

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	PPSNH-003																																																										
<b>DA Number</b>	LDA2018/0506																																																										
<b>LGA</b>	City of Ryde																																																										
<b>Proposed Development</b>	The proposal involves demolition of the existing buildings and construction of a mixed use development comprising a 20 storey building with 132 residential apartments (10 x studio, 29 x 1 bedroom, 79 x 2 bedroom & 14 x 3 bedroom apartments), over five (5) basement levels of car parking for 134 car spaces and ground floor retail/office use to the Waterloo Road frontage. Landscaping and associated works are also proposed																																																										
<b>Street Address</b>	14 – 16 Cottonwood Crescent, Macquarie Park																																																										
<b>Applicant Owner(s)</b>	<p>MP Holding P/L, c/- Legacy Property  <u>14 Cottonwood Crescent</u></p> <table> <tr><td>1/14 Cottonwood Cr</td><td>Legpro 31 Pty Ltd</td></tr> <tr><td>2/14 Cottonwood Cr</td><td>Legpro 31 Pty Ltd</td></tr> <tr><td>3/14 Cottonwood Cr</td><td>Legpro 31 Pty Ltd</td></tr> <tr><td>4/14 Cottonwood Cr</td><td>Shang A Wang &amp; Xiao Y Qian</td></tr> <tr><td>5/14 Cottonwood Cr</td><td>Heather J Jackson</td></tr> <tr><td>6/14 Cottonwood Cr</td><td>Edward Y T Lai &amp; Yee H Kew</td></tr> <tr><td>7/14 Cottonwood Cr</td><td>Legpro 31 Pty Ltd</td></tr> <tr><td>8/14 Cottonwood Cr</td><td>Legpro 31 Pty Ltd</td></tr> <tr><td>9/14 Cottonwood Cr</td><td>Patricia Hellquist</td></tr> <tr><td>10/14 Cottonwood Cr</td><td>Legpro 31 Pty Ltd</td></tr> <tr><td>11/14 Cottonwood Cr</td><td>Legpro 31 Pty Ltd</td></tr> <tr><td>12/14 Cottonwood Cr</td><td>Julia J Wang</td></tr> <tr><td>13/14 Cottonwood Cr</td><td>Legpro 31 Pty Ltd</td></tr> <tr><td>14/14 Cottonwood Cr</td><td>Legpro 31 Pty Ltd</td></tr> <tr><td>15/14 Cottonwood Cr</td><td>Robin M Paterson</td></tr> <tr><td>16/14 Cottonwood Cr</td><td>Yini Handisurya</td></tr> <tr><td>17/14 Cottonwood Cr</td><td>Legpro 31 Pty Ltd</td></tr> <tr><td>18/14 Cottonwood Cr</td><td>Deborah L Regan</td></tr> <tr><td>19/14 Cottonwood Cr</td><td>Legpro 31 Pty Ltd</td></tr> <tr><td>20/14 Cottonwood Cr</td><td>Legpro 31 Pty Ltd</td></tr> <tr><td>21/14 Cottonwood Cr</td><td>Shirthady P Chandra</td></tr> </table> <p><u>16 Cottonwood Crescent</u></p> <table> <tr><td>1/16 Cottonwood Cr</td><td>Legpro 32 Pty Ltd</td></tr> <tr><td>2/16 Cottonwood Cr</td><td>Sim K Lim &amp; Sim S Lim</td></tr> <tr><td>3/16 Cottonwood Cr</td><td>Legpro 32 Pty Ltd</td></tr> <tr><td>4/16 Cottonwood Cr</td><td>Steven &amp; Priscillia J Saouma</td></tr> <tr><td>5/16 Cottonwood Cr</td><td>Legpro 32 Pty Ltd</td></tr> <tr><td>6/16 Cottonwood Cr</td><td>Shui B Cheung</td></tr> <tr><td>7/16 Cottonwood Cr</td><td>Legpro 32 Pty Ltd</td></tr> <tr><td>8/16 Cottonwood Cr</td><td>Bruce &amp; Karen L Houweling</td></tr> </table>	1/14 Cottonwood Cr	Legpro 31 Pty Ltd	2/14 Cottonwood Cr	Legpro 31 Pty Ltd	3/14 Cottonwood Cr	Legpro 31 Pty Ltd	4/14 Cottonwood Cr	Shang A Wang & Xiao Y Qian	5/14 Cottonwood Cr	Heather J Jackson	6/14 Cottonwood Cr	Edward Y T Lai & Yee H Kew	7/14 Cottonwood Cr	Legpro 31 Pty Ltd	8/14 Cottonwood Cr	Legpro 31 Pty Ltd	9/14 Cottonwood Cr	Patricia Hellquist	10/14 Cottonwood Cr	Legpro 31 Pty Ltd	11/14 Cottonwood Cr	Legpro 31 Pty Ltd	12/14 Cottonwood Cr	Julia J Wang	13/14 Cottonwood Cr	Legpro 31 Pty Ltd	14/14 Cottonwood Cr	Legpro 31 Pty Ltd	15/14 Cottonwood Cr	Robin M Paterson	16/14 Cottonwood Cr	Yini Handisurya	17/14 Cottonwood Cr	Legpro 31 Pty Ltd	18/14 Cottonwood Cr	Deborah L Regan	19/14 Cottonwood Cr	Legpro 31 Pty Ltd	20/14 Cottonwood Cr	Legpro 31 Pty Ltd	21/14 Cottonwood Cr	Shirthady P Chandra	1/16 Cottonwood Cr	Legpro 32 Pty Ltd	2/16 Cottonwood Cr	Sim K Lim & Sim S Lim	3/16 Cottonwood Cr	Legpro 32 Pty Ltd	4/16 Cottonwood Cr	Steven & Priscillia J Saouma	5/16 Cottonwood Cr	Legpro 32 Pty Ltd	6/16 Cottonwood Cr	Shui B Cheung	7/16 Cottonwood Cr	Legpro 32 Pty Ltd	8/16 Cottonwood Cr	Bruce & Karen L Houweling
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<b>Date of Lodgement</b>	21 December 2018
<b>Number of Submissions</b>	Round 1: One submission was received during the notification period for the original DA.  Round 2: Eleven (11) submissions were received in relation to the amended proposal (relating to property ownership).
<b>Recommendation</b>	<b>Approval subject to conditions</b>
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011</b>	General Development over \$30 Million – Cost of works: \$67, 561, 436
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Regulation 2000;</li> <li>• Environmental Planning and Assessment Act 1979;</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011;</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land;</li> <li>• State Environmental Planning (Vegetation in Non Rural Areas) 2017;</li> <li>• Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;</li> <li>• Greater Sydney Regional Plan - A Metropolis of Three Cities, 2018;</li> <li>• Ryde Local Environmental Plan 2014;</li> <li>• Draft Remediation of Land State Environmental Planning Policy;</li> <li>• Draft Environment State Environmental Planning Policy;</li> <li>• City of Ryde Development Control Plan 2014; and</li> <li>• Ryde Section 7.11 Development Contributions Plan 2020</li> </ul>

<b>Clause 4.6 Request</b>	<ul style="list-style-type: none"> <li>• Ryde Local Environmental Plan 2014</li> <li>• Clause 4.3 Height</li> <li>• B4 Mixed Use</li> </ul>
<b>Summary of Key submissions</b>	<ul style="list-style-type: none"> <li>• Legal question in relation to land ownership and the validity of the development application</li> <li>• To consider the solar and acoustic impact to Macquarie Shopping Centre (at 197 - 223 Herring Road).</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<p>Attachment 1: Draft Conditions of consent</p> <p>Attachment 2: Clause 4.6 Variation</p> <p>Attachment 3: Notice of Assignment for LDA 2018/0506</p> <p>Attachment 4: Legal Advice</p>
<b>Report prepared by</b>	Planning Ingenuity (Consultant Town Planners)
<b>Report date</b>	8 October 2020

<b>Summary of Section 4.15 matters</b>  Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	<b>Yes</b>
<b>Legislative clauses requiring consent authority satisfaction</b>  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?	<b>Yes</b>
<b>Clause 4.6 Exceptions to development standards</b>  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?	<b>Yes</b> <b>Clause 4.3</b> <b>Height</b>
<b>Special Infrastructure Contributions</b>  Does the DA require Special Infrastructure Contributions conditions (S7.24)?	<b>No</b>
<b>Conditions</b>  Have draft conditions been provided to the applicant for comment?	<b>Yes</b>

## **1. EXECUTIVE SUMMARY**

### **The Proposal**

This report considers a development application under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for a mixed use development at SP6262, No. 14 Cottonwood Crescent and SP5906, No.16 Cottonwood Crescent, Macquarie Park.

The DA involves demolition of the two existing residential flat buildings on each site, and construction of a twenty storey mixed use development and five levels of basement car parking with associated public works and landscaping.

### **Notification and Submissions**

The application was notified and advertised in accordance with Part 2.1 of Ryde Development Control Plan 2014 (RDCP 2014) and the Community Participation Plan. One submission was received in relation to the original application and a further eleven (11) submissions were received in relation to the amended plans. The eleven submissions raised a legal question in relation to land ownership and the validity of the development application. Legal advice was sought on this matter and is discussed further in the report.

### **Constraints**

Environmental constraints that affect the site include the relatively shallow groundwater level and the sites flood risk attributed to significant excavation. The application has demonstrated that the site is of minimal contamination risk and that no further information is required to satisfy clause 7 of State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55).

The proposal is integrated development under the EP&A Act, as the subject site requires a dewatering licence. The relevant approval body is Water NSW. Water NSW have issued GTAs which are included as part of the conditions of consent within **Attachment 1**.

Transport for NSW (formerly the Roads and Maritime Services (RMS)) have provided their support for the proposal subject to conditions. Sydney Metro have also considered the application in relation to the sites proximity to tunnel reserves which traverse the site along Waterloo Road for which conditions have been provided.

### **Key Issues**

#### **Ryde Local Environmental Plan 2014**

The proposal complies with the majority of planning requirements under Ryde Local Environmental Plan 2014 (RLEP 2014). The proposal meets the floor space ratio development standard and is in line with zone objectives and local provisions.

The applicant seeks to increase the height of building by 3.07% over the maximum permitted 65m permitted under Clause 4.3 of RLEP 2014. The height non-compliance is limited to the lift overrun and plant only. A variation under Clause 4.6 of the LEP is supported and is discussed in detail later in the report.

## Apartment Design Guide

The proposal meets the requirements of the Apartment Design Guide (ADG) in relation to apartment size, private and public open space, cross ventilation, solar access and privacy. The proposal exceeds the landscaping and deep soil zone requirements for a large site achieving a suitable external environment for occupants of the development.

The development seeks a minor variation to 1 unit in respect to apartment size and number of units serviced by the passenger lifts. These non-compliances are further assessed in relevant sections of this report and considered satisfactory based on individual merit.

## Ryde DCP 2014 (RDCP)

The proposal is non-compliant with the rear basement setback requirement under Section 7.6(d) of Part 4.5 of RDCP. The building complies with the required setbacks at ground level but seeks a variation to the rear (southern) boundary setback to all basement levels. These non-compliances are further assessed in relevant sections of this report and considered satisfactory based on individual merit.

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 approval of the application is in the public interest. Consideration of various matters raised by Council's technical departments has not identified any fundamental issues of concern, with any matters of concern recommended to be addressed via conditions of consent as included within **Attachment 1**.

The DA is consistent with the desired future character of the precinct as identified in the relevant planning instruments. It will contribute to the vision for the future of the corridor providing a high quality, well designed, safe and liveable environment that reflects the site's natural setting. The amended building is of high-quality architectural design, which integrates business and residential uses together providing an improved lifestyle for those who will live, work and study in the area.

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

## **1. APPLICATION DETAILS**

**Applicant:** MP Holding P/L, c/- Legacy Property Group Pty Ltd

**Capital Investment Value:** \$67, 561, 436

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

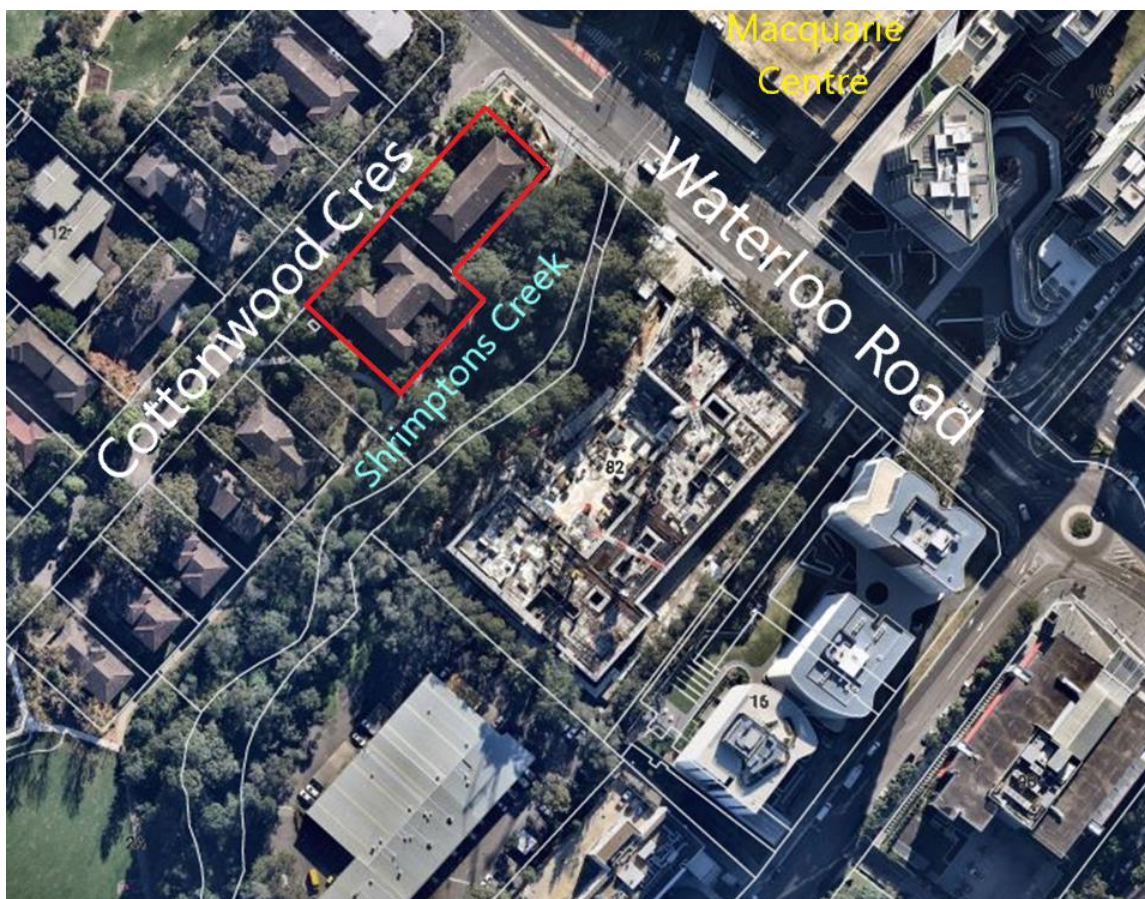
## 2. SITE DESCRIPTION

The site is positioned on the corner of Waterloo Road and Cottonwood Crescent, as shown in **Figure 1**, and has a total site area of approximately 2,499m<sup>2</sup>. The development site has two frontages including a primary frontage to Cottonwood Crescent and secondary frontage to Waterloo Road via a Council reserve (refer **Figure 2**). The site is bounded on its other two sides by Council reserves including Cottonwood Reserve to the south-west, Shrimpton's Creek to the south-east.

The site falls from Waterloo Road towards Cottonwood Reserve to the south west, with a more significant cross fall from Cottonwood Crescent towards Shrimptons Creek of approximately 5m. The site comprises two separate buildings, each building contains three levels of residential apartments with under croft car parking within a strata plan. Parking and pedestrian access is via Cottonwood Crescent. The site has a L-shape with a narrower frontage to the north-east boundary (Waterloo Road) of 27m, a frontage to Cottonwood Crescent of 79m and a width to Cottonwood Reserve of 39m. The boundary to Shrimptons Creek has a length of approximately 79m but steps in towards Waterloo Road, where the frontage is narrower.

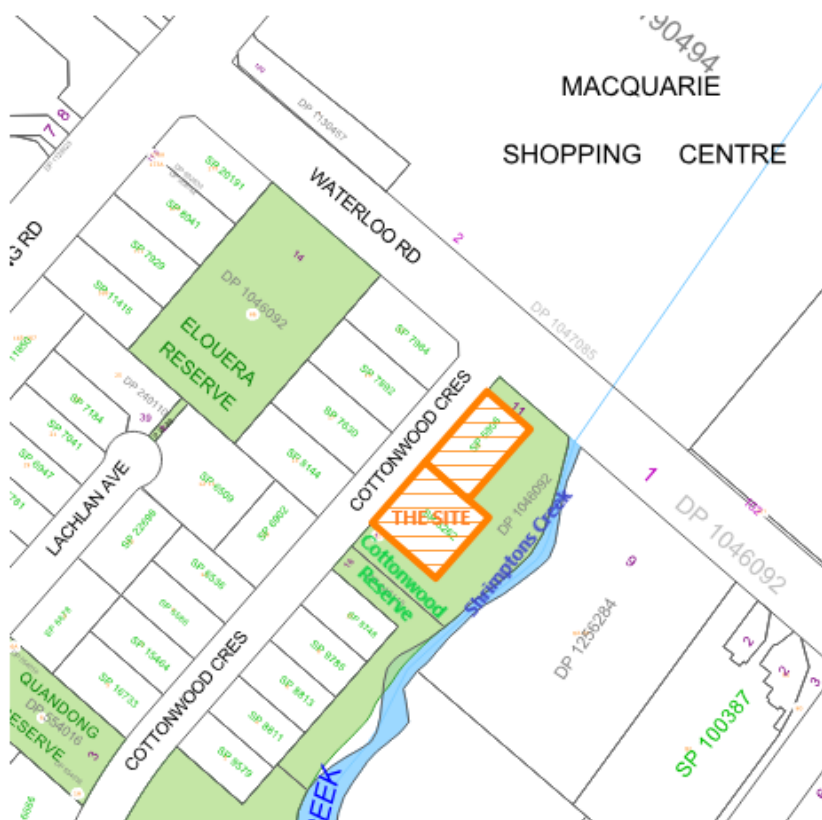
There are a number of existing trees outside the boundary of the site along the street frontages and within the adjacent Cottonwood Reserve. The surrounding streetscape is consistent with the prevailing landscaped presentation within Macquarie Park.

The site is located immediately adjacent to the Shrimptons Creek Riparian Corridor which has been identified by the City of Ryde as a significant natural tributary providing diverse native vegetation and animal habitats within the Macquarie Park precinct.





**Figure 1:** Aerial Image of the site location (Source: NearMaps)



**Figure 2:** Image depicting lot boundaries. (Source: Ryde Maps)

**Figures 3 & 4** illustrates the existing residential flat buildings on the site.



**Figure 3:** 14 Cottonwood Crescent – existing three storey residential flat building with undercroft parking.





**Figure 4:** 16 Cottonwood Crescent – existing 3 storey residential flat building with undercroft parking.

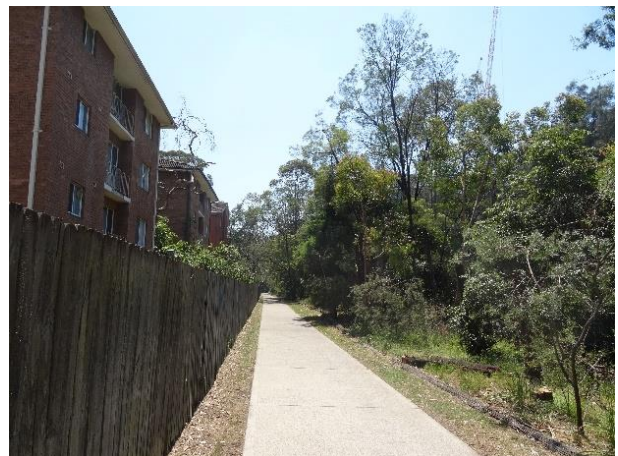
### Surrounding Development

The site is generally surrounded by similar residential flat buildings which extend along both sides of Cottonwood Crescent between Waterloo Road and Wilga Park to the south. On the opposite side of Waterloo Road is the Macquarie Centre, a large shopping centre which is also located opposite the main campus of Macquarie University. The eastern boundary of the site adjoins Shrimptons Creek a waterway with a shared user path between Waterloo Road and Santa Rosa Park to the south. There are some new mixed use buildings along Waterloo Road near the site which reflect the planning controls for increased height and densities.

Nearby buildings are shown within the images below:



**Figure 5.** No. 17, 19 & 21 Cottonwood Crescent.



**Figure 6.** Shrimptons Creek path and flat buildings along Cottonwood Crescent.





**Figure 7.** No. 82-84 Waterloo Road.



**Figure 8.** Macquarie Centre & No. 100-107 Waterloo Road (23 storey building).



**Figure 9** Cottonwood Reserve (south west of the site).



**Figure 10** Site viewed from Waterloo Road showing the adjoining Council reserve (north east frontage).

### 3. SITE CONTEXT

The site is located approximately 12km north-west of the Sydney CBD within Macquarie Park. Macquarie Shopping Centre and Macquarie University's main campus entrance are located 50m and 250m north-west of the subject site respectively with access to the Lane Cove National Park and Lane Cove River approximately 900m to the north-east. (refer to **Figure 11**).



**Figure 11:** Site Context and Locality (Source: NearMaps).

The site is located within the B4 Mixed Use zone under the RLEP 2014. The surrounding area contains land also within the B4 Mixed Use zone with residential flat buildings to the west and south earmarked for similar scale development. On the opposite side of Waterloo Road, the land where the Macquarie Centre is located is also within the B4 zone, while further east there is land within the B3 Commercial Core zone and B7 Business Park zone. Shrimptons Creek, along eastern boundary falls within the E2 Environmental Conservation zone.

The surrounding built form along Cottonwood Crescent consists of similar scale residential flat buildings, set within landscaped gardens within a tree lined street. These buildings are very uniform in their scale, siting and appearance. Beyond Cottonwood Crescent the scale and style of buildings is diverse, indicative of the current trend of aged building stock being replaced by modern mixed use residential towers, commercial offices, as well as technology and service-based industries further east along Waterloo Road.

Macquarie Park and Macquarie University metro stations are located approximately 1km south-east and 250m north-west of the site respectively, with high frequency bus services running adjacent to the site on Waterloo Road. A marked bicycle path located along Shrimptons Creek provides access to the wider walking and cycling network located in the vicinity. It is also noted that Transport for NSW are proposing a range of improvements to the road network in Macquarie Park, as part of the Bus Priority Infrastructure Program.

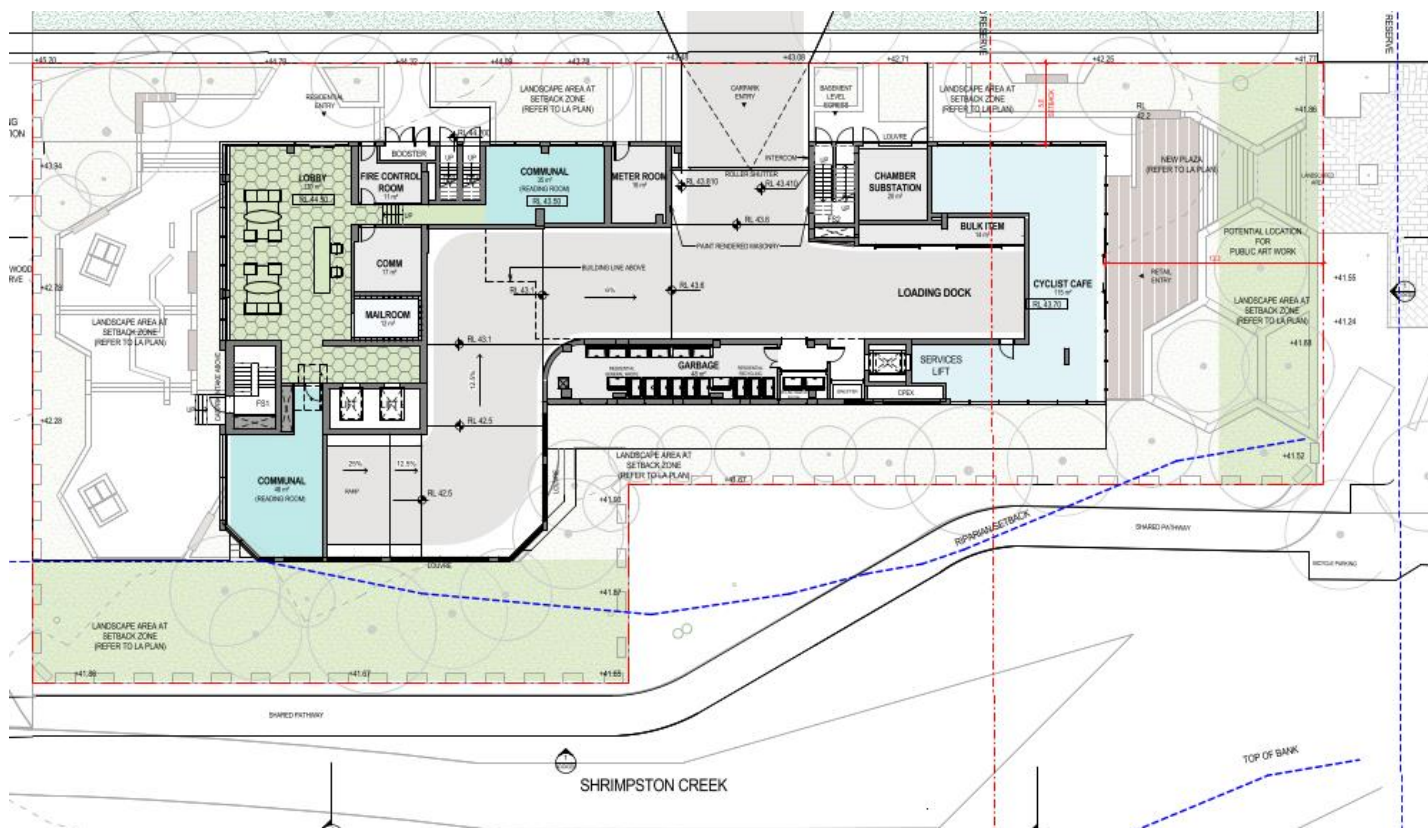
#### **4. PROPOSAL**

The proposal comprises a Development Application for a mixed use commercial and residential development. The proposal has evolved following numerous meetings with Council staff and consideration by the Urban Design Review Panel (UDRP). The final amended proposal, dated July & August 2020 (various revisions), the subject of this assessment seeks the following works:



- Demolition of existing buildings on site;
- Excavation and site preparation work;
- Construction of 20 storey mixed use building comprising 115m<sup>2</sup> gross retail floor space (café) on the ground floor and 132 residential units. The proposed residential apartment mix is 10 x studio apartments, 29 x 1-bedroom apartments, 79 x 2 bedroom and 14 x 3 bedroom apartments;
- Construction of five (5) levels of basement accommodating on site loading, car and bicycle parking;
- Tree removal, associated landscaping and public domain works; and
- Augmentation of physical infrastructure and utilities as needed.

The site plan at ground floor level is provided below at **Figure 12** and indicates the footprint of the current proposal and a view of the proposed development from Waterloo Road is shown in **Figure 13**.



**Figure 12:** Ground floor layout.



**Figure 13:** Perspective as viewed from Waterloo Road (Drawing AD-SK 3800- July 2020).

Under Division 4.8 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) due to the site's proximity to Shrimptons Creek, LDA2018/0506 is identified as integrated development as it requires concurrence of the NSW Office of Water under Section 91 of the Water Management Act 2000. WaterNSW has issued General Terms of Approval which are included as part of the conditions of consent within **Attachment 1**.

### Layout and Design

The building design has evolved and been refined since the original application was first submitted to Council, the applicant considering input and advice from Council and the UDRP in achieving their current design. The following is a summary of each level of the proposal:

#### *Ground floor level:*

The site will be accessible from the Cottonwood Crescent pedestrian entry as well as via the lifts within the basement car park. The level is comprised of the following uses:

- Vehicle entry and loading dock;
- A central lobby and foyer;
- 2 x communal areas;



- Plant rooms;
- Outdoor fitness area; and
- Cyclist Café – this Café tenancy comprises a 115m<sup>2</sup> retail space spilling on to a public plaza fronting Waterloo Road.

#### *Level 1:*

Level 1 comprises the first level of residential apartments and a service area.

#### *Levels 2 – 19:*

The upper levels of the tower comprise a range of dwelling typologies including, studio, one, two and three- bedroom apartments as well as an outdoor communal area measuring 634.94m<sup>2</sup>. The apartment mix is as follows:

- 10 x Studio apartments
- 29 x 1 bed apartments
- 79 x 2 bed apartments
- 14 x 3 bed apartments

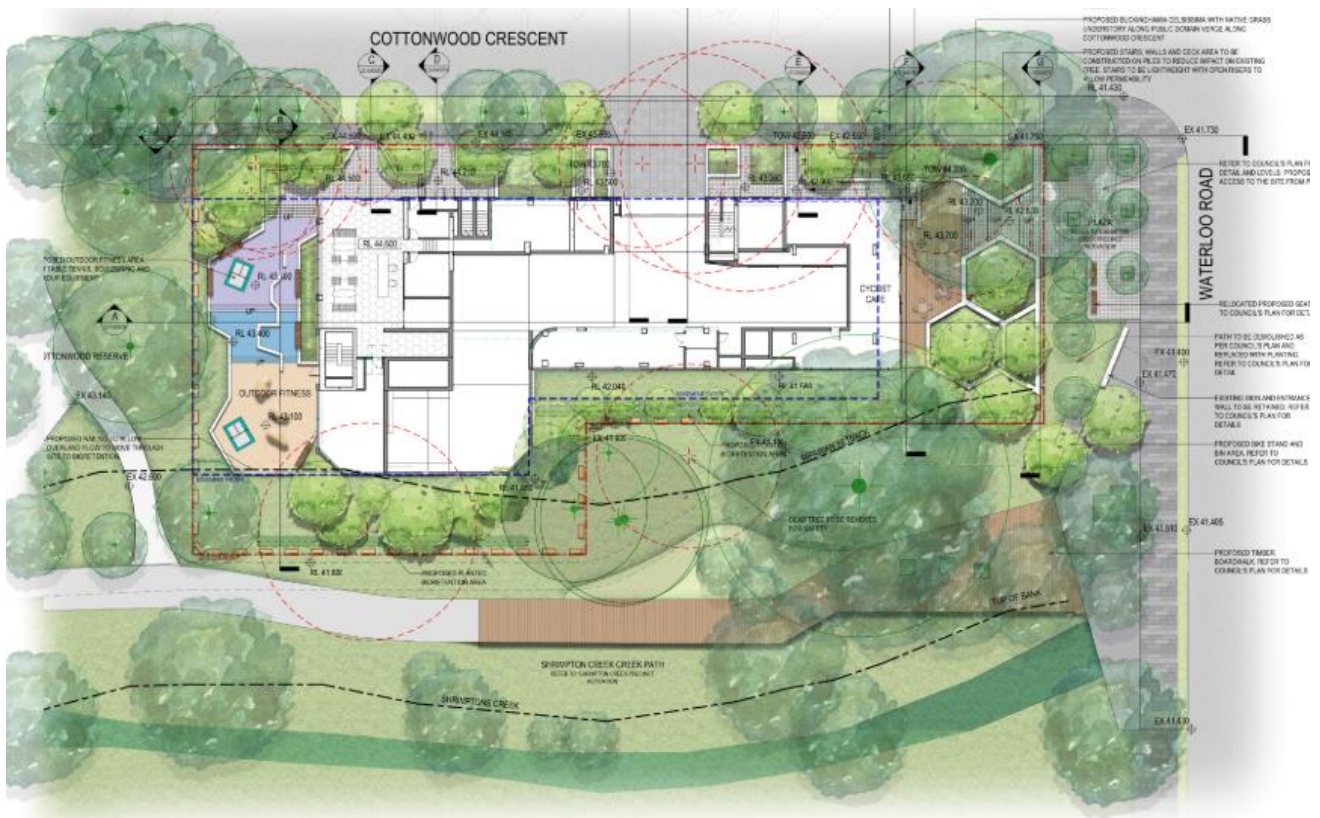
#### Design and Materials

The building has a unique façade presenting as a honeycomb structure, inspiration for the design has come from the local environment of Shrimptons Creek where bee habitat is common. The honeycomb structure is a geometric arrangement that is easily identifiable and will present a prominent urban element to its frontage towards Waterloo Road. It also assists in shading, light penetration and framing views for occupants within the building.

#### Open Space

The accompanying Landscape Plan (**Figure 14**) prepared by Scott Carver Architecture proposes 438m<sup>2</sup> (17.5%) of the site for deep soil landscaping whilst the total landscaped area proposed is 1,202m<sup>2</sup>, representing 48% of the site area.

The design focuses on an interface with Cottonwood Reserve to the south and a useable open space to the north where the open space connects with the proposed cyclist café and plaza. A Public Art Strategy prepared by *Authority Creative* proposes a public art opportunity for the site with a focus on implementing appropriate works within the front setback.

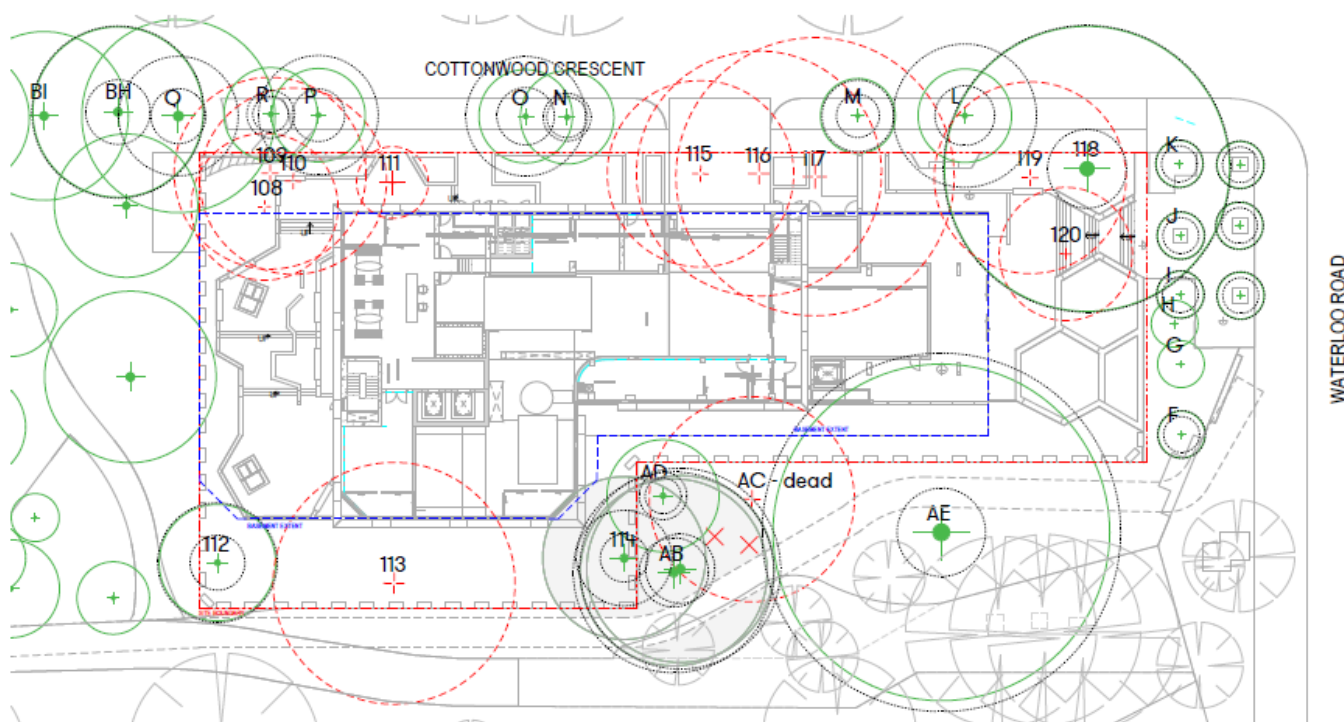


**Figure 14:** Extract from Landscape Plan (source: Scott Carver Architects).

### Proposed Tree Removal & Planting

A total of 32 trees were assessed within and adjacent to the site in respect of the subject application. The proposal includes the removal of ten (10) of twelve (12) trees within the site, in addition removal of three (3) trees within land adjacent to Shrimptons Creek. The removal of the three (3) trees adjacent to Shrimptons Creek is consistent with Council's Public Space Design Team – Landscape Plans "Shrimptons Creek Precinct Activation". Trees to be retained as shown at **Figure 15** below.

The proposal also includes a detailed landscape plan which proposes substantial planting of trees within three zones of the development, including the Riparian Zone with tree species based on the BioNet Vegetation Classification of Shrimptons Creek such as Sydney Red Gum, Sydney Peppermint and Red Ironbark; the Ground Floor Zone which is designed to enhance the sites existing character and natural setting adjacent Shrimptons Creek with species such as Illawarra Flame Tree and Spotted Gum; and the Communal Space planting, including Crepe Myrtle and Magnolia.



**Figure 15: Tree Retention Plan (Revision 3, dated 10 July 2020)**

## 5. HISTORY OF THE SUBJECT APPLICATION

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

10 December 2018	UDRP consider proposal through Pre-DA, comments sent via email 21 December 2018.
21 December 2018	Development Application lodged with Council.
18 January 2019	Development application notified to neighbours, comments close 22 February 2019.
23 January 2019	Development application advertised.
23 January 2019	Internal and external referrals sent.
13 February 2019	1 <sup>st</sup> RFI letter sent to applicant identifying issues.
16 February 2018	External agency and internal department referrals circulated.
11 April 2019	Amended plans received by Council.
7 May 2019	Amended plans considered at UDRP meeting.
30 May 2019	2 <sup>nd</sup> RFI sent to applicant including comments from UDRP.
11 October 2019	Amended plans received by Council.
28 November 2019	Amended plans considered at UDRP meeting.
28 February 2020	Amended Architectural and Landscape Plans submitted with covering letter from Urbis outlining changes as follows: <ul style="list-style-type: none"> <li>To achieve the desired 3 storey height transition to Waterloo Road, the Cyclist Café has been integrated with the second storey communal open space. Visual interest in this area is maintained via the use of innovative façade treatments.</li> <li>The hexagonal canopy (on the Waterloo frontage) has been removed.</li> </ul>

	<ul style="list-style-type: none"> <li>• The design has been amended so loading and vehicle access is shared. An indicative materials palette will be submitted with the SEE and will be finalised at the detailed design phase.</li> <li>• Several apartment layouts and balcony positions have been amended to improve the overall relationship between the grid frame and internal layouts.</li> <li>• The angled entry has been removed and the residential entry doors facing Cottonwood Cres centre positioned.</li> <li>• The green buffer to the Cottonwood frontage has been increased to minimise visual impact of the sub-station from ground floor communal open space.</li> <li>• The community open space has been relocated to Level 2 and has been supplemented with more soft landscape to buffer noise from Waterloo Road.</li> </ul>
19 March 2020	All outstanding information submitted including amended SEE, Clause 4.6, compliance tables and all sub-consultant reports.
19 March 2020	Re-referrals to Landscape Officer, Public Works and Engineer.
21 May 2020	Amended plans notified to neighbours, comments close 12 June 2020.
23 May 2020	Further RFI sent following receipt of external and internal comments.
22 July 2020	Response to request for additional information received including a complete set of revised architectural, landscape and civil works plans and covering letter explaining any changes. Additional reports were received in relation to stormwater, traffic and environmental sustainability. Where required other sub-consultant reports have also been updated.
12 August 2020	Sydney North Planning Panel Briefing Meeting
20 August 2020	Additional information provided in relation to Traffic and Parking assessment, including more detailed sections across the public domain, swept paths and access arrangements.

## Urban Design Review Panel

### UDRP (April 2020) Desktop review of March 2020 plans

The application has been considered by the Ryde UDRP on five occasions with the more recent amendments being considered by UDRP as part of a desk top review. For the most part the issues raised by the Panel have been addressed in the plans the subject of this assessment. The Panel did not consider it necessary to review the proposal again.



## 6. APPLICABLE PLANNING CONTROLS

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- Water Management Act 2000;
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP 65).
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- Greater Sydney Regional Plan - A Metropolis of Three Cities, 2018;
- Ryde Local Environmental Plan 2014;
- City of Ryde Development Control Plan 2014; and
- Ryde Section 7.11 Development Contributions Plan 2020.

## 7. PLANNING ASSESSMENT

### 8.1 Environmental Planning and Assessment Act 1979

#### Division 4.8 Integrated development

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

Table 1: Summary of Groundwater Measurements in Monitoring Wells

Borehole (Well)	Surface RL (m, AHD)	Well Depth (m)	Measured Groundwater Level in Monitoring Wells on 24 October 2018	
			Depth (m)	RL (m, AHD)
1	41.4	17.6	8.6	32.8
2	44.7	15.0	Greater than 15.0	Below 29.7 *

Notes: \* groundwater level in BH2 is inferred to be below the base of the well (borehole).

Preliminary Geotechnical Investigation, Lot C - "86 Waterloo Road"  
14 and 16 Cottonwood Crescent, Macquarie Park

88572.00.R.003.Rev0  
November 2018

**Figure 16:** Result from submitted geotechnical report, showing the summary of groundwater measurement results.

The development application was referred to Water NSW as the proposal is Integrated Development under S.91A of the Environmental Planning and Assessment Act 1979. In correspondence dated 22 February 2019, Water NSW advised the proposed development will encounter groundwater during the excavation process and is subject to a Water Supply Work Approval under the *Water Management Act 2000* for dewatering during the construction phase.

Water NSW provided General Terms of Approval for the proposed development, which have been included in the Schedule of Consent Conditions at **Attachment 1** of this report.

## **8.2 Environmental Planning and Assessment Regulation 2000**

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

## **8.3 State Environmental Planning Policy (Infrastructure) 2007** **Sydney Trains – Clause 86 (Excavation in, above, below or adjacent to rail corridors)**

The development is identified within Subdivision 2 ‘*Development in or adjacent to rail corridors and interim rail corridors – notification and other requirements*’ of the Infrastructure SEPP as it is within 25m of a rail corridor. In accordance with Clause 86 in respect of ‘*excavation in, or above, below or adjacent to rail corridors*’, sub-clause 3 states that the consent authority must not grant consent to the development to which this clause applies without the concurrence of the rail authority for the rail corridor to which the development application relates. The application was referred to Sydney Metro for concurrence and they provided their final comments on 23 September 2020 as follows:

*Sydney Metro has taken the above matters into consideration and has decided to grant its concurrence to the development proposed in the DA, subject to the consent authority imposing conditions.*

These conditions have been included in the Schedule of Consent Conditions at **Attachment 1** of this report.

## **Transport for NSW (TfNSW) (formerly RMS) - Clause 104 (Traffic generating development)**

The development was referred to Transport for NSW in accordance with Clause 104 of the above planning instrument.

TfNSW has raised no objections to the proposal subject to conditions. See **Conditions 83 & 84**.

## **8.4 State Environmental Planning Policy (State and Regional Development) 2011**

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

## **8.5 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

The Vegetation SEPP provides approval pathways for the removal of vegetation in non-rural areas and matters for consideration in the assessment of applications to

remove vegetation. This policy applies to land in the Ryde local government area on land within the B4 Mixed Use zone.

A total of 32 trees were assessed within and adjacent to the site. The proposal includes the removal of ten (10) of twelve (12) trees within the site, in addition removal of three (3) trees within land adjacent to Shrimptons Creek. The removal of the three (3) trees adjacent to Shrimptons Creek is consistent with Council's Public Space Design Team – Landscape Plans "Shrimptons Creek Precinct Activation".

Of the trees within the site to be removed, five (5) trees are identified with a Retention Value of "Consider for Retention", four (4) trees with a Retention Value of "Consider for Removal" and one (1) tree with a Retention Value of "Priority for Removal". An additional two (2) trees (Trees N and O) located on the Cottonwood Crescent road reserve previously identified for removal to accommodate proposed driveway crossovers are now to be retained (following design changes) as are trees (Trees H and G) which were also identified for removal under an earlier plan iteration, as confirmed by the final Tree Retention Plan shown earlier in **Figure 15**.

Of the five trees to be removed which are identified with a Retention Value of "Consider for Retention" all are affected by the building/basement location or will be impacted by level changes and access to the outdoor communal area.

Note: None of the trees to be removed is a direct result of the non compliant portion of the basement which extends to the south west boundary.

The following is a summary of the trees, their height and landscape value as detailed within the Arborist's report submitted with the application:

Tree No.	Species	Height	Landscape Value
109	Willow gum	14m	high
110	River She-Oak	13m	moderate
113	Willow gum	12m	moderate
115	Brushbox	13m	moderate
117	Brushbox	12m	moderate

None of the trees to be removed are classified as an 'endangered', 'critically endangered' or 'vulnerable' species under the *Biodiversity Conservation Act 2016*.

The proposed development includes the provision of new tree planting across the site in accordance with Australian Standards 2303 (2015 Tree Stock for Landscape Use). The most recent Landscape Plan (LD-DA3105 Rev 4) and Planting Palette (LD-DA3001 Rev 1) prepared by Scott Carver Architects includes the provision of thirty (30) replacement trees across the site, four (4) replacement trees along Cottonwood Crescent and two (2) replacement trees to Waterloo Road. The replacement trees consist of native species and will contribute to a replacement of 3 trees for each tree removed (3:1). This tree planting would help to diversify the age structure of trees on site and help off-set the loss of canopy cover and amenity resultant from the tree removal.

Accordingly, it is considered that a similar level of canopy cover, site amenity and landscape benefits from tree planting will be capable of being achieved within the medium term provided replacement planting is carried out on the site in accordance

with the Landscape Plan prepared by *Scott Carver Architects* and submitted with the amended plan set (Revision 3). All tree removal has been supported by Council's Consultant Landscape Architect.

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

## **8.6 State Environmental Planning Policy No. 55 – Remediation of Land**

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

A Phase 1 Environmental Site Assessment prepared by JBS&G (dated 19 December 2018) has been submitted with the application. The report concludes that:

*“On the basis of the findings of the detailed site investigation completed, the site is considered suitable for the proposed high density residential development. It is recommended that an Unexpected Find Protocol be established for the earthworks as proposed to be undertaken with the civil and construction works on the site”*

*Further upon demolition of the residential dwelling at the south of the site, inspections by a qualified and experienced Environmental Consultant should be undertaken of the building footprints (i.e. Buildings associated with the Residential Property) to confirm that soils beneath structures are consistent with those reported herein. The inspections should be undertaken cognisant of the provisions of the Unexpected Finds Protocol to be established for the civil works.”*

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

## **8.7 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP65)**

This Policy aims to improve the design quality of residential flat development. This proposal has been assessed against the following matters relevant to SEPP 65 for consideration:

- a. Urban Design Review Panel
- b. The 9 SEPP 65 Design Quality Principles; and
- c. The Apartment Design Guide

### **(a) Urban Design Review Panel**

The Panel has reviewed this application on five occasions. All issues raised through the UDRP meetings have now been resolved which include most recently the location of the substation and some materials and finish choices.



## (b) Design Quality Principles

There are 9 design quality principles identified within SEPP 65. Table 2 below provides an assessment of the development proposed against the 9 design principles of the SEPP with comments from the final review by the Panel in April 2020, reflecting on issues raised from review in November 2019 and a Planning assessment provided. It is noted that the comments reflect and comment on the previous design which included a “Pod” building fronting Waterloo Road which has been removed in the amended plans with a café now incorporated in the Waterloo Road ground floor frontage.

SEPP 65 – Design Quality of Residential Flat Buildings	Comments
<b>Context and Neighbourhood Character</b> Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Responding to context involves identifying the desirable elements of an area’s existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.	<b>UDRP:</b>  Pod building – The Panel previously supported the smaller pod building as it addressed the previous concerns with the small retail tenancy by providing activation and providing a sense of “surprise”. The pod building has now been removed. On review in November 2019, the Panel sought the pod be reintroduced or the main tower be redesigned over its lower levels to achieve a scale transition.  The applicant has amended the design of the cyclist’s café and the podium to the building form towards Waterloo Road. The podium has been extended towards Waterloo Road and is connected to the main tower and provides a 3 storey element to moderate and transition the scale of the tower. This amendment is acceptable and addresses the concern.  In principle this scale works however the materials and detail connection to the tower needs further design development (see comments under Aesthetics).  Hexagonal canopy – This has been deleted so is no longer an issue.  Substation location – This has not been relocated and is still an issue. On review in November 2019, the Panel sought the substation be integrated with the building. In April 2020, the Panel concluded that, providing for the substation is an important outcome for this site. It is a very large building and should be able to accommodate the substation in the location of the fire control room with no issue. The proposed location right next to the existing park is poor.

SEPP 65 – Design Quality of Residential Flat Buildings	Comments
	<p><b>Planner's Comments:</b> The most recent plan amendments have resolved the substation location by incorporating it into the building.</p>
<p><b>Built Form and Scale</b> Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p><b>UDRP:</b> On review in November 2019, the Panel found that changes to the floor plans in the current set show that whilst the hexagonal frame and unit layout relationship has been improved overall, there are still a number of balconies that are compromised by the frame and due to their orientation would be effectively unusable e.g. Unit 1.07. It was requested that the balconies should be reconfigured to work better with the frame and unit layout.</p> <p>The April 2020 review found that the balconies and frame interface has been addressed and improved and no issues remain. The proposal satisfies this principle.</p> <p><b>Planner's Comments:</b> Since the original submission the building form and scale has been modified and refined such that it achieves an appropriate built form for the site and will make a positive contribution to the character of the street and the surrounding buildings.</p>
<p><b>Density</b> Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment</p>	<p><b>UDRP:</b> It is understood the building still complies with the FSR limit for the site although it is noted it is seeking the absolute maximum.</p> <p><b>Planner's Comments:</b> The proposal complies with the RLEP2014 floor space ratio (FSR) control of 4.5:1.</p>
<p><b>Sustainability</b> Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on</p>	<p><b>UDRP:</b> Specific sustainability strategies were not discussed, however achievement of ADG targets for solar access, and cross ventilation, along with satisfactory BASIX scores will address this objective.</p> <p><b>Planner's Comments:</b> The applicant has provided a BASIX Certificate which indicates that the</p>

SEPP 65 – Design Quality of Residential Flat Buildings	Comments
<p>technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p>development will meet the energy and water use targets set by the BASIX SEPP. The design maximises solar access and cross ventilation to apartments. Water reuse and recycling has been provided as well as maximising deep soil zones for groundwater recharge and vegetation.</p>
<p><b>Landscape</b></p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, coordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p><b>UDRP:</b></p> <p>The COS on top of the retail tenancy has now been raised up two levels and provides a reasonable vertical separation to the traffic noise of Waterloo Rd.</p> <p><b>Planner's Comments:</b></p> <p>Given the location, size and context of the site, the proposed landscape outcomes are considered reasonable and well resolved. The area facing Waterloo Road seeks to create an interface with the street that is inviting and draws people up into the site. The area adjacent to Shrimptons Creek seeks to embellish the riparian zone and add to the creeks natural setting, while the space adjacent to Cottonwood Reserve provides a more active space. Overall a good landscape design approach is proposed that optimises useability, privacy and opportunities for social interaction.</p>
<p><b>Amenity</b></p> <p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p><b>UDRP:</b></p> <p>Vehicle and loading ramp locations – these have now been combined reducing the impacts to the street and footpath and this is acceptable.</p> <p>The loading area and ramp has been sleeved as much as possible and this is also considered acceptable. No notations are provided on the drawings to indicate the quality of materials in the throat of the driveway when the door is open.</p> <p>The amended layouts now satisfactory address the balconies and unit layouts other than the 2 bed unit to the east on level 1 however this is not considered to be a significant issue as its only 1 unit.</p> <p>The angled entry has been redesigned and is now appropriate. The proposal satisfies this principle.</p>

SEPP 65 – Design Quality of Residential Flat Buildings	Comments
	<p><b>Planner's Comments:</b> Overall the development will provide adequate amenity for the future occupants, ensure internal privacy of each unit and access to high quality communal facilities within the development.</p> <p>The driveway entrance walls (throat) will be rendered masonry and painted white as requested by the UDRP and detailed in the Urbis letter dated 22 July 2020. <b>Condition 1 (c)</b> has been imposed requiring submission of a material schedule to reflect the changes made in the amended plans of July 2020 and the accompanying Urbis letter of 22 July 2020.</p> <p>There was one apartment noted earlier in the assessment (Unit 1.07) which was shown as a 'studio' with a 4m<sup>2</sup> balcony but was more consistent with a one bedroom apartment which would normally require an 8m<sup>2</sup> balcony. This is now a two bedroom unit and is provided with an 11m<sup>2</sup> balcony.</p> <p>In addition, the building's exterior skin did not co-ordinate with unit layouts which has now been revised to ensure the skin provides outlook and screening where required.</p>
<p><b>Safety</b> Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p><b>UDRP:</b> The proposal satisfies this principle.</p> <p><b>Planner's Comment:</b> The proposal generally complies with CPTED principles. The amended scheme integrates opportunities for an active frontage along Waterloo Road, facilitating natural surveillance of the public domain. It is noted that passive surveillance is also achieved for the publicly accessible areas.</p> <p>It is anticipated that subject to appropriate conditions, areas will be well lit and subject to regular maintenance.</p> <p>The proposal has also been reviewed by NSW Police who has advised that the proposal is considered acceptable subject to conditions.</p>
<p><b>Housing Diversity and Social Interaction</b> Good design achieves a mix of apartment sizes, providing housing choice for different</p>	<p><b>UDRP:</b> The proposal satisfies this principle.</p>



SEPP 65 – Design Quality of Residential Flat Buildings	Comments
<p>demographics, living needs and household budgets. Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p><b>Planner's Comment:</b> The proposal complies with the housing mix providing a mixture of studio, 1, 2 &amp; 3 bedrooms apartments.</p>
<p><b>Aesthetics</b> Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p><b>UDRP:</b> The Panel is concerned with some of the materials selected. The use of green and bronze glass is not necessary and creates a complexity to the material palette that is overly busy and fussy. Clear glass should be used for the tower as much as possible and where absolutely necessary only a slight grey tint should be used. The top of the tower needs to be recessive and allow the white hexagonal frame to be the visual 'hero'. The top of the building should be recessive.</p> <p>The podium extension is also not reading well as part of the overall composition of the tower. The use of a completely different design tends to fragment the two masses. Other solutions that might achieve a better outcome could be to either:</p> <ul style="list-style-type: none"> <li>• extend the hexagonal treatment so it relates more strongly to the main tower; or</li> <li>• provide a strong base to the entire tower that relates to the extension height in a different material with more mass than that selected; or</li> <li>• treat the lower three levels differently perhaps with a strong horizontal linear glazed form that extends the podium graphically back under the tower for the majority of its length rather than just the front portion.</li> </ul> <p><b>Planner's Comments:</b> The overall appearance of the building is considered to reflect a 'Tower' building type under the ADG as encouraged by the SEPP65 guidelines and is generally consistent with Council's LEP controls.</p> <p>Both the glazing and podium design have been addressed as part of the latest plan revisions addressed under Urbis' letter dated 22 July 2020 as follows:</p>

SEPP 65 – Design Quality of Residential Flat Buildings	Comments
	<ul style="list-style-type: none"> <li>the bronze and green glass has been removed.</li> <li>the tower glazing will be light grey tint. The desire for clear glazing is noted, however this would not comply with BASIX requirements.</li> <li>the north-east side of the top level of the tower has been pulled back from Cottonwood Crescent to make the top of the tower appear recessive.</li> </ul> <p>The changes are detailed on the latest plan set.</p> <p>It is noted that the three lower levels of the podium design have been treated differently and now includes a strong horizontal linear glazed form that extends the podium graphically back under the tower for the majority of its length.</p> <p>The proposal also reviewed by Council's Urban Designer/Strategic Planner who raised no objections to the final design subject to <b>Condition 1(a)</b> to integrate the site with the linear park (Shrimpton Creek) adjoining the site.</p>

### (c) Apartment Design Guide

The SEPP requires consideration of the "Apartment Design Guide" (ADG) which supports the 9 design quality principles by giving greater detail as to how those principles might be achieved. The table below addresses the relevant matters.

SEPP No. 65 ADG Compliance Table	Considerations	Complies
<b>Part 2 Development the controls</b>		
<b>Building Depth</b> Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line.	A range of apartment depths are proposed of 12-18m.	Yes
<b>Building Separation</b> Minimum separation distances for buildings are:  <i>Up to four storeys (approx 12m):</i> - 12m between habitable rooms/balconies - 9m between habitable and non-habitable rooms – 6m between non-habitable rooms  <i>Five to eight storeys (approx. 25m):</i> - 18m between habitable rooms/balconies - 12m between habitable and non-	The site is essentially isolated from adjoining development due to its unique site characteristics. It has two road frontages (Waterloo Road and Cottonwood Crescent), it adjoins Shrimpton's Creek to the rear and Cottonwood Reserve to the side with no	Yes

SEPP No. 65 ADG Compliance Table	Considerations	Complies
<p>habitable rooms - 9m between non-habitable rooms</p> <p><i>Nine storeys and above (over 25m):</i></p> <ul style="list-style-type: none"> <li>- 24m between habitable rooms/balconies</li> <li>- 18m between habitable and non-habitable rooms</li> <li>- 12m between non-habitable rooms</li> </ul> <p>Note:</p> <ul style="list-style-type: none"> <li>• At the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m</li> <li>• No building separation is necessary where building types incorporate blank party walls. Typically, this occurs along a main street or at podium levels within centres</li> </ul>	<p>directly adjoining residential building.</p> <p>The closest residential neighbours are between 30-35m away and therefore all levels meet the ADG separation requirements.</p>	
<p><b>Front, Rear &amp; Side Setbacks</b></p> <p>Street setbacks establish the alignment of buildings along the street frontage. Side and rear setbacks govern the distance of a building from the side and rear boundaries and govern the height of the building.</p>	<p>The setback (5m) to Cottonwood Crescent meets the requirements of the DCP which will establish the future character of the area.</p> <p>Also, in accordance with the DCP, the development has a 13.3m setback to Waterloo Road which exceeds the setback requirement of 10m. This reflects the ECRL setback requirements and will allow for the retention of significant vegetation and additional significant planting within a large area of deep soil.</p> <p>A side setback of 11.8m has been provided to Cottonwood Reserve which also exceeds the minimum DCP requirement of 10m (noting that only the basement encroaches this setback).</p> <p>A 5-7.5m setback is provided to Shrimptons Creek. The building does not encroach the Riparian Corridor along Shrimptons Creek</p>	Yes
Part 3 Siting the development Design criteria/guidance	Considerations	Consistent
<p>3B Orientation</p> <p>Building types and layouts respond to the streetscape and site while optimising solar</p>	<p>The building layout has been designed to ensure the</p>	Yes

SEPP No. 65 ADG Compliance Table	Considerations	Complies
access and minimising overshadowing of neighbouring properties in winter	maximum number of units face Waterloo Road to the north. The proposal is considered satisfactory in this regard.	
<b>3C Public domain interface</b> Transition between private & public domain is achieved without compromising safety and security and amenity of the public domain is retained and enhanced.	Clear sightlines are provided from Waterloo Road into the development which encourages passive surveillance and crime deterrence.  Public domain improvements are proposed to Waterloo Road and new landscaping will enhance the amenity of the public domain.  The pathway from the public domain to the building entrances are clear and legible, providing safe access to the proposed development and overall, a safe transition is proposed between the private and public domain.  The pedestrian and cycle access way along the riparian corridor provides an active edge at the ground level.	Yes
<b>3D Communal &amp; public open space</b> Provide communal open space to enhance amenity and opportunities for landscaping & communal activities.  <u>Design Criteria</u> 1. Provide communal open space with an area equal to 25% of site; 2. Minimum 50% of usable area of communal open space to receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June.	Site Area = 1,499m <sup>2</sup> Ground floor COS = 628m <sup>2</sup> Level 2 COS = 313m <sup>2</sup> Total = 941m <sup>2</sup> (62%)  The level 2 COS will receive direct sunlight for a minimum of 2 hours.	Yes          Yes
<b>3E Deep Soil Zone</b> Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.  <u>Design criteria</u> Deep soil zones are to be provided equal to 7% of the site area and with min. dimension of 3m.	The proposal provides 438m <sup>2</sup> of deep soil (17.5%) which exceeds the minimum requirement.	Yes
<b>3F Visual Privacy</b>		



SEPP No. 65 ADG Compliance Table	Considerations	Complies												
<p>Building separation distances to be shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</p> <p><u>Design Criteria</u></p> <p>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1"> <thead> <tr> <th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr> </thead> <tbody> <tr> <td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr> <tr> <td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr> <tr> <td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr> </tbody> </table> <p>Note:</p> <ul style="list-style-type: none"> <li>• Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</li> <li>• At the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m</li> <li>• No building separation is required between blank party walls.</li> </ul>	Building height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	over 25m (9+ storeys)	12m	6m	<p>As identified previously the site is isolated from neighbouring residential buildings by two road frontages, Shrimptons Creek and Cottonwood Reserve and therefore does not present any visual privacy or separation concerns.</p>	Yes
Building height	Habitable rooms and balconies	Non-habitable rooms												
up to 12m (4 storeys)	6m	3m												
up to 25m (5-8 storeys)	9m	4.5m												
over 25m (9+ storeys)	12m	6m												
<p><b>3G Pedestrian Access &amp; entries</b></p> <p>Pedestrian Access, entries and pathways are accessible and easy to identify.</p>	<p>Pedestrian entrances and access pathways are suitably identified from Waterloo Road and Cottonwood Crescent.</p>	Yes												
<p><b>3J Parking Provisions</b></p> <p><b>Car parking:</b> For development in the following locations:</p> <ul style="list-style-type: none"> <li>• on sites that are within 800 metres of a railway station; or</li> <li>• within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre,</li> </ul> <p>The minimum parking for residents and visitors to be as per RMS Guide to Traffic Generating Developments, or Council's car parking requirement, whichever is less.</p>	<p>The proposal complies with the maximum car parking rate under Ryde DCP.</p>	Yes												
<p><b>Bicycle Parking:</b> Provide adequate motorbike, scooter and bicycle parking space (undercover).</p>	<p>Bicycle parking has been provided in accordance with Ryde DCP.</p>	Yes												
<p><b>Basement Design for parking:</b></p> <ul style="list-style-type: none"> <li>• Basement car park not to exceed 1m above ground (use stepped/ split level).</li> </ul>	<p>The basement is below ground level.</p>	Yes												

SEPP No. 65 ADG Compliance Table	Considerations	Complies												
<ul style="list-style-type: none"><li>Natural ventilation to be provided for basement car parks. Any ventilation grills/ screening device to be integrated into the façade and landscape design.</li></ul>														
Part 4 Designing the building														
<b>4A Solar &amp; daylight access</b> <b>Design Criteria</b> Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.  A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid- winter.	70.45% of apartments receive the requisite solar access.  13.64% of apartment have no direct sunlight between 9am - 3pm in mid-winter.	Yes  Yes												
Design should incorporate shading and glare control, particularly for warmer months	The honeycomb façade provides some shade and glare control.	Yes												
<b>4B Natural Ventilation</b> All habitable rooms are naturally ventilated.	All habitable rooms are naturally ventilated.	Yes												
Design layout of single aspect apartments to maximises natural ventilation.	Single aspect units are designed to maximise ventilation.	Yes												
<b>Design criteria</b> 1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed. 2. Overall depth of a cross-over or cross through apartment does not exceed 18m, measured glass line to glass line.	66.67% of apartments are naturally cross ventilated.	Yes												
<b>4C Ceiling Heights</b> Ceiling height achieves sufficient natural ventilation and daylight access. The following is required as a minimum: <table><tr><th colspan="2">Minimum ceiling height for apartment and mixed use buildings</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr><tr><td>If located in mixed used areas</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr></table>	Minimum ceiling height for apartment and mixed use buildings		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use	Each floor level has a floor to ceiling height of 3.1m.	Yes
Minimum ceiling height for apartment and mixed use buildings														
Habitable rooms	2.7m													
Non-habitable	2.4m													
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area													
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope													
If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use													
<b>4D Apartment size and layout</b>														

SEPP No. 65 ADG Compliance Table	Considerations	Complies															
<p>Apartments are required to have the following minimum internal areas with one bathroom:</p> <ul style="list-style-type: none"> <li>• Studio = 35m<sup>2</sup>;</li> <li>• 1 bedroom = 50m<sup>2</sup>;</li> <li>• 2 bedroom = 70m<sup>2</sup>;</li> <li>• 3 bedroom = 90m<sup>2</sup>;</li> <li>• 4 bedroom = 102m<sup>2</sup>.</li> </ul> <p>Note: Additional bathrooms increase the minimum internal area by 5m<sup>2</sup></p>	<p>All apartments meet the minimum internal areas with the exception of Unit 2.07 1B at 49m<sup>2</sup> (1m<sup>2</sup> variation). This represents 0.7% of residential units. This unit has been provided with a 12m<sup>2</sup> balcony which exceeds the ADG requirements of 8m<sup>2</sup>. The improved external amenity will balance the minor variation to the internal size of this apartment.</p>	<p>Acceptable on merit (non-compliance to 1 unit out of 132)</p>															
<p>Habitable room depths are limited to a maximum of 2.5 x the ceiling height. In open plan layouts – habitable room (where the living, dining and kitchen are combined) be maximum depth of 8m from a window.</p>	<p>Apartments have a maximum depth of 8m from a window.</p>	<p>Yes</p>															
<p>Master bedrooms - minimum area of 10m<sup>2</sup> &amp; other bedrooms 9m<sup>2</sup> (excluding wardrobe space).</p>	<p>Bedrooms meet the minimum size requirements.</p>	<p>Yes</p>															
<p>Bedroom - minimum dimension of 3m (excluding wardrobe space) Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> <li>• 3.6m for studio and 1 bedroom apartments;</li> <li>• 4m for 2 and 3 bedroom apartments</li> </ul>	<p>Room sizes meet the minimum requirements.</p>	<p>Yes</p>															
<p>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.</p>	<p>All apartments are at least 4m wide.</p>	<p>Yes</p>															
<p><b>4E Private Open Space and balconies</b></p> <p>Apartments must provide appropriately sized private open space and balconies to enhance residential amenity.</p> <p><b>Design criteria</b> 1.All apartments are required to have primary balconies as follows:</p> <table border="1"> <thead> <tr> <th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr> </thead> <tbody> <tr> <td>Studio apartments</td><td>4m<sup>2</sup></td><td>-</td></tr> <tr> <td>1 bedroom apartments</td><td>8m<sup>2</sup></td><td>2m</td></tr> <tr> <td>2 bedroom apartments</td><td>10m<sup>2</sup></td><td>2m</td></tr> <tr> <td>3+ bedroom apartments</td><td>12m<sup>2</sup></td><td>2.4m</td></tr> </tbody> </table> <p>2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It</p>	Dwelling type	Minimum area	Minimum depth	Studio apartments	4m <sup>2</sup>	-	1 bedroom apartments	8m <sup>2</sup>	2m	2 bedroom apartments	10m <sup>2</sup>	2m	3+ bedroom apartments	12m <sup>2</sup>	2.4m	<p>Each apartment is provided with a balcony which meets the minimum requirement in area and depth.</p> <p>There are no ground level apartments.</p>	<p>Yes</p> <p>N/A</p>
Dwelling type	Minimum area	Minimum depth															
Studio apartments	4m <sup>2</sup>	-															
1 bedroom apartments	8m <sup>2</sup>	2m															
2 bedroom apartments	10m <sup>2</sup>	2m															
3+ bedroom apartments	12m <sup>2</sup>	2.4m															

SEPP No. 65 ADG Compliance Table	Considerations	Complies
<p>must have a minimum area of 15m<sup>2</sup> and a minimum depth of 3m.</p> <p>Primary private open space and balconies are appropriately located to enhance liveability for residents.</p> <p>Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.</p> <p><b>4F Common circulation and spaces.</b> Design criteria 1. The maximum number of apartments off a circulation core on a single level is 8. 2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p>	<p>Apartment balconies are directly connected to living areas.</p> <p>The balcony design is part of the building's honeycomb façade.</p> <p>There are no more than 8 apartments off each circulation core.</p> <p>The proposed development with 132 apartments is serviced by 2 passenger lifts, resulting in 66 units per lift, an exceedance of 26. This outcome is supported by advice from a lift consultant and no issue was raised by the UDRP. A condition will be imposed that requires goods movements be restricted to off-peak periods to limit the impact to the peak period lift service capacity. <b>(Condition 200)</b></p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Acceptable on merit</p>
<p>Design Guide: Daylight and natural ventilation should be provided to all common circulation space above ground. Windows should be provided at the end wall of corridor, adjacent to the stair or lift core</p>	<p>A window is provided at the end of the corridor adjacent to the common circulation areas.</p>	<p>Yes</p>
<p><b>4G Storage</b> Adequate, well designed storage is to be provided for each apartment.</p> <p><b>Design criteria</b> 1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided:</p>	<p>Storage is provided in accordance with the minimum requirement.</p> <p>A balcony and storage schedule are provided within the architectural plan set. At least 50% of the storage is provided within each apartment.</p>	<p>Yes</p> <p>Yes</p>

SEPP No. 65 ADG Compliance Table		Considerations	Complies										
<table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio apartments</td><td>4m³</td></tr><tr><td>1 bedroom apartments</td><td>6m³</td></tr><tr><td>2 bedroom apartments</td><td>8m³</td></tr><tr><td>3+ bedroom apartments</td><td>10m³</td></tr></table>	Dwelling type	Storage size volume	Studio apartments	4m³	1 bedroom apartments	6m³	2 bedroom apartments	8m³	3+ bedroom apartments	10m³			
Dwelling type	Storage size volume												
Studio apartments	4m³												
1 bedroom apartments	6m³												
2 bedroom apartments	8m³												
3+ bedroom apartments	10m³												
<p>At least 50% of the required storage is to be located within the apartment. Additional storage is conveniently located, accessible and nominated for individual apartments (show on the plan)</p>													
<p><b>4H Acoustic privacy</b></p> <p>Noise transfer is minimised through the siting of buildings and building layout.</p> <p>Noise impacts are mitigated within apartments through layout and acoustic treatments.</p> <p>In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.</p> <p>Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission</p>		<p>Appropriate design and acoustic treatments are provided within the building to avoid noise transfer.</p> <p><b>Condition 145</b> on the consent requires an AAAC 5 Star Certificate to be submitted demonstrating that the construction of the building including internal walls and floors has sufficient acoustical attenuation including from noise generated between residential units.</p>	Yes										
<p><b>4K Apartment mix</b></p> <p>A range of apartment types with different number of bedrooms (1 bed, 2 bed, 3 bed etc.) should be provided.</p>		<p>The proposal includes:</p> <ul style="list-style-type: none"><li>• 10 x studio apartments,</li><li>• 29 x1-bedroom apartments,</li><li>• 79 x 2 bedroom</li><li>• 14 x 3 bedroom apartments</li></ul> <p>This range is suitable for the demand for apartments within Macquarie Park while providing a range of apartment typologies in line with this control.</p>	Yes										
<p><b>4L Ground floor apartments</b></p> <p>Building facades to provide visual interest, respect the character of the local area and deliver amenity and safety for residents.</p>		<p>The building façade is unique and will provide visual interest. There are no apartments positioned on the ground floor.</p>	Yes										
<p>Building functions are expressed by the façade.</p>		<p>The building has a ground floor café which faces Waterloo Road and activates the street frontage. The apartments are located above and are expressed appropriately.</p>	Yes										



SEPP No. 65 ADG Compliance Table	Considerations	Complies
Privacy and safety should be provided without obstructing casual surveillance.	There are no ground floor apartments, but casual surveillance is provided from Level 1 and above.	Yes
<b>4N Roof design</b> Roof treatments are integrated into the building design and positively respond to the street.	The proposed roof design integrates with the building as the honeycomb façade extends above the building parapet. Mechanical plant and equipment is located centrally on the site so as to be imperceptible from view.	Yes
Opportunities to use roof space for residential accommodation and open space are maximised.	At Level 2 a 313m <sup>2</sup> roof top area provides useable open space for occupants.	Yes
Roof design incorporates sustainability features.	Solar panels are provided at the roof top to contribute to solar energy reuse within the building.	Yes
<b>4O Landscape design</b> Landscape design contributes to the streetscape and amenity. Landscape design is viable and sustainable	Planting is proposed in accordance with Council's public domain improvement works and includes a viable and sustainable approach.	Yes
<b>4P Planting on structures</b> Appropriate soil profiles are provided.	Sections are provided of soil depths and planter sizes for planting on structures.	Yes
<b>4Q Universal design</b> Universal design features are included in apartment design to promote flexible housing for all community members. A variety of apartments with adaptable designs are to be provided.	The submitted Access Report prepared by Morris Goding confirms that 20% of units will meet liveable housing design and 10% are adaptable housing.	Yes
<b>4R Adaptive reuse</b> New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place. Adapted buildings provide residential amenity while not precluding future adaptive reuse	Not applicable. New building proposed.	N/A
<b>4S Mixed use</b> Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.	The proposed retail tenancy activates Waterloo Road and will encourage pedestrian movement.	Yes
<b>4T Awnings and signage</b> Awnings are well located and complement and integrate with the building design.	Awnings are located over the building entrances.	Yes
<b>4U Energy efficiency</b>	Complies with BASIX.	Yes

SEPP No. 65 ADG Compliance Table	Considerations	Complies
Development incorporates passive environmental design measures – solar design, natural ventilation etc.		

As indicated by the table, the development overall is considered to be satisfactory in terms of the Apartment Design Guide.

## **8.8 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.

The site is over 3km from the nearest point of Sydney Harbour. As such, it is not considered the proposed development will have a significant visual impact on Sydney Harbour and the catchment and there are no specific controls that directly apply to this proposal.

## **8.9 Greater Sydney Regional Plan - A Metropolis of Three Cities, 2018**

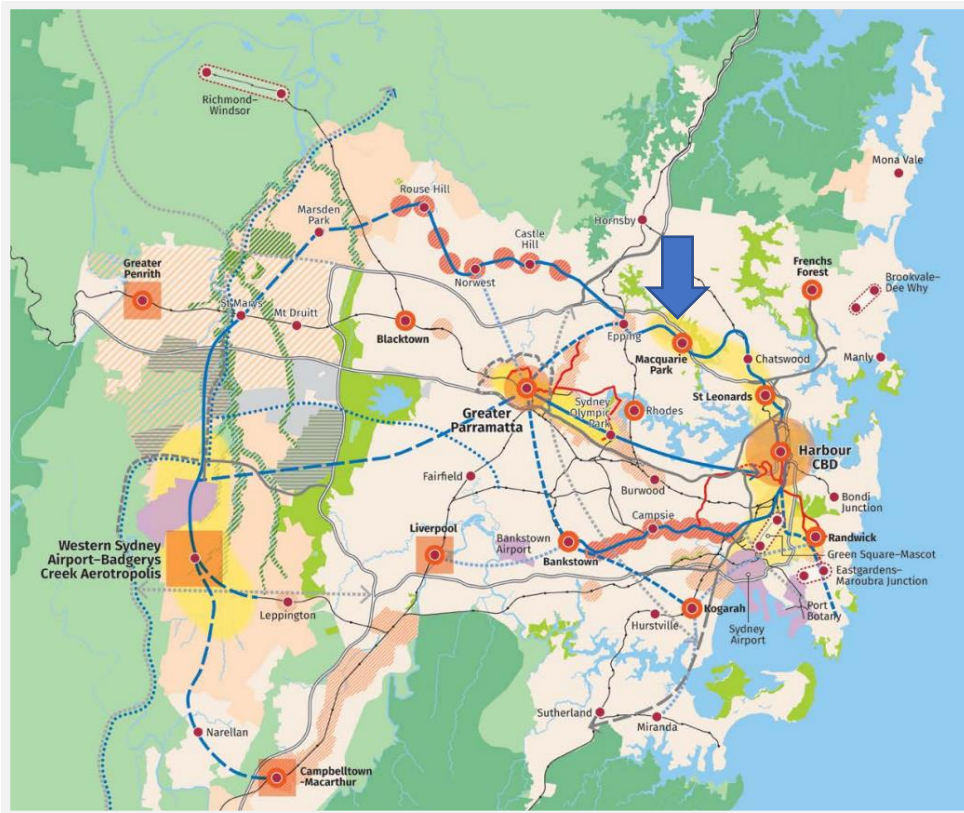
A Metropolis of Three Cities (“the Plan”) is the regional plan for managing Greater Sydney’s growth. The Plan aims to ensure that planning and land use of the Greater Sydney Region is equitable and sustainable.

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

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

The Plan identifies the objective to provide more housing in the right locations. Opportunities for urban renewal need to be considered by location and by capacity of existing and proposed infrastructure. In older more established parts of Greater Sydney, urban renewal opportunities may exist around regional transport and strategic centres where links for walking and cycling promote a healthy lifestyle and contribute to liveability. In the North District 92,000 dwellings will be required in the next 20 years. The proposal seeks to provide housing in a strategic centre close to transport and employment opportunities.

The development is consistent with this plan.



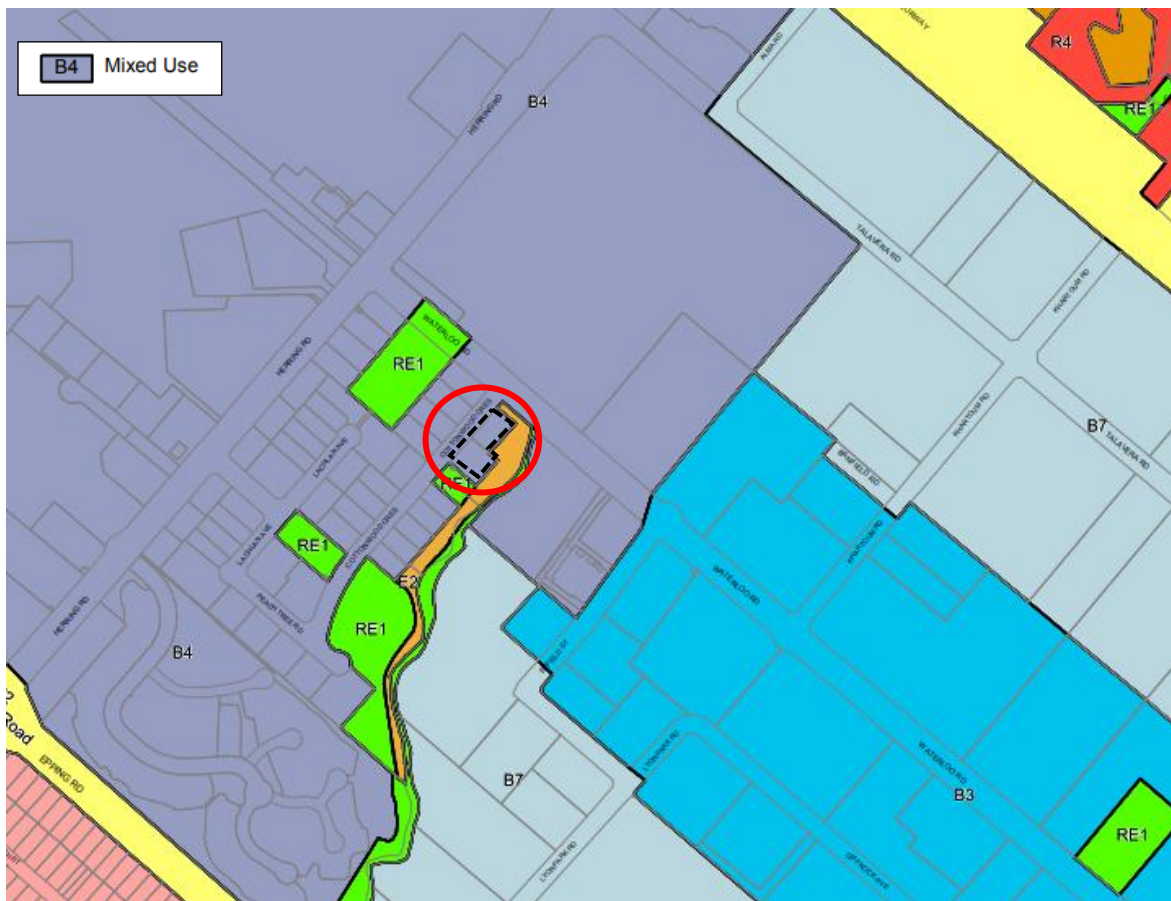
**Figure 17:** Map excerpt from 'A Metropolis of Three Cities – Greater Sydney Region Plan 2018' showing Macquarie Park's location as part of the Eastern Economic Corridor. (Source: Greater Sydney Commission)

## **8.10 Ryde Local Environmental Plan 2014**

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

### **Clause 2.2 – Zoning**

The site is located within the B4 Mixed Use zone under the RLEP 2014 as indicated within the image below:



**Figure 18:** Site outlined in black dash (source: RLEP 2014).

Development for ground floor cafe (commercial premises) and residential accommodation is permitted with consent in this zoning. The proposal seeks to integrate business and residential development in an accessible location that will maximise public transport patronage.

### 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:

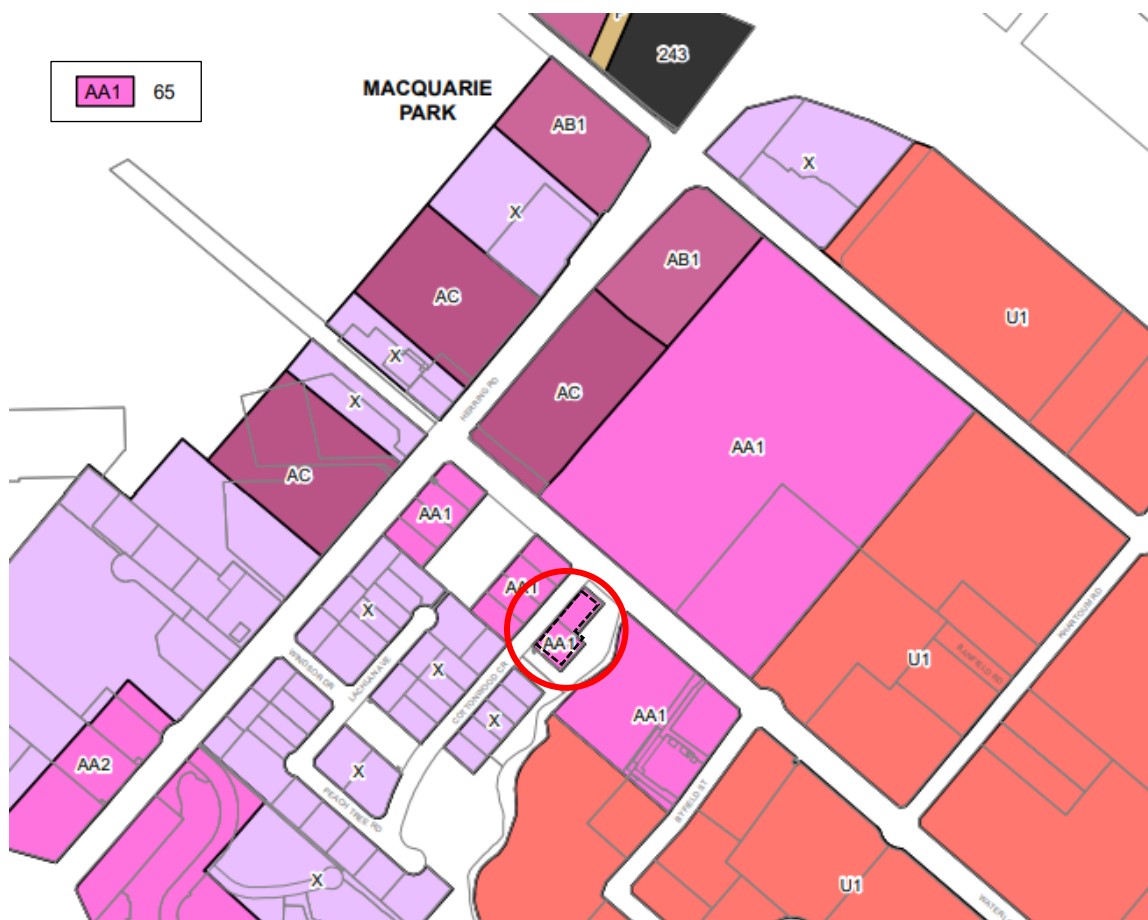
- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To ensure employment and educational activities within the 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 and the Macquarie Park Corridor by integrating commercial and residential development as part of an urban infill project that will provide housing to meet the needs of residents that work and study in the area.



### Clause 4.3 - Height of Buildings

A maximum building height limit under the RLEP 2014 of 65m applies to the development site.



**Figure 19:** Height of Buildings Map (AA1– maximum height of 65m) (Source: RLEP 2014).

The proposal exceeds the maximum building height at 67m (3.07%) where the mechanical plant and lift overrun project above 65m, largely due to the slope of the site. Compliance is achieved at the northern and western boundaries, but variations occur at the southern and eastern boundary where the natural ground level is lower.

The habitable floor space is maintained within the building height limit of 65m as illustrated in the massing diagram provided below at **Figure 20**.



**Figure 20:** Massing diagram with building height plane showing non-compliant plant and lift overrun (Source: Scott Carver, Drawing AD-DA3991).

A detailed Clause 4.6 submission has been submitted in relation to the height variation which states in summary:

*The following building elements will be located above the 65m building height plane:*

- *Upper portion of the Lift Over Run; and*
- *Mechanical plant and solar panels.*

*No habitable space is located above the 65m height line.*

*The massing of the building presents as a tower, with a 3-storey podium (including the Cyclist Café) fronting Waterloo Road. This approach has the following advantages:*

- *The design has been amended (the Cyclist Café has been integrated with the second storey communal open space) to achieve a 3-storey height transition to Waterloo Road,*
- *Pushing the primary building bulk to the West opens up links across the site and creates a large, accessible and well-surveilled public plaza fronting onto Waterloo Rd which receives solar access.*
- *The Cyclist Cafe exists as an active retail element to activate this currently underutilised area.*
- *The massing maintains the existing view corridors across the site by breaking down the building mass and allowing landscaping to be interspersed throughout the ground plane. This space provides*

*opportunities for pedestrian connections from Cottonwood Crescent through to Shrimptons Creek; and*

- *The residential tower will measure 20 storeys in height and is sloped to match the cross-fall of the site from the southern frontage down to the north (4m). The residential tower entry will be oriented toward Cottonwood Crescent.*

The assessment against the applicant's request to vary the LEP height control is provided under Clause 4.6 (Exceptions to Development Standards) below.

#### **Clause 4.6 Exceptions to Development Standards**

Clause 4.6 of LEP 2014 allows exceptions to development standards. Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard.

The consent authority must be satisfied that the applicant's written request has satisfied the above criteria and that the proposed development will be in the public interest and it is consistent with the zone objectives as well as the objectives of the particular development standard. In addition, consent cannot be granted unless the concurrence of the Director-General has been obtained. These matters are discussed below.

#### **Written request provided by the applicant.**

The applicant has provided a revised written request seeking to justify the variation to the development standard based on the amended plans. A copy of the request is attached to this report as **Attachment 2**.

#### **Whether compliance with the development standard would be unreasonable or unnecessary in the circumstances of the case.**

The applicant's written request has demonstrated that compliance with the development standard would be unreasonable and unnecessary as the development complies with the objectives of the standard, being 1 such test required to be established under the 'five part test' under *Wehbe v Pittwater* [2007] NSW LEC 827. Refer to discussion below.

#### **1. There are sufficient environmental planning grounds to justify contravening the development standard.**

The written request has also considered the environmental planning grounds that are particular to the circumstances of the proposed development, as follows:

*There are sufficient environmental planning grounds to justify the proposed variations to the development standard, including the following:*

- *There are no material impacts arising from the elements projecting above the building height plane. These elements comprise mechanical plant and lift over*

*run. No material overshadowing or other amenity impact to surrounding properties will arise from these elements.*

- *Those elements projecting above the height plane do not comprise habitable floor area and so do not contribute to the bulk of the building or intensity of its use. Further, these assist in ensuring a high quality and complete design for the building.*

The above justification is considered to provide sufficient environmental planning grounds to justify contravening the development standard to the degree proposed.

The location of the proposed variation would not result in unreasonable adverse amenity impacts for adjoining development and the specific site attributes (orientation and location) allowing an acceptable minor variation to the prescribed height for the site. The proposed development is indicative of and consistent with development envisaged for the locality.

**2. The development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.**

The proposal generally meets the objectives of the B4 zone by providing a suitable mix of retail floor space and residential units. The site is located with close proximity public transport, public open space and community services and contributes positively to the locality through permeability and a mixture of residential and retail uses.

The proposal is not inconsistent or incompatible with the ability to achieve the objectives relating to the promotion of links between the Macquarie University campus with the site located 250km from the main campus entrance, providing accommodation for occupation by students and staff of the University.

In terms of the objectives of Clause 4.3, these are stated as follows:

- a) To ensure that street frontages of development are in proportion with and in keeping with the character of nearby development.*

**Comment:** The locality is undergoing transition through newer development with the desired future character recognised as taller, tower building forms. The proposed street presentation is commensurate with the anticipated building height envisaged for this precinct by the suite of planning controls.

- b) To minimise overshadowing and to ensure that development is generally compatible with or improves the appearance of the area.*

**Comment:** The non-compliance portion of the building will not contribute to additional detrimental overshadowing. Non-conforming portions are limited to upper portion of the lift overrun and mechanical plant and are centred within the roof plate.

- c) To encourage consolidation pattern and sustainable integrated land use and transport development around key public transport infrastructure.*



**Comment:** The proposed minor numerical height variation is not inconsistent with this objective, which facilitates new development providing integrated retail and residential uses located close to public transport infrastructure and a major road corridor.

*d) To minimise the impact of development on the amenity of surrounding properties.*

**Comment:** The subject parcel is well sited and the breach is minor such that the extent of building above the maximum height limit will not impact on surrounding development or the public domain.

*e) To emphasise road frontages along road corridors.*

**Comment:** The site has frontage to Waterloo Road and Cottonwood Crescent. The proposed development is considered to result in a built form that suitably emphasises the road frontages and achieves an appropriate and sympathetic bulk and scale appropriate to the hierarchy of streets.

As illustrated in **Figure 20** above the extent of the non-compliance is minor and limited to the centre of the site. It is considered that the non-compliance can be supported as the development is consistent with the objectives of both the development standard and the B4 Mixed Use land use zone and is in the public interest.

### **3. Concurrence of the Director General.**

Concurrence may be assumed as the variation does not exceed 10%.

### **4. Public Benefit**

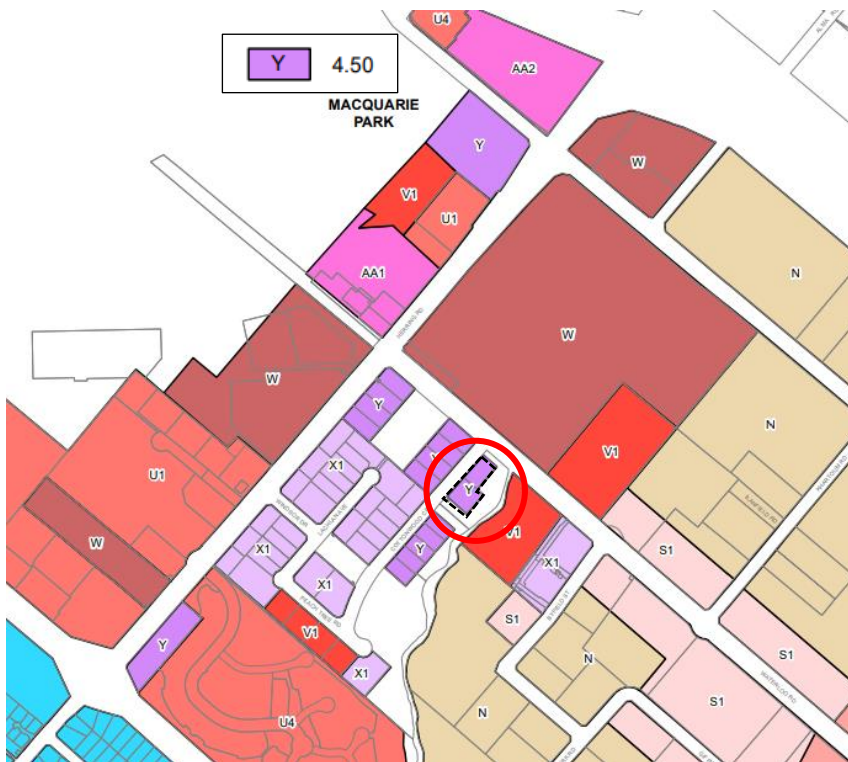
There are no unreasonable impacts that will result from the proposed variation to the building height standard.

### **Conclusion**

The Clause 4.6 variation is considered to be well founded, and compliance with the standard is unreasonable and unnecessary on the circumstances of the proposal for the reasons stated in this report. Support for this Clause 4.6 variation is considered unlikely to generate an undesirable precedent within the area given the generally positive outcome of the proposal.

### **Clause 4.4 – Floor Space Ratio**

Under the RLEP 2014, a floor space ratio (FSR) of 4.5:1 applies to the development site. A floor space ratio of 4.5:1 is proposed with a gross floor area of 11,455m<sup>2</sup>. The applicant has submitted a GFA plan (Drawing AD-DA3940 Rev. 3) to illustrate what areas have been included in their calculation.



**Figure 21:** Floor Space Ratio Map (Y – maximum FSR of 4.5:1) (source: RLEP 2014)

#### **Clause 6.1 - Acid Sulphate Soils**

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

#### **Clause 6.2 - Earthworks**

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

The impacts of the earthworks can be managed by conditions of consent.

#### **Clause 6.3 – Flood Planning**

The site is not identified on the Flood Planning Map, however being adjacent to Shrimptons Creek, the site has been identified as being susceptible to flooding and overland flow during large storm events. Shrimptons Creek is subject to flooding in the 100 year annual recurrence interval (ARI) and Probable Maximum Flood (PMF) scenarios. The application has been submitted with a Flood Report prepared by Robert Bird Group which has identified how proposed stormwater flow management and drainage strategy works within the site conditions.

Council's Development Engineer has concluded that the proposed development is acceptable subject to 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 this clause is to ensure that this development (being land in a business zone) embraces principles of quality urban design and is consistent with principles of best practice environmentally sensitive design.

This clause states that consent must not be granted to development on land in a business or industrial zone exceeding 1,500m<sup>2</sup> in GFA unless the consent authority is satisfied that development has had regard to a number of prescribed environmental outcomes. An Environmental Sustainability Report, prepared by *Finding Infinity*, provides a summary of the applicant's sustainable design commitments for the proposed development.

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

- **Water:** Council had advised that rainwater storage should be increased and water reuse investigated. Waste water reuse (typically grey water) is a significant expense for a residential project and there are also increased maintenance and ongoing costs. For a residential project of this scale, rainwater re-use is considered the most practicable response to reduce water use. To improve water efficiency another rainwater tank has been added. The two tanks will be used for car washing and irrigation and will provide 10kL of water storage.
- The apartments will be fitted with water-efficient fixtures and whitegoods (6-star taps, 4-star toilets and 4-star showers and 4.5-star dishwashers). Efficient irrigation such as drip irrigation, timers and rain-sensors will be used in planters and gardens.
- **Stormwater quality:** The stormwater design incorporates bio retention swales that will form an appropriate interface between the development site and the adjacent riparian vegetation along Shrimptons Creek and mitigate on going run off and water quality issues. The bio retention swales will help to avoid and mitigate the long-term impacts from overflow and water quality on the adjacent riparian corridor. A Sediment and Erosion Control Plan as per the Landcom Blue Book will be implemented during the construction phase.
- **Energy:** to minimise energy use, the building incorporates many low-energy initiatives, including PV solar power, generous insulation; performance glazing; shading devices; energy-efficient appliances; efficient light fittings; motion light sensors; efficient hot water; and metering systems. Smart controls, meters and automation will ensure that the major building services only operate when needed.
- **Light spill:** Outdoor lighting on the project will generally be designed in accordance with AS 4282:1997 and external light pollution will be minimised. The reduction in light pollution will alleviate the risk of impacts on neighbours and wildlife. In particular, light spill and choice of external space lighting will carefully consider biodiversity intrusion impacts on units facing the Shrimpton's Creek corridor.

- **Solar:** The proposal includes a 10kW system to provide power for lighting or other common uses. This is an increase from the 6kW system previously proposed. The 10kW system is the largest than can be specified as additional roof area is not available.
- **Passive heating and cooling:** The design incorporates passive heating, passive cooling, natural lighting and natural ventilation. The shading systems for the building and the building articulation has created simple and effective mechanisms for natural lighting, passive heating and cross ventilation. The building orientation and apartment design provides numerous dual-aspect and corner apartment design. These were implemented to optimise the passive performance of the units and common areas.
- **Indoor Environmental Quality:** Indoor Environmental Quality (IEQ) will be improved through consideration of indoor air quality, acoustic conditions, thermal comfort, visual comfort, daylighting and external views.
- **Glazing:** Performance glazing is also proposed for the development, including low-E throughout, and selective double-glazing.
- **Waste:** Waste management plans will be prepared for the construction and the operational phases. These plans will demonstrate the application of principles of the waste management hierarchy of waste: avoid use, reduction, re-use and recycling. In particular high levels of recycling of construction and demolition waste will be targeted (over 80% waste).
- **Lifestyle:** The proposal incorporates measures to support positive behaviour change including an electric car-charging facility to encourage the purchasing of hybrid and electric cars. The proximity to public transport will encourage reduced car usage and sustainable transport practices. Building operation and maintenance information will be provided for all building systems. This information will be used to educate building occupants and visitors on the sustainability features of the buildings and how to use these features effectively, in order to reduce potential environmental impacts.

Based on the above commitments and detail provided in the report prepared by *Finding Infinity*, the proposed development meets the minimum requirements and objectives of this clause.

## **Clause 6.9 – Development in Macquarie Park Corridor**

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

In this regard, the site is not identified on the FSR or Height incentives maps and therefore no height or density incentives are applicable to the site.

### **8.11 Draft Environmental Planning Instruments**

#### **8.11.1 Draft Remediation of Land State Environmental Planning Policy**

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

*“As part of the review of SEPP 55, preliminary stakeholder consultation was undertaken with Councils and industry. A key finding of this preliminary*



*consultation was that although the provisions of SEPP 55 are generally effective, greater clarity is required on the circumstances when development consent is required for remediation work”.*

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

### **8.11.2 Draft Environment SEPP**

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

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

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

### **8.12 City of Ryde Development Control Plan 2014**

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

- Part 4.5 – Macquarie Park Corridor;
- Part 7.2 – Waste Minimisation and Management;
- Part 9.2 – Access for People with Disabilities;
- Part 9.3 – Parking Control; and
- Part 9.5 – Tree Preservation.

#### **Part 4.5 – Macquarie Park Corridor**

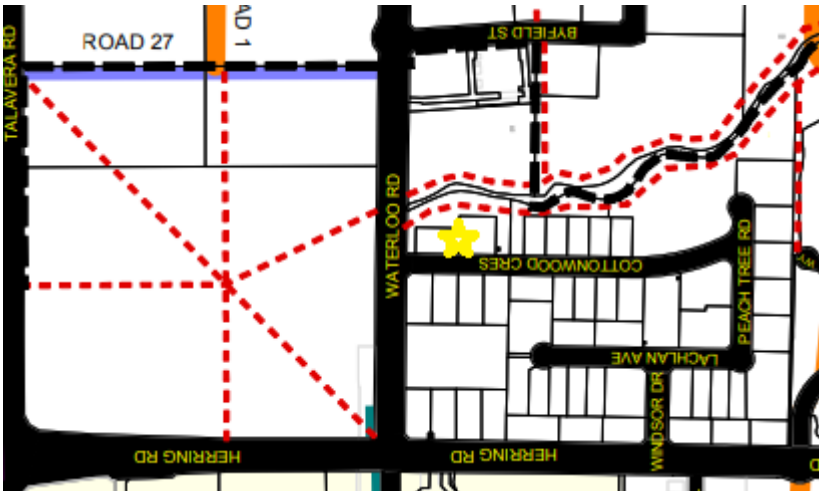
The compliance table of the relevant controls pursuant to Part 4.5 Macquarie Park Corridor is provided below. It is noted that there is one (1) non-compliance within this table relating to the proposed development:

- Section 7.6 (d) – Side and rear setbacks to basements requires that basement car park structures should not encroach into the minimum required rear or side setback zone unless the structure can be designed to support mature trees and deep root planting.

A setback of 10m is required along Waterloo Road and 5m to the Park and Shrimptons Creek. While the above ground development complies, there is a non-compliance with the basement. The basement complies with the Waterloo Road and side boundary setbacks (Cottonwood Crescent and Shrimptons Creek) where deep soil planting is concentrated. A zero setback is proposed adjacent to the Park. The variation to the rear setback for the basement levels can be supported on its merit and is fully discussed below in the compliance table.

Relevant Control	Compliance/Comment
2.0 Vision	

Relevant Control	Compliance/Comment
<p>‘Macquarie Park will mature into a premium location for globally competitive businesses with strong links to the university and research institutions and an enhanced sense of identity.</p> <p>The Corridor will be characterised by a high-quality, well-designed, safe and liveable environment that reflects the natural setting, with three accessible and vibrant railway station areas providing focal points.</p> <p>Residential and business areas will be better integrated, and an improved lifestyle will be forged for all those who live, work and study in the area.’</p>	<p>The proposed development will contribute to the vision for Macquarie Park in that it will provide retail and residential uses within close proximity to public transport, commercial and educational facilities. The proposal will provide a highly liveable and functional environment that will integrate well with both the commercial and parkland setting.</p>
<b>3.0 The Structure Plan</b>	
<b>3.2 Urban Structure Plan</b>	
<p>Macquarie Park Corridor will include new residential communities around the North Ryde and Macquarie University Stations while the Commercial Core will be centred on the Macquarie Park Station and Waterloo Road. Intensive development centred on Waterloo Road is proposed to transition through the Business Park areas to the lower scaled residential areas adjoining the Macquarie Park Corridor.</p>	<p><b>Complies –</b></p> <p>The application complies with the urban structure in providing a mixed use development focusing increased residential density close to Macquarie university, station, shopping and business uses.</p>
<b>4.0 Access Network</b>	
<b>4.1 Streets</b>	
<p>a) Provide new public streets and pedestrian connections in accordance with Figure 4.1.1 Access Network.</p>	<p><b>Complies –</b></p> <p>The proposed development does not impact upon the existing pedestrian link along Shrimptons Creek. The building is setback and landscaping is proposed to embellish the riparian zone.</p> <p>No new streets are required on this site.</p>

Relevant Control	Compliance/Comment
 <p>The map shows a street layout with several roads labeled: TALAVERA RD, ROAD 27, BYFIELD ST, WATERLOO RD, COTTONWOOD CRES, LACHLAN AVE, WINDSOR DR, PEACH TREE RD, and HERRING RD. A yellow star marks the subject site at the intersection of Waterloo Rd and Cottonwood Cres. Red dashed lines indicate a pedestrian link along Shrimptons Creek, which runs diagonally from the top left towards the bottom right, passing near the subject site.</p>	<p><b>Figure 22:</b> Extract from Figure 4.1.1 development adjoins pedestrian link along Shrimptons Creek. The subject site is marked by the yellow star.</p>
<p>b) Lighting, paving and street furniture, landscaped setbacks and tree planting are to be provided as required in the <i>Macquarie Park Corridor Public Domain Technical Manual</i>.</p>	<p><b>Complies –</b> Council's Civil Works (Public Domain) Engineer has no objections to the proposal subject to conditions. (<b>Conditions 87 &amp; 88</b>).</p>
<p>c) Where required by Council, an additional 0.5m footpath is to be provided to augment the 14.5m streets to achieve a minimum 2.5m footpath.</p>	<p><b>N/A –</b> No footpath or street augmentation is required.</p>
<p><b>4.2 Pedestrian Connections</b></p>	
<p>a) Provide pedestrian bridges in accordance with the Access Structure Plan. Figure 3.4.1</p> <ul style="list-style-type: none"> <li>iii. Over the M2 connecting Christie Park to Macquarie Park Corridor</li> <li>iv. Connecting across Shrimptons Creek</li> </ul>	<p><b>N/A</b></p>
<p>b) Provide pedestrian connections in accordance with Figure 4.1.1 Access Network</p>	<p><b>Complies –</b> As stated above, the site does not restrict existing pedestrian access along Shrimptons Creek. Improvements are made at Waterloo Road to improve connectivity to Shrimptons Creek pedestrian path.</p> <p>In addition, <b>Conditions 1(a) &amp; (b)</b> has been imposed to provide a pedestrian connection from the open space areas (the outdoor fitness area and parkour at the south) and the deck area in front of the cyclist café, to Council's reserve. <b>Condition 165</b> has also been imposed requiring the creation of a right of way to avoid the site being fenced off and ensure public access to the site is maintained from the reserve.</p>
<p>c) Pedestrian connections are to:</p>	<p><b>Complies –</b></p>

Relevant Control	Compliance/Comment
<ul style="list-style-type: none"> <li>i. Be designed with a 2m setback to any building.</li> <li>ii. Provide a clear sightline from one end to the other for surveillance and accessibility.</li> <li>iii. Maximise active frontages pedestrian connections.</li> <li>iv. Be designed to consider pedestrian safety and the security of adjacent businesses, particularly at night (for example, where pedestrian through-site links are provided between buildings, windows are to be provided between the internal ground floor space of the building and the pedestrian link).</li> <li>vii. Extend and enhance the public domain and have a public domain character.</li> <li>viii. Be in accordance with Part 9.2 of the RDCP 2014 (Access for People with Disabilities) and designed to provide barrier-free access in accordance with AS 1428 and the Disability Discrimination Act 1992.</li> <li>ix. Paving shall be in accordance with the <i>Macquarie Park Public Domain Technical Manual</i>.</li> </ul>	<p>The proposed buildings are setback more than 2m from the existing pedestrian pathway along Shrimptons Creek.</p> <p>The landscaping within the subject site will extend and enhance the public domain character.</p> <p>Council's strong desire is to maintain openness and connectivity with the open space in order to visually increase the size of the open space by avoiding delineation of public private domain with fencing.</p> <p>The proposed delineation of the public private domain with boulders along the eastern and southern boundaries is supported. However, as raised above, <b>Condition 165</b> has been imposed requiring the creation of a right-of-way to avoid the site being fenced off and ensure pedestrian connection through the site is maintained from the reserve.</p>
<p>d) Each site is to provide for coordination of pedestrian connections with neighbouring sites, including level adjustments and detailed plans.</p>	<p><b>Complies –</b> Discussed above. The proposal maintains the pedestrian connections along Shrimptons Creek and through to Waterloo Road.</p>
<b>4.3 Bicycle Network</b>	
<ul style="list-style-type: none"> <li>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>.</li> <li>b) The Regional Bicycle Network is to be implemented as on- street shared cycleways in accordance with the <i>Macquarie Park Public Domain Technical Manual</i>. The Regional Bicycle Network comprises: <ul style="list-style-type: none"> <li>i. Waterloo Road;</li> <li>ii. Delhi Road;</li> <li>iii. Epping Road;</li> <li>iv. Lane Cove Road;</li> <li>v. Khartoum Road;</li> <li>vi. The M2; and</li> <li>vii. Shrimptons Creek pathways.</li> </ul> </li> <li>c) The Local Bicycle Network is to be implemented as on-street shared ways in accordance with the <i>Macquarie Park Public Domain</i></li> </ul>	<p>An existing shared pathway along Shrimptons Creek provides bicycle access in accordance with Council's bicycle strategy.</p>

Relevant Control	Compliance/Comment
<p><i>Technical Manual</i>. The Local Bicycle Network comprises:</p> <ol style="list-style-type: none"> <li>Lyon Park Road;</li> <li>Talavera Road;</li> <li>Wicks Road; and</li> <li>Proposed new roads in accordance with the Ryde Bicycle Strategy 2014.</li> </ol>	
<b>4.4 Sustainable Transport</b>	
<b>Travel Plans</b>	
<p>a) Upgrade the bus interchange in Herring Road in accordance with the Access Structure Plan to:</p> <ol style="list-style-type: none"> <li>Accommodate additional bus stops to provide for increased patronage;</li> <li>Reduce pedestrian and vehicle conflict;</li> <li>Enable active frontage.</li> </ol>	<p><b>N/A</b> The site is not located near Herring Road bus interchange.</p>
<p>b) Any DA that includes residential development on the Macquarie Shopping Centre is to provide a master plan that demonstrates how the bus interchange upgrade may be achieved.</p>	<p><b>N/A</b> The proposal includes residential development but not within the Macquarie Shopping Centre.</p>
<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 10,000m<sup>2</sup> new floor space</p>	<p>The proposal has a total floor space of 21,000m<sup>2</sup> as such, a Framework Travel Plan (FTP) has been prepared by Bitzios Consulting as part of the Traffic Impact Assessment.</p>
<p>d) For all development the FTP must also:</p> <ol style="list-style-type: none"> <li>Identify measures in an Action Plan that will implement the 40% public transport/60% private transport target for the journey to work, including appointing a Travel Plan Coordinator, minimising drive alone trips to work, encouraging walking, cycling, car sharing, car pooling and public transport use.</li> </ol>	<p>The Travel Plan identifies the following:</p> <ul style="list-style-type: none"> <li>Existing transport facilities;</li> <li>Current travel patterns;</li> <li>Proposed targets for green travel; and</li> <li>Actions to achieve those targets</li> </ul> <p>A Travel Plan Coordinator is proposed to be appointed prior to the issue of any occupation certificate and the Travel Plan reviewed within 12 months of occupation.</p>
<p>e) Provide a Final Travel Plan to Council for certification prior to the issue of any Occupation Certificate.</p>	<p>Imposed by <b>Condition 176</b>.</p>
<b>Parking Rates</b>	
<p>f) Bicycle parking and end-of-trip facilities are to be provided in accordance with the RDCP 2014 Part 9.3 Parking Controls.</p>	<p>The provision of bicycle parking is detailed under Part 9.3 of the RDCP 2014.</p>
<p>g) Parking is to be provided in accordance with the RDCP 2014 Part 9.3 Parking Controls.</p>	<p>The provision of parking is detailed under Part 9.3 of the RDCP 2014.</p>
<b>Car Sharing Parking</b>	



Relevant Control	Compliance/Comment
<p>h) All parking spaces for car share schemes are to be:</p> <ul style="list-style-type: none"> <li>i. Publicly accessible 24 hours a day seven days per week.</li> <li>ii. Located together in the most convenient locations.</li> <li>iii. Located near and with access from a public road and integrated with the streetscape through appropriate landscaping where the space is external.</li> <li>iv. Designated for use only by car share vehicles by signage.</li> <li>v. Parking spaces for car share schemes located on private land are to be retained as common property by the Owners Corporation of the site.</li> </ul>	<p><b>Complies –</b></p> <p>Three (3) car share spaces are located within the basement at Level 1. An electric vehicle charging station is also proposed. The car share spaces are addressed in the Green Travel Plan and require an agreement with a car share provider within 6 months of occupation of the building.</p>

## 5.0 Public Domain



Figure 23: Open Space


## 5.2 New Open Space

<p>a) Provide public open space as shown in Figure 5.1.1 Proposed Open Space Network and in accordance with sections 5.3 and 5.6 of this Part. To vary public open space requirements, refer to master plan controls under Clause 8.1 Site Planning and Staging.</p>	<p><b>Complies –</b></p> <p>Figure 5.1.1 identifies the subject site as containing existing passive open space.</p> <p>The site adjoins Shrimptons Creek Riparian Corridor but there is no requirement to provide privately owned public space. Sites on the southern side of Shrimptons Creek are identified as providing privately owned public space.</p>
<p>b) Buildings are not permitted to be located on any proposed new park</p>	<p><b>Complies –</b></p>

Relevant Control	Compliance/Comment
identified in the Open Space Structure Plan identified in Figure 5.1.1.	Figure 5.1.1 identifies the subject site as containing existing passive open space. There are no building proposed that would be located on any proposed new park.
c) Parks are to be dedicated to the Council, unless by agreement with Council where they may be provided as privately-owned public spaces (POPS).	There is no proposal to dedicate land to Council. The communal open space will be maintained as a privately-owned space.
d) New parks are to be maintained by the landowner until dedicated to Council.	<b>N/A</b>
e) POPS are to be created as Rights-of-Way in favour of Council.	<b>Condition 165</b> has been imposed to require the creation of a ROW to avoid the site being fenced off in the future to ensure public access to the site is maintained from the reserve.
f) POPS are to be maintained by the landowner in perpetuity. Public liability Insurances up to \$20,000,000 are to be maintained by the landowner.	<b>Condition 165</b> has been imposed to require the creation of a ROW over the publicly accessible communal open space. The terms of the ROW include, inter alia, public liability insurance of at least \$20m.
g) At least 50% of new public space is to receive 3 hours direct sunlight between 9am and 3pm on 21 June.	<p>There are no public spaces proposed. However, while not public open space, the design includes 'publicly available private open space' by way of a right of way, this includes the plaza to Waterloo Road and the fitness park adjacent to Cottonwood Reserve.</p> <p>Given its north-east orientation, the plaza will receive sunlight during most of the day in mid-winter (between 10am-2pm) exceeding the minimum requirement of 3 hours sunlight. The fitness space is located on the south west side of the tower building and therefore receives limited sunlight during mid-winter.</p> <p>As recognised by the 'Shadow Impact - Public Open Space' prepared by Scott Carver Architects and dated 28 November 2019 indicates that Cottonwood Reserve receives partial sunlight to parts of the park both in the morning and afternoon, however due to the height of buildings proposed under the planning controls is less than 50% of the park area at any one time.</p>
h) Active frontages are to be provided in accordance with Section 6 Active Frontage controls.	<b>Complies –</b> The site includes an active frontage to Waterloo Road.
i) Provide internet connection to all publicly accessible space in Macquarie Park, particularly new parks.	<b>Condition 1(a)</b> has been imposed requiring this.

Relevant Control	Compliance/Comment
j) Provide open space in accordance with Table 5.2.1 Controls for Open Spaces.	<b>Complies –</b> Table 5.2.1 indicates that the site is within Shrimptons Creek Core Riparian Corridor which requires a 20m wide continuous riparian protection corridor which is identified on the plans submitted.
k) Refer to the <i>Macquarie Park Public Domain Technical Manual</i> for detailed design requirements.	<b>Complies –</b> A Public Domain Improvements Plan (LD-DA3106 Rev 3) has been submitted and details frontage works in accordance with the Macquarie Park Corridor Public Domain Manual. <b>Conditions 1(a), 87 &amp; 88</b> has been imposed for public domain works.
l) Provide pedestrian pathways and cycleway connections to adjoining public domain spaces.	<b>Complies –</b> The existing bicycle and pedestrian pathway along Shrimptons Creek is retained and the pedestrian pathways and connections within the site adjoin the public domain spaces. Improvements are made to pedestrian and cycle access to Shrimptons Creek across the site's frontage adjoining Waterloo Road.
m) Accommodate a range of seating areas with prospect and views across open space.	<b>Complies –</b> The Landscape Plan prepared by Scott Carver & Associates includes seating within the site which has views across adjoining open space.
n) Provide a mix of paved and open lawn/turf areas, shaded and sunny areas.	<b>Complies –</b> The Landscape Plan prepared by Scott Carver & Associates, includes a variety of spaces that will receive both sun and shade.
o) Provide infrastructure.  <u>Paving</u>  p) Provide high-quality pavement that relates to public domain of adjoining streets in accordance with the <i>Macquarie Park Public Domain Technical Manual</i> .  <u>Park Furniture</u>  q) Install park lighting along key pedestrian routes. Reduce visual clutter by incorporating light fittings on built elements where possible. r) Provide a generous quantum of seating in sun/shade areas s) Locate bins at park entries/exits. t) Provide directional/information signage as key zones.	  <b>Conditions 87 &amp; 88</b> has imposed for public domain works.          The communal open spaces within the site will be publicly accessible and the development has provided distinctive communal open space areas that will provide for adequate seating and interest.
<u>Vegetation</u> u) Minimum 20% consolidated area of the open space area should be	<b>Complies –</b> Notably, 438m <sup>2</sup> (22%) of the site is proposed for deep soil landscaping whilst the total landscaped area proposed is COS 12.3%

Relevant Control	Compliance/Comment
provided as deep soil zone to establish large trees.	and publicly accessible private open space is 22.4%, representing a total of 34.7% of the site area. The proposal complies with this requirement and includes large tree planting.
v) Provide exotic and endemic species (minimum 60%), large scale shade trees (over 8m height).	<b>Complies –</b> Tree species selection satisfies this requirement.
w) Protect and retain existing trees over 5m in height.	<b>Partly complies –</b> This control largely relates to existing open space area. As discussed earlier in the report, ten trees within the site and three trees adjacent to the site are to be removed as part of this development. Full discussion about these trees are detailed under Section 8.5 of the report. Replacement planting at a rate of 3:1 is proposed within the new open spaces and deep soil zones and many large trees within and adjoining the site will be protected as part of the landscape plan.  Note: None of the trees to be removed is due to the non-compliant portion of the basement level which extends to the south west boundary.
<u>Stormwater</u> x) Implement water sensitive urban design. Provide for on-site absorption; manage water quality and run-off on site. y) Improve stormwater treatment through site and explore possibilities for incorporating stormwater drainage infrastructure as an evocative element within urban design.	<b>Complies –</b> The proposal has been amended to include two (2) bio retention swales approximately 1m deep and approximately 20m <sup>2</sup> in area along the southern boundary. The swales are wholly located within the site and have been designed to prevent damage to native vegetation within and adjacent to the site. Satisfactory, subject to conditions.
<b>5.8 Street Trees, Front Setback Tree Planting and Significant Trees</b>	
a) Street trees and front setbacks must be provided in accordance with the Street Tree Key Plan in the <i>Macquarie Park Public Domain Technical Manual</i> , and their health guaranteed for min. 5 years.	<b>Complies –</b> The Landscape Design report submitted in March 2020 with the amended plans includes a planting palette that incorporates the species suggested by Council's Parks Officer. In relation to the species of street trees, <i>Buckinghamia celissima</i> (Ivory Curl) is now indicated on the plans as per Council's suggestion. Satisfactory, subject to conditions.
b) At grade parking is not permitted in the front setback.	<b>Complies –</b> All parking is provided within the basement levels.
c) Where: (i) New floor space or parking areas are proposed; and (ii) A site is shown part coloured on the Sydney Metropolitan Catchment Vegetation Mapping 2013;	<b>Complies –</b> A small portion of the site is located on the Sydney Metropolitan Catchment Vegetation Mapping 2013. It has a low value, due to extensive disturbance and contains smooth barked apple-red bloodwood open forest on enriched sandstone slopes. A Flora and

Relevant Control	Compliance/Comment
<p>(iii) and Removal of native vegetation species is proposed:</p> <p>Submit a Flora and Fauna Assessment prepared by a suitably qualified ecological consultant with the DA that has regard to:</p> <ul style="list-style-type: none"> <li>(i) Part 9.5 Tree Preservation of the RDCP 2014;</li> <li>(ii) NSW Threatened Species Conservation Act.</li> <li>(iii) Sydney Metropolitan Vegetation Mapping 2013</li> </ul>	<p>Fauna Assessment report has been prepared by Ecological (Nov 2018) in support of the application.</p>  <p><b>Figure 24:</b> Vegetation mapping in relation to subject site.</p> <p>Council's Consultant Landscape Architect has advised that a small portion of the site is mapped as the Plant Community Type (PCT): Smoothed-barked Apple – Red Bloodwood Open Forest. However, this appears to relate only to areas of canopy overhang into the site from the identified PCT located to the south east-Shrimptons creek corridor (see vegetation mapping above).</p> <p>The only tree to be removed within mapped PCT area is a <i>Eucalyptus robusta</i> (Tree 'AC') located outside the site boundaries. This tree is dead and its species is not listed under the PCT profile for Smoothed-barked Apple – Red Bloodwood Open Forest. No objections are raised to the development with regards to tree retention and removal.</p>
<b>5.10 Art in Publicly Accessible Spaces</b>	
<p>a) Art must be included in all new development with more than 10,000m<sup>2</sup> new floor space in the amount of 0.1% of the construction cost of the works capped at \$1,500,00.00.</p>	<p><b>Complies with conditions –</b></p> <p>A Public Art Strategy prepared by Authority Creative was submitted with the development application. Comments from Council's Centres Co-ordinator have been received which stated that the submitted strategy is satisfactory at this stage, however a public arts plan will be required prior to the issue of the relevant construction certificate and implemented prior to occupation certificate.</p> <p><b>(Condition 68 and 194)</b></p>
<p>b) Art must be located within the site so as to be publicly accessible (i.e. viewed or experienced from publicly accessible places).</p>	<p><b>Complies –</b></p> <p>The Public Art Strategy prepared by Authority Creative suggests public art be located in and around main entrances, street frontages, facades, pedestrian connections, community spaces, outdoor fitness hub,</p>



Relevant Control	Compliance/Comment
	retail precincts and in lobbies allowing for these installations to be visible in the public domain, which is deemed publicly accessible.
<p>c) A site-specific Arts Plan is to be submitted together with the development application.</p> <p>(i) Arts project description and statement of artistic intent.</p> <p>(ii) Thematic framework for the artwork. Suggested themes arising from the history of the Macquarie Park Corridor are:</p> <ul style="list-style-type: none"> <li>▪ Innovation and / or technology</li> <li>▪ Transport (train, bus, car) and people movement</li> <li>▪ History of Macquarie Park Corridor e.g. market gardening</li> <li>▪ Future of Macquarie Park</li> <li>▪ Natural environment e.g. water</li> </ul> <p>(iii) Concept drawing and descriptions of proposed art works including:</p> <ul style="list-style-type: none"> <li>▪ Proposed location</li> <li>▪ Whether or not the artwork is integrated into the building design, landscape or other site features (including the building façade, paving, lighting design, outdoor seating, play equipment and the like)</li> <li>▪ Proposed use of materials with particular information to be provided on robustness, durability, and low maintenance</li> </ul> <p>(iv) Implementation (detailing at what stage the artwork will be implemented etc)</p> <p>(v) Preliminary construction details with particular emphasis on public safety considerations.</p>	<p><b>Complies –</b> The Public Art Strategy prepared by Authority Creative considers the project context, site history and characteristics in its recommendations. The concept and themes set out in the Plan aim to align with Council's relevant strategic documents including the Public Art Strategy and Community Strategic Plan.</p> <p>Comments from Council's Centres Co-ordinator have been received which stated that the submitted strategy is satisfactory at this stage, however more details of the public art will be required prior to the issue of the relevant construction certificate and will need to include:</p> <ul style="list-style-type: none"> <li>• Standards of excellence and innovation.</li> <li>• Relevance and appropriateness of the work in relation to the site.</li> <li>• Its contribution to creating sense of place, and integration into the built form.</li> <li>• Where possible, participation of local artists, local groups, youth or indigenous groups.</li> <li>• Consideration for public safety and the public's use of and access to the public space.</li> <li>• Consideration of maintenance and durability requirements of materials, including potential for vandalism and graffiti.</li> <li>• Evidence of appropriate Public Liability Insurance to cover construction and installation of work.</li> </ul> <p><b>(see Condition 68)</b></p>
<b>6.0 Implementation – Infrastructure, facilities and Public Domain Improvements</b>	
a) Floor Space Ratios and Height of Buildings are to comply with the Ryde LEP 2014.	<p><b>Complies –</b> FSR complies, minor variation to Height. Refer to Clauses 4.3 and 4.4 of the RLEP discussed previously in this report</p>
<p>b) The Access Network being roads and the Open Space Network being parks are to</p> <p>(i) be dedicated to Council as part of a new development and are to</p>	<p><b>Complies –</b> Access is provided through the site at Waterloo Road to connect Waterloo Road to Shrimptons Creek bicycle/pedestrian pathway. The frontage works conform to the</p>

Relevant Control	Compliance/Comment
<ul style="list-style-type: none"> <li>(ii) conform with the Macquarie Park Corridor Access Structure Plan.</li> <li>(iii) be designed and constructed in accordance with the <i>Macquarie Park Corridor Public Domain Technical Manual</i> and Section 4 of this Part.</li> </ul>	Macquarie Park Corridor Public Domain Technical Manual and Section 4 of this Part.
c) The public land such as the road verge adjoining a development site is to be embellished and dedicated to Council as part of any new development. The design and construction of the works are to be undertaken in accordance with the <i>Macquarie Park Public Domain Technical Manual</i> and Section 4 of this Part.	<b>Complies –</b> Public domain works are included as part of the development application. Appropriate conditions of consent have been included. <b>(Conditions 87 &amp; 88)</b>
<b>7.0 Built Form</b>	
<b>7.1 Site Planning and Staging</b>	
a) Sites are to be planned to allow for the future provision of new streets and open spaces in accordance the Figure 4.1.1 Access Network and Figure 5.1.1 Proposed Open Space Network.	<p><b>Complies –</b> <u>Pedestrian Link</u> The existing pedestrian link through the site to Shrimptons Creek is maintained and improved as part of the development.</p> <p><u>Open Space</u> The site design does not impact upon the proposed open space network shown in Figure 5.1.1. An area of private open space to the south of the site will be publicly available and includes an outdoor fitness area and parkour. However, to ensure a clear connection between this area and the reserve <b>Condition 1 (a) and (b)</b> have been imposed for amended architectural and landscape plans to be provided to reinforce the connectivity as previously reflected in an earlier iteration of Architectural and Landscape plans but which has since been removed. In addition <b>Condition 165</b> will require the creation of a right of carriageway to ensure public access is maintain in perpetuity.</p>
<b>7.2 Activity Centres</b>	
<b>Macquarie Park Station Activity Centre</b>	<b>Complies –</b>
<ul style="list-style-type: none"> <li>–Centred on the intersection of Waterloo Road and Lane Cove Road this activity centre builds on symbiotic relationship between the train station and the commercial core of Macquarie Park.</li> <li>–The vitality of the Activity Centre is enhanced by the future Central Park, a major new public open space and recreation destination for the Corridor.</li> </ul>	The site is located within the Macquarie Park Station Activity Centre and incorporates a building design and streetscape that meet the objectives for the corridor.

Relevant Control	Compliance/Comment
<ul style="list-style-type: none"> <li>-Waterloo Road will provide a civic streetscape with a high quality public domain and opportunities for a prestigious corporate address.</li> <li>-The accessibility of the precinct will be enhanced by new streets and pedestrian connections, creating a high level of permeability, opportunities for new building addresses, access and service retail.</li> </ul>	
<b>7.3 Active Frontage</b>	
<p>a) Continuous ground level active uses must be provided where primary active frontages are shown in Figure 7.3.2 Active Frontage and Setback Control Drawing. Buildings must address the street or public domain.</p>	<p><b>Complies –</b> The site is located along a Primary Active Frontage (towards Waterloo Road) as shown in Figure 7.3.2 of the DCP and is also located within the Macquarie Park Station Activity Centre.</p> <p>The ground level of the building fronting towards Waterloo Road incorporates a 'cyclist café' and activates the street frontage and adjoining open space. The building frontages address the public domain with the café orientated to Waterloo Road and the residential entrance/lobby facing Cottonwood Crescent.</p>
<p>b) Front door and street address is to be located on the primary frontage.</p>	<p><b>Complies –</b> A front door associated with the commercial use is orientated towards Waterloo Road, with a new plaza and terrace activating the street frontage.</p>
<p>c) Loading docks, vehicular access is not to be located where primary active frontages are shown in Figure 7.3.2 Active Frontage and Setback Control Drawing unless it can be demonstrated that there is no alternative.</p>	<p><b>Complies –</b> The loading dock and vehicular access is from Cottonwood Crescent, protecting the primary active frontage.</p>
<p>d) Active ground level uses are encouraged where secondary active frontages are shown in Figure 7.3.2 Active Frontage and Setback Control Drawing</p>	<p><b>Complies –</b> The ground level active use returns along Cottonwood Crescent to active the front part of the site.</p>
<p>e) Active uses are defined as one or more of the following:</p> <ul style="list-style-type: none"> <li>(i) shop fronts;</li> <li>(ii) retail/service facilities with a street entrance;</li> <li>(iii) cafe or restaurants with street entrance;</li> <li>(iv) community and civic uses with a street entrance;</li> </ul>	<p><b>Complies –</b> The proposal provides a cyclist café with the front façade addressing Waterloo Road and activating the street frontage.</p>

Relevant Control	Compliance/Comment
(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	
f) Entries to active frontage tenancies are to be accessible and at the same level as the adjacent footpath.	<b>Complies –</b> The ground level café is accessible to pedestrians from the ground plane, with stairs to Waterloo Road and a ramp from Cottonwood Crescent.
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.	<b>Complies –</b> The café has a depth of 5m-11m, forming a U-shaped space which activates both street frontages.
h) On sloping sites, the maximum level change between ground floor tenancies and the adjacent footpath is 600 mm.	<b>Partially complies – justified</b> The cyclist café is elevated above ground floor due to the slope of the site. There is a difference in levels of 2m over a distance of 13.3m. Although there is a difference in levels of more than 600mm the landscape design and spaces seek to transition between the two levels. Additionally, the ground floor level is responsive to the increased levels along Cottonwood Crescent, providing a suitable balance between cut and fill. 
i) Where active frontage is required a minimum of 90% of the building frontage is to be transparent i.e. windows and glazed doors (A maximum 10% active frontage may be fire stairs, plant, masonry walls and other non-active uses).	<b>Complies –</b> The entire building frontage is transparent and made up of windows and doors fronting Waterloo Road.
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. Refer Figure 7.3.1 below.	<b>Complies –</b> The frontage design includes glazing in accordance with the control.
<b>7.4 Setbacks and Build-to Lines</b>	
a) Minimum setbacks and build-to lines must be provided as shown Figure	<b>Complies –</b>

Relevant Control	Compliance/Comment
<p>7.3.2 Active Frontage and Setback Control Drawing – summarised as follows:</p> <ul style="list-style-type: none"> <li>(i) Zero setbacks / build-to lines to Primary Active Frontage;</li> <li>(ii) 5m setback to all existing and new streets unless otherwise specified;</li> <li>(iii) 10m setback to Waterloo Road and Talavera Road;</li> <li>(iv) 10m green setbacks to the M2 tollway and Epping Road; and</li> <li>(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).</li> </ul>	<p>The development has proposed a 13.3m setback to the north-east (to the park adjoining Waterloo Road) which exceeds the setback requirement of 10m. This reflects the ECRL setback requirements and will allow for the retention of significant vegetation and additional significant planting within a large area of deep soil.</p> <p>A 5m setback is provided to Cottonwood Crescent and 5-7.5m is provided to Shrimptons Creek. The building does not encroach the Riparian Corridor along Shrimptons Creek.</p>
<p>b) Subject to negotiation with Council single storey structures which include active uses may be located within the Secondary Active Frontage. These structures must address the public domain, be transparent as far as practicable and will be subject to the ECRL Guidelines.</p>	<p><b>N/A –</b> There are no Secondary Active Frontages applicable to the site.</p>
<p>c) Provide 2m setbacks to pedestrian pathways (unless within a building)</p>	<p><b>Complies –</b> All buildings provide setbacks from pedestrian pathways greater than 2m.</p>
<p>d) Despite clause 7.2. a development may be set back further from the street or public domain where it can be demonstrated to Council that the impacts of development on underground rail infrastructure are not in accordance with the ECRL Underground Infrastructure Protection Guidelines Report No. 20007300/ PO-4532 obtainable from Transport for NSW</p>	<p><b>Complies –</b> The development is setback further towards Waterloo Road and encroaches within the Second Reserve Support Zone by 7m. Sydney Metro have granted concurrence to the proposed development subject to conditions of consent.</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> <ul style="list-style-type: none"> <li>(i) Excavations less than 3m in depth are not required to be assessed. Excavations 3m or more in depth are required to be assessed for their impact on the underground infrastructure, including impacts during construction.</li> <li>(ii) Shallow footings with relatively light loadings (allowable bearing</li> </ul>	<p><b>Complies –</b> The development is affected by the requirements of Figure 7.3.2 and encroaches upon the ECRL Second Reserve Support Zone. The proposal has been subject to detailed assessment of the impact upon railway infrastructure.</p>



Relevant Control	Compliance/Comment
pressure of less than 150kPa on small pad or strip footings) are not required to be assessed. Other shallow footings and deep foundations are required to be assessed.	
f) Underground parking is not permitted to encroach into the front setback areas unless it can be demonstrated that the basement is designed to support significant mature trees and deep root planting. Refer to Figure 7.4.1.	<b>Complies –</b> The basement level parking does not encroach within the 10m front setback to Cottonwood Crescent and the landscape design includes significant planting along the frontage.
g) Awnings, canopies, balconies, sun shading and screening elements can project forward of the street setback line.	<b>Complies –</b> A portion of the building's plaza projects forward of the setback. All balconies on upper level apartments are setback 10m from Waterloo Road.
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.	<b>Complies –</b> Setbacks to the existing street frontages being Waterloo Road and Cottonwood Crescent generally meet the minimum 60% soft landscaping requirement. It is noted that a large mature tree (Tree 118) is within this zone and was to be retained. The applicant provided recommendations for mitigation measures to be employed to facilitate the retention of Tree 118 however Council's Consultant Landscape Architect noted that this tree has structural issues and is of fair health and condition only. As such, it was considered that a more suitable outcome would be to remove this tree and condition its replacement with a new locally endemic tree planting of a species capable achieving larger dimensions more consistent with the scale of the proposed development. In this regard <b>Condition 100</b> has been imposed for its removal and a more suitable tree replacement.  Landscaping and paved areas within the front setback are set out as a honeycomb terrace pattern which replicates the building façade and provides access to the cyclist cafe.  There is no parking proposed within this setback.
<b>7.5 Awnings and Canopies</b>	
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	<b>Complies –</b> The building is setback 10m and therefore a continuous awning is not provided along the active street frontage. However, an entry

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are encouraged elsewhere in the Corridor.	canopy is provided at the entrance to the building.
<b>Entry Canopies</b>	
i) Entry canopies and discontinuous awnings may be provided to building entries not located along Active Frontages.	<b>Complies –</b> Any entry canopy is provided to the building entries.
j) Entry canopies may be glazed or solid, and are to be coordinated with a soffit height of 3.6 m minimum.	<b>Complies –</b> A lightweight canopy is provided above the building entries.
<b>7.6 Rear and Side Setbacks</b>	
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.	<b>Complies –</b> The building is setback 11.8m from the rear boundary (adjoining Cottonwood Reserve) and 5m from the side boundaries (Cottonwood Crescent and Shrimptons Creek). This is also compliant with clauses 7.4(a)(ii), 7.4(a)(iii) and 7.4(a)(v).
b) Buildings are not to be constructed on the locations for proposed new roads. An allowance for a 5m setback from a proposed road should also be made.	<b>N/A –</b> No new roads are proposed on this site.
c) Awnings, canopies, balconies, sun shading and screening elements may project into the rear setback zones	<b>Complies –</b> An awning wraps around the ground level residential lobby and building entry and encroaches into the rear setback.
d) Basement car park structures should not encroach into the minimum required rear or side setback zone unless the structure can be designed to support mature trees and deep root planting.	<b>Does Not Comply –</b> The basement car parking encroaches into the rear setback and for portion of the side setback adjoining the Shrimptons Creek boundary where the boundary steps in. However, the extent of the encroachment along Shrimptons Creek is below the pedestrian pathway only and as such, does not impact planting opportunities.
	The larger encroachment to the rear boundary is also justified as it is to the south of the building which receives poor solar access in mid- winter. This space has been designed as an outdoor fitness area, including parkour facilities and is therefore less suited to deep soil planting.
	As discussed previously, the non-compliant basement adjacent to Cottonwood Reserve does not result in any additional trees to be remove. The removal of any of the ten trees on site is not as a result of the non-compliant basement setback.  Assessment has been provided with respect to impacts on trees to the south within the adjoining Cottonwood Reserve and it is

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	<p>concluded that notwithstanding the basement location on the rear (southern) boundary, the impacts to public domain trees are considered tolerable as these tree will be subject to no additional incursion to their TPZ as a result of the development.</p> <p>In addition, despite the reduced basement setback, the proposal exceeds the required deep soil area across the site with 17.5%, more than the required 15% under the ADG.</p>
e) Above ground portions of basement car-parking structures are discouraged and deep soil planting is promoted.	<p><b>Complies –</b> The basement levels sit below the building or below ground level.</p>
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.	<p><b>Complies –</b> Refer to discussion relating to Section 8.4</p>
<b>7.7 Building Separation</b>	
<p>a) Provide minimum 20 m separation between buildings facing each other within a site. Refer to Figure 7.7.1 Commercial Building Separation Controls.</p> <p>a) Provide minimum 10 m separation between buildings perpendicular to each other within a site. This reduced building separation control only applies where the width of the facing facades does not exceed 20 m. Refer to Figure 7.7.1 Commercial Building Separation Controls.</p>	<p><b>N/A –</b> The proposal includes one building and therefore no separation between buildings facing each other within a site is required.</p> <p>No buildings are perpendicular to each other within a site.</p>
<b>7.8 Building Bulk and Design</b>	
a) The floor-plate of buildings above 8 storeys is not to exceed 2,000m <sup>2</sup> , unless it can be demonstrated that slender building forms are achieved through courtyards, atria, articulation or architectural devices.	<p><b>Complies –</b> The building is above 8 storeys in height and has floor plates of less than 2,000m<sup>2</sup>.</p> <p>Building design has been refined in accordance with comments received from the Urban Design Review Panel.</p>
b) Buildings are to address the street, and are to have a street address.	<p><b>Complies –</b> The building addresses both street frontages. The café is orientated towards Waterloo Road and the residential lobby to Cottonwood Crescent.</p>
c) Facade design is to (i) Reflect and respond to the orientation of the site using elements such as sun shading and other passive environmental controls where appropriate.	<p><b>Complies –</b> The façade design has been refined following review on five occasions by Council's UDRP. The current iteration of the building is supported by the Panel and incorporates previous UDRP comments.</p>

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<ul style="list-style-type: none"> <li>(ii) Provide building articulation such as well design roof forms, expressed vertical circulation etc.</li> <li>(iii) Express corner street locations by giving visual prominence to parts of the façade (eg a change in building articulation, material or colour, or roof expression).</li> <li>(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.</li> <li>(v) Roof forms, building services and screening elements are to occur within the overall height controls. Refer to Ryde LEP 2014 for height controls.</li> <li>(vi) Ventilation louvres and car park entry doors are to be coordinated with the overall façade design.</li> </ul>	<p>Council's Urban Designer/Strategic Planner has also reviewed the latest set of plans have no objections to the proposal subject to <b>Condition 1 (a)</b> for a pathway connection from Cottonwood Reserve to the site and for an additional connection be provided from Shrimptons Creek to the deck area in front of the cyclist café so that it reads as a publicly accessible area and a part of the linear park, instead of a semi-private area which serves mainly the patrons of the café. (See discussion below).</p>
d) The distance of any point on a habited floor from a source of natural daylight should not exceed 12m (such as from the core to an external window).	<p><b>Complies –</b> All habitable rooms are no more than 8m from a source of light, which complies with the requirement of not more than 12m.</p>
e) Buildings are to be designed to be flexible – car parking above the ground level is to have a floor to ceiling height of not less than 2.7m.	<p><b>N/A –</b> No car parking is proposed above the ground level.</p>
<b>8.0 SITE PLANNING AND STAGING</b>	
<b>8.1 Site Planning and Staging</b>	
<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"> <li>(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;</li> <li>(ii) A highly visible and publicly accessible location for passive open space bounding Waterloo Road;</li> </ul>	<p><b>Complies –</b></p> <p>The development has been designed with a building sited to allow for the provision of the following:</p> <ul style="list-style-type: none"> <li>• Publicly accessible private open space adjoining Cottonwood Reserve;</li> <li>• New pedestrian connection through front of site to connect Waterloo Road to Shrimptons Creek;</li> <li>• Publicly accessible private open space bounding Waterloo Road;</li> <li>• A riparian corridor is provided adjacent to Shrimptons Creek.</li> </ul>

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<ul style="list-style-type: none"> <li>(iii) The same functional outcomes for open space as specified in Section 5.2;</li> <li>(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</li> <li>(v) Where the site abounds Shrimptons Creek Parklands, a Riparian Corridor in accordance with the NSW Office of Water's Guidelines for Riparian Corridors on Waterfront Land.</li> </ul>	
<ul style="list-style-type: none"> <li>b) All sites 15,000m<sup>2</sup> or more in area should lodge a site-specific Master Plan and/or Stage 01 development application for approval.</li> </ul>	<p><b>N/A –</b> The site has an area of 2,499 m<sup>2</sup> and does not require a site specific master plan.</p>
<b>8.2 Site Coverage, Deep Soil Areas and private open space</b>	
<ul style="list-style-type: none"> <li>a) A minimum 20% of a site must be provided as deep soil area.</li> <li>b) Deep soil areas must be at least 2 m deep.</li> <li>c) For the purpose of calculating deep soil areas, only areas with a minimum dimension of 20 m x 10 m may be included.</li> </ul>	<p><b>Complies –</b> The amended design provides 17.5% (438m<sup>2</sup>) as deep soil zone. Two large areas of deep soil are provided, one at the front of the site facing Waterloo Road (22m x 10m) and one adjacent to Shrimptons Creek (29m x 12m).</p>
<ul style="list-style-type: none"> <li>d) A minimum 20% of the site area is to be provided as Landscaped Area. Landscaped Area is defined as: Area on the site not occupied by any buildings, except for swimming pools or open air recreation facilities, which is landscaped by way of gardens, lawns, shrubs or trees and is available for use and enjoyment by the occupants of the building, excluding areas used for driveways, parking areas or drying yards.</li> </ul>	<p><b>Complies –</b> A minimum of 499m<sup>2</sup> landscaped area is required under this clause. The proposal provides 438m<sup>2</sup> ground level deep soil and a total of 1202m<sup>2</sup> (48%) landscaped area across the site and development providing excellent open air recreation facilities and opportunities for gardens, lawns, shrubs and trees as detailed on the landscape plans prepared by Scott Carver and Associates.</p>
<ul style="list-style-type: none"> <li>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.</li> </ul>	<p><b>Complies –</b> The communal open space is provided with good solar access as there are numerous spaces around the site providing sunlight at different times of the day. The Level 2 communal open space achieves excellent solar access due to its elevation and north orientation, while the lower level café terrace and plaza are also well orientated achieving at least 3 hours direct sunlight. The area adjacent to Shrimptons Creek will received sunlight in the morning and will also add to the useability of communal spaces throughout the year. The area to the south of the building which forms part of the parkour area and adjoins Cottonwood Reserve has</p>



Relevant Control	Compliance/Comment
	the least solar access available due to its orientation but on balance the spaces are well located and solar access is maximised.
f) Appropriate shading is to be provided so that communal spaces are useable during summer.	<b>Complies –</b> Shading is provided by landscaping and in areas close to the building.
g) Communal open spaces are to incorporate the primary deep soil area where possible.	<b>Complies –</b> Deep soil area is located within the communal open space which falls within the riparian zone adjacent to Shrimptons Creek. Within the deep soil zone to Waterloo Road, opportunities for terracing and tree planting have been provided.
h) Landscaping is to contribute to water efficiency and effective stormwater management. Landowners are to consult with Council for requirements to address stormwater quality	<b>Complies –</b> Suitable areas of deep soil and landscaping have been provided around the site to provide for stormwater absorption as well as effective stormwater management to store, re-use and then dispose of stormwater in accordance with Council requirements.
<b>8.3 Planting on Structures</b>	
<p>a) Provide optimum conditions for plant growth by providing appropriate irrigation and drainage methods.</p> <p>b) Design planters to provide the largest possible volume of soil, in accordance with the following recommended standards:</p> <ul style="list-style-type: none"> <li>(i) Large trees (canopy diameter up to 16 m at maturity) Min. soil volume 150 m<sup>3</sup> Min. soil depth 1.3 m, Min. soil area 10 m x 10 m or equivalent</li> <li>(ii) Medium trees (canopy diameter up to 8 m at maturity) Min. soil volume 35 m<sup>3</sup> Min. soil depth 1 m Min. soil area 6 m x 6 m or equivalent</li> <li>(iii) Small trees (canopy diameter up to 4 m at maturity) Min. soil volume 9 m<sup>3</sup> Min. soil depth 800 mm Min. soil area 3.5 m x 3.5 m or equivalent</li> <li>(iv) Shrubs Min. soil depth 500-600 mm</li> <li>(v) Ground cover Min. soil depth 300-450 mm</li> <li>a) Turf Min. soil depth 100-300 mm</li> </ul>	<p><b>Complies –</b> The amended landscape plans (Rev 3) prepared by Scott Carver Architects dated July 2020 include details of planters to the COS at Level 2 and a private terrace (which is adjacent to a unit) at Level 19 which include small and medium size tree planting within the appropriate sized soil volume.</p> <p>Within the Plaza large trees are accommodated within deep soil.</p>
<b>8.4 Topography and Building Interface</b>	
a) Level changes across sites are to be resolved within the building footprint.	<b>Complies –</b>

Relevant Control	Compliance/Comment
<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>Level changes have been incorporated into the siting and design of the building and public domain elements. At Waterloo Road the levels transition up to the new Plaza incorporating steps and a mosaic paving design to reflect the honeycomb architecture of the building. At Cottonwood Crescent the levels within the building respond to the building domain providing car park entry and pedestrian entry at the required levels to provide safe and convenient access. The level transition is maintained inside the building at both the residential lobby and the cyclist café.</p> <p>The residential lobby entry from Cottonwood Crescent is maintained at street level and level access is provided to the cyclist café from Cottonwood Crescent.</p> <p>The ground floor landscape sections detail the transition between the street and the building entries and public spaces.</p>
<p>b) An accessible path of travel is to be provided from the street through the main entry door of all buildings.</p> <p>(i) Where necessary, stairs and ramps are to be integrated with the landscape design of front setbacks.</p>	<p><b>Complies –</b> See above.</p>
<p>c) Natural ground level is to be retained for a zone of 4 m from the side and rear property boundaries. Retaining walls, cut and fill are not permitted within this zone.</p>	<p><b>Complies –</b> The building design seeks to retain natural ground levels from Cottonwood Crescent and will utilise the fall towards Waterloo Road with a tiered plaza and landscaping. Due to the fall from Cottonwood Crescent to Shrimptons Creek the design incorporates landscaping and levels to transition across the site and to avoid the use of retaining walls, cut and fill.</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><b>Complies –</b> Due to the fall from Cottonwood Crescent to Shrimptons Creek some terracing is proposed and is generally incorporated into the communal open space where an outdoor fitness area (parkour) is proposed. The terracing does not result in any retaining walls greater than 1.2m.</p>
<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><b>Complies –</b> The new plaza and terrace to Waterloo Road and the proposed outdoor fitness (parkour) are publicly accessible private space. In both areas there are level changes that cannot be avoided although the landscape design seeks to transition from the footpath to the</p>

Relevant Control	Compliance/Comment
	useable spaces without significant changes in levels.
<b>8.5 Site Facilities</b>	
a) Vehicular access to loading facilities is to be provided from secondary and tertiary streets where possible.	<b>Complies –</b> Vehicular access to loading facilities is provided from Cottonwood Crescent.
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"> <li>(i) be integrated with the development;</li> <li>(ii) minimise the visibility of these facilities from the street; and</li> <li>(iii) be located away from openable windows to habitable rooms.</li> </ul>	<p><b>Complies –</b> The application is accompanied by an Operational Waste Management Plan prepared by Elephants Foot Recycling Solutions which demonstrates compliance with Section 6.3 of the RDCP 2014.</p> <p>The application and Waste Management Plan were referred to Council's Senior Co-Ordinator - Waste who did not raise any objection to the proposal subject to conditions. <b>Condition 208</b> has been imposed stating that all domestic waste is to be collected by Council's waste collection contractor.</p> <p>Appropriate conditions are imposed requiring compliance with the recommendations made in the Plan. <b>(Conditions 43 &amp; 101)</b>. The proposal is also conditional upon the preparation of a loading dock management plan to ensure there is no conflict between different vehicles using the loading dock.</p>
c) Barrier free access is to be provided to all shared facilities.	<b>Complies –</b> An access report has been prepared by Morris Golding Access Solutions and submitted in support of the application. The report confirms that barrier free access can be provided to all shared facilities.
<b>8.6 Vehicular Access</b>	
a) Vehicular access is not permitted along streets identified as 'Active Frontages' (refer to Section 7.3 Active Frontages).	<b>Complies –</b> Waterloo Road is identified as an 'Active Frontage' and no vehicular access is proposed from this road ensuring a suitable pedestrian environment.
b) Where practicable, vehicle access is to be from secondary streets.	<b>Complies –</b> Vehicle access is from Cottonwood Crescent.
c) Potential pedestrian/vehicle conflict is to be minimised by: <ul style="list-style-type: none"> <li>(i) limiting the width and number of vehicle access points</li> <li>(ii) ensuring clear sight lines at pedestrian and vehicle crossings</li> <li>(iii) utilising traffic calming devices</li> <li>(iv) separating and clearly distinguishing between pedestrian and vehicular access ways</li> </ul>	<b>Complies –</b> Vehicular access and pedestrian access are both from Cottonwood Crescent although they have been designed to achieve suitable separation and clear sight lines at the driveway crossover.

Relevant Control	Compliance/Comment
<p>d) The appearance of car parking and service vehicle entries is to be improved by</p> <ul style="list-style-type: none"> <li>(i) locating or screening garbage collection, loading and servicing areas visually away from the street</li> <li>(ii) setting back or recessing car park entries from the main façade line</li> <li>(iii) avoiding black holes in the façade by providing security doors to car park entries</li> <li>(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</li> <li>(v) returning the façade material into the car park entry recess for the extent visible from the street as a minimum.</li> </ul> <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><b>Complies –</b></p> <p>The car park entry is recessed behind the main building line and contains a roller shutter to avoid a black hole when viewed from the street. Garbage collection is integrated within the ground level of the building, adjacent to its entry. <b>Condition 75</b> has been imposed to ensure that the vehicular entry has high quality finishes and detailing to the walls and ceiling.</p> <p>The driveway width is in accordance with the requirements of RDCP 2014 and the relevant Australian Standard.</p>
<b>8.7 Onsite Parking</b>	
<p>a) Safe and secure 24-hour access to car parking areas is to be provided for building users.</p>	<p><b>Can Comply – To be conditioned</b></p> <p><b>Conditions 169 &amp; 172</b> has been imposed requiring an intercom and secure access to the car parking areas to be provided.</p>
<b>At-Grade Parking</b>	
<ul style="list-style-type: none"> <li>b) Parking areas must not be located within the front, side or rear setbacks.</li> <li>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.</li> <li>d) Provide safe and direct access from parking areas to building entry points.</li> <li>e) Provide appropriate mature vegetation between parking bays to provide shade and enhance visual impact.</li> </ul>	<p><b>N/A –</b></p> <p>No at-grade parking is proposed.</p>
<b>Basement Parking</b>	
<p>f) Basement parking areas should be located directly under building footprints to maximize opportunities for deep soil areas unless the structure can be designed to support mature plants and deep root plants.</p>	<p><b>Partly Complies –</b></p> <p>The basement area is largely under the building footprint apart from the south western portion of the basement which extends beyond the building footprint and under the outdoor fitness area (parkour). The</p>

Relevant Control	Compliance/Comment
<p>g) Basement parking areas must not extend forward of the building line along a street.</p> <p>h) Along active frontages, basement parking must be located fully below the level of the footpath. Refer to Section 7.3 Active Frontages.</p> <p>i) Basement parking should be contained wholly beneath ground level along public streets.</p> <p>j) Where this cannot be achieved due to topography, the parking level must protrude no more than 1.2 m above ground level for no more than 60% of the building frontage along a public street (Refer to Figures 8.7.1 and 8.7.2).</p> <p>k) Ventilation grills or screening devices of car park openings are to be integrated into the overall façade and landscape design of the development.</p>	<p>proposed variation is considered acceptable - See discussion previously in the report.</p> <p>Basement parking does not extend forward of the building line along the street frontages.</p> <p>The basement parking is well below the street level along the active frontage.</p> <p>The basement parking is wholly below ground level along public streets.</p> <p>The parking is below street level as the topography falls away from the street.</p> <p>Ventilation grills or screening devices of car park openings are integrated into the overall façade and landscape design.</p>
<b>8.8 Fencing</b>	
a) Fencing is not permitted on the perimeter boundary of sites. Security should be provided within buildings.	<p><b>N/A</b></p> <p>The development does not propose fencing.</p>
<b>9.0 Environmental Performance</b>	
<b>9.1 Wind Impact</b>	
a) Buildings shall not create uncomfortable or unsafe wind conditions in the public domain which exceeds the Acceptable Criteria for Environmental Wind Conditions. Carefully locate or design outdoor areas to ensure places with high wind level are avoided.	<p><b>Complies -</b></p> <p>The application is accompanied by a Pedestrian Wind Environment Statement prepared by Windtech, which states:</p> <p><i>Due to the overall massing of the subject development, the height of the building form, its interaction with nearby developments and the exposure of the development to the prevailing winds, wind tunnel testing is recommended to be undertaken at a later detailed design stage to verify the wind conditions and enable more detailed feedback and design of the proposal and potential wind mitigation measures.</i></p> <p>The Statement recommends a number of treatments to mitigate these effects which include landscaping and screening at various locations and further testing at detailed design stage is also recommended.</p> <p>Appropriate conditions are imposed requiring compliance with the recommendations made in this report. <b>(Condition 67)</b></p>



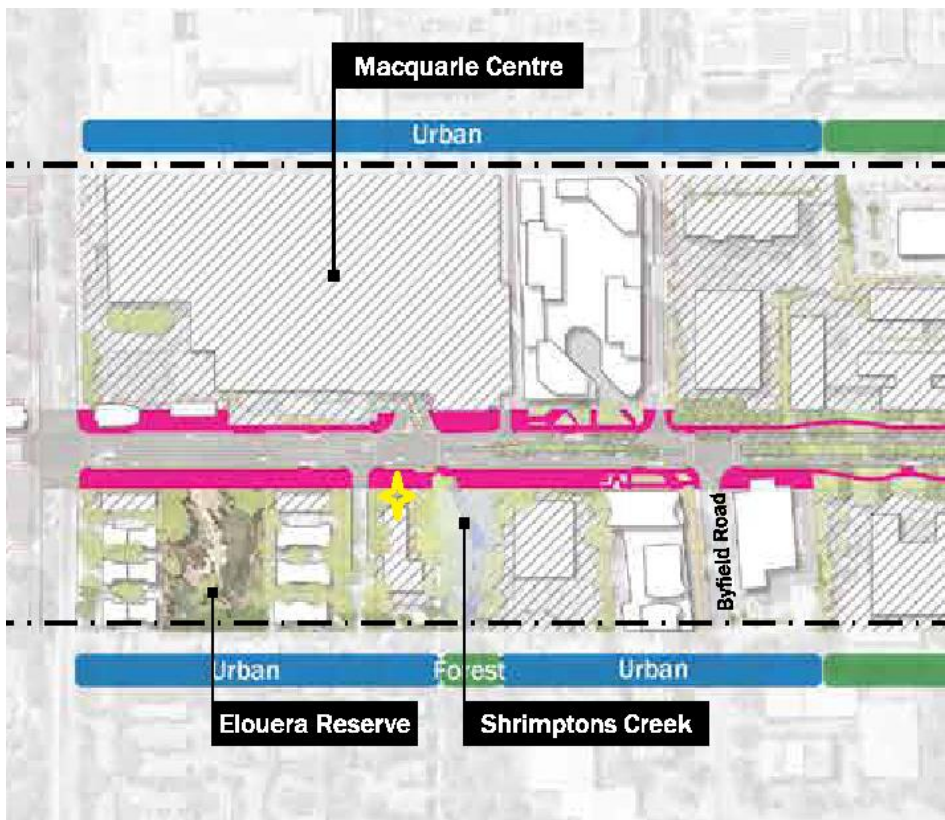
Relevant Control	Compliance/Comment
b) All applications for buildings over 5 storeys in height shall be accompanied with a wind environment statement. For buildings over 9 storeys and for any other building which may be considered an exposed building shall be accompanied by a wind tunnel study report. Refer to Council for documentation and report requirements.	<b>Complies –</b> The application is accompanied by a Pedestrian Wind Environment Statement, prepared by Windtech. The Windtech Statement indicates that further testing will need to be undertaken at a later stage in the design process to verify the assessment and recommendations presented in this report. A condition is recommended in this regard. <b>(Condition 67)</b>
<b>9.2 Noise and Vibration</b>	
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.	<b>Complies –</b> The application is accompanied by an Environment Noise Impact Assessment prepared by Acoustic Logic and conditions are recommended to ensure compliance with the recommendations. <b>(Condition 66)</b>  In addition <b>Condition 145</b> has been imposed for an AAAC 5 Star Certificate to be submitted demonstrating that the construction of the building including internal walls and floors has sufficient acoustical attenuation including from noise generated between residential units.
b) 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.	<b>N/A</b>  The site is not located adjacent to any industrial and commercial development.
c) Loading and unloading facilities must not be located immediately adjacent to residential development.	<b>Complies –</b> The loading and unloading facilities are contained within the basement.
d) 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.	<b>Noted –</b>  This is addressed by condition. <b>(Condition 203)</b>
e) Air conditioning ducts shall not be situated immediately adjacent to residential development.	<b>Complies –</b> Air conditioning ducts are not proposed adjacent to any residential properties.
<b>9.4 Soil Management</b>	
a) Development is to comply with the City of RDCP 2014. b) Development is to be designed and constructed to integrate with the natural topography of the site to minimise the need for excessive sediment disturbance and prevent soil loss. c) Effective site management and maintenance practices are to be followed to prevent soil loss.	<b>Complies –</b>  The development has been designed and constructed to integrate with the natural topography.  Effective site management practices can be addressed by condition.

Relevant Control	Compliance/Comment
<p>d) An Erosion and Sediment Control Plan (ESCP), prepared by a suitably qualified environmental engineer, is required to be submitted in support of all development proposals requiring development consent under the Ryde Local Environmental Plan, (other than for minor building modifications) including: Demolition; Excavation; Trenching and Building.</p> <p>e) The ESCP must make reference to the entire construction and post construction period, and all devices must be installed prior to commencement of any demolition or construction works on-site.</p> <p>f) The ESCP is to be prepared in conjunction with the Site Stormwater Management Plan.</p>	<p>An Erosion and Sediment Control Plan has been prepared as part of the Construction Management plan (dated November 2018) prepared by Census Advisory.</p> <p>The Construction Management Plan states that "A more detailed Construction &amp; Environmental Management Plan is required to be prepared and implemented during construction by a principal contractor for each stage of the works prior to those works commencing on site."</p> <p><b>Condition 83</b> has been imposed for a Construction Pedestrian and Traffic Management Plan (CPTMP) to be submitted.</p>

### Waterloo Road Master Plan

The *Planning Ryde Local Strategic Planning Statement 2020* (LSPS) has set out a 'Planning Priority' to create a public domain within Macquarie Park that brings people together. One of the actions set out in the LSPS for achieving the goal is to "*prepare a master plan for Waterloo Road that acknowledges its role as the precinct's 'main street', creating a series of meeting, resting and active spaces with a pedestrian focus that promotes connectivity*".

The Waterloo Road Active Street Master Plan has been prepared as a strategic master plan to assist with transforming the Waterloo Road corridor from a movement corridor into a vibrant street. The Master Plan was presented to and endorsed by the Executive Team in September. It will be presented to wider government agencies later this year.



**Figure 26:** Extract from The Waterloo Road Master Plan. Pink area illustrates the paving zone with lighting, bins, bike hoops etc.

One of the overall objectives, inter alia, is to “*Enhance the connectivity, permeability and accessibility of the street network*”

Council’s Urban Designer/Strategic Planner has reviewed the proposal and has advised that the subject site technically does not have any frontage to Waterloo Road, but it shares a common boundary with Council’s reserve (which will form part of the linear park). The applicant’s landscaping plans have proposed to upgrade this section of the linear park. In order to provide a seamless integration with the adjoining linear park, **Condition 1(a)** has been imposed requiring integration with the linear park. This will require a detailed landscaping plan that meets Council’s requirements to be submitted and approved by Council’s Strategic Planning Team to ensure the linear park reflects the most current design plans.

## Part 7.2 Waste Minimisation and Management

The application includes an Operational Waste Management Plan dated 11 November 2018 as prepared by Elephants Group. The Plan addresses operational waste generation and management for the building. The application and Waste Management Plan were referred to Council’s City Works (Waste) officer who raised some issues regarding the size of the storage area and the swept path for Council garbage trucks. The design has been amended to address the concerns however conditions are recommended regarding management of the loading dock to ensure there is no conflict between users. Appropriate conditions are imposed requiring compliance with the recommendations made in these plans and addressing the Waste officer requirements. **(Condition 101)**

## Part 9.2 Access for People with Disabilities

The application includes an Access Review Report dated 26 November 2018 as prepared by Morris-Goding Access Consulting. The Report concludes that:

*“MGAC has reviewed the drawings and documentation in relation to the aforementioned requirements. On the basis of the current level of detail all access requirements appear capable of achieving compliance. Further work will be required during design development stage to ensure appropriate outcomes are achieved.”*

Appropriate conditions are imposed requiring compliance with the recommendations made in the Report, **(Condition 65)**

## Part 9.3 Parking Controls

The following maximum car parking requirement is stipulated for the Macquarie Park Corridor:

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

Based on the above the following parking provision is required for the residential apartments and business premises:

Space Type	DCP Control (Max)	Proposed	Compliant
Apartments Studio x 10 = 6 1 bed x 29 = 17.4 2 bed x 79 = 71.1 3 bed x 14 = 19.6 Total = 114.1	115 (including 14 accessible spaces)	115	YES
Visitors 1 space per 10 dwellings	14 (including 1 accessible space)	14	YES
Car share	3	3	YES
Retail 1 space per 80m <sup>2</sup>	2	2	YES
<b>TOTAL</b>	134	134	YES

Council's Development Engineer is satisfied that the parking is both compliant with the maximum parking rates and is designed generally in accordance with the requirements of AS2890.1. **Condition 199** has been imposed to ensure the parking allocation complies with these rates.

The DCP states that: *in every new building, where the floor space exceeds 600m<sup>2</sup> GFA (except for dwelling houses and multi-unit housing) provide bicycle parking equivalent to 10% of the required car spaces or part thereof.”*

Based on the above, 13.2 bicycle spaces are required to be provided for both residents and visitors. A total of 14 bicycle racks have been provided with some available at each basement level which meets the minimum requirement.

#### Part 9.5 Tree Preservation

The City of Ryde's Development Control Plan 2014 Part: 9.5 outlines requirements relating to Trees on development sites which are set out in Section 2 of The City of Ryde Tree Management Technical Manual. This document specifies that all Development Applications relating to land upon which trees are located shall:

- Include a determination of the retention value of all trees on the land
- Design for the retention of the trees categorised as having high or medium retention values
- Specify construction techniques which avoid or minimise the adverse impact of the development on trees to be retained
- Include details of the species and location of proposed replacement planting.

As discussed previously under Section 8.5 of the report, it is proposed to remove 13 trees, 10 on the subject site and 3 trees within land adjacent to Shrimptons Creek. The removal of these trees is discussed in detail in Section 8.5 and their removal is supported by Council's Consultant Landscape Architect.

In addition, the proposal includes the provision of new tree planting across the site in accordance with Australian Standards 2303 (2015 Tree Stock for Landscape Use). The most recent Landscape Plan includes the provision of thirty (30) replacement trees across the site, four (4) replacement trees along Cottonwood Crescent and two (2) replacement trees to Waterloo Road. The replacement trees consist of native species and will contribute to a replacement of 3 trees for each tree removed (3:1).

#### City of Ryde Section 7.11 Development Contributions Plan 2020

Council's current Section 7.11 and Section 7.12 Contributions Plan 2020 effective 1 July 2020 requires a contribution for the provision of various additional services required as a result of increased development density. The contribution is based on the number of additional dwellings there are in the development proposal. The contribution that are payable with respect to the increase housing density on the subject site (being for residential development inside the Macquarie Park Area) are as follows:

This contribution is based on:

- 10 Studio apartments;
- 29 one-bedroom apartments;
- 79 two-bedroom apartments;
- 14 three-bedroom apartments; and
- 115m<sup>2</sup> of commercial area (retail)

The required contributions have been calculated as follows:

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community & Cultural Facilities	\$ 772,948.86
Open Space & Recreation Facilities	\$1,490,469.77



Roads & Traffic Management Facilities	\$ 106,455.99
Plan Administration	\$ 35,548.08
The total contribution is	<b>\$2,405,422.70</b>

**Note:** As part of a whole-of-government response to stimulate the economy during the COVID19 pandemic, changes were made to the EP&A Act to defer the payment of local infrastructure contributions and levies until at least the issuing of the first occupation certificate. These changes ensure the planning system continues to support productivity, investment and community wellbeing across the state. Accordingly, S7.11 conditions (**Conditions 53 & 140**) has been imposed which allow the deferment of payment.

## **8. LIKELY IMPACTS OF THE DEVELOPMENT**

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

### **9.1 Context and setting**

The proposed development is considered appropriate with regard to context and setting. The subject site is located within the Macquarie Park Corridor which is identified as an area that will be *“characterised by a high-quality, well designed, safe and livable environment that reflects the natural setting, with three accessible and vibrant railway station areas providing focal points”*.

The proposed development will seek to provide residential and business uses that provide an opportunity for people to live, work and study in the area. The site is well connected to green spaces along Shrimptons Creek providing access to passive and active spaces. The building presents a unique façade which will contribute to the built form of larger tower buildings along the corridor. Council’s UDRP having considered many iterations of the proposal are supportive of the layout and design of the current development application with respect to its context and setting.

### **9.2 Built Form**

The proposed development will not create adverse impacts on the existing built environment or the amenity of the surrounding area. The development is generally consistent with Council’s controls with respect to the height and scale with a minor variation to the maximum building height where a small portion of the roof services exceeds the 65m height limit. Overall, the built form and design will contribute to an attractive public domain with a well-designed plaza and terrace fronting Waterloo Road. The design along Cottonwood Crescent incorporates requirements of Council’s public domain improvement plan.

### **9.3 Natural Environment**

The proposal does not result in any undue impacts to the natural environment, following a number of changes to the interface with Shrimptons Creek and improvements to the sustainability plan including onsite water capture, storage and reuse. The extent of tree removal has been assessed by Council’s Consultant

Landscape Architect where it has been considered that the extent of tree removal and tree retention is acceptable.

In relation to Shrimptons Creek and Cottonwood Reserve the proposal presents a suitable interface with the use of native species and embellishment of the riparian zone.

#### **9.4 Overshadowing and Solar Access**

The extent of overshadowing is an important consideration in terms of amenity to the proposed development as well as adjoining developments and public space. Shadow diagrams in relation to the proposal indicate that the building will cause considerable overshadowing of the creek environment which is likely to reduce its use and amenity in the winter months. However, overshadowing of the creek corridor is a consequence of permitting large buildings along its northern boundary and cannot be avoided.

Overall, the building design provides an appropriate outcome for solar access within the site and the ground and Level 2 communal open spaces are afforded good amenity given their northerly aspect.

#### **9.5 Construction Impacts**

Construction impacts are controlled by Part 8.1 of the Ryde DCP 2014. Council's standard conditions of consent have been imposed to control the impact of the construction activities. Similar to any major redevelopment work, some level of inconvenience/impact may result once the construction commences. **Condition 83** has been imposed for a construction pedestrian and traffic management plan being submitted.

### **9. REFERRALS**

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

#### **Internal Referral Comments**

##### **City Works:**

**Traffic Engineer:** Council's Traffic Engineer has reviewed the proposal and has advised that *"the subject proposal is projected to generate 35 vehicle movements to/from the site during peak hour periods (after discounting the peak hour traffic generation associated with the existing residential land use). Such a level of traffic generation, representing 1 additional vehicle movement every 1 or 2 minutes is not anticipated to alter the current operational level of service (LoS) experienced by motorists within the surrounding road network.*

*The subject development proposes a single combined ingress/egress driveway, which connects with Cottonwood Crescent at the western property boundary. This driveway is proposed to provide an approximate width of 7.8m at the western property boundary and 12.5m (including splays) at the kerb alignment.*

*The new driveway is proposed to service both passenger and heavy vehicles primarily associated with weekly garbage collection and occasional deliveries. Access to/from the off-street parking and loading area is controlled by a roller shutter door, which is located approximately 9.9m inside the property boundary.*

*Swept paths of Council's 10.8m long garbage truck has been overlaid on the architectural plans. These turning paths indicate that Council's garbage truck is capable of entering, manoeuvring into the designated internal loading area and exiting the site in a forward direction without any encroachment on adjoining public and private assets/structures.*

*The swept path assessment also indicates that Council's garbage truck will slightly extend onto the existing footpath along the eastern side of Cottonwood Crescent, as it waits for the roller door to open to enter the premise. This slight encroachment is considered to be acceptable as the frequency of heavy vehicle movements to/from the site is expected to be low and pedestrian movement along this footpath have been observed to be generally low.*

*Traffic department therefore has no objection to the approval of this application subject to conditions. (Conditions 46, 47, 83, 85, 117, 130, 174, 177 & 207)*

**Stormwater Drainage:** Council's Drainage Engineer has advised that the property has been identified as being susceptible to flooding and overland flow during large storm events. In accordance with the floodplain management controls started within Council's DCP Part 8.2 (Stormwater and Floodplain Management). Conditions are recommended in relation to design, certification and positive covenants regarding overland flow paths. **(Conditions 77 to 82, 107 to 111, 149 to 155 & 206)**

**Public Domain:** No objections subject to conditions. **(Conditions 86 to 91, 111 to 116, 131, 177 to 190)**

**Development Engineer:** No objections subject to conditions. **(Conditions 24, 92 to 98, 132 to 136, 159 to 164 & 199)**

**Centres Coordinator (Urban Strategy):** The submitted Public Arts Strategy was supported and conditions recommended to require a site-specific Public Arts Plan for the approval of Council. **(Conditions 68 & 194)**

**Environmental Health Officer:** No objections subject to conditions. **(Conditions 32 to 37, 48 to 52, 212 to 222)**

**Environment:** Council's Manager Environment has raised no objections subject to condition for implementation of the Framework Travel Plan. **(Condition 176)**

#### External Agency Referrals

**Consultant Landscape Architect:** Council's Consultant Landscape Architect has advised that all issues relating to the landscape design and tree protection have been addressed and can be further resolved through appropriate conditions of consent. **(Conditions 22 to 31, 70, 74, 99, 100, 137, 138, 142 & 143)**

**Transport for NSW (Sydney Metro):** Transport for NSW (TfNSW) has delegated its rail authority functions in relation to the Metro Northwest Line rail corridor to Sydney Metro. Therefore, Sydney Metro is the relevant rail authority for the Metro Northwest Line rail corridor for the purpose of the ISEPP.

Sydney Metro has granted concurrence subject to inclusion of conditions of consent onto the DA. If the conditions are not included, then concurrence is not granted. All conditions have been included on the draft conditions. **(Conditions 15, 76, 127 & 139)**

**Transport for NSW (Roads and Maritime Service (RMS)):** RMS has no objections to the proposal subject to conditions. **(Condition 83 & 84)**

**Sydney Water:** No objections, with no conditions recommended.

**NSW Police:** The Ryde Crime Prevention Officer has reviewed the development application and provided a number of recommendations in relation to Crime Prevention Through Environmental Design (CPTED) which have been incorporated into the recommended conditions where appropriate. **(Conditions 72,148, 152, 168 to 172)**

**Water NSW:** Water NSW has determined that the proposed development will encounter groundwater during the excavation process and is subject to a Water Supply Work Approval under the Water Management Act 2000 for dewatering during the construction phase. Water NSW has provided concurrence in relation to the dewatering required to accommodate the proposed basement, subject to conditions and GTA's. **(Conditions 224 to 228)**

## **10. PUBLIC NOTIFICATION & SUBMISSIONS**

The application was notified and advertised for a period of 21 days commencing on 23 January 2019 and ending on 22 February 2019. During the notification period, two (2) submissions were received to the proposal. One submission was received from the owners of the Macquarie Centre which seeks to ensure that future occupants of the four proposed developments along Cottonwood Crescent are provided with reasonable levels of acoustic and solar access should AMPC undertake development in line with the Concept DA envelope for the Macquarie Centre. Further studies were not required as some loss of light and amenity should be anticipated in the built up urban area anticipated by the planning controls. A second submission was made by the owners of Unit 1, 14 Cottonwood Crescent in relation to the land ownership and owner's consent (discussed below).

Amended plans were renotified and adjoining property owners given between 22 May 2020 and 12 June 2020 to make a submission. Eleven (11) submissions were then received raising the concern that they as owners of units at Nos.16 & 14 Cottonwood have not provided DA Consent for the amended proposal and withdraw their consent to the development.

### **Owners Consent Matter**

The submissions, both from Unit 1, 14 Cottonwood Crescent in the first notification period and all the submissions received during the second notification period, raise the following issues:

- *Owners of the property do not consent to the DA. At the time of lodgement, DA consent was provided to MP1 subject to settlement under a legally binding sale contract. However, the applicant failed to settle and the contract was legally terminated.*
- *Owners consent has never been granted to Legacy Property as the applicant for this DA. Why is Council accepting Legacy Property as the applicant for this DA and communicating with them when they are not the applicant?*

A letter was submitted on 12 September 2019 advising that a commercial agreement was reached between MP1 and Legacy Property whereby MP1 assigned their rights to and appointed Legacy Property as its attorney in relation to LDA2018/0506. MP1 remained as the applicant in respect to LDA2018/0506 however Legacy Property are acting on MP1's behalf. A copy of the letter is attached as **ATTACHMENT 3 – Notice of Assignment**.

Legacy Property P/L was requested to provide legal advice in response to the above matters and advise Council accordingly, as to Legacy Property P/L's rights to take over the carriage of LDA2018/0506 and that owners consent as submitted is still valid.

Legal advice prepared by Holding Redlich dated 19 June 2020 was submitted to Council (copy attached as **ATTACHMENT 4**). The legal advice confirmed that the existing owners' consent is valid, that there is no requirement for the Applicant to obtain owners consent again when seeking to amend or vary LDA2018/0506, and that any purported revocation or withdrawal of owners consent is of no effect. It further concludes that there is no impediment to Council's continued assessment or the Panel's determination of the application.

Council's Senior Solicitor has reviewed the legal advice and concurs with the advice.

#### Comments:

Owners consent was provided by Nos. 14 and 16 Cottonwood Crescent at the time of lodgement. Once owner's consent has been given, there is no ability for a land owner to withdraw their consent to the application. This is irrespective of whether at the time of lodgement there was a legally binding sale contract which was later terminated.

It has been confirmed that although MP1 have assigned their rights to Legacy Property, MP1 are still the applicant for this DA (with Legacy Property acting on behalf of MP1). Owners consent is not required to be granted to Legacy Property as the applicant for the DA has not changed. As Council has been notified that Legacy Property is acting on behalf of MP1, Council is legally permitted to communicate with Legacy Property when dealing with the DA.

Once owners consent is provided, the application is a DA for the purposes of the Act and can be determine by the consent authority under Section 4.16 of the Act. It should be noted that development consent does not grant the consent holder any proprietary rights in respect of the land and accordingly, does not allow the consent holder to practically carry out the development on the land without the consent of the owners.



There have been no further submissions made in relation to the application.

## **11. 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 revised building design is responsive to the strategic intentions of the Macquarie Park and RLEP 2014 and associated planning controls that have been adopted for the locality.

The proposed building and site layout have been amended as per the recommendations of the UDRP and will provide a high quality building that will contribute to the Macquarie Park Corridor. The building adopts an appropriate relationship to Waterloo Road through activation of the street frontage, is sympathetic to the riparian zone along Shrimptons Creek and establishes a precedent for a high quality architectural design upon which new buildings along Cottonwood Crescent will be based. The proposal achieves compliance with the requirements of the ADG ensuring that future occupants are afforded a high level of amenity and the site is well located in terms of access to public transport, shopping, employment and education facilities.

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

## **12. RECOMMENDATION**

1. That the Sydney North Planning Panel grant consent to development application LDA2018/0506 for a Development Application for mixed use development comprising a 20 storey building with 132 residential apartments (10 x studio, 29 x 1 bedroom, 79 x 2 bedroom & 14 x 3 bedroom apartments), over five (5) basement levels of car parking for 134 car spaces and ground floor retail use to Waterloo Road frontage, subject to conditions of consent in **Attachment 1** of this report.
2. That Transport for NSW and Water NSW be advised of the decision.
3. That those persons making a submission be advised of the decision.

**Report prepared by:**

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Consultant Town Planner Planning Ingenuity

**Report approved by:**

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Senior Town Planner – Major Development

Rebecca Lockart  
Senior Coordinator Major Development

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Liz Coad  
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