

## SYDNEY NORTH PLANNING PANEL

<b>Panel Reference</b>	PPSSNH-124
<b>DA Number</b>	LDA2020/0243
<b>LGA</b>	City of Ryde
<b>Proposed Development</b>	Construction of a part 13 and part 14 storey mixed use development comprising of 207 residential apartments, a child care centre consisting of 69 child care spaces, and three and half levels of basement car parking for 199 car spaces.
<b>Street Address</b>	2-10 Cottonwood Crescent, Macquarie Park
<b>Applicant/Owner</b>	Karimbla Construction Services (NSW) Pty Ltd/Karimbla Properties (No. 58 Pty Ltd)
<b>Date of DA lodgement</b>	22 July 2020
<b>Number of Submissions</b>	Three (3) submissions in support
<b>Recommendation</b>	<b>Approval subject to conditions</b>
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011</b>	General Development over \$30 Million –  Capital Investment Value: \$61,157,375
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Act 1979;</li> <li>• Environmental Planning and Assessment Regulation 2000;</li> <li>• Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;</li> <li>• State Environmental Planning Policy (Infrastructure) 2007;</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011;</li> <li>• State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;</li> <li>• State Environmental Planning Policy No. 19 – Bushland in Urban Areas;</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land;</li> <li>• State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</li> <li>• State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017;</li> <li>• Draft Remediation of Land State Environmental Planning Policy;</li> </ul>

	<ul style="list-style-type: none"> <li>• Draft Environmental State Environmental Planning Policy;</li> <li>• Ryde Local Environmental Plan 2014;</li> <li>• Ryde Development Control Plan 2014; and</li> <li>• Ryde Section 7.11 Development Contributions Plan 2020</li> </ul>
<b>Clause 4.6 Request</b>	<ul style="list-style-type: none"> <li>• Clause 4.3 Height - Ryde Local Environmental Plan 2014</li> </ul>
<b>Summary of Key submissions</b>	Submissions received all in support of proposed development.
<b>List all documents submitted with this report for the Panel's consideration</b>	<b>Attachment 1:</b> Conditions of Consent <b>Attachment 1a:</b> Water NSW General Terms of Approval <b>Attachment 2:</b> Clause 4.6 Written Variation <b>Attachment 3:</b> Architectural Plans <b>Attachment 4:</b> Landscape Plans
<b>Report prepared by</b>	Peggy Wong, Senior Town Planner
<b>Report date</b>	22 March 2021

<b>Summary of Section 4.15 matters</b> Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	<b>Yes</b>
<b>Legislative clauses requiring consent authority satisfaction</b> Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	<b>Yes</b>
<b>Clause 4.6 Exceptions to development standards</b> If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	<b>Yes – 4.6 variation request attached (see Attachment 2)</b>
<b>Special Infrastructure Contributions</b> Does the DA require Special Infrastructure Contributions conditions (S7.24)?	<b>No</b>
<b>Conditions</b> Have draft conditions been provided to the applicant for comment?	<b>Yes - applicant agrees to conditions</b>

## 1. EXECUTIVE SUMMARY

This report is an assessment of a development application for the construction of a part 13 and part 14 storey mixed use development comprising of 207 residential apartments, a child care centre accommodating 69 children and 15 employees, three and half levels of basement car parking for 199 car spaces and associated landscaping at 2-10 Cottonwood Crescent, Macquarie Park.

The proposed development comprises of 2 residential towers (identified as Buildings A and B) with a combined lower ground, ground floor and basement levels. A child care is proposed on the lower ground floor of Building A with pedestrian access from Cottonwood Crescent and lift access from the basement car park. The outdoor play area is located adjacent to the north-eastern and south-eastern boundaries and orientated towards Shrimptons Creek.

The proposed basement car parking for 199 car spaces consists of 170 residential spaces, 17 child care spaces, 4 car share spaces, 7 visitor spaces, and 1 car wash bay.

The development proposes a gross floor area (GFA) of 19,022m<sup>2</sup> and a Floor Space Ratio (FSR) of 4.5:1. The proposal is consistent with the maximum FSR control under Clause 4.4 of the Ryde Local Environmental Plan 2014 (RLEP 2014).

The proposed building has a maximum building height (measured to the top of the plant) of 46.22m (Building A) and 45.94m (Building B) which exceeds the maximum height control of 45m under Clause 4.3 of the RLEP 2014. The proposed building height exceeds the maximum height control between 940mm to 1.22m (up 2.7%). A Clause 4.6 written justification seeking variation to the building height development standard on the basis that compliance with the standard is unreasonable and unnecessary has been submitted with the application. The written justification has been considered against the matters for consideration under Clause 4.6 and the 5 matters for consideration in accordance with *Wehbe v Pitterwater Council (2007) NSWLEC 827*. The written justification seeking variation to the building height standard is considered to be adequately prepared and acceptable on environmental planning grounds.

The subject application was lodged with Council on 22 July 2020. Whilst the proposal was being assessed, the applicant lodged separate applications seeking development consent for demolition works, excavation, shoring, piling and removal of trees as follows:

- LDA2020/0184 was approved under delegated authority on 12 August 2020 for the demolition of existing structures (to ground slab level) and removal of 2 street tree and 30 trees on the site (including 16 trees classified as exempt). Demolition works approved under LDA2020/0184 has commenced on the site.
- LDA2020/0317 was approved under delegated authority on 17 February 2021 for excavation, shoring and piling works to facilitate the construction of 3 levels of basement car park and removal of trees within the site.

The proposed built form, scale, streetscape presentation and interface with adjoining public open spaces (Cottonwood Crescent to the north-east, Shrimptons Creek to the south-east and Wilga Park to the south-west) is consistent with objectives and provisions of the relevant sections of the Ryde Development Control Plan (RDGP 2014),

State Environmental Planning Policy 65 (SEPP 65), the Apartment Design Guide (ADG), SEPP (Educational Establishments and Child Care Facilities) 2017 and the Child Care Planning Guidelines, with the exception of the following:

#### RDCP 2014

- Basement setback to the front boundary projects beyond the 5m front setback. The numerical non-compliance will not adversely affect the landscaped character of the streetscape and satisfies the objectives for the setback control for basements under RDCP 2014;
- The rear setback of the building (at the lower ground floor level) varies between 5m at the south-western corner and 12.7m to the external wall of the child care centre fronting the Shrimptons Creek.
- Deep soil areas do not have dimensions of 20m x 10m and the development does not achieve a minimum 20% of the site area. Deep soil areas are provided within all boundary setbacks and will accommodate sufficient landscape planting to contribute positively to the streetscape and provide an appropriate landscape buffer between the private and public domains.
- The street setback provides 36.62% soft landscaping and does not achieve the required 60% soft landscaping requirement. The proposed landscaping provided within the front setback is constrained by the building setback controls and provision of private terraces to ground floor apartments in accordance with the ADG. The proposal seeks to maximise landscaping opportunities within the front setback with deep soil areas in planters that can accommodate substantial tree plantings.
- Communal open spaces are located above structures and are unable to provide deep soil planting. However, all communal open space areas are bounded by planters to maximise opportunities for landscaping that will contribute to the amenity of occupants.
- Communal open space areas on Levels 7, 10 and 12 receive up to 2 hours of direct sunlight to significant portions of usable space. Given the building envelope permitted by planning controls casts shadows across the site, opportunities to provide communal open space areas that can achieve a minimum of 3 hours of direct sunlight is limited. The various location and design of the communal open space areas are able to receive some solar access between 9.00am and 3.00pm on 21 June and provides acceptable amenity for occupants.
- Part of the loading dock and vehicle access path to the basement car park is above ground level at the south-eastern and south-western facades as a result of the fall across the site. The external façade will be treated with articulated vertical screens to provide visual interest and reduce the prominence of the blank walls when viewed from Shrimptons Creek and Wilga Park. Landscaping is also proposed immediately adjacent to the south-eastern and south-western facades to provide a landscaped setback between the proposal and the adjoining public open spaces.
- A total area of 25m<sup>2</sup> is required for a cot room with 10 cots. The proposed cot room has an area of 22m<sup>2</sup> with a short fall of 3m<sup>2</sup>. As demonstrated in the child care centre fit out plans (Drawing No. A0001, Revision P2, dated 23 June 2020) the cot room adequately accommodates 10 cots provides sufficient circulation within the room and is acceptable.

## Apartment Design Guide

- The proposal provides a separation of approximately 12m between Buildings A and B on the north-western and south-eastern elevations between Levels 1 to 12 and does not achieve the minimum required separation of 18m between habitable rooms up to Level 9 and 24m separation on Levels 9 to 12. The proposal provides angled hooded windows within the separation between Buildings A and B that adequately addresses visual and acoustic privacy between apartments and achieves natural ventilation to habitable rooms.
- Building B contains between 10-12 apartments on Levels 1-7 that are serviced by a single core which exceeds the maximum 8 apartments per level, per lift core under Objective 4F-1(1). The corridors on Levels 1-7 are approximately 1.6m in width and have access to natural light and achieves an acceptable level of amenity within communal circulation spaces.
- Buildings A and B contain 96 apartments and 111 apartments, respectively. Each building is serviced by a single core containing 2 lifts. Objective 4F-1(2) provides a maximum of 40 apartments to be serviced by 1 lift for buildings 10 storeys or greater. Building A exceeds the permitted maximum permitted number of apartments per lift by 16 apartments and Building B exceeds the control by 31 apartments. The number of apartments on level 10 and above in both Buildings A and B contain less than the maximum 8 apartments per level and is able to be adequately serviced by the proposed lifts. A lift analysis report prepared by Kone dated 18 November 2020 has demonstrated that the proposed lifts are capable of providing efficient service with acceptable wait times during peak hour periods.
- The proposal provides approximately 3.35% deep soil areas and is non-compliant with the required 7% deep soil area under Objective 3E-1(1). Notwithstanding the numerical non-compliance, the amended landscape plan has demonstrated that deep soil areas have been maximised across the site and planting of mature trees can be accommodated to improve the amenity of occupants and contribute to the character of the streetscape and the local area.

## Child Care Planning Guidelines

- Natural ventilation to the internal rooms will be restricted as windows and doors fronting the outdoor play area are required to be closed during operating hours, except for egress, to achieve acoustic compliance. The child care centre will be mechanically ventilated to maintain optimal thermal comfort for children and staff. The design of the child care centre provides acceptable levels of amenity particularly with high floor to ceiling heights and glazing that enhances access to natural daylight and outlook.
- Year round solar access to 30% of the outdoor play area is not achieved given the orientation of the site, building envelope and the location of the child care centre on the lower ground floor level fronting the north-eastern and south-eastern boundary. However, direct solar access to the outdoor play area is achieved in the mornings from 9.00am year round and provides acceptable amenity for children given the constraints of the site.

Assessment of the proposal against relevant Australian Standards has identified that the internal driveway grade and clearance of 4.4m is inconsistent with the 4.5m clearance required under AS 2890.2. However, given that TfNSW permits an allowable height of 4.3m for general access vehicles and access to the site by a vehicle greater than 4.3m is likely to be a rare occurrence, the design of the driveway grade is acceptable, subject to imposition of a condition requiring appropriate warning signage at the entrance of the car park.

The non-compliances summarised above are further assessed in the report and are considered satisfactory on its merits, or can be addressed by conditions.

The application was advertised and notified between 7 August 2020 and 11 September 2020, in accordance with the City of Ryde Community Participation Plan. As a result of the notification period, 3 submissions in support were received.

In response to Council's request for information letter dated 8 September, 20 October 2020 and further comments provided by the Ryde Urban Design Review Panel on 15 November 2020, amended plans and supporting documentation were submitted on 27 October, 17 and 24 November and 23 December 2020. The amended plans increased the total number of apartments from 200 to 207 and car parking spaces from 187 to 199, reconfigured apartment mix, address articulation of facades and reconfigured vehicular access and waste storage facilities. Having regard to the scope of the amendments and minor external alterations the amended plans did not necessitate renotification of the application.

Following discussions with Council officers regarding outstanding vehicular access to the site and waste management and servicing within the development, the applicant submitted further amended plans on 12 March 2021 which have adequately resolved the issues raised. The scope of the amendments are minor and are not considered to have any adverse additional impacts and therefore did not necessitate renotification of the application.

The application has demonstrated that the site can be appropriately remediated and made suitable for the proposed mixed use development under Clause 7 of SEPP No. 55 Remediation of Land (SEPP 55). Appropriate conditions are included on the draft consent (see **Attachment 1**).

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the relevant statutory and policy provisions, the proposal is considered suitable for the site and is in the public interest as the development will contribute to the transitioning character of the area to comprise mixed uses and facilitates the orderly development of the site.

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

This report concludes that the development is sound in terms of design, function and relationship with its surroundings. The report recommends that consent be granted to

this application in accordance with conditions provided in **Attachment 1**. These conditions have been reviewed by the applicant who has agreed with all of the conditions.

## **2. APPLICATION DETAILS**

<b>Applicant/Owner:</b>	Karimbla Construction Services (NSW) Pty Ltd/Karimbla Properties (No. 58 Pty Ltd)
<b>Capital Investment Value:</b>	\$61,157,375
<b>Disclosures:</b>	No disclosures with respect to the Local Government and Planning Legislation Amendment (Political Donations) Act 2008 have been made by any persons.

## **3. SITE AND SURROUNDING DEVELOPMENTS**

The site is located at the south-eastern side of Cottonwood Crescent and comprises of 5 lots legally described as follows:

- SP9579 (2 Cottonwood Crescent)
- SP8811 (4 Cottonwood Crescent)
- SP8813 (6 Cottonwood Crescent)
- SP9785 (8 Cottonwood Crescent)
- SP8748 (10 Cottonwood Crescent)

The site is also known as 2-10 Cottonwood Crescent, Macquarie Park and has a site area of 4,227m<sup>2</sup>. The site has a primary frontage of 109.55m to Cottonwood Crescent and is bounded by public open space to the north-east (Cottonwood Reserve), south-east (Shrimptons Creek) and south-west (Wilga Park). The site has frontages measuring 45.98m to Cottonwood Reserve, 106.68m to Shrimptons Creek and 39.63m to Wilga Park.

The site consisted of 5 x 3 storey residential apartment buildings with ground level garages. Demolition of all structures, excavation and tree removal have been approved under separate development applications. At the time of preparing this report, demolition of existing structures had commenced.

The site has a fall of approximately 5.26 metres from the north-west (Cottonwood Crescent) to the low point of the site along the south-east boundary fronting Shrimptons Creek.

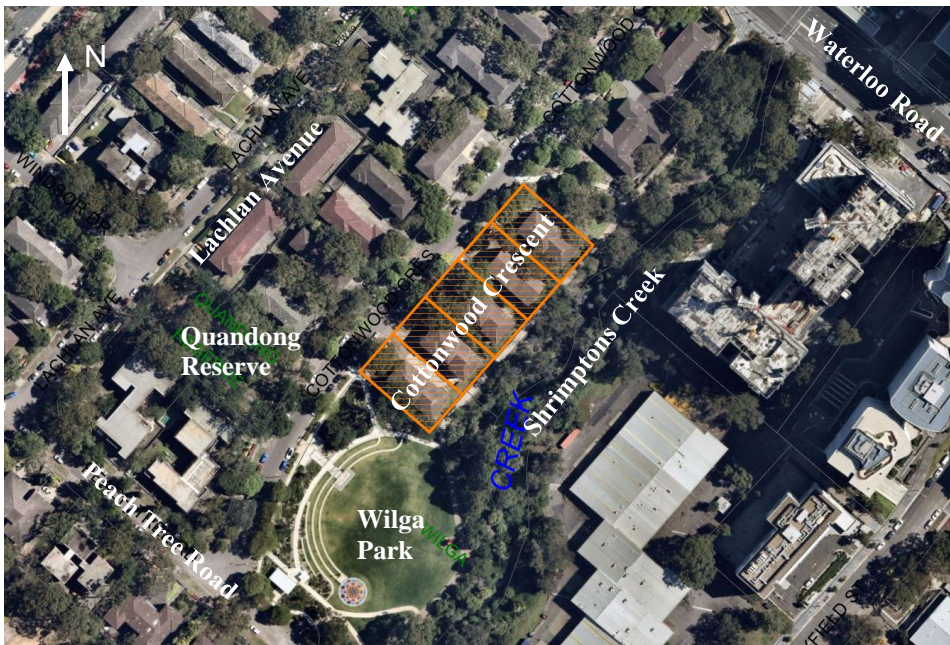
Surrounding developments include similar scale 3 storey residential apartment buildings to the north-east and opposite the site on Cottonwood Crescent. To the south-west of the site on Peach Tree Road existing developments comprises 3 storey residential apartment buildings. A public park known as Quandong Reserve is located to the west of the site and provides a connection between Cottonwood Crescent and Lachlan Avenue.

Developments in the vicinity of the site include Macquarie Shopping Centre located approximately 149m to the north-east of the site, Macquarie University and Macquarie University Station located approximately 450m north of the site.

The character of the surrounding area is in transition from medium density developments comprising of predominantly 3 storey residential apartment buildings to multi storey, mixed use developments. Surrounding multi storey mixed use developments recently approved, constructed and/or currently under construction) include the following:

- 1 x 20 storey mixed use building with retail tenancies on the ground floor and 132 apartments at 14-16 Cottonwood Crescent (to the north-east of the site)
- 2 x 20 storey residential towers with ground level retail at 82-84 Waterloo Road (to the east of the site)
- 16 storey residential towers with ground level retail at 80 Waterloo Road (to the east of the site)
- 4 x 23 storey residential towers with ground level retail at 101-107 Waterloo Road (to the north-east of the site)
- 1 x 14 storey residential tower with ground floor retail at 9 Peach Tree Road (to the south-west of the site)
- 2 x 22 to 24 storey residential apartment buildings at 137-143 Herring Road (to the south-west of the site)

Photographs of the site and surrounding developments are provided in **Figures 1 to 12** below.



**Figure 1.** Aerial photograph of the site and surrounding developments (Source: NearMap)





**Figure 2.** View of 2 Cottonwood Crescent



**Figure 3.** View of 4 Cottonwood Crescent



**Figure 4.** View of 6 Cottonwood Crescent



**Figure 5.** View of 8 Cottonwood Crescent





**Figure 6.** View of 10 Cottonwood Crescent and Cottonwood Reserve



**Figure 7.** View of 14-16 Cottonwood Crescent to the north-east of the site



**Figure 8.** View south-west from Cottonwood Reserve towards subject site



**Figure 9.** View of site and existing pathway along Shrimptons Creek





**Figure 10.** View of Shrimptons Creek and development currently under construction to the north-east at No. 82 Waterloo Road



**Figure 11.** View of south-western and south-eastern boundaries of the site from Wilga Park



**Figure 12.** View of site and surrounding developments from Wilga Park

The site and immediately adjacent properties are located in the B4 Mixed Use Zone, and public open spaces are in the RE1 – Public Recreation zone under RLEP 2014 (see **Figure 13**). Shrimptons Creek is zoned E2 – Environmental Conservation under RLEP 2014. Existing surrounding developments and approved development applications for properties in the vicinity of the site comprises residential and mixed use

buildings that are consistent with the objectives of the zone and desired future character for this section of the Macquarie Park Corridor.



**Figure 13.** Site zoning (B4 Mixed Use) with site outlined in red

#### 4. THE PROPOSAL (AS AMENDED)

The proposal seeks approval for the construction a part 13 storey part 14 storey mixed use development comprising of 207 apartments, a 565m<sup>2</sup> child care centre with a maximum capacity for 69 child care spaces, three and half levels of basement car parking for 199 car parking spaces and associated landscape works. The proposal comprises 2 residential towers (identified as Building A and Building B) with a shared ground floor entry lobby and communal open spaces on the ground floor, levels 7, 10 and 12. A pool, gymnasium, spa and sauna is located at the lower ground floor level fronting Shrimpton's Creek.

The proposed apartment mix comprises of the following:

- 11 x 1 bedroom apartments (5.3%)
- 77 x 1 bedroom + study apartments (37.2%)
- 91 x 2 bedroom apartments (44%)
- 9 x 2 bedroom + study apartments (4.3%)
- 16 x 3 bedroom apartments (7.7%)
- 3 x 3 bedroom + study apartments (1.4%)

The configuration of each floor level is detailed as follows:

##### Basement Level 3

- 54 car parking spaces including 16 tandem parking spaces
- 20 x bicycle parking spaces
- Storage cages

##### Basement Level 2

- 72 car parking spaces 16 tandem parking spaces

- 20 x bicycle parking spaces
- Storage cages

#### Basement Level 1

- 49 car parking spaces including 8 tandem parking spaces, 4 visitor spaces, 19 accessible spaces
- 1 car wash bay
- 2 garbage storage room
- Plant rooms
- Storage cages

#### Lower Ground Floor

- 17 child care car parking spaces
- 4 car share spaces
- 3 visitor spaces
- 565m<sup>2</sup> child care centre for 69 children and 15 staff
- 500m<sup>2</sup> of outdoor play space
- Child care garbage room
- Communal pool, gym, spa, sauna and amenities
- Landscaping within the side and rear setbacks

#### Ground Floor

- Residential lobby, mail room, communal outdoor open space and amenities to residential Buildings A and B
- 3m wide landscape setback from Cottonwood Crescent and direct access to private terraces of ground floor apartments
- Entry lobby to child care centre
- Vehicular access via Cottonwood Crescent
- Loading dock and plant rooms
- Residential garbage and recycling storage room
- Residential bulky waste storage room
- Commercial garbage room

#### Building A

- 6 apartments consisting of 2 x 1 bedroom + study and 4 x 2 bedroom units

#### Building B

- 5 apartments consisting of 2 x 1 bedroom + study, 1 x 2 bedrooms and 1 x 3 bedroom units

#### Level 1

#### Building A

- 8 apartments consisting of 4 x 1 bedroom + study and 4 x 2 bedrooms apartments

- Air conditioning plant adjacent to the north-east elevation
- Garbage room with chute
- Mechanical ventilation risers and services

#### Building B

- 10 apartments consisting of 5 x 1 bedroom + study, 2 x 2 bedrooms, 3 x 3 bedroom apartments
- Air conditioning plant to the south-east elevation
- Garbage room with chute
- Mechanical ventilation risers and services

#### Levels 2 and 3

##### Building A

- 8 apartments consisting of 3 x 1 bedroom + study and 5 x 2 bedroom apartments
- Air conditioning plant adjacent to the north-east elevation
- Garbage room with chute
- Mechanical ventilation risers and services

##### Building B

- 12 apartments consisting of 4 x 1 bedroom, 2 x 1 bedroom + study, 4 x 2 bedrooms, 2 x 2 bedroom + study apartments
- Air conditioning plant to the south-east elevation
- Garbage room with chute
- Mechanical ventilation risers and services

#### Levels 4 and 5

##### Building A

- 8 apartments consisting of 3 x 1 bedroom + study and 5 x 2 bedroom apartments
- Air conditioning plant adjacent to the north-east elevation
- Garbage room with chute
- Mechanical ventilation risers and services

##### Building B

- 12 apartments consisting of 1 x 1 bedroom, 5 x 1 bedroom + study, 4 x 2 bedrooms, 2 x 2 bedroom + study apartments
- Air conditioning plant to the south-east elevation
- Garbage room with chute
- Mechanical ventilation risers and services

#### Level 6

##### Building A

- 8 apartments consisting of 3 x 1 bedroom + study and 5 x 2 bedroom apartments
- Air conditioning plant adjacent to the north-east elevation

- Garbage room with chute
- Mechanical ventilation risers and services

#### Building B

- 11 apartments consisting of 5 x 1 bedroom + study, 3 x 2 bedrooms, 1 x 2 bedroom + study apartments, 2 x 3 bedrooms + study apartments
- Air conditioning plant to the south-east elevation
- Garbage room with chute
- Mechanical ventilation risers and services

#### Level 7

#### Building A

- 7 apartments consisting of 3 x 1 bedroom + study and 3 x 2 bedroom apartments
- Air conditioning plant adjacent to the north-east elevation
- Garbage room with chute
- Mechanical ventilation risers and services

#### Building B

- 10 apartments consisting of 5 x 1 bedroom + study, 4 x 2 bedrooms and 1 x 3 bedroom apartments
- Air conditioning plant adjacent to the north-east elevation
- Garbage room with chute
- Mechanical ventilation risers and services

A communal open space with an area of approximately 141.4m<sup>2</sup> (including planters) is provided between Buildings A and B, accessed from the south-western corridor of Building A and north-eastern corridor of Building B.

#### Level 8

#### Building A

- 7 apartments consisting 3 x 1 bedroom + study and 4 x 2 bedroom apartments
- Air conditioning plant adjacent to the north-east elevation
- Garbage room with chute
- Mechanical ventilation risers and services

#### Building B

- 8 apartments consisting of 4 x 1 bedroom + study, 1 x 2 bedrooms, 2 x 3 bedroom, and 1 x 3 bedroom + study apartments
- Air conditioning plant adjacent to the north-east elevation
- Garbage room with chute
- Mechanical ventilation risers and services

## Level 9

### Building A

- 7 apartments consisting 3 x 1 bedroom + study and 4 x 2 bedroom apartments
- Air conditioning plant adjacent to the north-east elevation
- Garbage room with chute
- Mechanical ventilation risers and services

### Building B

- 7 apartments consisting of 2 x 1 bedroom + study, 2 x 2 bedrooms, 3 x 3 bedroom apartments
- Air conditioning plant adjacent to the north-east elevation
- Garbage room with chute
- Mechanical ventilation risers and services

## Levels 10 and 11

### Building A

- 7 apartments consisting 3 x 1 bedroom + study and 4 x 2 bedroom apartments
- Air conditioning plant adjacent to the north-east elevation
- Garbage room with chute
- Mechanical ventilation risers and services

### Building B

- 5 apartments consisting of 1 x 1 bedroom + study, 2 x 2 bedrooms, 2 x 3 bedroom apartments
- Air conditioning plant adjacent to the north-east elevation
- Garbage room with chute
- Mechanical ventilation risers and services

A communal open space with an area of approximately 104.4m<sup>2</sup> including planting is located at the southern portion of Building B.

## Level 12

### Building A

- 7 apartments consisting 3 x 1 bedroom + study and 4 x 2 bedroom apartments
- Air conditioning plant adjacent to the north-east elevation
- Garbage room with chute
- Mechanical ventilation risers and services

### Building B

- 2 x 3 bedroom apartments
- Communal open space with an area of approximately 186.4m<sup>2</sup> to the south-eastern elevation of Building B.



## Roof Level

### Buildings A and B

- 2 x plant rooms
- Service hatch
- Lift overrun
- PV Panels
- Skylights

The proposed building is setback 5m from Cottonwood Crescent, Cottonwood Reserve and Wilga Park. The building is setback 10m from the south-eastern (rear) boundary fronting Shrimptons Creek, except for the south-western portion of the building at the lower ground and ground floors which consists of the vehicular access to the basement car park, loading dock and the terrace areas of two apartments setback between 5m and 6m.

No tree removal within the site is proposed as part of this application. The proposal seeks consent to removal 1 street tree (identified as Tree 11) located on Cottonwood Crescent. The remainder of the street trees (six in total) located on Cottonwood Crescent and adjacent to the site will be retained as part of the proposal.

The amended proposal also includes external elements as follows:

- Increase width of vehicular crossing to 12.5m with a splay and setback of car park entry gates to accommodate simultaneous two-way entering and exiting the site
- Increase width of landscape planters adjacent to ground floor apartments fronting Cottonwood Crescent to 3m to optimise deep soil areas and planting of suitable trees
- Reconfiguration of terraces to ground floor apartments fronting Cottonwood Crescent to accommodate increased width of landscape planters
- Reduction in width of stairs adjacent to child care centre entrance to provide additional landscaping along Cottonwood Crescent
- Erection of a gas kiosk fronting Cottonwood Crescent adjacent to the outdoor terrace of Unit G11
- Reconfiguration of awning and metal louvres to plant areas adjacent to the vehicular entrance
- Alteration to openings (no change to proportions) to winter gardens on the north-western elevation in Buildings A and B
- Installation of architectural fins to the south-eastern façade adjacent to the vehicular access and loading dock on the lower ground floor
- Articulation of façade to visually reduce building bulk
- Child care centre outdoor play area fence fronting Shrimptons Creek consisting of a mix of 1.8m high translucent glass panel and aluminium palisade panels

Photomontages of the proposal are provided in **Figures 14, 15 and 16** below.



**Figure 14.** Photomontage of north-western façade viewed from Cottonwood Crescent



**Figure 15.** Photomontage of proposal viewed from Shrimptons Creek



**Figure 16.** Proposed articulation of blank wall on south-western façade (viewed from Wilga Park)

## 5. HISTORY OF DEVELOPMENT OF THE SITE

On 15 January 2019, the former owner of the site submitted a Development Application LDA2019/0023 to Council seeking consent for demolition of existing structures and construction of a 14 storey residential apartment building comprising 143 apartments (27 x 1 bedroom, 44 x 2 bedroom, 44 x 3 bedroom apartments and 24 x 2 bedroom townhouses and 4 x 3 bedroom townhouses), three and a half levels of basement car parking for 163 car spaces and associated landscape and site works. On 17 February 2020, the applicant sought to withdraw the application as the site has been sold to a new owner.

On 10 August 2020, a Development Application LDA2020/0184 was lodged with Council seeking consent to demolish existing structures to the existing ground slab, removal of 40 trees including 1 street tree and pruning of 1 street tree. The proposal was approved under delegated authority on 12 August 2020, subject to retention of 8 trees located within the site and on Council owned land as the trees were not considered to be adversely affected by proposed demolition works.

On 22 July 2020, the subject application was lodged with Council seeking consent for the construction of a part 13 and part 14 storey mixed use building comprising 200 apartments (11 x 1 bedroom, 70 x 1 bedroom + study, 82 x 2 bedroom and 37 x 3 bedroom apartments), a 568m<sup>2</sup> child care centre for 70 children and 15 employees, and three and half levels of basement car parking for 187 car parking spaces. The proposal has been amended on a number of occasions to address issues raised by Council and reconfiguration of apartments and car parking at the request of the applicant. On 12 March 2021, the latest set of amended architectural plans were submitted incorporating external façade treatments recommended by the Ryde Urban Design Review Panel, landscape design recommended by Council's Consultant Landscape Architect and redesign of vehicular access and waste storage facilities recommended by Council's City Works Department. The applicant has also sought to amend the configuration and mix of apartments to comprise a total of 207 apartments (including additional 2 bedroom + study and 3 bedroom + study apartments) and additional car parking spaces (up to

199 car parking spaces) in the basement car park. The amendments are predominantly internal reconfigurations and are contained within the originally proposed building envelope.

On 21 September 2020, a Development Application (LDA2020/0317) was lodged with Council seeking consent for excavation, shoring and piling works to accommodate the construction of 3 levels of basement car parking associated with the subject proposal. The proposal also sought removal of 10 trees within the site. On 17 February 2021, development consent was granted for the excavation, shoring, piling and tree removal works.

## **6. HISTORY OF THE SUBJECT APPLICATION & RESOLUTION OF KEY ISSUES**

### **DA History**

- 27 February 2020: Pre-lodgement meeting with Council officers and the Ryde Urban Design Review Panel (UDRP). Comments were provided relating to the matters as follows:
  - The general form and massing, particularly the break between the two towers and stepping of built form adjacent to Wilga Park is supported as it reduces overshadowing to Wilga Park
  - Incremental increase in overshadowing is acceptable on balance of the clear physical separation at the centre of the building of no less than 9m over 8-10 storeys
  - The building mass must demonstrate ability to achieve minimum solar access and natural cross ventilation requirements under the ADG
  - The outdoor play space of the child care centre must relate to the public open space character of Shrimptons Creek
  - The communal pool must have an interface that is attractive and promotes safety adjacent to Shrimpton Creek
  - Internal reconfiguration and consideration of façade treatments to address public safety and security is required. Excessive blank walls and lack of activation to Shrimptons Creek and Wilga Park needs to be address to enhance the amenity of the public domain
- 22 July 2020: DA lodged with Council
- 7 August 2020 to 11 September 2020: Application was advertised and notified to owners and occupiers of surrounding properties. Three (3) submissions in support of the proposal were received.
- 3 September 2020: UDRP reviewed the proposal and generally supported the development, subject to outstanding matters being addressed including:
  - Excessive louvres and services result in poor interface with the public domain at the corner of Cottonwood Crescent and Wilga Park.
  - Alternative treatment of the blank walls at the lower ground and ground levels is needed to improve visual impacts and amenity to Wilga Park and Shrimptons Creek.
  - Relocation of the child care centre lobby to improve access and circulation from Cottonwood Crescent.
  - The massing of the Cottonwood Crescent façade should be reduced by widening of the building separation or a second vertical recess similar to the south-eastern elevation fronting Shrimptons Creek.



- Lack of solar control elements on the north-western elevation (Cottonwood Crescent) will result in substantial heat gain in summer to half the apartments and is a poor sustainability outcome.
- Building B contains more apartments per floor than permitted under the ADG. To enhance amenity within the corridors it is recommended that natural light be provided by reconfiguration of walls within the corridor and maximising circulation space.
- The Cottonwood Crescent façade should be heavily modulated to achieve ‘a greater play of light and shade’.
- 8 September 2020: A preliminary request for information letter (RFI) was sent to the applicant identifying insufficient information and issues including:
  - The basement setback of 0.7m from the front boundary (Cottonwood Crescent) is inconsistent with the setback controls under the RDCP 2014. The proposal has not satisfactorily demonstrated that sufficient soft landscaping and deep soil areas for planting of mature trees can be accommodated within the front setback.
  - The Landscape Plans contain insufficient details demonstrating appropriate screening planting to enhance amenity and protect the privacy of the child care centre outdoor play space.
  - The Landscape Plans contain insufficient details to determine the proposed use (public or private) of the landscaped area at the southern corner of the site.
  - The different in levels between the ground floor and surrounding public open spaces and extensive blank walls provide poor passive surveillance to adjacent public open spaces.
  - Clarification if tree removal forms part of this application.
  - The Civil drawings contain insufficient information relating to boundaries, width of the driveway and pedestrian entries to the proposed building from the public domain and public open spaces.
  - The size of waste storage areas are inadequate and the location of the storage areas are inefficient and not supported from an operational management perspective.
  - The submitted swept path analysis illustrates that the driveway design does not accommodate two-way simultaneous traffic for a passenger vehicle and Council’s garbage collection vehicles. Any queueing by the garbage trucks on the public road is not acceptable.
  - Commercial waste collection must not impact on residential waste collection. Travel paths for commercial waste collection to be shown on plans.
  - The Traffic Impact Assessment Report is required to address traffic queueing at Waterloo Road and Herring Road and Herring Road and Windsor Drive. The report is required to include mitigating measures to address this issue and impacts on Cottonwood Crescent during the afternoon peak period.
  - Clarification of traffic volumes required for traffic signal warrant assessment.
  - Clarification required for vehicle control measures to ensure access to the basement car park does not result in queueing on the public road and encourages child care visitors to park utilise street parking.

- Insufficient driveway access and internal layout does not enable garbage collection vehicles to access the premises without impacting on traffic and pedestrians.
  - Insufficient car parking spaces are allocated to the child care centre. The shortfall of 1 car parking space must be provided within the development site.
  - Mail rooms should be secure and only accessible by residents to minimise potential mail theft.
- 29 September 2020: UDRP comments were finalised and provided to the applicant.
- 20 October 2020: Further RFI letter was sent to the applicant requiring a Detailed Site Investigation Report addressing the suitability of use of the site for a child care centre.
- 27 October 2020: Applicant submitted response to Council's RFI letter dated 8 September 2020. Amended plans were submitted increasing the total number of apartments to 207 apartments, increasing the number of car parking spaces to 191 car spaces including provision of 17 car parking spaces for the child care centre, amended façade treatment at the south-eastern and south-western corners of the site to reduce the visual impact of an extensive blank wall and enhance visual interest, reconfiguration of waste storage facilities and loading dock and amended landscape plans. A Revised Traffic Impact Assessment Report was also submitted.
- 4 November 2020: Proposal presented to SNPP briefing. SNPP provided feedback regarding the adequacy of the Clause 4.6 written justification and requested additional information to justify the adequacy of the proposed lifts to service the number of apartments. A storage schedule demonstrating compliance with the storage requirements for apartments under the ADG was also requested.
- 11 November 2020: Applicant sent comments provided by SNPP.
- 15 November 2020: Council received UDRP comments following desktop review of amended plans received on 27 October 2020.
- 17 November 2020: Applicant provided with UDRP comments.
- 17 November 2020: Additional information received from applicant including a revised Detailed Site Investigation report addressing suitability of the site for a child care centre, swept path analysis, traffic modelling, loading dock management plan and green travel plan.
- 24 November 2020: Applicant submitted a revised Clause 4.6 written justification seeking variation to the building height development standard under the RLEP 2014, a storage schedule showing the dimensions and storage areas within the apartment and basement for each apartment and a lift analysis report.
- 17 December 2020: A RFI letter was sent to the applicant recommending further amendments to the proposal to address outstanding design issues including the following:
  - Further articulation needed to minimise the visual impact of the extensive blank wall resulting from the protrusion of the loading dock and car park access ramp.
  - Reconfiguration of some apartments to enhance the connectivity between internal living areas and private balconies.
  - Increase planter width within the ground floor communal open space to provide additional privacy to window openings of adjacent window openings.

- Inconsistencies between the landscape plans and architectural plans need to be resolved particularly the designated use of landscaped setback areas and proposed plant species.
  - Insufficient car parking allocation for the child care centre. A designated car parking space on Cottonwood Crescent for the child care centre use is not supported.
  - Insufficient swept path analysis demonstrating that simultaneous two-way traffic can be achieved when Council's waste collection vehicle or a heavy rigid vehicle and a B88 passenger vehicle is entering/exiting the site
  - Revision of the Loading Dock Management Plan to demonstrate effective management of truck movements that will not adversely impact on traffic entering/exiting the premises and any queuing within Cottonwood Crescent.
  - Revision of the Framework Travel Plan to be consistent with requirements under the RDCP 2014.
- 22 December 2020: Comments received from Transport for NSW (TfNSW) noting that signalisation of the intersection of Herring Road and Windsor Drive is not supported. In response to comments provided by TfNSW, Council's Traffic Engineer has requested a revised Traffic Impact Assessment Report to address mitigating measures to resolve the cumulative traffic impacts during afternoon peak periods.
  - 23 December 2020: Amended plans submitted to reconfigure car parking spaces on the lower ground floor to provide 17 car parking spaces for the child care centre use, realignment of internal driveway, amendment of internal apartment layout and configuration of balconies on Levels 1-12.
  - 10 February 2021: Amended landscape plans, architectural plans and traffic report submitted in response to Council's RFI dated 17 December 2020.
  - 10 February 2021: Further amended architectural plans were submitted to Council in response to concerns raised by Council's Consultant Landscape Architect regarding insufficient deep soil areas and planting of substantial mature trees within the front setback. The amended plans provide planter areas with a depth of 2m and 3m width and has demonstrated that appropriate tree species can be accommodated within the front setback. In addition, the applicant also sought to reconfigure the proposed apartment mix to include 2 bedroom + study and 3 bedroom + study apartments with no change to the total number of apartments. An additional 8 car parking spaces were also included in the amended plans.
  - 1 March 2021: Further RFI sent to applicant confirming that the amended plans do not demonstrate sufficient simultaneous two-way vehicular access to the basement car park and loading dock and the location of residential bulky waste storage is inconsistent with Council's requirements under RDCP 2014.
  - 12 March 2021: Amended architectural plans, swept path analysis submitted to address outstanding vehicular access and waste management issues. A revised Clause 4.6 variation request addressing the proposed change in maximum building height as shown on amended plans submitted for consideration.
  - 17 March 2021: Revised Traffic Impact Assessment Report and SIDRA modelling
  - 19 March 2021: Amended BASIX Certificate submitted.

## Urban Design Review Panel

The Urban Design Review Panel reviewed the proposal at the Pre-lodgement meeting on 27 February 2020 and provided feedback regarding the built form, massing, external façade treatments to address the interface with adjoining public open spaces and consideration against the provisions of the ADG.

On 3 September 2020 the Panel reviewed the originally submitted proposal and generally supported the proposal subject to matters relating to façade articulation, passive solar control, architectural treatment of the blank walls on the south-eastern and south-western facades and reconfiguration of common corridors to maximise natural light and ventilation.

Amended plans were submitted by the applicant on 27 October 2020. The Panel undertook a desktop review of the amended plans on 15 November 2020 and provided additional comments, as summarised below. The applicant was provided with the Panel's comments and responded with the submission of further amended plans and responses detailed below.

- **General arrangement**

- Significant extent of basement protrudes from sloping topography associated with loading dock. This is generally undesirable, but if unavoidable, then commitment to the suggested public artwork becomes more important and should form a part of the DA approval or conditions of consent.

Applicant response:

There is no scope to relocate or reduce the clearance height of the loading dock and vehicular access to the basement car park. The south-western facade fronting Wilga Park and Shrimptons Creek will be treated with architecturally designed vertical blades that will provide visual interest and natural ventilation.

- **Architectural expression**

- The architectural expression of the building is generally supported subject to external materials not comprising rendered or painted finishes and shading devices/passive solar control to enhance thermal comfort and internal amenity.

Applicant response:

The applicant has not incorporated additional external shading devices to the north-western façade and has submitted a BASIX Certificate and ESD report that demonstrates compliance with energy efficiency and thermal comfort requirements.

- **Detailed planning**

- Reconfiguration of apartment layouts on Level 7-11 to improve the relationship between living areas and the balcony.
- Increased landscaping within the communal open space should be considered to minimise privacy impacts on adjacent bedroom windows.



## Applicant Response

The layout of Apartment Nos. 710, 810, 910, 1010 and 1110 have been amended to reconfigure the dimensions of the balconies and improve access from living areas to the balcony.

The planter box located to the south-western side of the communal open space has been increased in width from 1.5m to 2.04m to provide greater separation between communal open space and the adjacent bedroom windows.

## **7. APPLICABLE PLANNING CONTROLS**

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- Greater Sydney Regional Plan - A Metropolis of Three Cities, 2018;
- 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. 19 – Bushland in Urban Areas;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development;
- State Environmental Planning Policy (Educational establishments and Child Care Centre Facilities) 2017;
- Draft Remediation of Land State Environmental Planning Policy;
- Draft Environmental State Planning Policy;
- Ryde Local Environmental Plan 2014;
- Ryde Development Control Plan 2014; and
- Ryde Section 7.11 Development Contributions Plan 2020.

## **8. PLANNING ASSESSMENT**

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

#### **Division 4.8 Integrated development**

##### Water NSW

The development application is Integrated Development pursuant to Division 4.4 of the Act, as a Water Supply Work approval is required under the Water Management Act 2000 for an aquifer interference activity.

The development application was referred to Water NSW under S4.47 of the Environmental Planning and Assessment Act 1979. In correspondence dated 29 September 2020, Water NSW advised the proposed development will encounter groundwater during the excavation process and is subject to a Water Supply Work Approval under the *Water Management Act 2000* for dewatering during the construction phase.

Water NSW has raised no objection to the proposal and provided General Terms of Approval, which have been included in **Attachment 1a** of this report. See **Condition 22**.

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

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

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

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

## **8.4. Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

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

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

The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the above planning instrument. However, the site is not located on the foreshore, will not have any significant environmental impact on Sydney Harbour or the catchment, and there are no specific controls that directly apply to the proposal.

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

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

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

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

The proposal is consistent with the objectives for Macquarie Park and will contribute to the provision of residential and commercial uses that support the community.

## **8.6. State Environmental Planning Policy (Infrastructure) 2007**

The development is identified as traffic generating development under Clause 104 of the SEPP and was referred to TfNSW.

On 22 December 2020, TfNSW advised that no objection is raised to the proposal subject to Council being satisfied with the impacts on the local road network. TfNSW did not provide any recommended conditions as part of referral.

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

The objective of this SEPP is to protect the biodiversity values of trees and other vegetation and to preserve the amenity of the area through the preservation of trees and other vegetation.

The subject site is not identified as containing significant urban bushland on Council's Environmentally Sensitive Areas map.

Removal of trees located within the site has been approved as part of development applications for demolition of existing structures (LDA2020/0184) and excavation and site preparation works (LDA2020/0317).

No tree removal within the site is proposed as part of this application. The proposal seeks removal of 1 x *Lophostemon confertus* (Brush Box tree, identified as Tree No. 11) within the public domain, adjacent to Wilga Park. As part of the proposal, 6 trees within the public domain will be retained and six trees will be replanted. No objection is raised by Council's Consultant Landscape Architect/Arborist and Tree Management Officer subject to conditions (**Conditions 2 and 120**).

The applicant is required to provide a detailed landscaping plan that will be required to be approved by Council. This plan will require a minimum of 34 trees to be provided on the site. These trees will be compensatory planting for the removal of the trees associated with LDA2020/0184 and LDA2020/0317.

## **8.8. State Environmental Planning Policy No. 19 – Bushland in Urban Areas**

The SEPP is applicable to the whole of the City of Ryde area and aims to protect and preserve bushland within urban areas. The site is not identified as containing bushland that is to be conserved in accordance with the provisions of the SEPP.

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

The requirements of SEPP 55 apply to the subject site. In accordance with Clause 7 of SEPP 55, the consent authority must consider if the land is contaminated and, if so, whether the site is suitable for the proposed use. If the site is not suitable, the consent authority must consider if it can be made suitable for the use.

A Detailed Site Investigation Report prepared by JBS&G Australia Pty Ltd dated 19 December 2018 concluded that the site has historically been occupied by residential and agricultural land uses with no contaminating land uses. The report concluded that the site is able to be made suitable for high density residential development.

Further correspondence provided by JBS&G Australia Pty Ltd A concluded that the site is also able to be made suitable for a child care centre and the outdoor play area.

Council's Environmental Health Officer has reviewed the Detailed Site Investigation Report and supports the conclusion that the site is capable of being made suitable for the proposed uses, subject to conditions discussed in the report below and provided in **Conditions 73 and 108** contained in **Attachment 1**.

#### **8.10. State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development**

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

- (i) Urban Design Review Panel
- (ii) The 9 SEPP 65 Design Quality Principles; and
- (iii) The Apartment Design Guide

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

The Panel has reviewed this application on two occasions. The issues raised by the UDRP have now been resolved including amendments to the façade treatment at the south-western corner of the site to minimise visual impacts of the extensive blank wall when viewed from Wilga Park and Shrimptons Creek, and appropriate landscaping within the rear and side setbacks.

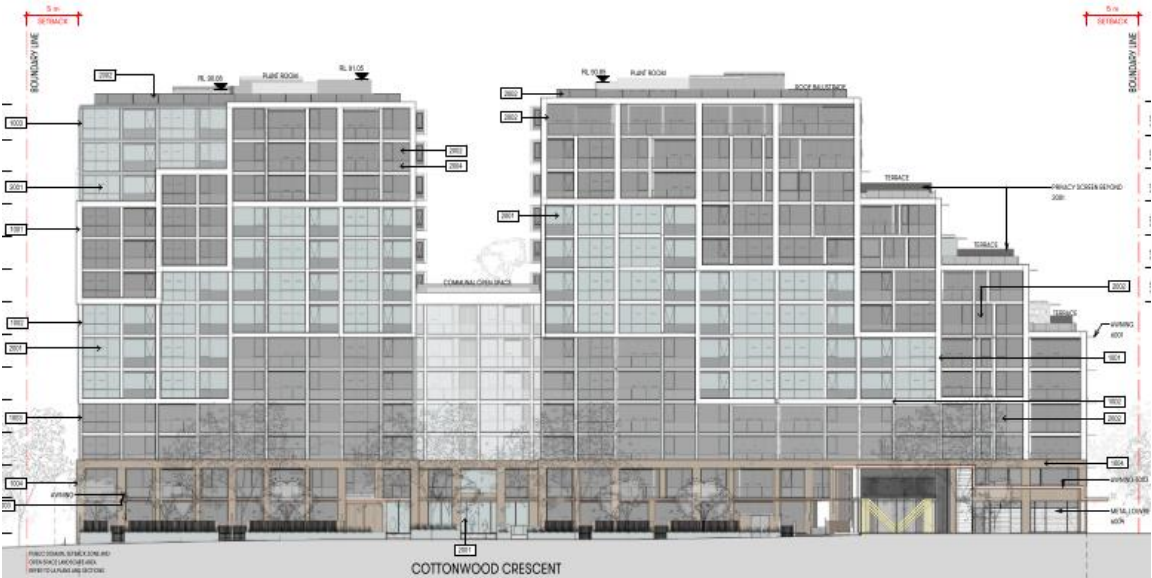
##### **(b) Design Quality Principles**

There are 9 design quality principles identified within SEPP 65. Table 2 below provides an assessment of the development proposed against the 9 design principles of the SEPP with comments from the final review by the Panel on 15 November 2020, reflecting on issues raised previously in the Panel's review on 3 September 2020 and a Planning assessment provided.

SEPP 65 – Design Quality of Residential Flat Buildings	Comments
<b>Context and Neighbourhood Character</b> Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.	<b>UDRP:</b> This development is part of a proposal for a larger area of mainly residential development along Cottonwood Crescent, which has been previously reviewed by the Panel. The subject site lies between Cottonwood Crescent and Shrimptons Creek, with its shorter boundaries facing public open space – Wilga Park to the southwest and Cottonwood Reserve to the northeast. It enjoys the benefits of an "island" site, principally views and access to light and air, but bears the responsibility of having to respond to the public realm on all sides. Architectural design of a high standard is required.

SEPP 65 – Design Quality of Residential Flat Buildings	Comments
	<p>The originally submitted proposal is an acceptable response to its evolving context, subject to addressing the following:</p> <ul style="list-style-type: none"> <li>• The ground level at the corner of Cottonwood and Wilga Park is inactive and presents poorly to the public realm. The Cottonwood frontage in particular is visually poor, with architecturally untreated louvres and escape doors. This location should be allocated to a ground floor courtyard apartment, or at least bedrooms (with private courtyards to the street) which are part of the unit on L1 above. A café related directly to the street and the park would enhance the public realm, but questions raised about its viability are noted. In any event, a better design is required here.</li> <li>• The blank wall at ground and lower ground levels at the south corner is a poor outcome for Wilga Park and Shrimpton creek. The uncertainty surrounding the applicant's suggestion of a public art work here suggests that a re-examination of the façade treatment is required. The half of the Ground Floor Level nearest to the creek is allocated to vehicle circulation (no parking spaces) and the floor level is 1.9m below the Ground Floor, so that the majority of the external blank wall encloses a 5m high space. Without making vehicles visible, alternative façade treatments should be explored for a better visual outcome and potential sustainability benefits (natural light and air to the internal space).</li> <li>• The location of the day-care centre at lower ground level is not considered ideal in that its presence is not apparent at the street. The stair and elevator land in a remote corner of the lower ground floor space allocated to the centre, resulting in awkward and circuitous circulation for users. The panel enquired about access from the street down the side of the building next to the reserve to external day-care doors already facing this space, but the applicant indicated that the falls were too great to provide disabled access. An improvement would occur if the lift and stair were moved to the northeast, so that the lobby at street level would be between apartments G04 and G05 and the lobby downstairs would be next to the office and playroom 1.</li> </ul>

SEPP 65 – Design Quality of Residential Flat Buildings	Comments
	<p>The amended plans were reviewed and UDRP maintain that the protrusion of the basement and loading dock at the south-western elevation is undesirable, however if it is unavoidable, commitment to public artwork should form part of the conditions of consent.</p> <p><b>Planner's Comments:</b> Having regard to the constrained topography of the site and servicing needs of the development, the amended proposal incorporating vertical screen blades on the lower ground and ground floor façade to reduce visual impact on the public domain is acceptable (see <b>Figure 16</b> above).</p> <p>The applicant has provided sufficient justification regarding the limitations of providing alternative equitable access to the child care centre. The amended proposal has increased the width of the entry to the childcare lobby from Cottonwood Crescent and is immediately opposite access stairs which improves the visual connection between the public domain and the child care centre.</p>
<p><b>Built Form and Scale</b> Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p><b>UDRP:</b> The Panel supports the general site planning and massing of the proposal, with a tall slot through the centre of the building which continues down as substantial recesses and the mass adjacent to Wilga Park stepping down.</p> <p>The southeast elevation facing the creek successfully manages the scale of this large structure with a second deep vertical recess between the slot and Wilga Park. The Cottonwood elevation appears significantly more massive due to the absence of a second recess. On this side of the building, the Panel would like to see either the existing slot and recess widened, or a second vertical recess introduced, similar to that on the creek side.</p> <p>The minor exceedances of the LEP height plane are acceptable.</p> <p><b>Planner's Comments:</b> The scale and built form of the proposal, as amended, achieves a built form that complements the transitioning character of the immediately surrounding area from predominantly 3 storey walk up apartment buildings to multi storey mixed use developments.</p> <p>The applicant has not incorporated an additional vertical recess or widening of the proposed separation between Buildings A and</p>

SEPP 65 – Design Quality of Residential Flat Buildings	Comments
	<p>B due to adverse impacts on internal configuration of apartments. To address visual bulk impacts on the Cottonwood Crescent elevation the proposal utilises variations of colours, stepping of the facade and horizontal and vertical articulation visually breaks up the bulk of the building. The stepping of the building envelope towards Wilga Park also contributes to the reduction of visual bulk when viewed from Cottonwood Crescent and Wilga Park (see <b>Figure 17</b> below).</p> <p>The applicant has submitted a Clause 4.6 written justification seeking variation to the building height development standard under Clause 4.3 of RLEP 2014 as a result of the lift overruns at the roof level of Buildings A and B. The Clause 4.6 written justification is considered acceptable on environmental planning grounds as discussed in the report below.</p>
 <p><b>Figure 17.</b> Proposed north-western elevation showing façade articulation, colours and stepping of built form to reduce visual bulk</p>	
<p><b>Density</b> Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p><b>UDRP:</b></p> <p>The proposal has a compliant FSR of 4.5:1. The Panel considers the density acceptable, given that the project is less than half a kilometre from the University rail station and Macquarie Park shopping centre, is located within a high-density residential zone and causes no privacy impacts. However, maximizing FSR requires careful handling of the scale and massing of the building – see above.</p> <p><b>Planner's Comments:</b> The proposal is consistent with the floor space ratio (FSR) control of 4.5:1 under Clause 4.4 of</p>



SEPP 65 – Design Quality of Residential Flat Buildings	Comments
	the RLEP 2014. The articulation of the building mass has been carefully designed.
<p><b>Sustainability</b> Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p><b>UDRP:</b></p> <p>The main concern at present is the total lack of solar control systems shown on the drawings. Of particular concern is the long Cottonwood façade which faces northwest. The current lack of external shading will result in a massive solar heat gain in summer to half the proposal's apartments. Even with air-conditioning, which is a poor sustainability outcome for housing, it is unlikely that reasonable occupant comfort could be achieved. A fully architecturally integrated sun shading system which excludes summer sun and admits winter sun must be provided to the northwest and northeast elevations.</p> <p>The panel is pleased to see the inclusion of solar electric panels on the roof and in general anticipates inclusion of the most up-to-date innovations in environmental technologies. Mere Basix compliance is not enough.</p> <p><b>Planner's Comments:</b> The applicant has provided a BASIX Certificate which indicates that the development will meet the energy and water use targets set by the BASIX SEPP. The proposal has demonstrated compliance with relevant energy efficient, water and thermal comfort requirements with a compliant BASIX Certificate. The revised ESD report prepared by Integreco dated 19 March 2021 demonstrates that the amended proposal achieves sustainability objectives and provides satisfactory amenity for future occupants.</p> <p>The design maximises solar access and cross ventilation to apartments and complies with the requirements of the ADG.</p> <p>The amended proposal has increased the amount of deep soil area and depth within the front setback to accommodate mature tree planting.</p>
<p><b>Landscape</b> Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p>	<p><b>UDRP:</b></p> <p>With the building footprint occupying the whole site minus side and rear boundary setbacks, deep soil is limited to those setbacks. The available area exceeds minimum ADG standards.</p> <p>The landscape report proposes extensive planting including large trees in these setback zones and appropriate treatments for the internal and rooftop communal spaces</p>



SEPP 65 – Design Quality of Residential Flat Buildings	Comments
<p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, coordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p><b>Planner's Comments:</b> The amended plans have been reviewed by Council's Consultant Landscape Architect. The amended proposal provides enlarged planters measuring 3m in width with soil depths of 2m within the front setback which can accommodate substantial tree plantings.</p> <p>Landscaping within the side and rear setbacks and the child care centre outdoor play area is acceptable, subject to detailed landscape plans submitted for approval in accordance with <b>Conditions 1(b) and 1(c)</b>.</p> <p>Overall the amended landscape design optimises opportunities for deep soil planting and provides an appropriate balance at the interface of public and private uses.</p>
<p><b>Amenity</b> Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p><b>UDRP:</b> The Panel noted its view that the building is unbalanced in the sense that the floor plate B served by the elevators nearer to Wilga Park is significantly larger than that served by the elevators closer to the reserve (B floor plate). On the lower levels, the former has 11 apartments per floor, in excess of the 8 recommended in the ADG. In an effort to reduce the resultant poor amenity of the corridor, some daylight is admitted at a point along its south-eastern side, however the light is indirect – it is received via two glazed openings on either side of a fire escape and service passageway. The panel suggests that the wall between the passageway and corridor is removed, the plant room rotated so that its long wall lies along the adjacent unit (e.g. 210 on level 2), the floor plate is extended outwards to provide access to the plantroom and the full width of the new opening is fully glazed. Similar in principle to the end of the Lobby A corridors. The resulting expanded corridor area could be treated as a communal lounge area on each floor.</p> <p>Although not analysed exhaustively, the apartment layouts appear to be generally satisfactory.</p> <p><b>Planner's Comments:</b> The amended plans reconfigure circulation spaces to the lobby of Building B and provides direct access to glazing on the south-eastern elevation. The amended proposal improves access to natural daylight and outlook from communal circulation areas and enhances amenity for occupants.</p> <p>Reconfiguration of apartments on Level 1-5 fronting Wilga Park and Shrimptons Creek</p>

SEPP 65 – Design Quality of Residential Flat Buildings	Comments
	<p>enhances passive surveillance and outlook and is supported.</p> <p>Private open spaces to south-east facing apartments on Levels 7-11 have been reconfigured to increase the width of the balcony to improve useability. The reconfiguration will enhance the amenity for occupants and is supported.</p> <p>The development provides access to high quality communal facilities within the development and internal privacy for each unit with appropriate noise attenuation measures as required in <b>Conditions 34 and 122</b>.</p> <p>Further amended plans have been submitted to address servicing of the site, in particular, simultaneous two way traffic access to the basement car park and loading dock. <b>Conditions 65-69, 74, 109, 135-137, 157 and 170-174</b> have been imposed to ensure that the management of waste collection from the site is managed efficiently.</p>
<p><b>Safety</b> Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p><b>UDRP:</b> No specific concerns raised by the Panel.</p> <p><b>Planner's Comment:</b> The amended proposal is capable of satisfying CPTED principles, subject to conditions requiring the design of the mail room to minimise opportunities for mail theft and the installation and management of CCTV as recommended by the NSW Police (see <b>Conditions 28, 154 and 177-182</b>).</p> <p>The landscape design of the side and rear setbacks, and interface between the child care centre outdoor play area and communal indoor pool area to Shrimptons Creek provides adequate passive surveillance of adjacent public open spaces.</p> <p>Appropriate lighting of the development is required as a condition of consent (see <b>Condition 59</b>).</p>
<p><b>Housing Diversity and Social Interaction</b> Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p><b>UDRP:</b> The proposed apartment mix satisfies this principle.</p> <p><b>Planner's Comment:</b> The amended proposal includes additional 2 bedrooms + study and 3 bedrooms + study apartments. The proposed apartment mix contributes to the availability of a range of apartment types to meet housing needs in the local area and is acceptable.</p>

SEPP 65 – Design Quality of Residential Flat Buildings	Comments
<b>Aesthetics</b> Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.	<b>UDRP:</b> Overall, the Panel is generally supportive of the architectural design and materials and colours selections.  The Panel notes that the earlier version of this development had more heavily modulated facades, particularly that on Cottonwood Crescent. This achieved a greater play of light and shade and felt more appropriate given the solar orientation.  The amended proposal has increased articulation of the facades, particularly the contrast of light and darker finishes. However, the Panel recommends the use of self finished materials rather than render and painted finishes.  The Panel notes that passive solar control has not been incorporated into the north-western façade to improve thermal comfort, visual privacy and internal amenity for occupants.  <b>Planner's Comments:</b> The amended proposal generally breaks down the scale and bulk of the building through articulation of the façade.  Although the amended proposal has not incorporated external passive solar controls such as additional blades, the façade includes winter gardens and various tinted windows that contributes to passive solar control and interest on the façade.

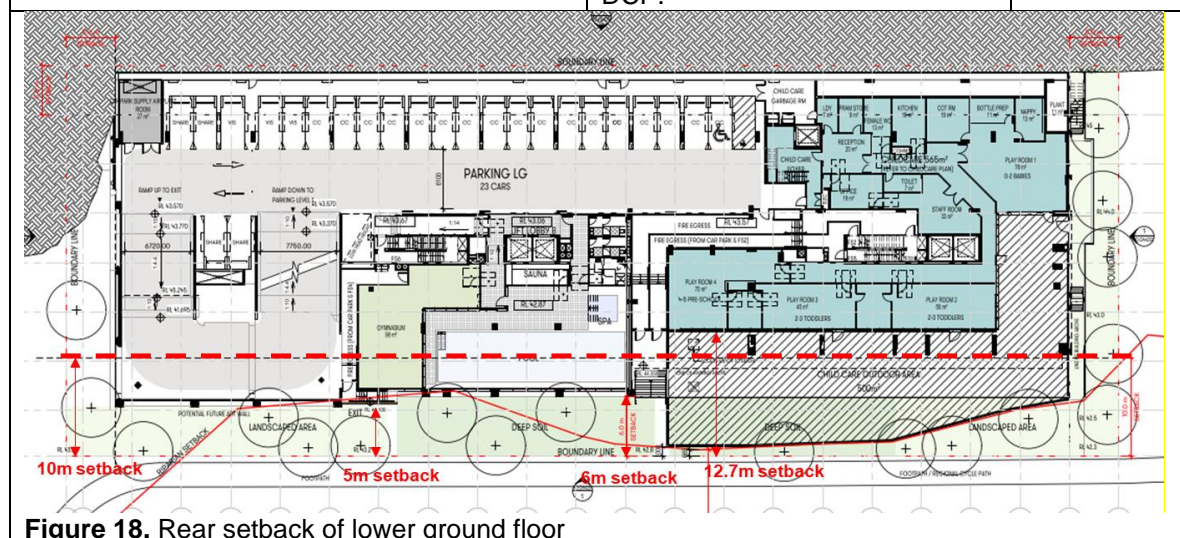
### (c) Apartment Design Guide

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

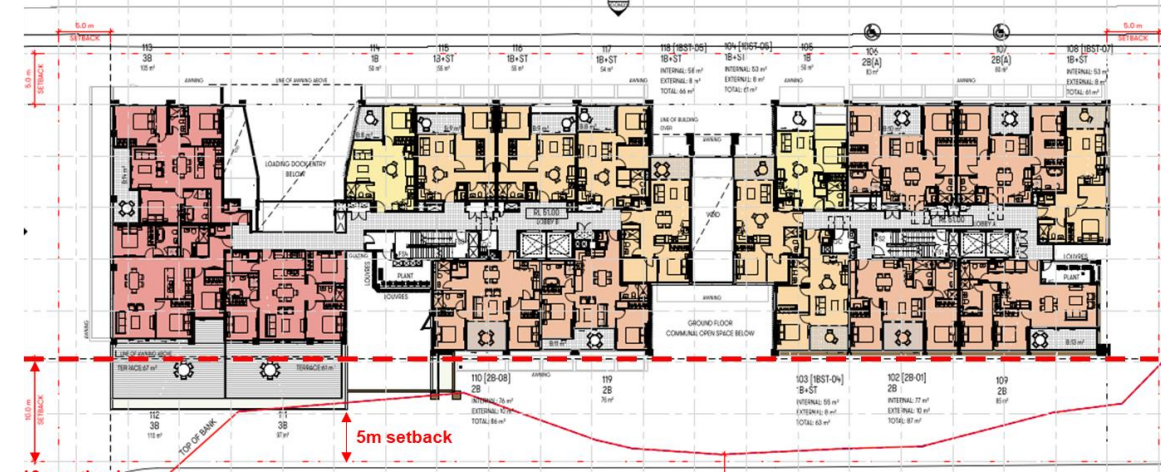
SEPP No. 65 ADG Compliance Table	Considerations	Complies
Part 2 Development the controls		
<b>Building Depth</b> Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line.	The development is wider than it is long, with an 89m frontage to Cottonwood Crescent.  The design incorporates a high degree of modulation and the proposed building depth ranges between 20m and 24m. This is also a design response to the dimensions of the site.  Apartment depths, from glass line to glass line range between 9m-12m.	No – Acceptable on merit

SEPP No. 65 ADG Compliance Table	Considerations	Complies
	<p>Notwithstanding the proposed building depth exceedance, the proposal provides for acceptable levels of cross ventilation (60% of units) and solar access (70% of units).</p> <p>The proposed building depth allows for appropriately sized rooms with sufficient solar access and natural ventilation. Accordingly, and given the UDRP have raised no concerns in this regard and the non-compliance is not considered significant, the proposed design is considered reasonable in the circumstances.</p> <p>Buildings A and B have building depths ranging between 19-24m.</p>	
<p><b>Building Separation</b> Minimum separation distances for buildings are:</p> <p><i>Up to four storeys (approx 12m):</i></p> <ul style="list-style-type: none"> <li>- 12m between habitable rooms/balconies</li> <li>- 9m between habitable and non-habitable rooms –</li> <li>6m between non-habitable rooms</li> </ul> <p><i>Five to eight storeys (approx. 25m):</i></p> <ul style="list-style-type: none"> <li>- 18m between habitable rooms/balconies</li> <li>- 12m between habitable and non-habitable rooms</li> <li>- 9m between non-habitable rooms</li> </ul> <p><i>Nine storeys and above (over 25m):</i></p> <ul style="list-style-type: none"> <li>- 24m between habitable rooms/balconies</li> <li>- 18m between habitable and non-habitable rooms</li> <li>- 12m between non-habitable rooms</li> </ul> <p>Note:</p> <ul style="list-style-type: none"> <li>• At the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m</li> <li>• No building separation is necessary where building types incorporate blank party walls. Typically, this occurs along a main street or at podium levels within centres</li> </ul>	<p>The site is immediately adjoined by public open space along both side boundaries (Cottonwood Reserve and Wilga Park) and the rear boundary (Shrimptons Creek). There are no residential developments immediately adjoining the subject site.</p> <p>The closest future residential development to the north-east of the site, at No. 14-16 Cottonwood Crescent, is adequately separated from the proposed development given the combination of the approved 11.8m south-western setback at No. 14-16 Cottonwood Crescent to Cottonwood Reserve, the width of Cottonwood Reserve (approximately 27m wide) and the proposed 5m north-eastern setback.</p> <p>The proposal provides a separation of approximately 12m between Buildings A and B on the north-western and south-eastern elevations between Levels 1 to 12 and reduces the appearance of building bulk. Although the proposed separation between Buildings A and B does not comply with the required 18m (up to Level 9) and 24m (Level 9 and above)</p>	<p>Partially Complies – Acceptable on merit</p>

SEPP No. 65 ADG Compliance Table	Considerations	Complies
	separation between habitable rooms, the proposal incorporates angled hooded windows that provide sufficient visual and acoustic privacy and enables natural ventilation to habitable rooms.	
<b>Front, Rear &amp; Side Setbacks</b> Street setbacks establish the alignment of buildings along the street frontage. Side and rear setbacks govern the distance of a building from the side and rear boundaries and govern the height of the building.	<p>The proposed 5m front setback to Cottonwood Crescent and 5m setbacks to Cottonwood Reserve and Wilga Park comply with the setback requirements under RDCP 2014.</p> <p>The RDCP 2014 requires a rear setback of 10m. Part of the building is setback between 5-6m from the rear boundary particularly at the south-western and south-eastern corner on the lower ground, ground floor and Level 1 (containing the loading dock, vehicular access to the basement car park levels, terraces to apartments on the ground floor and Level 1 and the communal pool). The proposal provides extensive landscaping within the 6m setback and provides an appropriate buffer between the building and the public domain along Shrimptons Creek (see <b>Figures 18 and 19</b> below).</p> <p>The rear setbacks at the north-eastern corner of the development ranges between 10m-12.7m (see <b>Figure 18</b> below) and complies with the rear setback control under the DCP.</p>	Partially Complies





SEPP No. 65 ADG Compliance Table	Considerations	Complies
		
<b>Figure 19. Rear setback on Level 1</b>		
	<p>Above Level 1, the building is setback 10m from the rear boundary and complies with the setback requirements.</p> <p>The building is setback 20m from the Riparian Corridor along Shrimptons Creek, except for minor encroachments between 600mm and 700mm at the basement levels, ground and first floor levels. The extent of the encroachment into the riparian corridor consist of external building elements such as columns and part of an external wall, and does not include habitable floor space. The non-compliance will not result in any adverse environmental impacts and is acceptable. It is noted that Water NSW has raised no objection to the encroachment to the riparian corridor.</p>	
<b>Part 3 Siting the development Design criteria/guidance</b>	<b>Considerations</b>	<b>Consistent</b>
<b>3B Orientation</b> Building types and layouts respond to the streetscape and site while optimising solar access and minimising overshadowing of neighbouring properties in winter	<p>The building primarily addresses Cottonwood Crescent and Shrimptons Creek. The proposal addresses the primary street frontage and provides passive surveillance to immediately adjoining public open spaces.</p> <p>The proposal achieves more than 2 hours of solar access to 70% of apartments and complies with the requirements in the ADG.</p> <p>The proposed built form comprising of a stepped building</p>	Yes

SEPP No. 65 ADG Compliance Table	Considerations	Complies
	form adjacent to Wilga Park reduces the extent of overshadowing to public open spaces in comparison to a compliant maximum building envelope permitted under the RDCP 2014. As such, the proposed building envelope results in less impacts on surrounding public domain and is supported.	
<b>3C Public domain interface</b> Transition between private & public domain is achieved without compromising safety and security and amenity of the public domain is retained and enhanced.	<p>The proposal provides appropriate interfaces between public and private open spaces with landscape planters and changes in floor levels to provide separation between private terrace and the public domain.</p> <p>The proposal has been amended to incorporate architecturally designed vertical blades to reduce the visual impact of the blank walls fronting Wilga Park and Shrimptons Creek.</p> <p>The interface between the development and Cottonwood Reserve consists of window openings from the child care centre indoor areas, outdoor play area and landscaping.</p> <p>The boundary fence to the child care centre outdoor play area fronting Shrimptons Creek has been amended to comprise of a mix of translucent and transparent materials to balance the need for privacy and passive surveillance.</p>	Yes
<b>3D Communal &amp; public open space</b> Provide communal open space to enhance amenity and opportunities for landscaping & communal activities.  <u>Design Criteria</u> 1. Provide communal open space with an area equal to 25% of site; 2. Minimum 50% of usable area of communal open space to receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June.	<p>Site Area = 4,227m<sup>2</sup>            Required Communal Open Space (COS) = 1,056.75m<sup>2</sup> (25%)</p> <p>Lower ground floor            pool/gymnasium/sauna = 370m<sup>2</sup></p> <p>Ground Floor COS = 110m<sup>2</sup>            Level 7 COS = 165m<sup>2</sup>            Level 10 COS = 110m<sup>2</sup>            Level 12 COS = 195m<sup>2</sup></p>	No - Acceptable on merit.

SEPP No. 65 ADG Compliance Table	Considerations	Complies
	<p>Total COS = 580m Combined COS and indoor recreational area = 950m<sup>2</sup> (22.5%)</p> <p>Although the combined area of the 4 communal open spaces throughout the development does not achieve the minimum 25% of site area required under the ADG, the development provides suitable spaces for a range of passive recreational uses for occupants and is acceptable as it contributes to amenity for residents.</p> <p>The communal pool, gymnasium, spa and sauna area at the lower ground level has direct outlook to Shrimptons Creek, provides high quality amenity for occupants and passive surveillance to public open spaces.</p> <p>Having regard to the orientation of the site and permitted building envelope, solar access to the ground level particularly along the south-eastern boundary is constrained. The communal open spaces on different floor levels throughout the development have access to direct sunlight between 9.00am and 3.00pm on 21 June and will provide acceptable amenity for occupants.</p>	
<p><b>3E Deep Soil Zone</b> Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.</p> <p><u>Design criteria</u> Deep soil zones are to be provided equal to 7% of the site area and with min. dimension of 6m.</p>	<p>Deep soil areas are provided within the front, side and rear setbacks. Having regard to the minimum dimensions for deep soil areas under the ADG, the proposal provides approximately 3.35% of deep soil area and is inconsistent with the requirement under the ADG. However, it is noted that the building footprint and setbacks are consistent with the built form controls under the RDCP 2014, except for the basement setback to Cottonwood Crescent. Notwithstanding this, deep soil areas have been maximised within the setbacks and the proposal will contribute positively to the landscaped character of</p>	<p>No – Acceptable on merit.</p>



SEPP No. 65 ADG Compliance Table	Considerations	Complies												
	<p>streetscape and adjoining public open spaces.</p> <p>Council's Consultant Landscape Architect has noted that a minor reduction in the required dimensions for deep soil area from 6m to 5m would increase the proposed deep soil area from 3.35% to 16.54%. Despite the numerical non compliance, adequate landscaping can be accommodated subject to amended landscape plans detailing appropriate plant species (see <b>Condition 1(b)</b>),</p>													
<p><b>3F Visual Privacy</b> Building separation distances to be shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</p> <p><u>Design Criteria</u> Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1"> <thead> <tr> <th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr> </thead> <tbody> <tr> <td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr> <tr> <td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr> <tr> <td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr> </tbody> </table> <p>Note:</p> <ul style="list-style-type: none"> <li>• Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</li> <li>• Separation distances between buildings on the same site should combine required building separations depending on the type of room</li> <li>• At the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m</li> <li>• No building separation is required between blank party walls.</li> </ul>	Building height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	over 25m (9+ storeys)	12m	6m	<p>As discussed above, the site adjoins public open space along 3 of its 4 property boundaries and is sufficiently separated from future residential developments.</p> <p>The separation between residential apartments in Building A and Building B, whilst not meeting the required 24m, with hooded windows to assist with maintaining adequate visual privacy is considered appropriate and will not result in any adverse amenity impacts.</p>	Partially Complies – Acceptable on merit
Building height	Habitable rooms and balconies	Non-habitable rooms												
up to 12m (4 storeys)	6m	3m												
up to 25m (5-8 storeys)	9m	4.5m												
over 25m (9+ storeys)	12m	6m												
<p><b>3G Pedestrian Access &amp; entries</b></p> <p>Pedestrian Access, entries and pathways are accessible and easy to identify.</p>	The primary pedestrian entrances to the building from Cottonwood Crescent are clearly defined.	Yes												
<p><b>3J Parking Provisions</b></p> <p><b>Car parking:</b> For development in the following locations:</p>	The site is located approximately 450m from Macquarie University	Yes												

SEPP No. 65 ADG Compliance Table	Considerations	Complies
<ul style="list-style-type: none"> <li>• on sites that are within 800 metres of a railway station; or</li> <li>• within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre,</li> </ul> <p>The minimum parking for residents and visitors to be as per RMS Guide to Traffic Generating Developments, or Council's car parking requirement, whichever is less.</p>	<p>Station and is within the B4 Mixed Use zone under RLEP 2014.</p> <p>The proposal provides a total of 199 car parking spaces and does not exceed the maximum car parking rate of 212 for the development under RDCP 2014.</p>	
<p><b>Bicycle Parking:</b> Provide adequate motorbike, scooter and bicycle parking space (undercover).</p>	<p>40 bicycle parking are proposed within the basement car park.</p> <p>Bicycle parking has been provided in accordance with RDCP 2014.</p>	Yes
<p><b>Basement Design for parking:</b></p> <ul style="list-style-type: none"> <li>• Basement car park not to exceed 1m above ground (use stepped/ split level).</li> <li>• Natural ventilation to be provided for basement car parks. Any ventilation grills/ screening device to be integrated into the façade and landscape design.</li> </ul>	<p>The basement car park levels are located below ground except for part of the vehicular access ramp on the lower ground floor at the south-eastern corner of the building.</p>	No – Acceptable due to constrained topography
<b>Part 4 Designing the building</b>		
<p><b>4A Solar &amp; daylight access</b> <b>Design Criteria</b></p> <p>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.</p> <p>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid- winter.</p>	<p>70% of apartments receive a minimum 2 hours of direct sunlight as required under the ADG.</p> <p>13% of apartments receive no direct sunlight between 9am - 3pm in mid-winter. The number of apartments that receive no direct sunlight are acceptable.</p>	<p>Yes</p> <p>Yes</p>
<p>Design should incorporate shading and glare control, particularly for warmer months</p>	<p>The proposal incorporates shading and solar control to apartments to enhance amenity during summer months and satisfactorily achieves thermal comfort and energy efficiency requirements under BASIX.</p>	Complies
<p><b>4B Natural Ventilation</b> All habitable rooms are naturally ventilated.</p>	<p>All habitable rooms are naturally ventilated.</p>	Yes
<p>Design layout of single aspect apartments to maximises natural ventilation.</p>	<p>Single aspect apartments with open floor plans do not exceed 8m in depth, except for 2 apartments on the ground floor measuring approximately 9.2m. The ceiling height of the ground floor apartments are 3.1m and will provide adequate access to natural light and ventilation.</p>	Partially Complies
<p><b>Design criteria</b> 1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any</p>	<p>60% of apartments are naturally cross ventilated.</p>	Yes

SEPP No. 65 ADG Compliance Table	Considerations	Complies												
enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed. 2. Overall depth of a cross-over or cross through apartment does not exceed 18m, measured glass line to glass line.	Cross through apartments do not exceed 18m in depth.													
<b>4C Ceiling Heights</b> Ceiling height achieves sufficient natural ventilation and daylight access. The following is required as a minimum: <table><tr><th colspan="2">Minimum ceiling height for apartment and mixed use buildings</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr><tr><td>If located in mixed used areas</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr></table>	Minimum ceiling height for apartment and mixed use buildings		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use	The ceiling heights of apartments range between 2.8m and 3.1m. Access to natural light and ventilation can be achieved.	Yes
Minimum ceiling height for apartment and mixed use buildings														
Habitable rooms	2.7m													
Non-habitable	2.4m													
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area													
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope													
If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use													
<b>4D Apartment size and layout</b>  Apartments are required to have the following minimum internal areas with one bathroom:  <ul style="list-style-type: none"><li>• Studio = 35m<sup>2</sup>;</li><li>• 1 bedroom = 50m<sup>2</sup>;</li><li>• 2 bedroom = 70m<sup>2</sup>;</li><li>• 3 bedroom = 90m<sup>2</sup>;</li><li>• 4 bedroom = 102m<sup>2</sup>.</li></ul> Note: Additional bathrooms increase the minimum internal area by 5m <sup>2</sup>	All apartments satisfy minimum internal areas.	Yes												
Habitable room depths are limited to a maximum of 2.5 x the ceiling height. In open plan layouts – habitable room (where the living, dining and kitchen are combined) be maximum depth of 8m from a window.	Apartments have a maximum depth of 8m from a window, except for Apartment Nos. G11 and G12 which are approximately 9.2m in depth. The apartment depth is acceptable as the ceiling height of 3.1m and provides access to natural light and ventilation.	Partially Complies												
Master bedrooms - minimum area of 10m <sup>2</sup> & other bedrooms 9m <sup>2</sup> (excluding wardrobe space).	Bedrooms meet the minimum size requirements.	Yes												
Bedroom - minimum dimension of 3m (excluding wardrobe space) Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"><li>• 3.6m for studio and 1 bedroom apartments;</li><li>• 4m for 2 and 3 bedroom apartments</li></ul>	Room sizes meet the minimum requirements.	Yes												
The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	Cross through apartments are between 8.5m and 8.8m in width and meet the minimum requirements.	Yes												

SEPP No. 65 ADG Compliance Table	Considerations	Complies															
<b>4E Private Open Space and balconies</b>  Apartments must provide appropriately sized private open space and balconies to enhance residential amenity.  <b>Design criteria</b> 1. All apartments are required to have primary balconies as follows: <table border="1"> <thead> <tr> <th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr> </thead> <tbody> <tr> <td>Studio apartments</td><td>4m<sup>2</sup></td><td>-</td></tr> <tr> <td>1 bedroom apartments</td><td>8m<sup>2</sup></td><td>2m</td></tr> <tr> <td>2 bedroom apartments</td><td>10m<sup>2</sup></td><td>2m</td></tr> <tr> <td>3+ bedroom apartments</td><td>12m<sup>2</sup></td><td>2.4m</td></tr> </tbody> </table> 2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m <sup>2</sup> and a minimum depth of 3m.  Primary private open space and balconies are appropriately located to enhance liveability for residents.  Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.	Dwelling type	Minimum area	Minimum depth	Studio apartments	4m <sup>2</sup>	-	1 bedroom apartments	8m <sup>2</sup>	2m	2 bedroom apartments	10m <sup>2</sup>	2m	3+ bedroom apartments	12m <sup>2</sup>	2.4m	<p>Each apartment is provided with a balcony which meets the minimum requirement in area and depth.</p> <p>The proposal consists of 11 ground floor apartments. Eight (8) of the ground floor apartments contain private terraces with areas ranging between 8m<sup>2</sup> and 30m<sup>2</sup>.</p> <p>The amended proposal incorporating enlarged landscape planters to maximise deep soil areas and planting within the front setback has reduced the dimensions of terraces. All terraces fronting Cottonwood Crescent achieve the minimum 15m<sup>2</sup> and 3m depth in the principle useable area adjacent to the indoor living spaces, except for Apartment No. G06 which has a terrace of 8m<sup>2</sup>. The terrace area complies with the minimum requirements for a balcony to a similar sized apartment and is acceptable in this instance as occupants will have good amenity given the apartment exceeds the minimum area, has high floor ceiling heights and has dual aspects.</p> <p>Primary private open spaces are directly connected to living areas.</p> <p>The balconies and terraces have been integrated into the design of the building's façade and landscaping at ground level.</p>	<p>Yes</p> <p>Partially Complies – Acceptable on merit</p> <p>Yes</p> <p>Yes</p>
Dwelling type	Minimum area	Minimum depth															
Studio apartments	4m <sup>2</sup>	-															
1 bedroom apartments	8m <sup>2</sup>	2m															
2 bedroom apartments	10m <sup>2</sup>	2m															
3+ bedroom apartments	12m <sup>2</sup>	2.4m															
<b>4F Common circulation and spaces.</b> <b>Design criteria</b> 1. The maximum number of apartments off a circulation core on a single level is 8.	<p>The ground floor comprises of 6 apartments in Building A and 5 apartments in Building B.</p> <p>Building A contains between 7-8 apartment on Levels 1 to 12 and complies with the maximum number of apartments serviced by a circulation core.</p> <p>Building B complies with the maximum number of apartments serviced by a circulation core on</p>	<p>Partially Complies – Acceptable on merit</p>															

SEPP No. 65 ADG Compliance Table	Considerations	Complies
<p>2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p>	<p>Levels 8-12. However, Levels 1-7 comprises between 10-12 apartments per circulation core and is in exceedance of the ADG.</p> <p>Notwithstanding the exceedance in the number of apartments per floor level on Levels 1-7 in Building B, the development provides good amenity for occupants as the design of the common circulation corridors on Levels 1-7 in Building B have a minimum width of 1.6m and access to natural light and ventilation.</p> <p>Building A contains a total of 96 apartments and is serviced by 2 lifts. Building B contains a total of 111 apartments and is serviced by 2 lifts. The proposal exceeds the maximum number of apartments sharing a single lift by 16 apartments in Building A and 31 apartments in Building B. However, the applicant has adequately demonstrated with a lift analysis report prepared by Kone, dated 18 November 2020, that the lifts are capable of providing efficient services to occupants with satisfactory to excellent wait times during peak periods.</p> <p>A condition will be imposed that requires goods movements be restricted to off-peak periods to limit the impact to the peak period lift service capacity (see <b>Condition 166</b>).</p>	<p>No – Acceptable on merit</p>
<p>Design Guide: Daylight and natural ventilation should be provided to all common circulation space above ground. Windows should be provided at the end wall of corridor, adjacent to the stair or lift core</p>	<p>Corridors and common circulation areas are provided with operable window openings for natural light and ventilation.</p>	<p>Yes</p>
<p><b>4G Storage</b> Adequate, well designed storage is to be provided for each apartment.</p> <p><b>Design criteria</b> 1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided:</p>	<p>Storage for apartments comprise a mix of storage located within the apartment and in the basement as shown on the architectural plans. Storage is provided in accordance with the minimum requirement and required to be verified in accordance <b>Condition 55</b>.</p>	<p>Yes</p>

SEPP No. 65 ADG Compliance Table		Considerations	Complies									
<table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio apartments</td><td>4m³</td></tr><tr><td>1 bedroom apartments</td><td>6m³</td></tr><tr><td>2 bedroom apartments</td><td>8m³</td></tr><tr><td>3+ bedroom apartments</td><td>10m³</td></tr></table>	Dwelling type	Storage size volume	Studio apartments	4m³	1 bedroom apartments	6m³	2 bedroom apartments	8m³	3+ bedroom apartments	10m³		
Dwelling type	Storage size volume											
Studio apartments	4m³											
1 bedroom apartments	6m³											
2 bedroom apartments	8m³											
3+ bedroom apartments	10m³											
<p>At least 50% of the required storage is to be located within the apartment. Additional storage is conveniently located, accessible and nominated for individual apartments (show on the plan)</p>												
<p><b>4H Acoustic privacy</b> Noise transfer is minimised through the siting of buildings and building layout.</p> <p>Noise impacts are mitigated within apartments through layout and acoustic treatments.</p> <p>In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.</p> <p>Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission</p>	<p>Appropriate design and acoustic treatments are provided within the building to avoid noise transfer. <b>Conditions 34 and 122</b> on the consent requires an AAAC 5 Star Certificate to be submitted demonstrating that the construction of the building including internal walls and floors has sufficient acoustical attenuation including from noise generated between residential units.</p>	Yes										
<p><b>4K Apartment mix</b> A range of apartment types with different number of bedrooms (1 bed, 2 bed, 3 bed etc.) should be provided.</p>	<p>The proposal includes:</p> <ul style="list-style-type: none"><li>• 89 x 1 bedroom and 1 bedroom + study apartments (42.99%)</li><li>• 99 x 2 bedroom and 2 bedroom + study (47.83%)</li><li>• 19 x 3 bedroom and 3 bedroom + study apartments (9.18%)</li></ul> <p>The proposed apartment mix provides a suitable range of apartment types to meet the demand for housing mix within Macquarie Park.</p>	Yes										
<p><b>4L Ground floor apartments</b> Building facades to provide visual interest, respect the character of the local area and deliver amenity and safety for residents.</p>	<p>The proposal provides 11 ground floor apartments fronting Cottonwood Crescent and Shrimptons Creek. The ground floor apartments and the building façade addresses the public domain and provides passive surveillance between public and private spaces.</p>	Yes										
<p>Building functions are expressed by the façade.</p>	<p>The design of the building façade clearly expresses the predominant use of the site as a</p>	Yes										



SEPP No. 65 ADG Compliance Table	Considerations	Complies
	residential development. The separate entrances for the residential lobby and child care centre lobby identifies the different uses contained within the development.	
Privacy and safety should be provided without obstructing casual surveillance.	Casual surveillance is provided from ground floor apartments, communal areas and apartments above ground level.	Yes
<b>4N Roof design</b> Roof treatments are integrated into the building design and positively respond to the street.	The proposed roof design integrates with the overall architectural character of the building.  Mechanical plant and equipment located centrally on the roof level of both Buildings A and B will not be visually prominent.	Yes
Opportunities to use roof space for residential accommodation and open space are maximised.	The proposal provides communal open spaces on Levels 7, 10 and 12. The communal open space on Level 7 is accessible from both Buildings A and B. The communal open spaces on Levels 10 and 12 are accessed via the lift lobby of Building B.	Yes
Roof design incorporates sustainability features.	Solar panels are provided on the roof level contributing to solar energy reuse within the building.	Yes
<b>4O Landscape design</b> Landscape design contributes to the streetscape and amenity. Landscape design is viable and sustainable	The proposed landscape design will contribute to the landscaped character of the street and will complement adjoining public open spaces.  The proposal also incorporates planting within the communal open spaces at the ground floor and Levels 7, 10 and 12.	Yes
<b>4P Planting on structures</b> Appropriate soil profiles are provided.	Appropriate soil depths for planters to accommodate sufficient planting are proposed and is acceptable subject to verification of soil depths in accordance with <b>Condition 56</b> .	Yes (subject to condition)
<b>4Q Universal design</b> Universal design features are included in apartment design to promote flexible housing for all community members. A variety of apartments with adaptable designs are to be provided.	The proposal includes 20 adaptable apartments (9.66%) which presents a shortfall of 1 apartment to achieve the required 10% adaptable apartments given that 207 apartments are proposed.  A condition has been recommended to require the development to provide a total of	No (resolved by condition)

SEPP No. 65 ADG Compliance Table	Considerations	Complies
	10% adaptable apartments (see <b>Condition 1(a)</b> ).	
<b>4S Mixed use</b> Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.	The proposal comprises of a 565m <sup>2</sup> child care centre on the lower ground floor level with outdoor play areas adjacent to Shrimptons Creek.  The primary access to the child care centre is provided from Cottonwood Crescent and encourages pedestrian movements along Cottonwood Crescent.	Yes
<b>4T Awnings and signage</b> Awnings are well located and complement and integrate with the building design.	Awnings are located over the entrances to the residential lobby and child care centre lobby. The awnings are integrated into the design of the building and contribute to the architectural character of the building.	Yes
<b>4U Energy efficiency</b> Development incorporates passive environmental design measures – solar design, natural ventilation etc.	A BASIX Certificate has been submitted.	Yes

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

#### **8.11. State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017**

The development is subject to Part 3 – Early Education and Care Facilities – Specific Development Controls under the SEPP.

##### Clause 23 Centre-based child care facility – matters for consideration by consent authorities

Clause 23 of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 provides that:

*Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.*

The Child Care Planning Guideline (herein simply referred to as ‘the Guideline’) establishes the assessment framework to deliver consistent planning outcomes and design quality for centre-based child care facilities in NSW.

The Guideline is structured as follows:

- Part 1 – Introduction
- Part 2 – Design Quality Principles
- Part 3 – Matters for consideration
- Part 4 – Applying the National Regulations to development proposals

Clause 25 of the SEPP stipulates development standards relating to location, indoor or outdoor space, site area and dimensions and heritage considerations for child care centres that prevails development control plans under Ryde DCP 2014.

An assessment of the proposal against the relevant clauses of the Guidelines is detailed in the compliance table below.

Guideline	Compliance with standard/provision
<b>Part 2 Design Quality Principles</b>	
<b>Principle 1. Context</b> Good design responds and contributes to its context, including the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Well-designed child care facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood. Well-designed child care facilities take advantage of its context by optimising nearby transport, public facilities and centres, respecting local heritage, and being responsive to the demographic, cultural and socio-economic makeup of the facility users and surrounding communities.	<b>Complies</b>  The proposal is consistent with the mixed use character of the locality and complements development within the Macquarie Park Corridor. The child care centre is a suitable use in the locality and will not have any adverse impacts on the amenity of future residential occupants or surrounding properties.
<b>Principle 2. Built Form</b> Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area. Good design achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Good design also uses a variety of materials, colours and textures. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook. Contemporary facility design can be distinctive and unique to support innovative approaches to teaching and learning, while still achieving a visual appearance that is aesthetically pleasing, complements the surrounding areas, and contributes positively to the public realm.	<b>Complies</b>  The proposed child care centre is located within the lower ground floor level of the building and is contained within the proposed building envelope.  The primary access to the child care centre is via Cottonwood Crescent. The outdoor play area is orientated to the south-east boundary fronting Shrimptons Creek.  The child care centre does not contribute to the overall bulk or scale of the development. The proposed outdoor play area and landscaping complements the landscaped character of the adjacent public domain.  The amended proposal provides fencing along the boundary of the outdoor play area consisting of a mix of palisade fencing and translucent panels to provide a balance between passive surveillance of the public domain along Shrimptons Creek and privacy for children and staff.
<b>Principle 3. Adaptive learning spaces</b> Good facility design delivers high quality learning spaces and achieves a high level of amenity for children and staff, resulting in buildings and	<b>Complies</b>  The design of the child care centre provides direct access for children between indoor

<b>Guideline</b>	<b>Compliance with standard/provision</b>
<p>associated infrastructure that are fit-for-purpose, enjoyable and easy to use. This is achieved through site layout, building design, and learning spaces fit-out. Good design achieves a mix of inclusive learning spaces to cater for all students and different modes of learning. This includes appropriately designed physical spaces offering a variety of settings, technology and opportunities for interaction.</p>	<p>learning spaces and outdoor play area. Direct sightlines from indoor areas to outdoor areas enable appropriate supervision of children from indoor areas.</p>
<p><b>Principle 4. Sustainability</b>  Combines positive environmental, social and economic outcomes. This includes use of natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and re-use of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p><b>Partially Complies</b></p> <p>Window and door openings are provided to all indoor play rooms and open towards the outdoor play area. However, the acoustic report prepared by Acoustic Logic recommends that windows are kept closed when children are occupying internal areas and that doors are open only for egress and ingress. In order to achieve acoustic compliance, natural ventilation cannot be provided to indoor areas.</p> <p>The proposal seeks to utilise mechanical ventilation between 7.00am and 8.00pm to regulate the temperature and amenity for children and staff during hours of operation.</p> <p>Deep soil planting areas along the south-eastern boundary of the outdoor play area contributes to deep soil zones within the development and will consist of suitable plantings.</p>
<p><b>Principle 5. Landscape</b>  Landscape and buildings should operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Well-designed landscapes make outdoor spaces assets for learning. This includes designing for diversity in function and use, age-appropriateness and amenity. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p>	<p><b>Complies</b></p> <p>The landscaping within the outdoor play area provides visual interest and opportunities for exploration for the children. The proposed location of landscaping within the outdoor play area and along the rear boundary is capable of accommodating appropriate screen planting for the privacy of the child care centre and contribute to the landscaped character of Shrimptons Creek. Detailed landscape plans showing the specific plant species is required in <b>Condition 1(b)</b>.</p>
<p><b>Principle 6. Amenity</b>  Good design positively influences internal and external amenity for children, staff and neighbours. Achieving good amenity contributes to positive learning environments and the well-being of students and staff. Good amenity combines appropriate and efficient indoor and outdoor learning spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age groups and degrees of mobility.</p>	<p><b>Complies</b></p> <p>The internal and external layout of the child care centre optimises views and provides direct access from internal play areas to the outdoor space.</p> <p>The design of the outdoor play area provides various zones for children to play and explore. Adequate storage facilities are provided within</p>

Guideline	Compliance with standard/provision
Well-designed child care facilities provide comfortable, diverse and attractive spaces to learn, play and socialise.	<p>the outdoor play area to meet the needs of the child care centre.</p> <p>The proposed tree plantings and fence fronting Shrimptons Creek will provide an acceptable balance of privacy and outlook from the child care centre.</p>
<p><b>Principle 7 - Safety</b></p> <p>Well-designed child care facilities optimise the use of the built and natural environment for learning and play, while utilising equipment, vegetation and landscaping that has a low health and safety risk, and can be checked and maintained efficiently and appropriately.</p> <p>Well-designed child care facilities incorporate passive surveillance and Crime Prevention Through Environmental Design (CPTED).</p>	The proposal provides opportunities for surveillance from the internal areas of the child care centre to the outdoor play area and towards the adjacent public open space.
<b>Part 3 Matters for Consideration</b>	
<b>3.1 Site Selection and Location</b>	
<p><b>C1. For proposed developments in or adjacent to a residential zone, consider:</b></p> <ul style="list-style-type: none"> <li>The acoustic and privacy impacts of the proposed development on the residential properties</li> <li>The setbacks and siting of buildings within the residential context</li> <li>Traffic and parking impacts of the proposal on residential amenity.</li> </ul>	<p><b>Complies</b></p> <p>The site and immediately surrounding properties are located within the B4 – Mixed Use zone under the RLEP 2014. Child care centres are a permissible use within the zone.</p> <p>An acoustic report prepared Acoustic Logic dated 30 June 2020 recommends the closure of windows and doors whilst children occupy the indoor spaces and the installation of an awning over the outdoor play area to minimise noise impacts on residential occupants above. Use of mechanical ventilation between 7.00am and 8.00pm will maintain amenity of internal areas and minimise noise impacts on adjoining residential properties.</p> <p>Subject to operational management measures and conditions of consent, the use of indoor and outdoor play areas of the child care centre will not adversely impact surrounding residential properties.</p> <p>The proposed building setbacks are consistent with setback controls under RDCP 2014. The child care centre is contained within the proposed building and is appropriately setback from the property boundaries.</p> <p>The child care centre is provided with 17 car parking spaces within the lower ground floor basement car park. The car parking provisions are consistent with car parking requirements under RDCP 2014. The proposal satisfactorily accommodates the demand for car parking within the site.</p>

Guideline	Compliance with standard/provision
<p><b>C2</b> When selecting a site, ensure that:</p> <ul style="list-style-type: none"> <li>• The location and surrounding uses are compatible with the proposed development or use</li> <li>• The site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards</li> <li>• There are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed</li> <li>• The characteristics of the site are suitable for the scale and type of development proposed having regard to: - size of street frontage, lot configuration, dimensions and overall size - number of shared boundaries with residential properties - the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas</li> <li>• There are suitable drop off and pick up areas, and off and on street parking</li> <li>• The type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use</li> <li>• It is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises.</li> </ul>	<p><b>Complies</b></p> <p>The site is located within an area that is undergoing transition from 3 storey walk up residential apartments to multi storey mixed use developments.</p> <p>The proposal for a mixed use development comprising of 2 residential towers and a child care centre is consistent with the B4 Mixed Use zone and the scale of developments occurring in surrounding properties.</p> <p>The site is bounded by public open space along three of its four property boundaries and does not share any boundaries with existing residential developments. The closest residential developments are located on the opposite side of Cottonwood Crescent, in Peach Tree Road and to the north-east beyond Cottonwood Reserve.</p> <p>The site is adjacent to the riparian corridor of Shrimptons Creek but is not directly affected by flooding, land slip or bushfire risks.</p> <p>A Detailed Site Investigation Report prepared by JBS&amp;G Australia Pty Ltd and addendum dated 12 November 2020 concludes that the site is suitable for high density residential use and a child care centre, subject to conditions of consent (see <b>Condition 73</b>).</p> <p>The child care centre use is not a visually or spatially dominant use within the development (occupying approximately 2.97% of gross floor area).</p> <p>Cottonwood Crescent and immediately surrounding streets are local roads that are capable of facilitating vehicular and pedestrian traffic generated by the child care centre use.</p> <p>There are no restricted premises or incompatible uses such as licensed premises, drug clinics or sex services in the vicinity of the site.</p>
<p><b>C3.</b> A child care facility should be located:</p> <ul style="list-style-type: none"> <li>• Near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship</li> <li>• Near or within employment areas, town centres, business centres, shops</li> </ul>	<p><b>Complies</b></p> <p>The proposed development is located immediately adjacent to Cottonwood Reserve, Shrimptons Creek, Wilga Park and in the vicinity of Quandong Reserve and Elouera Reserve.</p> <p>The child care centre use is compatible with existing surrounding developments and future developments transitioning to a mix of uses that complement the range of employment educational, commercial and residential uses in Macquarie Park.</p>



Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> <li>• With access to public transport including rail, buses, ferries</li> <li>• In areas with pedestrian connectivity to the local community, businesses, shops, services and the like.</li> </ul>	<p>The site is located in the vicinity of public transport options including the Macquarie University Metro Station (450m from the site) and buses along Waterloo Road and Herring Road.</p> <p>The site is within walking distance to Macquarie Shopping Centre which provides access to local shops and services. The site is also located to the north of a recently approved Hillsong Church located in Byfield Street.</p>
<p><b>C4</b> A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</p> <ul style="list-style-type: none"> <li>• Proximity to: <ul style="list-style-type: none"> <li>– Heavy or hazardous industry, waste transfer depots or landfill sites</li> <li>– LPG tanks or service stations</li> <li>– water cooling and water warming systems</li> <li>– odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses.</li> </ul> </li> </ul>	<p><b>Complies</b></p> <p>The site and surrounding developments have historically been occupied for residential purposes. The site is adjacent to public open spaces and is not in close proximity to uses that will expose visitors to the site to environmental risks from heavy or hazardous industries, service stations or other land uses that generate noise and odour pollutants.</p>
<p><b>3.2 Local Character, streetscape and the public domain interface</b></p>	
<p><b>C5</b> The proposed development should:</p> <ul style="list-style-type: none"> <li>• Contribute to the local area by being designed in character with the locality and existing streetscape</li> <li>• Reflect the predominant form of surrounding land uses, particularly in low density residential areas</li> <li>• Recognise predominant streetscape qualities, such as building form, scale, materials and colours</li> <li>• Include design and architectural treatments that respond to and integrate with the existing streetscape</li> <li>• Use landscaping to positively contribute to the streetscape and neighbouring amenity</li> <li>• Integrate car parking into the building and site landscaping design in residential areas.</li> </ul>	<p><b>Complies</b></p> <p>The scale and built form of the development is contextually appropriate and will not detract from the streetscape character of Cottonwood Crescent or amenity of the adjacent public open spaces. The landscaped design of the proposal will complement the existing streetscape and enhance outlook and amenity of adjoining public open spaces.</p> <p>The proposal will complement the changing character of local area and contribute to the desired future character of Macquarie Park.</p> <p>Basement car parking is provided for residents, visitors and the child care centre. The design of the carpark and access to the site has taken into consideration site constraints such as the topography of the site, proximity to the riparian corridor and required setbacks, flooding impacts and the dimensions of the site. The proposed façade treatments at the south-eastern and south-western facades to minimise the visual impact of extensive blank walls and landscaping within the side and rear setbacks will contribute positively to the presentation of the development to Wilga Park and Shrimptons Creek.</p>

Guideline	Compliance with standard/provision
<p><b>C6</b> Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> <li>• Fencing to ensure safety for children entering and leaving the facility</li> <li>• Windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community</li> <li>• Integrating existing and proposed landscaping with fencing.</li> </ul>	<p><b>Complies</b></p> <p>The proposal provides clear delineation between the private and public domains along Cottonwood Crescent and Shrimptons Creek. Landscaping and fencing around the boundaries of the child care centre provides physical separation between the child care centre and adjoining public open spaces. The proposed fence is an appropriate design and balances safety, security and privacy between the private and public domains.</p>
<p><b>C8</b> Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:</p> <ul style="list-style-type: none"> <li>• Clearly defined street access, pedestrian paths and building entries</li> <li>• Low fences and planting which delineate communal/ private open space from adjoining public open space</li> <li>• Minimal use of blank walls and high fences.</li> </ul>	<p><b>Complies</b></p> <p>The child care centre's outdoor play area adjoins Cottonwood Reserve to the north-east and Shrimptons Creek to the south-east.</p> <p>The proposed fencing and landscaping adjacent to the north east and south east boundaries provide clear separation of public and private spaces whilst maintaining the landscaped character of the area, particularly when viewed from the public domain.</p> <p>The proposed boundary fence comprising of a mix of palisade fencing and translucent panels measures 1.8m in height and is situated above a 1.1m high retaining wall. The retaining wall height reduces along Cottonwood Reserve and along the western boundary of the outdoor play area in response to the fall of the site. Notwithstanding the overall height of the fence when viewed from Shrimptons Creek, the scale and visual impact of the fence is mitigated through the use of materials and landscaping.</p>
<p><b>C9</b> Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.</p>	<p><b>N/A</b></p> <p>The child care centre does not have a frontage to Cottonwood Crescent that requires the construction of fences.</p>
<p><b>3.3 Building orientation, envelope and design</b></p>	
<p><b>C11</b> Orient a development on a site and design the building layout to:</p> <ul style="list-style-type: none"> <li>• Ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: - facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties - placing play equipment away from common boundaries with residential properties - locating outdoor play areas away from</li> </ul>	<p><b>Complies</b></p> <p>The design of internal areas and outdoor play areas of the child care centre adequately addresses visual privacy between the child care centre and the residential apartments above, and the adjoining public open spaces. The child care centre will not have direct sightlines into habitable rooms or balconies of apartments above.</p>

Guideline	Compliance with standard/provision
<p>residential dwellings and other sensitive uses</p> <ul style="list-style-type: none"> <li>Optimise solar access to internal and external play areas</li> <li>Avoid overshadowing of adjoining residential properties</li> <li>Minimise cut and fill</li> <li>Ensure buildings along the street frontage define the street by facing it</li> <li>Ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions.</li> </ul>	<p>The outdoor play area is orientated towards Shrimptons Creek. The Plan of Management and recommendations of the acoustic report will minimise noise impacts on residential apartments above.</p> <p>Given the outdoor play area is located at the south-eastern portion of the site, the proposed building substantially overshadows the outdoor play area between 12.00noon and 3.00pm on 21 June. However, the outdoor play area receives direct solar access in the morning from 9.00am and partial sunlight up to 12.00noon and indirect solar access is provided to the north-eastern outdoor play area adjacent to Cottonwood Reserve.</p> <p>Internal play areas will have access to some direct sunlight between 9.00am and 3.00pm on 21 June and access to natural daylight. Given the childcare centre is located on the lower ground level of the development and is primarily orientated to the south-east, access to sunlight and natural daylight is considered acceptable.</p> <p>The proposal does not result in any overshadowing of adjoining residential properties.</p> <p>Excavation of the site was addressed and approved as part of LDA2020/0317. No additional cut and fill is proposed as part of this application.</p> <p>The proposed building appropriately addresses Cottonwood Crescent with principle residential and child care centre lobby.</p> <p>N/A – The outdoor play area is not located above ground floor.</p>
<p><b>C12</b> The following matters may be considered to minimise the impacts of the proposal on local character:</p> <ul style="list-style-type: none"> <li>Building height should be consistent with other buildings in the locality</li> <li>Building height should respond to the scale and character of the street</li> <li>Setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility</li> <li>Setbacks should provide adequate access for building maintenance</li> </ul>	<p><b>Partially complies</b></p> <p>The proposed building is a part 13 and part 14 storey development with maximum heights (measured to the top of plant) of 46.17m and 45.69m. The proposal exceeds the maximum building height control of 45m for the site under RLEP 2014 and a Clause 4.6 written justification has been submitted seeking variation to the developments standard.</p> <p>The overall built form and building height is considered contextually appropriate having regard to the transition of the locality from 3 storey walk up apartment buildings to multi storey mixed use developments.</p>

Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> <li>Setbacks to the street should be consistent with the existing character.</li> </ul>	<p>As discussed above, the site does not share boundaries with existing or proposed residential development. The proposal will not have any adverse impacts on privacy of surrounding properties.</p> <p>The proposed building setbacks will adequately facilitate any required building maintenance.</p> <p>The proposed building is setback 5m from Cottonwood Crescent and appropriately addresses the street and will complement the character of the streetscape.</p>
<p><b>C13</b> Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres.</p> <p>On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.</p>	<p><b>Complies</b></p> <p>Cottonwood Crescent is not a classified road.</p> <p>The childcare centre is located within the proposed mixed use building, which has sufficient setbacks that meet the objectives of the RDCP 2014 to achieve a consistent building line.</p>
<p><b>C14</b> On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.</p>	<p><b>N/A</b></p> <p>The site is in the B4 – Mixed Use zone under RLEP 2014.</p>
<p><b>C15</b> The built form of the development should contribute to the character of the local area, including how it:</p> <ul style="list-style-type: none"> <li>Respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage</li> <li>Retains and reinforces existing built form and vegetation where significant</li> <li>Considers heritage within the local neighbourhood including identified heritage items and conservation areas</li> <li>Responds to its natural environment including local landscape setting and climate</li> <li>Contributes to the identity of place</li> </ul>	<p><b>Complies</b></p> <p>The proposed building bulk and scale is contextually appropriate having regard to the planning controls facilitating the redevelopment of the area to comprise of multistorey mixed use developments.</p> <p>The site does not contain any significant vegetation. Tree removal has been approved for existing trees within the site under the demolition and excavation DAs.</p> <p>N/A – the site is not a heritage item and is not located in a conservation area. There are no heritage items immediately adjacent to the site.</p> <p>The proposed built form responds appropriately to the riparian corridor by maintaining an appropriate setback to Shrimptons Creek and provision of landscaping along the side and rear boundaries that will contribute the amenity of adjoining public open spaces.</p>
<p><b>C16</b> Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> <li>Located to allow ease of access, particularly for pedestrians</li> </ul>	<p><b>Complies</b></p> <p>The primary entrance to the child care centre is provided via the lobby fronting Cottonwood Crescent. The lobby provides lift and stair</p>

Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> <li>• Directly accessible from the street where possible</li> <li>• Directly visible from the street frontage</li> <li>• Easily monitored through natural or camera surveillance</li> <li>• Not accessed through an outdoor play area.</li> </ul>	<p>access to the reception area at the lower ground floor level.</p> <p>Access to the childcare centre is also provided via the lower ground basement.</p> <p>Passive surveillance can be achieved between the lobby and the public domain.</p> <p>No access is provided to the child care centre through the outdoor play area.</p>
<p><b>C17</b> Accessible design can be achieved by:</p> <ul style="list-style-type: none"> <li>• Providing accessibility to and within the building in accordance with all relevant legislation</li> <li>• Linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry</li> <li>• Providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible</li> <li>• Minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath.</li> </ul>	<p><b>Complies</b></p> <p>Equitable access is provided from the public domain and within the development.</p> <p>A pedestrian ramp with a grade of 1:14 is provided from Cottonwood Crescent to the entrance of the child care centre lobby. A lift is also provided from the lobby to the child care centre at lower ground and basement car park.</p>
<b>3.4 Landscaping</b>	
<p><b>C18</b> Appropriate planting should be provided along the boundary integrated with fencing.</p> <p>Screen planting should not be included in calculations of unencumbered outdoor space.</p>	<p><b>Able to Comply</b></p> <p>Sufficient areas for landscape planting along the boundary of the child care centre is provided fronting Shrimptons Creek and along the north-eastern side boundary. <b>Conditions 1(b) and 1(c)</b> has been included requiring the preparation and submission of landscape plans that detail planting location and species. Council's Consultant Landscape Architect/Arborist is satisfied that sufficient planting can be provided.</p>
<p><b>C19</b> Incorporate car parking into the landscape design of the site by:</p> <ul style="list-style-type: none"> <li>• Planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings</li> </ul>	<p><b>N/A</b></p> <p>Car parking for the child care centre and the development is located within the basement.</p>



Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> <li>Taking into account streetscape, local character and context when siting car parking areas within the front setback</li> </ul>	
<b>3.5 Visual and acoustic privacy</b>	
<p><b>C21</b> Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</p> <ul style="list-style-type: none"> <li>Appropriate site and building layout</li> <li>Suitably locating pathways, windows and doors</li> <li>Permanent screening and landscape design.</li> </ul>	<p><b>Complies</b></p> <p>The proposed fencing around the outdoor play area fronting Shrimptons Creek and Cottonwood Reserve will minimise direct overlooking of indoor and outdoor areas. The proposed landscaping within the side and rear setbacks will further minimise direct overlooking of the child care centre from the public domain.</p> <p>Given the site is adjacent to public open space, the proposal is not adversely affected by noise impacts between the private and public spaces.</p>
<p><b>C22</b> Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</p> <ul style="list-style-type: none"> <li>Appropriate site and building layout</li> <li>Suitable location of pathways, windows and doors</li> <li>Landscape design and screening</li> </ul>	<p><b>Complies</b></p> <p>The proposed child care centre is located on the lower ground floor level and does not directly overlook any adjoining residential developments or the residential apartments located above the child care centre.</p> <p>Awnings above the child care centre outdoor area will provide some screening to obstruct direct views between the apartments and outdoor play area.</p>
<p><b>C23</b> A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:</p> <ul style="list-style-type: none"> <li>provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence).</li> </ul>	<p><b>Complies</b></p> <p>Acoustic fencing is not required as the site is not adjoined to existing residential developments. Acoustic fencing is not required to mitigate any noise impacts of the child care centre on residential apartments within the development.</p>
<b>3.6 Noise and Air Pollution</b>	
<p><b>C25</b> Adopt design solutions to minimise the impacts of noise, such as:</p> <ul style="list-style-type: none"> <li>Creating physical separation between buildings and the noise source</li> <li>Using landscaping to reduce the perception of noise</li> <li>Limiting the number and size of openings facing noise sources</li> <li>Locating cot rooms, sleeping areas and play areas away from external noise sources.</li> </ul>	<p><b>Complies</b></p> <p>The proposal is not adjacent to any significant noise sources. Landscaping is proposed along the boundaries of the outdoor play area and the property boundary adjacent to public open space to enhance the perception of separation and any amenity impacts.</p> <p>The internal areas are sufficiently setback from property boundaries and will not be adversely affected by external noise sources as windows and doors are to be closed during hours of operation.</p>

Guideline	Compliance with standard/provision
<p><b>C26</b> An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:</p> <ul style="list-style-type: none"> <li>• On industrial zoned land</li> <li>• Where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000</li> <li>• Along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007</li> <li>• On a major or busy road</li> <li>• Other land that is impacted by substantial external noise</li> </ul>	<p><b>N/A</b></p> <p>The site is not located in an industrial zone, affected by air plane noise, along a railway or mass transit corridor and on a major road.</p>
<p><b>C27</b> Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.</p>	<p><b>Complies</b></p> <p>The site is not affected by external sources of air pollution as it is not on a major road or in the vicinity of industrial developments.</p>
<p><b>C28</b> A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines. The air quality assessment report should evaluate design considerations to minimise air pollution such as:</p> <ul style="list-style-type: none"> <li>• creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution</li> <li>• using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway</li> <li>• incorporating ventilation design into the design of the facility</li> </ul>	<p><b>N/A</b></p> <p>The site is not located close to major roads or industrial developments.</p> <p>The site is unlikely to be adversely affected by air pollution and the requirement for an air quality assessment is not warranted in this instance.</p>
<p><b>3.7 Hours of Operation</b></p>	
<p><b>C29</b> Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.</p>	<p><b>Complies</b></p> <p>The proposed hours of operation are between 7:00am to 7:00pm Monday to Friday and is consistent with the Guideline.</p>
<p><b>3.8 Traffic, parking and pedestrian circulation</b></p>	
<p><b>C31.</b> Off street car parking should be provided at the rates for child care facilities specified in a</p>	<p><b>Complies</b></p> <p>The required number of car parking spaces to be provided by a child care centre is to be</p>

<b>Guideline</b>	<b>Compliance with standard/provision</b>
<p>Development Control Plan that applies to the land.</p> <p>Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rates: Within 400 metres of a metropolitan train station:</p> <ul style="list-style-type: none"> <li>• 1 space per 10 children</li> <li>• 1 space per 2 staff. Staff parking may be stack or tandem parking with no more than 2 spaces in each tandem space.</li> </ul> <p>In other areas:</p> <ul style="list-style-type: none"> <li>• 1 space per 4 children.</li> </ul> <p>A reduction in car parking rates may be considered where:</p> <ul style="list-style-type: none"> <li>• the proposal is an adaptive re-use of a heritage item</li> <li>• the site is in a B8 Metropolitan Zone or other high-density business or residential zone</li> <li>• the site is in proximity to high frequency and well-connected public transport</li> <li>• the site is co-located or in proximity to other uses where parking is appropriately provided (for example business centres, schools, public open space, car parks)</li> <li>• there is sufficient on street parking available at appropriate times within proximity of the site.</li> </ul>	<p>calculated in accordance with Part 9.3 of the Ryde DCP 2014.</p> <p>The proposal is required to provide a total of 17 car parking spaces, including 8 staff car spaces. The proposal provides 17 car parking spaces within the lower ground floor car park with direct access to the lower ground floor lobby area.</p>
<p><b>C33</b></p> <p>A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:</p> <ul style="list-style-type: none"> <li>• the amenity of the surrounding area will not be affected</li> <li>• there will be no impacts on the safe operation of the surrounding road network.</li> </ul>	<p><b>Complies</b></p> <p>A revised Traffic Impact Assessment Report prepared by Bitzios and dated 17 March 2021 was submitted to address outstanding matters identified by Council's Traffic Engineer.</p> <p>The proposed provision of 17 car parking spaces for the child care centre use is consistent with carparking requirements under RDCP 2014 and is acceptable.</p>
<p><b>C35.</b></p> <p>Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.</p>	<p><b>N/A</b></p> <p>The subject site is not located in a cul-de-sac or a narrow road. Cottonwood Crescent is capable of providing safe access for vehicles in case of emergency.</p>
<p><b>C36.</b></p> <p>The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> <li>• separate pedestrian access from the car park to the facility</li> </ul>	<p><b>Partially Complies</b></p> <p>Safe pedestrian access is provided to the site from Cottonwood Crescent. Pedestrian access to the child care centre lobby is separate from vehicular access to the basement car park.</p>

Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> <li>defined pedestrian crossings included within large car parking areas</li> <li>separate pedestrian and vehicle entries from the street for parents, children and visitors</li> <li>pedestrian paths that enable two prams to pass each other</li> <li>delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities</li> <li>vehicles can enter and leave the site in a forward direction.</li> </ul>	<p>The pedestrian ramp from Cottonwood Crescent is 1.4m wide and has a grade of 1:14 satisfactorily accommodating access for prams. The width of the ramp is constrained as the location of the ramp is adjacent to planters that are required to provide adequate deep soil and mature tree plantings within the front setback. On balance, the provision of the 1.4m wide ramp provides adequate pedestrian access and is acceptable on merit.</p> <p>A loading dock is provided within the basement car park and is separated from the main pedestrian access to the child care centre.</p> <p>The design of the car park entry will enable vehicles to enter and leave the premises in a forward direction.</p>
<p><b>C38.</b> Car parking design should:</p> <ul style="list-style-type: none"> <li>include a child safe fence to separate car parking areas from the building entrance and play areas</li> <li>provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards</li> <li>include wheelchair and pram accessible parking.</li> </ul>	<p><b>Complies</b></p> <p>The basement car park is separated from the primary entrance to the child care centre and is not in the vicinity of play areas.</p> <p>An accessible car parking space is provided adjacent to the entry at the basement car park level and will be clearly marked in accordance with relevant requirements (see <b>Condition 139</b>).</p>
<b>Part 4 Applying the National Regulations to development proposal</b>	
<p><b>4.1 Indoor Space Requirements</b></p> <p><b>Regulation 107 Education and Care Services National Regulations</b> Every child being educated and cared for within a facility must have a minimum of 3.25m<sup>2</sup> of unencumbered indoor space.</p> <p>All unencumbered indoor spaces must be provided as a secure area for children. The design of these spaces should consider the safe supervision of children.</p> <p>Applicants should also note that regulation 81 requires that the needs for sleep and rest of children at the service be met, having regard to their ages, development stages and individual needs. Development applications should indicate how these needs will be accommodated.</p> <p><b>Storage</b> It is recommended that a child care facility provide:</p> <ul style="list-style-type: none"> <li>a minimum of 0.3m<sup>3</sup> per child of external storage space</li> </ul>	<p><b>Complies</b></p> <p>The proposal is required to provide a total of 224.25m<sup>2</sup> of unencumbered indoor space for 69 children.</p> <p>The proposal satisfies the requirements as a total of 244.82m<sup>2</sup> of unencumbered indoor space is provided for 69 children.</p> <p>The design of the internal areas enable staff to safely supervise children as the indoor areas are secure and provide direct line of sight within the indoor areas and between the indoor and outdoor play areas.</p> <p><b>Able to Comply</b></p>

Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> <li>a minimum of 0.2m<sup>3</sup> per child of internal storage space.</li> </ul>	<p>The proposal provides 10 outdoor storage areas adjacent to the various outdoor play spaces. The proposal has not clearly indicated the total area provided for outdoor storage in cubic metres, however the available areas within the outdoor play area is considered capable of accommodating the minimum required amount of storage per child. A condition (see <b>Condition 1(d)</b>) has been included to ensure that a minimum of 20.7m<sup>3</sup> of external storage is provided in accordance with the requirement under the Child Care Planning Guidelines.</p> <p>The child care centre floor plans indicate the provision of 17m<sup>2</sup> of internal storage space but does not provide calculations in cubic metres as required by the control. Given the internal layout of the child care centre, sufficient internal storage space is capable of being provided to meet the needs of children and staff. A condition (<b>Condition 1(e)</b>) has been included requiring the provision of internal storage at a minimum rate of 0.2m<sup>3</sup> per child.</p>
<p><b>4.2 Laundry and hygiene facilities</b></p> <p><b>Regulation 106 Education and Care Services National Regulations</b> There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering.</p> <p><b>On site laundry</b> On site laundry facilities should contain:</p> <ul style="list-style-type: none"> <li>a washer or washers capable of dealing with the heavy requirements of the facility</li> <li>a dryer</li> <li>laundry sinks</li> <li>adequate storage for soiled items prior to cleaning</li> <li>an on site laundry cannot be calculated as usable unencumbered play space for children</li> </ul> <p><b>External laundry service</b> A facility that does not contain on site laundry facilities must make external laundering arrangements. Any external laundry facility providing services to the facility needs to comply with any relevant Australian Standards.</p>	<p><b>Complies</b></p> <p>The proposal provides laundry facilities comprising a sink, washing machine and dryer. Suitable storage of soiled items can be accommodated within the laundry. The proposed laundry facility is consistent with the requirements for an on site laundry.</p> <p><b>N/A</b> – A laundry is provided within the proposed child care centre.</p>
<p><b>4.3 Toilet and hygiene facilities</b></p> <p><b>Regulation 109 Education and Care Services National Regulations</b> A service must ensure that adequate, developmentally and age appropriate toilet,</p>	<p><b>Complies</b></p> <p>Toilet and nappy change facilities appropriate for each age group are proposed adjacent to</p>



Guideline	Compliance with standard/provision
<p>washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children. Child care facilities must comply with the requirements for sanitary facilities that are contained in the National Construction Code.</p> <p>Toilet and hygiene facilities should be designed to maintain the amenity and dignity of the occupants. Design considerations could include:</p> <ul style="list-style-type: none"> <li>• junior toilet pans, low level sinks and hand drying facilities for children</li> <li>• a sink and handwashing facilities in all bathrooms for adults</li> <li>• direct access from both activity rooms and outdoor play areas</li> <li>• windows into bathrooms and cubicles without doors to allow supervision by staff</li> <li>• external windows in locations that prevent observation from neighbouring properties or from side boundaries</li> </ul>	<p>the indoor areas to be occupied by children. Adequate facilities including toilet pans, sinks and hand washing facilities are provided.</p> <p>No direct access to toilet and nappy change facilities is provided from outdoor play areas. However, the bathrooms adjacent to outdoor play spaces are easily accessible to children. Window openings enable staff to supervise children between the indoor and outdoor areas. The windows to the south-eastern elevation are setback 12.7m from the rear boundary. The privacy of children within the toilet and nappy change facilities will be adequately maintained given the 12.7m setback, the fence along the south-eastern boundary, screen planting and the difference in ground levels between the child care centre and footpath along Shrimptons Creek.</p> <p>Separate female and unisex toilets with sinks and handwashing facilities are provided within the child care centre for adults.</p>
<p><b>4.4 Ventilation and natural light</b></p> <p>Regulation 110 Education and Care Services National Regulations Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children. Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the National Construction Code. Ceiling height requirements may be affected by the capacity of the facility.</p> <p><b>Ventilation</b></p> <p>To achieve adequate natural ventilation, the design of the child care facilities must address the orientation of the building, the configuration of rooms and the external building envelope, with natural air flow generally reducing the deeper a building becomes. It is recommended that child care facilities ensure natural ventilation is available to each indoor activity room.</p>	<p><b>No – Acceptable on merit</b></p> <p>Windows and doors to access outdoor play areas are provided to all internal areas. However, the windows and doors to the activity rooms are recommended to be closed during hours of operation to minimise noise impacts on residential apartments located on the levels above. Having regard to the mixed use character of the site and on balance of maintaining residential amenity, the reliance on mechanical ventilation for internal areas of the child care centre is acceptable.</p>

Guideline	Compliance with standard/provision
<p><b>Natural Light</b></p> <p>Solar and daylight access reduces reliance on artificial lighting and heating, improves energy efficiency and creates comfortable learning environments through pleasant conditions. Natural light contributes to a sense of well-being, is important to the development of children and improves service outcomes. Daylight and solar access changes with the time of day, seasons and weather conditions. When designing child care facilities consideration should be given to:</p> <ul style="list-style-type: none"> <li>• providing windows facing different orientations</li> <li>• using skylights as appropriate</li> <li>• ceiling heights. It is recommended that ceiling heights be proportional to the room size, which can be achieved using raked ceilings and exposed trusses, creating a sense of space and visual interest.</li> </ul>	<p><b>Complies</b></p> <p>The child care centre is located on the lower ground floor level of the development and has window and door openings on the elevations that are situated above natural ground level fronting Cottonwood Reserve to the north-east and Shrimptons Creek to the south-east.</p> <p>The child care centre has a floor to floor height of 4.03m. The north-east and south-east facades comprise of floor to ceiling glazed windows and doors maximising access to natural light.</p> <p>No skylights are provided given the child care centre is located on the lower ground floor.</p>
<p><b>4.5 Administrative Space</b></p> <p><b>Regulation 111 Education and Care Services National Regulations</b></p> <p>A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.</p>	<p><b>Complies</b></p> <p>The proposal includes an office space for administration purposes adjacent to the reception area. The office areas provide adequate privacy for staff to carry out administrative functions of the child care centre and consultations with parents.</p>
<p><b>4.6 Nappy change facilities</b></p> <p><b>Regulation 112 Education and Care Services National Regulations</b></p> <p>Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children. Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the National Construction Code.</p> <p>In circumstances where nappy change facilities must be provided, design considerations could include:</p> <ul style="list-style-type: none"> <li>• properly constructed nappy changing bench or benches</li> <li>• a bench type baby bath within one metre from the nappy change bench</li> <li>• the provision of hand cleansing facilities for adults in the immediate vicinity of the nappy change area</li> <li>• positioning to enable supervision of the activity and play areas.</li> </ul>	<p><b>Complies</b></p> <p>The proposal provides nappy change areas adjacent to indoor activity rooms for children aged between 0-2 years and 2-3 years.</p> <p>The nappy change areas have been designed to enable staff to have direct sight lines to internal and external areas and provide appropriate supervision of children by staff.</p> <p>Appropriate bench space and sinks to accommodate required nappy changing equipment is provided within the nappy change areas.</p>

Guideline	Compliance with standard/provision
<p><b>4.7 Premises designed to facilitate supervision</b></p> <p><b>Regulation 115 Education and Care Services National Regulations</b></p> <p>A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity. Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the National Construction Code.</p> <p>Design considerations should include:</p> <ul style="list-style-type: none"> <li>• solid walls in children's toilet cubicles (but no doors) to provide dignity whilst enabling supervision</li> <li>• locating windows into bathrooms or nappy change areas away from view of visitors to the facility, the public or neighbouring properties</li> <li>• avoiding room layouts with hidden corners where supervision is poor, or multi room activity rooms for single groups of children</li> <li>• avoiding multi-level rooms which compromise, or require additional staffing, to ensure proper supervision. If multilevel spaces are proposed, consideration should be given to providing areas that can be closed off and used only under supervision for controlled activities.</li> </ul>	<p><b>Complies</b></p> <p>Refer to assessment of nappy change areas and toilet facilities above.</p> <p>The indoor activity areas are immediately adjacent to outdoor play areas with glazed windows and doors to enable appropriate supervision of children by staff.</p> <p>The proposed toilet facilities for children include divides between the toilet bowls but do not include enclosed cubicles to balance the need for supervision by staff and dignity for children.</p> <p>The toilets and nappy change areas are not located in direct view of visitors and are not visible from the public domain. The site does not contain any private properties immediately adjoining the side or rear boundaries.</p> <p>The layout of the indoor activity rooms do not have hidden corners and supervision of children within the room, including toilet facilities, is achieved.</p> <p><b>N/A</b> – The children care centre is contained on a single level.</p>
<p><b>4.8 Emergency and evacuation procedures</b></p> <p>Regulations 97 and 168 Education and Care Services National Regulations Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation. Regulation 97 sets out the detail for what those procedures must cover including:</p> <ul style="list-style-type: none"> <li>• instructions for what must be done in the event of an emergency</li> <li>• an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit</li> <li>• a risk assessment to identify potential emergencies that are relevant to the service</li> </ul>	<p><b>Able to Comply</b></p> <p>No Emergency Evacuation Plan has been provided with the proposal detailing procedures to be followed in the event of an emergency.</p> <p>The submitted architectural plans indicate two fire egress points from the child care centre, one to the fire stairs leading to the rear setback adjacent to Shrimptons Creek and an exit gate to from the outdoor play area to the north-eastern side setback adjacent to Cottonwood Reserve.</p> <p>An Emergency Evacuation Plan is required to be prepared and submitted prior to the issue of an Occupation Certificate (see <b>Condition 129</b>).</p>

Guideline	Compliance with standard/provision
<p>Facility design and features should provide for the safe and managed evacuation of children and staff from the facility in the event of a fire or other emergency. Multi-storey buildings with proposed child care facilities above ground level may consider providing additional measures to protect staff and children. For example:</p> <ul style="list-style-type: none"> <li>• independent emergency escape routes from the facility to the ground level that would separate children from other building users to address child protection concerns during evacuations</li> <li>• a safe haven or separate emergency area where children and staff can muster during the initial stages of a fire alert or other emergency. This would enable staff to account for all children prior to evacuation. An emergency and evaluation plan should be submitted with a DA and should consider:</li> <li>• the mobility of children and how this is to be accommodated during an evacuation</li> <li>• the location of a safe congregation/assembly point, away from the evacuated building, busy roads and other hazards, and away from evacuation points used by other occupants or tenants of the same building or of surrounding buildings</li> <li>• how children will be supervised during the evacuation and at the congregation/assembly point, relative to the capacity of the facility and governing child-to-staff ratios</li> </ul>	<p><b>N/A</b> – The child care centre is within a multi storey development but is not located above the ground floor level.</p>
<p><b>4.9 Outdoor Space requirements</b></p> <p><b>Regulation 108 Education and Care Services National Regulations</b></p> <p>An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m<sup>2</sup> of unencumbered outdoor space.</p> <p><b>Verandahs as outdoor space</b></p> <p>Where a covered space such as a verandah is to be included in outdoor space it should:</p> <ul style="list-style-type: none"> <li>• be open on at least one third of its perimeter</li> <li>• have a clear height of 2.1 metres</li> <li>• have a wall height of less than 1.4 metres where a wall with an opening forms the perimeter</li> <li>• have adequate flooring and roofing</li> <li>• be designed to provide adequate protection from the elements.</li> </ul>	<p><b>Complies</b></p> <p>The child care centre is required to provide 483m<sup>2</sup> of unencumbered outdoor space for 69 children. The amended architectural plan identifies an outdoor play area of 500m<sup>2</sup> with 483m<sup>2</sup> of unencumbered outdoor play area.</p> <p><b>Complies</b></p> <p>The outdoor play area immediately adjacent to the internal activity area for 0-2 years is undercover with a clearance height of 3.4m. The area is open along the north-eastern and south-eastern elevations and is open on at least one third of its perimeter. The outdoor play area satisfies the requirements to be considered as outdoor space.</p>

Guideline	Compliance with standard/provision
<p><b>4.10 Natural Environment</b>  <b>Regulation 113 Education and Care Services National Regulations</b>  The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment.</p> <p>Creating a natural environment to meet this regulation includes the use of natural features such as trees, sand and natural vegetation within the outdoor space. Shrubs and trees selected for the play space must be safe for children. Avoid plant species that risk the health, safety and welfare of the facility's occupants, such as those which:</p> <ul style="list-style-type: none"> <li>• are known to be poisonous, produce toxins or have toxic leaves or berries</li> <li>• have seed pods or stone fruit, attract bees, have thorns, spikes or prickly foliage or drop branches.</li> </ul> <p>The outdoor space should be designed to:</p> <ul style="list-style-type: none"> <li>• provide a variety of experiences that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment</li> <li>• assist supervision and minimise opportunities for bullying and antisocial behaviour</li> <li>• enhance outdoor learning, socialisation and recreation by positioning outdoor urban furniture and play equipment in configurations that facilitate interaction.</li> </ul>	<p><b>Complies</b></p> <p>The landscape design of the outdoor play area incorporates a good variety of surface materials, textures and zones for exploration and interpretive play.</p> <p>The available deep soil zones and planting areas within the outdoor play area will provide children with opportunities to interact with the natural environment. Appropriate screen planting to enhance privacy for children will be planted along the side and rear boundaries of the site.</p> <p>Condition requiring the preparation of a detailed planting plan for the site for the approval of Council has been included in the conditions of consent in Attachment 1 (see <b>Conditions 1(b) and 1(c)</b>).</p>
<p><b>4.11 Shade</b>  <b>Regulation 114 Education and Care Services National Regulations</b>  The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.</p> <p><b>Solar access</b>  Outdoor play areas should:</p> <ul style="list-style-type: none"> <li>• have year-round solar access to at least 30 per cent of the ground area, with no more than 60 per cent of the outdoor space covered.</li> <li>• provide shade in the form of trees or built shade structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area</li> </ul>	<p><b>Complies</b></p> <p>The outdoor play area comprises of various shade structures including an awning, sail clothes, tee pees and the underside of the apartment building above. The proposed tree plantings along the south-eastern boundary may also contribute to shading of the outdoor play area, subject to the selection of species.</p> <p><b>No – Acceptable on merit</b></p> <p>Solar access to the outdoor play area is achieved year round in the morning period from 9.00am, however by 12.00 noon the outdoor play area is in shade for the remainder of the day.</p> <p>The section of the outdoor area covered by an awning does not result in an area greater than 30%.</p>

<p><b>Natural Shade</b> Planting for shade and solar access is enhanced by:</p> <ul style="list-style-type: none"> <li>• placing appropriately scaled trees near the eastern and western elevations</li> <li>• providing a balance of evergreen and deciduous trees to give shade in summer and sunlight access in winter.</li> </ul> <p><b>Built shade structures</b> Built structures providing effective shade include:</p> <ul style="list-style-type: none"> <li>• permanent structures (pergolas, sails and verandahs)</li> <li>• demountable shade (marquees and tents)</li> <li>• adjustable systems (awnings)</li> <li>• shade sails.</li> </ul>	<p>Having regard to the orientation of the site, the position of the child care centre on the lower ground level at the south-eastern portion of the site, access to direct sunlight to the outdoor play area in the morning is acceptable on balance and will not adversely affect the amenity provided to children.</p> <p><b>Able to comply</b></p> <p>Given the outdoor play area is extensively overshadowed by the development, planting for the purposes of providing shading is not necessary. Planting to provide a balance of evergreen and deciduous trees can be achieved and details are required to be submitted as per <b>Condition 1(b)</b>.</p> <p><b>Complies</b></p> <p>A shade sail is proposed over the sand pit at the south-western portion of the outdoor play area.</p> <p>The building footprint of the ground floor level immediately above the child care centre and an awning along the length of the south-eastern elevation provides additional shade to the outdoor play area.</p> <p>The north-eastern portion of the outdoor play area is located beneath the footprint of the ground floor level above and is provided with shade.</p>
<p><b>4.12 Fencing</b></p> <p><b>Regulation 104 Education and Care Services National Regulations</b> Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it. This regulation does not apply to a centre-based service that primarily provides education and care to children over preschool age, including a family day care venue where all children are over preschool age. Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the National Construction Code.</p> <p>In general, fencing around outdoor spaces should:</p> <ul style="list-style-type: none"> <li>• prevent children climbing over, under or through fences</li> <li>• prevent people outside the facility from gaining access by climbing over, under or through the fence</li> <li>• Design considerations for side and rear boundary fences could include:</li> </ul>	<p><b>Complies</b></p> <p>The outdoor play area is enclosed and secured with a boundary fence along the north-eastern and south-eastern boundaries. The proposed fence is 1.8m high and situated above a maximum 1.1m (variable height) retaining wall. The fence comprises of palisade fencing and translucent panels to balance the provision of passive surveillance and maintaining privacy for children.</p> <p>The fence does not provide any access from the outdoor play area to the landscaped setbacks, except for an egress gate to the north-eastern side boundary. The design of the gate will prevent unsupervised access by children.</p>

<ul style="list-style-type: none"> <li>• being made from solid prefinished metal, timber or masonry</li> <li>• having a minimum height of 1.8 metres</li> <li>• having no rails or elements for climbing higher than 150mm from the ground.</li> </ul> <p>Fencing and gates should be designed to ensure adequate sightlines for vehicles and pedestrian safety in accordance with Australian Standards and Roads and Maritime Services Traffic Management Guidelines. Gates should be designed to prevent children leaving/entering unsupervised by use of childproof locking systems.</p>	
<p><b>4.13 Soil Assessment</b></p> <p>Regulation 25 Education and Care Services National Regulations Subclause (d) of regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purposes as part of an application for service approval. With every service application one of the following is required:</p> <ul style="list-style-type: none"> <li>• a soil assessment for the site of the proposed education and care service premises</li> <li>• if a soil assessment for the site of the proposed child care facility has previously been undertaken, a statement to that effect specifying when the soil assessment was undertaken a statement made by the applicant that states, to the best of the applicant's knowledge, the site history does not indicate that the site is likely to be contaminated in a way that poses an unacceptable risk to the health of children.</li> </ul>	<p><b>Complies</b></p> <p>The Detailed Site Investigation Report and supplementary correspondence prepared by JBS&amp;G Australia Pty Ltd dated 19 December 2018 and 12 November 2020 concluded that the site is not considered to contain contaminates that poses any unacceptable risk to children.</p> <p>A condition of consent (<b>Condition 73</b>) has been imposed to require a validation report to be submitted to Council prior to the relevant Occupation Certificate.</p>

## 8.12. Ryde Local Environmental Plan 2014

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

### Clause 2.2 – Zoning

The site is located within the B4 – Mixed Use zone under the Ryde LEP 2014. The proposed development comprising of a child care centre and 207 residential apartments with basement car parking is permitted with consent.

### Clause 2.3 – Zone Objectives

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives for the B4 Mixed Use zone are as follows:

- *To provide a mixture of compatible land uses.*



- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To ensure employment and educational activities within the Macquarie University campus are integrated with other businesses and activities.
- To promote strong links between Macquarie University and research institutions and businesses within the Macquarie Park corridor

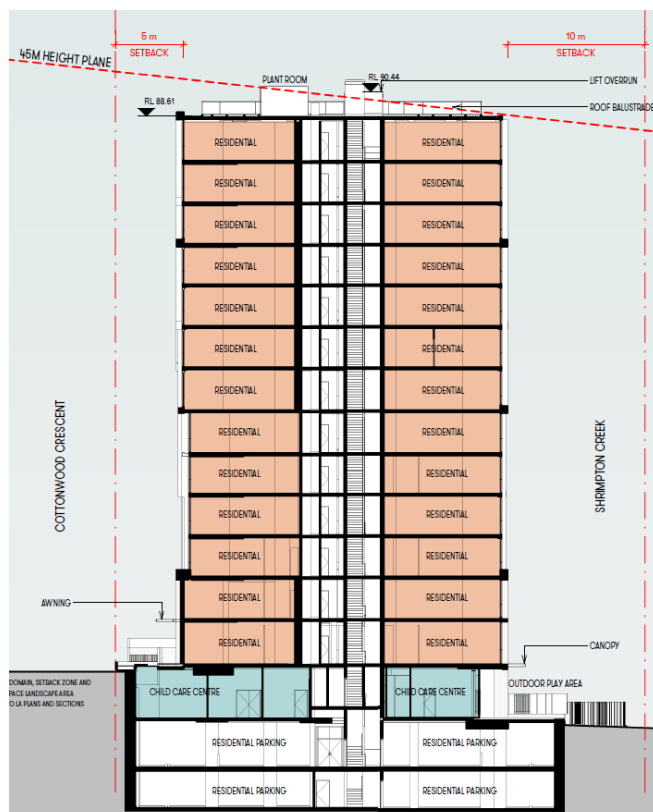
The development complies with the above objectives, and is deemed consistent with the State and local strategic intent for the zone and the Macquarie Park Corridor by integrating commercial and residential uses within the development that will contribute to housing mix and supply to meet the needs of residents, and services and employment opportunities.

### Clause 4.3 - Height of Buildings

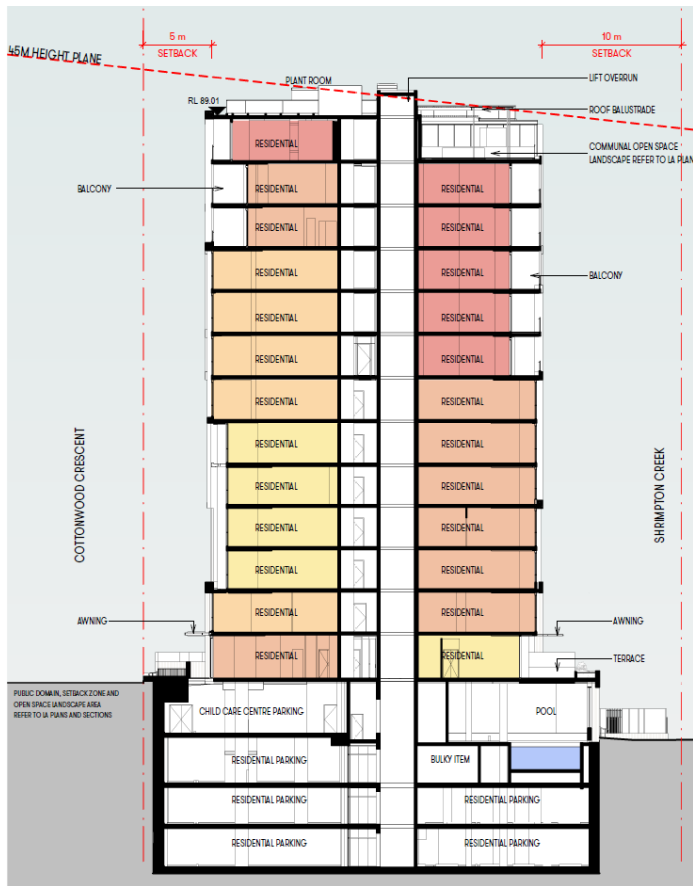
A maximum building height limit of 45m applies to the development site.

The proposal presents a maximum height of 46.22m (RL91.05) to the top of the plant at Building A and 45.94m (RL91.45) to the top of the plant at Building B.

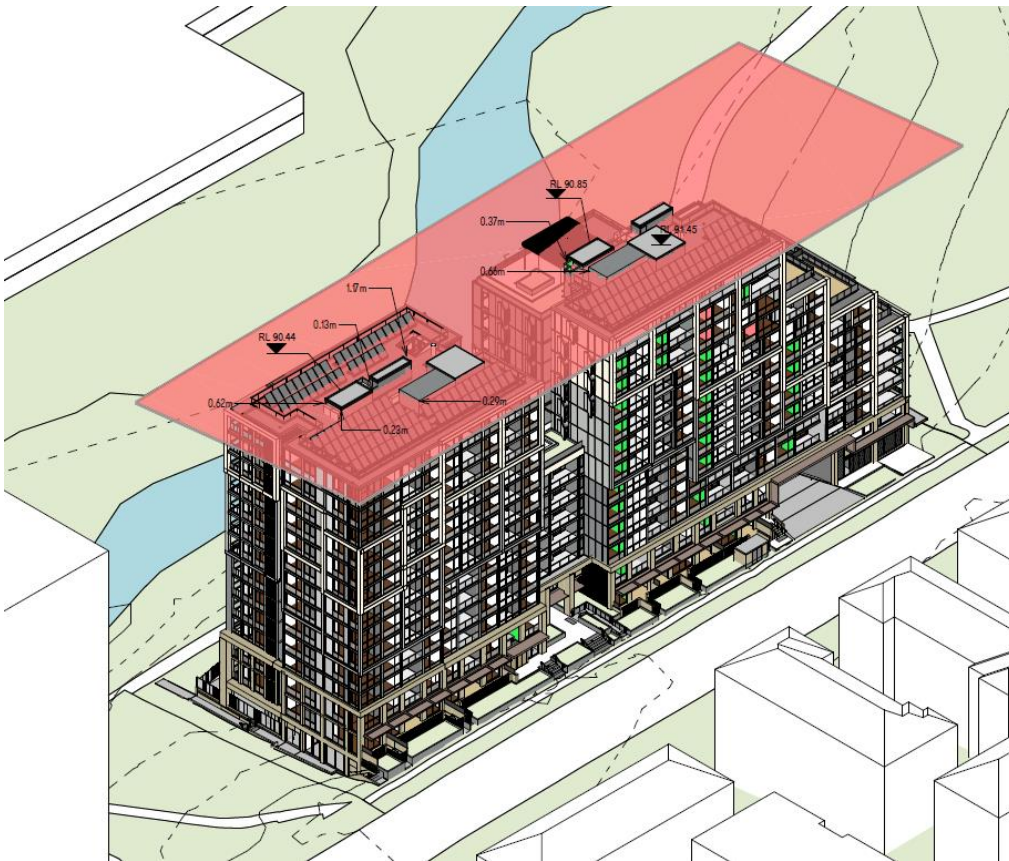
The proposal exceeds the maximum building height control by 1.22m (2.7%) and 0.94m (2.1%) comprising the top of mechanical plants and lift overruns and the safety balustrades. See **Figures 20-23** below. The variation between the exceedance to the height control is due to the slope of the site. As shown in **Figures 20-23** compliance with the maximum building height control is achieved for the development with the exception of the top of the plant and lift overruns located at the centre of Buildings A and B.



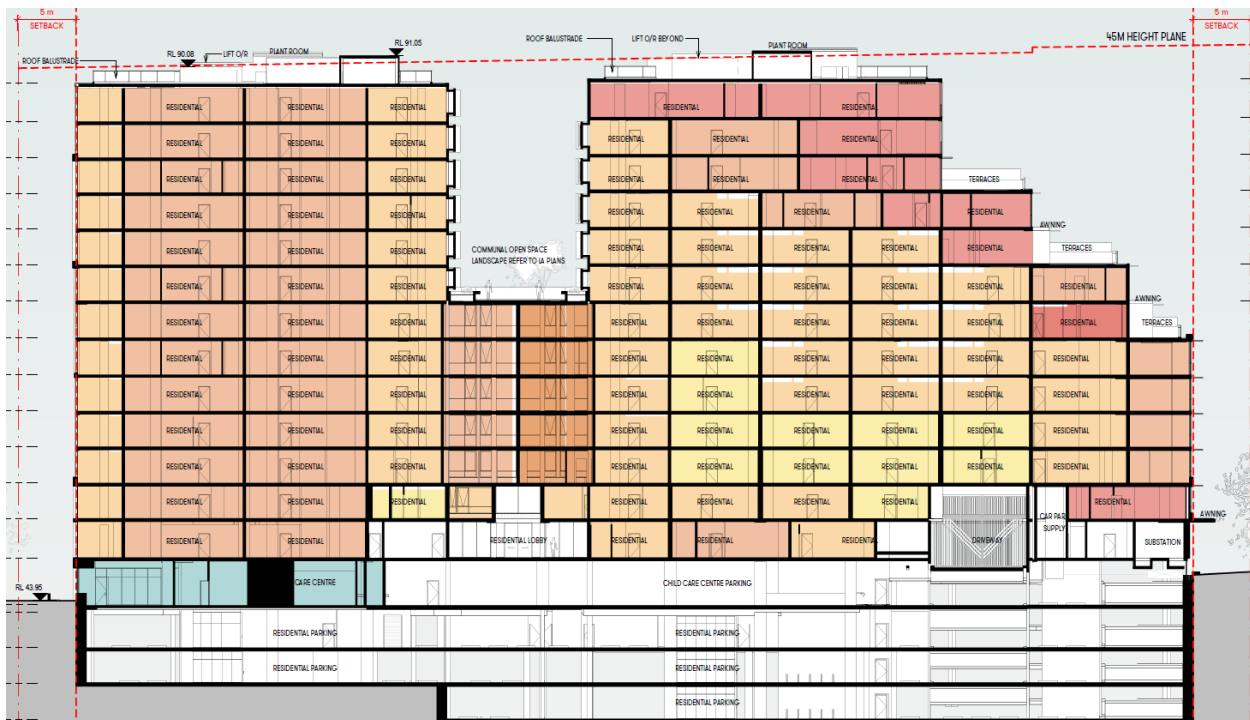
**Figure 20.** Section showing extent of height non-compliance through Building A



**Figure 21.** Section showing height non-compliance through Building B



**Figure 22.** Height plane (northwest view) showing extent of building height non-compliance (Source: Scott Carver, Drawing No. AD-DA4901 Rev 7)



**Figure 23.** Long section showing 45m height control as viewed from the north-west (Cottonwood Crescent)

A detailed Clause 4.6 written justification seeking variation to the building height development standard has been submitted which states in summary:

- *The additional height proposed relates to essential equipment (lift overruns), the placement of which within the buildings cannot reasonably be adjusted to respond to the height control.*
- *The departure from the height control proposed is extremely minor, relating to rooftop plant equipment and lift overruns which exceed the specified height limits for the site by up to 1.22m. The departure represents just 2.7% of the overall allowable height for the site.*
- *Despite the minor departure to the height control proposed, the proposed development is consistent with the intent of Clause 4.3 of the LEP which is to minimise adverse amenity impacts on neighbouring residential properties and to support the desired future character of the area.*
- *The proposal will not result in the loss of views, nor will it result in adverse amenity impacts and satisfies all relevant amenity criteria of the ADG, including access to sunlight, natural ventilation and privacy.*
- *Departure to the LEP height limit for other buildings within the immediate vicinity where it has been demonstrated that no additional adverse impact would arise as a result of additional height over and above the nominated LEP height control have similarly been approved.*

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

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

Clause 4.6 of LEP 2014 allows exceptions to development standards. Consent must not be granted for development that contravenes a development standard unless the consent

authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard.

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

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

On 12 March 2021, the applicant has provided a revised written request seeking to justify the variation to the development standard based on the amended plans. A copy of the request is attached to this report as **Attachment 2**.

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

In *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC118, 5 matters were listed to demonstrate whether compliance of a development standard was unreasonable or unnecessary, as established in *Wehbe v Pittwater Council* (2007) NSWLEC 827. This case also stipulated that all 5 methods may not need demonstrate compliance is necessary where relevant. The 5 matters for consideration are as follows:

1. *Compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.*
2. *Establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.*
3. *Establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.*
4. *Establish that the development standard has been virtually abandoned or destroyed by the Council's own decisions in granting development consents that depart from the standard and hence compliance with the standard is unnecessary and unreasonable.*
5. *Establish that the zoning of the particular land on which the development is proposed to be carried out was unreasonable or inappropriate so that the development standard, which was appropriate for that zoning, was also unreasonable or unnecessary as it applied to that land and that compliance with the standard in the circumstances of the case would also be unreasonable or unnecessary.*

The applicant's written request has demonstrated that compliance with the development standard would be unreasonable and unnecessary as the development complies with the objectives of the standard, and that the development standard has been varied by the granting of development consent for proposals that exceed the building height control, being two tests under the 'five part test' under *Wehbe v Pittwater* [2007] NSW LEC 827. Refer to discussion below.

The written request concludes that the proposed built form with a narrow building footprint and stepped form away from the western boundary minimises visual bulk and overshadowing of adjoining public open spaces. The proposed built form is compatible with the desired future character for the site and immediate locality.

The written request has considered circumstances of the site and non-compliance as follows:

*Strict compliance with the height standard across the site, when combined with the required setbacks (specifically the riparian setback to the south) and the stepped building form, would not allow the maximum density to be achieved. The proposed variation to discrete areas of the roof has been used as a means of enabling the introduction of essential servicing equipment. Achieving a fully compliant development has not been possible for the following reasons:*

- *Building at a lower RL is not possible given the flood constraints that apply to the site. Additionally, the site has been designed to respond to street level.*
- *The relocation of the lift cores to the northern extent of the buildings, where site levels would allow for the height proposed whilst remaining entirely within the LEP height limit, is undesirable for the following reasons:*
  - *Given the narrow building footprint, the approach would create an inefficient internal layout resulting in the lift core and associated servicing occupying space which is better utilised by apartments to take advantage of the northern aspect. The alternative would be to increase the number of units fronting the southern portion of the buildings by providing a narrower unit configuration with lower amenity value. The approach would result in non-compliance with key ADG criteria.*
  - *Shifting the tallest elements of the proposal northwards would also increase the visibility of this component of the development at street level, adding to the bulk of the development when viewed at this side.*
  - *It would reduce the extent of roof area available for the introduction of solar panels as proposed, thereby impacting on the sustainability credentials of the development.*

*Strict application of the height standard would necessitate the removal of a level from each building, the consequence of which would be a reduction in the yield that could be achieved across the development and would threaten the viability of the development.*

*The proposed height is considered to be acceptable when balanced against the comparative benefits of the approach as detailed above.*

*Further the approach allows for the yield anticipated by the relevant controls to be achieved on the site, thereby providing an opportunity to increase the supply and diversity of residential accommodation within Macquarie Park.*

*In view of the development context and the extent of exceedance proposed in this case strict compliance with Clause 4.3 of the LEP is considered to be both unnecessary and unreasonable. The exceedance relates to non-habitable floorspace, comprising parapet roof form, plant room and lift overrun only. Strict compliance with the height control would result in an inferior design outcome as discussed above, resulting in the overall development being reduced by one level.*

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

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

- *The footprint of the development is extremely narrow, largely owing to the incorporation of the riparian setback to the south. Relocating the lift cores from their central positions within each building would create an inefficient internal layout resulting in the lift core and associated servicing occupying space which is better utilised by apartments to take advantage of the northern aspect. The alternative would be to increase the number of units fronting the southern portion of the buildings by providing a narrower unit configuration with lower amenity value. The approach would result in non-compliance with key ADG criteria.*
- *The minor increase in building height proposed relates to servicing areas. The breach of the height control does not result in a breach in maximum floors space so there is no tangible nexus between the height variation and the overall intensity of site use. No more density is proposed for the site than that envisioned under RLEP 2014, noting that compliance with the maximum FSR standard is achieved. The proposed development merely seeks to allow for plant equipment in the most suitable position within the overall building forms.*
- *The proposed development exhibits good design and has been through a rigorous design assessment process. The uppermost elements of the development are well thought out and have been successfully integrated into the overall design of the buildings. The height variation relates to discrete sections of the two buildings. These tallest elements of the proposal are setback away from the building edge and as such are not visible from street level.*
- *The proposed height variation will not result in any demonstrable detrimental impact to any sensitive land uses so the impact of the variation is negligible:*
  - *Generously setback from Cottonwood Crescent and adjoining public reserves*
  - *No significant views that are affected by the proposal*
  - *Additional height relates to non-habitable space and as such will not impact on the privacy of adjoining uses*
  - *Lift cores are sensitively located within the central areas of the buildings. Shadows created by these components fall entirely over the building roof line.*

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

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

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

The proposal generally meets the objectives of the B4 zone by providing a suitable mix of commercial floor space (for the use as a child care centre) and residential use. The site is located with close proximity public transport, public open space and community services and contributes positively to the mixed use character within the Macquarie Park Corridor.

The proposal is not inconsistent or incompatible with the ability to achieve the objectives relating to the promotion of links between the Macquarie University campus and surrounding businesses and activities. The site is approximately 450m from the main entrance to Macquarie University at the intersection of Herring Road and Waterloo Road, and comprises of residential accommodation and a child care centre that can support the needs of students and university staff.

Consideration of the proposal against the objectives for the building height development standard under Clause 4.3, are provided as follows:

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

**Comment:** The properties located within Cottonwood Crescent and the surrounding area are in a period of transition with proposed higher density mixed use developments that are compatible with the desired future character for the locality.

The proposal as presented to Cottonwood Crescent and adjoining public open spaces is of an appropriate built form and scale and generally consistent with the relevant built form controls under RLEP 2014 and RDCP 2014.

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

**Comment:** The non-compliant portion of the building contains lift overruns and top of plant areas that are centrally located and will not contribute to additional overshadowing to surrounding public open spaces or residential developments.

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

**Comment:** The proposed numerical non-compliance of 2.7% is not inconsistent with the objective to consolidate lots to facilitate development that is compatible with integrating uses that are compatible with surrounding public transport.

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

**Comment:** The proposal will not have any adverse impacts on the amenity of surrounding residential properties as the site is immediately adjoined by public open spaces on 3 boundaries. Subject to appropriately designed external facades fronting Wilga Park and Shrimptons Creek, the proposal will not detract from the character or amenity within adjoining public open spaces.



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

**Comment:** The orientation and articulation of the building appropriately addresses Cottonwood Crescent as the primary frontage. Having regard to the topography of the site and required floor levels to address flood impacts, the proposal provides appropriate ground floor access to the site from Cottonwood Crescent.

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

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

### **4. Public Benefit**

There are no unreasonable impacts that will result from the proposed variation to the building height standard. The proposal is considered to be in the public interest as the variation to the building height standard is not inconsistent with the objectives of the B4 Mixed use zone or the objectives of the building height control under Clause 4.3 of the RLEP 2014.

### **Conclusion**

The Clause 4.6 variation is considered to be well founded and has adequately addressed the proposed non-compliance with the building height development standard. In particular, the written justification has adequately addressed that compliance with the standard is unreasonable and unnecessary in the circumstances of the proposal given the topography of the site which falls from Cottonwood Crescent and Shrimptons Creek and the requirement for floor levels to achieve minimum flood levels at the lower ground and ground floors. As discussed in the report above, the extent of the non-compliance with the building height control comprises the top of the roof of the plant areas and lift overruns on both Buildings A and B, part of solar panels and south-eastern balustrade on the roof level at Building A, and part of the shade structure to the communal open space at the roof level of Building B. The built elements to both Buildings A and B that present the greatest exceedance with the height control are located at the top of the lift overruns which are setback from the external façade of the buildings and will not contribute to the appearance of additional building bulk.

Support for this Clause 4.6 variation is considered unlikely to generate an undesirable precedent within the area having regard to minimal environmental impacts and the scale and built form of approved developments in the vicinity of the site.

It is considered that the non-compliance can be supported in the circumstance of the case, as there are sufficient environmental planning grounds for contravening the development standard and the proposal is consistent with the objectives of both the development standard and the B4 Mixed Use zone.

The proposal is considered to be in the public interest and is acceptable.

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

Under the RLEP 2014, a floor space ratio (FSR) of 4.5:1 applies to the development site. A floor space ratio of 4.5:1 is proposed with a gross floor area of 19,022m<sup>2</sup>. The

proposal complies with the maximum floor space ratio permitted for the site and is acceptable.

#### Clause 6.1 – Acid Sulfate Soils

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

#### Clause 6.2 – Earthworks

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

The subject application does not propose any earthworks as excavation, shoring and piling works associated with the proposal was approved under LDA2020/0317.

#### Clause 6.3 – Flood Planning

The site is not identified on the Flood Planning Map, however being adjacent to Shrimptons Creek, the site has been identified as being susceptible to flooding and overland flow during large storm events. Shrimptons Creek is subject to flooding in the 100 year annual recurrence interval (ARI) and Probable Maximum Flood (PMF) scenarios. The application has been submitted with a Flood Assessment Report prepared by WMA Water dated 22 June 2020 which has identified how proposed stormwater flow management and drainage strategy works within the site conditions. The report also concluded that the proposed floor levels are compliant with Council's flood planning levels and does not warrant an active emergency response management plan, flood monitoring/warning system or evacuation plans.

Council's Development Engineer has concluded that the proposed development is acceptable subject to conditions of consent. (See **Conditions 17, 35-37, 102, 104, 130 and 133**)

#### Clause 6.4 - Stormwater Management

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

#### Clause 6.6 - Environmental Sustainability

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

This clause states that consent must not be granted to development on land in a business or industrial zone exceeding 1,500m<sup>2</sup> in GFA unless the consent authority is satisfied that development has had regard to a number of prescribed environmental outcomes. A BASIX, Thermal Comfort and ESD Report, prepared by Integreco dated June 2020,

provides a summary of the applicant's sustainable design commitments for the proposed development as follows:

- BASIX score of 25/25 for energy and 42/40 for water
- NatHERS thermal comfort rating of 5.7 stars
- Drought tolerant landscaping
- Ground level external shading structures
- Dual aspect design, cross ventilation and large window openings
- Winter gardens
- Performance glazing
- Minimise energy use through BASIX initiatives such as solar power, insulation, energy efficient appliances and light fittings, and efficient hot water systems
- High levels of recycling of construction and demolition waste
- Use of rainwater for irrigation
- Encourage use of public transport, walking, bicycles, car share
- Air quality monitoring of car park ventilation system and use of efficient, variable speed fans
- Light coloured roofing and landscaping to contribute to passive cooling

In accordance with the recommendations of the BASIX, Thermal Comfort and ESD Report the proposal satisfies the matters for consideration in achieving environmental sustainability objective under this clause to minimise heat gain to apartments in the summer months.

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

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

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

#### **8.13. Draft Environment State Environmental Planning Policy**

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

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

As the site does not contain any endangered or significant bushland and is not located in the foreshore and waterways areas, the proposal is considered to be consistent with the provisions of the draft SEPP.

#### **8.14. Draft Remediation of Land State Environmental Planning Policy**

The draft Remediation of Lands SEPP was exhibited from 31 January 2018 to 13 April 2018. The SEPP will maintain the objectives and existing framework of SEPP 55 and require the consent authority to consider the potential for land contamination as part of

the assessment of development applications and rezoning of land. The SEPP will identify remediation works that require development consent and introduce certification and operational requirements for remediation works that can be carried out without development consent.

A Detailed Site Investigation Report and supplementary correspondence has been submitted concluding that the site can be made suitable for the proposed high density residential use and a child care centre. As such, the proposal is considered to be consistent with the provisions of the draft SEPP.

### 8.15. Ryde Development Control Plan 2014

The proposal has been considered against relevant sections of the Ryde DCP 2014 below.

#### Part 3.2 – Child Care Centres

The compliance table of the relevant controls pursuant to Part 3.2 of the RDCP 2014 is below. The controls contained in the table below do not contradict the provisions under the Child Care Planning Guidelines.

RYDE DCP 2014	PROPOSED	COMPLIANCE
<b>Part 3.2 – Child Care Centres</b>		
<b>Clause 5.0 - Car Parking, Traffic and Access</b>		
<b>Clause 5.1 Car Parking</b>		
<b>All child care centres</b>		
(b) All on-site parking areas are to be designed in accordance with Australian Standard AS 2890.1 and AS 2890.2.	Car parking for visitors and staff of the child care centre is provided in the lower ground floor basement carpark. The design of car parking spaces satisfies the requirement in accordance AS2890.  The proposed driveway access width has been amended to a width of 12.5m and satisfactorily accommodates simultaneous two-way vehicular traffic entering and exiting the car park.	<b>Yes</b>
(c) Off-street parking is to be provided at the rate of 1 space per 8 children, and 1 space per 2 staff. Stack parking for staff only and max 2 spaces	The proposal provides a total of 17 car parking spaces (9 parking spaces for visitors and 8 staff car parking spaces). The car parking spaces are directly accessible from the reception and lift lobby to the child care centre and is consistent with the car parking requirements under the RDCP 2014.	<b>Yes</b>

RYDE DCP 2014	PROPOSED	COMPLIANCE
<b>Miscellaneous Controls</b>		
<b>Clause 7.1 – Centre Facilities</b>		
<p>(d) In centres where children under the age of 2 years are proposed to be cared for the following are to be provided:</p> <p>i. A sleeping room with 2.5 m<sup>2</sup> of floorspace per cot and a maximum of 10 cots per room; and</p> <p>(f) Consideration should be given to the provision of a pram storage area. Informal pram storage can be an occupational health and safety risk.</p>	<p>A cot room with 10 beds is provided within an area of 22m<sup>2</sup>. The area of the room does not comply with the minimum requirement of 2.5m<sup>2</sup> per cot, with a total shortfall of 3m<sup>2</sup>.</p> <p>Notwithstanding this, the proposed floor plans indicate there is sufficient circulation space within the cot room.</p> <p>A pram storage room with an area of 7.9m<sup>2</sup> is provided adjacent to the reception area.</p>	<p><b>No – Acceptable on merit</b></p> <p><b>Yes</b></p>
<b>Clause 7.3 - Exterior Lighting</b>		
<p>(a) Lighting is to be provided to assist access via the main entrance.</p> <p>(b) Street numbering that is visible day and night must be provided for identification.</p> <p>(c) External lighting must not have an adverse impact on adjoining properties.</p>	<p>External lighting is not proposed as part of this application.</p> <p>The applicant has noted the requirements of the RDCP 2014 and intend on addressing external lighting as part of the Construction Certificate stage of development.</p>	<p><b>Able to comply</b></p>
<b>Waste Storage and Management</b>		
<p>(a) A waste management plan is to be submitted for all proposed demolition and construction waste</p> <p>(b) Adequate provision made for the storage and collection of waste and recycling in accordance with Part 7.2 of this DCP.</p>	<p>A Waste Management Plan was submitted with the application. An amended Waste Management Plan is required to be submitted to ensure the operational management of the development is consistent with the requirements of the RDCP 2014 (see <b>Condition 74</b>).</p> <p>A separate waste storage room for the child care centre is proposed within the lower ground floor level. Collection of child care centre waste will be undertaken by a private contractor.</p> <p>A child care centre is identified as a commercial premises and is required to provide bins to hold 56.5L waste and 56.5L recycling per day. The proposed waste room has sufficient space to accommodate the required number of waste and recycling bins in accordance Schedule 3 in Part 7.2 of the Ryde DCP 2014.</p>	<p><b>Yes</b></p>

RYDE DCP 2014	PROPOSED	COMPLIANCE
<p>(c) In addition to the requirements of Part 7.2 of this Plan, applications for child care centre development are to address the following considerations.</p> <ul style="list-style-type: none"> <li>i. special removal service required for the removal/disposal of nappies</li> <li>ii. frequency of removal of waste to ensure regular removal and avoid undue build up of garbage</li> <li>iii. opportunities for avoidance, reuse and recycling of waste</li> <li>iv. convenience for staff of the location of bins</li> <li>v. security of waste from access by children</li> <li>vi. likely requirements for waste from kitchen facilities</li> <li>vii. impact of waste storage and collection on adjoining residential developments in terms of unsightliness, odour and noise</li> </ul>	<p>A Waste Management Plan has been submitted with the application. Conditions requiring appropriate waste storage and collection in accordance with the requirements of RDCP 2014 are included in <b>Attachment 1</b> (see <b>Conditions 65, 74, 154, 171, 184-187</b>).</p>	<p><b>Yes</b></p>
<p>(d) Where a new child care centre is proposed, the waste and recycling storage area must be designed to be visually and physically integrated into the design of the development, and not stored within the front setback to avoid visual clutter. Waste facilities are not to be sited within the areas required for car parking, vehicular and pedestrian access, landscaping and outdoor play areas.</p>	<p>The waste storage areas are located within the lower ground floor level and collection is to be carried out in the loading dock wholly within the property. The waste storage area will not be visible from the public domain and have no impact on the character of the streetscape or pedestrian amenity.</p>	<p><b>Yes</b></p>
<p>(f) Where food preparation is carried out on the premises, the waste storage area is to be designed with a cover to exclude rainwater and a floor to be graded and drained to the sewerage system. The area is to be located readily accessible for servicing and suitably screened from public view.</p> <p>(g) Separate waste collection services including frequency and times must minimise noise impact on neighbouring properties</p>	<p>Food preparation will be carried out on the premises as part of the operation of the child care centre.</p> <p>The waste storage area is within the lower ground floor level and is not exposed to external elements. Detailed design of the waste storage area to comply with the requirements of the DCP.</p> <p>Waste collection will be undertaken by a private contractor. Conditions have been included to address appropriate waste collection from the site to minimise impacts on the amenity of neighbouring properties (see <b>Conditions 65, 74, 174 and 184</b>).</p>	<p><b>Yes</b></p> <p><b>Yes</b></p>

## Part 4.5 – Macquarie Park Corridor

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

- Section 7.4(h) - Soft landscaping of 60% of the front setback has not been achieved;
- Section 8.2(a) and (c) - Deep soil area is less than 20% of site area;
- Section 8.2 (e) and (g) – minimum 3 hours of solar access to communal open space between 9.00am and 3.00pm on 21 June and deep soil areas within communal open spaces; and
- Section 8.7 (g) – Basement must not be forward of the building line along a street frontage.

The non-compliances identified above are further assessed in **Table 3** below.

**Table 3.** Assessment of Part 4.5 of RDCP 2014.

Relevant Control	Compliance/Comment
<b>2.0 Vision</b>	
<p>‘Macquarie Park will mature into a premium location for globally competitive businesses with strong links to the university and research institutions and an enhanced sense of identity.</p> <p>The Corridor will be characterised by a high-quality, well-designed, safe and liveable environment that reflects the natural setting, with three accessible and vibrant railway station areas providing focal points.</p> <p>Residential and business areas will be better integrated, and an improved lifestyle will be forged for all those who live, work and study in the area.’</p>	<p><b>Complies</b></p> <p>The proposal is consistent with vision for Macquarie Park as the mixed use development comprises well designed residential apartments and a child care centre use in close proximity to public transport, public open space, educational and commercial uses. The development complements the character of the immediately surrounding area which is undergoing transition with development of multi storey residential apartments and mixed use developments replacing existing 3 storey residential apartment blocks.</p>
<b>3.2 Urban Structure Plan</b>	
<p>Macquarie Park Corridor will include new residential communities around the North Ryde and Macquarie University Stations while the Commercial Core will be centred on the Macquarie Park Station and Waterloo Road. Intensive development centred on Waterloo Road is proposed to transition through the Business Park areas to the lower scaled residential areas adjoining the Macquarie Park Corridor.</p>	<p><b>Complies</b></p> <p>The site is located within the mixed use/residential area within the urban structure plan and will contribute to the development of residential uses that will complement the employment and educational facilities within the Macquarie Park Corridor.</p>



Relevant Control	Compliance/Comment
<b>4.0 Access Network</b>	
<b>4.1 Streets</b>	
a) Provide new public streets and pedestrian connections in accordance with Figure 4.1.1 Access Network.	<p><b>Complies</b></p> <p>The proposal does not have any impact on the existing pedestrian connection along Shrimptons Creek. The proposed landscaping along the south-eastern boundary will complement the character.</p> <p>No new roads or pedestrian connections are required to be provided on this site or as part of the development.</p>
e) Lighting, paving and street furniture, landscaped setbacks and tree planting are to be provided as required in the Macquarie Park Corridor Public Domain Technical Manual.	<p><b>Complies</b></p> <p>Multi function poles with street lighting, granite paving and small street trees are required under the Macquarie Park Corridor Public Domain Technical Manual. Council's Public Domain raises no objection to the proposal subject to <b>Conditions 41 and 143.</b></p> <p>The proposal is required to provide a 20m setback from Shrimptons Creek. Minor encroachments between 600mm and 700mm are proposed into the 20m setback to the riparian corridor. The encroachments consist of part of external walls and columns and does not contain any habitable floor space on the basement levels, ground floor and Level 1. The non compliance with the setback is acceptable as sufficient landscaping within the setback has been provided and does not detract from the character of the riparian corridor.</p>
<b>4.3 Bicycle Network</b>	
<p>a) Provide dedicated cycle access in accordance with <i>Ryde Bicycle Strategy 2014</i> in accordance with <i>Figure 4.3.1 Indicative Cycleways</i>.</p> <p>b) The Regional Bicycle Network is to be implemented as on-street shared cycleways in accordance with the <i>Macquarie Park Public Domain Technical Manual</i>. The Regional Bicycle Network comprises:</p> <ol style="list-style-type: none"> <li>Waterloo Road;</li> <li>Delhi Road;</li> <li>Epping Road;</li> <li>Lane Cove Road;</li> <li>Khartoum Road;</li> <li>The M2; and</li> <li>Shrimptons Creek pathways.</li> </ol> <p>c) The Local Bicycle Network is to be implemented as on-street shared ways in accordance with the <i>Macquarie Park Public Domain Technical Manual</i>. The Local Bicycle Network comprises:</p> <ol style="list-style-type: none"> <li>Lyon Park Road;</li> </ol>	<p>An existing shared pathway along Shrimptons Creek provides bicycle access in accordance with Council's bicycle strategy.</p>

Relevant Control	Compliance/Comment
ii. Talavera Road; iii. Wicks Road; and iv. Proposed new roads in accordance with the Ryde Bicycle Strategy 2014.	
<b>4.4 Sustainable Transport</b>	
<b>Travel Plans</b>	
c) A Framework Travel Plan. (FTP) is required to be submitted to Council for approval together with a DA for all development that exceeds 10,000sqm new floor space.	<p><b>Complies</b></p> <p>The proposal has a total floor space of 19,022m<sup>2</sup> and is required to prepare a FTP. A FTP was prepared by Bitzios dated 25 June 2020.</p> <p>Council's Sustainability – Transport and Environment Team has raised no objection to the proposal subject to further detail being provided in the FTP for approval prior to the issue of an Occupation Certificate (see <b>Condition 158</b>).</p>
d) For all development the FTP must also: <ul style="list-style-type: none"> <li>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.</li> </ul>	<p>The Travel Plan identifies the following:</p> <ul style="list-style-type: none"> <li>• Existing transport facilities;</li> <li>• Current travel patterns;</li> <li>• Proposed targets for green travel; and</li> <li>• Actions to achieve those targets</li> </ul> <p>A Travel Plan Coordinator is proposed to be appointed prior to the issue of any Occupation Certificate and the Travel Plan reviewed within 12 months of occupation.</p>
<b>Parking Rates</b>	
f) Bicycle parking and end-of-trip facilities are to be provided in accordance with the RDCP 2014 Part 9.3 Parking Controls.	<p><b>Complies</b></p> <p>The proposal provides 40 bicycle parking and is consistent with the minimum requirements under Part 9.3 of the RDCP 2014, detailed below.</p>
g) Parking is to be provided in accordance with the RDCP 2014 Part 9.3 Parking Controls.	<p><b>Complies</b></p> <p>The proposal provides a total of 199 car parking spaces within the basement car park for residents, visitors and the child care centre. The proposal does not exceed the maximum permitted car parking rate for the mixed use development under Part 9.3 of the RDCP 2014, detailed below.</p>
<b>Car Sharing Parking</b>	
h) All parking spaces for car share schemes are to be: <ul style="list-style-type: none"> <li>i. Publicly accessible 24 hours a day seven days per week.</li> <li>ii. Located together in the most convenient locations.</li> </ul>	<p><b>Complies</b></p> <p>The proposal provides 4 car share spaces within the lower ground floor basement car park. The proposal is consistent with the required provision for car share spaces under part 9.3 of the RCP 2014, as discussed below.</p>

Relevant Control	Compliance/Comment
<p>iii. Located near and with access from a public road and integrated with the streetscape through appropriate landscaping where the space is external.</p> <p>iv. Designated for use only by car share vehicles by signage.</p> <p>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.</p>	<p><b>Condition 156</b> has been imposed to ensure the operation of the carshare is undertaken in accordance with the RDCP 2014.</p>
<b>5.0 Public Domain</b>	
<b>5.2 New Open Space</b>	
<p>a) Provide public open space as shown in Figure 5.1.1 Proposed Open Space Network and in accordance with sections 5.3 and 5.6 of this Part. To vary public open space requirements, refer to master plan controls under Clause 8.1 Site Planning and Staging.</p>	<p><b>Complies</b></p> <p>The site is adjacent to existing passive and active open spaces along Shrimptons Creek and Wilga Park, respectively.</p> <p>The site is not required to provide any new publicly accessible open space.</p>
<b>5.8 Street Trees, Front Setback Tree Planting and Significant Trees</b>	
<p>a) Street trees and front setbacks must be provided in accordance with the Street Tree Key Plan in the Macquarie Park Public Domain Technical Manual, and their health guaranteed for min. 5 years.</p>	<p><b>Complies</b></p> <p>The proposal seeks to retain existing street trees.</p>
<p>b) At grade parking is not permitted in the front setback.</p>	<p><b>Complies</b></p> <p>All parking is proposed to be located within basement car parking levels.</p>
<b>5.10 Art in Publicly Accessible Spaces</b>	
<p>a) Art must be included in all new development with more than 10,000m<sup>2</sup> new floor space in the amount of 0.1% of the construction cost of the works capped at \$1,500,00.00.</p>	<p><b>Complies</b></p> <p>The proposal has a floor space of 19,022m<sup>2</sup> and is required to incorporate public art works.</p> <p>The Public Art Strategy prepared by TheBluePrint dated 11 June 2020 identified the south-eastern façade of the development fronting Shrimptons Creek and adjacent to Wilga Park as a potential location for public art.</p> <p>Council's Public Art officer has raised no objection to the proposal subject to <b>Conditions 54 and 128</b> requiring the</p>

Relevant Control	Compliance/Comment
	preparation of a detailed Public Art Plan for Council approval prior to the issue of the Construction Certificate.
b) Art must be located within the site so as to be publicly accessible (i.e. viewed or experienced from publicly accessible places).	<p><b>Complies</b></p> <p>The potential location for public art is on the south-eastern façade of the building fronting Shrimptons Creek. The potential location will also be visible from Wilga Park.</p>
<p>c) A site specific Arts Plan is to be submitted together with the development application.</p> <ul style="list-style-type: none"> <li>i. Arts project description and statement of artistic intent.</li> <li>ii. Thematic framework for the artwork. Suggested themes arising from the history of the Macquarie Park Corridor are: <ul style="list-style-type: none"> <li>▪ Innovation and / or technology</li> <li>▪ Transport (train, bus, car) and people movement</li> <li>▪ History of Macquarie Park Corridor e.g. market gardening</li> <li>▪ Future of Macquarie Park</li> <li>▪ Natural environment e.g. water</li> </ul> </li> <li>iii. Concept drawing and descriptions of proposed art works including: <ul style="list-style-type: none"> <li>▪ Proposed location</li> <li>▪ Whether or not the artwork is integrated into the building design, landscape or other site features (including the building façade, paving, lighting design, outdoor seating, play equipment and the like)</li> <li>▪ Proposed use of materials with particular information to be provided on robustness, durability, and low maintenance</li> </ul> </li> <li>iv. Implementation (detailing at what stage the artwork will be implemented etc)</li> <li>v. Preliminary construction details with particular emphasis on public safety considerations.</li> </ul>	<p><b>Complies</b></p> <p>A Public Art Plan was submitted with the proposal. A detailed Public Art Plan is to be prepared and submitted to Council for approval prior to the issue of a Construction Certificate (see <b>Condition 54</b>).</p>
<b>6.0 Implementation – Infrastructure, Facilities and Public Domain Improvements</b>	
a) Floor Space Ratios and Height of Buildings are to comply with the Ryde LEP 2014.	<p><b>Partially Complies</b></p> <p>The proposed FSR of 4.5:1 complies with the maximum FSR control for the site under RLEP 2014.</p>

Relevant Control	Compliance/Comment
	<p>The proposed building height of RL91.05 at Building A and RL91.45 at Building B exceeds the maximum building height control 45m (RL89.83 for Building A and RL90.51 for Building B). A Clause 4.6 written justification seeking variation to the building height development standard has been submitted for consideration.</p> <p>The proposal does not seek to utilise the incentive building height and FSR provisions under Clause 6.9 of the RLEP 2014.</p> <p>Refer to Clauses 4.3, 4.4 and 6.9 of the RLEP 2014 discussed previously in this report.</p>
c) The public land such as the road verge adjoining a development site is to be embellished and dedicated to Council as part of any new development. The design and construction of the works are to be undertaken in accordance with the Macquarie Park Public Domain Technical Manual and Section 4 of this Part.	<p><b>Complies</b></p> <p>Public domain works are included as part of the development application. Appropriate conditions of consent have been included in <b>Attachment 1</b> (see <b>Conditions 18-21, 32, 40-44, 76-81, 107, 143-153</b>).</p>
<b>7.0 Built Form</b>	
<b>7.1 Site Planning and Staging</b>	
a) Sites are to be planned to allow for the future provision of new streets and open spaces in accordance the Figure 4.1.1 Access Network and Figure 5.1.1 Proposed Open Space Network.	<p><b>Complies</b></p> <p>The site is not required to provide any new roads or pedestrian connections under RDCP 2014. The site is immediately adjacent to public open spaces and pedestrian and bicycle networks along Shrimptons Creek. The proposal will not impact on the provision of public open space or the proposed access networks within Macquarie Park.</p>
<b>7.4 Setbacks and Build-to Lines</b>	
a) Minimum setbacks and build-to lines must be provided as shown Figure 7.3.2 Active Frontage and Setback Control Drawing – summarised as follows: <ul style="list-style-type: none"> <li>i. Zero setbacks / build-to lines to Primary Active Frontage;</li> <li>ii. 5m setback to all existing and new streets unless otherwise specified;</li> <li>iii. 10m setback to Waterloo Road and Talavera Road;</li> <li>iv. 10m green setbacks to the M2 tollway and Epping Road; and</li> <li>v. 5m built form setback to all parks (existing and proposed – subject to providing a Riparian Corridor in</li> </ul>	<p><b>Complies</b></p> <p>Cottonwood Crescent is not identified as a street with an active frontage. The proposed building envelope and front setbacks comply with the minimum setbacks of 5m to Cottonwood Crescent and Wilga Park and Cottonwood Reserve.</p> <p>Shrimptons Creek is zoned E2 – Environmental Conservation and whilst it is publicly accessible, it is not identified as a park. As such, the proposal is required to provide a rear setback of 10m fronting Shrimptons Creek (see discussion under Section 7.6 below).</p>

Relevant Control	Compliance/Comment
accordance with the NSW Office of Water's Guidelines for Riparian Corridors on Waterfront Land).	
f) Underground parking is not permitted to encroach into the front setback areas unless it can be demonstrated that the basement is designed to support significant mature trees and deep root planting.	<p><b>Complies</b></p> <p>The basement car park is setback 700mm from the front boundary and does not comply with the minimum 5m setback required under RDCP 2014. However, the amended proposal has satisfactorily demonstrated that provision of deep soil areas within the front setback has been maximised and is capable of accommodating mature tree plantings.</p> <p>Council's Consultant Landscaped Architect/Arborist has reviewed the amended landscape plans and raises no objection to the proposed deep soil areas within the front setback. In this instance, non compliance with the front setback control for the basement levels is acceptable on merit as the proposal satisfies the objectives of the setback controls.</p>
g) Awnings, canopies, balconies, sun shading and screening elements can project forward of the street setback line.	<p><b>Complies</b></p> <p>The proposed awnings at the entry lobbies and to the child care centre outdoor play area are integrated into the architectural design of the building facades and are acceptable.</p>
h) 60% of the street setback area is to be soft landscaping. Existing mature trees are to be retained where possible. Paved areas are to relate to the materials and finishes of the adjacent streetscape. At grade car parking must not be located within this setback.	<p><b>Does Not Comply – Acceptable on merit</b></p> <p>The proposal provides approximately 36.62% soft landscaping within the front setback area which is a 23.38% shortfall. The non compliance is predominantly a result of the provision of direct pedestrian access (stairs) and private terraces to 6 ground floor apartments fronting Cottonwood Crescent. On balance of providing enhanced connectivity and street address consistent with design guidelines for ground floor apartments and building entries, non compliance with soft landscaping is acceptable in this instance.</p> <p>The amended proposal has incorporated larger planters within the front setback to maximise the provision of deep soil areas to sustain mature tree plantings. Council's Consultant Landscape Architect/Arborist supports the amended landscape design, subject to the submission of a detailed landscape plan identifying the species to be planted within the front setback (see <b>Condition 1(b)</b>).</p>
<b>Entry Canopies</b>	
i) Entry canopies and discontinuous awnings may be provided to building entries not located along Active Frontages.	<p><b>Partially Complies – Acceptable on merit</b></p> <p>The site is not on an active street frontage.</p> <p>An awning is provided at the entry to the residential lobby and child care centre from Cottonwood Crescent. The</p>

Relevant Control	Compliance/Comment
j) Entry canopies may be glazed or solid, and are to be coordinated with a soffit height of 3.6 m minimum.	awning comprises of solid materials and have a clearance of 3.2m. The awnings provide weather protection for the purposes of residents and visitors and is integrated into the architectural design of the building and is acceptable.
<b>7.6 Rear and Side Setbacks</b>	
a) Buildings are to be set back 10m from the rear boundary and 5m from a side boundary unless a proposed new road is shown on the site.	<p><b>Partially Complies – Acceptable on Merit</b></p> <p>The building envelope is setback 5m from side boundaries and is consistent with the side setback control.</p> <p>The building is setback 10m from the rear boundary, except at the south-eastern corner between the lower ground floor and Level 1 where the setback is between 5m and 6m from the rear boundary for a length of approximately 33.4m. The proposed building achieves a 10m setback to the rear boundary for the remaining length of the site (68.3m). The building envelope and form does not result in any adverse amenity impacts on public open space and is acceptable.</p>
b) Awnings, canopies, balconies, sun shading and screening elements may project into the rear setback zones	<p><b>Complies</b></p> <p>Private terraces on the Ground Floor and Level 1 located at the south-eastern corner of the site project beyond the 10m rear setback. The child care centre awning at ground floor level projects 1.2m beyond the rear setback. The encroachments enhance the amenity for future residential occupants and the child care centre outdoor play area.</p>
c) Basement car park structures should not encroach into the minimum required rear or side setback zone unless the structure can be designed to support mature trees and deep root planting.	<p><b>Complies</b></p> <p>The basement car park is setback 700mm from the front property boundary and is not setback the required 5m setback. However, the proposal has satisfactorily demonstrated that adequate deep soil areas are provided within the front setback for planting of mature trees.</p>
d) Above ground portions of basement car-parking structures are discouraged and deep soil planting is promoted.	<p><b>Does not comply – Acceptable on merit</b></p> <p>The loading dock and vehicular access ramp project above the natural ground level on the south-eastern and south-western elevations as a result of the fall of the site. To minimise the impact of the basement projections the south-eastern and south-western building facades will be treated with architecturally designed screening to promote visual interest. Landscaping within the rear and side setbacks will provide some additional screening of the building when viewed from Shrimptons Creek and Wilga Park.</p>
e) Natural ground level is to be retained throughout side and rear setbacks, wherever possible. Refer to Section 8.4 Topography and Building Interface for controls.	<p><b>Complies</b></p> <p>Refer to discussion relating to Section 8.4.</p>



Relevant Control	Compliance/Comment
<b>7.7 Building Separation</b>	
a) Provide minimum 20m separation between buildings facing each other within a site.	<p><b>Does not comply – acceptable on merit</b></p> <p>The proposal contains one building envelope that comprises of a podium level and two tower forms above. The proposed development does not contain separate building footprints requiring 20m building separation within the site.</p> <p>The proposed towers have a separation of 12m and does not have any adverse impacts on outlook, privacy or solar access for apartments.</p> <p>An assessment under the ADG was undertaken earlier in this report, demonstrating that the building separation between Buildings A and B is acceptable.</p>
<b>7.8 Building Bulk and Design</b>	
a) The floor-plate of buildings above 8 storeys is not to exceed 2,000m <sup>2</sup> , unless it can be demonstrated that slender building forms are achieved through courtyards, atria, articulation or architectural devices.	<p><b>Complies</b></p> <p>The floor plates from Levels 8 to 12 range between 1,365.2m<sup>2</sup> and 1,714.1m<sup>2</sup>, which does not exceed the maximum 2,000m<sup>2</sup> floor plates.</p>
b) Buildings are to address the street, and are to have a street address.	<p><b>Complies</b></p> <p>The proposed building is orientated to Cottonwood Crescent and Shrimptons Creek. The residential lobby and child care centre lobby are accessed via Cottonwood Crescent and the entries address the street.</p>
c) Facade design is to <ul style="list-style-type: none"> <li>i. Reflect and respond to the orientation of the site using elements such as sun shading and other passive environmental controls where appropriate.</li> <li>ii. Provide building articulation such as well design roof forms, expressed vertical circulation etc.</li> <li>iii. Express corner street locations by giving visual prominence to parts of the façade (eg a change in building articulation, material or colour, or roof expression).</li> <li>iv. Integrate and co-ordinate building services such as roof plant, parking and mechanical ventilation with the overall façade and building design, and be screened from view.</li> <li>v. Roof forms, building services and screening elements are to occur within the overall height controls.</li> </ul>	<p><b>Complies</b></p> <p>The amended proposal presents façade articulation and materials and colours that assist in reducing the visual bulk of the building.</p> <p>The proposed articulated screens at the lower ground and ground floor level on south-eastern and south-western elevations will minimise the visual impact of the service area when viewed from the public domain.</p> <p>The proposed design of the facades incorporates appropriate passive solar controls that satisfy BASIX requirements and will contribute to thermal comfort and internal amenity for occupants.</p>

Relevant Control	Compliance/Comment
<p>Refer to Ryde LEP 2014 for height controls.</p> <p>vi. Ventilation louvres and car park entry doors are to be coordinated with the overall façade design.</p>	
<p>d) The distance of any point on a habited floor from a source of natural daylight should not exceed 12m (such as from the core to an external window).</p> <p>i. Atria and courtyards are to be used to promote access to natural light, pedestrian links and slender building forms.</p> <p>ii. Arrange courtyards and atria to respond to street lot &amp; solar orientation.</p> <p>iii. The preferred height to width ratio of atria is 3:1.</p>	<p><b>Complies</b></p> <p>The building footprint and internal layout of Buildings A and B provides habitable rooms less than 12m from an external window. All apartments will have access to adequate natural daylight.</p>
<p>e) Buildings are to be designed to be flexible – car parking above the ground level is to have a floor to ceiling height of not less than 2.7m.</p>	<p><b>Not Applicable</b></p> <p>No above ground car parking is proposed.</p>
<b>8.0 Site Planning and Staging</b>	
<b>8.2 Site Coverage, Deep Soil Areas and private open space</b>	
<p>a) A minimum 20% of a site must be provided as deep soil area.</p> <p>b) Deep soil areas must be at least 2 m deep.</p> <p>c) For the purpose of calculating deep soil areas, only areas with a minimum dimension of 20m x 10m may be included.</p>	<p><b>Does Not Comply – Acceptable on merit</b></p> <p>The site is constrained by its dimensions (109.55m x 39.63m), setback controls under the RDCP 2014 and requirement to provide basement car parking for future developments does not have sufficient dimensions to satisfy the deep soil area dimensions required under the RDCP 2014.</p> <p>The proposal provides deep soil areas with a minimum depth of 2m within the front, side and rear setbacks (990.77m<sup>2</sup>) which can accommodate substantial planting, however these areas do not achieve the minimum dimensions and are not included in deep soil area calculations in accordance with the DCP controls.</p> <p>In accordance with deep soil provisions under the ADG, the site is required to provide deep soil areas no less than 7% of the site area with a minimum dimension of 6m. Having regard to the constraints of the site, deep soil areas that comply with the requirements under the ADG has been calculated at 3.35%.</p> <p>As noted by Council's Consultant Landscape Architect/Arborist, consideration of a slight reduction in the dimensions for deep soil dimensions to 5m will result in the proposal providing deep soil areas approximately 16.54%</p>

Relevant Control	Compliance/Comment
	<p>of the site area which complies with the ADG. Having regard to the site constraints and the viability for planting of mature trees within available deep soil areas, the proposal is considered to provide sufficient landscaping and is acceptable.</p> <p>Landscaping areas adjacent to the south-eastern boundary and the child care centre outdoor play area are capable of providing sufficient screen planting between the private and public interfaces to protect the privacy of children.</p>
<p>d) A minimum 20% of the site area is to be provided as Landscaped Area. Landscaped Area is defined as: Area on the site not 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.</p>	<p><b>Complies</b></p> <p>The proposal provides approximately 1,141m<sup>2</sup> of landscaped area across the development site (27.61% of site area).</p> <p>Council's Consultant Landscape Architect/Arborist raises no objection to the proposal, subject detailed landscape plans specifying proposed tree species in <b>Condition 1(b) and 1(c)</b>.</p>
<p>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.</p>	<p><b>Does not comply</b></p> <p>The proposal provides 2 hours of solar access to communal open spaces on Levels 7, 10 and 12 and is satisfactory in accordance with provisions under the ADG.</p> <p>The solar access available to various communal open spaces provide occupants with options for passive recreation within the development and is acceptable.</p>
<p>f) Appropriate shading is to be provided so that communal spaces are useable during summer.</p>	<p><b>Complies</b></p> <p>The provision of appropriate shading has been incorporated into the design of communal open spaces particularly at the upper levels of the development. The shading devices will provide weather protection and enhance amenity for occupants.</p>
<p>g) Communal open spaces are to incorporate the primary deep soil area where possible.</p>	<p><b>Does not comply - Acceptable on merit</b></p> <p>Communal open spaces are above structures and do not provide opportunities for any deep soil planting. However, plantings around the boundary of the communal open spaces are proposed to maximise landscaped planting.</p>
<p>h) Landscaping is to contribute to water efficiency and effective stormwater management. Landowners are to consult with Council for requirements to address stormwater quality</p>	<p><b>Complies – Subject to conditions of consent</b></p> <p>The proposed landscaping plan for the site and stormwater management is considered acceptable, subject to conditions in <b>Attachment 1</b> (See <b>Conditions 35, 132 and 133</b>).</p>

Relevant Control	Compliance/Comment
<b>8.3 Planting on Structures</b>	
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 following recommended standards.	<b>Complies – Subject to conditions of consent</b>  The proposal to provide landscape planters within communal open space areas on the ground floor, Levels 7, 10 and 12 are supported in principle. Details of the soil depths and planting species is required to be submitted for approval as required in <b>Conditions 1(b) and 56</b> .
<b>8.4 Topography and Building Interface</b>	
d) 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. e) 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.	<b>Complies</b>  The proposal responds appropriately to the change in levels across the site with a lower ground floor level presenting towards Shrimptons Creek.  Primary entrances to the residential lobby and child care centre lobby are provided at street level from Cottonwood Crescent.  Accessible path of travel from the street level to the building is provided via a 1:14 ramp. Accessible path of travel through the building is provided via lifts.
f) Natural ground level is to be retained for a zone of 4 m from the side and rear property boundaries. Retaining walls, cut and fill are not permitted within this zone. g) The maximum height of retaining walls within the front, side and rear setbacks is not to exceed 1.2 m.	<b>Complies</b>  Natural ground level is being retained adjacent side and rear boundaries.  The proposed retaining wall adjacent to the rear setback (child care centre boundary fence) measures 1.1m and is consistent with the requirements of the DCP.
h) Publicly accessible open spaces under private ownership (courtyards, forecourts) must be provided at footpath level. Where level changes cannot be avoided due to topography, the finished level of the open space must not exceed 1.2 m above footpath level.	<b>N/A</b>  Publicly accessible open space is not required to be provided by the site. Landscaping within the rear and side setbacks provide an appropriate landscaped interface between the site and adjoining public open spaces.
<b>8.5 Site Facilities</b>	
a) Vehicular access to loading facilities is to be provided from secondary and tertiary streets where possible.	<b>Partially complies – justified</b>

Relevant Control	Compliance/Comment
<p>b) Rubbish and recycling areas must be provided in accordance with Section 6.3 Waste Management. These areas must:</p> <ul style="list-style-type: none"> <li>(i) be integrated with the development;</li> <li>ii. minimise the visibility of these facilities from the street; and</li> <li>iii. be located away from openable windows to habitable rooms.</li> </ul> <p>c) Barrier free access is to be provided to all shared facilities.</p>	<p>Vehicular access to basement car park is provided from the primary street frontage of Cottonwood Crescent. The site does not have any secondary or tertiary street frontage and is adjoined by public open spaces.</p> <p>Waste collection is provided within the basement car park loading dock and is not visible from the public domain. The loading dock is adjacent to a ground floor apartment to the north-east however, the loading dock is separated from the apartment by solid internal and external walls and planters, providing sufficient screening for these apartments.</p> <p>All communal facilities within the development is provided with barrier free access.</p>
<b>8.6 Vehicular Access</b>	
<p>a) Vehicular access is not permitted along streets identified as 'Active Frontages' (refer to Section 7.3 Active Frontages).</p>	<p><b>Complies</b></p> <p>The site is not located along an active street frontage. Vehicular access from Cottonwood Crescent is permitted and is acceptable as the site does not have a secondary or tertiary street frontages for alternative vehicular access.</p>
<p>b) Where practicable, vehicle access is to be from secondary streets.</p>	<p><b>N/A</b></p> <p>The site does not have a secondary street frontage that can accommodate vehicular access.</p>
<p>c) Potential pedestrian/vehicle conflict is to be minimised by:</p> <ul style="list-style-type: none"> <li>i. limiting the width and number of vehicle access points</li> <li>ii. ensuring clear site lines at pedestrian and vehicle crossings</li> <li>iii. utilising traffic calming devices</li> <li>iv. separating and clearly distinguishing between pedestrian and vehicular accessways</li> </ul>	<p><b>Complies</b></p> <p>The proposal contains a single vehicular access point to the basement car park. The design of the driveway crossover and car park entry is capable of providing safe pedestrian and vehicular access on Cottonwood Crescent.</p>
<p>d) The appearance of car parking and service vehicle entries is to be improved by</p> <ul style="list-style-type: none"> <li>i. locating or screening garbage collection, loading and servicing areas visually away from the street</li> <li>ii. setting back or recessing car park entries from the main façade line</li> <li>iii. avoiding black holes in the façade by providing security doors to car park entries</li> <li>iv. where doors are not provided, it is to be ensured that the visible</li> </ul>	<p><b>Complies</b></p> <p>The proposed entry gate to the basement car park and loading dock is setback 14.5m from the street frontage to ensure waiting vehicles do not queue in the roadway.</p> <p>The loading dock and waste collection areas are contained within the building and are not visible from the public domain.</p> <p>The car park entry gate contains the developer's logo and has been designed for visual interest.</p>

Relevant Control	Compliance/Comment
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.	<b>Complies</b>  With width of the driveway at the property boundary measures 12.5m.  The amended driveway design has demonstrated compliance with relevant Australian Standards.
<b>8.7 Onsite Parking</b>	
<b>Basement parking</b>	
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.	<b>Complies</b>  The proposal has satisfactorily demonstrated that the footprint of basement car park does not adversely affect the provision of adequate deep soil areas within the front setback and sufficient mature tree plantings can be provided to contribute to the streetscape.
g) Basement parking areas must not extend forward of the building line along a street.	<b>Does not comply – acceptable on merit</b>  The basement car park extends beyond the 5m building setback. As addressed above, sufficient deep soil landscaping can be provided within the front setback which will contribute positively to the landscaped character of the development and streetscape.
h) Along active frontages, basement parking must be located fully below the level of the footpath. Refer to Section 7.3 Active Frontages.	<b>N/A</b>  The site is not located on an active street frontage as identified under the RDCP 2014.
i) Basement parking should be contained wholly beneath ground level along public streets.	<b>Complies</b>  The basement car park levels (Basement 1-3) are wholly contained beneath the ground level fronting Cottonwood Crescent and does not result in any visual impacts.  The lower ground level loading dock and internal access ramp projects above the ground level on the south-eastern and south-western elevations. The projections on the south-eastern and south-western elevations do not front public streets.
j) Where this cannot be achieved due to topography, the parking level must protrude no more than 1.2 m above ground level for no more than	<b>N/A</b>  See comment above.

Relevant Control	Compliance/Comment
60% of the building frontage along a public street (Refer to Figures 8.7.1 and 8.7.2).	
k) Ventilation grills or screening devices of car park openings are to be integrated into the overall façade and landscape design of the development.	<p><b>Complies</b></p> <p>The proposal has incorporated articulated vertical screening on the façade of the basement car park and loading dock on the south-eastern and south-western elevations fronting Shrimptons Creek and Wilga Park. The facades will be further screened from the public open spaces with proposed landscaping within the side and rear setbacks.</p> <p><b>Condition 57</b> requires any ventilation screens to be integrated into the design of the façade and landscaping.</p>
<b>8.8 Fencing</b>	
a) Fencing is not permitted on the perimeter boundary of sites. Security should be provided within buildings.	<p><b>N/A</b></p> <p>No fencing along the perimeter of the site is proposed.</p> <p>Fencing of the child care centre outdoor play area is setback from the property boundaries.</p>
<b>9.0 Environmental Performance</b>	
<b>9.1 Wind Impact</b>	
<p>a) Buildings shall not create uncomfortable or unsafe wind conditions in the public domain which exceeds the Acceptable Criteria for Environmental Wind Conditions. Carefully locate or design outdoor areas to ensure places with high wind level are avoided.</p> <p>b) All applications for buildings over 5 storeys in height shall be accompanied with a wind environment statement. For buildings over 9 storeys and for any other building which may be considered an exposed building shall be accompanied by a wind tunnel study report. Refer to Council for documentation and report requirements.</p> <p>c) Calculation rules – acceptable criteria for environmental wind conditions.</p>	<p><b>Complies</b></p> <p>An Environmental Wind Tunnel Study prepared by SLR was submitted with the application.</p> <p>The site is not located in an area that is impacted by significant wind speeds. The scale of the proposed development is not considered to result in any adverse wind impacts that will cause uncomfortable or unsafe wind conditions within the public domain.</p> <p>Proposed landscaping within the communal open space areas and setbacks contribute to wind mitigation, subject to planting consisting of dense foliage and evergreen species.</p> <p>Within communal open space areas containing seating, shade structures such as awnings, canopies, pergolas and shade cloths will further mitigate wind impacts and is supported.</p>
<b>9.2 Noise and Vibration</b>	
a) An Acoustic Impact Assessment report prepared by a suitably qualified acoustic consultant is	<b>Complies</b>

Relevant Control	Compliance/Comment
<p>required to be submitted with all development applications for commercial, industrial, retail and community buildings, with the exception of applications minor building alterations.</p> <p>b) Development is to comply with all relevant statutory regulations.</p>	<p>An Acoustic Assessment Report prepared by Acoustic Logic and dated 30 June 2020 has been submitted.</p> <p>Council's Environmental Health Officer has reviewed the acoustic report and raises no objection to the proposal subject to conditions contained in <b>Conditions 13, 34, 51, 115, 122, 123, 176 and 193</b> in <b>Attachment 1</b>.</p>
<p>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.</p> <p>d) Loading and unloading facilities must not be located immediately adjacent to residential development.</p>	<p><b>Complies</b></p> <p>The proposal is a mixed use development comprising a child care centre at the lower ground level and residential apartments above. The acoustic report has satisfactorily addressed potential acoustic impacts from the child care centre to the residential apartments. The proposal is considered acceptable subject to incorporation of the recommendations of the acoustic report in the operation of the child care centre.</p>
<p>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.</p>	<p><b>N/A</b></p> <p>No retail premises is proposed.</p>
<p>f) Air conditioning ducts shall not be situated immediately adjacent to residential development.</p>	<p><b>N/A</b></p> <p>The site is not located adjacent to any residential development.</p>
<b>9.4 Soil Management</b>	
<p>a) Development is to comply with the City of Ryde DCP 2014.</p> <p>b) Development is to be designed and constructed to integrate with the natural topography of the site to minimise the need for excessive sediment disturbance and prevent soil loss.</p> <p>c) Effective site management and maintenance practices are to be followed to prevent soil loss.</p> <p>d) Ensure that suspended Solid concentrations in stormwater leaving the site do not exceed more than 50 mg/litre.</p> <p>e) An Erosion and Sediment Control Plan (ESCP), prepared by a suitably qualified environmental engineer, is required to be submitted in support of all development proposals requiring development consent under the Ryde Local Environmental Plan, (other than for minor building</p>	<p><b>Complies</b></p> <p>Appropriate soil management has been assessed as part of the demolition and excavation Development Applications and appropriate conditions for management of soils were imposed in the relevant Development Consents, being LDA2020/0184 (Demolition DA) and LDA2020/0317 (Excavation DA).</p>



Relevant Control	Compliance/Comment
<p>modifications) including: Demolition; Excavation; Trenching and Building.</p> <p>f) The ESCP must make reference to the entire construction and post construction period, and all devices must be installed prior to commencement of any demolition or construction works on-site.</p>	

## Part 7.2 Waste Minimisation and Management

The proposal provides a loading bay within the site on the ground floor level (in the basement car park). Separate residential and commercial waste storage facilities (including bulky waste storage) are proposed and is consistent with the requirements of the RDCP 2014, except for the location of the residential bulky waste room which is located opposite the loading dock. The area available for waste storage facilities immediately adjoining the loading dock is limited and it is considered more appropriate for residential waste and recycling and commercial waste storage to be located in this location as collection of residential bulky waste is not a regular occurrence.

The applicant and Council's Waste Management Section has agreed to operational management provisions to be detailed in the Waste Management Plan requiring the building manager to arrange the removal of bulky waste from the storage room to the loading dock for collection, to minimise occupational health and safety risk to Council's waste collection team. The management provisions are to be included in an amended Waste Management Plan required in **Condition 74**.

## Part 9.2 Access for People with Disabilities

Accessibility for persons with disabilities has been addressed in the Accessibility Review Report prepared by ABE Consulting dated 28 June 2020.

The proposal is capable of providing adequate accessibility within the development in accordance with the requirements of relevant Australian Standards, the BCA and RDCP 2014. Verification that the proposed development achieves compliance with relevant accessibility requirements is required in **Condition 50**.

## Part 9.3 Parking Controls

The proposal provides a total of 199 car parking spaces within the basement car park.

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

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

The child care centre is required to provide a car parking at the rate as follows:

- 1 space / 8 children
- 1 space / 2 employees

Based on the above, the following parking provisions are required for the development:

Space Type	DCP Control (Max)	Proposed	Compliant
Apartments 88 x 1 bedroom and 1 bedroom + study 100 x 2 bedroom and 2 bedroom + study 19 x 3 bedroom and 3 bedroom + study	170	171	No
Visitors 1 space per 10 dwellings	21	7	YES
Car share	4	4	YES
Child care centre for 69 children and 15 employees	17	17	YES
<b>TOTAL</b>	<b>212</b>	<b>199</b>	<b>YES</b>

The proposal provides 199 car parking spaces which complies with the maximum permitted car parking rate of 212 for the overall development. It is noted that the allocation of residential car parking spaces exceeds the maximum control whilst the visitor car parking allocation is less than the maximum permitted. The reallocation of car parking spaces to achieve compliance with the maximum car parking rates permitted for development within Macquarie Park is recommended to provide a maximum of 170 residential car parking spaces.

Whilst the visitor parking provisions are a maximum control under the RDCP 2014, demand for on street parking is very high in the locality and the development should provide a greater number of visitor parking spaces within the development to accommodate for the demand likely to be generated by 207 apartments. Having regard to the constraints in extending the basement car park, there is an opportunity to utilise the 17 car parking spaces allocated to the child care centre use outside of the hours of operation of the child care centre, particularly at night and on weekends when demand for visitor parking spaces would likely increase.

Council's Senior Development Engineer is satisfied that the proposed car parking is both compliant with the maximum parking rates and is designed generally in accordance with the requirements of AS2890.1, subject to the reallocation of car parking spaces to increase the number of visitor car parking spaces. See **Conditions 31 and 161**.

Based on the above, 40 bicycle spaces are required to be provided for both residents and visitors. A total of 40 bicycle parking spaces are provided within the basement car park which meets the minimum requirement of the RDCP 2014 and is acceptable.

## 9. SECTION 7.11 CONTRIBUTIONS

### Section 7.11 Development Contributions Plan 2020

Council's current Section 7.11 and Section 7.12 Contributions Plan 2020 effective 1 July 2020 requires a contribution for the provision of various additional services required as

a result of increased development density. The contribution is based on the number of additional dwellings there are in the development proposal and the credit available based on existing dwelling mix (consisting of 30 x 1 bedroom and 30 x 2 bedroom apartments). The contribution that are payable with respect to the increase housing density on the subject site (being for residential development inside the Macquarie Park Area) are as follows:

This contribution is based on:

- 89 x 1 bedroom and 1 bedroom + study apartments;
- 99 x 2 bedroom and 2 bedroom + study apartments;
- 19 x 3 bedroom and 3 bedroom + study apartments; and
- 565m<sup>2</sup> child care centre

The required contributions have been calculated as follows:

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community & Cultural Facilities	\$838,105.49
Open Space & Recreation Facilities	\$1,617,695.04
Transport Facilities	\$120,356.34
Plan Administration	\$38,642.67
The total contribution is	<b>\$2,614,799.54</b>

Section 7.11 contributions as calculated above have been included in **Condition 23** in **Attachment 1**.

## **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. Access and Traffic**

The site is provided with vehicular access to the basement car park and loading dock from Cottonwood Crescent. The amended vehicular access which provides a width of 12.5 metres at the property boundary is capable of accommodating simultaneous two way traffic entering and exiting the site to ensure that traffic generated by the residential development and child care centre during the morning peak will not interfere with the need for waste collection trucks accessing the site and utilising the loading dock.

Adequate swept path analysis have been submitted demonstrating that entering trucks will not obstruct exiting vehicles or queuing in Cottonwood Crescent. Although the splay increases the extent of vehicular crossing along the footpath of Cottonwood Crescent and is not generally desirable, the proposal is acceptable in this instance given the site frontage along Cottonwood Crescent is approximately 89m and will not be dominated by the vehicular crossing. The proposed vehicular crossing will not adversely impact on the amenity of pedestrians or the appearance of the streetscape as Cottonwood Crescent is not identified as an active street frontage with pedestrian connections under Section 4.2 Access Network in Part 4.5 – Macquarie Park Corridor of the RDCP 2014.

Council's Traffic Engineer, Senior Development Engineer and Waste Management Officer have reviewed the amended proposal and raise no objection to the proposed vehicular access to the development, subject to conditions contained in **Attachment 1**.

## **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**

#### Tree Management Officer

Council's Tree Management Officer reviewed the proposal and identified that the proposal requires the removal of 1 x *Lophostemon confertus* (Brush Box tree, identified as Tree No. 11) located on Cottonwood Crescent. No objection is raised to the proposal subject to conditions relating to compliance with Council's Tree Management Technical Manual, relevant Australian Standards and imposition of bonds for six (6) trees that are proposed to be retained and six (6) trees to be replanted (see **Conditions 2 and 120**).

#### Consultant Landscape Architect/ Arborist

Council's Consultant Landscape Architect/Arborist raises no objection to the amended proposal, subject to conditions for tree protection and submission of detailed landscape plans showing planting arrangements and species adjacent to boundaries, within the outdoor play area of the child care centre and communal open spaces, which have been included in **Attachment 1** (see **Conditions 1(b), 1(c), 86-89**).

#### City Works (Traffic)

Council's Traffic Engineer raises no objection to the amended proposal and is satisfied that simultaneous two way traffic can be accommodated with the revised vehicular crossing. The proposal is not considered to have any adverse impacts on traffic flow and parking in local streets, subject to conditions which have been included in **Attachment 1** (see **Conditions 69, 81, 83-85, 91, 139, 156-158, 165, 168-169**).

#### City Works (Public Domain)

Council's Public Domain section raises no objection to the proposal subject to conditions requiring the completion of public domain works in accordance with the RDCP 2014 and City of Ryde Public Domain Technical Manual Chapter 6: Macquarie Park. which have been included in **Attachment 1** (see **Conditions 18-21, 32, 40-44, 76-81, 107, 143-153**).

#### City Works (Drainage)

Council's Drainage Engineer raises no objection to the proposal. No conditions have been recommended.

#### City Works (Waste)

Council's Waste Officer raises no objection to the amended proposal and is satisfied that the location and size of waste storage facilities are appropriate for the scale of the development and adequate servicing of the site can be accommodated within the

proposed loading dock. Council's Waste Officer has recommended conditions relating to the operational management of waste storage and collection for the development which have been included in **Attachment 1 (Conditions 65-69, 74, 109, 135-137, 157 and 107-174)**.

#### Environmental Health

Council's Environmental Health Officer raises no objection to the proposal and is satisfied that the site can be made suitable for the use as a child care centre and residential apartments in accordance with considerations under SEPP 55. The proposal is supported subject to construction and operational conditions which have been included in **Attachment 1 (see Conditions 61-64, 67, 73, 115-117)**.

#### Development Engineering

Council's Senior Development Engineer raises no objection to the amended proposal subject to conditions addressing appropriate allocation of car parking spaces, access and traffic control to basement car park and stormwater management included in **Attachment 1 (see Conditions 17-20, 30, 31, 35-39, 101-104, 126, 130-134, 137, 140, 161-165)**.

#### Development Contributions Coordinator

Council's Development Contributions Coordinator advised that Section 7.11 Contributions are applicable to the development including contribution credits based on the existing number of dwellings on the site (prior to the demolition of existing structures under LDA2020/0184. As discussed in this report, Section 7.11 Contributions have been applied to the development in **Condition 23**.

#### Environmental Sustainability

Council's Environmental Sustainability section raises no objection to the amended Framework Travel Plan, subject to submission of a final Framework Travel Plan and details relating to car share operations prepared in accordance with the provisions of the RDCP 2014 prior to the issue of an Occupation Certificate (see **Condition 158**).

#### Parks

Council's Senior Parks Planning Coordinator reviewed the originally submitted proposal and recommended that the fencing to the outdoor play area of the child care centre be further setback from Shrimptons Creek and encouraged the use of the north-eastern setback for outdoor space (adjacent to Cottonwood Crescent). Concern was also raised regarding the extent of the blank wall at the south-eastern and south-western corner of the site fronting Shrimptons Creek and Wilga Park.

The concerns raised were considered against the constraints of the site and it was concluded that the fence line of the child care centre could not be relocated without undue impact on the availability of outdoor play space and landscaped features for the child care centre. The recommendations for further articulation of the blank walls on the south-eastern and south-western elevations are consistent with the recommendation provided by the UDRP and have been adequately addressed as discussed in the report above.

## Public Art

Council's Public Art Officer reviewed the public art plan and raised no objection to the proposal subject to the preparation and submission of a detailed public art plan for Council approval prior to the issue of a Construction Certificate (see **Conditions 54 and 128**).

### **11.2. External Agency Referrals**

#### Water NSW

In accordance with the requirements under the Water Management Act 2000, Water NSW is required to grant concurrence for the proposed development. Water NSW has raised no objection to the proposal and has provided General Terms of Approval which have been included in the conditions of consent in **Attachment 1a** (see **Condition 23**).

#### Transport for NSW

Transport for NSW reviewed the proposal and has raised no objection to the proposal, subject to Council being satisfied with the impacts on the local road network. Transport for NSW advised that signalisation of the intersection of Herring Road and Windsor Drive is not supported.

#### NSW Police

The NSW Police provided comments and recommendations for the development including concerns that the future art wall on the south-eastern and south-western elevations will attract unwanted and unsightly graffiti that will be visible from adjoining public open spaces. This concern has been adequately addressed by amended plans incorporating articulated vertical blades on the external facades of the ground and lower ground level fronting Wilga Park and Shrimptons Creek. The design of the blades comprising of robust materials will provide visual interest and addresses concerns regarding the visual impact of the extensive blank wall on the amenity of the public domain.

The NSW Police reviewed the proposal and the CPTED report prepared by APP Corporation Pty Ltd. No objection is raised subject to conditions relating to the installation and management of CCTV, lighting to enhance safety and security, secure access to buildings and storage facilities, provision of a secure mail room or letterbox designs to reduce opportunities for theft. Relevant conditions relating to CCTV, lighting, security and letterbox design have been included in the conditions of consent in **Attachment 1** (see **Conditions 28, 154 and 177-182**).

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

The application was advertised and notified to owners of adjoining properties for a period of 35 days between 7 August 2020 and 11 September 2020. Three (3) letters in support of the proposed development were received during the renotification period.

The proposal was amended however the scope of the amendments were such that the amended proposal was not required to be renotified in accordance with the City of Ryde Community Consultation Plan.

### 13. CONCLUSION

This report considers the proposed development application for the construction of a mixed use development consisting of a part 13 and a part 14 storey building comprising 207 residential apartments, a 565m<sup>2</sup> child care centre for 69 children and 15 staff and basement car parking for 199 car parking spaces and 40 bicycle spaces in 3 basement levels and part of the lower ground floor level.

The amended proposal has adequately addressed the articulation and architectural treatment of the facades to reduce the appearance of building bulk and has demonstrated that the combination of façade elements, winter gardens and tinted glazing will contribute to thermal comfort and internal amenity for future occupants.

The presentation of the development from Cottonwood Crescent has been enhanced with the amended landscape plans that provide enlarged planters within the front setback maximising the provision of deep soil areas and ensuring the viability of mature tree plantings that will contribute to the landscaped character of the streetscape and local area.

The internal layout and configuration of balconies have been amended to improve access to and useability of private open space adjacent to living areas, satisfying the objectives of the ADG.

The overall built form responds appropriately to the immediately adjoining public open spaces and will compliment the intended mixed use character of the area, accommodating multi storey developments in accordance with the permitted building height and floor space ratio development standards. The variation to the building height development standard under Clause 4.3 of RLEP 2014 has been considered against matters for consideration under Clause 4.6 of RLEP 2014. The written justification seeking variation to the development standard is considered acceptable and the variation will not result in any detrimental environmental impacts on surrounding properties.

The proposed child care centre is a permitted use within the B4 – Mixed Use zone under RLEP 2014 and complies with the design requirements under the Part 3.2 of RDCP 2014, the SEPP (Educational establishment and Child Care Facilities) 2017 and the Child Care Planning Guidelines, subject to conditions relating to provision of adequate outdoor storage areas and detailed landscape plans to enhance the amenity for children.

The site provides approximately 990.77m<sup>2</sup> of deep soil areas that have a depth of 2m or greater but does not achieve the minimum dimensions of 20m x 10m required in Part 4.5 of the RDCP 2014. As the proposal does not comprise of deep soil areas that achieve the minimum dimensions, the proposal does not achieve the minimum 20% deep soil area required under Part 4.5 of the RDCP 2014. The non-compliance with the deep soil requirement is considered acceptable in this circumstance given that the proposed built form and landscaping for the site is consistent with the desired future character for Macquarie Park and will contribute positively to the landscaped character of the adjoining public open spaces.

Having regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979, the application is considered suitable for the site, is in the public

interest and is recommended for approval subject to appropriate conditions of consent provided in **Attachment 1** and **1a** of this report.

#### **14. RECOMMENDATION**

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

1. That the Sydney North Planning Panel grant consent to development application LDA2020/0243 for a construction of a part 13 and 14 storey mixed use development comprising 207 residential apartments, a 565m<sup>2</sup> child care centre at lower ground floor level for 69 children and 15 staff and basement car parking for 199 car spaces and 40 bicycle spaces across 3 levels of basement and part of the lower ground level, and associated landscape works, subject to conditions of consent in **Attachment 1** of this report.
2. That Transport for NSW and Water NSW be advised of the decision.
3. That those persons making a submission be advised of the decision.

#### **Report prepared by:**

Peggy Wong  
Senior Town Planner

#### **Report approved by:**

Madeline Thomas  
Senior Coordinator - Development Assessment

Sandra Bailey  
Manager Development Assessment

Liz Coad  
Director City Planning and Environment