

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSNH - 117
DA Number	LDA2020/0229
LGA	City of Ryde
Proposed Development	The proposal comprises an Amending Development Application to modify the Concept Development Application approved under LDA2017/0547 with regard to land uses, building envelopes, site access, layout and staging. The application seeks to modify the approved Concept Development Application to: - Amend the approved land uses to include a data centre in addition to the approved retail and commercial uses. - Merge approved Building B, C and D to create one enlarged Building B which will accommodate a data centre. - Reconfigure and rename approved commercial office building 'Building E' to become 'Building C'. - Introduce new commercial office building 'Building D' - Amend the design of internal private roads, with no changes to Road 22. - Reduce the central publicly accessible open space fronting Khartoum Road, known as Bochetto Park from approximately 5,332sqm to 2,339sqm. - Reduction from 987 spaces to 765 car parking spaces. No changes are proposed to Building A or the Stage 01 approval under LDA2017/0547 for its construction.
Street Address	11-17 Khartoum Road and 33- 39 Talavera Road, Macquarie Park
Applicant/Owner	Stockland Pty Ltd/ The Trust Company Limited
Date of DA lodgement	30 June 2020
Total number of Submissions Number of Unique Objections	• 0 submissions • 0 unique submissions
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	General Development over \$30 Million – Cost of works: \$305,706,500 inc. GST
List of all relevant s4.15(1)(a) matters	• Environmental Planning and Assessment Regulation 2000; • Environmental Planning and Assessment Act 1979; • Water Management Act 2000; • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (State and Regional Development) 2011; • State Environmental Planning Policy No. 55 – Remediation of Land;

	• State Environmental Planning (Vegetation in Non Rural Areas) 2017; • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; • Greater Sydney Regional Plan - A Metropolis of Three Cities, 2018; • Ryde Local Environmental Plan 2014; • Draft Remediation of Land State Environmental Planning Policy; • Draft Environment State Environmental Planning Policy; • City of Ryde Development Control Plan 2014; and • City of Ryde Section 7.11 Development Contributions Plan 2020.
List all documents submitted with this report for the Panel's consideration	• Attachment 1: Draft Conditions of consent • Attachment 2: Conditions of consent and approved plans for approved LDA2017/0547
Clause 4.6 requests	• N/A
Summary of key submissions	• N/A
Report prepared by	Rebecca Lockart, Senior Coordinator Major Development
Report date	17 November 2020

Summary of s4.15 matters

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

Legislative clauses requiring consent authority satisfaction

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

Clause 4.6 Exceptions to development standards

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

Special Infrastructure Contributions

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

Conditions

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

1. EXECUTIVE SUMMARY

This report considers a concept development application (DA) under Section 4.22 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The proposed concept DA is an amending DA which seeks to modify an existing concept approval under Local Development Application No. LDA2017/0547. The subject DA, herein referred to as the 'Amending DA', is for a four-stage commercial development at Lot 1 DP 633221, 11-17 Khartoum Road and 33-39 Talavera Road, Macquarie Park.

This application essentially seeks to modify a concept approval for building envelopes for the proposed tower forms, with floor area, open space and building siting nominated within the application.

The Approved Concept DA

Local Development Application No LDA2017/0547 approved a Concept Development as well as Stage 01 works (referred to as 'the Approved Concept DA'). The application was lodged on 21 December 2017, and consent was granted on 4 December 2019 by the Sydney North Regional Planning Panel (SNPP). The approved development under LDA2017/0547 is described as follows:

"The proposal comprises a Concept Development Application for development of the entire 30,030m² site, and for the initial stage of development (Stage 01).

The Concept Development Application includes the design parameters such as building envelopes, building layout, parking, roads, open space as well as staging of the future development of the site.

The Concept Development includes the building envelopes for five commercial offices to a maximum height of 44.5m, and four retail and support pavilions around a central publicly accessible open space area, known as Bochetto Park. Basement parking will be provided for 987 vehicles. The proposal also includes a new public road, two private roads and a pedestrian through site link.

Stage 01 works include the demolition of the existing south-western building, construction of a 10 storey mixed use commercial and retail building with 3 levels of basement car parking, construction of a portion of the internal 14.5m private road connecting to Khartoum Road, construction of a portion of the pedestrian through site link and associated landscaping."

The Amending DA

The Amending DA seeks to utilise the provisions of section 4.17 of the EP&A Act such that, at the issuance of a development consent for the subject application, LDA2017/0547 will be amended to ensure that the two Concept DA consents are consistent with each other and may operate simultaneously over the site.

The proposed changes under this Amending DA seek a reduction in the number of buildings on the approved concept DA from five (5) to four (4) along with changes to the approved staging plan, building footprints, open space provision, and internal road network. A key change is the new Building B, which is a proposed data centre, in the south-eastern portion of the site, with Buildings A, D and C, bring commercial buildings, sited around a reduced Bochetto Park in the north.

This application amends the approved concept DA in relation to:

- Combining the approved Building B, C and D to create a single Building B, 45m in height and measuring 133.5m by 43.2m which will accommodate a data centre.
- Reconfiguring approved Building E which is to be renamed Building C.
- Introducing new Building D positioned in the southern portion of the approved location of Bochetto Park between Building A and Building C.
- Minor amendments to the approved extent of Stage 01/Building A.

The Amending DA seeks concept approval for:

- Three commercial office buildings and one data centre that would be subject to future DA approvals.
- A total floor space of 55,129m² comprising commercial office, data centre and retail uses.
- Building heights of up to 45 metres.
- Interconnected basement car parking for Buildings A, C and D.
- New internal private loop road.
- New Road 22 along the south-west boundary of the site connecting to Talavera Road.
- New pedestrian through site link connecting Talavera Road and future Road 1.
- Indicative landscape concept for a central publicly accessible open space (to remain in private ownership).
- Associated infrastructure and servicing works.

Building B

The development of the Building B Data Centre is a State Significant Development (SSD) under the EP&A Act. Secretary's Environmental Assessment Requirements (SEARs) under Section 4.12(8) of the EP&A Act for the Macquarie Park Data Centre (SSD-10467) were issued on 29 June 2020 relating to Building B. Specifically the SEARs relate to the construction and operation of a data centre, comprising:

- a five-storey building;
- ancillary offices and staff amenities;
- a new access road; and
- associated infrastructure, car parking, loading areas and landscaping.

Community notification and advertisement

The Amending DA was notified and advertised in accordance with Part 2.1 of *Ryde Community Participation Plan* and no submissions were received. None of the amendments to the plans during the assessment period necessitated the renotification of the application.

Section 4.15 Assessment summary

The proposal complies with the planning requirements under Ryde Local Environmental Plan 2014 (Ryde LEP 2014). In particular, the proposal utilises the incentive provisions under clause 6.9 of Ryde LEP 2014 for additional floor space and height which is to be distributed across the site under the amended concept DA.

A Planning Agreement has been executed between the applicant and Council which will allow for the carrying out of road works, associated road dedication, public domain works, and creation of a pedestrian link and associated easement. This Planning Agreement was amended via a Deed of Variation (executed 27 November 2020) in response to the proposed amendments under this Amending DA. The requirements under the Planning Agreement are generally in accordance with the Access Network Structure Plan under the Ryde Development Control Plan 2014 (Ryde DCP 2014).

With respect to the Ryde DCP 2014, the proposal results in non-compliances in relation to the building separation, building address to the street, deep soil area, level changes within the site and retaining walls, basement parking beneath building footprints and boundary fencing. Each of these non-compliances have been addressed in the report and the variations can be supported on their merits.

Environmental constraints that affect the site include the existing vegetation found throughout, the relatively shallow groundwater level, and site topography. The approved concept DA demonstrated that the site is of minimal contamination risk and that no further information is required to satisfy clause 7 of State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55), this same conclusion is made for the subject Amending DA.

Transport for NSW (TfNSW) have provided their support for the proposal under the Amending DA subject to conditions. TfNSW required that the applicant provide a financial contribution to intersection upgrades within the locality, which was a requirement of the Approved Concept DA and has been updated within the conditions with respect to the Amending DA. This has been agreed to by the applicant.

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

The proposed Amending DA results in a well-designed public park surrounded by active uses on the ground levels of Buildings A, C and D and high quality public domain area facing Khartoum Road. While concern has been raised by Council's Urban Design Review Panel and by Council's City Strategy section to the proposal as originally lodged, particularly in relation to the data centre at Building B, the proposed data centre is a permissible use which has been designed to best meet the design requirements for that purpose. The amendments to the proposal compared with the originally lodged design address the initial fundamental issues raised by Council and will result in an improved outcome to the development both with regard to Building B, activation of and access to the pedestrian link, and urban design and the interface of buildings around the park.

Consideration of technical matters by Council's engineering and landscaping departments has not identified any fundamental issues of concern, with any matters of concern recommended to be addressed via new or amended conditions of consent.

The Amending DA will contribute to the economic growth and prosperity of Macquarie Park and facilitate the orderly development of the site. Buildings A, C and D around the future Bochetto Park will be of high-quality architectural design and respond to the site's location within the mixed-use area, while providing commercial development within the central Macquarie Park precinct. The proposed data centre responds to the design constraints relating to the proposed use, while balancing the security needs of the future tenant and the urban design standards of Macquarie Park. The data centre will be a major economic drawcard for Macquarie Park and meets the objectives of the B7 Business Park zone it is situated. The data centre is a high technology facility that will support other uses within Macquarie Park, being in a strategic location near innovation, pharmaceutical and education to provide low-latency data access to interconnected networks. On the whole, the Amending DA is likely to further attract industries involved in research and development to the Macquarie Park precinct.

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

2. APPLICATION DETAILS

Applicant: Stockland Pty Ltd c/- Urbis Pty Ltd

Owner: The Trust Company (Australia) Limited

Capital Investment Value: \$305,706,500 inc. GST

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

3. SITE DESCRIPTION

The site is positioned on the corner of Khartoum Road and Talavera Road, as shown in **Figure 1**, and has a total site area of approximately 30,030m². The development site, known as the Macquarie Technology Park, has two primary frontages being 11-17 Khartoum Road to the north-west (181.05m) and 33-39 Talavera Road to the north-east (165.96m). The site comprises a single regularly-shaped allotment legally described as Lot 1 in DP 633221.

The site falls moderately from the western corner to the eastern corner by approximately 11m (refer **Figure 2**). As such, the site currently functions at two distinct levels with a concrete retaining wall at the Khartoum Road boundary, and an inclined driveway along the southeast boundary connecting, the upper and lower levels. A significant portion of the site comprises at grade parking, primarily at the perimeter and along building edges, these are accessible via two driveways off Talavera Road and three off Khartoum Road.

Both frontages are lined by mature trees, landscaped garden beds, hedging and turf, creating a vegetative buffer to the adjoining footpaths and cycleway. Some mature trees are present across car parking and building entrances with landscaping at building edges predominantly comprising of hedging.

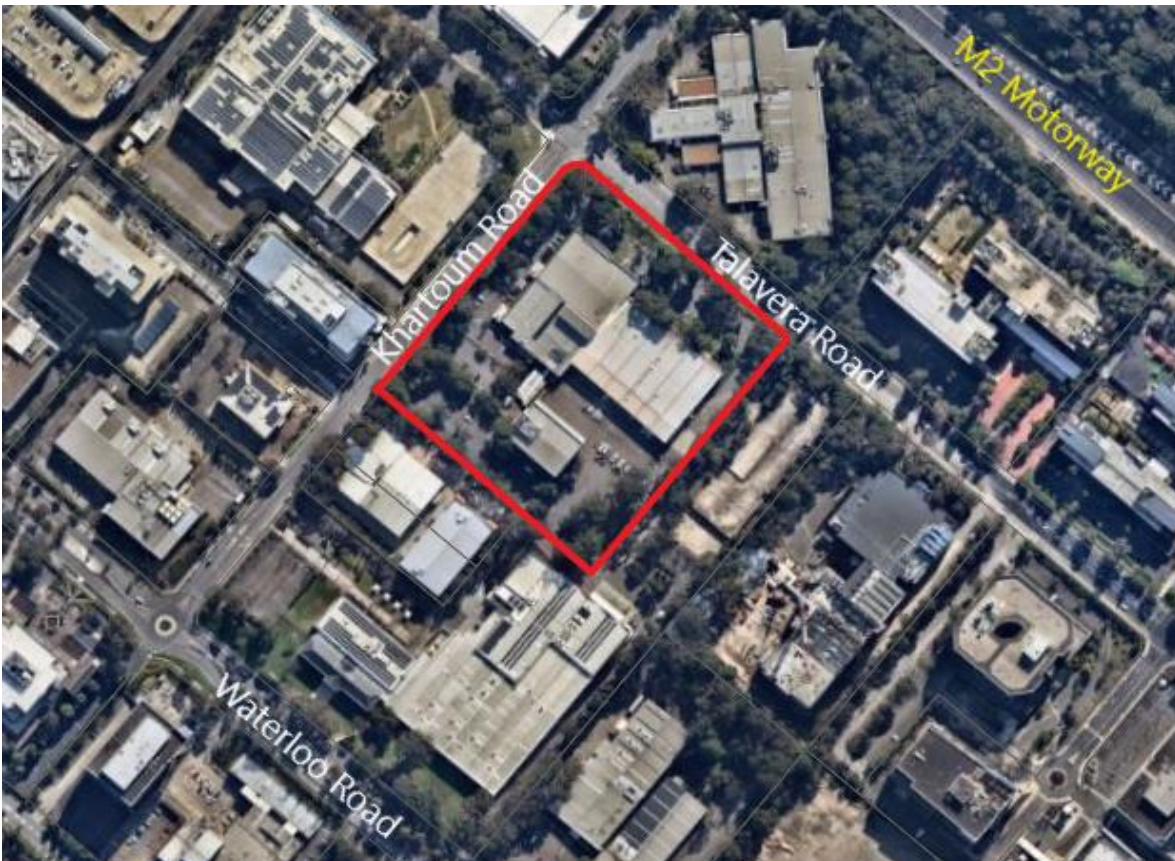


Figure 1. Aerial Image of the site location (identified in red)
 (Source: NearMaps, edited for diagrammatic purposes)

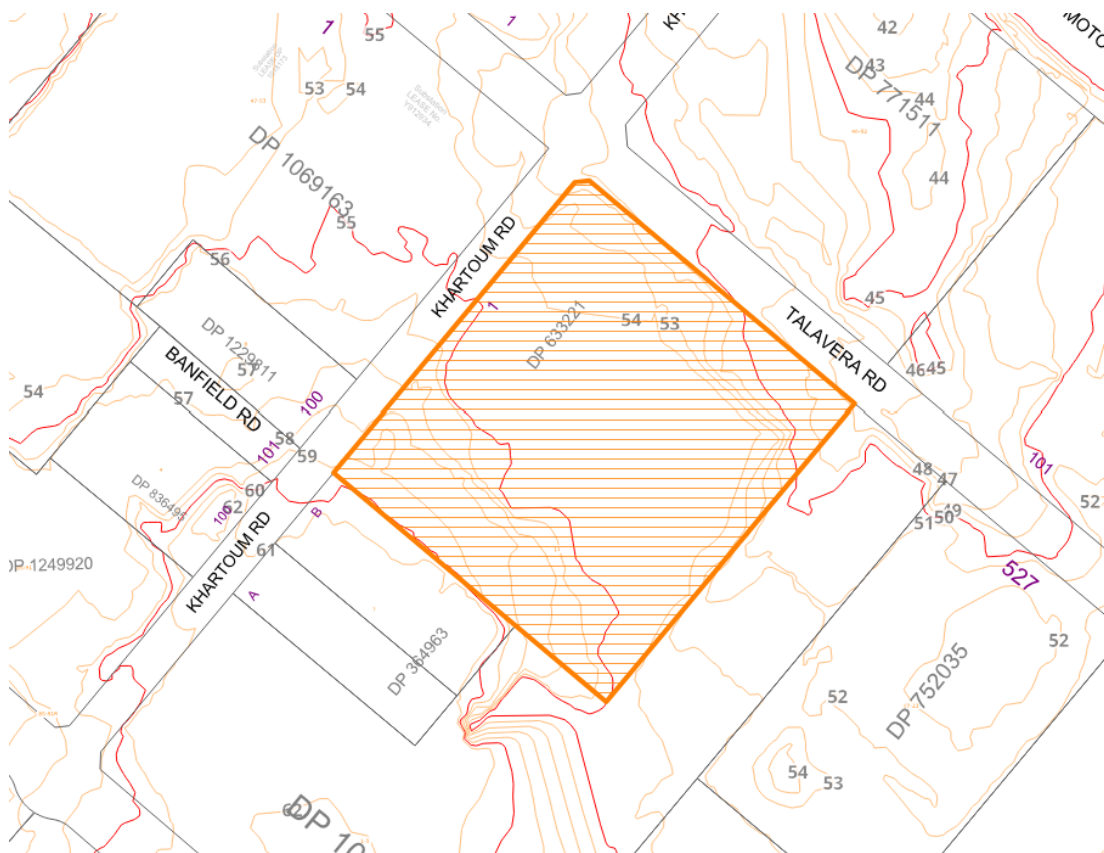


Figure 2. Image depicting lot boundaries and site contours
 (Source: Ryde Maps, edited for diagrammatic purposes)

Existing Development

The site is currently known as the Macquarie Technology Centre, which includes two buildings both comprising office and warehouse development and over 400 at-grade car parking spaces across the site. Building 1, as shown in **Figure 3**, is two storeys in height, features a white and grey façade with pronounced external pillars, and a broad, convex primary entrance. The eastern half of the building comprises office space, largely rectangular with some articulation, and the western half comprises warehouse space with a loading dock accessed from Talavera Road.

Building 2, as shown in **Figure 4**, is located toward the northern boundary of the site, is six-storeys in height with its primary entrance accessed from the upper carpark level towards the site's rear boundary, and a loading dock at the lower level. The building features similar form, colour and materiality to Building 1. Demolition of Building 2 is approved under Part 2 of LDA2017/0547 relating to Stage 01.



Figure 3. View to subject site from intersection of Talavera Road and Khartoum Road



Figure 4. Main driveway entrance to Building 1 from Talavera Road



Figure 5. View to Building 1 from Talavera Road with bicycle path and bus stop



Figure 6. View to rear boundary from Talavera Road carparking entrance



Figure 7. View to Building 2 from Khartoum Road carparking entrance



Figure 8. Main entrance to Building 2 from carpark adjoining rear boundary

Surrounding Development

The site is generally surrounded by commercial development consistent with Macquarie Park's function and character as a business precinct. Buildings in the immediate vicinity of the subject site include:

- Talavera Road: Health Macquarie Park, Westpac Data Centre, DXC Technology, Ancare Australia, Hitachi Vantara Australia, Merial Australia and Toshiba
- Khartoum Road: AstraZeneca, Fuji Xerox, Kennards Self Storage, Beiersdorf Australia

Nearby buildings are shown within the images below at **Figures 9 and 10.**



Figure 9. Fuji Xerox building opposite the site, on Khartoum Road



Figure 10. Kennards Self Storage (L) adjoining the site (R) at the rear, southwest boundary

Approvals History

Table 1 below provides details of existing approvals and applications relating to the site that remain under Council consideration.

Table 1. Development Approvals History Summary

Development Application	Description	Relevant dates and information
LDA2017/0547	Concept Development Application across whole site and Stage 01 works. The Concept DA included establishing building envelopes and layout, parking, roads, open space and staging of future development on the site. Stage 01 works included demolition of the existing south-western building on the site, construction of a 10-storey commercial and retail building with 3 levels of basement car parking, construction of the internal road connecting to Khartoum Road, construction of a portion of the pedestrian through site link and associated landscaping.	Development consent was granted by the Sydney North Planning Panel for the Concept DA and Stage 1 works on 4 December 2019.
MOD2020/0046	Section 4.55(1A) Modification to LDA2017/0547 relating primarily to the Part 2 Stage 01 approval to delete temporary turning bay, changes to basement layout and ground floor, relocation of substation and replanning of rooftop plant space and screening. This also amended Part 1 of the Concept DA to increase the maximum permitted height of Building A from 44.5m to 45m.	Development Consent granted 17 July 2020.
MOD2020/0091	Section 4.55(2) Modification to LDA2017/0547 to delete the requirement for a 'tanked basement' from Part 2 of the consent relating to Building A. This application was an integrated development application, with the General Terms of Approval issued by Water NSW being the only component of the consent to be amended. Ordinarily this application would be considered by the SNPP for determination being an integrated development approval. However with the COVID amendments to the EP&A Act and Regulations, this application was delegated back to Council for determination.	Development Consent granted 20 August 2020.
MOD2020/0158	Modification to LDA2017/0547 to reinstate turning bay, minor changes to basement layout, extend ground floor commercial tenancy fronting Khartoum road to facilitate future tenant, provision of 10 surface car spaces at internal road, minor façade and layout changes on levels above. All proposed modifications are to the Stage 01 component of LDA2017/0547 and do not affect the rest of the Concept DA.	Application withdrawn 7 August 2020

Development Application	Description	Relevant dates and information
MOD2020/184	Modification to LDA2017/0547 to make the following design modifications in relation to the Stage 01 approval under Part 2 of LDA2017/0547: • Design changes to expand tenancy at ground level fronting Khartoum Road including: • Convert conference theatre floor space to tenancy floor space • Extend glass line towards internal road • Reconfiguration of main lobby entry and internal spaces at ground level • Reinstatement of turning bay removed by MOD2020/0048 • Provision of 10 on-grade car spaces at ground level • Amend extent of internal and external floor space on Level 1 • Minor amendments to Basement 01 configuration and entrance/exit ramp • Amend layout of core on all levels • Minor façade changes, reflecting amendment to core layouts, entry locations building line changes. • Reduce height of roof in the eastern corner by 150mm and amend roof parapet to ensure rooftop elements comply with 45m height limit, thereby satisfying Condition 2(b) in Part 2 of the development consent. • Minor amendment to Condition 173 relating to disabled access.	Development Consent granted 1 December 2020.
MOD2020/0227	This application seeks to delete Condition 59(d) of Part 2 of LDA2017/0547 relating to Stage 01 which restricts the access from Khartoum Road into the private access road for Building A to 'Left In/Left Out' movements only.	Application under assessment
LDA2020/0284	This DA approved the demolition of the eastern-most warehouse building on the site known as the Chubb warehouse building. The demolition works comprise the mezzanine, auditorium and ground floor offices, a bunker, toilet and amenities, and hallway at the demolition interface. The demolition works also includes for the removal of external pavements which form carparks and circulation around the warehouse to be demolished. This application approved the removal of 8 trees being trees 51, 57, 58, 60, 62, 63, 64 and 65. These trees are shown to be removed under this application.	Approved 12 November 2020

4. SITE CONTEXT

The site is located approximately 12km north-west of the Sydney CBD within Macquarie Park. Macquarie Shopping Centre and Macquarie University's main campus entrance are located 550m and 850m north-west of the subject site respectively, with access to the Lane Cove National Park and Lane Cove River approximately 900m to the north-east (refer **Figure 11**).

The site is located within the B7 Business Park zone under the Ryde LEP 2014, on the corner of Khartoum Road and Talavera Road. The surrounding area contains land within the B4 Mixed Use to the west and land within the B3 Business Park zone immediate to the south. Adjoining properties on either side of Talavera Road are also located within the B7 zone.

The surrounding built form consists of lower density, older warehouse and office spaces, and higher density contemporary office buildings. The scale and style of buildings are diverse, indicative of the current trend of aged building stock being replaced by modern commercial offices, as well as technology and service-based industries.

Macquarie Park and Macquarie University metro stations are located approximately 750m south-west and north-west of the site respectively, with high frequency bus services running adjacent to the site on both Khartoum Road and Talavera Road. A marked bicycle path located along the Talavera Road frontage provides access to the wider walking and cycling network located in the vicinity. It is also noted that Transport for NSW (TfNSW) are proposing a range of improvements to the road network in Macquarie Park, as part of the Bus Priority Infrastructure Program (BPIP).

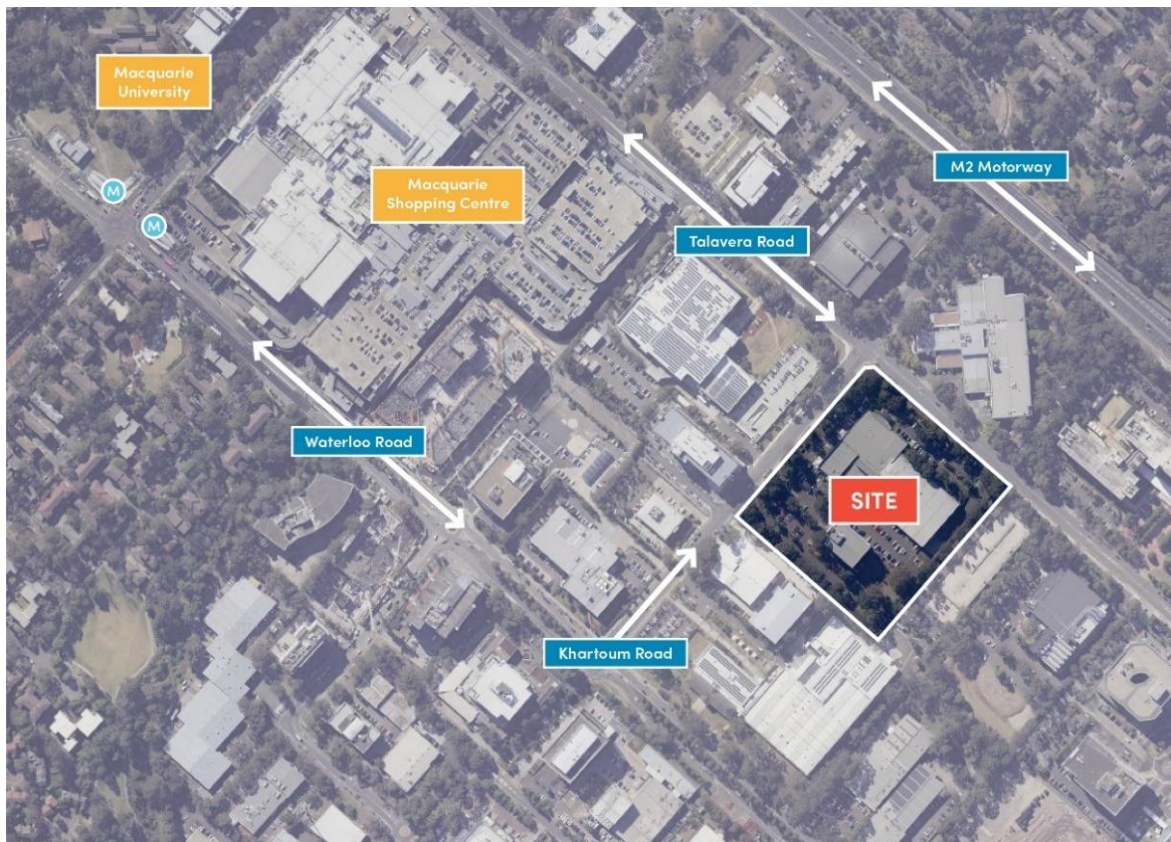


Figure 11. Site context and locality
(Source: SIX Maps, edited for diagrammatic purposes)

5. PROPOSAL

5.1 Amending Development Application

The proposal seeks consent as an Amending DA to amend the approved concept DA on the site relating to the land uses, building envelopes, site access, layout and staging for the proposed future development of the site.

While LDA2017/0547 approved both the Concept DA and the first stage of development, Stage 01, the proposed Amending DA seeks only to modify Part 1 of LDA2017/0547 relating to the Concept Approval.

The Part 2 approval of LDA2017/0547 relating to Stage 01 (Building A) will remain un-modified by this proposal.

Section 4.17(1) of the EP&A Act states the following **(emphasis added)**:

4.17 Imposition of conditions (cf previous s 80A)

(1) Conditions—generally A condition of development consent may be imposed if—

(a) it relates to any matter referred to in section 4.15(1) of relevance to the development the subject of the consent, or

(b) it requires the modification or surrender of a consent granted under this Act or a right conferred by Division 4.11 in relation to the land to which the development application relates, or

(c) it requires the modification or cessation of development (including the removal of buildings and works used in connection with that development) carried out on land (whether or not being land to which the development application relates), or

(d) it limits the period during which development may be carried out in accordance with the consent so granted, or

(e) it requires the removal of buildings and works (or any part of them) at the expiration of the period referred to in paragraph (d), or

(f) it requires the carrying out of works (whether or not being works on land to which the application relates) relating to any matter referred to in section 4.15(1) applicable to the development the subject of the consent, or

(g) it modifies details of the development the subject of the development application, or

(h) it is authorised to be imposed under section 4.16(3) or (5), subsections (5)–(9) of this section or section 7.11, 7.12, 7.24 or 7.32.

The subject Amending DA proposes amended conditions which will function to modify the existing development consent in relation to the land uses and layout of the approved concept DA. The Amending DA does not serve to replace or override the existing consent, but to modify the conditions of the existing approved concept DA LDA2017/0547 under the provisions of section 4.17(1)(b) of the EP&A Act.

Condition A of the recommended consent serves to amend Part 1 of LDA2017/0547, the approved Concept DA, by requiring the modification of

Conditions 2, 4, 5, 8, 9, 10, 11, 12, 17, 25 and 30, and the inclusion of new **Conditions 31, 32, 33, 34, 35 and 36** to reflect the new proposal.

Accordingly, the two Concept DA consents serve to operate simultaneously over the site, with the subject Amending DA conditions overriding the applicable conditions under LDA2017/0547. For clarity the unaffected conditions are also included on the consent which are relied upon for the Amending DA.

5.2 Concept Development

Section 4.22 of the EP&A Act outlines the legislative framework for concept development applications as follows:

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

*(1) For the purposes of this Act, a **concept development application** is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for the site or for separate parts of the site are to be the subject of a subsequent development application or applications.*

(2) In the case of a staged development, the application may set out detailed proposals for the first stage of development.

(3) A development application is not to be treated as a concept development application unless the applicant requests it to be treated as a concept development application.

(4) If consent is granted on the determination of a concept development application, the consent does not authorise the carrying out of development on any part of the site concerned unless:

(a) consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site, or

(b) the concept development application also provided the requisite details of the development on that part of the site and consent is granted for that first stage of development without the need for further consent.

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

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

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

In this regard, the application specifically requests that the proposal be treated as a concept DA per subsection (3).

Existing Approved Concept DA

The approved concept DA under LDA2017/0547 approved development of the entire 30,030m² site, comprising of five (5) commercial office buildings to be delivered in four (4) stages, including a central open space known as Bochetto Park.

Approved building heights step down from 10 storeys (45m) at Building A, located on the southwest site boundary, to 8 storeys (37.1m) at Building B, 7 storeys (33m) at Building C and 6 storeys (29.7m) at Buildings D and E.

The total gross floor area of the development as approved is 59,769m², comprising a mix of office tenancies with retail tenancies at ground level as well as four (4) retail and support kiosks facing Bochetto Park.

Two internal private roads running north-west to south-east through the site connecting Khartoum Road to proposed new Road 22. A pedestrian link also was approved to run perpendicular to the internal roads connecting Talavera Road to proposed Road 01.

Proposed Concept DA - Amending DA

The concept application proposed under the Amending DA comprises of four (4) buildings, including one (1) storage facility (data centre), and three (3) commercial office buildings, and a central open space to be delivered in four (4) stages.

Figures 12 and 13 outline the comparison of the approved Concept Approval and the proposed concept development application layout under the Amending DA.

The proposed layout includes building heights that step down from 10 storeys (45m) at Building A, located on the southwest boundary adjoining proposed Road 01, to 5 storeys at Building B (45m), 6 storeys (36m) at Building C and 7 (39m) storeys at Buildings D fronting Bochetto Park. The total gross floor area of the development is 55,129m², comprising a mix of office tenancies and the proposed data centre.

The approved retail support kiosks facing Bochetto Park are to be removed under the proposed Amending DA, and proposed ground floor retail is dispersed around the ground floor planes of the Building C and D to facilitate activation of the pedestrian link and park.

The two internal private roads running north-west to south-east through the site connecting Khartoum Road are proposed to end at Building D, no longer connecting through to proposed new Road 22, instead forming a 'loop road' around Building D.

The pedestrian link approved to run perpendicular to the internal roads connecting Talavera Road to proposed Road 01 remains, serving as an edge between the commercial buildings along Khartoum Road, and the data centre facing Road 22.

The amended Buildings A, C and D comprise three (3) levels of shared basement accommodating a total of 717 parking spaces (304 of which are to be provided in Stage 1), including accessible spaces, and designated car share spaces. Building B has no basement parking proposed, with 48 parking spaces to be provided within the ground floor level or at grade around the periphery of the data centre within the site's secured boundary.

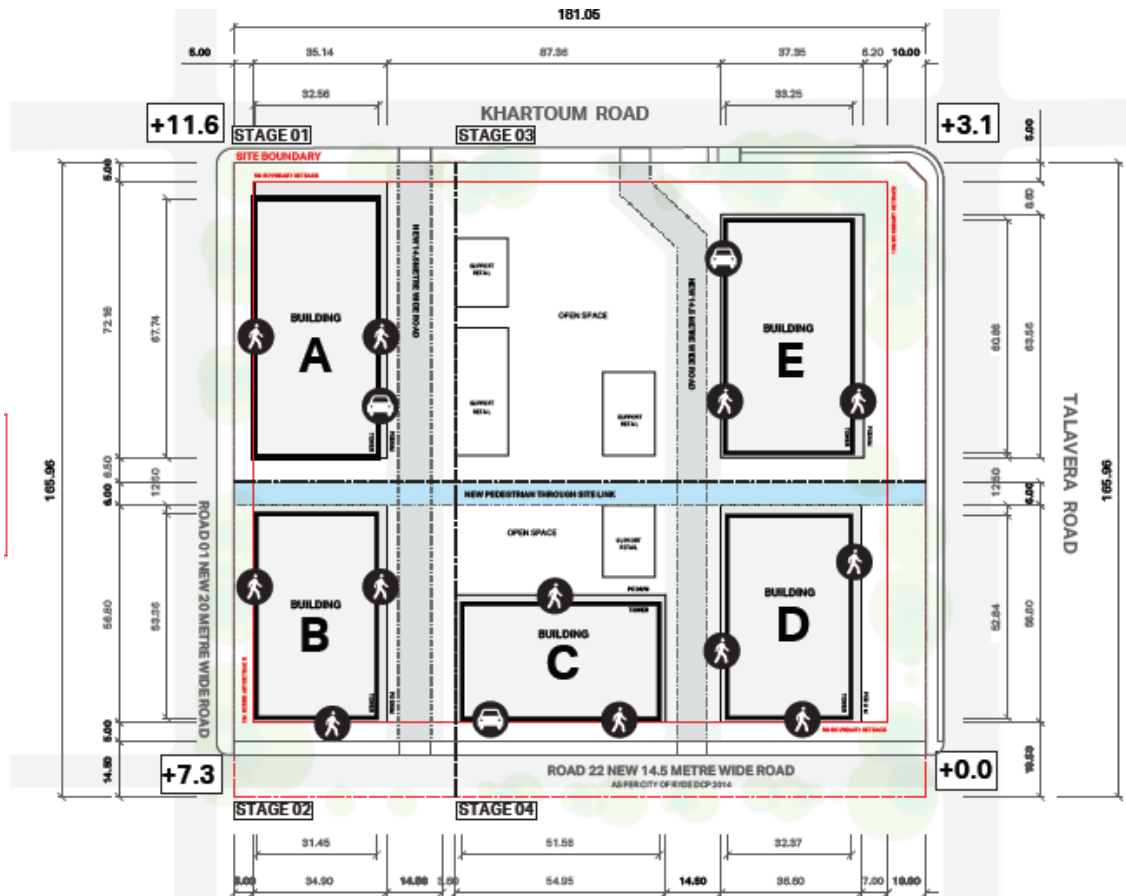


Figure 12. Approved Concept Approval (LDA2017/0547) (Source: 3XN)

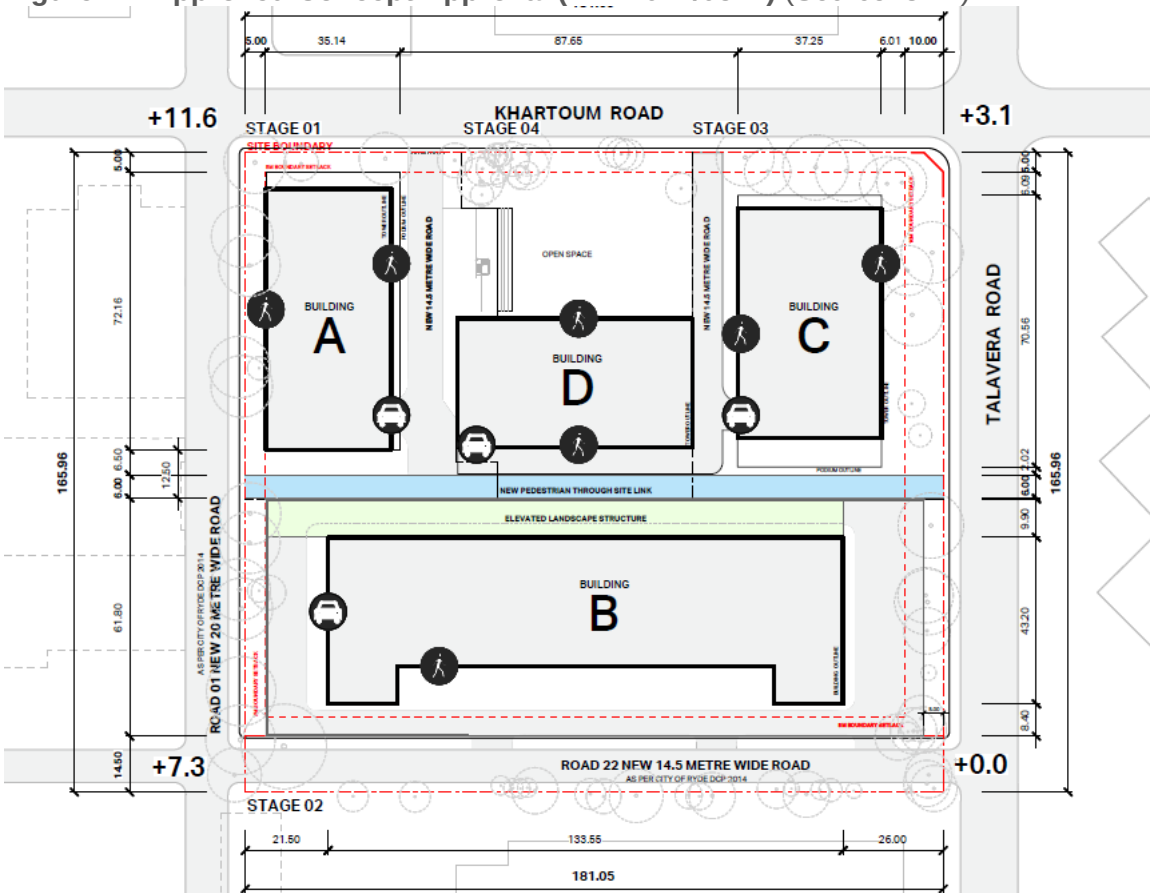


Figure 13. Proposed amended concept (LDA2020/0229) (Source: 3XN)

Table 2 below outlines the numerical differences in the proposed amended Concept DA, and the original approval.

Table 2. Numeric Overview of Proposed Development

Component	Concept Development	Proposed Amending DA
Site Area	30,030m ²	30,030m ²
Buildings	5 Buildings A, B, C, D & E	4 Buildings A, B, C & D
Stages Summary	4 stages 01: Building A 02: Building B, part pedestrian link and part Road 22 03: Building E and Bochetto Park 04: Building C and D and remainder Road 22	4 stages 01: Building A and part pedestrian link 02: Building B and all Road 22 03: Building C and part pedestrian link 04: Building D, Bochetto Park and part pedestrian link
GFA	Office: 58,326m ² Retail: 1,443m ² Total: 59,769m ²	Office, retail and data centre uses proposed with no specific delineation of GFA identified. Total: 55,129m ²
FSR	1.99:1	1.83:1
Height	Building A – 45m* (10 storeys) Building B – 37.1m (8 storeys) Building C – 33m (7 storeys) Building D – 29.7m (6 storeys) Building E – 29.7m (6 storeys) Support Retail – 5m	Building A – 45m (10 storeys) Building B – 45m (5 storey data centre) Building C – 36m (6 storeys) Building D – 39m (7 storeys)
Parking	987 spaces 10 on street parking spaces*	765 spaces 10 on street spaces
Public Space	Bochetto Park - 5,332m ² Site boundary Landscaping	Bochetto Park – 2,339m ² Site boundary Landscaping

***Note:** Building A was approved under LDA2017/0547 at 44.5m. Section 4.55(1A) MOD2020/43 approved a height increase to 45m as part of other design changes to the detailed building design. MOD2020/184 approved 10 at grade spaces within the Stage 01 works adjoining the park from the approved 7.

Concept Development Stages

The Amending DA involves the redevelopment of the site in four (4) stages for the purpose of a data centre, commercial land uses, building envelopes, landscaping, road network and pedestrian link, car parking, and associated infrastructure which is further outlined in **Table 3** below.

Stage 01 has existing approval under the approved concept DA, while the development of subsequent stages (stages 2 – 4) will be subject to future development applications.

Table 3 – Concept Proposal Staging

STAGE	Approved Concept DA Staging	Proposed Amending DA Staging
01	• Building A. • Portion of 14.5m private road connecting to Khartoum Road.	• Building A. • Portion of 14.5m private road. • Portion of Pedestrian Through Site Link
02	• Building B. • Completion of 14.5m private road connecting to Road 22. • Portion of Pedestrian Through Site Link. • Portion of Road 22.	• Building B • Completion of Road 22. Note: this Stage/Building will be subject to an SSD assessment process
03	• Building E. • Majority of support retail and open space, including Bochetto Park. • Portion of 14.5m private road connecting to Khartoum Road. • Completion of Pedestrian Through Site Link.	• Building C. • Portion of 14.5m private road. • Portion of Pedestrian Through Site Link
04	• Building C and Building D. • Completion of Support retail and open space, including Bochetto Park • Completion of Road 22. • Completion of 14.5m private road connecting to Road 22.	• Building D. • Completion of 14.5m private road. • Completion of Pedestrian Through Site Link.

Open Space & Landscaping

The approved concept DA includes a publicly accessible, but privately-owned open space, known as Bochetto Park, at the centre of the development of approximately 5,332m². The Park's central location was proposed as a communal shared space with views from each of the five commercial buildings and the four support retail kiosks fronting the Park (refer **Figure 14**). The park was approved to be provided partially at Stage 3, with remaining areas at Stage 4.

The Amending DA has reduced the size of Bochetto Park to 2,339m² with the park now to be provided solely with Stage 4 (Building D). The Landscape Plan prepared by Site Image Landscape Architecture proposes a multi-purpose lawn, exercise area including a basketball/netball half court, general seating areas for both individual and groups.

Planting is proposed with native trees surrounding the site and park including Eucalyptus, Corymbia and Angophora. The Amending DA focuses heavily on improving the quality of the Bochetto Park space and how it responds to the surrounding built form compared with the approved concept DA. While still 'concept', the proposed landscaping has improved the integration of the park and the adjoining buildings, particularly Building D which includes retail and dining areas directly adjoining the park. The amended Public Art Strategy prepared by Site Image Landscape Architecture proposes a number of public art opportunities for the site with a focus on implementing appropriate works within the Park.

It is noted that no tree removal is sought under this DA, however the impacts of the proposed building envelopes are further assessed under Section 9.5 of this report.



Figure 14. Extract from approved Concept DA Landscape Concept Proposal
(Source: Site Image Landscape Architects)



Figure 15. Extract from Amending DA Landscape Concept Proposal
(Source: Site Image Landscape Architects)

Access and Connectivity

New road and pedestrian connections as approved under the approved concept DA are still proposed as part of the Amending DA, these include:

- Road 22, a 14.5m wide road constructed along the south-eastern boundary of the site connecting Talavera Road and future Road 01
- A Pedestrian Through Site Link to connect future Road 01 and Talavera Road.

The key change however is the two internal 14.5m private roads connecting Khartoum Road to Road 22 are no longer proposed, with the road instead forming a loop behind the centrally positioned Building D. These private roads are not detailed in Council's structure plan and are instead incorporated into the design to meet tenant expectations and improve amenity and access to the overall development.

Figures 13 and 15 demonstrate the location of these roads and pedestrian link. As per the approved concept DA associated landscaping for each of these connections is proposed, including street tree planting, raised planters with seating, and groundcover planting.

Building B

It is noted that the development of the Building B Data Centre is a State Significant Development (SSD) under the EP&A Act. Secretary's Environmental Assessment Requirements (SEARs) under Section 4.12(8) of the EP&A Act for the Macquarie Park Data Centre (SSD-10467) were issued on 29 June 2020 relating to Building B. Specifically the SEARs relate to the construction and operation of a data centre, comprising:

- a five-storey building;
- ancillary offices and staff amenities;
- a new access road; and
- associated infrastructure, car parking, loading areas and landscaping

5.3 Proposed amendments to conditions LDA2017/547

The application requests the amendments to the approved concept DA conditions as outlined in **Table 4** below. For completeness all conditions approved under LDA2017/0547 are listed in the table, with conditions to be amended in **grey** with words requested to be deleted shown in ~~strikethrough~~ and those to be inserted in **bold red**.

It is noted that these are the conditions as requested to be amended by the applicant, with the recommended conditions as assessed by the respective sections internal Council sections and external agencies included at **Attachment 1**.

Table 4 – Requested amendments to conditions of LDA2017/547 under the Amending DA

Condition	Description																																																							
Condition 1	Concept Development Application. Pursuant to Clause 100 of the Environmental Planning and Assessment Regulation 2000, this Notice of Determination relates to a concept development application applying to Lot 1 in DP 633221. Subsequent development application(s) are required for any work on the site for Stages 2, 3 and 4.																																																							
Condition 2	Approved Plans/Documents – Concept Plan. Pursuant to Clause 4.22 of the Environmental Planning and Assessment Act 1979 this Notice of Determination approves the concept proposal for the development of the site in accordance with the following plans (stamped by Council): <table><tr><th>Document Description</th><th>Prepared by</th><th>Plan Ref</th><th>Issue</th><th>Date</th></tr><tr><td>Site Location Plan</td><td>3XN</td><td>DA-003</td><td>A</td><td>09/03/2020</td></tr><tr><td>Staging Plan</td><td>3XN</td><td>DA-015</td><td>L</td><td>02/10/2020</td></tr><tr><td>Staging Plan with Stage 1</td><td>3XN</td><td>DA-016</td><td>L</td><td>02/10/2020</td></tr><tr><td>Concept Basement Plan</td><td>3XN</td><td>DA-017</td><td>F</td><td>02/10/2020</td></tr><tr><td>Access + Staging</td><td>3XN</td><td>DA-018</td><td>I</td><td>01/10/2020</td></tr><tr><td>Massing Diagram - Proposal</td><td>3XN</td><td>DA-019</td><td>D</td><td>01/10/2020</td></tr><tr><td>Masterplan Section A</td><td>3XN</td><td>DA-020</td><td>E</td><td>01/10/2020</td></tr><tr><td>Masterplan Section B</td><td>3XN</td><td>DA-021</td><td>D</td><td>01/10/2020</td></tr><tr><td>Shadow Diagram</td><td>3XN</td><td>DA-022</td><td>D</td><td>01/10/2020</td></tr><tr><td>M Park Landscape Concept Proposal</td><td>Site Image Landscape Architects</td><td>002-0012</td><td>I</td><td>29/09/2020</td></tr></table> And as amended by the conditions of this consent. Note – There is an inconsistency with the Staging Plan provided above and the Staging Plan that forms part of the VPA in respect to the timing of the new pedestrian through site link. In this regard, the VPA Staging Plan supersedes the Staging Plan referred to above.	Document Description	Prepared by	Plan Ref	Issue	Date	Site Location Plan	3XN	DA-003	A	09/03/2020	Staging Plan	3XN	DA-015	L	02/10/2020	Staging Plan with Stage 1	3XN	DA-016	L	02/10/2020	Concept Basement Plan	3XN	DA-017	F	02/10/2020	Access + Staging	3XN	DA-018	I	01/10/2020	Massing Diagram - Proposal	3XN	DA-019	D	01/10/2020	Masterplan Section A	3XN	DA-020	E	01/10/2020	Masterplan Section B	3XN	DA-021	D	01/10/2020	Shadow Diagram	3XN	DA-022	D	01/10/2020	M Park Landscape Concept Proposal	Site Image Landscape Architects	002-0012	I	29/09/2020
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Condition 3	Matters Not Approved – Concept DA Plan. The following items are not approved and do not form part of this concept development consent for Stages 2, 3 and 4. a. any demolition, excavation and/or construction; b. any tree removal; c. the layout of each level; d. the configuration and layout of the basement car parking level/s; e. public domain and landscape design; f. elevations and materials of buildings; g. the precise quantum of floor space for each building.																																																							

Condition	Description
Condition 4	Floor space ratio for total site. The following applies to Floor Space Ratio: (a) Precise details of the distribution of floor space shall be provided with the future development application/s for Stages 2, 3 and 4. (b) The total gross floor area approved as part of this application is 59,769m² 55,129sqm. This figure is inclusive of Stage 01. The gross floor area is to be calculated in accordance with the provisions of Clause 4.4 and 4.5 of the Ryde Local Environmental Plan 2014.
Condition 5	Building Height. (a) The height of the buildings must not exceed the following heights to the top of the building: - Building A: 44.5m 45m - Building B: 37.1m 45m - Building C: 33m 36m - Building D: 29.7m 39m - Building E: 29.7m - Support/retail buildings: 5m (b) Building Height shall be calculated in accordance with Clause 4.3 and 4.3A of the Ryde Local Environmental Plan 2014, applicable at the time of development consent.
Condition 6	Deleted. (NB: This condition was not adopted in the approved consent)
Condition 7	Consistency of future development applications. While this consent remains in force, the determination of any further development application in respect of the site cannot be inconsistent with this consent.
Condition 8	Development in Macquarie Park – Access network (Pedestrian Link). A 6m wide pedestrian link incorporating a 4m wide accessible paved footpath plus 2m landscape strip adjacent to it shall be provided connecting Talavera Road and future Road 1, with the layout to be generally in accordance with Ryde Development Control Plan 2014 Part 4.5 Macquarie Park Corridor. The detailed design of the Pedestrian Link shall follow the concept design by 3XN, especially Drawing No DA-012 (Issue A) DA-009 (Revision A). Full construction details demonstrating compliance with the City of Ryde Public Domain Technical Manual PDTM Chapter 6 – Macquarie Park Corridor are to be submitted with the Building B (Stage 02) and Building E (Stage 03) Development Application stage in which the pedestrian link is to be delivered, being prior to the Building A (Stage 01) Construction Certificate, and Building C (Stage 03) Construction Certificate and Building D (Stage 04) Construction Certificate and shall include the following details: (a) The design must provide a clear delineation as a pedestrian-only zone as well as sufficient design variation/articulation to create an experience of high amenity for users moving through the site. Landscape variation and features to relieve the gun-barrel style

Condition	Description
	design should be incorporated to distinguish the pedestrian link from the new internal roadways; (b) The through-site link must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council. (c) Fully dimensioned plans showing the width of the pedestrian link, footpath, transitions and landscaping areas along the footpath; (d) Selection of paving type, colour and dimensions in accordance with Council's requirements; (e) Fencing in consultation with Council is to be provided along the eastern boundary of the pedestrian link; (f) Provision of adequate lighting (category P2 according to Australian Standards AS/NZS 1158 Set: 2010 Lighting for Roads and Public Spaces) for illumination of the footpath to ensure safety and security of the users during night time; (g) The pedestrian link shall be accessible for people with disabilities. Adequate details and certification demonstrating compliance with Disability Discrimination Act and applicable accessibility legislation is to be submitted for approval by Council. The pedestrian link shall be constructed by the developer/ owner with the Building 4 Building C and Building D development, at no cost to Council and full public access will be required to be available at all times over the pedestrian link.
Condition 9	Bochetto Park. Detailed Landscape Plans are to be submitted for Bochetto Park with the future Stage 03 and Stage 04 Development Application which have been prepared by a suitably qualified landscape architect with demonstrated experience in the design of public open spaces. The plans are to be consistent with the approved plans in condition 1 Part 1.
Condition 10	Car Parking Spaces and Dimensions. A maximum of 987 765 off-street car parking spaces are to be provided across the Concept Plan DA site. The final number of car parking spaces, bicycle spaces, car share or loading spaces/zones is to be determined in each stage. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The details must be submitted with the relevant development applications for Buildings B, C, and D and E.
Condition 11	Traffic Impact Assessment Report. To ensure that traffic and parking implications are addressed for each building, a traffic impact assessment report shall be submitted with each future Development Application.
Condition 12	Water Sustainable Urban Design Strategy Plan. To ensure that the development's stormwater management system integrates the principles of water sustainable urban design (WSUD) as required by Council's DCP and policies, as well as best practise design approach to urban stormwater management, a Water Sustainable Urban Design Strategic Plan (WSUDSP) must be prepared detailing WSUD components to be implemented throughout each stage of the development.

Condition	Description
	The WSUDSP must be prepared by a suitably qualified drainage engineer, in collaboration with a landscape architect, to implement WSUD components in the stormwater management system for the development. The plan must generally be in accordance with the WSUD concept detailed in the Stormwater Management report by Northrop Pty Ltd, reference SY171708, dated 30th November 2017, and Council's DCP Part 8.2 (Stormwater and Floodplain Management) and comply with the following; (a) To encourage stormwater treatments which are aesthetically pleasing, at least half of the WSUD components must be integrated into the landscape plans for the site. The use of any proprietary / mechanical products is discouraged. (b) Rainwater storage is to be provided which will meet at least 50% of the non-potable water demand of the development and 80% of water use in open space areas (eg irrigation, ponds, water features). To demonstrate this, the WSUDSP will be required to present a water balance model analysing such uses respective of rainfall statistics. (c) Satisfy the requirements of a WSUD management plan as specified in the DCP Part 8.2 (Stormwater and Floodplain Management) The WSUDSP must be submitted with the first Development Application for any above ground development works. The approved WSUDSP is to be implemented for every following development application.
Condition 13	Loading Bay. To ensure the service requirements of the commercial floor area are satisfied at each stage of the development, a Loading Bay / Service Delivery Management Plan is to be submitted with each future Development Application. The Plan must specify the location of service bay areas / loading bay docks, analyse the number and frequency of service vehicle movements for the existing and proposed commercial floor area and demonstrate that such service requirements can be satisfied on the site.
Condition 14	Public Domain Works. All works in the public domain including future roads that will be dedicated as public roads, shall be undertaken in accordance with Council's standards and specifications, and City of Ryde Development Control Plan DCP 2014 Part 4.5 Macquarie Park Corridor, and the City of Ryde Public Domain Technical Manual (PDTM) Chapter 6 – Macquarie Park Corridor. A public domain plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with the development applications relating to Stages 2, 3 and 4. The public infrastructure works along Khartoum Road and Talavera Road are to be in accordance with City of Ryde Development Control Plan 2014 Part 4.5 Macquarie Park Corridor and the City of Ryde Public Domain Technical Manual Section 6 – Macquarie Park.
Condition 15	Private Roads. The new 14.5 metre wide private roads are to be paved to the satisfaction of Council's landscape architect and public domain team. These roads are to reinforce the pedestrian nature of the site. Details are to be consistent with the approved material in the Stage 1 development application.

Condition	Description
Condition 16	Ausgrid. Consultation is required with Ausgrid to ensure that technical and statutory requirements in regard to the safe and reliable operation and maintenance of the Ausgrid's network is maintained.
Condition 17	Stormwater Details. To ensure that the development's generated stormwater runoff is collected and discharged appropriately, a stormwater management plan, incorporating On-Site Detention (OSD) in accordance with Part 8.2 of Council's DCP 2014 must be submitted with any subsequent development application. A revised concept plan(s) for Stages 2, 3 and 4, shown on Drawing Title "Civil Engineering Package Concept Proposal Development Application, Stormwater Management and Indicative Services Plan" Drawing Number DA04.01, Issue 024, Dated 4th May 2018 15.05.2020, to be submitted to Council for approval in the development application for Stage 2 (accounting for the drainage of all stages) and incorporating the following: (a) Details of the proposed drainage system catering for all private roads and runoff from the proposed lots for all stages. This includes details of the temporary and permanent stormwater drainage network on future Council road "Road 22". This also includes finalising the two options presented in the concept plan for draining Stage 2 to either the existing onsite stormwater system or via a stormwater system along "Road 22" connecting to the existing stormwater system on Talavera Road. (b) Provision of drainage system longitudinal sections drawn at a scale of 1:100 or 1:200 horizontally and 1:10 or 1:20 vertically and showing crossing utility services, pipe size, class and type (minimum class 3), pipe support type in accordance with AS 3725 or AS 2032 as appropriate, pipeline chainages, pipeline grade, hydraulic grade line and any other information necessary for the Council drainage system. (c) The drainage design is to be for a 1:20 year ARI storm using HGL method, with the downstream HGL being the surface/grate level of the pit at the point of connection to Council's drainage system in Talavera Road. The existing inlet pit in Talavera Road shall be reconstructed to increase inlet capacity and to suit all new connections. (d) To minimise losses, stormwater sidelines in the future "Road 22" should be designed to connect at angle & not at 90 degrees to the main stormwater line located on the northern side of "Road 22". (e) A certificate from a suitably qualified engineer confirming that the submitted design has been carried out in accordance with Council's DCP 2014 Part 8.2 and Stormwater and Floodplain Management Technical Manual.
Condition 18	Crime Prevention Through Environmental Design. Development Applications for Stages 2, 3 and 4 are to comply with the principles of Crime Prevention Through Environmental Design.
Condition 19	Framework Travel Plan. Framework Travel Plan. A Framework Travel Plan is to be submitted with any future Development Application for Stages 2, 3 and 4. The Framework

Condition	Description
	Travel Plan is to be prepared in accordance with the requirements of Part 4.5 Macquarie Park Corridor DCP 2014 and include (but not be limited to): (a) Details of the car sharing scheme on the site (in accordance with the conditions of this consent), (b) Measures/ incentives to encourage occupants to enter into the car sharing scheme to be located on the site, (c) Measures/ incentives for public transport usage, (d) Extension of the current parking management plan in effect at the centre, addressing the resident parking component. (e) Measures / incentives to encourage cycling, including detailing end of trip facilities, bicycle parking facilities, signage and notification to residents and patrons to the centre.
Condition 20	Waste Collection. The Stage 2, 3 and 4 Development Applications shall demonstrate compliance with Council's requirements for waste collection and Part 7.2 of DCP 2014 Waste Minimisation and Management. This is to include the submission of a Waste Management Plan and detailed architectural plans which address Council's requirements.
Condition 21	Landscaping. A detailed landscape plan is to be submitted with Stages 2, 3 and 4 Development Applications respectively. The landscaping plan is to comply with the numerical site coverage, deep soil areas and open space requirements in addition to the design requirements under Section 8.0 of Part 4.2 of Ryde DCP 2014. The landscaping plan should also include rainwater capture and include details on where/how and for what purpose the water will be used and demonstrate water efficiency and effective stormwater management.
Condition 22	Ground floor interface. All sides of each building are to be provided with ground floor uses that promote pedestrian interaction and activity. Where possible, service areas are not to be situated along ground floor façades.
Condition 23	Noise impact assessment report. A noise impact assessment report is to be submitted with any relevant Stage 2 Development Application. The report must be prepared by a suitably qualified acoustical consultant and demonstrate that the noise levels emitted from the premises will comply with the noise criteria specified in the New South Wales Industrial Noise Policy (EPA, 2000). The report must include the following information: (a) details of the site and the surrounding locality; (b) a description of the proposed use; (c) the proposed times of operation; (d) the existing background noise and ambient industrial noise levels; (e) the project-specific noise levels for the proposed use; (f) details of all potential noise sources associated with the proposed use; (g) details of any measures proposed to control or mitigate noise; (h) sound pressure levels at a preferred measurement distance or sound power levels, in dBA, for all major noise sources; (i) the predicted cumulative noise levels at all nearby affected residential premises; and

Condition	Description
	(j) an assessment of the noise impact.
Condition 24	Construction Noise Management Plan. A Construction Noise Management Plan must be prepared and submitted with any Stage 2 Development Application. This Plan must be prepared by a suitably qualified acoustic consultant and must detail, but not be limited to, the following: (a) The equipment to be used during the construction on site, the quantity of all equipment and a plan of how equipment will be operated on site cumulatively; (b) The type of work that will be conducted during the construction process; (c) Details of any respite periods and any noise mitigation measures required; (d) Details of any work proposed to occur outside of Council's standard construction hours; (e) Details of any community consultation to be undertaken.
Condition 25	Public Art A detailed public art strategy is to be developed for the site/development in accordance with Part 4.5 Macquarie Park Corridor DCP 2014 and the Arts Plan (Public Art Strategy) prepared by Site Image Public Art Consultants dated 19 December 2017 22 May 2020. The new plan is to address the following: (a) Public art concept/s illustrated in such a way that the form, dimensions, materials and locations of the proposed artwork/s are developed and clearly communicated. (b) Brief statement explaining how the artwork themes developed for each of the four sites/interventions identified in the preliminary public art strategy. (c) Site plans (ie architectural and landscape drawings) that show how the artwork is integrated with the site. The plans must clearly present a public art space (eg the surface or 3D envelope that will contain the artwork/s). (d) Program for detailed design documentation, fabrication and installation; and (e) Details of the artist/s developing the documentation and artwork. (f) Costing of the proposed works. The requirement to accommodate public art as part of the redevelopment of the site must be included as part of a Stage 2 Stage 4 Development Application involving an increase in retail, commercial or residential GFA.
Condition 26	Wind Prior to the lodgement of a Stage 2 Development Application, the detailed design shall be subject to wind tunnel testing to ascertain the impacts of the development on the wind environment and conditions within the publicly accessible space, the surrounding streets, communal external areas and bus interchange area. Any recommendations of this wind tunnel testing and wind assessment report shall be incorporated into the final detailed design lodged as a Stage 2 Development Application.

Condition	Description
Condition 27	Bicycle Parking. Bicycle parking is to be provided for any development involving an increase in the floor space for retail, commercial or residential land uses. Details of the location, number and class of bicycle parking must be included in the Stage 2 Development Applications. At a minimum the number of bicycle parking is to be consistent with Council's requirements in DCP 2014. End of trip facilities are to be provided for any retail and commercial development. These facilities are to be located in close proximity to the bicycle parking.
Condition 28	Draft Construction Pedestrian and Traffic Management Plan. As part of a Stage 2 development application, the proponent shall prepare a draft Construction Pedestrian and Traffic Management Plan (CPTMP). The CPTMP needs to specify, but not be limited to , the following: • Location of all proposed work zones. • Proposed crane locations and methods of erection and dismantling. • Haulage routes. • Construction vehicle access arrangements. • Proposed construction hours. • Details of any required hoardings. • Estimated number and type of construction vehicle movements including morning and afternoon peak and off peak movements. • Construction program highlighting details of peak construction activities and proposed construction 'staging'. • Any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works. • Cumulative construction impacts of projects, including ECRL conversion works to Sydney Metro. Should any impacts be identified, details are to be provided in respect to the duration of the impacts. • Measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.
Condition 29	An Environmental Sustainability Design Report must be submitted with any Stage 2 Development Application. The report is to verify that the subsequent buildings are capable of achieving a base building of: • 4- Star Green Star Design and As-Built v1.2 rating • 4.5- Star NABERS Energy base building rating.
Condition 30	Prior to the submission of the Stage 2 development application, the applicant is to: (a) Undertake detailed traffic modelling using an appropriate modelling tool to assess road network performance within the area of influence of the site. The traffic model is to be prepared to the satisfaction of Ryde City Council and RMS; and (b) Identify local and regional impacts using traffic modelling and propose mitigation measures to ameliorate the impacts identified as

Condition	Description
	a result of the development proposed in further stages of the Concept Plan. If the traffic modelling identifies that road improvement works and/or mitigation measures are required to the intersections in the vicinity of the development to ameliorate the traffic impacts arising from the development proposed in subsequent stages of the Concept Plan, the applicant is to consult with RMS in relation to entering into a further Transport Infrastructure Contributions Deed (Further Stages Deed) for the payment for road improvement works and/or mitigation measures to be carried out to, or within the vicinity of the intersection of Khartoum Road and Talavera Road, Macquarie Park. The Further Stages Deed is to include provision for the timing of payment of any further monetary contributions in stages, prior to issue of a construction certificate that authorises the construction of the building in the relevant stage in the Concept Plan that is identified in the traffic modelling as triggering the need for road improvement works and/or mitigation measures to ameliorate the identified traffic impacts. Any monetary contributions determined by Roads and Maritime to be required as part of any subsequent stage of the Concept Plan must consider the equitable apportionment of works to reflect the cumulative impact of traffic generated by the relevant stage of the Concept Plan development within the wider Macquarie Park precinct.

6. PLANNING AGREEMENT

In support of the approved concept DA, the developer submitted a Planning Agreement to Council under Section 7.4 of the EP&A Act. The Planning Agreement was executed by the applicant, Council and the SNPP ahead of the determination of the approved concept DA.

The following extract from the Explanatory Note provides a summary of the matters to be subject to the planning agreement:

- (a) the carrying out of the Pedestrian Link Works and associated easement;
- (b) the carrying out of the Road Land Works and dedication of the Road Land as public road (Road 22); and
- (c) the carrying out of the Public Domain Works,

The agreement also includes residual monetary contributions totalling \$5,766,646.94.

In relation to the Amending DA, a Deed of Variation has been submitted seeking to update the Planning Agreement staging to reflect the staging as identified above in **Table 3**. The public benefits and total monetary figure to be provided under the Planning Agreement have not changed by the Deed of Variation, with only the timing for the provision of the Contributions being varied to reflect the staging amendments under this Amending DA.

This Deed was publically exhibited in The Weekly Times on 28 October 2020 until 25 November 2020. No submissions were received and the Deed was executed on 27 November 2020.

7. HISTORY OF SUBJECT APPLICATION & RESOLUTION OF KEY ISSUES

DA History

- 30 June 2020: DA Lodged
- 7 July 2020 to 11 August 2020: Application advertised and notified to the community. No submissions were received.
- 23 July 2020: Application attended the Urban Design Review Panel (UDRP) meeting.
- 27 July 2020: Council staff met with the applicant to discuss major concerns with the proposal and where it was advised that Council could not support the application as lodged.
- 5 August 2020: Council letter (Letter 1) sent to the applicant outlining a number of key issues with the preliminary assessment of the proposal including:
 - *Extent of excavation – Building B*: relating to DCP compliance for maximum height of retaining walls and natural ground level is to be retained for a zone of 4m from the side and rear property boundaries.
 - *Fencing*: Advising that Section 8.8 ‘Fencing’ of Part 4.5 of Ryde DCP states “Fencing is not permitted on the perimeter boundary of sites. Security should be provided within buildings” and requesting further detail of the appearance of the fencing to be provided.
 - *Impact on trees*. Requesting additional information regarding the extent of trees to be removed and retained across the site, noting that the proposed Amending DA as lodged resulted in additional trees to be removed than the existing approved concept DA.
 - *Pedestrian Link*. The proposed pedestrian link from Talavera Road through to New Road 01 on the neighbouring site includes stairs from Talavera Road, with Buildings A, C and D turning their back on the pedestrian connection. The proposal was requested to be amended to improve active frontages to the pedestrian corridor and ensure barrier-free access in accordance with Disability Discrimination Act 1992 requirements.
 - *Public Domain Interface – New Road 01*. Section Plans of proposed Building B as lodged indicate a substantial 9.5m retaining wall will encroach the 5m front setbacks of the buildings to New Road 01 which is noncompliant with Section 8.4 ‘Topography and Building’ of Part 4.5 of Ryde DCP and will have a detrimental impact on the public domain interface of the site along the new road.
 - *Built form scale – Building B*. Identifying that significant amendments would need to be made to landscaping, proposed fencing and improvements within the public domain to compensate for the detrimental impacts the proposed bulk and scale of Building B will have on the design of the originally approved Concept Plan.
 - It was also highlighted that consideration should be given to incorporating height variations in the built form across the Concept Plan site, and particularly Building B to effectively articulate and create visual interest.
 - *Deep Soil – Concept Plan Site and Building B*. Section 8.2(a) Part 4.5 of Ryde DCP requires 20% minimum deep soil zone and for the purpose of calculating deep soil areas, only areas with a minimum dimension of 20m x 10m may be included. Based on only including areas of land that meet

this requirement, only around 15% of the Concept Plan site is provided as deep soil area.

- *Building Separation.* Section 7.9(b) of Part 4.5 of Ryde DCP requires a minimum 10m separation between buildings perpendicular on the site and applies where the width of the facing facades does not exceed 20m. The proposed amended Concept Plan is noncompliant between Buildings A to D and D to C in the areas of Buildings A and C adjoining Building D (for a length of 29m).
- 3 September 2020: Council's Director City Planning and Environment and the assessing officer held a meeting with the applicant, Stockland to discuss the key issues with the application, in particular proposed design changes to address the issues raised in Council's 5 August 2020 letter.
- 4 September 2020, the applicant sent a letter outlining commitments in relation to amended plans and means to address Council's key issues. These included:
 - *Any palisade fencing around Building B will be provided within a landscaped setting.*
 - *Reduction in the extent of hard stand area to enable more trees to be retained along the Talavera Road frontage.*
 - *An elevated landscape extension structure over the hard stand area between Buildings B and the proposed retaining wall, at the same level as the proposed pedestrian site through link connecting from the East/West pedestrian through site link and future Road 1.*
 - *Reduction of GFA for Buildings C and D (by approximately 7,000m²).*
 - *Reduction in building heights for Buildings C and D (by around 7-10m each).*
 - *Reduction in car spaces for Buildings C and D (by minimum 117 car spaces).*
 - *Increase in activation of Building D facing the pedestrian site through link.*
 - *Improvement of the DDA access from Talavera Road to the pedestrian site through link.*
 - *Improvement in the façade transparency and ground plane activation for Buildings C and D.*
 - *Additional information regarding the Building B façade treatment.*
- 7 September 2020, Council staff emailed the applicant to request additional information and clarification regarding the proposed fencing around the periphery of Building B/Stage 02.
- 17 September 2020, Council letter (Letter 2) sent to the applicant outlining the additional information and amendments required to be made to the proposed development including internal Council referral comments, to allow for Council's further assessment and finalisation of an assessment report. Key issues included:
 - *Fencing:* identifying that the proposed fencing does not comply with Ryde DCP 2014, and in light of the data security that any additional information would need to improve the landscaped setting the fencing is situated, in addition to the submission of elevation plans and section plans to assist Council in the assessment of the proposed fencing.

- *Floor Space Ratio Calculation:* Amended floor space ratio calculations were requested to comprehensively outline how the proposed FSR has been arrived at across the new buildings.
- Landscaping matters from Council's Consultant Landscape Architect & Arborist, including:
 - o The Arboricultural Report:
 - a. failed to accurately capture the full level of impact to existing trees on site as a result of the proposed building works;
 - b. contains a number of anomalies and inconsistencies that prevent clear assessment of the number, species and location of all trees assessed;
 - c. The tree numbering system as featured on the Tree Location Plan within the Arboricultural Impact Assessment prepared by Birds Tree Consultancy (Rev. B, 27.05.2020) does not facilitate a clear understanding of tree locations in more densely vegetated areas. Examples of this include, but are not limited to; Trees 46-51, 86-90, 96-110 & 154-166.
- *Shared zone:* Further details and resolution of the proposed pedestrian/vehicle shared zone located to the north of Building D are to be provided which provide a clearer resolution of the space and an understanding of the proposed design and functionality of the space.
- *Opportunities for additional canopy tree:* The proposal fails to provide sufficient canopy tree plantings to offset the high level of mature tree removal being undertaken on site. Opportunities for the provision of large canopy trees have been limited as a result of the reduced open space allocation and provision of deep soil areas to accommodate such trees. In addition to the elevated planter, discussed below, canopy tree planting within the broader development is to be further explored.
- *Elevated planter:* the design must accommodate large canopy trees with mature heights between 12-18m, with minimum depth of 1.2m
- *City Works – Traffic:* Updated SIDRA network modelling assessment was requested based on existing (pre-COVID), post-development and 10-year projected traffic conditions (incorporating traffic growth within Macquarie Park) in a variety of locations around the site, in addition to, consideration of the staged implementation of Stage 2 Macquarie Bus Priority and Capacity Improvements (BPIP) with respect to the prospective timeline associated with the completion of the development.
- *City Works – Public Domain:* With the next submission Public Domain engineers would like to see:
 - o Optimised Design (Longitudinal section and cross sections) for both Roads 01 and 22, but mostly for Road 22;
 - o Cross-sections at critical points – chainages with maximum excavation and entries to the underground carparks;
 - o Proposed retaining structures for the roads;
 - o Longitudinal section for the proposed through site pedestrian link and connection to Road 01.
- 5 October 2020 amended plans were submitted in response to Council's Letter 2. These plans were not required to be renotified under Council's Community Participation Plan due to the minor and positive changes made to the overall development. The amended plans primarily relate to:

- Replanning of the Building B fence line, including the incorporation of additional landscape planting and buffers/setbacks to existing mature trees to ensure their viable retention.
 - An elevated landscape extension structure over the hard stand area between Building B and the proposed pedestrian site through link to the north of the Stage 02 site.
 - Reduction in the height of the Building C and Building D envelopes. This corresponds to a reduction in GFA and carparking.
 - Improved activation of the pedestrian through site link by incorporating the landscape extension structure noted above, together with replanning the Building D interface and vehicular access. Improvements have also been made to DDA outcomes at the through site link, with a public lift proposed from Talavera Road, providing equitable access.
 - The Applicant also provided Council with additional information regarding the proposed façade treatment to Building B, together with whole of site ground plane treatments to demonstrate how positive urban design and landscape outcomes will be achieved on the site through future (detailed) DAs.
- 9 October 2020 Council's Assessing Officer requested additional details in relation to the landscaping on the site, including specific numerical compliance with deep soil areas, landscaped areas and total area of Bochetto park. These were received on 15 October 2020 in the form of two new Master Plan Landscape Area and Deep Soil Area Plans, with details forwarded onto Council's Consultant Landscape Architect & Arborist to complete their review.
 - 30 October 2020 Council's Consultant Landscape Architect & Arborist referral raised number of concerns in relation to a lack of high-quality open space, a lack of deep soil area and landscaped area, inadequate provision of canopy trees and compensatory tree planting, poor safety & security and inaccurate consideration of impacts to existing trees. Of particular concern was a number of discrepancies in the amended Arboricultural Report submitted.
 - 6 November 2020 an amended Arborist Report was submitted which included an assessment of Tree 76 (previously missing), included a paragraph in the recommendations & executive summary stating trees around Building C have been assessed based on the building envelope and that detailed design will need to accommodate the retention of these trees, updated the tree assessment tables to assess all trees on site, and corrected the nomination of locally indigenous species for a number of trees.

Urban Design Review Panel

The amended Concept DA design was presented to the Ryde Urban Design Review Panel (UDRP) on 23 July 2020. The Panel were not in support with the application, with the recommendation stating:

The amended Concept DA does not sufficiently demonstrate the benefits of the change to the master plan, beyond an economic outcome. More information is required to:

- *confirm compliance with floor space controls,*
- *justify the consistent height to the site,*
- *illustrate how ground floor activation will be achieved,*
- *explain access for vehicles, service and pedestrian,*

- *reconcile ground levels at street interfaces, with tree planting and to enable safe, equitable access.*

The Panel recommends that the proposal is amended to address the concerns in this report and resubmitted to the Panel for review.

In the amended information submitted on 2 October 2020, the applicant provided a response to these points as follows:

Confirm compliance with floor space controls

Applicant response: *Revised FSR and GFA calculations have been provided as part of this resubmission package, which confirm the following indicative breakdown (noting approval is only sought for the 'whole of site' GFA):*

- *Building A: 18,309 sqm*
 - *Building B: 12,070 sqm*
 - *Building C: 12,250 sqm*
 - *Building D: 12,500 sqm*
- Total GFA: 55,129 sqm*

Council comment: **Condition 4** (refer Table 4 above) as proposed to be amended under the Amending DA includes a maximum GFA for the overall site of 55,129m² being an FSR of 1.83:1 in compliance with the RLEP 2014 maximum of 2:1, and also requires that *'the precise details of the distribution of floor space shall be provided with the future development application/s for Stages 2, 3 and 4'*.

The key issue raised by the Panel with regard to FSR was the calculation of gross floor space (GFA) within Building B, being a data centre where large components of the building do not constitute 'floor space' under the definition of GFA. In this regard Condition 4 is considered sufficient to ensure that the development as a whole complies with the floor space controls.

Justify the consistent height to the site

Applicant response: *In response to concerns raised by the UDRP regarding the proposed increased in heights (from that approved), the proposal has since been amended to include varied building heights across the site, being:*

- *Building C reduced from 45m to 36m.*
- *Building D from 45m to 39m.*

As illustrated in the MPark Masterplan Development Application Drawings prepared by 3XN. These amendments have achieved the desired variability of building height, consistent with the approved masterplan.

Council comment: To provide context to the above comment, the UDRP comments stated the following: "The unrelenting height of the proposed buildings also loses the varied height and character provided by the approval".

The amended plans received on 2 October 2020 amended the building heights with Building A with a maximum RL of RL103.5 (as approved), and proposed Building B at RL94.00, Building C at RL88.8 and Building D at RL93.44. **Figure 16** shows the Section A Plan through Buildings A and B, with Buildings D and B in the distance. The variation in overall heights of the buildings across the site in conjunction with the site slope has responded to the UDRP comments and provided an improved urban design outcome to the proposal as originally lodged. The amendment to the heights

of Buildings C and D provides visual relief and interest between the buildings and reduce the perceived bulk and scale of the built environment.

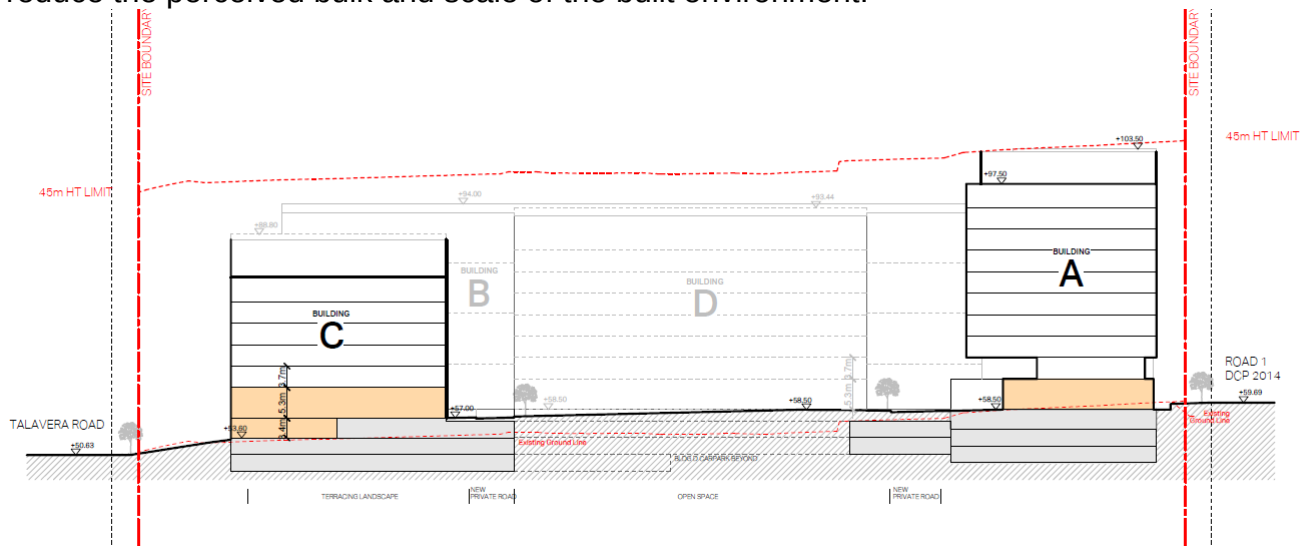


Figure 16. Section plan A (Dwg No. DA-020, Rev E, dated 01/10/2020)
(Source: 3XN Architects)

Illustrate how ground floor activation will be achieved

Applicant response: Positive ground plane outcomes will be achieved through the provision of active ground floor edges, which will include glazed openings and active retail spaces, which engage with the centrally located park.

The massing of the building podiums will ensure permeability through the site and create a dynamic ground plane that blends internal and external spaces.

The central park is conceived as a 'green heart', encouraging an extension of the workplace, while also engaging with the Khartoum Road edge – drawing people into the site. This space can be adapted to suit a wide variety of activities and achieves high levels of solar access throughout the year. The design intent for this space is unchanged from the original Amending DA submission (May 2020).

The through site link will provide a 'green, vegetated edge' and will be embellished through the additional landscape planting provided through this amended submission package.

The removal of the shared zone to the north of Building D will improve the activation of the park and its interface with Building D.

Design development of Building D has also illustrated an improved 'edge' with the through site link.

Likewise, initial concepts for Building C include transparent glazing and permeability where the building intersects with the Talavera Road end of the through site link. This will encourage pedestrian movement through the site.

Refer to Drawing 005 of the Amended Landscape Concept Proposal prepared by Site Image for further information.

Council comment: A key issue of the UDRP was the lack of activation both fronting Bochetto Park, but also along the pedestrian site through link which appeared to have back of house and service uses facing the link. This would have had poor safety and activation outcomes for the site, and been contrary to **Condition 22** of the approved

concept DA which requires active ground floor uses on all sides of all buildings where possible.

On 27 July 2020 Stockland and Council officers met to discuss the key issues with the proposal. At this meeting, the images at **Figure 17** were provided to Council to depict the preliminary design for Building D and to provide a conceptual image of how Building D would activate Bochetto Park (noting that only concept approval is sought under this application). The key objective of the design of Building D is to provide a 'permeable and activated pedestrian outcome for the site'. The open ground floor plane integrates with the park and seamlessly brings the retail uses out into the forecourt of the building. While still conceptual, these images shows how the building envelope and placement under this application can activate the ground floor plane of the building and integrate with the adjacent park.



Figure 17. Stockland Building D Ideas Competition winning scheme
(Source: Stockland/Chrofi Architects)

Further to this, the amended details submitted on 2 October 2020 indicate that the design changes to Building C will provide a level of seamless integration between the ground floors of Buildings C and D via the Park and forecourt areas (see **Figure 18**).



Figure 18. Perspective provided in amended plans (Dwg No. DA-024, Revision F, 15.05.2020) (Source: 3XN Architects)

Explain access for vehicles, service and pedestrians

Applicant response: *The shared zone has been removed from the scheme, with the driveway now running behind Building D. This will generate positive outcomes for both the park edge and the through site link.*

Service and vehicular entries have been sited to avoid conflicts and ensure the site can function successfully.

Refer to 3XN MPark Masterplan Development Application Drawings (which includes labels for pedestrian and vehicular access) together with Drawing 005 of the Amended Landscape Concept Proposal prepared by Site Image.

Council comment: This comment from the UDRP in relation to vehicle access was specifically in relation to site access and safety, stating the following:

“It is not clear in the plans how vehicle access and pedestrian access are resolved, particularly between Buildings A and D and Buildings D and C where car park access and pedestrian access cross. The landscape plans do not illustrate a compelling solution”.

The amended plans have provided additional information in relation to how vehicles and pedestrian access is provided to the proposed Buildings A, C and D. The redesign to have the road loop around Building D will improved access both in and out of the site, rather than the originally proposed amendment to have the two roads end at the new pedestrian through site link.

The design and landscaping changes to the pedestrian link improves the pedestrian experience along the corridor to the ‘rear’ of Buildings A, C and D and the proposed activation along the adjoining parts of these buildings to the pedestrian link will enhance passive surveillance and amenity compared with the original plans reviewed by the UDRP.

Reconcile ground levels at street interfaces, with tree planting and to enable safe, equitable access.

Applicant response: *The section drawings prepared by Stockland demonstrate that the through site link and other key interfaces are appropriate with regard to level changes, tree planting and DDA outcomes.*

Moreover, the elevated planter provides a perception of a ground plane continuum through the site – noting that the through site link itself gently falls away toward Talavera Road (following the natural topography).

As above, the design team have allowed for a public lift to be installed at the Talavera Road end of the through site link for DDA access. Refer to Drawing 005 of the Amended Landscape Concept Proposal prepared by Site Image and Stockland Drawing Package.

Council comment: The site has a significant cross fall across the overall site, and the design of Building B as a data centre demands flat and level floor plates with vehicle access around the periphery of the building further outlined in Section 9.12 of this report. As a result, retaining walls are proposed around the site edge of Building B/Stage 02. Under the originally lodged plans, the 9.5m retaining wall adjoining Building B was exposed and when situated adjoining the pedestrian link resulted in negative amenity impacts on the public domain. The revised plans with the elevated landscaped planter, landscaped setback and improved tree retention has greatly

improved the impact of the excavation required at the intersections of the Building B/Stage 02 boundary and new Road 1, new Road 22 and the pedestrian site through link.

Review of the amended plans and the manner in which the applicant has responded to Council's concerns meant the application did not necessitate re-referral to Council's UDRP. A merit based Development Assessment has been made and it is considered that the proposed design solutions adequately respond to the UDRP and Council's concerns to ensure that the public domain interface of Building B to new Roads 1 and 22, Talavera Road and the pedestrian link are within a landscaped setting, and the pedestrian experience around the site is of a high quality. While the proposal has provided a much different masterplan for the site than that which was originally approved, this is largely due to the Building B data centre, the resulting GFA distribution across the site and the site's height controls. As discussed throughout this report, the economic benefits of the proposed data centre and the resultant stimulus within Macquarie Park are considerable, with a detailed assessment of the operational and security requirements and the impacts on the design included at Section 9.12 of this report.

8. APPLICABLE PLANNING CONTROLS

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

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

9. PLANNING ASSESSMENT

9.1 Environmental Planning and Assessment Act 1979

Division 4.4 Concept development applications

As indicated earlier within this report, the application specifically requests that the proposal be treated as an amendment under Section 4.17(1) to an existing concept DA (LDA2017/547) approved under Section 4.22.

Division 4.8 Integrated development

The existing concept approval was Integrated Development pursuant to Division 4.4 of the Act, as approval was required under Section 91(3) of the *Water Management Act 2000* for an aquifer interference activity relating to the Stage 1 approval for Building A, approved under Part 2 of LDA2017/547.

The subject application was referred to WaterNSW for comment, with the following comments provided:

As this proposed concept DA determination does not constitute construction release/approval, WaterNSW would not be in a position (at this stage) to make comment on the proposed Concept DA (emphasis added). Should the proposed concept DA be approved, WaterNSW requests that the subsequent building construction DA should include, as a minimum, the following documents:

- *Groundwater/Geotechnical Report, including the following info:*
- *Depth of excavation, including the depth of standing groundwater table;*
- *If groundwater dewatering is proposed, the dewatering and excavation methodologies; and*
- *The volume of groundwater to be taken, including the method of disposal.*
- *Architectural Drawings, Elevations and Sections.*
- *Statement of Environmental Effects, including any dewatering methodologies.*

The approved Concept DA did not include conditions relating to WaterNSW, and furthermore as the response is not provided as a formal response, these comments have been provided to the applicant for future reference and are not required to form conditions of approval.

9.2 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.

9.3 State Environmental Planning Policy (Infrastructure) 2007

Transport for NSW – Clause 104 (Traffic-generating development)

The development is identified within Schedule 3 of the Infrastructure SEPP as it comprises greater than 10,000m² in gross floor area associated with a commercial premises. In accordance with Clause 104 the DA was referred to the Transport for NSW (TfNSW) for comment. TfNSW provided their final comments on 24 July 2020. These comments are discussed below:

TfNSW has reviewed the modification application and notes that an increase to the approved Gross Floor Area is not proposed as part of this application. The following comments are provided for Council's consideration in the determination of this Application:

- 1. If the traffic modelling identifies that road improvement works and/or mitigation measures are required to the intersections in the vicinity of*

the development to ameliorate the traffic impacts arising from the development proposed in subsequent stages of the Concept Plan, the applicant is to consult with TfNSW in relation to entering into a further Transport Infrastructure Contributions Deed (Further Stages Deed) for the payment for road improvement works and/or mitigation measures to be carried out to, or within the vicinity of the intersection of Khartoum Road and Talavera Road, Macquarie Park.

2. The Further Stages Deed is to include provision for the timing of payment of any further monetary contributions in stages, prior to issue of a construction certificate that authorises the construction of the building in the relevant stage in the Concept Plan that is identified in the traffic modelling as triggering the need for road improvement works and/or mitigation measures to ameliorate the identified traffic impacts.

3. Any monetary contributions determined by TfNSW to be required as part of any subsequent stage of the Concept Plan must consider the equitable apportionment of works to reflect the cumulative impact of traffic generated by the relevant stage of the Concept Plan development within the wider Macquarie Park precinct.

These conditions are identical to the existing conditions applied to the original consent under **Condition 30 of Part 1** of LDA2017/547. Accordingly it is proposed to retain the existing Condition 30 to meet TfNSW current requirements, with the only amendment being an update to reference TfNSW rather than RMS.

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

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

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

The Vegetation SEPP provides approval pathways for the removal of vegetation in non-rural areas and matters for consideration in the assessment of applications to remove vegetation. This policy applies to land in the Ryde local government area on land within the B7 Business Park zone.

The Amending DA proposes 125 trees to be removed due to unsustainable levels of impact from demolition and construction works, this is compared with the original proposal which sought 118 trees to be removed. Included in the above, is the Stage 1 approved removal of fifty-six (56) trees, and eight (8) trees approved for removal under LDA2020/0284 for the demolition of the Chubb warehouse, these remain unaffected under this proposal.

With respect to the difference in tree removal, Council's Landscape Architect & Arborist noted the following when comparing the modified proposal with the 2019 Concept Masterplan.

- Two (2) large, locally native trees along the Khartoum Road frontage have since been removed from the site. These were formally identified as Tree

102 and Tree 105 within the previous AIA prepared by Naturally Trees (Revision A, dated 10 October 2018); and

- The new report (prepared by Birds Tree Consultancy (Revision F, dated 5 November 2020) includes assessment of an additional 21 trees which were not included in the previous AIA, some of which have been proposed for removal. The reason for the variation is the Arboricultural Assessment submitted with the Amending DA has reviewed tree numbers based on Tree Tag Numbering on the site. This has been implemented to allow easy tree identification and ensure the correct trees to be retained are protected resulting in a number of additional trees.

In light of the above, the following **Table 5** provides a comparison of those trees previously identified within the Approved Concept DA.

Table 5: Tree removal/retention comparison.

Tree No.	Species	Origin	Retention value	2019 Concept Masterplan (LDA2017/0547)	2020 Modified Proposal (LDA2020/0229)
50*	<i>Angophora costata</i> (Sydney Red Gum)	Locally Native	High	Retain	Remove
51*	<i>Angophora costata</i> (Sydney Red Gum)	Locally Native	Low	Retain	Remove
84	<i>Allocasuarina torulosa</i> (Rose She-Oak)	Locally Native	Medium	Retain	Remove
85	<i>Allocasuarina torulosa</i> (Rose She-Oak)	Locally Native	Medium	Retain	Remove
86	<i>Casuarina cunninghamiana</i> (River She-Oak)	Aus. Native	Medium	Retain	Remove
87	<i>Casuarina cunninghamiana</i> (River She-Oak)	Aus. Native	Medium	Retain	Remove
88	<i>Casuarina cunninghamiana</i> (River She-Oak)	Aus. Native	Medium	Retain	Remove
89	<i>Casuarina cunninghamiana</i> (River She-Oak)	Aus. Native	Medium	Retain	Remove
90	<i>Casuarina cunninghamiana</i> (River She-Oak)	Aus. Native	Medium	Retain	Remove
92	<i>Casuarina cunninghamiana</i> (River She-Oak)	Aus. Native	Medium	Remove	Retain
93	<i>Casuarina cunninghamiana</i> (River She-Oak)	Aus. Native	Medium	Remove	Retain
97	<i>Eucalyptus saligna</i> (Sydney Blue Gum)	Locally Native	High	Remove	Retain
109	<i>Eucalyptus microcorys</i> (Tallowwood)	Aus. Native	Medium	Retain	Remove

*Note: Tree 50 & 51 were formerly identified as one tree (Tree 78)

A copy of the Tree Location Plan showing the proposed trees to be removed and retained under the Amending DA is included over page at **Figure 19** highlighting the numbers identified in **Table 5** in red. A summary of trees as assessed by Council's Consultant Landscape & Architect including their relative values and provenance has been included in **Table 6** below.

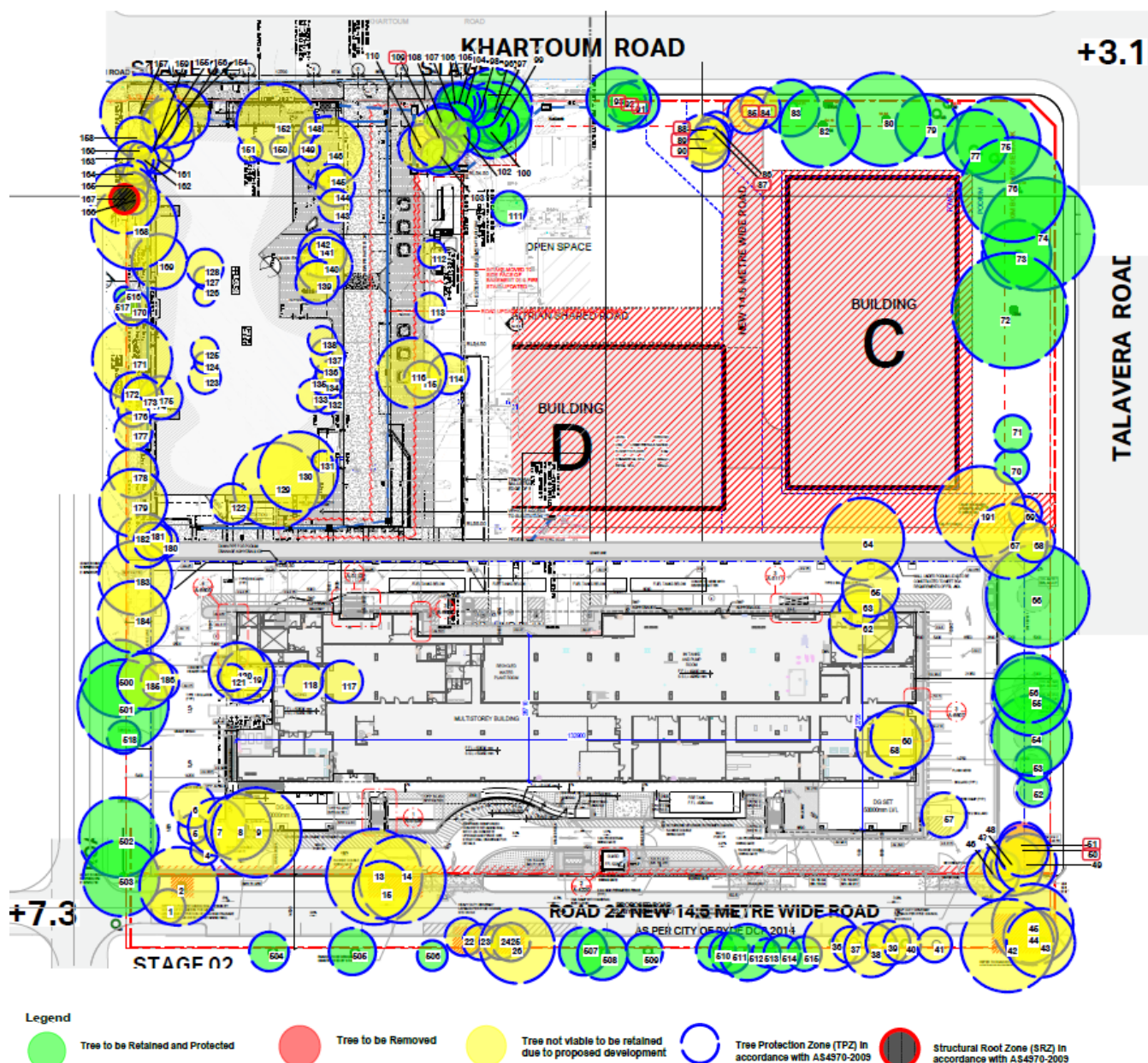


Figure 19. Tree Location Plan showing trees to be protected (green) and those which will be impacted by the proposed building envelopes under the Amending DA (red and yellow)

(Source: Birds Tree Consultancy, Dwg No. A01, Revision F, 5.11.2020)

Table 6 – Tree details

Category	Locally Native**	Australian Native	Exotic	Total
Trees Retained	29	24	0	53 (31 High Value and 22 Medium Value)
Trees Removed	35	89	1	125 (34 High Value and 89 Medium Value, 2 Low Value)

Note: Information in Table 6 has been obtained from Council's Landscape Architect & Arborist Referral which has assessed the submitted Arboricultural Impact Assessment (AIA) prepared by Birds Tree Consulting (Revision F, dated 5 November 2020).

**Locally native species compared with the Council document: 'Native Plants of the Ryde District' by PJ Kubiak dated October 2005. Assessed species noted as being locally native include *Allocasuarina torulosa*, *Angophora costata*, *Angophora floribunda*, *Corymbia gummifera*, *Eucalyptus paniculata*, *Eucalyptus pilularis*, *Eucalyptus punctata*, *Eucalyptus saligna*, *Eucalyptus tereticornis* & *Syncarpia glomulifera*.

As was noted in the original assessment for the approved concept DA, whilst the required tree removal would appear to be significant when reviewing the above figures, it must be acknowledged that based on the nature of the plantings in terms of their locations, species diversity and age class, that these trees are likely planted specimens introduced as buffer and amenity planting at the time of construction of the previous buildings on site. None of those trees to be removed are remnant vegetation or classified as an 'endangered', 'critically endangered' or 'vulnerable' species under the *Biodiversity Conservation Act 2016*. Accordingly, it is considered that a similar level of canopy cover, site amenity and landscape benefits from tree planting will be capable of being achieved within the medium term (≈ 20 years) provided a suitable level of replacement planting is carried out on site. The proposed Landscape Concept Proposal depicts medium height trees (up to 5m) along the elevated planter adjacent to Building B, native trees to the public street frontages, and significant tree planting within Bochetto Park (refer plan prepared by Site Image Landscape Architects, Dwg No. 003, dated 29.09.2020).

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

As a Concept DA, it is noted that no tree removal is proposed under this application per se. However, the consent authority must be satisfied that the proposed building envelopes and resulting tree impacts are considered and will not cause any unforeseen effects under the future building DAs.

To this effect, to ensure the negative effects of tree removal in terms of amenity and landscape character are mitigated, and no unnecessary tree removal takes place, **Condition 3** under the approved Concept DA is to remain to ensure no tree removal is approved under this application. Additionally, Council's Consultant Landscape Architect & Arborist has recommended new **Condition 34** Tree Retention and **Condition 35** Open Space Design to ensure that the trees nominated for retention are protected and the open space areas are designed to reduce the level of impact on existing trees to a sustainable level.

It must also be noted that negotiations between Council and the applicant during the assessment process has resulted in the amended proposal retaining additional trees along the Talavera Road frontage, which were originally identified as being required to be removed due to the hard stand areas around Building B. Through reducing the extent of hard paving, the trees have now been identified to be retained and protected, therefore maintaining large tracts of existing mature buffer vegetation.

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

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

A Phase 1 Environmental Site Assessment prepared by Golder Associates (dated 17 November 2017) was submitted with the approved Concept DA with the report concluding that *"This assessment indicates that there is a low potential for historical and current activities to have caused contamination."*

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

9.7 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

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

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

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

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

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

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

Macquarie Park is also nominated as one of nine centres to accommodate commercial office precincts and is identified as a pharmaceutical and biotechnology cluster. The proposed development aligns with the vision of the Eastern Economic Corridor in that the proposed commercial office space will facilitate the provision of jobs and economic activity, be well connected to transport links and provide high quality open space. Further to this the proposed data centre specifically responds to the increasingly rapid change of technological innovations and will contribute towards Macquarie Park's position as a knowledge and technology hub, supporting its role within the Eastern Economic Corridor and the role of Macquarie Park as an innovation district. The Plan states:

"The most successful health and education precincts are internationally competitive and more accurately described as innovation districts. Innovation districts are transit-accessible precincts with an active ecosystem that includes health and education assets, surrounded by a network of medical research institutions, a mix of complementary industry tenants, housing, ancillary facilities and services. Economic productivity is created by the agglomeration benefits flowing from an active innovation ecosystem".

The proposed data centre is the type of industry tenant that will facilitate and support the economic productivity of Macquarie Park and further provide the underlying

infrastructure to facilitate a 'active innovation ecosystem' and economic 'agglomeration benefits' for the precinct. Positioned within the heart of Macquarie Park, with this level of investment and fine-grained master planning, the amended concept DA will support the role of Macquarie Park as a multi-disciplinary district with an active and diversified economic ecosystem.

9.10 Ryde Local Environmental Plan 2014

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

Clause 2.2 – Zoning

The site is located within the B7 Business Park zone under the RLEP 2014 as indicated within **Figure 20**.



Figure 20. Site zoning marked in yellow (source: Ryde LEP 2014, edited for diagrammatical purposes)

Development for commercial and retail purposes as proposed for Buildings A, C and D is permitted with consent in this zoning.

With regard to Building B, under the Ryde LEP 2014, 'data centre' falls into the definition of "high technology industry" which is defined as:

high technology industry means a building or place predominantly used to carry out an industrial activity that involves any of the following:

- a. *electronic or micro-electronic systems, goods or components,*
- b. *information technology (such as computer software or hardware),*
- c. *instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,*
- d. *biological, pharmaceutical, medical or paramedical systems, goods or components,*
- e. *film, television or multi-media technologies, including any post production systems, goods or components,*
- f. *telecommunications systems, goods or components,*

- g. *sustainable energy technologies,*
- h. *any other goods, systems or components intended for use in a science or technology related field,*

but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood.

Note. High technology industries are a type of light industry—see the definition of that term in this Dictionary.

The proposal as a data centre meets the definition for ‘high technology’ and furthermore, does not involve hazardous or offensive industry and would not interfere with the amenity of the area from any of the abovementioned elements, as such also fits into the definition of “light industry”, which is permissible within the zone.

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 *B7 Business Park* zone are as follows:

- To provide a range of office and light industrial uses.
- To encourage employment opportunities.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To encourage industries involved in research and development.

The development complies with the above objectives, and is deemed consistent with the State and local strategic intent for the zone and the Macquarie Park Corridor by introducing commercial buildings, facilities and retail services, which encourage employment opportunities and serve the diverse employment needs of the local and wider community.

The proposed data centre will provide a major point of presence for networks through providing highly resilient and high speed IT communication networks to research and education businesses, serving the local and wider community. While the development will not provide a significant number of employment opportunities, the proposed development will service the needs of the local and wider community, and encourage and support business and innovation within the Macquarie Park area.

It is considered that the development satisfactorily meets the objectives of the B7 Business Park zone.

Clause 4.3 - Height of Buildings

A maximum building height limit under the RLEP 2014 of 30m applies to the development site. Despite the provisions of this clause, under clause 6.9 - Development in Macquarie Park Corridor, consent may be granted for development to a maximum height of 45m (as marked on the Macquarie Park Corridor Incentive Height of Building Map shown at **Figure 21**) if the consent authority is satisfied there will be adequate provision of recreation areas and an access network whose configuration and location allow a suitable level of recreation and connectivity within the precinct.



Figure 21. Macquarie Park Corridor Precinct Incentive Height of Buildings Map
(X – maximum height of 45m)

(Source: Ryde LEP 2014, edited for diagrammatical purposes)

A maximum building height of 45m is proposed within the concept development application, being (approved) Building A, which forms part of Stage 01, and the proposed Data Centre (Building B). The remaining two buildings are all of lower heights at 36m and 39m for Buildings C and D respectively, as such, all components of the application comply with the requirements of this clause.

The existing approved concept DA approved heights between 29.7m for Buildings D and E, up to 45m for Building A.

The amended Concept DA is consistent with this approach with the proposed buildings of varied heights to provide interest and reduce the perceived bulk and scale of the buildings within their context.

Clause 4.4 – Floor Space Ratio

Under the RLEP 2014, a floor space ratio (FSR) of 1:1 applies to the development site. Despite the provisions of this clause, under clause 6.9 - Development in Macquarie Park Corridor (as marked on the Macquarie Park Corridor Incentive Floor Space Ratio Map shown at **Figure 22**), consent may be granted for development to an FSR of 2:1, if the consent authority is satisfied there will be adequate provision of recreation areas and an access network whose configuration and location allow a suitable level of recreation and connectivity within the precinct.



Figure 22. Macquarie Park Corridor Precinct Incentive Floor Space Ratio Map (T1 – maximum FSR of 2:1)

(Source: Ryde LEP 2014, edited for diagrammatical purposes)

Clause 4.4A also enables development to provide additional floor space above that shown with the standard floor space ratio map, if the land contains land that has been dedicated to Council for a public purpose, which includes roads.

A floor space ratio of 1.83:1 is proposed for the Amending DA. As such, the application complies with the requirements of this clause at concept and stage level.

In response to the concerns raised by Council's UDRP, additional information with an amended breakdown and allocation of gross floor area was provided with the amended DA drawings prepared by 3XN. The figures provided correspond with the layouts of buildings in future stages. **Condition 4** as amended caps the total GFA across the site at 55,129sqm, with precise details of the distribution of floor space to be provided with the future development application/s for Stages 2, 3 and 4.

Clause 4.5B(4) – Macquarie Park Corridor

This clause outlines the objectives for development on land in Zone B7 Business Park within the Macquarie Park Corridor as follows—

- (a) to provide for the daily convenience needs of employees and visitors,*
- (b) to ensure that development supports the needs of businesses and organisations in the area.*

While the specific controls within this Clause relate to restricting function centres, cafes and the like from the B7 Business Park zoned land, as assessed below the proposed development, including the data centre, will specifically meet the objectives with the commercial and small amount of retail meeting the convenience needs of employees and visitors, and the commercial and data centre services supporting the needs of businesses and organisations in the area.

This clause states that development consent must not be granted for the erection of a building on land in Zone B7 Business Park in the Macquarie Park Corridor for the purposes of a function centre, neighbourhood shop, registered club or restaurant or cafe unless the total floor space of the building will not exceed:

- (a) 500 square metres for each individual land use, or*
- (b) an area equivalent to 5% of the site area for each individual land use, whichever is greater.*

The site has a total area of 30,030m² of which 5% equates to 1,501.5m². Under the Part 2 of the approved concept DA, 443m² of retail floor area was approved on the ground floor of Building A. This has been reduced under subsequent modifications with the most recent application under MOD2020/0184 reducing this to 136m².

The approved concept DA also included an indicative 450m² for the ground floor of approved Building B, and an additional total 550m² across four (4) separate support kiosks facing Bochetto Park. No retail floor area specified for Buildings C, D and E under the approved Concept DA.

The Amending DA however proposes to include retail/café uses on the ground floor of Buildings C and D, and no retail uses within Building B. While no specific GFA is nominated for the proposed buildings, the LEP provisions will be applicable for the future applications that are submitted for the Building C and D development applications at which time this LEP clause will be addressed.

Clause 6.2 - Earthworks

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

Clause 6.4 - Stormwater Management

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

Clause 6.6 - Environmental Sustainability

The objective of this clause is to ensure that this development (being land in a business zone) embraces principles of quality urban design and is consistent with principles of best practice environmentally sensitive design.

This clause states that consent must not be granted to development on land in a business or industrial zone exceeding 1,500m² in GFA unless the consent authority is satisfied that development has had regard to a number of prescribed environmental outcomes.

An Environmental Sustainable Design Report, prepared by Cundall, was submitted with the approved concept DA which provided a summary of the applicant's sustainable design commitments for the proposed development. These commitments are not proposed to be amended by this application with the sustainability measures and commitments remaining unchanged under the Amending DA, specifically the project is continuing to aim to pursue environmental certifications for the base building of:

- 4-Star Green Star Design & As-Built v1.2 rating
- 4.5-Star NABERS Energy base building rating

Existing **Condition 29** states:

An Environmental Sustainability Design Report must be submitted with any Stage 2 Development Application. The report is to verify that the subsequent buildings are capable of achieving a base building of:

- 4- Star Green Star Design and As-Built v1.2 rating
- 4.5- Star NABERS Energy base building rating.

This remains unchanged under the Amending DA, and based on the above commitments the proposed development meets the requirements of this clause.

Clause 6.9 – Development in Macquarie Park Corridor

The objective of this clause is to encourage additional commercial development in Macquarie Park Corridor co-ordinated with an adequate access network and recreation areas, which as mentioned elsewhere, will be provided as set out in the Planning Agreement.

In this regard, the Macquarie Park Corridor Precinct Height of Building Map allows for an increase in height of the buildings from 30m to 45m. Similarly, the Macquarie Park Corridor Precinct Incentive Floor Space Ratio Map allows for an increase in FSR from 1:1 to 2:1. Compliance with these allowances is detailed above in Clauses 4.3 and 4.4.

Details regarding the public benefit offer made to Council, as part of the planning agreement, are outlined elsewhere within this report. The Amending DA satisfies the requirements of this incentive clause.

9.11 Draft Environmental Planning Instruments

Draft Remediation of Land State Environmental Planning Policy

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

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

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

Draft Environment SEPP

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

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

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

9.12 Ryde Development Control Plan 2014

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

- Part 4.5 – Macquarie Park Corridor;
- Part 7.1 – Energy Smart, Water Wise;
- Part 7.2 – Waste Minimisation and Management;
- Part 8.2 – Stormwater Management;
- Part 9.2 – Access for People with Disabilities; and
- Part 9.3 – Parking Controls
- Part 9.5 - Tree Protection

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

Part 4.5 – Macquarie Park Corridor

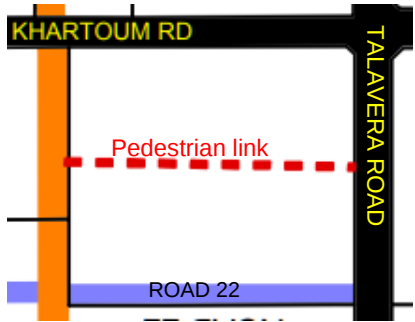
The compliance table of the relevant controls pursuant to Part 4.5 Macquarie Park Corridor is below in **Table 7**. It is noted that there are a number of non-compliances within this table being:

- Section 7.7(a) – Proposed building separations are below 20m and for a length which exceeds 10m which is noncompliant with the control.
- Section 7.8(b) – Buildings are to address the street and are to have a street address. The design of Buildings C and D have the buildings facing the internal loop road, rather than to Khartoum Road or Talavera Road.
- Section 8.2(a) – A minimum 20% of a site must be provided as deep soil area. The proposal includes only 15.7% deep soil area.
- Section 8.4(a) – (c) - Level changes across sites are to be resolved within the building footprint; natural ground level is to be retained for a zone of 4m from the side and rear property boundaries and retaining walls, cut and fill are not permitted within this zone; and the maximum height of retaining walls within the front, side and rear setbacks is not to exceed 1.2m. Building B has significant excavation which results in retaining walls of between 2.7m and 9.5m around the periphery of the Building B/Stage 02 site.
- Section 8.4 (d) – Basement parking areas for Buildings A, C and D are not located directly under building footprints.
- Section 8.8 (a) – The site proposes boundary fencing on the perimeter boundary of the Building B site.
- Section 9.4 – Requires development to integrate with the natural topography of the land.

These noncompliance's are justified within the report, with specific issues relating to Building B further discussed at the end of the table.

It is noted that as the design of Building A is already approved under Part 2 of LDA2017/0547, the following assessment table primarily focuses on the propose amendments, including Buildings B, C and D, internal roads and Road 22, pedestrian site through link and Bochetto Park.

Table 7. Assessment of Part 4.5 of Ryde DCP 2014

Relevant Control	Amending DA - Comments
3.0 The Structure Plan	
3.2 Urban Structure Plan	
The Business Park areas at the edges of the Corridor are characterised by lower density development with green leafy setbacks and attractive landscaping.	Complies – The proposal complies with the height and floor space controls for the site and continues to provide a ‘campus’ style design underpinned by the proposed Building B which will provide diversity in built form and high speed access to data storage for surrounding businesses. The proposed Landscape Plan includes a well designed landscaped central park and the retention of street trees where possible particularly along the Talavera Road boundary of the site.
4.0 Access Network	
4.1 Streets	
a) Provide new public streets and pedestrian connections in accordance with Figure 4.1.1 Access Network. b)  Extract from Figure 4.1.1	Complies – The proposed road network as envisaged under RDCP is still provided; with Road 22 along the site’s south-eastern boundary proposed with Stage 02, and the proposed pedestrian site through link proposed to be delivered with Stages 01, 03 and 04. While the two previously approved through 14.5m roads are amended to be a private access loop terminating at the pedestrian link, these roads were not requirements of the Planning Agreement or under the DCP, and will still provide vehicle accessibility and pedestrian connections through the site.
c) New streets are to be dedicated to Council. New streets are to be maintained by the landowner until dedicated to Council.	Complies – New Road 22 is now proposed to be dedicated to Council on the completion of Stage 02. The internal loop road is not required by RDCP 2014 and are to sit above basements. These roads are to be retained in private ownership.
d) 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.	Complies – Amended building locations have been planned to accommodate new Road 01 and Road 22.
e) Each site is to provide for coordination of proposed streets with neighbouring sites, including level adjustments and detailed plans. This detail is to be provided together with the development application.	Complies – Civil Engineering Package submitted with the proposed amended design suitably coordinates the proposed streets with the surrounding fine grained road network. This has been assessed by Council’s Public Domain Engineer who has no objections to the proposal subject to conditions. See detailed comments below in the “Internal Referral” section of this report.

Relevant Control	Amending DA - Comments
f) Lighting, paving and street furniture, landscaped setbacks and tree planting are to be provided as required in the <i>Macquarie Park Corridor Public Domain Technical Manual (PDTM)</i>	Complies – No changes are proposed to conditions relating to compliance with the PDTM.
g) Provide new streets as follows: i. 20m wide (typical) streets in accordance with Figure 4.1.2. or ii. 14.5m wide (typical) streets in accordance with Figure 4.1.3.	Complies – Road 01 is proposed to be 20m wide in accordance with Figure 4.1.2. Road 22 is proposed to meet the dimensions for 14.5m wide streets, prescribed by Figure 4.1.3. The private loop road will be 14.5m wide.
h) Where required by Council, an additional 0.5m footpath is to be provided to augment the 14.5m streets to achieve a minimum 2.5m footpath.	Complies – Conditions are not proposed to be amended in this regard.
<u>4.2 Pedestrian Connections</u>	
a) Provide pedestrian bridges in accordance with the Access Structure Plan. Figure 3.4.1	N/A
b) Provide pedestrian connections in accordance with Figure 4.1.1 Access Network	Complies – Pedestrian site through link from Talavera Road to new Road 01 is not affected with parts to be completed with Stages 01, 03 and 04.
c) Pedestrian connections are to: i. Be a minimum of 6m wide comprising 4m wide paving ii. Be designed with a 2m setback to any building. iii. Be publicly accessible at all times. iv. Provide a clear sightline from one end to the other for surveillance and accessibility. v. Maximise active frontages pedestrian connections. vi. Be designed to consider pedestrian safety and the security of adjacent businesses, particularly at night (for example, where pedestrian through-site links are provided between buildings, windows are to be provided between the internal ground floor space of the building and the pedestrian link). vii. Extend and enhance the public domain and have a public domain character. viii. Be in accordance with Part 9.2 of the RDCP 2014 (Access for People with Disabilities) and designed to provide barrier-free access in accordance with AS 1428 and the Disability Discrimination Act 1992. ix. Paving shall be in accordance with the Macquarie Park Public Domain Technical Manual.	Complies – The development continues to propose a new pedestrian through site link connecting Talavera Road to new Road 01 as well as pathways at the site's perimeter. These links provide passive surveillance at the ground plane with adequate visibility across links. The pedestrian link is 6m in width with 2m soft landscaping that includes tree planting, shrubs, turfed areas and raised planters. Links create permeable public space connecting pedestrians to the buildings on site as well as street frontages, and the site's centrally located park. Conditions on the existing consent ensure that materials and finishes applied to these links are in keeping with the urban character of the concept site and in adherence with the Macquarie Park PDTM. (See Condition 14). Links throughout the site are publicly accessible and have been designed to adhere to pedestrian safety, DDA and CPTED standards. A right-of-way (pedestrian link easement) is to be provided over the pedestrian through-site link as required. This is a requirement of the Planning Agreement and has been reflected in new Condition 33 .

Relevant Control	Amending DA - Comments
x. Remain in private ownership and be created as Rights-of- Way in favour of Council or a similar mechanism.	
d) Each site is to provide for coordination of pedestrian connections with neighbouring sites, including level adjustments and detailed plans. Detailed plans, sections and other material as necessary are to be provided	Complies – This remains unchanged with Architectural Plans prepared by 3XN, and Landscape Plans prepared by Site Image including section drawings pertaining to the pedestrian connection between the subject site and those adjoining, as well as the through site link connecting public spaces and buildings within the site.
<u>4.3 Bicycle Network</u>	
a) Provide dedicated cycle access in accordance with <i>Ryde Bicycle Strategy 2014</i> in accordance with <i>Figure 4.3.1 Indicative Cycleways</i> .	Complies - An existing cycle path is located on Talavera Road.
<u>4.4 Sustainable Transport</u>	
<u>Travel Plans</u>	
a) Upgrade the bus interchange in Herring Road in accordance with the Access Structure Plan to: i. Accommodate additional bus stops to provide for increased patronage; ii. Reduce pedestrian and vehicle conflict; iii. Enable active frontage.	N/A The site is not located near Herring Road bus interchange.
b) Any DA that includes residential development on the Macquarie Shopping Centre is to provide a master plan that demonstrates how the bus interchange upgrade may be achieved.	N/A The proposal does not include residential development.
c) A Framework Travel Plan (FTP) is required to be submitted to Council for approval together with a DA for all development that exceeds 10,000m ² new floor space d) For all development the FTP must also: i. Identify measures in an Action Plan that will implement the 40% public transport/60% private transport target for the journey to work, including appointing a Travel Plan Coordinator, minimising drive alone trips to work, encouraging walking, cycling, car sharing, car pooling and public transport use. e) Provide a Final Travel Plan to Council for certification prior to the issue of any Occupation Certificate.	Complies – The proposal has a total floor space of 55,129m ² as such, a Framework Travel Plan (FTP) is required under Condition 19 which remains unchanged by this proposal.
<u>Parking Rates</u>	
f) Bicycle parking and end-of-trip facilities are to be provided in accordance with the RDCP 2014 Part 9.3 Parking Controls.	The provision of bicycle parking is detailed under Part 9.3 of the RDCP 2014.

Relevant Control	Amending DA - Comments
g) Parking is to be provided in accordance with the RDCP 2014 Part 9.3 Parking Controls.	The provision of parking is detailed under Part 9.3 of the RDCP 2014
<u>Car Sharing Parking</u>	
h) All parking spaces for car share schemes are to be: i. Publicly accessible 24 hours a day seven days per week. ii. Located together in the most convenient locations. iii. Located near and with access from a public road and integrated with the streetscape through appropriate landscaping where the space is external. iv. Designated for use only by car share vehicles by signage. v. Parking spaces for car share schemes located on private land are to be retained as common property by the Owners Corporation of the site.	Complies – The approved Concept DA stated in Condition 10 that carshare details were to come with each future building DA. This condition has been replaced with an amended Condition 10, and new Condition 32 requires carshare spaces to be provided with each future Building DA in accordance with Ryde DCP 2014 requirements.
<u>5.0 Public Domain</u>	
<u>5.2 New Open Space</u>	
a) Provide public open space as shown in Figure 5.1.1 Proposed Open Space Network and in accordance with sections 5.3 and 5.6 of this Part. To vary public open space requirements, refer to master plan controls under Clause 8.1 Site Planning and Staging.	N/A Figure 5.1.1 does not apply to the development site. Notwithstanding, the proposal seeks to provide open space which will be owned and managed by the developer.
b) Buildings are not permitted to be located on any proposed new park identified in the Open Space Structure Plan identified in Figure 5.1.1.	N/A Figure 5.1.1 does not apply to the development site.
c) Parks are to be dedicated to the Council, unless by agreement with Council where they may be provided as privately-owned public spaces (POPS).	No change. The planning agreement, does not include dedication of the land to Council. The park will be maintained as a privately-owned public space.
d) New parks are to be maintained by the landowner until dedicated to Council.	N/A
e) POPS are to be created as Rights-of-Way in favour of Council.	The Planning Agreement does not include any rights-of-way over the park. However, a through-site link is provided through the centre of the site, and registration of a pedestrian link easement over that part of the site, is required by the Planning Agreement and new Condition 33 .
f) POPS are to be maintained by the landowner in perpetuity. Public liability Insurances up to \$20,000,000 are to be maintained by the landowner.	As this space will remain in private ownership and no easement over the space is required, the issue of public liability rests with the land owner rather than Council.
g) At least 50% of new public space is to receive 3 hours direct sunlight between 9am and 3pm on 21 June.	Complies – The reduced Bochetto Park will continue to receive adequate solar access as required

Relevant Control	Amending DA - Comments
	under this clause. Refer Section 10.3 of this report).
h) Active frontages are to be provided in accordance with Section 6 Active Frontage controls.	N/A
i) Provide internet connection to all publicly accessible space in Macquarie Park, particularly new parks.	N/A
j) Provide open space in accordance with Table 5.2.1 Controls for Open Spaces.	N/A
k) Refer to the <i>Macquarie Park Public Domain Technical Manual</i> for detailed design requirements.	N/A
l) Provide pedestrian pathways and cycleway connections to adjoining public domain spaces.	Complies – No change
m) Accommodate a range of seating areas with prospect and views across open space.	Complies – The amended Landscape Plan shows the provision of a variety of outdoor seating types for different types of use of the park.
n) Provide a mix of paved and open lawn/turf areas, shaded and sunny areas.	Complies – The amended Landscape Plan shows the provision of a variety of surfaces for active and passive uses of the park..
o) Provide infrastructure. <u>Paving</u> p) Provide high-quality pavement that relates to public domain of adjoining streets in accordance with the <i>Macquarie Park Public Domain Technical Manual</i> . <u>Park Furniture</u> q) Install park lighting along key pedestrian routes. Reduce visual clutter by incorporating light fittings on built elements where possible. r) Provide a generous quantum of seating in sun/shade areas s) Locate bins at park entries/exits. t) Provide directional/information signage as key zones.	The development has provided distinctive areas within the park that will provide for adequate seating and interest. The private park will remain in private ownership but be publically accessible.
<u>Vegetation</u> u) Minimum 20% consolidated area of the open space area should be provided as deep soil zone to establish large trees.	Complies – Approximately 95% of the new Bochetto Park will be provided as deep soil area, totalling 2,273m ² .
v) Provide exotic and endemic species (minimum 60%), large scale shade trees (over 8m height).	Capable of complying – Details to be submitted with future stage DAs.
w) Protect and retain existing trees over 5m in height.	Capable of complying – The Concept DA does not approve any tree removal. Nonetheless, the Arboricultural Report submitted with the application indicates the extent of trees that are to be retained under the Amending DA. This has been reflected in proposed Conditions 34 and 35 which have been recommended by Council's Consultant

Relevant Control	Amending DA - Comments
	Landscape Architect & Arborist to ensure existing trees can be protected where possible under future DAs. Refer Section 9.5 of this report.
Stormwater x) Implement water sensitive urban design. Provide for on-site absorption; manage water quality and run-off on site. y) Improve stormwater treatment through site and explore possibilities for incorporating stormwater drainage infrastructure as an evocative element within urban design.	Conditions 12 and 17 are to be amended under this application. Refer referral comments from Council's Senior Development Engineer.
<u>5.8 Street Trees, Front Setback Tree Planting and Significant Trees</u>	
a) Street trees and front setbacks must be provided in accordance with the Street Tree Key Plan in the <i>Macquarie Park Public Domain Technical Manual (PDTM)</i>, and their health guaranteed for min. 5 years.	Complies – The proposal is considered satisfactory when reviewed against the requirements of the PDTM. The assessment of the Amended Concept DA has reviewed proposed building envelopes and hard stand areas with regard to tree retention with conditions of consent reflecting this. (See Consultant Landscape Architect and Arborist referral comments at Section 11.1 and new Condition 34)
b) At grade parking is not permitted in the front setback.	Complies – No at grade parking proposed within the Road 22, Talavera Road or Khartoum Road setbacks.
c) Where: (i) New floor space or parking areas are proposed; and (ii) A site is shown part coloured on the Sydney Metropolitan Catchment Vegetation Mapping 2013; (iii) and Removal of native vegetation species is proposed: Submit a Flora and Fauna Assessment prepared by a suitably qualified ecological consultant with the DA that has regard to: (i) Part 9.5 Tree Preservation of the RDCP 2014; (ii) NSW Threatened Species Conservation Act. (iii) Sydney Metropolitan Vegetation Mapping 2013	N/A The site is not affected by the Sydney Metropolitan Catchment Vegetation Mapping 2013.
<u>5.10 Art in Publicly Accessible Spaces</u>	
a) Art must be included in all new development with more than 10,000m² new floor space in the amount of 0.1% of the construction cost of the works capped at \$1,500,00.00.	Complies – Condition 25 remains unchanged with the exception of an updated Public Art Plan reference, and the final Public Art to be finalised with Stage 04 following the new numbering of stages for the site.
b) Art must be located within the site so as to be publicly accessible (i.e. viewed or	Complies – Refer (a) above.

Relevant Control	Amending DA - Comments
experienced from publicly accessible places).	
c) A site-specific Arts Plan is to be submitted together with the development application. (i) Arts project description and statement of artistic intent. (ii) Thematic framework for the artwork. (iii) Concept drawing and descriptions of proposed art works; (iv) Implementation (detailing at what stage the artwork will be implemented etc) (iv) Preliminary construction details with particular emphasis on public safety considerations.	Complies – Refer (a) above.
<u>6.0 Implementation – Infrastructure, facilities and Public Domain Improvements</u>	
a) Floor Space Ratios and Height of Buildings are to comply with the Ryde LEP 2014.	Complies – All buildings comply with the LEP height controls with Conditions 4 and 5 to be updated to reflect the new building heights and maximum GFA for the site.
b) The Access Network being roads and the Open Space Network being parks are to (i) be dedicated to Council as part of a new development and are to (ii) conform with the Macquarie Park Corridor Access Structure Plan. (iii) be designed and constructed in accordance with the <i>Macquarie Park Corridor Public Domain Technical Manual</i> and Section 4 of this Part.	Complies – No change.
c) The public land such as the road verge adjoining a development site is to be embellished and dedicated to Council as part of any new development. The design and construction of the works are to be undertaken in accordance with the <i>Macquarie Park Public Domain Technical Manual</i> and Section 4 of this Part.	Complies – Public domain works are included as part of the Planning Agreement Condition 14 is to remain unchanged.
<u>7.0 Built Form</u>	
<u>7.1 Site Planning and Staging</u>	
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.	Complies - The Amending DA has been designed to consider the location of the pedestrian site through link and new Road 22 in accordance the Figure 4.1.1 Access Network.
<u>7.3 Active Frontage</u>	
a) Continuous ground level active uses must be provided where primary active frontages are shown in Figure 7.3.2 Active Frontage and Setback Control Drawing. Buildings must address the street or public domain.	N/A Buildings A, C and D have ground floor retail uses proposed to active the building frontages to the pedestrian site through link and Bochetto Park.

Relevant Control	Amending DA - Comments
b) Front door and street address is to be located on the primary frontage.	Satisfactory – Building frontages for Buildings A, C and D will be off Khartoum Road of the loop road from Bochetto Park. This is a suitable urban design outcome for the 'campus' style masterplan proposed. Building B will have its primary access and frontage to Road 22.
c) Loading docks, vehicular access is not to be located where primary active frontages are shown in Figure 7.3.2 Active Frontage and Setback Control Drawing unless it can be demonstrated that there is no alternative.	N/A Vehicle access for Buildings A, C and D is from the internal loop road.
d) Active ground level uses are encouraged where secondary active frontages are shown in Figure 7.3.2 Active Frontage and Setback Control Drawing	N/A Figure 7.3.2 of the DCP does not apply to the development, however ground levels are activated by retail tenancies.
e) Active uses are defined as one or more of the following: (i) shop fronts; (ii) retail/service facilities with a street entrance; (iii) cafe or restaurants with street entrance; (iv) community and civic uses with a street entrance; (v) recreation and leisure facilities with a street entrance; (vi) commercial or residential lobbies with a street entrance not more than 20% of the total length of the building's street frontage	Complies – The future Buildings C and D will be required to demonstrate compliance at DA stage.
f) Entries to active frontage tenancies are to be accessible and at the same level as the adjacent footpath.	Complies.
g) Active uses must occupy the street frontage for a depth of at least 10m. Refer Figure 7.3.1 Active Frontages Plan Diagram and Active Frontages Elevation Diagram.	N/A The proposal is not affected by the active frontages requirement, and therefore compliance with a minimum dimension is not necessary.
h) On sloping sites, the maximum level change between ground floor tenancies and the adjacent footpath is 600 mm.	No change. Buildings C and D will provide details of compliance at DA stage.
i) Where active frontage is required a minimum of 90% of the building frontage is to be transparent i.e. windows and glazed doors (A maximum 10% active frontage may be fire stairs, plant, masonry walls and other non-active uses).	N/A Figure 7.3.2 of the DCP does not apply to the development.

Relevant Control	Amending DA - Comments
j) Clear glazing is to be provided to windows and doors. The sill height for windows must be maximum 1200mm above the footpath, including for sloping sites. Refer Figure 7.3.1 below.	N/A
<u>7.4 Setbacks and Build-to Lines</u>	
a) Minimum setbacks and build-to lines must be provided as shown Figure 7.3.2 Active Frontage and Setback Control Drawing – summarised as follows: (i) Zero setbacks / build-to lines to Primary Active Frontage; (ii) 5m setback to all existing and new streets unless otherwise specified; (iii) 10m setback to Waterloo Road and Talavera Road; (iv) 10m green setbacks to the M2 tollway and Epping Road; and (v) 5m built form setback to all parks (existing and proposed – subject to providing a Riparian Corridor in accordance with the NSW Office of Water's Guidelines for Riparian Corridors on Waterfront Land).	Complies – Amended DA Building Envelopes proposes the following setbacks: Khartoum Road: Building A – 5m Building C – 6.09m Talavera Road: Building C: 16m Building B: 26m This allows for significant trees to be retained along this frontage. Road 22: Building B: 8.40m Road 02: Building A: 5m Building B: 21.5m
b) Subject to negotiation with Council single storey structures which include active uses may be located within the Secondary Active Frontage. These structures must address the public domain, be transparent as far as practicable and will be subject to the ECRL Guidelines.	N/A - No retail kiosks under the amended proposal.
c) Provide 2m setbacks to pedestrian pathways (unless within a building)	Complies – 2m to 6m setbacks proposed from the pedestrian site through link to Buildings A, D and C, a 9.9m setback is provided to Building B which will include the elevated landscaped structure.
d) Despite clause 7.2. a development may be set back further from the street or public domain where it can be demonstrated to Council that the impacts of development on underground rail infrastructure are not in accordance with the ECRL Underground Infrastructure Protection Guidelines Report No. 20007300/ PO-4532 obtainable from Transport for NSW	N/A

Relevant Control	Amending DA - Comments
e) Council encourages development that complies with Figure 7.3.2 Active Frontage and Setback Control Drawing and meets the requirements of the ECRL Second Reserve Support Zone. The following are permitted in the Second Reserve support zone.	N/A The development is not affected by the requirements of Figure 7.3.2 nor does it impact upon the ECRL Second Reserve Support Zone.
f) Underground parking is not permitted to encroach into the front setback areas unless it can be demonstrated that the basement is designed to support significant mature trees and deep root planting. Refer to Figure 7.4.Harriet1	Complies – Basements for Buildings A, D and C are all contained within the required boundary setbacks and situated beneath the building above.
g)	Building B does not propose a basement level.
h) Awnings, canopies, balconies, sun shading and screening elements can project forward of the street setback line.	Capable of complying – Building C will be at the corner of Khartoum Road and Talavera Road, while Building B will present to Road 22. The street presentation of the entry points will be assessed under the future DA applicable to the buildings.
i) 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.	Capable of complying – Setbacks to the existing street frontages being Talavera Road and Khartoum Road generally meet the minimum 60% soft landscaping requirement. While existing trees are proposed to be removed under the proposal, as detailed earlier in this report, the building positioning and submitted Arborist Report has identified that significant trees are capable of being retained in some locations (see Conditions 33 and 34).
<u>7.5 Awnings and Canopies</u>	
a) Awnings must be provided where Primary Active Frontages are shown in Figure 7.3.2 Active Frontage and Setback Control Drawing. Entry canopies and discontinuous awnings are encouraged elsewhere in the Corridor.	N/A – The site is not affected by the Primary Active Frontage requirements of Figure 7.3.2.
<u>7.6 Rear and Side Setbacks</u>	
a) Buildings are to be set back 10m from the rear boundary and 5m from a side boundary unless a proposed new road is shown on the site.	Complies and capable of complying– New buildings provide at least 5m setbacks to existing roads. Buildings C and D nominate setbacks to the new internal loop road that are less than 5m. As private roads however this control does not strictly apply to this area of the development.
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.	Complies – Buildings A and B are setback 5m from new Road 01. Building B has greater than 5m setback to new Road 22.
c) Awnings, canopies, balconies, sun shading and screening elements may project into the rear setback zones	Capable of complying – Compliance will be assessed within the future Development Applications for each respective stage.

Relevant Control	Amending DA - Comments
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.	Complies - The basement plan shows the basement extents to be setback behind the minimum required setbacks.
e) Above ground portions of basement car-parking structures are discouraged and deep soil planting is promoted.	N/A No portions of basement carparking proposed to be above ground
f) Natural ground level is to be retained throughout side and rear setbacks, wherever possible. Refer to Section 8.4 Topography and Building Interface for controls.	Complies Refer to discussion relating to Section 8.4
<u>7.7 Building Separation</u>	
a) Provide minimum 20m separation between buildings facing each other within a site. Refer to Figure 7.7.1 Commercial Building Separation Controls. a) Provide minimum 10 m separation between buildings perpendicular to each other within a site. This reduced building separation control only applies where the width of the facing facades does not exceed 20 m. Refer to Figure 7.7.1 Commercial Building Separation Controls.	Does not comply – Justified Building D is situated central within the master planned site and has a length of 33.5m adjacent to Buildings A and C, the proposal includes the following building separations: • Building A to Building D: 16.5 for 33.5m length (<i>does not comply</i>) • Building D to Building C: 11m for 33.5m length (<i>does not comply</i>) • Buildings A and D to Building B: 22.5m for 18m and 62m in length respectively (<i>complies</i>) • Building C to Building B: 18.2m to podium (<i>does not comply</i>) 25.5m to tower for 27.5m length (<i>complies</i>) In relation to the Building C to Building B separation, the noncompliance is limited to the podium of the Building C development. The towers are setback further and achieve the 20m separation. As proposed with the original Concept DA, rather than provided taller buildings with consistent building separation, the approach to the spatial arrangement of this development is to provide short buildings for Buildings C and D which are below the maximum height control, mostly with a lesser building separation, but with an exceptionally large building separation associated with the Bochetto Park central between these three buildings. The imagery provided for future Building D (refer Figure 17) shows the lower planes of the

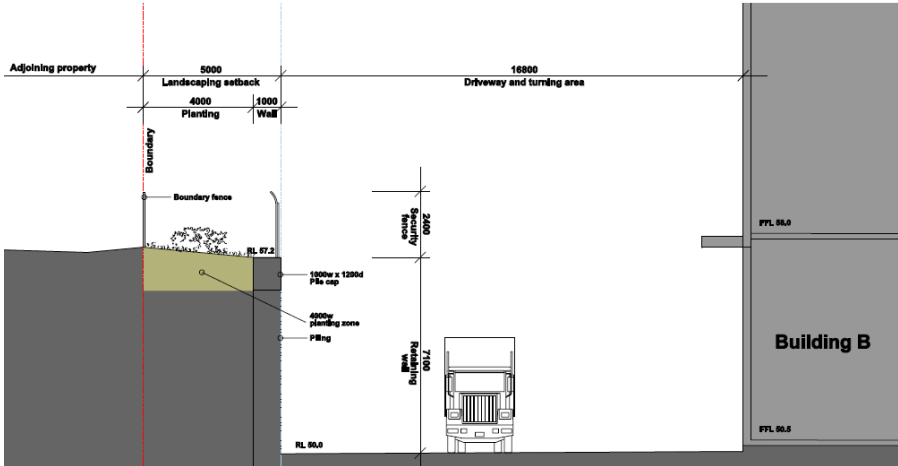
Relevant Control	Amending DA - Comments
	building to be open in nature, and this will assist in softening the bulk of the building and its dominance within the context of the neighbouring buildings. Further, this clause is more appropriately strictly applied in areas where the maximum building heights are achieved across the site. The majority of the proposed buildings fall significantly short of the maximum building height permitted, and the variation is acceptable in this instance
<u>7.8 Building Bulk and Design</u>	
a) The floor-plate of buildings above 8 storeys is not to exceed 2,000m², unless it can be demonstrated that slender building forms are achieved through courtyards, atria, articulation or architectural devices.	Capable of complying - Building C and D envelopes indicate that each building footprint is around 2,200sqm, demonstrating that with fine grain design, this control may be complied with. Each building will be subject to an Urban Design Review Panel, and further details regarding compliance with this control would be required with the subsequent DAs. Building B is 5-storeys in height and as such this control does not strictly apply. Details regarding the bulk and scale of the development which appears as a 9-10 storey building, are further addressed at the end of this table.
b) Buildings are to address the street, and are to have a street address.	Does not technically comply - Building C and D will present to the central loop road with the address to Khartoum Road. With regard to Building C, this is also due to Council's requirement that the trees along the corner of Khartoum Road and Talavera Road be retained where possible. Despite this technical noncompliance the campus style development will be clearly definable and way-finding for vehicles and pedestrians alike will not be affected by this design. Building B will address new Road 22 in compliance with this control.
c) Facade design is to (i) Reflect and respond to the orientation of the site using elements such as sun shading and other passive environmental controls where appropriate. (ii) Provide building articulation such as well design roof forms, expressed vertical circulation etc. (iii) Express corner street locations by giving visual prominence to parts of	Capable of complying – Further details for the design of the proposed buildings will be subject to the assessment under subsequent DAs.

Relevant Control	Amending DA - Comments
the façade (eg a change in building articulation, material or colour, or roof expression). (iv) Integrate and co-ordinate building services such as roof plant, parking and mechanical ventilation with the overall façade and building design, and be screened from view. (v) Roof forms, building services and screening elements are to occur within the overall height controls. Refer to Ryde LEP 2014 for height controls. (vi) Ventilation louvres and car park entry doors are to be coordinated with the overall façade design.	
d) The distance of any point on a habited floor from a source of natural daylight should not exceed 12m (such as from the core to an external window). (i) Atria and courtyards are to be used to promote access to natural light, pedestrian links and slender building forms. (ii) Arrange courtyards and atria to respond to street lot & solar orientation. (iii) The preferred height to width ratio of atria is 3:1.	Capable of complying – Compliance will be assessed within the future Development Applications for each respective stage. It is noted with regard to Building B, as a data centre there is little 'habited floor space' within the development by nature of the proposed use.
e) Buildings are to be designed to be flexible – car parking above the ground level is to have a floor to ceiling height of not less than 2.7m.	Capable of complying – Compliance of carparking structures will be assessed within the future Development Applications for each respective stage.
<u>8.0 Site Planning And Staging</u>	
<u>8.1 Site Planning And Staging</u>	
a) Sites are to be planned to allow for the future provision of new streets, pedestrian connections and open spaces in accordance with Figure 4.1.1 Access Network and Figure 5.1.1 Proposed Open Space Network. Where it is proposed to vary the locations of open space, and roads; a master plan must be submitted with the development application in accordance with clause 8.1.b (below) and the following: (i) Equal or greater quantum of open space or road area than shown in Figure 4.1.1 Access Network and Figure 5.1.1 Proposed Open Space Network; (ii) A highly visible and publicly accessible location for passive open space bounding Waterloo Road;	Complies – The Amending DA has been designed with buildings sited to allow for the provision of the following: • Central open space, known as Bochetto Park • New pedestrian through site link • The loop road • New Road 01 • New Road 22 The new pedestrian through site link, Road 01 and Road 22 are consistent with Figure 4.1.1 Access Network. Figure 5.1.1 Proposed Open Space Network does not apply to the site.

Relevant Control	Amending DA - Comments
(iii) The same functional outcomes for open space as specified in Section 5.2; (iv) The same connection points to existing roads as shown in the Figure 4.1.1 Access Network and the ability to enhance connectivity; and	
b) All sites 15,000m² or more in area should lodge a site-specific Master Plan and/or Stage 01 development application for approval.	Complies – This application seeks consent to amend an existing Concept DA. The necessary documentation has been provided.
<u>8.2 Site Coverage, Deep Soil Areas and private open space</u>	
a) A minimum 20% of a site must be provided as deep soil area. b) Deep soil areas must be at least 2 m deep. c) For the purpose of calculating deep soil areas, only areas with a minimum dimension of 20 m x 10 m may be included.	Does not comply – Only 15.7% of the site area is provided as deep soil areas that meet the 2m deep and 20x10m dimensions. When all deep soil is considered however, this increases to 18.6%. The deep soil area is situated within Bochetto Park, around the corner of Khartoum Road and Talavera Road, and along the Talavera Road frontage to Building B. A key reason for the deficiency is the design requirements for the Buildings B datacentre which are discussed further at the end of this table. The objectives of this clause is: <i>To maintain the 'campus style' industrial parklands character that typifies much of the Corridor.</i> <i>To provide developments with a high level of amenity and landscape character.</i> <i>To retain existing mature trees and allow for future tree planting.</i> <i>To provide occupants with passive recreational opportunities.</i> <i>To provide an area on site for soft landscaping and deep soil planting.</i> <i>To improve stormwater quality and minimise water consumption through implementation of water sensitive urban design guidelines.</i> Despite the shortfall in deep soil areas, the proposal meets the objectives of this clause. A campus style development is provided, with the central focus on Bochetto Park providing a high quality of amenity and landscape character. Existing mature trees will be retained along Khartoum Road and Talavera Road, and active and passive recreational

Relevant Control	Amending DA - Comments
	opportunities are provided for within Bochetto Park. The proposed soft landscaping exceeds the DCP requirement (refer (d) below), Council's Senior Development Engineer has raised no concerns with regard to stormwater quality and management. Overall the proposal may have a deficiency with the numerical requirements of the control, but the development is capable of meeting the objectives of the control and is supported.
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.	Complies – A minimum of 6,006m ² landscaped area is required under this clause. Approximately 7,745m ² (25.7%) has been provided within the elevated landscaped zone adjacent to Building B, Bochetto Park and Talavera Road frontage as per deep soil calculations. When considering this in addition to landscaped setbacks and pathways, and plantings at terrace and podium levels the minimum 20% requirement is reached.
e) Solar access to communal open spaces is to be maximised. Communal courtyards must receive a minimum of 3 hours direct sunlight between 9 am and 3 pm on the 21st of June.	Complies - Bochetto Park will receive more than 3 hours solar access to the majority of the park at the winter solstice. Overall the building siting provides an appropriate balance between solar access, building separation, and responsiveness to the street network. In addition, this spatial arrangement ensures that the communal open space is well connected to Buildings A, D and C within the development. The overshadowing impacts are acceptable on this basis. (See Section 10.3 Overshadowing)
f) Appropriate shading is to be provided so that communal spaces are useable during summer.	Capable of complying – The Stage 04 DA will provide further details in relation to the design and fitout of the future Park.
g) Communal open spaces are to incorporate the primary deep soil area where possible.	Complies - Deep soil area is primarily located within park.
h) Landscaping is to contribute to water efficiency and effective stormwater management. Landowners are to consult with Council for requirements to address stormwater quality	Capable of complying in future stages. Conditions 12 and 17 include relevant controls relating to the submission requirements for future DAs.
<u>8.3 Planting on Structures</u>	
a) Provide optimum conditions for plant growth by providing appropriate irrigation and drainage methods. b) Design planters to provide the largest possible volume of soil, in accordance with the recommended standards.	Complies - The proposed elevated podium landscaped planter adjoining Building B is 1.5m deep which is intended to support planting of 5m tall medium sized trees. The soil area and volume will exceed the 6m x 6m minimum requirements under this Section. The details

Relevant Control	Amending DA - Comments
	for planting including irrigation will be assessed under the SSD application for Building B and are not a consideration for a Concept DA.
<u>8.4 Topography and Building Interface</u>	
a) Level changes across sites are to be resolved within the building footprint. (i) Where buildings are built to the street boundary (i.e. zero setbacks, refer to Section 7.4 Setbacks and Build-to Lines), a level transition must be provided between the building and the adjacent footpath. This level must be maintained for a minimum depth of 10 m into the building. (ii) Where buildings are set back from the street boundary, entries are to be provided at street level wherever possible. c) Natural ground level is to be retained for a zone of 4m from the side and rear property boundaries. Retaining walls, cut and fill are not permitted within this zone. d) The maximum height of retaining walls within the front, side and rear setbacks is not to exceed 1.2 m.	Building B – Does not comply - Justified Buildings C and D – Capable of complying Buildings A, C and D comply with the controls relating to retaining walls and excavation, with further details to be submitted with the respective future DAs. Building B however, as a data centre, requires a flat, level floor plate with vehicular access around the periphery of the building, as further discussed at the end of this table. As a result, retaining walls are proposed around the Building B site boundary with: - NW: up to 9.5m along the pedestrian site through link on the boundary of Stage 02. - SE: up to 2.7m adjoining Road 22 on the site boundary; and - SW: up to 7.1m adjoining future Road 1, with site levels remaining level with the adjoining lot for a 5m landscaped setback, followed by a retaining wall (refer Figure 23). Building B has been designed to be almost at grade with Talavera Road, meaning this elevation will have a consistent appearance within the established street context, with the consequential excavation the result of sloping topography leading back within the site. The greatest of the excavation along the boundary with the pedestrian site through link is covered by the elevated landscaped plant which will support tree plantings of up to 5m and soften the dominance of the proposed Building B from this portion of the development. The periphery of the site will be fenced, and provided within a landscaped setting which will result in a physical separation of people from any level differences and minimise visibility from public spaces. The objectives of this Section are: 1. <i>To ensure that buildings and courtyard spaces are connected to the street.</i>

Relevant Control	Amending DA - Comments
	2. To ensure that building entries and forecourts contribute positively to the streetscape and public domain. 3. To address level changes across street frontages, and between adjoining properties. 4. To reduce the impact of site levelling on adjacent properties, and future site development opportunities. 5. To ensure visibility and surveillance of all publicly accessible open spaces from streets and the public domain. Despite the noncompliance from the extent of retaining walls and excavation with the Building B development, the design requirements of a data centre (which is permissible with the zone), mean the Building B entrances are required to be secure and separate from the public realm, with minimal connection to the street to ensure the security requirements of the building are protected. Level differences and impacts on the pedestrian site through link and Buildings A, C and D are minimised through the use of the elevated planting structure to cap the retaining wall at this elevation, while landscaping around the periphery will assist in mitigating the dominance of level changes within the streetscape. However on the whole, as a data centre, with minimal activation and public connections, these controls and objectives are incongruent to the core business requirements of a data centre and in this instance the proposed noncompliance is supportable
 Figure 23. Section plan of Building B showing 7.1m retaining wall along the site south western boundary adjoining future Road 1. (Source: Stockland, Drawing No. Data_SK7A, Dated 29.09.20)	

Relevant Control	Amending DA - Comments
b) An accessible path of travel is to be provided from the street through the main entry door of all buildings. (i) Where necessary, stairs and ramps are to be integrated with the landscape design of front setbacks.	Complies – An accessible path of travel is provided from the street through the main entry door of all buildings.
e) Publicly accessible open spaces under private ownership (courtyards, forecourts) must be provided at footpath level. Where level changes cannot be avoided due to topography, the finished level of the open space must not exceed 1.2 m above footpath level.	Capable of complying – Bochetto park will be at or slightly (~500mm) higher than street level according to the proposed concept landscape plan. The precise details of Bochetto Park will be submitted with the future Stage 04 DA at which point this will be further assessed.
<u>8.5 Site Facilities</u>	
a) Vehicular access to loading facilities is to be provided from secondary and tertiary streets where possible.	Capable of complying – Compliance of vehicular access and loading facilities will be assessed within the future DAs for each respective stage.
b) Rubbish and recycling areas must be provided in accordance with Section 6.3 Waste Management. These areas must: (i) be integrated with the development; (ii) minimise the visibility of these facilities from the street; and (iii) be located away from openable windows to habitable rooms.	Capable of complying – this will be assessed with each of the future DAs. The application and Waste Management Plan were referred to Council's Environmental Health Officer who did not raise any objection to the proposal at this concept stage.
c) Barrier free access is to be provided to all shared facilities.	Capable of complying – this will be assessed with each of the future DAs.
<u>8.6 Vehicular Access</u>	
a) Vehicular access is not permitted along streets identified as 'Active Frontages' (refer to Section 7.3 Active Frontages).	N/A The site does not contain streets identified as having an 'Active Frontage' as per Figure 7.3.2 of the RDCP 2014.
b) Where practicable, vehicle access is to be from secondary streets.	Complies – Vehicle access for Buildings A, C and D is off the internal loop road, and Building B is accessed from Road 22.
c) Potential pedestrian/vehicle conflict is to be minimised by: (i) limiting the width and number of vehicle access points (ii) ensuring clear sight lines at pedestrian and vehicle crossings (iii) utilising traffic calming devices (iv) separating and clearly distinguishing between pedestrian and vehicular accessways	Complies – The proposed loop road aims to separate the vehicle entry points for Buildings A, C and D and to limit the number of entry points to buildings off Khartoum Road and Talavera Road. While the precise details will be subject to future DAs, the indicative design seeks to minimise potential vehicle/pedestrian conflict through careful design and engineering.
d) The appearance of car parking and service vehicle entries is to be improved by: (i) locating or screening garbage collection, loading and servicing areas visually away from the street	Capable of complying – this will be assessed with each of the future DAs. Building B has included planting around the periphery of the site to screen security fencing and will also serve to screen the at grade parking within the building's side setback to Talavera Road.

Relevant Control	Amending DA - Comments
(ii) setting back or recessing car park entries from the main façade line (iii) avoiding black holes in the façade by providing security doors to car park entries (iv) where doors are not provided, it is to be ensured that the visible interior of the car park is incorporated into the façade design and material selection and that building services pipes and ducts are concealed, and (v) returning the façade material into the car park entry recess for the extent visible from the street as a minimum. e) The width of driveways is to be determined in accordance with the requirements of Ryde DCP 2014 and the relevant Australian Standards.	
<u>8.7 Onsite Parking</u>	
a) Safe and secure 24-hour access to car parking areas is to be provided for building users.	Capable of complying – this will be assessed with each of the future DAs.
<u>At-Grade Parking</u>	
b) Parking areas must not be located within the front, side or rear setbacks. c) Parking areas are to be screened from view from the street, public domain and communal open space areas, using site planning and appropriate screen planting structures. d) Provide safe and direct access from parking areas to building entry points. e) Provide appropriate mature vegetation between parking bays to provide shade and enhance visual impact.	Partially Complies - No change No at grade parking is proposed within the front setback of Buildings C, D or B. At grade parking within Stage 01 / Building A, are located internally within the site, and not within a front side or rear setback area, but are adjacent to the new Bochetto Park. These parking spaces are existing approved spaces under the amendments made to Stage 01 under MOD2020/0184.
<u>Basement Parking</u>	
f) Basement parking areas should be located directly under building footprints to maximize opportunities for deep soil areas unless the structure can be designed to support mature plants and deep root plants.	Does not comply – Justified The basement for Buildings A, D and C is shown to extend to the boundary with the southern boundary adjoining the Building B boundary (Figure 24). Despite this, deep soil areas are maximised along the Khartoum Road and Talavera Road frontages and alternate substantial planting is proposed on the elevated structure proposed to support mature plants.

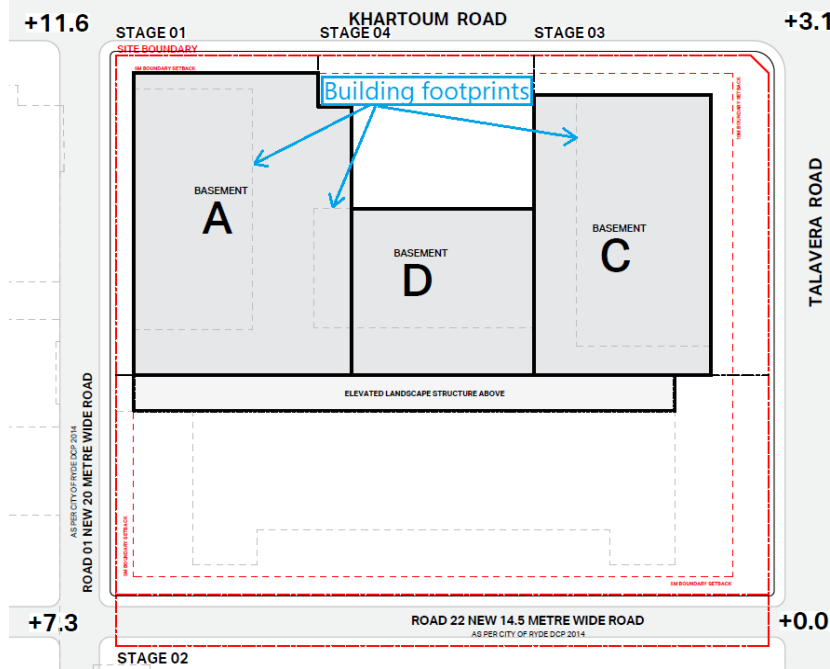


Figure 24. Basement plan showing building footprint above
 (Source: 3XN, Dwg no. DA-017, Rev F, dated 02.10.20)

8.8 Fencing

- a) Fencing is not permitted on the perimeter boundary of sites. Security should be provided within buildings.

Buildings C and D – Capable of complying Building B - Does not comply – justified

Details of landscaping for Buildings C and D will be submitted under future DAs, however preliminary plans depict open, accessible and active frontages to Bochetto Park and Khartoum Road with no fencing proposed.

The proposed Building B data centre proposes 2.4m boundary fencing around the perimeter as shown at **Figure 25**. The security reasoning behind the fencing is detailed below at the end of this Table. The fencing is proposed within a landscaped setting, with the following proposed:

- Along Talavera Road:
 The existing mature trees and proposed landscaping along this boundary will ensure the fencing is within a landscaped setting.
- Along the proposed pedestrian site through link:
 The proposal includes a 2m wide planting zone, followed by a security fence and an 8m wide elevated landscape planting zone, followed by a second fence (See Stockland Dwg No. Data_Se5 SK7A, dated 01.10.20). Tree planting areas will soften the appearance of the double fencing along this

Relevant Control	Amending DA - Comments
	elevation. These landscaping zones include mature trees that will reach a height of 5m and lower shrubs and ground covers. - <u>Along proposed Road 22:</u> A landscaping zone of between 450mm and 820m is proposed at either end of this elevation with a wider 7.2m landscaping zone situated mid-building within the site's frontage. To soften the appearance of the fencing, the proposed security fencing has been brought back some 7.8m in front the site boundary to improve the dominance of security along this elevation and to improve the integration of the proposed building within the streetscape. - <u>Along future Road 1:</u> A 5m planting zone is proposed between the site boundary which proposes the first layer of fencing, and the proposed second layer of security fencing atop the 7.1m retaining wall. The 5m planting zone will assist in softening the double fencing through the use of screen planting. While the specific details will be subject to the future SSD application, the fencing will also assist in safety fencing to the proposed extent of excavation in this area.

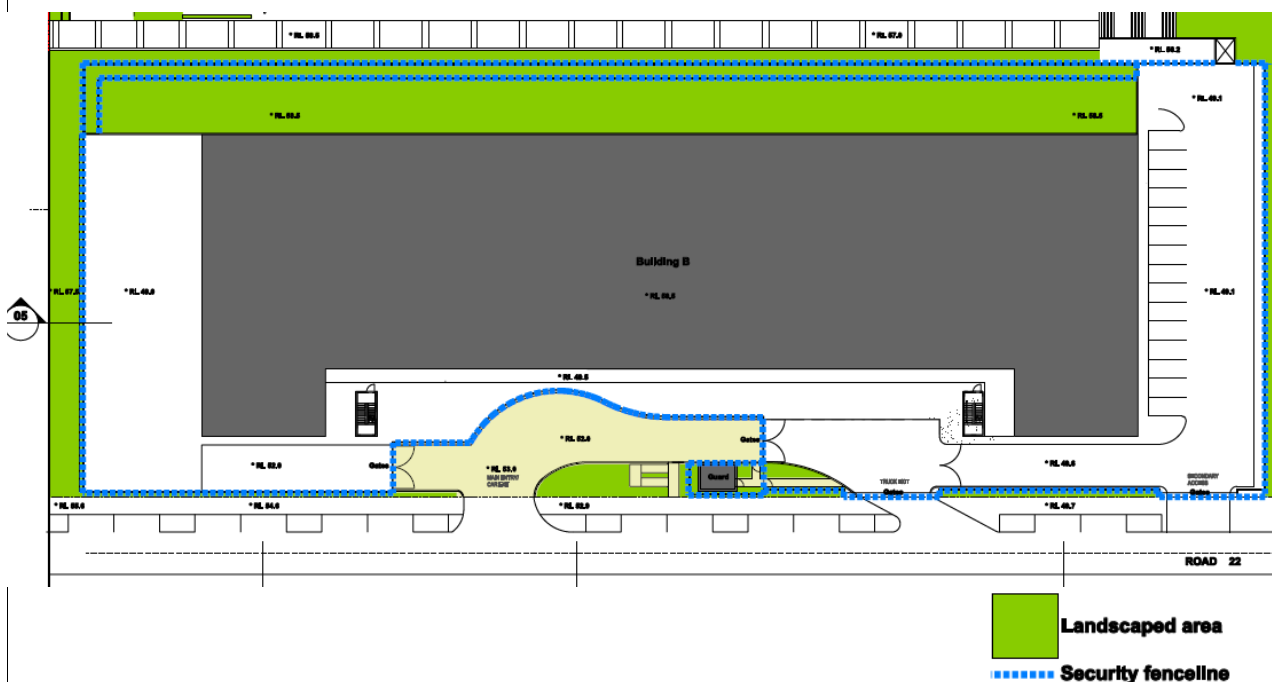


Figure 25. Building B Ground Plane showing location of security fencing
(Source: Stockland. Dwg Number Data_SK7A, dated 29.09.20)

Relevant Control	Amending DA - Comments
<u>9.0 Environmental Performance</u>	
<u>9.1 Wind Impact</u>	
a) Buildings shall not create uncomfortable or unsafe wind conditions in the public domain which exceeds the Acceptable Criteria for Environmental Wind Conditions. Carefully locate or design outdoor areas to ensure places with high wind level are avoided.	Capable of complying – Compliance of wind impact will be assessed within the future Development Applications for each respective stage. See Condition 26 .
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.	Capable of complying – Compliance of wind impact will be assessed within the future Development Applications for each respective stage. See Condition 26
<u>9.2 Noise and Vibration</u>	
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.	Capable of complying – Compliance of noise and vibration will be assessed within the future Development Applications for each respective stage. See Condition 23 .
b) Development is to comply with all relevant statutory regulations.	Recommendations have been provided in environmental noise assessment to ensure compliance with the relevant criteria is achieved.
c) Where light industrial and commercial development adjoins residential development, the use of mechanical plant equipment and building services will be restricted and must have appropriate acoustic insulation.	N/A The site is not located adjacent to any residential properties.
d) Loading and unloading facilities must not be located immediately adjacent to residential development.	N/A The site is not located adjacent to residential development.
e) Retail premises must limit any spruiking and the playing of amplified music or messages so as not to disturb the amenity of other public and private places.	Capable of complying - This can be assessed under future DAs for the respective buildings.
f) Air conditioning ducts shall not be situated immediately adjacent to residential development.	N/A The site is not located adjacent to residential development.
<u>9.4 Soil Management</u>	
a) Development is to comply with the City of Ryde DCP 2014. b) Development is to be designed and constructed to integrate with the natural topography of the site to minimise the need for excessive sediment disturbance and prevent soil loss.	Buildings A, C and D – Comply Buildings B - Does not comply- Justified As discussed earlier, Building B proposes significant excavation and retaining walls around the periphery of the site, refer Section 8.4 assessment above.

Building B

Compliance with Ryde DCP 2014

Building B is approximately 133.55m long, 43.2m deep and 45m high, resulting in a floor-plate size of approximately 5,770m². The design of the data centre is characterised by a flat ground plane, high floor to ceiling heights to support the proposed plant within the ceiling, and security zones around the periphery of the development. As a result, the proposal is noncompliant with the following Part 4.5 DCP controls:

- Section 7.8(a) states, "*The floor-plate of buildings above 8 storeys is not to exceed 2,000m²,*" does not apply. However while Building B only has 5 storeys, the floor to floor heights within the building are 8.9m, which makes it the equivalent height of a 9-10 storey building (as evidenced by approved Building A which is 10 storeys and 45m in height).
- Section 8.2(a) requires 20% minimum deep soil zone and for the purpose of calculating deep soil areas, only areas with a minimum dimension of 20m x 10m may be included. Based on only including areas of land that meet this requirement, only 15.7% of the Concept Plan site is provided as deep soil area.
- Section 8.4 'Topography and Building' requires that level changes across sites are to be resolved within building footprints. Further, the maximum height of retaining walls within the front, side and rear setbacks is not to exceed 1.2m, and natural ground level is to be retained for a zone of 4m from the side and rear property boundaries. The proposal includes 9.5m retaining walls along the north-western boundary of Building B (Stage 02), up to 2.7m retaining wall along Road 22, and up to 7.1m adjoining future Road 1 (adjoining property).
- Section 8.8 'Fencing' states "*Fencing is not permitted on the perimeter boundary of sites. Security should be provided within buildings*". The proposal includes 2.4m fencing, with double fencing proposed in some areas around the periphery of the Building B site as shown at **Figure 25**.
- Section 9.4 requires buildings to be designed and constructed to integrate with the natural topography of the site, however Building B proposes significant excavation to provide a flat ground plane for the development.

These DCP noncompliance's are the result of the development specific operational and security design standards that apply to data centres, particularly of this size.

Data centre design requirements

Security

As previously noted, the proposed Building B data centre construction approval will be the subject of State Significant Development (SSD-10467) pursuant to clause 8 of *State Environment Planning Policy (State and Regional Development) 2011*. The Scoping Report submitted to DPIE for the Request for SEARs states the following with respect to the 'Site Selection' for proposed data centre:

As the digital economy increases in scale and importance, issues of speed and security are becoming increasingly relevant. Whilst historically many digital services were typically hosted from a centralised server in a single physical location, the need to serve content swiftly has necessitated new ways of operating. This includes the expansion of 'content distribution

networks' where identical information is hosted in multiple locations around the globe. When requested by a user, the nearest location containing the data is directed to serve the information, decreasing the lag between request and receipt.

In the emerging digital economy key users are becoming more sensitive to data theft by commercial competitors or foreign agents. This has led to some organisations placing restrictions on the physical location in which certain digital information may be held. For example, Australian government agencies may specify that all data must be hosted on servers physically located within Australia. In light of these sensitivities Stockland identified the need for the construction of a data centre in NSW, specifically Sydney. In order to select a specific site, the following criteria were applied. The site needed to be located:

- *Within the Sydney basin*
- *Close to key customers*
- *Within a suitably sized and serviced parcel of land*
- *Close to key digital (optic fibre) backbones*
- *Within proximity to travel and transport networks for operational staff*
- *In a location with high resilience and lower sensitivity to amenity impacts*
- *In a geotechnically stable location*
- *In an area less susceptible to natural disasters or other shocks or stresses such as terrorism.*

The site selection process assessed a number of different locations within Sydney. Some of these sites were deemed unsuitable for a variety of reasons, with others being shortlisted. From the shortlist, the proposed site was deemed most appropriate.

Security is a key matter for consideration in the site selection and design of a datacentre, particularly of this scale. The Australian Government Australian Security Intelligence Organisation (ASIO) sets the relevant guidelines of the Australian Government Protective Security Policy Framework (PSPF) which identifies the standards for appropriate security environments for digital storage of security-classified materials, particularly the physical security standards.

These security requirements split the development into the zones, with Zone 5 being the periphery of the site which as a result most affects the integration of the site within the urban context. Zone 5 includes elements such as physical security secured points of entry; the entire perimeter to provide a tamper-evident barriers which are highly resistant to covert entry, surreptitious entry and, to various degrees, forced entry; an effective means of auditing access and limiting entry; and security alarm systems.

Operational requirements

In addition to the security requirements are operational needs for the functioning of the data centre, which the applicant has outlined as follows:

- *Trucks carrying daily equipment / logistical needs (refer **Figure 26**).*
- *19.5m trucks needs to enter and unload daily.*
- *Fire Rescue vehicles to circulate the building.*
- *Allowances for mobile cranes to install and remove Data Centre equipment for installation and maintenance.*

- *Strict security is required to be deployed in all Data Centre Designs globally.*
- *Site design, construction, surveillance, and the tenants data security needs are fully secured by global standards.*
- *All site fencing, landscaping, distancing, vehicle and human screening has to adhere to these standards.*

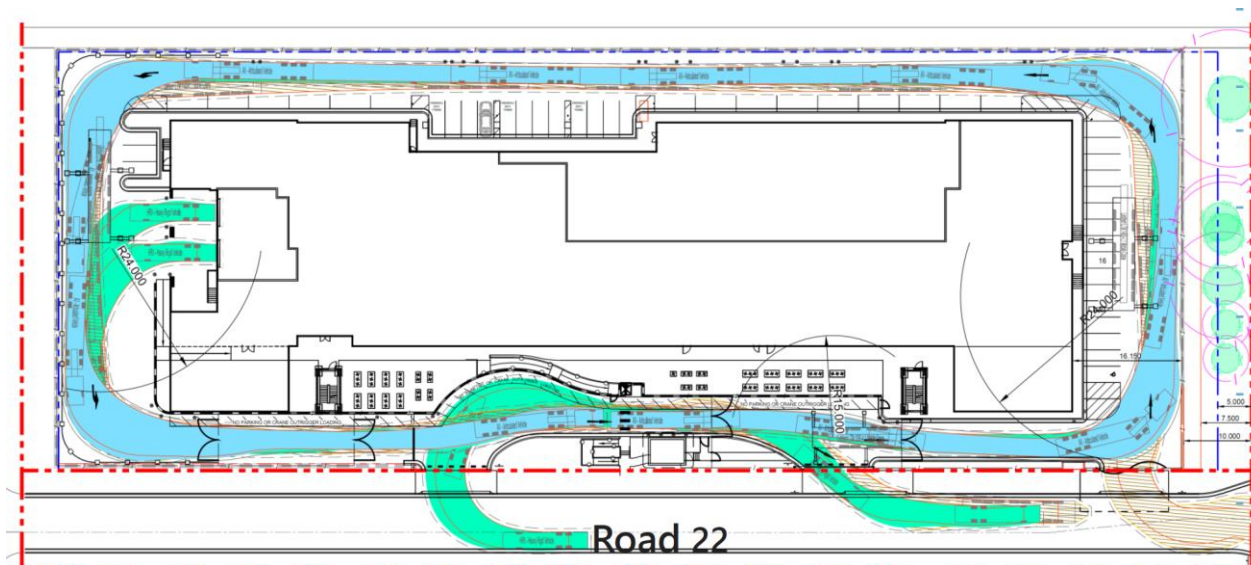


Figure 26. Vehicle swept paths around Building B

(Source: Stockland Presentation to Council 17.8.20)

Council experience with other recently approved data centres is that during construction, and for ongoing maintenance of the building, Council approvals for use of public roads for cranes and other vehicles under the *Roads Act 1993* has been required to meet the operational needs of the building. The design of the Building B data centre has considered this and seeks hardstand areas for truck and crane access around the periphery of the building to allow the use of cranes and trucks to occur onsite, and to ensure the strict security requirements are also met. This need for extensive hardstand areas and large floorplates has an impact on the proposals ability to provide deep soil areas, with the remainder of the concept plan site, including the street setback areas and Bochetto Park the ideal areas for deep soil planting around the proposed building footprints.

Slab to slab height – mechanical plant requirements

The building has a slab to slab height of 8.9m (see **Figure 27**) as a result of the energy efficiency standards proposed for the data centre cooling system. As a result, the 5-storey 45m high building appears as a 9-10 storey building, contributing to the overall bulk and scale of the development.

The increased floor to floor levels is required for air to move, which reduces the speed of the air and in turn reduces noise. The applicant has advised that this allows the design to reduce the acoustic attenuation required which again drives efficiency.

The cross section plan provided to Council (**Figure 27**) shows that each level has a series of mezzanine levels to support an electrical room on the base level, with mechanical platform above for relief air. While the precise design of the development will be subject to the SSD assessment, the applicant has provided elevation plans to show the proposed façade treatment that is to be included under the SSD Application (see **Figures 28 and 29**). With these details, Council is satisfied that the

overall bulk and scale of the development will be adequately designed to prevent large blank expanses of the building and provide visual interest.

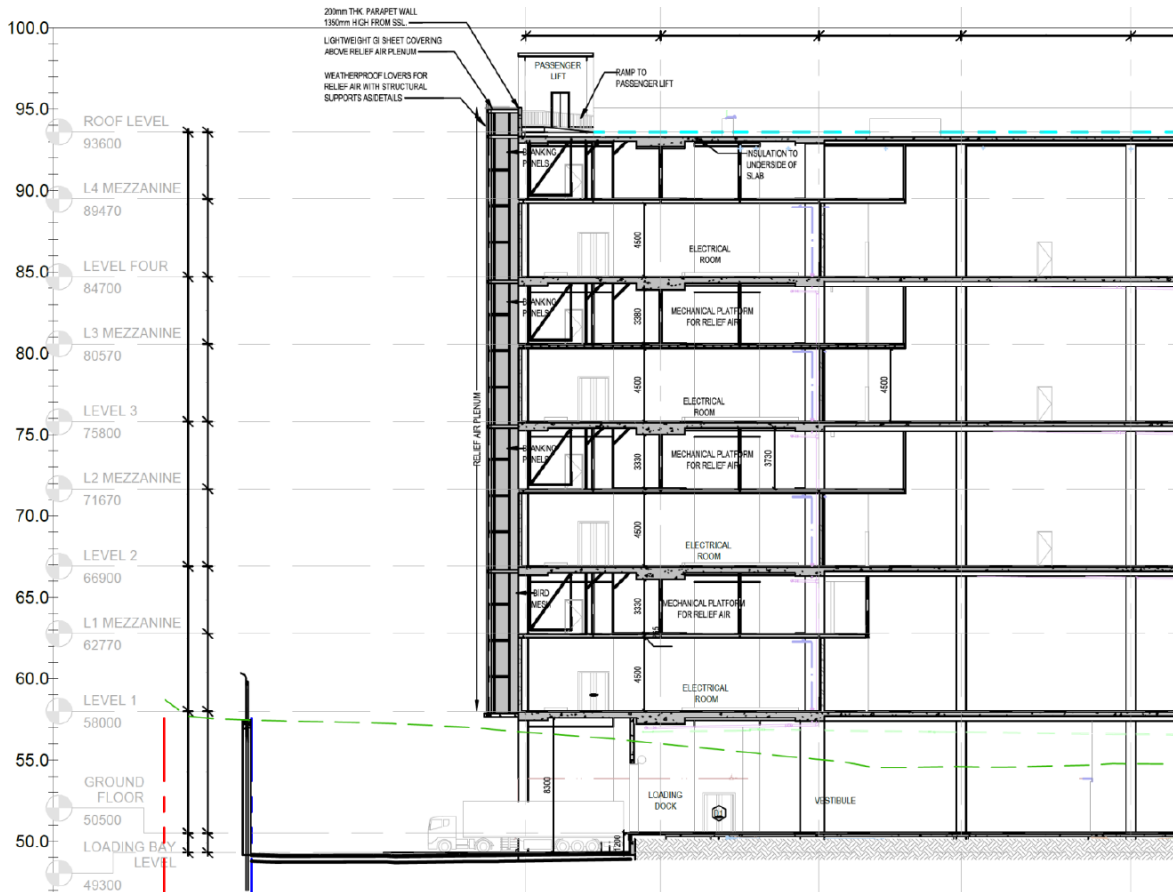


Figure 27. Section plan of proposed Buildings B data centre
(Source: Stockland Presentation to Council 17.8.20)



Figure 28. North West Elevation Plan (facing Pedestrian Site Through Link) of proposed Buildings B data centre
(Source: Stockland Dwg No. Data_Elev1 SK7A dated 01.10.20).

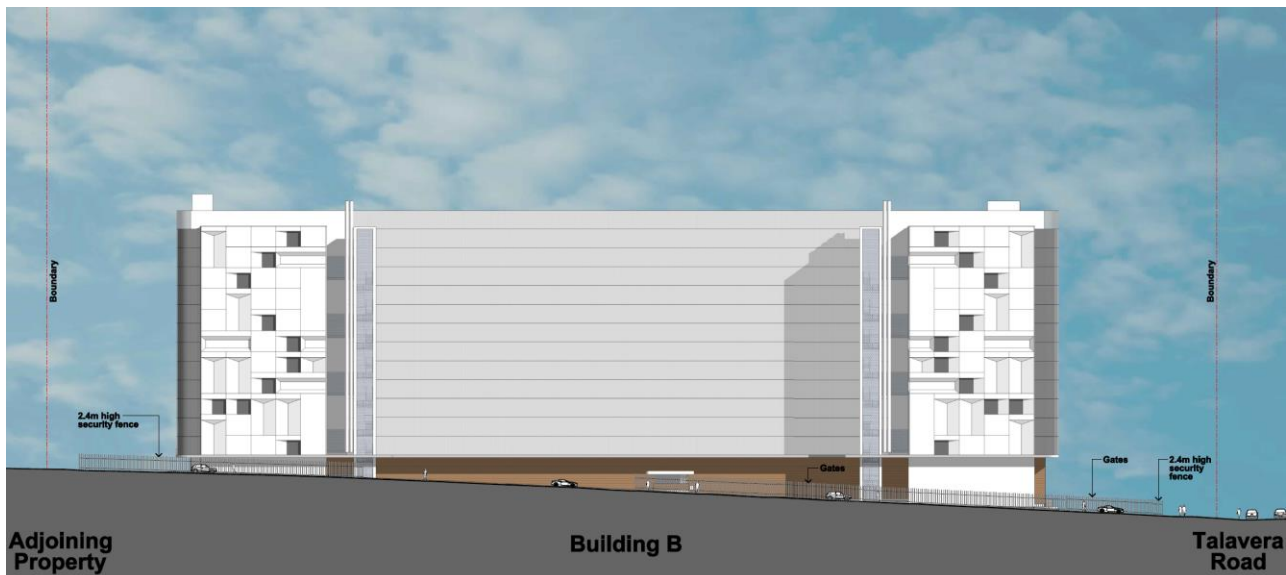


Figure 29. South East Elevation Plan (facing Road 22) of proposed Buildings B data centre (Source: Stockland Dwg No. Data_Elev21 SK7A dated 01.10.20)

Vision for Macquarie Park and permissible uses

The vision for Macquarie Park is set out in Ryde DCP 2014 Part 4.5 Macquarie Park Corridor:

‘Macquarie Park will mature into a premium location for globally competitive businesses with strong links to the university and research institutions and an enhanced sense of identity.

The Corridor will be characterised by a high-quality, well-designed, safe and livable environment that reflects the natural setting, with three accessible and vibrant railway station areas providing focal points.

Residential and business areas will be better integrated and an improved lifestyle will be forged for all those who live, work and study in the area.’

This vision, and the resulting controls are drafted primarily for more active uses of commercial office, residential and large educational buildings which typify Macquarie, Park, and as such are not ‘fit for purpose’ for a data centre.

Data centres are a permissible use in the B7 Business Park zone under Ryde LEP 2014, and contribute to the Vision for Macquarie Park through responding to the emerging digital needs of the precinct, providing low-latency data access to interconnected networks.

The DCP controls however such as the prohibiting of fences, are at odds with the security requirements for data centres; while the need for level ground planes make site selection within Macquarie Park difficult in a precinct with typically undulating terrain.

As a result it is considered the proposed design of Building B has responded to the controls of the Part 4.5 Macquarie Park Corridor DCP while balancing the security and operational requirements of the site to the best degree possible. The development has responded to the site constraints and worked with Council officers to reach a point where key noncompliances that could be addressed were responded to and the proposal improved through design enhancements such as

landscaping, further refinement to the materials and finishes of the building façade, increasing the setback of the security fencing along part of the Building B Road 22 frontage and retaining as many trees as possible within the site setbacks.

In these circumstances, the noncompliance's to the DCP identified above, are justified and the proposal is recommended for approval.

Part 7.2 Waste Minimisation and Management

Condition 20 of the Approved Concept DA required the future Stage Development Applications to demonstrate compliance with Council's requirements for waste collection and Part 7.2 of DCP 2014 Waste Minimisation and Management. This condition remains unchanged under the Amending DA with the exception of updates to the new Stage numbering.

Part 9.2 Access for People with Disabilities

Matters of access for the respective Stage 2 DAs (Buildings B, C and D) will be required to include an Access Report. Further to this, in relation to the Pedestrian Site Through Link, **Condition 8(g)** states that *'The pedestrian link shall be accessible for people with disabilities. Adequate details and certification demonstrating compliance with Disability Discrimination Act and applicable accessibility legislation is to be submitted for approval by Council'*.

Part 9.3 Parking Controls

Parking within the Macquarie Park Corridor is controlled by a maximum rate, which differs depending on whether the development includes alterations to existing buildings, or new commercial or industrial floor space.

The rate for new floor space varies depending on the location of the site and the subject site is affected by a maximum rate of 1 space per 60sqm which applies to both new commercial and industrial development.

The parking generation for the Amending Concept DA is outlined within the table below, and shows that the proposal has reduced the number of parking spaces within the development compared to that under the Approved Concept DA, and complies with the DCP controls.

Table 8. Part 9.3 Parking Controls of Ryde DCP 2014

	Space Type	DCP Control (Max)	Approved/ Proposed	Compliant
Existing Concept DA	Commercial	996	987	Yes
Amending DA	Commercial	719	717	Yes
	Data Centre	201*	48	Yes

9.13 City of Ryde Section 7.11 Development Contributions Plan 2020

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

10. LIKELY IMPACTS OF THE DEVELOPMENT

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.

10.1 Context and setting

The proposed development is considered appropriate with regard to context and setting. The subject site is located within the Macquarie Park Investigation Area which is aiming to achieve *“A vibrant and enhanced commercial centre, improved public domain and public spaces, integrate movement and place and deliver infrastructure to support growth”* and looks to *“support productivity, investment and jobs within the area”* (Landowner & Industry Webinar, April 2020, DPIE website).

The Amending DA is in keeping with this intent. Additional commercial floor space will contribute to the central business area of Macquarie Park enhancing the position of the commercial centre within Sydney, while the proposed data centre will meet and respond to the changing digital needs of businesses and residents, and act as an anchor and attractor for businesses who rely on low latency access to servers. The diversity in land uses within the development will contribute towards *‘supporting productivity, investment and jobs within the area’*.

Furthermore, the public benefits and infrastructure to be delivered in line with the DCP requirements contribute towards the delivery of infrastructure to support growth, improving connectivity within the locality and enhance the public domain through the provision of new roads, a pedestrian through site link and green space in the form of Bochetto Park.

10.2 Natural Environment

The proposal does not result in any undue impacts to the natural environment, given the existing/previous use of the site, and the changing character of the locality. The extent of tree removal is satisfactory for a development of this scale and the design allows for tree retention where appropriate, with a total of 53 trees to be retained.

10.3 Overshadowing and Solar Access

Shadow diagrams in relation to the Amending DA (**Figure 30**) indicate that the concept plan will cause the communal open space to be overshadowed for part of the morning on the winter solstice, but will maintain excellent solar access in the afternoon.

Overall the building siting provides an appropriate balance between solar access, building separation, and responsiveness to the street network, and the centralised location of the park provides suitable connectivity to other buildings within the development.

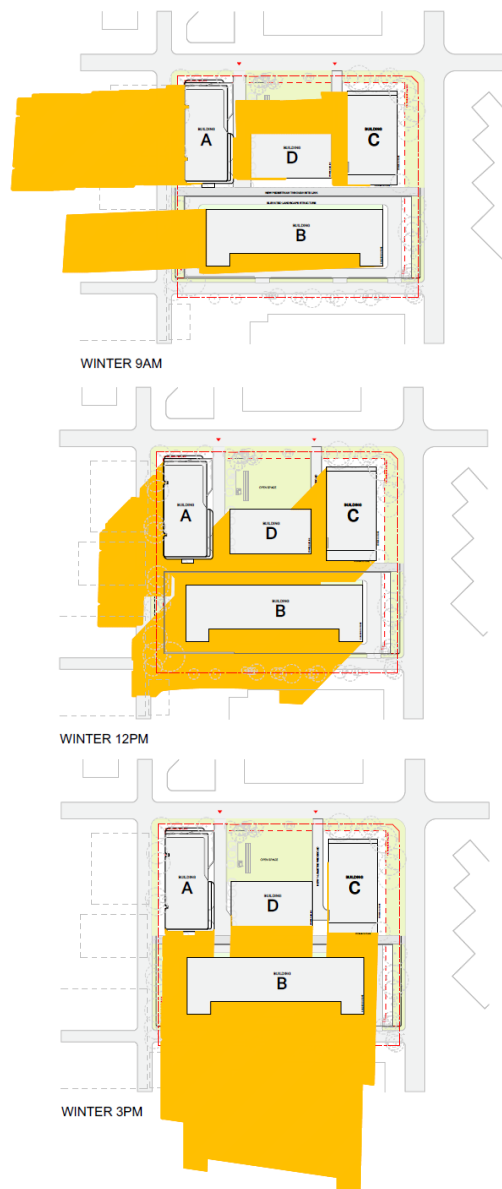


Figure 30. Shadow diagrams mid winter
 (Source: 3XN Dwg No. DA-022 dated 01.10.20).

11. REFERRALS

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

11.1 Internal Referral Comments

Landscape Architect & Arborist

The application was initially referred to the Consultant Landscape Architect & Arborist, who expressed concern (letter dated 18 August 2020) in relation to a lack of high quality open space, a lack of deep soil area and landscaped area, inadequate provision of canopy trees and compensatory tree planting, poor safety & security and inaccurate consideration of impacts to existing trees and the accuracy of the submitted documentation.

The landscaping Addendum 1 Referral comments (dated 30 October 2020) further expressed the same concerns as the earlier referral, stating, “Preliminary Landscape

Assessment prepared by CPS dated 18 August 2020 is largely unchanged with respect to the reduced level of open space, landscaped area, deep soil area and proposed tree planting associated with the development”.

These technical landscaping issues, including the matters of deep soil areas, reduction in the size of Bochetto Park and tree planting have been addressed earlier in this report under Section 9.12 under the Ryde DCP 2014 assessment, with the design requirements of Building B largely behind many of these noncompliance’s due the security and operational needs of the future building. The issue of consideration of existing tree impacts however required further assessment, resulting in a request for further Arboricultural details from the applicant, and a final Addendum 2 referral comments from Council’s Consultant Landscape Architect & Arborist (dated 16 November 2020).

The final referral comments are reproduced below, and explain the assessed tree retention and removal under this proposal, and analysis of the landscaping on the site:

This letter has been prepared in response to an amended Arboricultural Impact Assessment (AIA) submitted to Council as part of a Concept Masterplan development application for the proposed Macquarie Technology Centre at the subject site being 11-17 Khartoum Road, Macquarie Park. This amended AIA follows a previous addendum prepared by CPS dated 30 October 2020 whereby a number of concerns were raised in relation to an insufficient and inaccurate representation of the impacts to existing trees as a result of the proposal. Specifically, the following issues were identified;

- *Anomalies and inconsistencies throughout different sections of the report with regard to the total number of trees assessed and trees nominated for retention/removal;*
- *A large Eucalyptus saligna (Sydney Blue Gum) within the subject site at the corner of Khartoum Road and Talavera Road which had been omitted from assessment, and;*
- *No assessment of the impact of proposed pathways, stairs and paving areas located within the Khartoum Road and Talavera Road setbacks on existing trees to be retained.*

In response, the amended AIA prepared by Birds Tree Consultancy (Revision F, dated 5 November 2020) has sought to resolve these issues. Previous concerns regarding the anomalies with the total number of trees assessed and trees nominated for retention/removal have now been rectified and appear to be consistent throughout the report. Having noted this, irregularities persist within the report with regard to the representation of retention values and species origin for trees to be retained/removed. In the interest of providing an accurate representation of these categories, CPS has undertaken an analysis of the Tree Inspection Data held within Appendix C of the AIA and recommend that the information depicted within Table 1 and Table 2 below be instead relied upon:

Table 1: Retention Value for trees to be retained/removed – assessed by CPS				
Category	High	Medium	Low	Total
Trees to be retained	31	22	-	53
Trees to be removed	34	89	2	125
Total				178

Table 2: Species Origin for trees to be retained/removed – assessed by CPS				
Category	Locally Native*	Australian Native	Exotic	Total
Trees to be retained	29	24	-	53
Trees to be removed	35	89	1	125
Total				178

*Locally native species compared with the Council document: 'Native Plants of the Ryde District' by PJ Kubiak dated October 2005. Assessed species noted as being locally native include *Allocasuarina torulosa*, *Angophora costata*, *Angophora floribunda*, *Corymbia gummifera*, *Eucalyptus paniculata*, *Eucalyptus pilularis*, *Eucalyptus punctata*, *Eucalyptus saligna*, *Eucalyptus tereticornis* & *Syncarpia glomulifera*.

Figure 31. Excerpt from Landscape Architect/Arborist's referral
(Source: CPS Landscape Addendum 2, dated 16.10.20).

The omission of the large Eucalyptus saligna (Sydney Blue Gum) at the corner of Khartoum Road and Talavera Road has been rectified and is now identified within the report as Tree 76. Whilst this tree has now been included, it considered unlikely that the author of the AIA has completed a proper ground-based visual assessment of the tree given it has been noted as showing no signs of any defects, damage, pest or disease. This assessment conflicts with CPS' own assessment completed on the 30th of October 2020 from which the tree was observed to have suffered a significant loss of cambial tissue on the western side of its main stem due to predation by drill beetle. Despite this, it is considered that this information is largely inconsequential at this stage and is an issue that is capable of being rectified within a future report prepared for the Building C detailed DA application.

*In relation to the issue concerning those trees within the Khartoum Road and Talavera Road frontages which were to be significantly impacted by the proposed open space arrangements, the amended AIA has not provided any further assessment of impacts in this regard. Instead, a brief explanation has been supplied within the Executive Summary which states that impacts have been based on the building footprint only and that any external works will be able to be tolerated by the subject trees given the structures proposed will be suspended above the existing ground levels. Given the limited information afforded as part of this concept application, CPS is unable to confirm the veracity of this claim. Based on the documentation available, it is maintained that these trees are still likely be subject to a major level of incursion to the Tree Protection Zone (TPZ) as a result of the proposed works which may affect their long-term viability. **Notwithstanding, the proposal is generally supported from an Arboricultural perspective given the possibility for future design changes to be incorporated within landscape documentation prepared for the Building C detailed DA application.** In this regard, specific conditions have been recommended below.*

Whilst unrelated to tree impacts, it is noted for reference that additional commentary provided within CPS' previous addendum (dated 30 October 2020) remains unchanged with respect to the significantly reduced level of open space, landscaped area, deep soil area and tree planting associated with the proposal.

Should the development be approved, the following conditions are recommended to ensure a positive outcome for the proposed development:

Tree Retention. *All existing trees as nominated for retention within the Arboricultural Impact Assessment prepared by Birds Tree Consultancy dated 5 November 2020 are to be retained as part of any future Development Application associated with this Concept Masterplan.*

*Reason: To ensure all trees nominated for retention within are appropriately retained and protected in accordance with the Concept Masterplan. (Included as new **Condition 34**)*

Open Space Design. *The design of open space areas to be represented within future landscape documentation is to be prepared in consultation with a suitably qualified AQF Level 5 Arborist to ensure those trees nominated for retention under the Concept Masterplan are not adversely impacted and are capable of retention in the long-term. All built structures within the open space are to be located as far away from existing trees as practical to limit the level of root severance and canopy pruning required.*

*Reason: To reduce the level of impact to existing trees to a sustainable level. (Included as new **Condition 35**)*

Traffic

The assessment of Council's Traffic Engineer considered the impacts of the Amending DA on traffic and parking, as well as vehicle manoeuvring in and out of the site, and service vehicle access and manoeuvring.

Under the approved Concept DA it was concluded that the development will have an impact on the Khartoum Road/Talavera Road intersection which was expected to equate to a 3-4% increase in the 2031 background traffic volume. **Condition 11** was imposed on the consent to address this issue. Under the Amending DA Council's Traffic Engineer has noted the proposal includes a reduction in parking spaces from 987 to 765, and despite the reduction "*the extent of traffic potentially generated by the Masterplan development during peak periods is such that these upgrades are still likely to be necessary to mitigate the likely traffic impacts associated with the masterplan development*". It is identified that a Traffic Impact Assessment is required under existing **Condition 11**, which Council's Traffic Engineer has recommended to be updated to state the following:

~~**Traffic Impact Assessment Report.** – To ensure that traffic and parking implications are addressed for each building, a traffic impact assessment report shall be submitted with each future Development Application.~~

Traffic Impact Assessment Report. – A Traffic Impact Assessment Report shall be submitted to Council for future Development

Applications associated with each future stage of the Masterplan development. This study is to be undertaken by a suitably qualified traffic consultant to ensure the traffic and parking impacts generated by each stage of development are addressed.

Stormwater Drainage

Council's Stormwater Engineers have reviewed the subject application and raise no issues in relation to the proposed amendments.

Public Domain

Condition 8 and 14 were provided on the Approved Concept DA which generally require that the final public domain plans be endorsed by Council (as the roads authority) prior to the issue of the relevant construction certificates.

Under the Amending DA Council's Public Domain Engineers have recommended that **Condition 8** be amended rather than to require the pedestrian link to be constructed with the Building C and D developments (as requested by the applicant in their Statement of Environmental Effects – see **Table 3**), but rather with the Building A, C and D developments.

The executed Deed of Amendment of the Planning Agreement requires the Pedestrian link to be dedicated with the Building D Occupation Certificate, however the construction of the Pedestrian Link is noted on the proposed Staging Plans (see Drawing No. DA-018 dated 01/10/2020) as being constructed with Stages 01, 03 and 04. Accordingly it is recommended that the **Condition 8** be amended as recommended by Council's Public Domain Engineers to require the Pedestrian Link construction plans to be submitted with the Buildings A, C and D applications.

8. Development in Macquarie Park – Access network (Pedestrian Link).

A 6m wide pedestrian link incorporating a 4m wide accessible paved footpath plus 2m landscape strip adjacent to it shall be provided connecting Talavera Road and future Road 1, with the layout to be generally in accordance with Ryde Development Control Plan 2014 Part 4.5 Macquarie Park Corridor.

*The detailed design of the Pedestrian Link shall follow the concept design by 3XN, especially Drawing No ~~DA-012 (Revision A)~~ **DA-009 (Revision A)**. Full construction details demonstrating compliance with the City of Ryde Public Domain Technical Manual PDTM Chapter 6 – Macquarie Park Corridor are to be submitted with the ~~Building B (Stage 02) and Building E (Stage 03) Development Application~~ **stage in which the pedestrian link is to be delivered, being prior to the Building A (Stage 01) Construction Certificate, and Building C (Stage 03) Construction Certificate and Building D (Stage 04) Construction Certificate** and shall include the following details:*

- (a) The design must provide a clear delineation as a pedestrian-only zone as well as sufficient design variation/articulation to create an experience of high amenity for users moving through the site. Landscape variation and features to relieve the gun-barrel style design should be incorporated to distinguish the pedestrian link from the new internal roadways;*
- (b) The through-site link must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.*

- (c) Fully dimensioned plans showing the width of the pedestrian link, footpath, transitions and landscaping areas along the footpath;
- (d) Selection of paving type, colour and dimensions in accordance with Council's requirements;
- (e) Fencing in consultation with Council is to be provided along the eastern boundary of the pedestrian link;
- (f) Provision of adequate lighting (category P2 according to Australian Standards AS/NZS 1158 Set: 2010 Lighting for Roads and Public Spaces) for illumination of the footpath to ensure safety and security of the users during night time;
- (g) The pedestrian link shall be accessible for people with disabilities. Adequate details and certification demonstrating compliance with Disability Discrimination Act and applicable accessibility legislation is to be submitted for approval by Council. The pedestrian link shall be constructed by the developer/ owner with the ~~Building 4~~ **Building A, Building C and Building D** development, at no cost to Council and full public access will be required to be available at all times over the pedestrian link.

Development Engineering

Council's Senior Development Engineer considered public domain design, as well as onsite parking provision. No issues have been raised and comments are reproduced below.

Stormwater Management

The site has a natural fall to the north-eastern corner of the lot to discharge to the public inground drainage infrastructure surrounding the site in Khartoum and Talavera Road.

A review of the plans notes the submitted concept drainage plan is broadly very conceptual however aligns with the point above. The consultant has presented an OSD design rational and indicative PSD & SSR design parameters and these are also aligned with Council's onsite detention policy. As such, the presented documentation does not warrant concern.

Vehicle Access and Parking

The nominated driveway locations, whilst conceptual, do not raise concern.

The applicants SEE has presented the proposed parking, bicycle and car share rates be in accordance with the DCP (commercial rate of 1 space per 60m²). Subject to the traffic impact assessment, there is no objection with the elected rates.

The submitted Traffic Report has not gone into detail concerning the parking demands of the data centre accept to note that the elected parking allocation of 48 spaces for this building is well under the permissible rate for commercial use in the DCP. This is considered acceptable given there is some future potential for the data centre to be reconfigured as office space.

Waste and Service Requirements

The traffic report has made note that all buildings will provide offstreet service and loading facilities with capability of accommodating vehicles up to 12.5m in length (HRV design vehicle as per AS2890.2). The previously recommended condition is appropriate in this regard.

Recommendation

There are no objections to the proposed development with respect to the engineering components, subject to the application of the following conditions being applied to any development consent being issued for the proposed development.

NOTE: Development Engineering Services have since updated several standard conditions applied to masterplan approvals. This has resulted in the following changes;

Stormwater Management – This condition has stipulated the requirements for plans to be submitted and replaces the previous iteration.

Vehicle Access and Parking – Stipulates the submission requirements for future development applications to assist assessment.

Parking Allocation – Now specifies the specific parking allocations for each building presented in the application.

For recent Masterplan developments, conditions concerning the road dedication, creation of ROW's are normally applied. It is noted that Development Engineering Services did not provide such conditions in the previous application and these have been included at the end of these conditions. City Works look to have addressed the requirement for the submission of detailed plans

Overall the Development Engineering conditions are recommended to replace **Conditions 17** (Stormwater Details), **Condition 12** (Water Sustainable Urban Design Strategy Plan), and **Condition 10** (Vehicle Access and Parking to replace Carparking Spaces and Dimensions), and introduce new conditions, **Condition 31** (Loading Bay / Service Delivery Management Plan), **Condition 32** (Parking Capacity and Allocation), and **Condition 33** (Land Dedications - Road No. 22 and Pedestrian Link).

Development Contributions Officer

Council's Development Contributions reviewed the proposal in light of the Deed to amend the Planning Agreement, and has confirmed the proposal is consistent with the requirements of the Planning Agreement.

Urban Strategy

Council's Urban Strategy reviewed the proposal and provided the following comments.

In a nutshell, the proposed amendments to the concept master plan have led to a significant compromise in the design outcome comparing to concept approval (LDA2017/0547). A large number of positive elements in the approved concept plan have been lost in this amended

DA. The majority of the issues is caused by the inappropriate siting, bulk and scale and public domain interface of Building B. It is expected that substantial reconfiguration of the master plan will be required in order to achieve a satisfactory outcome.

*I have provided a comparison of the approved and proposed amended master plans below for your reference, followed by my detailed comments (refer **Figures 12 and 13** earlier in this report).*

Site configuration

By combining Buildings B, C and D into one large Building B and the addition of Building D at the centre of the site, the proposal has lost many positive design elements in the approved concept plan such as the walking permeability, fine-grained built form and street network, through-site view corridors, a generously-sized public open space and the street activation to Road 22.

Assessment Officer's Comments: As a new development application, the merits of the development are to be assessed as a new DA under Section 4.15 of the Act, notwithstanding it is an amendment of an existing DA. The assessment thresholds normally considered under a Section 4.55 Application are irrelevant.

The proposal under the Amending DA includes permissible uses, meets the requirements of the Planning Agreement with regard to public benefits through Road 22 and the site through link and with the Ryde DCP 2014 when security and operational needs make it possible. Further still the proposal includes a public park, despite not being identified as a planning requirement.

The security and operational needs for Building B have meant that in comparison, the development is very different to the Approved Concept DA, however in this instance the positives of the overall contribution of the development to the position of Macquarie Park as a multi-disciplinary district with an active and diversified economic ecosystem mean the development as proposed is recommended for approval.

Deep Soil Zone

The footprint of the basement car park is excessive. It will disallow deep soil to be provided to support street tree planting in the two private roads and the pedestrian through-site link. The basement car park should be contained within the building footprint with connections at limited locations only to minimise its impact on the deep soil zone.

Assessment Officer's Comments: While the extent of deep soil areas does not strictly comply with the Ryde DCP 2014 control for 20%, this is largely due to the impacts of the design requirements of Buildings B, which as outlined earlier are supported.

Car Parking

The 90-degree angle parking adjacent to Building A on the 14.5m wide private road is not supported. Kerbside parallel parking should be provided for on-street car parking. The 90-degree angle parking should be deleted to make room for the expansion of the open space. Kerbside parallel parking will help activate the street and increase safety for the users of the public domain.

Assessment Officer's Comments: The at-grade parking shown adjacent to Building A on the Concept DA are reflective of the amendments approved under MOD2020/0184 and are not a consideration under this application.

Public Domain interface

The siting of Building B is inappropriate. Drawing DA-021 shows that there is an over 5m level difference between the ground level of Building B and the public domain along the future Road 22. There is also a level difference of nearly 10m between the ground level of Building B and the proposed pedestrian link. The proposal fails to meet the objectives and does not comply with controls under Section 8.4 'Topography and Building' of Ryde DCP Part 4.5.

The significant level differences between the ground level of Building B and the surrounding public domain completely disengage the building frontage from the public domain. It will effectively create a 'moat' at the periphery of Building B, isolating itself from the surrounding urban environment. It will create an overly defensive if not hostile relationship with the public domain. Such an approach will lead to a detrimental impact on the public domain and is therefore not supported from an urban design point of view.

In spite of the proposed use (i.e. data centre), the design must ensure that the building will contribute positively to the quality of the surrounding public domain while maintaining the required level of security. Preferably, retail commercial uses are to be provided on the ground floor of Building B for street activation. Where activation cannot be achieved, a 5m to 10m landscape setback zone with mature tree planting in deep soil zone is recommended.

Assessment Officer's Comments: As discussed earlier, the security and operational requirements of the Building B as a data centre mean the controls for a commercial or residential development are not suitable for the development which core business requires a strict separation from the public. The site is not identified as requiring an Active Frontage under Section 7.3 of Part 4.5 Ryde DCP 2014, and as such the design is supported.

Built form scale

The built form scale of Building B cannot be supported. Building B is approximately 133m long, 43m deep and 45m high, resulting in a floor-plate size of approximately 5,719m². It does not comply with DCP control 7.8(a) "The floor-plate of buildings above 8 storeys is not to exceed 2,000m²". Such a monolithic building is significantly out of scale when compared to existing built form in the surrounding area and is insensitive to the context and the desired future character of Macquarie Park.

The data centre should be designed to achieve a built form scale that is sympathetic to Buildings A, C or D. It is strongly recommended that the data centre be accommodated within separate buildings to physically break up the building mass and open up view corridors at the ground level. This will help the proposal reinstate most of the positive design elements in the original approved concept.

If a larger building must be required to house the data centre, it would be advantageous to consider an L-shape typology that accentuates one corner of the site. An L-shape building will help reduce the visual bulk and minimise its perceived building length.

Incorporating height variations in the built form will also effectively articulate and create visual interest. This may be achieved through having a different number of storeys in various part of the building and/or providing variations to the parapet height.

Assessment Officer's Comments: The bulk and scale of Building B have been discussed earlier in this report under Section 9.12. The flat ground plane, mechanical plant and security requirements mean the inherent nature of the data centre, which is a permissible use under the B7 Business Park zoning of the site, are incongruent with the Ryde DCP 2014 controls which are designed principally for commercial and residential developments. The indicative façade treatment of Building B, in addition to the site landscaping, both of which will be further assessed under the SSD application, mean the proposal as a whole is considered supportable on its merits.

Open Space

The design outcome of open space is not satisfactory. The proposed amended DA significantly compromises the quantum and quality of open space in the master plan.

The size of the open space has been reduced by more than 50% of the original open space area of the approved concept.

In the approved concept, it was configured to be a large centrally located open space surrounded by five commercial buildings with multiple through-site connections and view corridors to Khartoum Road, Talavera Road and the future Roads 1 and 22. In this proposal, it has become a substantially smaller space fronting Khartoum Road and hence more susceptible to environmental impacts such as noise and air pollution. The open space has become less connected and visible as it no longer has any direct visual connections to Talavera Road, Road 1 and Road 22. As a result, it will feel more private and likely cater to the occupants of the site rather than wider public users.

The proposal lacks the consideration of site levels and its interface with adjoining roads. As shown in drawing DA-020, there is substantial fill over the proposed open space, resulting in a steeper gradient and an unfavourable condition for recreational activities. The open space should allow for a generously sized levelled area to flexibly cater for a wide range of activities.

Assessment Officer's Comments: Bochetto Park will reduce in size under this application. However, this is a private park which is not a requirement of any DCP or LEP public benefit requirement. The design of the proposed park has been refined through the design stages and additional information will be supplied with the relevant Stage 04 / Building D development application, at which stage the minutia of the park design will be assessed. For the purpose of a Concept DA however the proposed size and configuration of the park is supported.

Pedestrian Through-site Link

The space quality of the pedestrian through-site link has been significantly compromised. In the approved master plan, the pedestrian link forms an integral part of the central open space and provides direct access to Talavera Road and the future Road 1. The pedestrian link in this proposal becomes separated from the open space by Building D. It no longer provides the desired activation and connection to the open space.

It is also sandwiched by large 45m high buildings on both sides for almost its entire length. Solar access to the pedestrian link is reduced to limited morning hours only as shown by the submitted shadow diagrams. It will likely become the back-of-house area for Buildings A, C and D, together with the poor ground-level relationship with Building B, it is a major concern in regard to safety due to the lack of passive surveillance and activation.

Assessment Officer's Comments: Amended plans have been submitted since receipt of this referral. The amended proposal shows an elevated landscaped podium adjacent to the pedestrian site through link, in addition to increased active uses around the southern side of Buildings C and D. The pedestrian link will be DDA compliant and will provide access across the site in accordance with Ryde DCP 2014 requirements.

Public Art

The submitted Public Arts Strategy was supported under the Approved Concept DA with **Condition 25** included on the consent. It is recommended that this condition remain unchanged under the Amending DA, with the exception of amendments to the updated plan and staging requirements.

Environmental Health Officer

Council's Environmental Health Officer considered the Amending DA and has advised there is no amendments or additional conditions required.

Sustainability

Council's Sustainability Officer imposed **Condition 19** requiring a Framework Travel plan under the Approved Concept DA. This remains unchanged under the Amending DA.

11.2 External Agency Referrals

Sydney Water

Under the Approved Concept DA, Sydney Water raised no objections, with no conditions recommended.

Under the Amending DA however Sydney Water have made the following comments:

Sydney Water has reviewed the application based on the information supplied and provides the following comments to assist in planning the servicing needs of the proposed development.

Water and Wastewater Servicing

- *Sydney Water has no objection to the proposal, however, we request that the proponent lodges a Feasibility study with Sydney Water for the proposed development.*
- *The proponent should contact a Water Servicing Coordinator to lodge this study on their behalf.*
- *Any potential upsizing of our local assets or limitations in our system will be defined with the Feasibility process.*
- *Recycled water opportunities should be considered within the feasibility.*

Trade wastewater requirement

- *If this proposal will generate trade wastewater, the developer must submit an application requesting permission to discharge trade wastewater to Sydney Water's wastewater system. Applicant must wait for approval and issue of a permit before any business activities can commence.*
- *The permit application can be made on Sydney Water's web page through Sydney Water Tap In.
<http://www.sydneywater.com.au/tapin/index.htm>*

These comments have been included on the Consent under new **Condition 36**.

Transport for NSW

The TfNSW comments have been addressed earlier in the report. TfNSW support the Amending DA, subject to **Condition 30** which requires, the applicant to undertake further traffic modelling and identify mitigation measures to ameliorate the impacts identified as a result of the future development with any Stage 2 Development Applications. This may require the applicant to enter into a further Transport Infrastructure Contributions Deed. The recommended condition under the referral for this application is the same as that approved under the Approved Concept DA with the exception to updating reference to TfNSW rather than RMS.

Water NSW

Water NSW has responded that no conditions are required to be imposed at this time with future DAs expected to be referred for review.

12. PUBLIC NOTIFICATION & SUBMISSIONS

The application was notified and advertised for a period of 5 weeks ending on 11 August 2020. During the notification period, no submissions were received to the proposal.

13. CONCLUSION

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

The Amending DA proposal provides an opportunity to redevelop the site for commercial and high technology uses in a coordinated and staged manner. It

updates the existing Concept DA to reflect the commercial demands of the site, and to adapt to the multi-faceted nature of Macquarie Park.

While the Building B design is incongruent with a number of built form controls of Ryde DCP 2014, these are supportable due to the underlying security design and operational requirements for the data centre development. The Amending DA on the whole complies with the development standards of the Ryde LEP 2014, and will deliver considerable public benefit through the delivery of new Road 22, the pedestrian site through link, and the private Bochetto Park. The data centre is consistent with the strategic vision for Macquarie Park in the *Greater Sydney Regional Plan - A Metropolis of Three Cities, 2018* with the development collectively contributing to the role of Macquarie Park as a multi-disciplinary district with an active and diversified economic ecosystem.

The amendments proposed to the conditions of consent are in respect to the design changes under the Amending DA, and in line with the updated Council standard conditions applied to Concept DAs within the LGA. These have been reviewed by the applicant and are supported.

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

14. RECOMMENDATION

- 1) That the Sydney North Planning Panel grant consent to development application LDA2020/0229 for an Amending Development Application of a Concept Development Application comprising 3 commercial buildings, 1 storage facility (data centre) and associated road works and a pedestrian link, at 11-17 Khartoum Road and 33- 39 Talavera Road, of consent in **Attachment 1** of this report.
- 2) That the Amending DA conditions at **Attachment 1** supersede the Approved Concept DA conditions under Part 1 of LDA2017/0547 (to the extent of any inconsistencies).
- 3) That Transport for NSW, Sydney Water and Water NSW be advised of the decision.

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