

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSNH-106
DA Number	LDA 2020/0187
LGA	City of Ryde
Proposed Development	<p>Approval is sought for a Concept Development Application for a mixed use development comprising the following:</p> <ul style="list-style-type: none"> • Maximum building envelopes; and • Gross Floor Area distribution across the site.
Street Address	112 Talavera Road, Macquarie Park.
Applicant/Owner	<p>Applicant: Karimbla Constructions Services (NSW) Pty Ltd</p> <p>Owner: Karimbla Properties (No. 52) Pty Ltd</p>
Date of DA lodgement	2 June 2020
Number of Submissions	None
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	General Development over \$30 Million
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979; • Environmental Planning and Assessment Regulation 2000; • State Environmental Planning Policy (State and Regional Development) 2011; • State Environmental Planning Policy No. 55 – Remediation of Land; • State Environmental Planning Policy (Building Sustainability Index: BASIX); • State Environmental Planning Policy (Infrastructure) 2007; • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; • State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development; • Draft Remediation of Land State Environmental Planning Policy; • Draft Environment State Environmental Planning Policy; • Ryde Local Environmental Plan 2014;

	<ul style="list-style-type: none"> • City of Ryde Development Control Plan 2014; and • Section 7.11 Contribution Plan.
List all documents submitted with this report for the Panel's consideration	Conditions of Consent (Attachment 1) Plans (Attachment 2) Letter from the applicant agreeing to the draft conditions of consent (Attachment 3)
Report prepared by	Madeline Thomas – Senior Town Planner
Report date	17 September 2020

Summary of s4.15 matters

Yes

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

Legislative clauses requiring consent authority satisfaction

Yes

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Clause 4.6 Exceptions to development standards

Not

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?

Applicable

Special Infrastructure Contributions

Not

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

Applicable

Conditions

Have draft conditions been provided to the applicant for comment?

Yes – agrees to conditions

1. EXECUTIVE SUMMARY

This report considers a concept development application ('concept DA') under Section 4.22 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for a mixed use development to set maximum building envelopes and distribute gross floor area across the site. The site this development applies to is at Lot 422 in DP 1221081, known as 112 Talavera Road, Macquarie Park.

The concept DA involves maximum building envelopes for Stage 2 and allocation of gross floor area across the site. The concept DA does not seek approval for any works, with detailed proposals for future development within Stage 2 the subject of subsequent development applications.

A Planning Proposal to amend the *Ryde Local Environmental Plan 2014* ('Ryde LEP 2014') was gazetted by the Department of Planning Industry & Environment (DPIE) on 13 March 2020 that included increasing the maximum building height control for the site from 45m and 90m to 18.5m, 90m and RL 243m AHD. The Planning Proposal also increased the floor space ratio control for the site from 4.5:1 to 6.5:1.

At the time the Planning Proposal was gazetted, LDA2018/0269 for a mixed use development within Stage 1 was already approved and under construction. This application was approved under the previous building height and floor space ratio development standards. As such, this concept development application seeks to allocate the remaining gross floor area available to the site to Stage 2 in order to enable the overall site to meet the maximum floor space ratio of 6.5:1 applicable to the site.

The application was notified and advertised in accordance with the Ryde Community Participation Plan and no submissions were received.

The proposal complies with the planning requirements under Ryde LEP 2014 and *Ryde Development Control Plan 2014* (Ryde DCP 2014) with respect to setbacks, building height and floor space.

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 is in the public interest. An assessment of the application has occurred by Council's technical departments has not identified any fundamental issues of concern, with the requirements for any future development identified in conditions of consent.

The concept DA is consistent with the desired future character of the precinct as identified in the relevant planning instruments. It will contribute to significant economic growth and prosperity of Macquarie Park and facilitate the orderly development of the site.

This report concludes that this development proposal for the concept DA is acceptable and will not give rise to significant impact to the amenity of the area. As such, it is recommended 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 (see letter at **Attachment 3**).

2. APPLICATION DETAILS

Applicant: Karimbla Constructions Services (NSW) Pty Ltd

Owner: Karimbla Properties (No. 52) Pty Ltd

Capital Investment Value: \$327,835,600.00

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

3. SITE DESCRIPTION

The subject site ("the site") is known as 112 Talavera Road, Macquarie Park and the legal description of the land is Lot 422 in DP 1221081. The site is situated on the north-eastern side of Talavera Road, between Christie Road and ramps to the M2 Motorway. The site is irregular in shape with a 189m frontage to Talavera Road, a 128m alignment with the on-ramp to the M2 Motorway and has a total area of 19,532m².

The site is currently under construction for the approved development under LDA2018/0269. Vehicular access for the site is currently provided from Talavera Road, Christie Road and the M2 on-ramp (Herring Road). The building that is currently under construction is a part 6/part 27 mixed use development, is located within Stage 1, and is expected to be completed in the latter part of the year.

The site forms part of the Macquarie Park Corridor. **Figure 1** below shows an aerial view of the site (outlined in red). The two separate stages of the development are identified in **Figure 1**.



Figure 1: Aerial view of the subject site and surrounding land (stages identified on plan)

4. SITE CONTEXT

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

To the north-west of the site at 118 Talavera Road, is a multi-storey commercial building identified as the Fujitsu Building (see **Figure 2**) which has frontage to Christie Road. Christie Road provides access via a bridge across the M2 Motorway to Christie Park sportsgrounds.

To the north-east of the site is the M2 Motorway which provides connectivity to the north-western suburbs, Chatswood CBD and Sydney CBD and the on/off ramp extends along the south-eastern boundary of the site.

Opposite the site across Talavera Road to the south-west are a number of commercial and healthcare facilities. Macquarie Centre is located further south-east beyond Herring Road. The subject site is also opposite Macquarie University and within walking distance to a range of services, retail and commercial facilities.



Figure 2: Photo of subject site showing Stage 1 under construction and location of Fujitsu building



Figure 3: Photo of Stage 2 site adjoining Stage 1 under construction



Figure 4: Subject site as viewed from corner of Herring Road and Talavera Road



Figure 5: Photo showing interface of site with Herring Road/M2 Ramp

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

5. SITE BACKGROUND

5.1 Planning Proposal

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

- Amend the Height of Buildings Map to give the land a maximum building height of 18.5m, 90m and RL 243 (the land currently has height controls of 45m and 90m);
- Amend the Floor Space Ratio Map to give the land a FSR control of 6.5:1 (the land currently has a floor space ration of 4.5:1);
- Add site specific provisions for design excellence for all development on the site;
- The Planning Proposal was accompanied by a draft VPA which outlined the terms in which the developer is willing to deliver public benefits including:
 - Dedication of stratum of approximately 27 affordable Housing Apartments to Council , being 7% of total uplift of GFA as sought by Planning Proposal.

- A Monetary Contribution towards the construction of Stage 2 of Christie Park upgrades; and
- Easement for public access over passive pedestrian link (open space) within the development.

The proposed application of building heights ranging from 18.5m, 90m and RL 243 (being 30 to 60 storeys in height) are illustrated in **Figure 6** below and the proposed Floor Space Ratio applies to the whole site as illustrated by **Figure 7** below. **Figure 8** below demonstrates the indicative site layout as submitted for the Planning Proposal.



Figure 6: Planning Proposal (as exhibited) - Proposed allocation of building heights across the site

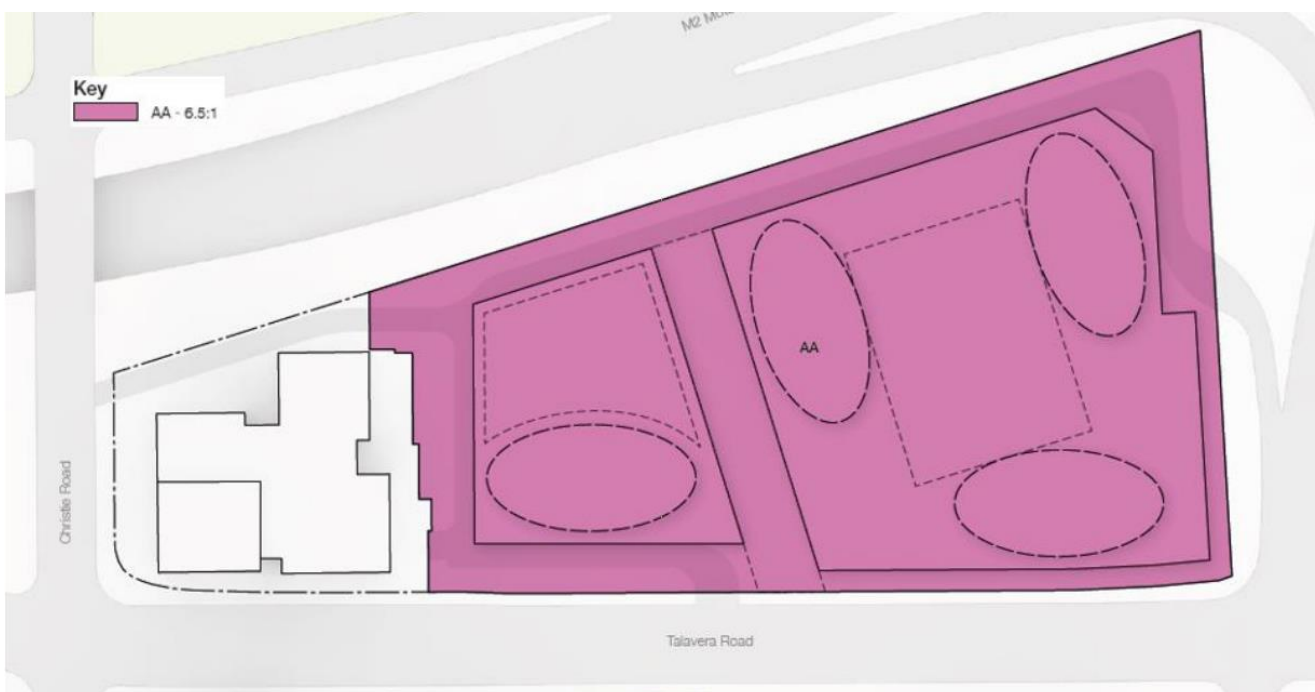


Figure 7: Planning Proposal (as exhibited) - Proposed FSR across the site 6.5:1

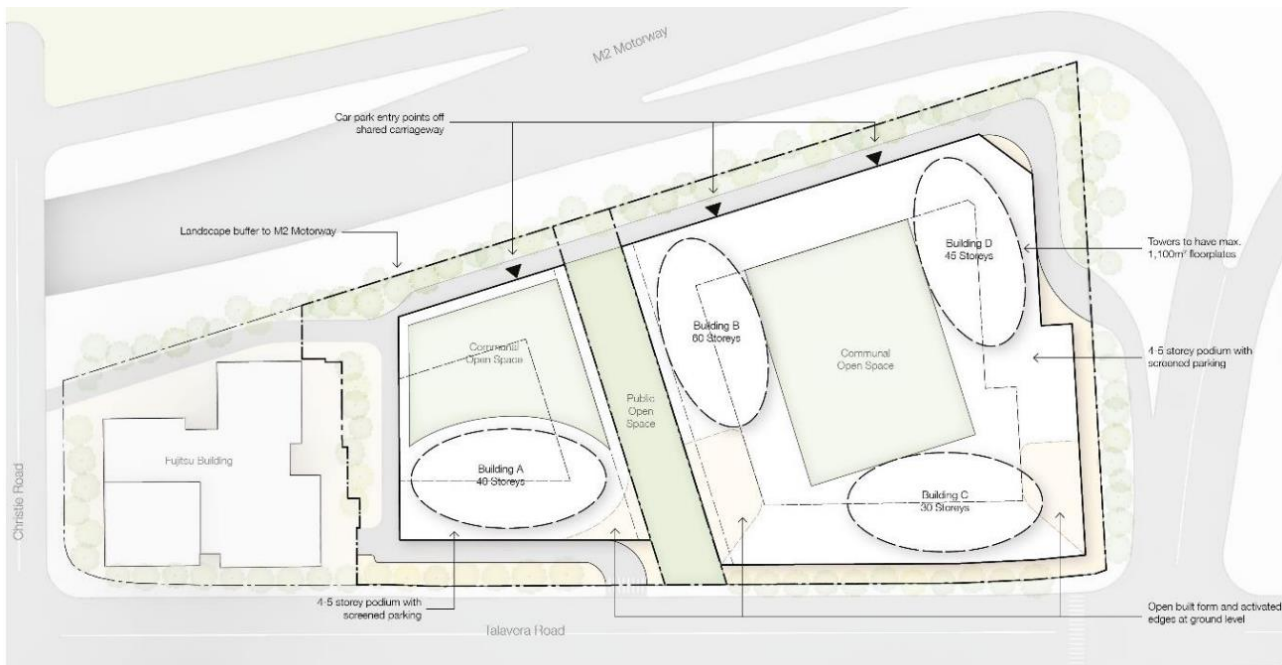


Figure 8: Planning Proposal (as exhibited) - Indicative site layout (Development site – western portion)

Following the initial consultation, the Planning Proposal was reduced to 42 storeys. Further community consultation on the amended planning proposal was carried out in October 2018. There was overwhelming public interest in the Planning Proposal with a total of 411 submissions received during the total combined exhibition period.

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

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

On 7 December 2018, the Planning Proposal was returned to the Department of Planning, Industry and Environment (DPIE) for final assessment. The Planning Proposal was gazetted by the DPIE on 13 March 2020, and approved the following:

- Increase the maximum building height control from 45m and 90m to 18.5m, 90m and RL 243m AHD;
- Increase the floor space ratio control from 4.5:1 to 6.5:1;
- Introduce a provision to ensure that development on the site exhibits design excellence; and
- Identify the site as requiring assistance towards the provision of state and regional infrastructure to satisfy needs arising from intensive development for residential accommodation (i.e. 'satisfactory arrangements' provision).

5.2 Demolition Development Application – LDA2017/0273

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

This demolition has occurred at the site.

5.3 Stage 1 Development Application – LDA2018/0269

On the 26 June 2019, consent was granted to LDA2018/0269 following consideration of the application by the Sydney North Planning Panel.

Approval was granted for the construction of a mixed use development comprising a part 6/part 27 storey building to accommodate 216 residential apartments, retail tenancies, a childcare centre and a multi storey car park for 242 vehicles.

5.4 Modifications to LDA2018/0269

Since the approval of LDA2018/0269, a number of Section 4.55 applications have been approved for the Stage 1 development, as detailed below:

MOD2019/0218

A Section 4.55 (1A) application (MOD2019/0218) was approved by Council on 20 February 2020. This modification involved the following:

- Modification of apartment mix resulting in an additional three (3) apartments.
- Reduction in number of car parking spaces from 242 to 241 and increase in number of motorcycle spaces from 18 to 19.
- Various internal layout modifications to a number of units.
- Reduction in the size of the childcare centre from 641m² to 637m² to facilitate additional corridor to fire stairs.
- Changes to external materials selection.
- Introduction of pergola structures to selected private terraces of Level 6.
- Amending retail tenancy so that two separate retail tenancies are proposed. The total size of the retail tenancies has also increased by 10m².
- Relocation of electrical substation to the south eastern corner of the site.
- Other various minor internal and external modifications,

MOD2019/0214

A Section 4.55(2) application (MOD2019/0214) was approved by the SNPP on 19 March 2020. This modification involved the realignment of the stormwater drainage infrastructure and modification to conditions of consent relating to bushfire planning.

MOD2019/0160

A Section 4.55(1A) application (MOD2019/0160) was approved by Council on 14 May 2020. This modification involved the modification to various public domain conditions with respect to the extent of the public domain works and the timing required.

MOD2020/0170

The Stage 1 development, as amended by the above applications, has resulted in a mixed use development with a maximum building height of 88.4m and floor space ratio of 1:1.18. The approved Stage 1 development is shown in **Figure 9** below.



The Stage 1 development is under construction, and expected to be completed in the latter part of the year.

On 21 September 2020, a development application was approved by Council for the two (2) lot Torrens Title subdivision of the site. The subdivision effectively subdivided Stage 1 from the remaining site, as shown in **Figure 10** below.

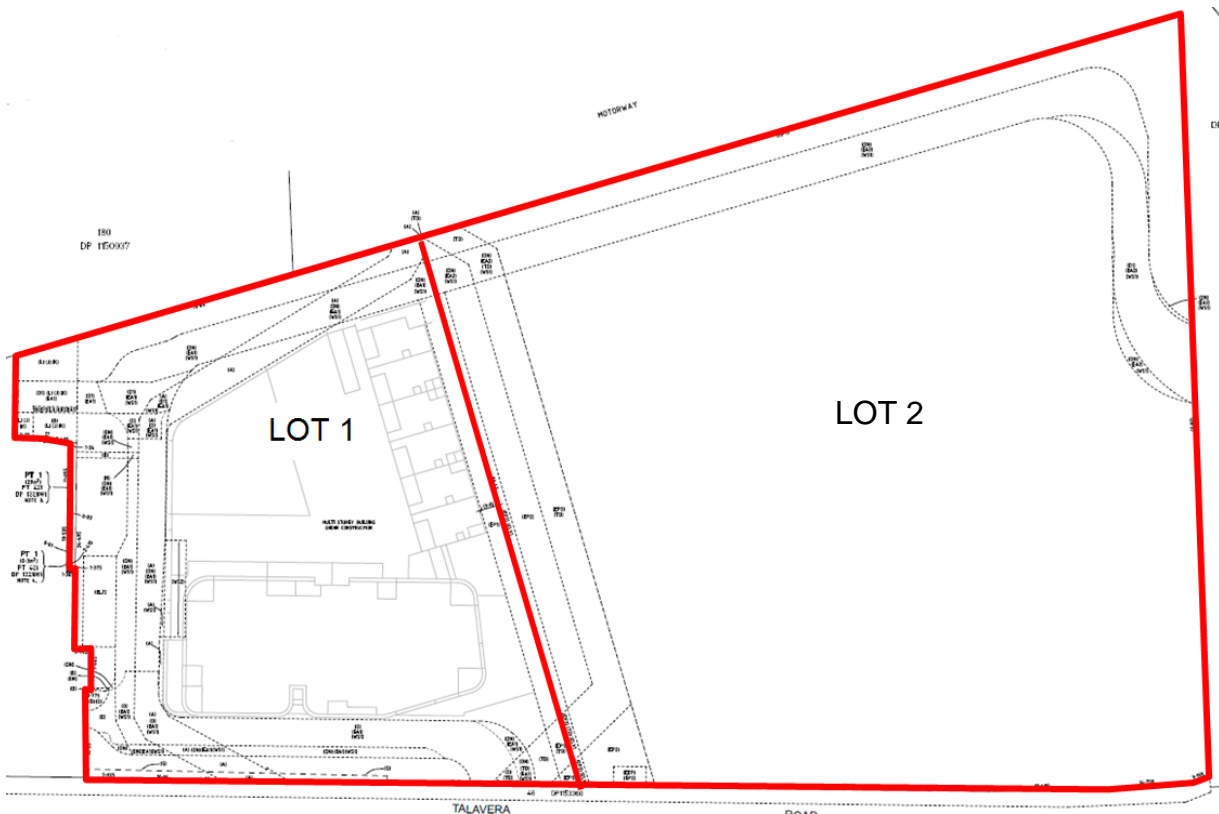


Figure 10: Two (2) lot Subdivision approved under LDA2020/0239

6. PROPOSAL

Pursuant to Division 4.4 of the *Environmental Planning and Assessment Act, 1979*, the applicant seeks approval for a concept development application for maximum building envelopes and allocation of gross floor area across the site.

6.1 Concept development applications

Section 4.22 of the EP&A Act deals with concept DAs as follows:

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

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

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

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

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

In this regard, the applicant has requested that the proposal be treated as a concept DA per subsection (3) with the purpose of setting maximum building envelopes for the future Stage 2 development and allocating gross floor area across the site.

The application sets out the separate parts of the site that are to be the subject of a subsequent development application or applications in accordance with subsection (1). The application does not detail the order or means of the delivery of future development as part of the development, and does not seek consent for the staging of any future development for the site.

In order to clarify the limitations of concept DAs, the Land and Environment Court has provided some guidance in the form of a Planning Principle, handed down as part of the court hearing in relation to *Anglican Church Property Trust v Sydney City Council* NSWLEC 353. The judgement states that:

“Multi-stage applications are useful for large or controversial projects as they provide the applicant with certainty about the major parameters of a proposal before it embarks on the expensive exercise of preparing detailed drawings and specifications for a development application. The critical issue is: how much detail should be provided in the Stage 1 application as against the Stage 2 application?”

The principle we have adopted is that in multi-stage applications the information provided in Stage 1 should respond to all those matters that are critical to the assessment of the proposal. Where traffic generation is the critical issue, Stage 1 should include information on the precise number of cars accommodated on a site. Where the floor space is critical, Stage 1 should include the precise FSR. Where the major issue is the protection of vegetation, the footprints of the proposed buildings may be sufficient.”

Accordingly, this application includes the maximum gross floor area (GFA) and distribution across the site, maximum building heights and minimum setbacks and envelopes. Given the approved development under Stage 1 (LDA2018/0269) accounts for 22,985m² and has already been constructed, the applicant seeks to allocate the remaining gross floor area to Stage 2 of the site, as shown in **Figure 11** below.

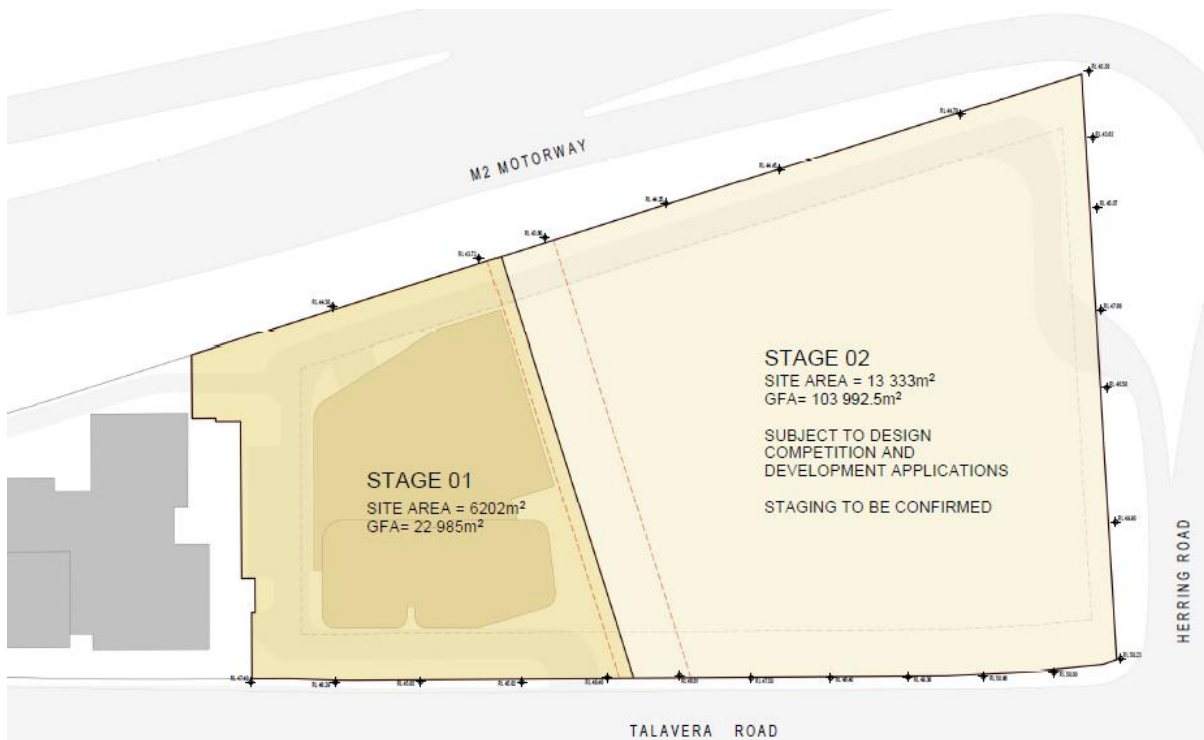


Figure 11: Extract of Site overview plan

This strategy allows for the overall site to reach the maximum FSR of 6.5:1 applicable to the site, whilst allowing for the timely completion of the Stage 1 works, which were approved under the previous FSR control for the site of 4.5:1.

The proposal provides limited detail as to the massing and design of the buildings within Stage 2, as the proposal centres around the allocation of floor space and the identification of maximum building envelopes. This has been done in order to address the differences in timeframes between the Planning Proposal approved on the site and the development application for Stage 1.

The actual shapes of the buildings, including the positioning within the maximum building envelopes, number of floors, the elevations, parking arrangements, landscaping, open space and the external finishes and the colours are to be shown in the subsequent development applications which follow the approval of the concept DA consent.

It is noted that any future DA for the site is subject to Clause 6.13 of the Ryde LEP 2014, which requires the development to exhibit design excellence and comply with the Design Excellence Guidelines.

The concept DA does not approve the removal of any trees, with this to be addressed and assessed under each subsequent DA.

Having reviewed the submitted documentation, it is considered that the level of supporting information adequately responds to those matters that are regarded as being critical to the assessment of the proposal in order to provide Council with an adequate level of certainty as to the appropriateness of the concept DA in its current form.

Gross Floor Area – Concept DA

The development proposes GFA across the site as outlined at **Table 1** below. The concept DA seeks to distribute the combined permissible floor area across Stage 1 and Stage 2 within the site.

<i>STAGE</i>	<i>Site Area</i>	<i>Proposed allocation of GFA</i>	<i>FSR</i>
Stage 1	6,202m²	22,985m²	3.7:1
Stage 2	13,333m²	103,992.5m²	7.8:1
Total	19,535m²	126,977.5m²	6.5:1

Table 1: GFA of concept DA

It is noted that the application as lodged included a number of inconsistencies with regard to the site area and gross floor area as distributed across the Stage 1 and Stage 2 sites. This was later clarified by the applicant with the details included in Table 1 identifying the GFA as proposed.

Maximum Building Envelopes

The concept proposal includes maximum building envelopes for height and setbacks. These building envelopes apply to both Stage 1 and Stage 2 of the site, as shown in **Figures 12, 13 and 15** below.



Figure 12: Elevational view of proposed maximum building envelopes

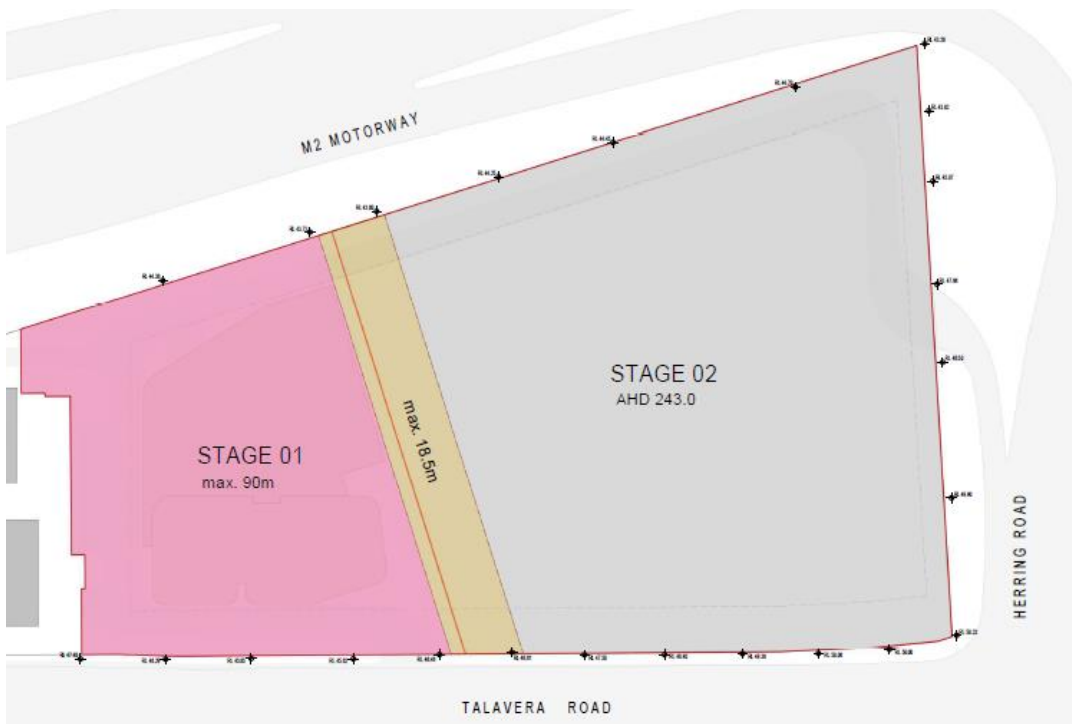


Figure 13: Maximum height plan

The maximum height for the building envelopes proposed are consistent with the maximum building heights applicable to the site under the Ryde LEP 2014 (see **Figure 14** below).

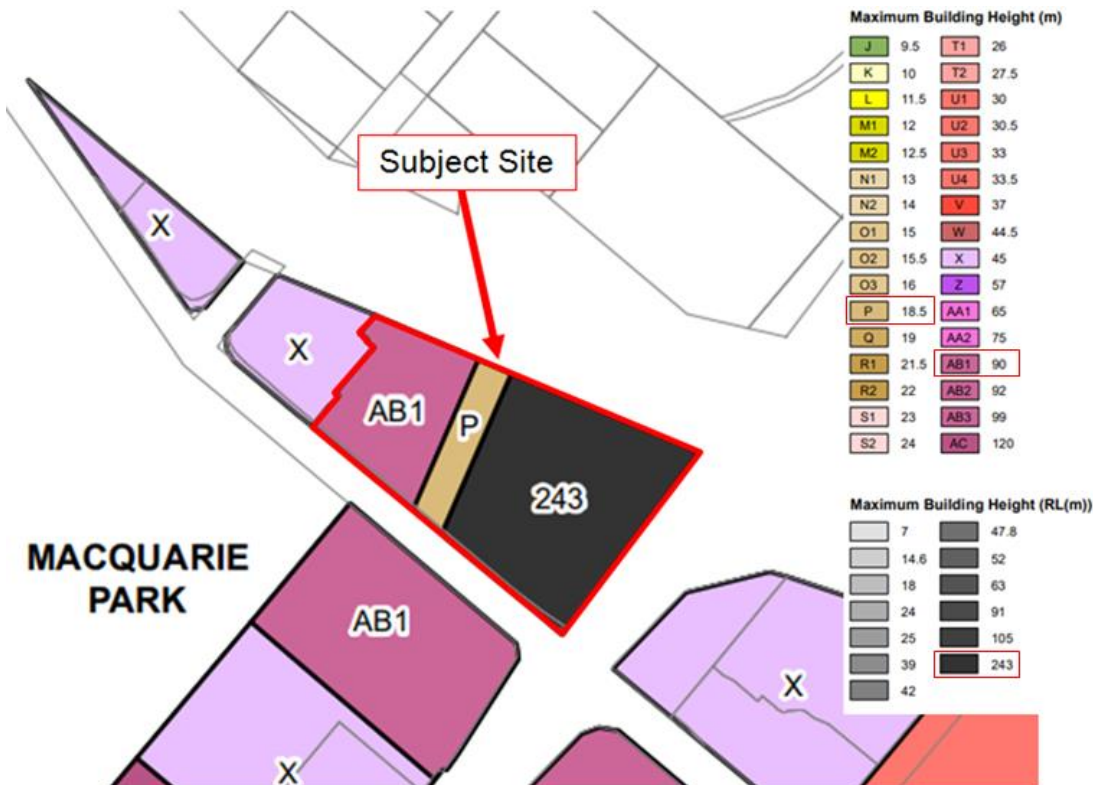


Figure 14: Extract of Height of Buildings map within Ryde LEP 2014

The setbacks applicable to the building envelope are as follows (refer **Figure 15**):

- 10m setback to the north eastern boundary (i.e. M2 Boundary);
- 10m setback to the south western boundary (i.e. Talavera Road);
- 5m setback to south eastern boundary (i.e. Herring Road/M2 Ramp); and
- 15m separation from the built form of Stage 1 (existing) to future Stage 2. This 15m separation encompasses the pedestrian access approved under LDA2018/269.

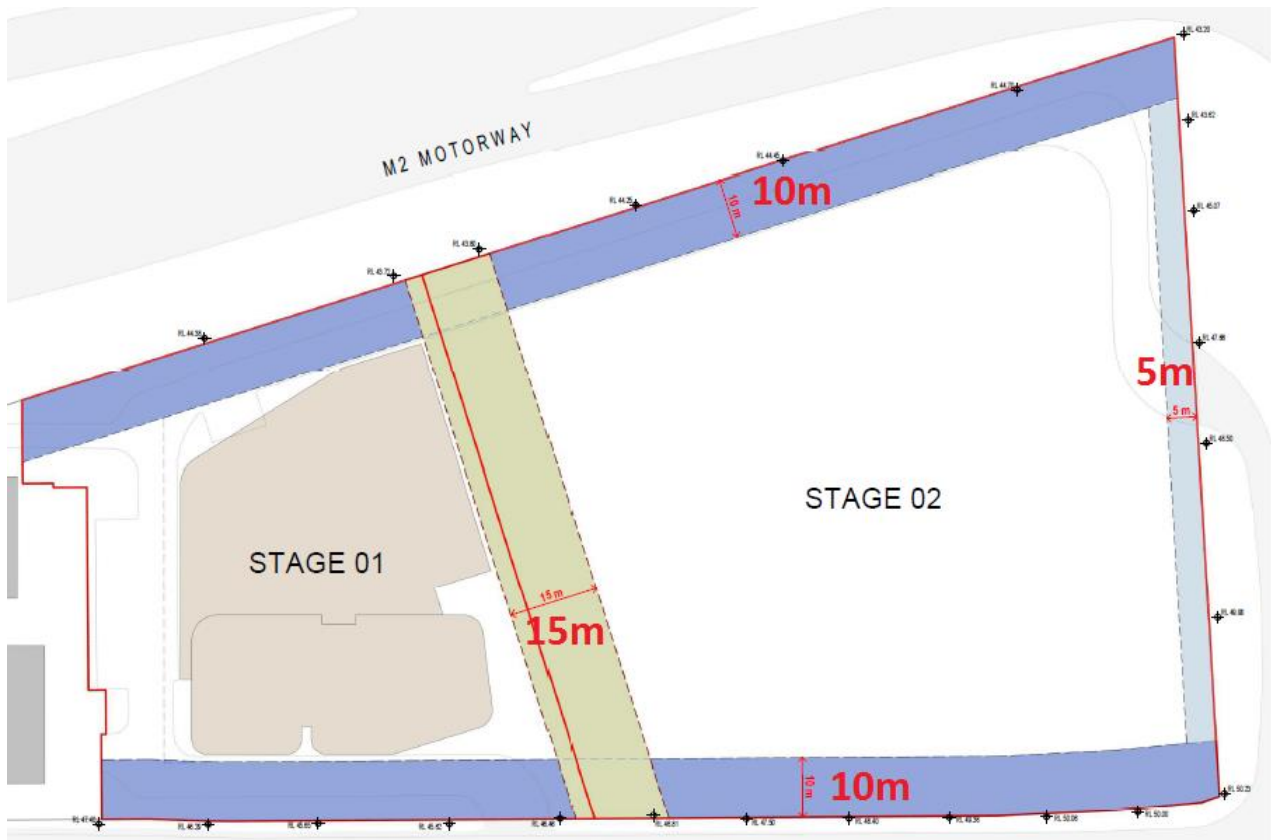


Figure 15: Setback plan

7. HISTORY OF THE SUBJECT APPLICATION

The development application was lodged on 2 June 2020.

The application was advertised in the *Weekly Times* and adjoining property owners were notified of the application between 9 June 2020 and 9 July 2020. In response no submissions were received.

8. APPLICABLE PLANNING CONTROLS

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- State Environmental Planning Policy (State and Regional Development) 2011;
- Greater Sydney Regional Plan - *A Metropolis of Three Cities*, 2018;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Infrastructure) 2007;
- Deemed State Environmental Planning Policy (Sydney Harbour Catchment) 2005;

- Ryde Local Environmental Plan 2014;
- State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development;
- Draft Remediation of Land State Environmental Planning Policy;
- Draft Environment State Environmental Planning Policy;
- City of Ryde Development Control Plan 2014; and
- Section 7.11 Development Contributions Plan 2020.

9. PLANNING ASSESSMENT

9.1 Environmental Planning and Assessment Regulation 2000

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

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

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

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

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

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

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

Macquarie Park is also nominated as one of nine centres to accommodate commercial office precincts.

The proposed concept DA aligns with the vision of the Eastern Economic Corridor in that the proposed mixed use development will provide residential development in proximity to transport links.

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

The requirements of SEPP 55 apply to the subject site. In accordance with Clause 7 of the SEPP, the consent authority must consider if the land is contaminated and, if so, whether it is suitable, or can be made suitable, for the proposed use.

The Stage 1 application (LDA2018/0269) was submitted with a Phase 2 Detailed Site Investigation report prepared by ADE Consulting Group dated 21 June 2019, which

included investigations as to the conditions of the soils at the site. This report satisfactorily addressed the provisions of SEPP 55.

Any future development for Stage 2 will also be required to submit appropriate information to demonstrate compliance with SEPP 55.

9.5 State Environmental Planning Policy (Infrastructure) 2007

Clause 104 (Traffic-generating development)

The development is identified within Schedule 3 of the Infrastructure SEPP and in accordance with Clause 104 was referred to the Transport for NSW (TfNSW) for comment. TfNSW has reviewed the submitted documentation and no objection was raised subject to conditions.

With regard to Clause 104(3)(b) of the Infrastructure SEPP, the building FSR and envelopes under the proposed concept DA will not affect the accessibility of the site concerned. Any future development applications will be required to address how the efficient movement of people, car use and traffic safety, road congestion and parking implications are addressed.

The conditions imposed by the TfNSW are included on the draft consent at **Condition 27**.

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

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

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

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

The objective of this SEPP is to protect the biodiversity values of trees and other vegetation and to preserve the amenity of the area through the preservation of trees and other vegetation. The subject site is not identified as containing significant urban bushland on Council's Environmentally Sensitive Areas map. No tree removal is proposed as part of this application.

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

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component if, the development consists of any of the following:

- (i) the erection of a new building,*

- (ii) the substantial redevelopment or the substantial refurbishment of an existing building,
- (iii) the conversion of an existing building, and

While technically the SEPP does not apply as the DA does not propose (i), (ii) or (iii), the design quality principles, and building context and development controls of the ADG are still relevant given the potential for this concept proposal to affect the placement and design of subsequent development applications and their ability to comply with the SEPP.

SEPP 65 requires that prior to determination of an application for apartment development, the consent authority must take into consideration the following:

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

Given the concept proposal involves the allocation of gross floor area and the setting of maximum building envelopes only, it was not referred to the Urban Design Review Panel (UDRP) for comment. Furthermore, any future development application for Stage 2 is required to address Clause 6.13 – Design Excellence of the Ryde LEP 2014.

The relevant Design Quality Principles of SEPP 65 are discussed below:

Planning Principle	Comments
<p>Context and Neighbourhood Character Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>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.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>The design of Stage 1 was considered by the UDRP under LDA2018/0269 with the UDRP advising that the proposal broadly conformed with the development standards.</p> <p>Any future development application within Stage 2 for the site will be capable of conforming with the provisions of this principle given the maximum building envelopes proposed. Furthermore, any future DA for the site is subject to Clause 6.13 – Design Excellence of the Ryde LEP 2014.</p> <p>A detailed assessment against SEPP 65 and the ADG will be undertaken for the Stage 2 development.</p>

Planning Principle	Comments
<p>Built Form and Scale Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</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>The scale of the proposed concept development is consistent with the planned development within this precinct. The proposal complies with the maximum height and FSR development standards applicable to the site.</p> <p>Any future development of the site is capable of conforming with the provisions of this principle given the maximum building envelopes and setbacks proposed.</p> <p>A detailed assessment of SEPP 65 and the ADG will occur for any future development application at the time the DA for the Stage 2 building(s) is lodged.</p>
<p>Density Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</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>The proposal complies with the FSR for the site of 6.5:1. The gross floor area has been allocated across the site so that the density of the development is more highly concentrated within Stage 2 of the site. This is acceptable given that Stage 2 is consistent with the planning controls applicable to the site.</p> <p>Additionally, due to the close proximity of public transport, employment opportunities and numerous facilities, the density is considered reasonable and suitably resolved in combination with the landscape corridor and distribution of building mass.</p>
<p>Sustainability 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</p>	<p>Any future development application lodged for the site will be required to address this principle. The subject application does not inhibit the ability for future development to meet the relevant objectives and standards for the site.</p> <p>Given the nature of the proposal, this principle does not require further consideration for this application.</p>

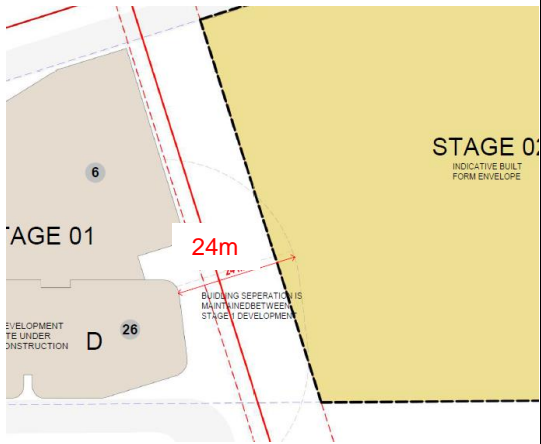
Planning Principle	Comments
<p>reliance on technology and operation costs.</p> <p>Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	
<p>Landscape</p> <p>Good design recognises that together 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, co-ordinating 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>The setbacks proposed for the maximum building envelopes will allow for landscaping and deep soil areas across the site.</p> <p>A suitable landscape strategy has been approved for Stage 1, and any future development application for Stage 2 will require a detailed landscape strategy to be submitted to comply with the provisions of SEPP 65, the ADG and the Ryde DCP 2014.</p>
<p>Amenity</p> <p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation,</p>	<p>The siting and orientation of the proposed maximum building envelope will not prevent any future DA for Stage 2 achieving sufficient solar access and natural cross ventilation for the apartments within this stage.</p> <p>The proximity of the M2 Motorway and the northern orientation that is likely to be provided for a large proportion of units within Stage 2 will need careful detailed planning to successfully resolve potential amenity issues for residential units. This will be considered during the assessment of future applications for Stage 2.</p>

Planning Principle	Comments
<p>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>Safety Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>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>Any future development application lodged for the site will be required to address this principle.</p> <p>Given the nature of the proposal, this principle does not require further consideration for this application.</p>
<p>Housing Diversity and Social Interaction Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>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>The apartment mix for Stage 2 has not been confirmed, and will form part of future development application(s) for Stage 2.</p> <p>The apartment mix for Stage 1 was assessed under LDA2018/0269 and considered acceptable.</p>
<p>Aesthetics Good design achieves a built form that has good proportions and a balanced composition of elements,</p>	<p>The detailed built form of Stage 2, including the use of materials and finishes, will be considered as part of any development application for Stage 2.</p> <p>This principle is not applicable to this proposal given the nature</p>

Planning Principle	Comments
<p>reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>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>	of the concept proposal.

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. Given the limited scope of this concept proposal, only the relevant provisions of the ADG are considered below:

Design Criteria	Proposal	Complies
Part 2 Development Controls		
Building envelopes A building envelope should be 25-30% greater than the achievable floor area (see section 2D Floor space ratio) to allow for building components that do not count as floor space but contribute to building design and articulation such as balconies, lifts, stairs and open circulation space.	<p>The proposed maximum building envelopes consider the alternative designs proposed throughout the Planning Proposal assessment. The proposed maximum building envelopes can incorporate a number of designs which will allow for the allowable gross floor area (which does not include balconies, lifts, stairs and open circulation space).</p> <p>The proposed building envelopes will not limit future development within Stage 2.</p> <p>The approved and partially constructed Stage 1 development is located entirely within its nominated building envelope.</p>	Yes
Building Separation Minimum separation distances for buildings are: Up to 4 storeys: <ul style="list-style-type: none"> • 12m (Habitable) • 9m (habitable/non-habitable) • 6m (non-habitable) 5-8 Storeys <ul style="list-style-type: none"> • 18m (Habitable) • 12 (habitable/non-habitable) • 9m (non-habitable) 9+ storeys <ul style="list-style-type: none"> • 24m (Habitable) • 18m(habitable/non-habitable) • 12m (non-habitable) No separation is required between blank walls.	<p>This provision was considered at the time Stage 1 (LDA2018/0269) was approved. Building separation to the adjoining property to the west (Fujitsu Building) has already been assessed and deemed satisfactory at that stage.</p> <p>The maximum building envelope shows a building separation of 15m between Stage 1 and Stage 2 building envelopes. This 15m separation includes the pedestrian access approved under the Stage 1 DA.</p> <p>In the instance that residential development within Stage 2 along the western boundary is greater than 4 storeys or 9 storeys, a 18m - 24m building separation is capable of being provided within the building envelope proposed under this concept DA (see Figure 16</p>	Yes

Design Criteria	Proposal	Complies
	<p>below).</p>  <p>Figure 16: Extract of setback plan showing 24m building separation between stages</p> <p>Condition 16(b) is proposed on the draft consent to ensure building separation distances are complied with despite the approved building envelope shown on the plans.</p>	
<p>Street Setbacks</p> <p>See discussion under the relevant Development Control Plan.</p> <p>Determine street setback controls relative to the desired streetscape and building forms, for example:</p> <ul style="list-style-type: none"> define a future streetscape with the front building line match existing development step back from special buildings retain significant trees in centres the street setback may need to be consistent to reinforce the street edge consider articulation zones accommodating balconies, landscaping etc. within the street setback use a setback range where the desired character is for variation within overall consistency, or where subdivision is at an angle to the street manage corner sites and secondary road frontages 	<p>The setbacks required for development on the site are included within Part 4.5 Macquarie Park of the Ryde DCP 2014.</p> <p>Part 4.5 of the Ryde DCP requires the following setbacks:</p> <ul style="list-style-type: none"> 5m setback to all existing and new streets unless otherwise specified 10m setback to Talavera Road 10m setback to the M2 tollway <p>The setbacks incorporated in the maximum building envelope comply with the above controls.</p>	Yes
Part 3 Siting the development Design criteria/guidance		
<p>Orientation</p> <p>Building types and layouts respond to the streetscape and site while optimising solar access and minimising overshadowing of</p>	<p>The maximum building envelopes proposed respond appropriately to the streetscape, as they are capable of containing both the approved Stage 1 development and a development of appropriate scale and relationship to</p>	Yes

Design Criteria	Proposal	Complies
neighbouring properties in winter.	<p>surrounding streetscape and adjoining properties for Stage 2 (subject to future development application).</p> <p>The future development application will be required to consider solar access and overshadowing in the detailed design of the building.</p>	

In light of the above the proposed concept DA will not prevent compliance of future applications with the design quality principles and controls under SEPP 65 and will facilitate the timely and efficient assessment of future DAs for the site.

9.9 Ryde Local Environmental Plan 2014

The following is an assessment of the proposed development against the applicable provisions of Ryde LEP 2014:

Clause 2.2 - Zoning

The site is zoned B4 Mixed Use under the provisions of the Ryde LEP 2014. Development for mixed use development is permitted in this zoning.

Clause 2.3 – Zone Objectives

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

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 are as follows:

- *To provide a mixture of compatible uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible location 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 concept proposal is consistent with the above objectives, as it sets maximum building envelopes and allocates gross floor area to facilitate future development of the site. The future development is capable of providing a mixture of residential, commercial and other uses within close proximity of public transport.

Clause 4.3 - Height of Buildings

Clause 4.3(2) states that the height of a building on this site is not to exceed the maximum height shown on the Height of Buildings Map. The map specifies the maximum height for any building on the site as 90m (Stage 1), 18.5m (pedestrian corridor) and RL 243m (Stage 2) split across the site as shown at **Figure 17**. Building height is defined in Ryde LEP 2014 as meaning the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding

communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

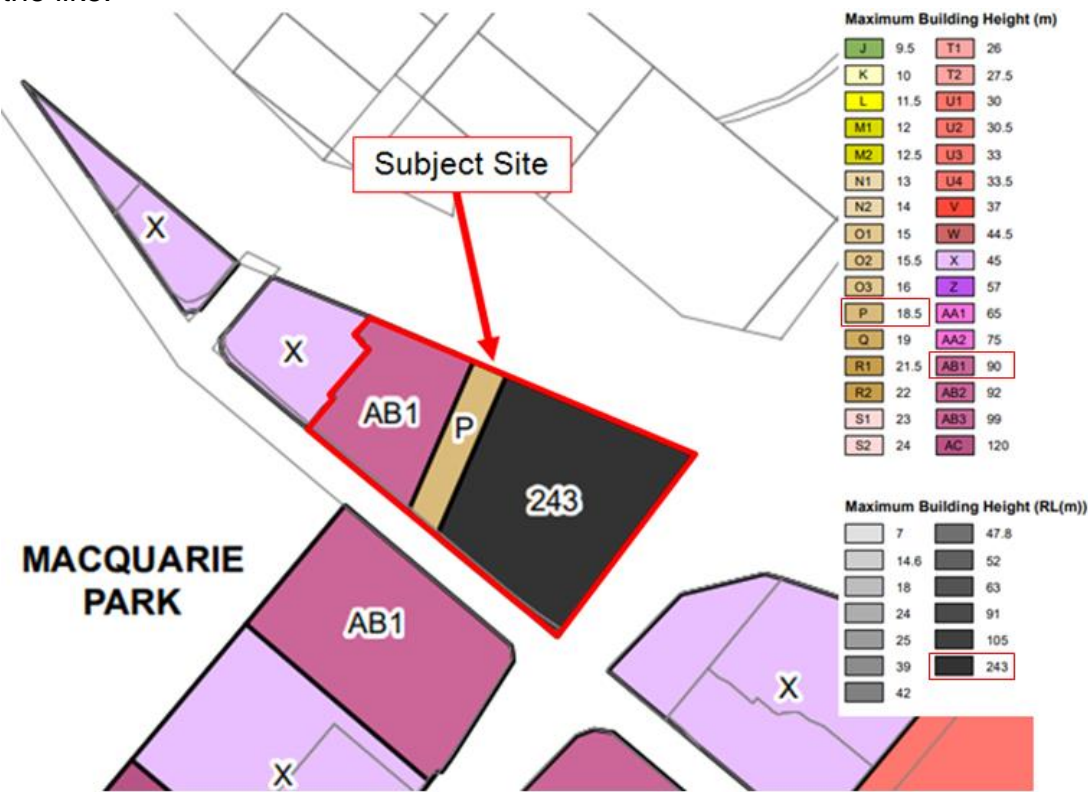


Figure 17: Maximum building height controls under Ryde LEP 2014

The maximum building envelopes proposed comply with this development standard.

Clause 4.4 (2) – Floor Space Ratio

The maximum FSR for a building on any land is not to exceed the FSR shown for the land on the Floor Space Ratio Map. The maximum FSR for the development site is 6.5:1.

The development complies with the 6.5:1 floor space ratio development standard with a maximum GFA of 126,977.5m² across the site, equating to an FSR of 6.5:1.

The distribution of FSR across each of the stages is as follows in **Table 2**:

STAGE	Site Area	Proposed allocation of GFA	FSR
Stage 1	6,202m ²	22,985m ²	3.7:1
Stage 2	13,333m ²	103,992.5m ²	7.8:1
Total	19,535m ²	126,977.5m ²	6.5:1

Table 2: GFA allocation

The proposal will effectively reallocate 17,318m² of floor space from Stage 1 to Stage 2.

Clause 6.2 - Earthworks

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

The subject concept proposal does not propose any earthworks, with all excavation for Stage 1 being approved and carried out, and any excavation for Stage 2 subject to a future DA.

Clause 6.3 - Flood Planning

This clause applies to land identified as “Flood Planning Area” on the Flood Planning Map, and other land at or below the flood planning level.

The site is subject to an overland flow path, as illustrated in **Figure 18** below. This flow path travels from upstream properties at Macquarie Park, across the site and the M2, discharging in the Lane Cove National Park. Stormwater flows are ultimately directed into Lane Cove River to the north-west.

This application was referred to Council's Stormwater and Assets Department, who have assessed that the proposed building envelope and allocation of gross floor area does not give rise to any flooding issues, and that any future DA for Stage 2 are required to address the flood constraint of the site.

Condition 35 has been imposed to ensure the documentation submitted for the DA for Stage 2 addresses the flood constraints.

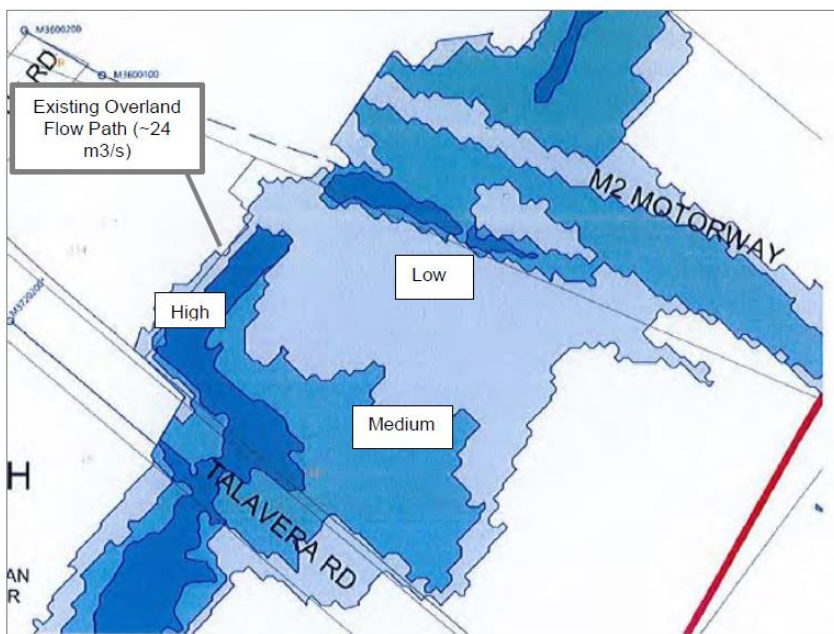


Figure 18: Flood Risk Map (City of Ryde 2017)

Clause 6.4 Stormwater Management

Development consent must not be granted to development on land within residential, business and industrial zones unless the consent authority is satisfied that the development:

- *is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and*
- *includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and*
- *avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.*

Council's Development Engineer has advised that the proposal does not require a stormwater design, and that this can be provided for the Stage 2 development application.

No objection has been raised in this regard subject to conditions of consent being imposed to ensure the future plans have been designed in accordance with the requirements of Council's DCP (see **Conditions 21** and **22**).

Clause 6.6 - Environmental Sustainability

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

A condition of consent has been imposed that the Stage 2 DA will require the submission of an Ecologically Sustainable Design Statement to address this provision (see **Condition 18**).

Clause 6.10 – Arrangements for contributions to designated State public infrastructure

The objective of this clause is to require assistance towards the provision of designated State public infrastructure to satisfy needs arising from intensive development for residential accommodation on all the land identified as "Area A" on the appropriate map. The site is located within "Area A land" and accordingly the clause applies to site.

This clause requires the Secretary to certify in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that development.

This clause does not apply to the granting of consent to a development application if—

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

The subject development application does not result in an increase in residential accommodation on the lot and for the purpose of this clause, the concept proposal is classified as a staged development (per the *Environmental Planning and Assessment Amendment (Staged Development Applications) Act 2017*), and as such, this clause is not applicable to the subject application

A condition of consent has been imposed that the any future DA for Stage 2 is required to comply with Clause 6.10 (see **Condition 12**).

Clause 6.13 – Design Excellence

This clause of the Ryde LEP 2014 was introduced on 13 March 2020 with the gazettal of the Planning Proposal applicable to the site.

The objective of this clause is to ensure that development exhibits design excellence that contributes to the natural, cultural, visual and built character values of Ryde. This clause applies specifically to the site.

Clause 6.13(5) requires an architectural design competition to be held that is consistent with the Design Excellence Guidelines in relation to proposed development if:-

- *The development is for a building that is, or will be, higher than 45m or 13 storeys (or both) in height,*
- *The development has a capital investment value of more than \$5 million,*
- *The development for which the applicant has chosen to have such a competition*

It is noted that the development within Stage 1 was approved prior to the amendment of the Ryde LEP 2014 adding this Clause, and as such, was not assessed under the Design Excellence Guidelines.

Any future DA for Stage 2 is required to comply with this clause. This clause is not applicable to this concept proposal given the limited nature of the concept proposal.

A condition of consent has been imposed that any future DA for Stage 2 is required to comply with this clause (see **Condition 13**).

It is noted that the applicant has begun preparation for the required Design Competition, which is anticipated to start in the latter part of this year.

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. Refer to conclusions made in relation to SEPP 55.

Draft Environment State Environmental Planning Policy

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

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

The site and the adjoining properties do not contain any remnant urban bushland, and as such, State Environmental Planning Policy No. 19 – Bushland in Urban Areas is not applicable to the proposal.

9.10 City of Ryde Development Control Plan 2014

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

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

With regard to Parts 7.1 to 9.3, noting the advice received from the various technical departments within Council and the consideration of issues previously in this report, the proposal is satisfactory in relation to the above matters, and specific controls in relation to the future development application for Stage 2 will be considered at the time it is lodged.

Therefore, the following assessment addresses Part 4.5 only.

Part 4.5 – Macquarie Park Corridor

The compliance table of the relevant controls pursuant to Part 4.5 Macquarie Park Corridor is below. It is noted that there are no non-compliances within this table.

Many of the controls relating to the concept DA will be assessed during the future Stage 2 DA, and as such, have not been addressed in the table below. Only relevant controls have been assessed below.

Relevant Control	Compliance/Comment
3.2 Urban Structure Plan	
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.	<p>Complies</p> <p>The development seeks to provide a maximum of 126,977.5m² GFA for residential/commercial uses that will form part of a residential community. This is considered to be consistent with the aims of the Urban Structure Plan for the Commercial Core.</p>
4.0 Access Network	
4.2 Pedestrian Connections	

Relevant Control	Compliance/Comment
<p>Pedestrian through-site links are to be provided as they contribute to the walkability of the Corridor by providing a useful addition to the street network and walkable destinations (e.g. building entries, shopfronts, courtyards, outdoor dining). The design of through-site links is to maximise pedestrian accessibility, walkability, amenity and safety.</p> <p>b) Provide pedestrian connections in accordance with Figure 4.1.1 Access Network</p>	<p>Complies</p> <p>The pedestrian corridor approved under LDA2018/0269 is maintained by the concept proposal. This corridor is close to completion, and will contribute to the walkability from the site to key destinations in Macquarie Park.</p> <p>Pedestrian access within the Stage 2 area will be considered as part of the future DA for the site.</p>
4.4 Sustainable Transport	
Travel Plans	
<p>a) A Framework Travel Plan. (FTP) is required to be submitted to Council for approval together with a DA for all development that exceeds 10,000sqm new floor space.</p>	<p>Complies.</p> <p>A FTP is required to be prepared as the development has a gross floor area of 126,977.5m².</p> <p>A FTP is required to be prepared and submitted for approval for any future Stage 2 DA with the requirements provided in Condition 32.</p>
Parking Rates	
<p>a) Parking is to be provided in accordance with the RDCP 2014 Part 9.3 Parking Controls.</p>	<p>Complies.</p> <p>A condition of consent has been imposed that the parking requirements under Part 9.3 of the Ryde DCP 2014 are to be addressed in any future Stage 2 DA. (see Condition 24).</p>
Car Sharing Parking	
<p>h) All parking spaces for car share schemes are to be:</p> <ul style="list-style-type: none"> i. Publicly accessible 24 hours a day seven days per week. ii. Located together in the most convenient locations. iii. Located near and with access from a public road and integrated with the streetscape through appropriate landscaping where the space is external. iv. Designated for use only by car share vehicles by signage. v. Parking spaces for car share 	<p>Complies.</p> <p>The allocation of car parking spaces including car share spaces does not form part of this concept DA.</p> <p>Details of any proposed car share spaces will be considered as part of the future development applications associated with the future Stage 2 DA.</p>

Relevant Control	Compliance/Comment
schemes located on private land are to be retained as common property by the Owners Corporation of the site.	
5.0 Public Domain	
5.10 Art in Publicly Accessible Spaces	
a) Art must be included in all new development with more than 10,000m ² new floor space in the amount of 0.1% of the construction cost of the works capped at \$1,500,00.00.	<p>Complies.</p> <p>A detailed Public Art Strategy will be required to be submitted with any future Stage 2 development application (see Condition 9).</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>c) A site specific Arts Plan is to be submitted together with the development application.</p> <ul style="list-style-type: none"> i. Arts project description and statement of artistic intent. ii. Thematic framework for the artwork. Suggested themes arising from the history of the Macquarie Park Corridor are: <ul style="list-style-type: none"> ▪ Innovation and / or technology ▪ Transport (train, bus, car) and people movement ▪ History of Macquarie Park Corridor e.g. market gardening ▪ Future of Macquarie Park ▪ Natural environment e.g. water iii. Concept drawing and descriptions of proposed art works including: <ul style="list-style-type: none"> ▪ Proposed location ▪ Whether or not the artwork is integrated into the building design, landscape or other site features (including the building façade, paving, lighting design, outdoor seating, play equipment and the like) 	

Relevant Control	Compliance/Comment
<ul style="list-style-type: none"> ▪ Proposed use of materials with particular information to be provided on robustness, durability, and low maintenance iv. Implementation (detailing at what stage the artwork will be implemented etc) v. Preliminary construction details with particular emphasis on public safety considerations. 	
6.0 Implementation – Infrastructure, facilities and Public Domain Improvements	
a) Floor Space Ratios and Height of Buildings are to comply with the Ryde LEP 2014.	<p>Complies</p> <p>The proposal complies with the maximum FSR and Height of Building development standard.</p> <p>Refer to Clauses 4.3 and 4.4 of the Ryde LEP discussed previously in this report.</p>
7.0 Built Form	
7.1 Site Planning and Staging	
a) Sites are to be planned to allow for the future provision of new streets and open spaces in accordance the Figure 4.1.1 Access Network and Figure 5.1.1 Proposed Open Space Network.	<p>Complies</p> <p>The site has access from Christie Road (internal private road), Talavera Road and Herring Road (M2 Ramp). The location of the proposed building envelopes is suitably situated in relation to these access points.</p>
7.3 Active Frontage	
Active uses at ground level are encouraged within Macquarie Park generally but more particularly in Activity Centres in order to ensure vibrant streetscapes, community meeting places and the provision of local services and facilities.	<p>Complies</p> <p>The proposed maximum building envelopes are orientated to address the active frontage of Talavera Road.</p> <p>Details of uses and presentation of buildings at ground level will be submitted with the development future applications for Stage 2 and will be required to satisfy relevant provisions for active frontages.</p>
7.4 Setbacks and Build-to Lines	
<p>a) Minimum setbacks and build-to lines must be provided as shown Figure 7.3.2 Active Frontage and Setback Control Drawing – summarised as follows:</p> <p>i. Zero setbacks / build-to lines to Primary Active Frontage;</p>	<p>Complies</p> <p>The maximum building envelope incorporates the following setbacks:</p> <ul style="list-style-type: none"> • 10m to M2 Motorway • 5m to Herring Road

Relevant Control	Compliance/Comment
ii. 5m setback to all existing and new streets unless otherwise specified; iii. 10m setback to Waterloo Road and Talavera Road; iv. 10m green setbacks to the M2 tollway and Epping Road; and v. 5m built form setback to all parks (existing and proposed – subject to providing a Riparian Corridor in accordance with the NSW Office of Water's Guidelines for Riparian Corridors on Waterfront Land).	<ul style="list-style-type: none"> 10m to Talavera Road <p>Therefore, the proposal complies with the minimum required setbacks.</p>
b) Provide 2m setbacks to pedestrian pathways (unless within a building)	<p>Future built form adjacent to central pedestrian link are capable of providing sufficient setbacks at ground level. Detailed design of buildings and pedestrian links will be submitted for consideration with any future Stage 2 DA.</p>
7.7 Building Separation	
c) Provide building separation as per SEPP 65 – Design Quality of Residential Apartment Development requirements.	<p>Complies</p> <p>The maximum building envelopes provide a minimum 15m separation between Stage 1 and Stage 2 buildings, which exceeds the required 12m separation under SEPP 65/ADG for 4 storeys or less. Any future application for the site is capable of providing a 24m separation within the proposed maximum building envelope and Condition 16(b) is recommended to ensure minimum building separation between Stage 1 and 2 complies with the ADG.</p>
8.0 Site Planning and Staging	
8.1 Site Planning and Staging	
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: i. Equal or greater quantum of	<p>The site is already accessed by the road network within immediate proximity of the site. The site gains access from Herring Road, Talavera Road and Christie Road.</p> <p>Any future DA for Stage 2 will be required to assess the traffic impact of said development on the local road network.</p> <p>Details on the provision of open space for Stage 2 will be subject to a future DA.</p>

Relevant Control	Compliance/Comment
<p>open space or road area than shown in Figure 4.1.1 Access Network and Figure 5.1.1 Proposed Open Space Network;</p> <p>ii. A highly visible and publicly accessible location for passive open space bounding Waterloo Road;</p> <p>iii. The same functional outcomes for open space as specified in Section 5.2;</p> <p>iv. The same connection points to existing roads as shown in the Figure 4.1.1 Access Network and the ability to enhance connectivity.</p>	
9.0 Environmental Performance	
9.1 Wind Impact	
<p>a) Buildings shall not create uncomfortable or unsafe wind conditions in the public domain which exceeds the Acceptable Criteria for Environmental Wind Conditions. Carefully locate or design outdoor areas to ensure places with high wind level are avoided.</p> <p>b) All applications for buildings over 5 storeys in height shall be accompanied with a wind environment statement. For buildings over 9 storeys and for any other building which may be considered an exposed building shall be accompanied by a wind tunnel study report. Refer to Council for documentation and report requirements.</p> <p>c) Calculation rules – acceptable criteria for environmental wind conditions.</p>	<p>Any future development application for Stage 2 is to be accompanied by a Wind Environment Statement (see Condition 14).</p>
9.2 Noise and Vibration	
<p>a) An Acoustic Impact Assessment report prepared by a suitably qualified acoustic consultant is required to be submitted with all development applications for commercial, industrial, retail and community buildings, with the</p>	<p>Condition 15 requires a noise impact assessment to be submitted with any future development application for Stage 2.</p>

Relevant Control	Compliance/Comment
exception of applications minor building alterations. b) Development is to comply with all relevant statutory regulations.	
c) Where light industrial and commercial development adjoins residential development, the use of mechanical plant equipment and building services will be restricted and must have appropriate acoustic insulation. d) Loading and unloading facilities must not be located immediately adjacent to residential development.	
e) Retail premises must limit any spruiking and the playing of amplified music or messages so as not to disturb the amenity of other public and private places.	
f) Air conditioning ducts shall not be situated immediately adjacent to residential development.	

9.11 Section 7.11 Development Contributions Plan 2020

Any Section 7.11 Contributions will apply to any future development application to the site, and are not applicable to this application given the nature of the proposal.

Future application(s) for the site will detail the number of units, which will form part of the calculation of development contributions.

10. LIKELY IMPACTS OF THE DEVELOPMENT

Per section 4.22(5) of the EP&A Act, *the consent authority, when considering under section 4.15 the likely impact of the development the subject of a concept development application, need only consider the likely impact of the concept proposals (and any first stage of development included in the application) and does not need to consider the likely impact of the carrying out of development that may be the subject of subsequent development applications.*

In this regard, the proposed building envelopes and allocation of a permissible FSR from the Stage 1 to Stage 2 site is not considered to result in any detrimental impacts. Most of the impacts associated with the proposed development have already been addressed in the report. Potential Impacts associated with the concept development or those requiring further consideration are discussed below.

10.1 Context and setting

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

Built Form

The development is consistent with Council's controls with respect to the height and scale envisaged for future redevelopment of the area. The future built form and character of Stage 2 will be assessed against Design Excellence Guidelines, and will contribute to an attractive public domain.

The establishment of maximum building envelopes and allocation of gross floor area establishes the parameters for future applications for the site with respect to built form.

10.2 Natural Environment

The proposed modification does not result in any impacts to the natural environment given the nature of the development. No physical works or tree removal are proposed under this concept proposal.

11. REFERRALS

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

11.1 Internal Referral Comments

Landscape Architect

A referral was made to Council's Landscape Architect, who raised no issues with the concept proposal subject to conditions of consent in relation to any future development for Stage 2 (see **Conditions 25 and 26**).

Senior Development Engineer

A referral was made to Council's Senior Development Engineer, who raised no issues with the concept proposal subject to conditions of consent in relation to any future development for Stage 2 (see **Conditions 21 to 24**).

City Works

Traffic

A referral was made to Council's Traffic Engineer, who raised no issues with the concept proposal subject to conditions of consent in relation to any future development for Stage 2 (see **Conditions 28 to 34**).

Public Domain

A referral was made to Council's Public Domain Engineer, who raised no issues with the concept proposal subject to conditions of consent in relation to any future development for Stage 2 (see **Condition 36**).

Waste

A referral was made to Council's Waste Officer, who raised no issues with the concept proposal.

Drainage

A referral was made to Council's Drainage Engineer, who raised no issues with the concept proposal subject to conditions of consent in relation to any future development for Stage 2 (see **Conditions 36**).

Environmental Health Officer

A referral was made to Council's Senior Environmental Health Officer, who raised no issues with the concept proposal upon review of the Detailed Site Investigation provided.

Bushfire Consultant

A referral was made to Council's Bushfire Consultant, given the site is identified as bushfire prone. No issues have been raised.

11.2 External Agency Referrals

Transport for NSW (TfNSW)

A referral was made to TfNSW, who raised no issues with the concept proposal subject to conditions of consent in relation to any future development for Stage 2 (see **Condition 27**).

Airspace Protection – Sydney Airport

No specific concerns were raised in relation to the concept proposal. Any future development will need to be referred to Sydney Airport given the allowable height of development in Stage 2.

12. PUBLIC NOTIFICATION & SUBMISSIONS

The application was notified and advertised for a period of 21 days ending on 3 May 2017. During the notification period, no submissions were received to the proposal. None of the amendments to the plans during the assessment period necessitated the renotification of the application.

13. CONCLUSION

After consideration of the development against section 4.15 of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the proposal is considered suitable for the site and is in the public interest. It is recommended the application be approved for the following reasons:

1. The allocation of gross floor area across the site allows for the orderly development of the site and for the site to achieve its planned residential density.
2. The proposal provides an opportunity to redevelop the site for residential/commercial uses in a coordinated and staged manner.
3. The maximum building envelopes proposed are compliant with the relevant planning provisions.
4. The proposal is consistent with the B4 Mixed Use zone objectives.
5. No submissions were received in response to the proposal.

14. RECOMMENDATION

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

- a) That the Sydney North Planning Panel grant consent to development application LDA2020/0187 for a *Concept Development Application for a mixed use development to outline maximum building envelopes and to allocate gross floor area* subject to the conditions of consent in **Attachment 1** of this report.
- b) That a copy of the development consent be forwarded to Transport for NSW and Sydney Airport.

Report prepared by:

Madeline Thomas
Senior Town Planner

Report approved by:

Rebecca Lockart
Senior Coordinator Major Development

Sandra Bailey
Manager Development Assessment

Liz Coad
Director City Planning and Environment