

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSNH-178
DA Number	LDA 2020/0315
LGA	City of Ryde
Proposed Development	Combined Concept DA for a commercial office development (Buildings A,B & C) and detailed DA for Stage 1 – Building A.
Street Address	40-52 Talavera Road, Macquarie Park
Applicant/Owner	Applicant: LaSalle Investment Management Australia P/L C/ Paul Keywood Owner: The Trust Company Ltd.
Date of DA lodgement	18 November 2020
Total number of Submissions Number of Unique Objections	No submissions received.
Recommendation	Approval
Regional Significant Development (Schedule 6 of the SEPP (Planning Systems) 2021	Proposal over \$30m CIV: \$207,805,000 (excluding GST)
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 • Environmental Planning and Assessment Regulation 2000 • State Environmental Planning Policy (Planning Systems) 2021 – Chapter 2 State & Regional Development. • State Environmental Planning Policy (Transport and Infrastructure) 2021 – Chapter 2 Infrastructure • State Environmental Planning Policy (Biodiversity and Conservation) 2021- Chapter 2 Vegetation in Non-Rural Areas and Chapter 10 Sydney Harbour Catchment • State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land • Ryde Local Environmental Plan 2014 • Ryde Development Control Plan 2014 • Section 7.11 Developer Contributions Plan 2020
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Attachment 1: Draft Conditions of consent • Attachment 2: Plans • Attachment 3: WaterNSW concurrence letter and General Terms of Approval (GTA)

	<ul style="list-style-type: none"> Attachment 4 – TfNSW concurrent letter and conditions.
Clause 4.6 requests	Nil
Summary of key submissions	N/A - No submissions received.
Report prepared by	Sandra McCarry – Senior Town Planner
Report date	17 June 2022

Summary of s4.15 matters

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

Legislative clauses requiring consent authority satisfaction

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

Clause 4.6 Exceptions to development standards

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

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **No**

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

The applicant has agreed to the conditions except for Condition 32 in Part 2 (Concept Approval) of the attached draft conditions. **Condition 32 – Parking and Allocation**, stipulate, inter alia, “*The development site must not provide more than the parking rate applicable at the time of lodgement of the DA.*”

The applicant content that the parking rate is set by the Concept Approval which is the rate at the time of the approval. Macquarie Park aims to provide more sustainable travel, with an objective to effectively manage the use of private vehicle and parking within the area. As the timing of Stage 2 is uncertain and may not occur until much later, review of parking rates may have occurred to achieve sustainable development. Accordingly Council’s maintain that the parking rate applicable at the time of Stage 2 is more appropriate.

1. EXECUTIVE SUMMARY

This report considers a development application for a combined Concept DA for a commercial office development for the whole site, with a detailed DA for Stage 1 – Building A.

The Concept Application (as amended) is for building envelopes (Buildings A, B & C) for redevelopment of the site for up to 37,542m² total gross floor area primarily for commercial office uses (including café and/or food and beverage provision), landscaping and open space and recreation areas. The application also includes five and a half levels of basement car parking in Building A and three levels in Building B and C.

Consent is also sought for the detailed DA application for Stage 1 - Building A, located in the north eastern corner of the site. Stage 1 includes:

- Construction of a part 8/part 9 storey commercial building with basement parking on the north eastern portion of the site. Building A will have a total new floor space of up to 12,463m² comprising office; and ancillary café/food space.
- Retention of the existing commercial building (the existing building will be demolished as part of Stage 2).
- Removal of eighty-four (84) trees with twenty-six (26) replacement planting trees are to be planted as part of the Stage 1 works.

A separate detailed application for Stage 2 – demolition of the existing commercial building and construction of Building B (7 storey) & Building C (part 6/part 7 storey) and a central open space courtyard, in accordance with the concept DA, will be submitted at a later date.

It is at Stage 2 that the majority of replacement tree planting and landscaping of the central courtyard area will occur. A further forty five (45) trees will be removed at Stage 2 and approximately two-hundred and fifty-seven (257) trees will be replanted. A total of two hundred and eighty three (283) replacement trees will be replanted as part of the overall development, a ratio of 1:2.2

Community notification and advertisement

The DA was notified and advertised in accordance with Part 2.1 of Ryde Community Participation Plan between 23 November 2020 and 12 January 2021 and no submissions were received. The amendments to the plans during the assessment period did not necessitate the renotification of the application as the amendments resulted in an improvement with reduced number of trees to be removed and greater setbacks to the buildings.

Voluntary Planning Agreement

An offer to enter into a Voluntary Planning Agreement (VPA) between Council of City Ryde (Council) and The Trust Company Limited as trustee for (atf) LAV Australia Sub Trust 5 to provide for incentive monetary contributions and material public benefits has been accepted by Council on 8 July 2022.

The VPA offer is as follows:

- Access Network and/or Open Space as material public benefits:
 - o Upgrade of public domain including bus Stops to Council's standards published in Public Domain Technical Manual
 - o The provision of publicly accessible exercise equipment as part of the site landscaping to be maintained by the Developer
- Access to communal meeting rooms to be provided on the ground floor of the Khartoum Rd facing building for community groups at Council's discretion for 10 hour/month at no charge. These rooms are to be fitted out to a commercial standard as communal facilities for the tenants of the building to use, and available for community use as above
- Incentive Contribution Instalments paid to Council.
 - o Stage 1: \$376,249.31 prior to issue of Construction Certificate
 - o Stage 2: \$3,096,010.16 prior to issue of Construction CertificateTotal: \$3,472,259.47.
- Security Bond of \$350,000 held by Council for landscaping works in Stage 2. The purpose of this bond is to ensure the tree replacement planting in Stage 2 occurs. If Stage 2 works do not proceed, Council can utilise the bond for tree planting elsewhere in the city.

Key Issues:

The design of the proposal has been significantly revised from the design lodged at pre-lodgement to the current plans to ensure a more effective and appropriate response to the site context and constraints.

Key issues in respect of the DA include:

Tree Loss

To minimise the removal of existing trees on the site and to address UDRP concerns amended plans were submitted on 6 September 2021 which made the following changes:

- The overall footprint of Building A was reduced with increased setbacks from the northern and eastern boundaries.
- The loading dock in Building A has been relocated to the south and now shares access with the carpark entry from Talavera Road. This has allowed the omission of vehicle access previously shown along the north boundary.
- Building B podium has been setback further from the northern boundary to allow the existing vehicle entry to be maintained.

- As part of the Stage 2 works, chamber substations will now be located inside the Building B basement area.

The amendments have resulted in the extent of tree loss being reduced from 245 trees to 129 trees, with net trees to be retained increased from 50 to 168 in comparison to what was originally proposed. Replacement tree planting is also proposed at a ratio of 1:2.2.

Council's Consultant Ecologist has undertaken a peer review of the Biodiversity Development Assessment Report (BDAR) prepared by Eco Logical. The BDAR report describes the biodiversity values of the site and outlines the measures to be taken to avoid, minimise and mitigate impacts to the vegetation and threatened species habitat present within the development site. The review by Council's Consultant Ecologist has determined that the BDAR is compliant with the requirements of the Biodiversity Assessment Method 2017 (BAM 2017) and related BAM Operational manuals and no objections to the proposal subject to conditions.

Site Connectivity and Activation

To improve connectivity and activation of the buildings within the site, the following changes were made:

- A bridge link has been introduced to connect Buildings A and C at lobby level.
- A publicly accessible lift is included within Building B allowing ease of access to lower levels. Generous stairs allow access from the lobby level the lower landscaped levels.
- The ground floor of the three buildings was originally set uniformly at RL50, which set them above the level of the adjacent ground levels of the proposed open space in the middle of the site. Below the ground floor level was car parking, which had exposed external walls facing the open space. The revised proposed scheme now has an active lower ground level set RL 44.6 on Building A. This creates new lower ground tenancies (such as café, restaurant, office, plus scope for health and fitness uses and end of journey facilities). As a result, the podium façade is more open with a large expanse of double height glazing facing onto the central landscape space.
- For the concept designs this level is at RL 44.5 on Building B & C.

The above amendments are discussed in detail further in the report.

The amendments to the proposal compared with the originally lodged design address the initial fundamental issues raised by Council and will result in an improved outcome to the development with regards to the tree loss and design of the buildings and their connectivity.

Section 4.15 Assessment summary

The proposed commercial development is permissible with consent under the RLEP 2014. In accordance with the incentive provisions in Clause 6.9 of RLEP 2014, the site is permitted a maximum incentive floor space of 1.5:1 and building height of

45m. The proposal has a gross floor area (GFA) of 37.542m² , FSR 1.5:1 and maximum building height of 41.35m (Building A), 34.9m (Building B) and 34.9m (Building C).

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

The application has demonstrated that the site can be appropriately remediated and made suitable for the proposed use under State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land. Appropriate conditions are included on the draft consent (see Attachment 1).

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

The Stage 1 DA proposal includes excavation for five and half levels of basement car park. The basement construction details have been amended to be a tanked basement and on 28 January 2022, WaterNSW granted General Terms of Approval (GTAs) for the proposal.

This report concludes that in its context, this development proposal under this DA is able to be supported in terms of the development's broader strategic context, function and overall public benefits. This report recommends that consent be granted to this application in accordance with conditions provided in Attachment 1. These conditions have been reviewed and agreed to by the applicant except for Condition 32 in Part 2 (Concept Approval). Condition 32 – Parking and Allocation, stipulate, inter alia, "*The development site must not provide more than the parking rate applicable at the time of lodgement of the DA.*"

Macquarie Park aims to provide more sustainable travel, with an objective to effectively manage the use of private vehicle and parking within the area. As the timing of Stage 2 is uncertain and may not occur until much later, review of parking rates may have occurred to achieve sustainable development. Council's maintain that the parking rate applicable at the time of Stage 2 is more appropriate.

1. APPLICATION DETAILS

Applicant: LaSalle Investment Management Australia P/L

Owner: The Trust Company Ltd

Capital Investment Value: \$207,805,000 (excluding GST)

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

2. SITE DESCRIPTION

The site is located at 40-52 Talavera Road, Macquarie Park, legally described as Lot 56 DP771511. The site comprises one large land parcel of 25,028m² within the Macquarie Park Corridor business precinct.

The site currently contains a large commercial building comprising commercial offices and a childcare facility (including related outdoor play space), plus large areas of surface level parking.

The site has street frontages to Khartoum Road to the north-west and Talavera Road to the south-west. To the north is the M2 Motorway with a landscaped embankment. To the east at 12-38 Talavera Road is several large 7 storeys commercial buildings.

The site slopes significantly to the north away from Talavera Road, towards the M2 Motorway and Khartoum Road. The difference in levels between the south boundary and north boundary of the site is approximately 10m. The lowest point is at the northern corner, near M2, at RL 41, and the highest point is at the western corner, at the intersection of Talavera and Khartoum Road, at RL50.



Figure 1: Aerial view of the subject site

The site has several significant constraints:

- Existing sewer easement line running diagonally across the site from the south-east corner to the north-west corner. The proposal includes relocating the sewer line to the perimeter of the site.
- Flood affectation and overland flow path in alignment with the sewer easement, see Figure 2 below.

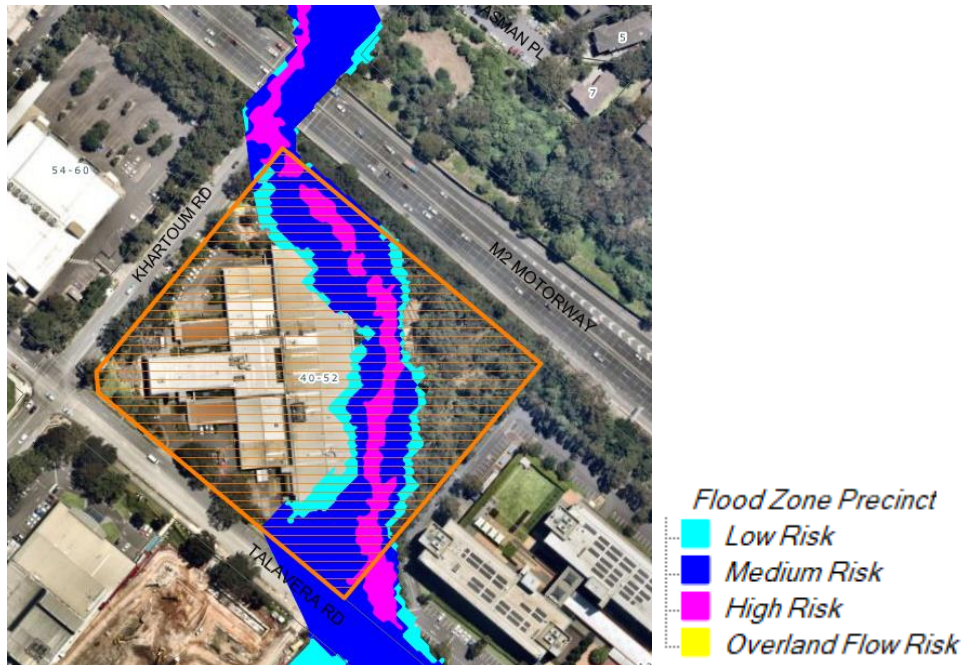


Figure 2: Flood Map

- Established trees around the site perimeter and concentrated in the north-east portion of the site, see **Figures 1 and 3**.



Figure 3: Mapping of the 'Urban Bushland' around the site.

Existing Development

The site contains a large commercial building consisting of offices for a number of occupiers, a childcare facility and large areas of surface level parking. The existing arrangement of buildings on the site is orientated approximately 45 degrees to the boundaries. **Figures 4 -7** illustrate the current building and parking.

The existing building comprises 13,921m² of GFA over two and a half levels and 323 car spaces. The building is subdivided into a variety of tenancy sizes with several points of entries. Vehicular access to the site is from Khartoum Road and Talavera Road.



Figure 4: Existing 2 storey commercial building, as viewed from Talavera Road. This building will be demolished as part of Stage 2 development.



Figure 5: Existing building – internal view, eastern side of the building.



Figure 6: At-grade car parking on the north side of the site. The M2 motorway and embankment is on the right.



Figure 7: View into the subject site from Talavera Road, showing existing vehicular access and change in levels.

3. SITE CONTEXT

The site is within the Macquarie Park Corridor business precinct, located approximately 12 km north-west of the Sydney CBD. Macquarie University's main

campus and the Macquarie Shopping Centre are located approximately 850m and 550m to the west of the site, respectively.

Macquarie Park and Macquarie University Metro stations are located approximately 750m south-west and north-west of the site respectively, with high frequency bus services running adjacent to the site on both Khartoum Road and Talavera Road. A marked bicycle path located along the Talavera Road frontage provides access to the wider walking and cycling network located in the vicinity. The site is well serviced by public transport, with a large number of bus routes.

The M2 Motorway and a landscaped embankment adjoins the northern boundary of the site. To the south east, at 11 Khartoum Road, recent SNPP approvals for a four stage commercial development comprising of four commercial buildings are currently under construction. To the east and west of the site, is 12-38 Talavera Road which comprise of two commercial buildings and 54 – 60 Talavera Road is a 2 storey data centre. Further west of the site is Macquarie Shopping Centre.



Figure 8: Location of site in context to the Macquarie Park Corridor.

4. PROPOSAL (AS AMENDED)

This application proposes a combined Concept DA for a commercial office development for the whole site, with a detailed DA for Stage 1 – Building A at the north east corner of the site.

Concept DA

The concept DA proposes three building envelopes around the perimeter of the site with up to 37,542m² of floor space. The building height for each of the buildings are 40.47m (Building A) and 34.95m (Buildings B & C), inclusive of the plant rooms and under the 45m height limit. Basement car parking are provided with Building A having five and a half levels of parking with Buildings B & C each having one full level of basement parking and two split half levels of basement carparking. A central open space area is proposed in the middle of the site.

Stage 1

Of the above, the Detailed DA (Stage 1) component of the combined application will comprise Building A, consisting of lower ground floor, plus 8 levels of commercial space above 5 and a half levels of basement car parking, a new pedestrian entry via a walkway from Talavera Road to the lobby of Building A. This building will be sited in the north eastern corner of the site with the existing building remaining until Stage 2.

Further details of the Stage 1 element of the DA are:

- Demolition of hard stand, associated kerbs and minor structures, plus removal of selected trees on the site;
- Construction of new floor space in Building A of up to 12,463m² comprising office; and ancillary café/food and beverage space;
- Basement car parking of up to 6 levels with bicycle parking and end of trip (EOT) facilities;
- Pedestrian and vehicular access within the site and from Talavera Road;
- Excavation, earthworks and retaining structures;
- Roof-mounted photo-voltaic (PV) panels;
- Electricity sub-station kiosk;
- Removal of 84 trees and replanting of 26 trees at Stage 1. Note: The majority of tree replacement will occur at Stage 2.

Note: The proposal originally included signage for Building A (Stage 1) however the applicant has advised that signage is no longer part of the application. Separate signage application will be submitted at a later date.

Stage 2:

Stage 2 will involve the demolition of the existing commercial building and construction of Buildings B & C with a central open space courtyard and will be subject to a separate detailed DA to be submitted at a later date. The uses sought include predominantly commercial offices, as well as café/food and beverage space, basement parking, cycle parking, end-of-trip facilities, excavation, earthworks, retaining structures and landscaping, including removal of 45 trees and replanting and landscaping works including the provision of a central open space area and planting of 257 trees.

Note: Combined (Stages 1 & 2) tree replanting will total 283 trees.

Selected plans and photomontages of the development are provided in **Figures 9 – 13** below. **Figures 14 & 15** illustrate the proposed staging of the development.

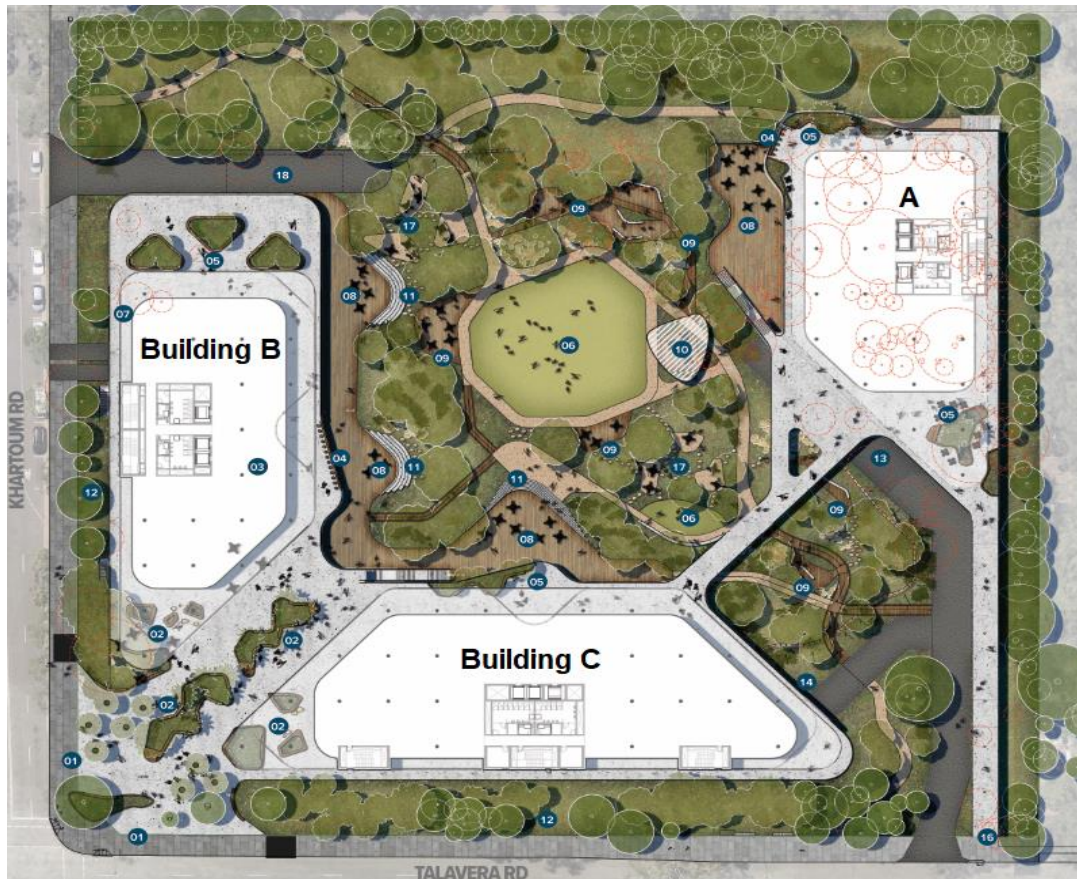


Figure 9: Overview of the development when completed with the three buildings on the perimeter of the site and a central open space with tall tree canopies.

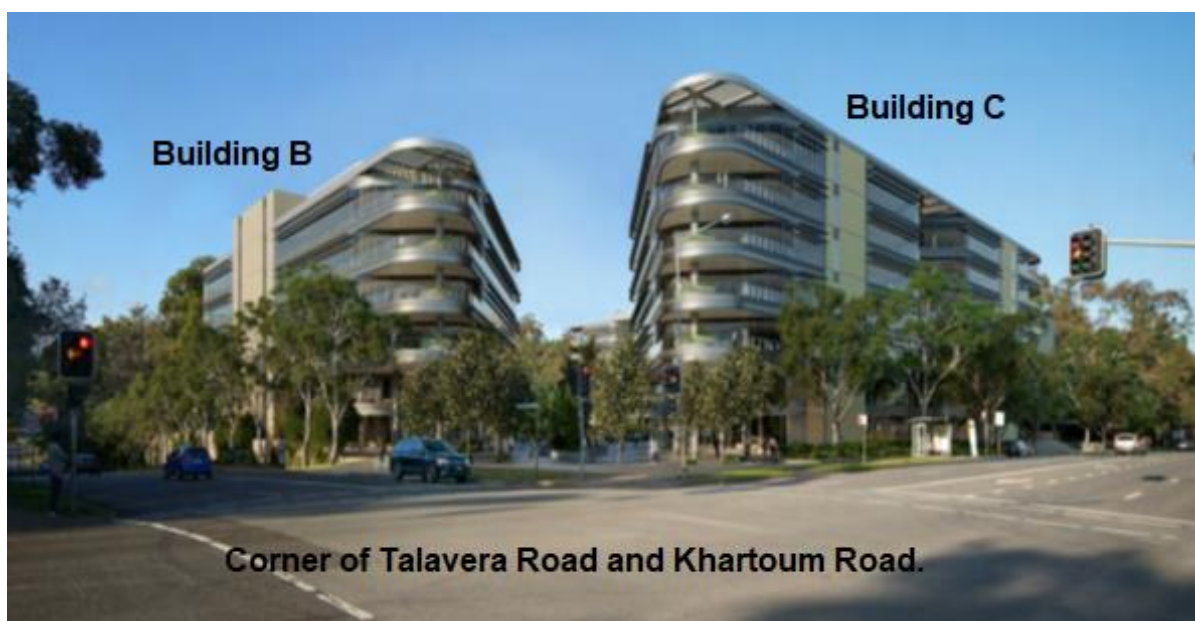


Figure 10: Photomontage of the whole development as viewed from corner of Talavera Road and Khartoum Road, Buildings B & C.



Figure 11: Photomontage looking north from Talavera road of Building A setback on the right and Building C addressing the street.



Figure 12: Proposed buildings when viewed from the internal recreational open space area.



Figure 13: Photomontage of Building A in the back with existing building retain until Stage 2, as viewed from Talavera Road.

Staging

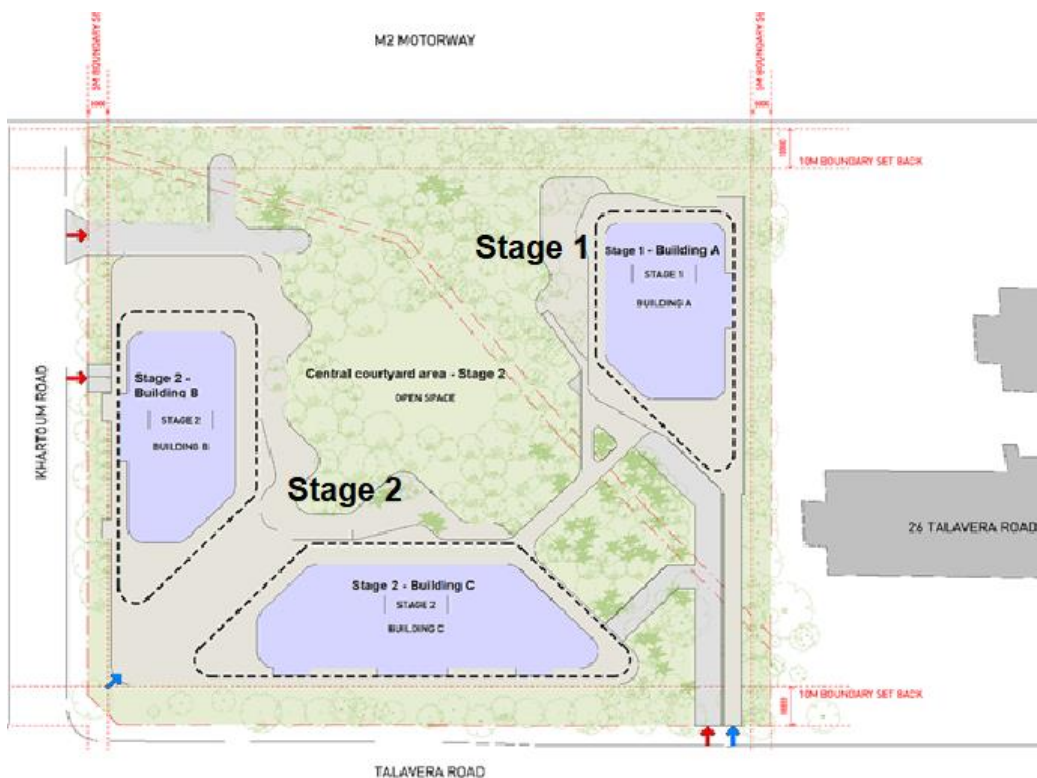


Figure 14: Proposed staging of the 3 commercial buildings and the central open courtyard area.

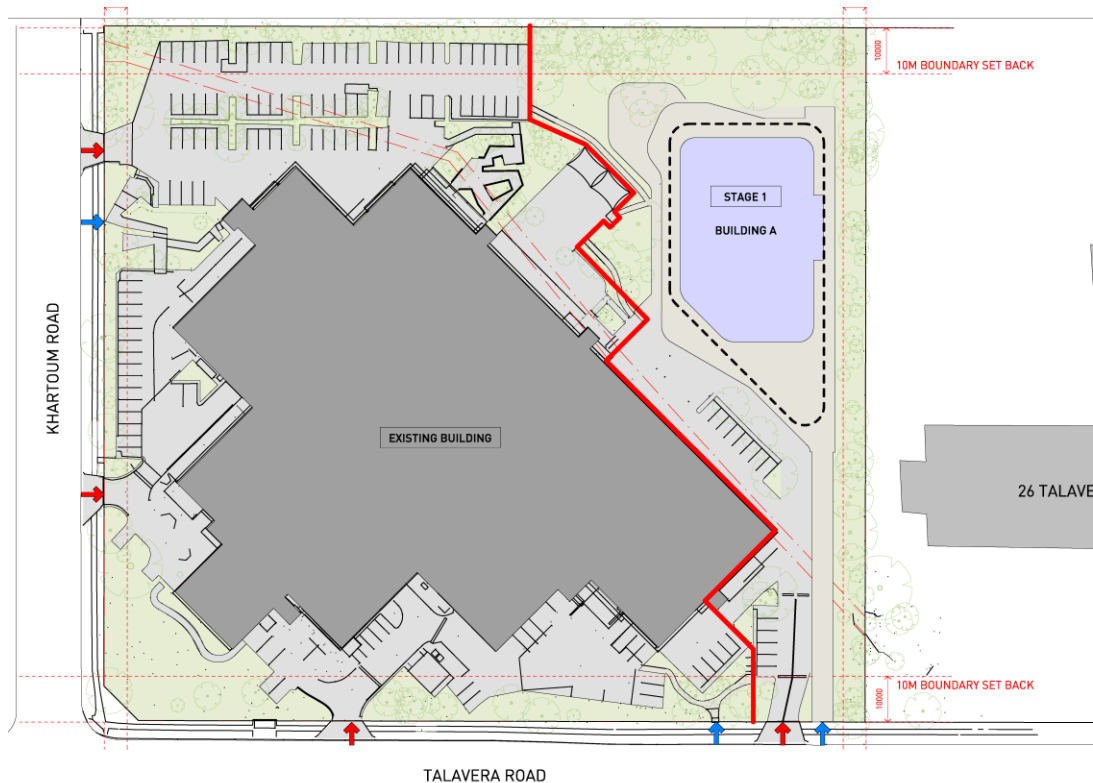


Figure 15: Stage 1 with Building A on the north eastern portion of the site and the retention of the existing building until Stage 2.

5. HISTORY OF THE SUBJECT APPLICATION

- Pre-lodgement Meeting with Urban Design Review Panel (UDRP)

A pre-lodgement meeting was undertaken on 9 April 2020 where the concept was for 6 buildings around the perimeter of the site, which enclosed a central open space, as illustrated below.

March 2020 Concept



Figure 16: Site plan, landscaping strategy and architectural approach, March 2020

The UDRP provided the following feedback:

- *Relocation of the proposed open space to engage with the street and encouragement of the built form to be located to the west*
 - *Increasing the permeability of the design to improve pedestrian links*
 - *Reducing exposed basement walls that are required as a result of the sloping site and activating building elevations at ground level facing on to the open space*
 - *Retention of existing mature trees in the eastern portion of the site*
 - *Improving access connections between the open space and those working in the new buildings.*
- LDA2020/315 (subject application) was lodged with Council on 18 November 2020.
 - A 2nd UDRP was held on 10 December 2020. The proposal was amended by reducing the number of buildings from 6 to 3 – with Building A located in the north eastern portion of the site, Building B along the Khartoum Road frontage and Building C along Talavera Road frontage. Wider openings and access points to improve visibility and connectivity of the open space to street frontages with a central open space courtyard area where replacement tree planting to be located with recreational purposes was provided.

The UDRP still had concerns with the proposal, as outlined below:

- *The loss of trees in the eastern corner of the site. The concept master plan seeks to replace and improve on the quality of the landscape on the site, but Stage 1 results in extensive loss of trees until the Stage 2 development and establishment of trees can be realised. There is no certainty that the Stage 2 outcomes will be delivered therefore there is a risk that substantial trees are lost in Stage 1 and not replaced. The Panel encourages the proponent to discuss opportunities with Council to provide greater certainty in outcomes. Plus, opportunities to retain trees in Stage 1 could be further explored through adjustments to building footprint, setbacks, loading dock location, and spaces to the immediate west of the buildings.*
 - *Connectively within the site – access to Stage 2 buildings from Building A still problematic as pedestrians from Building A have to walk out onto the street and around the edges of the site. In addition, the levels changes within the site results in significant blank walls as such improvements are required to connect the ground floor with the adjacent open space.*
- Council wrote to the applicant on 20 January 2021 advising that the application cannot be supported in its current form as the following concerns were identified:

Tree Loss. Council's Environment Department did not support the loss of trees in the eastern corner of the site. The development involves the removal of 245 trees from the site, more than half of which, 135 trees, have been designated as having high or medium retention value. The loss of canopy and remnant

bushland at the site would be significant. The built forms have little consideration to retention of existing vegetation and the overall negative impact to landscape character. Opportunities to reduce tree loss in Stage 1 through adjustments to building footprint, setbacks, loading dock location, and spaces to the immediate west of the buildings should be investigated. The applicant was also advised to consider removing the existing building which would enable the entire site to be developed as a whole which would allow for Building A to be relocated away from the eastern corner thus allow for the retention of more trees.

Replacement planting/timing. Concerns about the timing of the replacement planting which are to incur at Stage 2. While the concept master plan seeks to replace and improve on the quality of the landscape on the site, Stage 1 results in extensive loss of trees and it is not until Stage 2 will the establishment of trees be achieved. Council raised concern with the proposed timing of the Stage 2 works and the implication if Stage 2 did not proceed. There was no certainty that the Stage 2 outcomes will be delivered and that the trees lost in Stage 1 will be replaced.

Connectivity within the site. Connectivity within the site is poor. Access to Stage 2 buildings from Stage 1 require pedestrians to walk out to the street and around the edges of the site. Future connections between buildings within the site is needed. The UDRP recommended that the ground level be lowered to continue to respond to the flood planning level, but to achieve a better interface with the existing and future site levels. This will reduce the impact of the basement blank walls and provide more direct access to open space amenity. The connection between ground floor level and the central open space is critical.

Arboricultural Impact Assessment. The Arboricultural Impact Assessment Report was unsatisfactory, and an amended AIA was requested.

Further information. Additional information was requested by Council's Drainage Engineer, Traffic Engineer and Development Engineer in relation to the stormwater design and traffic modelling.

- The applicant wrote to Council on 15 February 2021 advising that they will be amending the application to address Council's concerns together with an amended Arboricultural Impact Report and the information requested by Council's Engineers.
- The applicant on 7 May 2021 provided an amended Arborist Report and a proposed updated design which took into consideration Council's letter of 20 January 2021. Also attached was a letter from the developer and landowner outlining a commitment for tree re-establishment and development staging such as a bond for the replacement of the trees returnable after Stage 2 has occurred.

- A 3rd UDRP meeting was held on 20 May 2021. The UDRP were generally supportive of the proposed amendments and of the tree replacement strategy to guarantee future tree planting.

Amendments discussed were:

Tree Loss

- relocating the loading dock to the southern end of Building A where it is accessed for Talavera Road entry and therefore removing the proposed internal driveway in the north-east.
- reducing the Building B footprint to retain the existing driveway entry from Khartoum Road.
- increasing the set back to Building A from the north-east and south-east.

The amended proposal significantly reduced the number of tree loss from 245 trees to 129 trees, with net trees to be retained increased from 50 to 168, with replacement tree planting at a ratio of 1:2.2. The Panel were supportive of these changes.

Connectivity within the site has been amended by:

- introducing a bridge link to facilitate access within the site between Building A and Building C;
- increasing choice for access by adding stairs linking and a public lift between street level (RL50) and the open space (RL 42.5-47);
- including common facilities in closer proximity to the open space.

The Panel was supportive of the bridge link between Buildings A and C. However, there were still concerns about the level difference between ground level; the ease of pedestrian access between the building uses and the open space and the extent of active uses adjacent to the open space.

The Panel further recommended:

- the ground level be lowered to continue to respond to the flood planning level, but to achieve a better interface with the existing and future site levels and street frontages and to enable more direct access to open space amenity;
- Car parking immediately adjacent the open space is not supported. The 'wellness' space (EOT facilities) be located immediately adjacent the open space. Uses could be collocated with the lift lobby to enable amenable and direct pedestrian access.
- Reconsideration of the location of the substation either within the building or if not possible, be better integrated into the landscape design.
- The addition of terraces between the building and the open space needs to be better integrated with both building uses and the landscape design.
- The consistent balustrade detail be revised to include edge planters and different details to respond to adjacent use and landscape setting.
- Landscaping design is to be more of a bushland character.

- The public lift be located to maximise access from the most public part of the site, the entry from the corner of Talavera Road and Khartoum Road. Access to the lift from the open space to be highly visible, safe and not concealed below a deep terrace overhang.

Council's Consultant Landscape Architect also reviewed the proposed amendments/documentation and advised that *"these design changes have seen a significant reduction in the number of trees required for removal from two-hundred and forty-five (245) trees down to one-hundred and twenty-nine (129) or 137 if counting the dead trees - a reduction of approximately 44%. It considered that 'in principle' support can now be provided from an Arboricultural perspective subject to the resolution of a number of outstanding items"*.

Council Environmental Department was also advised of the proposed changes and the reduction in the number of trees required for removal plus the bond to ensure that the trees are replaced. Council Environmental Department advised that given Council will be seeking certainty in replacement planting by way of a bond, and replacement offset ratio of minimum 1:2.2 with the trees being locally endemic canopy trees 15m+ in height at maturity, the proposal was considered acceptable. Note: It was also noted that the number of replacement trees may increase pending further refinement of the landscaping plan.

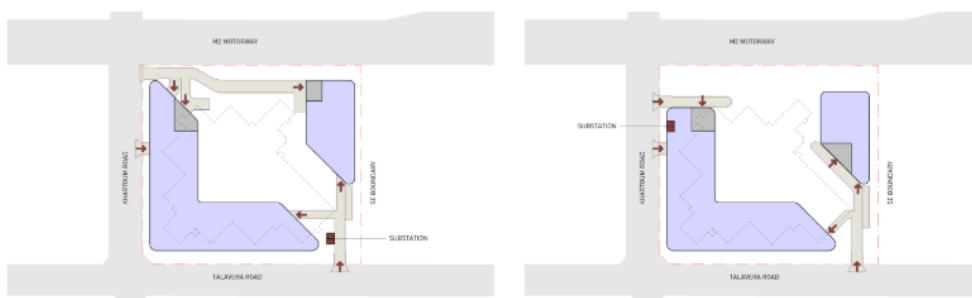
On the 1st July 2021, the applicant advised that the changes as suggested by the UDRP would be made and the amended plans forwarded to Council.

- Amended plans detailing the above changes and additional information were received 7 September 2021 (see **Figure 17**). The amended plans include the above changes plus revised design to change the floor levels of the proposed buildings thus creating active uses which engage and activate the building edges where they are adjacent to the central open space.

The amendments were referred to the relevant Council's Departments and external agencies.

ORIGINAL DA

REVISED DA



In the original DA, there is one vehicle entry from Talavera Road and two from Khartoum Road. The existing northern entry from Khartoum Road is relocated further north to serve the stage 2 loading dock under building B and the driveway is extended to serve stage 1 loading dock under building A. The substation is external in both stages, adjacent to Talavera Road entry. There is little on-ground parking, leaving a large amount of open space in the centre of the site for land rehabilitation.

In the revised DA, the loading dock in building A is relocated and its access from Khartoum Road is removed. Its new access is combined with the vehicle access from Talavera Road. This reduces the extent of hard road through the site and allows more existing trees to be retained. The substation is relocated inside building B in stage 2, and accessed along Khartoum Road. By moving the substations inboard, and reducing the building footprints, the amount of open space is increased for land rehabilitation and recreation uses.

Figure 17: Proposal as originally submitted in Nov 2020 and amended proposal submitted 7 September 2021 with reduced footprint, increase setback and deletion of northern driveway to Building A.

- Council's Drainage and Traffic Departments on 23 September 2021 and 16 November 2021 requested further information regarding location of Council's pipe and easement and traffic modelling. With regards to the drainage issue, a meeting was held with the applicant and the Drainage Team on 10 December 2021. At this meeting it was agreed that the pipe location would not impact on the location of the buildings as identified in the concept DA and it is possible to condition for the requirement for a non disruptive survey to determine the exact location of Council's pipe prior to Construction Certificate. See **Condition 51(a) in Part 3** of the conditions.
- TfNSW via letter dated 27 September 2021 requested further SIDRA modelling and geotechnical statement. This was received 18 October 2021 and forwarded to TfNSW. TfNSW via letter dated 10 November 2021 advised that improvements to the signalised intersection Talavera Road / Khartoum Road would be required to offset the impacts of the traffic generated by the proposed development.

Council's staff met with TfNSW and the applicant on 19 November 2021 to discuss mitigation measures to alleviate traffic impact from this development. It was advised that it would be necessary to modify the existing signalised intersection of Talavera Road / Khartoum Road to mitigate the impacts of the development.

The following works was considered suitable amelioration measures:

- extending the existing right hand turning lane along Talavera Road by additional 20m
- provision of a left turn slip lane from Khartoum road.

The applicant provided the above details on 17 December 2021 which was referred to TfNSW.

Via letter dated 8 February 2022, TfNSW has issued their concurrence subject to conditions, which has been imposed as **Conditions 4 & 76 – 78 in Part 3** of the conditions. **Attachment 4** – TfNSW concurrent letter and conditions.

- Council's Consultant Landscape Architect and Arborist and Consultant Ecologist on 30 September 2021 advised that there were still some concerns with regards to the Arboricultural Impact Assessment Report and the Ecological Report. Amended Landscaping and Ecological Report were submitted on 22 October 2021.

Council's Consultant Ecologist advised on 18 November 2021 that the October BDAR adequately addresses the issues previously outlined and the proposal is satisfactory subject to comply with the commitments details in the report and the requirement to satisfy the offset liability detailed in the report. **Condition 9 in Part 2** and **Condition 2 in Part 3** of the conditions.

It was noted that the Biodiversity Credit report indicates that the relevant Biodiversity Assessment Method (BAM) calculator case was yet to be finalised and in order to maintain compliance with the BAM:

- i. the calculator has to be finalised and submitted to the consent authority; and
- ii. the accredited assessor will need to certify the BDAR within a 14 day period of finalisation of the BAM calculator.

This was completed by Ecological Australia (ELA) on 25 November 2021 and Council received correspondence from Department of Planning, Industry and Environment that an account has been created in the Biodiversity Offset and Agreement Management System (BOSMS), Council's Reference D22/166999.

Comments from Council's Consultant Landscape Architect and Arborist was received on 20 December 2021. Full details of the landscape assessment is discussed further in the report.

6. URBAN DESIGN REVIEW PANEL

The Urban Design Review Panel has reviewed the proposal four times:

- 1st Meeting - April 2020 for a pre-lodgement meeting. The development presented to the panel comprised of 6 buildings around the perimeter of the site with a central open space area. See **Figure 16** which illustrate the proposal originally proposed and the feedback provided.
- 2nd Meeting – December 2020. The application was lodged on 18 November 2020 and a post lodgement meeting was held in December 2020. The panel raised the concern of loss of trees and the timing of replacement trees until Stage 2, i.e. no certainty that the tree planting in Stage 2 will be delivered. Connectivity within the site and level changes resulting in significant blank

walls was also raised as an issue, plus improvements needed to connect the ground floor with the adjacent open space.

- 3rd Meeting – May 2021, the applicant presented to the Panel draft designs to address the points made in the 2nd meeting. The presentation showed revised design that reduced the buildings footprint, relocate Building A loading dock, substation relocated, a bridge link to connect the buildings, connection of the lower ground floor level to the open space area, active uses at lower ground level. These changes resulted in significant reduced tree loss and improved connectivity within the site. The Panel were supportive of the draft revised design however there were still some concerns about ease of pedestrian access between the building uses and the opens space and the extent of active uses adjacent the open space.
- 4th Review – 16 September 2021. The proposed changes discussed above were officially submitted to Council on 7 September 2021. A desktop review of the amended plans was undertaken by one of the panel member and the following comments and response by the applicant is provided in the table below:

UDRP	APPLICANT'S RESPONSE	ASSESSMENT OFFICER'S COMMENT
<p>The key issues raised by the Panel in the previous minutes centred around:</p> <ul style="list-style-type: none"> - further design improvements to lower the buildings closer to the level of the central space whilst still managing flooding impacts, - sleeving any car parking with uses that would interact directly with the central space and encourage its use and enjoyment and - greater tree retention and clarify around tree loss and compensation strategies. - Exposed basement areas also occurred to the streets around the site. - The other significant concern was the staging approach which does not deliver the central space and landscape benefits until Stage 2 ie a building is pushed into the site very 	<p><i>Each of these comments is addressed further in the table below.</i></p> <p><i>Regarding the final point, the completion of Building A only is not intended to be a long term outcome. Vacant possession of the existing building at the site is determined by existing leases. Demolition and then development of Stage 2 (Building B and C) can take place when those leases end.</i></p> <p><i>Staging is also necessary to:</i></p> <ul style="list-style-type: none"> <i>i. Ensure a realistic and practical delivery of the redevelopment of the site.</i> <i>ii. Give scope to decant existing occupiers into the new Building A; thereby retaining the existing occupiers and jobs within Macquarie Park.</i> <p><i>A substantial Bond has been offered to secure final tree planting across the entire site.</i></p> <p><i>The Bond is to be paid prior to the issue of a Construction Certificate for the detailed Stage 1 DA (Building A) and released after the issue of an</i></p>	<p>The buildings have been lowered to be closer to the ground, tenancies spaces provided around the outer edge of the buildings to sleeve the car parking, and buildings setbacks and footprints amended to reduce the loss of trees.</p> <p>After discussion with relevant Council's officers, the provision of a \$350,000 bond (which is the value of the replacement cost for the trees removed in Stage 1) to ensure replacement tree placing occurs. The bond is part of the VPA agreement. In addition, measures to mitigate and manage impacts have been provided and considered satisfactory by Council's Consultant Ecologist, together with offset credits, the</p>

close to the existing building with no additional amenities or benefits. So if Stage 2 is never constructed the outcome would be very poor.	<i>Occupation Certificate for the Concept Plan's Stage 2 DA (Building B and C). The release of the security Bond is conditional on an Occupation Certificate issued within six years of the Construction Certificate for the detailed Stage 1 DA (Building A).</i>	proposal has adequately addressed the issues raised by the UDRP.
In response to the comments the amended information has introduced some additional uses to the level of the central space. These uses include additional commercial uses and end of trip facilities. No further detailed information is provided for the master plan as a whole however and the new information then focuses on the Stage 1 DA.	<i>The DA comprises a combined Concept DA for the whole Site, with a Detailed DA for the first portion of development (Stage 1 – Building A). A further separate Detailed DA for the residual portion of the site (Stage 2) will be submitted at a later date, and in accordance with the approved Concept DA. This will enable development of Building B and Building C.</i>	Condition 4 in Part 2 of the conditions has been imposed for a detailed DA be submitted for Stage 2. This condition will require the Stage 2 DA to address the relationship of the ground floor and the central space.
No further information is provided regarding tree loss across the whole site although the landscape master plan has a high level plan that shows trees to be retained and new plantings. There is a stage 1 plan that shows tree loss for the new Stage 1 Building.	<i>Refer to the revised and updated AIA report prepared by Eco Logical. This shows and assesses tree retention and tree loss for each stage of development and for the whole site. Only the minimum number of trees necessary will be removed at each stage.</i>	Council's Consultant Landscape Architect & Arborist has reviewed the revised Arborist report and has confirmed that the design changes have reduced the number of trees required to be remove with Stage 1 resulting in 84 trees to be remove and a further 45 trees at Stage 2.
<p>It is not clear whether the levels of the building have been lowered to try and achieve and improved relationship from the main portion of the building ground level to the central space.</p> <p>Review of similar sections still show areas of exposed above ground car parking along Khartoum Rd in the Stage 2 concept plan and also potentially to Talavera Rd (only one section is shown where the ground level relates to the street level, but this is not proven along the entire frontage), so my impression is that no change has occurred in the levels of the building.</p>	<p><i>A comparison of building levels shows that tenancies and active uses have been introduced at RL44.5m facing the central landscaped space. Previously, tenancies were at RL50.0m and above. See Figures 18 & 19 below of the original and new RLs.</i></p> <p><i>Due to the significant fall in site levels across the site, some parts of the lower elevations of Building B will not be possible to have windows or open out to active uses, particularly facing Khartoum Road (and where active uses on the same level facing the central open space now take up internal space).</i></p> <p><i>A 5m setback to Khartoum Road will be used to include landscaped bunds and tree and shrub planting to screen necessary basement walls (shown below).</i></p>	<p>Noted - the amended plans have improved the relationship between the ground level to the central space.</p> <p>This is a concept approval for Stage 2 and Section 8.7 of the DCP contemplates that topography within Macquarie Park may necessitate partially exposed basement parking.(i) Basement parking should be contained wholly beneath ground level along public streets. j. Where this cannot be achieved due to topography, the parking</p>

<p>The Stage 2 concept plans seem to support this conclusion with the sections showing exposed car parking visible to the Khartoum Rd frontage (1.5 storeys) and also to the eastern boundary.</p> <p>The Stage 2 concept plans show the sleeving to the central space which is an improvement however the premise of exposing car parking to Khartoum Road is not supported and should be amended in the plans by the deletion of the Basement 1 car park level where it comes above ground in Building B</p>	 <p><i>None of the proposed lower level parking areas are 'open' externally, so cars cannot be seen from the public domain for people Khartoum Road. The existing site has significant surface level parking. Changing the strategy to basement parking enables large landscaped and deep soil areas to be created - and overland flows and flood storage volumes to be more effectively managed.</i></p>	<p><i>level must protrude no more than 1.2 m above ground level for no more than 60% of the building frontage along a public street.</i></p> <p>Whilst the basement levels facing Khartoum Road will protrude more than 1.2m above ground level, the proposal is setback 5m from the boundary which will enable dense landscaping to soften and screen the façade. In addition, Condition 4 in Part 2 of the conditions has been imposed requiring a detail DA for Stage 2 to be submitted and to minimise basement wall exposure to Khartoum Road.</p>
<p>The reference drawing for Stage 2 show the reduced car parking and building footprints from the original iteration which is positive. However the loading area on Building B extends beyond the building footprint and is a poor outcome exposed to the central space.</p> <p>If the commercial tenancy to the north west extended also to sleeve the loading area into the central space this would be a reasonable outcome for this building. Care needs to be taken however on the depth of the terraces on the level above as the depth shown will put the commercial uses and their outdoor spaces into perpetual shade, making them less desirable and the outdoor space on ground level more compromised with reduced light into these tenancies.</p>	<p><i>The loading area and access to Building B has been redesigned from the original DA to enable significant additional tree retention. Revised drawings prepared on 27 September, Figure 20 shown the original design and Figure 21 now show the loading area adjacent to Building B has been shortened and the commercial tenancy at Building B has been extended. The loading area relocated so it does not face the central open space, in response to the UDRP comment. Building B terrace is not covered.</i></p>	<p>Upon the Panel's comment further plans were received which shifted the loading bay in Building B away from the interface of the open space area (PL-0-10_02). This has addressed the panel concerns.</p>

<p>The western interface of Building A into the centre space is also still poor - dominated by vehicle access for the loading areas rather than internalising the loading under the building using the same access area as the vehicles. There is also on grade car parking shown on the access driveway which is a poor outcome both visually and from a safety viewpoint given trucks use that roadway as well.</p>	<p><i>The loading area for Building A is internal at Lower Ground level. The access and turning in/out of this is external. This is necessary because the space that would be required inside of Building A at Lower Ground to be able to turn a delivery vehicle would require deletion of the new tenancy at this level which activates the Lower Ground frontage. Previously, the loading access to Building A was at the rear of the building from Khartoum Road, but it required removal of a large number of trees.</i></p> <p><i>The servicing arrangement for Building A has been through many iterations and now strikes an appropriate balance between tree retention, function, safety and movement.</i></p> <p><i>In terms of the appearance of the Building A parking and loading access, this can be softened by landscaping and public art. In terms of safety, larger vehicles only need to make deliveries to the site infrequently. Loading areas will be shared zones. Loading doors can be closed when not in use. Safety can be managed by signage, surface detailing, and a Car Parking and Servicing Management Plan. See Figure 22 below illustrating the area.</i></p> <p><i>On grade parking referred to adjacent to the access driveway is existing parking which is retained only during Stage 1 and to be removed at Stage 2.</i></p>	<p>The proposal has been amended to relocate the vehicular access and loading bay area for Building from the northern end of the site to the current proposal so as to retain as many trees as possible. Council's Traffic and Development Engineers have not raised any concerns about the vehicular access to the loading bay and Condition 121 of Part 3 of the conditions has been imposed requiring a car parking servicing management plan being submitted for Building A.</p> <p>Condition 4 in Part 2 of the conditions has been imposed for the at grade parking to be removed at Stage 2.</p>
<p>The south eastern part of Building B is end of trip facilities only. While there is a minor amount of activity associated with these facilities, they do not contribute much activity during the day. It is suggested that a gym could be provided with these facilities with outlook to the central space.</p>		<p>Building B is Stage 2 of the approval and a detailed DA is required to be submitted. The use of this area can be considered at this DA stage and given the zoning of the site which restrict certain use.</p>
<p>The entry sequence for pedestrians to Building A is not ideal either in Stage 1 or 2 as it is dominated by the vehicle driveway below</p>	<p><i>Swapping Building A pedestrian and vehicle access would not provide a better solution from the resolved access as lodged. It would create additional access difficulties due to levels and</i></p>	<p>Noted – as Building A is located at the rear of the</p>

<p>and noise associated with vehicle movements. A better outcome could be achieved if it actually covered as much of the vehicle access as possible and if it started its link from Talavera Road on the western side of the driveway so it feels more connected in the long term to the rest of the development.</p>	<p><i>clearance issues (a steep ramp would be needed for the pedestrian bridge to Building A to create the clearance to cross over the vehicle and servicing access below).</i></p> <p><i>In addition, at-grade DDA access from Talavera Road would still need to cross the vehicular access.</i></p> <p><i>Levels have been very carefully resolved to prevent inundation of the parking and servicing areas during a flood event. Servicing access or loading entry into Building A cannot be lowered further. Servicing and vehicle access entry points into Building A will be partly covered by the link bridge between Buildings A and C at Stage 2. Multiple pedestrian access options are available to pedestrians to access the central space - see Figure 23 below.</i></p>	<p>site, any pedestrian access to the building is a challenge. However as illustrated in Figure 23 below pedestrian access to Building A can be achieved via two pathways and Condition 163 of Part 3 of the conditions has been imposed requiring wayfinding signage to be provided.</p>
<p>The Stage 1 DA new tenancy shown on the ground level will be compromised by the existing building and its exposed car parking until Stage 2 is undertaken and this strengthens the issues with staging plan.</p>	<p><i>Existing trees are being retained in between the buildings. The retained existing building and Building A are orientated differently. The children's outdoor play area for the existing creche also provides separation between the existing building and Building A. Furthermore, it is not intended that this condition will be a long term arrangement.</i></p>	<p>Noted – This is a temporary situation, until Stage 2 is completed. Nevertheless, any new tenancy in Building A will be aware of the existing building. However, should Stage 2 not eventuate, the two buildings are able to operate and function independently.</p>
<p>Stage 1 also includes a substation that is not contained within the building form but is located on the new driveway. The issue here is that the applicant is unlikely to move this sort of infrastructure once it is in place and this is a poor outcome for the future central space and streetscape.</p>	<p><i>After Stage 1 the sub-station is relocated into Building B.</i></p>	<p>Condition 4 in Part 2 of the conditions imposed to ensure that the substation is relocated to Building B</p>
<p>The new building will feel very isolated in terms of address and has no real linkages to the existing building. This is a poor interim outcome.</p>	<p><i>It is not intended that this condition will be a long term arrangement. The existing building has multiple building entries surrounded by existing car park areas, so does not operate as a consolidated whole.</i></p>	<p>Noted – Stage 2 is intended to commence within 6 years from development consent being issued. The applicant has advised that it is intended to start construction of Stage 1 at the end of 2022 with two years to complete (end of</p>

		2024) and Stage 2 could conceivably commence (subject to leasing arrangements). However, if this stage is not constructed Building A will be able to operate in isolation from the other building on the site.
<p>The architecture of the new building is heavily horizontal and relies on glazing to establish its character. This is not ideal as heat loads and other solar impacts are always an issue with heavily glazed commercial buildings. The building form creates an undercroft that is also heavily glazed. The building is likely to feel quite 'cold' in its expression and would benefit from some of the warmer tones seen in the building base being reflected in the facade. Solar shading should also be provided on facades with solar gain including the north, west and east.</p>	<p><i>The architecture of the building has been strongly praised in previous UDRP discussions.</i></p> <p><i>The development will seek to meet and outperform the requirements of the National Construction Code (NCC) 2019 Section J. We are targeting Green Star 5 star.</i></p> <p><i>The building also has in-built solar shading, as shown in the architectural material, see Figure 24 below.</i></p>	<p>Noted – Condition 28 of Part 2 and Condition 20 of Part 3 of the conditions have been imposed.</p>

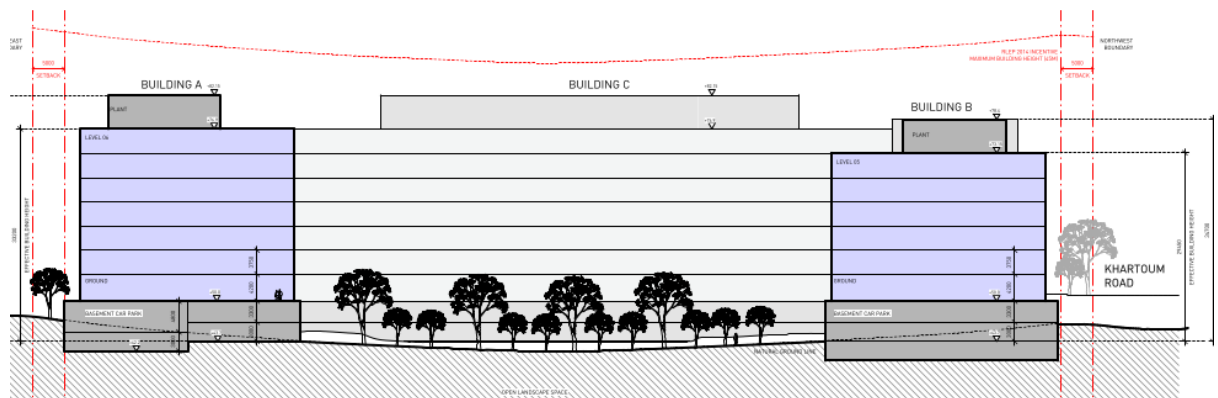


Figure 18: Original proposal with Ground floor RL50.m

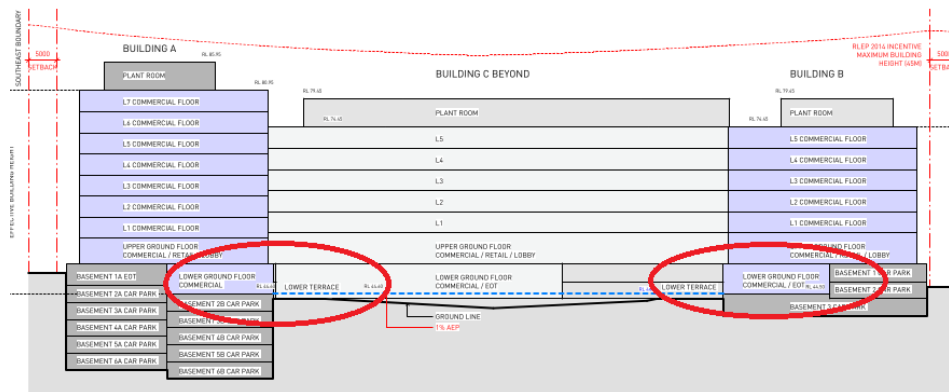


Figure 19: Amended plans lowered the ground floor to RL 44.5 to connect with the open space.

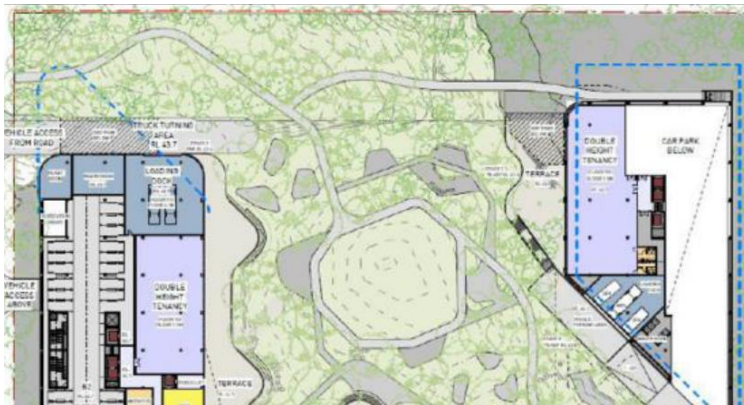


Figure 20: Lower Ground plan submitted

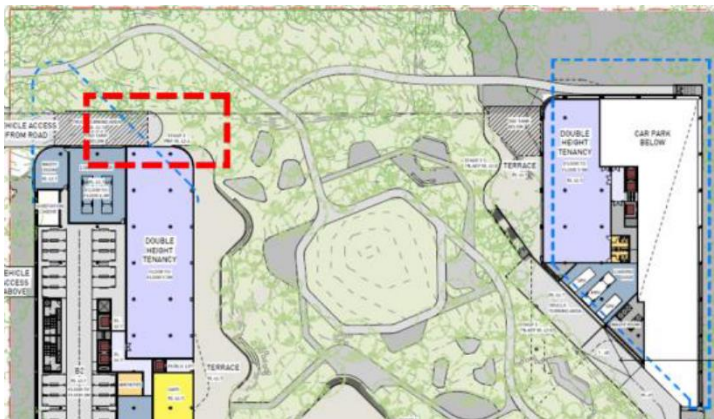


Figure 21: Redesigned to address UDRP comments (27 September 2021 plans)
Red out line illustrate the redesign to shift the loading bay in Building B and extension of the ground tenancy which has allowed better connection to the open space area.

Stage 1: Bldg A vehicle access



Stage 2 – Bldg A vehicle access incl bridge.



Figure 22: Photomontage of vehicle access for Stages 1 and 2.

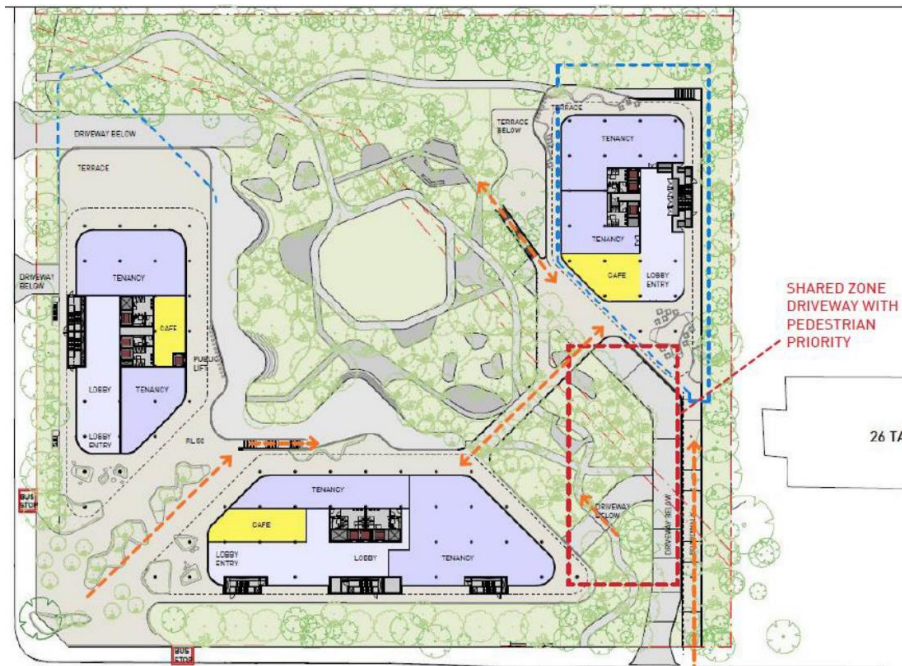


Figure 23: Lower ground floor - Pedestrian access to Building A shown by the orange line.

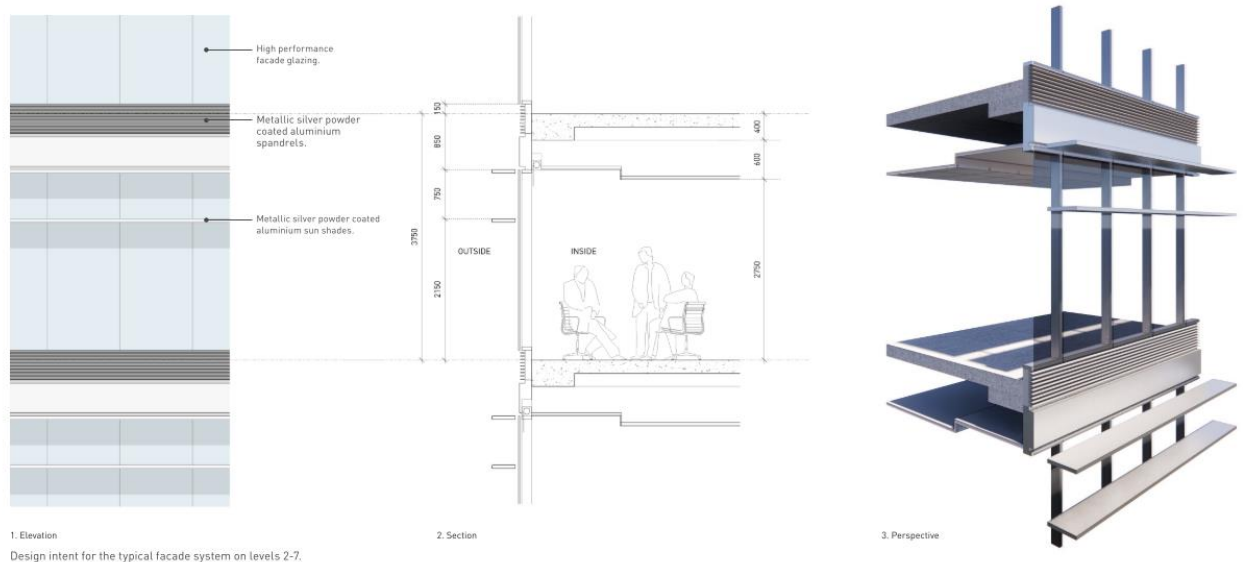


Figure 24: Façade system with shading and high performance façade glazing.

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 2021
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021

- Ryde Local Environmental Plan 2014
- Ryde Development Control Plan 2014
- Section 7.11 Developer Contributions Plan 2020

8. PLANNING ASSESSMENT

8.1 Environmental Planning and Assessment Act, 1979

Section 1.7 Application of Part 7 of Biodiversity Conservation Act 2016 & Part 7A of Fisheries Management Act 1994.

This clause states:

This Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994 that relate to the operation of this Act in connection with the terrestrial and aquatic environment.

Biodiversity Conservation Act 2016

Part 7 Biodiversity assessment and approvals under Planning Act.

7.3 Test for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats

- (1) *The following is to be taken into account for the purposes of determining whether a proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats—*
 - (a) *in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,*
 - (b) *in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity—*
 - (i) *is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or*
 - (ii) *is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,*
 - (c) *in relation to the habitat of a threatened species or ecological community—*
 - (i) *the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and*

- (ii) *whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and*
- (iii) *the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,*
- (d) *whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),*
- (e) *whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.*

Assessments undertaken for this proposal have been carried out with regard to the Biodiversity Conservation Act, and notably a Biodiversity Development Assessment Report (BDAR) prepared by Ecological Australia (ELA) submitted with the application. The BDAR is provided in light of the requirements of the Biodiversity Conservation Act 2016 due to the proposal resulting in clearing of more than 0.5ha (5000m²) of vegetation.

The following extract is the executive summary of the final revised BDAR by ELA (dated 8 October 2021 and updated on November 2021 to include the final calculator):

This report has followed the Biodiversity Assessment Method 2017 (BAM) established under Section 6.7 of the NSW Biodiversity Conservation Act 2016 (BC Act). The proposed works trigger entry into the BAM by proposing to clear a total of 0.5 ha of native vegetation (0.23 ha in Stage 1 and 0.27 ha in Stage 2), which exceeds the vegetation clearance threshold (0.5 ha) relative to the actual lot size of the development site (2.50 ha), as detailed in the Biodiversity Conservation Regulation 2017.

The proposed development site is 2.50 ha. This is defined as the assessable area which includes the area of land defined by land title boundary (Lot 56 DP 771511). The development site is located on land zoned as B7: Business Park under the Ryde Local Environment Plan (LEP) 2014. It is bound by Khartoum Rd to the north-west, Talavera Rd to the south-east, the M2 Motorway to the north-east and business park development to the south-east.

Native trees, shrubs and ground cover species are present within part of the development site. Horticultural plantings and weeds are also present throughout the development site, with vegetated areas subject to regular mowing and garden maintenance activities.

The proposal will result in the removal of 5000m² (0.5 ha) of native vegetation present within the site. Vegetation was identified as being most consistent with Plant Community Type (PCT) 1845: Smooth-barked Apple - Red Bloodwood - Blackbutt tall open forest on shale sandstone transition soils in eastern Sydney (Coastal Shale-Sandstone Forest), which was previously mapped within the

development site by Office of Environment and Heritage (OEH 2016). The PCT within the development site has been split into two vegetation zones based on the presence of two condition states as follows: Vegetation Zone 1 Degraded and Vegetation Zone 2 Planted. Approximately 0.79 ha of PCT 1845 will be retained. PCT 1845 does not conform to any threatened ecological community listed under the BC Act and Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

The following threatened species were identified as having the potential to be adversely affected by the proposed works:

- *Pteropus poliocephalus* (Grey-headed Flying-fox), listed as vulnerable under the BC Act and EPBC Act
- *Myotis macropus* (Southern Myotis), listed as vulnerable under the BC Act

Vegetation within the development site may be used as potential seasonal foraging habitat for *Pteropus poliocephalus* (Grey-headed Flying-fox). There are two nearby Nationally Important Flying-fox Camps within 5km of the development site- one at Gordon to the northeast and one at Parramatta Park to the southwest. No suitable breeding habitat is available within the development site.

An individual *Eucalyptus scoparia* (Wallangara White Gum) was identified within the development site. The species is located outside of its normal distribution as it is known from northern NSW and is commonly planted in Sydney as an urban street tree or in gardens. ELA has previously received advice from the NSW Department of Planning, Industry and Environment (DPIE) stating that threatened species are protected under the BC Act and require assessment of proposed impacts, regardless as to whether they are planted or not. The Concept Development Application element of the proposal (shown in the masterplan drawings and Arcadia landscape plans) has been specifically realigned to avoid removal of this tree.

No other threatened flora or fauna species were recorded within the study area during field survey.

Culverts and a drainage line located adjacent to the development site in the south were identified as potential habitat for *Myotis macropus* (Southern Myotis), as well as potential roosting habitat within hollows in the development site. While it is noted that the culverts and waterbody will not be impacted, in accordance with the BAM, potential habitat for Southern Myotis is considered to be within 200m of the waterbody/culverts. Subsequently, this species was included as a species credit species. It is noted that habitat for this species was degraded due to the small area of available water and the urbanised nature of surrounding land uses.

The number of credits required to offset the removal of PCT 1845 and habitat for Southern Myotis are summarised in the tables below.

Ecosystem credits required

Stage	Veg Zone	PCT ID	PCT Name	Trading Group	Direct impact (ha)	Credits required
1	1	1845	Smooth-barked Apple - Red Bloodwood - Blackbutt tall open forest on shale sandstone transition soils in eastern Sydney	Northern Hinterland Wet Sclerophyll Forests - ≥ 90% cleared group (including Tier 2 or higher)	0.19	3
1	2	1845	Smooth-barked Apple - Red Bloodwood - Blackbutt tall open forest on shale sandstone transition soils in eastern Sydney	-	0.04	0
2	1	1845	Smooth-barked Apple - Red Bloodwood - Blackbutt tall open	-	0	0

Stage	Veg Zone	PCT ID	PCT Name	Trading Group	Direct impact (ha)	Credits required
			forest on shale sandstone transition soils in eastern Sydney			
2	2	1845	Smooth-barked Apple - Red Bloodwood - Blackbutt tall open forest on shale sandstone transition soils in eastern Sydney	-	0.27	0
Total					0.5	3

Species credit summary

Stage	Species	Common Name	Direct impact (area of habitat (ha))	Credits required
1	<i>Myotis macropus</i>	Southern Myotis	0.19	3

Table 1: Credit summary table. The number of credits required to offset the removal of PCT1845 and habitat for Southern Myotis are summarised in the table.

An assessment of the Commonwealth Significant Impact Criteria was undertaken for Grey-headed Flying-fox. This species is listed as threatened under the EPBC Act and is therefore a Matter of National Environmental Significance. The proposal is unlikely to have a significant impact on Grey-headed Flying-fox or any other Matters of National Environmental Significance.

The proposed development has been realigned in order to minimise impacts to biodiversity where possible within the scope of the development. In addition to offsetting in accordance with the BAM, several mitigation measures will be implemented to replace available habitat within the development site. The landscaping plan for the development proposes to revegetate parts of the development site to reinstate the remnant vegetation community PCT 1845 which will provide compensatory foraging habitat for highly mobile fauna

species such as Grey-headed Flying-fox. Three nest boxes will be installed to replace those hollows removed for the development and provide compensatory roosting habitat for microchiropteran bats and hollow-dependent birds.

The proposal was referred to Council's Consultant Ecologist to do a peer review of the revised BDARs (August 2020, September 2021 and October 2021). The following extract is from their comments of September 2021:

A.3.5. Native Vegetation

A.3.5.1. PCT Selection

*The review of the original BDAR found PCT 1845 to be a poor fit for vegetation within Zone 2 as this vegetation zone was dominated tree species not associated with PCT 1845. In addition, it was unclear why all vegetation in Zone 2 is considered planted given the occurrence of locally indigenous species such as *Corymbia gummifera* and *Eucalyptus saligna*. Therefore, while it was recognised that Vegetation Zone 2 had a low Vegetation Integrity score that did not generate a biodiversity credit requirement, with the assignation of a PCT making little material difference to the conclusion of the original BDAR, the review nonetheless requested further justification be provided for assigning PCT 1895 to Zone 2 as well as further justification for considering the vegetation as planted.*

Section 1.4.2.1 of the revised BDAR has been updated to provide justification for assigning PCT 1845 to Zone 2 as well as justification for considering all of the vegetation within Zone 2.

The revised BDAR states that the vegetation within Zone 2 is considered to be planted due to the presence of non-locally indigenous species, its position within garden beds and trees being positioned in rows and that species composition is not considered a reliable criterion for PCT selection due to the presence of a non-locally indigenous species. These justifications for planted vegetation and PCT selection are considered to be reasonable.

A.3.5.2. Threatened Ecological Communities (TEC)

*The review of the original BDAR found the provided justification for excluding PCT 1281, a PCT associated with the TEC Sydney Turpentine Ironbark Forest, as occurring within the site to be reasonable but requested that a similar analysis be conducted for PCT 1237, a PCT associated with the TEC Blue Gum High Forest, given the presence of characteristic species of PCT 1237/Blue Gum High Forest, such as *Angophora costata*, *Eucalyptus saligna*, and *Eucalyptus pilularis* within the site.*

*Section 1.4.2.1 of the revised BDAR has been updated to provide an assessment of PCT 1237. It is noted that the exclusion of PCT 1237/Blue Gum High Forest is based on individuals of one primary characteristic species, *Eucalyptus saligna*, being planted. However, the revised BDAR does not explicitly state that other characteristic species such as *Eucalyptus pilularis* and *Angophora costata* are also planted. Therefore, it is considered that the further justification for the exclusion of PCT 1237/Blue Gum High Forest is required,*

such as analysis of soils (similar to that done for PCT 1281) or use of historic aerial imagery to support the species being planted. It is noted that the new paragraph addressing PCT 1237, just before Table 5 states 'PCT 1281 was determined to be better fit given the species assemblage, soil landscape mapping and previous vegetation mapping'. It is assumed that PCT 1281 is a typographical error as the vegetation within the site has been assigned to PCT 1845, not PCT 1281.

While Section 1.4.4 of the revised BDAR has been updated to list the additional PCTs and TECs associated with them considered for the site, the analysis of TECs in Section 1.4.4 has relied on descriptions of the PCTs in the BioNET Vegetation Classification database and does not reference final determinations. Given that the respective final determinations for Sydney Turpentine Ironbark Forest and Blue Gum High Forest can include degraded patches of characteristic canopy trees over modified understorey and characteristic canopy species of both TECs are present within the site, some reference to the respective Final Determinations of the TECs is recommended as Final determinations contain far more detail than PCT descriptions and are the legally accepted definitions of the TECs. We note that while Section 1.4.4 of the revised BDAR would benefit from having these details, it does not materially affect the final impact assessment and credit calculations of the revised BDAR.

A.3.6. Vegetation Integrity Assessment

Input of data contained within Appendix B of the revised BDAR into the Test BAM-C prepared by Cumberland Ecology resulted in slightly different Vegetation Integrity (VI) scores than those reported in the BDAR. Cumberland Ecology calculated a VI score for Zone 1 of 29.9 (Composition = 29.2, Structure = 20.3, Function = 45) whereas the revised BDAR reports a VI of 28 (Composition = 25.6, Structure = 19.1, Function = 45) for Zone 1. A similar discrepancy in VI scores for Zone 1 was noted during the review of the original BDAR.

Adjustments of values within the Test BAM-C noted that the scores for Zone 1 as reported in the revised BDAR are achieved if the Composition value for Forbs is reduced to 4 (reported as 5 in Table 26 of Appendix B of the revised BDAR) and the Structural value for Forbs is reduced to 2.3 (reported as 3.3 in Table 26 of Appendix B of the revised BDAR).

As the difference in VI score between Cumberland Ecology's Test BAM-C and the reported values in the revised BDAR result in a slightly different credit requirements for Zone 1 (4 credits for PCT 1895 as per the Test BAM-C compared to 3 credits as per the revised BDAR), the revised BDAR will need to be updated to rectify this discrepancy. It is therefore recommended that Eco Logical Australia check the plot data reported in Appendix B against the plot data entered into the calculator for consistency.

The VI scores for Zone 2 as reported in the revised BDAR are the same as those in Cumberland Ecology's Test BAM-C (Composition = 2.5, Structure = 36.8, Function = 29.7, VI score = 14.1).

A.3.7. Fauna Habitat

Section 1.5.2 of the revised BDAR states that three hollow bearing trees were recorded within the development site and that all hollow bearing trees identified within the development site are to be removed. However, as per Figure 10 of the revised BDAR, HBT3 lies outside of the revised construction footprint, suggesting that this hollow-bearing tree is to be retained within the total of 0.79 ha of retained vegetation. The revised BDAR will need to be updated to maintain consistency between the hollow bearing tree removal as stated in Section 1.5.2 and that shown in Figure 10.

A.3.8. Threatened Species

The assessment of ecosystem credit species and species credit species in the original BDAR was assessed as appropriate as exclusion of species was undertaken using reasons specified in the BAM such as absence of habitat constraints and substantially degraded microhabitats.

While the revised BDAR has retained the same approach, and is therefore considered appropriate, it is noted that the following candidate species credit species as per the Test BAM-C prepared by Cumberland Ecology are absent from Table 9 of the revised BDAR:

- Gang-gang Cockatoo population in the Hornsby and Ku-ring-gai Local Government Areas;
- Giant Burrowing Frog (*Heleioporus australiacus*); and
- Broad-headed snake (*Hoplocephalus bungaroides*) – Breeding.

While it is expected that these species can be excluded on analysis of habitat constraints, geographic limitations or substantially degraded habitats, and will not change the assessment outcomes of the revised BDAR, nonetheless the species lists between the BAM-C and that reported in the BDAR should be checked for consistency.

A.3.9. Southern Myotis

Table 19 lists an impact area of 0.19 ha of habitat for the Southern Myotis (*Myotis macropus*). However, Table 22 lists an impact area of 0.21 ha. It is assumed that this is a typographical error as the reported credit requirement for Southern Myotis is consistent with that calculated in the Test BAM-C. Nonetheless, areas of impact as reported across all tables should be checked for consistency with that entered into the BAM-C.

A.3.10. Mitigation Measures

The review of the original BDAR determined that there were no specific measures to protect vegetation to be retained within the development site which is to be retained. Table 17 of the revised BDAR has been updated to provide additional mitigation measures for retained vegetation. These mitigation measures have been assessed as satisfactory for the proposed development.

A.4. Conclusions and Recommendations

Whilst the revised BDAR has addressed the majority of the recommendations made in the original peer review, a few issues remain outstanding. Further minor issues have also been identified as a result of the amended proposal. It is recommended that the issues identified below be addressed in the listed priority to enable Council to make an informed decision on the development application.

- *High Priority - matters that have an impact on the assessment outcome*
 - *Undertake check for consistency between plot data reported in BDAR and utilised in calculator and correct any errors present to provide an accurate credit liability;*
- *Medium Priority - matters that strengthen justifications or consistency of the BDAR but do not impact on the outcome*
 - *Provide further justification for removal of PCT 1237 from consideration;*
 - *Undertake assessment against Final Determinations for TECs;*
 - *Undertake check of consistency and confirm extent of hollow-bearing tree removal;*
 - *Undertake check of consistency of species lists between the BAM-C and that reported in the BDAR to include all species listed in the BAM-C; and*
- *Low Priority - matters that are minor in nature.*
 - *Undertake check for typographical errors in reported impact areas and credit requirements between all BDAR tables and the BAM-C.*

ELA subsequently submitted a revised BDAR dated 8 October 2021 and on 18 November 2021 Cumberland Ecologist advised that the revised BDAR adequately addresses the above and has provided Council the following conditions to be imposed:

- *Commitments detailed within the Actions and Outcomes columns of Table 17 of the October BDAR; and*
- *Requirement to satisfy the offset liability detailed within Table 21 and Table 22 of the October BDAR.*

It is noted that the Biodiversity Credit report in Appendix C indicates that the relevant Biodiversity Assessment Method (BAM) calculator case is yet to be finalised. In order to maintain compliance with the BAM:

- i. the calculator will need to be finalised and submitted to the consent authority;*
and
- ii. the accredited assessor will need to certify the BDAR within a 14 day period of finalisation of the BAM calculator.*

Note: The above has been satisfied. Council received correspondence from Department of Planning, Industry and Environment that an account has been created in the Biodiversity Offset and Agreement Management System (BOSMS).

Assessing Officer comments:

The biodiversity impacts were assessed in the submitted revised BDARs. The principles of 'avoid, minimise, offset' as well as examining the concept of a 'serious and irreversible impact' on biodiversity values was examined in the report. The report concludes that the removal of identified PCT and habitat for Southern Myotis should be offset by three ecosystem credits and three species credits. The report found that:

- The PCT 1845 is identified as Smooth-barked Apple- Red Bloodwood- Blackbutt which *does not conform to any threatened ecological community listed under the BC Act and Environment Protect and Biodiversity Conservation Act 1999 (EPBC Act)*.
- The proposal has the potential to impact on two threatened species – the Grey headed Flying -fox and Southern Myotis. An assessment of the impacts were undertaken it was concluded in the report that the *proposal is unlikely to have a significant impact on the Grey headed Flying fox or any other matters of National Environmental Significance*.

With regard to the Southern Myotis, it was identified that culverts and drainage line located adjacent to the site as potential habitat for the Southern Myotis (as well as potential roosting habitat within hollows on the site) and whilst the culverts will not be impacted it is however "potential habitat" within 200m of the culverts, as such is offset by three species credits.

- Mitigation measures will be implemented to replace habitat within the development and when completed with tree replanting which will revegetate the site to reinstate the remnant vegetation community PCT 1845, new habitat will be provided. Mitigation measures include nest boxes being installed which will provide compensatory roosting habitat.

It is noted that the proposal was amended to minimise impact by reducing the extent of tree loss, and that offsetting in accordance to the BAM together with mitigation measures and replacing at ratio of 1:2.2 to revegetate and regenerate the loss.

Council's Consultant Ecologist is satisfied with the detail provided within the BDAR and did not raise any objection to the proposed tree removal or impact on biodiversity, subject to conditions to ensure that the mitigation and management impact measures are implemented and complied with and that the Offset liability – Ecosystem credits (3) and the Species credits (3) are "retired" before any clearing of the trees for Stage 1. (see **Condition 9 in Part 2** and **Condition 2 in Part 3 of the conditions**).

Council received correspondence from Department of Planning, Industry and Environment that an account has been created in the Biodiversity Offset and Agreement Management System (BOSMS), Council's Reference D22/166999.

Council's Consultant Landscape Architect & Arborist has also reviewed the proposal and considered that the scale of tree removal has been significantly reduced to a level that is acceptable:

The removal of these trees is likely to have a moderate impact on the landscape character of the site and the surrounding landscape setting. Despite this, the extent of tree removal proposed is significantly improved from the original scheme, is consistent with the surrounding land uses and is generally considered capable of being offset by the proposed landscape scheme.

In relation to landscape matters, the submitted landscape plans are generally considered satisfactory and well-thought-out as they provide suitable embellishment planting and overall open space arrangements to the central greenspace and curtilage areas of the development site. Access has been improved with new pathways, stairs and raised walkways to tie the new building footprints in with the existing pathway entry points and landscape areas. The natural character of the site has been re-enforced with the interpretation of the natural landform associated with the former watercourse that once flowed through the site. Replacement trees have been provided, which are representative of the vegetation community that will be removed as part of the construction works. The submitted plans are also considered compliant to relevant DCP controls, and in some cases, exceed the current DCP requirements (e.g. deep soil areas, solar access).

Given the above and that the site is not listed as endangered urban bushland, the applicant's mitigation measures, including biodiversity protection, tree retention and replacement, and recommended conditions to secure these commitments, the proposal can be supported. Furthermore, a \$350,000 bond has been agreed to and forms part of the VPA. This bond will be retained until Stage 2 occurs. If Stage 2 has not occurred within a specified time, Council will be able to use this bond for tree planting elsewhere. Council has also recommended conditions requiring the protection of all trees proposed to be retained on and adjoining the site, together with other management and mitigation measures contained within the AIA. Subject to conditions regarding biodiversity, tree retention, replacement and protection, the proposal's biodiversity and tree strategy for the site is, on-balance, acceptable. (See **Conditions 9, 10 & 27 in Part 2** and **Conditions 2, 7, 8, 10, 11, 41, 49, 82-87, 109 & 117 in Part 3** of the conditions).

Section 4.46

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 28 January 2022, Water NSW has raised no

objection to the proposal and provided General Terms of Approval, which have been included in Attachment 1 of this report. (see **Condition 3 in Part 3** of the conditions).

Section 7.4 Planning Agreements

Pursuant to Section 7.4 of the EP&A Act 1979 as part of the development application for uplift in height for Buildings A, B & C and for floor space across the site, an offer to enter into a Voluntary Planning Agreement (VPA) has been accepted by Council on 8 July 2022.

The VPA is for incentive contributions and material public benefits to enable the developer to utilise the additional building height incentive of 45m and additional FSR incentive of up to 1.5:1 available pursuant to Clause 6.9(3) of RLEP 2014. The public benefits to be provided under the Planning Agreement consist of the following:

- A monetary contribution to be used toward provision of Macquarie Park
 - o Incentive Contribution Instalments paid to Council:
Stage 1: \$376,249.31 prior to issue of Construction Certificate
Stage 2: \$3,096,010.16 prior to issue of Construction Certificate
Total: \$3,472,259.47.
- Access Network and/or Open Space as material public benefits: -
 - o Upgrade of public domain including the bus stops.
 - o The provision of publicly accessible exercise equipment as part of the site landscaping to be maintained by the Developer.
- Access to communal meeting rooms to be provided on the ground floor of the Khartoum Road facing building (Building B) for community groups at Council's discretion for 10 hour/month at no charge. These rooms are to be fitted out to a commercial standard as communal facilities for the tenants of the building to use, and available for community use as above.
- Security \$350,000 for Provision of Landscaping Works and Enforcement.

Deferred commencement Condition (A) (1) & (2) in Part 1 has been imposed requiring the applicant to enter into a Voluntary Planning Agree and for the VPA to be placed on title. **Condition 29 in Part 2** and **Condition 116 in Part 3** of the conditions have also been imposed requiring the applicant to comply with the VPA obligations.

8.2 Environmental Planning and Assessment Regulation 2000

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

8.3 State Environmental Planning Policy (Planning Systems 2021 – Chapter 2 State & 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 4.5 of the EP&A Act.

8.4 State Environmental Planning Policy (Transport and Infrastructure) 2021

SEPP (Transport and Infrastructure) 2021 (formerly Infrastructure 2007) requires traffic generating development to be referred to Transport for New South Wales (TfNSW).

Clause 2.121 (Traffic-generating development)

The proposal has a GFA of 37,542m² comprising of a total of 626 car parking spaces over the three buildings and is identified as traffic generating development under Schedule 3 of the SEPP.

In accordance with Clause 2.121(4) of the SEPP, the proposal was required to be referred to TfNSW for comment. TfNSW via letter dated 8 February 2022 provided the following comments:

TfNSW has reviewed the revised submission, noting that the Applicant is proposing to modify the existing signalised intersection of Talavera Road / Khartoum Road to mitigate the impacts of the development. TfNSW advises:

- *Section 87 (4) approval of the Roads Act 1993 is required; and*
- *After initial assessment, TfNSW is supportive of the proposed improvements to the signalised intersection Talavera Road / Khartoum Road and provides advisory comments in **TAB A** for the Applicant's and Council's consideration in preparing the traffic control site (TCS) concept plan and other matters for consideration.*

As such, TfNSW would provide approval under section 87 (4) Roads Act 1993 for the civil works and modification to the existing the signalised intersection Talavera Road / Khartoum Road, subject to Council's approval of the development application and the following conditions being included in any consent issued.

TfNSW Conditions have been imposed (see Conditions **4 & 76 - 78 of Part 3** of the conditions).

8.5 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

SEPP (Biodiversity and Conservation) 2021 (formerly SEPP Vegetation in Non-Rural Areas 2017) provides approval pathways for the removal of vegetation in non-rural areas and matters for consideration in the assessment of applications to remove vegetation. The objective of the 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.

This policy applies to land within the B7 Business Park zone in the Ryde LGA. An updated Arboricultural Impact Assessment (AIA) and Biodiversity Development Assessment Report (BDAR) have been submitted. Note: The land is not identified as biodiversity value on the Biodiversity Values (BV) Map, defined by clause 7.3(3) of the Biodiversity Conservation Regulation 2017. Nor is the subject site identified as containing significant urban bushland on Council's Environmentally Sensitive Areas map.

The application includes the removal of 129 of the 297 trees in two stages. A total of 168 trees are to be retained and protected. The AIA report states that:

A total of 122 trees are proposed to be removed as they will be subject to high impact (>20% TPZ encroachment and/or SRZ encroachment) from the proposed works. These trees cannot be retained unless the proposal is changed. These trees are as follows:

•**High retention value: 8 trees**

- Trees 4, 121, 122, 124, 193, 194, 205 and 240.

•**Medium retention value: 55 trees**

- Trees 1, 2, 3, 9, 12-15, 86, 93, 95-98, 101-105, 109, 113-119, 170, 174, 175, 176, 192, 196, 198, 201, 204, 212, 216, 219, 223-226, 238, 239, 241, 242, 257, 269, 278, 279 and 284-287.

•**Low retention value: 50 trees**

- Trees 10, 16, 78, 84, 85, 91, 92, 94, 99, 100, 106, 107, 108, 110, 112, 120, 123, 171, 177-180, 195, 203, 206-210, 213, 214, 215, 217, 218, 220, 221, 222, 227-230, 234, 235, 236, 256, 261, 262, 280, 282 and 283.

•**Dead: 9 trees**

- Trees 111, 173, 181, 197, 199, 200, 202, 211 and 281.

Note: Further detailed assessment completed by Council's Consultant Landscape Architect & Arborist has revealed that an additional seven (7) trees of 'Low' and 'Medium' retention value are to be subjected to major and unsustainable impacts from the proposed works and will need to be removed. This includes one (1) tree for Stage 1 (Tree 260) and six (6) trees for Stage 2 (Trees 66-70 & 299).

Accordingly, of the trees proposed to be removed eight (8) are considered to be high retention value, one hundred and twelve (112) are of low/medium value and nine (9) dead trees, bringing the total number of trees to be removed across both stages to one-hundred and twenty-nine (129).

Since the lodgement of the original DA, the evolution and refinement of the concept masterplan has facilitated the retention of a significantly higher number of medium and high retention value trees, with high value trees loss reduced from 25 trees to 8 trees and the total amount of tree loss reduced from 245 to 129 trees.

Significant new tree planting, including PCT 1845 and related family species, is intended to far exceed the number removed, with total of new planting equalling 283 trees.*

*The number of trees to be replanted could increase. The latest landscape plans supplied do not provide detailed planting information for upper-ground areas within the Talavera & Khartoum Road setbacks nor podium planting areas which surround Buildings B & C. As such, the quoted figure of 257 for Stage 2 trees is expected to increase upon receipt of detailed DA documentation to be submitted for Stage 2.

Council's Consultant Landscape Architect & Arborist and Consultant Ecologist have reviewed the proposal in regard to the proposed tree removal and has provided the following table with regards to the tree identification, tree assessment in terms of tree removal and their comments:

Species 'Common Name'	Trees Recommended for removal		Landscape Architect comments
	Stage 1	Stage 2	
<i>Allocasuarina littoralis</i> She-Oak	Nil	Fifteen (15) trees*: Trees 10, 78, 91, 92, 94,96,99,100,106,107,108 ,109, 110, 111 & 112 Note: Three (3) additional trees (Trees 67, 68, & 69) are to be majorly impacted by the proposed Stage 2 works and will require removal.	Stage 1- N/A Stage 2 - Future tree removal supported in principle, pending receipt of forthcoming DA.
<i>Angophora costata</i> Smooth Barked Apple	<u>Thirteen (13) trees:</u> Trees 113, 120, 171, 174,177,178,192,193,1 96, 200, 204, 208 & 214	<u>Two (2) trees:</u> Trees 15 & 16	Stage 1- Removal supported; works unsustainable. Trees are capable of replacement Stage 2 - Future tree removal supported in principle, pending receipt of forthcoming DA.
<i>Brachychiton acerifolius</i> Illawarra Flame Tree	<u>Two (2) trees:</u> Trees 256 & 257	Nil* Note: Two (2) additional trees (Trees 66, & 70) are to be majorly impacted by the proposed Stage 2 works and will require removal.	Stage 1- Removal supported; works unsustainable. Trees are capable of replacement. Stage 2 - Future tree removal supported in principle, pending receipt of forthcoming DA.
<i>Casuarina cunninghamiana</i> River She-Oak	<u>Ten (10) trees*:</u> 197,228,229,230,234, 235, 236, 239, 261 & 262 Note: One (1) additional tree (Tree 260) is to be majorly impacted by the proposed Stage 2 works and will require removal	Nil	Stage 1- Removal supported; works unsustainable. Trees are capable of replacement. Stage 2 - N/A

<i>Cinnamomum camphora</i> Camphor laurel	Nil	<u>One (1) tree:</u> Tree 9	Stage 1- N/A Stage 2 - Removal supported; tree is exempt from protection under Part 9.5 of Ryde DCP 2014 (exempt species)
<i>Corymbia maculata</i> Spotted Gum	<u>Three (3) trees:</u> Trees 121, 122 & 124	<u>Two (2) trees:</u> Trees 97 & 98	Stage 1 - Removal supported; works unsustainable. Trees are capable of replacement Stage 2 - Future tree removal supported in principle, pending receipt of forthcoming DA.
<i>Cupaniopsis anacardioides</i> Tuckeroo	Nil	<u>One (1) tree:</u> tree 14	Stage 1 - N/A Stage 2 - Future tree removal supported in principle, pending receipt of forthcoming DA.
Dead Tree	<u>Five (5) trees:</u> Trees 181, 199, 202, 211 & 281	Nil	Stage 1 - Removal supported; satisfied as dead. Stage 2 - N/A
<i>Eleaocarpus reticulatus</i> Blueberry Ash	<u>One (1) tree:</u> tree 206	Nil	Stage 1 - Removal supported; works unsustainable. Trees are capable of replacement. Stage 2 - N/A
<i>Eucalyptus grandis</i> Rose Gum	<u>Two (2) trees:</u> Trees 114 & 116	<u>Two (2) trees:</u> trees 1 & 104	Stage 1 - Removal supported; works unsustainable. Trees are capable of replacement. Stage 2 - Future tree removal supported in principle, pending receipt of forthcoming DA.
<i>Eucalyptus haemastoma</i> Scribbly Gum	<u>Three (3) trees:</u> Trees 170, 175 & 176	Nil	Stage 1 - Removal supported; works unsustainable. Trees are capable of replacement. Stage 2 - N/A
<i>Eucalyptus microcorys</i> Tallowwood	<u>Eight (8) trees:</u> Trees 115, 117, 118, 119, 238, 284, 286 & 287	Eight (8) trees: Trees 115, 117, 118, 119, 238, 284, 286 & 287	Stage 1 - Removal supported; works unsustainable. Trees are capable of replacement. Stage 2 - Future tree removal supported in principle, pending receipt of forthcoming DA.

<i>Eucalyptus pilularis</i> Blackbutt	<u>Thirteen (13) trees:</u> Trees 205, 207, 212, 215, 216, 218 226, 240, 278, 279.280.282 & 283	Nil	Stage 1- Removal supported; works unsustainable. Trees are capable of replacement. Stage 2 - N/A
<i>Eucalyptus sp.</i> Eucalyptus	<u>Three (3) trees:</u> Trees 123, 173 & 179	Nil	Stage 1- Removal supported; works unsustainable. Trees are capable of replacement. Stage 2 - N/A
<i>Glochidion ferdinandi</i> Cheese Tree	<u>Two (2) trees:</u> trees 201 & 203	Nil	Stage 1- Removal supported; works unsustainable. Trees are capable of replacement. Stage 2 - N/A
<i>Grevillea robusta</i> Southern Silkv Oak	Nil	<u>One (1) tree:</u> Tree 14	Stage 1- N/A Stage 2 - Future tree removal supported in principle, pending receipt of forthcoming DA.
<i>Harpullia pendula</i> Tulipwood	Nil	<u>One (1) tree:</u> Tree 95	Stage 1- N/A Stage 2 - Future tree removal supported in principle, pending receipt of forthcoming DA.
<i>Jacaranda mimosifolia</i> Jacaranda	Nil	<u>Three (3) trees:</u> Trees 102, 103 & 269 Note: One (1) additional tree of this species (Tree 299), which is nominated for retention, is to be subjected to major & unsustainable impacts from the proposed Stage 2 works.	Stage 1- N/A Stage 2 - Future tree removal supported in principle, pending receipt of forthcoming DA.
<i>Morus</i> sp. Mulberry	<u>One (1) tree:</u> Tree 195	Nil	Stage 1- Removal supported; tree is exempt from protection under Part 9.5 of Ryde DCP 2014 (exempt species) Stage 2 - N/A
<i>Pittosporum rhombifolium</i> Diamond Leaf Pittosporum	Three (3) trees: Trees 223, 224 & 225	Nil	Stage 1- Removal supported; tree is exempt from protection under Part 9.5 of Ryde DCP 2014 (exempt species) Stage 2 - N/A

<i>Pittosporum sp.</i> Pittosporum	Nil	<u>One (1) tree:</u> Tree 93	Stage 1- N/A Stage 2 - Future tree removal supported in principle, pending receipt of forthcoming DA.
<i>Pittosporum undulatum</i> Sweet Pittosporum	<u>One (1) tree:</u> Tree 217	Nil	Stage 1- Removal supported; works unsustainable. Tree is capable of replacement. Stage 2 - N/A
<i>Podocarpus sp.</i> Podocarpus	<u>One (1) tree:</u> Tree 180	Nil	Stage 1- Removal supported; works unsustainable. Tree is capable of replacement. Stage 2 - N/A
<i>Stenocarpus sinuatus</i> Firewheel Tree	<u>One (1) tree:</u> Tree 213	Nil	Stage 1- Removal supported; works unsustainable. Tree is capable of replacement. Stage 2 - N/A
<i>Syncarpia glomulifera</i> Turpentine	Ten (10) trees: trees 194, 198, 209, 210,219,220,221,222, 241& 242	Two (2) trees: Trees 4 & 13	Stage 1 - Removal supported; works unsustainable. Trees are capable of replacement. Stage 2 - Future tree removal supported in principle, pending receipt of forthcoming DA.
<i>Syzygium moorei</i> Coolamon	Nil	<u>One (1) tree:</u> Tree 2	Stage 1- N/A Stage 2 - Future tree removal supported in principle, pending receipt of forthcoming DA.
<i>Ulmus parvifolia</i> Chinese Elm	Nil	<u>One (1) tree:</u> Tree 101	Stage 1- N/A Stage 2 - Future tree removal supported in principle, pending receipt of forthcoming DA.
<i>Weed species</i>	<u>One (1) tree:</u> Tree 227	Nil	Stage 1- Removal supported; works unsustainable. Tree is capable of replacement. Stage 2 - N/A
Total	Eighty-four (84) trees	Forty-five (45) trees	

Table 2: Tree removal identification.

Whilst it is noted that 129 trees will be removed, a new central recreation area and open space will be created with new tree planting to strengthen the remnant plant communities. Furthermore, the completed development will have new buildings facing the open space to enable occupants and visitors to better interact and use the central open space. This central green space allows tenants and the public to have

equal access to the amenity and the through site pedestrian path crosses this central green space and enables connections between Talavera Road and Khartoum Road.

It should also be noted that any redevelopment which assists in increasing the scale of development to achieve economic objectives and usable open space of the Macquarie Park corridor will necessitate a degree of tree loss on this site. Therefore, given that a redesign has been undertaken to reduce the extent of loss from 247 to 129 plus replacement planting at almost 1:2.2, the proposal is considered acceptable in terms of impact of the ecological, heritage, aesthetic and cultural significance of the area. The proposed replacement planting will consist of 101 large canopy trees (15m+), 97 medium trees (8-15m) 27 x small trees and 58 palms and tree ferns. Table 3 below illustrate the replacement planting scheme. This replacement planting are representative of the vegetation community and will provide a bushland like character and will ensure that the development will not result in an unacceptable loss of amenity values or finite natural resources. The development as a whole will positively contribute to ensuring a sustainable urban forest canopy in the City of Ryde.

Stage 1

Tree Type	Species	Number of Trees
Large Canopy Tree (15m+)	- <i>Angophora floribunda</i> (Rough-barked Apple) - <i>Eucalyptus tereticornis</i> (Forest Red Gum)	<u>Five (5) trees</u>
Medium Tree (8-15m)	- <i>Acmena smithii</i> (Lilly Pilly) - <i>Banksia integrifolia</i> (Coast Banksia) - <i>Elaeocarpus reticulatus</i> (Blueberry Ash) - <i>Tristaniopsis laurina</i> (Water Gum)	<u>Twelve (12) trees</u>
Small (0-8m)	-	<u>Nil</u>
Palms & Tree Ferns	- <i>Archontophoenix cunninghamiana</i> (Bangalow Palm)	<u>Nine (9) trees</u>
TOTAL		<u>Twenty-six (26) trees</u>

Stage 2

Tree Type	Species	Number of Trees
Large Canopy Tree (15m+)	- <i>Angophora costata</i> (Sydney Red Gum) - <i>Angophora floribunda</i> (Rough-barked Apple) - <i>Casuarina glauca</i> (Swamp Oak) - <i>Corymbia gummifera</i> (Red Bloodwood) - <i>Corymbia maculata</i> (Spotted Gum) - <i>Eucalyptus pilularis</i> (Blackbutt) - <i>Eucalyptus saligna</i> (Sydney Blue Gum) - <i>Eucalyptus tereticornis</i> (Forest Red Gum) - <i>Ficus rubiginosa</i> (Port Jackson Fig)	<u>Ninety-six (96) trees</u>
Medium Tree (8-15m)	- <i>Allocasuarina torulosa</i> (Rose She-oak) - <i>Banksia integrifolia</i> (Coast Banksia) - <i>Elaeocarpus reticulatus</i> (Blueberry Ash) - <i>Macadamia tetraphylla</i> (Rough-shelled Macadamia) - <i>Melaleuca leucadendra</i> (Weeping Paperbark) - <i>Macadamia linariifolia</i> (Snow-in-summer) - <i>Tristaniopsis laurina</i> (Water Gum) - <i>Waterhousea floribunda</i> (Weeping Lilly Pilly)	<u>Eighty-five (85) trees</u>
Small (0-8m)	- <i>Backhousia citriodora</i> (Lemon Myrtle) - <i>Backhousia myrtifolia</i> (Grey Myrtle) - <i>Banksia robur</i> (Swamp Banksia) - <i>Hakea laurina</i> (Pin-cushion Hakea) - <i>Persoonia levis</i> (Geebung)	<u>Twenty-seven (27) trees</u>
Palms & Tree Ferns	- <i>Archontophoenix cunninghamiana</i> (Bangalow Palm) - <i>Cyathea australis</i> (Rough Tree Fern) - <i>Cyathea cooperi</i> (Lacy Tree Fern) - <i>Livistona australis</i> (Cabbage Palm)	<u>Forty-nine (49) trees</u>
TOTAL		<u>Two-hundred and fifty-seven (257) trees</u>

Table 3: Proposed replacement planting scheme.



Figure 25: Landscape Plan Extract – Stage 1.



Figure 26: Landscape Plan Extract – Concept Masterplan- completed development resulting in an urban bush land character.

Chapter 10 - Sydney Harbour Catchment

Chapter 10 of SEPP (Biodiversity and Conservation) 2021 (formerly Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005) applies to the whole of the Ryde Local Government Area. The aims of the Plan are to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.

Given the nature of the project and the location of the site, there are no specific controls that directly apply to this proposal. The objective of improved water quality is satisfied as the Proposed Stormwater Plans that accompany the DA demonstrate compliance with Part 8.2 Stormwater Management of Ryde DCP 2014.

8.6 State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land.

SEPP (Resilience and Hazards) 2021 (formerly SEPP No. 55 – Remediation of Land) aims to 'provide a State-wide planning approach to the remediation of contaminated land'. Clause 4.6 of this SEPP requires Council to consider whether the site is contaminated, and if so whether it is suitable for the proposed development purpose.

A Preliminary Site Contamination Investigation (PSI) report prepared by Douglas Partners was lodged with the original DA where it is considered that the site has a low to moderate risk of soil and /or groundwater contamination. The PSI was reviewed by Council's Environmental Health Officer who made the following comments:

A Preliminary Site (Contamination) Investigation was undertaken by Douglas Partners' and the report Project 99631.00, dated July 2020 has been supplied with this application.

The PSI outlines:

- a. *A search of the NSW EPA website on 24 March 2020 indicated that:*
 - (i) *No Licences, applications, Notices, audits or pollution studies and reduction programs are listed for the site or adjacent properties under the Protection of the Environment Operations Act, 1997;*
 - (ii) *No orders, voluntary management proposals or site audit statements have been issued for the site or nearby land under the Contaminated Land Management Act, 1997; and*
 - (iii) *The site and nearby properties are not on the 'List of NSW contaminated sites notified to the EPA' under the Contaminated Land Management Act, 1997.*
- b. *A walkover of the site was undertaken by a DP Environmental Scientist on 27 March 2020. At the time of the walkover,*
 - (i) *the site was predominately occupied by a building block with associated at grade car parks around the building.*

- (ii) *the building appeared to be used primarily for commercial purposes, including generic commercial activities such as equipment suppliers, pet supply store, etc.*
 - (iii) *the car parks were asphaltic concrete paved and in relatively good condition.*
 - (iv) *inside of the building was not accessible during the site*
 - (v) *there was no visual indication, outside of the building footprint, of underground storage tanks.*
- c. *Potential sources of contamination and associated contaminants were determined by applying the Conceptual Site Model (CSM)*

The PSI concludes that additional investigations are recommended in order to assess the suitability of the site, from a contamination perspective, for the proposed development, as follows:

- a. *Updating of this PSI report upon receipt of additional information as discussed herein;*
- b. *Detailed site investigation (DSI): an intrusive soil and groundwater investigation complying with SEPP55 is recommended to assess potential contamination of soil and groundwater at the site, to address the potential source - pathway - receptor linkages discussed in the CSM;*
- c. *If contamination of the soil and / or groundwater is identified, then it is expected that this could be remediated under a remediation action plan; and*
- d. *A hazardous building materials assessment is required for the existing buildings. Hazardous materials, if present in area to be disturbed by the proposed development, will need to be removed in accordance with relevant legislation and guidelines prior to demolition and managed appropriately in the interim or where buildings are to be retained.*

Council's Environmental Health Officer has confirmed that the proposal satisfies the requirements of the above SEPP and is satisfied that it can be made suitable for the use. The application can be supported, subject to appropriate conditions of consent. **Conditions 42 – 46 of Part 3** of the conditions.

8.7 Ryde Local Environmental Plan 2014

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

Clause 2.2 – Zoning

The site is located within the B7 Business Park zone under the RLEP 2014. Development for offices, restaurants or café purposes is permitted in this zoning.

Clause 2.3 – Zone Objective

Clause 2.3(2) of RLEP 2014 requires consideration to be given to the objectives for development in a zone when determining a development application. The objectives for development in this zone are:

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

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

Clause 4.3 - Height of Buildings

Under Clause 4.3 of the RLEP 2014, a maximum building height of 30m is permitted across the development site. Incentive building heights are permissible under Clause 6.9 of the RLEP 2014 which allows a maximum height of 45m across the development site. In accordance with the Concept Plan approval, Building A will have a maximum building height of RL85.9 and 8 storeys (41.35m), which is under the 45m height limit. Buildings B & C will have a maximum RL of 79.45 and 7 & 6 storeys, respectively, which results in a maximum building height of 34.9m for both buildings. The building height is discussed further under Clause 6.9.

Clause 4.4 – Floor Space Ratio

The maximum floor space ratio (FSR) control for the site is 1:1 under Clause 4.4 of the RLEP 2014. The Concept Plan provides for a total of 37,542m² and a FSR 1.5:1 across the site, which exceeds the maximum FSR for the development site. Despite the FSR control under Clause 4.4, incentive FSR under Clause 6.9 of the RLEP 2014 allows a maximum FSR of 1.5:1 for the development site, if the consent authority is satisfied there will be adequate provision of recreation areas and an access network whose configuration and location allow a suitable level of recreation and connectivity within the precinct. This is discussed further below in the report under Clause 6.9.

Clause 4.5B Macquarie Park Corridor

(1), (2) *(Repealed)*

(3) *The objectives for development on land in Zone B7 Business Park within the Macquarie Park Corridor are as follows—*

(a) to provide for the daily convenience needs of employees and visitors,

(b) to ensure that development supports the needs of businesses and organisations in the area.

(4) *Despite any other provision of this Plan, development consent must not be granted for the erection of a building on land in Zone B7 Business Park in the Macquarie Park Corridor for the purposes of a function centre, neighbourhood shop, registered club or restaurant or cafe unless the total floor space of the building will not exceed—*

(a) 500 square metres for each individual land use, or

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

Stage 1 for Building A will have a proposed café on the upper ground floor plan, with floor area of approximately 166m². The other tenancies are unknown at this stage, however 5% of the site area (25,028m²) is 1,251m². **Condition 6 in Part 3** of the conditions has been imposed requiring a separate application being submitted for the use of the each of the tenancies and to ensure compliance with the above.

Clause 5.21 – Flood Planning

The site is identified as being affected by Probably Maximum Flood (PMF) and 1 in 100 Year Flood extent, and therefore, Clause 5.21 of the RLEP 2014 is applicable to this application. The design of the development has mitigated any flood risk to the future occupants of the buildings, and no issues have been raised by Council's Drainage Engineer.

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. A Geotechnical Report prepared by Douglas partners has been submitted and subject to appropriate conditions of consent, the development is considered satisfactory.

Clause 6.4 - Stormwater Management

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

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

Council's Senior Development Engineer has advised that the proposed stormwater management and flooding for the detailed DA (Stage 1) and has advised subject to conditions, no objections to the proposed development with respect to the engineering components, subject to the application of conditions being applied to any development consent regarding stormwater management (see **Conditions 67 to 73 in Part 3** of the conditions).

Clause 6.6 - Environmental Sustainability

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

An Ecologically Sustainable Development Report prepared by Integrated Group Services (IGS) dated 30 July 2020 has identified the following ESD strategies to be included in the development.

The proposal will be a sustainable and energy efficient development. The report states:

The development will meet and outperform the following regulatory sustainability requirements:

- *NCC 2019 Section J (Energy Efficiency)*
- *City of Ryde - LGA Sustainability requirements and LEP 2014.*
 - o *Requirements of Section 2.4 of Part 7.1 of the RDCP*
 - o *Requirements of section 9 of Part 4.5 of the RDCP*

The design team will also consider the sustainable design principles based on the following sustainability tool.

- *Green Star Design & As Built Tool - Green Building Council of Australia. Green Star Design & As Built 5 Star rating with stretch target of 6 Star rating.*
- *NABERS - 5 Star Energy rating.*
- *NABERS - 5 Star Water rating.*

3.1 National Construction Code (NCC) Section J

Section J of the NCC sets regulations for energy efficiencies for all types of buildings with respect to the building's construction, design and activity.

The objective of the NCC Section J is to reduce the greenhouse gas emissions. Section J requires that a building, including its services, must have features to the degree necessary that facilitate the efficient use of energy.

The NCC offers two compliance methods that differ in complexity and flexibility. The two compliance methods are:

- *Deemed-to-Satisfy (DTS) Compliance*
- *JV3 - Verification using a referenced building.*

The Deemed-to-Satisfy Provisions in Section J of the NCC 2019 include the following 8 components.

- *Part J1 - Building Fabric - Minimum thermal performance constructions for roofs, ceilings, roof lights, walls, glazing and floors in the relevant climate zone.*

- *Part J2 - Blank in NCC 2019*
- *Part J5 - Air-Conditioning and - Provisions to reduce the loss of conditioned air and restrict unwanted infiltration to a building.*
- *Part J4 - Blank in NCC 2019*
- *Part J5 - Air-Conditioning and Ventilation Systems - Requirements to ensure these services are used and use energy in an efficient manner.*
- *Part J6 - Artificial Lighting and Power - Requirements for lighting and power to ensure energy is used efficiently within a building.*
- *Part J7 - Hot Water Supply - Restrictions for hot water supply design except for solar systems within climate zones 1, 2 and 3.*
- *Part J8 - Facilities for Energy Monitoring*

The development will meet and outperform the NCC energy efficiency requirements of Part J.

The ESD Report submitted with the application satisfies the provisions for environmental sustainability in Clause 6.6 of the RLEP 2014. **Condition 28 of Part 2** and **Condition 20 of Part 3** of the conditions have been imposed with respect to the ESD report.

Clause 6.9 – Development in Macquarie Park Corridor

- (1) *The objective of this clause is to encourage additional commercial development in Macquarie Park Corridor co-ordinated with an adequate access network and recreation areas.*
- (2) *This clause applies to land in Macquarie Park Corridor, identified as “Precinct 01—Macquarie Park” on the Macquarie Park Corridor Precinct Map.*
- (3) *The consent authority may approve development with a height and floor space ratio that does not exceed the increased building height and floor space ratio identified on the Macquarie Park Corridor Precinct Incentive Height of Buildings Map and the Macquarie Park Corridor Precinct Incentive Floor Space Ratio Map, but only if the consent authority is satisfied that—*
 - (a) *there will be adequate provision for recreation areas and an access network, and*
 - (b) *the configuration and location of the recreation areas will be appropriate for the recreational purposes of the precinct, and*
 - (c) *the configuration and location of the access network will allow a suitable level of connectivity within the precinct.*

Clause 6.9(3) permits a building height of 45m and a floor space ratio of 1.5:1 (which are above the generic height and FSR standards pursuant to Clause 4.3 and Clause 4.4 respectively).

The subject site is within Precinct 01- Macquarie Park and to obtain the height and FSR incentives under this clause of RLEP 2014, the consent authority must be satisfied that “adequate provision for recreation areas and an access network’ with

the configuration and location of the recreation area appropriate for the precinct and the configuration and location of the access network allowing suitable level of connectivity.”

Ryde DCP 2014 Part 4.5 identifies the open space and access networks for the Macquarie Park Corridor. This Part of the DCP identifies new public spaces and new streets and laneways within the Corridor.

The Ryde DCP 2014 does not identify the site as requiring any additional areas of open space, or any new road as illustrated at **Figures 27 & 28** respectively.



Figure 27: Proposed Access Network – Structure Plan (Figure 4.1.1 of Part 4.5 of Ryde DCP 2014).



Figure 28: Proposed Open Space Network – Structure Plan (Figure 5.1.1 of Part 4.5 of Ryde DCP 2014).

If a site is not identified to provide a new open space area or road under Ryde DCP 2014, a monetary contribution would be payable based on the additional commercial benefit attained under the clause 6.9 incentive, which would be used to contribute towards open space provision and/or road networks within Macquarie Park.

Section 6.3 of City of Ryde Section 7.11 Development Contributions Plan 2020 states, inter alia,

If a developer wishes to deliver infrastructure that is included in this plan on the Council's behalf, then the developer can approach this either one of two ways:

- The developer may offer to enter into a planning agreement to undertake works, make monetary contributions, dedicate land, or provide some other material public benefit. Planning agreements are the most appropriate mechanism for offers made prior to the issue of a development consent for the development.*
- If the developer has already received a development consent containing a condition requiring a monetary contribution, the developer may offer to undertake works-in-kind through a works-in-kind agreement or offer to dedicate land through a land dedication arrangement. The decision to accept settlement of a contribution by way of works-in-kind or the dedication of land is at the sole discretion of Council*

The applicant submitted a Letter of Offer to provide for incentive monetary contributions and material public benefits such as upgrade of public domain including cycleways and bus stops, provision of publicly accessible exercise equipment and access to communal meeting rooms in Building B (for use by community group). The offer to enter into a VPA has been accepted by Council on 8 July 2022.

8.9 Ryde Development Control Plan 2014

The following sections of Ryde DCP 2014 are relevant to the proposed development:

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

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


Part 4.5 – Macquarie Park Corridor

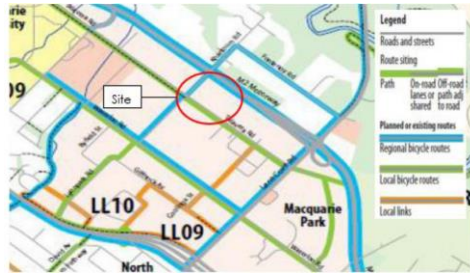
This part of the DCP provides a framework to guide future development in the Macquarie Park Corridor. The DCP specifies built form controls for all development within the Corridor and sets in place urban design guidelines to achieve the vision for Macquarie Park as a vibrant community, as a place to live, work and visit.

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

Non compliances:

- Section 5.8 (b) states that at grade parking is not permitted in the front setback.
- Section 7.8 (b) states that buildings are to address the street, and are to have a street address.
- Section 8.2 states that a minimum 20% of a site must be provided as deep soil area.
- Section 8.4 states:
 - (a) that level changes across the site are to be resolved with the building footprint
 - (b) accessible path of travel is to be provided from the street through the main entry door.
 - (d) Publicly accessible open space must be provided at footpath level
- Section 8.6 Vehicular Access (b) states that where practicable, vehicle access to loading facilities is to be from secondary and tertiary streets where possible.

Control	Comments
3.2 Urban Structure Plan The Business Park areas at the edges of the Corridor are characterised by lower density development with green leafy setbacks and attractive landscaping. Many international and Australian technology, research and pharmaceutical companies are located in the business park areas including Optus, Laverty, Canon, CSIRO, Johnson and Johnson and Novartis.	Concept Plan – Complies Stage 1 - Complies The proposal is architecturally designed and exhibits design excellence. The development includes landscape planting which will support the landscape setting of the building, in addition to softening the appearance of the building. The development is within close walking distance to Macquarie Park Station, providing easy access for employees and visitors or local business. This type of development will provide key service infrastructure that underpins the operations of businesses and will support the growth and viability of Macquarie Park into the future.
4.1 & 4.2 Streets & pedestrian connection.  <p>Figure 1 Macquarie Park Urban Structure Plan (Source: RDCP 2014)</p>	Concept Plan – Complies Stage 1 - Complies No street, pedestrian or open space are identified on the site. However, the development provide access connections through the site, from Talavera Road diagonally through to Khartoum Road. Condition 25 of Part 2 of the conditions has been imposed requiring a Right of Way (ROW) for public access to the central open space and pedestrian pathway throughout the site.
4.3 Bicycle Network	



- a. Provide dedicated cycle access in accordance with Ryde Bicycle Strategy 2014 , refer Figure 4.3.1 Indicative Cycleways.
- b. The Regional Bicycle network is to be implemented as off-street shared cycleways in accordance with the Macquarie Park Public Domain Technical Manual. The Regional Bicycle network comprises: i. Waterloo Road ii. Delhi Road iii. Epping Road iv. Lane Cove Road v. Khartoum Road vi. The M2, and vii. Shrimptons creek pathways
- c. The Local Bicycle Network is to be implemented as on-street shared ways in accordance with the Macquarie Park Public Domain Technical Manual. The Local Bicycle network comprises: i. Lyon Park Road ii. Talavera Road iii. Wicks Road iv. Proposed new roads in accordance with the Ryde Bicycle Strategy 2014

Concept Plan – N/a (not required to provide a share cycleways along the frontages of the site).

Stage 1 - N/a (not required to provide a share cycleways along the frontages of the site).

The Ryde DCP 2014 requires dedicated cycle lanes to be provided along all existing and new streets within the Corridor. The Macquarie Park Public Domain Technical Manual require a local and regional bicycle route on the southern side and western side of Talavera Road and Khartoum Road, respectively. Accordingly, as bicycle pathways are to be provided on the opposite side, it is not required to provide a share cycleways along the frontages of the site.

4.4 Sustainable Transport

- a) A Framework Travel Plan (FTP) is required to be submitted to Council for approval together with a DA for all development that exceeds 10,000m² new floor space.
- b) For all development the FTP must also:
 - (i) Identify measures in an Action Plan that will implement the 40% public transport/60% private transport target for the journey to work, including appointing a Travel Plan Coordinator, minimising drive alone trips to work, encouraging walking, cycling, car sharing, car pooling and public transport use.
- c) Provide a Final Travel Plan to Council for certification prior to the issue of any Occupation Certificate.

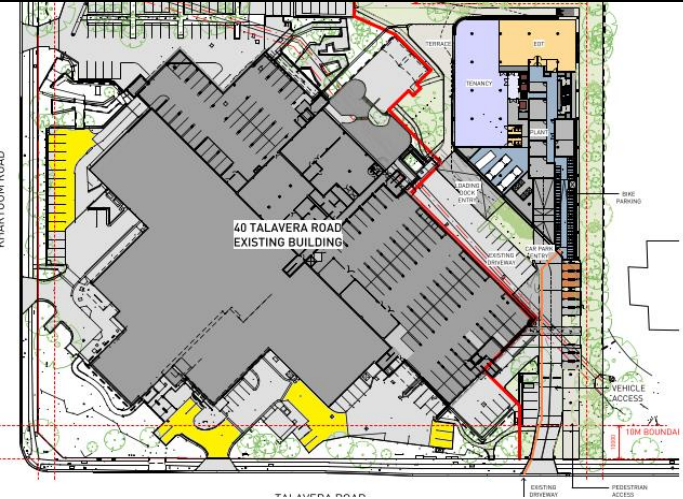
Parking Rates:

Concept Plan – Condition to comply – Condition 16 of Part 2.

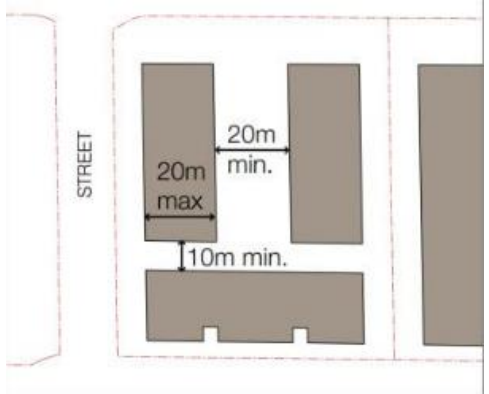
Stage 1 - Complies

The proposal includes more than 10,000m² new floor space. A Green Travel Plan was submitted with the application. The FTP proposed to develop a package of site-specific measures to promote and maximise the use of sustainable travel modes, including walking, cycling, public transport and car sharing. Conditions of consent requiring a Final Travel Plan be submitted to Council for review prior to the issue of any Occupation Certificate. See **Condition 137 of Part 3** of the conditions.


<ul style="list-style-type: none"> - Bicycle parking and end of trip facilities are to be provided in accordance with RDCP 2014 Part 9.3 Parking controls - Parking is to be provided in accordance with the RDCP 2014 Part 9.3 Parking Controls - Car sharing parking 	<p>Concept Plan – Conditions 17 & 32 in Part 2 to comply with the applicable parking and bicycle controls at the time of lodgement from Stage 2.</p> <p>Stage 1 - Complies</p> <p>Ryde DCP requires that every new building which exceeds a floor space of 600m² GFA must provide bicycle parking equivalent to 10% of the required car spaces. For Stage 1 – 22 bicycle spaces are required, it is proposed to provide 85 bicycle spaces.</p> <p>215 car spaces (208 commercial + 7 retail) are allowed in Building A. Condition 151 of Part 3 of the conditions has been imposed in relation to parking allocation.</p> <p>There are no requirements for the provision of car share spaces within a commercial development however, the development has provided 4 car share spaces within Stage 1.</p>
<p>5.8 Street Trees, Front Setback Tree Planting, and Significant Trees</p> <p>a. Street trees and front setback must be provided in accordance with the Street Tree Key Plan in Macquarie Park Public Domain Technical Manual, and their health guaranteed for a minimum of 5 years.</p> <p>b. At grade parking is not permitted in the front setback.</p>	<p>Concept Plan – Condition 4 in Part 2 imposed for a detailed DA to be submitted. Complies with front setback.</p> <p>Stage 1 - complies</p> <p>Council's City Works & Infrastructure Section have reviewed the application and included conditions on the consent with regard to public domain requirements. Conditions 58 & 59 in Part 3 of the conditions.</p> <p>Concept Plan –complies</p> <p>Stage 1 – do not comply but will comply at Stage 2 – variation acceptable.</p> <p>Currently there are 7 existing at grade parking spaces along Talavera Road within the 10m front setback and partial encroachment along Khartoum Road setback. These spaces are existing and are to remain until Stage 2 (when the existing building is to be demolished). Once Stage 2 commences and the existing buildings and at grade car parking are demolished, the proposal will have no at grade parking within the front setbacks of Talavera Road or Khartoum Road, see diagram below. Given that this is only temporary, and Stage 2 will provide landscaping within the front setbacks, the non compliance in Stage 1 is considered acceptable.</p>

<p>c. Where</p> <ul style="list-style-type: none"> new floor space or parking areas are proposed and; a site is shown part coloured on the Sydney Metropolitan Catchment Vegetation Mapping 2013 (unless identified as containing “Weeds and Exotics” only) and; removal of native vegetation species is proposed submit a Flora and Fauna Assessment prepared by a suitably qualified ecological consultant. 	 <p>Highlighted in yellow, location of where the existing at grade parking spaces are currently located.</p> <p>Concept Plan – Complies</p> <p>Stage 1 - Complies</p> <p>The proposal includes new floor space and is shown on the Sydney Metropolitan Catchment Vegetation Mapping 2013 (now known as The Native Vegetation of the Sydney Metro Area v3.1 2016), as such a BDAR (instead of a Flora and Fauna Assessment) has been submitted with the application. The report has been peer reviewed by Council’s Consultant Ecologist who is satisfied that the BDAR addresses the requirements of the Biodiversity Conservation Act 2016 and Condition 9 of Part 2 & Condition 2 of Part 3 of the conditions have been imposed requiring implementation of the measures and offset requirements contained in the report.</p>
<p>5.10 Art in Publicly Accessible Places</p> <p>a. Art must be included in all new development with more than 10,000m² new floor space in the amount of 0.1% of the construction cost of the works capped at \$1,500,000.</p>	<p>Concept Plan –N/a will be required at the time of lodgement for Stage 2. Condition 24 of Part 2.</p> <p>Stage 1 - Complies</p> <p>As the proposal provides more than 10,000m² of new floor space a Public Art Masterplan and Stage 1 Preliminary Public Art Plan has been prepared by UAP. The submitted Masterplan provides the principles and structure to ensure the detailed design of the art.</p>
<p>6. Implementation – Infrastructure, facilities & Public Domain improvement.</p> <p>a. Floor Space Ratios and Height of Buildings are to comply with the Ryde LEP 2014.</p> <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</p>	<p>Refer Clause 6.9 of RLEP 2014 assessment above.</p> <p>Concept Plan –N/a will be required at the time of lodgement from Stage 2. Condition 23 of Part 2 of the conditions imposed for the upgrade of Khartoum Road.</p> <p>Stage 1 – Complies – The public domain works along Talavera Road and Talavera Road/Khartoum Road intersection</p>

undertaken in accordance with the Macquarie Park Public Domain Technical Manual and Section 4 of this Part.	upgrades as required will be required as part of Stage 1. Conditions 58 & 59 in Part 3 of the conditions.
7.1 Site Planning & Staging a. Sites are to be planned to allow for the future provision of new streets and open spaces in accordance with Figure 4.1.1 Access Network and Figure 5.1.1 Proposed Open Space Network.	Concept Plan & Stage 1 – N/a. The site is not affected by the requirements of Figure 4.1.1 of the DCP 'Access Network'.
7.4 Setbacks and Build-to Lines 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: ii. 5m setback to all existing and new streets unless otherwise specified; iii. 10m setback to: - Waterloo Road - Talavera Road - M2 Tollway - Epping Road f. Underground parking is not permitted to encroach into the front setback areas unless it can be demonstrated that the basement is designed to support significant mature trees and deep root planting. Refer to Figure 7.4.1. 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.	Concept Plan – Complies Stage 1 - Complies The proposed building envelopes and setbacks are consistent with the setback controls – proposed: <ul style="list-style-type: none"> - 5.5m setback to Khartoum Road; - 10m setback to Talavera Road; - 17.5m setback to the M2 motorway; - 7.5m to adjoining SE (26 Talavera Road) boundary (Building A). Concept Plan – Complies Stage 1 - Complies The basement parking is under the building footprint and do not encroach into the setbacks. Concept Plan – Complies Stage 1 - do not comply but will comply at Stage 2. (See discussion above in Section 5.8 of this table).
7.6 Rear and Side Setbacks 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. d. Basement car park structures should not encroach into the minimum required rear or side setback zone unless the structure	Concept Plan – Complies Stage 1 – Complies Proposal has a: <ul style="list-style-type: none"> • 17.5m setback to the rear (M2 Motorway) • 5.5m to Khartoum Road and 7.5m to 26 Talavera Road (side boundaries). Basement car park do not encroach into the setback areas.

<p>can be designed to support mature trees and deep root planting.</p> <p>e. Above ground portions of basement car-parking structures are discouraged and deep soil planting is promoted.</p> <p>f. Natural ground level is to be retained throughout side and rear setbacks, wherever possible.</p>	<p>Concept Plan – Do not comply. Building B basement protrude above ground however it is setback 5.5m from the boundary with deep soil planting and landscaping within the setback area. Condition 4 of Part 2 of the conditions has been imposed requiring the exposure of the basement wall to Khartoum Road to be minimised.</p> <p>Stage 1 – Complies</p> <p>Concept Plan – Complies Stage 1 – Complies</p>
<p>7.7 Building Separation</p> <p>a. Provide minimum 20 m separation between buildings facing each other within a site</p> <p>b. Provide minimum 10m separation between buildings perpendicular to each other within a site. This reduced building separation control only applies where the width of the facing facades does not exceed 20m.</p> 	<p>Concept Plan – Complies</p> <p>The DA shows the separation of Building A (Stage 1 detailed DA) and Building C (fronting Talavera Road) will be more than 50m. The separation of Buildings A & B is approx. 88m, Building C and Building B (adjacent to Khartoum Road) is shown indicatively to be 35m.</p> <p>Stage 1 – Complies</p> <p>The separation between Building A and the existing building currently on site ranges from approximately 13m to 25m.</p>
<p>7.8 Building Bulk and Design</p> <p>a. The floor-plate of buildings above 8 storeys is not to exceed 2,000m², unless it can be demonstrated that slender building forms are achieved through courtyards, atria, articulation or architectural devices.</p> <p>b. Buildings are to address the street, and are to have a street address.</p>	<p>Concept Plan – Complies (Buildings B & C not over 8 storeys) Stage 1 - Complies</p> <p>Concept Plan – Complies (Buildings B & C not over 8 storeys) Stage 1 – Do not comply (Building A) – variation acceptable.</p> <p>Buildings B & C addresses Khartoum Road and Talavera Road, respectively however Building A is located at the rear of the site therefore is not able to achieve a street address. Pedestrian and vehicular access from Talavera Road can be achieved and there are entry points to the Building from the</p>

<p>c. Facade design is to:</p> <ul style="list-style-type: none"> i. Reflect and respond to the orientation of the site using elements such as sun shading and other passive environmental controls where appropriate. ii. Provide building articulation such as well design roof forms, expressed vertical circulation etc. iii. Express corner street locations by giving visual prominence to parts of the façade (e.g. a change in building articulation, material or colour, or roof expression). iv. Integrate and co-ordinate building services such as roof plant, parking and mechanical ventilation with the overall façade and building design, and be screened from view. v. Roof forms, building services and screening elements are to occur within the overall height controls. Refer to Ryde LEP 2014 for height controls. vi. Ventilation louvres and car park entry doors are to be coordinated with the overall façade design. 	<p>centralised courtyard. Given that the final developed site will have buildings addressing the street frontages and Building A will face the central courtyard, the proposal is considered satisfactory in terms of streetscape.</p> <p>Concept Plan – Complies Stage 1 - Complies</p> <p>It is considered that the proposed buildings are designed to align as closely as possible with the natural topography of the site. Planting around the street frontages and within the site will create a quality landscape setting which will assist to integrate the buildings within the streetscape and provide a high level of amenity. The proposed bulk and scale of the buildings are responsive to the site and is mitigated by appropriate facade modulation and landscaping.</p> <p>Generally all proposed site services are integrated into the building design and screened from view. Roof forms, building services and screening element are all contained within the overall height controls for the site. Condition 4 in Part 2 of the conditions has been imposed for the substation in Stage 1 to be relocated to Building B in Stage 2. The car park entry and ventilation louvers are coordinated into the overall façade design. In addition, Council's UDRP is supportive of the proposal.</p>
<p>8.1 Site Planning and Staging</p> <p>All sites 15,000m² or more in area should lodge a site-specific Master Plan and/or Stage 1 development application for approval. The Master Plan must be supported by a:</p> <ul style="list-style-type: none"> i. Transport Management and Access Plan that entails the following measures: <ul style="list-style-type: none"> . Maximise access by sustainable modes of transport and reduce car dependency (i.e. Public Transport, Cycling and Walking) . Maximise public access (example: Bus Stops, public pick-up and drop-off points, 'thru' pedestrian connections and links); ii. Proposed vehicular access to and from the site; including the provisions parking; iii. Economic Impact Report which details retail floor space and impacts 	<p>Concept Plan – Complies Stage 1 - Complies</p> <p>The application comprises a Concept Development Application and detailed Development Application for Stage 1. A Green Travel Plan has been submitted outlining different modes of transports.</p> <p>Details of vehicular access for Stage 1 and indicatively for Stage 2 are shown with the parking details complying with the controls.</p> <p>The site allows for additional (incentive) height and FSR to encourage additional commercial development and employment in Macquarie Park. The proposed development has been redesigned to ensure that the amenity of the area and local neighbours are preserved and protected.</p>

<p>on local centres with 5 kms, the quantum of employment floor space and likely employment generation;</p> <p>iv. Proposed floor space and height and general site layout that preserve the natural heritage of the site (as appropriate) and protect the amenity of the local neighbours;</p> <p>v. Details of any proposed public benefits and proposed incentive bonus;</p> <p>vi. Arts Plan; and</p> <p>vii. Social Impact Study.</p>	
<p>8.2 Site Coverage, Deep Soil Areas and private open space</p> <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 20 m x 10 m may be included.</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>Concept Plan – Complies</p> <p>Approximately 9,531m² of deep soil area will be provided across the site when the development is completed. This equates to 38% of the site area.</p> <p>Stage 1 - do not comply but will comply at Stage 2 – variation acceptable.</p> <p>Stage 1 detailed DA does not comply, as the existing building is not being demolished until Stage 2.</p> <p>In Stage 1, DSA will be located at along the north eastern section of the site of approximately 720m², being only 2.8% of the site. Compliance is not possible while the existing the building on the site is retained, however the DSA requirement will be significantly exceeded once Stage 2 is completed. Given that the non compliance is only temporary and there is a usable outdoor area in front and side of Building A (see diagram below) plus once the development is completed, the proposal will exceed the required DSA requirement. The proposed variation in Stage 1 is considered acceptable.</p>  <p>Landscaping Plan for Stage 1</p> <p>The submitted landscape plan provides significant landscaping with substantial tree replanting, shrubs and ground covers. The landscape plan is considered to be well resolved with planting replacement that is reflective of the species of the community</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>f. Appropriate shading is to be provided so that communal spaces are useable during summer.</p> <p>g. Communal open spaces are to incorporate the primary deep soil area where possible.</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>being removed which will go to supporting future habitat regain on the site.</p> <p>Communal landscaped open area is proposed via the central open space area. Due to the orientation of the development and the separation between buildings, the landscaped areas will be able to receive around 3 hours solar access.</p> <p>Through provision of canopies and tree planting and appropriate shading will enable communal spaces to be useable during summer.</p> <p>The development will incorporate a large area of Deep Soil (along the northern and southern setbacks and within the central open space area).</p> <p>A Landscaping Plan has been submitted with the application and has been reviewed by Council's Consultant Landscape Architect & Arborist. The proposed landscaping and plantings are considered suitable for the site. Council's Senior Development Engineer has raised no objections to the stormwater management.</p>
<p>8.4 Topography and Building Interface</p> <p>a. Level changes across sites are to be resolved within the building footprint.</p> <p>ii. Where buildings are set back from the street boundary, entries are to be provided at street level wherever possible.</p> <p>b. An accessible path of travel is to be provided from the street through the main entry door of all buildings.</p> <p>i. Where necessary, stairs and ramps are to be integrated with the landscape design of front setbacks.</p> <p>c. Natural ground level is to be retained for a zone of 4 m from the side and rear property boundaries. Retaining walls, cut and fill are not permitted within this zone.</p> <p>d. The maximum height of retaining walls within the front, side and rear setbacks is not to exceed 1.2 m.</p> <p>e. Publicly accessible open spaces under private ownership (courtyards, forecourts) must be provided at footpath level. Where level changes cannot be avoided due to topography, the finished level of the open space must not exceed 1.2 m above footpath level.</p>	<p>Concept Plan – Capable of complying.</p> <p>Stage 1 – Non compliance - variation acceptable.</p> <p>The Stage 2 (Concept) element of the development is capable of complying, with level changes to be carefully integrated into public domain elements. Details to be confirmed for Stage 2 at the detailed DA stage.</p> <p>Stage 1 - Building A is setback at the rear of the site and due to the topography of the site, the level changes across the site require a raised ramp (to be compliant with accessibility requirements) from Talavera Road to enter the building.</p> <p>The landscape sections do not indicate any retaining walls proposed within the front, side or rear setback areas however when referencing the detail landscape plans, it appears a retaining wall is on the Khartoum Rd frontage adjacent the vehicle access. Based on the survey levels (approx. RL43.30-44.50) and levels shown the planter on the wall varies in height from 500mm-1m. The remainder of the frontages appear to be retaining existing levels or use landscape batters to bridge gradients rather than retaining walls.</p> <p>The finished level of the central communal open space ('Central Valley/Lawn') exceeds the maximum 1.2m below the footpath level. The footpath levels along Talavera & Khartoum Road vary between RL46.95 & RL50.99 whilst the 'Central Valley/Lawn' at its lowest point is RL42.00 resulting in a maximum 9m level difference. Given the existing site gradient and crossfall, it is not considered possible to achieve the control on this site. It should be noted that access to Central Valley/Lawn is provided from the Talavera & Khartoum Road frontages via interconnected ramps when access through the buildings are available. This variation is considered acceptable due to the topography of the land.</p>

<p>8.5 Site Facilities - Commercial</p> <p>a. Vehicular access to loading facilities is to be provided from secondary and tertiary streets where possible.</p> <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"> i. be integrated with the development; ii. minimise the visibility of these facilities from the street; and iii. be located away from openable windows to habitable rooms. 	<p>Concept Plan – N/a – Talavera Road and Khartoum Road are not identified as secondary or tertiary streets</p> <p>Stage 1 – Complies</p> <p>All rubbish and recycling areas are provided internally within the buildings.</p>
<p>8.6 Vehicular Access</p> <p>a. Vehicular access is not permitted along streets identified as 'Active Frontages' (refer to Section 7.3 Active Frontages).</p> <p>b. Where practicable, vehicle access is to be from secondary streets.</p> <p>c. Potential pedestrian/vehicle conflict is to be minimised by:</p> <ul style="list-style-type: none"> i. limiting the width and number of vehicle access points ii. ensuring clear site lines at pedestrian and vehicle crossings iii. utilising traffic calming devices <p>iv. separating and clearly distinguishing between pedestrian and vehicular accessways</p> <p>d. The appearance of car parking and service vehicle entries is to be improved by</p> <ul style="list-style-type: none"> i. locating or screening garbage collection, loading and servicing areas visually away from the street ii. setting back or recessing car park entries from the main façade line iii. avoiding black holes in the façade by providing security doors to car park entries 	<p>Concept Plan – Complies</p> <p>The site has no Active Frontages as identified in Section 7.3.</p> <p>Stage 1 – Non compliance -variation acceptable.</p> <p>Stage 1 (Building A) vehicular access is from Talavera Road and it is not purposed to have any access from Khartoum Road for Building A. The remainder of the development in Stage 2 under the Concept DA complies - access for Buildings B and C are from Khartoum Road.</p> <p>The original design had a second access for Building A's loading facilities from Khartoum Road. However, so as minimise impact to trees along the north eastern section of the site and to allow additional tree replanting adjacent to the northern boundary, Council requested this access to be deleted. The proposal now only have access from Talavera Road, which is the current situation. Given that the proposal was amended to protect trees and to enhance the landscaping of the site, the proposed variation is considered acceptable.</p> <p>Concept Plan – Complies</p> <p>Stage 1 - Complies</p> <p>Potential pedestrian/vehicle conflict is minimised with a single car park entry driveway. Clear site lines will be provided across the footpath and vehicle entry areas with a 5m building setback and landscaping design that allows for visibility.</p> <p>Pedestrian and vehicular paths are clearly delineated through the design and separation of the footpath areas.</p> <p>The car parking and service vehicle entries to the buildings are located away from the main pedestrian entry points and away from the main street-facing façades of the buildings. One car park access is proposed in the Concept DA scheme facing Khartoum Road. Further details of this will be provided in the Stage 2 Detail DA.</p>

<p>iv. where doors are not provided, it is to be ensured that the visible interior of the car park is incorporated into the façade design and material selection and that building services pipes and ducts are concealed, and</p> <p>v. returning the façade material into the car park entry recess for the extent visible from the street as a minimum.</p> <p>e. The width of driveways is to be determined in accordance with the requirements of Ryde DCP 2014 and the relevant Australian Standards.</p>	
<p>8.7 On-site Parking</p> <p>a. Safe and secure 24-hour access to car parking areas is to be provided for building users.</p> <p>At grade parking</p> <p>a. Parking areas must not be located with the front, side or rear setback.</p>	<p>Concept Plan – Can comply - Condition to comply with the applicable parking control at time of lodgement for Stage 2. Condition 17 in Part 2 of the conditions.</p> <p>Stage 1 - Complies</p> <p>Concept Plan – Complies</p> <p>Stage 1 – do not comply but will comply at Stage 2. (See discussion above under Section 5.8(b) of this table).</p>
<p>8.8 Fencing</p> <p>a. Fencing is not permitted on the perimeter boundary of sites. Security should be provided within buildings.</p>	<p>N/a</p> <p>Existing fencing along the side boundary</p>
<p>9.0 Environmental Performance</p> <p>a. Commercial development is required to achieve a 4 Star Green Star Certified Rating.</p> <p>b. Additional floor space maybe permitted within a development where the building can demonstrate design excellence and environmental sustainability. For consideration of the additional floor space a minimum 5 Green Star- Green Building Council of Australia (GBCA) should be provided. Refer to Ryde LEP 2014 and Section 6 of this Part.</p>	<p>Concept Plan – Can comply - Condition 28 in Part 2 of the conditions.</p> <p>Stage 1 - Complies</p> <p>The application has however submitted an Environmental Sustainability and Energy Efficiency Report which proposed various ecologically sustainable design strategies to reduce the environmental impact of the development. The proposal aims to achieve a 5 star rating.</p> <p>The sustainable design principles for Building A based on the following sustainability tools:</p> <ul style="list-style-type: none"> • Green Star Design & As Built Tool Green Building Council of Australia; • Green Star Design & As Built 5 Star rating with stretch target of 6 Star rating; • NABERS - 5.5 Star Energy rating for the base building; and • NABERS - 5.5 Star Water rating for the whole building. <p>The development will also seek to meet the requirements of the National Construction Code (NCC) 2019 Section J.</p>
<p>Wind Impact</p> <p>All applications for buildings over 5 storeys in height shall be accompanied with a wind environment statement. For</p>	<p>Concept Plan – Can comply - Condition 21 in Part 2. Compliance of wind impact will be assessed within the future Development Application for Stage 2.</p>

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.	Stage 1 – no wind report submitted with this proposal however Stage 2 will require submission of a wind report which will take into account all three buildings on site.
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Part 9.2 - Access for People with Disabilities

The application includes an Access Report dated 7 August 2020 prepared by BCA Logic. The Report concludes that the proposed development indicates that accessibility requirements, pertaining to external site linkages, building access, common area access, sanitary facilities and parking can be readily achieved. Appropriate conditions are imposed requiring compliance with the recommendations made in the Report, the BCA and relevant Australian Standards (see **Condition 19 in Part 3** of the conditions).

Part 9.3 Parking

Parking within the Macquarie Park Corridor is controlled by a maximum rate. The site is affected by a maximum rate of 1 space per 60m² for new commercial development.

Based on the Stage 1 plan of 12,450m² of GFA, Council's Senior Development Engineer has stipulated a maximum of 208 commercial parking spaces for the development and also 7 for the retail spaces.

Bicycle Parking Section 2.7 of this Part of the DCP outlines that: *a. In every new building, where the floor space exceeds 600m² GFA (except for dwelling houses and multi unit housing) provide bicycle parking equivalent to 10% of the required car spaces or part thereof.*

The proposal provides 208 car parking spaces, requiring a minimum 21 bicycle parking spaces. A total of 85 bicycle parking spaces have been provided. These spaces have been provided on the lower ground basement with the end-of trip facilities located approximately 28m away. The proposal complies with the respective DCP control. **Condition 151 in Part 3** of the conditions has been included on the draft consent to require the parking allocation to be provided and maintained as outlined above. Overall, it is considered that the proposed development has been designed in a manner which maintains the safety and efficiency of the transport network and provides adequate car parking for future users of the building.

Parking for the Stage 2 development will be assessed at the time of the lodgement of that application. **Condition 32 in Part 2** of the conditions require car parking to be provided in accordance with the applicable parking control at the time of lodgement.

8.12 City of Ryde Section 7.11 Development Contributions Plan 2020

Council's current Section 7.11 Development Contributions Plan 2020 effective 1 July 2020 requires a contribution for the provision of various additional services required as a result of increased development density.

Section 7.11 contributions are to be applied to the development consent and are not proposed to be included in the VPA.

Council's current Section 7.11 Development Contributions Plan 2020 (effective 1 July 2020) requires a monetary contribution where a DA results in gross floor area. The purpose of this is to fund provisions, extension or augmentation of local infrastructure in the City of Ryde LGA. The proposal seeks to increase the GFA (Building A) by 12,463m². No concession is given as the existing building is not demolish until Stage 2. The contributions that are payable (being for commercial development inside the Macquarie Park Area) are as follows:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$181,336.65
Open Space & Recreation Facilities	\$410,531.22
Roads & Traffic Management Facilities	\$213,241.93
Plan Administration	\$12,089.11
The total contribution is	\$817,198.91

Condition 33 of Part 3 of the conditions has been imposed requiring the above contribution to be paid.

9 LIKELY IMPACTS OF THE DEVELOPMENT

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

Context and setting

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

The new commercial floor space will contribute to the central business area of Macquarie Park enhancing the position of the commercial centre within Sydney and the diversity in land uses within the development will contribute towards ‘supporting productivity, investment and jobs within the area’. Furthermore, the public benefits and infrastructure to be delivered will contribute towards the delivery of infrastructure to support growth, improving connectivity within the locality and enhance the public domain.

Built Form

The development is generally consistent with Council’s controls with respect to the height and scale envisaged for future redevelopment of the area. The proposed

building envelopes and allocation of a permissible FSR from the Stage 1 to Stage 2 site is not considered to result in any detrimental impacts.

Whilst Stage 1 will retain the existing building, this is only until commencement of Stage 2. The future built form and character of the development has been reviewed by the UDRP on several occasions and Stage 2 will be assessed against the relevant design provisions. The establishment of maximum building envelopes and allocation of gross floor area establishes the parameters for future applications for the site with respect to the built form.

Natural Environment

The proposal has been amended to achieve a greater retention of trees by reducing the footprint of Building A and Building B; increasing setbacks; relocating substations, loading docks and deletion of the northern driveway in order to minimise impacts to biodiversity where possible within the scope of the development.

With the amendments, the number of trees to be removed has been significantly reduced with the number of medium and high retention value trees to be retained increased. Only 8 of the trees now to be removed are high retention value and 55 medium retention value (compared to 25 and 110 respectively, previously).

None of the trees to be removed are classified as an 'endangered', 'critically endangered' or 'vulnerable' species under the BC Act. A large proportion of the trees anticipated to be removed will have been planted within the site and/or are exotics.

The extent of tree removal has been assessed by Council's Consultant Landscape Architect and Cumberland Ecologist where it has been considered that the extent of tree removal and tree retention is acceptable, especially given that replacement planting will be at a ratio of 1.2.2.

The Arcadia drawings show new trees proposed to be planted and these are selected from criteria comprising: PCT 1845 community trees; trees from the same family as those listed from the PCT 1845 community; street tree species listed in Council's 'Public Domain Technical Manual Macquarie Park'; and species endemic to the site's surrounding local ecologies.

As discussed earlier in the report under Section BDAR – a number of credits are required to offset the removal of the Plant Community Type (PCT) 1845.

In addition to offsetting in accordance with the Biodiversity Assessment Method (BAM), several mitigation measures will be implemented to replace available habitat within the development site. The Arcadia landscaping strategy for the development proposes to revegetate parts of the development site to reinstate the remnant vegetation community PCT 1845 which will provide compensatory foraging habitat for highly mobile fauna species such as Grey-headed Flying-fox. The BDAR also states that three nest boxes will be installed to replace those hollows removed for the development and provide compensatory roosting habitat for microchiropteran bats and hollow-dependent birds.

10 REFERRALS

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

Internal Referral Comments

City Works:

Traffic Engineer: Following discussions with the applicant and TfNSW, the applicant has agreed to traffic mitigation measures along Talavera Road and Khartoum Road. (See **Conditions 23 of Part 2** of the conditions). Conditions imposed by Traffic Engineer, see **Conditions 9, 15, 16, 56, 95 to 97, 101, 110, 122, 142, 143 & 150 in Part 3** of the conditions.

Stormwater Drainage: Council's Drainage Engineer has advised that the property has been identified as being susceptible to flooding and overland flow during large storm events. In accordance with the floodplain management controls started within Council's DCP Part 8.2 (Stormwater and Floodplain Management). Conditions are recommended in relation to design, certification and positive covenants regarding overland flow paths. (see **Conditions 50 - 54, 89, 90 & 139 – 141 in Part 3** of the conditions).

Public Domain: No objections subject to conditions. (see **Conditions 13 of Part 2, 57 – 64, 91 – 96 & 123 – 136 in Part 3** of the conditions).

Development Engineer: No objections subject to conditions. (see **Conditions 30 - 32 in Part 2 and 66 – 75, 111 – 115, 144 – 149 & 151 - 153 in Part 3** of the conditions).

Environmental Health Officer: No objections subject to conditions. (see **Conditions 30 – 32, 42 – 47, 88, 156 – 162 in Part 3** of the conditions).

Environment: Council's Natural Areas Project Officer has reviewed the proposal and has recommended that there be adequate protection measures in place for the protection of the remaining Coastal Shale-Sandstone Forest on site and that the proposed replacement plantings will mimic the existing vegetation composition of Coastal Shale-Sandstone Forest that is being removed and be replaced at a ratio of two to one. (see **Condition 4 of Part 2** of the conditions).

Consultant Landscape Architect & Arborist: Council's Consultant Landscape Architect and Arborist has advised that all issues relating to the landscape design and tree protection have been addressed and can be further resolved through appropriate conditions of consent. (see **Conditions 10 & 27 in Part 2 and 7, 8, 10, 11, 40, 41, 49, 82 – 87, 98 & 117 in Part 3** of the conditions).

Consultant Ecologist: See full discussion earlier in the report. **Condition 9 in Part 2 and Condition 2 in Part 3** of the conditions requiring commitments contained in the BDAR are undertaken and the offsets are "retired" before any clearing of trees.

External Agency Referrals

Transport for NSW. TfNSW has no objections to the proposal subject to conditions. (see **Conditions 4, 76 – 78 of Part 3** of the conditions).

Water NSW: Water NSW has provided concurrence in relation to the dewatering required to accommodate the proposed basement, subject to conditions and GTA's. **Attachment 3** (see **Condition 3 of Part 3** of the conditions).

NSW Police: NSW Police has no objections to the proposal. Safer by design conditions have been imposed. (see **Conditions 15 in Part 2 and 163 – 169 in Part 3** of the conditions).

11 PUBLIC NOTIFICATION & SUBMISSIONS

The application was notified and advertised from 23 November 2020 until 12 January 2021. During the notification period, no submissions were received to the proposal.

12. CONCLUSION

After consideration of the development against section 4.15 of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the proposal is considered suitable for the site and is in the public interest. The proposal would result in direct investment in the area and will generate construction and operational job opportunities, will provide public benefits in terms of traffic mitigation measures along Talavera Road and Khartoum Road, open space area within the site that will be publicly accessible to the public and communal meeting rooms for community groups.

Overall, it is considered that the proposal would have acceptable environmental impacts subject to the recommended conditions of consent. The revised building design is responsive to the strategic intentions of the Macquarie Park and RLEP 2014 and associated planning controls that have been adopted for the locality. The proposed building and site layout have been amended as per the recommendations of the UDRP and Council and will provide a high quality buildings that will contribute to the Macquarie Park Corridor.

13. RECOMMENDATION

1. That the Sydney North Planning Panel grant consent to development application LDA2020/0315 for a Development Application for combined Concept DA for demolition of existing buildings and for Staged redevelopment of the site for up to 37,542m² of floorspace for Buildings A, B and C, with a Detailed DA for Stage 1 (Building A), subject to conditions of consent in Attachment 1 of this report.
2. That Transport for NSW and Water NSW be advised of the decision.

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