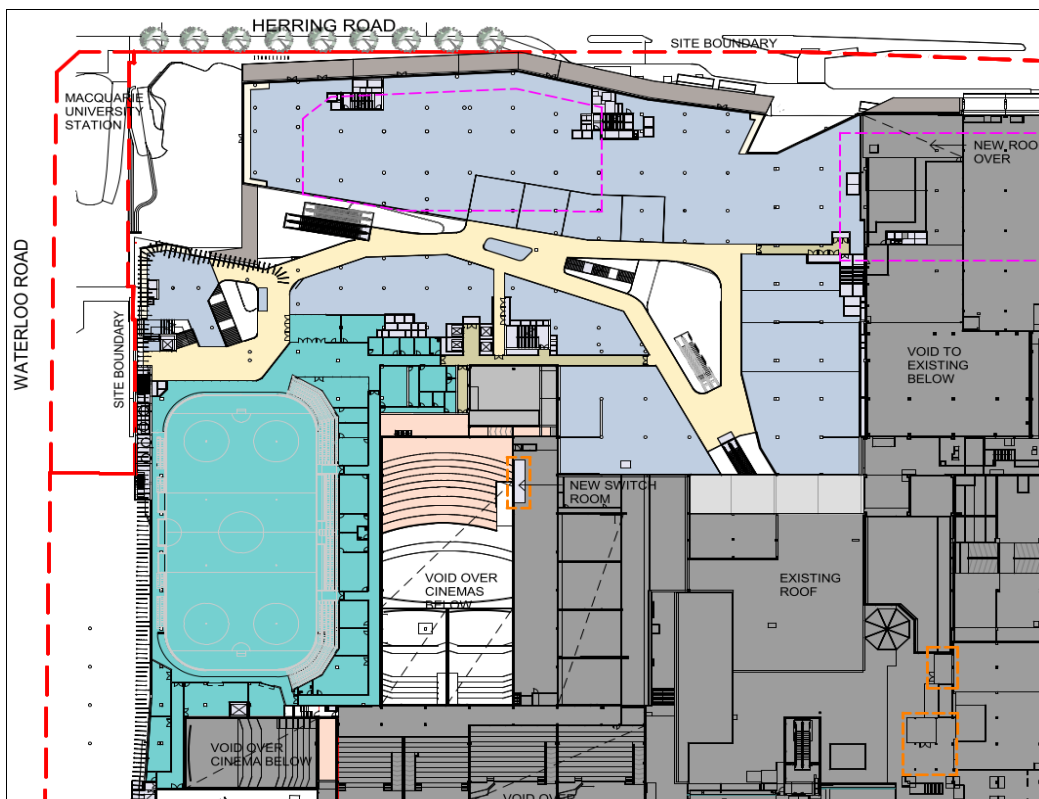
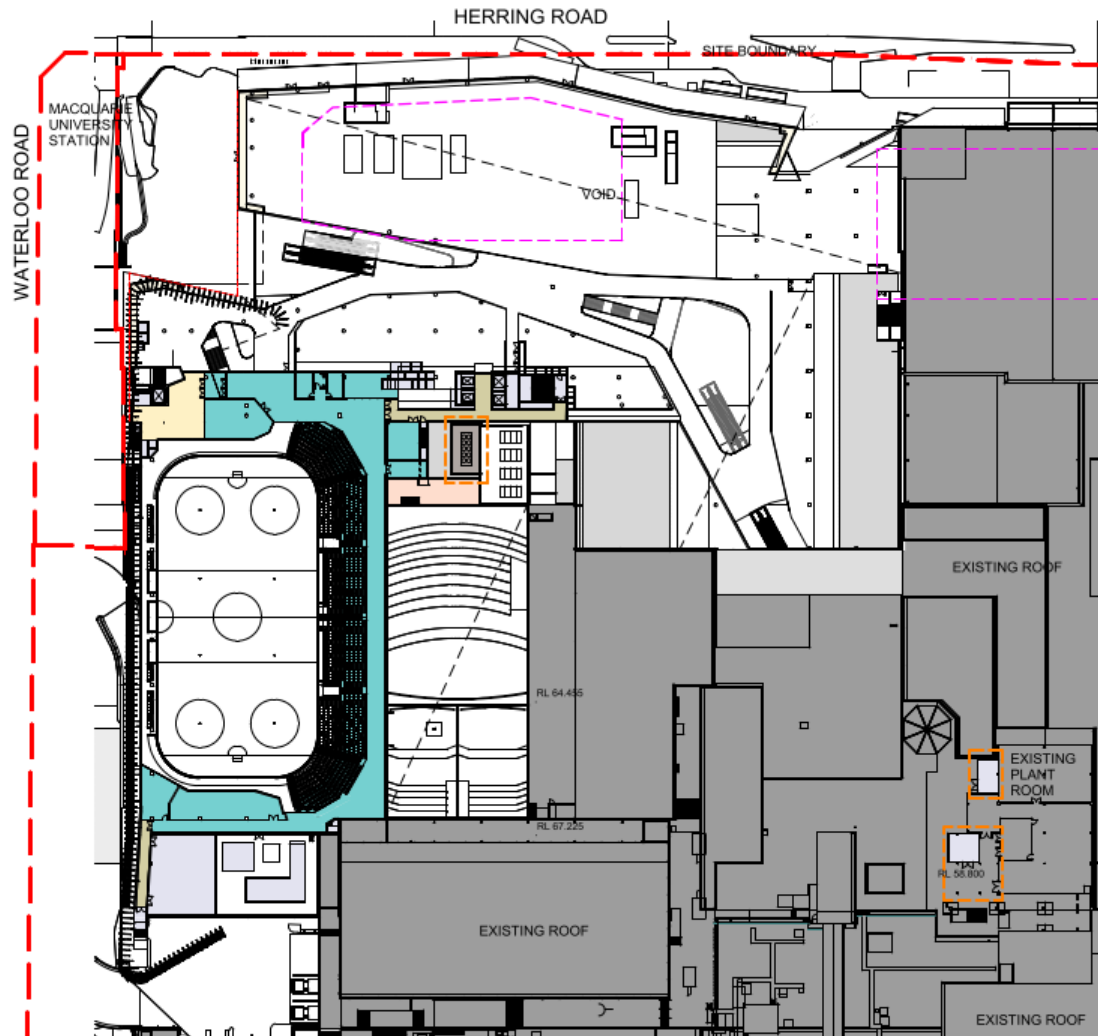


Figure 25: Proposed Ice Rink and Retail Space (Level 4A)



Station Plaza

The application proposes construction of a Station Plaza adjacent to the Macquarie University Station Entrance. The construction works include excavation, fill, landscaping, tree removal, public domain improvements including improved pedestrian access points and associated infrastructure to support the development (**Figures 28 & 29**).

The Station Plaza is proposed to have a size of approximately 1,500m² and will incorporate a landscaping, seating, bicycle parking and outdoor café space. A meeting tree, stage area and wifi connectivity is also proposed.

The existing vehicle crossing located toward the southern end of the site is proposed to be removed.

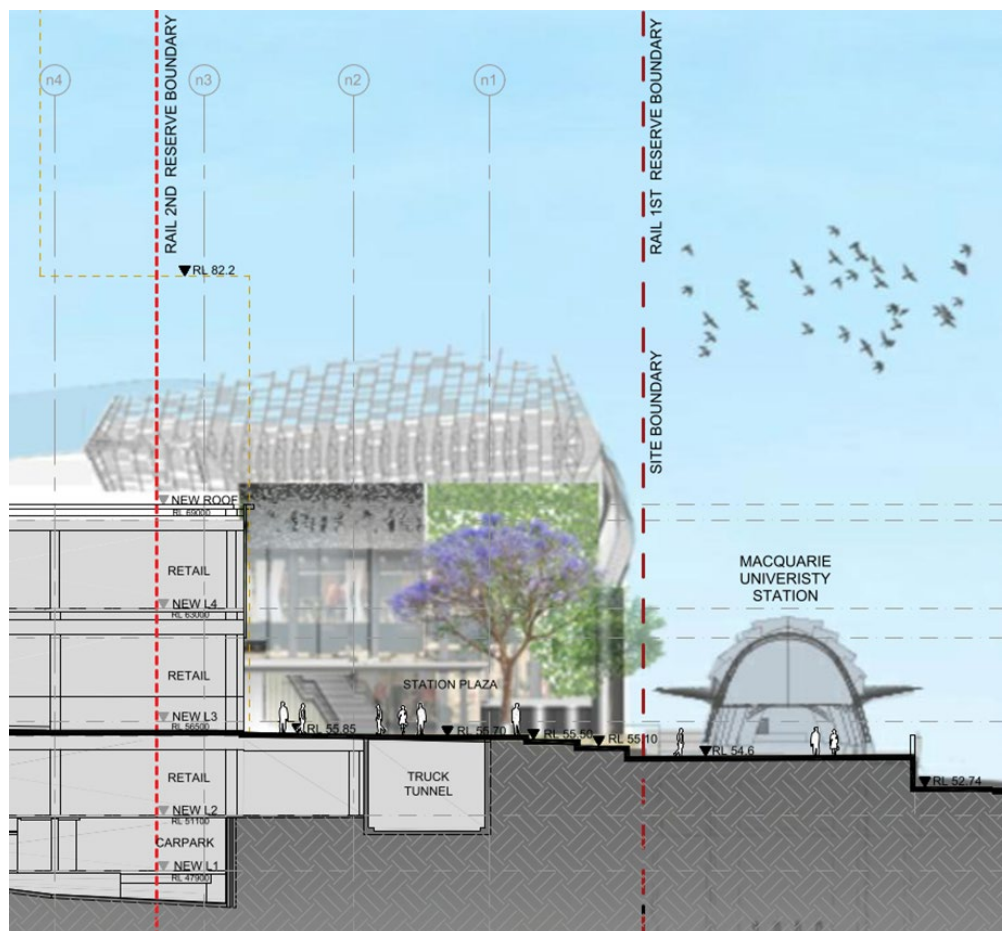


Figure 28: Proposed Section: Station Plaza

Tree Removal

Site preparation works include the removal of 82 trees of the 93 on site. These are noted at **Figures 30, 31 & 32** below. Of the 82 trees proposed to be removed one (1) is considered to be high category, 69 are considered to be medium category and 12 are considered to be low category.

Of the 12 low category trees proposed to be removed, all are exempt under Ryde DCP 2014 Part 9.5 Tree Preservation and can be removed without development consent.

The majority of trees to be removed are located within the proposed Station Plaza or within close proximity to the basement level excavation.

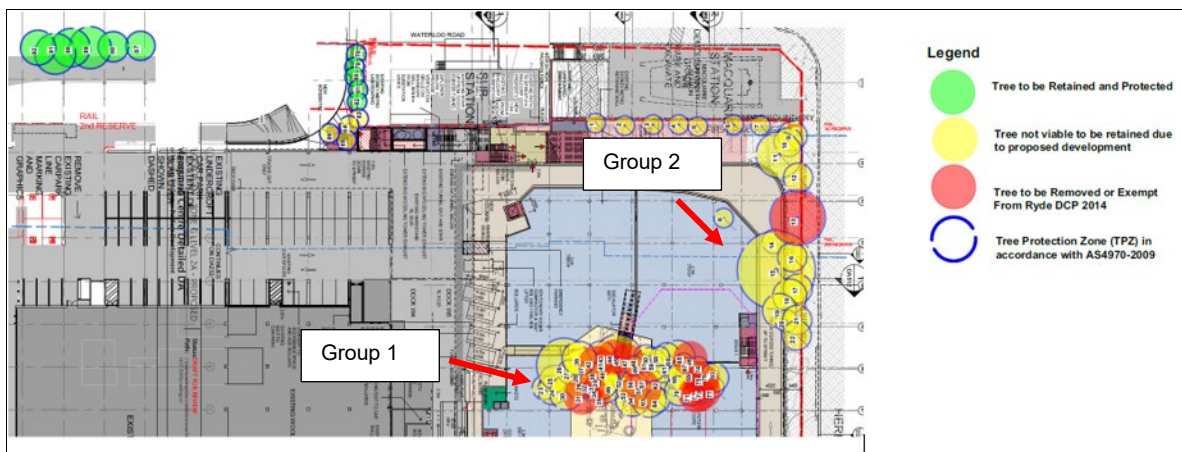


Figure 29: Tree Removal Plan. Trees to be removed in yellow & red.



Figure 30: Proposed trees to be removed.
(Group 1 as indicated in Figure 30 above)



Figure 31: Proposed trees to be removed.
(Group 2 as indicated in Figure 30 above)

Landscape Works

The application includes extensive planting and landscape works within the proposed Station Plaza (**Figure 33**). The proposed landscape scheme includes:

- Planting of 38 trees integrated throughout the Station Plaza
- Planting of ground covers and grasses
- Construction of a water play area and sculptured/climbable rocks
- Installation of seating throughout the Plaza

- Planting of a meeting tree and stage area
- Planting within the internal mall of the centre
- Installation of green walls along the podium edges.

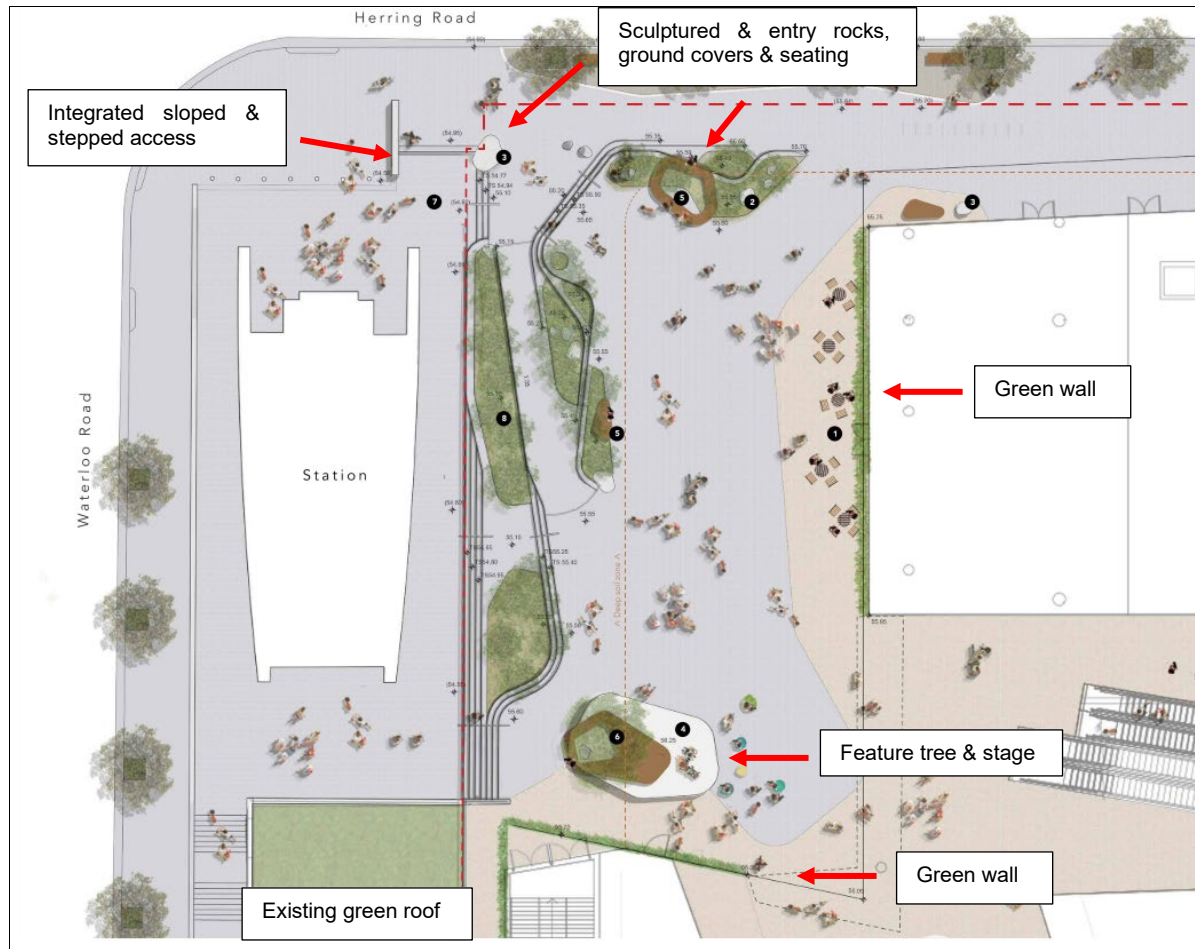


Figure 32: Proposed Landscape Plan.

Public Domain Works

The application also includes public domain works to a portion of both the Herring Road and Waterloo Road frontages of the site. The works include the planting of 9 new street trees along the Herring Road frontage and 2 new street trees along the Waterloo Road frontage. Upgrades to street furniture including seating, a new bus shelter (located partially within the public domain) and bins and new paving treatments are also proposed (**Figure 34**).

Two (2) additional bus shelters are also proposed along the Herring Road frontage and are located within the subject site.

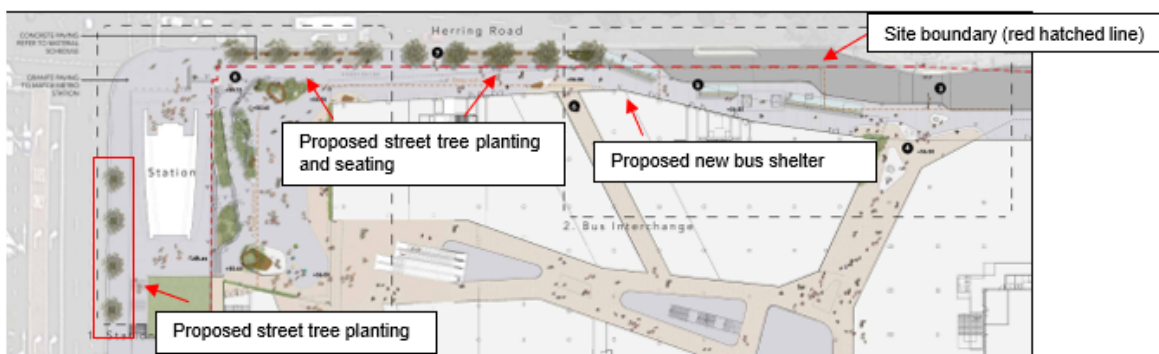


Figure 34: Proposed Public Domain Works. Extent of works outlined in red.

Signage

The proposal includes the installation of three (3) new business identification signage zones on Herring Road and two (2) new business identification signage zones on Waterloo Road. Each sign is proposed to be internally illuminated and flush to the external façade of the building.

The proposed signage zones along the Herring Road frontage of the site include, one (1) and three (3) which are 27m² in area and proposed signage zone two (2) which is 24m² in area (**Figure 35**).

The proposed signage zones along the Waterloo Road frontage of the site include two (2) business identification signage zones along the Waterloo Road frontage of the site. Proposed signage zone one (1) is 35m² in area and proposed signage zone two (2) is 320m² in area (**Figure 36**).

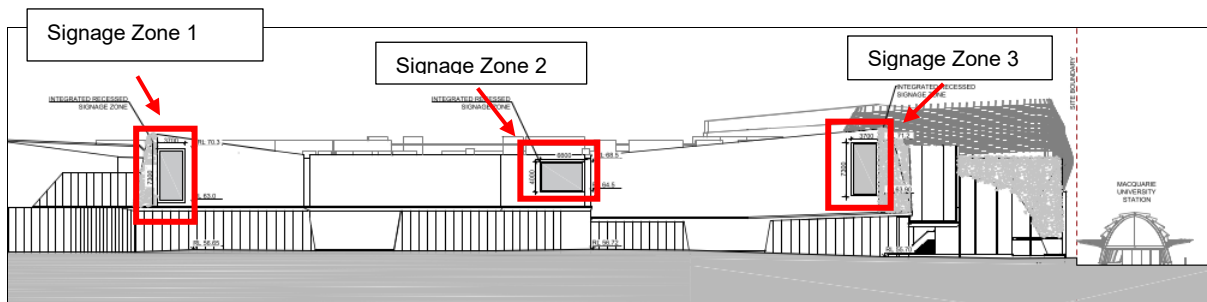


Figure 33: Proposed signage zones - Herring Road (Proposed zones outlined in red).

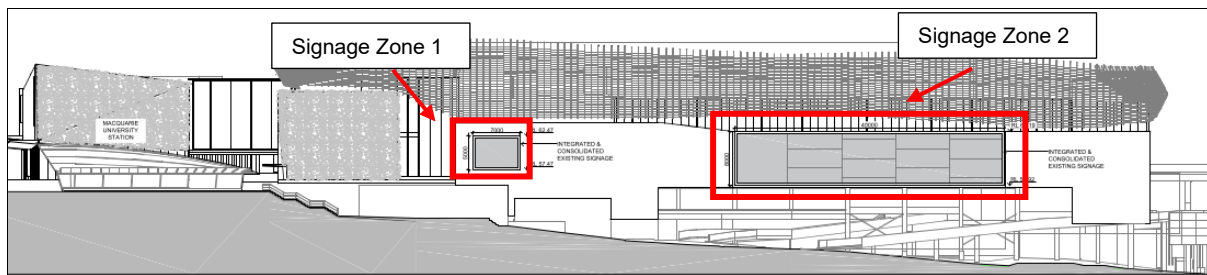


Figure 34: Proposed signage zones - Waterloo Road (Proposed zones outlined in red).

Digital Screen

It is proposed to install a digital screen for public art within the Station Plaza (as shown below). The digital screen is approximately 5m in height and 13m in width and has an area of 7m². The screen will be internally illuminated (**Figure 38**).



It is proposed that the digital artwork will be a stylised representation of activity occurring on the ice rink. The artwork will use colour and form to transition from day to night with complementary lighting installed in the plaza and cloud form. The digital screen is not proposed to be used for business or building identified signage or third-party advertising.

The proposed 'Cloud' form will provide illumination and lighting adding to the public art strategy. The illumination is proposed to transition from day to night to complement the digital art screen and plaza lighting.

Basement Parking/Talavera Road Parking

The application proposed the construction of basement level parking under the corner podium (**Figures 38 & 39**). The proposed basement is located toward the Herring Road frontage, on the site of the existing ice rink. Vehicular access is achieved via the existing on ramp toward the northern end of Herring Road.

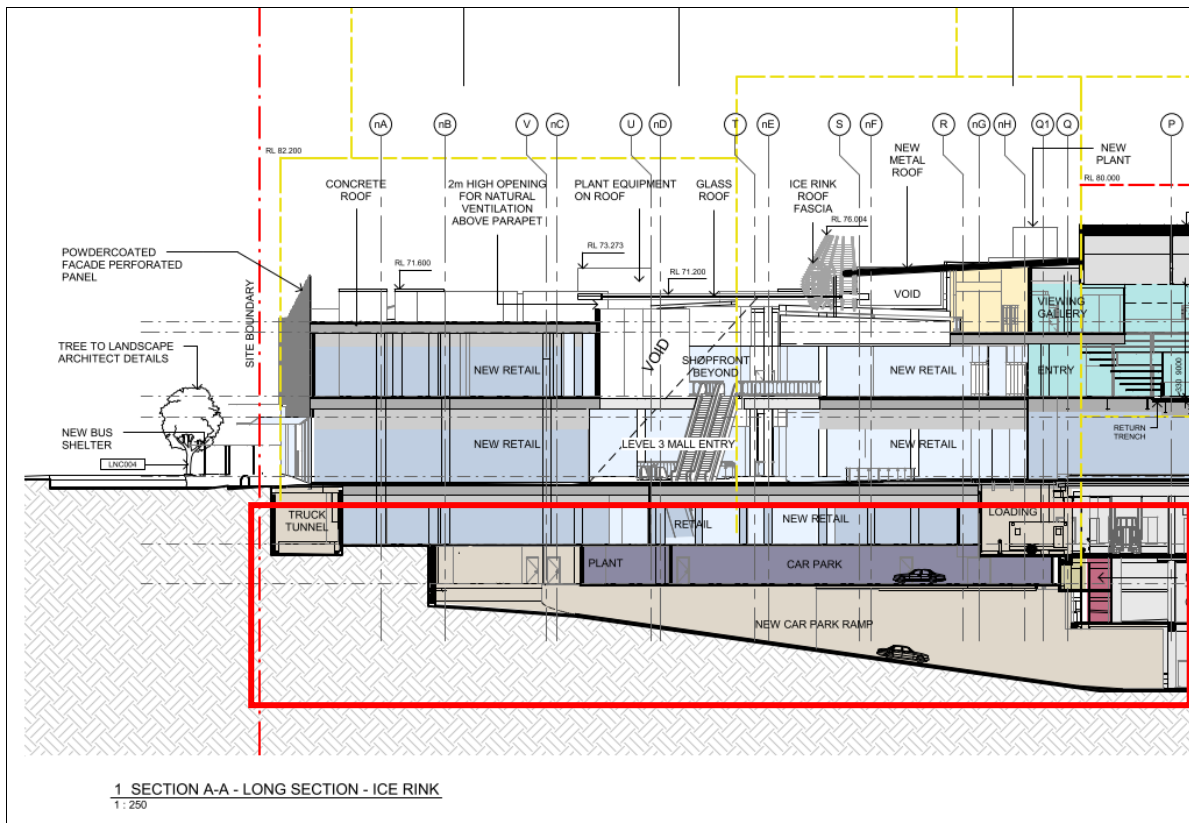
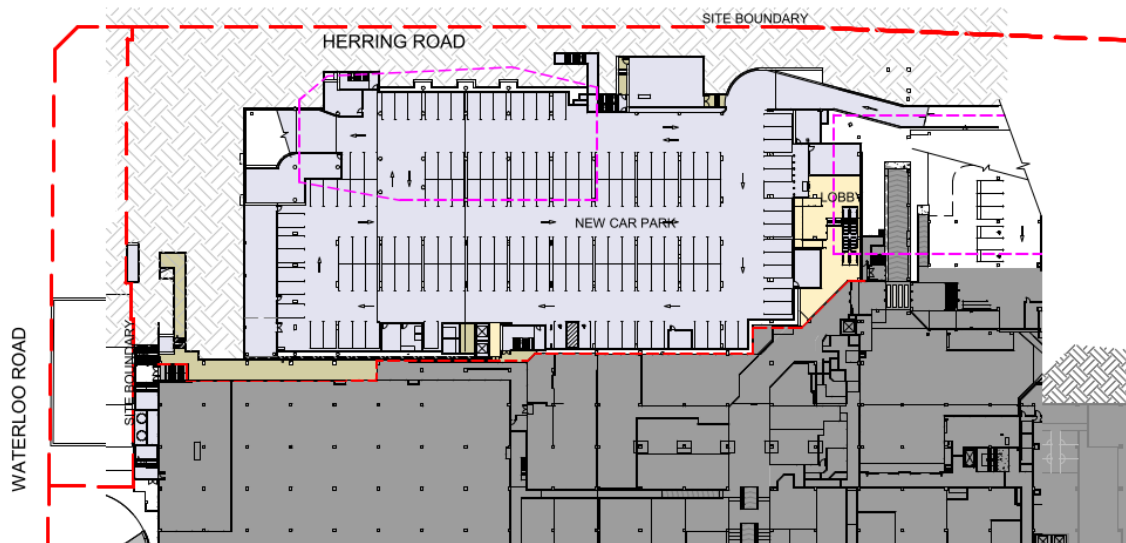
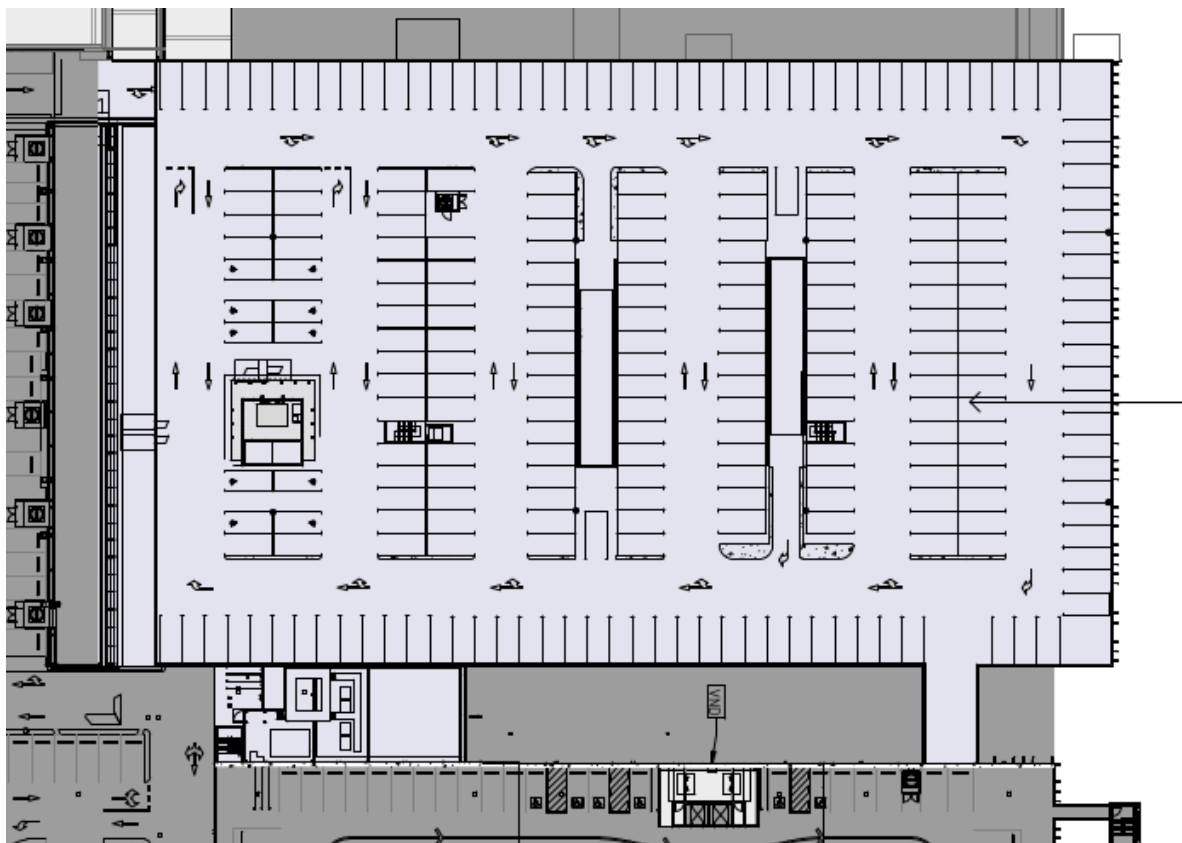
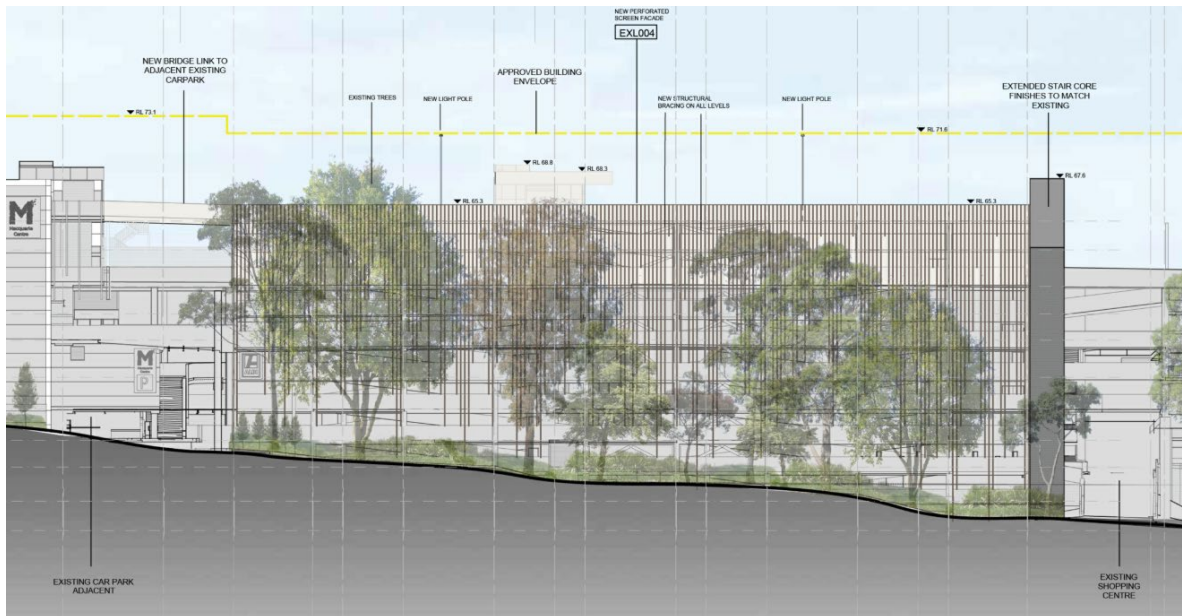


Figure 36: Proposed basement car parking (outlined in red).



The proposal also includes the construction of two (2) additional levels of deck parking fronting Talavera Road (**Figures 40 and 41**).



New bridge links and access tunnels connecting the car parking areas to the Centre are also proposed. Due to the construction of the new bridge links and tunnels a total of 125 car parking spaces will be lost throughout the site.

Staging

The applicant has advised the proposed works will be undertaken in three (3) stages:

- Enabling works
- Stage One (1)
- Stage Two (2).

Enabling Works

Enabling works involve the relocation of plant roof equipment and construction of new rooftop plantrooms and platforms/decks/structures to support the relocated plant. Access walkways, safety balustrades and screens to the plant will also be constructed.

Further enabling works include alterations and additions to the existing centrally located rooftop plant to accommodate additional plantroom.

Stage One (1)

Stage One (1) works will comprise of the following:

- Construction of the Ice Rink
- Partial demolition of the existing cinema, refurbishment and extension
- Construction of new retail areas (adjacent to Waterloo Road) and fitout
- Internal alterations to service areas.

Stage Two (2)

It is proposed that Stage Two (2) works will be undertaken in two (2) parts. Part one (1) involve the completion of the Station Plaza including landscaping and the fitout retail areas along Herring Road. This Part also includes the demolition of the existing ice rink and associated structures, installation of servicing and the construction of basement car parking.

Part Two (2) will include the construction of two (2) additional carpark levels to the existing Talavera Road car park.

It is proposed that the existing ice rink remain operational throughout the construction of the new rink.

6. HISTORY OF SUBJECT APPLICATION

Table 4 below provides details of the application history.

Table 4: Development Application History Summary

<i>Relevant Date</i>	<i>History</i>
19 December 2018	Development Application LDA2018/0498 was lodged in December 2018 for the detailed design of the Herring Road corner podium. The detailed design included the redevelopment of this podium, delivery of the Station Plaza and the demolition of the existing Olympic sized ice rink and construction of additional access points and car parking. Business identification signage was also proposed.

Relevant Date	History
2 January 2019	<p>A Stop the Clock letter was sent to the applicant. The letter outlined that Conditions 38 and 39¹ imposed as part of Development Application LDA2015/0655 had not yet been satisfied. The applicant was advised that these Conditions were required to be satisfied prior to the submission of any Stage 2 Development Application. The letter noted that a Modification Application had been lodged in order to modify the stage at which the various requirements of these Conditions were to be met.</p> <p>Modification Application MOD2018/0287 granted approval to amend the requirement for the timing of Condition 38. The amended Condition now required the submission of the detailed modelling and any mitigation measures to be provided prior to an increase in floor space or parking.</p> <p>It is noted that Condition 39 (as originally imposed) was required to be satisfied prior to the lodgement of any Stage 2 Development Application. Transport for New South Wales (TfNSW) confirmed the requirements detailed in this Condition had been met in a letter dated 18 December 2018.</p>
11 January 2019	<p>The application was advertised in the Northern District Times on 16 January 2019 and notified to adjoining property owners from 11 January 2019 to 6 February 2019.</p> <p>174 unique submissions objecting to the proposal were received. Concerns raised in the submissions related to the demolition of the existing ice rink and the extent of development proposed.</p> <p>In addition seven (7) petitions containing 155 signatures were also received. The petitions (each identical) sought to stop the demolition of the existing ice rink.</p>
18 January 2019	<p>The applicant (AMPC) sent a letter to Council requesting the application be placed on hold until further community engagement be undertaken regarding the proposal. The letter acknowledged the outpouring of support for the existing ice rink and indicated its preference to engage with the Macquarie Centre community as a priority.</p> <p>The applicant provided a media release to this effect.</p> <p>The applicant also provided an outline of their proposed community engagement program. The applicant held information sessions on 19, 21 and 24 January 2019.</p>

¹ Conditions 38 and 39 were imposed on Concept Plan by Transport for New South Wales (TfNSW). Condition 38 relates to the impact on road network and bus operations from any Stage 2 development. The Condition requires the applicant to undertake detailed modelling to the satisfaction of Council and TfNSW and identify any impacts. Mitigation measures to ameliorate these impacts are also required to be identified.

Condition 39 relates to the Herring Road Bus Interchange (now the Macquarie University Bus Interchange). Condition 39 required the applicant to consult with TfNSW regarding the Bus Interchange prior to the lodgement of any Stage 2 Development Application. On 18 December 2018 TfNSW confirmed that consultation was undertaken and the requirements of Condition 39 had been satisfactorily met.

These matters are discussed in detail in Section 7 of this report, and in Attachment 2.

Relevant Date	History
29 January 2019	At an Extraordinary Council meeting held on 29 January 2019, Council resolved to place an Interim Heritage Order (IHO) over the ice rink. The IHO was made by the Minister for Heritage on 4 February 2019.
15 February 2019	<p>A letter was sent to the applicant with reference to the Government Notice published in the NSW Government Gazette No. 10 on 4 February 2019 which refers to Interim Heritage Order (IHO) No. 147 made pursuant to Section 24 of the <i>Heritage Act 1977 (NSW)</i>. The letter noted that:</p> <p><i>The effect of the IHO is that approval from the Heritage Council of NSW is required for any works for the duration of the order.</i></p> <p>A comprehensive Heritage Impact Statement (HIS) of the proposed development to consider the impact on the Macquarie Ice Rink was requested to be provided.</p>
25 October 2019	A letter was sent to the applicant requesting the application be withdrawn due to the extensive time the application has been placed on hold.
2 July 2020	<p>A Pre-Lodgement and Urban Design Review Panel (UDRP) meeting was held with the Applicant.</p> <p>Council Assessment Officers noted to the Applicant that reference will be required to be made to the Draft Planning Proposal (the ice rink) and requested a Draft Conservation Management Plan be submitted to Council for review prior to the lodgement of the amended plans.</p> <p>It was further noted that a Modification Application (to the Concept Approval) will be required to be lodged with Council with regard to any portion of the proposal which is outside the building envelopes approved by the Concept Approval.</p> <p>The importance of ensuring compliance with relevant Conditions in the Concept Approval was also noted. Specifically, Conditions 38 and 39 as they relate to TfNSW.</p> <p>The Panel were generally supportive of the proposed design subject to minor amendments. The UDRP encouraged the Applicant to address the following with further design amendments:</p> <ul style="list-style-type: none"> • The visual connection between the ice rink and surrounding public realm • The composition and articulation of the Waterloo Road façade • The integration of signage within the Waterloo Road façade. <p>The Panel indicated refinement of the landscape design is also required.</p>
23 July 2020	<p>A second Urban Design Review Panel Meeting was held with the Applicant. The Panel noted the following:</p> <p><i>The proponent has demonstrated the internal planning and functional arrangements of the ice rink do not allow the ice rink itself to be positioned adjacent to the facade overlooking the entry</i></p>

Relevant Date	History
	<p><i>plaza. Consequently, it is not possible to create a direct visual link from ice to plaza.</i></p> <p>The Panel accepted and noted that due to these constraints, the need to achieve a strong image and presence for the ice rink within the public realm and within the shopping centre itself must be achieved in another, less direct, way. The Panel noted that the proposed interpretive public art installation which includes motion detectors which capture the movement of skaters on the ice, abstract it and project the resulting tracery on large format digital screens addressing the public plaza is satisfactory in addressing this.</p> <p>The Panel encouraged further refinement upon the lodgement of the amended application. The Panel noted the following:</p> <ul style="list-style-type: none"> • Provide the opportunity for users of the ice rink to also benefit from the artwork, and particularly be able to experience a direct interaction between an individual's movement with the screen and motion sensors • Consideration of a simple plan of management for the operation and curation of the public artwork to ensure it brings life and animation to the plaza (when appropriate) whilst the ice rink is not being intensively utilised and outside its hours of operation • Consideration of the relative benefits of consolidation of the exterior screens (to maximise visual impact) versus their proposed distribution to various surfaces and locations • Consideration of the positioning of the projection screen behind a glazed facade and the need to eliminate unwanted external reflections that might otherwise diminish the visual impact of the artwork • The development of a cost plan and budget adequate for the achievement of the anticipated level of public benefit proposed by the interpretive artwork concept • Noting conditions of consent for the Concept Plan approval for the delivery of public art, a binding commitment to the implementation and ongoing management and curation of the public artwork. <p>The Panel noted that the refinements to the geometry and scale of the 'Cloud' and the adjustments to the fenestration, composition of the 'recessive headlands' and the order brought to a defined and contained signage zone are supported, and represent progress in response to earlier comments.</p> <p>The Panel requested that refined drawings of each primary façade be submitted as part of any future amended proposal.</p> <p><u>Assessing officer comment:</u></p> <p>The amended application provided all detail requested by the Panel. Upon lodgement the proposal was referred to Council's Urban Designer. Referral comments are discussed below.</p>
26 August 2020	Draft Conservation Management Plan (CMP) was submitted to Council for review and discussion.

Relevant Date	History
23 September 2020	A meeting between Council's Heritage Adviser, Assessing Officer, Manager Urban Strategy and the Applicant was held to discuss the Draft CMP.
28 September 2020	In accordance with Section 55 of the Environmental Planning and Assessment Regulation 2000 and with agreement of Council, the Applicant lodged an amended application.
8 October 2020	A revised CMP was submitted to Council for review.
9 October 2020	The development application was notified and advertised between 9 October 2020 and 4 November 2020. Thirty-One (31) submissions were received. Fifteen (15) objecting to the proposal, each of which are a proforma document, thirteen (13) in support of the proposal and three (3) which are neutral.
A number of meetings were held between Council staff and the Applicant to discuss the amended plans, outstanding traffic modelling and CMP.	
22 October 2020	A request for further information from Sydney Metro was received. Sydney Metro requested an Engineering Impact Assessment be prepared and provided for assessment. Sydney Metro advised, the request 'Stopped the Clock'.
11 November 2020	TfNSW advised that the traffic modelling required to be submitted (as per Condition 38 of Concept Approval) had not yet been received. TfNSW requested the amended modelling be provided prior to the determination of this development application. TfNSW also noted that mitigation measures to ameliorate any impacts identified as a result of the traffic modelling are also required to be proposed.
30 November 2020	Traffic modelling was submitted to both Council and Transport for New South Wales (TfNSW).
Ongoing discussions between Council's Transport team, the Applicant and TfNSW occurred as a result of the submitted modelling.	
27 January 2021	Comments from TfNSW on the traffic modelling were provided. TfNSW noted that the modelling was not satisfactory, and that additional data was required in order to determine an appropriate infrastructure contribution framework. Council's Transport Team also provided comment. Council noted some discrepancies in the data provided.
5 February 2021	Amended traffic modelling was submitted to both Council and Transport for New South Wales (TfNSW). An infrastructure contribution framework was also submitted.
5 February 2021	A Request for Information (RFI) was sent to the Applicant. The RFI detailed the following: <i>Urban Designer</i> Council's Urban Designer reviewed the amended application and identified a number of matters which required design amendment. Specifically, it was noted that the amended application did not satisfactorily address all requirements in response to the heritage value of the ice rink.

Relevant Date	History
	<p>It was recommended the proposal be redesigned to give consideration to the:</p> <ul style="list-style-type: none"> • Visual relationship between the internal areas • Visual Relationship between the public domain and the ice rink. <p>Further to this, it was also requested that further activation and refinements of the Waterloo Road façade be undertaken. Specifically, Council's Urban Designer requested that the façade should maximise the activation of Waterloo Road by providing greater visual interaction through the use of building elements including windows and roof design.</p> <p>This also aligns with comments made by the Urban Design Review Panel (UDRP).</p> <p><i>Landscape</i></p> <p>Council's Consultant Landscape Architect/Arborist reviewed the application and requested the applicant provide:</p> <ul style="list-style-type: none"> • Clarification of existing vegetation including species and tree locations • A detailed representation of materiality and size of species and location of proposed vegetation, particularly in the proposed Station Plaza. <p>Additionally, it was highlighted to the Applicant that opportunities exist to increase the quality and amenity of the proposed Station Plaza through incorporation of an increased level of podium planting inclusive of species capable of providing shade and visual amenity.</p> <p><i>Public Domain</i></p> <p>Council's Public Domain Engineer reviewed the application and requested that the proposal be amended to comply with the standards and requirements of the RDCP 2014 Part 4.5: Macquarie Park Corridor and the City of Ryde Public Domain Technical Manual (PDTM), Chapter 6 – Macquarie Park Corridor.</p> <p>It was requested that civil engineering drawings be prepared to reflect the standards and requirements specified.</p> <p>In addition it was requested that the revised drawings indicate the proposed Waterloo Road Active Street Master Plan and Macquarie University Bus Interchange (MUBI).</p> <p><u>External Referrals</u></p> <p><i>Traffic Matters</i></p> <p>TfNSW has reviewed the proposal and requested additional traffic modelling be undertaken. It is noted that both Council's Traffic Engineer's and the Applicant has been in ongoing discussions with TfNSW regarding the amended modelling and the extent required.</p> <p>Further, it is noted that the Applicant and TfNSW have also been in ongoing discussions regarding the extent and mechanism of monetary contributions required to be paid as part of this Development Application.</p>

Relevant Date	History
	<p><i>Transport for New South Wales (Sydney Metro)</i></p> <p>In accordance with Clauses 85 (development adjacent to rail corridors) and 86 (excavation in, above, below or adjacent to rail corridors) of SEPP (Infrastructure) 2007 concurrence was sought from Sydney Metro (delegated authority for the Epping to Chatswood Rail Corridor).</p> <p>Sydney Metro has reviewed the proposal and requested an Engineering Impact Assessment be undertaken.</p> <p>These matters are discussed further throughout this table.</p>
16 February 2021	<p>The Applicant submitted a formal extension to the RFI in order to provide sufficient time to address and provide adequate traffic modelling to TfNSW as well as address any Heritage related matters which may arise.</p> <p>An extension was granted.</p>
24 February 2021	<p>TfNSW advised that the infrastructure contribution framework submitted was not satisfactory. TfNSW requested that the infrastructure contribution framework be based on other development within the Macquarie Park area.</p> <p>This would then in turn satisfy the requirements of Condition 38 of the Concept Application approval.</p>
24 February 2021	<p>Comments from Council's Heritage Advisor were sent to the Applicant.</p> <p>Council's Heritage Advisor reviewed the amended application, including the CMP and requested the applicant update the CMP to be written in accordance with the Articles of the Australia ICOMOS Burra Charter 2013. Specifically, it was requested that the CMP remain neutral to the proposal. A number of administrative matters were also requested to be amended.</p> <p>In addition, a number of Urban Design matters were clarified. The Applicant was provided clear direction to the importance of providing an amended design which ensured the proposal provided:</p> <ul style="list-style-type: none"> • The strong visual relationship between the ice rink and the internal thoroughfares and a designated food court of the proposed shopping centre • The strong visual relationship between the ice rink and the external public domain through full height glazed walls. <p>The applicant was requested to provide amended plans and documentation addressing these matters.</p>
2 March 2021	<p>The applicant presented TfNSW an infrastructure contributions framework based on other development within the Macquarie Park area, specifically 11-17 Khartoum Road, Macquarie Park.</p>
6 March 2021	<p>TfNSW advised that the infrastructure contribution framework submitted was not satisfactory. TfNSW requested that the infrastructure contribution framework be based on other development within the Macquarie Park area. TfNSW noted that</p>

Relevant Date	History
	11-17 Khartoum Road, Macquarie Park was not a suitable comparison. No further comment was provided.
9 March 2021	A meeting was held between Council's Assessment Officer, Urban Designer and the Applicant. The Applicant presented concept drawings which demonstrated design amendments which had been raised in the RFI.
11 March 2021	A revised infrastructure contribution framework was submitted to TfNSW for their review.
30 March 2021	The Applicant submitted the Engineering Impact Assessment requested by Sydney Metro for review and assessment.
Ongoing discussions between the Applicant and Sydney Metro to discuss the Engineering Impact Assessment (EIA) occurred. Sydney Metro requested the Applicants Engineer meet on site to discuss matters outlined in the EIA. A site inspection occurred on 21 May 2021.	
7 May 2021	Amended plans and documentation in response to Council's Request for Information were received. All plans and documentation were referred to internal and external departments/officers.
14 May 2021	Council's Urban Designer requested the Applicant provide 3D views in order to understand the visual connection between the Station Plaza and the Ice Rink.
19 May 2021	Council's Consultant Landscape Architect/Arborist reviewed the amended plans and requested increased soft landscaping throughout the Station Plaza as well as greater definition of the proposed landscape scheme.
25 May 2021	Council's Public Domain Team reviewed the amended plans and noted a discrepancy in the boundary alignment of the submitted drawings. The Applicant was advised of this issue.
26 May 2021	The Applicant provided 3D Views from the Station Plaza to the proposed ice rink. Consultation between Council's Assessment Officer and Urban Designer and the Applicant have been ongoing.
27 May 2021	A draft response to comments from Council's Consultant Landscape Architect/Arborist were received. Consultation between Council's Assessment Officer, Consultant Landscape Architect/Arborist and the Applicant have been ongoing.
27 May 2021	Council's Heritage Advisor reviewed the amended plans and documentation and advised of support for the proposal, subject to recommended conditions.
28 May 2021	Correspondence was received from TfNSW stating that the infrastructure contribution framework submitted was not satisfactory. TfNSW advised negotiations were continuing with the Applicant. No further details were provided. TfNSW verbally indicated to the Applicant that the infrastructure contribution framework should be based on other shopping centres such as Westfield Parramatta and Castle Hill Towers.
16 June 2021	Amended architectural drawings and landscape drawings were received.

Relevant Date	History
	Council's Consultant Landscape Architect/Arborist and Urban Designer reviewed the amended plans and raised no further objection.
18 June 2021	Amended public domain plans were received. Council's Public Domain Engineer reviewed the amended plans and raised no further objection.
16 September 2021	Concurrence from TfNSW was received.
27 September 2021	Concurrence from Sydney Metro was received.

7. CONSISTENCY WITH THE CONCEPT APPROVAL

As stated above Concept Approval LDA2015/0655 was granted in November 2016 by the Joint Regional Planning Panel for the mixed use redevelopment of Macquarie Shopping Centre. The Stage One (1) Concept Approval established building footprints, building heights and publicly accessible pedestrian areas and new vehicle access points. The Concept Approval also granted consent for an additional Gross Floor Area (GFA) of 148,000m².

Table 5 below outlines the key aspects of the Concept Approval as they relate to this application. A full compliance table is in **Attachment 2**.

Table 5. Numeric Overview of Proposed Development

Component	Concept Development	Proposed DA	Complies
Gross Floor Area	148,000m ²	22,764m ² The proposed total GFA for the site is 193,706m ²	Yes
Building Height	120m at the corner of Herring Road and Waterloo Road 90m at the corner of Herring Road and Talavera Road 65m across the remainder of the site	<i>Retail Podium:</i> Maximum Height: 31.30m <i>Rooftop Carpark:</i> Maximum Height: 22.07m	Yes
Parking	A maximum of 3.5 parking spaces per 100m ² of Gross Leasable Floor Area (GLFA). The application proposes 17,407m ² of GLFA. A total maximum car parking spaces permitted is 610.	The proposed works yield a total of 500 net additional car spaces (455 car parking spaces in the proposed Talavera Road extension and 151 in the basement 1A extension. 125 car spaces are lost throughout the site. A further 19 car parking spaces are gained due to changes to the internal layout).	Yes

Component	Concept Development	Proposed DA	Complies
Public Space	a) A network of interconnected public open space and publicly accessible spaces including Station Plaza, Herring Road entry and The Atrium as identified in the illustrative plans and urban design report which accompanied the Stage 1 Development Application.	a) The application proposes an interconnected publicly accessible Station Plaza and Herring Road entry linking to the proposed Atrium Space.	Yes
	b) All paving, lighting, bins and other street furniture in Station Plaza is to be in accordance with Macquarie Park Public Domain Technical Manual. A minimum of 10 park benches and 10 bicycle parking spaces are to be provided.	b) The proposed Station Plaza is consistent with the requirements of the Macquarie Park Public Domain Technical Manual. 10 park benches and 10 bicycle parking spaces are proposed.	Yes
	c) Station Plaza is to be provided with infrastructure such as gas, power, water supply and wireless internet.	c) Gas, power, water supply and WIFI are proposed as part of the Station Plaza.	Yes
	d) All landscaping within Station Plaza is to be endemic species.	d) Landscaping within the Station Plaza is endemic. The planting scheme is supported by Council's Consultant Landscape Architect/Arborist.	Yes
	e) Retail uses are to be located within the buildings adjacent to the Station Plaza.	e) Activated retail uses are proposed adjacent to the Station Plaza. Two large retail spaces will have direct access to the Station Plaza. There will also be a major entry to the Centre from the Station Plaza.	Yes

Component	Concept Development	Proposed DA	Complies
	f) Continuous ground level active uses as defined by Part 4.5 Macquarie Park Corridor of DCP 2014 must be provided along the Herring Road frontage. Buildings must address the street or public domain and front doors are to be located on the primary frontage.	f) Activated retail uses on the ground level have been provided along the Herring Road frontage. The proposed building addresses the street and transport infrastructure directly adjacent to the site.	Yes

8. APPLICABLE PLANNING CONTROLS

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy No. 64 – Advertising and Signage;
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- Ryde Local Environmental Plan 2014;
- Draft Environment SEPP;
- Draft Remediation of Land State Environmental Planning Policy;
- Draft Planning Proposal: Macquarie Ice Rink Heritage Item;
- City of Ryde Development Control Plan 2014; and
- City of Ryde Section 7.11 Development Contributions Plan 2020

9. PLANNING ASSESSMENT

9.1 Environmental Planning and Assessment Act 1979

In accordance with Section 7.4 of the EP & A Act 1979, Concept Approval (LDA2015/0655) required the applicant (AMP Capital Funds Management Limited, and AMP Macquarie Pty Limited) to enter into a VPA with Council for the establishment of a library and creative hub. The VPA stipulated that the future community facility would be located toward the corner of Herring and Talavera Roads as shown in **Figure 14** above and have a contribution value of \$ 25,000,000.00.

The VPA further stipulated that the community facility must be delivered upon the issuing of a Construction Certificate for any part of the development which authorises the construction of additional GFA on the site, beyond the GFA which existed as the date of the deed, being an additional 148,000m². The VPA also noted that monetary contributions are only applicable if the GFA exceeds the additional 148,000m² of GFA consented as part of the Concept Approval.

The proposed works will result in an additional 22,764m² of GFA across the site. The delivery of the community facility is not triggered by the works proposed as part of this development application. Further, the payment of Section 7.11 monetary contributions are not required as part of this development application.

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

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

9.3 State Environmental Planning Policy (Infrastructure) 2007

a) Sydney Metro

In accordance with Clauses 85 (development adjacent to rail corridors) and 86 (excavation in, above, below or adjacent to rail corridors) of SEPP (Infrastructure) 2007 concurrence was sought from Sydney Metro (delegated authority for the Epping to Chatswood Rail Corridor).

Sydney Metro assessed the proposal in accordance with the requirements of Clause 86(4) of the SEPP (Infrastructure) 2007 and granted concurrence subject to appropriate conditions of consent (**See Conditions 69 to 87, 142 to 149 and 190 to 193**).

No adverse effects on the safety or structural integrity or the safe and effective operation of the Sydney Metro line are considered to arise as a result of the proposed development.

Overall, it is considered that the application is consistent with Clauses 85 & 86 of SEPP (Infrastructure) 2007.

b) Transport for New South Wales (TfNSW) (formally Roads and Maritime Service)

In accordance with Clause 104 (traffic generating development) of SEPP (Infrastructure) 2007 the application was formally referred to TfNSW.

As detailed in Section 6(f) of this report, following receipt of additional information TfNSW assessed the proposal in accordance with the requirements of Clause 104 of the SEPP (Infrastructure) 2007. On 16 September, Council received the following letter from TfNSW:

Reference is made to additional contribution framework information provided by AMP Capital dated 3 August 2021 and 11 August 2021, and subsequent meetings and discussions with the applicant, regarding the abovementioned Application.

TfNSW has reviewed the additional contribution framework information for the additional retail floor space, and raises no objections to this application subject to the following requirements to be incorporated in any consent issued for this application:

1. The applicant is to enter into a Transport Infrastructure Contribution Deed with Transport for NSW prior to the issue of a Construction Certificate, comprising a monetary contribution of \$2,814,092 towards signalised intersection improvements

within Macquarie Park. The monetary contribution of \$2,814,092 is to be paid by the applicant prior to issue of any Occupation Certificate for this application.

2. Condition 38 of the concept approval is to be modified to include the contribution framework, prior to the issue of the Occupation Certificate for the Herring Road Corner Podium development (LDA2018/0498).

3. A total monetary contribution of \$6,100,000 million is to be provided by the applicant for the additional retail gross floor area under the Concept Approval (LDA2015/0655). Future development applications will need to consider an apportionment of this total contribution amount to reflect the increase in retail floor space.

4. The applicant is to consult with TfNSW in relation to entering into a further Transport Infrastructure Contributions Deed (Further Stages Deed) for the payment for road improvement works and/or mitigation measures within Macquarie Park.

Requirements 1 and 2 will be included as conditions of consent. Points 3 and 4 are not relevant conditions that can be imposed on this application. (see conditions 95 and 189).

Overall, it is considered that the application is consistent with Clause 104 of SEPP (Infrastructure) 2007.

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

The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 applies to the site. The aims of the plan are to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of the non-rural areas of the State through the preservation of trees and other vegetation.

As detailed earlier in this report, the proposal results in the removal of 82 of the 93 trees on site. Of the 82 trees proposed to be removed one (1) is considered to be high category, 69 are considered to be medium category and 12 are considered to be low category. Of the 12 low category trees proposed to be removed, all are exempt under Ryde DCP 2014 Part 9.5 Tree Preservation and can be removed without development consent.

Table 5: Ryde DCP 2014 – Part 9.5 Tree Preservation – Tree Removal Summary

Total trees on site	93 trees		
Trees to be removed	82 trees (proposed)		
Summary of Arboricultural Assessment of trees to be removed	High category: 1 Medium category: 69 (proposed) Low category: 12 Exempt trees: 12		
High category tree species	Tree 10	<i>Eucalyptus Tereticornis</i>	High significance

Source: Arboricultural Development Impact Assessment Report (prepared by Bird Tree Consultancy dated 6 February 2021, Rev B).

Note: The application proposes the removal of 82 trees, the removal of tree 83 is not supported. This matter is discussed below.

Council's Consultant Landscape Architect/Arborist reviewed the proposal with regard to the proposed tree removal and advised the following:

The removal of these trees is unlikely to have a significant impact on the landscape character of the site or the surrounding landscape setting given most of these trees are of a minor nature or are planted in a sunken position between existing structures at a significantly lower level than the surrounding streetscape.

The application also proposes to remove one (1) tree (tree 83) located on the adjoining site (Sydney Metro owned land). Council's Landscape Architect/Arborist has advised that the removal of this tree is not supported as the tree is unlikely to be subject to any significant impact as a result of the proposed works. This tree is a *Elaeocarpus reticulatus* and is one of several trees that are planted in a row. All other trees are proposed to be retained. Given that the development will not impact on the tree, its retention is appropriate.

Appropriate tree protection measures have been recommended. **(Conditions 90 to 94 and 110 to 112).**

It is considered that the removal of 81 of the 93 trees on site will not have an adverse impact of the ecological, heritage, aesthetic and cultural significance of the area. The proposed replacement planting will ensure that the development will not result in an unacceptable loss of amenity values or finite natural resources. The development as a whole will positively contribute to ensuring a sustainable urban forest canopy in the City of Ryde. In addition, the proposed landscaping scheme is consistent with that envisaged under the Concept Approval.

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

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

A limited Detailed Site Investigation prepared by Douglas Partners (dated June 2020) was submitted with the application. The report concluded that

The site is suitable, from a contamination perspective, for the proposed expansion to the Macquarie Centre subject to:

- *A hazardous materials survey of parts of the existing buildings to be disturbed be undertaken prior to disturbance.*
- *Upon demolition of existing buildings, assess the footprint of those buildings for potential soil contaminants such that appropriate management procedures can be enacted.*
- *The implementation of an unexpected finds protocol so that any finds of suspected contamination can be documented and managed under an appropriate management procedure.*

Council's Environmental Health Officer (EHO) has reviewed the submitted documentation and has advised that the site is suitable for the proposed on-going land use. **(See Conditions 30, 139 and 140).**

9.6 State Environmental Planning Policy No. 64 Advertising and Signage

The provisions of State Environmental Planning Policy (SEPP) No.64 – Advertising and Signage came into force in March 2001. As per Clause 6 of SEPP No.64, the provisions of this policy are considered to be relevant to this proposal.

The aims and objectives of this policy are:

- (a) to ensure that signage (including advertising):
 - (i) *is compatible with the desired amenity and visual character of an area, and*
 - (ii) *provides effective communication in suitable locations, and*
 - (iii) *is of high quality design and finish, and*
- (b) *to regulate signage (but not content) under Part 4 of the Act, and*
- (c) *to provide time-limited consents for the display of certain advertisements.*
- (d) *to regulate the display of advertisements in transport corridors, and*
- (e) *to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*

The proposal includes the installation of three (3) new business identification signage zones on Herring Road and two (2) new business identification signage zones on Waterloo Road. Each sign is proposed to be internally illuminated and flush to the external façade of the building. No third-party advertising is proposed.

As shown in **Figures 35** above, the proposed signage zones along the Herring Road frontage of the site include two (2) signage zones which are 27m² in area, and one (1) which is 24m² in area.

These signage zones are considered to be appropriate in size and consistent with the desired amenity and visual character of the area.

The proposed signage zones along the Waterloo Road frontage of the site include one (1) signage zone which is 35m² in area and a second which is 320m² in area as shown in **Figure 36** above.

Proposed signage zone one (1) is 35m² in area, this signage zone is considered to be appropriate in size and consistent with the desired amenity and visual character of the area.

Signage zone two (2) is proposed to consolidate the existing signage which in its current form appears in a disjointed and scattered across the external façade of the building (**see Figure 42**). This signage zone is proposed to be erected along the Waterloo Road frontage of the proposed ice rink. The proposed Waterloo Road frontage of Macquarie Centre extends approximately 270m from the corner of Herring and Waterloo Road to the eastern point of the site which adjoins a mixed use development at 101 Waterloo Road.



Figure 40: Existing Signage along the Waterloo Road facade

The signage zone is proposed to be located on the façade of the proposed ice rink. The proposed ice rink is located 65m south of Herring Road and extends for a length of approximately 100m (see Figure 43). Proposed signage zone two (2) is 8m in height and 40m in length.



Figure 41: Artists Impression (Signage when viewed from Elouera Reserve)

While large in area proposed signage zone two (2) will replace the existing, disjointed signage and provide a platform which will appear articulated into the proposed building form and present a neat, modern finish. The platform will not detract from the design values of the proposed building or the surrounding area. The cumulative total of signage along this frontage has not yet reached a point where adverse effects on surrounding properties will occur.

This proposed zone is compatible with anticipated signage for a regional shopping centre of this size. Any additional signage outside the proposed zones will be subject to Development Consent.

Further, Council's Urban Design Review Panel raised no objection to the consolidated signage zone and noted that it brought a defined and contained composition to the façade.

In addition, it is noted that the provisions of Clauses 17 & 18 of SEPP No. 64 do not apply to the subject application as the proposed signage zones are for business identification only and no third-party advertising is proposed. A condition has been

recommended stating that this consent does not grant approval for any third-party advertising. **(See Condition 211).**

Overall, the proposal is consistent with the aims and objectives of SEPP No. 64.

It is noted that the proposal includes the erection of a digital screen within the Station Plaza. The digital screen is for public art purposes only. SEPP No 64 defines signage as,

signage means all signs, notices, devices, representations and advertisements that advertise or promote any goods services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage and includes—

- (a) building identification signs, and*
- (b) business identification signs, and*
- (c) advertisements to which Part 3 applies,*

but does not include traffic signs or traffic control facilities.

As stated above, the digital screen is proposed to will convey a stylised representation of activity occurring on the ice rink. The digital screen it not proposed to be used for business or building identified signage or third-party advertising.

As such, the provisions of SEPP No. 64 do not apply to the digital screen.

The proposed signage scheme has been assessed against the provisions under Schedule 1 – Assessment Criteria of the SEPP and is considered to be satisfactory as shown below **(Table 6).**

Table 6: Schedule 1 – Assessment Criteria

SCHEDULE 1 – ASSESSMENT CRITERIA	
1 Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage zones along the Herring and Waterloo Road facades seek to consolidate existing business identification signage. Each proposed zone will result in a platform which is compatible with the desired future character of the Macquarie Park area.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Each proposed signage zone is located along the Herring and Waterloo Road facades. The proposed signage zones are of a size and scale which is consistent with the character that is typical of Macquarie Centre and other shopping centres.
2 Special Areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed scheme seeks to consolidate the existing signage and reduce visual clutter. The proposed scheme does not detract from the amenity or visual quality of the surrounding area.

3 Views and vistas	
Does the proposal obscure or compromise important views?	<p>Each proposed signage zone is located wholly on the external façade of the Centre. Each signage zone is proposed to be located flush to the building in an appropriate location for business identification.</p> <p>No important views are obscured or compromised.</p>
Does the proposal dominate the skyline and reduce the quality of vistas?	Both the proposed signage scheme and digital art screen do not extend above the existing built form and will not dominate the skyline nor does it reduce the quality of the surrounding vista.
Does the proposal respect the viewing rights of other advertisers?	No viewing rights of other advertised is compromised.
4 Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	<p>The proposed signage scheme is of a scale and extent that maintains the character and amenity values of the area and is consistent with that anticipated from a regional shopping centre.</p> <p>The character of the streetscape is maintained.</p>
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	<p>The design, location and size of the proposed signage zones complement the surrounding streetscape setting.</p> <p>The signage is consistent in terms of colour scheme with that of the Centre.</p>
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed scheme seeks to consolidate the existing signage and reduce visual clutter.
Does the proposal screen unsightliness?	The proposal does not screen unsightliness.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	Neither the proposed signage or the proposed digital art screen protrudes above the Centre, any structures or tree canopies in the area or locality.
Does the proposal require ongoing vegetation management?	<p>Each proposed signage zone is located wholly on the external façade of the Centre.</p> <p>The location will not require any ongoing vegetation maintenance.</p>
5 Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the	The design and display of the proposed signage zones are compatible with the

site or building, or both, on which the proposed signage is to be located?	<p>scale, proportion and other characteristics of the site and building.</p> <p>Each zone has been designed to be integrated into the building.</p>
Does the proposal respect important features of the site or building, or both?	The design and display of the proposed signage zones is complementary to the site and overall design of the building.
Does the proposal show innovation and imagination in its relationship to the site or building, or both	The proposal will ensure effective communication of business information and commercial individuality within the context of the wider commercial area.
6 Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Proposed lighting is discreet and integrated with the overall design of each signage zone.
7 Illumination	
Would illumination result in unacceptable glare?	The proposal will not result in unacceptable glare.
Would illumination affect safety for pedestrians, vehicles or aircraft?	Illumination will not affect the safety of pedestrians, vehicles and aircraft.
Would illumination detract from the amenity of any residence or other form of accommodation?	<p>Illumination is proposed during the operating hours of the shopping centre, being 7.00am and 11.00pm daily. The proposed hours of illumination are consistent with existing illuminated signage erected Waterloo Road intersection.</p> <p>The existing illuminated signage is affixed to the Waterloo Road façade, this illuminated sign faces the intersection entry from Waterloo Road to the Centre. This sign directly faces 16 Waterloo Road.</p> <p>The closest residential property (21 Waterloo Road), a three (3) storey residential apartment building is located approximately 55m from the signage zone. This property is separated by Waterloo Road and street verges.</p> <p>Given the proposed extent of illumination is consistent with that of existing environment, as well as being located 55m from the closest residential property, the amenity of surrounding properties is not considered to be affected.</p> <p>An appropriate condition (Condition 170) will be recommended ensuring the illumination of the signage is restricted to 7am to 11pm daily.</p>

Can the intensity of illumination be adjusted, if necessary?	An appropriate condition (Condition 210) will be recommended requiring a timing device be fitted to switch off the illumination.
Is the illumination subject to a curfew?	A condition (Condition 210) has been recommended ensuring illumination of the signage is restricted to between 7.00am to 11.00pm daily only and the sign shall be fitted with a timing device to switch off the illumination between 11.00pm and 7.00am.
8 Safety	
Would the proposal reduce the safety for any public road?	Each proposed signage zone is located wholly on the external façade of the Centre and is proposed to be flush to the wall. Road safety will not be reduced.
Would the proposal reduce the safety for pedestrians or bicyclists?	The proposal will not affect pedestrian or cyclist safety.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	Each proposed signage zone is located wholly on the external façade of the Centre and is proposed to be flush to the wall. Sightlines from public areas will not be obscured.

Having regard to the aims and objectives, and Schedule 1 of the SEPP, the proposal can be supported as it has satisfied Clause 8 of the SEPP as follows:

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and;*
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.*

Based on the above assessment the proposed signage is considered to be satisfactory, having regard to the aims and objectives as well as the Assessment Criteria of SEPP 64 Advertising and Signage.

9.7 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

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

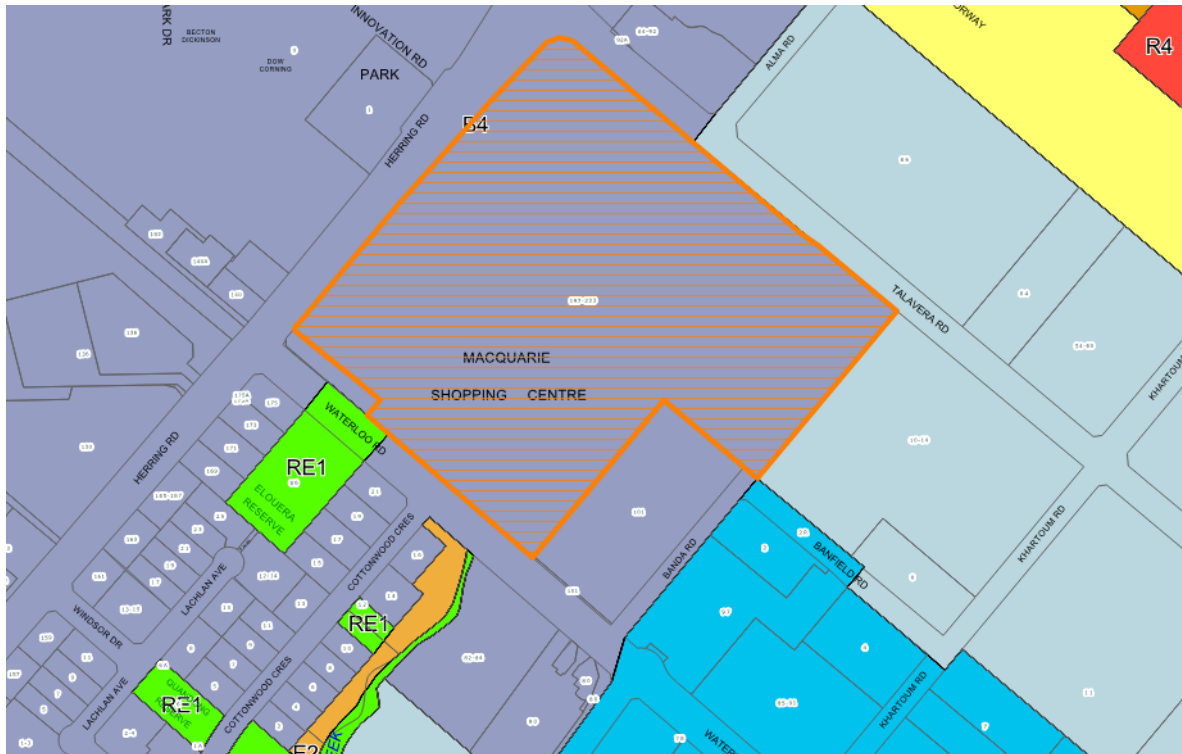
Given the nature of the project and the location of the site, there are no specific controls that directly apply to this proposal, and any matters of general relevance (erosion control, etc) are able to be managed by conditions of consent.

9.8 Ryde Local Environmental Plan 2014

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

Clause 2.2 – Zoning

The site is located within the B4 Mixed Use zone under the RLEP 2014 as indicated within **Figure 44**.



Development for proposed retail premises, recreation areas, entertainment facilities and recreation facilities (indoor), commercial and retail purposes as proposed is permitted with consent in this zoning.

Clause 2.3 – Zone Objectives

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

The objectives for the *B4 Mixed Use* 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.

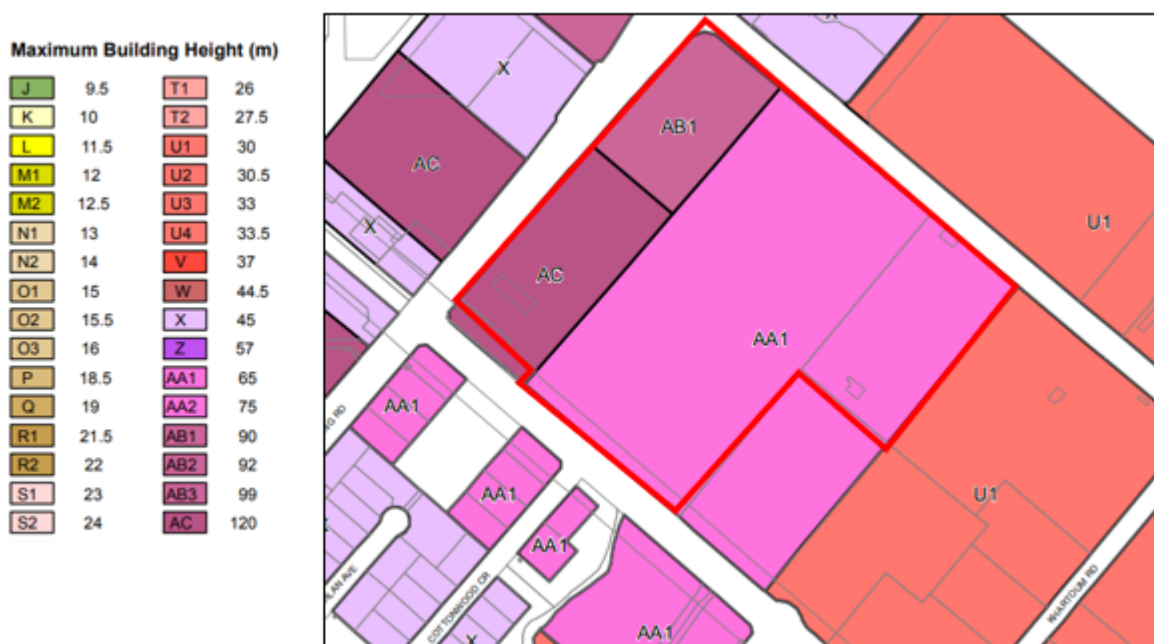
The development complies with the above objectives, and is deemed consistent with the State and local strategic intent for the zone by introducing mixed use building which will provide a variety of retail, entertainment and recreational uses integrated

with public transport to encouraging patronage and walking and cycling opportunities.

It is considered that the development satisfactorily meets the objectives of the B4 Mixed Use Park zone.

Clause 4.3 - Height of Buildings

Amendments to the height controls as a result of the Macquarie University Station (Herring Road) Priority Precinct were gazetted on 2 October 2015 and incorporated into RLEP 2014. Building heights for this site are varied with the corner of Herring Road and Waterloo Road having a height control of 120m, the corner of Herring Road and Talavera Road having a height of 90m and the rest of the site having a height control of 65m. This is demonstrated in the following extract from the RELP 2014. **(Figure 45).**



It is proposed to construct the building to a maximum height of 31.30m. The development complies with the height controls.

Clause 4.4 – Floor Space Ratio

The floor space ratio of a building is not to exceed the maximum floor space ratio as specified on the Floor Space Ratio Map. The map identifies the site as having a floor space ratio of 3.5:1. This is demonstrated from the following extract from RLEP 2014 **(Figure 46).**



Figure 44: Floor Space Ratio Map (source: RLEP 2014). The subject site is outlined in red.

The proposed works will result in an additional 22,764m² of net Gross Floor Area (GFA). Noting the proposed total GFA for the site is 193,706m², resulting in an FSR of 1.47:1.

The application complies with the requirements of this clause.

Clause 4.5B – Macquarie Park Corridor

This subject application is for a commercial land use on a site zoned B4 Mixed Use within the Macquarie Park Corridor. The provisions of this Clause are not applicable as:

- Clauses 4.5B(3) and (4) apply to land zoned B7 Business Park only; and
- Clause 4.5B(5) is applicable to land zoned B3 Commercial Core only.

Clause 5.10 – Heritage Conservation

The subject site is adjacent to Macquarie University, a listed Heritage Item. The specific items of significance are located on the western side of the University campus. The proposed works are visually and physically removed from the Heritage Items. As such, Council's Heritage Advisor has concluded that there will not be any impact to the heritage item.

On 6 August 2021, The Macquarie Ice Rink was included as a local Heritage Item in Schedule 5 of RLEP 2014. As part of the planning proposal associated with this amendment, Council established a series of key attributes to ensure the features and values associated with the Macquarie Ice Rink are retained. Table 8 identifies these 5 key attributes and demonstrates how the development achieves compliance with the key attributes.

Table 8: Planning Proposal: Key Attributes

Key Attribute	Compliance
The Olympic-sized scale and dimension and competition quality of the ice rink, together with tiered stadium seating	<p>The proposal incorporates an Olympic sized ice rink, defined by its scale and dimension and incorporates tiered stadium seating. These features would sufficiently enable it to be used as a 'competition quality' rink and sporting facility.</p> <p>Compliance with this attribute is achieved.</p>
The overall volume of the ice rink space with the double height ceiling space and singular indoor arena.	<p>The proposed ice rink incorporates a volume that is similar to the existing structure, with the double height ceiling space and singular indoor arena.</p> <p>Compliance with this attribute is achieved.</p>
The incorporation of the Ice Rink within the broader shopping centre complex	<p>The proposed Ice Rink is incorporated into the shopping centre complex and is placed towards the upper levels. Council's Heritage Adviser notes:</p> <p><i>The architectural language of the façade incorporates embellishments which visually amplify the space and draw attention as a focal point, whereby delineating and distinguishing the location of the ice rink as a prominent and identifiable feature of the building when viewed from the public domain. This is considered acceptable.</i></p> <p>Compliance with this attribute is achieved.</p>
The strong visual relationship between the ice rink and the internal thoroughfares and a designated food court of the proposed shopping centre	<p>With regard to this attribute, Council's Heritage Advisor noted:</p> <p><i>The proposed ice rink is positioned in such manner that is considered to have an acceptable visual and physical relationship to the internal thoroughfares of the shopping centre.</i></p> <p>In addition, Council's Urban Designer noted:</p> <p><i>The amendments in response to the above requirement are considered satisfactory, provided that public seating will be provided as annotated on the Level 4A Plan (drawing DA224) to cater for resting and dining and encourage longer stay for the public to appreciate activities within the ice rink. As the public seating will be located on the same level as the ice rink, using high bar tables and chairs will assist viewers in obtaining better views and will resemble the setting in the existing food court.</i></p> <p><u>Assessing Officer Comment</u></p> <p>It is acknowledged that the proposed ice rink is separated visually and physically from a designated food court, a number of retail spaces are located directly adjacent. The ice rink is</p>

	<p>considered to be on a thoroughfare creating visual interest and physical connection from passers-by.</p> <p>With regard to the recommendation for a condition to be imposed relating to the proposed public seating, it is not considered appropriate as Council cannot dictate internal public seating, or Centre layout unless it is for a specified retail or commercial use.</p> <p>Compliance with this attribute is achieved.</p>
<p>The strong visual relationship between the ice rink and the external public domain through full height glazed walls</p>	<p>The proposed location of the ice rink is directly accessible from the Station Plaza (Figure 47). Full height glazed walls are proposed at both the Station Plaza entrance. Half height glazed walls are provided along Waterloo Road for the length of the ice rink.</p> <p>The full height glazing as well as void area creates a strong visual relationship between the Station Plaza and the proposed ice rink. Council's Heritage Advisor considers the proposed ice rink to be conveniently located and directly accessible by public transport.</p> <p>Further to this, Council's Heritage Adviser considers the proposed glazing treatment along Waterloo Road acceptable. The treatment achieves the intent of the requirement to retain full glazed walls to the external public domain. Noting that external views will be able to be achieved.</p> <p><u>Assessing Officer Comment</u></p> <p>It is noted that Council's Urban Designer recommended the removal of the circulation floor area west of the void. This is not considered necessary or appropriate as the circulation space is narrow and not considered to be or a bulk or scale which would significantly impede views toward the ice rink.</p> <p>Compliance with this attribute is achieved.</p>



Figure 45: Station Plaza Entry (Source: NH Architecture)

As part of the Planning Proposal, Council was of the view the redevelopment and/or the relocation of the ice rink within the broader context of the Macquarie Shopping Centre, may be suitable, subject to a Conservation Management Plan being prepared for the site and endorsed by Council, demonstrating that the current key aspects of the ice rink, which give the rink its heritage value and status, can be achieved and maintained in the proposed new location.

The Applicant has submitted a Conservation Management Plan (CMP), prepared by Urbis (dated 5 May 2021) as part of the amended proposal. The CMP was submitted to manage the significant elements of ice rink. Council's Heritage Adviser reviewed the CMP and made the following comments:

- *The CMP establishes a framework of conservation policies which build upon the Statement of Significance and assessed heritage values as established in the GML report. The conservation policies of the CMP are also framed around supporting the redevelopment and relocation of the Ice Rink; and*
- *The CMP also provides for a concise implementation policy with recommendations that should be implemented in the redevelopment.*

The submitted CMP is considered to be satisfactory in demonstrating that the current key aspects of the Ice Rink, which give the rink its heritage value and status, can be achieved and maintained in the proposed new location.

With regard to the proposed development and its cultural heritage significance, Council's Heritage Adviser noted the following:

As established in the GML report, the Macquarie ice rink has historical and social significance, however, it is accepted that the identified heritage values and significance of the Ice Rink are not imbued in the physical fabric of the present structure and facility, but rather in the physical attributes and intangible values of the site, that is, the historical significance and social values and significance, the overall volume, relationship to the shopping centre, etc.

Council's Heritage Advisor accepts that there is little heritage value associated with the physical fabric of the existing Macquarie Ice Rink and that the identified heritage values and significance (historical and social values) could be transferred to a new location within the Macquarie Ice Rink, subject to the following:

- *An inextricable nexus and a clear transfer of those values, though various and appropriate means, such as maintaining the key attributes as identified in **Table 9** above, and a heritage interpretation strategy to record, translate, transfer and interpret the historical and social values in any new location;*
- *The proposed redevelopment incorporates a number of digital display mediums to interpret and provide express relationship to the Ice Rink, including the use of digital artworks that provide a real time and evolving artwork of skating figures. However, a Heritage Interpretation Strategy is required to ensure the social values imbued in the existing Ice Rink are appropriately recorded and interpreted in the new location.*

Appropriate Conditions have been recommended in the consent requiring a heritage interpretation strategy to be submitted prior to the issue of a Construction Certificate. **(See Conditions 33 & 155).**

Council's Heritage Advisor concluded that:

The proposed demolition and reconstruction of the Macquarie Ice Rink is considered acceptable, subject to conditions, and the imbued heritage values can be considered to transfer to the new structure and location. Because of this, the proposed redevelopment would not jeopardize the imminent heritage listing of the Macquarie Ice Rink and the heritage listing could still apply to the new location.

Appropriate conditions have been recommended and will be included in the consent. **(See Conditions 33 and 155).**

Overall, the proposal is considered to appropriately conserve the heritage significance of Macquarie Ice Rink and its associated fabric. Through the implementation of the CMP, the conservation and enhancement of the Macquarie Ice Rink will be preserved.

Clause 6.2 - Earthworks

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

Clause 6.4 - Stormwater Management

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

Clause 6.6 - Environmental Sustainability

The objective of Clause 6.6 is to ensure that development on land in a business or industrial zone embraces principles of quality urban design and is consistent with principles of best practice environmentally sensitive design.

Clause 6.6 states that development consent must not be granted to development on land in a business or industrial zone if the development has a GFA of 1,500m² or greater unless the consent authority is satisfied that the development incorporates environmental sustainability measures that are consistent with principles of best practice environmentally sensitive design.

The proposed development complies with the sustainability principles of this clause as outlined in **Table 9**.

Table 9: Clause 6.6 Environmental Sustainability

Planning Principles	Comment
Water demand reduction, including water efficiency, water recycling and minimisation of potable water usage	It is proposed to incorporate a 5-star Water Efficiency WELS rating. The development will include water use metering and monitoring, comprehensive commissioning of water-based systems, selection of water efficient fittings and fixtures (minimum WELS targets), water efficient landscape and irrigation design, and rainwater harvesting.
Energy demand reduction, including energy generation, use of renewable energy and reduced reliance on mains power,	Energy reduction measures propose the introduction of passive design principles, energy metering and monitoring, optimized daylighting, lighting control, appropriate HVAC zoning, energy modelling, building management system, and comprehensive commissioning of services.
Indoor environmental quality, including daylight provision, glare control, increased outside air rates, thermal comfort,	The lighting comfort, roof and glazing design of the development is proposed to optimise and balance daylight while limiting heat gains. Design measures include the provision of façade materials to manage glare, external shading to reduce direct solar gains. Further, appropriate HVAC zoning and control will be used to provide good thermal comfort levels in the appropriate spaces and high rates of outside air exceeding Australian Standards.
A reduction in new materials consumption and use of sustainable materials, including recycled content in concrete, sustainable timber and PVC minimisation,	The applicant has noted that the proposal will reduce new material consumption through the use of low VOC finishes, best practice or reduced PVC use, educating contractors on waste practices, and supply chain engagement.
Emissions reduction, including reduced flow to sewer and light pollution,	The building has been designed to minimise light pollution. Energy efficient fixtures (meeting minimum WELS targets) are proposed.
Transport initiatives to reduce car dependence such as providing cycle facilities, car share and small vehicle parking spaces,	Accessible connections to Macquarie University Station and the bus interchange assist to reduce car dependence. Bicycle parking and end of trip facilities are provided for.
Land use and ecology, including reduced topsoil removal and contaminated land reclamation.	All earthworks are proposed to be undertaken in a way that avoids, remedies or mitigates adverse effects on the environment.

It is considered that through the measures outlined in the submitted Sustainability and Energy Efficiency Report prepared by Norman, Disney and Young (dated 16

July 2020) that the proposed development embraces 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 has been recommended in the consent requiring compliance with this report. (**See Condition 1**).

Clause 6.9 – Development in Macquarie Park Corridor

The objective of clause 6.9 is to 'encourage additional commercial development in Macquarie Park Corridor, co-ordinated with an adequate access network and recreation areas'.

As stated above, Concept Approval LDA2015/0655 (and its subsequent modifications) granted consent for envelopes associated with building setbacks, gross floor area and building height, as well as publicly accessible pedestrian areas and new vehicle access points. The proposal is consistent with the provisions of the Concept Approval and its subsequent modifications.

Clause 6.10 and 6.11 – State Public Infrastructure

The objective of this clause is to require assistance towards the provision of designated State Public Infrastructure to satisfy needs arising from intensive development for residential accommodation on all the land identified as “Area A” on the Designated State Public Infrastructure. This is demonstrated from the following extract from RLEP 2014. (**Figure 48**).

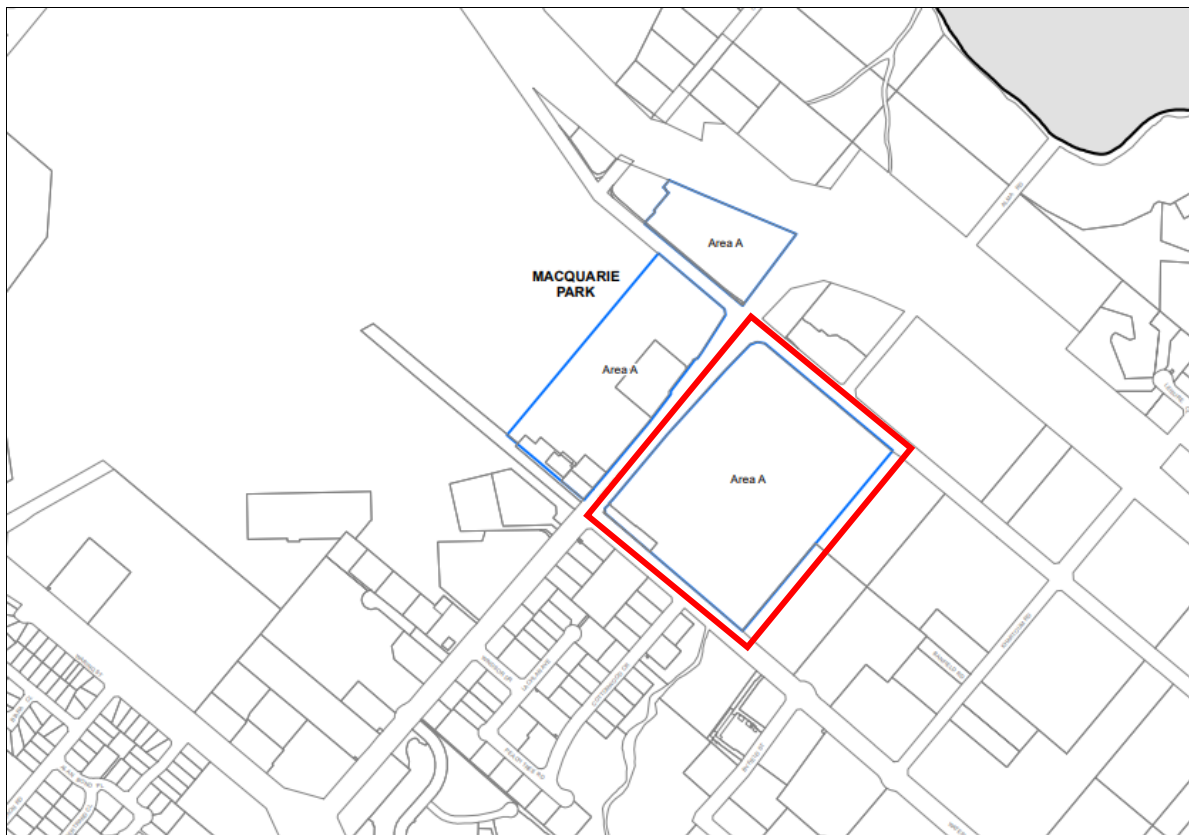


Figure 46: Designated State Public Infrastructure Map (source: RLEP 2014). The subject site is outlined in red.

Clause (4) of this Part of the RLEP 2014 states that the provisions of this Part do not apply to the granting of consent to a development application if:

- The development will not result in an increase in the residential accommodation provided on *Area A* land, or
- The whole or any part of the land on which the development is to be carried out is in a special contributions area (as defined by section 7.1 of the Act), or
- The application is a staged development application.

No residential accommodation is proposed as part of this application. As such, the provision of this Clause do not apply.

It is anticipated that future development applications will include an application for residential uses. This Clause will be applicable at that time.

9.9 Draft Environmental Planning Instruments

Draft Remediation of Land State Environmental Planning Policy (SEPP)

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

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

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

Draft Environment State Environmental Planning Policy (SEPP)

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

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

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

9.10 Ryde Development Control Plan 2014

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

- Part 4.5 – Macquarie Park Corridor;
- Part 7.1 – Energy Smart, Water Wise;
- Part 7.2 – Waste Minimisation and Management;
- Part 8.2 – Stormwater Management;
- Part 9.1 – Signage;
- Part 9.2 – Access for People with Disabilities;
- Part 9.3 – Parking Controls; and

- Part 9.5 - Tree Protection.

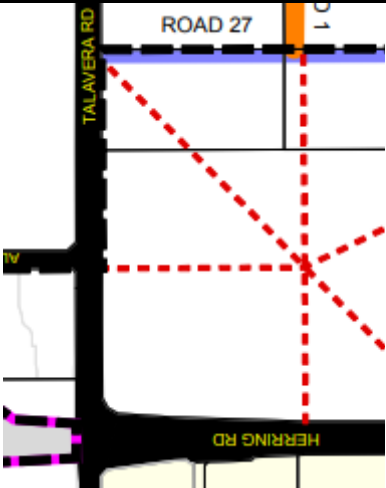
With regard to Parts 7.1, 8.2, 9.3 and 9.5, noting the advice received from the various technical departments within Council and the consideration of issues previously in this report, the proposal is satisfactory in relation to the above matters. Therefore, the following assessment addresses Parts 4.5, 7.2, 9.1 and 9.2.

Part 4.5 – Macquarie Park Corridor

This part of the DCP provides a framework to guide future development in the Macquarie Park Corridor. The DCP specifies built form controls for all development within the Corridor and sets in place urban design guidelines to achieve the vision for Macquarie Park as a vibrant community, as a place to live, work and visit. The following compliance table indicates the proposal's compliance with this part:

Table 10. Assessment of Part 4.5 of Ryde DCP 2014

Relevant Control	Comment	Complies
<u>3.0 The Structure Plan</u>		
<u>3.2 Urban Structure Plan</u>		
The Macquarie Shopping Centre - NSW second largest shopping mall – has a regional catchment and anchors the Retail Core. This DCP will seek to reinforce the role of the shopping centre as a regional attractor and hub for recreation facilities for families and youth – which currently include one of only two ice skating rinks in Sydney, cinemas and restaurants. The DCP will also encourage the shopping centre to create a vibrant street interface.	The application proposal an additional 22, 764m ² of retail GFA. The retention of the ice rink, refurbishment of the cinemas and construction of the Station Plaza will provide a hub for recreation facilities for the community. The proposed development of the Station Plaza will provide a vibrant and public ally accessible street interface.	Yes
<u>4.0 Access Network</u>		
<u>4.1 Streets</u>		
a) Provide new public streets and pedestrian connections in accordance with Figure 4.1.1 Access Network.	The proposal includes the redevelopment of the Station Plaza and Herring Road entrance. The proposed pedestrian connections will enhance connectivity with the surrounding public domain and public transport infrastructure.	Yes

Relevant Control	Comment	Complies
 <p>Extract from Figure 4.1.1</p>		
<p>e) Lighting, paving and street furniture, landscaped setbacks and tree planting are to be provided as required in the <i>Macquarie Park Corridor Public Domain Technical Manual (PDTM)</i></p>	<p>The proposed application included the submission of Public Domain Plans. Council's City Works Team have reviewed the plans and advised the proposed public domain has been designed in accordance with the Macquarie Park Corridor Public Domain Technical Manual. Appropriate conditions have been recommended in this regard. (Conditions 60 and 61).</p>	<p>Yes</p>
<p><u>4.3 Bicycle Network</u></p>		
<p>a) Provide dedicated cycle access in accordance with <i>Ryde Bicycle Strategy 2014</i> in accordance with <i>Figure 4.3.1 Indicative Cycleways</i>.</p>	<p>An existing cycle network is located along Waterloo and Talavera Road.</p> <p>Existing end of trip facilities are provided within the current car park on Level 1A. These facilities include parking for 230 bicycles, change rooms, lockers and showers.</p>	<p>Yes</p>
<p><u>4.4 Sustainable Transport</u></p>		
<p><u>Travel Plans</u></p>		
<p>a) Upgrade the bus interchange in Herring Road in accordance with the Access Structure Plan to:</p> <ul style="list-style-type: none"> i. Accommodate additional bus stops to provide for increased patronage; ii. Reduce pedestrian and vehicle conflict; iii. Enable active frontage. 	<p>The proposed application included the submission of Public Domain Plans. Council's City Works Team have reviewed the plans and advised the proposed public domain has been designed in accordance with the Macquarie Park Corridor Public Domain Technical Manual. Appropriate conditions have been recommended in this regard. (Conditions 169).</p> <p>The proposed Station Plaza and the Herring Road frontage enables an active frontage, encouraging the use of public transport.</p>	<p>Yes (via Condition)</p>

Relevant Control	Comment	Complies
<p>c) A Framework Travel Plan (FTP) is required to be submitted to Council for approval together with a DA for all development that exceeds 10,000m² new floor space</p> <p>d) Provide a Final Travel Plan to Council for certification prior to the issue of any Occupation Certificate.</p>	<p>The proposal includes more than 10,000m² new floor space. A Framework Travel Plan was submitted with the application.</p> <p>Council's Senior Sustainability Coordinator Transport & Environment has reviewed the plan and advised no objections are raised subject to appropriate conditions of consent requiring a Final Travel Plan be submitted to Council for review prior to the issue of any Occupation Certificate. See Condition 169.</p>	Yes
<u>Parking Rates</u>		
f) Bicycle parking and end-of-trip facilities are to be provided in accordance with the RDCP 2014 Part 9.3 Parking Controls.	<p>Existing bicycle parking (230 spaces) and end-of-trip facilities (located on Level 1A) remain unchanged as part of this application.</p> <p>In accordance with the Concept Plan Approval 10 bicycle parking spaces are provided for within the Station Plaza.</p>	Yes
g) Parking is to be provided in accordance with the RDCP 2014 Part 9.3 Parking Controls.	<p>The application proposes the construction of a basement extension and two (2) additional levels of deck parking fronting Talavera Road. This results in a net additional of 500 car parking spaces being proposed as part of this application.</p> <p>The car parking rates are consistent with Condition 22 of the Concept Approval.</p>	Yes (Complies with Concept Approval)
<u>5.0 Public Domain</u>		
<u>5.7 Rail Station Plazas</u>		
<p>a) Macquaire Park Station Plaza – East</p> <p>Area: Provide a minimum of 0.35ha</p> <p>Dimensions: Provide a minimum 88 x 40m as shown in Figure 5.7.3</p> <p>Install a minimum of 10 park benches and 10 bicycle spaces</p>	<p>A Station Plaza is provided as part of the proposal. The Plaza has an area of 1,500m², which is consistent with Concept Approval.</p> <p>The Station Plaza is 22.50m x 40m.</p> <p>Park benches and 10 bicycle parking spaces are provided within the Plaza.</p>	Yes (Complies with Concept Approval)

Relevant Control	Comment	Complies
b) Station plazas are to be privately owned public space. Station plazas are to be accessible at all times.	The Station Plaza will be privately owned by AMP and will be publically accessible at all times. A condition has been recommended in the consent requiring an easement to be created. (Condition 154)	Yes
c) Provide Continuous Active frontage to station plazas refer also Figure 5.7.3, 5.7.4, and 5.7.5.	Proposed retail space along the ground floor of the Station Plaza will provide an active building frontage.	Yes
d) Minimise large banks of stairs. If stairs are used to provide alternative access to ensure equitable access for all.	Stair access is proposed toward the southern and eastern edges of the Station Plaza. Clear ramp access is provided from the public domain to the Station Plaza and Centre entry. Due to the existing Metro Station and its underground operations the Station Plaza is restricted in its levels to that of existing.	Yes
e) Provide unimpeded and generous entrances and circulation paths into and through the plaza.	Unimpeded, generous entrances and circulation paths are provided from Herring Road and Macquarie University Metro Station.	Yes
f) Provide infrastructure (such as gas, power and water supply) and subject to consent, appropriately scaled kiosks, vendor stalls, cafes and restaurants) that will enhance the rail station plazas as meeting places and support activities such as markets, community events, leisure and recreation.	The Station Plaza is serviced by gas, power and water supply.	Yes
g) Provide wireless internet connection to all publicly accessible space, particularly station plazas.	WIFI connectivity is proposed.	Yes
h) Provide building setbacks for adequate pedestrian circulation space around train stations.	The proposed building is adequately setback to ensure pedestrian circulation space around the Metro Station.	Yes
i) Provide paving, lighting bins and directional and information signage in accordance with Macquarie Park Public Domain Technical Manual.	Paving, lighting, bins and directional and information signage will be proposed in accordance with Macquarie Park Public Domain Technical Manual. Appropriate conditions have been recommended in this regard. (Conditions 60 and 61).	Yes
j) Install lighting to contribute to public safety.	Lighting is proposed throughout the Station Plaza.	Yes

Relevant Control	Comment	Complies
k) Locate bins at square entries/exits.	Bins are proposed to be located along Herring Road and at the entry points for the Station Plaza.	Yes
l) Endemic species to street edge.	Endemic species are provided to the street edge where possible. Noting the existing Metro Station and its underground operations restrict the location of planting.	Yes
m) Minimise stormwater runoff for irrigation. All stormwater is to be filtered in accordance with Council requirements and tanks installed for irrigation storage.	The proposed stormwater management system utilises the existing system which discharges to the public drainage infrastructure traversing the lot (the channelling of Shrimptons Creek). The works incorporate a WSUD treatment tank incorporating a proprietary water filter product. A water quality treatment into the landscaping of the plaza area is also proposed. This is in accordance with Condition 28 of the Concept Approval. Appropriate conditions have been recommended ensuring all stormwater discharged in accordance with Council's requirements.	Yes
<u>5.8 Street Trees, Front Setback Tree Planting and Significant Trees</u>		
a) Street trees and front setbacks must be provided in accordance with the Street Tree Key Plan in the <i>Macquarie Park Public Domain Technical Manual (PDTM)</i> , and their health guaranteed for min. 5 years.	Street tree planting in accordance with the PDTM along the Herring Road frontage of the site is proposed. (See Condition 60).	Yes
<u>5.10 Art in Publicly Accessible Spaces</u>		
a) Art must be included in all new development with more than 10,000m ² new floor space in the amount of 0.1% of the construction cost of the works capped at \$1,500,00.00.	The proposal includes more than 10,000m ² new floor space. A Public Art Plan was submitted with the application.	Yes
b) Art must be located within the site so as to be publicly accessible (i.e. viewed or experienced from publicly accessible places).	It is proposed to install a digital screen for public art within the Station Plaza. The digital screen is proposed to be located behind the western facing façade within the Station Plaza. The digital screen is in a suitable location and will be able to be viewed from the publicly accessible Station Plaza.	Yes
c) A site-specific Arts Plan is to be submitted together with the development application.	A Public Art Plan was submitted with the application in accordance with the RDCP 2014 requirements. Council's Centres Coordinator for Urban Strategy has reviewed the	Yes


Relevant Control	Comment	Complies
<ul style="list-style-type: none"> (i) Arts project description and statement of artistic intent. (ii) Thematic framework for the artwork. (iii) Concept drawing and descriptions of proposed art works; (iv) Implementation (detailing at what stage the artwork will be implemented etc) (iv) Preliminary construction details with particular emphasis on public safety considerations. 	<p>plan and advised no objections are raised subject to appropriate conditions of consent.</p> <p>Refer Conditions 185 & 186.</p>	
6.0 Implementation – Infrastructure, facilities and Public Domain Improvements		
a) Floor Space Ratios and Height of Buildings are to comply with the Ryde LEP 2014.	As stated above, Concept Approval LDA2015/0655 (and its subsequent modifications) granted consent for envelopes associated with building footprints and building height. As a result, the building capacity has been set for the site, as such, compliance with this requirement of the RDCP 2014 is not required.	Yes
7.3 Active Frontage		
a) Continuous ground level active uses must be provided where primary active frontages are shown in Figure 7.3.2 Active Frontage and Setback Control Drawing. Buildings must address the street or public domain.	Retail spaces are proposed along the Herring Road frontage to activate the streetscape. The retail space addresses the public domain (Figure 49).	Yes
		

Figure 47: Proposed Herring Road Frontage

Relevant Control	Comment	Complies
b) Front door and street address is to be located on the primary frontage.	The proposed retail spaces face Herring Road.	Yes
c) Loading docks, vehicular access is not to be located where primary active frontages are shown in Figure 7.3.2 Active Frontage and Setback Control Drawing unless it can be demonstrated that there is no alternative.	No change is proposed to the existing vehicle access point toward the northern end of Herring Road or loading docks.	Yes
d) Active ground level uses are encouraged where secondary active frontages are shown in Figure 7.3.2 Active Frontage and Setback Control Drawing	The application includes the installation of screening along the existing vehicle ramps along the Waterloo Road frontage. The proposed screening will accommodate a green wall for landscaping. Planting of two (2) street trees and painting of the lower vehicle ramp walls is also proposed. The screen is provided in order to satisfy Condition 15 of Concept Approval.	Yes
e) Active uses are defined as one or more of the following: (i) shop fronts; (ii) retail/service facilities with a street entrance; (iii) cafe or restaurants with street entrance; (iv) community and civic uses with a street entrance; (v) recreation and leisure facilities with a street entrance; (vi) commercial or residential lobbies with a street entrance not more than 20% of the total length of the building's street frontage	Retail premises for a length of approximately 145m are proposed along the Herring Road frontage. Retail premises will also front the Station Plaza.	Yes
f) Entries to active frontage tenancies are to be accessible and at the same level as the adjacent footpath.	Multiple accessible entries from the Station Plaza and Herring Road are provided.	Yes
g) Active uses must occupy the street frontage for a depth of at least 10m. Refer Figure 7.3.1 Active Frontages Plan Diagram and Active Frontages Elevation Diagram.	New retail tenancies are proposed to occupy 145m of the Herring Road frontage. These spaces range in depth, but exceed 10m.	Yes
i) Where active frontage is required a minimum of 90% of the building frontage is to be transparent i.e. windows and	As shown in Figure 49 the building frontage along Herring Road and facing the Station Plaza is transparent.	Yes

Relevant Control	Comment	Complies
glazed doors (A maximum 10% active frontage may be fire stairs, plant, masonry walls and other non-active uses).		
j) Clear glazing is to be provided to windows and doors. The sill height for windows must be maximum 1200mm above the footpath, including for sloping sites.	As shown in Figure 49 clear glazing is proposed to retail spaces fronting Herring Road.	Yes
<u>7.4 Setbacks and Build-to Lines</u>		
a) Minimum setbacks and build-to lines must be provided as shown Figure 7.3.2 Active Frontage and Setback Control Drawing – summarised as follows: (i) Zero setbacks / build-to lines to Primary Active Frontage; (ii) 5m setback to all existing and new streets unless otherwise specified; (iii) 10m setback to Waterloo Road and Talavera Road; (iv) 10m green setbacks to the M2 tollway and Epping Road; and (v) 5m built form setback to all parks (existing and proposed – subject to providing a Riparian Corridor in accordance with the NSW Office of Water's Guidelines for Riparian Corridors on Waterfront Land).	<p>As stated above, Concept Approval LDA2015/0655 (and its subsequent modifications) granted consent for envelopes associated with building footprints and building height. As a result, the building capacity has been set for the site, as such, compliance with this requirement of the RDCP 2014 is not required.</p> <p>The setback to the podium level along the Herring Road varies between 4m and 6.5m to the east and 12.8m to the north-west.</p> <p>It is noted that LDA2015/0655 approved a setback along Waterloo Road ranging from 0m to 54m. The works subject to this application are proposed to be setback 0m from the side boundary.</p>	Yes (Complies with Concept Approval)
b) Subject to negotiation with Council single storey structures which include active uses may be located within the Secondary Active Frontage. These structures must address the public domain, be transparent as far as practicable and will be subject to the ECRL Guidelines.	<p>The proposed ice rink is located along the Waterloo Road frontage. The ice rink appears to be three (3) to four (4) storeys in height as it tapers toward the eastern end of the site.</p> <p>The proposed works are located entirely within the building envelope approved along this elevation as part of Concept Approval LDA2015/0655.</p>	Yes (Complies with Concept Approval)
c) Provide 2m setbacks to pedestrian pathways (unless within a building)	A pedestrian pathway approximately 3.4m wide is provided for along Herring Road.	Yes
d) Despite clause 7.2. a development may be set back further from the street or public domain where it can be	As stated above, Concept Approval LDA2015/0655 (and its subsequent modifications) granted consent for envelopes associated with building	Yes

Relevant Control	Comment	Complies
<p>demonstrated to Council that the impacts of development on underground rail infrastructure are not in accordance with the ECRL Underground Infrastructure Protection Guidelines Report No. 20007300/ PO-4532 obtainable from Transport for NSW</p>	<p>footprints. The approved building footprints extend underground beneath the proposed Station Plaza.</p> <p>The proposed underground works are located entirely within the building footprints as part of Concept Approval LDA2015/0655.</p> <p>The location of the proposed works are considered appropriate.</p>	
<p>e) Council encourages development that complies with Figure 7.3.2 Active Frontage and Setback Control Drawing and meets the requirements of the ECRL Second Reserve Support Zone. The following are permitted in the Second Reserve support zone.</p>	<p>In accordance with Clauses 85 (development adjacent to rail corridors) and 86 (excavation in, above, below or adjacent to rail corridors) of SEPP (Infrastructure) 2007 concurrence was sought from Sydney Metro (delegated authority for the Epping to Chatswood Rail Corridor). Sydney Metro advised the proposed works are in accordance with the guidelines and no impacts to the ECRL Second Reserve Support Zone will occur.</p> <p>No objection was raised to the development application subject to the imposition of the recommended conditions.</p>	Yes
<p>f) Underground parking is not permitted to encroach into the front setback areas unless it can be demonstrated that the basement is designed to support significant mature trees and deep root planting.</p>	<p>The application proposed the construction of basement parking under the corner podium. The basement car park is located directly under the proposed building footprint and does not encroach into the front setback area.</p>	Yes
<p>g) Awnings, canopies, balconies, sun shading and screening elements can project forward of the street setback line.</p>	<p>A 4m wide awing is proposed along the Herring Road frontage. The awning does not project forward of the street setback line.</p> <p>Awnings are also proposed to the retail tenancies fronting the Station Plaza.</p> <p>The proposed awnings will provide weather protection for users.</p>	Yes
<p>h) 60% of the street setback area is to be soft landscaping. Existing mature trees are to be retained where possible. Paved areas are to relate to the materials and finishes of the adjacent streetscape. At grade car parking must not be located within this setback.</p>	<p>The street setback along Herring Road comprises the Herring Road Bus Interchange as well as the Macquarie University Metro Station Entry Portal. It is not possible to incorporate 60% soft landscaping within this area due to the existing infrastructure required for the public transport network.</p>	N/A

Relevant Control	Comment	Complies
	<p>However, nine (9) mature street trees are proposed along the Herring Road street setback, as well as four (4) along the Waterloo Road street setback. Paving and street furniture is also proposed.</p> <p>Pedestrian entries to the Station Plaza and retail areas are also provided for. The entry ways are emphasised by ramps, stairs and feature rocks and planting.</p>	
<u>7.5 Awnings and Canopies</u>		
a) Awnings must be provided where Primary Active Frontages are shown in Figure 7.3.2 Active Frontage and Setback Control Drawing. Entry canopies and discontinuous awnings are encouraged elsewhere in the Corridor.	<p>A 4m wide awning is proposed along the Herring Road frontage. The awning does not project forward of the street setback line.</p> <p>Awnings are also proposed to the retail tenancies entries fronting the Station Plaza.</p> <p>The proposed awnings will provide weather protection for users</p>	Yes
b) Awning width is to be 3m.	<p>The proposed awning along Herring Road is 4m in width. The awning will provide protection in wet weather as well as shading on sunny days. Given the scale of the proposal, the public domain interface along Herring Road, the additional 1m in width will be discernible to passers-by and will be compatible with the activated streetscape proposed as part of this development application. A variation to this control is supported.</p>	No
c) Provide awnings with a soffit height of 3.6 m above the finished ground floor level. On sloping sites, awning soffit height may vary from 3.6 m - 4.2 m	<p>The proposed awnings range from a height of 4.5m to 5.8m above the finished ground level.</p> <p>The proposed awnings have been designed to be integrated with the proposed building and provide a sense of entry for users.</p> <p>Given the nature and scale of Macquarie Centre, being a regional shopping centre a variation to this control is supported.</p>	No
f) Stepped awnings must be detailed to provide continuous weather protection.	<p>Awnings are proposed to run along the Herring Road frontage of the development. The awnings are continuous and follow the external façade of the building. Continuous weather protection is provided.</p>	Yes
g) Glazing is not permitted in continuous awnings	Glazing is not proposed.	Yes
h) Under awning lighting is to be provided to achieve	Lighting throughout the public domain is proposed. Lighting will	Yes

Relevant Control	Comment	Complies
appropriate luminance levels for pedestrians (Refer to relevant Australian Standards). This should be recessed into the soffit of the awning.	provide a safe and engaging environment for users.	
i) Entry canopies and discontinuous awnings may be provided to building entries not located along Active Frontages.	Entry canopies are proposed to the retail tenancies facing the Station Plaza. They will provide weather protection and a sense of arrival to the Centre.	Yes
<u>7.6 Rear and Side Setbacks</u>		
a) Buildings are to be set back 10m from the rear boundary and 5m from a side boundary unless a proposed new road is shown on the site.	Rear Setback: The proposed works do not alter the rear setback of the existing Macquarie Centre. Side Setback: As stated above, Concept Approval LDA2015/0655 (and its subsequent modifications) granted consent for envelopes associated with building footprints and building height. As a result, the building capacity has been set for the site, as such, compliance with this requirement of the RDCP 2014 is not required. It is noted that LDA2015/0655 approved a setback along Waterloo Road ranging from 0m to 54m. The works subject to this application are proposed to be setback 0m from the side boundary.	Yes (Complies with Concept Approval)
c) Awnings, canopies, balconies, sun shading and screening elements may project into the rear setback zones	The proposed works do not alter the rear setback of the existing Macquarie Centre.	Yes
e) Above ground portions of basement car-parking structures are discouraged and deep soil planting is promoted.	No portions of basement carparking proposed to be above ground.	Yes
f) Natural ground level is to be retained throughout side and rear setbacks, wherever possible. Refer to Section 8.4 Topography and Building Interface for controls.	Complies. Refer to discussion relating to Section 8.4	Yes
<u>7.7 Building Separation</u>		
a) Provide minimum 20m separation between buildings facing each other within a site. Refer to Figure 7.7.1 Commercial Building Separation Controls.	As stated above, Concept Approval LDA2015/0655 (and its subsequent modifications) granted consent for envelopes associated with building footprints and building height. As a result, the building capacity has been	Yes (Complies with Concept Approval)

Relevant Control	Comment	Complies
a) Provide minimum 10 m separation between buildings perpendicular to each other within a site. This reduced building separation control only applies where the width of the facing facades does not exceed 20 m. Refer to Figure 7.7.1 Commercial Building Separation Controls.	set for the site, as such, compliance with this requirement of the RDCP 2014 is not required.	
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 application proposes a construction of a three (3) storey podium (the Herring Road Podium, as such, compliance with this requirement of the RDCP 2014 is not required.	Yes
b) Buildings are to address the street, and are to have a street address.	The proposed retail spaces along the ground floor front both Herring Road and the Station Plaza.	Yes
c) Facade design is to <ul style="list-style-type: none"> (i) Reflect and respond to the orientation of the site using elements such as sun shading and other passive environmental controls where appropriate. (ii) Provide building articulation such as well design roof forms, expressed vertical circulation etc. (iii) Express corner street locations by giving visual prominence to parts of the façade (eg a change in building articulation, 	<ul style="list-style-type: none"> (i) The proposed retail spaces along the ground floor front both Herring Road and the Station Plaza. (ii) The proposed building form is well articulated to both Herring Road and Waterloo Road. Council's UDRP noted: <i>The proposed refinements to the geometry and scale of the 'cloud' element, and the corresponding adjustments to associated fenestration, the composition of 'recessive headlands' and the order brought to a defined and contained signage zone – are all supported by the Panel</i> (iii) The Station Plaza is well integrated into the building and provides an activated space to Herring Road and Waterloo Road. 	Yes

<p>material or colour, or roof expression).</p> <p>(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.</p> <p>(v) Roof forms, building services and screening elements are to occur within the overall height controls. Refer to Ryde LEP 2014 for height controls.</p> <p>(vi) Ventilation louvres and car park entry doors are to be coordinated with the overall façade design.</p>	<p>(iv) All proposed site services are integrated into the building design and screened from view.</p> <p>(v) Roof forms, building services and screening element are all contained within the overall height controls for the site.</p> <p>(vi) Existing car park entries and ventilation louvers are coordinated into the overall façade design. This proposal includes a green wall screen along the Waterloo Road façade to screen existing vehicle ramps. Tapered screening is also proposed along the extent of the proposed Talavera Road car park extension.</p>	
<p>b) The distance of any point on a habited floor from a source of natural daylight should not exceed 12m (such as from the core to an external window).</p> <p>(i) Atria and courtyards are to be used to promote access to natural light, pedestrian links and slender building forms.</p> <p>(ii) Arrange courtyards and atria to respond to street lot & solar orientation.</p> <p>(iii) The preferred height to width ratio of atria is 3:1.</p>	<p>Adequate solar access is provided to all public spaces, as well as proposed and existing internal areas.</p>	<p>Yes</p>
<p>c) Buildings are to be designed to be flexible – car parking above the ground level is to have a floor to ceiling height of not less than 2.7m.</p>	<p>New parking areas have a proposed floor to ceiling height of 3.2m.</p>	<p>Yes</p>

<u>8.0 Site Planning And Staging</u>		
<u>8.1 Site Planning and Staging</u>		
<p>a) Sites are to be planned to allow for the future provision of new streets, pedestrian connections and open spaces in accordance with Figure 4.1.1 Access Network and Figure 5.1.1 Proposed Open Space Network. Where it is proposed to vary the locations of open space, and roads; a master plan must be submitted with the development application in accordance with clause 8.1.b (below) and the following:</p> <ul style="list-style-type: none"> (i) Equal or greater quantum of open space or road area than shown in Figure 4.1.1 Access Network and Figure 5.1.1 Proposed Open Space Network; (ii) A highly visible and publicly accessible location for passive open space bounding Waterloo Road; (iii) The same functional outcomes for open space as specified in Section 5.2; (iv) The same connection points to existing roads as shown in the Figure 4.1.1 Access Network and the ability to enhance connectivity; and 	<p>The proposal includes improved connections linking Macquarie University and the Metro Station. The major pedestrian access point is proposed to be from Herring Road and will provide direct connection to the Station Plaza, retail spaces and ice rink. A separate entrance is also proposed toward the southern end of Herring Road.</p>	<p>Yes</p>
<p>b) All sites 15,000m² or more in area should lodge a site-specific Master Plan and/or Stage 01 development application for approval.</p>	<p>This application is for a detailed DA which is the first stage of the redevelopment of Macquarie Shopping Centre as approved under Concept Approval LDA2015/0655.</p>	<p>Yes (Complies with Concept Approval)</p>
<u>8.2 Site Coverage, Deep Soil Areas and private open space</u>		
<p>a) A minimum 20% of a site must be provided as deep soil area.</p> <p>b) Deep soil areas must be at least 2 m deep.</p> <p>c) For the purpose of calculating deep soil areas, only areas with a minimum dimension of 20 m x 10 m may be included.</p>	<p>Due to existing site constraints the site cannot comply with this control. A variation to this control was deemed satisfactory in the assessment of the Concept Approval.</p>	<p>No (Variation acceptable due to Concept Plan)</p>
<p>d) A minimum 20% of the site area is to be provided as Landscaped Area. Landscaped Area is defined as: Area on the site not</p>	<p>Due to existing site constraints the site cannot comply with this control. A variation to this control was deemed satisfactory in the</p>	<p>No (Variation acceptable due to</p>

occupied by any buildings, except for swimming pools or open air recreation facilities, which is landscaped by way of gardens, lawns, shrubs or trees and is available for use and enjoyment by the occupants of the building, excluding areas used for driveways, parking areas or drying yards.	assessment of the Concept Approval. A detailed landscape scheme has been submitted with the application. This scheme has been reviewed by Council's Landscape Architect/Arborist and no objection has been raised subject to the imposition of recommended conditions.	Concept Plan)
e) Solar access to communal open spaces is to be maximised. Communal courtyards must receive a minimum of 3 hours direct sunlight between 9 am and 3 pm on the 21st of June.	The RDCP 2014 determined the location of future Station Plaza on this site. Given that this location is toward the southern portion of the site some shadowing of the Station Plaza is unavoidable. Solar access is afforded to the Station Plaza from midday onwards on 21 June.	Yes
f) Appropriate shading is to be provided so that communal spaces are useable during summer.	Awnings, entry canopies and planting will provide shading to the Station Plaza.	Yes
g) Communal open spaces are to incorporate the primary deep soil area where possible.	Due to existing site constraints the site does not comply with this control. However, deep soil planting where possible has been proposed. A variation to this control was deemed satisfactory in the assessment of the Concept Approval.	No (Variation acceptable due to Concept Plan)
h) Landscaping is to contribute to water efficiency and effective stormwater management. Landowners are to consult with Council for requirements to address stormwater quality	The proposed landscape scheme includes a number of WSUD measures including planter beds and end-of-line filter cartridges. This will aid in improving stormwater run-off and minimise water consumption.	Yes
<u>8.3 Planting on Structures</u>		
a) Provide optimum conditions for plant growth by providing appropriate irrigation and drainage methods. b) Design planters to provide the largest possible volume of soil, in accordance with the recommended standards.	The proposal incorporates planting on structures within the proposed Station Plaza. A variety of soil depths are proposed where possible. Noting existing site constraints restrict planting in certain areas. A condition has been recommended in the consent requiring all planting on structures to comply with the requirements of Council's RDCP 2014. (See Condition 94).	No

<u>8.4 Topography and Building Interface</u>		
<p>a) Level changes across sites are to be resolved within the building footprint.</p> <p>(i) Where buildings are built to the street boundary (i.e. zero setbacks, refer to Section 7.4 Setbacks and Build-to Lines), a level transition must be provided between the building and the adjacent footpath. This level must be maintained for a minimum depth of 10 m into the building.</p> <p>(ii) Where buildings are set back from the street boundary, entries are to be provided at street level wherever possible.</p> <p>c) Natural ground level is to be retained for a zone of 4m from the side and rear property boundaries. Retaining walls, cut and fill are not permitted within this zone.</p> <p>d) The maximum height of retaining walls within the front, side and rear setbacks is not to exceed 1.2 m.</p>	<p>The proposed development is setback from the street in accordance with the Concept Approval.</p> <p>Entries to the Station Plaza and Herring Road retail are provided at street level. Noting, ground levels within the Station Plaza are constrained by the underground operations of the Metro Rail line.</p> <p>The proposal has been designed to accommodate existing levels ensuring accessible access is provided to all public spaces and internal areas.</p>	Yes
<p>b) An accessible path of travel is to be provided from the street through the main entry door of all buildings.</p> <p>(i) Where necessary, stairs and ramps are to be integrated with the landscape design of front setbacks.</p>	<p>An accessible path of travel from Herring Road to the retail spaces is provided. The path is integrated with the landscape design.</p>	Yes
<p>e) Publicly accessible open spaces under private ownership (courtyards, forecourts) must be provided at footpath level. Where level changes cannot be avoided due to topography, the finished level of the open space must not exceed 1.2 m above footpath level.</p>	<p>The footpath (along Herring Road) has an average RL of 55.50. The northern entry point of the Station Plaza has an RL of 55.70, and the southern entry point has an RL of 55.20. Along this entry point stair and ramp access is provided to the Station Plaza.</p>	Yes

<u>8.5 Site Facilities</u>		
a) Vehicular access to loading facilities is to be provided from secondary and tertiary streets where possible.	A new access tunnel linking the existing loading docks to the Waterloo Road exit ramp is proposed. Vehicle access will be achieved via existing access driveway on Talavera Road.	Yes
b) Rubbish and recycling areas must be provided in accordance with Section 6.3 Waste Management. These areas must: <ul style="list-style-type: none"> (i) be integrated with the development; (ii) minimise the visibility of these facilities from the street; and (iii) be located away from openable windows to habitable rooms. 	A report prepared by Foresight Environmental (dated 27 August 2020) detailed the management of waste during the ongoing use of the Macquarie Centre. The report concluded that the facilities provided in the proposed redevelopment of Macquarie Centre will adequately cater for the projected waste generation rates at the completion of the development in addition to the existing waste generation profile for the existing operations.	Yes
c) Barrier free access is to be provided to all shared facilities.	Barrier free access is provided to all shared facilities.	Yes
<u>8.6 Vehicular Access</u>		
a) Vehicular access is not permitted along streets identified as 'Active Frontages' (refer to Section 7.3 Active Frontages).	<p>The proposal includes the removal of an existing vehicle access point toward the corner of Herring Road and Waterloo Road corner of the site. This access point is in the location of the proposed Station Plaza.</p> <p>No change is proposed to the existing vehicle access point toward the northern end of Herring Road.</p>	Yes
b) Where practicable, vehicle access is to be from secondary streets.	No new vehicle access points are proposed as part of this application.	Yes
c) Potential pedestrian/vehicle conflict is to be minimised by: <ul style="list-style-type: none"> (i) limiting the width and number of vehicle access points (ii) ensuring clear sight lines at pedestrian and vehicle crossings (iii) utilising traffic calming devices (iv) separating and clearly distinguishing between pedestrian and vehicular accessways 	<p>This application proposes the removal of one (1) vehicle access point along Herring Road. The removal of this access point will reduce vehicle and pedestrian conflict.</p> <p>Existing pedestrian access points around the Centre are located close to pedestrian crossings and major road intersections.</p> <p>The proposal includes improved connections linking Macquarie University and the Metro Station. The major pedestrian access point is proposed to be from Herring Road and will provide direct connection to the Station Plaza, retail spaces and ice rink. A separate entrance is also proposed toward the southern end of Herring Road.</p>	Yes

<p>d) The appearance of car parking and service vehicle entries is to be improved by:</p> <ul style="list-style-type: none"> (i) locating or screening garbage collection, loading and servicing areas visually away from the street (ii) setting back or recessing car park entries from the main façade line (iii) avoiding black holes in the façade by providing security doors to car park entries (iv) where doors are not provided, it is to be ensured that the visible interior of the car park is incorporated into the façade design and material selection and that building services pipes and ducts are concealed, and (v) returning the façade material into the car park entry recess for the extent visible from the street as a minimum. <p>e) The width of driveways is to be determined in accordance with the requirements of Ryde DCP 2014 and the relevant Australian Standards.</p>	<p>Tapered screening is proposed to be erected along the extent of the two (2) additional levels of car parking proposed along Talavera Road. The screening includes vertical elements tapering down to existing mature planting which acts as screening for the existing car park.</p>	<p>Yes</p>
<p><u>8.7 Onsite Parking</u></p>		
<p>a) Safe and secure 24-hour access to car parking areas is to be provided for building users.</p>	<p>Safe and secure 24-hour access to car parking areas is provided.</p>	<p>Yes</p>
<p><u>At-Grade Parking</u></p>		
<p>b) Parking areas must not be located within the front, side or rear setbacks.</p> <p>c) Parking areas are to be screened from view from the street, public domain and communal open space areas, using site planning and appropriate screen planting structures.</p> <p>d) Provide safe and direct access from parking areas to building entry points.</p> <p>e) Provide appropriate mature vegetation between parking</p>	<p>No at-grade car parking is proposed.</p>	<p>Yes</p>

bays to provide shade and enhance visual impact.		
<u>Basement Parking</u>		
f) Basement parking areas should be located directly under building footprints to maximize opportunities for deep soil areas unless the structure can be designed to support mature plants and deep root plants.	The application proposed the construction of basement parking under the corner podium. The basement car park is located directly under the proposed building footprint.	Yes.
<u>9.0 Environmental Performance</u>		
<u>9.1 Wind Impact</u>		
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.	The proposed building is three (3) storeys in height. A Wind Microclimate and Pedestrian Comfort Report was prepared and submitted as part of this application. Refer – b).	Yes
b) All applications for buildings over 5 storeys in height shall be accompanied with a wind environment statement. For buildings over 9 storeys and for any other building which may be considered an exposed building shall be accompanied by a wind tunnel study report. Refer to Council for documentation and report requirements.	<p>The proposed building is three (3) storeys in height. As such a Wind Environment Statement is not required to be provided. Despite this, Condition 18 of Concept Plan LDA2015/0655 required a Wind Environment Statement to be prepared and submitted as part of an Development Application for the podium.</p> <p>A Wind Microclimate and Pedestrian Comfort Report was prepared by Norman, Disney and Young (dated 12 August 2020) and submitted as part of this application.</p> <p>The report concluded:</p> <p><i>The following features are recommended to be maintained as the design of the centre continues to develop to ensure comfortable conditions are experienced throughout the public realm and are considered acceptable for their intended use:</i></p>	Yes

	<p>1. <i>Incorporate trees and other landscape features throughout the Station Plaza.</i></p> <p>2. <i>Maintain the awning along the Herring Road elevation.</i></p> <p>3. <i>Use trees with evergreen foliage along Herring Road.</i></p> <p>4. <i>Apply texture to facades to minimise downwash and wind acceleration.</i></p> <p>These recommendations formed part of the detailed design submitted as part of the development application. A Condition will be included in the recommendation ensuring the recommendations in this report are implemented in the construction of the proposed Station Plaza and building. See Condition 34.</p>	
9.2 Noise and Vibration		
a) An Acoustic Impact Assessment report prepared by a suitably qualified acoustic consultant is required to be submitted with all development applications for commercial, industrial, retail and community buildings, with the exception of applications minor building alterations.	The applicant has submitted an acoustic report prepared by Acoustic Logic (dated 17 July 2020).	Yes
b) Development is to comply with all relevant statutory regulations.	<p>The purpose of this report was to address the aspects of the proposed development under the relevant provisions of the Protection of the Environment and Operations Act (1997) and provide in-principle recommendations to determine compliance with these requirements.</p> <p>The report included recommendations to ensure the construction noise levels at the nearest sensitive receivers are in accordance with the NSW Interim Construction Noise Guideline (2011).</p> <p>It is proposed to include these recommendations as conditions on the consent to ensure that the development will meet the acceptable levels as contained in this</p>	

	policy. This will ensure that the amenity of the locality will be maintained. See Condition 35.	
c) Where light industrial and commercial development adjoins residential development, the use of mechanical plant equipment and building services will be restricted and must have appropriate acoustic insulation.	No. 101 Waterloo Road, Macquarie Park adjoins the subject site to the south-east. 101 Waterloo Road is a mixed use building. This proposal includes construction of new rooftop plantrooms located toward the centre of the building. Screening is proposed.	Yes
e) Retail premises must limit any spruiking and the playing of amplified music or messages so as not to disturb the amenity of other public and private places.	The application does not propose the use of any amplified music. It is noted, that given the nature of existing and proposed development being a Regional Shopping Centre, sound associated with the use of the Centre, amplified music or messages is anticipated.	Yes
f) Air conditioning ducts shall not be situated immediately adjacent to residential development.	This proposal includes construction of new air conditioning ducts located toward the centre of the building. Screening is proposed.	Yes
9.4 Soil Management		
a) Development is to comply with the City of Ryde DCP 2014. b) Development is to be designed and constructed to integrate with the natural topography of the site to minimise the need for excessive sediment disturbance and prevent soil loss.	Appropriate conditions of consent will be imposed to require the submission of an erosion and sediment control plan that meets the Council's requirements. See Condition 131.	

Part 7.2 Waste Minimisation and Management

Condition 30 of the Approved Concept Application required the future Stage 2 Development Application to demonstrate compliance with Council's requirements for waste collection and Part 7.2 of DCP 2014 Waste Minimisation and Management.

A Site Waste Minimisation and Management Plan (SWMMP) prepared by MOITS (dated 7 August 2020) was submitted as part of this application. Council's Environmental Health Officer reviewed the report and raised no objection subject to appropriate conditions of consent regarding waste transportation and excavated material. **(See Condition 26 to 32).**

Further to this, an additional report prepared by Foresight Environmental (dated 27 August 2020) detailed the management of waste during the ongoing use of the Macquarie Centre. The report concluded that the facilities provided in the proposed redevelopment of Macquarie Centre will adequately cater for the projected waste generation rates at the completion of the development in addition to the existing waste generation profile for the existing operations. Council's Environmental Health Officer reviewed the report and raised no objection subject to appropriate conditions of consent regarding ongoing waste management. **(See Conditions 197-201).**

Overall, it is considered that appropriate waste minimisation and management practices have been proposed. The proposal complies with this part of the RDCP 2014.

Part 9.1 Signage

Part 9.1 of the RDCP 2014 provides a framework to guide the erection and display of signage and advertising structures within the Ryde LGA. Clause 3.2.5 (Signs for Regional Shopping and Commercial Centres) states that all signs visible from a public place will be considered on their merits relative to the general aims and objectives and provisions of Sections 1, 2, 4 and 5 of Part 9.1 of the RDCP 2014.

The proposal includes the installation of three (3) new business identification signage zones on Herring Road and two (2) new business identification signage zones on Waterloo Road. Each sign is proposed to be internally illuminated and flush to the external façade of the building. No third-party advertising is proposed.

The proposed signage scheme is compatible with the desired amenity and visual character of the area and will ensure the effective communication of necessary information. The signage scheme is proposed to be integrated into the proposed building form and achieves a balance between the established and proposed built form and character of the streetscape of the surrounding area.

As discussed in Section 9.6 of this report, proposed signage zone two (2), along the Waterloo Road frontage is considered to be an appropriate size for a Regional Shopping Centre. The proposed signage zone will replace the existing, disjointed signage and provide a platform which will appear articulated into the proposed building form and present a neat, modern finish.

It is considered that the erection of the business identification signage is compatible with the desired amenity and visual character of the area and appropriate and will ensure the effective communication of necessary information. The general aims and objectives and provisions of Sections 1, 2, 4 and 5 of Part 9.1 of the RDCP 2014 are met.

Part 9.2 Access for People with Disabilities

The applicant has submitted an Access Report by Morris Goding Access Consultants (MGAC) (dated 19 August 2020) which confirms that the development can comply with the accessibility requirements under Council's RDCP 2014, the Building Code of Australia (BCA) and DDA Access to Premises Standards (including DDA Access Code). The report concludes:

MGAC has assessed the proposed scheme for the Macquarie Centre - Herring Road Corner Podium redevelopment corner of Herring Rd & Waterloo Rd, North Ryde, NSW 2113. The proposed drawings indicate that accessibility requirements, pertaining to external site linkages, building access, common area access, sanitary facilities and parking could be achieved however changes will need to be worked through at CC stage.

Overall it is considered that the application has demonstrated that the building has been designed and is capable of being constructed to provide access and facilities for people with a disability in accordance with the accessibility requirements under Council's RDCP 2014, the Building Code of Australia (BCA) and DDA Access to Premises Standards (including DDA Access Code).

Condition 36 is included on the draft consent to ensure compliance with the recommendations of this report.

9.10 City of Ryde Section 7.11 Development Contributions Plan 2020

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

10. LIKELY IMPACTS OF THE DEVELOPMENT

The development is consistent with the Concept Approval with respect to the height and scale. The proposed built form and character of the development will contribute to an attractive public domain, and importantly will contribute towards providing a high-quality, safe environment, highly accessible environment close to jobs, services and amenities.

The assessment demonstrates that the proposal will not have any significant adverse impacts upon any adjoining properties or the environment through compliance with the applicable planning instruments and controls. All relevant issues regarding environmental impacts of the development are discussed elsewhere in this report, including natural impacts such as tree removal and excavation, and built environment impacts such as traffic and built form. In the context of the site and the assessments provided by Council's experts, the development is considered satisfactory in terms of environmental impacts.

The additional impacts associated with the development or those requiring further consideration are discussed below.

10.1 Context and setting

The proposed development is considered appropriate with regard to context and setting. The subject site is located within the North District as identified by the North District Plan. The North District Plan is a 20 year plan to manage growth in the context of economic, social and environmental matters. The plan includes a number of specific priorities for Macquarie Park. Applicable priorities include:

- Planning Priority N3: Providing services and social infrastructure to meet people's changing needs.
- Planning Priority N6: Creating and renewing great places and local centres and respecting the District's heritage.

The proposal for the redevelopment of Macquarie Shopping Centre includes the delivery of a publically accessible Station Plaza and the re-development of the existing ice rink. The proposed works to be delivered in line with the DCP requirements contribute towards the delivery of services and social infrastructure to meet the changing needs of the local community.

10.2 Natural Environment

The proposal does not result in any undue impacts to the natural environment, given the existing use of the site, and the changing character of the locality. The extent of tree removal is satisfactory for a development of this scale and the design allows for replacement planting where appropriate

11. REFERRALS

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

11.1 Internal Referral Comments

Urban Strategy (Urban Designer)

Council's Urban Designer reviewed the amended application and identified a number of matters which required design amendments. Specifically, it was noted that the amended application did not satisfactorily address all requirements in response to the heritage value of the ice rink.

It was recommended the proposal be redesigned to give consideration to the:

- Visual relationship between the internal areas; and
- Visual Relationship between the public domain and the ice rink.

These matters are discussed in detail in Section 9.8 of this report, however, the following comments are made:

Assessing Officer Comment

It is acknowledged that the proposed food court is separated visually and physically from a designated food court, a number of retail spaces are located directly adjacent. The ice rink is considered to be on a thoroughfare creating visual interest and physical connection from passers-by.

It is noted that Council's Urban Designer recommended the removal of the circulation floor area west of the void. This is not considered necessary or appropriate as the circulation space is narrow and not considered to be or a bulk or scale which would significantly impede views toward the ice rink.

Further to this, it was also requested that further activation and refinements of the Waterloo Road façade be undertaken. Specifically, Council's Urban Designer requested that the façade be refined to maximise the activation of Waterloo Road by providing greater visual interaction through the use of building elements including windows and roof design. Additionally, it was highlighted to the Applicant that opportunities exist to increase the quality and amenity of the proposed Station Plaza through incorporation of an increased level of podium planting inclusive of species capable of providing shade and visual amenity.

Council's Urban Designer reviewed the amended plans submitted on 7 May 2021 and noted the proposed amendments are acceptable.

Heritage

Council's Heritage Advisor reviewed the proposal, and in the initial review of the amended application requested the applicant update the CMP to be written in accordance with the Articles of the Australia ICOMOS Burra Charter 2013. Specifically, it was requested that the CMP remain neutral to the proposal.

As discussed in Section 9.8 of this report an amended CMP was submitted. Council's Heritage Adviser reviewed the CMP and made the following comments:

- *The CMP establishes a framework of conservation policies which build upon the Statement of Significance and assessed heritage values as established*

in the GML report. The conservation policies of the CMP are also framed around supporting the redevelopment and relocation of the Ice Rink; and

- *The CMP also provides for a concise implementation policy with recommendations that should be implemented in the redevelopment.*

Council's Heritage Advisor concluded that:

The proposed demolition and reconstruction of the Macquarie Ice Rink is considered acceptable, subject to conditions, and the imbued heritage values can be considered to transfer to the new structure and location. Because of this, the proposed redevelopment would not jeopardize the imminent heritage listing of the Macquarie Ice Rink and the heritage listing could still apply to the new location.

No objections were raised to the proposal subject to appropriate conditions of consent. **(See Conditions 33, 109 & 155).**

Consultant Landscape Architect/Arborist

As discussed in Section 9.3 of this report Council's Consultant Landscape Architect/Arborist reviewed the amended plans advised that no objection is raised to the removal of 81 of the 93 trees on site. **(See Condition 114).** Council's Consultant Landscape Architect/Arborist noted that the removal of these trees is unlikely to have a significant impact on the landscape character of the site or the surrounding landscape setting.

Concern was raised with the removal of tree (tree 83) located on the adjoining site (Sydney Metro owned land). Council's Landscape Architect/Arborist has advised that the removal of this tree is not supported as the tree is unlikely to be subject to any significant impact as a result of the proposed works. Appropriate tree protection measures have been recommended. **(See Conditions 110 to 112).**

A number of issues were raised with regard to the landscape scheme. These issues related to an insufficient level of soft landscaping and overall detail provided as part of the scheme.

On 15 June 2021 amended documentation was submitted. Council's Consultant Landscape Architect/Arborist reviewed the amended documentation and following key points were noted in support of the application:

- *The design of the proposed 'Station Plaza' and adjoining public domain areas is generally compliant with the objectives of each of the guiding documents*
- *Street tree planting and embellishment of paved areas within the streetscape is consistent with the requirements of the Public Domain Technical Manual*
- *Access arrangements have been well considered through an integrated arrangement of at-grade access and stairs to the perimeter of the plaza as well as a DDA complaint ramp.*
- *Proposed plant species, whilst not entirely compliant with the requirements of the Waterloo Road Masterplan 2020, are generally of low-water use and are considered to be well suited to the site-specific environmental conditions.*

Council's Consultant Landscape Architect/Arborist did identify a number of landscape concerns which were not addressed as part of the amended plans. These are outlined below:

Concern: Soft Landscaping

The revised landscape documentation has failed to address the ongoing concern that an insufficient level of soft landscaping has been provided within 'Station Plaza'. As proposed, soft landscaping currently represents less than 10% of the overall plaza and is generally considered incapable of providing a suitable level of amenity to the space given the large expanse of hard paving and north-westerly aspect afforded. Whilst future usability and function is acknowledged, it is considered that the quality and amenity of the space could be improved through incorporation of an increased level of podium planting inclusive of species capable of providing shade and visual interest.

Assessing Officer Comment:

The Station Plaza is proposed to have a size of approximately 1,500m² and will incorporate landscaping, seating, bicycle parking and outdoor café space. A meeting tree, stage area and wifi connectivity is also proposed. The Station Plaza is consistent with the requirements of the Concept Approval, and provides a space which incorporates good design, and builds on the sites existing features. A high level of amenity will be achieved.

The proposed landscape design is considered satisfactory.

Concern: Tree Planting – 'Meeting Tree':

The proposed installation of the stand-alone 'Meeting Tree' within the south-western corner of the plaza is considered likely to result in a poor outcome for both the tree and the surrounding open space due to the unsuitable growing environment afforded. Specifically, the reduced open surface area around the base of the tree, location in close proximity to the basement and raised soil profile/planter walls will significantly restrict future root establishment. Each of these elements therefore preclude the future viability of a large growing, root sensitive species such as Eucalyptus saligna (Sydney Blue Gum).

Further, the typical overall height and ascending branching structure of a Eucalyptus saligna is considered to be out of character with the surrounding space which calls for a species which is capable of achieving a more broad-dome like habit. In this regard, a series of recommended conditions have been provided within Section 4.1 below to ensure that this issue is suitably addressed.

Assessing Officer Comment:

The advice of Council's Consultant Landscape Architect/Arborist is accepted. Appropriate conditions have been recommended in the consent requiring the meeting tree be substituted to a Ficus rubiginosa (Port Jackson Fig). Conditions relating to its soil system have also been included. **(See Conditions 89 & 90).**

Overall, Council's Consultant Landscape Architect/Arborist considers the amended design to be satisfactory subject to the recommended conditions being implemented in the consent. **(See Conditions 88 to 94, 110 to 117).**

Traffic Engineer

Council's Traffic Engineer has reviewed the proposal and the provided modelling and concluded that:

The extent of any remedial measures to assist with easing congestion/improving traffic flow at the abovementioned locations is subject to the amount of funding provided by the applicant, which is negotiated with TfNSW in accordance with Condition 38 of LDA 2015/0655.

No objections are raised subject to appropriate conditions of consent. **(See conditions 22, 23, 58, 108, 134, 135, 167 & 168).**

Public Domain

Council's Public Domain Engineer has reviewed the amended proposal and concluded subject to appropriate conditions of consent the proposed development will comply with City of Ryde Public Domain Technical Manual.

No objections are raised subject to appropriate conditions of consent. **(See Conditions 12 to 14, 59 to 65, 102 to 107, 154, 170 to 184).**

Development Engineering

Council's Senior Development Engineer has reviewed the proposal and concluded that sufficient evidence has been provided demonstrating that the proposed development has been designed in a manner that does not negatively impact on neighbouring properties, the public drainage network or increase the threat to public safety.

No objections are raised subject to appropriate conditions of consent. **(See Conditions 8 to 11, 45 to 47, 98, 99, 128 to 133, 157 to 166).**

Development Contributions Officer

Council's Development Contributions reviewed the proposal and the associated Planning Agreement and has confirmed the proposal is consistent with the requirements of the Planning Agreement. Noting that no Section 7.11 contributions are payable at this time. It is further noted that the library and creative hub are not required to be constructed as part of this stage of development.

Despite this, a condition has been recommended in the consent linking this development application to the VPA. **(See Condition 4).**

Public Art

Council's Public Art Officer has reviewed the proposal and raised no objections subject to appropriate conditions of consent requiring a detailed Public Art Plan to be submitted to Council prior to the issue of a Construction Certificate. **(See Conditions 185 & 186).**

Environmental Health Officer

Council's Environmental Health Officer (EHO) has reviewed the submitted documentation and has advised that the site is suitable for the proposed residential land use. Appropriate conditions have been imposed regarding discovery of additional contamination information, waste transportation and excavated material. No objections are raised subject to appropriate conditions of consent. **(See Conditions 16, 25 to 32, 68, 136 to 141, 195 to 202).**

Sustainability Coordinator

Council's Senior Sustainability Coordinator Transport and Environment has reviewed the proposal, and the proposed Framework Travel Plan and has raised no objections subject to appropriate conditions of consent. **(See Condition 169).**

Structural Engineer

Council's Consultant Structural Engineer has reviewed the submitted documentation and has advised that the site is suitable for the proposed land use.

11.2 External Agency Referrals

Transport for NSW

The TfNSW comments have been addressed earlier in the report. TfNSW support the DA, subject to conditions which require the applicant to enter into a Transport Infrastructure Contribution Deed.

TfNSW granted concurrence subject to appropriate conditions of consent **(See Conditions 95 and 189).**

Sydney Metro

Sydney Metro assessed the proposal in accordance with the requirements of Clauses 85 and 86 of the SEPP (Infrastructure) 2007 and granted concurrence subject to appropriate conditions of consent **(See Conditions 17 to 19, 69 to 87, 142 to 149, 190 to 193).**

NSW Police

The application was formally referred to the NSW Police. The NSW Police has reviewed the proposal and has raised no objections subject to appropriate conditions of consent. **(See Condition 37 and 153).**

12. PUBLIC NOTIFICATION & SUBMISSIONS

In accordance with the Ryde Community Participation Plan the amended Development Application was notified and advertised between 9 October 2020 and 4 November 2020. Thirty-One (31) submissions were received. Fifteen (15) objecting to the proposal, each of which are a proforma document, thirteen (13) in support of the proposal and three (3) which are neutral.

Objections to the proposal

Fifteen (15) submissions were received objecting to the proposal and were in the form of a proforma document. Each submission objecting to the proposal was from owners/occupiers of 101 Waterloo Road, Macquarie Park.

101 Waterloo Road, Macquarie Park is a mixed-use development comprising of four (4) residential towers above a mixed-use podium and is located directly south east of the subject site. 101 Waterloo Road, Macquarie Park is shown below (outlined in red). **(Figure 50).**



Figure 48: 101 Waterloo Road, Macquarie Park (highlighted in red).

Five (5) key issues were raised which are detailed below:

Noise Pollution

Concern:

Concern was raised with regard to noise emissions from the plant equipment associated with the proposed ice rink.

Assessing Officer Response:

A noise impact assessment report was submitted as part of this application. The report included recommendations to ensure the future plant equipment is to be constructed in accordance with the NSW Interim Construction Noise Guideline (2011). The recommendations included the construction of:

- Acoustic barriers and screening
- Internally lined ductwork
- External lagging
- Silencers.

It is proposed to include these recommendations as conditions on the consent to ensure that the development will meet the acceptable levels as contained in this policy. This will ensure that the amenity of the adjoining neighbours will be maintained. **(See Condition 35 and 202).**

Reflectivity

Concern:

Concern was raised that the proposed solar panels attached to the roof of the ice rink will cause reflectivity issues.

Assessing Officer Response:

Solar panels are proposed to cover the majority of the proposed new roof elements. Solar panels are considered to absorb light and are less reflective than light coloured roof materials.

A standard condition of consent has been included in the recommendation requiring all roofing and other external materials to be of low glare and reflectivity. (**See Condition 44**).

Heat Reflection

Concern:

Concern was raised that heat reflection would occur as a result of the proposed development.

Assessing Officer Response:

In response to this concern, the Applicant's expert consultant (Norman, Disney & Young) has advised:

The concern raised – radiant solar heat being concentrated and reflected, causing damage to adjacent property – can only occur where a concave curved surface is involved. All the solar panels proposed are conventional, flat plate collectors. No other concave curved geometries are proposed. As such there is no potential for reflected solar heat to cause any property damage or fire safety hazard.

The advice of Norman, Disney & Young is accepted. No heat reflection is considered to arise as a result of heat reflection.

Light Pollution

Concern:

Concern was raised regarding light pollution, and the operating hours of the proposed lights.

Assessing Officer Response:

All lighting has been designed to be in accordance with Australian Standard AS 4282-2019: Control of the Obtrusive Effects of Outdoor Lighting. **Condition 212** has been recommended in the consent requiring this.

No nuisance is considered to arise.

Construction Working Hours

Concern:

Concern was raised with regard to the proposed construction hours. The proposed construction hours are:

7.00am to 7.00pm Monday to Friday; and

7.00am to 5.00pm on Saturdays.

The submission requested hours of construction on a Saturday be restricted to:
8.00am to 5.00pm.

Assessing Officer Response:

Construction impacts are controlled by Part 8.1 of the Ryde DCP 2014, being:
7.00am to 7.00pm Monday to Friday; and
8.00am to 4.00pm on Saturdays.

Council's standard conditions of consent have been imposed to control the impact of the construction activities, and ensure the hours of construction are appropriate and in accordance with the Ryde DCP. Given the scale of the development and the need to keep the shopping centre open throughout the construction, there may be times when construction needs to occur outside of these standard hours. In these circumstances, the applicant will be required to notify Council of the proposed works and hours of operation and obtain permission before any works commence on the site. (See condition number 6).

Loss of property values

Concern:

Concern was raised by the owners of 101 Waterloo Road that the development will result in financial loss.

Assessing Officer Response:

This is not a relevant consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979.

Neutral to the proposal

Three (3) submissions were received which were neutral to the proposal. Each submission noted support regarding retention of the ice rink, however included a number of comments and recommendations. This included:

- Introduction of sustainable stations throughout the centre, including stations where shoppers can recycle batteries and coffee cups
- Recognition of the cinema as a community asset
- Concern in the reduction of cinema screens.

These matters raised are not considered relevant to the assessment of this Development Application.

In Support

Those remaining submissions received were in support and related directly to the retention of the ice rink. Each submission detailed a personal connection to the ice rink and noted the submitters appreciation in its proposed retention.

13. CONCLUSION

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

The proposal is consistent with the Concept Approval and envelopes associated with building footprints and building height.

The redevelopment of the Macquarie Shopping Centre will provide a high quality, well designed, safe and existing environment which will provide publicly accessible vibrant spaces adjacent to public transport networks and hub areas.

The activated Station Plaza, retail hub and retention and redevelopment of the ice rink will provide a focal point for local communities and enhance the sense of identity associated with the Macquarie Park area.

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

14. RECOMMENDATION

- 1) That the Sydney North Planning Panel grant consent to development application LDA2018/0498 for the demolition of part of the existing shopping centre and redevelopment of the Herring Road Corner Podium site, Station Plaza and additional deck parking on the Talavera Road frontage. The development involves 22,764m² of additional gross floor area, 500 additional car parking, 5 signage zones and a digital screen, landscaping and public domain improvements, at 197 – 223 Herring Road, Macquarie Park subject to the conditions of consent in **Attachment 1** of this report.
- 2) That Transport for NSW, Sydney Metro and NSW Police be advised of the decision.
- 3) That those who made a submission be advised of the determination.

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