

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSNH - 189
DA Number	LDA2020/0433
LGA	City of Ryde
Proposed Development	Demolition and the construction of a new commercial building of 22,550m ² and 15 storeys in height including associated landscaping and parking.
Street Address	85-91 Waterloo Road, Macquarie Park
Applicant/Owner	Owner: The Trust Company Ltd Applicant: Urbis Pty Ltd
Date of DA lodgement	30 June 2020
Total number of Submissions	Zero submissions were received.
Recommendation	Deferred Commencement Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	General Development over \$30 Million – Cost of works: \$ 80,991,018.00 inc. GST
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Regulation 2000 • Environmental Planning and Assessment Act 1979 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning (Vegetation in Non Rural Areas) 2017 • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 • Ryde Local Environmental Plan 2014 • Draft Remediation of Land State Environmental Planning Policy • Draft Environment State Environmental Planning Policy • City of Ryde Development Control Plan 2014 and • City of Ryde Section 7.11 Development Contributions Plan 2020.
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Attachment 1: Draft Conditions of consent • Attachment 2: Plans • Attachment 3: Condition Compliance Table (LDA2017/0096)
Report prepared by	Alicia Hunter, Senior Town Planner
Report date	2 July 2021

Summary of s4.15 matters

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

Legislative clauses requiring consent authority satisfaction

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

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

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

Special Infrastructure Contributions

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

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions Not applicable

Conditions

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

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

1. EXECUTIVE SUMMARY

This report considers a development application for demolition of an existing commercial building and the construction of a new commercial building known as Building 3 within a staged Concept DA at 85 to 99 Waterloo Road, Macquarie Park.

Although Building 3 is part of the concept plan, it will be constructed on 85 to 91 Waterloo Road, Macquarie Park and involve a 15 new storey building to a height of 61.27m. The application comprises:

- Demolition of the existing structures located on the site
- Site preparation and excavation for a three (3) storey basement
- Construction of a 15-storey commercial building (including plant rooms) comprising of
 - Lower ground floor commercial lobby with ground floor café, loading dock, waste storage areas and end of trip facilities
 - Commercial office space and multi-purpose space and
 - Roof terrace with kitchen, function room and seating.
- Installation of public art
- Tree removal and landscaping works
- Parking and site access and
- Public Domain works.

The proposed works will result in 22,550m² of Gross Floor Area (GFA) and 225 car parking spaces, 20 motorbike spaces, 154 bicycle spaces and three (3) loading bays.

Community notification and advertisement

In accordance with the Ryde Community Participation Plan the Development Application was notified and advertised between 19 January 2021 and 9 February 2021. No submissions were received.

Section 4.15 Assessment summary

The Concept DA approved building envelopes for the tower forms including the floor area, parking layout and positioning within the broader site. Four (4) tower envelopes were proposed across 85 to 99 Waterloo Road to be delivered in four (4) stages, in addition to the existing (5) five-storey commercial building at 93 - 99 Waterloo Road which is retained. The maximum heights approved ranged between 11 to 13 storeys.

The Concept DA required the applicant (The Trust Company Ltd) to enter into a VPA with Council for the establishment of a public road and pedestrian pathway as well as monetary contributions payable for each stage of development. The VPA was executed on 27 March 2019.

The VPA stipulated that the public road must be constructed and dedicated prior to the issue of an Occupation Certificate for any part of the Stage 1 of the development. This road, known as Banfield Road has been completed and dedicated to Council.

The VPA also required the construction of a pedestrian link to be delivered prior to the issue of an Occupation Certificate for the building identified as Building 4 on the concept master plan.

Banfield Road and the pedestrian link will both contribute to the fine grain road and pedestrian network in Macquarie Park.

The proposal complies with the planning requirements under Ryde Local Environmental Plan 2014 (Ryde LEP 2014). In particular, the proposal utilises the incentive provisions under clause 6.9 of Ryde LEP 2014 for additional floor space and height which are 3:1 and 65m respectively for the site.

It is proposed to construct the building to a maximum height of 61.27m. The development complies with the height controls.

The development complies with the 3:0 incentive floor space ratio development standard with a maximum GFA of 83,059m² across the site, equating to an FSR of 2.90:1.

With respect to the Ryde DCP 2014, a number of non-compliances have been identified and have been addressed in the report. These non-compliances relate to:

- Section 7.4(c) – The proposed setback to the pedestrian connection is a minimum of 1m rather than the required 2m
- Section 7.8(b) – This part of the RDCP requires buildings to address the street, and have a street address the street. Whilst vehicular access is from Khartoum Road, the main pedestrian entry points are proposed to be from the linear link and centralised plaza.
- Section 8.4(b) – This part of the RDCP requires accessible path of travel is to be provided from the street through the main entry door of all buildings. Whilst pedestrian access from Khartoum Road can be achieved the primary entry points are proposed to be from the linear link and centralised plaza.
- Section 8.4(c) – The existing retaining wall is located along the boundary shared with 6 Khartoum Road where as the RDCP requires natural ground level to be retained for a zone of 4m from the side boundary and further states that no retaining walls are permitted in this zone
- Section 8.4(d) – The existing retaining wall is 3.5m which exceeds the maximum height of 1.2m
- Section 8.6(c) – This part of the RDCP requires pedestrian/vehicle conflict to be minimised by limiting the width and number of vehicle access points. The application proposes a vehicle access point to the basement carpark along the northern boundary as well as a drop off zone toward the southern end of the frontage and
- Section 8.7(f) – The proposed basement is not wholly located under the building footprint extends beneath the centralised plaza.

In addition a number of additional non-compliances were identified, however, these non-compliances were also identified in the Concept Plan and the Concept Plan prevails over the requirements of the RDCP 2014.

The application has demonstrated that the site is of minimal contamination risk and that no further information is required to satisfy clause 7 of State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55). Appropriate conditions are included on the draft consent (**Attachment 1**).

Transport for NSW (TfNSW) and Sydney Metro have provided their support for the proposal subject to conditions.

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

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.

This report concludes that in its context, this development proposal 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 draft conditions provided in **Attachment 1**. These conditions have been reviewed and agreed to by the applicant.

2. APPLICATION DETAILS

Applicant: Urbis Pty Ltd

Owner: The Trust Company Limited

Capital Investment Value: \$ 80,991,018.00 inc. GST

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

3. SITE DESCRIPTION & CONTEXT

The subject site is known as 85 – 91 Waterloo Road, Macquarie Park and is located at the corner of Waterloo Road and Khartoum Road. The legal description of the site is Lot 2 DP 1249920 and it has a site area of 11,705m². The site currently accommodates one (1) commercial building. The building consists of a part (2) two, part (3) three storey building with ground level carparking and landscaping.

This site forms part of land subject to Concept Approval LDA2017/0096. The Concept approval involves 85 – 99 Waterloo Road.

The site is bound by Waterloo Road to the south west and Khartoum Road to the east, and directly adjoins 6 Khartoum Road to the north and 97 Waterloo Road to the west. The site is surrounded by a variety of commercial and mixed use development of varying architectural style and age.

The site is also located in close proximity to the Macquarie Shopping Centre, Macquarie University Railway Station and the Herring Road Bus Interchange and the M2 Hills Motorway.

To clarify the location of the Concept approval site and specifically that of the subject site, refer to the aerial image in **Figures 1 and 2** below.

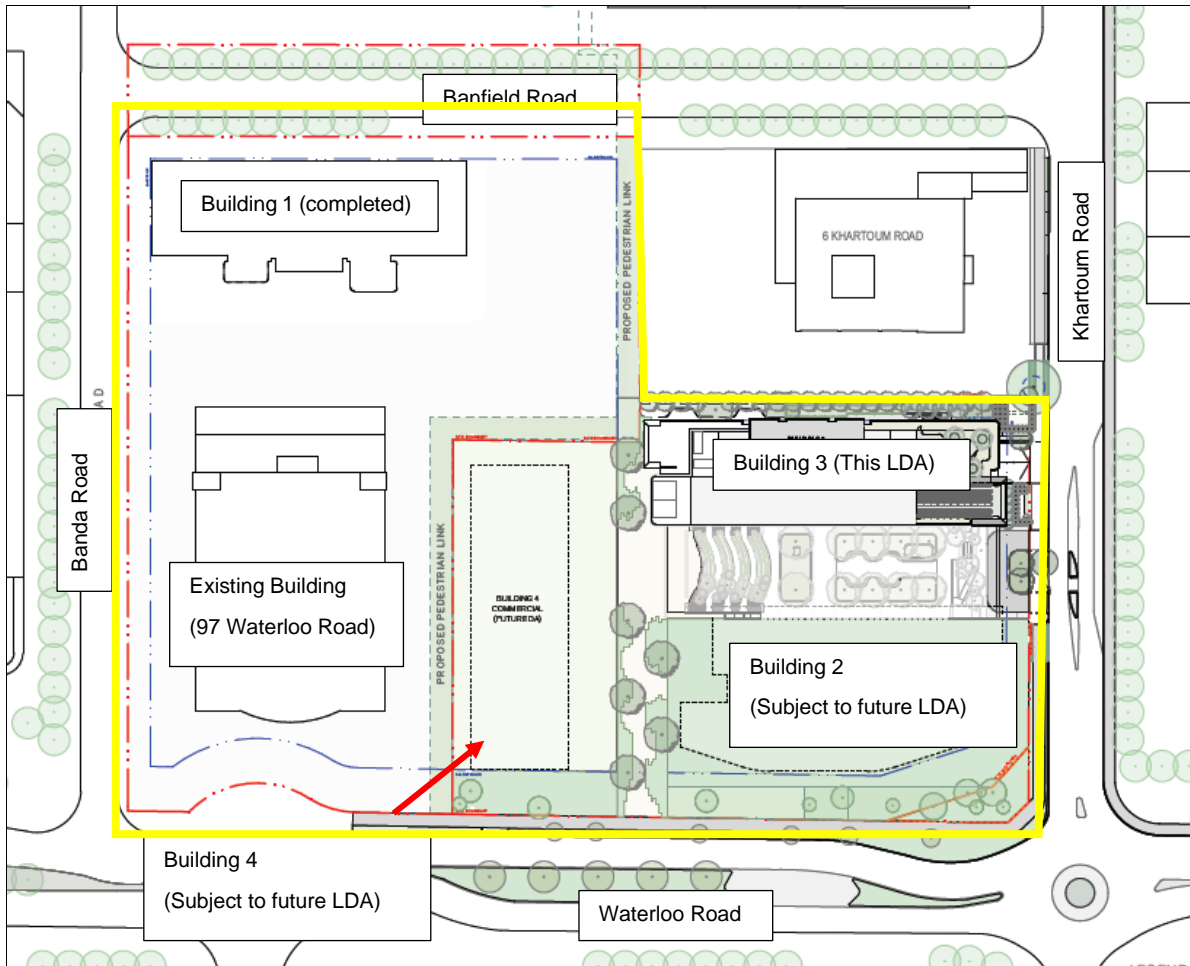


Figure 1: Concept Approval site (85 – 99 Waterloo Road) outlined in yellow.

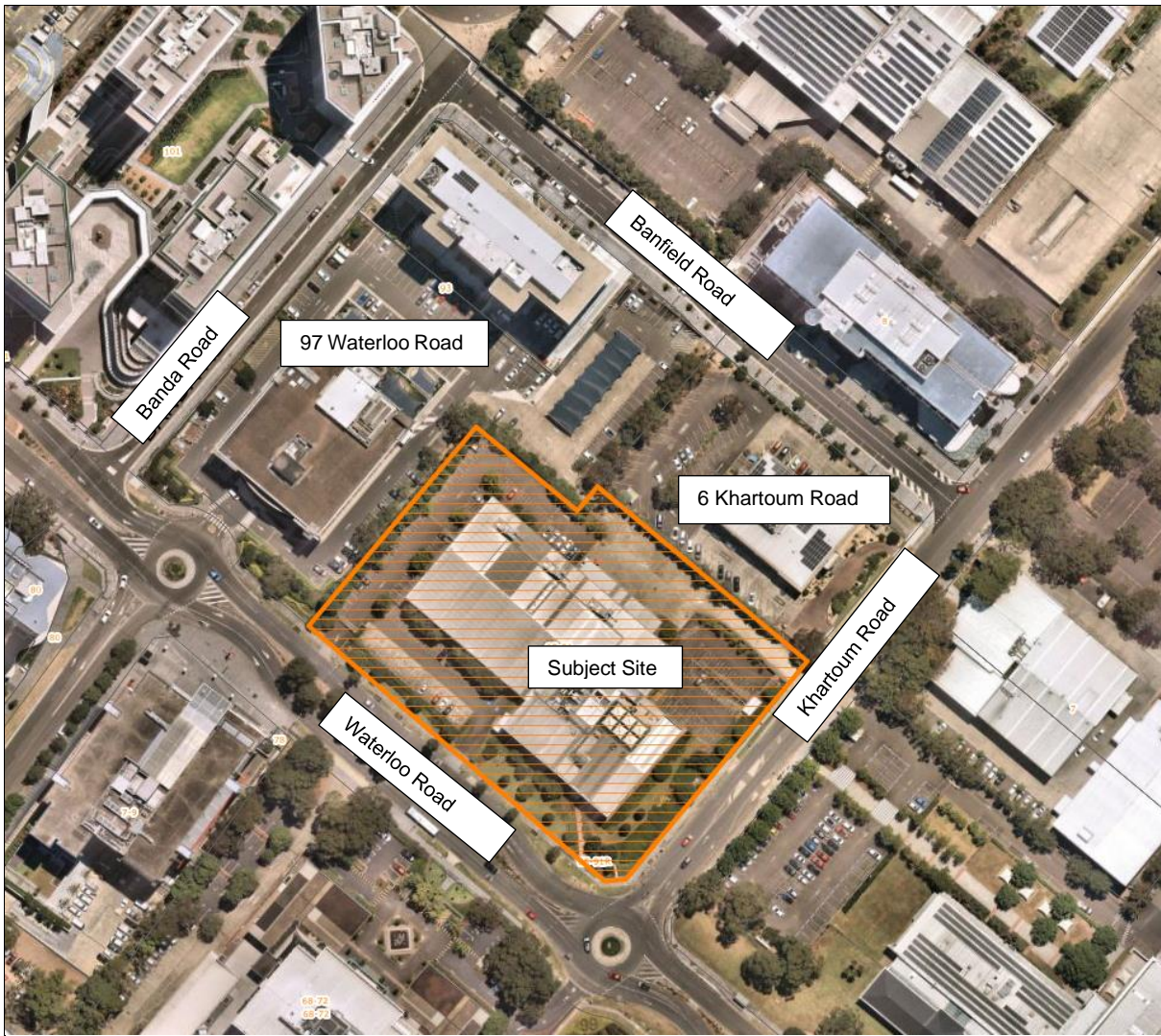


Figure 2: Aerial photograph of the subject site (85-91 Waterloo Road) and surrounds



Figure 3: Existing Building to be demolished (Corner of Waterloo Road and Khartoum Road)

This Development Application relates to the north east corner of the site and a strip of land running along the western boundary. This portion of the site is identified as Building three (3) within the Concept Approval and has a total area of 4,999m². Refer to **Figure 1**.

The site is located within the B3 Commercial Core zone of the Macquarie Park Corridor and abuts the Herring Road Priority Precincts to the west.

The site is bounded by the B3 Commercial Core zone with the B4 Mixed Use zone further to the north and west and the B7 Business Park zone further to the north and east as demonstrated in **Figure 4**. The site is surrounded by a variety of commercial and mixed use development of varying architectural style and age as shown in the images at **Figures 5 to 8**.

The eastern wing of the Macquarie Park Shopping Centre is located north-west of the subject site.

Shrimptons Creek is located approximately 150m to the west of the subject site.



Figure 4: Site zoning: Ryde LEP 2014



Figure 5: 93-99 Waterloo Road, Macquarie Park. Under the Concept DA, this building will be retained.



Figure 6: 6 Khartoum Road, Macquarie Park



Figure 7: 2 Banfield Road, Macquarie Park (Building 1 in Concept Plan)



Figure 8: Looking east toward 8 Khartoum Road from the newly connected Banfield Road

4. APPROVALS HISTORY

Concept Approval LDA2017/0096

The Concept DA granted consent for a four (4) stage commercial development and Stage One (1) construction of a 13 storey commercial building at Lots 2 and 3, DP 1046092, known as 85 – 91 and 93 – 99 Waterloo Road, Macquarie Park. This application was approved by the Sydney North Planning Panel on 9 April 2019.

Figure 7 demonstrates the completed Stage One (1) building.

The Concept DA approved building envelopes for the tower forms including the floor area, parking layout and positioning within the broader site. Four tower envelopes were proposed across the two (2) sites to be delivered in four (4) stages, in addition to the existing (5) five-storey commercial building at 93 - 99 Waterloo Road being retained (**Figure 1**). The maximum heights approved ranged between 11 to 13 storeys.

The approval included Stage One (1) of the development, being an 11 – 13 storey commercial office building including four (4) split level basements, and the construction of a new 20m wide road along the northern boundary of 93 - 99 Waterloo Road, Macquarie Park (Lot 3), referred to as 'Road 1' (Banfield Road).

The Concept DA required the applicant to enter into a VPA with Council for the establishment of a public road and pedestrian pathway as well as monetary contributions payable for each stage of development.

The construction of Stage One (1) (Building one (1)) and Banfield Road (as required by the VPA) has been completed.

Development Application LDA2018/0305

On 25 January 2019 consent was granted for the Torrens title subdivision of Lot 3 DP 1046092 (93 – 99 Waterloo Road, Macquarie Park) into three (3) lots. **(See Figure 9).**

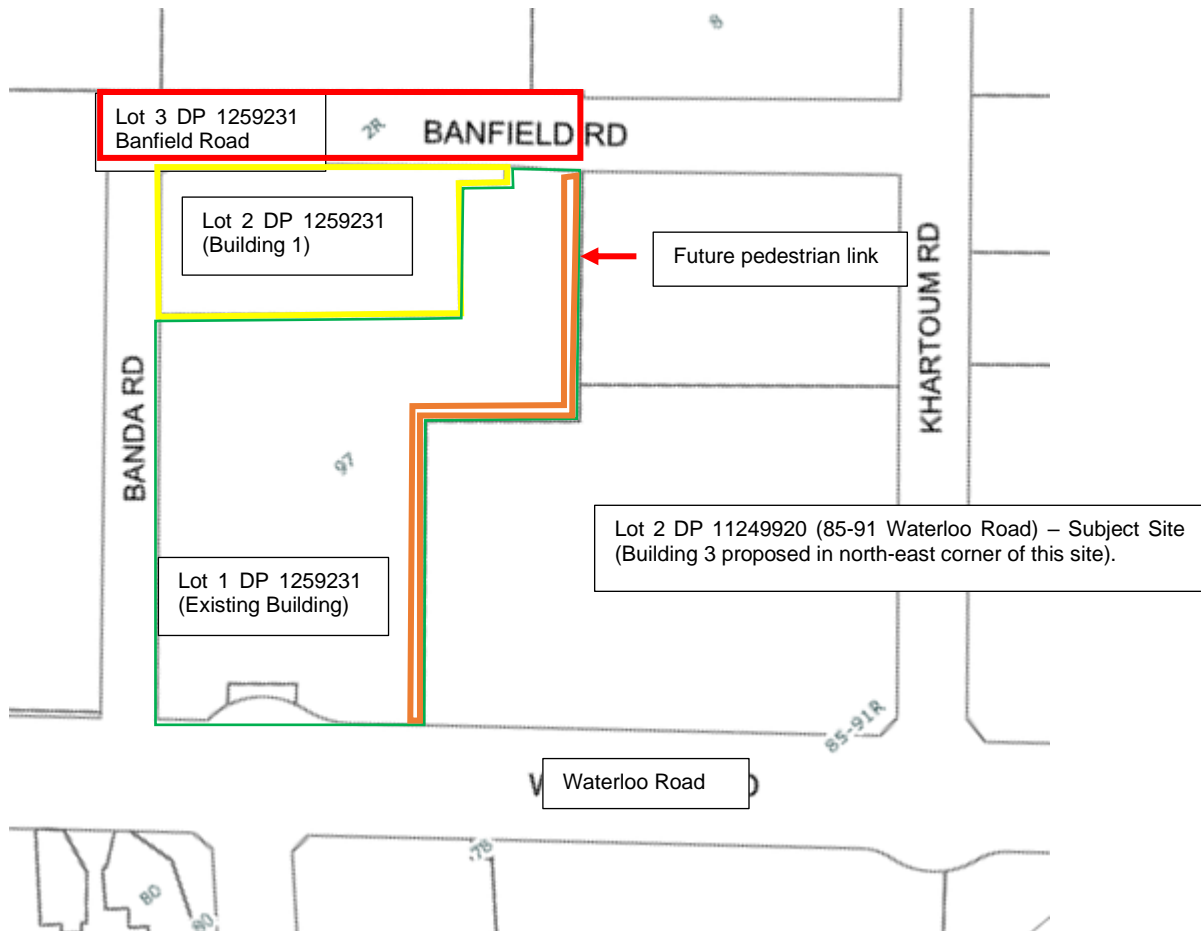


Figure 9: Approved Torrens title subdivision plan. Lot 1 (outlined in green), Lot 2 (outlined in yellow) and Lot 3 (outlined in red). Future pedestrian link (outlined in orange) forms part of Lot 3.

Modification Application MOD2021/0008

The modification application granted consent to amend the building footprints, building height and distribution of gross floor area (GFA) approved under the Concept DA. Consent was granted on 30 June 2021. The modification established the following amendments to the Concept DA:

Table 1: Building Separation

Buildings	Separation	Proposed Separation
Building 1 & Existing	28m to 50m	No change
Building 1 & Building 4	45m	No change

Buildings	Separation	Proposed Separation
Building 2 & Building 3	20m	No change
Building 3 & Building 4	28.5m	18m
Building 4 & Building 2	23.5m to 35.5m	No change

The modification application granted consent to increase the height of Buildings two (2), three (3) and four (4). The proposed amendments are detailed in Table 2.

Table 2: Building Heights

Building	Approved Heights	Proposed Heights
Building One (1)	50m	No change
Building Two (2)	46m	54.45m
Building Three (3)	49m	61.27m
Building Four (4)	45m	51.25m

Note: The maximum building height permitted on the site is 65m.

In addition, the modification application also granted consent to redistribute the GFA across the site including an increase in floor space of 70m². This is detailed in Table 3. The consent granted an increase in the GFA of proposed Building 3 to 22,550m².

Table 3: GFA Distribution

Building	Approved GFA (Concept Approval)	Approved GFA (Modification Approval)
97 Waterloo Road (Existing Building)	9,277m ²	9,277m ²
Building One (1) (Completed)	15,932m ²	15,932m ²
Building Two (2)	24,180m ²	18,700m ²
Building Three (3)	18,200m ²	22,550m ²
Building Four (4)	15,400m ²	16,600m ²
Total	82,989m²	83,059m²

Note: The maximum GFA permitted on the site is 83,115m².

5. PROPOSAL

This proposal is for the Stage 2 detailed Development Application (DA) under the existing Concept Approval LDA2017/0096 approved on 9 April 2019.

The application proposes construction of a new 15 storey building known as Building 3 to a height of 61.27m on land at 85 to 91 Waterloo Road, Macquarie Park. The application comprises:

- Demolition of the existing structures located on the site
- Site preparation and excavation for a three (3) storey basement
- Construction of a 15-storey commercial building (including plant rooms) comprising of
 - Lower ground floor commercial lobby with ground floor café, loading dock, waste storage areas and end of trip facilities
 - Commercial office space and multi-purpose space and
 - Roof terrace with kitchen, function room and seating.
- Installation of public art
- Tree removal and landscaping works
- Parking and site access and
- Public Domain works.

The proposed works will result in 22,550m² of Gross Floor Area (GFA) and 225 car parking spaces, 20 motorbike spaces, 154 bicycle spaces and three (3) loading bays.



Figure 10: Artists Impression – Aerial view of the proposal (as viewed from Khartoum Road)

Tree Removal

The application includes the removal of 70 of the 132 trees on site. Of the 70 trees proposed to be removed three (3) are considered to be medium retention value (trees 13, 14 and 15) with the remaining trees all being of low retention value.

35 of the 70 proposed trees to be removed can be done without development consent under the Ryde DCP 2014 Part 9.5 Tree Preservation. Thirteen of the trees proposed to be removed are exempt due to not meeting the size requirements of a prescribed tree and Twenty-two of the trees proposed to be removed are located within close proximity of the existing building proposed to be demolished.

Of note, Trees 13, 14 and 15 (all Blueberry Ash) are considered to be of medium retention value. These trees are located toward the eastern edge of the existing building

Figure 11 shows the existing tree locations in relation to the proposed development. Trees numbered in red are proposed to be retained, trees numbered in dark blue are proposed to be removed as a result of the demolition of the existing structure, and trees numbered in black are proposed to be removed as a result of the proposed structure.



Figure 11: Tree locations. Proposed development outlined in yellow.

The remaining 62 trees on site are proposed to be retained and protected in accordance with AS4970-2009.

All trees proposed to be removed are located on the subject site, no tree removal is proposed on neighbouring sites or within the public domain. Substantial replacement planting is proposed as detailed below.

Landscape Works

The proposal includes the construction of four landscaping zones each containing integrated seating, planting and connected walkways. The landscape scheme includes the planting of 72 trees throughout the site as well as shrubs and groundcovers. **Figure 12** demonstrates the location of the four (4) landscaping zones.

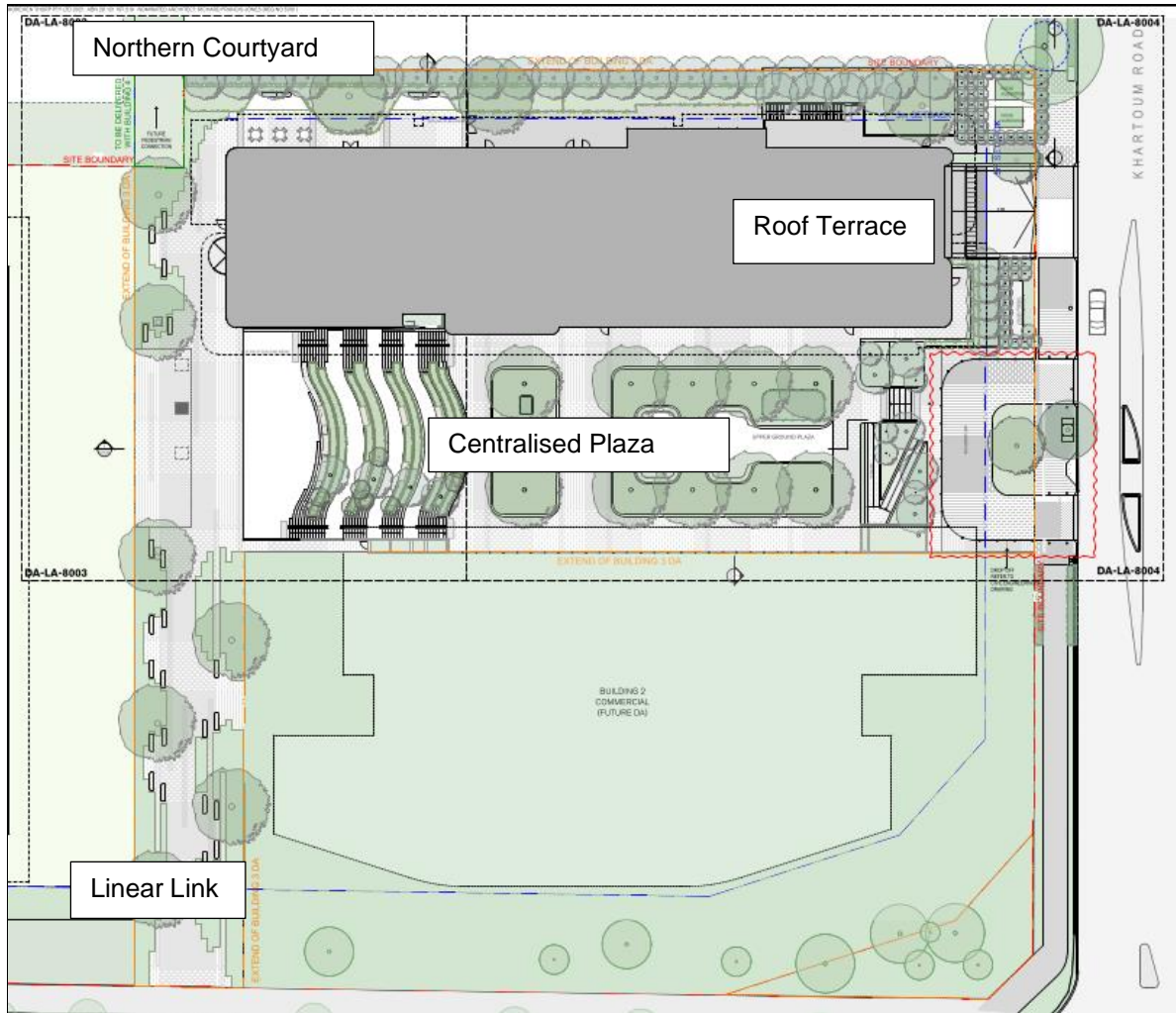


Figure 12: Overall landscape plan. Roof terrace shown below.

Centralised Plaza

The proposed landscaping works include the construction of a centralised plaza between proposed Building 3 and future Building 2. The plaza includes a stepped amphitheater with integrated seating and breakout spaces, mature planting and an arrival space toward the Khartoum Road frontage (**Figure 13**).

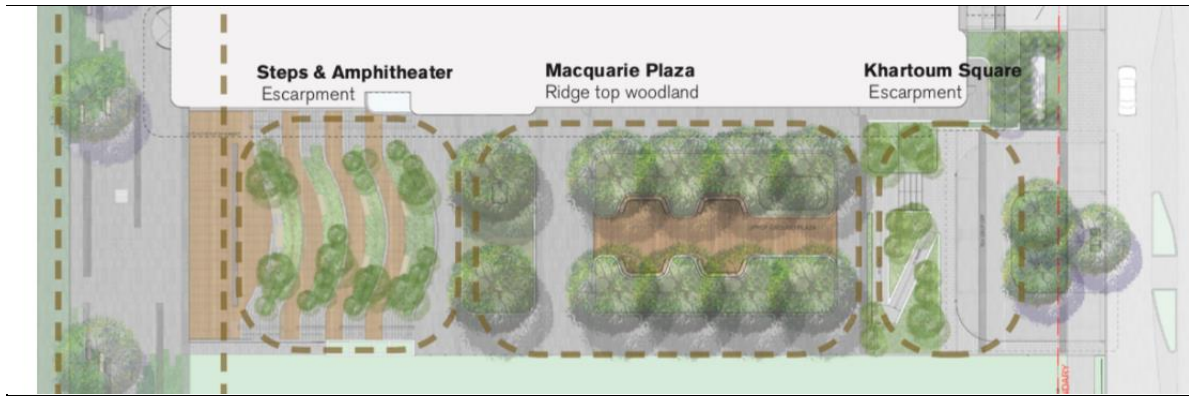


Figure 13: Centralised Plaza

Northern Courtyard

A northern courtyard is also proposed comprising of integrated seating, planting including a green wall and an outdoor dining area (**Figure 14 & 15**).

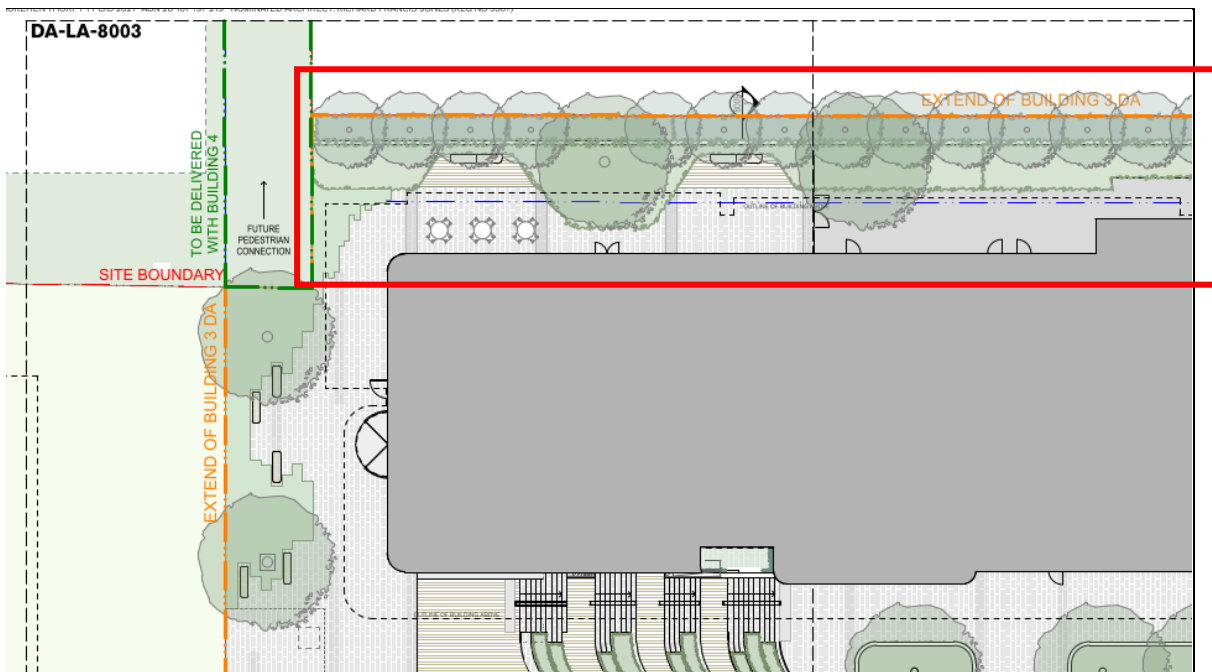


Figure 14: Proposed northern courtyard (outlined in red)



Figure 15: Proposed green wall (outlined in red)

Linear Link

A linear pathway (**Figure 16**) linking Waterloo Road to proposed Building 3 is proposed. The link will comprise temporary integrated seating, native grass planting, paving, tree planting, rear entry to proposed Building three (3), stair access to the upper ground, and access to the future pedestrian link.

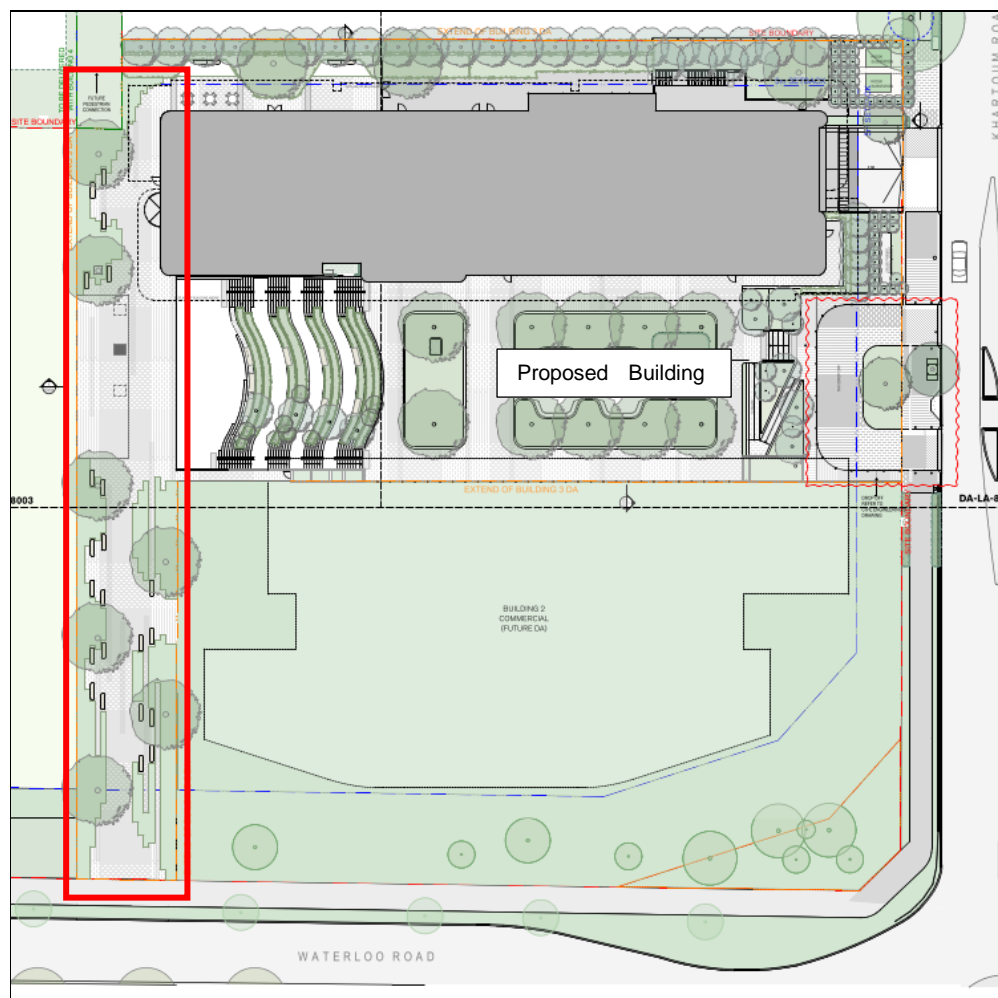


Figure 16: Linear link (outlined in red)

The area south of the proposed building will be grassed until such time construction of future Building two (2) occurs.

Roof Terrace

A roof terrace (to level 14) is proposed. The roof terrace (**Figure 17**) will comprise of integrated seating with a garden edge, tree planting, timber decking, outdoor function space and maintenance areas. No detail with regard to the operation of the function space has been provided.

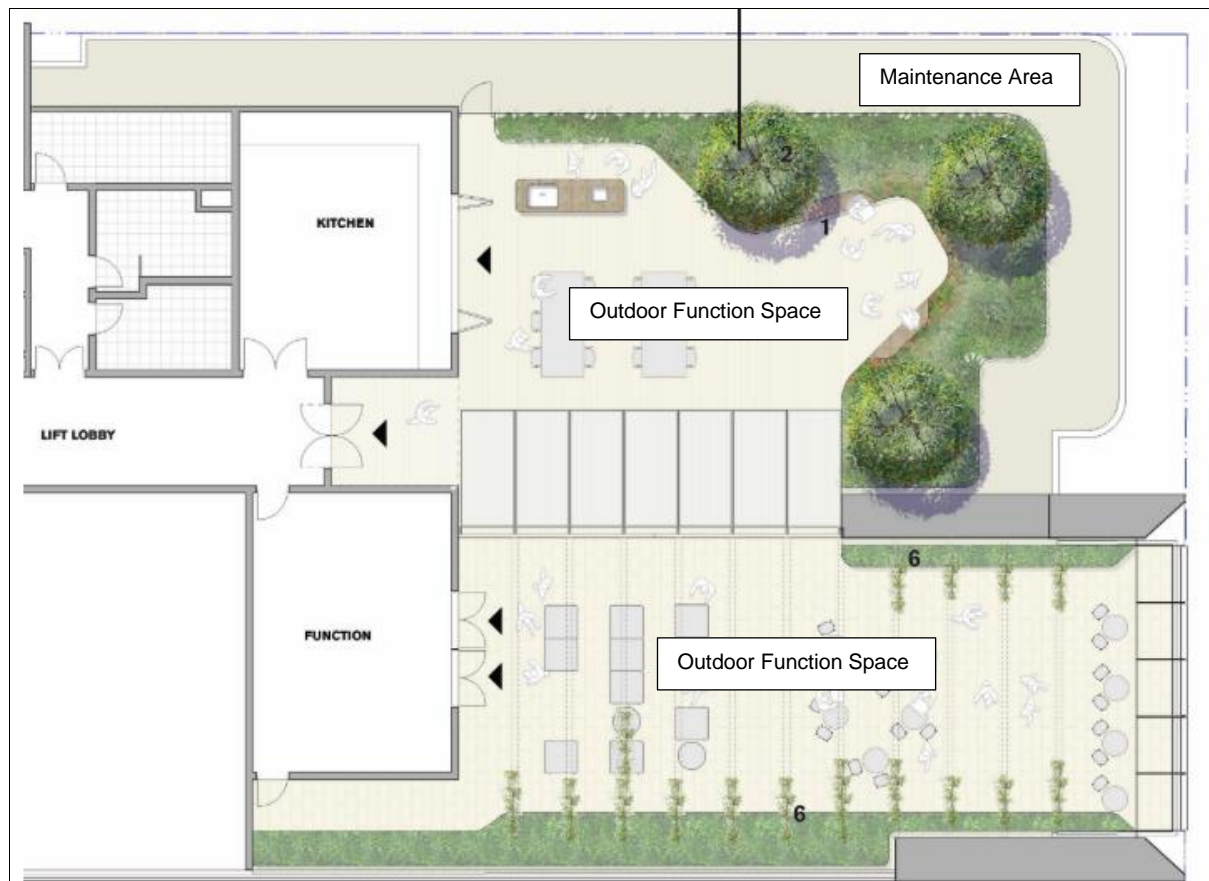


Figure 17: Proposed roof terrace

6. HISTORY OF SUBJECT APPLICATION

Table 4 below provides details of the application history.

Table 4: Development Application History Summary

Relevant Date	History
2 July 2020	<p>A Pre-Lodgement and Urban Design Review Panel (UDRP) meeting was held with the Applicant.</p> <p>Council Assessment Officers highlighted to the Applicant that concept DA LDA2017/0096 granted building envelopes for the tower forms including the floor area, parking layout and positioning within the broader site. It was noted that all built form must be within the consented envelopes.</p> <p>The Panel recommended design amendments be undertaken.</p>

Relevant Date	History
	Refer to Section 7 of this report.
23 December 2020	Development Application LDA2020/0433 was lodged in January 2021 for the detailed design of Building 3 (Stage 2 of Concept Approval LDA2017/0096).
5 January 2021	<p>On 5 January 2021 a Stop the Clock letter was sent to the applicant. The letter outlined that the submitted LDA was not able to be properly assessed as a concurrent modification application to amend the Concept DA had not yet been lodged. This was required as the proposed building envelope, height and floor space was not consistent with the Concept DA.</p> <p>The modification was submitted to Council on 15 January 2021. This application is discussed in detail under Section 4 of the report. The modification was approved on 30 June 2021.</p>
19 January 2021	The application was notified and advertised between 19 January 2021 and 9 February 2021. No submissions were received.
4 February 2021	<p>A second Urban Design Review Panel Meeting was held with the Applicant. The Panel recommended further design amendments be undertaken.</p> <p>Refer to Section 7 of this report.</p>
4 February 2021	<p>On 4 February 2021 Sydney Metro requested the applicant provide additional survey detail and clarify the extent of excavation proposed along Waterloo Road.</p> <p>The information was provided on 1 April 2021.</p>
13 February 2021	On 13 February 2021 Transport for New South Wales (TfNSW) advised no objections to the proposed development is raised.
6 April 2021	<p>A Request for Information (RFI) was sent to the Applicant. The RFI detailed the following:</p> <p><i>Landscape Architect</i> Concern was raised with the lack of detail provided in the submitted landscape plan and associated arborist report. Amendments to each document were requested as well as clarification regarding tree removal, proposed planting schemes and soil depths throughout the site.</p> <p><i>Public Domain</i> Amended public domain drawings were requested detailing compliance with Part 4.5: Macquarie Park Corridor of the Ryde DCP 2014 and Chapter 6: Macquarie Park Corridor of the Ryde Public Domain Technical Manual (PDTM).</p> <p><i>Traffic Engineers</i> The traffic impact assessment (TIA) submitted with the application was inadequate. The applicant was requested to provide and updated transport assessment (with traffic modelling) in order to determine the potential traffic impacts associated with the cumulative traffic generated by the proposed (Building 3) and previously approved (Building 1) developments.</p>

Relevant Date	History
	<p>Details of the proposed relocation of the existing bus zone were also requested. The applicant was advised any proposed modification to the existing bus zone requires concurrence from STA/TfNSW.</p> <p>Clarification regarding access and egress to the site was also requested.</p> <p>Matters raised by the UDRP were also included in detail in the RFI sent to the applicant.</p>
21 April 2021	On 21 April 2021 Sydney Metro advised no objections to the proposed development is raised.
21 April 2021	<p>Amended architectural drawings, public domain and landscape drawings were received.</p> <p>A response to the traffic matters was also received. The response to the traffic matters did not include an updated TIA or modelling.</p>
22 April 2021	The applicant was advised that the response to Council's Landscape concerns was inadequate. Amended landscape plans and an associated arborist report were again requested. It was specifically noted that the re submitted arborist report has not assessed the impact of the proposed development on existing trees on site.
27 April 2021	Council's Development Engineer reviewed the amended plans and documentation and advised of support for the proposal, subject to recommended conditions.
5 May 2021	Council's UDRP undertook a desktop review of the amended plans and advised of support for the proposal. Refer to Section 7 of this report.
7 May 2021	<p>The applicant was advised that the response to Council's traffic and public domain concerns was inadequate.</p> <p>An updated transport assessment (with traffic modelling) was again requested. As well as details regarding the proposed relocation of the bus stop.</p> <p>Council's Public Domain team advised the resubmitted information was inadequate. Additional survey drawings were requested, as well as detail regarding the relocation of the bus stop (in line with comments from Council's Traffic concerns). It was again noted compliance with the PDTM is to be demonstrated.</p>
13 May 2021	Council's Environmental Health Officer reviewed the amended plans and documentation and advised of support for the proposal, subject to recommended conditions.
24 May 2021	Amended architectural drawings and public domain drawings were received.
7 June 2021	The applicant was advised that the response to Council's public domain concerns was inadequate. It was agreed with Council's Public Domain Engineer that the requested boundary surveys would be able to be provided prior to the issue of a Construction Certificate.

Relevant Date	History
	It was noted to the applicant that detail regarding the proposed relocation of the bus stop is still required.
23 June 2021	Amended landscape drawings and an associated arborist report were received.
29 June 2021	Council's Landscape Architect reviewed the amended plans and documentation and advised of support for the proposal, subject to recommended conditions.
29 June 2021	Amended public domain plans as well as traffic modelling was received. It is noted that detail regarding the proposed relocation of the bus stop and correspondence with STA was not provided.
2 July 2021	Council's Public Domain Engineer reviewed the amended plans and documentation and advised of support for the proposal, subject to recommended conditions.
2 July 2021	Council's Traffic Engineer reviewed the amended plans and documentation and advised of support for the proposal, subject to recommended conditions including a Deferred Commencement relating to the relocation of the existing STA Bus Stop.

7. URBAN DESIGN REVIEW PANEL

Table 5: Urban Design Review Panel Summary

Relevant Date	History
2 July 2020	<p>A Pre-Lodgement and Urban Design Review Panel (the Panel) meeting was held with the Applicant.</p> <p>The panel indicated general support of the proposal subject to recommended design improvements which are detailed below:</p> <p><u><i>Built Form and Scale</i></u></p> <p><i>The Panel notes the primary entry to Building 3 is intended to be from the pedestrian link in the centre of the site, rather than Khartoum Rd. The double height lobby and visual permeability of the proposed lobby is supported but the Panel is concerned the building does not yet sufficiently address and engage with Khartoum Road.</i></p> <p><i>A gym is indicated as occupying the primary corner of the building between the new plaza and the street for the use of workers in the building, and therefore may be unoccupied for significant parts of the day.</i></p> <p><i>The Panel encourages the applicant to further investigate how the building addresses the primary street to ensure it is activated and visually engaging. Direct connection into the building and core should also be possible from the drop off zone via the raised plaza in a location that is visible from the street.</i></p> <p><i>This could be achieved by repositioning the void currently proposed over the entry lobby so visual connection down into the lobby is possible, combined with another lobby space that connects to the lifts on the upper ground plan.</i></p>

Relevant Date	History
	<p><u>Sustainability</u></p> <p><i>Sustainability was not specifically addressed during the meeting; the Panel encourages the proposal to target ambitious Green Star (design and as-built) and NABERS sustainability ratings.</i></p> <p><u>Landscape</u></p> <p><i>The Panel encourages the establishment of large canopy trees as a defining attribute of the proposal and consistent with the prevailing character of Macquarie Park.</i></p> <p><u>Amenity</u></p> <p><i>The amenity provided by the proposed publicly accessible link and plaza space is supported by the Panel subject to the comments provided earlier in this report and the development and refinement of a detailed landscape proposal.</i></p> <p><u>Safety</u></p> <p><i>The general configuration of the buildings and public space provides potential for improved safety now that the pedestrian link has been aligned to provide a straight view line and movement across the site. The Panel considers Building 3 requires an improved address and access to Khartoum Road as well as from the plaza to ensure good levels of activity and safety.</i></p> <p><u>Aesthetics</u></p> <p><i>The proposed approach to architectural expression is supported in principle by the Panel and is capable of further refinement to achieve a high quality proposal.</i></p> <p><i>Ongoing refinement of the preliminary architectural expression will benefit the proposal, particularly to address the following:</i></p> <ul style="list-style-type: none"> <i>• The level of tint, reflectivity and colour of glazing within the facades - with a view to maximising transparency and to strongly differentiate from the conventional business park building types</i> <i>• The material quality of elements used elsewhere in facade systems and spandrel panels, and the architectural expression and visual interest of the otherwise blank lift core wall and northern elevation of Building 3.</i> <p><i>The Panel requested the application be reviewed again upon formal lodgement of a Development Application.</i></p>
4 February 2021	<p>A second Urban Design Review Panel Meeting was held with the Applicant. The Panel reviewed the application concurrently with the modification application submitted. The panel indicated general support of the proposal subject to recommended design improvements which are detailed below:</p> <p><u>Built Form and Scale</u></p> <p><i>The Panel notes the primary lobby address and entry to Building 3 is proposed to be from the pedestrian link in the centre of the site, rather than Khartoum Rd. The double height lobby and visual permeability of the proposed lobby is generally supported but the Panel restates its concern for the lack of address,</i></p>

Relevant Date	History
	<p><i>animation and engagement with Khartoum Road. This is discussed further in this report under Safety.</i></p> <p><i>The Panel encourages the applicant to further investigate how the building addresses the primary street to ensure it is activated and visually engaging. Direct connection into the building and core should also be possible from the drop off zone via the raised plaza in a location that is visible from the street.</i></p> <p><i>This could be achieved by reconfiguring the void currently proposed over the entry lobby so visual connection into the lobby is possible, combined with another lobby space that connects to the lifts on the upper ground plan.</i></p> <p><u><i>Sustainability</i></u></p> <p><i>Sustainability was discussed in general terms during the meeting, and the Panel supports the passive sustainability measures in evidence in the building configuration, floor plate layout, breakout zones, communal roof terrace, natural lighting to bathrooms, and the benefits of the slim floor plate more generally.</i></p> <p><u><i>Landscape</i></u></p> <p><i>A developed landscape design solution was presented.</i></p> <p><i>The Panel is generally supportive of the landscape design solution subject to the following comments:</i></p> <ul style="list-style-type: none"> <i>• The Panel encourages the establishment of large canopy trees as a defining attribute of the proposal and consistent with the prevailing character of Macquarie Park. Opportunities to increase the number and size trees should be investigated across the site - in the Modification and the Building 3 DA and</i> <i>• The northern boundary interface for Building 3 should be further refined to consider the Panel's concerns for the potentially 'subterranean' feeling of this space (given the adjacent site levels) and to ensure the viability of large canopy trees.</i> <p><u><i>Amenity</i></u></p> <p><i>The Panel supports the general levels of amenity available to tenants and visitors evident in the design solution. Floor plate configuration, break out zones, communal roof terrace, on floor amenities and lobby spaces.</i></p> <p><i>The Panel is concerned that the proposal for Building 3 does not yet facilitate universal public access from Khartoum Road to the central plaza space at all hours of the day (since use of the lift requires access to the building which may not be available out of business hours).</i></p> <p><i>The Panel suggests that either - Building 3 be reconfigured to provide universal public access at all times, or the Modification demonstrate how this requirement for universal access can be achieved in future stages.</i></p>

Relevant Date	History
	<p><u>Safety</u></p> <p><i>The general configuration of the buildings and publicly accessible space provide for good levels of safety and passive surveillance.</i></p> <p><i>The Panel notes its earlier comments regarding the 'subterranean' space to the northern boundary of Building 3 and potential concealment opportunities in this location, which should be addressed.</i></p> <p><i>The Panel restates its concern that Building 3 has a highly constrained address and access to its Khartoum Road frontage. To mitigate against this relatively poor presentation and lack of activation, the Panel suggests that either - Building 3 be reconfigured to improve the presentation and address of the multi-purpose space to Khartoum Road, or the Modification demonstrate how this requirement for ground level animation and street activation can be achieved at a whole-of-site level over future stages.</i></p> <p><u>Aesthetics</u></p> <p><i>The proposed approach to architectural expression is supported by the Panel and is capable of achieving a high quality architectural outcome.</i></p> <p><i>Ongoing refinement of the architectural expression has benefited the proposal. The Panel makes particular mention of the following:</i></p> <ul style="list-style-type: none"> <i>• The composition, articulation and architectural expression of Building 3 is positive, characterful and strongly differentiates the proposal and</i> <i>• The proposed materials palette, facade systems, shading devices and spandrel panels work well together to create a strong architectural expression and visual interest.</i>
5 May 2021	<p>Upon submission of amended plans, the application was referred to the Panel for a desktop review. The Panel concluded:</p> <ul style="list-style-type: none"> <i>• Remains a strong design solution of high design quality</i> <i>• The detailed landscape design solution has been amended to improve the relationship to the northern boundary and to mitigate against a 'subterranean' character. The amendments satisfactorily address this concern</i> <i>• Clarification has been provided to demonstrate the passive surveillance and safety issues along the northern boundary are satisfactorily resolved</i> <i>• The proposed sustainability commitments are acceptable and</i> <i>• As noted above, the multi-purpose room has been amended to better address Khartoum Road and the internal plaza space.</i> <p><u>Assessing Officer Comment</u></p> <p>The proposal is considered satisfactory from an Urban Design perspective. No further review is considered to be necessary.</p>

8. CONSISTENCY WITH THE CONCEPT APPROVAL

As stated above Concept Approval LDA2017/0096 was granted in 9 April 2019 by the Sydney North Planning Panel for a four (4) stage commercial development Concept Plan and Stage One (1) construction of a 13 storey commercial building. The Concept DA approved building envelopes for the tower forms including the floor area, parking layout and positioning within the broader site. Four tower envelopes were proposed across the two (2) sites to be delivered in four (4) stages, in addition to the existing (5) five-storey commercial building at 93 - 99 Waterloo Road being retained. The maximum heights approved ranged between 11 to 15 storeys.

Table 6 below outlines the key aspects of the Concept Approval as they relate to this application. A full compliance table is in **Attachment 2**.

Table 6: Approved Building Heights (as modified by MOD2020/0096)

Component	Concept Development	Comment
Building Height	61.27m / RL 122.3	Complies. Building 3 is proposed to be constructed to a maximum height of 61.27m / RL 122.3.
Gross Floor Area (GFA)	22,550m ²	Complies. Building 3 is proposed to have a maximum GFA of 22,550m ²
Parking	A maximum of 1 parking space per 100m ² of GFA is permitted.	Complies. The proposal provides 224 spaces (including 14 small spaces and 4 disabled spaces), the design satisfies this requirement.

9. APPLICABLE PLANNING CONTROLS

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

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

10. PLANNING ASSESSMENT

9.1 Environmental Planning and Assessment Act 1979

In accordance with Section 7.4 of the EP & A Act 1979, Concept Approval (LDA2017/0096) required the applicant (The Trust Company Ltd) to enter into a VPA with Council for the establishment of a public road and pedestrian pathway as well as monetary contributions payable for each stage of development.

The VPA stipulated that the public road must be constructed and dedicated prior to the issue of an Occupation Certificate for any part of the Stage 1 of the development. This road, known as Banfield Road has been completed and dedicated to Council.

The VPA also required the construction of a pedestrian link to be delivered prior to the issue of an Occupation Certificate for the building identified as Building 4 on the concept master plan. An easement will also be required to be registered for this link at this time. The pedestrian link will be required to connect Waterloo Road with Banfield Road and will meander through the site along the western edge of the site. **(See Figure 18).** The VPA was executed on 27 March 2019.



Figure 18: Extract from VPA. Required Pedestrian link and road shown.

The VPA also indicated specific monetary contributions payable for each stage of development. Each contribution is payable prior to the issue of a Construction Certificate for the associated stage.

In this case, being Stage 2, a monetary contribution of \$ 6,667,865.83 is payable. This contribution is subject to CPI increases and may be required to be adjusted prior to the issue of a Construction Certificate. A condition requiring the payment of this contribution has been recommended in the consent. **See Conditions 3 & 30.**

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

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

9.3 State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

a) Sydney Metro

In accordance with Clause 86 (excavation in, above, below or adjacent to rail corridors) of SEPP (Infrastructure) 2007 concurrence was sought from Sydney Metro (delegated authority for the Epping to Chatswood Rail Corridor).

As detailed in Section 6 of this report, following receipt of additional information Sydney Metro assessed the proposal in accordance with requirements of Clause 86 of the ISEPP and advised that no concurrence role is triggered in respect of the Metro North West Line rail corridor by this application under Clause 86 of the ISEPP given the proposed Building 3 site is confirmed to be located outside the second reserve of the Metro North West Line rail corridor.

Sydney Metro also advised they had no comments on the DA for the purpose of Clauses 85 of the ISEPP.

b) Transport for New South Wales (TfNSW) (formally Roads and Maritime Service)

In accordance with Clause 104 (traffic generating development) of SEPP (Infrastructure) 2007 the application was formally referred to TfNSW.

TfNSW assessed the proposal in accordance with the requirements of Clause 104 of the SEPP (Infrastructure) 2007 and advised no objections to the proposed development were raised. No conditions were recommended.

No adverse effects on the road corridor are considered to arise as a result of the proposed development.

Overall, it is considered that the application is consistent with Clause 104 of SEPP (Infrastructure) 2007.

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

The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 applies to the site. The aims of the plan are to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of the non-rural areas of the State through the preservation of trees and other vegetation.

The application includes the removal of 70 of the 132 trees on site. Of the 70 trees proposed to be removed three (3) are considered to be medium retention value (trees 13, 14 and 15) with the remaining trees all being of low retention value.

35 of the 70 proposed trees to be removed can be done without development consent under the Ryde DCP 2014 Part 9.5 Tree Preservation. Thirteen of the trees proposed to be removed are exempt due to not meeting the size requirements of a prescribed tree and Twenty-two of the trees proposed to be removed are located within close proximity of the existing building proposed to be demolished.

Table 7: Tree Removal Summary

Total trees on site	132
Trees to be removed	70
Summary of Arboricultural Assessment of trees to be removed	High category: 0 Medium category: 3 Low category: 67 Exempt trees: 35

Source: Arboricultural Impact Assessment (prepared by Sydney Arbor Trees dated 20 April 2021).

Council's Landscape Architect reviewed the proposal in regard to the proposed tree removal and raised no objections subject to appropriate conditions of consent. Conditions regarding protection of those trees to be retained have also been recommended. **(See Conditions 82-91)**. Regarding the proposed tree removal Council's Landscape Architect noted:

- *The development requires the removal of 70 trees on site. 67 of these trees the Arborist has given a Low Retention Value as they are only small trees between 4 and 8 metres tall, or because they are an exotic Conifer. Only 3 trees to be removed rate a Medium Retention value and are over 5 metres tall. These trees are 7 to 9 metres high and a local native species, however, they are exempt from the Tree Management Order as they are within 4 metres of the existing building. Also these 3 trees will need to be removed as they are in the footprint of the proposed building.*
- *The existing trees on the adjoining site to the northwest in 97 Waterloo Road will be retained in a viable condition.*
- *Small existing Street Trees and small trees along the boundary will be retained except for one tree that will be removed for vehicle access to the site.*
- *No trees on site were given a High Retention Value in the Arborist Report.*

It is considered that the removal of 70 of the 132 trees on site will not have an adverse impact of the ecological, heritage, aesthetic and cultural significance of the area. The proposed replacement planting 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.

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

The requirements of State Planning Policy No. 55 – Remediation of Land apply to the subject site. In accordance with Clause 7 of SEPP 55, the consent authority must

consider if the land is contaminated and, if so, whether is it suitable, or can be made suitable, for the proposed use.

An Environmental Site Assessment (ESA) and a Remedial Action Plan (RAP) prepared by JBS & G Australia Pty Ltd was submitted with the application. The ESA stated that concentrations of heavy metals and asbestos were found on site, however noted that the concentrations of all contaminants were below the adopted health-based criteria applicable to commercial/industrial land use with the exception of asbestos. As shown in **Figure 19** asbestos was found under the existing pavement toward the western edge of the site.

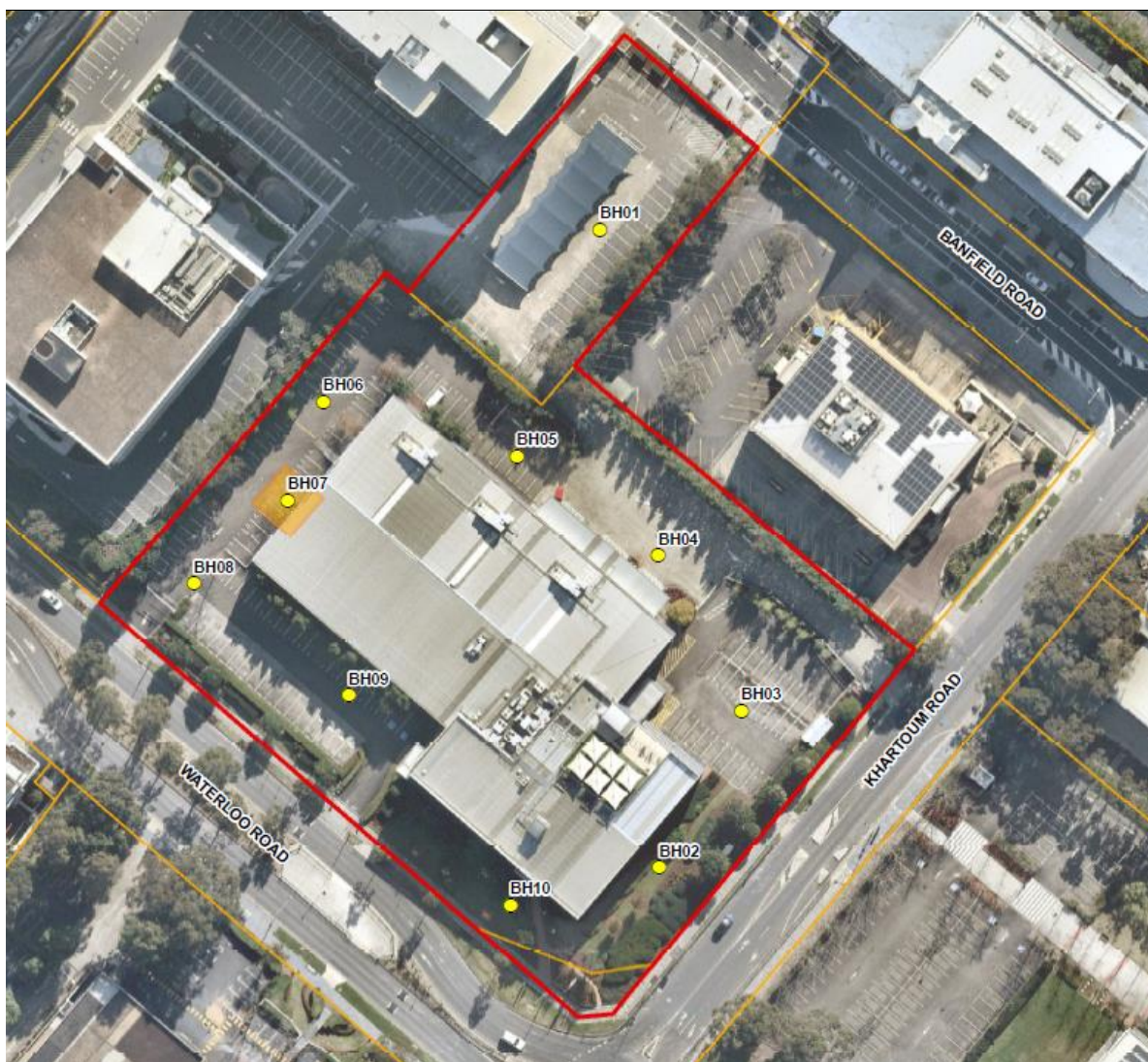


Figure 19: Location of asbestos (BH07) shaded in orange

The ESA concluded that the site can be made suitable for commercial/industrial land uses, subject to the management of the identified asbestos impacts through a RAP.

As such, a RAP was prepared. The RAP recommended that the preferred option of management of the contaminant is by capping and cover and ongoing management. The RAP noted:

This option provides for the retention of friable asbestos impacted material on-site beneath a physical barrier such that there are no complete exposure pathways available between the contaminated material and sensitive human

receptors. Across the majority of the site, the barrier will comprise the hardstand surface under the proposed development scheme.

Overall, the RAP concluded that subject to the successful implementation measures detailed in the RAP the site can be made suitable for the proposed land use.

Council's Environmental Health Officer (EHO) has reviewed the submitted documentation has advised that the site is suitable for the proposed on-going land use. **(See Conditions 16, 68 & 69).**

Proposed remediation works will ensure the remediation of contaminated land for the purpose of reducing risk to human health or any other aspect of the environment.

9.6 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

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

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

9.7 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 B3 Commercial Core zone under the RLEP 2014 as indicated within **Figure 20**.

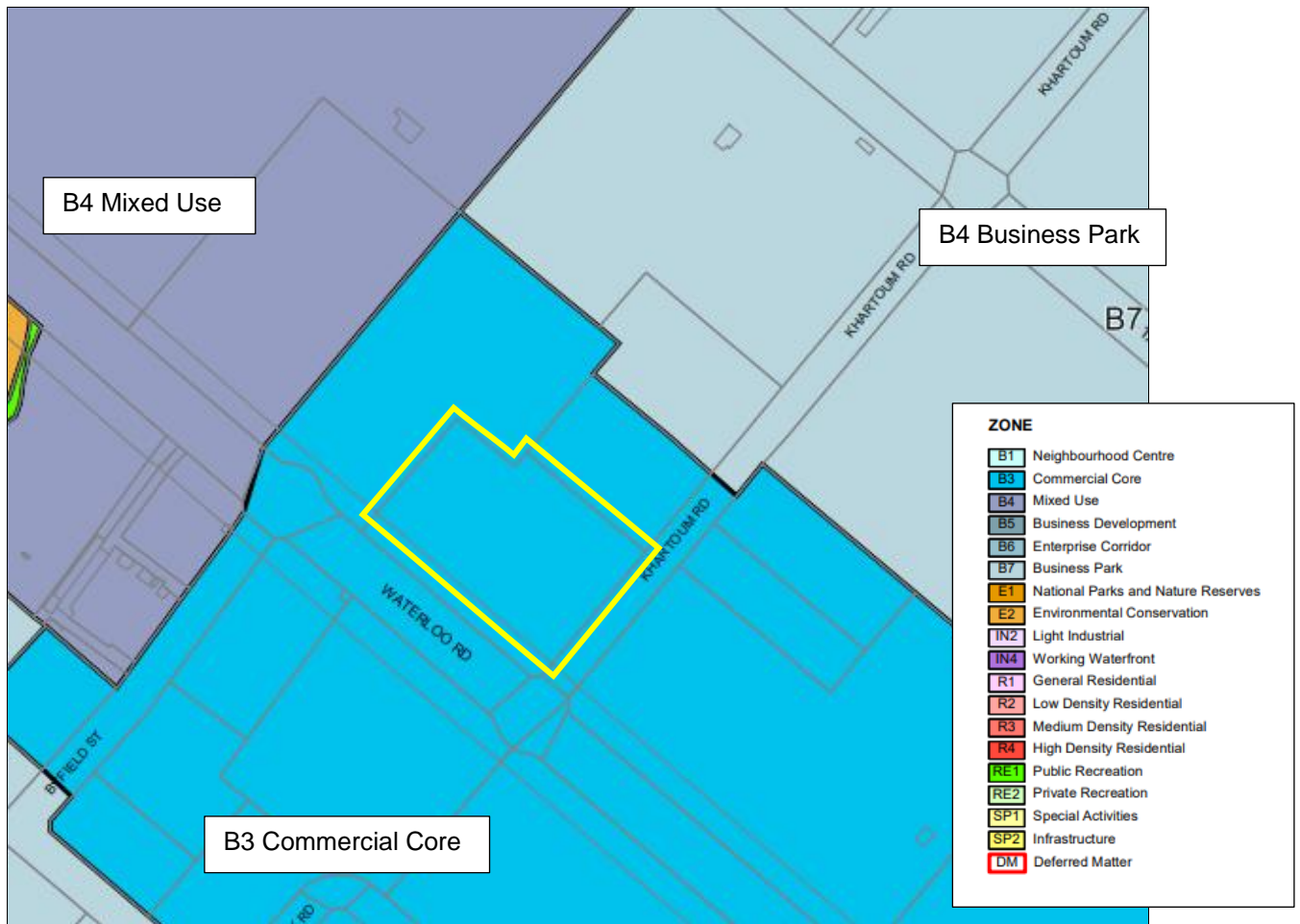


Figure 20: Site zoning marked in yellow (source: Ryde LEP 2014, edited for diagrammatical purposes)

Development for commercial purposes as proposed for with consent in this zoning.

Clause 2.3 – Zone Objectives

Clause 2.3(2) of LEP 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 wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*

The proposed development will provide a building which will result in over 10,000m² of commercial, retail and office space within the commercial core of Macquarie Park which will help serve the needs of the local and wider community.

Due to the site's close proximity to Macquarie Park Metro Station, bus stops, as well as the M2 Motorway, the proposed development will enable employment opportunities in an accessible location.

The provision of an access network comprising of a well-lit and developed pedestrian pathway as well as adequate end of trip facilities will encourage public transport patronage, walking and cycling by future users.

It is considered that the development satisfactorily meets the objectives of the B3 Commercial Core zone.

Summary of planning controls

Table 8: Summary of planning controls

Control	Requirement	Incentive (Clause 6.9)	Proposed	Comment
Zone	B3 Commercial Core	-	Office premises	Complies
Clause 4.3 Building Height	30m	65m	64.9m	Complies
Clause 4.4 Floor Space Ratio	1:1 and 1.5:1	<p>Total FSR: 3:0 Total GFA: 83,115m²</p> <p>Total FSR applies to the area subject to Concept Approval LDA2017/0096. The total FSR is distributed across four (4) stages of development.</p>	<p><u>Proposed (This LDA)</u> <i>Building 3</i> GFA: 22,550m²</p> <p><u>Existing</u> <i>97 Waterloo Road</i> GFA: 9,277m²</p> <p><i>Building 1</i> GFA: 15,932m²</p> <p><u>Future Stage</u> <i>Building 2</i> GFA: 18,700m²</p> <p><i>Building 4</i> GFA: 16,600m²</p> <p><u>Total GFA: 83,059m²</u> <u>Total FSR: 2.90:1</u></p>	Complies

Clause 4.3 - Height of Buildings

A maximum building height limit under the RLEP 2014 of 30m applies to the development site. Despite the provisions of this clause, under clause 6.9 - Development in Macquarie Park Corridor, consent may be granted for development to a maximum height of 65m (as marked on the Macquarie Park Corridor Incentive Height of Building Map shown at **Figure 21**) if the consent authority is satisfied there will be adequate provision of recreation areas and an access network whose configuration and location allow a suitable level of recreation and connectivity within the precinct.



Figure 21: Macquarie Park Corridor Precinct Incentive Height of Buildings Map
(AA – maximum height of 65m)

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

The Stage 1 development and broader Concept DA included a VPA which proposed the construction of a new public road and a pedestrian connection as well as monetary contributions. This will contribute to the fine grain road and pedestrian network of the Macquarie Park Corridor and satisfies the provisions of Clause 6.9.

It is proposed to construct the building to a maximum height of 61.27m. The development complies with the height controls.

Clause 4.4 – Floor Space Ratio

Under the RLEP 2014, a floor space ratio (FSR) of 1:1 and 1.5:1 applies to the development site. Despite the provisions of this clause, under clause 6.9 - Development in Macquarie Park Corridor (as marked on the Macquarie Park Corridor Incentive Floor Space Ratio Map shown at **Figure 22**), consent may be granted for development to an FSR of 3:0, if the consent authority is satisfied there will be adequate provision of recreation areas and an access network whose configuration and location allow a suitable level of recreation and connectivity within the precinct.



Figure 22: Macquarie Park Corridor Precinct Incentive Floor Space Ratio Map (V1 – maximum FSR of 3:0)

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

The Stage 1 development and broader Concept DA included a VPA which proposed the construction of a new public road and a pedestrian connection as well as monetary contributions. This will contribute to the fine grain road and pedestrian network of the Macquarie Park Corridor and satisfies the provisions of Clause 6.9.

The development complies with the 3:0 incentive floor space ratio development standard with a maximum GFA of 83,059m² across the site, equating to an FSR of 2.90:1.

Clause 4.5B(4) – Macquarie Park Corridor

The provisions of this Clause are not applicable as:

- Clauses 4.5B(3) and (4) apply to land zoned B7 Business Park only
- Clause 4.5B(5) is applicable to land zoned B3 Commercial Core, however, this provision is only applicable to the development for purposes of serviced apartments.

Clause 6.2 – Earthworks

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

surrounding land. The impacts of the earthworks are able to be managed by conditions of consent.

Clause 6.4 - Stormwater Management

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

Clause 6.6 - Environmental Sustainability

The objective of Clause 6.6 is to ensure that development on land in a business or industrial zone embraces principles of quality urban design and is consistent with principles of best practice environmentally sensitive design.

Clause 6.6 states that development consent must not be granted to development on land in a business or industrial zone if the development has a GFA of 1,500m² or greater unless the consent authority is satisfied that the development incorporates environmental sustainability measures that are consistent with principles of best practice environmentally sensitive design.

The proposed development complies with the sustainability principles of this clause as outlined in **Table 9**.

Table 9: Clause 6.6 Environmental Sustainability

Planning Principles	Comment
Water demand reduction, including water efficiency, water recycling and minimisation of potable water usage	It is proposed to incorporate a 5-star Water Efficiency WELS rating, low water dependant landscaping and rainwater harvesting.
Energy demand reduction, including energy generation, use of renewable energy and reduced reliance on mains power,	Energy reduction measures include: <ul style="list-style-type: none"> • Thermal building envelope and double glazing to commercial levels • Low power wattage high lumens light fittings. • High COP/EER Air-conditioning system • Gas boilers/DHW system • Efficient Vertical transport system • Building management system.
Indoor environmental quality, including daylight provision, glare control, increased outside air rates, thermal comfort,	The proposal incorporates the following: <ul style="list-style-type: none"> • Glass façade with adequate Visual Light transmittance value • 12-bit resolution drive LED light fixtures • Internal Blinds • Adequate/improved Outside Air rates • Uniform distribution of air-condition air within open plan office • Use of Low VOC paints and low formaldehyde engineering wood product.
A reduction in new materials consumption and use of sustainable materials, including recycled content in concrete,	The development has proposed to: <ul style="list-style-type: none"> • Minimise construction waste during construction stage of the project

sustainable timber and PVC minimisation,	<ul style="list-style-type: none"> • Implement comprehensive waste management plan for the building during operation • Use of sustainable approved material I.e. steel and timber in the construction of the proposed development • Best practice PVC.
Emissions reduction, including reduced flow to sewer and light pollution,	The building has been designed to minimise light pollution. Energy efficient fixtures (meeting minimum WELS targets) are proposed.
Transport initiatives to reduce car dependence such as providing cycle facilities, car share and small vehicle parking spaces.	Accessible connections to Macquarie University Station and the bus interchange assist to reduce car dependence. Bicycle parking and end of trip facilities are provided for.
Land use and ecology, including reduced topsoil removal and contaminated land reclamation.	All earthworks are proposed to be undertaken in a way that avoids, remedies or mitigates adverse effects on the environment.

The applicant has submitted a Green Star Specification report prepared by RENYi (dated 12 June 2020). The report details how the proposal is aiming to target a 5-star Green Star rating. Proposed energy, water, material and indoor environment quality initiatives will be implemented to improve the project's environmental outcomes. A condition has been recommended in the consent requiring complies with this report. **(See Condition 36).**

It is considered that through the measures outlined in the submitted Sustainability Report prepared by RENYi (dated 12 June 2020) that the proposed development embraces principles of quality urban design and is consistent with principles of best practice environmentally sensitive design in accordance with the objectives of this clause. A condition has been recommended in the consent requiring complies with this report. **(See Condition 35).**

Clause 6.9 – Development in Macquarie Park Corridor

The objective of clause 6.9 is to 'encourage additional commercial development in Macquarie Park Corridor, co-ordinated with an adequate access network and recreation areas'.

As stated above, Concept Approval LDA2017/0096 (and its subsequent modifications) granted consent for envelopes associated with building setbacks, gross floor area and building height. The proposal is consistent with the provisions of the Concept Approval and its subsequent modifications.

9.8 Draft Environmental Planning Instruments

Draft Remediation of Land State Environmental Planning Policy

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

“As part of the review of SEPP 55, preliminary stakeholder consultation was undertaken with Councils and industry. A key finding of this preliminary consultation was that although the provisions of SEPP 55 are generally effective, greater clarity

is required on the circumstances when development consent is required for remediation work”.

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

Draft Environment SEPP

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

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

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

9.9 Ryde Development Control Plan 2014

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

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

With regard to Parts 7.1, 8.1 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, 7.2, 9.2 and 9.3.

Part 4.5 – Macquarie Park Corridor

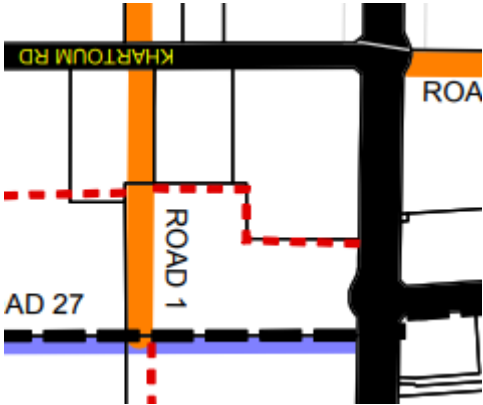
The compliance table of the relevant controls pursuant to Part 4.5 Macquarie Park Corridor is below in **Table 10**. It is noted that there are a number of non-compliances within this table being:

- Section 7.4(c) – The proposed setback to the pedestrian connection is a minimum of 1m rather than the required 2m
- Section 7.8(b) – This part of the RDCP requires buildings to address the street, and have a street address the street. Whilst vehicular access is from Khartoum Road, the main pedestrian entry points are proposed to be from the linear link and centralised plaza.
- Section 8.4(b) – This part of the RDCP requires accessible path of travel is to be provided from the street through the main entry door of all buildings. Whilst pedestrian access from Khartoum Road can be achieved the primary entry points are proposed to be from the linear link and centralised plaza.
- Section 8.4(c) – The existing retaining wall is located along the boundary shared with 6 Khartoum Road where as the RDCP requires natural ground level to be retained for a zone of 4m from the side boundary and further states that no retaining walls are permitted in this zone

- Section 8.4(d) – The existing retaining wall is 3.5m which exceeds the maximum height of 1.2m
- Section 8.6(c) – This part of the RDCP requires pedestrian/vehicle conflict to be minimised by limiting the width and number of vehicle access points. The application proposes a vehicle access point to the basement carpark along the northern boundary as well as a drop off zone toward the southern end of the frontage and
- Section 8.7(f) – The proposed basement is not wholly located under the building footprint extends beneath the centralised plaza.

These noncompliance's are justified within the report

Table 10: Assessment of Part 4.5 of Ryde DCP 2014

Relevant Control	Compliance/Comment
3.2 Urban Structure Plan	
The Commercial Core will evolve to become an employment centre supported by key public transport infrastructure.	Complies. The development proposes a concept plan for the site to provide for an additional 22,500m ² GFA of employment space. This is considered to be consistent with the aims of the Urban Structure Plan for the Commercial Core.
4.0 Access Network	
4.1 Streets	
<p>a) Provide new public streets and pedestrian connections in accordance with Figure 4.1.1 Access Network.</p>  <p><i>Extract from Figure 4.1.1</i></p>	<p>N/A. The Concept DA required the applicant to enter into a VPA with Council for the establishment of a public road and pedestrian pathway as well as monetary contributions payable for each stage of development.</p> <p>The construction of Stage One (1) (Building one (1)) and Banfield Road (as required by the VPA) has been completed and dedicated.</p>
4.2 Pedestrian Connections	
a) Provide pedestrian connections in accordance with Figure 4.1.1 Access Network.	<p>N/A. The Concept DA required the applicant to enter into a VPA with Council for the establishment of a public road and pedestrian pathway as well as monetary contributions payable for each stage of development.</p> <p>The pedestrian pathway is required to be delivered prior to the issue of an Occupation Certificate for the building identified as Building 4 on the concept master plan.</p>
4.3 Bicycle Network	
a) Provide dedicated cycle access in accordance with Ryde Bicycle Strategy 2014 in accordance with	Complies. An existing cycle network is located along Khartoum Road.

Relevant Control	Compliance/Comment
<p><i>Figure 4.3.1 Indicative Cycleways.</i></p> <p>b) The Regional Bicycle Network is to be implemented as on-street shared cycleways in accordance with the <i>Macquarie Park Public Domain Technical Manual</i>. The Regional Bicycle Network comprises:</p> <ul style="list-style-type: none"> (i) Waterloo Road; (ii) Delhi Road; (iii) Epping Road; (iv) Lane Cove Road; (v) Khartoum Road; (vi) The M2; and <p>Shrimptons Creek pathways.</p>	<p>End of trip facilities are proposed within the lower ground floor. Access is achieved via the entry along the northern boundary. These facilities include parking for 154 bicycles, change rooms, lockers and showers.</p>
4.4 Sustainable Transport	
<p>a) A Framework Travel Plan (FTP) is required to be submitted to Council for approval together with a DA for all development that exceeds 10,000m² new floor space.</p> <p>b) For all development the FTP must also:</p> <ul style="list-style-type: none"> (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. <p>c) Provide a Final Travel Plan to Council for certification prior to the issue of any Occupation Certificate.</p>	<p>Complies. The proposal includes more than 10,000m² new floor space. A Framework Travel Plan was submitted with the application.</p> <p>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.</p> <p>Council's Senior Sustainability Coordinator Transport & Environment has reviewed the plan and advised no objections are raised subject to appropriate conditions of consent requiring a Final Travel Plan be submitted to Council for review prior to the issue of any Occupation Certificate. See Condition 130.</p>
<p><u>Parking Rates</u></p> <p>a) Bicycle parking and end-of-trip facilities are to be provided in accordance with the RDCP 2014 Part 9.3 Parking Controls.</p>	<p>Complies. The proposal includes parking for 154 bicycles. End of trip facilities are proposed within the lower ground floor. This is consistent with the RDCP 2014.</p>
<p>b) Parking is to be provided in accordance with the RDCP 2014 Part 9.3 Parking Controls.</p>	<p>Complies. The proposal provides 224 spaces (including 14 small spaces and 4 disabled spaces). The parking rates are consistent with the Condition concept DA.</p>

Relevant Control	Compliance/Comment
<p><u>Car Sharing Parking</u></p> <p>c) All parking spaces for car share schemes are to be:</p> <ul style="list-style-type: none"> (i) Publicly accessible 24 hours a day seven days per week. (ii) Located together in the most convenient locations. (iii) Located near and with access from a public road and integrated with the streetscape through appropriate landscaping where the space is external. (iv) Designated for use only by car share vehicles by signage. (v) Parking spaces for car share schemes located on private land are to be retained as common property by the Owners Corporation of the site. 	<p>N/A. The development does not propose any car share spaces. It should be noted that the DCP does not stipulate a car share parking rate for commercial buildings.</p>
5.0 Public Domain	
5.8 Street Trees, Front Setback Tree Planting and Significant Trees	
<p>a) Street trees and front setbacks must be provided in accordance with the Street Tree Key Plan in the <i>Macquarie Park Public Domain Technical Manual</i>, and their health guaranteed for min. 5 years.</p>	<p>Complies. One (1) street tree is proposed to be planted along Khartoum Road in accordance with the PDTM. Council's Public Domain Team have reviewed the proposed development and included relevant conditions relating to the street trees (See Condition 57). Additional street tree planting will be provided with the subsequent stages of the development.</p>
<p>b) At grade parking is not permitted in the front setback.</p>	<p>N/A. All parking for the new building is located within the proposed basement levels.</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 <i>Sydney Metropolitan Catchment Vegetation Mapping 2013</i>; and • Removal of native vegetation species is proposed: <p>Submit a Flora and Fauna Assessment prepared by a suitably qualified ecological consultant with the DA that has regard to:</p> <ul style="list-style-type: none"> • Part 9.5 Tree Preservation of the RDCP 2014; • NSW Threatened Species Conservation Act. • Sydney Metropolitan Vegetation Mapping 2013. 	<p>N/A. The proposal includes new floor space, however is not shown as having 'Urban Native and Exotic Cover' on the Sydney Metropolitan Catchment Vegetation Mapping 2013.</p> <p>As such a Flora and Fauna Assessment was not required to be provided.</p>

Relevant Control	Compliance/Comment
5.10 Art in Publicly Accessible Places	
a) Art must be included in all new development with more than 10,000m ² new floor space in the amount of 0.1% of the construction cost of the works capped at \$1,500,00.00.	<p>Able to Comply. The applicant has provided a detailed Art Plan prepared by Fjmt dated 30 October 2020 with the DA. This plan has identified three possible locations for the artwork associated with Building 3. The upper and lower centralised plaza and external facing walls of the lower ground floor of the proposed building.</p> <p>The proposed public art plan is acceptable subject to Condition 146 & 147.</p>
b) Art must be located within the site so as to be publicly accessible (i.e. viewed or experienced from publicly accessible places).	Complies. The development complies with this requirement.
<p>c) A site specific Arts Plan is to be submitted together with the development application.</p> <ol style="list-style-type: none"> Arts project description and statement of artistic intent. Thematic framework for the artwork. Suggested themes arising from the history of the Macquarie Park Corridor are: <ul style="list-style-type: none"> ▪ Innovation and / or technology ▪ Transport (train, bus, car) and people movement ▪ History of Macquarie Park Corridor e.g. market gardening ▪ Future of Macquarie Park ▪ Natural environment e.g. water Concept drawing and descriptions of proposed art works including: <ul style="list-style-type: none"> ▪ Proposed location ▪ Whether or not the artwork is integrated into the building design, landscape or other site features (including the building façade, paving, lighting design, outdoor seating, play equipment and the like) ▪ Proposed use of materials with particular information to be provided on robustness, durability, and low maintenance 	<p>Complies. While the Art Plan provides general information on possible locations, it does not address the details required by the DCP in respect to a detailed description of the art work. The applicant is intending to appoint the artist directly to develop and then complete the work. It is intended that City of Ryde will have input into this process. It is proposed to include a condition of consent to require a more detailed plan to be submitted to Council which will detail the thematic framework for the artwork, concept drawings, implementation and preliminary construction details. (See Condition 147).</p>

Relevant Control	Compliance/Comment
<ul style="list-style-type: none"> iv. Implementation (detailing at what stage the artwork will be implemented etc) v. Preliminary construction details with particular emphasis on public safety considerations. 	
6.0 Implementation – Infrastructure, facilities and Public Domain Improvements	
a) Floor Space Ratios and Height of Buildings are to comply with the Ryde LEP 2014.	Complies
b) The Access Network being roads and the Open Space Network being parks are to: <ul style="list-style-type: none"> (i) Be dedicated to Council as part of a new development and are to: <ul style="list-style-type: none"> a. conform with the <i>Macquarie Park Corridor Access Structure Plan</i>. b. be designed and constructed in accordance with the <i>Macquarie Park Corridor Public Domain Technical Manual</i> and Section 4 of the RDCP 2014. 	N/A. The Concept DA required Road 1 to be constructed and dedicated at Stage 1, while the pedestrian link will be provided at Stage 4. Road 1 had been constructed and dedicated.
c) The public land such as the road verge adjoining a development site is to be embellished and dedicated to Council as part of any new development. The design and construction of the works are to be undertaken in accordance with the Macquarie Park Public Domain Technical Manual and Section 4 of this Part.	Able to Comply. Required public domain embellishment works associated with Stage 2 works will be undertaken as part of this application under Conditions 57 and 58 . There is no requirement for the dedication of any land to Council.
7.0 Built Form	
7.1 Site Planning and Staging	
a) Sites are to be planned to allow for the future provision of new streets and open spaces in accordance with Figure 4.1.1 Access Network and Figure 5.1.1 Proposed Open Space Network.	N/A. <u>Access Network</u> The site is not affected by the requirements of Figure 4.1.1 of the DCP 'Access Network'. However, the following is noted: The Concept DA required the applicant to enter into a VPA with Council for the establishment of a public road and pedestrian pathway as well as monetary contributions payable for each stage of development.

Relevant Control	Compliance/Comment												
	<p>The construction of Stage One (1) (Building one (1)) and Banfield Road (as required by the VPA) has been completed.</p> <p>The pedestrian pathway is required to be delivered prior to the issue of an Occupation Certificate for the building identified as Building 4 on the concept master plan</p> <p><u>Open Space</u></p> <p>The site is not affected by the requirements of Figure 5.1.1 of the DCP 'Proposed Open Space Network'.</p>												
7.3 Active Frontage													
a) Continuous ground level active uses must be provided where primary active frontages are shown in Figure 7.3.2 Active Frontage and Setback Control Drawing. Buildings must address the street or public domain.	N/A. The site is not affected by the requirements of Figure 7.3.2 of the DCP.												
7.4 Setbacks & Build-to-Lines													
<p>a) Minimum setbacks and build-to-lines must be provided as shown in Figure 7.3.2 Active Frontage and Setback Control Drawing as follows:</p> <table border="1"> <thead> <tr> <th>Frontage</th><th>Setback</th></tr> </thead> <tbody> <tr> <td>Primary active Frontage</td><td>Nil</td></tr> <tr> <td>Existing/new streets</td><td>5m</td></tr> <tr> <td>Waterloo Rd/Talavera Rd</td><td>10m</td></tr> <tr> <td>M2 tollway and Epping Rd</td><td>10m green setback</td></tr> <tr> <td>All parks</td><td>5m built form</td></tr> </tbody> </table>	Frontage	Setback	Primary active Frontage	Nil	Existing/new streets	5m	Waterloo Rd/Talavera Rd	10m	M2 tollway and Epping Rd	10m green setback	All parks	5m built form	<p>Complies. The proposed building is setback 5m to Khartoum Road.</p>
Frontage	Setback												
Primary active Frontage	Nil												
Existing/new streets	5m												
Waterloo Rd/Talavera Rd	10m												
M2 tollway and Epping Rd	10m green setback												
All parks	5m built form												
c) Provide 2m setbacks to pedestrian pathways.	<p>Does not comply. As part of the concept DA a pedestrian link is required to be delivered. The pedestrian link is proposed to run along the boundary between the subject site, and the adjoining site to the north west (Figure 23). As stated above. The pedestrian link will be delivered with Building 4.</p> <p>The subject site shares a boundary with the proposed pedestrian link for a distance of 10m. In this portion of the site, it is proposed to set the building 4.5m from the pedestrian link, however, the awning running along the upper ground floor and terrace above are proposed to be setback 1m from the pedestrian link. The 1m setback extend for a distance of approximately 2.5m, to a corner point where the roof line tappers around the corner of the building. This is demonstrated in Figure 24.</p>												

Relevant Control	Compliance/Comment
	<p>Given that the encroachment is to an awning and terrace only, and for a distance of 2.5m, the non compliance is considered to be satisfactory. The proposed rear of Building 3 presents an open façade which seeks to activate this area with outdoor seating, planting and floor to ceiling windows along the building edge.</p> <p>The UDRP raised no objection to this encroachment. For the abovementioned reasons a variation to this control is considered appropriate.</p>

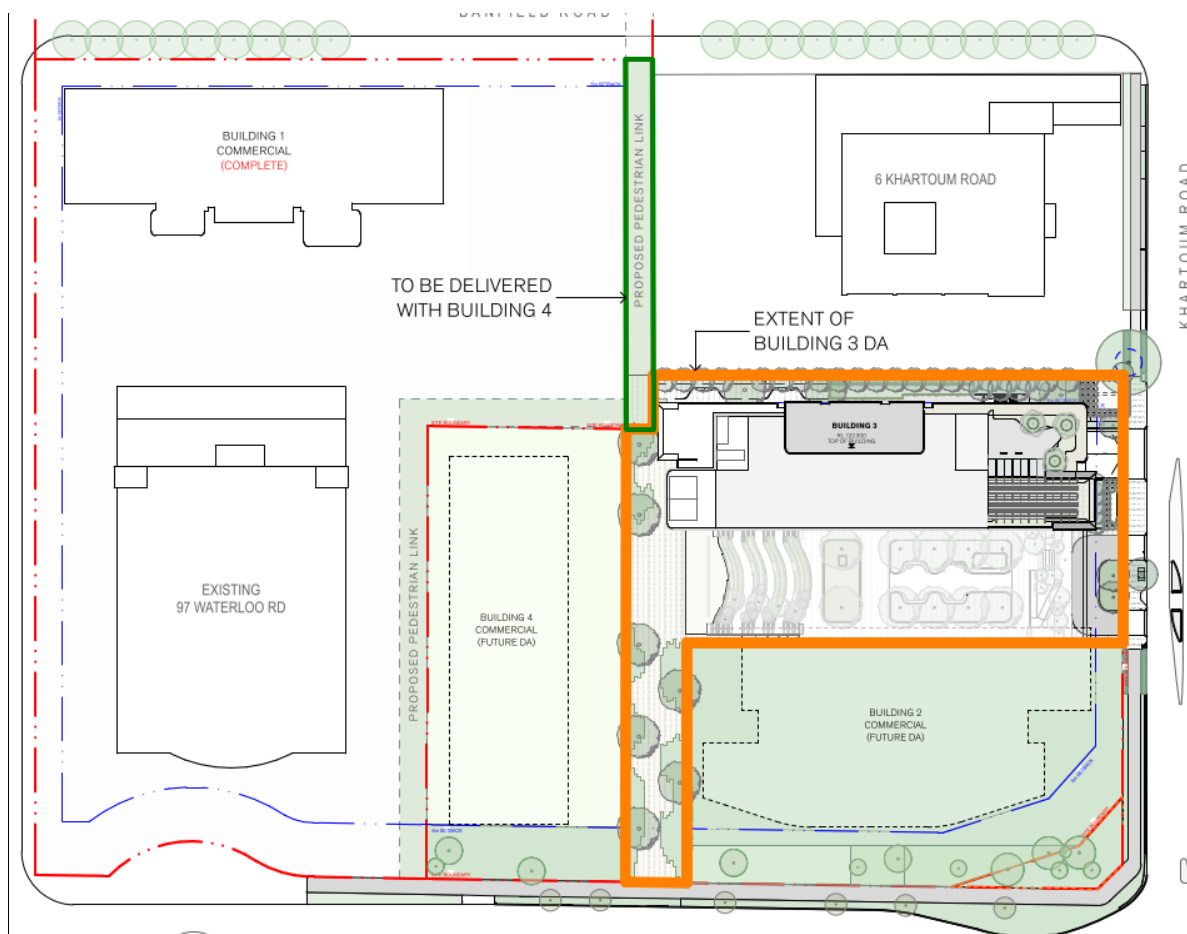
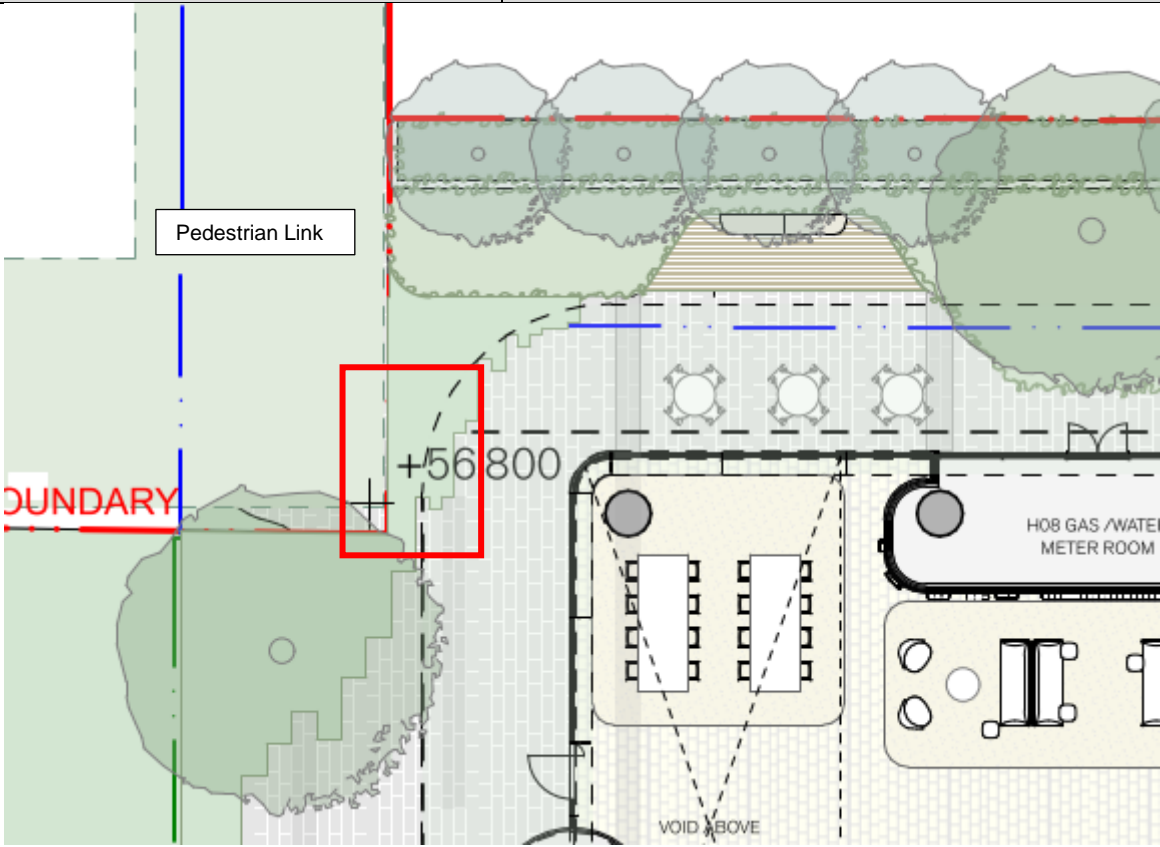
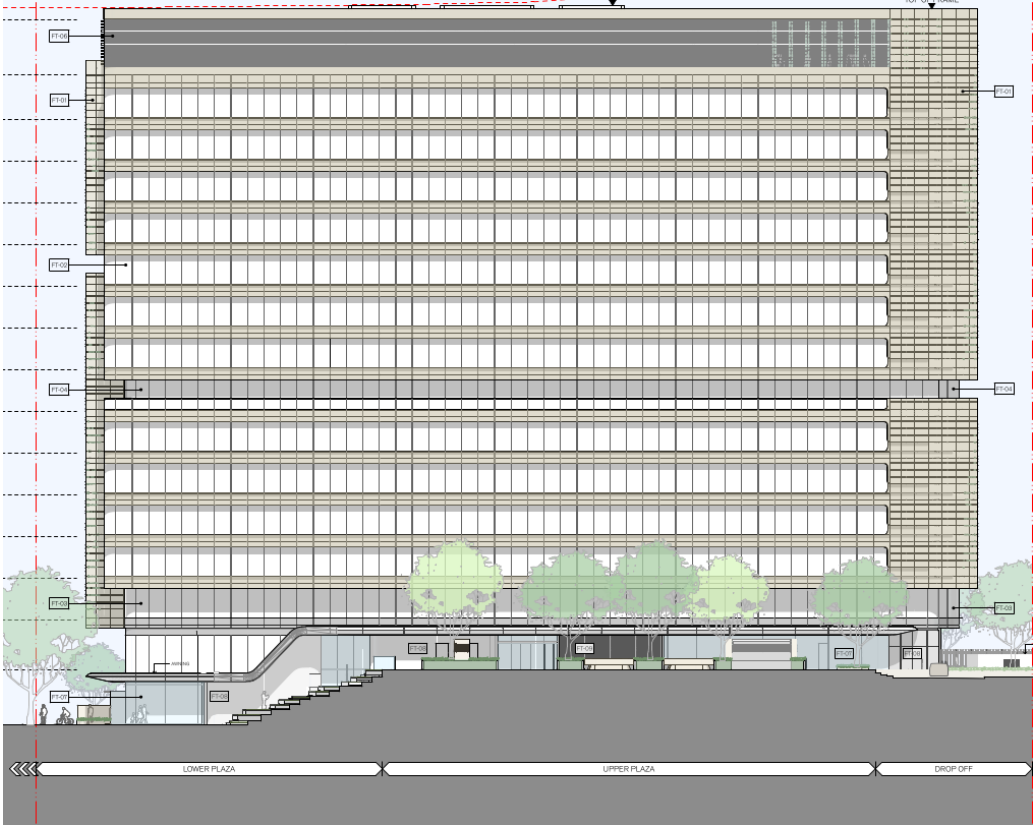



Figure 23: Pedestrian Link (Shaded in green)

Relevant Control	Compliance/Comment
	
<p>Figure 24: Proposed Building 3 Setback. Encroachment outlined in red.</p> <p>d) Despite Clause 7.2.a, a development may be setback further from the street or public domain where it can be demonstrated to Council that the impacts of development on underground rail infrastructure are not in accordance with the <i>ECRL Underground Infrastructure Protection Guidelines Report No. 20007300/PO-4532</i>.</p> <p>e) Council encourages development that complies with Figure 7.3.2 Active Frontage and Setback Control Drawing and meets the requirements of the ECRL Second Reserve Support Zone:</p> <p>(i) Excavations less than 3m in depth are not required to be assessed. Excavations 3m or more in depth are required to be assessed for their impact on the underground infrastructure, including impacts during construction.</p>	<p>N/A. The proposed development is not affected by the requirements of Figure 7.3.2 of the DCP nor does it impact upon the ECRL Second Reserve Support Zone.</p>

Relevant Control	Compliance/Comment
(ii) Shallow footings with relatively light loads are not required to be assessed. Other shallow footings and deep foundations are required to be assessed.	
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 in accordance with Figure 7.4.1.	Complies. The basement level parking does not encroach within the 5m front setback.
g) Awnings, canopies, balconies, sun shading and screening elements can project forward of the street setback line.	N/A. The proposed building does not include any awnings, canopies, balconies, sun shading and screening elements forward of the street setback line.
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.	Complies. The Landscape Plan (Concept Design Report) prepared by Fjmt indicates that 60% (162m ²) of the street setback is soft landscaping. Tree planting, large shrubs and grassed areas are proposed within the front setback. Paving is nominated outside of the setback area and adjacent to Khartoum Road. The paving proposed is granite and in accordance with the PDTM. The site does not contain any at-grade parking within this setback area.
7.5 Awnings and Canopies	
a) Awnings must be provided where Primary Active Frontages are shown in Figure 7.3.2 Active Frontage and Setback Control Drawing. Entry canopies and discontinuous awnings and entry canopies are encouraged elsewhere in the Corridor.	N/A. The proposed development are not affected by the Primary Active Frontage requirements of Figure 7.3.2 of the DCP.
<u>Entry Canopies</u> b) Entry canopies and discontinuous awnings may be provided to building entries not located along active frontages. c) Entry canopies may be glazed or solid and are to be coordinated with a soffit height of 3.6m minimum.	N/A. The proposed new building does not incorporate an entry canopy or discontinuous awning along the frontage.
7.6 Rear and Side Setbacks	
a) Buildings are to be setback 10m from the rear boundary and 5m	Yes. Complies with Concept Approval.

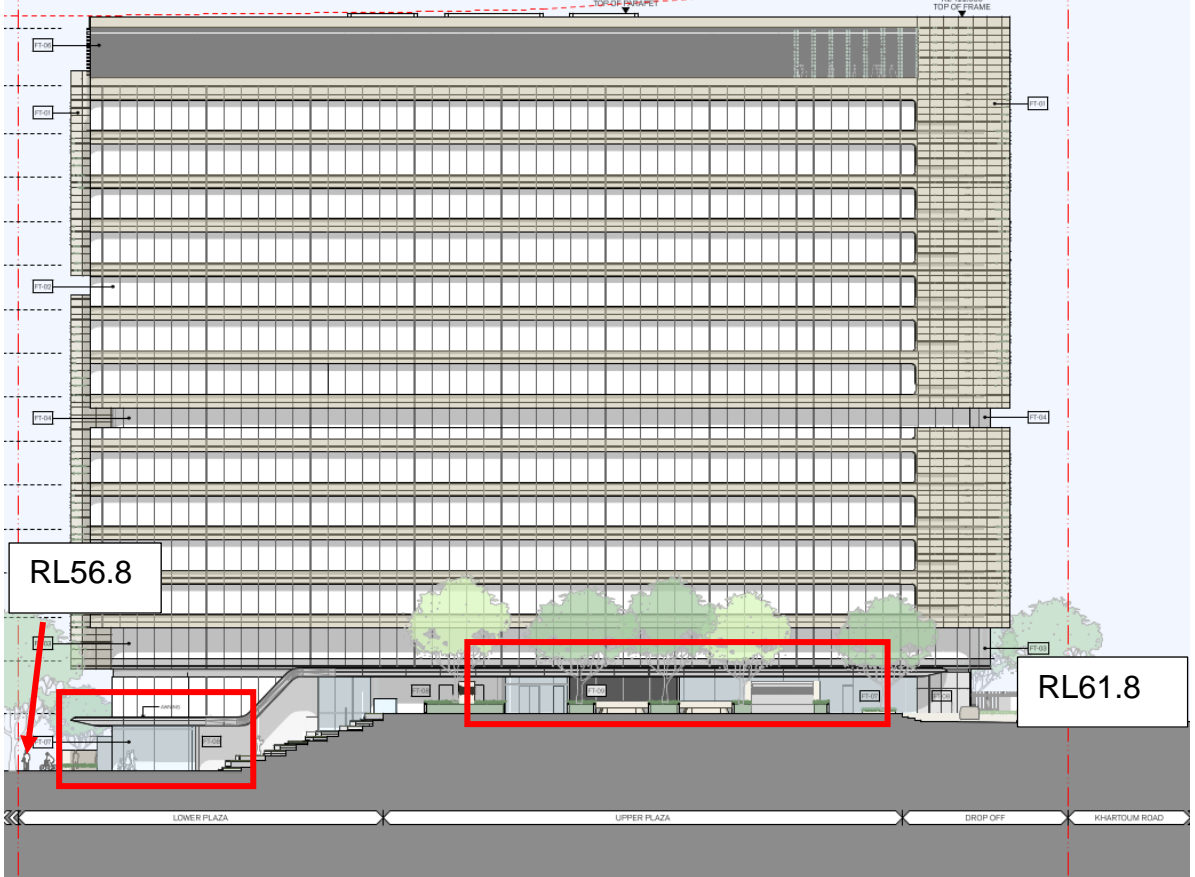
Relevant Control	Compliance/Comment
from a side boundary unless a proposed new road is shown on the site.	The concept DA (and its subsequent modification) granted consent for envelopes associated with building footprints and building separations.
b) Buildings are not to be constructed on the locations for proposed new roads. An allowance for a 5m setback from a proposed road should also be made.	N/A.
c) Awnings, canopies, balconies, sun shading and screening elements may project into the rear setback zones.	N/A.
d) Basement car park structures should not encroach into the minimum required rear or side setback zone unless the structure can be designed to support mature trees and deep root planting.	Complies. The basement is not located within the setback areas.
e) Above ground portions of basement car parking structures are discouraged and deep soil planting is promoted.	N/A.
f) Natural ground level is to be retained throughout side and rear setbacks, wherever possible.	Complies. The proposed building and communal open spaces have been design to accommodate the natural fall in the land, approximately 5m from the upper plaza to the lower. (See Figure 25).

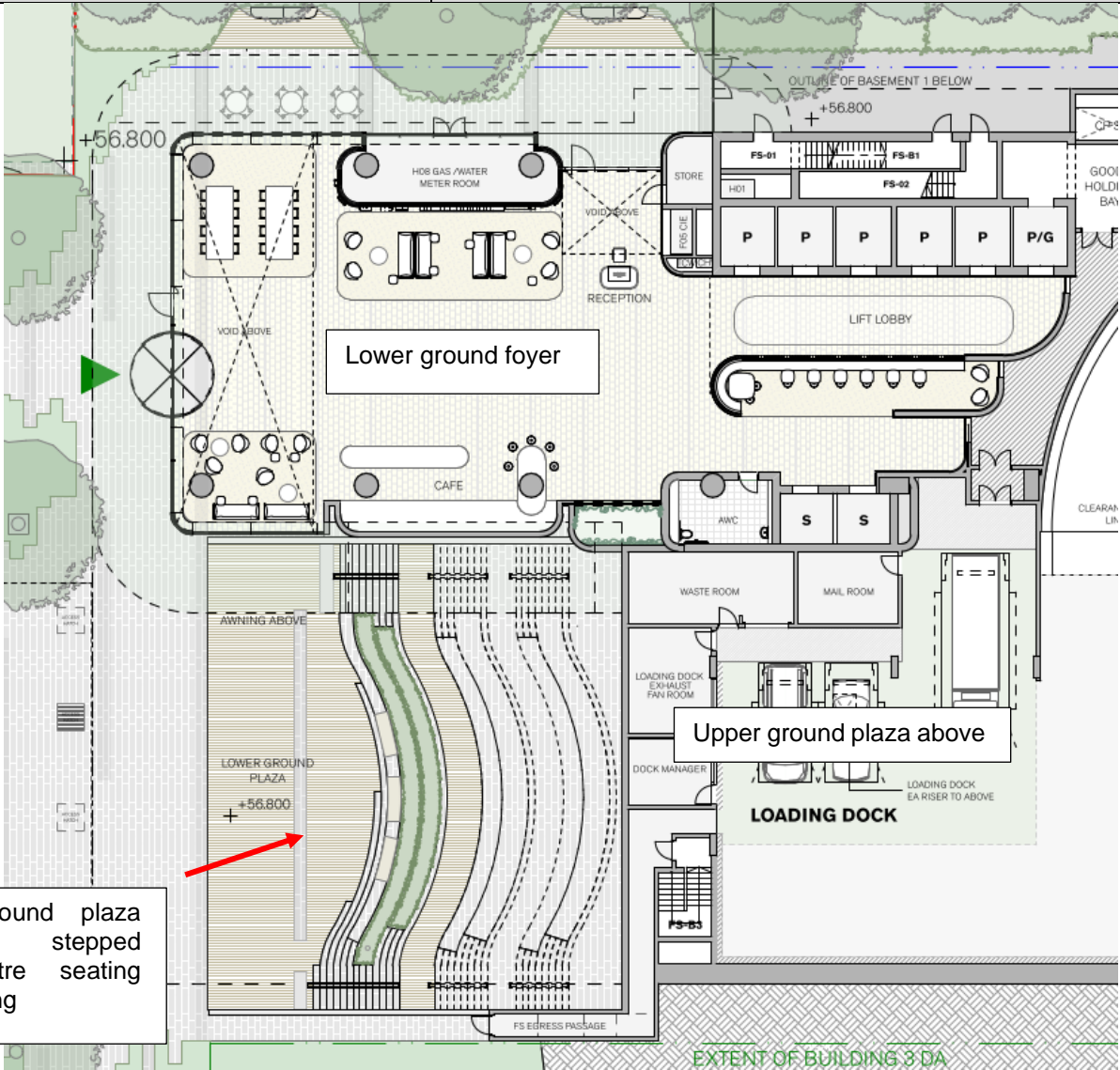
Relevant Control	Compliance/Comment
	
<p align="center">Figure 25: South elevation</p>	
<p>7.7 Building Separation</p>	
<p>a) Provide a minimum 20m separation between buildings facing each other with a site in accordance with Figure 7.7.1 Commercial Building Separation Controls.</p>	<p>Complies. A separation distance of 20m will be provided between Buildings 2 & 3. This is also consistent with the Concept DA.</p>
<p>b) Provide a 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>Complies. A separation distance of 18m will be provided between Buildings 3 & 4. This is also consistent with the Concept DA.</p>
<p>7.8 Building Bulk and Design</p>	
<p>a) Buildings are to address the street and are to have a street address.</p>	<p>Does not comply. This part of the RDCP requires all buildings to address the street and have a street address.</p> <p>Whilst pedestrian and vehicular access from Khartoum Road can be achieved the primary entry points to the building are proposed to be from the linear link and centralised plaza. This creates a defined and activated entry address from these spaces, rather than from the street frontage.</p>

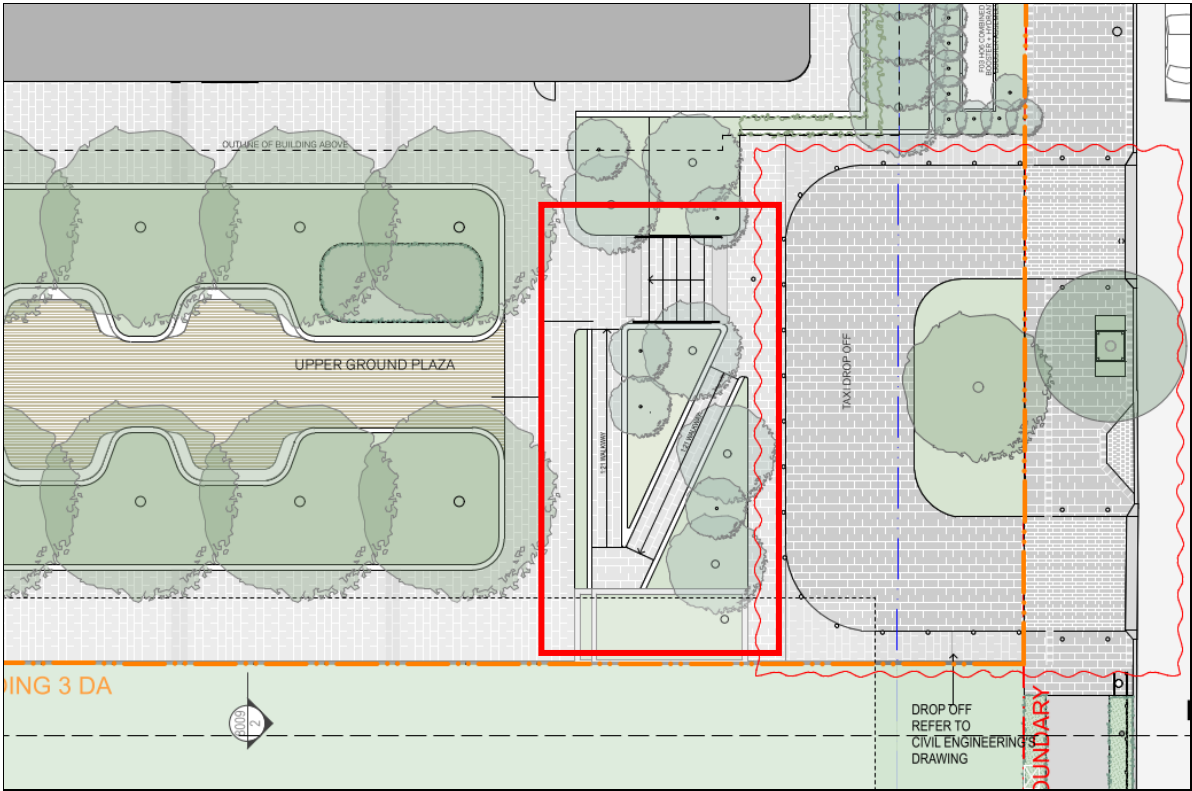
Relevant Control	Compliance/Comment
	<p>A multi purpose room, additional planting and awning have been provided adjacent to the vehicle entry (Figure 26).</p> <p>Despite this non compliance it is considered that the proposed building provides a façade which defines and enhances the public domain and will contribute positively to the visual amenity and character of the streetscape</p> <p>The UDRP noted that the amended plans provide a design which better addresses Khartoum Road.</p>
 <p style="text-align: center;">Figure 26: Khartoum Road: Building entry</p>	
<p>b) Façade 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) Integrate and coordinate building services such as roof plant, parking and mechanical ventilation with the overall façade and building design, and be screened from view. (iv) Roof forms, building services and screening elements are to occur within the overall height controls. (v) Ventilation louvres and car park entry doors are to be coordinated with the overall façade design. 	<p>Complies. It is considered that the proposed building is designed to align as closely as possible with the natural topography of the site. Planting around the street frontage will create a quality landscape setting which will assist to integrate the buildings within the streetscape and provide a high level of amenity.</p> <p>The proposed bulk and scale of the building is generally a positive response to the site and is mitigated by appropriate facade modulation and landscaping.</p> <p>All proposed site services are integrated into the building design and screened from view.</p> <p>Roof forms, building services and screening element are all contained within the overall height controls for the site.</p> <p>The car park entry and ventilation louvers are coordinated into the overall façade design.</p> <p>In addition, Council's UDRP supported the proposal.</p>
<p>c) The distance of any point on a habited floor from a source of natural daylight should not exceed 12m.</p>	<p>Complies.</p>

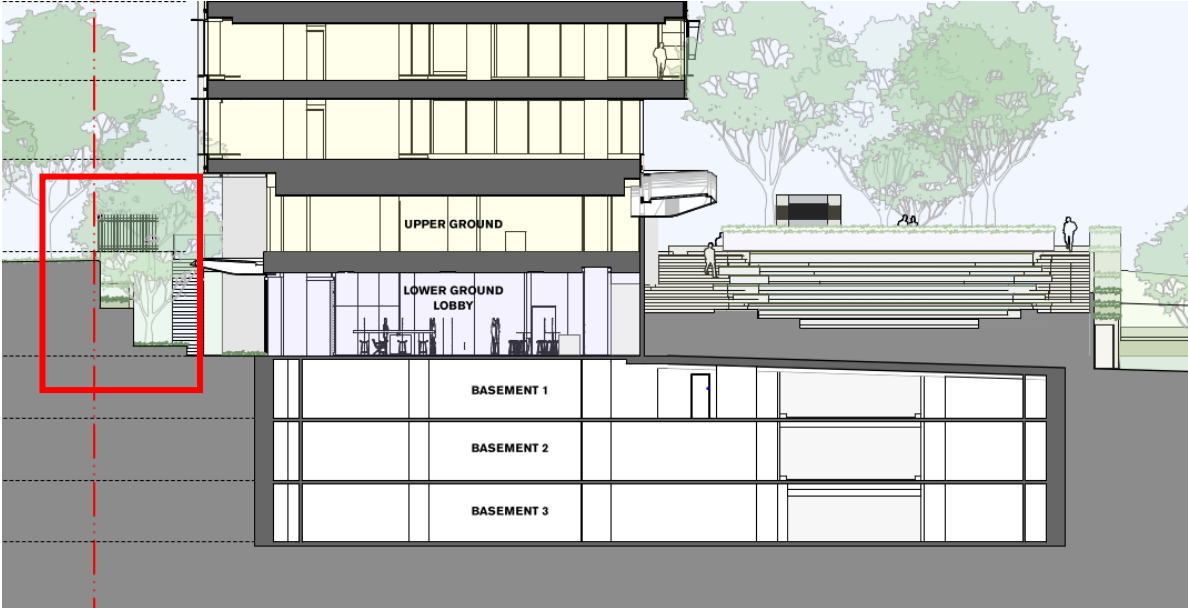
Relevant Control	Compliance/Comment
<ul style="list-style-type: none"> (i) Atria and courtyards are to be used to promote access to natural light, pedestrian links and slender building forms. (ii) Arrange courtyards and atria to respond to street lot and solar orientation. (iii) The preferred height to width ratio of atria is 3:1. 	
d) Buildings are to be designed to be flexible – car parking above ground level is to have a floor-to-ceiling height of not less than 2.7m.	N/A.
8.0 Site Planning and Staging	
8.2 Site Coverage, Deep Soil Areas and Private Open Space	
<ul style="list-style-type: none"> a) A minimum 20% of a site must be provided as deep soil area. b) Deep soil areas must be at least 2m deep. c) For the purpose of calculating deep soil areas, only areas with a minimum dimension of 20m x 10m may be included. d) A minimum 20% of the site area is to be provided as Landscaped Area. e) Communal open spaces are to incorporate the primary deep soil area where possible. f) Landscaping is to contribute to water efficiency and effective stormwater management. Landowners are to consult with Council for requirements to address stormwater quality 	<p>Yes. Complies with Concept Approval. The concept DA (and its subsequent modification) granted consent for envelopes associated with building footprints and building separations. However, it is noted that the proposed building site does not provide the required deep soil area, however across the whole site a minimum of 20% site area is capable of comprising deep soil planting.</p> <p>Large canopy trees are proposed where possible.</p> <p>A detailed landscape scheme has been submitted with the application. This scheme has been reviewed by Council's Landscape Architect and Council's UDRP, no objection has been raised subject to the imposition of recommended conditions.</p> <p>Council's Stormwater Section and Development Engineer have not raised any concern with regard to stormwater management and the area of hard stand or basement.</p>
<ul style="list-style-type: none"> g) Solar access to communal open spaces is to be maximised. Communal courtyards must receive a minimum of 3 hours direct sunlight between 9am and 3pm on 21 June. h) Appropriate shading is to be provided so that communal spaces are useable during summer. 	<p>Yes. Complies with Concept Approval. The concept DA (and its subsequent modification) determined the location of the proposed building on this site. Shadow diagrams indicate that the proposed building will cause the centralised plaza to be overshadowed for part of the day on the winter solstice, but will maintain adequate solar access in the afternoon to a portion of the centralised plaza.</p> <p>The linear link and roof terrace will receive a minimum of 3 hours of direct sunlight between 11am and 2pm on 21 June. The northern courtyard will also receive a minimum of 2 hours of direct sunlight between 10am and 12 noon.</p> <p>Whilst it is recognised that solar access to the centralised plaza is comprised at certain times of the day on the winter</p>

Relevant Control	Compliance/Comment
	solstice, it is noted that throughout the remainder of the year there is always one area of the communal open space which is afforded sunlight.
8.3 Planting on Structures	
<p>a) Provide optimum conditions for plant growth by providing appropriate irrigation and drainage methods.</p> <p>b) Design planters to provide the largest possible volume of soil, in accordance with recommended standards.</p>	<p>Complies. The proposal incorporates planting on structures within the proposed upper and lower plazas. A variety of soil depths are proposed where possible.</p> <p>A condition has been recommended in the consent requiring all planting on structures to comply with the requirements of Council's RDCP 2014. (See Condition 74).</p>
8.4 Topography and Building Interface	
<p>a) Level changes across sites are to be resolved within the building footprint.</p> <p>(i) Where buildings are built to the street boundary, a level transition must be provided between the building and the adjacent footpath. This level must be maintained for a minimum depth of 10m into the building.</p> <p>(ii) Where buildings are set back from the street boundary, entries are to be provided at street level where possible.</p>	<p>Complies. As demonstrated in Figure 27 the site falls approximately 5m from the footpath to the rear, as well as approximately 5m from the northern boundary shared with 6 Khartoum Road.</p> <p>The proposed building has been designed to incorporate the existing site level changes, with the lower ground floor space connected by both the lower ground and upper ground centralised plaza providing an attractive, accessible entry to this floor of the building. This plaza incorporates stepped amphitheatre seating with integrated planting. (see Figure 28).</p> <p>The proposed upper ground is directly accessed by the upper ground plaza. Access is also able to be achieved internally from the lower ground floor or via the stepped amphitheatre connecting the upper and lower ground spaces.</p>


Relevant Control	Compliance/Comment
 <p>Figure 27: South elevation. Foyer entries to the upper & lower ground outlined in red.</p>	

Relevant Control	Compliance/Comment
	
<p>Figure 28: Extract from the proposed lower ground floor plan</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>Does not comply. Whilst pedestrian access from Khartoum Road can be achieved the primary lobby and entry points are proposed to be from the linear link and centralised plaza. The UDRP indicated their support for this design and stated that the double height lobby and visual permeability of the lobby activates and engages this space.</p> <p>The UDRP noted that the amended plans provided a design which improved the buildings activation to Khartoum Road and the centralised plaza.</p> <p>An accessible path of travel is provided from the street to the upper ground level plaza area via stair and pathway access. The proposed building can then be accessed via entry points to the main lobby from the upper and lower centralised plaza. (See Figure 29)</p> <p>A variation to this control is considered appropriate.</p>

Relevant Control	Compliance/Comment
 <p>Figure 29: Khartoum Road building entry. Path to upper ground plaza outlined in red</p>	
<p>c) Natural ground level is to be retained for a zone of 4m from the side and rear property boundaries. Retaining walls, cut and fill are not permitted within this zone.</p>	<p>Does not comply. As stated above an existing retaining wall runs along the northern boundary shared with 6 Khartoum Road. The existing wall has been constructed to incorporate the level changes from the front to the rear of the site. As shown in Figure 30 below, the existing wall is proposed to be incorporated into the landscape strategy. Planters and green walls will form part of this feature improving the relationship along this northern boundary. The UDRP noted:</p> <p><i>The detailed landscape design solution has been amended to improve the relationship to the northern boundary and to mitigate against a 'subterranean' character. The amendments satisfactorily address this concern</i></p> <p><i>Clarification has been provided to demonstrate the passive surveillance and safety issues along the northern boundary are satisfactorily resolved.</i></p> <p>A variation to this control is considered appropriate.</p>
<p>d) The maximum height of retaining walls within the front, side and rear setbacks is not to exceed 1.2m.</p>	<p>Does not comply. As stated above existing retaining walls run along the northern boundary shared with 6 Khartoum Road. The existing wall, approximately 3.5m in height has been constructed to incorporate the level changes from the front to the rear of the site. As shown in Figure 30 below, the existing wall is proposed to be incorporated into the landscape strategy.</p> <p>A variation to this control is considered appropriate.</p>

Relevant Control	Compliance/Comment
	
<p>Figure 30: Longitudinal Section Plan showing existing and proposed retaining wall (outlined in red).</p>	
<p>e) Publicly accessible open spaces under private ownership 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 1.2m above footpath level.</p>	<p>Complies. An accessible path of travel is provided from the street to the upper ground level plaza area via stair and pathway access to the centralised plaza. The centralised plaza is also proposed to be accessed via the linear link. (See Figure 29)</p> <p>The proposed building and open space areas have been designed to take advantage of the natural topography.</p>
<p>8.5 Site Facilities</p>	
<p>a) Vehicular access to loading facilities is to be provided from secondary and tertiary streets where possible.</p>	<p>Complies. Vehicle access to the proposed building is achieved from Khartoum Road.</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) Minimum the visibility of these facilities from the street. (iii) Be located away from openable windows to habitable rooms. 	<p>Complies. The application includes a Waste Management Plan prepared by prepared by SLR (dated August 2020) demonstrates compliance with Section 6.3 of the RDCP 2014. The application and Waste Management Plan were referred to Council's Environmental Health Officer who did not raise any objection to the proposal. Appropriate conditions are imposed requiring compliance with the recommendations made in the Plan. (Condition 38).</p>
<p>c) Barrier free access is to be provided to all shared facilities.</p>	<p>Complies. Barrier free access is provided to all publicly accessible spaces.</p>
<p>8.6 Vehicular Access</p>	
<p>a) Vehicular access is not permitted along streets identified as 'Active Frontages'.</p>	<p>N/A. The site is not located within or near to a street identified as an 'Active Frontage'.</p>

Relevant Control	Compliance/Comment
b) Where practicable, vehicle access is to be from secondary streets.	N/A. Vehicle access is from Khartoum Road.
c) Potential pedestrian/vehicle conflict is to be minimised by: <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. (iv) Separating and clearly distinguishing between pedestrian and vehicular accessways. 	<p>Does not comply. The application proposes a vehicle access point to the basement carpark along the northern boundary as well as a drop off zone toward the southern end of the frontage. The drop off zone will have both entry and exit vehicle crossing points.</p> <p>As part of the Concept DA a drop off zone along the Khartoum Road frontage of the site was approved. It is intended that this zone will provide a safe and accessible zone for visitors arriving to the site via taxi or car share. The zone has been integrated into the design of Building 3, and in accordance with the Concept DA will also be integrated via landscaped spaces and visual connection to future Building 2.</p> <p>No additional vehicular access points will be proposed along this frontage, vehicular access to the broader site will be via the proposed basement entry to the north. The frontage along this edge of the site is approximately 78m and is considered to be sufficient in length to accommodate these points.</p> <p>Landscaping has been proposed along the drop off zone entry to help integrate this space into the broader site design.</p> <p>A variation to this control is considered to be satisfactory.</p>
d) The appearance of car parking and service vehicle entries is to be improved by: <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. (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. (v) Returning the façade material into the car park entry recess 	<p>Complies. The proposed basement parking is located beneath the building structure.</p> <p>All garbage collection, loading and servicing areas are located within the proposed basement.</p> <p>The entry point to the car park is open, with a boom gate system proposed within the basement. Landscaping along the northern boundary will provide adequate treatment of the entry point to ensure it integrates within the overall development. Figure 31 provides a photomontage of this elevation and depicts how the car park entry sits within the streetscape.</p>

Relevant Control	Compliance/Comment
<p>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 the RDCP 2014 and the relevant Australian Standards.</p>	 <p>Figure 31: Eastern elevation photomontage</p>
8.7 Vehicular Access	
<p>a) Safe and secure 24-hour access to car parking areas is to be provided for building users.</p>	<p>Complies. Safe and secure 24-hour access will be provided to the car parking area for all building users.</p>
<p><u>At-Grade Parking</u></p> <p>b) Parking areas must not be located within the front, side or rear setbacks.</p>	<p>Complies. All parking for the proposed building is located within the proposed basement levels.</p>
<p>c) Parking areas are to be screened from view from the street, public domain and communal open space areas, using site planning and appropriate screen planting structures.</p>	<p>Complies. The proposed parking areas are located below ground.</p>
<p>d) Provide safe and direct access from parking areas to building entry points.</p>	<p>Complies. Parking areas are accessible internally within the proposed building.</p>
<p><u>Basement Parking</u></p> <p>f) Basement parking areas should be located directly under building footprints to maximise opportunities for deep soil areas unless the structure can be</p>	<p>Does not comply. As shown in Figure 30 above, the proposed basement extends south into the site and is located below the upper and lower plaza areas.</p> <p>It is considered that despite, this non-compliance sufficient landscaping and deep soil zones are included across the site. Further, it is noted the upper and lower plazas will create a quality landscape setting which will assist to</p>

Relevant Control	Compliance/Comment
designed to support mature plants and deep roots.	integrate the buildings within the streetscape and provide a high level of amenity In addition, URDP and Landscape Architect indicated support for the non-compliance.
g) Basement parking areas must not extend forward of the building line along a street.	Complies. Basement parking does not extend forward of the building line along Khartoum Road.
h) Basement parking should be contained wholly beneath ground level along public streets.	Complies. Basement parking is contained wholly beneath the ground level along Khartoum Road.
i) Ventilation grills or screening devices of car park openings are to be integrated into the overall façade and landscape design of the development.	The car park entry and ventilation louvers are coordinated into the overall façade design.
9.0 Environmental Performance	
a. Commercial development is required to achieve a 4 Star Green Star Certified Rating. 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.	Complies. It is considered that through the measures outlined in the submitted Sustainability Report prepared by RENYi (dated 11 June 2020) that the proposed development embraces principles of quality urban design and is consistent with principles of best practice environmentally sensitive design in accordance with the objectives of this clause. The applicant is seeking a 5 star Green Star certification under the Design & As-Built v1.3 tool, which exceeds the planning requirement of 4 stars. Proposed energy, water, material and indoor environment quality initiatives will be implemented to improve the project's environmental outcomes. Condition 35 has been imposed requiring compliance with the strategies contained in the Sustainability Report prepared by RENYi (dated 11 June 2020).
9.1 Wind Impact	
a) Buildings shall not create uncomfortable or unsafe wind conditions in the public domain which exceeds the Acceptable Criteria for Environmental Wind Conditions. Carefully locate or design outdoor areas to ensure places with high wind levels are avoided. b) All applications for buildings over 5 storeys in height shall be accompanied with a wind environmental statement. For buildings over 9 storeys and for any other building which may be considered an exposed building, shall be accompanied by a wind tunnel study report.	Complies. The proposed building is 15 storeys in height. A Environmental Wind Tunnel Study prepared by SLR and dated August 2020 was submitted as part of this application. The report concluded: <i>On the basis of all of the above, the overall effect of the proposed development on the local wind microclimate, with the wind mitigation treatments recommended, is predicted to be "not significant"</i> The report noted that the proposal has incorporated the following wind mitigation treatments: <ul style="list-style-type: none"> • Significant landscaping throughout the site • Additional landscaping at both the lower and upper ground floors • Low level awnings at the western and southern elevation ends of the ground floors and

Relevant Control	Compliance/Comment
c) Calculation rules - Acceptable criteria for environmental wind conditions.	<ul style="list-style-type: none"> Landscaping, awnings and perimeter walls for various areas of the roof terrace <p>The report recommended that the following wind mitigation treatments be included in the final design:</p> <ul style="list-style-type: none"> Additional vertical screening along the south east and west corners of the building Extension to the height of the balustrade height on the roof terrace to 1.6m and Ensuring all vertical screening, including landscaping is continuous around the perimeter of the terrace. <p>The mitigation recommendations formed part of the detailed design submitted as part of the development application. A Condition will be included in the recommendation ensuring the recommendations in this report are implemented in the construction of the proposed building. See Conditions 31 & 116.</p>
9.2 Noise and Vibration	
a) An Acoustic Impact Assessment report prepared by a suitably qualified acoustic consultant is required to be submitted with all development applications for commercial, industrial, retail and community buildings with the exception of application for minor building operations. b) Development is to comply with all relevant statutory regulations.	<p>Complies. The applicant has submitted an acoustic report prepared by Wilkinson Murray (dated 24 August 2020). The purpose of this report was to address the aspects of the proposed development under the relevant provisions of the Protection of the Environment and Operations Act (1997) and provide in-principle recommendations to determine compliance with these requirements.</p> <p>The report included recommendations to ensure the construction noise levels at the nearest sensitive receivers are in accordance with the NSW Interim Construction Noise Guideline (2011).</p> <p>It is proposed to include these recommendations as conditions on the consent to ensure that the development will meet the acceptable levels as contained in this policy. This will ensure that the amenity of the locality will be maintained. See Condition 32 & 117.</p>
c) Air conditioning ducts shall not be situated immediately adjacent to residential development.	The site is not located adjacent to any residential apartments.
9.4 Soil Management	
a) Development is to comply with the RDCP 2014. b) Development is to be designed and constructed to integrate with the natural topography of the site to minimise the need for excessive sediment disturbance and prevent soil loss, c) Effective site management and maintenance practices are to be followed to prevent soil loss.	<p>Complies. Appropriate conditions of consent will be imposed to require the submission of an Erosion and Sediment Control Plan that meets the Council's requirements. Condition 54 and 105.</p>

Relevant Control	Compliance/Comment
d) Ensure that suspended solid concentrations in stormwater leaving the site do not exceed more than 50mg/litre. e) An Erosion and Sediment Control Plan (ESCP), prepared by a suitable qualified environmental engineer, is required to be submitted in support of all development proposals. f) The ESCP must make reference to the entire construction and post construction period, and all devices must be installed prior to commencement of any demolition or construction works on-site.	

Part 7.2 Waste Minimisation and Management

Condition 26 of the Approved Concept Application required the future Stage 2 Development Application to demonstrate compliance with Council's requirements for waste collection and Part 7.2 of DCP 2014 Waste Minimisation and Management.

A Site Waste Minimisation and Management Plan (SWMMP) prepared by SLR (dated August 2020) was submitted as part of this application. Council's Environmental Health Officer reviewed the report and raised no objection subject to appropriate conditions of consent regarding waste transportation and excavated material. (**See Condition 22- 29 & 38**).

Overall, it is considered that appropriate waste minimisation and management practices have been proposed. The proposal complies with this part of the RDCP 2014.

Part 9.2 Access for People with Disabilities

The applicant has submitted an Access Report by Morris Goding Access Consultants (MGAC) (dated 25 August 2020) which confirms that the development can comply with the accessibility requirements under Council's RDCP 2014, the Building Code of Australia (BCA) and DDA Access to Premises Standards (including DDA Access Code). The report concludes:

MGAC has assessed the proposed scheme for 85 Waterloo Road, Macquarie Park. The proposed drawings indicate that accessibility requirements, pertaining to external site linkages, building access, common area access, sanitary facilities and parking can be readily achieved. It is advised that MGAC will work with the project team as the scheme progresses to ensure appropriate outcomes are achieved in building design and external domain design.

Overall it is considered that the application has demonstrated that the building has been designed and is capable of being constructed to provide access and facilities for people with a disability in accordance with the accessibility requirements under Council's RDCP 2014, the Building Code of Australia (BCA) and DDA Access to Premises Standards (including DDA Access Code).

Conditions 33 & 118 are included on the draft consent to ensure compliance with the recommendations of this report.

Part 9.3 Parking Controls

The application proposes 225 car parking spaces, 20 motorbike spaces, 154 bicycle spaces and three (3) loading bays. The Concept DA provide car and bicycle parking rates, these are as follows:

Table 11: Parking Controls

	Rate	Provided
Parking	A maximum of 1 parking space per 100m ² of GFA is permitted.	The proposal provides 224 spaces (including 14 small spaces and 4 disabled spaces), the design satisfies this requirement.

The proposed car parking rates are consistent with those required as part of the Concept DA.

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 224 car parking spaces, equates to a minimum 24 bicycle parking spaces.

A total of 154 bicycle parking spaces have been provided. These spaces have been provided on the lower ground basement adjacent to the proposed end-of trip facilities. The proposal complies with the respective DCP control.

Condition 156 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.

9.10 City of Ryde Section 7.11 Development Contributions Plan 2020

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

11. LIKELY IMPACTS OF THE DEVELOPMENT

The development is consistent with the Concept Approval with respect to the height and scale. The proposed built form and character of the development will contribute to an attractive public domain, and importantly will contribute towards providing a high-quality, safe environment, highly accessible environment close to jobs, services and amenities.

The assessment demonstrates that the proposal will not have any significant adverse impacts upon any adjoining properties or the environment through compliance with the applicable planning instruments and controls. All relevant issues

regarding environmental impacts of the development are discussed elsewhere in this report, including natural impacts such as tree removal and excavation, and built environment impacts such as traffic and build form. In the context of the site and the assessments provided by Council's experts, the development is considered satisfactory in terms of environmental impacts.

The additional impacts associated with the development or those requiring further consideration are discussed below.

10.1 Overshadowing and Solar Access

Shadow diagrams in relation to the DA (**Figure 32, 33 & 34**) indicate that the proposed building will cause the centralised plaza to be overshadowed for part of the day on the winter solstice, but will maintain adequate solar access in the afternoon to a portion of the centralised plaza. The linear link and roof terrace will receive a minimum of 3 hours of direct sunlight between 11am and 2pm on 21 June. The northern courtyard will also receive a minimum of 2 hours of direct sunlight between 10am and 12 noon.

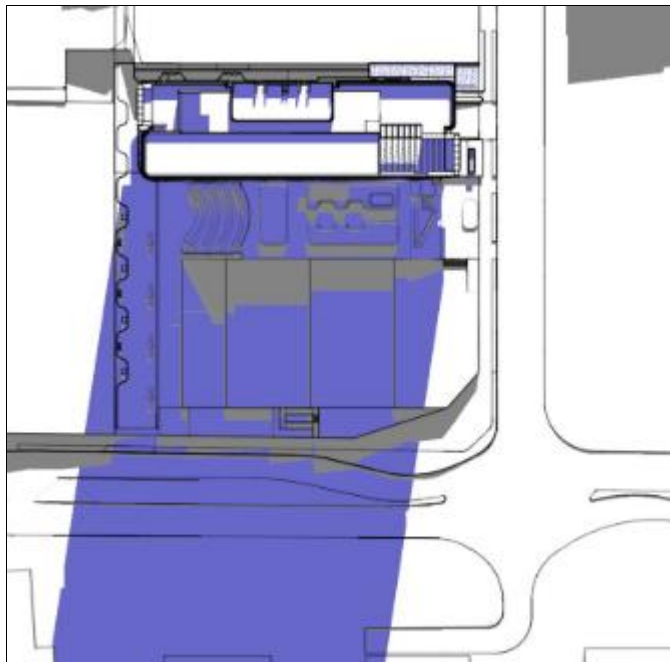


Figure 32: Shadow diagrams Mid Winter: 9am (Source: Fjmt. Dwg No. 50_01. 30 August 2020)



Figure 33: Shadow diagrams Mid Winter: 12 noon (Source: Fjmt. Dwg No. 50_03. 30 August 2020)



Figure 34: Shadow diagrams Mid Winter: 3pm (Source: Fjmt. Dwg No. 50_04. 30 August 2020)

Whilst it is recognised that solar access to communal open space is comprised at certain times of the day on the winter solstice, it is noted that throughout the remainder of the year there is always one area of the communal open space which is afforded sunlight, being the linear link, the roof terrace and the northern courtyard as shown in **Figure 35, 36 & 37**.



Figure 35: An extract from solar access diagrams. Autumnal Equinox (12:30pm)



Figure 36: An extract from solar access diagrams. Spring Equinox (11:30pm)



Figure 37: Photomontage: Spring Equinox

With regard to solar access to the centralised plaza, the UDRP noted:

The extent of solar access received within the publicly accessible central space has been quantified during the equinox. This shows that during the more benign seasons good solar access is received in the central open space, particularly during the lunch hours and late afternoon.

10.2 Function Space

The application proposes a roof terrace which includes a function room and kitchen, outdoor seating and landscaping (**See Figure 38**). No detail has been provided regarding operational use of the function room or kitchen. It is anticipated that this space will be available for use for employees and visitors to the building.

The proposed function space is considered to be small in scale and is appropriately setback from site boundaries. There are no balconies that protrude out toward adjoining site which encroach into the setbacks. For these reasons it is considered that effects from noise and amenity is adequately mitigated the imposition of conditions relating to the operational use of the space. (**See Conditions 158 & 159**).

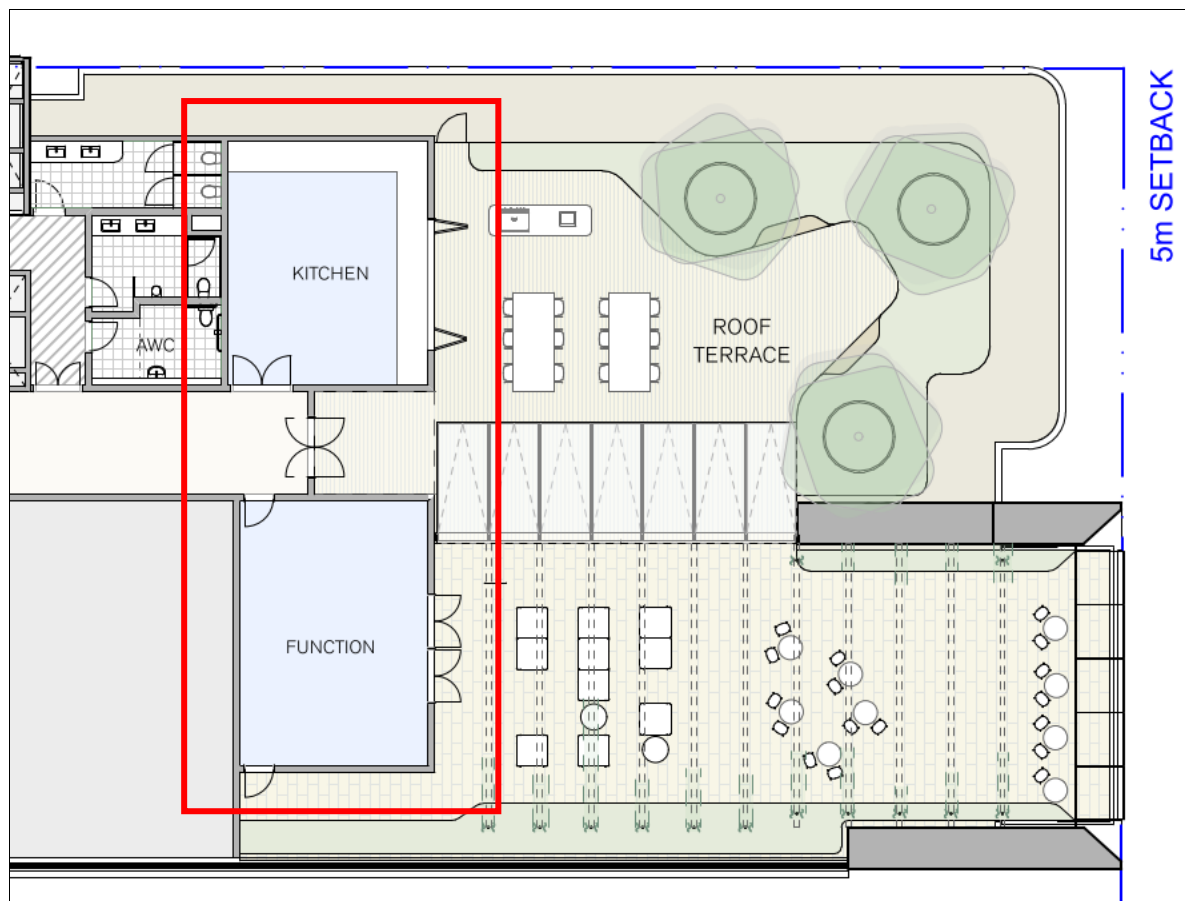


Figure 38: Proposed Roof Terrace. Function space & kitchen area outlined in red.

12. REFERRALS

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

11.1 Internal Referral Comments

Landscape Architect

As discussed in Section 9.4 of this report Council's Landscape Architect reviewed the amended plans advised that no objection is raised to the removal of 70 of the 132 trees on site.

Council's Landscape Architect noted:

- *The development requires the removal of 70 trees on site. 67 of these trees the Arborist has given a Low Retention Value as they are only small trees between 4 and 8 metres tall, or because they are an exotic Conifer. Only 3 trees to be removed rate a Medium Retention value and are over 5 metres tall. These trees are 7 to 9 metres high and a local native species, however, they are exempt from the Tree Management Order as they are within 4 metres of the existing building. Also these 3 trees will need to be removed as they are in the footprint of the proposed building.*
- *The existing trees on the adjoining site to the northwest in 97 Waterloo Road will be retained in a viable condition. One Street Tree in front of 4 Khartoum Road will be impacted by the development (Tree 106). Root mapping will be required early in the demolition stage to assess the*

impact of a proposed substation but can not be performed at present due to the large number of existing services around the tree.

- *Small existing Street Trees and small trees along the boundary will be retained except for one tree that will be removed for vehicle access to the site.*
- *No trees on site were given a High Retention Value in the Arborist Report.*

No objections were raised to the proposed development subject to appropriate conditions of consent. **(See Conditions 82-91).**

Traffic

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

Council's Traffic Engineer has reviewed the proposal and the provided modelling and raised no objection to the proposal subject to recommendations of consent.

Council's Traffic Engineer noted that approval from the State Transit Authority (STA) has not yet been received regarding the relocation of the existing bus stop and bus zone signposting along the western side of Khartoum Road adjacent to the site frontage. A Deferred Commencement condition has been recommended requiring that any modification and/or relocation of the existing bus stop and bus zone along the western side of Khartoum Road along the site frontage required to facilitate vehicular access to the development site requires approval from the STA and Council. This condition must be satisfied prior to the consent becoming operative.

No objections are raised subject to appropriate conditions of consent. **(See Conditions 11, 19, 20, 55, 56, 72, 73, 108, 126-129 & 150.).**

Stormwater Drainage

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

Public Domain

Council's Public Domain Engineer has reviewed the amended proposal and concluded subject to appropriate conditions of consent the proposed development will comply with City of Ryde Public Domain Technical Manual.

No objections are raised subject to appropriate conditions of consent. **(See Conditions 7-10, 12, 13, 57-63, 75-81, 109, 131-145).**

Development Engineering

Council's Senior Development Engineer has reviewed the proposal and concluded that sufficient evidence has been provided demonstrating that the proposed development has been designed in a manner that does not negatively impact on neighbouring properties, the public drainage network or increase the threat to public safety.

No objections are raised subject to appropriate conditions of consent. **(See Conditions 7-10, 15, 46-54, 74, 103-107, 121-127, 156 & 160).**

Development Contributions Officer

Council's Development Contributions Officer reviewed the proposal and the associated Planning Agreement and has confirmed the proposal is consistent with the requirements of the Planning Agreement. It was noted that no Section 7.11 contributions are payable at this time.

A condition has been recommended in the consent linking this development application to the VPA. **(See Condition 3).**

Public Art

Council's Public Art Officer has reviewed the proposal and raised no objections subject to appropriate conditions of consent requiring a detailed Public Art Plan to be submitted to Council prior to the issue of a Construction Certificate. **(See Conditions 146 & 147).**

Environmental Health Officer

Council's Environmental Health Officer (EHO) has reviewed the submitted documentation and has advised that the site is suitable for the proposed commercial land use. Appropriate conditions have been imposed regarding discovery of additional contamination information, waste transportation and excavated material. No objections are raised subject to appropriate conditions of consent. **(See Conditions 16, 22-27, 39, 39, 68, 69, 151-157).**

Sustainability Coordinator

Council's Senior Sustainability Coordinator Transport and Environment has reviewed the proposal, and the proposed Framework Travel Plan and has raised no objections subject to appropriate conditions of consent. **(See Condition 130).**

11.2 External Agency Referrals

Sydney Metro

In accordance with Clause 86 (excavation in, above, below or adjacent to rail corridors) of SEPP (Infrastructure) 2007 concurrence was sought from Sydney Metro (delegated authority for the Epping to Chatswood Rail Corridor).

As detailed in Section 6 of this report, following receipt of additional information Sydney Metro assessed the proposal in accordance with requirements of Clause 86 of the ISEPP and advised that no concurrence role is triggered in respect of the Metro North West Line rail corridor by this application under Clause 86 of the ISEPP given the proposed Building 3 site is confirmed to be located outside the second reserve of the Metro North West Line rail corridor.

Sydney Metro also advised they had no comments on the DA for the purpose of Clauses 45 or 85 of the ISEPP.

No conditions were recommended.

Transport for New South Wales (TfNSW) (formally Roads and Maritime Service)

In accordance with Clause 104 (traffic generating development) of ISEPP the application was formally referred to TfNSW.

TfNSW assessed the proposal in accordance with the requirements of Clause 104 of the ISEPP and advised no objections to the proposed development were raised. No conditions were recommended.

13. PUBLIC NOTIFICATION & SUBMISSIONS

In accordance with the Ryde Community Participation Plan the Development Application was notified and advertised between 19 January 2021 and 9 February 2021. No submissions were received.

14. 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 is consistent with the Concept Approval and envelopes associated with building footprints and building height.

The proposal provides an opportunity to redevelop the site for commercial uses resulting in job creation and will provide a high degree of amenity in terms of access to public transport, pedestrian connectivity and architectural design.

The proposal will provide a key service which will support the operations, competitiveness and needs of businesses within Macquarie Park and the broader network.

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

15. RECOMMENDATION

- 1) That the Sydney North Planning Panel grant 'Deferred Commencement' consent to development application LDA2020/0433 for demolition of an existing commercial building and the construction of a new commercial building including associated landscaping and parking at 85 – 91 Waterloo Road, Macquarie Park of consent in **Attachment 1** of this report.
- 2) That Transport for NSW and Sydney Metro be advised of the decision.

Report prepared by:

Alicia Hunter
Senior Town Planner

Report approved by:

Sandra Bailey

Manager Development Assessment

Liz Coad

Director City Planning and Environment