

## SYDNEY NORTH PLANNING PANEL

<b>Panel Reference</b>	PPSSNH-110
<b>DA Number</b>	LDA2020/0218
<b>LGA</b>	City of Ryde
<b>Proposed Development</b>	<p>Construction of a part 6 storey and part 15 storey commercial and retail building known as Building D, comprising lower ground and ground floor retail tenancies, 14 storeys of commercial tenancies, excavation for two and half levels of basement car park for 145 car parking spaces, 84 bicycle parking spaces, end of trip facilities comprising 101 lockers and 20 showers, public domain improvements including a pedestrian link connecting Roads 14 and 16 adjacent to Catherine Hamlin Park and associated landscaping.</p> <p>The proposal also seeks approval for two signage zones measuring 3m x 6.2m on the southern and northern elevations</p>
<b>Street Address</b>	45-61 Waterloo Road, Macquarie Park
<b>Applicant/Owner</b>	John Holland Macquarie Park Land Custodians Pty Ltd
<b>Date of DA lodgement</b>	26 June 2020
<b>Number of Submissions</b>	None
<b>Recommendation</b>	Approval subject to conditions of consent
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011</b>	General Development over \$30 Million – Cost of works: \$92,417,292
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Act 1979;</li> <li>• State Environmental Planning Policy (Planning Systems) 2021 – Chapter 2 State and Regional Development</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021 – Chapter 2 Infrastructure</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land</li> <li>• State Environmental Planning Policy (Industry and Employment) 2021 – Chapter 3 Advertising and Signage</li> </ul>

	<ul style="list-style-type: none"> <li>• Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;</li> <li>• Draft Remediation of Land State Environmental Planning Policy;</li> <li>• Ryde Local Environmental Plan 2014;</li> <li>• Ryde Development Control Plan 2014; and</li> <li>• Ryde Section 7.11 Development Contributions Plan 2020</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<b>Attachment 1:</b> Conditions of Consent <b>Attachment 2:</b> Architectural Plans <b>Attachment 3:</b> Landscape Plans <b>Attachment 4:</b> Concept Plan Conditions of Consent
<b>Report prepared by</b>	Madeline Thomas – Senior Coordinator Development Assessment
<b>Report date</b>	24 February 2022

<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>N/A</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

This report is an assessment of a development application for the construction of a part 6 storey and part 15 storey commercial and retail building comprising lower ground and ground floor retail tenancies, 14 storeys of commercial tenancies, excavation for two and half levels of basement car park for 145 car parking spaces, 84 bicycle parking spaces, end of trip facilities comprising 101 lockers and 20 showers, public domain improvements including a pedestrian link connecting Roads 14 and 16 adjacent to Catherine Hamlin Park and associated landscaping. The proposal also seeks approval for two signage zones measuring 3m x 6.2m on the southern and northern elevations.

The proposed development consists of Stage 3 works as part of the Concept Plan approval (LDA2018/0172) for the staged construction of five (5) commercial and retail buildings ranging in height between 6 to 18 storeys, distribution of 117,070m<sup>2</sup> of floor space and 1,170 car parking spaces across 5 buildings, provision of 3 new roads (Roads 1, 14 and 16) and 3 east-west pedestrian links between Buildings C and AB, Building D and the future park (Catherine Hamlin Park), and Buildings E and F. The proposed development is consistent with the requirements of the Concept Plan.

A Planning Agreement between the applicant and Council was executed on 31 August 2018 for monetary contributions to achieve incentive floor space and building height permitted under the Ryde Local Environmental Plan (RLEP 2014), construction of new roads and pedestrian links, dedication of land and creation of an easement.

The subject site is bounded by Building C and Road 14 to the east, Road 16 to the west, Catherine Hamlin Park to the south, Road 1 and commercial development to the north.

The Concept Plan requires the provision of a 6m wide east west pedestrian link along the southern boundary of the subject site providing access between Roads 14 and 16. Equitable pedestrian access is also required to be provided between Building D and Catherine Hamlin Park from the pedestrian link. The proposed pedestrian link is consistent with the requirements under the Concept Plan approval as the pedestrian link is 6m wide consisting of a 4m accessible pathway. Given the difference in floor levels between Roads 14 and 16, equitable access between Roads 14 and 16 is provided by a publicly accessible lift from the commercial lobby from Road 14 to the pedestrian link.

Catherine Hamlin Park has an area of 7,000m<sup>2</sup> and is bounded by Waterloo Road to the south, Road 14 to the east and Road 16 to the west. The subject site and proposed building adjoins Catherine Hamlin Park to the north. The park is a separate allotment in the ownership of Property NSW and does not form part of the Concept Plan application.

The proposed mixed use development is permissible with consent under the Ryde Local Environmental Plan 2014 (RLEP 2014). The proposal has a total GFA of 20,830m<sup>2</sup> which exceeds the permissible combined GFA (52,470m<sup>2</sup>) for the subject building and Building AB by 1,336m<sup>2</sup>, given that Building AB has a proposed GFA of 33,045m<sup>2</sup>. Notwithstanding the exceedance in GFA, the proposal is within the permissible variation

of +/- 10% of the GFA under the Concept Plan approval and is acceptable subject to the cumulative GFA for all stages not exceeding the maximum GFA of 117,070m<sup>2</sup>. The proposal will result in a remainder of 24,695m<sup>2</sup> to be distributed between Buildings E and F for Stage 4 works as part of the Concept Plan approval.

In accordance with the incentive provisions in Clause 6.9 the RLEP 2014, the permitted maximum incentive floor space is 3.66:1 and the maximum building height 65m. The proposal has a gross floor area (GFA) of 20,830m<sup>2</sup> and building height of 63.6m (RL117.9). The development is consistent with the height and floor space ratio (FSR) provisions of the RLEP 2014.

The proposal complies with relevant controls under Part 4.5 – Macquarie Park Corridor in the Ryde Development Control plan 2014 (RDCP 2014) with the exception of the following requirements:

- Basement setback to the north encroaches into front setback area.
- 20% of the site is to be deep soil area.
- 20% of the site is to be soft landscaped area.
- Buildings are to be separated 20m.

The application was notified and advertised between 1 July 2020 to 6 August 2020, in accordance with the Ryde Community Participation Plan and no submissions were received. Amended plans and information were submitted to Council on a number of occasions. The final amended plans were notified between 22 November 2021 and 13 December 2021. No submissions were received.

The application has demonstrated that the site can be appropriately remediated and made suitable for the proposed use under Clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021. Appropriate conditions are included on the draft consent (see **Attachment 1**).

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

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

This report concludes that the development is sound in terms of design, function and relationship with its surroundings. The report recommends that consent be granted to this application in accordance with conditions provided in **Attachment 1**. These

conditions have been reviewed by the applicant who has agreed with all of the conditions.

## 2. APPLICATION DETAILS

**Applicant/Owner:** John Holland Macquarie Park Land Custodians Pty Ltd

**Capital Investment Value:** \$92,417,292

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

## 3. SITE AND SURROUNDING DEVELOPMENTS

The subject site area for the construction of Building D is legally described as Lot 2 DP 1255496, has an area of approximately 20,448m<sup>2</sup>, and has frontages to Road 1, Road 14 (Harvest Street), Road 16 and Catherine Hamlin Park as shown in **Figure 1**. Whilst Lot 2 has an overall area of 20,448m<sup>2</sup>, the portion of Lot 2 where Building D is to be located has an area of 3,076m<sup>2</sup>.

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

To the south east of the site is a recently constructed 10 storey retail/commercial building, known as Building C (Lot 3 in DP 1255496) which is also part of 45-61 Waterloo Road.

The development consent for construction of Building C also approved the construction of part of Roads 1 and 14. A temporary access road connecting Road 14 and Waterloo Road has been constructed whilst approval and construction works for the relocation of essential services along the Waterloo Road frontage is completed. Prior to 31 May 2022, the temporary road forming the intersection of Road 14 and Waterloo Road will be removed and the alignment of Road 14 to Waterloo Road will be constructed in accordance with the development consent for Building C, and the Concept Plan approval.

To the south west of the site is Lot 1 DP1231416 which has been designated as a future public park (Catherine Hamlin Park) with an area of 7000m<sup>2</sup>.

The site is relatively flat and does not contain any significant vegetation.

An aerial of the site and surrounding developments is in **Figure 1**.

Photographs of the site and surrounding developments are provided in **Figures 2 to 7** below.



**Figure 1:** Aerial image of the site location (broader site shaded in orange, Building D site area outlined in red)



Figure 2: View of the subject site as viewed from Waterloo Road.



Figure 3: View of the site from the intersection of Road 14 and Road 1.



**Figure 4:** View of the site as viewed from the intersection of Road 14 and Waterloo Road.



**Figure 5:** Macquarie Park Station fire egress stairs, ventilation shaft and bike storage, and a 3 storey commercial office building to the south-east of the site.



**Figure 6:** Macquarie University building at intersection of Waterloo Road and Coolinga Street.



**Figure 7:** Existing commercial office building at No. 48 Waterloo Road.

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

The site and immediately adjacent properties comprise of commercial and light industrial uses which are consistent with the character of the Macquarie Park Corridor.

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

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

#### 4. THE PROPOSAL

The proposal seeks development consent for construction of a part six (6) storey and part fifteen (15) storey commercial and retail building as part of Stage 3 works as approved under the Concept Plan for 5 mixed use commercial/retail buildings on the site. The proposed building consists of 20,830m<sup>2</sup> of GFA, a building height of 63.6m (RL117.9) and comprises the following:

- Excavation for two and half levels of basement car parking for 145 car parking spaces consisting of 134 spaces, 7 small car spaces, 2 accessible spaces and 4 courier spaces, and a ground level loading dock accessed via Road 1
- Retail tenancies (837.8m<sup>2</sup> GFA) on the lower ground and ground floor levels
- Commercial floor space (19,545.5m<sup>2</sup> GFA) on Levels 1-14 with an outdoor terrace on Level 6
- Bicycle parking for 84 bicycles and end of trip facilities comprising 101 lockers and 20 showers and amenities
- Plant rooms on the lower ground floor fronting Road 1, Catherine Hamlin Park and on the roof top level including solar panels
- 2 x signage zones on the roof level on the northern and southern elevations measuring 3m x 6.2m
- A pedestrian link is provided between Roads 14 and 16 along the southern boundary of the proposed building and Catherine Hamlin Park. Accessible lift access is provided from the commercial lobby from Road 14 to the pedestrian link on the lower ground level adjacent to Catherine Hamlin Park. Stair access is also proposed from Road 14 to the pedestrian link, and from the pedestrian link to Road 16.
- Public domain works including construction of part of Road 1 immediately adjacent to the northern site boundary, new street tree plantings and granite footpath paving.

Separate development applications will be submitted for the fitout of retail tenancies and the installation of signage within the proposed signage zones on the eastern and southern facades.

Selected photomontages and elevations are provided in **Figures 8** and **9** below.



**Figure 8:** Photomontage of the development (Aerial view). Subject building is at rear of Catherine Hamlin Park.



**Figure 9:** Photomontage of the development as viewed from Waterloo Road/Catherine Hamlin Park. It is noted that Catherine Hamlin Park works do not form part of the subject DA.

## **5. HISTORY OF DEVELOPMENT APPLICATIONS ON THE ENTIRE SITE**

In June 2014, Council and the Department of Planning and Environment entered into a funding agreement for the delivery of a 7,000m<sup>2</sup> park (known as Catherine Hamlin Park) at 45 - 61 Waterloo Road, Macquarie Park.

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

On 9 June 2015, Council resolved to seek guarantees from the NSW Government for the provision of the 7,000m<sup>2</sup> park and the related \$6 million funding. In accordance with this resolution, the General Manager convened a meeting on 14 August 2015, with senior representatives from the Department and Property NSW. At the meeting, it was agreed that a Planning Proposal was required to be submitted to rezone the land for the park to “RE1” Public Recreation and to transfer the floor space ratio from the park area to the remainder of the site. Property NSW agreed to undertake the proposal and subsequently lodged a Planning Proposal with Council.

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

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

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

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

- Rezoned a 7,000m<sup>2</sup> portion of the site fronting Waterloo Road from B3 Commercial Core to RE1 Public Recreation for the purposes of Open Space
- Amended the maximum floor space ratio (FSR) development standard in order to:
  - Remove the FSR limit applying to the new area zoned RE1 Public Recreation and
  - Evenly distribute the park site area and existing split FSRs of 1:1 and 2:1 at a unified rate of 2.26:1 across the remainder of the land identified as 45-61 Waterloo Road that continues to be zoned B3 Commercial Core
- Amended the maximum height of building development standard to:
  - Remove the height limit applying to the new area zoned RE1 Public Recreation and
  - Amend the height controls in the south-west corner of the site to reflect the height control for the adjacent properties
- Amend the Macquarie Park Corridor Precinct Incentive Floor Space Ratio Map and Incentive Height of Buildings Map in order to:
  - Remove the FSR control applying to the new area zoned RE1
  - Evenly distribute the park's FSR across the remainder of the land at a rate of 3.66:1
  - Remove the building height on the new area zoned RE1
  - Amend the building height controls to reflect the building height applying to the adjoining properties.

- Include the 7,000m<sup>2</sup> public open space area on the relevant Land Acquisition Reservation Map as “Local Open Space”.

Relevant development applications for the site are summarised as follows:

- LDA2017/0048 was approved on 11 March 2017 for subdivision of the site into two (2) Torrens Title allotments comprising of Lot 1 with an area of 7,000m<sup>2</sup> (future park) and Lot 2 with an area of 31,987m<sup>2</sup> (subject site).
- LDA2017/0390 was approved by the Sydney North Planning Panel (SNPP) as a Deferred Commencement Consent on 22 August 2018 for the construction of a ten (10) storey commercial and retail building (Building C) with 355 car spaces in 2 levels of basement, new road works and landscaping. The Deferred Commencement approval required the applicant to enter into a Planning Agreement with Council for the delivery of public benefits within 12 months of the consent. On 31 August 2018, the Planning Agreement between the applicant and Council was executed and satisfied the Deferred Commencement requirement. The development consent was made operational on 31 August 2018.
- LDA2019/0331 was approved on 27 November 2019 for the demolition of an existing single storey building at the south-eastern portion of the site, removal of hardstand areas and removal of six (6) trees in preparation for the construction of Building AB.
- LDA2019/274 was approved on 18 December 2019 for subdivision of the site into 3 lots to facilitate development of the buildings in accordance with the staging of the concept plan and dedication of Road 14 to Council. The Subdivision Certificate to subdivide the site into 3 lots was issued on 28 February 2020. This has resulted in the subject site being known as Lot 2 in DP1255496.
- LDA2019/0370 was approved on 19 December 2019 for the construction of a temporary access road across the south-eastern portion of Lot 2 (the future park) to connect Road 14 and Waterloo Road, and provide vehicular and pedestrian access to Building C. The development consent is time limited and will lapse on 30 June 2021. At the lapsing of development consent, the developer is required to remove the temporary access road and reinstate the subject area of Lot 2 to park land. Construction of the intersection of Road 14 and Waterloo Road was completed in accordance with development consent LDA2017/0390. Condition 16 of this consent required a public access & right of way to be created over the temporary road access. Evidence regarding the effective registration of the ROW was required to be submitted before the temporary road can be used. This has occurred and the plan registered on 12 March 2020. **Figure 10** demonstrates the DP indicating the easement over Lot 1 in DP123416 and Lot 2 in DP1255496 and **Figure 11** shows the aerial image of the temporary road.

The applicant lodged a modification (MOD2021/0098) to LDA2019/0370 to allow the continuation of the time limit for the consent for the temporary road from 30 June 2021 to 31 May 2022. This application was approved on 29 September 2021.

- A Section 4.55 (1A) application (MOD2021/0250) to modify LDA2017/0390 was lodged in October 2021 to amend the staging of the Road 14 construction. The purpose of the additional staging is to allow for the temporary road to be removed from Catherine Hamlin Park, and an “interim road” to be constructed in the final Road 14 location. This interim road will have openings that allow works to occur at night to lower services to facilitate the final Road 14 design. MOD2021/0250 is expected to be approved by Council under delegation in March 2022. The timing of the interim road has no bearing on this application, as no part of the easement for the temporary road is within the Building D section of the site.

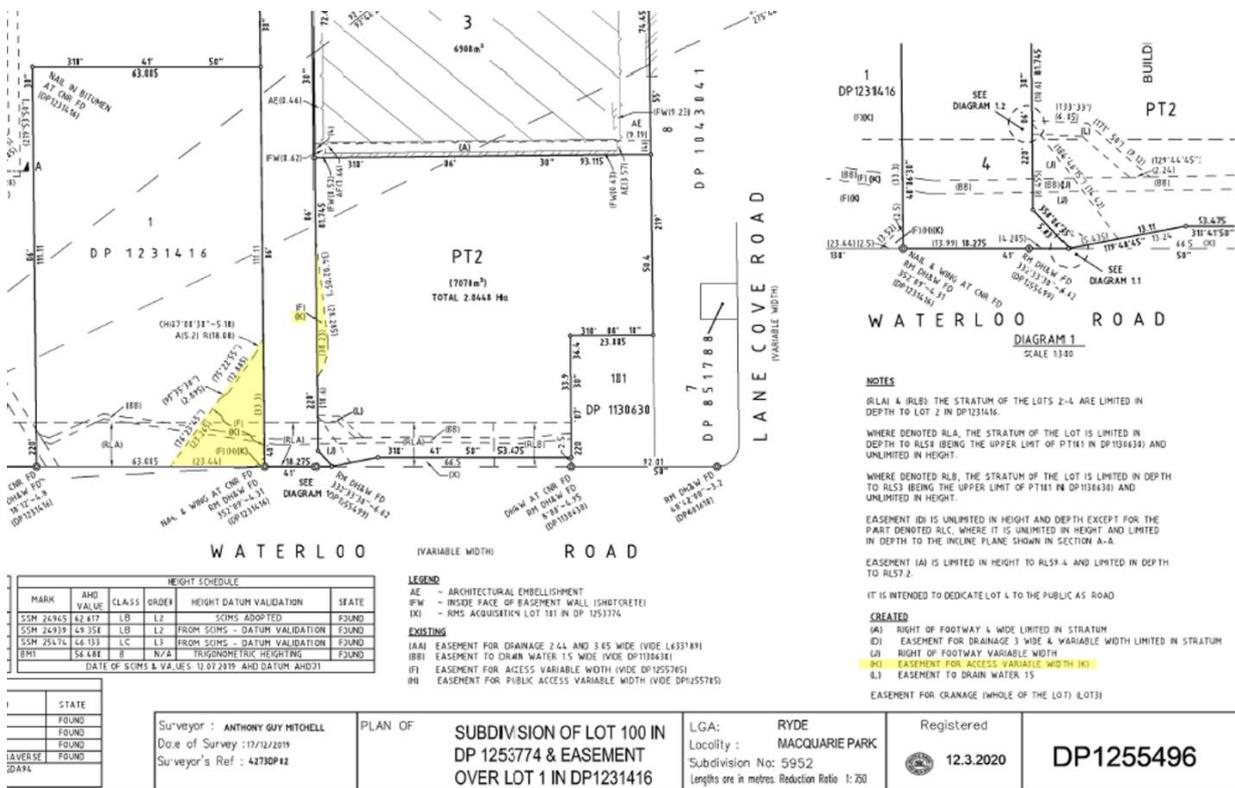


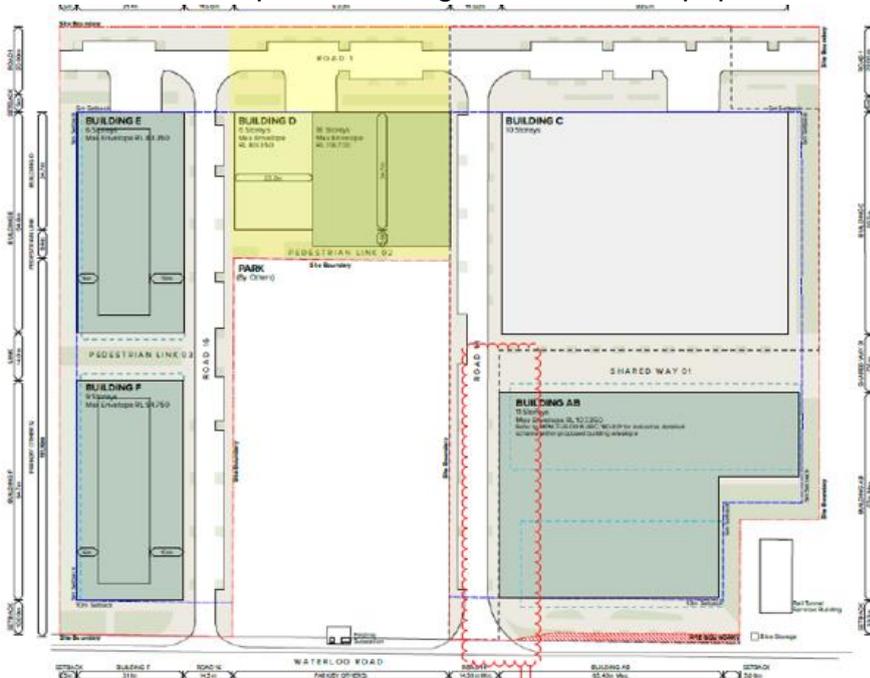
Figure 10: DP1255496 showing the easement over the proposed park. The easement extends over Lot 1 as well as the subject site being Lot 2.



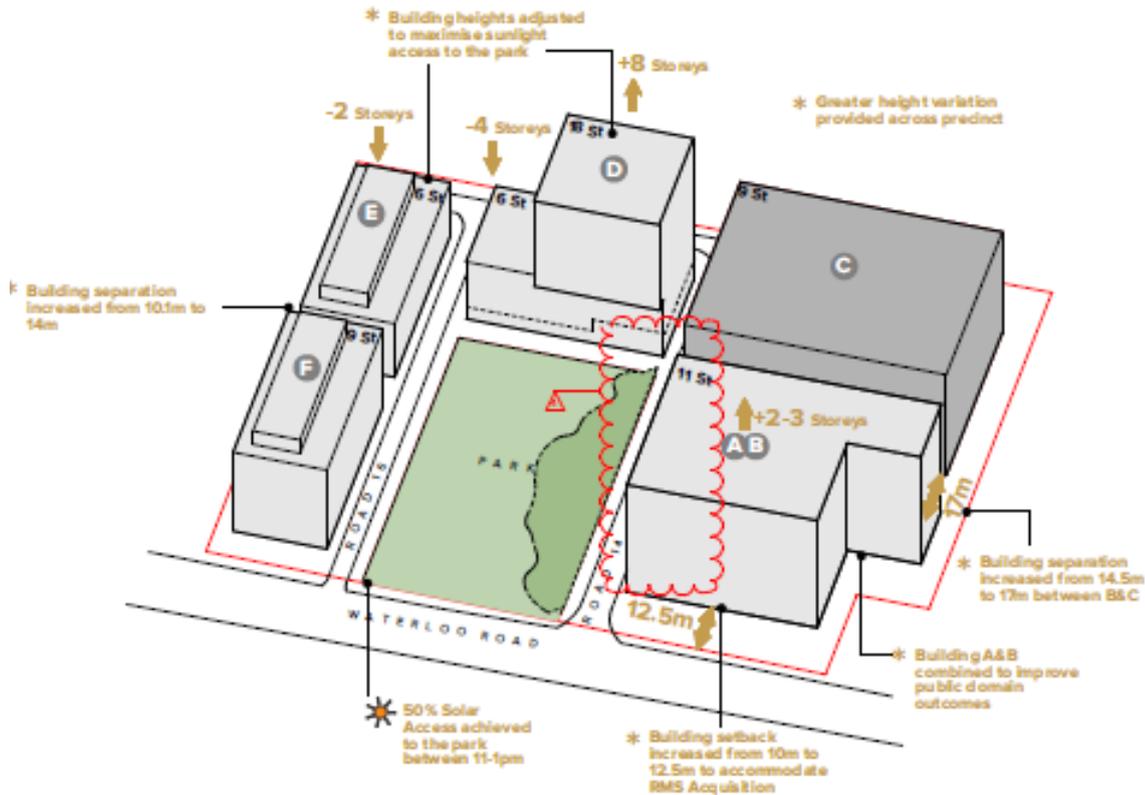
**Figure 11:** Aerial image of temporary access road.

- LDA2018/172 was approved by the SNPP on 2 December 2020. This DA was for a concept plan for the mixed use development of the entire site comprising site layout, maximum building envelopes and gross floor area distribution across 5 buildings over lots 2, 3 and 4, on site car parking, 3 pedestrian links, 3 roads and staging of the development into 4 stages.

The current DA represents Stage 3 of the concept plan and is known as Building D.



**Figure 12:** Staging of the development as approved in the concept plan consent. The current application relates to Stage 3 (shaded in yellow)



**Figure 13:** Concept plan approval demonstrating the overall bulk and scale. The current building is Building D.

- A development application (LDA2020/0169) was lodged on 20 May 2020 for the construction of an eleven (11) storey commercial and retail building (Building AB) comprising excavation for two (2) levels of basement car park for 246 car parking spaces, four (4) ground floor retail tenancies, ten (10) levels of commercial tenancies, plant areas and solar panels on the roof level, end of trip facilities including 236 bicycle spaces, lockers and amenities, landscaping and public domain upgrade works along Waterloo Road. This DA relates to Building AB, and is within Stage 2 of the Concept DA. This application was approved on 30 July 2021 by the Sydney North Planning Panel (SNPP).
- A Section 4.55 (1A) application to the approved Concept DA (MOD2021/0115) was approved on the 28 February 2022 to modify Condition 1 and Condition 18 in relation to the basement setback of Building D.
- LDA2021/104 for the construction of a box culvert under Road 16 was approved on 16 June 2021. The box culvert was required under the approved concept plan.

## 6. HISTORY OF THE SUBJECT APPLICATION

<p><u>26 June 2020</u></p> <p>The application was lodged.</p>
<p><u>30 October 2020</u></p> <p>A request for information letter was sent to the applicant, raising the following issues:</p> <ul style="list-style-type: none"><li>• Inconsistency with building envelope and concept plan</li><li>• Inconsistent shadow diagrams</li><li>• Accessibility between Road 14 and future park</li><li>• Various issues with the proposed vehicular access</li><li>• Public Domain interface</li><li>• End of Trip Facilities</li><li>• Poor internal amenity due to solar control. Requested vertical blades be provided on the northern and southern elevations</li><li>• Updated traffic modelling required</li><li>• Inconsistent stormwater plans</li><li>• Frame Work Travel Plan to be provided</li></ul>
<p><u>10 November 2020</u></p> <p>A further request for information was sent to the applicant requesting a landscape plan to be submitted.</p>
<p><u>26 November 2020</u></p> <p>The application was reviewed by the Ryde Urban Design Review Panel (UDRP). The proposal was generally supported. The issues raised by the UDRP included:</p> <ul style="list-style-type: none"><li>• Depth of the retail space.</li><li>• Vertical blades to be provided to improve performance of the building.</li><li>• Basement encroaching into 5m setback. Deep soil area should be maximised where possible.</li><li>• Pedestrian safety due to proximity of external retail seating area on Road 1 to vehicles. Requested to address by shifting services between this area and the vehicle access or providing wider landscape planter.</li></ul>
<p><u>November 2020 – February 2021</u></p> <p>The applicant requested a number of extensions to address the RFI letters. Amended plans were submitted on 22 February 2021.</p>
<p><u>30 March 2021</u></p> <p>A further RFI letter was sent to the applicant, raising the following issues:</p> <ul style="list-style-type: none"><li>• Retail tenancy</li><li>• Public Domain details</li><li>• Shadow diagrams</li><li>• Deep soil areas and tree planting</li></ul>
<p><u>20 April 2021</u></p> <p>Council briefed the Sydney North Planning Panel (SNPP). The outstanding matters raised with the Panel by Council were as follows:</p> <ul style="list-style-type: none"><li>• Accuracy of shadow diagrams</li><li>• Upper ground floor of retail tenancy</li><li>• Deep soil area and tree planting</li><li>• Public Domain issues</li></ul>
<p><u>12 April 2021</u></p>

<p>A further RFI letter outlining the issues discussed at the SNPP briefing was sent to the applicant. The applicant was advised a Section 4.55 application was required to be submitted to amend the Concept DA to reflect the reduced basement setback.</p>
<p><u>30 August 2021</u></p> <p>The applicant submitted amended plans and reports to address the previous requests for information. The applicant notably removed Road 1 from the amended plans, resulting in no access being provided to the proposed basement.</p>
<p><u>26 October 2021</u></p> <p>Another RFI letter was sent to the applicant requesting that Civil plans for Road 1 be provided, addressing previous issues raised and also complying with the staging outlined in the VPA.</p>
<p><u>19 November 2021</u></p> <p>The applicant submitted additional civil drawings and a traffic response to address the outstanding issues.</p>

## **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
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- Draft Remediation of Land State Environmental Planning Policy
- Ryde Local Environmental Plan 2014
- Ryde Development Control Plan 2014
- Ryde Section 7.11 Development Contributions Plan 2020.

## **7. PLANNING ASSESSMENT**

### **8.1 Environmental Planning and Assessment Act, 1979**

#### Section 7.4 Planning Agreements

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

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

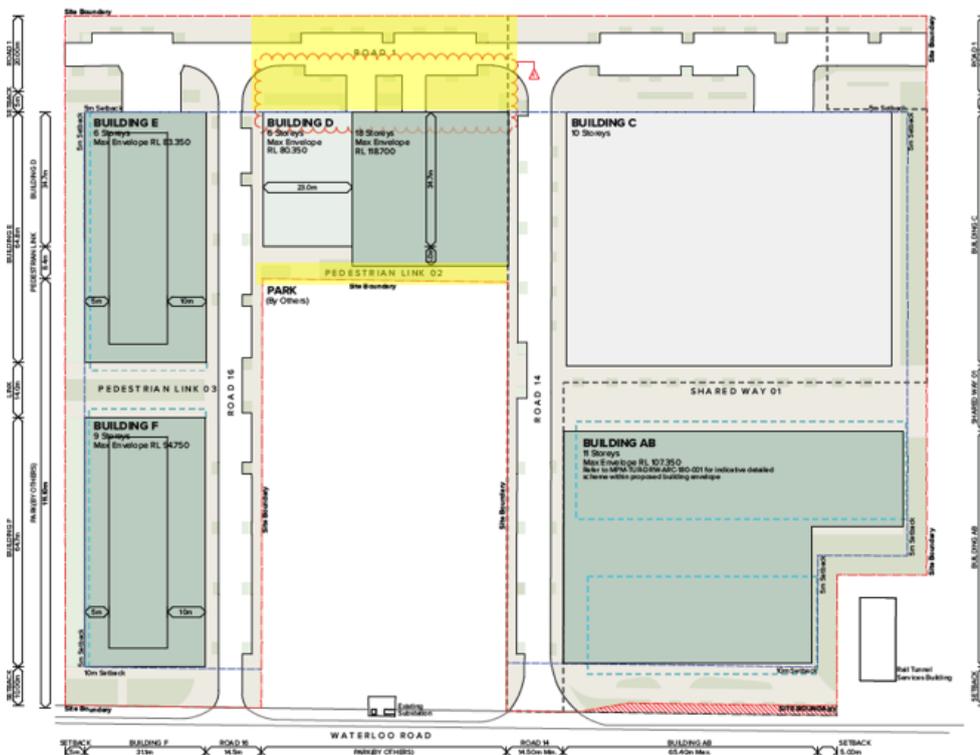
- Monetary contribution to the amount of \$2,175,825.86 (paid to Council on 24 February 2020);
- Construction of Roads 1, 14 and 16 and dedication of land as public roads;
- Upgrade works along Waterloo Road;
- Construction of 3 pedestrian links;

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

The proposal includes construction of part of Road 1 and the pedestrian link between Building D and Catherine Hamlin Park (between Roads 14 and 16) as required under the VPA. The proposal to undertake public domain works and dedication of land is consistent with the VPA.

### Concept Development

In accordance with Section 4.24 of the Environmental Planning and Assessment Act 1979, a development application cannot be inconsistent with the consent for the concept proposal for the development of the site. The development is consistent with the approved concept. This has been discussed in greater detail in **Attachment 4**.



**Figure 14:** Concept Plan showing location of roads and pedestrian links in relation to buildings. Pedestrian Link 02 and Road 1 (partial) proposed under this application highlighted in yellow.

## **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 (Planning Systems) 2021 – Chapter 2 State and Regional Development**

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

## **8.4 State Environmental Planning Policy (Transport and Infrastructure) 2021 – Chapter 2 Infrastructure**

### Clause 104 (Traffic-generating development)

The proposal has a GFA of 20,830m<sup>2</sup> comprising 145 car parking spaces in two (2) levels of basement car parking and is identified as traffic generating development under Schedule 2 of the SEPP. In accordance with Clause 2.120 of the SEPP, the proposal was required to be referred to Transport for New South Wales for comment. The following comments were provided from TfNSW:

*TfNSW has reviewed the submitted application and provides the following comments for Council's consideration in this application:*

- 1. TfNSW has previously acquired a strip of land for Macquarie Park Bus Priority and Capacity Improvement Project along the Waterloo Road frontage of the subject property, as shown by blue colour on the attached aerial – X. All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth). Along the Waterloo Road Boundary.*
- 2. The development should be consistent with the approved Masterplan.*

The development will not extend into the area that has already been acquired by TfNSW.

As demonstrated in Attachment 4, the development is consistent with the Concept Plan.

## **8.5 State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land**

The requirements of SEPP 55 apply to the subject site. In accordance with Clause 4.6 of SEPP (Resilience and Hazards), the consent authority must consider if the land is contaminated and, if so, whether the site is suitable for the proposed use. If the site is not suitable, the consent authority must consider if it can be made suitable for the use.

A detailed site investigation report was prepared by Douglas partners. The conclusion within the report was that based on the previous and current investigations, it is considered that Lot 2 does not present a significant risk to human health or the environment, and is suitable for future commercial or industrial development, subject to the following:

- Existing Building - as the building on the site is known to contain hazardous building materials (Greencap, 2013), hazardous materials removal works should be undertaken in accordance with the National Code of Practice: How to Safely Remove Asbestos (Safe Work Australia 2016). Upon demolition and removal, the footprint of the building should be validated as being suitable for the proposed development. (Development consent has been granted under LDA2019/331 for the demolition of this building. Conditions in regard to asbestos removal were included in this consent and is not necessary to be included in this application).
- Asbestos – whilst no asbestos was identified in soil and on the ground surface during the current investigation, asbestos has been identified in previous investigations (Greencap, 2013, NAA, 2013b, Greencap, 2016). Prior to undertaking bulk demolition of hardstand etc. the entire site should be cleared of asbestos by a qualified occupational hygienist. (See condition number 85).
- Unexpected Finds Protocol – given the presence of general building rubble in some of the fill, and the identification of asbestos in previous reports, an unexpected finds protocol (UFP) should form part of the demolition, civil and construction contractor's works plans. The UFP must outline the process for identification, assessing and investigating any unexpected finds of potential contamination within the site. (See condition number 57).
- Waste classification – In accordance with the Protection of the Environment Operations Act (POEO Act), waste classification of material for off-site disposal will be required if excavation is proposed at the site.

Council's Environmental Health Officer has reviewed the Detailed Site Investigation Report and supports the conclusion that the site is capable of being made suitable for the proposed use, subject to conditions identified above.

## **8.6 State Environmental Planning Policy (Industry and Employment) 2021 – Chapter 3 Advertising and Signage**

The development has proposed two signage zones, one of the southern elevation and the other on the northern elevation. The applicant intends to submit a separate development application for the installation of signage within the above zones.

The signage zones are consistent with the aims and objectives of the SEPP.

Clause 3.15 of the SEPP states that the consent authority must not grant development consent to the display of *advertisements* greater than 20 square metres and within 250 metres of, and visible from, a classified road without the concurrence of the RMS (TfNSW). The signage zones will be located within 250m of Lane Cove Road and both

will exceed 20m<sup>2</sup>. This requirement will be applicable to the next development application which will include the details for the signage.

A consent authority must not grant development consent to an application unless the signage satisfies the assessment criteria specified in Schedule 1. This is detailed below:

<b>SCHEDULE 5 – ASSESSMENT CRITERIA</b>	
<b>1 Character of the area</b>	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Yes – The design of the signage is compatible with the existing building. The sign is compatible with other signage in Macquarie Park.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	A consistent theme for signage in Macquarie Park is large identification signage at the top of buildings. The proposed signage is consistent with this requirement.
<b>2 Special areas</b>	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	No.
<b>3 Views and vistas</b>	
Does the proposal obscure or compromise important views?	No views are affected by the proposal.
Does the proposal dominate the skyline and reduce the quality of vistas?	No.
Does the proposal respect the viewing rights of other advertisers?	Yes.
<b>4 Streetscape, setting or landscape</b>	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposal is appropriate for the building as well as streetscape.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposal will contribute to the visual interest of the streetscape.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposal reduces clutter and simplifies advertising.
Does the proposal screen unsightliness?	There is no unsightliness to be screened.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The sign will not protrude above the building or tree canopies in the area.
Does the proposal require ongoing vegetation management?	The location of the proposed signage will not require any ongoing vegetation maintenance.
<b>5 Site and building</b>	
The proposal compatible with the scale, proportion and other characteristics of the site or	The proposed signage is in proportion to the building.

building, or both, on which the proposed signage is to be located?	
Does the proposal respect important features of the site or building, or both?	The signage is consistent with the architectural appearance of the buildings.
Does the proposal show innovation and imagination in its relationship to the site or building, or both	At this stage details of the sign are not known. This will be considered in the next development application.
<b>6 Associated devices and logos with advertisements and advertising structures</b>	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	This will be considered as part of the next development application.
<b>7 Illumination</b>	
Would illumination result in unacceptable glare?	This will be considered as part of the next development application.
Would illumination affect safety for pedestrians vehicles or aircraft?	Illumination would not affect the safety of pedestrians, vehicles and air craft in the proposed location. Details of any illumination would be subject to a future DA.
Would illumination detract from the amenity of any residence or other form of accommodation?	The illumination would not impact upon any residential dwellings.
Can the intensity of illumination be adjusted, if necessary?	This will be considered as part of the next development application.
Is the illumination subject to a curfew?	This will be considered as part of the next development application.
<b>8 Safety</b>	
Would the proposal reduce the safety for any public road?	The signage will not affect road safety as the site is setback from Waterloo Road.
Would the proposal reduce the safety for pedestrians or bicyclists?	The signage will not affect pedestrian or cyclist safety.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage will not obscure any sightlines from public areas.

## 8.7 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

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

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

Given the nature of the project and the location of the site, there are no specific controls that directly apply to this proposal.

## 8.8 Ryde Local Environmental Plan 2014

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

### Clause 2.2 – Zoning

The site is located within the B3 Commercial Core zone under the RLEP 2014. Development for commercial and retail purposes is permitted in this zoning. **Figure 14** demonstrates the zoning of the site and surrounding properties.



**Figure 15:** Site zoning (B3 Commercial Core) with site outlined in red

### Clause 2.3 – Zone Objectives

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

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

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

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

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

#### Clause 4.3 - Height of Buildings

Under Clause 4.3 of the RLEP 2014, a maximum building height of 30m is permitted across the development site. Incentive building heights are permissible under Clause 6.9 of the RLEP 2014 which allows a maximum height of 65m across the development site. In accordance with the Concept Plan approval, Building D is permitted to a maximum building height of RL118.7 (AHD). The proposed development has a building height of 63.3 metres (RL117.9). The development complies with these requirements.

It is also noted that the building envelope for Building D approved under LDA2018/172 (the Concept DA) shows the split heights of six and fifteen storeys. This configuration was considered to be a suitable design solution at the time of assessment, as the split height of the building allowed for sufficient solar access to Catherine Hamlin Park between the hours of 11am and 1pm, whilst still allowing the GFA to be distributed across the site in an orderly manner given Building C has already been approved.

The proposal is consistent with the approved building envelope.

#### Clause 4.4 – Floor Space Ratio

Condition 6 of the Concept DA requires the following:

##### **6. Floor Space Ratio and Gross Floor Area.**

*The Floor Space Ratio of the development must not exceed the maximum permissible and shall be calculated in accordance with Clause 4.4 and 4.5 of the Ryde Local Environmental Plan 2014.*

*The maximum total gross floor area for the development is 117,070m<sup>2</sup> and is to be distributed as follows:*

- **Building AB and D: 52,470m<sup>2</sup>**
- *Building C: 38,500m<sup>2</sup>*
- *Building E: 10,350m<sup>2</sup>*
- *Building F: 15,750m<sup>2</sup>*

*The maximum gross floor area for each building is subject to separate development applications for each stage. The GFA distribution between the different buildings can vary +/- 10%, however, the cumulative gross floor area for all stages must not exceed the maximum total gross floor area of the site.*

The proposal has a total GFA of 20,830m<sup>2</sup> which exceeds the permissible combined gross floor area (GFA) of 52,470m<sup>2</sup> for the subject building and Building AB by 1,336m<sup>2</sup>, given that Building AB has an approved GFA of 33,045m<sup>2</sup>. Notwithstanding the exceedance in GFA, the proposal is within the permissible variation of +/- 10% of the

GFA under the Concept Plan approval and is acceptable subject to the cumulative GFA for all stages not exceeding the maximum GFA of 117,070m<sup>2</sup>. The proposal will result in a remainder of 24,695m<sup>2</sup> to be distributed between Buildings E and F for Stage 4 works as part of the Concept Plan approval.

#### Clause 6.1 – Acid Sulfate Soils

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

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

#### Clause 6.2 – Earthworks

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

Subject to appropriate conditions of consent, the development is considered satisfactory.

#### 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 Senior Development Engineer has advised that the proposed stormwater management system for the development and stormwater runoff from upstream drainage will be collected and piped by gravity flow to the existing infrastructure. No objections are raised to the proposed development with respect to the engineering components, subject to the application of conditions being applied to any development consent regarding stormwater management (see **Conditions 8, 37-39, 41, 42, 88, 89, 115, 116, 118, 119, 120, 151**).

## Clause 6.6 - Environmental Sustainability

The objective of this clause is to ensure that development on land in a business or industrial zone exceeding 1,500m<sup>2</sup> in GFA embraces principles of quality urban design and is consistent with principles of best practice environmentally sensitive design.

An Ecologically Sustainable Development Report prepared by JHA Services, dated 6 May 2020 has identified the following ESD strategies to be included in the building:

Building D will incorporate several ESD strategies as follows:

- Sufficient exposure to daylight
- Appropriate construction and glazing selection
- Energy efficient air-conditioning systems with control strategy
- LED luminaires with control strategy
- Solar PV System options
- Rainwater storage tank
- Efficient water fixtures
- 5 star Green Star Design target

The ESD Report submitted with the application satisfies the provisions for environmental sustainability in Clause 6.6 of the RLEP 2014.

## Clause 6.9 – Development in Macquarie Park Corridor

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

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

A Voluntary Planning Agreement with Council has been executed in accordance with Clause 6.9 to allow the maximum height and FSR incentive controls to apply to the entire development site. The development is consistent with this clause and the Concept Plan for the site.

## **8.10 Ryde Development Control Plan 2014**

The following sections of the RDCP are of relevance, being:

- Part 4.5 – Macquarie Park Corridor;
- Part 7.2 - Waste Minimisation and Management;

- Part 8.1 - Construction Activities;
- Part 8.2 - Stormwater Management;
- Part 8.3 – Driveways;
- Part 9.1 – Signage
- Part 9.2 - Access for People with Disabilities; and
- Part 9.3 – Parking Controls.

**Note:** With regard to Parts 7.2 to 8.3, 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. Therefore, the following assessment addresses Parts 4.5, 9.2 and 9.3 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 five non-compliances within this table being:

- Section 7.4(f) – Underground parking is not permitted to encroach into the front setback area
- Section 7.4(h) - Soft landscaping of 60% of the front setback has not been achieved
- Section 7.7(a) - Proposed building separation is less than the required minimum separation of 20m
- Section 8.2(a) - Deep soil area is less than 20% of site area
- Section 8.2(d) – 20% of the site area is to be provided as Landscaped Area.

Each of the non-compliances can be justified as demonstrated in the following table.

Relevant Control	Compliance/Comment
<b>3.2 Urban Structure Plan</b>	
The Commercial Core will evolve to become an employment centre supported by key public transport infrastructure.	<p><b>Complies</b></p> <p>The development seeks to provide 20,830m<sup>2</sup> GFA for commercial/retail uses that will contribute to employment in Macquarie Park. This is considered to be consistent with the aims of the Urban Structure Plan for the Commercial Core.</p> <p>The development is supported by key public transport infrastructure including the Macquarie Park Train Station and frequent bus services which connect the site to both the local Macquarie Park area and Greater Sydney.</p>
<b>4.0 Access Network</b>	
<b>4.1 Streets</b>	
a) Provide new public streets and pedestrian connections in accordance with Figure 4.1.1 Access Network.	<p><b>Complies</b></p> <p>New roads and pedestrian links required under the DCP are proposed under the Concept Plan approval. In</p>

Relevant Control	Compliance/Comment
	<p>accordance with the Concept Plan and VPA/Deed of Agreement, this application includes the construction of part of Road 1 and the Pedestrian link between Road 14 and Road 16.</p> <p>The development proposed access from Road 1.</p>
<p>c. Buildings are not permitted to be located on any proposed street and are required to be setback from proposed streets identified in Figure 4.1.1 Access Network.</p>	<p><b>Partially Complies</b></p> <p>Building D is not located on any proposed street as identified in the Concept Plan. The proposed building setbacks are consistent with the DCP controls.</p> <p>However, the proposed basement does not achieve a 5m setback from Road 1 as required under the DCP. The basement setback from the northern boundary (to Road 1) is 3.8m. The variation of 1.2m is supported, as sufficient tree planting can be provided within the Road 1 reserve, and the building itself is setback the required 5m.</p>
<p>e. Lighting, paving and street furniture, landscaped setbacks and tree planting are to be provided as required in the Macquarie Park Corridor Public Domain Technical Manual.</p>	<p><b>Complies</b></p> <p>The development will be conditioned to provide the appropriate public domain improvements.</p>
<p><b>4.2 Pedestrian Connections</b></p>	
<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><b>Complies</b></p> <p>The Concept Plan requires the provision of a 6m wide east west pedestrian link along the southern boundary of the subject site providing access between Roads 14 and 16. Equitable pedestrian access is also required to be provided between Building D and Catherine Hamlin Park from the pedestrian link.</p> <p>The proposed pedestrian link is consistent with the requirements under the Concept Plan approval as the pedestrian link is 6m wide consisting of a 4m accessible pathway. Given the difference in floor levels between Roads 14 and 16, equitable access between Roads 14 and 16 is provided by a publicly accessible lift from the commercial lobby from Road 14 to the pedestrian link.</p>
<p><b>4.4 Sustainable Transport</b></p>	
<p><b>Travel Plans</b></p>	
<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><b>Able to Comply</b></p> <p>A FTP is required to be prepared as the development has a gross floor area of 20,830m<sup>2</sup>. A preliminary FTP has been submitted with this development application.</p>

Relevant Control	Compliance/Comment
	A final FTP is required to be prepared to satisfy the requirements of the DCP and submitted for approval prior to the issue of an Occupation Certificate (see <b>Condition 122 to 123</b> ).
<b>Parking Rates</b>	
f) Bicycle parking and end-of-trip facilities are to be provided in accordance with the RDCP 2014 Part 9.3 Parking Controls.	<p><b>Complies</b></p> <p>Section 2.7 in Part 9.3 of the RDCP 2014 requires bicycle parking rate of 10% of the required car parking spaces. Based on the parking rates specified in condition 14 of the developments concept approval, the development requires a maximum of 195 commercial spaces and a minimum 34 retail spaces. The development has provided a total of 145 parking spaces and therefore is less than this maximum requirement. The required bicycle spaces is therefore 20 spaces. The proposal provides 84 bicycle spaces and associated end of trip facilities which is consistent with the requirements of the DCP.</p>
g) Parking is to be provided in accordance with the RDCP 2014 Part 9.3 Parking Controls.	<p><b>Complies</b></p> <p>The DCP requires car parking to be provided at the following maximum rates;</p> <p>Commercial – 1 space per 100m<sup>2</sup> GFA Retail – 1 space per 25m<sup>2</sup> GFA.</p> <p>Based on 19,545.5m<sup>2</sup> of commercial floor space and 837.8m<sup>2</sup> of retail floor space, the development could provide a maximum of 229 car parking spaces. However a total of 145 spaces are proposed. As the car parking provided is less than the maximum amount of car spaces, the development complies. The issue of car parking has been discussed following the table.</p>
<b>5.0 Public Domain</b>	
<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 Macquarie Park Public Domain Technical Manual, and their health guaranteed for min. 5 years.	<p><b>Able to Comply</b></p> <p>The proposal seeks to complete works in accordance with the Macquarie Park Public Domain Technical Manual. Details are to be submitted for approval by Council's Public Domain Team (see <b>Conditions 46 and 47</b>).</p>
b) At grade parking is not permitted in the front setback.	<p><b>Complies</b></p> <p>All parking is proposed to be located within basement car parking levels.</p>
<b>5.10 Art in Publicly Accessible Spaces</b>	
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><b>Able to Comply</b></p> <p>The applicant has provided a detailed Art Plan prepared by Public Art Works dated May 2020 with the DA. This plan has identified two possible locations for the artwork associated with Building D.</p>

Relevant Control	Compliance/Comment
	<p>The recommended locations for the public art are within the external forecourt adjoining the lobby, as well as within the internal commercial foyer (which is visible from the public domain). These locations are acceptable.</p> <p>The proposed public art plan is acceptable subject to <b>Condition 31</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> The development complies with this requirement.</p>
<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> While the Art Plan provides general information on possible locations, it does not address the details required by the DCP in respect to a detailed description of the art work. It is proposed to include a condition of consent to require a more detailed plan to be submitted to Council which will detail the thematic framework for the artwork, concept drawings, implementation and preliminary construction details (see <b>Condition 31</b>).</p>
<p><b>6.0 Implementation – Infrastructure, facilities and Public Domain Improvements</b></p>	
<p>a) Floor Space Ratios and Height of Buildings are to comply with the Ryde LEP 2014.</p>	<p><b>Complies</b></p>

Relevant Control	Compliance/Comment
	The proposal complies with the maximum gross floor area and building height for the site as approved under the Concept Plan approval and as permitted under Clause 6.9 of the RLEP 2014.
c) The public land such as the road verge adjoining a development site is to be embellished and dedicated to Council as part of any new development. The design and construction of the works are to be undertaken in accordance with the Macquarie Park Public Domain Technical Manual and Section 4 of this Part.	<p><b>Able to Comply</b></p> <p>Required public domain embellishment works associated with Stage 3 works will be undertaken as part of this application under <b>Conditions 46 and 47</b>.</p> <p>The section of Road 1 proposed under this application will be dedicated to Council in accordance with the VPA for the site.</p>
<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></p> <p>New roads and pedestrian links for the whole development site has been approved under the Concept Plan approval and will be constructed in stages in accordance with the access network plan under the RDCP 2014.</p> <p>Part of Road 1 and the pedestrian link between Roads 14 and 16 will be provided as part of this application and dedicated to Council.</p>
<b>7.3 Active Frontage</b>	
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><b>Complies</b></p> <p>The proposed building provides an active frontage consisting of retail tenancies fronting Road 14, Road 1 and the new pedestrian link, and will contribute to the active streetscape.</p>
<b>7.4 Setbacks and Build-to Lines</b>	
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: <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</li> </ul>	<p><b>Partially Complies - Justified</b></p> <p>Building D meets the required setbacks, with the exception of the basement setback to Road 1 encroaching into the 5m setback, with a setback of 3.8m. It is noted that the Concept DA has been modified to reflect this reduced basement setback. The proposal allows for adequate street tree planting on Road 1, and as such, this is considered acceptable.</p> <p>A similar variation was also approved by the SNPP in regard to Building C.</p>

Relevant Control	Compliance/Comment
<p>to providing a Riparian Corridor in accordance with the NSW Office of Water's Guidelines for Riparian Corridors on Waterfront Land).</p>	
<p>b) 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>c) Council encourages development that complies with Figure 7.3.2 Active Frontage and Setback Control Drawing and meets the requirements of the ECRL Second Reserve Support Zone.</p> <p>The following are permitted in the Second Reserve support zone:</p> <ul style="list-style-type: none"> <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 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.</li> </ul>	<p><b>Complies</b></p> <p>The proposal is setback more than 10m from the Waterloo Road boundary and is setback behind the first reserve setback to minimise impacts on the underground rail corridor as required by Sydney Metro.</p> <p>Catherine Hamlin Park separates the building from the ECRL.</p>
<p>d) Underground parking is not permitted to encroach into the front setback areas unless it can be demonstrated that the basement is designed to support significant mature trees and deep root planting.</p>	<p><b>Does not comply - Justified</b></p> <p>As discussed above, the basement setback encroaches into the 5m setback to proposed Road 1, with a shortfall of 1.2m. This is considered acceptable given street tree planting can be provided along Road 1, and that sufficient deep soil areas have been provided to complement the design of Building D.</p>
<p>e) Awnings, canopies, balconies, sun shading and screening elements can project forward of the street setback line.</p>	<p><b>Complies</b></p> <p>Awnings are provided along the active frontages (i.e. Road 1, Road 14 and the pedestrian link) to provide weather protection.</p>

Relevant Control	Compliance/Comment
<p>f) 60% of the street setback area is to be soft landscaping. Existing mature trees are to be retained where possible. Paved areas are to relate to the materials and finishes of the adjacent streetscape. At grade car parking must not be located within this setback.</p>	<p><b>Does Not Comply – Justified</b></p> <p>Given that Road 14 (and future Road 16) is an active frontage with zero setbacks controls, no soft landscaping will be provided.</p> <p>A 3.8m setback from the basement to Road 1 has been provided. Council’s Landscape Architect is satisfied that the deep soil area provided in this setback is sufficient for the tree planting required under Council’s Public Domain Technical Manual. Sufficient soft landscaping is still provided in this area.</p> <p>Paving finishes will be required to be consistent with Council’s Public Domain Manual.</p> <p>No at grade parking is proposed within street setbacks.</p>
<b>7.5 Awnings and Canopies</b>	
<p>a) Awnings must be provided where Primary Active Frontages are shown in Figure 7.3.2 Active Frontage and Setback Control Drawing. Entry canopies and discontinuous awnings are encouraged elsewhere in the Corridor.</p> <p>b) Awning width is to be 3 m.</p> <p>c) Provide awnings with a soffit height of 3.6m above the finished ground floor level. On sloping sites, awning soffit height may vary from 3.6 m - 4.2 m.</p> <p>d) Entry canopies and discontinuous awnings may be provided to building entries not located along Active Frontages.</p> <p>e) Entry canopies may be glazed or solid, and are to be coordinated with a soffit height of 3.6 m minimum.</p>	<p><b>Complies</b></p> <p>The active frontages along Road 1 and Road 14 have provided awnings with the required width and design.</p>
<b>7.6 Rear and Side Setbacks</b>	
<p>a) Buildings are to be set back 10m from the rear boundary and 5m from a side boundary unless a proposed new road is shown on the site.</p>	<p><b>Complies</b></p> <p>The rear setback (i.e. the northern boundary) consists of proposed Road 1, and therefore, these setbacks do not comply. The side setbacks are to Road 14 and future Road 16, and therefore, the zero setbacks are acceptable.</p>
<p>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.</p>	<p><b>Complies</b></p> <p>Building D is clear of proposed roads. A 5m setback to Road 1 (not including the basement) is proposed. Road 14 and (future) Road 16 are active frontages, and have zero setbacks in accordance with the Concept DA.</p>

Relevant Control	Compliance/Comment
c) Awnings, canopies, balconies, sun shading and screening elements may project into the rear setback zones	<p><b>Complies</b> Adequate weather protection and sun shading have been incorporated into the design of the building.</p>
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.	<p><b>Complies</b> As discussed above, the basement setback encroaches 1.2m into the 5m setback to Road 1.</p> <p>The amended landscape plan has satisfactorily demonstrated that deep soil planting has been maximised across the site, and that street trees can be provided within this setback. As such, the proposal complies with this control.</p>
<b>7.7 Building Separation</b>	
a) Provide minimum 20 m separation between buildings facing each other within a site.	<p><b>Does not comply - justified</b> The proposal provides a minimum separation of 14.5m between Buildings D and C, as well as Building D and E.</p> <p>Notwithstanding the building separation between these buildings being less than 20m in parts, the separation provides adequate width for Road 14 and 16 respectively, as well as landscaping which will contribute to the amenity of pedestrians and accessibility of the site for vehicles.</p> <p>The proposed building envelope and articulation of the facades has adequately demonstrated that bulk and scale is minimised and appropriate sun shading is provided whilst maintaining outlook for occupants towards Catherine Hamlin Park.</p> <p>Furthermore, the proposed building is consistent with building envelopes approved under the Concept Plan.</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 proposed floorplate above 8 storeys is 1,271m<sup>2</sup> and therefore complies with this control.</p>
b) Buildings are to address the street, and are to have a street address.	<p><b>Complies</b> The building has been designed to directly address Road 1, 14, 16 and the pedestrian link. The vehicular access is from Road 1, with the remaining elevations having active frontages for the ground floor retail. The retail fitout is subject to a future application.</p>
c) Facade design is to i. Reflect and respond to the orientation of the site using	<p><b>Complies</b></p>

Relevant Control	Compliance/Comment
<p>elements such as sun shading and other passive environmental controls where appropriate.</p> <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>Details of façade treatments to the building has incorporated additional vertical sun shade blades that also reduce visual building bulk recommended by the UDRP and Council's Urban Designer. Council's Urban Designer has reviewed the proposed architectural treatments and raise no objection to the proposal.</p>
<p>d) The distance of any point on a habited floor from a source of natural daylight should not exceed 12m (such as from the core to an external window).</p> <ul style="list-style-type: none"> <li>i. Atria and courtyards are to be used to promote access to natural light, pedestrian links and slender building forms.</li> <li>ii. Arrange courtyards and atria to respond to street lot &amp; solar orientation.</li> <li>iii. The preferred height to width ratio of atria is 3:1.</li> </ul>	<p><b>Partially complies – Justified</b></p> <p>There are some areas which are more than 12m from the façade. This is appropriate given the building has natural light from all four facades and the space used for vertical circulation and plant is located at the eastern end of the floor plate, maximising solar access to the remainder of the floor plate.</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>	<p><b>Complies</b></p> <p>The provision of new roads, pedestrian links and open spaces within the wider development site has been approved under the Concept Plan approval and will be delivered in stages in accordance with the VPA.</p> <p>The subject application includes the pedestrian link between Road 14 and 16, and part of Road 1.</p>

Relevant Control	Compliance/Comment
<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> <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.</li> </ul>	<p>The provision of the future park (i.e. Catherine Hamlin Park) is not part of the approved Concept Plan, but is being delivered concurrently by NSW Property in partnership with Council and the developer. Building D will benefit from the availability of publicly accessible open space immediately to the south.</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>Does Not Comply – Justified</b></p> <p>Building D has limited opportunities for deep soil areas with minimum dimensions of 20m x 10m given it is bordered by Catherine Hamlin Park, Road 1, Road 14 and Road 16. The Concept DA approved 5m setbacks to Road 1 for Building D, and zero setbacks to the remaining active frontages.</p> <p>As such, the proposal does not meet the required deep soil area.</p> <p>The proposed building footprint and envelope is consistent with the building envelope granted under the Concept Plan approval which contributes to the urban form and pedestrian amenity within Macquarie Park.</p> <p>Given the history of development of the site, specifically the transfer of floor space ratio from the future park lot to the subject site, and the amenity to be provided by the park to the occupants of the development, the non-compliance with deep soil areas is considered acceptable as landscaping areas will be provided where possible throughout the site.</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>Does not comply - Justified</b></p> <p>For the reasons explained above, soft landscaped areas are not achieved within the Building D section of the broader site. The proposal is consistent with the Concept DA, and as such, this non-compliance is acceptable.</p>

Relevant Control	Compliance/Comment
g) Landscaping is to contribute to water efficiency and effective stormwater management. Landowners are to consult with Council for requirements to address stormwater quality	<p><b>Complies</b></p> <p>Water sensitive urban design principles, stormwater management and landscaping design have been incorporated into the proposal. The proposal is acceptable, subject to conditions.</p>
<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>	<p><b>Complies</b></p> <p>The proposal includes a partially landscaped roof on level 6, as well as planters along the pedestrian link. Landscape sections of this level have been provided to demonstrate adequate soil depth has been provided.</p>
<b>8.4 Topography and Building Interface</b>	
<p>d) Level changes across sites are to be resolved within the building footprint.</p> <p>i. Where buildings are built to the street boundary (i.e. zero setbacks, refer to Section 7.4 Setbacks and Build-to Lines), a level transition must be provided between the building and the adjacent footpath. This level must be maintained for a minimum depth of 10 m into the building.</p> <p>ii. Where buildings are set back from the street boundary, entries are to be provided at street level wherever possible.</p> <p>e) An accessible path of travel is to be provided from the street 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></p> <p>The proposal is built to the boundary along Road 14 and future Road 16. However, given the difference in floor levels between Roads 14 and 16, equitable access between Roads 14 and 16 is provided by a publicly accessible lift from the commercial lobby from Road 14 to the pedestrian link (see <b>Figure 16</b> below). The level changes between the footpath and the entrance to the retail tenancy has been sufficiently addressed and it has been demonstrated that satisfactory equitable access is achieved between the public domain and the site.</p> <p>The development provides an accessible path of travel to the development.</p>

Relevant Control	Compliance/Comment
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**Figure 16:** Landscape section through pedestrian link and Catherine Hamlin Park

<p>f) Natural ground level is to be retained for a zone of 4 m from the side and rear property boundaries. Retaining walls, cut and fill are not permitted within this zone.</p> <p>g) The maximum height of retaining walls within the front, side and rear setbacks is not to exceed 1.2 m.</p>	<p><b>Complies</b></p> <p>Natural ground level is being retained adjacent to the eastern side boundary. The ground level at the rear (northern boundary) will be maintained to ensure appropriate and accessible transition between the pedestrian link and the site.</p>
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<p>h) Publicly accessible open spaces under private ownership (courtyards, forecourts) must be provided at footpath level. Where level changes cannot be avoided due to topography, the finished level of the open space must not exceed 1.2 m above footpath level.</p>	<p><b>Complies</b></p> <p>No publicly accessible open spaces in private ownership are involved in this application. Catherine Hamlin Park will adjoin Building D and be able to be utilised by occupants of the building. The level differences between Catherine Hamlin Park and the proposed pedestrian link will be resolved during the more detailed design of the park. Council's Parks Team have raised no issues with the interface of the pedestrian link to Catherine Hamlin Park.</p>
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**8.5 Site Facilities**

<p>a) Vehicular access to loading facilities is to be provided from secondary and tertiary streets where possible.</p>	<p><b>Complies</b></p> <p>Vehicular access to the site is provided via Road 1. The provision of vehicular access via Road 1 was considered acceptable at the Concept DA stage.</p>
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Relevant Control	Compliance/Comment
<p>b) Rubbish and recycling areas must be provided in accordance with Section 6.3 Waste Management. These areas must:</p> <ul style="list-style-type: none"> <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>c) Barrier free access is to be provided to all shared facilities.</p>	<p>The design and location of loading docks and servicing of buildings will be via the access off Road 1 and will not result in any adverse impacts on the surrounding road network or amenity of surrounding properties.</p>
<b>8.6 Vehicular Access</b>	
<p>a) Vehicular access is not permitted along streets identified as 'Active Frontages' (refer to Section 7.3 Active Frontages).</p>	<p><b>Complies</b> Access is provided off Road 1, and complies with this control.</p>
<p>b) Potential pedestrian/vehicle conflict is to be minimised by:</p> <ul style="list-style-type: none"> <li>i. limiting the width and number of vehicle access points</li> <li>ii. ensuring clear site lines at pedestrian and vehicle crossings</li> <li>iii. utilising traffic calming devices</li> <li>iv. separating and clearly distinguishing between pedestrian and vehicular accessways</li> </ul>	<p><b>Complies</b> The vehicular access to Building D is via the driveway off Road 1. Road 1 will be constructed in accordance with the Ryde Public Domain Technical Manual.</p>
<p>c) 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><b>Complies</b> The car park entry and loading dock are accessed Road 1. The entries will not have any adverse visual or amenity impacts when viewed from the public domain.</p>

Relevant Control	Compliance/Comment
<b>8.7 Onsite Parking</b>	
<b>Basement parking</b>	
d) 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><b>Does not comply – Justified</b></p> <p>The footprint of basement car park encroaches by 1.2m into the setback to Road 1. Deep soil areas across the site have been addressed above and this non compliance is considered acceptable.</p>
e) Basement parking areas must not extend forward of the building line along a street.	
f) Along active frontages, basement parking must be located fully below the level of the footpath.	
<b>9.0 Environmental Performance</b>	
<b>9.1 Wind Impact</b>	
<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><b>Complies</b></p> <p>A Wind Impact Assessment prepared by Vipac Engineers and Scientists Limited (dated 15 May 2020) has been submitted. The report concludes:</p> <ul style="list-style-type: none"> <li>• The development would be expected to generate wind conditions in the ground level footpath areas within walking criterion</li> <li>• The development would be expected to generate wind conditions in the main entrance areas within the standing criterion</li> <li>• The some outdoor seating areas on the ground level would be expected to exceed the sitting comfort criterion. However, this is deemed to be acceptable as they are intended to only be used on fair weather days with calm winds.</li> <li>• The terraces at Level 6 would be expected to meet the walking comfort criterion.</li> </ul> <p>A condition of consent has been imposed to reflect these requirements (see <b>Condition 33 and 113</b>).</p>
<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.	<p><b>Complies</b></p> <p>An Acoustic Assessment Report prepared by JHA Services and dated 6 May 2020 has been submitted.</p> <p>This report concludes that noise impacts have been predicted at the nearest noise sensitive receiver boundaries, taking into account distance attenuation, building reflections and directivity. Recommendations have been provided to minimise the impact of external</p>

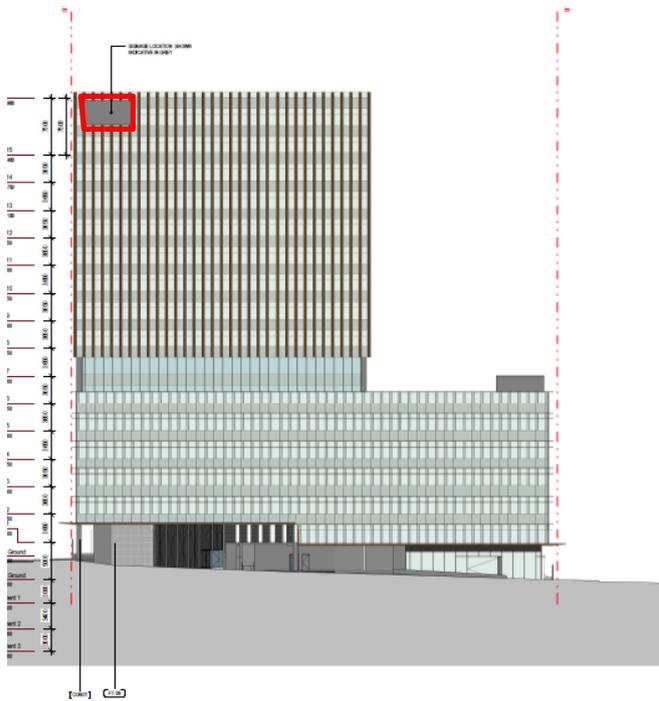
Relevant Control	Compliance/Comment
<p>b) Development is to comply with all relevant statutory regulations.</p>	<p>noise emissions associated with the mechanical plant of the proposed development to the nearest sensitive receivers. Glazing façade recommendations have been provided based on traffic noise levels measured on site. In order to achieve the required sound insulation the minimum fixed glass system is 6.38mm laminated glass. This glazing recommendation is preliminary and provided only for acoustics. During the detailed design stage of the project, the sound insulation performance of the glazing façade should be reviewed as the combined noise from traffic and mechanical services could result in an exceedance of the design internal noise levels.</p> <p>Based on intermittent vibration levels at the south-west façade of the Building C, it is expected that the Vibration Dose Values will be less than the “low probability of adverse comment” criteria (the most stringent criteria) for the site. No vibration attenuation treatment to the development is required.</p> <p>A condition of consent has been imposed to ensure compliance with the recommendations of this report (see <b>Conditions 30 and 111</b>).</p>
<p><b>9.4 Soil Management</b></p>	
<p>a) Development is to comply with the City of Ryde DCP 2014.</p> <p>b) Development is to be designed and constructed to integrate with the natural topography of the site to minimise the need for excessive sediment disturbance and prevent soil loss.</p> <p>c) Effective site management and maintenance practices are to be followed to prevent soil loss.</p> <p>d) Ensure that suspended Solid concentrations in stormwater leaving the site do not exceed more than 50 mg/litre.</p> <p>e) An Erosion and Sediment Control Plan (ESCP), prepared by a suitably qualified environmental engineer, is required to be submitted in support of all development proposals requiring development consent under the Ryde Local Environmental Plan, (other than for minor building modifications) including: Demolition; Excavation; Trenching and Building.</p> <p>f) The ESCP must make reference to the entire construction and post construction period, and all devices must be installed prior to</p>	<p><b>Complies</b></p> <p>Appropriate conditions of consent will be imposed to require the submission of an erosion and sediment control plan that meets the Council’s requirements (see <b>Condition 89</b>).</p>

Relevant Control	Compliance/Comment
commencement of any demolition or construction works on-site.	

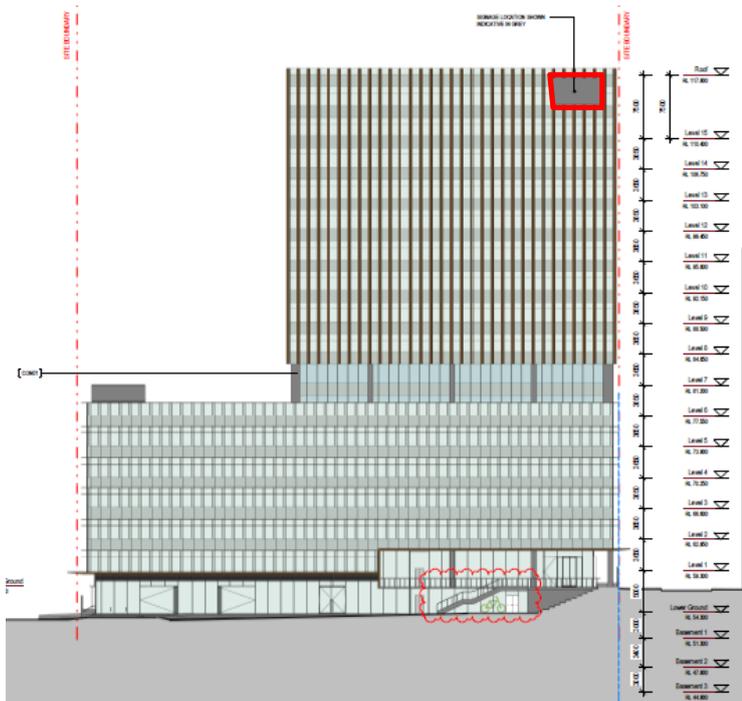
### Part 9.1 – Signage

The development also proposes two signage zones, one on the southern elevation and the other on the northern elevation. The signage zones will have the following dimensions and are demonstrated in **Figure 17** and **18**.

- Southern elevation – 6.2m x 3m
- Northern elevation – 6.2m x 3m.



**Figure 17:** Northern elevation adjacent to Road 1 demonstrating the location of the signage zone. The other signage zone is proposed on the southern elevation.



**Figure 18:** Southern elevation demonstrating the location of the signage zone. The other signage zone is proposed on the northern elevation.

The applicant intends to submit a separate development application for the installation of signage within the above zones.

Part 9.1 of the RDCP 2014 identifies that signage in Macquarie Park is to be provided at the rate of 1m<sup>2</sup> of signage per 1 metre of building frontage for the first 10m then 0.3m<sup>2</sup> of signage for each 1m of building frontage after that. As the site has 2 street frontages, the length of the building as it presents to the longest street may be used. Using this criteria, the building will permit a total area of approximately 17.8m<sup>2</sup>. The extent of the signage zones as proposed by the applicant is equivalent to an area of 18.6m<sup>2</sup>, that exceeds Council's requirements.

The variation to Council's DCP requirements is acceptable given that there are three road frontages for the site and the signage zones will not be seen together. The applicant intends to submit a separate development application for the installation of the signage.

## **Part 9.2 Access for People with Disabilities**

The application includes an Access Report dated 13 May 2020 as prepared by Morris Goding Access Consulting.

The Report concludes that the proposed development indicates that accessibility requirements, pertaining to external site linkages, building access, common area access, sanitary facilities and parking can be readily achieved.

Appropriate conditions are imposed requiring compliance with the recommendations made in the Report, the BCA and relevant Australian Standards (see **Conditions 26 and 112**).

### **Part 9.3 – Car Parking**

In terms of parking capacity, the development provides commercial floor area with a GFA of 19,545.5m<sup>2</sup> and a ground floor retail area of 837.8m<sup>2</sup>. Based on the parking rates specified in condition 14 of the developments concept approval, the development requires a maximum of 195 commercial spaces and a minimum 34 retail spaces. The development has provided a total of 145 parking spaces and therefore is less than this cap.

The applicant's Traffic report has presented parking analysis based on Council's commercial rate for the Macquarie Park area which is presented as a maximum level to be provided. The report has gone on to specify that only staff parking would be allocated for the retail component on the premise that these were ancillary to the primary function of the site as a commercial office space. This arrangement was not accepted by the Development Engineering Services section in the assessment of the original concept approval given that the degree of retail floor area is relatively large, unlikely to accommodate "ancillary" uses and would unlikely cease operating after business hours. Consequently condition 14 (Parking Allocation) was applied to the concept approval and required the retail component to have a minimum allocation of parking to be in accordance with the DCP rates, with a clause permitting this to be relaxed subject to further analysis.

The proceeding development for Building AB did not wholly adopt this condition. It was acknowledged by Council that the majority of patrons / customers to the retail areas during business hour periods would be office workers however after hours, these areas would be a primary trip destinations (e.g. restaurants in the evening) and therefore generate their own parking demand. Accordingly, a condition was imposed requiring that Building AB allow public parking access after hours so as to accommodate this demand. Considering the extent of retail floor area presented in this proposal, a similar configuration is advised, as detailed below:

*152. **Parking Allocation.** Both the owner and occupier of the development must provide and maintain the following parking allocation as follows;*

- *A maximum of 145 commercial spaces*
- *84 bicycle parking spaces*
- *A minimum of 33 public parking spaces are to be made available in Basement 1, between the hours of 6:30pm to the close of retail business, so as to accommodate retail parking demand after business hour periods.*

*In relation to the retail parking requirement, the installation of a boom gate, roller door or other secure access is permissible so as to secure and prevent unwanted access to lower parking levels during this period.*

## 8. SECTION 7.11 CONTRIBUTIONS

Council's current Section 7.11 Development 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.

Accordingly the contribution is based on the additional floor space there is in the development proposal. The contribution that are payable with respect to the increased density on the subject site (being for commercial development inside the Macquarie Park Area) are as follows:

<b>A Contribution Type</b>	<b>B Contribution Amount</b>
Community & Cultural Facilities	\$285,686.38
Open Space & Recreation Facilities	\$646,447.27
Transport Facilities	\$335,801.21
Plan Administration	\$18,970.37
<b>Total Contribution</b>	<b>\$1,286,905.22</b>

A condition on the payment of Section 7.11 Contribution of \$1,286,905.22 has been included in the draft notice of determination attached to this report (See **Condition 19**).

## 9. 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.

### **Crime Prevention Through Environmental Design**

A Crime Prevention Through Environmental Design Report has been prepared in accordance with the CPTED requirements of the Act. This report has identified a number of recommendations which are to be incorporated into the detailed design of the proposed building. These recommendations are in respect to surveillance, lighting, territorial reinforcement, environmental maintenance, activity and space management and access control. A condition of consent will be imposed to require the development to incorporate all of the recommendations of the report into the design of the development (see **Condition 32**).

### **Overshadowing**

The applicant has demonstrated through the amended shadow diagrams that the proposed development will allow for adequate solar access to Catherine Hamlin Park between the hours of 9am and 3pm midwinter. The proposal will cast shadow over the

park at 9am, but will allow for midday sun (see **Figure 16** below). Shadow will be cast by future Buildings E and F in the afternoon.



**Figure 19:** Shadow diagrams showing impact on Catherine Hamlin park

The overshadowing resulting in the detailed design of Building D is consistent with the indicative shadow diagrams provided at Concept DA stage.

## 10. REFERRALS

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

### 10.1. Internal Referral Comments

#### Urban Design Review Panel and Urban Strategy

The application was referred to the Ryde Urban Design Review Panel for assessment. It is noted that the UDRP were generally supportive of the application, with minor amendments requested.

The final amended plans were reviewed by Council’s Urban Designer, who assessed that the previous issues raised by the UDRP were resolved by the design changes.

The following comments were provided by the UDRP:

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
<p><b>Context and Neighbourhood Character</b></p> <p>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><b>25 November 2020 comment:</b></p> <p>The site for Building D is located with access to Macquarie Square and has frontage to Roads 1,14 and 16. The site is zoned B3 Commercial Core with a permissible height of RL 118.7m for the tower and RL 80.4m for the podium. The site for Building D has an area of 3, 076 sqm. The site is located at the northern end of the new park and will form the visual termination to that park. The master plan is very specific in the defined envelope for the site. A 6 storey podium is required to the west with the 18 storey</p>

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
<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>tower located to the east. The approved tower form is shown as overhanging the public access way.</p> <p>A 5m street setback is required to northern Road 1. The relationship of this building to the park and its three street frontages will be critical. There is a significant level difference of 3.2m from the eastern street to the western street which must facilitate public access. The southern side of the site along the park is intended to provide a pedestrian link between the streets. The interface to the park needs to provide activation and should minimise blank walls associated with stairs.</p> <p>The plans pre-circulated ahead of the Panel meeting indicated extensive blank walls and inactive areas between the pedestrian link stairs and the building. No accessible public access was provided external to the building, and the basement was indicated extending fully into the 5m DCP setback required to the northern road. This version of the proposal also provided a major vertical building element addressing the park, with massing shifted from the top of the tower to the base of the tower.</p> <p>The further amended plans tabled at the commencement of the Panel meeting reinstates the 5m setback to the basement extent from Road 1 and shifts the pedestrian link and stairs to a location against the building which eliminate issues of inactive spaces and blank walls.</p> <p>An accessible lift has also been provided adjacent to the stair which ensures disabled persons do not have to enter the building to access the park from the eastern road. The vertical façade element has been removed and the massing of tower is more consistent with the approved concept envelope. The overhang of the building has also been reinstated.</p> <p>Therefore, the Panel supports the general arrangement of the amended proposal as tabled, as it appears consistent with the concept envelope.</p> <p><b>Assessing Officer comment:</b></p> <p>The applicant formerly lodged the plans tabled at the UDRP meeting. These plans have resolved the level differences between Road 14 and Road 16 by providing stairs and an accessible lift within the proposed pedestrian link. A 5m setback to Road 1 is proposed, however, the basement setback is 3.8m to Road 1. As discussed elsewhere in this report, the basement setback allows for tree planting and is considered acceptable in this instance.</p>

<b>SEPP 65 – Design Quality of Residential Flat Buildings</b>	<b>UDRP Comments</b>
<p><b>Built Form and Scale</b></p> <p>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>25 November 2020 comment:</b></p> <p>The Panel considers that the built form and scale of the proposal is reasonable and conforms with the intent of the master plan. It is noted that the relocation of the pedestrian stairs has achieved a better outcome as the stairs are shortened and a greater extent of retail frontage is now provided to the park.</p> <p>The Panel is concerned that depth of the UG retail to the east may not be sufficient to support a range of retail uses and would recommend the applicant consider whether the fire egress could be reconfigured to provide greater retail depth.</p> <p>The Panel acknowledges the issues with the basement and its access and notes that there may be opportunities to shift the basement to the south under the large paved forecourt area outside the building and under the pedestrian link. This would not impact any landscape outcomes.</p> <p><b>Assessing Officer comment:</b></p> <p>The applicant has amended the ground floor plan to expand the upper ground lobby and removal the retail use from this section, as the depth of the retail tenancy could not be increased to 10m as requested by Council. Council's Urban Designer has advised this is an appropriate design solution, and is satisfied with the ground floor arrangement.</p>
<p><b>Density</b></p> <p>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.</p> <p>Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>The amended proposal is consistent with the concept plan approval, and provides a reasonable density appropriate for its site.</p>

<b>SEPP 65 – Design Quality of Residential Flat Buildings</b>	<b>UDRP Comments</b>
<p><b>Sustainability</b></p> <p>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 livability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p>Sustainability measures provided within the DA were not specifically discussed in the meeting however the Panel noted that the vertical and horizontal sun shading should be further developed to achieve a façade design that specifically responds to the orientation and sun angles to which each façade is subjected. This would assist in developing the architectural language of the scheme.</p> <p><b>Assessing Officer comment:</b></p> <p>The applicant amended the plans to include vertical louvres on the northern and southern elevations. Council's Urban Designer has raised no issues with the amended design in relation to the environmental performance of the building.</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>The removal of the basement encroachment into the 5m deep soil setback to Road 1 will allow deep soil street trees which is positive. Having created an opportunity for deep soil in this location, the applicant is encouraged to maximise the corresponding benefits of large canopy street trees.</p> <p>The involvement of a landscape architect will be important in realising this opportunity.</p> <p><b>Assessing Officer comment:</b></p> <p>The applicant has not removed the encroachment of the basement, which is setback 3.8m from Road 1. However, Council's Landscape Architect has advised that the basement setback will allow for trees to be planted in accordance with the Public Domain Technical Manual along Road 1, and as such, this setback is acceptable.</p>

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
<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 well-being.</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>The Panel appreciates the improvements to the pedestrian network, retail activation and connectivity in the amended plans tabled at the Panel meeting.</p> <p>The Panel is concerned about potential safety issues due to the proximity of the external retail seating area on Road 1 and the proximity of adjacent vehicle driveways. This should be addressed either by wider landscape planter or shifting other services between this area and the vehicle access.</p> <p><b>Assessing Officer Comment:</b></p> <p>The area adjoining the retail on the northern side of the proposed building has implemented further planting between the road and the outdoor area to ensure the safety of users of this area (see <b>Figure 19</b> below).</p>  <p><b>Figure 20:</b> Extract of ground floor landscape plan, showing additional planters circled in red</p>
<p><b>Safety</b></p> <p>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>There are no safety issues identified by the Panel other than concern over proximity of the outdoor seating area on the northern road discussed under amenity.</p>

<b>SEPP 65 – Design Quality of Residential Flat Buildings</b>	<b>UDRP Comments</b>
<p><b>Housing Diversity and Social Interaction</b></p> <p>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>Not applicable.</p>
<p><b>Aesthetics</b></p> <p>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.</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>	<p>Refer also to Built Form and Sustainability above. The Panel appreciates the scheme tabled at the meeting is under development.</p> <p>The Panel encourages the achievement of a strong, cohesive architectural expression that incorporates elements evident in the earlier version of the scheme pre-circulated to the Panel.</p> <p>With refinement and careful consideration of environmental performance and orientation (discussed in sustainability above) the Panel is satisfied the proposal is capable of achieving an acceptable level of design quality.</p>

### Landscape Architect

Council's Landscape Architect raises no objection to the proposal, subject to conditions of consent (see **Conditions 55,100-103, 106**).

### City Works (Traffic)

Council's Traffic section raises no objection to the proposal, subject to conditions of consent (see **Conditions 27, 43, 61, 62, 69, 105, 121, 128-130**).

### City Works (Public Domain)

Council's Public Domain section raises no objection to the proposal subject to conditions of consent (see **Conditions 12, 45-51, 63-68, 131-147**).

### City Works (Drainage)

Council's Drainage Engineer raises no objection to the proposal subject to conditions of consent (see **Conditions 59, 60, 104, 125, 126**).

### Environmental Health

Council's Environmental Health Officer raises no objection to the proposal subject to conditions of consent (see **Conditions 14-16, 52, 58 78, 92-98, 153-158**).

### Development Engineering

Council's Senior Development Engineer raises no objection to the proposal subject to conditions of consent (see **Conditions 8-11, 35-42, 56, 57, 87-91, 115-120, 151, 152**).

### Environmental Sustainability

Council's Senior Sustainability Transport and Environment Officer has reviewed the development application and has raised no objection subject to conditions of consent (see **Conditions 122 to 124, 150**).

### City Works – Parks

Given the proximity of Building D to Catherine Hamlin Park, Council's Senior Coordinator Parks Planning has reviewed the application. No objection has been raised by Parks.

## **10.2. External Agency Referrals**

### Transport for NSW

Transport for NSW have raised no objection to the development (see **Conditions 17 and 18**).

## **12. PUBLIC NOTIFICATION & SUBMISSIONS**

In accordance with the Ryde Community Participation Plan, the application was notified and advertised for a period of 28 days between 1 July 2020 and 6 August 2020. As a result of the notification period, no submissions objecting to the development application were received.

The amended plans were renotified between 22 November 2021 and 13 December 2021. No submissions were received.

### 13. CONCLUSION

The development results in a few minor variations to the RDCP 2014. These variations to the built form and landscaping issues are all considered to be justifiable on the merits of the application.

The development also proposes a variation to the amount of car parking proposed for the retail uses with zero spaces provided. This variation to the DCP as well as the concept plan is not supported. It is recommended that a condition of consent be imposed to require the retail spaces to access the commercial parking spaces after 6.30pm. This will allow for a range of retail uses to occupy the ground floor and contribute to the night time economy of Macquarie Park.

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 subject to conditions of consent for the following reasons:

1. Subject to appropriate conditions of consent, the proposed development is consistent with the intent of the Concept Plan approved under LDA2018/0172. The proposal is considered responsive to the strategic intentions for Macquarie Park under the RDCP 2014 and RLEP 2014 and associated planning controls that have been adopted for the locality.
2. The proposed development allows for the orderly development of the site.
3. The proposed development is consistent with the zone objectives and the objectives of the relevant planning provisions.
4. The proposed development will contribute to significant economic growth and the future prosperity of Macquarie Park.
5. No submissions were received in relation to the proposed development.

### 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 LDA2020/0218 for a mixed use commercial and retail building known as Building D at 45-61 Waterloo Road, Macquarie Park, subject to the conditions of consent in **Attachment 1** of this report.
- B. That a copy of the development consent be forwarded to Transport for NSW.

**Report prepared by:**

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