

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSNH-217
DA Number	LDA2021/0160
LGA	City of Ryde
Proposed Development	Proposed site works including demolition and construction of a multi-storey commercial office building development comprising two buildings (8 & 10 storeys) over 2 basements and the construction of a new road.
Street Address	67-75 Epping Road, Macquarie Park
Applicant	Goodman Property Services (Aust) Pty Ltd
Owner	GTA Industrial Custodian Pty Ltd
Date of DA lodgement	13 May 2021
Number of Unique Submissions	One
Recommendation	Deferred Commencement Consent
Regional Significant Development (Schedule 6 of the SEPP (Planning Systems) 2021	General Development over \$30 Million – Cost of works: \$85,890,600.00
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Regulation 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 – Chapter 2 Infrastructure • State Environmental Planning Policy (Planning Systems) 2021 – Chapter 2 State and Regional Development • State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land • State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 2 Vegetation in Non-Rural Areas and Chapter 10 Sydney Harbour Catchment • Ryde Local Environmental Plan 2014 • City of Ryde Development Control Plan 2014
List all documents submitted with this	Attachment 1: Deferred Commencement Conditions and Operational Conditions of Consent Attachment 2: Plans

report for the Panel's consideration	Attachment 3: Water NSW letter and GTA's Attachment 4: TfNSW letter and conditions
Clause 4.6 requests	NA
Summary of the key submissions	<ul style="list-style-type: none"> • Adverse privacy, sunlight and wind impacts of residents who reside in an apartment development across Epping Road. • Pollution during the construction period. • Traffic congestion on Lane Cove Road.
Report prepared by	Sandra Bailey, Manager Development Assessment
Report date	3 June 2022

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

1. EXECUTIVE SUMMARY

This report considers a development application for site works including demolition and construction of a multi-storey commercial office building development comprising two buildings (8 & 10 storeys) and 344 car parking spaces.

The proposal is classed as 'integrated' development and requires approval from Water NSW as the proposed excavation levels of between 6-12m would be below the water table and during the construction stage, dewatering *may* be required. Water NSW had requested additional basement excavation details which has been provided and the General Terms of Agreement (GTA) have been issued.

The application was notified and advertised in accordance with the Community Participation Plan and one submission was received. The submission has raised concerns with adverse privacy, sunlight and wind impacts of residents who reside in an apartment development across Epping Road. Pollution during the construction period and traffic congestion on Lane Cove Road were also raised. The proposal has been designed in a manner which would not contain significant adverse impacts onto surrounding properties and the concerns raised in the submission has been addressed later in this report.

The subject site is located within Macquarie Park Precinct. The development seeks to make use of incentive provisions pursuant to Part 6.9 of the *Ryde Local Environmental Plan 2014* (RLEP 2014). These provisions allow for additional height and floor space beyond what the respective standards usually permit, provided road connections and public open space are built and dedicated to Council in accordance with Access Network and Open Space Network contained within Ryde Development Control Plan 2014 (RDCP 2014).

The proposed development has been designed in a manner that includes provision of a suitable new dedicated road (Road 6) along the northern boundary. The new road would contain a cul-de-sac arrangement at the north-western end of the subject site. This road is consistent with the Access Network with RDCP 2014. The application was referred to Transport for NSW (TfNSW) for comment and TfNSW has supported the concept of 'Road 6' subject to the closure of the existing 'Estate Road' which currently has access to Epping Road once the local road network is constructed.

The applicant has submitted a letter of offer to enter into a Voluntary Planning Agreement (VPA). The letter of offer proposes the construction and dedication of Road 6. Council has considered this letter of offer and have agreed to enter into the VPA. It is recommended that a deferred commencement condition be imposed for the applicant to execute the VPA with Council before the consent is to be made operational.

With respect to the RDCP 2014, the proposal would result in non-compliances to the setback to Epping Road, building separation, deep soil, location of the front door and solar access to the central courtyard. These non-compliances are further assessed in detail within relevant sections of this report. The proposed variations overall are considered to be satisfactory in this instance as it has been demonstrated that appropriate built form outcome would still be achieved for the subject site and satisfactory amenity outcomes would be provided to the future users of the commercial development.

After consideration of the development against section 4.15 of the EP&A Act and the relevant statutory and policy provisions, the proposed development is considered suitable for the site and would not be contrary to the public interest.

The development is consistent with the desired future character of Macquarie Park Precinct (as set by the suite of controls and standards contained within RLEP 2014 and RDCP 2014).

This report concludes that the development is sound in terms of design, function, operation and relationship with its current or potential future surroundings. The report recommends that a deferred commencement consent be granted for the reasons outlined.

2. APPLICATION DETAILS

Applicant:	Goodman Property Services (Aust) Pty Ltd
Owner:	GTA Industrial Custodian Pty Ltd
Capital Investment Value:	\$85,890,600
Disclosures:	No disclosures with respect to the Local Government and Planning Legislation Amendment (Political Donations) Act 2008 have been made by any persons.

3. SITE DESCRIPTION

The site is located at the corner of Epping Road and Lane Cove Road, it is known as Nos. 67-75 Epping Road, Macquarie Park and has the legal description of Lot 9 in DP 1249920.

The site is irregular in shape with a curved splay at the corner of Epping Road and Lane Cove Road and it wraps around a site known as No. 71 Epping Road (Quest Building). This provides the site with a corner frontage to Epping Road and Lane Cove Road and a separate secondary frontage to Epping Road. (See Figure 1).

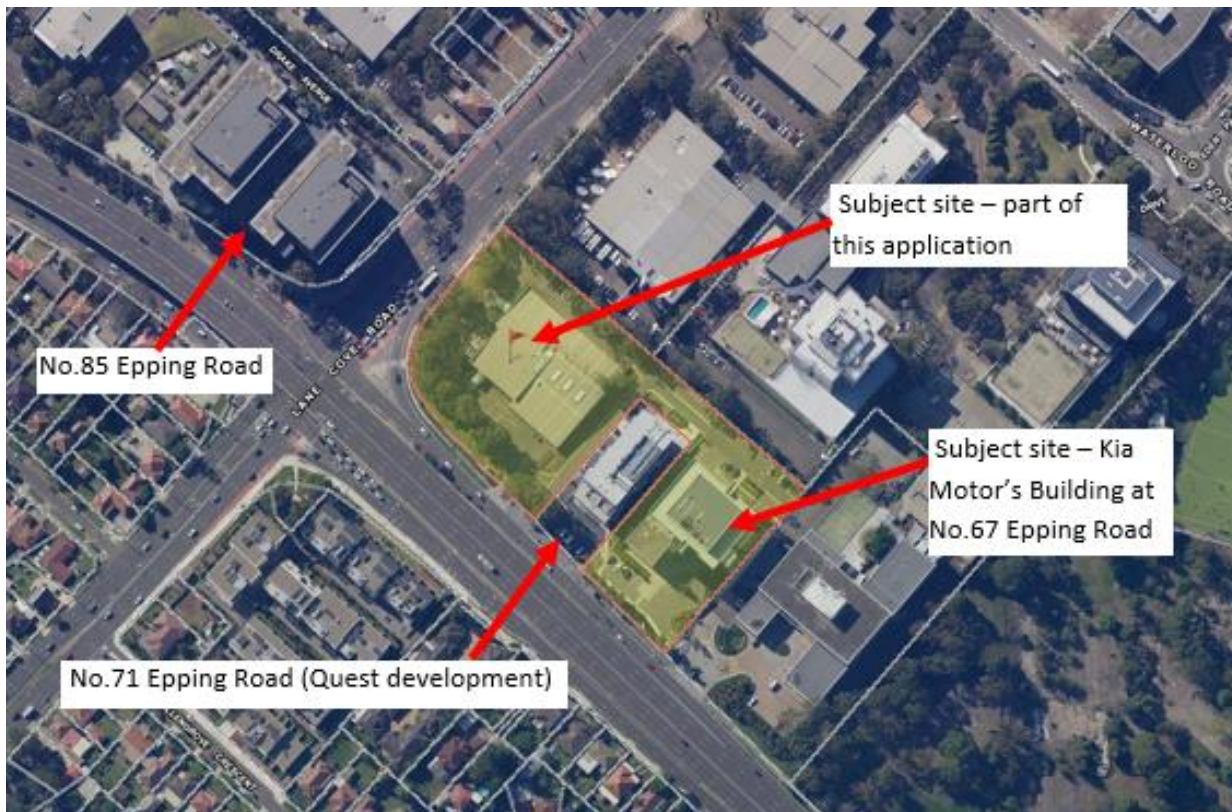


Figure 1. Aerial Image of the site location

The south-eastern portion of the site contains a recently constructed five storey office building, known as No. 67 Epping Road, which is part of the wider Goodman owned City View Business Park. This building houses Kia Motor Group. The subject application does not include any works to this portion of the site, other than the north-eastern length connecting the two site components. The north-western part of the site where building works are proposed contains a two-storey office and warehouse building.

The site has a north-eastern boundary with No. 269 Lane Cove Road and Nos. 4/5 Thomas Holt Drive of 202.8m, a south-eastern boundary with No. 65 Epping Road of 109.48m, a broken frontage to Epping Road (on each side of the Quest building site) comprising a frontage of 59.225m (at the Kia Motor Group Building) and a frontage of 73.515m (west of the Quest building). The north-western frontage to Lane Cove Road is 51.51m and connects to a curved splay of 64.82m. Where the site wraps around No. 71 Epping Road the south-eastern boundary is 81.39m, the south-western boundary is 33.795m and the north western boundary is 84.33m.

The site has a total area of approximately 17,193m². The portion of the site containing the Kia Motors building is occupied and, for all intent and purposes, operates as a separate entity.

The site contains at grade parking surrounding the existing two-storey building and is separated from both Epping Road and Lane Cove Road by a raised landscaped area. This landscaped area contains mature trees, lawns and hedges.

Vehicular access to the site is from a driveway off the spur road which connects Lane Cove Road with Epping Road.

The site is generally level where it relates to the bitumen parking area surrounding the existing building and where previous excavation works have cut into the natural topography. Beyond the bitumen parking area there is a visible natural fall of the site from south-east to north-west.

Buildings in the immediate vicinity of the subject site include:

- Directly adjoining the south-western boundary of the site at No.71 Epping Road (Quest building) is a six storey with basement parking building in use as serviced apartments. This has been recently constructed.
- A range of buildings adjoining to the north-eastern fronting Lane Cove Road and Thomas Holt Drive which appear to comprise television and telecommunication companies including Foxtel, and other office uses. These buildings range in height from two storeys to approximately 9 storeys.
- To the north-west of the site, across Lane Cove Road is an 8-storey office building which has been recently constructed.
- South east of the subject site, adjacent to the Kia Motors Group building, the Goodman's City View Business Park continues within an older five storey building which contain numerous commercial businesses including Phillips, Volvo, Jaguar and Land Rover Motors.

The site is separated by the residential development to the south by Epping Road which at this point is a 10 laned road.

Photos of the site and surrounds are shown at Figures 2 to 20 below.



Figure 2. Site plan showing location and direction each photo has been taken from (the number relates to each 'Figure' number of the photos throughout this document).



Figure 3. Site as viewed from the north on Lane Cove Road.



Figure 4. Corner of Epping Road On-ramp and Lane Cove Road (looking north east)



Figure 5. Epping Road On-ramp (looking south east)



Figure 6: Site frontage to Lane Cove Road and Epping Road On-ramp (looking east, viewed from under Epping Road Flyover).



Figure 7: Existing building viewed as entering the site via access road from Epping Road On-ramp (looking north east)



Figure 8: Existing building viewed as entering the site via access road from Epping Road On-ramp (looking north).



Figure 9: Existing building viewed from internal road at Lane Cove Road frontage (looking north east).



Figure 10: Existing building viewed from internal road at Lane Cove Road frontage (looking south west).



Figure 11: Existing building viewed from internal road adjacent to Epping Road On-ramp frontage (looking south east).



Figure 12: Existing side setback with No. 269 Lane Cove Road, location of 'Road 6' (looking south east).



Figure 13: Existing side setback with No. 269 Lane Cove Road, location of 'Road 6' (looking north-west).

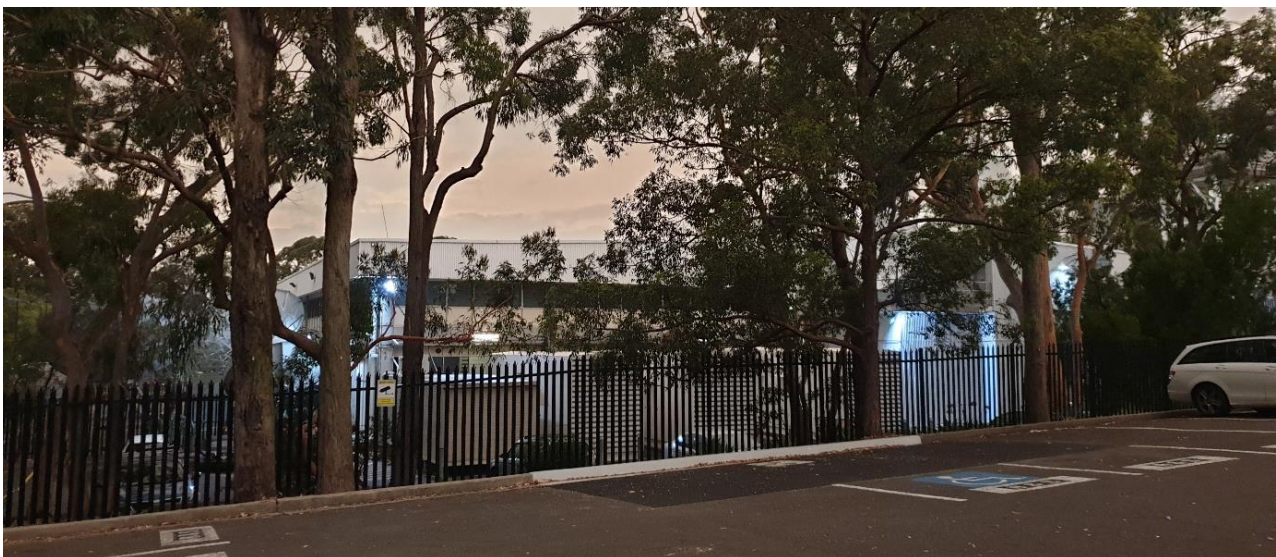


Figure14: Adjoining site at No. 269 Lane Cove Road, viewed from within existing north-eastern side boundary



Figure 15: Adjoining sites fronting Thomas Holt Drive, east of the subject site (viewed from north eastern side boundary).



Figure 16: Existing rear setback with Nos. 67-75 Epping Road, location of 'Estate Road' (looking south west).

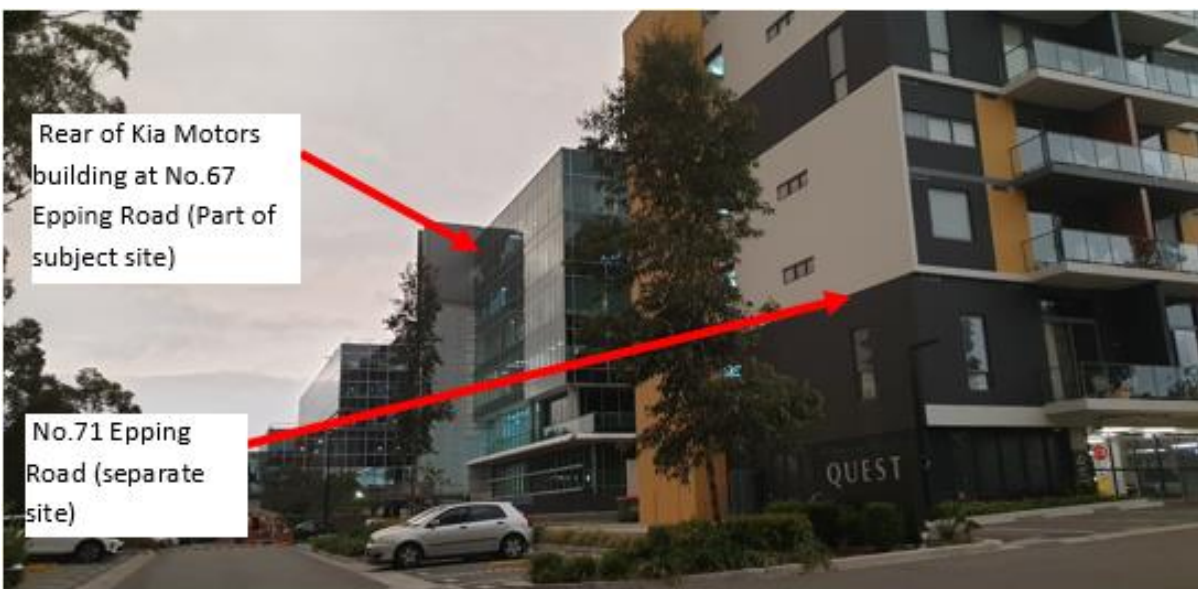


Figure 17: Adjoining site at No. 71 Epping Road (Quest development) and rear of Kia Motors development at No. 67 Epping Road (part of the subject site), looking south east.



Figure18: Adjoining site at No. 71 Epping Road (Quest development), looking east from access road adjacent to Epping Road On-ramp.



Figure 19: New development at No. 85 Epping Road, opposite subject site (north-west, across Lane Cove Road).



Figure 20: New development to the north-east at No. 394a Lane Cove Road.

4. SITE CONTEXT

The site is located approximately 12km north-west of the Sydney CBD in an area known as Macquarie Technology Park. Macquarie Shopping Centre and Macquarie University's main campus entrance are located approximately 1.2km and 1.8km north-west of the subject site respectively, with access to the Lane Cove National Park and Lane Cove River approximately 2km to the north-east. For the purposes of the North District Plan, Macquarie Park is identified as a Strategic Centre forming part of Sydney's Global Economic Corridor.

The site and those surrounding are located within the B3 Commercial Core zone and the B7 Business Park zone under the Ryde LEP 2014. Lane Cove Road and Epping Road are located within the SP2 Infrastructure zone, for the purposes of a classified road.

The B7 Business Park zone is located along the north-western and south-western edge of the B3 zone. The surrounding zoning located entirely within the B3 Commercial Core zone is shown at Figure 21 below.



Figure 21: Site zoning, site outlined in dashed red

Built form in this locality consists of lower density, older warehouse and office spaces, and higher density contemporary office buildings. The scale and style of buildings are diverse, indicative of the current trend of aged industrial building stock being replaced by modern commercial offices and technology and service-based industries. Land on the south western side of Epping Road is however predominantly residential and includes dwelling houses, multi dwelling houses and newer residential flat buildings.

The site is approximately 280m from the Sydney Metro Macquarie Park Station entry. The surrounding road network connects the site to Greater Sydney and the CBD via major

roads including Epping Road, Lane Cove Road, Waterloo Road and the M2 Motorway, all of which are readily accessed from the site.

A network of smaller roads connects the site to the remainder of the Macquarie Park precinct, surrounding residential suburbs and local centres.

Figure 22 demonstrates the sites context.

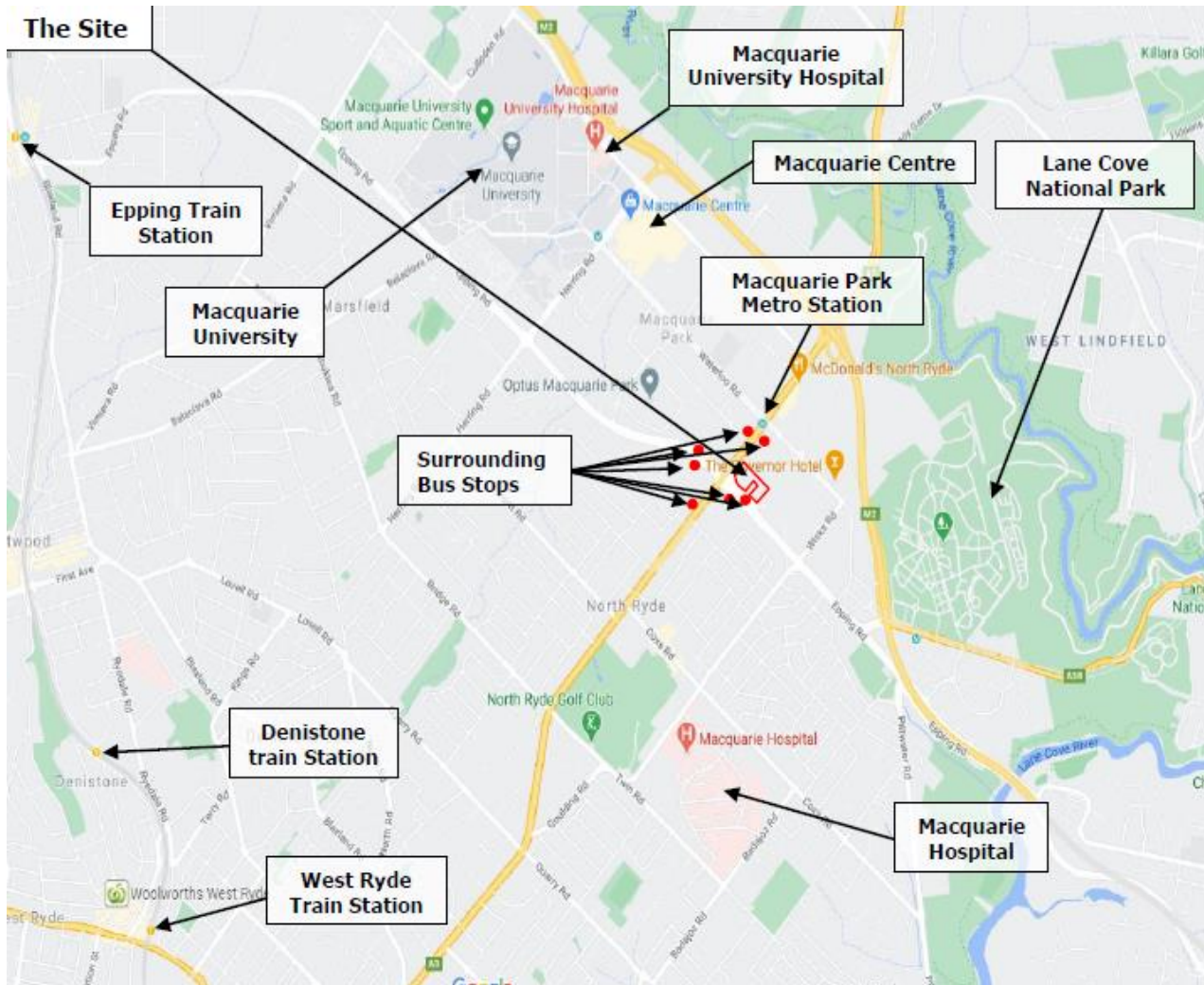


Figure 22: Site context map

5. THE PROPOSAL AS AMENDED

The proposal is for site works including demolition and construction of a multi-storey commercial office building development comprising two buildings (8 & 10 storeys) over 2 basements and a new road. Specifically, it includes the following components:

- Demolition of all existing site structures
- Bulk earthworks
- Construction of two commercial office buildings consisting of 8 and 10 storeys over 2 basements
- Hardstand areas
- Car parking areas and loading facilities
- Augmentation of services and infrastructure
- Associated landscaping

- Associated signage however the applicant has not provided any detail and assessment of any proposed signage. A condition is recommended to be imposed to require submission of a separate Development Application to be lodged for any new signage
- New road ('Road 6')
- Operational use of both buildings for commercial office, retail, gymnasium and café premises
- Hours of operation being on a 24 hours per day, 7 days per week basis

The proposed development is illustrated within the plans included in attachment 2 of this report. The development is to comprise of the following particulars:

Project Element	Development Particular
Site Area	17,193sqm
Building Type	2 x commercial buildings
Gross Floor Area (GFA)	Building A: 17,238sqm Building B: 17,286sqm Total GFA: 34,525sqm
Floor Space Ratio (FSR)	2.5:1 (including the existing KIA building)
Height of Building (HOB)	Building A: 38.6m Building B: 45m
Car Parking	<ul style="list-style-type: none"> • 344 car parking spaces including 25 disabled spaces. • 19 motorbike spaces. • Parking is located over 4 levels including 2 basement levels, lower ground level and mezzanine level. • Basement to be accessed from the new road adjacent to north-eastern building elevation. • 86 bike parking spaces on mezzanine level.
Central Courtyard	<ul style="list-style-type: none"> • Raised planters with integrated seating. • Outdoor café seating. • Permeable paving and pedestrian pathway. • Green roof planting over the building entry lobbies. • Integrated lighting to planters.
New Road	<ul style="list-style-type: none"> • Construction of a new road adjacent to the north-eastern site boundary. This road will have a width of 16m and 20m. • The new road will be dedicated to Council and have an area of 3,643m². • Vehicular access to the new building including the loading dock will be provided from the new road.
Access to the site	<ul style="list-style-type: none"> • The entry to the existing estate road which provides access to the subject

	site and the Quest Apartments will be realigned to provide a new entry point parallel with the north eastern boundary and adjoining Epping Road.
Operations	<p>The primary use of the site is for office premises, being a type of commercial premises.</p> <p>Ancillary uses include cafes, gymnasiums and shops being types of retail or commercial type premises.</p> <p>The site is proposed to operate 24 hours, seven days per week.</p>

A letter of offer to enter into a Voluntary Planning Agreement (VPA) has also been submitted with the DA. The VPA proposes the construction and dedication of road 6.

Figure 23 demonstrates the site plan for the development and photomontages are demonstrated in Figures 24 to 26.

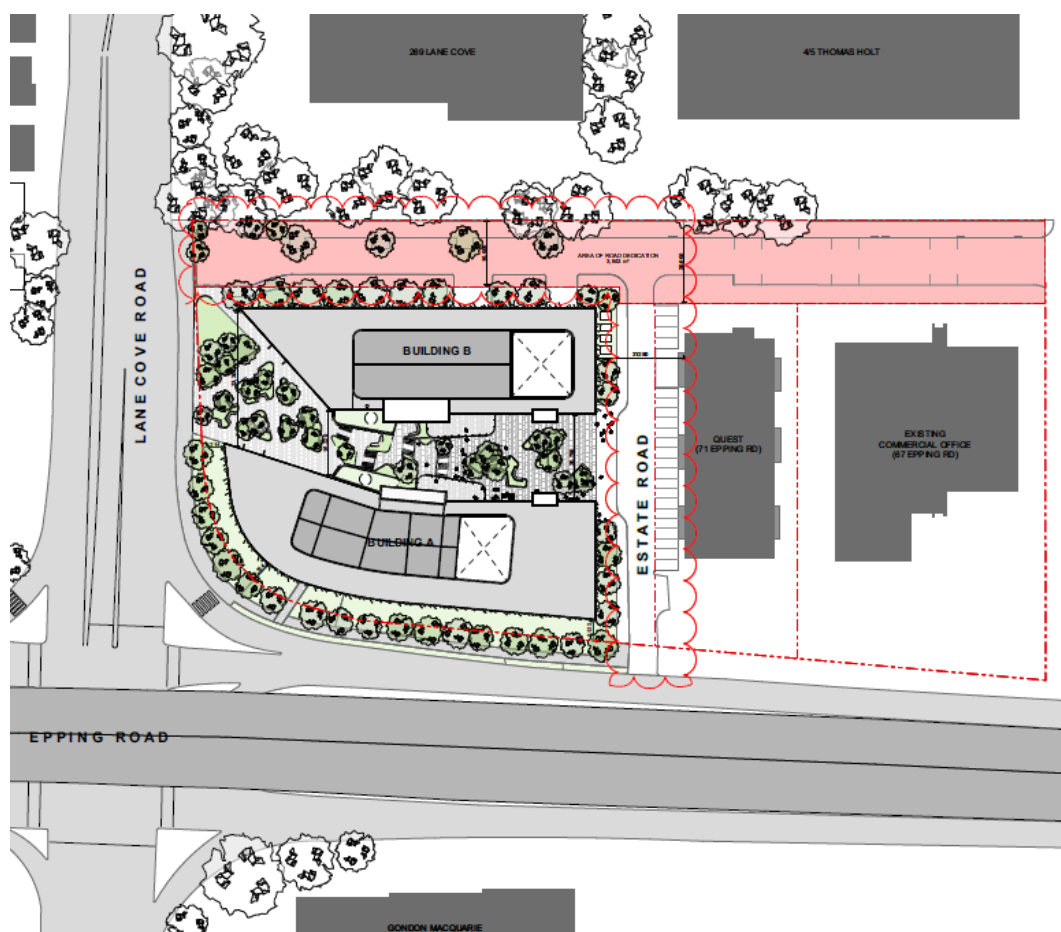


Figure 23: Site plan



Figure 24: Photomontage of the development as viewed from Epping Road and Lane Cove Road



Figure 25: Photomontage of the development as viewed from Lane Cove Road



Figure 26: Central courtyard perspective

6. PLANNING HISTORY

Subject Site

LDA2006/667 – 67 Epping Road: On 15 May 2007, development consent was granted for the demolition and construction of a new multi-level commercial office building and the rationalisation of the vehicle access to the site. Several S4.55 modification applications were subsequently approved for minor internal alterations to the car parks and each level of the building, and timing for the provision of construction of the dedication of the public road. This building is known as the Kia Motors Australia Headquarters.

LDA2019/0067 – 67 Epping Road: On 27 February 2019, a development application for 2 commercial/retail buildings being 8 and 10-storeys which were separated by a central courtyard and 2 levels of basement car parking for 435 vehicles was submitted to Council. This application was withdrawn on 21 April 2020. The application was similar in design to the current DA with the most noticeable difference being the current DA has improved the internal amenity of the central courtyard and reducing the car parking.

External to Site

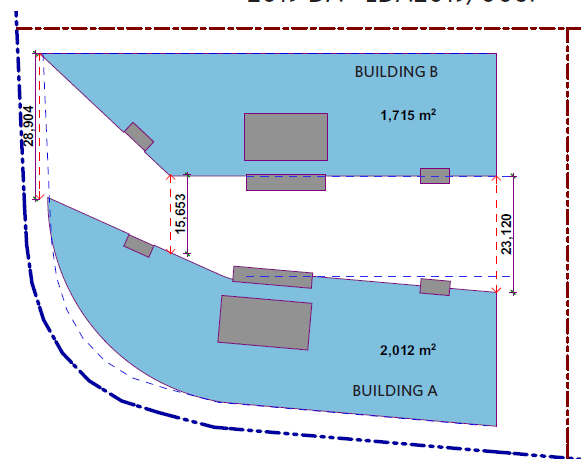
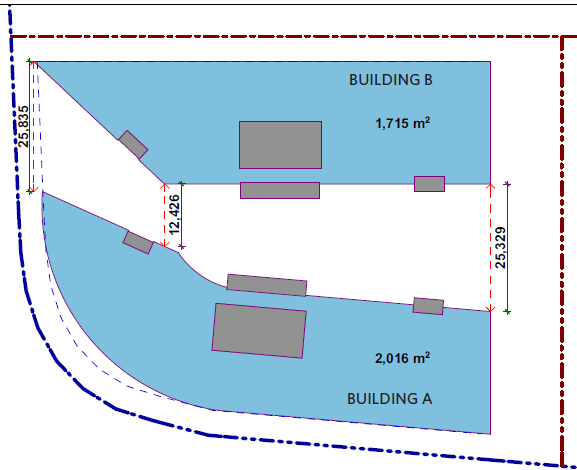
LDA2014/568 – 71 Epping Road (site between 67-75 Epping Road): On 27 July 2015, development consent was granted for a part 6, part 7 storey serviced apartment building with 110 units, basement and at-grade parking. This building is known as the Quest Hotel.

History of the Subject Application

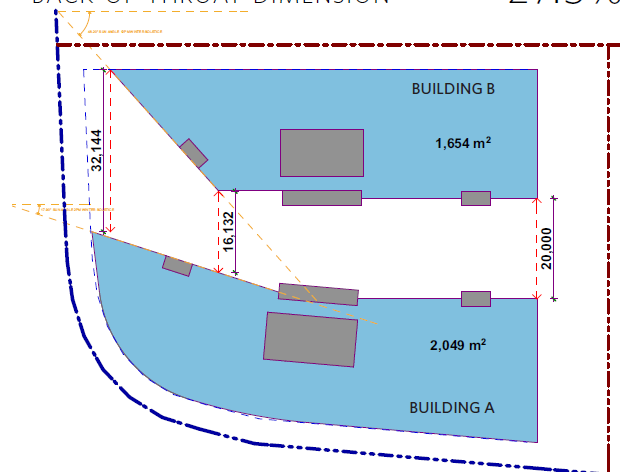
A brief history of the progress of this application is provided below:

Relevant Date	History
3 September 2020	<p>An Urban Design Review Panel (UDRP) meeting was held to discuss the current development on the site. The Panel commented that although the throat to the courtyard between the buildings had been widened, the solar access and sense of address to both buildings was still compromised. Changes were suggested to both buildings to improve to improve visibility and solar access and create a wide public forecourt.</p> <p>This development proposed a 5m setback to Epping Road rather than the required 10m setback. The Panel emphasised that the reduced setback to Epping Road could only be supported if the courtyard between the buildings is widened to provide better amenity.</p> <p>The Panel were also concerned about the architectural appearance of the buildings due to the horizontal and overhanging massing of the towers increasing the perceived bulk and scale of the buildings. Greater vertical emphasis was identified as being needed.</p>
13 May 2021	The current DA was lodged.
20 May 2021	The DA was notified to adjoining property owners and uploaded to Council's web site. The notification period occurred between 20 May 2021 to 24 June 2021.
20 May 2021	The application was referred to Water NSW (Integrated Development) and TfNSW.
10 June 2021	TfNSW advised that they raised no objections to the DA subject to certain requirements being included in any consent. (This matter has been discussed further in the report).
22 July 2021	The matter was considered by the UDRP. The comments from the UDRP are addressed in detail beneath this table.
5 August 2021	The applicant was advised that the VPA letter of offer submitted with the DA was relying on the old Section 7.11 rates rather than the new rates which became applicable on 1 July 2020. The applicant was requested to revise the rates and the VPA offer accordingly.
20 August 2021	<p>A letter was sent to the applicant advising that there was insufficient information to adequately assess the DA. The applicant was requested to provide the following:</p> <ol style="list-style-type: none"> 1. Detailed plans that demonstrate the differences between this DA and previous DA that was withdrawn from Council. This should also include a detailed comparative analysis in respect to the solar access to the courtyard throughout the year and demonstrated how the internal courtyard has been improved. 2. The development proposes a variation to the 10m setback along Epping Road and results in the removal of significant trees along this boundary. Additional

	<p>information was requested in respect of these trees to demonstrate that their removal may be necessary if the development complied with the required 10m setback along Epping Road.</p> <ol style="list-style-type: none"> 3. Other issues raised by the UDRP were identified. 4. Issues in respect to the VPA were identified. 5. Owners consent was requested for the trees to be removed on the neighbouring property. 6. The applicant was requested to update the traffic modelling assessment based on the existing traffic conditions are will as determine appropriate mitigation measures to alleviate the traffic impacts as a result of the development. 7. Road 6 is not in accordance with the Council's requirements. This road is to permit 2-way movement as well as a turning circle at the end of the road. In addition, the location of the loading dock will impact on traffic movements on this road. 8. Swept path diagrams to be provided for a 12.5m long HRV. 9. TfNSW requested that the existing road from Epping Road (known as the Estate Road) is to be removed once the local road network is established. The SEE fails to provide any details in respect of this issue so the applicant was requested to provide clarification.
8 September 2021	Water NSW raised concerns in respect to whether the basement construction will be watertight (i.e. tanked). The applicant was requested to provide clarification in the geotechnical report.
22 September 2021	A meeting occurred with the applicant to discuss several of the items raised in Council's letter dated 20 August 2021.
7 October 2021	The applicant provided draft road details requesting clarification from the public domain team and traffic team as to whether the design would meet Council's requirements.
24 October 2021	Comments from Council's Traffic team were forwarded to the applicant.
16 & 20 December 2021	<p>Additional information and amended plans were submitted by the applicant. The applicant responded to each point raised by Council in the letter dated 20 August in the following manner:</p> <ul style="list-style-type: none"> • A comparative analysis was undertaken to demonstrate improvement in amenity from previous DA scheme which includes increased distance between the buildings, improved solar access and landscaping as demonstrated in Figure 27.



FRONT OF THROAT DIMENSION + 12%
 BACK OF THROAT DIMENSION +27.5%



FRONT OF THROAT DIMENSION + 24.5%
 BACK OF THROAT DIMENSION +30%

Figure 27: Architectural Comparison Assessment showing the modifications to the sizing of the central courtyard

- An assessment comparing the tree loss between a 'compliant setback' scheme involving a 10m setback along Epping Rd, to that of the proposed 5m setback was undertaken. The submitted arborist statement confirmed there is no difference in tree loss between the two schemes provided. This is demonstrated in Figures 28 and 29.

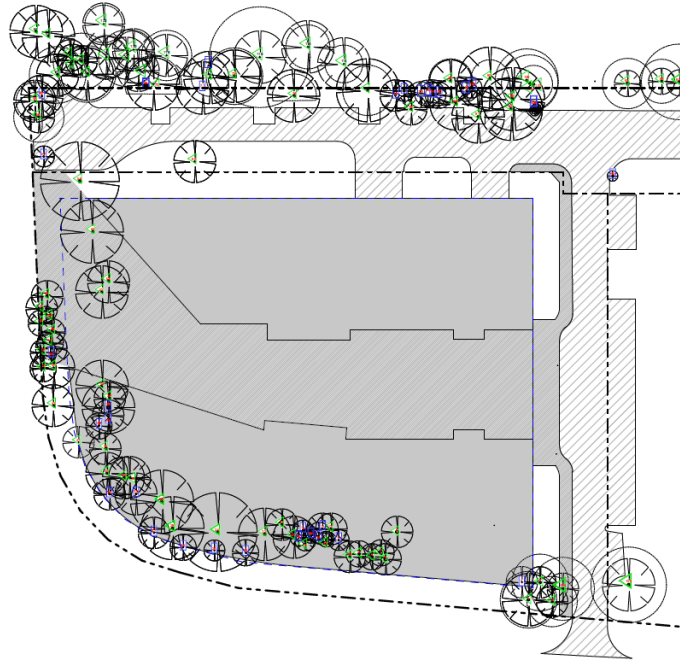


Figure 28: Proposed 5m building setback scheme

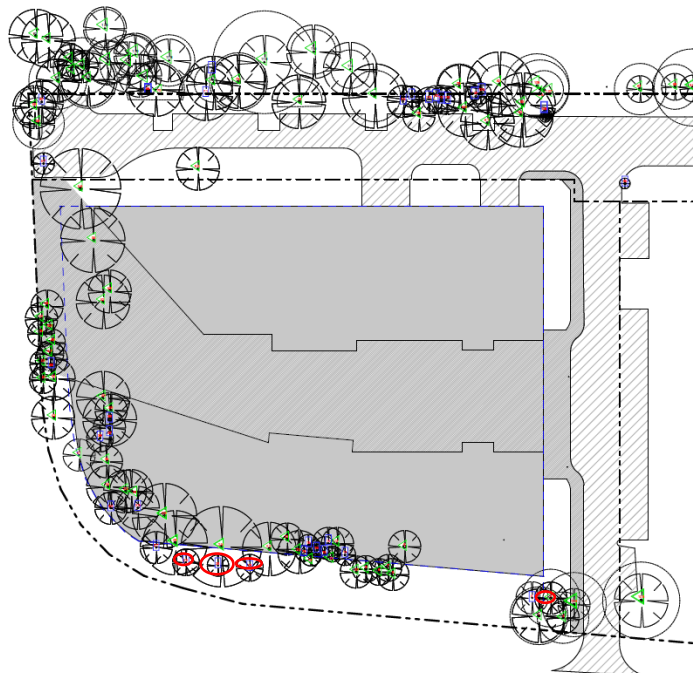


Figure 29: DCP 10m compliant building setback scheme results in the possible retention of 4 trees Circled in red. These trees however are not considered worthy of being a constraint on future development.

- It was advised that the applicant is in the process of seeking relevant owners' consent for tree removal. However, due to the delay in receiving this consent, the

	<p>applicant has requested a condition of consent requiring this to be provided to Council prior to the Construction Certificate (CC) stage.</p> <ul style="list-style-type: none"> • Updated SIDRA assessment as requested by Council has been conducted for the assessment years of 2021 and 2026. The assessment has demonstrated that the net increase in traffic generation associated with the development would not have a material impact on the operation of the road network. • The civil plans have been updated to include 2 x 3m lanes, with two-way traffic flow for Road 6 as well as a cul-de-sac at the end of the road. • The roads have been designed to maximise the extent of land available for future council dedication. • Relevant swept path analysis has been prepared. • The applicant had agreed to remove the connection from the Estate Road to Epping Road if / when the Road 6 extension to the east is completed and fully connected.
20 February 2022	The amended plans were considered by the UDRP. The comments from the UDRP are addressed in detail beneath this table.
23 February 2022	The amended plans were reviewed by Council's City Work Directorate. Additional technical information was requested in respect to the stormwater and the public domain. A subsequent meeting was held to clarify these matters with the applicant.
23 March 2022	<p>A briefing occurred with the SNPP. Issues discussed included:</p> <ul style="list-style-type: none"> • A letter of offer to enter into a VPA is still to be considered by Council. • Council to investigate if the replacement tree planting could include 400L pots instead of 200L pots. The Panel were mindful that the larger pot size may reduce viability of the planting. • Water NSW's response has been delayed. • Council has requested more information regarding the civil design of the proposed road.
26 March 2022	Assessment fee for Water NSW paid.
6 April 2022	Water NSW requested further information in respect of whether the development included a tanked basement as well as details of the dewatering.
14 April 2022	Amended plans were submitted that addressed the outstanding engineering issues.
30 May 2022	The applicant provided further information to address the Water NSW issues. This was sent to Water NSW on 3 June 2022.
8 July 2022	The letter of offer to enter into a VPA was considered by the Acting General Manager who agreed to enter into the VPA.

Urban Design Review Panel Comments

As detailed in the history section of this report, the UDRP had assessed the subject proposal on 22 July 2021 and their comment were forwarded to the applicant to address. The amended plans were again referred to the UDRP. The following provides the UDRP comments from 22 July 2021 as well as the UDRP comments in respect of the amended plans dated 20 February 2022.

UDRP comments dated 22 July 2021

Building setbacks, internal separation and landscape design

The formal DA proposal further increases the dimensions of the internal throat and improves the extent of solar access received into the arrival space and courtyard. During the meeting a detailed comparative analysis demonstrated the associated solar access benefits that follow these amendments.

The Panel supports these changes, noting that the stormwater detention tank should be relocated to a position that does not compromise deep soil that coincides with the entry space.

The Panel notes the basement extent has been adjusted to further increase deep soil and this arrangement is supported.

The Panel remains concerned for the extent of potential tree loss proposed along Epping Road, noting that mature, large canopy eucalypts are a defining characteristic of Macquarie Park.

The formal DA proposal seeks a relaxation of the anticipated 10m setback to Epping Road. The Panel had previously given qualified support to this relaxation on the basis that amenity be created along the new street to the north and in the central courtyard. To assess and justify the removal of trees along Epping Road, the applicant is requested to clearly describe those trees identified for removal along the site perimeter and identify where those trees are located relative to a 5m and 10m setback. The Panel is interested to understand which trees would be protected if a 10m setback were applied versus those protected if a 5m setback were applied. This supplementary description should be supported by a corresponding justification from the arborist.

Building address and ground level relationships

The general arrangement of the ground level is supported in principle. Two opportunities to further enhance the street level presentation and address of the proposal were discussed.

Firstly, the opportunity to further activate the new street with a potential gymnasium co-located with the end of trip facilities was discussed and would be supported by the Panel.

Secondly, the relocation of the kiosk substations is acknowledged and have been located in the most appropriate location on the site. However, the Panel would expect that a significant commercial development of this scale should accommodate these substations in a chamber arrangement within the primary building envelope.

Architectural resolution and design intent

It is noted the upper-most parapets of the primary facades of the two buildings appear truncated, and further refinement is encouraged to achieve a more positive relationship and termination against the sky.

The conceptual approach for two primary facade types (courtyard-facing and street facing) is supported, subject to demonstration that the detailed facade designs achieve the stated performance requirements for sustainability discussed in the meeting.

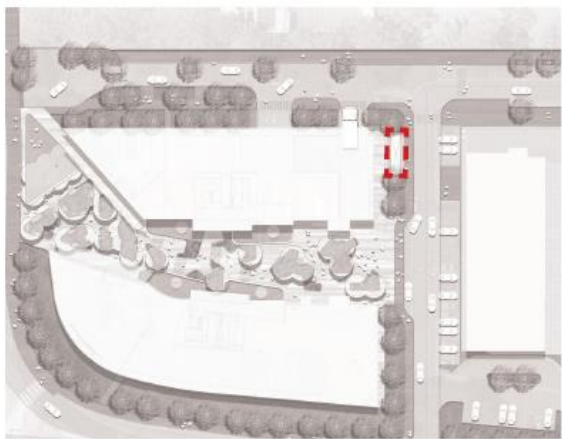
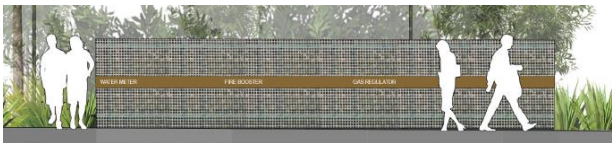
The Panel understands the targets for 5 Star Green Star and 5 Star NatHERS, along with Section J compliance, will necessitate further development and refinement of the primary facade types.

The Panel would appreciate an opportunity to review a concise supplementary facade design intent report, which would incorporate the advice of supporting consultants (ESD and building services) along with detailed sections (nominally at 1:50) for each of the primary facade types.

In undertaking this further design refinement, the Panel encourages the architect to consider the preliminary feedback offered during the meeting, which focused on an aspiration for the facades' environmental performance to guide the final architectural expression and for - potentially - a greater sense of 'density' in the projecting fins on the northern and southern facades, where the elevations currently suggest the proposed fins are possibly spaced too far apart.

UDRP comments on the amended plans dated 20 February 2022

UDRP comment	Assessment Officers comment
In general the latest series of design refinements positively respond to the July comments of the Panel, and the revised proposal continues to be supported, subject to the following comments.	Noted.
The justification for a reduced setback to Epping Road is based on an assessment that the adoption of the 10m setback control would result in the removal of significant existing trees, and that the application for a 5m setback makes the proposed tree loss no worse. If this is the case (Council's landscape architect/arborist should review the applicant's tree loss report), then the combination of replacement trees, the new central courtyard landscape design and the new northern road's landscape design are considered to represent an acceptable compensatory landscape design solution. Council should also confirm the large canopy tree species selected by the applicant (angophora, tuckeroo and spotted gum) are appropriate to the prevailing landscape character of Macquarie Park precinct, and	The information provided by the applicant in respect of the impact on the trees if the development was setback 5m or 10m has been reviewed by Council's Consultant Landscape Architect/Arborist. While the applicant's Arborist is of the view that all trees would need to be removed even if the development was setback 10m, Council's Consultant Landscape Architect/Arborist is of the view that 4 trees could be retained. These trees however are not significant trees and are not considered to be worthy of retention. (This has been discussed in greater detail later in the report). The large canopy trees selected by the applicant are consistent with the requirements of the Macquarie Park Public Domain Technical Manual. The suitability of the Chinese elm and Manchurian pear has

also that the chinese elm and Manchurian pear are appropriate species for the central courtyard where they are planted over basement structures.	also been confirmed by Council's Consultant Landscape Architect/Arborist.
Critical to the success of the central courtyard is the further revised drawings which indicate that the OSD tank has been relocated to maximise deep soil at the throat of the courtyard, which is supported.	Noted.
The applicant's comparison of various iterations of the building footprints and courtyard dimensions indicate that the sense of scale and open-ness to the courtyard and the solar access it receives has improved significantly, and is supported in its final form.	Noted. Figure 27 refers to the various dimensions included for the courtyard in the various proposals. At the end of this table, Figure 32 demonstrates the improved solar access to the courtyards.
The further detailed landscape character prepared for the central courtyard, its arrangement of different uses and demonstration of level changes is all supported.	Noted.
The Panel's suggestion for improving activation to the new northern road has been implemented with the introduction of the proposed gym, which is supported.	Noted.
The Panel has previously recommended that the substation be incorporated within the building footprint in a substation chamber. The applicant has rejected this suggestion and proposes screened kiosk substations in an area of the site which is discreetly located. On balance, this is not a determinative issue and the proposed screened kiosks are supportable. However, the applicant's justification is considered to be weak and likely camouflages a concern for the cost of siting the substation within a basement chamber.	<p>Noted. The location of the kiosks is demonstrated in Figure 30. Figure 31 demonstrates the proposed screen which will reduce the visual appearance of the kiosks.</p>  <p>Figure 30: Location of the substations shown in red.</p>  <p>Figure 31: Substation enclosure</p>
The Panel have previously offered its qualified support for the developing	The applicant has advised that this information cannot be provided at this

architectural expression and further refinements are evident in the latest material, which are generally positive. However, the applicant is seeking to defer the final resolution of a number of aspects of the façade design to the CC stage. Ideally, the environmental performance of façade systems, their appearance and a comprehensive specification for materials and finishes would be resolved prior to any issue of development consent. As it stands, the request to defer these matters to the CC stage risks that the final integration of environmental, cost and aesthetic considerations may result in a significantly different building appearance than evident in the material. For example, the drawings appear to include two complementary glazing suites each with a different VLT and representations of highly transparent glazing systems (which is potentially a positive attribute of the proposal). Council should be aware of the potential for glazing systems to require heavy tints to achieve environmental performance during detailed design development. An undesirable characteristic of many larger commercial projects in Macquarie Park is reflective dark glass with too little external shading devices. It would be preferable to have greater certainty of these issues sooner than later and ideally prior to development consent.

stage as detailed design of the façade is typically prepared during the CC level drawings. To prepare these drawings, it is necessary to include input from ESD consultants, façade consultants and service consultants which will take considerable time.

The applicant has requested a condition of consent be imposed on the consent requiring this information prior to the approval of any CC.

Given that the DA is recommended for deferred commencement, it is proposed to include this requirement as a deferred commencement condition. The applicant is provided with the certainty that consent has been granted and Council can ensure this information is able to be provided and approved by the UDRP prior to the CC stage.

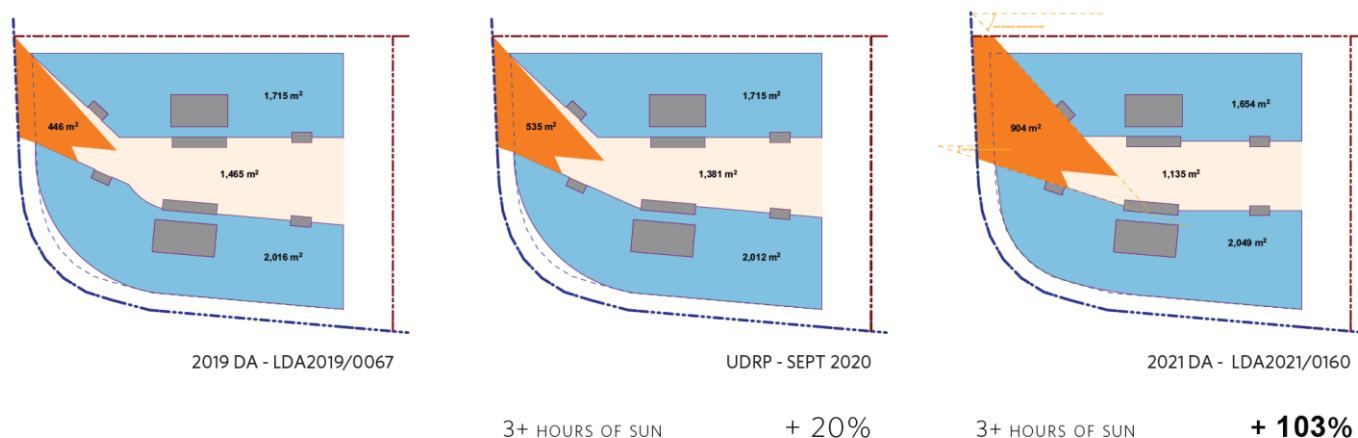


Figure 32: Architectural Comparison Assessment (areas in orange show the extent of 3+ hours of solar access into the central courtyard area)

7. PLANNING ASSESSMENT

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

- Environmental Planning and Assessment Regulation 2021
- Environmental Planning and Assessment Act 1979
- Biodiversity Conservation Act 2016
- State Environmental Planning Policy Transport and Infrastructure 2021 – Chapter 2 Infrastructure
- State Environmental Planning Policy Planning Systems 2021 – Chapter 2 State and Regional Development
- State Environmental Planning Policy Biodiversity and Conservation 2021 – Chapter 2 Vegetation in Non-Rural Areas and Chapter 10 Sydney Harbour Catchment
- State Environmental Planning Policy Resilience and Hazards 2021 – Chapter 4 Remediation of Land
- Ryde Local Environmental Plan 2014
- City of Ryde Development Control Plan 2014

7.1 Environmental Planning and Assessment Regulation 2021

This application satisfies Clause 24 of the Regulation as it is accompanied by the nominated documentation required.

7.2 Environmental Planning and Assessment Act

Section 4.46 of the EP&A Act

Section 4.46 of the Act defines ‘integrated development’ as matters which require development consent and approval of one or more authorities under related legislation. In these circumstances, prior to granting consent, Council must obtain from each relevant approval body their General Terms of Approval (GTA) in relation to the development. Pursuant to Section 4.46 of the EP&A Act and Section 90(2) of the Water Management Act 2000, the proposed development is ‘integrated development’ and requires approval from Water NSW as the proposed excavation levels of between 6-12m would be below the water table and during the construction stage dewatering *may* be required.

Water NSW have provided their GTA for the development.

Section 7.4 of the EP&A Act

In support of the Development Application, the developer has included a letter of offer to enter into a VPA in accordance with Section 7.4 of the Environmental Planning and Assessment Act, 1979, seeking benefit of the height and floor space ratio incentive provisions under Clause 6.9 of RLEP 2014.

Section 6.9 of the Ryde LEP 2014 provides the Consent Authority with a discretion to approve a height and FSR incentive to certain sites within Macquarie Park where the clause is satisfied, as follows:

6.9 Development in Macquarie Park Corridor

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

The Ryde DCP 2014 includes the Macquarie Park Access Network plan (shown at Figure 33) which indicates the desired locations for future roads and pedestrian links to meet the access provisions of Clause 6.9. The applicant seeks consent under Clause 6.9 of Ryde LEP 2014 for a 45m height limit (rather than 22m, 30m and 37m) and a maximum FSR of 2.5:1 (rather than 2:1) across the site in return for the construction and dedication of ‘Road 6’ which runs along the site’s northern boundary.

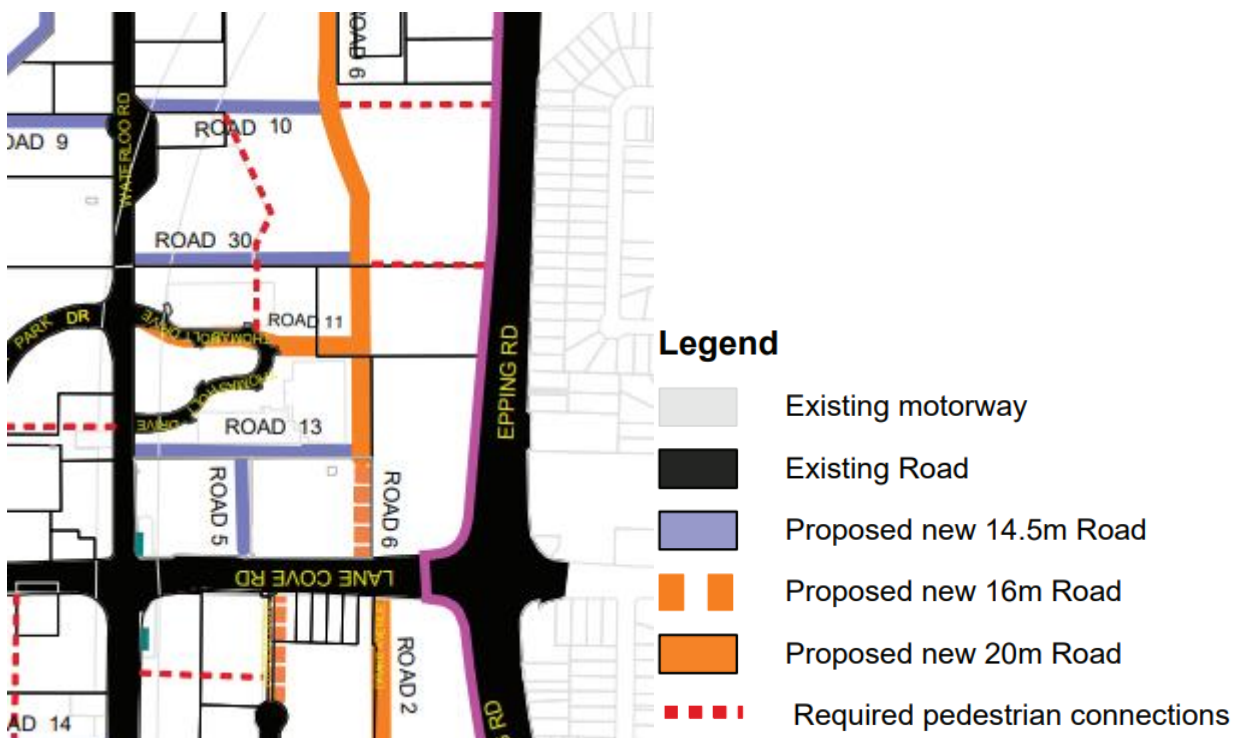


Figure 33: Location of future road 6 under Ryde DCP (Figure 4.1.1 Access Network)

Accordingly, an offer to enter into a Planning Agreement with Council has been submitted with the DA for the following public benefit:

- Construction of the portion of Road 6 running along the northern boundary of the site and in accordance with Ryde Council's Public Domain Manual specification for minimum of 16m wide roads; and
- Dedication of the portion of Road 6 to Council, which has a total area of 3,643sqm.

As part of this VPA, the Section 7.11 contributions are to be included in the VPA.

Council has agreed to enter into the VPA with the applicant. At this stage, Council has only received the letter of offer. A deferred commencement condition will be imposed to ensure that the VPA is executed prior to the DA becoming operational.

7.3 Biodiversity Conservation Act 2016

The Biodiversity Conservation Act 2016 (BC Act) is the key piece of legislation in NSW relating to the protection and management of biodiversity and threatened species. The purpose of the BC Act is to “maintain a healthy, productive and resilient environment, for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development”. The BC Act is supported by a number of regulations, including the Biodiversity Conservation Regulation 2017 (BC Regulation).

Under Section 7.7 of the BC Act, a DA is not required to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the development is likely to significantly affect threatened species. A Biodiversity Assessment has been prepared to undertake a full assessment of the existing trees proposed for removal in order to enable the proposed development.

This Biodiversity Assessment has concluded that the proposal does not trigger entry into the NSW Biodiversity Offset Scheme and the Biodiversity Assessment Method (OEH 2017) is not required.

7.4 State Environmental Planning Policy Planning Systems 2021- Chapter 2 State and Regional development

The proposal is categorised as ‘General Development over \$30 million’ under Schedule 6 of the above planning instrument. As such the proposal is required to be determined by the Sydney North Planning Panel in accordance with Section 4.5 of the EP&A Act, 1979.

7.5 State Environmental Planning Policy Transport and Infrastructure 2021 – Chapter 2 Infrastructure

Transport for NSW

In accordance with Clause 2.121 (traffic generating development) of the above SEPP, the application was formally referred to TfNSW as the proposed development seeks consent for commercial buildings with a GFA over 2,500sqm with a site with access off a classified road (Epping Road) under Schedule 3 of the SEPP. TfNSW assessed the proposal in accordance with the requirements of Clause 2.121 of the SEPP and advised that no objection was raised to the development subject to the following requirements being included in any consent issued by Council.

1. *TfNSW has previously resumed and dedicated a strip of land as road along the Epping Road and Lane Cove Road frontages of the subject property. TfNSW also*

previously acquired a strip of land for road for the Macquarie Park Bus Priority and Capacity Improvement Project along the Lane Cove Road frontage of the subject site. All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Epping Road and Lane Cove Road boundary.

Comment: This will be included as a condition of consent. (See condition 16).

2. *The existing vehicular crossing on Epping Road is to be removed once the local road network is constructed. The applicant is to enter into a WAD with TfNSW and pay relevant bonds prior to the issue of the Construction Certificate.*

Comment: Clarification was sought from TfNSW to determine that the existing vehicular crossing referred to by TfNSW was the Estate Road which is accessed from Epping Road. TfNSW responded by confirming that the existing access crossing off Epping Road to the Estate Road is to be removed when the internal east-west road connecting to Wicks Road network further to the east is constructed. The future road network in DCP 2014 will allow other road connections to Waterloo Road as well as Wicks Road. The applicant has provided a plan showing how this connection will be removed at a future date. (See Figure 34). A condition of consent has been imposed requiring the conversion of this space within 6 months of any new road connection to Wicks Road or Waterloo Road. (See condition number 17).

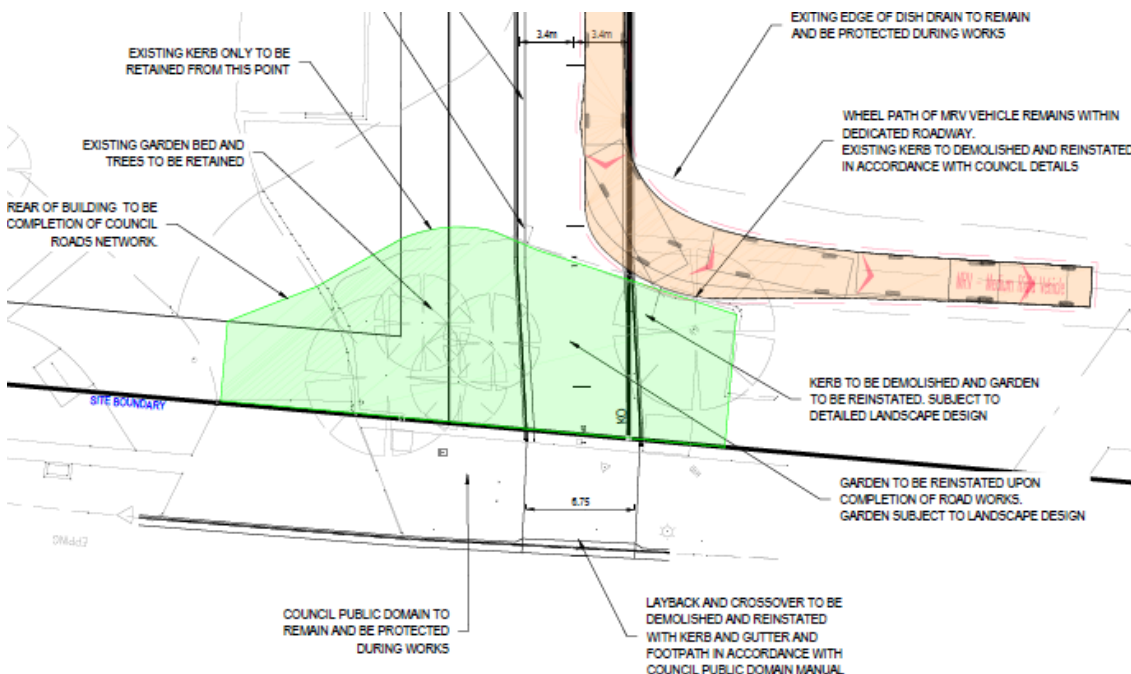


Figure 34: The area in green demonstrated the impacted area of the site which will require modification as a result of the Estate Road being closed to Epping Road.

3. *Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of the works. A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.*

Comment: This will be included as a condition of consent. (See condition 92).

4. *The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2012/001. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owners of the roadway is/are given at least 7 day notice of the intention to excavate below the base of the footings. This notice is to include complete details of the work.*

Comment: This will be included as a condition of consent. (See condition 93).

5. *The proposed development will generate additional pedestrian movements in the area. Pedestrian safety is to be considered in the vicinity.*

Comment: The development has proposed a new road which will be constructed in accordance with Council's requirements. In addition, the Estate Road is required to be closed to Epping Road once the local road network is constructed. Pedestrian access is also available through the central courtyard. These measures will ensure appropriate pedestrian safety.

6. *All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Epping Road and Lane Cove Road.*

Comment: This will be included as a condition of consent. (See condition 115).

7. *A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.*

Comment: This will be included as a condition of consent. (See condition 78).

8. *A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on Epping Road and Lane Cove Road during construction activities.*

Comment: This will be included as a condition of consent. (See condition 100).

9. *The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.*

Comment: This will be included as a condition of consent. (See condition 12).

7.6 State Environmental Planning Policy Biodiversity and Conservation 2021 – Chapter 2 Vegetation in Non-Rural Areas

The aims of the SEPP are to protect biodiversity values of trees and other vegetation in non-rural areas of the State and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

Part 2.3 of the SEPP specifies the relevant requirements for clearing of vegetation in specified areas and defines the type of vegetation to which the part applies.

The development has been accompanied by a Biodiversity Assessment and an Arboricultural Assessment. These have been reviewed by Council's Consultant Landscape Architect/Arborist who has raised no objections subject to conditions including that owner's consent be obtained for removal of trees on neighbouring sites be obtained prior to the issue of the CC.

The development will result in the removal of 96 trees. 86 of these trees are on the site and 10 trees are within the neighbouring allotments at 71 Epping Road and 269 Lane Cove Road. Of the trees to be removed the majority are *Casuarina cunninghamiana* (river oak), *Corymbia maculata* (spotted gums), *Angophora floribunda* (rough barked apple) and the rest are different eucalyptus species.

The removal of these trees has been supported by Council's Consultant Landscape Architect/Arborist. The removal of these trees however, will result in a moderate-high level of impact to the established character of the site and the surrounding landscape setting. The majority of the trees to be removed are a result of the allowable building footprints and new roadway requirements mandated by Part 4.5 of Ryde DCP 2014.

The site and the adjoining allotments were almost entirely cleared of vegetation by 1943 and the trees within proximity to the proposed works were most likely planted in conjunction with previous site improvements. This is also supported by the conclusions of the Biodiversity Assessment which states that the proposal is unlikely to result in any significant ecological impacts.

The development proposes 73 replacement tree plantings. This includes the trees to be provided on the site as well as within the new road. The replacement trees include *Angophora costata* (smooth barked apple), *Corymbia maculata* (spotted gums), *Cupaniopsis anacardioides* (tuckeroo), Chinese pear and Chinese elm. The replacement planting is proposed to be a mix of 200L and 400L pots. This has been confirmed by the applicant's Landscapers as being the most effective planting which will guarantee the ability of the trees to become well established as well as providing an immediate impact to compensate the loss of trees resulting from this development.

Although the replacement planting is not at a rate of 1:1, given that a large area of the site accommodates the required road, and that at least 10 trees need to be removed from the neighbouring sites, this number of replacement trees is satisfactory. Once the trees are established, the trees will contribute to the established character of the area.

As such, a thorough and proper assessment of all trees on site and on adjoining sites have occurred and it can be reasonably said that the development is consistent with the requirements and objectives of the SEPP.

7.7 State Environmental Planning Policy Resilience and Hazards 2021 – Chapter 4 Remediation of Land

In accordance with Clause 4.6 of the SEPP, the consent authority must consider if the land is contaminated and, if so, whether it is suitable, or can be made suitable, for the proposed use.

The site has been historically used for commercial purposes and is not known to be contaminated. Council's Environmental Health Officer has confirmed that the site is suitable for the proposed development with respect to the provisions of the above SEPP.

7.8 State Environmental Planning Policy Biodiversity and Conservation 2021 – Chapter 10 Sydney Harbour Catchment

This SEPP applies to the whole of the Ryde Local Government Area. The aim of the SEPP 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.

7.9 Ryde Local Environmental Plan 2014

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

Clause 2.2 Zoning

The site is located within the *B3 Commercial Core* zone under the Ryde LEP 2014. Development for commercial, office, recreation facilities (indoor) and retail purposes are permitted in this zone.

Clause 2.3 – Zone Objectives

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

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

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

The development complies with the above objectives and will be consistent with the State and local strategic intent for the zone and the Macquarie Park Corridor by introducing commercial buildings with retail space that serves the employment needs of the local and wider community. The proposal will deliver a new commercial development that is coherent with the site's surrounding context and does not adversely impact any surrounding land uses. As such, the proposal will provide vital additional commercial floor space that generates employment opportunities for the LGA and broader Metropolitan region.

The development will be of a high standard and will provide an appropriate 'gateway' element within Macquarie Park.

Figure 35 below shows the zoning context of the site.



Figure 35 - Site zoning, site outlined in red dashed line

Clause 4.3 – Height of Buildings

The site is subject to a maximum building height under Clause 4.3 of the LEP of 22m, 30m and 37m. Despite the provisions of this clause, under Clause 6.9 - Development in Macquarie Park Corridor, consent may be granted for development to a maximum height of 45m 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 36 below shows the site as referenced by the Macquarie Park Corridor Precinct Incentive Height of Buildings Map.

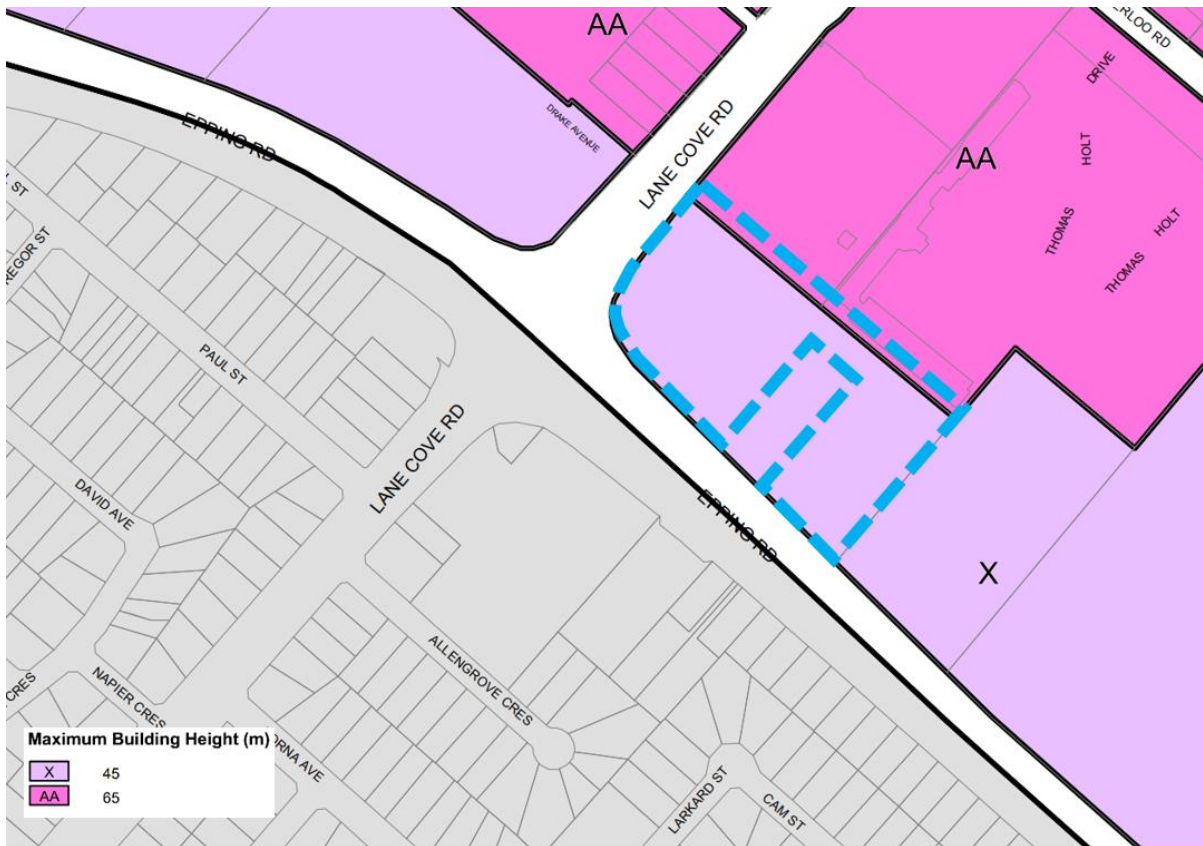


Figure 36 - Macquarie Park Corridor Precinct Incentive Height of Buildings Map

The maximum height of the proposed development is 45m where it relates to the lift core of Building B (facing into the central courtyard area). The other parts of the development are below 45m in height (See Figure 37 below showing maximum proposed building height).

The Applicant seeks use of the incentive provisions available in Clause 6.9 of the LEP and proposes to deliver 'Road 6' in accordance with Council's Desired Access Network. This is addressed below in relation to Clause 6.9.

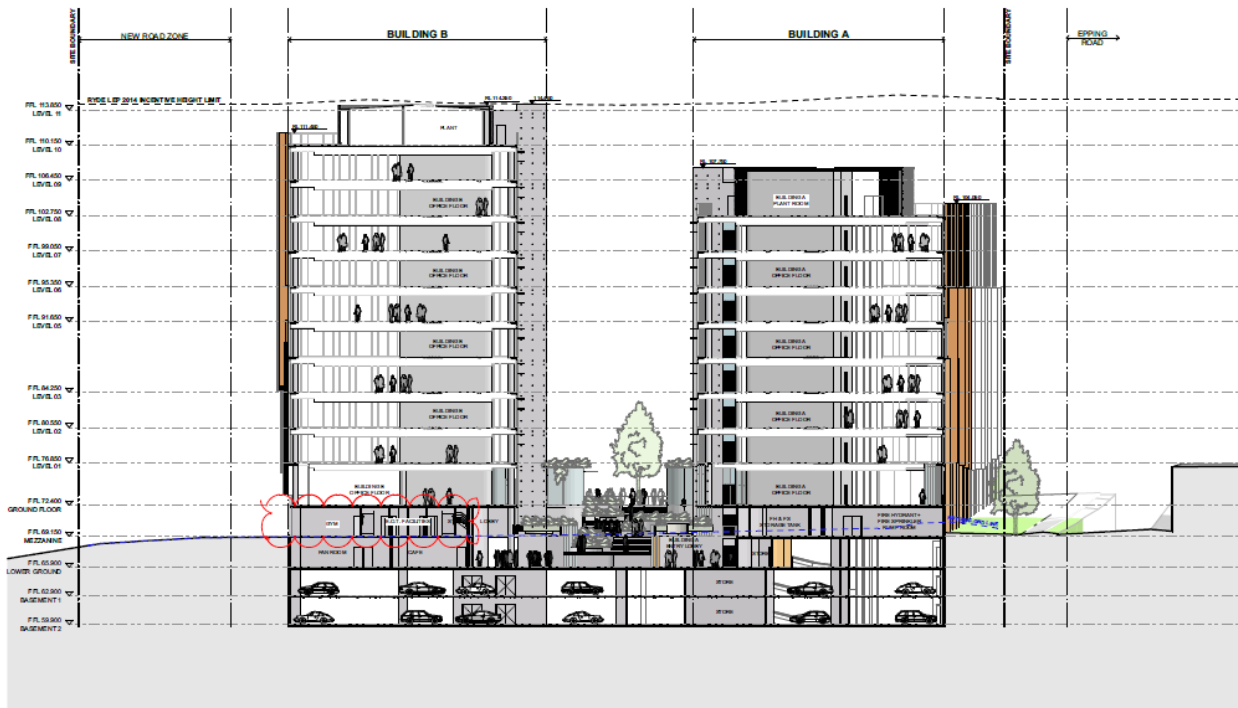


Figure 37 - Section showing compliance with the maximum building height

The objectives of the height standard are as follows:

- (a) to ensure that street frontages of development are in proportion with and in keeping with the character of nearby development,
- (b) to minimise overshadowing and to ensure that development is generally compatible with or improves the appearance of the area,
- (c) to encourage a consolidation pattern and sustainable integrated land use and transport development around key public transport infrastructure,
- (d) to minimise the impact of development on the amenity of surrounding properties,
- (e) to emphasise road frontages along road corridors.

The proposed development is consistent with the relevant objectives. In relation to objective (a) whilst the development seeks variations to the setback controls, it will not have any significant adverse impacts on the future streetscape pattern and will not be out of character with development in the wider area or the desired future character of the area. The site is a corner site with frontage to Lane Cove Road and Epping Road slip lane. The 5m setback to Epping Road is consistent with the 5m control to Lane Cove Road and is considered appropriate for the commercial building which is in such a prominent position.

In relation to objective (b) the development would not result in poor quality amenity within its central courtyard by way of overshadowing. The design has allowed for adequate building separation.

Shadow diagrams submitted indicate that whilst the central courtyard is overshadowed midwinter for the majority of the day, the applicant has demonstrated through a comparative analysis compared to previous schemes already discussed above in this report that through opening up of the throat of the development, solar access has been maximised where possible. The proposed building separation distances has also been maximised where possible to ensure that the development will provide adequate space

between the buildings and that the development is consistent with the desired future character of the area.

The configuration of the site is consistent with objective c as it reflects the required road network to ensure a sustainable integrated land use and transport network around the Macquarie Park rail network.

The development will not result in any material amenity impacts to the surrounding properties.

In relation to objective (e) the development does sufficiently emphasise road frontages along Road 6, Lane Cove Road and Epping Road with provision of a new gym along the Road 6 frontage to provide for necessary activation. The proposed setbacks and the level of active frontage facing Road 6 are reasonable in this instance which would not be detrimental to the relevant streetscapes and the desired future character of the area.

Clause 4.4 – Floor Space Ratio

Under the Ryde LEP 2014, floor space ratios of 1:1 and 2:1 apply to the development site (2:1 applying to the part of the site being developed). Despite the provisions of this clause, under Clause 6.9 – Development in Macquarie Park Corridor, consent may be granted for development to a floor space ratio of 2.5:1, if the consent authority is satisfied there will be adequate provision of recreation areas and an access network whose configuration and location allow a suitable level of recreation and connectivity within the precinct.

The proposed development has the following GFA and FSR calculations:

Site area – 17,193m²

Existing GFA at No. 67 – 8,215m²

Incentive FSR (2.5:1) – 42,982m²

Available incentive GFA removing No. 67 – **34,767m²**

Proposed GFA of Buildings A and B – 34,525m²

Overall GFA (including No. 67) – 2.48:1

As noted above, the Applicant seeks use of the incentive provisions available pursuant to Clause 6.9 of the LEP and proposes to deliver 'Road 6' in accordance with Council's desired access network. This is discussed further in relation to Clause 6.9 below.

Figure 38 below shows the site as referenced by the Macquarie Park Corridor Precinct Incentive Floor Space Ratio Map.

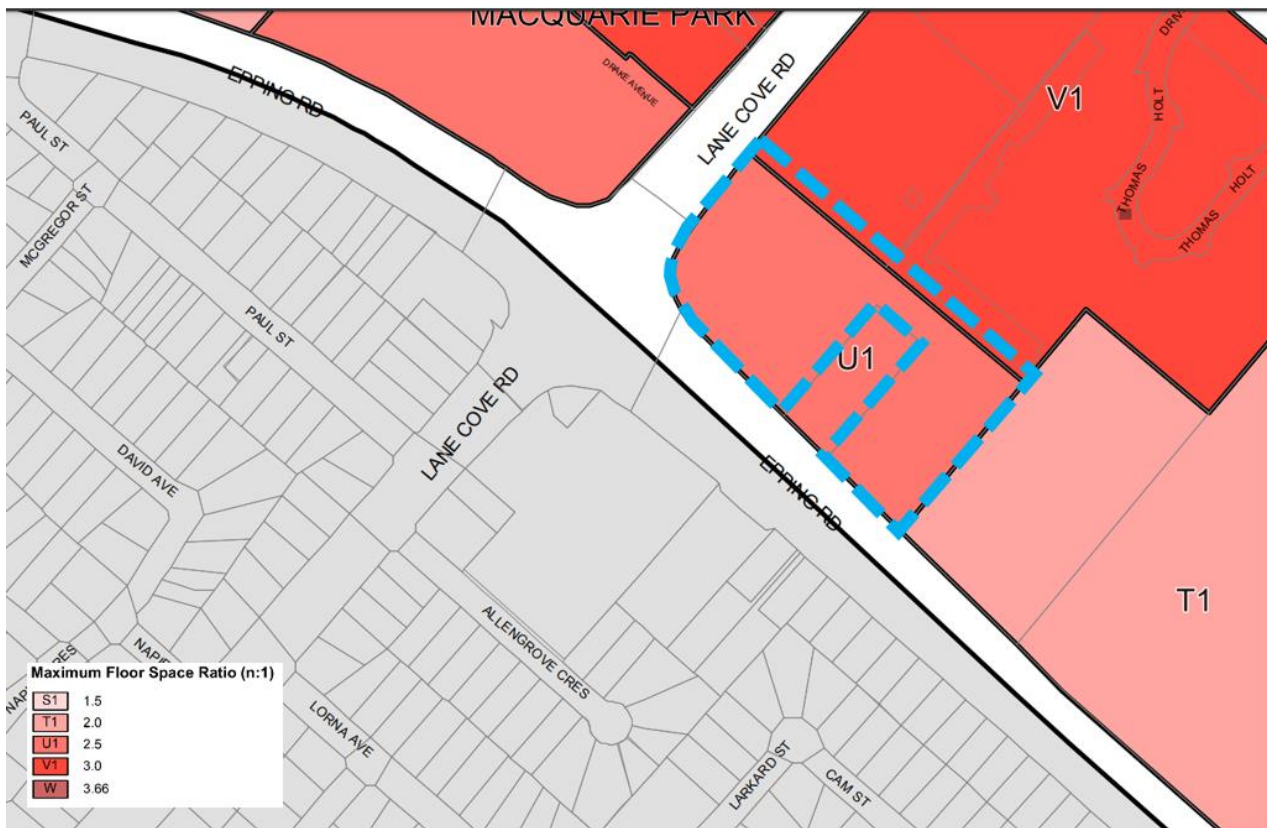


Figure 38 - Macquarie Park Corridor Precinct Incentive Floor Space Ratio Map (U1 – maximum FSR of 2.5:1)

The objectives of the FSR standard are as follows:

- (a) to provide effective control over the bulk of future development,
- (b) to allow appropriate levels of development for specific areas,
- (c) in relation to land identified as a Centre on the [Centres Map](#)—to consolidate development and encourage sustainable development patterns around key public transport infrastructure.

The development is consistent with the above objectives. The development is of an appropriate bulk for the site and the built form results in reasonable quality amenity to the central courtyard by way of solar access and building separation.

Clause 6.1 – Acid Sulphate Soils

The site is not identified on the Acid Sulphate Soils Map. This clause is not applicable to the development.

Clause 6.2 – Earthworks

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

A Geotechnical Report accompanied the application. The report assesses sub-surface conditions and provides geotechnical advice for the purpose of the development. The report identifies that excavation depths of between 6m-12m will be required for the proposed basement levels. It also considers that the excavation will predominantly

consist of asphalt, fill, residual soil and highly weathered bedrock and should be achievable using conventional earth moving equipment with minor rock breaking.

The report identified that where excavation below the water table is proposed for the basement, construction stage dewatering *may* be required and that it is expected that a decent pump out system should suffice for basement excavation at the site.

A Preliminary Groundwater Assessment accompanied the application and considers that due to the topographic location of the site and relative higher elevation to surrounding areas, groundwater is expected to lie within the higher strength bedrock profile below the lowest basement level.

The report also considers that seepage into the excavation is anticipated through filling and at the soil/rock interface during periods of heavy rain as well as along bedding planes and joints from within the rock mass. Based on experience on similar projects in the vicinity, seepage should be readily controlled during excavation by directing it to temporary sumps prior to pumping it from the excavation.

Water NSW have provided their GTA's in respect of the development.

It is not therefore considered that there will be any significant adverse impact on drainage patterns due to excavation. The development will have no adverse impact on any waterway, drinking water catchment or environmentally sensitive area as it is a permissible use within the zone and does not seek any non-standard earthworks or uses.

The site is not in any area identified as being of heritage value and has been heavily disturbed by previous commercial activity is therefore unlikely that any relics will be disturbed

As such, the development is consistent Clause 6.2 of the LEP.

Clause 6.4 – Stormwater Management

Stormwater details have been provided and reviewed by Council's City Works – Drainage Engineer and Senior Development Engineer where there are no concerns raised subject to conditions. The applicant is proposing to connect into the TfNSW drainage infrastructure and no concerns have been raised subject to detailed plans being forwarded to TfNSW for approval prior to commencement of works.

As such, the development is not consistent with the requirements of Clause 6.4.

Clause 6.6 – Environmental Sustainability

The applicant has submitted a detailed Ecologically Sustainable Development (ESD) report for assessment and consideration. The objective of this clause is to ensure that development on land in a business or industrial zone exceeding 1,500m² in GFA embraces principles of quality urban design and is consistent with principles of best practice environmentally sensitive design.

The ESD Report submitted with the application presents design strategies to address relevant criteria including ESD Principles, Passive Design, Indoor Environmental Quality, Energy Efficiency and Water Management. The report provides initiatives to enhance the environmental performance, which are intended to be further developed during the

detailed design phase. The report has demonstrated that the development is capable of meeting the requirements of this clause.

Clause 6.9 – Development in Macquarie Park Corridor

Clause 6.9(3) permits a building height of 45m and a floor space ratio of 2.5:1 (which are above the generic height and FSR standards pursuant to Clause 4.3 and Clause 4.4 respectively). The incentive provisions may be utilised where the consent authority is satisfied that:

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

Further guidance on acceptable forms of access network are outlined at Section 6 of Part 4.5 Macquarie Park Corridor of DCP 2014. The DCP states that the desired infrastructure, facilities and public domain improvements within the Corridor will be achieved through (amongst other mechanisms), the provision of planning incentives (height and FSR) in return for new roads and parks identified in the Open Space and Access Structure Plans of the DCP.

As has been addressed above, the applicant seeks use of the incentive provisions available pursuant to Clause 6.9 of the LEP and proposes to build and dedicate 'Road 6', as labelled on the Access Structure Plan within the DCP. A letter of offer to enter into a VPA has been submitted to this effect. The letter of offer to enter into a VPA has been considered acceptable by Council.

The provision and dedication of 'Road 6' is consistent with the configuration and location of the access network identified within Ryde DCP 2014. It should be noted that not all sites will require open space or a road. In that instance, a monetary contribution is required to be provided in the VPA to allow Council to purchase the required spaces for open space or the road network.

The proposal is also consistent with Clause 6.9 given that:

- The proposal delivers a road (Road 6) to enhance access in Macquarie Park and create a more permeable street network in accordance with RDCP 2104, Part 4.5 Macquarie Park Corridor.
- The DCP Structure Plan does not identify this site as being required to provide any public open space areas for recreational purposes.
- The configuration of the site will allow for increased connectivity for pedestrians due to the provision of Road 6 but also the central courtyard through the middle of the site.

Although the letter of offer has been adopted by Council, the VPA has not been executed. Any approval would be required to be subject to a deferred commencement condition to ensure the VPA is executed prior to the consent becoming operative.

7.10 Draft State Environmental Planning Policies

Draft Remediation of Land State Environmental Planning Policy

The draft Remediation of Lands SEPP was exhibited from 31 January 2018 to 13 April 2018. The SEPP will maintain the objectives and existing framework of SEPP Resilience and Hazards 2021 and require the consent authority to consider the potential for land contamination as part of the assessment of development applications and rezoning of land. The SEPP will identify remediation works that require development consent and introduce certification and operational requirements for remediation works that can be carried out without development consent.

The site has been historically used for commercial purposes and is not known to be contaminated. The site is suitable for the proposed development and is consistent with the provisions of the draft SEPP.

Draft Environment State Environmental Planning Policy

This draft SEPP proposes to simplify the planning rules for water catchments, waterways, urban bushland and Willandra Lakes World Heritage Property. Of the SEPP's to be consolidated, City of Ryde is affected by the following:

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

The development will not result in any impacts to the provisions of the draft SEPP.

7.11 Ryde Development Control Plan 2014

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

- Part 4.5 – Macquarie Park Corridor
- Part 7.1 – Energy Smart, Water Wise
- Part 7.2 - Waste Minimisation and Management
- Part 8.1 - Construction Activities
- Part 8.2 - Stormwater Management
- Part 8.3 – Driveways
- Part 9.2 - Access for People with Disabilities; and
- Part 9.3 – Parking Controls.

Note: With regards to Parts 7.1 to 8.3, noting the advice received from the various technical departments within Council and the consideration of these matters elsewhere in this report, the proposal is satisfactory in relation to the above matters. Therefore, the following assessment addresses Parts 4.5, 9.2 and 9.3 only.

Part 4.5 Macquarie Park Corridor

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

- Section 7.2(b) – Front door and street address is to be located on the primary frontage
- Section 7.4(a) & (f) – Minimum 10m building and basement setback to Epping has not been achieved
- Section 7.7(a) - Proposed building separation is less than the required minimum separation of 20m
- Section 7.8(d) - Distance from a source of natural daylight should not exceed 12m
- Section 8.2(a) & (d) – Landscaping/deep soil area is less than 20% of site area
- Section 8.2(e) – Minimum 3 hours of solar access is not provided to the central courtyard on June 21.

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

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.	<p>Complies</p> <p>The development seeks to provide 34,525m² GFA for commercial/retail uses that will contribute to employment in Macquarie Park. This is consistent with the aims of the Urban Structure Plan for the Commercial Core.</p> <p>The development is supported by key public transport infrastructure including the Macquarie Park Train Station and frequent bus services which connect the site to both the local Macquarie Park area and Greater Sydney.</p>
4.0 Access Network	
4.1 Streets	
a. Provide new public streets and pedestrian connections in accordance with Figure 4.1.1 Access Network.	<p>Complies.</p> <p>The development has provided a new 16m and 20m wide road along the northern boundary of the site which is consistent with the DCP. The two dimensions are due to the site being developed at different times and their being different requirements for the road at those times. The 16m and 20m wide road will provide seamless infrastructure to Council.</p>
b. New streets are to be dedicated to the Council. New streets are to be maintained by the landowner until dedicated to Council.	<p>Complies.</p> <p>The plans demonstrate that land dedication will occur.</p>
c. Buildings are not permitted to be located on any proposed street and are required to be setback from proposed streets identified in Figure 4.1.1 Access Network.	<p>Complies</p> <p>Neither of the buildings will be located on the proposed road. Building B is setback 5m from the new road which is consistent with the DCP controls.</p>
d. Each site is to provide for co-ordination of proposed streets with neighbouring sites, including	<p>Able to comply</p> <p>The development will result in the impact of trees on the adjoining site at No. 269 Lane Cove Road. Owners consent has not been granted for the removal of these trees at this stage of writing of this</p>

Relevant Control	Compliance/Comment
level adjustments and detailed plans.	<p>report. The consent authority does not have the power to determine the DA without the consent of the adjoining landowner. A deferred commencement condition has been imposed requiring the applicant to obtain development consent for the removal of the trees on the adjoining site before the consent becomes operative. An operative condition has also been imposed advising that the proposed development is modified by excluding removal of trees on the adjoining land and the development consent does not approve the removal of the trees on the adjoining site.</p> <p>The provision of this road will allow for the future connections to either Wicks Road or Waterloo Road.</p>
e. Lighting, paving and street furniture, landscaped setbacks and tree planting are to be provided as required in the Macquarie Park Corridor Public Domain Technical Manual.	<p>Complies</p> <p>The development will be conditioned to provide the appropriate public domain improvements in accordance with the Technical Manual.</p>
f. Provide new streets as follows - 20m wide (typical) streets - 14.5m (typical) streets	<p>Complies</p> <p>The DCP has identified Road 6 as being part 20m and part 16m wide (see Figure 33). The dedicated road reserve exhibits a width of 16m and 20m and includes a footpath, lighting, traffic lanes, parking and landscaped setbacks. The development is consistent with the DCP requirements.</p>
g. Where required by Council an additional 0.5m footpath is to be provided to augment the 14.5m streets to achieve a minimum 2.5m footpath.	<p>NA</p> <p>As the road has a width of either 16m and 20m, this clause is not relevant to the DA.</p>
4.2 Pedestrian Connections	
<p>a. Provide pedestrian bridges in accordance with the Access Structure Plan. Figure 3.4.1</p> <ul style="list-style-type: none"> i. Over the M2 connecting Christie park to Macquarie Park Corridor ii. Connecting across Shrimpton's Creek <p>Pedestrian through-site links are to be provided as they contribute to the walkability of the Corridor by providing a useful addition to the street network and walkable destinations (e.g. building entries, shopfronts, courtyards, outdoor dining). The design of through-site links is to maximise pedestrian accessibility, walkability, amenity and safety.</p>	<p>Complies</p> <p>The development is not required to provide any pedestrian link/bridges required under the DCP. However, the proposal does contribute to the provision of pedestrian access through the site as pedestrian access is provided through the central courtyard to the existing estate road.</p>
b. Provide pedestrian connections in accordance with Figure 4.1.1 Access Network	<p>The site is not identified within the RDCP2014 as being subject to the provision of pedestrian connections. Nonetheless the proposed development includes the provisions for pedestrian access to enhance permeability and accessibility.</p>

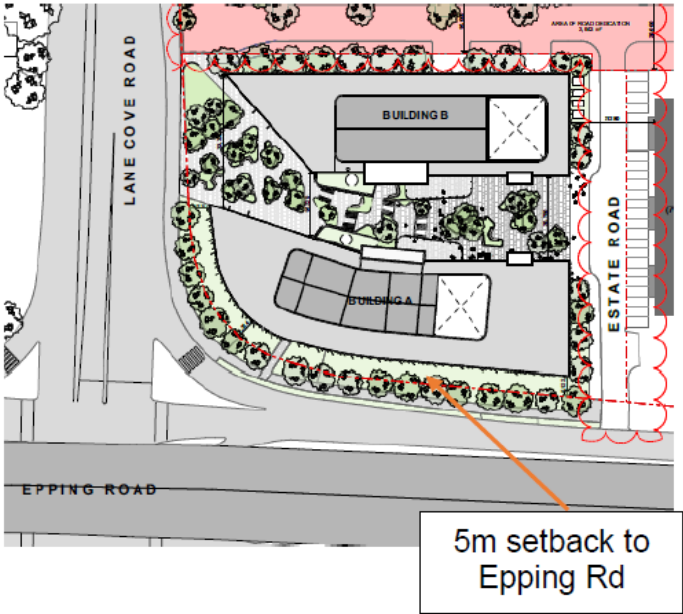
Relevant Control	Compliance/Comment
4.4 Sustainable Transport	
Travel Plans	
<p>c.A Framework Travel Plan. (FTP) is required to be submitted to Council for approval together with a DA for all development that exceeds 10,000sqm new floor space.</p> <p>e. Provide a final Travel Plan to Council for certification prior to the issue of any occupation certificate.</p>	<p>Able to Comply</p> <p>An FTP has been prepared as the development has a gross floor area of 33,045m².</p> <p>A final FTP is required to be prepared to satisfy the requirements of the DCP and submitted for approval prior to the issue of an Occupation Certificate (see Condition 195).</p>
Parking Rates	
f. Bicycle parking and end-of-trip facilities are to be provided in accordance with the RDCP 2014 Part 9.3 Parking Controls.	<p>Complies</p> <p>Section 2.7 in Part 9.3 of the RDCP 2014 requires bicycle parking rate of 10% of the required car parking spaces. The proposal is permitted a maximum of 368 car spaces requiring 37 bicycle spaces. The proposal provides 86 bicycle spaces and associated end of trip facilities which is consistent with the requirements of the DCP.</p>
g. Parking is to be provided in accordance with the RDCP 2014 Part 9.3 Parking Controls.	<p>Complies</p> <p>The DCP requires car parking to be provided at the following maximum rates; Commercial – 1 space per 100m² GFA Retail/Restaurant – 1 space per 25m² GFA. Recreation Facilities (Indoor)/Gymnasium – 1-1.5 spaces/20m² GFA. Based on 33,726m² of commercial floor space approximately 450m² of retail floor space and 349m² of gym floor space, the development could provide a maximum of 368 car parking spaces. However, a total of 344 spaces are proposed. As the car parking provided is less than the maximum amount of car spaces, the development complies. The issue of car parking has been discussed following the table.</p>
5.0 Public Domain	
5.8 Street Trees, Front Setback Tree Planting and Significant Trees	
a. Street trees and front setbacks must be provided in accordance with the Street Tree Key Plan in the Macquarie Park Public Domain Technical Manual, and their health guaranteed for min. 5 years.	<p>Able to Comply</p> <p>The proposal seeks to complete works in accordance with the Macquarie Park Public Domain Technical Manual to provide a positive visual outcome, contribute to the character and amenity of the area. Street trees will be required along Epping Road, Lane Cove Road and Road 6.</p>
b. At grade parking is not permitted in the front setback.	<p>Complies</p> <p>All parking is proposed to be located within the basement car parking levels or in the lower ground or mezzanine level. No at grade parking is proposed in any setback to the roads.</p>
5.10 Art in Publicly Accessible Spaces	
a. Art must be included in all new development with more than	<p>Able to Comply</p>

Relevant Control	Compliance/Comment
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.	The applicant has provided a detailed art plan with the DA. This plan has identified four possible locations for the artwork associated with the development. This includes the northern end of the central courtyard, throughout the courtyard, the curving corner street front along Epping Road and the setback area along Lane Cove Road and Epping Road. The proposed public art plan is acceptable.
b. Art must be located within the site so as to be publicly accessible (i.e. viewed or experienced from publicly accessible places).	<p>Complies</p> <p>The development complies with this requirement.</p>
<p>c. A site-specific Arts Plan is to be submitted together with the development application.</p> <p>i. Arts project description and statement of artistic intent.</p> <p>ii. Thematic framework for the artwork. Suggested themes arising from the history of the Macquarie Park Corridor are:</p> <ul style="list-style-type: none"> ▪ 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 <p>iii. Concept drawing and descriptions of proposed art works including:</p> <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</p> <p>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 artwork. 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, the implementation and preliminary construction details. (See Condition 59).</p>

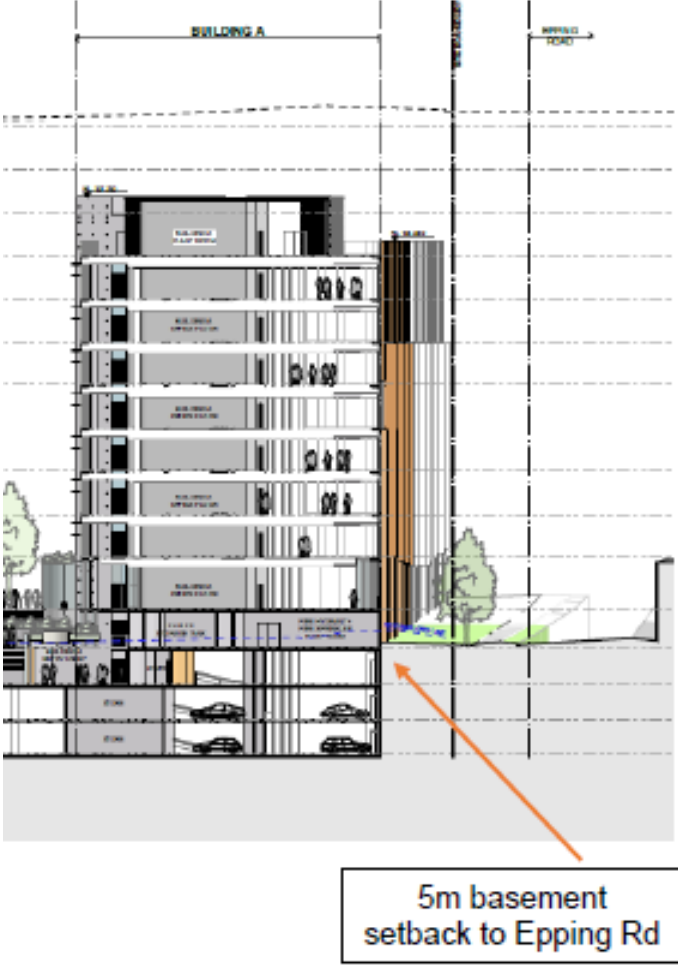
Relevant Control	Compliance/Comment
iv. Implementation (detailing at what stage the artwork will be implemented etc) v. Preliminary construction details with particular emphasis on public safety considerations.	
6.0 Implementation – Infrastructure, facilities and Public Domain Improvements	
a. Floor Space Ratios and Height of Buildings are to comply with the Ryde LEP 2014.	Complies The proposal complies with the maximum incentive gross floor area and building height for the site as permitted under Clause 6.9 of the RLEP 2014.
b. The Access Network being roads and the Open Space Network being parks are to i. be dedicated to Council as part of a new development and are to ii. conform with the Macquarie Park Corridor Access Structure Plan. iii. be design and constructed in accordance with the Macquarie Park Corridor Public Domain Technical Manual and Section 5 of this DCP.	Complies The proposed development includes the future construction of a 16m and 20m wide road adjacent to the northern boundary. This is in accordance with the Structure Plan and Technical Plan. The road will be dedicated to Council. The site is not identified as being subject to open space in the Structure Plan.
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.	Complies Required public domain embellishment works will be undertaken as part of this application. The road will be constructed in accordance with the Macquarie Park Public Domain Technical Manual and dedicated 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 the Figure 4.1.1 Access Network and Figure 5.1.1 Proposed Open Space Network.	Complies The site is required to provide a new road along the northern boundary of the site which has been provided. No open space is required on the site.
7.2 Active Frontage	
a. Continuous ground level active uses must be provided where primary active	NA The site is not identified in Figure 7.3.2 as requiring an active street frontage.

Relevant Control	Compliance/Comment
frontages are shown in Figure 7.3.2 Active Frontage and Setback Control Drawing. Buildings must address the street or public domain.	The development has however been designed to address Lane Cove Road, Epping Road and Road 6 by providing retail, gym and café uses which will overlook the public domain.
b. Front door and street address is to be located on the primary frontage.	<p>Does not comply</p> <p>The main entrances to Building A and Building B face into the central open space as do the entrances to the café/retail spaces at ground floor level.</p> <p>Compliance with the control is difficult given that the site has a frontage to Epping Road, Lane Cove Road and Road 6.</p> <p>All pedestrian activity is concentrated within the central courtyard which removes activity from the street, which could be contrary to this control. However, the applicant has amended the plans to include a new gym which would improve the level of activation to Road 6. The provision of the central open space will provide an opening to the Lane Cove Road frontage which will assist in the site having a street address. Ideally, the street address should be to Road 6 however given that this is the only section of the road completed, it will not provide a suitable street address in this instance. This variation is also acceptable given the hostile environment along Epping Road and Lane Cove Road.</p>
c. Loading docks, vehicular access is not to be located where primary active frontages are shown in Figure 7.3.2 Active Frontage and Setback Control Drawing unless it can be demonstrated that there is no alternative.	<p>Complies</p> <p>The loading dock and vehicular access points are accessed from Road 6. This frontage is not indicated as 'primary' in Figure 7.3.2.</p>
d. Active ground level uses are encouraged where secondary active frontages are shown in Figure 7.3.2 Active Frontage and Setback Control Drawing	<p>N/A</p> <p>The site does not contain nominated secondary frontages. However, an active frontage is proposed along Road 6 due to the café and gym.</p>
e. Active uses are defined as one or more of the following: i. shop fronts; ii. retail/service facilities with a street entrance; iii. cafe or restaurants with street entrance; iv. community and civic uses with a street entrance;	<p>Complies</p> <p>To activate the relevant frontages, retail spaces, cafes and a gym have been incorporated at the ground and first floors to overlook the public domain. The architectural design of the building facades will create visual interest and deep soil landscaping to soften the appearance of the built form, enhance the amenity of the public domain and define the site edge.</p>

Relevant Control	Compliance/Comment
<p>v. recreation and leisure facilities with a street entrance;</p> <p>vi. commercial or residential lobbies with a street entrance not more than 20% of the total length of the building's street frontage</p>	
f. Entries to active frontage tenancies are to be accessible and at the same level as the adjacent footpath.	<p>Complies</p> <p>Although the site is not identified on the Active Frontages Plan as being either a primary or secondary active frontage, it is essential that all entrances provide accessible level access. The development provides for this access into the buildings as well as the retail, office, café and gym tenancies.</p>
g. Active uses must occupy the street frontage for a depth of at least 10m. Refer Figure 7.3.1 Active Frontages Plan Diagram and Active Frontages Elevation Diagram.	<p>N/A</p> <p>The site is not identified on the Active Frontages Plan as being primary or secondary active frontage.</p>
h. On sloping sites, the maximum level change between ground floor tenancies and the adjacent footpath is 600 mm.	<p>Complies</p> <p>Each ground floor entrance provides level access.</p> <p>The through site link contains steps due to level changes across the site. However equitable access is provided from the lower ground level via the lifts in the building which will then allow for access to the upper part of the central courtyard on the ground floor.</p>
i. Where active frontage is required a minimum of 90% of the building frontage is to be transparent i.e. windows and glazed doors (A maximum 10% active frontage may be fire stairs, plant, masonry walls and other non-active uses).	<p>N/A</p> <p>Active frontage is not a requirement as per Figure 7.3.2.</p> <p>Nonetheless, majority of the ground floor of each building is glazed.</p>
j. Clear glazing is to be provided to windows and doors. The sill height for windows must be maximum 1200mm above the footpath, including for sloping sites.	<p>Complies</p> <p>Glass is floor to ceiling for much of the active frontage.</p>
7.4 Setbacks and Build-to Lines	
The relevant objectives of this clause are:	Does not comply

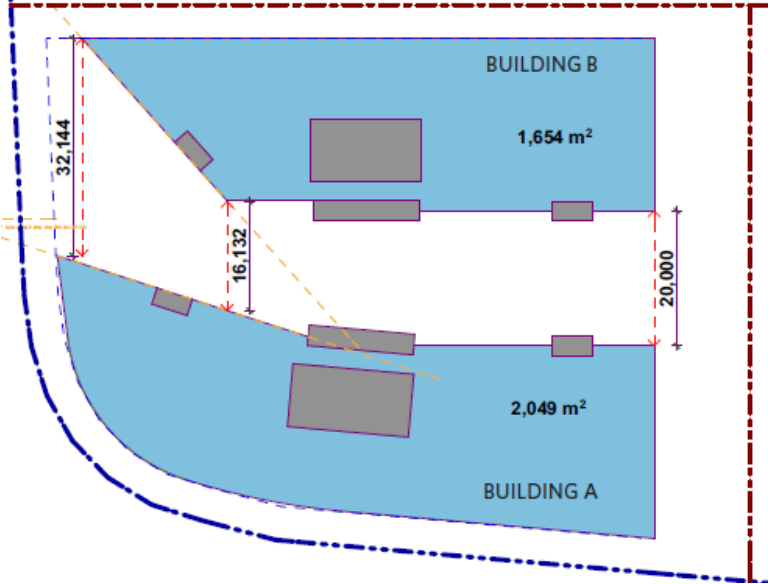
Relevant Control	Compliance/Comment
<p>1. To enhance the existing character of streets within the Corridor.</p> <p>2. To create new streets which contribute to the character and identity of the Corridor.</p> <p>3. To increase pedestrian amenity and provide pedestrian sight lines to train stations.</p> <p>4. To retain and reinforce the existing character of green setbacks with mature planting.</p> <p>a. Minimum setbacks and build-to lines must be provided as shown Figure 7.3.2 Active Frontage and Setback Control Drawing – summarised as follows:</p> <ol style="list-style-type: none"> Zero setbacks / build-to lines to Primary Active Frontage; 5m setback to all existing and new streets unless otherwise specified; 10m setback to Waterloo Road and Talavera Road; 10m green setbacks to the M2 tollway and Epping Road; 5m built form setback to all parks (existing and proposed – subject to providing a Riparian Corridor in accordance with the NSW Office of Water's Guidelines for Riparian Corridors on Waterfront Land). 	<p>Variation proposed to Epping Road – however satisfactory on merit in this instance</p> <p>5m setback required to Lane Cove Road – Proposed setback to Lane Cove Road – 9.5m (Building B), 5m (Building A) - Complies</p> <p>10m setback to site boundary with Epping Road On-ramp – 5.214m (4.6m to louvre treatment) – Does not comply</p> <p>5m setback to new Road 6 – Complies</p> <p>The development results in a reduced setback to 5m along Epping Road slip lane to match the proposed compliant 5m building setback to Lane Cove Road. A setback of 10m was imposed along this part of Epping Road as this is where the development adjoins the residential developments on the southern side of Epping Road. All other buildings along Epping Road comply with the setback control.</p>  <p>Figure 39 – Proposed 5m building setback to Epping Rd</p> <p>It is considered that the proposed reduction in the building setback in this instance would not significantly adversely impact upon the achievement of the relevant objectives of the clause for the precinct as a whole where the existing character of Epping Road would be maintained or enhanced and the proposed landscaped strip fronting Epping Road would be wide enough to contain mature plantings. Pedestrian amenity would also be maintained and enhanced. Overall, the existing character of Epping Road would largely remain intact. The site is a corner site which is separated from the residential properties by the slip lane and the overpass. These features reduce the visual relationship between the site and the residential properties which reduces the need to comply with the 10m setback requirement.</p> <p>The submitted shadow diagrams demonstrate that all surrounding residential allotments would not be impacted by overshadowing</p>

Relevant Control	Compliance/Comment
	<p>from at least between noon and 3pm on June 21. The proposed overshadowing impacts of the proposed development are satisfactory.</p> <p>An assessment comparing the tree loss between a 'compliant setback' scheme including a 10m setback along Epping Rd, to that of the proposed 5m setback has been undertaken (see Figures 28 and 29). The submitted arborist statement confirmed there is no difference in tree loss between the two schemes provided. Council's Landscape Architect/Arborist has suggested that 4 trees could be retained within the 10m setback. These trees however are not significant examples and their retention is not sufficient weight to warrant the redesign of the development.</p> <p>The reduced setbacks would also not introduce issues of visual amenity and potential streetscape impacts. The reduced setbacks are being balanced against a high-quality central courtyard. The reduced setback will assist in providing for maximised building separation and obtaining solar access to the central courtyard where possible. The applicant has demonstrated that the courtyard would benefit from high amenity for future users of the development.</p> <p>The variation to the building setbacks provide a better building design and outcome and can be supported in this instance. .</p>
b. Subject to negotiation with Council single storey structures which include active uses may be located within the Secondary Active Frontage. These structures must address the public domain, be transparent as far as practicable and will be subject to the ECRL Guidelines.	<p>N/A Proposal does not include single storey structures.</p>
c. Provide 2m setbacks to pedestrian pathways (unless within a building)	<p>N/A The site is not identified as requiring any pedestrian pathways.</p>
d. Despite clause 7.2.a development may be set back further from the street or public domain where it can be demonstrated to Council that the impacts of development on underground rail infrastructure are not in accordance with the ECRL Underground Infrastructure Protection Guidelines Report No. 20007300/ PO-4532 obtainable from Transport for NSW	<p>N/A The site does not impact upon underground rail infrastructure.</p>
f. Underground parking is not permitted to encroach into the	<p>Does not comply</p>

Relevant Control	Compliance/Comment
<p>front setback areas unless it can be demonstrated that the basement is designed to support significant mature trees and deep root planting.</p>	<p>The proposed basement car parking levels has also encroached into the required 10m setback along Epping Road and proposes a 5m setback directly underneath the proposed building (see Figure 40). The proposed basement would not be visually prominent from Epping Road as it would be completely below natural ground levels. The proposed setback is satisfactory in this instance as it would be capable to provide for deep soil plantings for mature trees to be maintained within this setback area. It is noted that Council's Landscape Architect/Arborist has assessed the submitted landscape plan and has supported the level of landscaping proposed along the Epping Road frontage.</p>  <p>Figure 40 – Proposed 5m basement setback to Epping Rd</p>
<p>g. Awnings, canopies, balconies, sun shading and screening elements can project forward of the street setback line.</p>	<p>Complies Sun shading/screening is provided as permitted by this control. The screening however projects to within 4.6m of the Epping Road boundary. The projection of fins (designed to create façade articulation, provide sun shading and mitigate noise) into the street setbacks is acceptable.</p>
<p>h. 60% of the street setback area is to be soft landscaping. Existing mature trees are to be retained where possible. Paved areas are to relate to the materials and finishes of</p>	<p>Complies The development provides significant areas of soft landscaping to all street setbacks. The setbacks also include a pedestrian footpath including paving that is consistent with internal Site areas and which integrates with surrounding sites and the public domain.</p>


Relevant Control	Compliance/Comment
the adjacent streetscape. At grade car parking must not be located within this setback.	Paving finishes are in keeping with the remainder of the site. No at grade parking is proposed.
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 are encouraged elsewhere in the Corridor.	Complies Active street frontages are not required as per Figure 7.3.2. Nonetheless, awnings are proposed over the retail/café and each building entrance lobby facing the central open space area. The overhang of the upper storeys will provide an awning-like structure over the ground floor to provide shade and weather-protection thereby enhancing the amenity of the site for pedestrians. The building over-hang providing an awning will also provide vertical and horizontal façade modulation contributing to the high-quality design and visual interest of the proposed built form.
b. Awning width is to be 3 m.	The awning width is a minimum 3.5m
c. Provide awnings with a soffit height of 3.6m above the finished ground floor level. On sloping sites, awning soffit height may vary from 3.6 m - 4.2 m.	The upper level overhang performing the function of an awning exhibits a soffit height compliant with the control requirements.
d. Awning heights are to be coordinated with adjoining properties.	The awnings are not proposed for locations in proximity to adjoining properties.
e. Where the topography slopes along the street, awnings are to step to provide a regular height over the footpath. Steps in awnings should not exceed 600mm.	The site does not slope along the street and no stepped awnings are proposed.
f. Stepped awnings must be detailed to provide continuous weather protection.	No stepped awnings are proposed.
g. Glazing is not permitted in continuous awnings.	No glazed continuous awning is proposed.
h. Entry canopies and discontinuous awnings may be provided to building entries not located along Active Frontages.	Entry canopies are proposed to provide additional façade modulation and have been incorporated with the overall design of the development to achieve a positive and coherent visual outcome.
i. Entry canopies may be glazed or solid and are to be coordinated with a soffit height of 3.6 m minimum.	The entry canopies are solid and have been coordinated with the design of the development.
7.7 Rear and Side Setbacks	
a. Buildings are to be set back 10m from the rear boundary	Complies

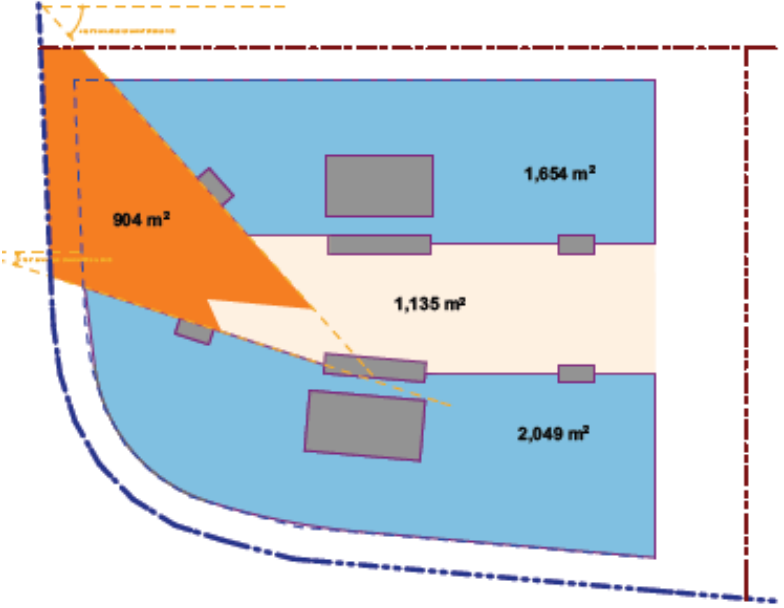
Relevant Control	Compliance/Comment
and 5m from a side boundary unless a proposed new road is shown on the site.	For the purposes of this control the boundary adjacent to the Estate Road is considered a rear setback. The development complies with the minimum setback requirement.
b. Buildings are not to be constructed on the locations for proposed new roads. An allowance for a 5m setback from a proposed road should also be made.	Complies The development is not to be constructed on Road 6 and the appropriate setback has been provided.
c. Awnings, canopies, balconies, sun shading and screening elements may project into the rear setback zones	Complies Sun shading has been provided along the side boundary.
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 car parking has been setback at least 5m from the Estate Road and Road 6.
e. Above ground portions of basement car-parking structures are discouraged and deep soil planting is promoted.	Complies Above ground parking is not proposed. The stepped design of the lower ground and mezzanine levels responds to the natural topography of the site and ensures that all car parking areas will be located below the level of the street and footpath adjoining the site boundaries. All setbacks will incorporate deep soil landscaping to soften the appearance of the built form and enhance the amenity of the site.
f. Natural ground level is to be retained throughout side and rear setbacks, wherever possible. Refer to Section Topography and Building Interface for controls.	Complies The natural topography will be generally maintained.
7.7 Building Separation	
<p>The relevant objectives of this clause are:</p> <ol style="list-style-type: none"> 1. To allow solar access to buildings and communal areas. 2. To retain mature vegetation between buildings and allow for deep soil planting. 3. To provide a visual break between buildings and reduce the perceived bulk and scale of the built environment. 4. To provide visual privacy between buildings. 5. To provide outlook from buildings. 	<p>Does not comply</p> <p>The development has proposed a setback between the buildings of between 16.229m - 20.78m within the central courtyard and a maximum separation of 32.144m within the front Lane Cove Rd forecourt area.</p>

Relevant Control	Compliance/Comment
<p>a. Provide minimum 20m separation between buildings facing each other within a site.</p>	 <p>Figure 41 – Proposed relevant building separation distances</p> <p>It is considered that the proposed non-compliance with building separation at only one point in the throat of the development would not significantly adversely impact upon the achievement of the relevant objectives of the clause for the precinct as a whole where, as discussed in further detail above in this report, the proposed buildings would allow for reasonable levels of solar access to both buildings as well as the communal central courtyard and front forecourt areas as depicted within the submitted comparative analysis assessment.</p> <p>The proposed building separation has been maximised where possible due to the proposed reduction due to in part the proposed building setback to Epping Road. It has been maximised when compared to previous schemes from 25.835m to 32.144m at the front courtyard area and from 12.426m to 16.132m at the throat section of the development. It is noted that the rear building separation had been reduced from 25.329m to 20m adjacent to Estate Rd however it is compliant with the required building separation requirement within the DCP.</p> <p>The variation is supportable as the proposed development would allow for mature landscaping to be planted/maintained between the buildings and with provision of adequate deep soil areas where possible. The development would provide for a satisfactory visual break between the buildings and contain an appropriate visual bulk and scale outcome on the subject site. Privacy would be maintained between the two buildings and provide for visual interest with the different distinctive design styles of the buildings.</p>
<p>b. Provide minimum 10 m separation between buildings perpendicular to each other within a site. This reduced building separation control only applies where the width of the facing facades does not exceed 20 m.</p>	<p>N/A No perpendicular buildings are proposed.</p>

Relevant Control	Compliance/Comment
7.8 Building Bulk and Design	
a. The floorplate of buildings above 8 storeys is not to exceed 2,000m ² , unless it can be demonstrated that slender building forms are achieved through courtyards, atria, articulation or architectural devices.	<p>Complies</p> <p>This control is applicable to Building B only. Each level of this building has an area of 1684m² which complies with the control.</p>
b. Buildings are to address the street and are to have a street address.	<p>Complies</p> <p>The buildings have been designed to address the street which is achieved by the orientation of building openings including windows and doors to overlook the street, highly articulated facades and the provision of a glass corner to reinforce the street corner and create significant visual interest.</p>
<p>c. Facade design is to</p> <ul style="list-style-type: none"> i. Reflect and respond to the orientation of the site using elements such as sun shading and other passive environmental controls where appropriate. ii. Provide building articulation such as well design roof forms, expressed vertical circulation etc. iii. Express corner street locations by giving visual prominence to parts of the façade (e.g. a change in building articulation, material or colour, or roof expression). iv. Integrate and co-ordinate building services such as roof plant, parking and mechanical ventilation with the overall façade and building design and be screened from view. v. Roof forms, building services and screening elements are to occur within the overall height controls. Refer to Ryde LEP 2014 for height controls. vi. Ventilation louvres and car park entry doors are to be coordinated with the overall façade design. 	<p>Complies</p> <p>The façade is of a high quality and makes use of sunshades and louvres.</p> <p>The façade design is generally well articulated.</p> <p>The façade provides for visual prominence at the primary corner being Lane Cove Road and Epping Road.</p> <p>Building services have been incorporated into the façade design with exception of the substation kiosks. These are located adjacent to Building B and the Estate Road. The applicant has advised that the kiosk cannot be relocated elsewhere either internally of the building or development and has updated the landscaping plans to ensure it would be sufficiently screened.</p> <p>The proposed roof form has been integrated with the design of the development and is predominantly flat to minimise the appearance of the bulk and scale of the development. To create visual interest and respond to the overall design of the building the roof also includes architectural roof features.</p> <p>All ventilation louvers, car park entries and building services have been integrated with the design of the development so as not to detract from the visual quality of the development.</p>
d. The distance of any point on a habited floor from a source of	Does not comply

Relevant Control	Compliance/Comment
<p>natural daylight should not exceed 12m (such as from the core to an external window).</p> <p>i. Atria and courtyards are to be used to promote access to natural light, pedestrian links and slender building forms.</p> <p>ii. Arrange courtyards and atria to respond to street lot & solar orientation.</p> <p>iii. The preferred height to width ratio of atria is 3:1.</p>	<p>The maximum width of building A is 28.13m and Building B is 25.1m. This will result in a small portion of the floor not being within 12m of natural light. The variations occur for the eastern portion of the buildings. In this area, the development complies with the 20m building separation requirement. The variation is numerically small and is a consequence of the configuration of the site. The variation is considered satisfactory.</p>
<p>e. Buildings are to be designed to be flexible – car parking above the ground level is to have a floor to ceiling height of not less than 2.7m.</p>	<p>Complies Due to topography the basement car parking will not project above natural ground level.</p>
8.0 Site Planning and Staging	
8.1 Site Planning and Staging	
<p>a. Sites are to be planned to allow for the future provision of new streets, pedestrian connections and open spaces in accordance with Figure 4.1.1 Access Network and Figure 5.1.1 Proposed Open Space Network. Where it is proposed to vary the locations of open space, and roads; a master plan must be submitted with the development application.</p>	<p>Complies In accordance with Figure 4.11 and 5.11 in the DCP, the site is required to provide a new road adjacent to the northern side boundary. The development complies with these requirements.</p>
<p>b. All sites 15,000m² or more in area should lodge a site-specific Master Plan and/or Stage 1 development application for approval.</p>	<p>N/A Whilst the site has an area of 17,193m² it is already partially developed with the Kia Motors building. It is not considered that a site -specific master plan and/or stage 1 development application would be beneficial in any meaningful way.</p> <p>A full development application, as proposed, allows for a detailed assessment to be carried for the part of the site which has yet to be developed.</p>
8.2 Site Coverage, Deep Soil Areas and private open space	
<p>The relevant objectives of this clause are:</p> <p>1. To maintain the 'campus style' industrial parklands character that typifies much of the Corridor.</p> <p>2. To provide developments with a high level of amenity and landscape character.</p>	<p>Does not comply 1,498.5m² (18.88%) of deep soil is provided.</p>

Relevant Control	Compliance/Comment
<p>3. To retain existing mature trees and allow for future tree planting.</p> <p>4. To provide occupants with passive recreational opportunities.</p> <p>5. To provide an area on site for soft landscaping and deep soil planting.</p> <p>6. To improve stormwater quality and minimise water consumption through implementation of water sensitive urban design guidelines.</p> <p>a. A minimum 20% of a site must be provided as deep soil area.</p> <p>b. Deep soil areas must be at least 2 m deep.</p> <p>c. For the purpose of calculating deep soil areas, only areas with a minimum dimension of 20 m x 10 m may be included.</p>	 <p>Figure 42 – deep soil map (deep soil areas hatched in dark purple)</p> <p>The figure above demonstrates the area of deep soil planting provided under the development on the subject site. The variation in deep soil area is partly due to the provision of Road 6 on the site along the northern boundary and the proposed variation is minor. Whilst the 20% is not achieved in this instance, the proposal employs other innovative landscape techniques to 'green' the site including raised planters within the central courtyard area for instance.</p> <p>The proposed development will maintain the landscaped character of the precinct offering high level amenity for future users of the development. The proposed deep soil areas whilst not being able to retain existing trees on the subject site however they are wide enough to allow for future mature tree plantings. The relevant areas would provide for passive recreational and stormwater quality outcomes.</p>
<p>d. A minimum 20% of the site area is to be provided as Landscaped Area. Landscaped Area is defined as: Area on the site not occupied by any buildings, except for swimming pools or open air recreation facilities, which is landscaped by way of gardens, lawns, shrubs or trees and is available for use and enjoyment by the occupants of the building, excluding areas used for driveways, parking areas or drying yards.</p>	<p>Does not comply</p> <p>See above – the proposal incorporates mature tree planting adjacent to the site boundaries and raised planters.</p>

Relevant Control	Compliance/Comment
<p>e. Solar access to communal open spaces is to be maximised. Communal courtyards must receive a minimum of 3 hours direct sunlight between 9 am and 3 pm on the 21st of June.</p>	<p>Does not comply</p>  <p>Figure 43 – Solar access diagram (level of 3+ hours of sun to the central courtyard including the front forecourt areas)</p> <p>A total of 904sqm out of the total 2,039sqm (44%) of the available central courtyard and forecourt areas would receive a minimum of 3 hours of sunlight on 21 June. The proposed level of 3+ hours of solar access has been maximised where possible due to the proposed reduction due to in part the proposed building setback to Epping Road and increased building separation between the proposed buildings. It has been maximised when compared to previous schemes from a total area of 446sqm to 904sqm.</p> <p>Importantly, the variation is due to in part the orientation of the subject site. Solar studies and comparative assessments have been prepared which demonstrates that much of the central courtyard would still remain in shadow between 9am-3pm on 21 June. The current scheme has improved the amenity including increased levels of solar access to the proposed central courtyard and forecourt areas where possible.</p>
<p>f. Appropriate shading is to be provided so that communal spaces are useable during summer.</p>	<p>Complies Trees within the courtyard would provide shading to enhance the amenity of the site.</p>
<p>g. Communal open spaces are to incorporate the primary deep soil area where possible.</p>	<p>Complies Deep soil landscaping would be provided in the central courtyard and in all building setbacks where possible.</p>
<p>h. Landscaping is to contribute to water efficiency and effective stormwater management. Landowners are to consult with Council for requirements to address stormwater quality</p>	<p>Complies Landscaping has been designed to promote water efficiency and stormwater management.</p>

Relevant Control	Compliance/Comment
8.2 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 the following recommended standards.</p>	<p>Complies Appropriate irrigation and drainage would be provided to create optimal conditions for plant growth.</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 (i.e. zero setbacks, refer to Section 7.4 Setbacks and Build-to Lines), a level transition must be provided between the building and the adjacent footpath. This level must be maintained for a minimum depth of 10 m into the building.</p> <p>ii. Where buildings are set back from the street boundary, entries are to be provided at street level wherever possible.</p> <p>b. An accessible path of travel is to be provided from the street through the main entry door of all buildings.</p>	<p>Complies The proposed development has been designed in line with the topography of the site. The proposed buildings are setback from the street. A level transition is provided between the buildings and the footpath to facilitate accessible entry and ensure the development activates the public domain at ground level.</p> <p>An accessible path of travel is provided from the street to facilitate equitable access to the buildings. Access has been reviewed within the access report.</p>
<p>c. Natural ground level is to be retained for a zone of 4 m from the side and rear property boundaries. Retaining walls, cut and fill are not permitted within this zone.</p>	<p>Complies Natural ground level would largely be maintained within the side and rear setbacks.</p>
<p>d. The maximum height of retaining walls within the front, side and rear setbacks is not to exceed 1.2 m.</p>	<p>Complies Details of retaining walls have been provided. The retaining walls in the central courtyard have been designed to ensure they are within a landscaped setting.</p>
<p>e. Publicly accessible open spaces under private ownership (courtyards, forecourts) must be provided at footpath level. Where level changes cannot be avoided due to topography, the finished level of the open</p>	<p>Complies The central courtyard is publicly accessible. The design and levels of this courtyard and integrated pedestrian pathway respond to the natural topography of the site which slopes up from Lane Cove Road to the rear of the site.</p>

Relevant Control	Compliance/Comment
space must not exceed 1.2 m above footpath level.	
8.5 Site Facilities	
<p>a. Vehicular access to loading facilities is to be provided from secondary and tertiary streets where possible.</p> <p>b. Rubbish and recycling areas must be provided in accordance with Section 6.3 Waste Management. These areas must:</p> <ol style="list-style-type: none"> be integrated with the development; minimise the visibility of these facilities from the street; and be located away from openable windows to habitable rooms. <p>c. Barrier free access is to be provided to all shared facilities.</p>	<p>Complies All vehicular access to the site would be provided via the new road adjacent to the site's north eastern boundary. This would minimise the visual impact of vehicle related infrastructure and through the provision of a single access point, minimise the impact of the development on the surrounding road network.</p> <p>Rubbish and recycling areas have been provided in the basement to minimise their visual impact and prevent any adverse amenity impact.</p> <p>Access complies with relevant requirements as confirmed by the submitted BCA and access reports.</p>
8.6 Vehicular Access	
<p>a. Vehicular access is not permitted along streets identified as 'Active Frontages' (refer to Section 7.3 Active Frontages).</p>	<p>Complies All vehicular access to the site will be provided via the new road adjacent to the site's north-eastern boundary. This will minimise the visual impact of vehicle-related infrastructure and through the provision of a single access point, minimise the impact of the development on the surrounding road network. No new access from Epping Road or Lane Cove to the individual site will be created.</p>
<p>b. Where practicable, vehicle access is to be from secondary streets.</p>	<p>Complies All vehicular access would be provided via Road 6.</p>
<p>c. Potential pedestrian/vehicle conflict is to be minimised by:</p> <ol style="list-style-type: none"> limiting the width and number of vehicle access points ensuring clear site lines at pedestrian and vehicle crossings utilising traffic calming devices separating and clearly distinguishing between pedestrian and vehicular accessways 	<p>Complies The design of the driveway and footpath would ensure clear sight lines for vehicles and pedestrians. Vehicle and pedestrian routes would be clearly defined by directional signage and design features including paving type.</p>

Relevant Control	Compliance/Comment
<p>d. The appearance of car parking and service vehicle entries is to be improved by</p> <ul style="list-style-type: none"> i. locating or screening garbage collection, loading and servicing areas visually away from the street ii. setting back or recessing car park entries from the main façade line iii. avoiding black holes in the façade by providing security doors to car park entries iv. where doors are not provided, it is to be ensured that the visible interior of the car park is incorporated into the façade design and material selection and that building services pipes and ducts are concealed, and v. returning the façade material into the car park entry recess for the extent visible from the street as a minimum. 	<p>Complies</p> <p>Garbage collection and loading would be undertaken within the internal areas of the building (mezzanine level) to prevent the presentation of unsightly areas. The basement/car park entry has been integrated in the design of the rear elevation and accordingly is not highly visible from the street.</p>
<p>e. The width of driveways is to be determined in accordance with the requirements of Ryde DCP 2014 and the relevant Australian Standards.</p>	<p>Complies</p> <p>Achieved. The egress and ingress are separated by a raised median. Each driveway has a width of 3.625m.</p>
8.7 Onsite Parking	
Basement parking	
<p>a. Basement parking areas should be located directly under building footprints to maximize opportunities for deep soil areas unless the structure can be designed to support mature plants and deep root plants.</p>	<p>Complies</p> <p>The basement is proposed directly underneath the two buildings to enable deep soil landscaping within the setbacks and as well as the central space between the two buildings. The central space has been provided with adequate plantings by using raised planter boxes. Whilst the basement will encroach 5m into the required 10m Epping Road street setback area, appropriate site conditions for landscaping will be maintained to allow for mature plantings to be maintained.</p>
<p>b. Basement parking areas must not extend forward of the building line along a street.</p>	<p>Does not comply</p> <p>The basement has extended within the front setback area along Epping Road and it is consistent with the setback of the building. The 5m setback still allows for detailed plantings to be provided in this area as shown in the submitted landscape plans.</p>

Relevant Control	Compliance/Comment
c. Basement parking should be contained wholly beneath ground level along public streets.	Complies The development complies with this requirement. The stepped design of the lower levels responds to the natural topography and ensures the car parking is beneath ground levels. All car parking areas will be located below the level of the street and footpath adjoining the site boundaries.
d. Ventilation grills or screening devices of car park openings are to be integrated into the overall façade and landscape design of the development.	Complies Ventilation and the car park entrance have been integrated with the design of the facades and provided in the rear building elevation to minimize visual impact.
e. Along all street frontages, above ground parking levels are to be laminated with another use for a minimum depth of 10 m, e.g. building entry lobbies, retail tenancies, commercial floor space.	Complies The stepped design of the lower ground and mezzanine levels responds to the natural topography of the site and ensures that all car parking areas will be located below the level of the street and footpath adjoining the site boundaries.
f. Temporary above ground parking structures are to be designed to allow future adaptation to other uses. Ramps should be located internally rather than on the facades of parking structures to allow ease of adaptation of use.	N/A No temporary above-ground parking structures are proposed.
8.8 Fencing	
a. Fencing is not permitted on the perimeter boundary of sites. Security should be provided within buildings.	Complies Fencing is not proposed along the perimeter of the site. Internal building security will be provided.
9.0 Environmental Performance	
9.0 Environmental Performance	
a. Commercial development is required to achieve a 4 Star Green Star Certified Rating.	Complies The proposal for commercial purposes would incorporate ESD initiatives.
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 level are avoided.	Complies The applicant has provided a Wind Environment Statement. The existing wind conditions at street level are described as being close to the 16m/s 'walking comfort' criteria for some prevailing wind directions, with adverse winds of more than 16m/s potentially occurring from the northeast and southeast. As a result of the proposed development, wind speeds at ground level along surrounding footpaths are predicted to remain at similar levels or be reduced, subject to the following in respect of the future wind environment as follows: <ul style="list-style-type: none"> • The winds along the surrounding footpaths would remain at similar levels or be reduced providing the current proposed landscaping plan is implemented.

Relevant Control	Compliance/Comment
	<ul style="list-style-type: none"> • There may be some potential for wind channelling between buildings however the landscaping proposed within this space will mitigate this. • Vegetation and landscaping are recommended to be retained to protect building terraces.
9.2 Noise and Vibration	
<p>a. An Acoustic Impact Assessment report prepared by a suitably qualified acoustic consultant is required to be submitted with all development applications for commercial, industrial, retail and community buildings, with the exception of applications minor building alterations.</p> <p>b. Development is to comply with all relevant statutory regulations.</p>	<p>Complies</p> <p>An acoustic report has been submitted with the development application and provides an assessment of the operational noise generation of the proposed development as well as external noise impact on the development. This report has concluded that the development will comply with the relevant noise targets for commercial premises.</p> <p>As confirmed within the Acoustic Report, the development is capable of compliance with all relevant criteria.</p>
<p>c. Where light industrial and commercial development adjoins residential development, the use of mechanical plant equipment and building services will be restricted and must have appropriate acoustic insulation.</p>	<p>Complies</p> <p>Noise potentially generated by the development will be noise emissions from the mechanical plant. This could have a potential impact in the Quest Serviced Apartments and the residential development south of the site. The acoustic report has concluded that all plant can be satisfactorily attenuated to levels complying with the noise emission criteria through appropriate location and (if necessary) standard acoustic treatments. The report has concluded that it will be necessary to undertake at CC stage a detailed acoustic review of the mechanical plant at CC stage once the details of the mechanical plant selections and locations are known. A condition of consent has been imposed to reflect this requirement. (See condition 88).</p>
<p>d. Loading and unloading facilities must not be located immediately adjacent to residential development.</p>	<p>Complies</p> <p>The loading dock will be accessed from Road 6 and is not adjacent to any residential properties. It is in the vicinity of the Quest Serviced Apartments however the loading dock is fully enclosed and will be compliant with the EPA Noise Policy for Industry criteria.</p>
<p>e. Retail premises must limit any spruiking and the playing of amplified music or messages so as not to disturb the amenity of other public and private places.</p>	<p>Complies</p> <p>Given the size of the retail/commercial spaces, it is unlikely that spruiking or loud music will be an issue. The applicant has advised that no loud music would be play However, a condition of consent can be imposed restricting these activities.</p>
<p>f. Air conditioning ducts shall not be situated immediately adjacent to residential development.</p>	<p>Complies</p> <p>Air conditioning ducts do not immediately adjoin any residential development.</p>
9.3 Bushfire Management	
N/A – the subject site is not identified as bushland prone land	
9.4 Soil Management	

Relevant Control	Compliance/Comment
a. Development is to comply with the City of Ryde DCP 2014.	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.
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.	The development has been designed in response to the natural topography of the site which slopes up from Lane Cove Road at the front of the site to the rear. Unnecessary earthworks have been minimised through the stepping of the buildings and courtyard up the Site in accordance with the natural slope of the land. Soil loss will be minimized through effective site management during construction phases.
c. Effective site management and maintenance practices are to be followed to prevent soil loss.	Appropriate stormwater management will be implemented.
d. An Erosion and Sediment Control Plan (ESCP), prepared by a suitably qualified environmental engineer, is required to be submitted in support of all development proposals requiring development consent under the Ryde Local Environmental Plan, (other than for minor building modifications) including: Demolition; Excavation; Trenching and Building.	An Erosion and Sediment Control Plan is provided The Erosion and Sediment Control Plan addresses all phases of the development.

Part 9.2: Access People with Disabilities

An Access Review has been submitted in support of the proposed development which included the following recommendations as follows:

- Provide compliant handrails on both sides of egress/egress stairs in accordance with AS1428.1.
- The floors for each tower should alternate between left hand (LH) to right hand (RH) pan access accessibility bathrooms on each floor.
- Make provisions in each toilet block for 1 x male and 1 x female ambulant cubicle as per AS 1428.1:2009.

Lift access between all levels and continuous accessible pedestrian access from public domain areas to the entrances of the development would be provided for under the subject application. Appropriate access to the proposed lifts is also provided for.

The proposal is satisfactory in relation to compliance with Part 9.2 of the DCP. A condition of consent will be imposed to ensure compliance with this report. (See condition 54 and 161).

Part 9.3: Car Parking

The DCP requires car parking to be provided at the following maximum rates;

- Commercial – 1 space per 100m² GFA (a maximum provision of car parking under the DCP)
- Retail/Restaurant – 1 space per 25m² GFA.
- Recreation Facilities (Indoor)/Gymnasium – 1-1.5 spaces/20m² GFA.

Based on 33,726m² of commercial floor space approximately 450m² of retail floor space and 349m² of gym floor space, the development could provide car parking up to a maximum of 368 car parking spaces. However, a total of 344 spaces are proposed. As the car parking provided is less than the maximum amount of car spaces, the development complies and is satisfactory in this instance.

Furthermore, the RDCP2014 requires accessible parking to be provided at a rate of 3% of the number of car parking spaces required, or part thereof. Application of this rate to the 344 car parking spaces proposed, results in a requirement for 10 accessible spaces. Accordingly, the proposed development provides a total of 14 accessible spaces.

Bicycle parking is required at a rate of 10% of the required car spaces or part thereof. Accordingly, the proposed development, which provides a total of 344 car parking spaces, requires a total of 35 bicycle parking spaces. The proposed development provides 86 bicycle parking spaces on the mezzanine level in a secure location and is readily accessible from the street via the ramp from the new road adjacent to the north eastern site boundary.

The RDCP2014 does not specify a minimum provision for loading facilities associated with commercial office buildings. Therefore, the RMS Guide recommends provision for loading to be provided at the following rate for commercial developments in-excess of 20,000m² GFA:

- 5 spaces + 1 space per 8,000m² over 20,000m².

Application of the above rates to the proposed development results in a recommended provision of seven service vehicle spaces. The proposed development provides a total of six service vehicle bays are provided, comprising two truck loading bays for 8.8m MRV access, with the remaining four for couriers. The courier bays can accommodate either four courier vans or the equivalent of three x 6.4m SRVs. The development represents a shortfall of 1 service vehicle space. This is considered acceptable given there is the provision of the new road which will also provide for on street parking.

The proposed development also provides 19 motorcycle parking spaces.

The proposal is satisfactory in relation to compliance with Part 9.3 of the DCP.

7.12 Planning Agreements OR Draft Planning Agreements

See Section 7.2 of this report discussion on the proposed VPA lodged by the applicant.

7.13 City of Ryde Section 7.11 Development Contributions Plan 2020

As part of the VPA, Section 7.11 development contributions will be incorporated into the VPA. As such, no condition of consent will be imposed on this development.

8 THE LIKELY IMPACTS OF THE DEVELOPMENT

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

Design and Appearance

The proposed development is a high-quality design. The design has evolved where the glazed facades have been articulated through vertical fins which would create visual interest, sun shading, a sound barrier and maximise views. The proposed colours would complement the glazed facades. The design has been further improved by the introduction of horizontal blades and landscaping to soften the development with deep soil landscaping adjacent to Epping Road to accommodate mature planting. The built form when viewed from the courtyard has also been softened through landscaping including green roofs over the terraced lobbies and raised planter beds for trees.

While Council's UDRP have supported the architectural expression, they have raised concerns in respect of the final resolution of a number of aspects of the façade design. Ideally the environmental performance of the façade systems, their appearance and a comprehensive specifications for materials and finishes should be resolved prior to development consent. The Panel were concerned that the final resolution of these factors may result in a different building appearance that what has been provided at the DA stage. The applicant has advised that the input from the ESD consultants will take time as well as additional costs and have requested the matter be addressed as a condition of consent. This has been addressed as a deferred commencement condition.

A Solar Reflectivity and Glare Assessment has been submitted. The purpose of the report is to assess the reflectivity of the façades of the proposed buildings. The report identified areas that may be affected by adverse glare along Lane Cove Road. It is recommended that glazing with a reflectivity coefficient of less than 10% be used on the northeast façade of Building B, less than 15% on the southeast façades of Building A and Building B, and less than 20% for all other glazing. It also recommended that the proposed façade 'fins' be retained.

Traffic

The performance of the key intersections that are impacted by the site (Lane Cove Road with Epping Road; and Epping Road with Wicks Road) was analysed using SIDRA Intersection Modelling. The results demonstrate that the key intersections in the vicinity of the site have been found to be approaching capacity under existing conditions but are still operating at an acceptable or at capacity levels during peak hours. The proposed increase of traffic from the proposed development would not add to net traffic generation associated with the relevant intersections and no traffic mitigation measures are required in this instance.

9 SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The site is zoned for commercial purposes and is located within the Macquarie Park precinct which is designated for renewal for a major office market. The proposed development will facilitate the continued use as predominantly as a commercial office premises and to create a gateway to the precinct. The development would generate significant employment during both its construction and operation phase. It would also provide public benefits with the proposed central courtyard. The proximity of the site to public transport and residential areas would make the subject site ideal for commercial purposes.

The site is suitable for the development and is consistent with the aims and objectives of the B3 zone by providing employment and services to the local community, in a highly accessible location.

10 THE PUBLIC INTEREST

The proposed development would not be contrary to the public interest in the following manner:

- it supports the use of the site as a commercial development within a well-established commercial area and is consistent with the objectives of the B3 zone.
- it would not create any significant adverse environmental or amenity impacts on surrounding sites or on the public domain.
- Results in jobs creation and an overall positive impact for the Ryde Local Government Area and broader Sydney region.

11 REFERRALS

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

Internal Referral Comments

Consultant Landscape Architect and Arborist

The comments from Council's Consultant Landscape Architect and Arborist are detailed below:

This addendum has been prepared in response to amended plans and information received as part of a development application for the construction of two (2) multi-storey commercial buildings and associated external works at the subject site being 75 Epping Road, Macquarie Park.

It is noted that this this addendum follows a preliminary assessment completed by CPS dated 24 June 2021 as well as an extended period of ongoing phone and email correspondence between CPS, the applicant and the City of Ryde Development Assessment Team. Detailed within this previous assessment and past correspondence were a number of concerns with the proposal which prevented it from being supported from a landscape and arboricultural perspective. These concerns included the following:

- *Insufficient information provided within the landscape documentation to facilitate an accurate assessment of level arrangements within proposed open space areas;*

- *Inaccurate and otherwise insufficient information provided within the submitted Arboricultural Impact Assessment (AIA);*
- *The level of impact to, and subsequently proposed removal of, several trees located within the neighbouring allotments at No. 71 Epping Road, No. 269 Lane Cove Road and No. 26-32 Waterloo Road.*

Following a review of the amended information received, the following commentary has been provided as to the suitability of the revised scheme:

Resolved – Level Information:

Within the previous review completed by CPS, it was noted that level information had not been provided to facilitate a full assessment of the open space areas associated with the development. After communicating this issue to the applicant, they have submitted revised landscape documentation (prepared by Arcadia - Revision K, dated December 2021) which now provides the requested information. With this material now on hand, those proposed level arrangements are generally considered to be suitable given adequate allowances have been made for access, drainage and planting soil volumes for landscaped areas on podium. As such, it is considered that this issue has been satisfactorily resolved.

Unresolved – Arboricultural Impact Assessment:

Also of concern was the Arboricultural Impact Assessment (AIA) prepared by Naturally Trees: Revision B dated 19 February 2020 had relied upon out-of-date Architectural Plans which related to a previous revision of the proposal. Further concerns were raised with regard to the report failing to provide the following required information:

- *Tree stem diameters above the root buttress (DAB) and subsequent calculation of Structural Root Zones (SRZ) for all trees assessed;*
- *Detailed incursions, provided as an exact percentage, into the Tree Protection Zones (TPZ) and Structural Root Zones for all trees assessed.*

Despite efforts made to update relevant tree location plans and drawing references, the amended AIA received (Revision C, dated 17 February 2022) is almost identical to the previous report and therefore maintains the above-mentioned shortcomings. Given these issues have been clearly communicated to the author of the report via formal letters, emails and verbal correspondence on several different occasions, it is considered that any further requests to have the applicant address these issues would likely be unsuccessful. Taking this into account, and in the interest of proceeding towards a determination for this development application, CPS has undertaken an independent desktop-based assessment of these impacts to existing trees likely to occur as a result of the development. Where data is lacking, such as in the absence of DABs and associated SRZs, CPS has applied a common-sense approach to bridging the information gap using industry experience as a guide.

Following completion of this desktop-based assessment, the removal of 96 trees (Trees 1-3, 5-60, 68-71, 74-86, 91, 93-95, 99-101, 103-113, 124 & 125) has generally been supported. This includes all 86 site trees as well as 10 additional trees located within the neighbouring allotments at No. 71 Epping Road (Tree 105) and No. 269 Lane Cove Road (Trees 69, 70, 79, 82, 107, 108, 109 & 125).

For future reference, it is acknowledged that those trees supported for retention and removal have deviated from the recommendations of the latest AIA due to the following reasons:

- Tree 4 (nominated for removal) appears to have already been removed from site in the early part of 2017 (as evidenced by Google Street View);*
- Tree 73 (nominated for removal) located within the neighbouring allotment at No. 269 Lane Cove Road is to be subjected to 'Major' but sustainable incursions to its nominal Tree Protection Zone (TPZ) and estimated Structural Root Zone (SRZ) as a result of the proposed civil works associated with New Road 01. This impact is considered tolerable subject to the implementation of the tree protection conditions outlined within Section 3 below.*
- Trees 87, 88, 89 & 90 (nominated for removal) located within the neighbouring allotment at No. 26-32 Waterloo Road are to be subjected to a 'Major' but sustainable incursions to their nominal TPZs and estimated SRZs as a result of the proposed civil works associated with New Road 03. Given the extent of existing kerbs, gutters and hard paving areas located to the south-west of these trees, it is estimated that root development within the area of proposed works is likely to have been significantly reduced. The possibility of successfully retaining these trees is further enhanced by the fact that the design levels for the proposed roadway and adjacent pedestrian access path, within the TPZ of these trees, are generally located at or above the existing ground levels. Impacts to these trees are therefore considered tolerable subject to the implementation of the tree protection conditions outlined within Section 3 below.*
- Tree 103 (nominated for retention) is located within the footprint of a proposed kerb.*

Further to the above, it was noted that two (2) additional site trees could likely be retained as part of the proposed works (Trees 1 & 42). Whilst these trees are to be subjected to either nil or sustainable incursions to their nominal TPZs, their removal has been supported in order to facilitate installation of the updated landscape scheme proposed.

Despite general support for removal of those ninety-six (96) trees identified above, it is important to note that the overall scale of tree removal on site is considered likely to result in a moderate-high level of impact to the established character of the site and the surrounding landscape setting. Whilst tree removal of this scale would usually not be supported, it is acknowledged that the majority of those trees to be removed appear to have come as a result of the allowable building footprints and new roadway requirements mandated by Part 4.5 of Ryde DCP 2014. It shall also be noted that the site and adjoining allotments were almost entirely cleared by 1943 and those existing trees located within proximity to the proposed works were most likely planted in conjunction with previous site improvements. This is supported by the conclusions of the Biodiversity Assessment (prepared by Écologique Environmental Consulting dated 12 August 2019) which states that the proposal is unlikely to result in any significant Ecological impacts.

With regard to allowable building footprints, it is acknowledged that the proposal seeks a variation to the prescribed 10m setback to the Epping Road boundary with only a 5m setback proposed. Contrary to the applicant's claims that adherence to the 10m setback would make no difference in the number of trees able to be retained, CPS has

determined that Trees 3, 23, 24 & 26 could be successfully retained if this setback was applied. Notwithstanding, these trees are generally not considered worthy of being a constraint on future development.

Twenty-eight (28) trees (Trees 61-67, 72, 73, 87-90, 92, 96-98, 102 & 114-123) located within the adjoining allotments at No. 269 Lane Cove Road and No. 26-32 Waterloo Road must be retained and protected in accordance with the tree protection conditions contained within Section 3.

Unresolved – Impact to neighbouring trees:

As discussed above, several neighbouring trees within the neighbouring allotments at No. 71 Epping Road and No. 269 Lane Cove Road are to be majorly impacted by the proposed works and will require removal. Previously, removal of these trees could not be supported given written consent for their removal had not been provided from the owners of each of the neighbouring allotments. As part of the amended information submitted to Council, there has been a note from the applicant's town planner which states that this consent was taking an extended period of time to obtain and would not be able to be provided prior to determination of the proposal.

Following discussions held between CPS and the City of Ryde Development Assessment Team, it is understood that provision of this consent could be applied as a condition of approval. As such, these trees (Trees 69, 70, 71, 79, 82, 105, 107, 108, 109 & 125) have now been supported for removal subject to provision of neighbouring owner's consent prior to Construction Certificate as detailed within the conditions contained within Section 3.

No objection has been raised to the development subject to appropriate conditions of consent. (See conditions 108, 109, 136 to 144).

The development has not included land owners consent to remove 10 trees on the adjoining sites. The removal of these trees is essential and necessary for the carrying out of the building and civil works on the development site. To address this issue, a deferred commencement condition has been imposed requiring the applicant to obtain development consent for the removal of the trees on the adjoining land prior to the consent becoming operative. An operational condition stating that the proposed development is modified by excluding removal of trees on the adjoining land, and the development consent does not approve removal of the trees on the adjoining land has been imposed. (See deferred commencement condition 1).City Works (Traffic)

City Works (Traffic)

Council's Traffic section raises no objection to the proposal, subject to conditions of consent. (See Condition 37, 46, 47, 78, 79, 100 to 102, 123, 174 to 176, 216).

City Works (Public Domain)

Council's Public Domain section raises no objection to the proposal subject to conditions of consent. (See Conditions 13 to 15, 83 to 87, 94 to 99, 124, 173, 177 to 195).

City Works (Drainage)

Council's Drainage Engineer raises no objection to the proposal subject to conditions of consent. (See Conditions 66 to 72, 103 to 106, 125, 166, 170 to 172).

Environmental Health Officer

Council's Environmental Health Officer has raised no objection to the proposal subject to conditions of consent. (See Conditions 19 to 35, 80, 145 to 151, 198, 199, 207 to 215).

Senior Development Engineer

Council's Senior Development Engineer raises no objection to the proposal subject to conditions of consent. (See Conditions 9 to 12, 63 to 65, 73 to 77, 81, 82, 119 to 122, 133, 134, 163 to 165, 167, to 169, 206).

Environmental Sustainability

Council's Senior Sustainability Transport and Environment Officer has reviewed the development application and has raised no objection subject to conditions of consent. (See conditions 195 to 197, 204).

Consultant Geotechnical Engineer

Council's Consultant Engineer has raised no objections to the development subject to a condition of consent that all design works and all construction works be undertaken in full compliance with all of the recommendations in the Geotechnical Report prepared by PSM dated 8 May 2019. (See condition 89).

Centres Coordinator Urban Strategy

The application was referred to Centres Coordinator in respect of the public art. No objection was raised subject to conditions of consent. (See condition 59).

External Agency Referrals

Transport for NSW

Transport for NSW have raised no objection to the development.

NSW Police

The application was referred to NSW Police, however no response has been received. The application will be conditioned to include conditions to ensure compliance with the recommendations made in the SEE and to reflect conditions of consent imposed on other developments. (See condition number 126 to 132).

12. PUBLIC NOTIFICATION & SUBMISSIONS

The application was notified and advertised for a period of 28 days between 20 May 2021 and 24 June 2021. As a result of the notification period, one submission was received. The submission was from a resident in the residential flat development on 1 Allengrove Crescent, which is located directly opposite the Epping Road frontage of the site. The concerns raised in the submission included the following:

- *The development will have direct visibility into the residents in blocks A1, A2 and A3 which will impact on the occupant's privacy. Privacy will also be affected due to the development at 1 Paul Street LDA2020/0293.*

Comment: Figure 44 demonstrates the development at 1 Allengrove Crescent as viewed from Epping Road. This development is entirely residential. 1 Allengrove Crescent and the subject site are separated by a minimum of 63m. This separation is sufficient in respect of maintaining privacy for the residential apartments.



Figure 44: The Epping Road elevation of the residential development at Allengrove Crescent

LDA2020/293 at 1 Paul Street was approved by the SNPP on 3 November 2021. This application is separated from 1 Allengrove Crescent by a similar distance as detailed above and is also unlikely to have a material impact of privacy.

- *The development will also block sunlight and views.*

Comment: Shadow diagrams were submitted for mid winter and summer. These diagrams demonstrate that during mid winter the development will not result in overshadowing to 1 Allengrove Crescent. Figure 45 illustrates the shadow diagrams submitted with the development application.

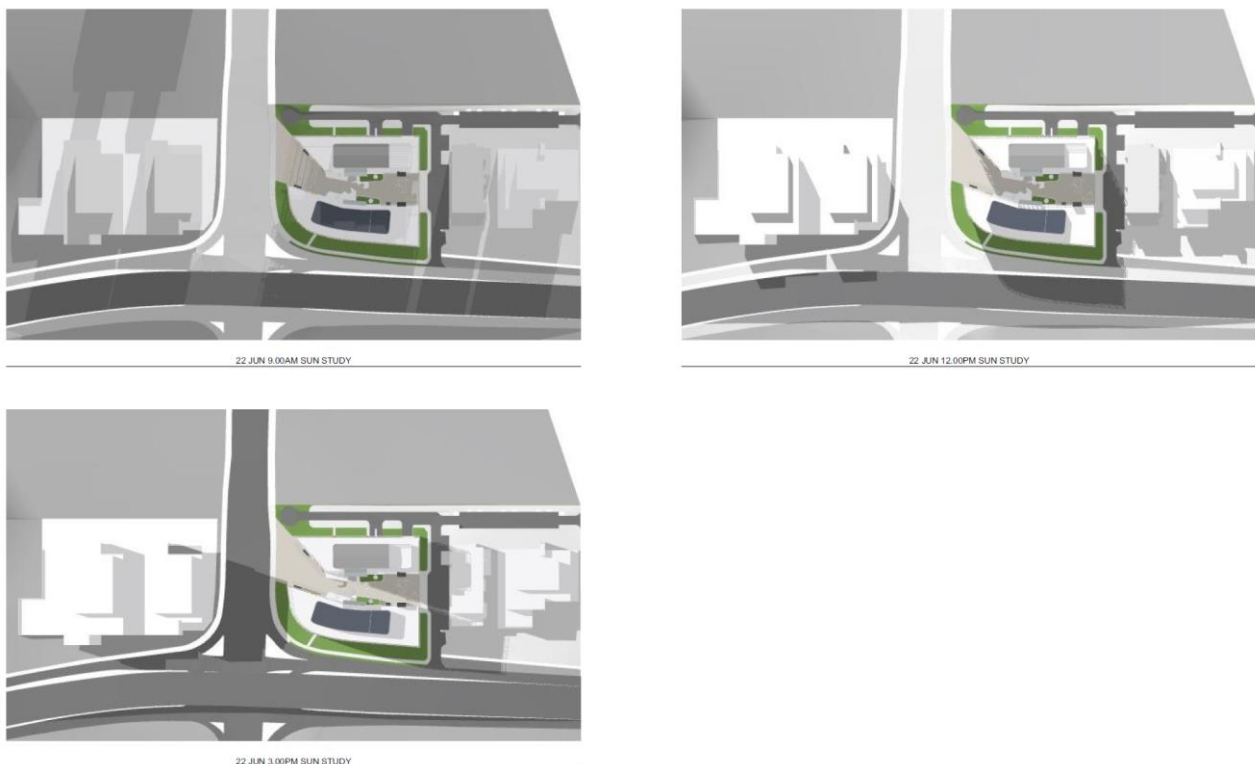


Figure 45. Overshadowing of the proposed development during mid winter.

- *The development will result in pollution during the construction period.*

Comment: All development will have an impact during construction. Standard conditions of consent will be imposed to mitigate the impact of the development during construction. These conditions include restricting the hours of work, public spaces to remain clear at all times, safety fencing, erosion and sediment controls, noise management plan and dust control.

- *The construction of high rise apartment buildings in LDA2020/29 at 1 Paul Street will also cause further congestion in traffic on Lane Cove Road.*

Comment: This is not a relevant consideration in the assessment of this DA.

13. CONCLUSION

The development has taken advantage of the incentive height and floor space provisions in the RLEP 2014. In exchange for the additional height and floor space, the development has proposed Road 6 which is part of the road network required by Council's DCP controls. The applicant has provided a letter of offer for Council to enter into the VPA for the construction and dedication of this road. Council has endorsed this letter of offer. Any approval of this development would be subject to a deferred commencement condition requiring the VPA to be executed before the development consent is operable.

The development results in at least six variations to the DCP. These variations are in respect to the setback along Epping Road, building separation, amount of deep soil planting, location of the front door, solar access to the central courtyard and within the building. All of the variations are considered to be justifiable on the merits of the application.

After consideration of the development against section 4.15 of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the proposal is considered suitable for the site and is in the public interest. It is recommended the application be approved subject to a deferred commencement condition the for the following reasons:

1. The development is consistent with the desired future character of Macquarie Park Precinct (as set by the suite of controls and standards contained within RLEP 2014 and RDCP 2014).
2. The proposed development allows for the orderly development of the site.
3. The proposed development is consistent with the zone objectives and the objectives of the relevant planning provisions.
4. The proposed development will contribute to significant economic growth and the future prosperity of Macquarie Park.
5. The development does result in variations to the controls within Part 4.5 Macquarie Park Corridor. Despite these variations, the development is consistent with the objectives of the DCP controls.
6. One submission was received in relation to the proposed development. The issues raised in this submission do not warrant the refusal of the application.

14. RECOMMENDATION

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

- A. That the Sydney North Planning Panel grant consent to development application LDA2021/160 for a mixed use commercial and retail development comprising of two buildings over 2 basements and a new road at 67-75 Epping Road, Macquarie Park, subject to the conditions of consent in **Attachment 1** of this report.
- B. That a copy of the development consent be forwarded to Transport for NSW and Water NSW.

Report prepared by:

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Report approved by:

Liz Coad
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