

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSNH-296
DA Number	LDA2022/0021
LGA	City of Ryde
Proposed Development	<ul style="list-style-type: none"> • Site preparation works, tree removal, civil and stormwater infrastructure and vehicular access • Construction of a 5 basement and multi-storey podium car park, waste facilities and building services • Erection of a mixed-use development comprising a 5 storey podium with retail tenancies, a restaurant and a centre-based child care facility and residential uses • Erection of 3 residential towers containing 34, 41 and 55 levels.
Street Address	100 Talavera Road, Macquarie Park, Lot 2 DP 1268157
Applicant/Owner	Karimbla Properties (No. 52) Pty Ltd
Date of DA lodgement	24 January 2022
Total number of unique submissions	First notification: 10 submissions objecting to the development Second notification: 1 submission objecting to the development
Recommendation	Approval
Regionally Significant Development (Schedule 6 of the SEPP (Planning Systems) 2021)	General development over \$30 million. Cost of works: \$368,247,553.00 excluding GST
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 • Rural Fires Act 1997 • Environmental Planning and Assessment Regulation 2021 • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Industry and Employment) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • Ryde Local Environmental Plan 2014 • Ryde Development Control Plan 2014 • Ryde Section 7.11 Development Contributions Plan 2020
List all documents submitted with this report for the Panel's consideration	Attachment 1: Proposed Architectural Plans Attachment 2: Proposed Landscape Plans and Civil Plans Attachment 3: Satisfactory Arrangements Certificate from DPE Attachment 4: Assessment against ADG & DCP Attachment 5: Draft Conditions of Consent
Clause 4.6 requests	Nil

Summary of key submission issues	<ul style="list-style-type: none"> • Scale of development and visual impact • Traffic impact • Wind impact • Overshadowing impact • View impact • Lack of infrastructure to support development: • Social impact to the community • Environmental impact • Construction impact
Report prepared by	Holly Charalambous – Senior Coordinator Development Assessment
Report date	8 February 2022

Summary of s4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the Assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	No
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.24)?	Not applicable
Conditions Have draft conditions been provided to the applicant for comment?	Yes

1. EXECUTIVE SUMMARY

This report considers a development application under Section 4.15 of the *Environmental Planning and Assessment Act (EP&A) 1979* on land at 100 Talavera Road, which is legally described as Lot 2 DP 1268157. This application is classed as integrated development under the EP&A Act 1979 as the site is within 40m of a waterway and within 40m of bushfire prone land. The relevant approval bodies are NSW Rural Fire Service and Water NSW.

The consent authority is the Sydney North Planning Panel under the EP&A 1979 as the capital investment value exceeds \$30 million.

The subject development application (LDA2022/0021) was lodged on 24 January 2022 and seeks consent for a mixed use development consisting of the following (as amended):

- Site preparation works, tree removal, civil and stormwater infrastructure and vehicular access;
- Construction of a 5 storey basement and multi storey podium car park providing 1,256 parking spaces, bicycle parking spaces, waste facilities and building services;
- Erection of a mixed-use development comprising a 5 storey podium with retail tenancies, a restaurant and a centre-based child care facility and residential uses;
- Erection of 3 residential towers containing 34, 41 and 55 levels; and
- A total of 1,036 apartments across all towers and podium.

The application is consistent with Concept Development Application LDA2020/0187 approved for the site by the Sydney North Planning Panel (SNPP) on 14 October 2020, including with regard to maximum gross floor area distribution across the site, building envelopes and all conditions of consent.

This application seeks approval for the development for Stage 2 which is located entirely in Lot 2 DP 1268157. This application complements the 'Stage 1' in Lot 1 of the Concept DA, which is a completed mixed use development approved under LDA2018/0269 by the SNPP on 26 June 2019 (as described in detail later in this report).

Community notification and advertisement

The DA was notified and advertised as lodged in accordance with Part 2.1 of *Ryde Community Participation Plan*. The applicant submitted amended DA documentation which incorporated revised shadow diagrams, basement layout and more detailed elevations which were subsequently re-notified.

A total of 12 submissions were received (from 11 separate submitters) raising the following key issues:

- Scale of development and visual impact
- Traffic impact
- Wind impact
- Overshadowing impact
- View impact
- Lack of infrastructure to support development:
- Social impact to the community
- Environmental impact
- Construction impact

None of the amendments to the plans during the assessment period necessitated the re-notification of the application.

Section 4.15 Assessment Summary

The Concept DA (LDA2020/0187) approved maximum building height, floor space ratio (FSR) and setbacks for the site. The proposal is consistent with the requirements set out in the Concept DA. The proposal also complies with the planning requirements under the Ryde Local Environmental Plan (LEP) 2014.

The Concept DA approved a maximum GFA for Stage 2 of 103,992.5m². The proposal has a GFA of 103,635.7m² and therefore complies with the required FSR for the site.

The maximum building height applicable to Stage 2 is RL 243, as approved under the Concept DA and the Ryde LEP 2014. The maximum building height proposed is RL 242.51 and therefore complies with the maximum permitted height for the site.

This proposal was prepared in line with a Design Excellence Competition. The Competition Panel unanimously selected the winner, and resolved that the Competition Panel would continue to review the plans prior to the lodgement of, during the assessment of, and post determination of the DA. The reconvened Panel is known as the *Design Integrity Panel*. The development proposed in this application exhibits design excellence that contributes to the natural, cultural, visual and built character values of Ryde. The proposal exhibits good building design which positively contributes to the overall architectural quality of the Macquarie Park Corridor and fits sensitively into the streetscape.

With respect to the Apartment Design Guide, the proposal exceeds Part 4F *Common circulation and spaces* by providing more than 40 apartments per lift. The proposed lift to apartment ratio is 1:48 for Building A, 1:85 for Building B and 1:72 for Building C. However, the applicant has demonstrated that fast-moving lifts with efficient lift movements ensures that the provision and management of lifts is sufficient to properly service the number of apartments.

The proposal satisfies the objectives and controls in the Ryde Development Control Plan 2014, with the exception of the provision and dimensions of deep soil area. This non-compliance has been addressed in the report and the variation can be supported on its merit.

Environmental constraints that affect the site include bushfire threat from Lane Cove National Park, proximity to M2 Motorway and resulting acoustic levels and wind. The application has demonstrated that the site is of minimal contamination risk and that no further information is required to satisfy Clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021.

The applicant has appropriately responded to the requests for information and the proposal provides an appropriate design response to the issues raised throughout the assessment. Transport for NSW and NSW Rural Fire Service have issued their concurrence in support of the DA.

After consideration of the development against section 4.15 of the EP&A Act 1979 and the relevant statutory and policy provisions, the proposal is considered suitable for the site and is not contrary to the public interest.

The proposed application results in the orderly development of the site, in accordance with the planning strategy approved for the site under the Concept DA.

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

This report concludes that in its context, this development proposal is able to be supported in terms of the development's broader strategic context, function and overall public benefits. It is recommended that the application be approved subject to the conditions recommended in **Attachment 5**. These conditions have been reviewed and agreed to by the applicant.

2. APPLICATION DETAILS

Applicant & Owner: Karimbla Properties (No. 52) Pty Ltd

Capital Investment Value: \$368,247,553.00 excluding GST

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

3. THE SITE AND LOCALITY

The subject site is known as 100 Talavera Road, Macquarie Park and the legal description of the land is Lot 2 in DP 1268157. The site has been subdivided to separate the recently completed Stage 1 of the development from Stage 2 development site (i.e., 'the site'). The site is situated on the north-eastern side of Talavera Road, between Christie Road and ramps to the M2 Motorway. The site is irregular in shape with a 105m frontage to Talavera Road, a 128m alignment with the on-ramp to the M2 Motorway and has a total area of 13,330m².

The site generally slopes from the south-east at RL 51.45 to the north-west at RL 44.20. The site is flood-affected with low to medium risk precincts occurring at the western portion of the site and in the immediate vicinity of the site. The northern portion of the site is classed as a bushfire protection buffer zone, with the bushfire source being the Lane Cove National Park to the north.

Remnant trees of a species consistent with the Critically Endangered Ecological Community 'Blue Gum High Forest' in the Sydney Basin Bioregion occur along the eastern boundary of the site.

The internal road has been completed as approved in LDA2021/0071. Excavation works are underway as approved in LDA2021/0415. Construction of the basement shell was recently approved in LDA2022/0277.



Figure 1: Aerial photograph of the site and locality (subject site outlined in orange).

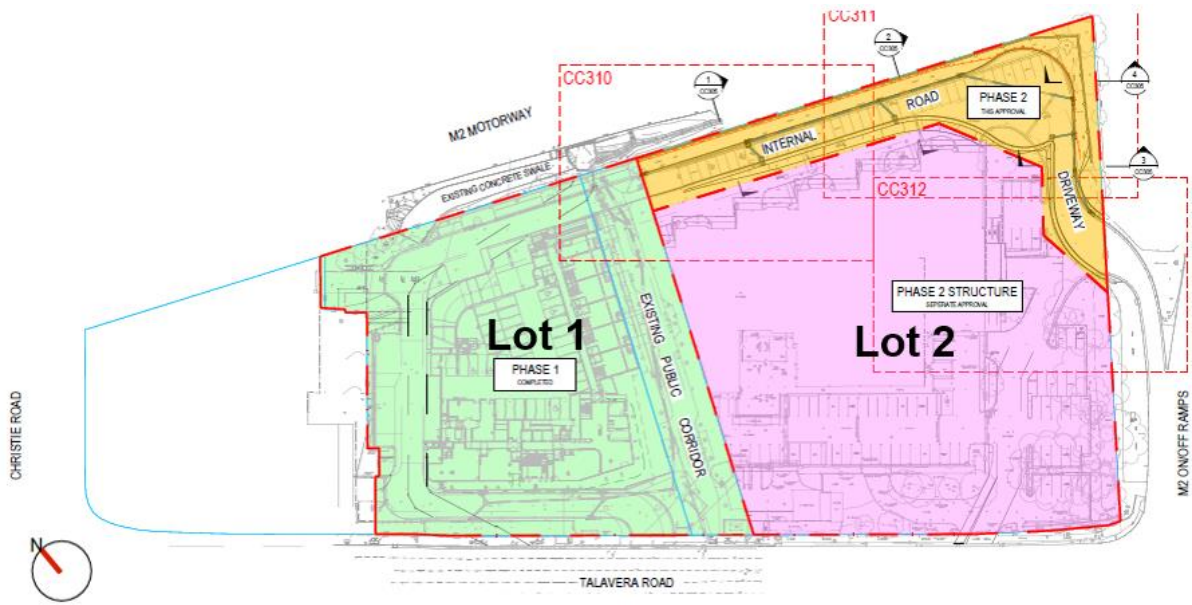


Figure 2: Extract from a plan approved in LDA2021/0071 for construction of the internal road (yellow). The completed Stage 1 development is to the left (green). The land the subject of this DA for Stage 2 is to the right (pink and yellow).



Figure 3: Photograph of site and excavation for the site (Stage 2).



Figure 4: Photograph of the site (left) as viewed from the internal driveway of Stage 1.

Adjoining properties

The site is located in the northern section of the Macquarie Park Corridor within a B4 Mixed Use zone. It is located to the north-east of Talavera Road, between Christie Road and M2 Motorway on-ramps.

To the west of the site is 112 Talavera Road, which comprises Stage 1 of the development. Stage 1 included a part 6/part 27 storey building to accommodate 216 residential apartments, retail tenancies, a childcare centre and a multi storey car park for 242 vehicles (see **Figures 1, 5 and 6**).



Figure 5: Photograph of Stage 1 as viewed from Talavera Road.



Figure 6: Photograph of through-site link from Talavera Road (Stage 1 to left of photograph).

Further north-west of the site at 118 Talavera Road, is a multi-storey commercial building identified as the Fujitsu Building (see **Figures 7 and 8**) which has frontage to Christie Road. Christie Road provides access via a bridge across the M2 Motorway to Christie Park sportsgrounds.



Figure 7: Photograph of Fujitsu building as viewed from internal road in Stage 1.



Figure 8: Photograph of Fujitsu building from corner of Talavera Road and Christie Road.

To the north-east of the site is the M2 Motorway which provides connectivity to the north-western suburbs, Chatswood CBD and Sydney CBD and the on/off ramp extends along the south-eastern boundary of the site.

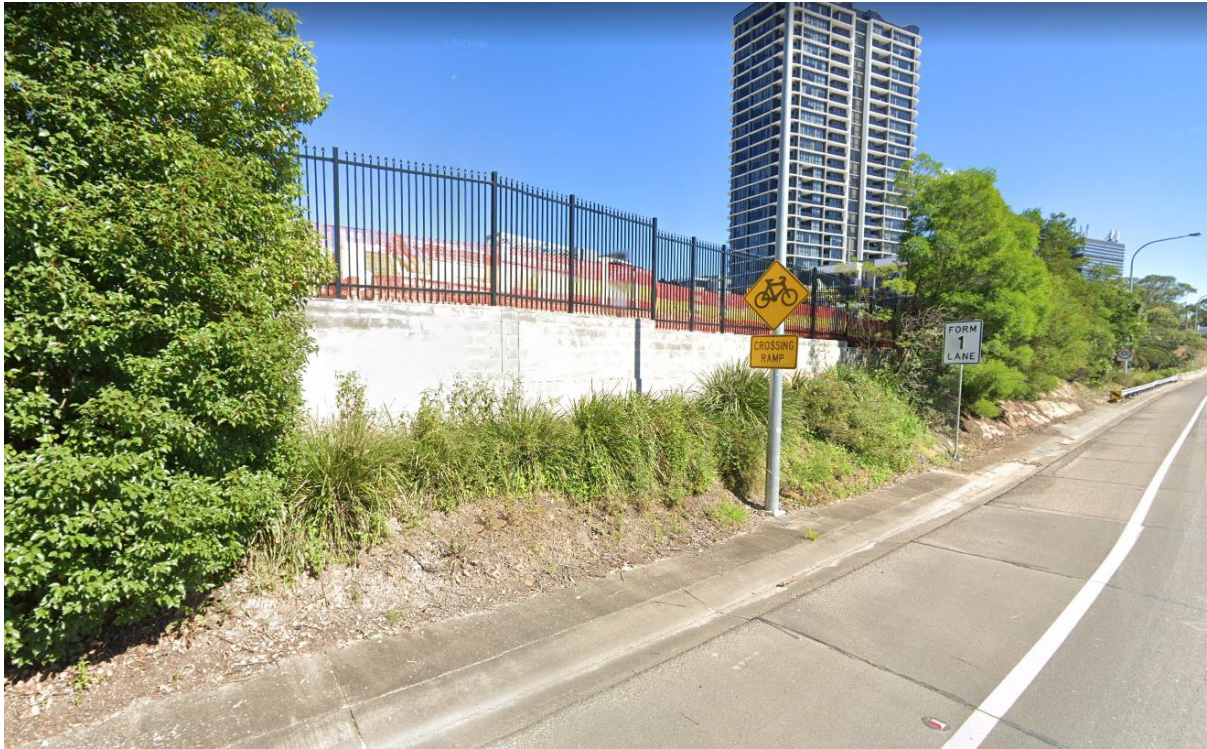


Figure 9: Photograph of the site as viewed from M2 Motorway.

Opposite the site across Talavera Road to the south-west are a number of commercial and healthcare facilities. Macquarie Centre is located further south-east beyond Herring Road. The subject site is also opposite Macquarie University and within walking distance to a range of services, retail and commercial facilities.

4. THE PROPOSAL IN DETAIL (as amended)

This development application seeks consent for a mixed use development as follows:

- Site preparation works including retention and removal of trees
- Civil and stormwater infrastructure and vehicular access
- Construction of a 5 storey basement and multi storey podium car park providing 1,234 parking spaces, bicycle parking spaces, waste rooms and building services
- Construction of a mixed-use podium and tower development
- The podium component of the development has a scale of 5 storeys and comprises:
 - Retail tenancy with a total area of 577.5m²
 - Restaurant with an area of 511.6m²
 - Child care centre with 849.9m² of indoor space
 - Residential lobbies and communal open space
 - 40 residential apartments
 - A gym and swimming pools in each building for residential use
- The tower component of the development is for 3 residential towers comprising:
 - Building A: 163 apartments across residential levels 2 to 38
 - Building B: 327 apartments across residential levels Ground to 45
 - Building C: 506 apartments across residential levels 5 to 59.

- A total of 1,036 apartments are proposed across the podium and 3 towers
- Approval for the fitout and occupation of the child care centre
- Associated landscaping, stormwater management and public domain works

Refer to **Attachments 1 and 2** for the proposed plans.

Vehicular access is via Talavera Road and a private access road via the M2 on-ramp (Herring Road). The 2 new driveways to and from the underground carpark are from a private road. This proposal seeks to amend the private road (which was previously approved in LDA2021/0071) to accommodate access to this development.

The development is proposed to be constructed and occupied in stages as shown on the proposed Construction Staging Plans and Occupation Staging Plans. A summary of the staging is as follows:

Construction Staging

- Stage 1:
 - Basement parking levels 5, 4, 3, 2 and 1
 - Ground level including Building B lobby and apartments
 - Level 1 including child care centre lobby, Building B apartments (excluding retail premises) and Building C lobby
 - Levels 2-5 (podium) including Building B and C apartments, Building A lobby and apartments, restaurant and shell of child care centre (not fitout)
 - Building A Levels 6-37
- Stage 2:
 - Building B Levels 6-44
- Stage 3:
 - Building C Levels 6-58

Occupation Staging

- Stage 1A:
 - Portions of basement levels 5, 4, 3, 2, 1, Ground, some lifts up to Level 24, Building A pool on Level 2, Building A apartments on Levels 2-5 and Building A podium communal open space
- Stage 1B:
 - Portions of basement levels 5, 4, 3, 2, 1, some lifts up to roof level, Building A apartments on Levels 25 to roof and rooftop communal open space
- Stage 2A:
 - Some lifts from Basement Level 4 to Level 23, parking / loading areas on Ground Level, Building B lobby and apartments on Ground Level to level 23, Building B apartments and parking on Level 1, Building B apartments on Levels 2-23, gym and pool on Level 3, podium communal open space on Level 5
 - Level 4 restaurant
- Stage 2B:
 - Some lifts from Basement Level 4 to Level 37, Building B apartments on Levels 24-37
- Stage 2C:
 - Lifts and Building B apartments Levels 38 to roof.
- Stage 3A:
 - Building C lobby on Level 1, parking on Level 2, some lifts from Ground to Level 18, Building C apartments from Levels 5 to 18.
- Stage 3B:
 - Retail premises on Level 1
 - Parking on Ground level, some lifts from Basement Level 4 to Level 37, services on Mezzanine parking level, Building C gym and pool on Level 1, parking on Level 3-4, podium communal open space for Building C and Building B apartments on Levels 19-37.
- Stage 3C:
 - Lifts and Building C apartments on Levels 28-53
- Stage 3D:
 - Lifts and Building C apartments and communal open space on Levels 28-54 to roof.

Staged Handover of the Private and Public Domain

- Stage 1:
 - Pedestrian and vehicular access along the internal private road and Building A lobby.

- (Private) (This aligns with the issue of the first occupation certificate associated with the Building A apartments).
- Stage 2: (Private) - Pedestrian access along the through site link and Building B lobby.
(This aligns with the issue of the first occupation certificate associated with the Building B apartments).
- Stage 3: (Private & Public) - Pedestrian access along the 'Arrival Plaza' and Building C lobby.
(This aligns with the issue of the first occupation certificate associated with the Building C apartments).
- All remaining public and private domain areas. This includes the public domain along Talavera Road.
(This aligns with the issue of the final occupation certificate).
- * It is noted that construction vehicle access is maintained throughout the site during Stages 1, 2 and 3 of the private domain works. Prior to the completion of Stage 3 works and associated private and public domain handover, the site is clear of construction vehicles/access.

No subdivision is proposed.

Land use approval is sought for the retail premises, restaurant and child care centre. The fitout and occupation of these premises will be the subject of separate DAs.

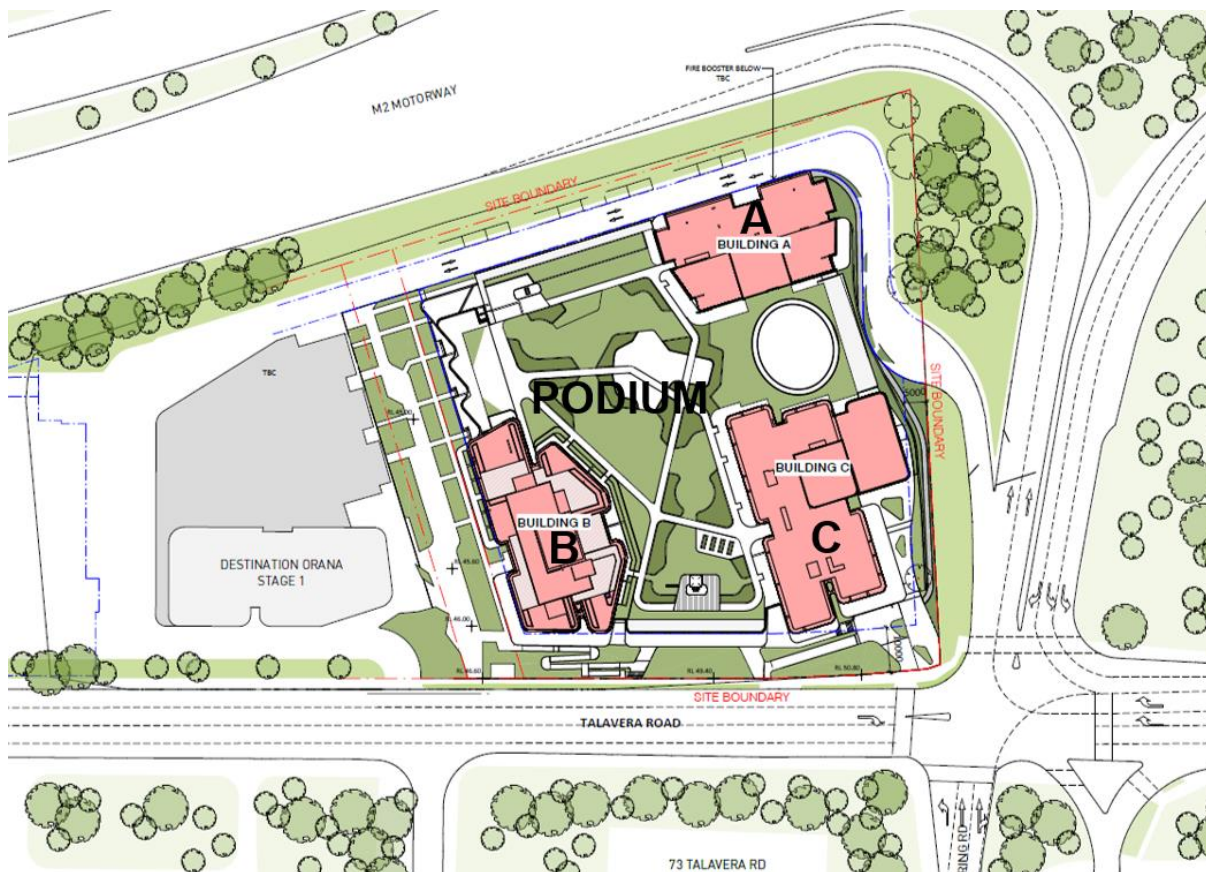


Figure 10: Extract of the Site Plan.

The design of the development is for a 5 storey podium which sits between 3 slender towers which contrast in height and scale. The buildings are aligned to maximise solar access to the communal open space on the podium. The towers are aligned to the M2 boundary to create a clean rectilinear podium layout.

In terms of design, the façade of Building A is divided into 2 distinct proportions. Building B is primarily vertical and has depth provided by integrally coloured precast concrete. The elevations are divided by ascending groups of storeys, punctuated by slab extensions. The elevations of Building C are divided by ascending groups of storeys and are punctuated by slab extensions. These slab extensions create 'serrations' which break down the long podium forms to the human scale and are on the leading edge to fit more comfortably with the adjacent curve tower. Vertical window bars are accentuated while horizontal window bars are recessive.

The proposed external materials include a mix of glazing and metal cladding. The colour scheme for the buildings incorporates a mix of dark, mid and light grey, champagne and white paint finishes.

The siting, height and orientation of the podium and towers are designed to maximise solar access to the podium communal open space and apartments. For example, Building B (the 'medium' tower) is sited along the through site link shared with the Stage 1 site with a floorplan which is angled to the north-east to capture sunlight along the entire western façade. The alignment of the tower forms cast shadows that rotate with the sun and allow for corridors of sunlight to be cast on surrounding properties and the public domain.



Figure 11: Perspective View as viewed from the north showing the design of the podium and towers (Buildings A and B).



Figure 12: Perspective View as seen from the south showing the design of the podium and towers (Buildings B and C).

Development Statistics

Use	Details
Residential	1,036 apartments
Apartment Mix Total	9 x 1 bed 0.9% 151 x 1 bed + study: 14.5% 579 x 2 bed: 55.9% 256 x 3 bed: 24.7% 41 x 4 bed: 4.0%
Apartment Mix In podium and each tower	Building A: 191 apartments (20 x 1 bedroom, 90 x 2 bedroom, 64 x 3 bedroom, 17 x 4 bedroom) Building B: 339 apartments (90 x 1 bedroom, 152 x 2 bedroom, 88 x 3 bedroom, 9 x 4 bedroom) Building C: 506 apartments (50 x 1 bedroom, 337 x 2 bedroom, 104 x 3 bedroom, 15 x 4 bedroom)

Adaptable apartments	104 (10%)
Liveable 'Silver' apartments	208 (20%)
Retail (land use)	A retail tenancy (807.8m ²) on level 1 of the southern frontage of the podium addressing Talavera Road. (This retail tenancy can be occupied as multiple retail tenancies or 1 large retail tenancy.) The applicant will obtain separate approval for fit out and occupation.
Restaurant (land use)	Restaurant (526.2m ²) on level 4 of the podium adjacent to the northern elevation of Building B. Access is via lifts or stairs. The restaurant is approximately 526.2m ² . The applicant will obtain separate approval for fit out and occupation.
Child Care Facility (land use)	Approval is sought for land use approval of a child care centre with an area of 866.8m ² on level 4 of Building C. The applicant will obtain separate approval for the fitout and detailed design, capacity, child and staff ratio. The indicative details are as follows: Hours of operation are 7am-7pm Monday to Friday. Capacity for 20 staff. Capacity for 120 children in age groups 0-2 years, 2-3 years and 3-5 years. Internal and external play areas are proposed for baby, toddler and preschool playrooms. Office facilities and storage areas. 26 basement car parking spaces with lift access to the centre.
Parking	Total of 1,234 car spaces comprising: 1,036 residential (including 286 spaces in tandem) 104 visitor 21 restaurant 24 retail 25 child care (including 2 spaces in tandem) 21 car share 3 car wash bays
Landscaping	Retention of 3 trees. Removal of 10 trees within the site and 2 trees on adjoining RMS land. Street edge: deep soil landscaping in the setback areas and an 'avenue of trees' along the upgraded edge of Talavera Road and the through site link. A 'green buffer' to all boundaries to the site. An 'Arrival Plaza' is provided at the corner of Talavera Road and Herring Road/M2 On-ramp. Podium planting: at Communal Open Spaces areas on Level 5, 27, 57 and rooftop terraces for Buildings A & C. Communal Open Space includes community gardens, active and passive lawns (kids play area, outdoor fitness and lawn bowls), tables and seating, BBQs and shade structures. Native and exotic planting species proposed, such as Spotted Gums, Blackbutts and Blueberry Ash in the Bushfire Asset Protection Zone on the northern boundary. Water Sensitive Urban Design measures. Lighting and fencing.
Waste Management and Collection	Residential waste will be managed via chutes at the internal basement area on the Ground Floor. 3 x bulky waste rooms are provided. Council waste collection will be conducted 2-3 times a week. Non-residential (retail, restaurant and child care) waste will also be stored and collected from dedicated waste rooms at the internal basement area on the Ground Floor. Non-residential waste will be collected via a commercial contractor.
Ecologically Sustainable Development	- Maximising daylight levels to bedrooms through articulation and smart façade design.

	<ul style="list-style-type: none"> - Maximising natural ventilation levels to bedrooms and living areas by providing full height recessed glass louvres to 'catch' breezes and natural ventilation to common and circulation areas. - Maximising thermal comfort through façade design, louvres, and glazed area designed to suit each facade orientation. - Reducing energy consumption and provide renewable energy. - Reducing water consumption and rainwater harvesting for landscaped areas.
Infrastructure and Services	Existing services and connections (electricity, telecommunications, gas, water and sewage) will be extended, expanded, and augmented as required.
Stormwater Management Measures	50kl rainwater tank to be used for irrigation and 1 car wash bay. Filter swales to protect stormwater runoff from external landscaped areas.

Breakdown of the Development Per Section / Level

Building Section / Level	Inclusions
Basement Levels 1-5	<ul style="list-style-type: none"> • 762 parking spaces comprising 643 residential, 104 visitor and 15 car share spaces • Storage and services
Ground Floor	<ul style="list-style-type: none"> • Lobby to restaurant • Substation, services, loading docks, bulky goods holding area, waste rooms and collection (commercial and residential), end of trip facilities • 76 carparking spaces comprising 6 car share, 25 child care, 21 restaurant and 24 retail spaces • Vehicular access via the internal road to the north-east (parallel to the M2) • Building B residential lobby and 5 apartments (3 x 1 bed, 1 x 2 bed and 1 x 3 bed) fronting the through site link • Internal access road (with minor changes to previous approval LDA2021/0071) • Landscaping • Public domain works
Level 1	<ul style="list-style-type: none"> • Retail space/s fronting Talavera Road 577.5m² • Lobby to child care centre • Services • 101 carparking spaces comprising 98 residential and 3 car wash • Bicycle parking • Building C residential lobby, gym and pool • Building B: 5 apartments (3 x 1 bed and 3 x 2 bed) fronting the through site link • Landscaping • Public domain works
Level 2	<ul style="list-style-type: none"> • Services and bicycle parking • 105 residential carparking spaces • Building A: Residential lobby, gym, pool and 4 apartments (1 x 1 bed and 3 x 2 bed) fronting the M2 • Building B: 5 apartments (3 x 1 bed and 2 x 3 bed) fronting the through site link
Level 3	<ul style="list-style-type: none"> • Services and bicycle parking • 109 residential carparking spaces • Building A: 4 apartments (1 x 1 bed and 3 x 2 bed) fronting the M2 • Building B: Gym, pool and 7 apartments (3 x 1 bed, 1 x 2 bed and 2 x 3 bed) fronting the through site link
Level 4	<ul style="list-style-type: none"> • Restaurant 511.6m² fronting the M2

Building Section / Level	Inclusions
	<ul style="list-style-type: none"> • Child care centre (land use only) • Services and bicycle parking • 85 residential carparking spaces • Building A: 4 apartments (1 x 1 bed and 3 x 2 bed) fronting the M2 • Building B: 7 apartments (4 x 1 bed, 1 x 2 bed and 2 x 3 bed) fronting the through site link
Level 5	<ul style="list-style-type: none"> • Podium communal open space areas and landscaping • Building A: 6 apartments (1 x 1 bed, 3 x 2 bed and 2 x 3 bed) • Building B: 8 apartments (2 x 1 bed, 4 x 2 bed and 2 x 3 bed) • Building C: 8 apartments (2 x 1 bed, 5 x 2 bed and 1 x 3 bed)
Levels 6-18	<ul style="list-style-type: none"> • Building A: 6 apartments (1 x 1 bed, 3 x 2 bed and 2 x 3 bed) • Building B: 8 apartments (2 x 1 bed, 4 x 2 bed and 2 x 3 bed) • Building C: 8 apartments (1 x 1 bed, 7 x 2 bed and 2 x 3 bed)
Level 19	<ul style="list-style-type: none"> • Building A: 6 apartments (1 x 1 bed, 3 x 2 bed and 2 x 3 bed) • Building B: 8 apartments (2 x 1 bed, 4 x 2 bed and 2 x 3 bed) • Building C: 9 apartments (1 x 1 bed, 6 x 2 bed and 2 x 3 bed) and communal open space
Level 20	<ul style="list-style-type: none"> • Building A: 6 apartments (1 x 1 bed, 3 x 2 bed and 2 x 3 bed) • Building B: 8 apartments (2 x 1 bed, 4 x 2 bed and 2 x 3 bed) • Building C: 9 apartments (1 x 1 bed, 6 x 2 bed and 2 x 3 bed)
Level 21	<ul style="list-style-type: none"> • Building A: 6 apartments (1 x 1 bed, 3 x 2 bed and 2 x 3 bed) • Building B: 8 apartments (2 x 1 bed, 4 x 2 bed and 2 x 3 bed) • Building C: 10 apartments (1 x 1 bed, 7 x 2 bed and 2 x 3 bed)
Level 22	<ul style="list-style-type: none"> • Building A: 5 apartments (2 x 2 bed, 2 x 3 bed and 1 x 4 bed) • Building B: 8 apartments (2 x 1 bed, 4 x 2 bed and 2 x 3 bed) • Building C: 10 apartments (1 x 1 bed, 7 x 2 bed and 2 x 3 bed)
Level 23	<ul style="list-style-type: none"> • Building A: 5 apartments (2 x 2 bed, 2 x 3 bed and 1 x 4 bed) • Building B: 6 apartments (2 x 1 bed, 2 x 2 bed and 2 x 3 bed) and plant • Building C: 10 apartments (1 x 1 bed, 7 x 2 bed and 2 x 3 bed)
Level 24-27	<ul style="list-style-type: none"> • Building A: 5 apartments (2 x 2 bed, 2 x 3 bed and 1 x 4 bed) • Building B: 8 apartments (2 x 1 bed, 4 x 2 bed and 2 x 3 bed) • Building C: 10 apartments (1 x 1 bed, 7 x 2 bed and 2 x 3 bed)
Level 28	<ul style="list-style-type: none"> • Building A: 5 apartments (2 x 2 bed, 2 x 3 bed and 1 x 4 bed) • Building B: 8 apartments (2 x 1 bed, 4 x 2 bed and 2 x 3 bed) • Building C: 8 apartments (1 x 1 bed, 5 x 2 bed and 2 x 3 bed) and services
Level 29-35	<ul style="list-style-type: none"> • Building A: 5 apartments (2 x 2 bed, 2 x 3 bed and 1 x 4 bed) • Building B: 8 apartments (2 x 1 bed, 4 x 2 bed and 2 x 3 bed) • Building C: 10 apartments (1 x 1 bed, 7 x 2 bed and 2 x 3 bed)
Level 36	<ul style="list-style-type: none"> • Building A: 5 apartments (2 x 2 bed, 2 x 3 bed and 1 x 4 bed) • Building B: 8 apartments (2 x 1 bed, 4 x 2 bed and 2 x 3 bed) • Building C: 9 apartments (1 x 1 bed, 6 x 2 bed and 2 x 3 bed) and communal open space
Level 37	<ul style="list-style-type: none"> • Building A: 2 penthouse apartments (2 x 4 bed) • Building B: 8 apartments (2 x 1 bed, 4 x 2 bed and 2 x 3 bed) • Building C: 9 apartments (1 x 1 bed, 6 x 2 bed and 2 x 3 bed)
Level 38	<ul style="list-style-type: none"> • Building A: Rooftop plant and equipment and lift and stairs overrun, communal open space and private open space for 1 apartment under • Building B: 8 apartments (2 x 1 bed, 4 x 2 bed and 2 x 3 bed) • Building C: 10 apartments (1 x 1 bed, 7 x 2 bed and 2 x 3 bed)
Level 39-43	<ul style="list-style-type: none"> • Building B: 7 apartments (1 x 1 bed, 3 x 2 bed, 2 x 3 bed and 1 x 4 bed) • Building C: 10 apartments (1 x 1 bed, 7 x 2 bed and 2 x 3 bed)
Level 44	<ul style="list-style-type: none"> • Building B: 5 penthouse apartments (1 x 3 bed and 4 x 4 bed)

Building Section / Level	Inclusions
	<ul style="list-style-type: none"> Building C: 10 apartments (1 x 1 bed, 7 x 2 bed and 2 x 3 bed)
Level 45	<ul style="list-style-type: none"> Building B: Rooftop plant and equipment and lift and stairs overrun and private open space for 4 apartments under Building C: 9 apartments (1 x 1 bed, 5 x 2 bed, 2 x 3 bed and 1 x 4 bed)
Level 46	<ul style="list-style-type: none"> Building C: 9 apartments (1 x 1 bed, 5 x 2 bed, 2 x 3 bed and 1 x 4 bed)
Level 47-53	<ul style="list-style-type: none"> Building C: 9 apartments (1 x 1 bed, 5 x 2 bed, 2 x 3 bed and 1 x 4 bed)
Level 54	<ul style="list-style-type: none"> Building C: Communal open space and 7 apartments (5 x 2 bed, 1 x 3 bed and 1 x 4 bed)
Level 55-57	<ul style="list-style-type: none"> Building C: 7 apartments (5 x 2 bed, 1 x 3 bed and 1 x 4 bed)
Level 58	<ul style="list-style-type: none"> Building C: 5 apartments (3 x 3 bed and 2 x 4 bed)
Level 59	<ul style="list-style-type: none"> Building C: Rooftop plant and equipment and lift and stairs overrun and private open space to 5 apartments below

5. HISTORY

5.1 Site History

The site has been subject to various approvals in recent years, which can be summarised in the following table. In particular, the Sydney North Planning Panel approved the Concept DA which set out the maximum building envelopes for this Stage 2 DA.

DA number	DA description and determination date
LDA2017/0273 Demolition	This DA was approved by Council on 7 September 2017 for the demolition of the existing commercial building and associated structures. No excavation or tree removal was approved.
LDA2018/0269 – Stage 1 DA	Approved by the Sydney North Planning Panel (SNPP) on 26 June 2019 for the construction of a mixed use development within Stage 1 comprising a part 6/part 27 storey building to accommodate 216 residential apartments, retail tenancies, a childcare centre and a multi storey car park for 242 vehicles. This building is completed and occupied.
Planning Proposal – increase in height and floor space development standards – PP- 2020-255	This Planning Proposal to amend the Ryde Local Environmental Plan (LEP) 2014 was gazetted by the Department of Planning Industry & Environment (DPIE) on 13 March 2020. This increased the maximum building height control for the entire site from 45m and 90m to 18.5m, 90m and RL 243m AHD. The floor space ratio control for the site was increased from 4.5:1 to 6.5:1. The Planning Proposal introduced a provision to ensure that development on the site exhibits design excellence, resulting in the inclusion of Clause 6.13 of the Ryde LEP 2014. Note: Stage 2 is located entirely in the area of the site that has a maximum height of RL 243 AHD.
Section 4.55(1A) Application for Stage 1 – MOD2019/0218	This modification application was approved by Council on 20 February 2020 for the following: <ul style="list-style-type: none"> Modification of apartment mix resulting in 3 additional apartments. Reduction in the number of car parking spaces from 242 to 241. Increase to the number of motorcycle spaces from 18 to 19. Various internal layout modifications to a number of units. Reduction in the size of the childcare centre from 641m² to 637m² to facilitate an additional corridor to fire stairs. Changes to the external materials selection.

	<ul style="list-style-type: none"> • Introduction of pergola structures to selected private terraces of Level 6. • Amending the retail tenancy to provide 2 separate retail tenancies and increase the total size by 10m². • Relocation of the electrical substation to the south eastern corner of the site. • Other various minor internal and external modifications.
Section 4.55(2) Application for Stage 1 – MOD2019/0214	This modification application was approved by the SNPP on 19 March 2020 and involved the realignment of the stormwater drainage infrastructure and modification to conditions of consent relating to bushfire planning.
Section 4.55(1A) Application for Stage 1 – MOD2019/0160	This modification application was approved by Council on 14 May 2020 and involved the modification to various public domain conditions with respect to the extent of the public domain works and the timing required.
Section 4.55(1A) Application for Stage 1 – MOD2020/0170	This modification application was approved by Council on 11 September 2020 and involved amendments to various conditions to allow for waste vehicles to enter the site from Herring Road (M2 Ramp).
Subdivision DA – LDA2020/0239	This DA was approved by Council on 21 September 2020 for subdivision of the site into 2 lots, being Stage 1 and Stage 2 (the subject site).
Concept DA – LDA2020/0187	This Concept DA was lodged on 2 June 2020 and approved by the SNPP on 14 October 2020. This Concept DA was for the maximum building envelopes and allocation of gross floor area for the site. The main purpose was to distribute the floor space across the site in order to meet the site's maximum available floor space.
Road DA – LDA2021/0071	This DA was approved by Council on 12 July 2021 for the construction of a new internal access road (then known as the Stage 2 area). The approval did not result in the removal of any trees.
Excavation DA for Stage 2 – LDA2021/0415	This DA was approved by Council on 25 February 2022 for excavation, shoring and piling works to facilitate the future construction of 5 levels of basement carpark (to RL29.06). The setback for the future basement is greater than 3m from all boundaries. The approval did not result in the removal of any trees, as the site has been cleared within the area to be excavated under previous approvals.
Basement slab DA for Stage 2 – LDA2022/0277	This DA was approved by Council on 9 November 2022 for construction of the basement walls, slabs, associated columns and lift pits. This also involves the basement walls against the excavated area, slabs that will hold up the basement walls, columns to reinforce the slabs, the bottom slab and associated area for the lift pit.

4.2 Application History

10 June 2021	<p>A Design Excellence Competition was held by the applicant with 2 entrants. The Competition Panel unanimously selected the winner, and resolved that the Competition Panel would continue to review the plans prior to the lodgment of, during the assessment of, and post determination of the DA. The Panel would reconvene as the Design Integrity Panel (DIP). At the time of selecting the winner, the Competition Panel also sought further resolution by the winning architect around the following:</p> <ul style="list-style-type: none"> • Height differentiation between Towers A and B should be more defined • Childcare drop off • Location to and access to retail • Cross viewing at internal re-entrant corner of typical tower floors • Corridors should be open to natural light and ventilation • Car and bicycle parking require better connection to each core • Impact of noise, bushfire, reflectivity and the like require further resolution.
20 October 2021	The DIP reconvened to review amended plans prior to DA lodgement. The DIP was generally supportive of the changes made. However, requested further resolution on the following matters:

	<ul style="list-style-type: none"> • Lift capacity for childcare centre • Access into childcare centre and drop off area • Extent of deep soil areas on podium • Wind effects • Accessibility of retail and the public domain on Talavera Road • Identifiable address for restaurant lacking • Further detail of facades and how they deal with the constraints of the site • Requirement for more communal space for Building B • Further opening of the corridors for Building A
24 January 2022	Subject DA lodged proposing a mixed use development.
27 January 2022	A request for further information (RFI) was sent to the applicant requesting that SIDRA modelling files be provided to facilitate a traffic assessment.
2 February to 9 March 2022	The DA was notified and advertised to surrounding property owners and occupants. In response, 10 submissions were received objecting to the proposal.
14 March 2022	<p>The DIP reviewed the DA documentation, as they had adopted the role as the Urban Design Review Panel (UDRP) for this application. The DIP raised the following issues with the DA plans:</p> <ul style="list-style-type: none"> • Complexity of entry into the childcare centre from within the building • Manoeuvrability around childcare centre drop off • Insufficient landscape details, including sections and level information • Wind modelling and details of wind mitigation measures on architectural plans • Concern was raised that insufficient mitigation for down-shear winds had been provided • Resolution of level differences along Talavera Road frontage and retail space needs to be provided • Further façade details to demonstrate how the conflicting site constraints (i.e., wind, acoustic, bushfire) have been resolved. <p>The DIP requested the opportunity to review the further amended plans.</p>
12 April 2022	<p>RFI sent to the applicant regarding:</p> <ul style="list-style-type: none"> • Issues with Arborist Report • Request for flora and fauna assessment • Inadequate level information provided • Insufficient detail for outdoor space in childcare centre • Inadequate detail on landscape plan • Shortfall in deep soil area • Issues with traffic modelling provided (raised by both Council's Traffic Engineer and Transport for NSW) • Basement design does not allow for heavy rigid vehicle manoeuvring • Inadequacy of flood report submitted • Bin room sizes insufficient to allow for required bin storage • Details on waste chutes • Requirement for Concept Public Art Plan • Applicant to clarify to Water NSW whether dewatering will be undertaken • Concern with staged occupation of the development • Inadequate acoustic report submitted, and the measures identified not being consistent with architectural plans • Insufficient detail provided on shadow diagrams • Lack of detail on architectural plans, including dimensions, sections and façade detail • Request that applicant demonstrate how they have satisfied Clause 6.10 of the Ryde LEP 2014 '<i>Arrangements for contributions to designated State public infrastructure.</i>'

27 April 2022	The applicant requested an extension of time to respond to the RFI letter.
12 July 2022	<p>Amended plans and documentation submitted. The changes included:</p> <ul style="list-style-type: none"> - Revised Arborist report and Flora and Fauna assessment report - Amended landscape plan and report provided with additional level details - Confirmation that the fitout and use of Childcare centre will be sought under a separate DA - Further detail on landscape plan to demonstrate amount of deep soil area provided - Amended traffic report provided - Redesign of basement to allow for 12.5m HRV and accompanying swept paths - Amended flood report provided - Amended waste management plan and larger bin storage rooms within basement provided - Confirmation that waste chute can provide a diversion/bend in the chute to help slow down waste, or alternatively have a vertical chute designed with additional reinforcement and a diversion/bend in the final section of the chute to reduce impact on the base of the bins - Public Art Plan provided - Amended Wind Report and updated architectural plans to reflect mitigation measures (including landscaping, screening and plenums) - Confirmation from applicant that each occupational stage includes an establishment of staged isolation barriers to delineate between occupied areas and areas under construction - Amended acoustic report - Revised shadow diagrams showing the existing develops and surrounding sites
15 July to 8 August 2022	The amended DA documentation incorporated revised shadow diagrams, basement layout and more detailed elevations which were re-notified to surrounding property owners and occupants. In response, 1 submission was received (from a previous submitter) objecting to the development.
5 August 2022	<p>The DIP reviewed the amended DA documentation and raised the following issues:</p> <ul style="list-style-type: none"> • Sections of the podium and Talavera Road landscaped area do not provide sufficient information and further sections are provided to demonstrate the location of the deep soil areas • Further detail is required for landscaping and level changes on Talavera Road public domain area • Size of trees used for wind mitigation in the through site link questioned, with request that confirmation from landscape architect that these trees can withstand high wind be provided • Enclosure of balconies with wind screens may contribute to GFA • Proprietary specifications for ventilation plenums, including operational details • Confirmation of how windows will be cleaned given the bushfire screens are located inside of the glass • Confirmation of final material palette. <p>The DIP requested that any amended plans be reviewed as a desktop assessment.</p>
25 August 2022	The Department of Planning and Environment (DPE) issued Council with a 'Satisfactory Arrangements Certificate' confirming that the applicant had entered into a Voluntary Planning Agreement (VPA) with DPE and that satisfactory arrangements have been made in relation to Clause 6.10 of the Ryde LEP 2014 (see Attachment 3). This VPA is for contributions to State Public Infrastructure.
19 September 2022	Transport for NSW (TfNSW) concurrence received.
21 September 2022	A request for information letter was sent to the applicant, as detailed below:

	<ul style="list-style-type: none"> • Request for hydraulic modelling to be provided to accompany revised flood report • Concern raised with the occupational staging remains unresolved • Manoeuvrability of waste truck • Request for addendum bushfire report to address modifications made to architectural plans • Additional sections for landscaping on podium and Talavera Road public domain • Confirmation is required that the trees within the site in through site link can withstand high wind area • Wind screens on some of the balconies appear to enclose the balconies, similar to winter gardens, and as such may contribute to GFA. Applicant is to address this and provide updated GFA plans • Proprietary specifications requested for ventilation plenums as per DIP request • Architectural plans still do not provide sufficient detail, i.e., dimensions and areas for apartments and balconies.
26 October 2022	Amended plans and documentation submitted. The changes included amended hydraulic modelling, staging plans, civil plans, traffic report, and waste room arrangements. The response also addressed design changes to the architectural and landscape plans and clarification of GFA.
1 November 2022	The applicant confirmed to WaterNSW that no dewatering is proposed.
15 November 2022	The applicant corrected the plans and Bushfire Assessment report to be consistent, as recommended by Council's Bushfire Consultant.
22 November 2022	Minutes from the desktop review undertaken by the DIP. Matters are generally addressed, with the exception of deep soil area, excessive ramps in the setback area, façade detail and external finishes. The DIP confirmed that should Council be satisfied of the above matters and assessment of the DA under clause 6.13 of the Ryde LEP 2014, no further comment is provided by the DIP. As discussed below, Council is satisfied that the clause 6.13 Design Excellence provisions of the Ryde LEP2014 are satisfied.
22 November 2022	RFI letter sent to the applicant requesting additional information regarding drainage/flooding, layout of the waste collection arrangement and matters raised by the DIP regarding deep soil area, excessive ramps in the setback area, façade detail and external finishes.
23 November 2022	Plans and supporting documentation received from the applicant seeking to include the fitout and occupation of the child care centre in this application. (As lodged, this DA included only the use of the child care centre).
29 November 2022	The applicant provided justification of the use of paint based on their experience as developers who construct and maintain buildings.
6 December 2022	The applicant facilitated the referral of the proposed child care centre to the Department of Education for concurrence.
7 December 2022	Correspondence received from the applicant justifying the exclusion of the simulated outdoor space from GFA.
14 December 2022	The applicant submitted amended plans and documentation deleting the switchback stairs from the setback area, improving the deep soil area
7, 14 & 16 December 2022, 9 January & 2023	The applicant submitted further hydraulic modelling and flooding information in response to requests for clarification from Council's City Works Drainage section.
23 December 2023	Request for additional information received from the Department of Education regarding the materials for the simulated outdoor space, which was forwarded to the applicant.
16 January 2023	The applicant submitted updated Landscape Plans.
16 January 2023	The applicant removed the fitout and occupation of the child care centre from this DA. Approval is only sought for the land use (as lodged).
23 January 2023	The applicant submitted an updated BASIX, Thermal Comfort and Ecologically Sustainable Development Report.
6 February 2023	The applicant submitted an amended Ground Floor Plan which adjusted the stairs to the basement along the north-western side of the building to

	satisfy the probable maximum flood (PMF) level. An accompanying Flooding Statement prepared by TTW Consulting Engineers also certifies that all proposed openings to the basement car park which may create a water ingress risk must be above the adjacent PMF levels.
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6. STATUTORY PROVISIONS

6.1 Rural Fires Act 1997

This application is classed as integrated development under the EP&A Act 1979 as the site is within 40m of bushfire prone land, being the Lane Cove National Park on the opposite side of the M2 as shown in **Figure 13** below. Due to the proposal including a sensitive use (the child care centre), this is a section 100B *Bush fire safety authorities* of the Rural Fires Act 1997.

The NSW Rural Fire Service provided their General Terms of Approval in support of the application under Division 4.8 of the EP&A Act 1979, and a Bush Fire Safety Authority under section 100B. These are imposed in **Conditions 18 and 246**.



Figure 13: Site Plan showing the extent of the site orientated towards Lane Cove National Park (top) which is mapped as Bushfire Attack Level (BAL) 12.5 (green) and Bushfire Asset Protection Zone (orange).

6.2 Environmental Planning & Assessment Act 1979

6.2.1 Division 1.3 Objects of Act

Section 1.3 of the EP&A Act 1979 contains the following relevant objects:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

The proposal is consistent with the relevant Objects of the Act. The proposed development provides for an appropriate built form which positively contributes to the overall architectural quality of the Macquarie Park Corridor and fits sensitively into the streetscape.

6.2.2 Section 1.7 Application of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994

This section of this Act requires a range of matters to be taken into account in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats.

Consideration of tree species of Blue Gum High Forest is addressed in the assessment against State Environmental Planning Policy (Biodiversity and Conservation) 2021.

Noting the review undertaken for this DA, it is apparent the site does not have any ecological attributes which, if lost, would impact upon any threatened species, population, ecological community or habitat.

6.2.3 Division 4.4 Concept Development Applications

The site is subject to Concept DA approval LDA2020/0187. Section 4.24(2) of the EPAA Act 1979 states:

“While any consent granted on the determination of a concept development application for a site remains in force, the determination of any further development application in respect of the site cannot be inconsistent with the consent for the concept proposals for the development of the site.”

An assessment of the relevant provisions of LDA2020/0187 is provided below and demonstrates that this DA is consistent with the conditions of the Concept approval.

Condition from Concept Approval LDA2020/0187	Assessment of this DA
Approved plans	The proposal is consistent with the approved plans in terms of setbacks, height/elevation, building elevation.
Building envelopes and height	The proposal is consistent with the maximum permitted building envelopes and height.
Construction Staging	Details of construction and occupation staging are provided.
Floor space ratio for the site	The proposal is consistent with the maximum floor space ratio.
Public Art	A Public Art Plan is submitted.
BASIX	BASIX commitments are provided.
Waste collection	The Waste Management Plan addresses Council's requirements in the Ryde DCP 2014.
State public infrastructure contributions Clause 6.10 of Ryde LEP 2014	The Department of Planning and Environment has provided a Satisfactory Arrangements Certificate (Attachment 3).
Architectural Design Excellence	The proposal demonstrates design excellence and was the subject of a Design Excellence Competition and review by the Design Integrity Panel.
Wind Environment Statement	A Wind Environment Statement is submitted with recommendations demonstrated on the plans.
Acoustic Impact Assessment	An Acoustic Impact Assessment is submitted with recommendations demonstrated on the plans.
SEPP No. 65 – Design Quality of Residential Apartment Development	The proposal is consistent with design quality principles of SEPP 65 and the controls in the Apartment Design Guide.
Access	An Access Report is submitted with recommendations demonstrated on the plans.
Ecologically Sustainable Design Statement	An Ecologically Sustainable Design Report is submitted with recommendations demonstrated on the plans.
Crime Prevention Through Environmental Design (CPTED)	CPTED matters are addressed with suitable measures demonstrated on the plans.
Flooding, stormwater management and water sensitive urban design (WSUD)	The proposed stormwater management considers the flood affectation on the site and demonstrates suitable stormwater management measures including WSUD.
Traffic, road safety audit, parking, loading/servicing, Framework (Green) Travel Plan, Construction Pedestrian and Traffic Management Plan	The Traffic Impact Assessment considers the traffic, parking and servicing of the development.
Arboricultural Impact Assessment and landscaping	The Arboricultural Impact Assessment considers the impact to trees on the site and surrounds. Detailed landscape plans are provided.
Transport for NSW requirements	Traffic modelling and mitigation measures are provided in the Traffic Impact Assessment.

6.2.4 Division 4.8 Integrated development

Water NSW

The DA is classed as Integrated Development as a Water Supply Work approval is required under the Water Management Act 2000. WaterNSW provided correspondence dated 4 November 2022 confirming that for the purpose of the Water Management Act 2000 the proposal does not trigger the need to obtain an activity approval. Therefore, no further investigation is required by WaterNSW.

NSW Rural Fire Service

RFS provided their General Terms of Approval in support of the application under Division 4.8 of the EP&A Act 1979, and a Bush Fire Safety Authority, under section 100B of the Rural Fires Act 1997. These are imposed in **Conditions 18 and 246**.

6.3 Section 4.15 Matters for Considerations - General

(a) The provisions of

(i) Any environmental planning instrument:

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

- State Environmental Planning Policy (Planning Systems) 2021;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- State Environmental Planning Policy (Industry and Employment) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development;
- Ryde Local Environmental Plan 2014;
- City of Ryde Development Control Plan 2014; and
- City of Ryde Section 7.11 Development Contributions Plan 2020.

State Environmental Planning Policy (Planning Systems) 2021 – Chapter 2 State and Regional Development

This SEPP categorises this proposal as a ‘General Development over \$30 million’ under Schedule 6 Regionally Significant Development. The proposal is required to be determined by the Sydney North Planning Panel in accordance with section 4.7 of the EP&A Act 1979.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The proposed development includes BASIX affected buildings and therefore requires assessment against the provisions of this SEPP, including BASIX certification. BASIX Certificates have been submitted with the Development Application in accordance with the provisions of this SEPP. The BASIX certificates demonstrate that the development

complies with the relevant sustainability targets, and the plans show relevant BASIX commitments as required.

State Environmental Planning Policy (Resilience and Hazards) 2021 - Chapter 4 Remediation of Land

This SEPP aims to ‘provide a State-wide planning approach to the remediation of contamination of land.’ Clause 4.6 of this SEPP requires Council to consider whether the site is contaminated, and if so whether it is suitable for the proposed development purpose.

A Detailed Site Investigation Report prepared by ADE Consulting Group dated 13 June 2018, identified that the site contains no significant contaminated soils having regard to the historic use of the site for agricultural and commercial uses. In accordance with the considerations under SEPP 55, the site can be made suitable for a mixed use development, including the excavation and shoring works separately approved under LDA2021/0415 and LDA2022/0277 which are currently underway. A further detailed investigation was undertaken by ADE on 21 June 2019, confirming the suitability of the site for the proposed mixed use development.

Council’s Environmental Health Officer supports the proposal, as discussed in detail in **Section 7** below. Given the above assessment, Council is satisfied that sufficient information has been provided to demonstrate that the site can be made suitable for residential use in line with the strict requirements of Clause 4.6 of this SEPP

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

Chapter 2 of this SEPP provides approval pathways for the removal of vegetation in non-rural areas and matters for consideration in the assessment of applications to remove vegetation. The objective of the SEPP is to protect the biodiversity values of trees and other vegetation and to preserve the amenity of the area through the preservation of trees and other vegetation. According to Council’s Environmentally Sensitive Areas map the site is mapped as containing Urban Bushland – Inadequately Conserved at the northern corner of the site as shown in **Figure 14** below. This mapping relates to vegetation along the M2 Motorway corridor. This DA does not impact on any trees in this location and does not unduly impact upon any existing biodiversity or trees or vegetation on the site.

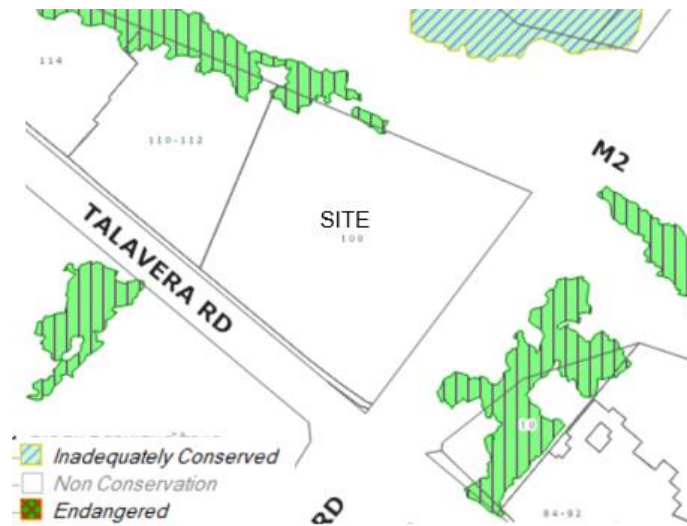


Figure 14: Extract from Ryde Maps indicating areas mapped as Urban Bushland (Inadequately Conserved) (hatched in green).

Chapter 6 Water Catchments:

This Chapter applies to the whole of the Ryde Local Government Area. The aims of the Plan are to consider the impact on water quality and quantity; aquatic ecology; periodic flooding that benefits wetlands and other riverine ecosystems; and recreational land uses.

Given the nature of the project and the location of the site, there are no specific controls that directly apply to this proposal. The proposal maintains the overland flow path along the north-western boundary of the site. The objective of improved water quality is satisfied as the Proposed Stormwater Plans and Civil Flood Assessment Report that accompany the DA are capable of complying with Part 8.2 Stormwater Management of Ryde DCP 2014.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Division 17 Roads and Traffic: Subdivision 2 Development in or adjacent to road corridors and road reservations

Clause 2.119 Development with frontage to classified road

Under Clause 2.119 the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

- (a) *where practicable, vehicular access to the land is provided by a road other than the classified road, and*
- (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
 - (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*
 - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to*

ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

The site is adjacent to the M2 Motorway which is a State Classified Road. The primary vehicular access to the site is via the internal private road which is accessed off the on-ramp to the M2 Motorway. This access point was previously approved in LDA2021/0071 which approved the new internal road. Consideration of the impact of the internal road is considered in LDA2021/0071. Secondary access is also provided via the 'Stage 1' portion of the overall site. The continued use of these access points is supported as they are suitably screened from the M2 Motorway only and are not considered to impact the noise, vibration or emissions related to the operation of the M2 Motorway. Therefore, the requirements of clause 2.119 are considered to be satisfied

Clause 2.120 Impact of road noise or vibration on non-road development

Before determining a DA for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.

If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq measures are not exceeded:

- In any bedroom in the building – 35 dB(A) at any time between 10pm and 7am
- Anywhere else in the building (other than a garage, kitchen, bathroom or hallway) – 40dB(A) at any time.

The site is adjacent to the M2 Motorway which is a State Classified Road. The accompanying DA Acoustic Assessment prepared by Acoustic Logic includes recommendations to ensure compliance with the appropriate noise levels for residential development, such as acoustic seals to windows and doors and minimal lining to walls of habitable rooms that are not masonry. However, it is noted that external walls which are concrete/masonry provide sufficient acoustic attenuation. The recommendations are supported by Council's Environmental Health Officer (as discussed in **Section 7** below) and addressed by **Condition 29**. The recommendations will ensure compliance with the above LAeq measures.

Clause 2.121 Excavation in or immediately adjacent to corridors

The proposal includes excavation greater than 3m in depth within the subject site. All excavation works are clear of the adjoining M2 Motorway. The application was referred to Transport for NSW for consideration, and no objection was raised.

Clause 2.122 Traffic-generating development

Under this clause, the consent authority must not grant consent to development on land for residential accommodation for 75 or more dwellings or 50 car parking spaces where the site has access to the road unless it is satisfied that:

(4) Before determining a development application for development to which this section applies, the consent authority must—

(a) give written notice of the application to Transport for NSW (TfNSW) within 7 days after the application is made, and

(b) take into consideration—

(i) any submission that TfNSW provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and

(ii) the accessibility of the site concerned, including—

(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and

(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and

(iii) any potential traffic safety, road congestion or parking implications of the development.

The application was referred to TfNSW and no objection was raised. TfNSW suggested standard conditions (see **Condition 17**).

Chapter 3 Educational Establishment and Childcare facilities

Clause 3.23 Centre-based child care – matters for consideration by consent authorities

Clause 3.23 provides that:

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

The *Child Care Planning Guideline* (CCPG) establishes the assessment framework to deliver consistent planning outcomes and design quality for centre-based childcare facilities in NSW.

This DA is for approval of the use of part of Level 4 as a child care centre with on-site parking. The applicant has confirmed that separate approval will be sought for the detailed design, fitout and occupation of the child care centre. This future DA will consider consistency with SEPP (Transport and Infrastructure) 2021 (in particular clause 3.22 which requires the concurrence of the Department of Education for the provision of 'simulated outdoor space'), the Child Care Planning Guidelines and the relevant provisions of the DCP.

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

This Policy aims to improve the design quality of residential flat development in NSW and provides an assessment framework, the Apartment Design Guide (ADG), for assessing 'good design.'

As required by Clause 50(1A) of the Environmental Planning and Assessment Regulation 2000 the applicant has submitted a design verification statement from the building designer.

Clause 6.13 *Design Excellence* of the Ryde LEP 2014 is applicable to this site and requires the consent authority to be satisfied that an architectural design competition that is consistent with the Design Excellence Guidelines has been held in relation to the proposed development.

As described in the **Section 4.2** of this report above, an architectural design competition was held in relation to the proposal. The competition panel was formed of 3 urban design experts, including a member of the NSW Government Architects office, an independent member selected by Council and an independent member selected by the applicant. The competition panel selected an entrant to the competition, identifying that their entry was capable of design excellence with further development of the architectural design. The competition panel resolved as part of the competition findings that the panel would continue to review the application throughout the DA process to ensure that Clause 6.13 is satisfied.

This panel (referred to as the Design Integrity Panel (DIP)) have reviewed this application instead of Council's regular Urban Design Review Panel UDRP. As part of the DIP's consideration, they reviewed the application against the Design Excellence Guidelines, SEPP 65 and the ADG.

The DIP is satisfied that the application has satisfied the Design Excellence Guidelines, as well as the objectives of SEPP 65. Further assessment against Clause 6.13 *Design Excellence* is provided below.

The proposal demonstrates consistency with the SEPP 65 Design Quality Principles as discussed in **Attachment 4**.

Apartment Design Guide

Detailed consideration of the proposal against the Apartment Design Guide (ADG) is provided at **Attachment 4**, as required by Clause 30(2) of SEPP 65. The proposal satisfies the ADG, with the exception of the following:

Part 4F *Common circulation and spaces* of the ADG comprises the following Design Criteria:

- | | |
|------------------|---|
| Objective 4F-1: | Common circulation spaces achieve good amenity and properly service the number of apartments. |
| Design criteria: | For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40. |

The proposal exceeds this allocation as follows:

Building A: 191 apartments share 4 lifts, being a ratio of 1 lift to 48 apartments.
 Building B: 339 apartments share 4 lifts, being a ratio of 1 lift to 85 apartments.
 Building C: 506 apartments share 7 lifts, being a ratio of 1 lift to 72 apartments.

*It is noted that separate lifts are provided for the retail premises, restaurant and child care centre.

The application is accompanied by a Traffic Analysis Lift Study prepared by Kone which analyses the service of the lifts in each building. Consideration is given to the handling capacity (number of passengers that can be transported during a 5 minute period, which is typically between 6-8%) and average wait time to call the lift or join a queue (which is typically between 35 and 65 seconds during a 5 minute period). The simulation results of the traffic analysis confirm that the occupants are suitably serviced by the elevators as shown in the examples below:

Building	Lifts	Handling Capacity Typically 7-8%	Average Wait Time Typically 35-65sec	Rating
Building A	Lifts 1 & 2	7%	37	Pass
Building A	Lifts 3 & 4	7%	51	Pass
Building B	Lifts 1, 2, 3 & 4	7%	53	Pass
Building C	Lifts 1, 2, 3, 4, 5 & 6	7%	48	Pass

The applicant states that the lift design has been coordinated with the lift suppliers to ensure that the lifts are appropriate for the expected population. This includes the installation of fast-moving lifts with smart technology systems, such as coordinating level selection and peak hour timings.

Given the implementation of the above measures the provision of lifts is supported as they are considered sufficient to properly service the number of apartments.

Ryde Local Environmental Plan (LEP) 2014

Under the provisions of the Ryde LEP 2014, the site is zoned B4 Mixed Use and the proposal is for a mixed use development comprising the following land uses, which are permissible with consent:

Mixed use development means a building or place comprising 2 or more different land uses.

Shop top housing means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.

Commercial premises means any of the following—

- (a) business premises,
- (b) office premises,
- (c) retail premises.

(Note: the proposed restaurant [or food and drink premises] is a type of retail premises).

Centre-based child care facility means—

(a) a building or place used for the education and care of children that provides any one or more of the following—

- (i) long day care,*
- (ii) occasional child care,*
- (iii) out-of-school-hours care (including vacation care),*
- (iv) preschool care, or*

(b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)).

The proposal satisfies the relevant objectives of the zone as discussed in the following table:

Objectives of the B4 Mixed Use Zone	Comment
• To provide a mixture of compatible land uses.	The proposal offers land uses which are compatible with this Precinct and the primary residential use of this site.
• To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.	The proposal fosters improvements to the public domain and a thru site in support of accessibility. The proposal is suitably serviced by public transport and encourages walking and cycling.
• To ensure employment and educational activities within the Macquarie University campus are integrated with other businesses and activities.	Not applicable. This site and development are not associated with university uses or land. However, the proposal provides residential accommodation and uses that complement the University.
• To promote strong links between Macquarie University and research institutions and businesses within the Macquarie Park corridor.	Not applicable. This site and development are not associated with university uses or land. However, the proposal provides residential accommodation and uses that complement the University and other businesses in the Macquarie Park Corridor.

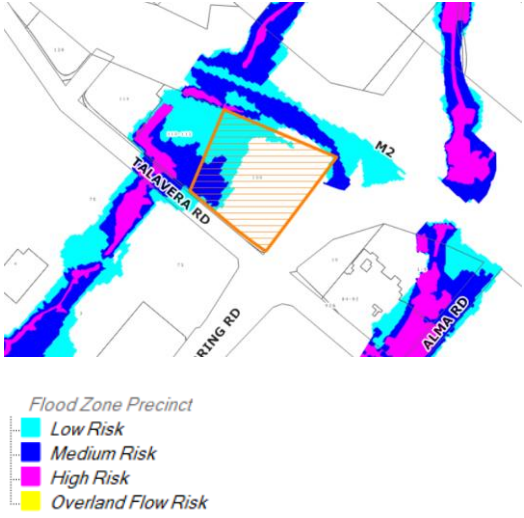
The proposal satisfies the relevant provisions of the Ryde LEP 2014 as discussed in the following table:

Ryde LEP 2014	Proposal	Compliance
2.6 Subdivision-consent requirements	No subdivision is sought in this application.	N/A
4.3(2) Height Maximum: RL 243m	Tower A: RL 174.31 Tower B: RL 197.81 Tower C: RL 242.51	Yes
4.4(2) & 4.4A(1) FSR 6.5:1 for the overall site.	103,950.8m ² GFA proposed for Stage 2.	Yes

Ryde LEP 2014	Proposal	Compliance
<p>Site area: 13,330m².</p> <p>GFA of 103,992.5m² permitted as approved in Concept LDA2020/0187 for the Stage 2.</p>	<p>Note:</p> <p>Stage 1 was allocated a GFA of 22,985m² (being FSR of 3.7:1 for the Stage 1 site area of 3,202m²).</p> <p>Stage 2 proposes a GFA of 103,354.7m² (being FSR of 7.8:1 for the Stage 2 site area of 13,330m²).</p> <p>The overall GFA is 126,935.8m² (being a FSR of 6.5:1 across Stages 1 & 2 with a site area of 19,535m²).</p>	<p>However, the GFA excludes part of the podium which is allocated as outdoor space for the child care centre. Therefore, the GFA is increased by 281m² to 103,635.7m². The proposal still complies with the maximum permitted FSR.</p> <p><i>Discussed further below.</i></p>
<p><u>Consideration of FSR:</u></p> <p>The proposal satisfies the maximum permitted FSR on the site. However, the applicant's calculation of GFA excludes part of the podium which is allocated as outdoor space for the child care centre (see Figure 15 below). Therefore, the GFA is increased by 281m².</p>		

Ryde LEP 2014	Proposal	Compliance
<div data-bbox="418 264 1189 1568" data-label="Figure"> <p>The figure is a detailed architectural floor plan of a childcare center. It shows various rooms including preschool playrooms, toddler playrooms, a kitchen, and a canteen. A large circular area in the upper center is labeled 'Outdoor area excluded from GFA'. A rectangular area at the bottom is outlined in red and labeled 'Outdoor area 281m²'. A canopy over a tower covey is shown extending 5.8m from the building. The plan also includes labels for 'CHILD CARE - EXTERNAL' and 'Included in GFA'.</p> </div> <p>Figure 15: Extract of the GFA plans showing the 281m² of simulated outdoor space that counts towards gross floor area (outlined in red). The canopy above extends out a further 5.8m.</p> <p>The applicant argues that this part of the child care centre does not count towards GFA, as directed by the findings of the Commissioner in <i>Bright Beginnings v Bayside Council</i> [2017] NSWLEC 1425 (<i>Bright Beginnings</i>) which considered the definition of GFA as follows:</p> <p>gross floor area means the sum of the floor area of each floor of a building <u>measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:</u></p> <p>...</p> <p>(i) terraces and balconies with outer walls less than 1.4 metres high, ...</p>		

Ryde LEP 2014	Proposal	Compliance
<p>The applicant states that the findings in Bright Beginnings were that the external face of the wall cannot be characterised as an internal face because an external wall has a specific function that distinguishes it, that being, weatherproofing; and that the definition of GFA must refer to the interior surface of the wall that forms the façade or exterior of a dwelling, being the wall that weatherproofs the interior space, and cannot refer to the exterior surface of the outer wall.</p> <p>The applicant states that <i>“this Outdoor Play Area proposes a 1.8m high acoustic barrier as recommended by the Acoustic Consultant. This 1.8m high acoustic barrier will not qualify as an external wall of the building and therefore should be excluded from the GFA.”</i></p> <p>However, the findings of Bright Beginnings clearly state that the child care centre was amended to reduce the fencing from a height of 2m to less than 1.4m. This ensured that the outdoor space did not count towards FSR under the strict definition of GFA (above).</p> <p>In the case of this DA, the walls around this simulated outdoor space comprise full height walls on 2 sides, with the remaining 2 sides consisting of a solid acoustic fence to a height of 1.8m. This simulated outdoor space is fully covered and also has an extended canopy above as a result of the floor above extending out a further 5.8m as shown in Figure 15 above. As such, this space is considerably enclosed, with minimal exposure to external elements. This space fails to provide fencing with a height less than 1.4m; falls within the definition of GFA and is included as FSR.</p>		
<p>5.10 Heritage Conservation (1) The objectives of this clause are as follows— (a) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, setting and views, (c) To conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p>	<p>The site does not contain an item of heritage significance. However, it is located within the vicinity of the following items of heritage significance listed within Schedule 5 of the Ryde LEP 2014:</p> <ul style="list-style-type: none"> • Macquarie University (ruins) at No. 192 Balaclava Road, Macquarie Park (Item No. 10). <p>The site is a suitable distance to this item. Due to this separation; the proposed works are not considered to result in any material or visual impacts on the heritage item.</p>	<p>Yes</p>
<p>5.21 Flood Planning (1) Objectives (a) to minimise the flood risk to life and property associated with the use of land,</p>	<p>The site is mapped as subject to low and medium risk of flooding, as shown in the Figure below.</p>	<p>Yes</p>

Ryde LEP 2014	Proposal	Compliance
<p>(b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,</p> <p>(c) to avoid adverse or cumulative impacts on flood behaviour and the environment,</p> <p>(d) to enable the safe occupation and efficient evacuation of people in the event of a flood.</p>  <p>Extract of Council's mapping showing the parts of the site that are subject to flood risk.</p>	<p>The proposed development will result in a new building consisting of retail premises, restaurant, a child care centre and residential uses, as opposed to an industrial building.</p> <p>The development is supported by a Flood Impact Study and Flooding Statement prepared by TTW Consulting Engineers which certify that all proposed openings to the basement car park which may create a water ingress risk must be above the adjacent PMF levels.</p> <p>On this basis, the applicant has demonstrated that the basement achieves flood immunity.</p> <p>The proposal is consistent with the provisions of Clause 5.21(2) and (3) and is supported by Council's City Works Drainage section (see Section 7 below).</p>	
<p>6.2 Earthworks</p> <p>(1) 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.</p>	<p>No excavation is sought in this DA, as this was previously approved in LDA2021/0415.</p> <p>Further site preparation and construction works are not considered to result in any adverse detrimental impacts upon environmental functions and processed or neighbouring uses.</p> <p>The site is not located within proximity of any cultural or heritage items.</p>	<p>Yes</p>

Ryde LEP 2014	Proposal	Compliance
	The redevelopment of the site, given its sloping nature involves appropriate levels of cut and fill which does not adversely impact the amenity of adjoining properties and is considered to be consistent with the provisions of Clause 6.2(3).	
<p>6.4 Stormwater management (1) The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.</p>	<p>The proposal is consistent with the provisions of Clause 6.4(3) in that the proposal has been designed to maximise the use of permeable surfaces allowing for water filtration and avoids adverse impacts of stormwater runoff on adjoining properties and receiving waters.</p> <p>The proposal has been considered acceptable by Council's Senior Development Engineer.</p>	Yes
<p>6.6 Environmental sustainability The objective of this clause is to ensure that development on land in a business or industrial zone exceeding 1,500m² in GFA embraces principles of quality urban design and is consistent with principles of best practice environmentally sensitive design.</p>	<p>The proposal utilises sustainable design techniques to achieve natural cross ventilation and access to sunlight to support the amenity of occupants. The use of building articulation and orientation enhance the passive efficiency of the building in terms of passive heating, passive cooling, natural lighting and natural ventilation. Ecologically sustainable design commitments include rainwater irrigation, recycled water for fire pump testing, efficient irrigation (drip irrigation, timers and moisture sensors), at</p>	<p>Yes. Condition 1 requires compliance with the recommendations of the relevant reports.</p>

Ryde LEP 2014	Proposal	Compliance
	<p>least 50% locally indigenous pr “one-drop” water efficient plants, re-usable formwork, water-based and low-emission paints, fitout materials using recycled content, sustainably sourced timber, solar powered lighting for common areas, motion-sensor lighting, air quality monitors for efficient car park ventilation systems, light coloured roof and vegetated roofs.</p> <p>The accompanying BASIX Certificates demonstrate that the targets for sustainability are achieved through the efficient use of energy and water resources which are incorporated into the design of the building.</p> <p>The retail space is capable of complying with the relevant BCA Section J Deemed to Satisfy requirements.</p> <p>The proposed development adequately addresses the principles of quality urban design and is consistent with principles of best practice environmentally sensitive design in accordance with the objectives of this clause.</p>	
<p>6.10 Arrangements for contributions to designated State public infrastructure</p> <p>(1) The objective of this clause is to require assistance towards the provision of designated State public infrastructure to satisfy needs arising from intensive development for residential accommodation on all the land identified as “Area A” on the Designated State Public Infrastructure Map.</p> <p>(3) Development consent must not be granted for development to which this</p>	<p>The Department of Planning and Environment has provided a Satisfactory Arrangements Certificate (Attachment 3). This Certificate was issued subsequent to the applicant entering into a Voluntary Planning Agreement with the Minister for Planning.</p>	<p>Yes</p>

Ryde LEP 2014	Proposal	Compliance
clause applies unless the Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that development.	The VPA involves a monetary contribution of \$12,528,000 towards State Public Infrastructure. This clause is satisfied.	
6.13 Design Excellence (1) The objective of this clause is to ensure that development exhibits design excellence that contributes to the natural, cultural, visual and built character values of Ryde. (2) This clause applies to land identified as "Design Excellence" on the Design Excellence Map. (3) Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence. (4) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—		
(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,	The proposal achieves a high quality built form through a holistic urban design approach and extensive architectural refinement. The architectural detail and materials proposed are suitable for this form of mixed use development in this specific location.	Yes
(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,	The external form and appearance of the development is well coordinated with improvements to the adjoining public domain. The resulting amenity creates an inviting and activated experience.	Yes
(c) whether the development detrimentally impacts on view corridors,	There are no iconic view corridors that are detrimentally impacted by the development. The tower forms contribute to the formation of the skyline of the Macquarie Park Corridor.	Satisfactory
(d) whether the development detrimentally impacts on any land protected by solar access controls established in the Ryde Development Control Plan,	The proposal does not contravene the solar access controls in the Ryde DCP 2014.	Satisfactory
(e) the requirements of the Ryde Development Control Plan,	The proposal is consistent with the development controls in the DCP, as discussed in detail below.	Satisfactory

Ryde LEP 2014	Proposal	Compliance
(f) how the development addresses the following matters—		
(i) the suitability of the land for development,	The land is suitable for the mixed use development. The constraints of the site are suitably addressed with regard to contamination and remediation, flooding and bushfire affectation.	Satisfactory
(ii) existing and proposed uses and use mix,	The proposed uses include residential apartments and associated communal open space areas, retail premises, restaurant and a child care centre. The development provides uses which are complementary to each other and to surrounding uses.	Satisfactory
(iii) heritage issues and streetscape constraints,	The site does not contain an item of heritage significance. However, it is located within the vicinity an item of heritage significance, being Item No. 10 Macquarie University (ruins) at No. 192 Balaclava Road. The site is a suitable distance to this item. Due to this separation; the proposed works are not considered to result in any material or visual impacts on the heritage item. The proposed design responds to the streetscape constraints on the site, including change in levels, vehicular and pedestrian permeability and coordinating with the levels and uses of the adjoining development.	Satisfactory
(iv) the relationship of the development with other development (existing or proposed) on the same site or on	The proposal ('Stage 2' on Lot 2) is cohesive with the completed Stage 1 mixed use development	Satisfactory

Ryde LEP 2014	Proposal	Compliance
neighbouring sites in terms of separation, setbacks, amenity and urban form,	and through site link on adjoining Lot 1. Suitable separation, setbacks, amenity and urban form are achieved.	
(v) bulk, massing and modulation of buildings,	The massing of the podium and 3 tower form is suitably modulated.	Satisfactory
(vi) street frontage heights,	The podium form is stepped down with the slope of the site and features a green buffer which contributes to a suitable height at the street edge.	Satisfactory
(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,	The proposed design suitably responds to environmental impacts to deliver a development which supports ecological sustainability, minimises overshadowing through the careful siting and alignment of the towers, incorporates mitigation measures to avoid direct and upwashed wind impacts and minimises reflectivity.	Satisfactory
(viii) the achievement of the principles of ecologically sustainable development,	The proposal incorporates sustainable measures including: - Maximising daylighting levels to bedrooms through articulation and smart façade design. - Maximising natural ventilation levels to bedrooms and living areas by providing full height recessed glass louvres to 'catch' breezes and natural ventilation to common and circulation areas. - Maximising thermal comfort through façade design, louvres, and glazed area designed to suit each facade orientation.	Satisfactory

Ryde LEP 2014	Proposal	Compliance
	<ul style="list-style-type: none"> - Reducing energy consumption and provide renewable energy. - Reducing water consumption and rainwater harvesting for landscaped areas. groundwater reuse. 	
(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,	Transport access, circulation and requirements are suitably catered for within the building footprint.	Satisfactory
(x) the impact on, and any proposed improvements to, the public domain,	The proposal includes extensive improvements to the public domain areas, including connecting to the through site link on the adjoining site.	Satisfactory
(xi) achieving appropriate interfaces at ground level between the development and the public domain,	The ground level interface provides strong points of entry, such as the 'Arrival Plaza' and the through site link' which are framed by a green buffer. A strong connection is provided to the public domain.	Satisfactory
(xii) integration of landscape design, including the configuration and design of communal access and communal recreation areas, to incorporate exemplary and innovative treatments and to promote an effective social atmosphere.	<p>The landscape design incorporates public domain, streetscape design and the podium communal open spaces. A range of active and passive uses are made available in the communal areas to encourage social interaction and quality lifestyle options.</p> <p>The public areas are suitably accessible to the general public.</p> <p>Street front plantings are colourful and vibrant with an avenue of trees to soften the proposed built form.</p>	Satisfactory
(5) Development consent must not be granted to the following development to which this Plan applies unless an architectural design competition that is consistent with the Design Excellence Guidelines has been held in relation to the proposed development—		

Ryde LEP 2014	Proposal	Compliance
(a) development in respect of a building that is, or will be, higher than 45 metres or 13 storeys (or both) in height,	Satisfied.	Yes
(b) development having a capital value of more than \$5,000,000,	Satisfied.	Yes
(c) development for which the applicant has chosen to have such a competition.	N/A	N/A
(6) Subclause (5) does not apply if the Council certifies in writing that the development is one for which an architectural design competition is not required.	N/A	N/A
(7) In deciding whether to grant development consent to the development application, the consent authority is to take into account the results of the architectural design competition.	Consideration has been given to the result of the architectural design competition. The competition panel selected a competition entrant, identifying that their entry was capable of design excellence with further development of the architectural design. The competition panel resolved as part of the competition findings that the panel would continue to review the application throughout the DA process to ensure that Clause 6.13 is satisfied.	The proposal satisfies the Design Excellence provisions, as discussed in detail below.
<p>(8) In this clause—</p> <p>architectural design competition means a competitive process conducted in accordance with the Design Excellence Guidelines.</p> <p>Design Excellence Guidelines means the Design Excellence Guidelines issued by the Planning Secretary, as amended from time to time.</p> <p>Ryde Development Control Plan means the Ryde Development Control Plan, as in force at the commencement of Ryde Local Environmental Plan 2014 (Amendment No 24).</p>		

Design Excellence

As detailed above, the Design Integrity Panel (DIP) reviewed the application against the Design Excellence Guidelines, SEPP 65 and the ADG.

This review was conducted following the lodgement of the DA and subsequent submission of amended plans. The table below summarises the comments provided by the DIP at each of their meetings and demonstrates that the DIP is satisfied that the application has satisfied the Design Excellence Guidelines, as well as the objectives of SEPP 65.

Issues raised by Design Integrity Panel (DIP) 14 March 2022	DIP comments on amended plans 5 August 2022	DIP comments on amended plans 14 November 2022
<p><u>Child Care Centre</u></p> <ul style="list-style-type: none"> • The applicant has advised that the lift capacity for the child care centre (CCC) is sufficient and has submitted a report by their Lift Consultant confirming this. • The lobby for the CCC has increased in size as requested, however, the Panel has raised concern for the apparent complexity of the entry into the CCC, given it is anticipated that the majority of the catchment for the CCC will be residents within the development itself. In the current configuration it appears that residents of Towers A, B and C will be required to leave their building and traverse the street network (or basement) to access the CCC lobby. The applicant should consider a more convenient and intuitive path and entry to the CCC from the communal open spaces and across the podium roof to improve the pedestrian access to the CCC from within the development and support use of communal play areas by resident families, building connections and community. • The applicant has provided a study demonstrating why a drop off outside the basement for the CCC was not feasible, including that it encroaches into the easement providing access to the adjoining properties from the M2 slip road. The DIP has accepted this reasoning. • Further detail is required to demonstrate how the boom gates within the CCC parking area will mitigate safety of pedestrians and avoid any potential conflict with truck movements. A 	<p>The Panel were generally satisfied that the CCC drop off has been resolved by the amended basement layout, subject to conditions of consent with respect to wayfinding within the basement.</p> <p>The Panel considered the proposed location for the lift accessing the CCC, and supports the general arrangement, noting it will avoid residents needing to exit the development to access the CCC, and therefore considers the entrance for the CCC is acceptable subject to electronic access and management being resolved.</p> <p>It is noted that the applicant has confirmed that the detailed fit out of the CCC will be subject to a future Development Application. The Panel has advised that conditions should be imposed requiring this DA to be submitted with a detailed Plan of Management that will address wayfinding and security access for residents using the CCC.</p>	<p>The Panel considers these issues to be satisfied, subject to the imposition of a condition of consent requiring the applicant to submit a detailed Plan of Management addressing security access arrangements for this subject DA.</p> <p>A condition of consent is also recommended requiring a separate DA be submitted for the fitout of the child care centre.</p>

<p>boom gate will prevent vehicle conflict but does not necessarily improve pedestrian safety or stop young children.</p>		
<p><u>Podium</u></p> <ul style="list-style-type: none"> • Communal Open Space (COS) for Tower B has not been provided, however, an additional BBQ area has been provided on the podium to increase recreational facilities. • Lack of details for levels on the podium, including planting depths. • Lack of details on podium of screening / landscaping. Applicant advised that the red dotted lines on podium plan did not accurately represent screening proposed and indicated further information would be provided to the Panel for its review. 	<p>The Panel note the additional information provided with respect to finished levels on the podium. However, more sections of the podium are required to identify the soil depths in more areas of the podium. Of note are the areas identified as deep soil (i.e., with a soil depth of 2m), which should be demonstrated by sections.</p> <p>Details of screening have been provided on the podium, including screening and landscaping. The Panel note that a condition of consent should be imposed for the screens on the podium, requiring verification they have been installed in accordance with the recommendations in the Wind Report.</p>	<p>The Panel recommends that Council's Landscape Officer consider (and be satisfied) of the following:</p> <ol style="list-style-type: none"> Whether the proposed maximum 1m depth of planting on podiums is sufficient to meet the minimum required volume of soil required by the DCP (noting for example the DCP guide for 1.3m soil depth to support significant trees). Whether a component of planting on podiums is required to be counted to meet the minimum required area of deep soil; if so, the Panel notes that soil depth should meet the minimum guide required by the DCP of 2m. <p>If Council is satisfied of the above, no objection raised by the Panel.</p> <p><u>Council response:</u> The podium deep soil areas are insufficient in soil depth to count towards deep soil. However, the applicant subsequently submitted amended plans increasing the deep soil on the site to over 7% of the site in line with the ADG which is supported by Council.</p>
<p><u>Landscaping</u></p> <ul style="list-style-type: none"> • Insufficient details on levels for landscaping on ground floor, podium and planters. • Landscape sections for Talavera Road not provided. These need to be provided along with a more comprehensive presentation of how the various levels and relationships in this area are configured. 	<p>The Panel requests further details with respect to the landscaping and public domain treatment along Talavera Road.</p> <p>Dimensions of the path on the switchback ramp must be shown on the plans. The applicant should also provide more details in the form of a</p>	<p>The Panel has reviewed the applicant's revised landscape design documentation, including the 3D imagery sought by the Panel.</p> <p>The Panel remains concerned for the design of the ramp along Talavera Road, which appears narrow, long, unappealing and therefore unlikely to be used. Additionally, the planting beds between sections of ramp are very narrow,</p>

<ul style="list-style-type: none"> Overall, it is considered further detail on soil depths and levels need to be provided on the landscape plans. 	<p>simple 3D render and sections for the switchbacks on the ramp.</p> <p>As discussed above with respect to the podium, further sections are required to demonstrate planting depths on the podium.</p>	<p>largely enclosed, difficult to maintain and unlikely to grow well. Glass balustrades are not thought to be a logical material in this area. The Panel had previously understood that there was publicly accessible lift access in this vicinity, which appears now to have been deleted. The current plans do not show an alternate equitable access / lift option.</p> <p>If the proposed ramp arrangement is to remain, the Panel is concerned to ensure the ramp and balustrades arrangement is positively worked into the topography, levels, public domain and landscape design.</p> <p>Amended plans and supporting information are to be submitted which resolve the above concerns.</p> <p><u>Council response:</u> The applicant subsequently submitted amended plans deleting the ramps and providing landscaping in its place, as well as providing ramps and lift access to enable accessibility across the steep levels along the Talavera Road frontage. This is supported by Council.</p>
<p><u>Wind effects</u></p> <ul style="list-style-type: none"> It is noted that a Wind Report has been provided with the DA package, however, this report does not encompass any wind modelling and appears not to have yet influenced the detailed design of key communal spaces and thresholds onto the podium roof. The DIP is of the view that potential wind impacts have not yet been adequately considered in the detailed design of the development. Details of screening and wind mitigation are not clear on the architectural plans. 	<p>The Panel acknowledge the additional modelling and wind mitigation measures proposed in the amended plans, including screens, landscaping and attenuated plenums.</p> <p>The applicant should confirm that the trees within the through site link, which are identified as being necessary to mitigate the wind impact, will be able to withstand the wind conditions in this area during the establishment phase, and confirm their viability to grow to mature height.</p>	<p>The Panel recommends that Council consider (and be satisfied) of the following:</p> <ol style="list-style-type: none"> Given the Wind Report recommendation for new trees required to be planted along the through site link to mitigate against likely wind effects; Council should verify that the proposed 200L size and species of new trees are capable of establishment and wind pruning as a result of the prevalence of wind effects.

<ul style="list-style-type: none"> • A more integrated approach from the Wind Consultant, Architect and Landscape Architects is required, and more details must be provided on the plans. • The DIP has raised concern that the fencing/screening on the podium has considered horizontal winds only and not down-shear. The report states that there are significant wind effects at the corners of buildings at podium levels, which coincides with entrances to Towers A and B. 	<p>The details of the wind screens appear to be up to a height of 1.8m in some cases. The DIP question what the overall experience of the balcony is, and note that these screens may result in a greater sense of enclosure akin to a winter garden. It is noted this may affect the gross floor area, and this should be considered by Council.</p> <p>The Panel also request proprietary specifications for the attenuated ventilation plenums be provided. Can these ventilation systems be turned on and off? How does this system work with temperature control and support energy efficiency if units are air conditioned?</p>	<p>Note: If trees are impacted by wind effects during their establishment, the Panel is concerned they are not to be replaced by screens.</p> <p><u>Council response:</u> Council's Consultant Landscape Architect has confirmed that the tree species nominated within each setback are consistent with the requirements of the Windtech report dated 26.11.2021, being "densely foliating, evergreen species." Provided the trees are installed in accordance with Section 6 of the Tree Management Technical Manual, there is no specific concern for their ability to establish. Condition 43 is recommended to address establishment of trees. This is supported by Council.</p> <p>2. Considering the applicant's response in terms of 1.8m tall balcony/wind screens not resulting in a sense of enclosure. Council is to be satisfied that the majority of each balcony is not enclosed with a full height 1.8m screen.</p> <p><u>Council response:</u> The wind screens have been reviewed in detail below. These plans demonstrate that the majority of the balconies are not enclosed with a full height screen. The resulting amenity is not considered to result in a sense of enclosure and are acceptable.</p> <p>3. Given the applicant's response and provision of supporting documentation in terms of the operation of the ventilation plenums. Council is to assess the efficacy of the proposed measures for acoustic attenuation and natural ventilation.</p>
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		<p><u>Council response:</u> Detailed consideration of the ventilation plenums is provided below. Council is satisfied that the efficacy of the acoustic attenuation and natural ventilation afforded by the ventilation plenums is acceptable. This is supported by Council.</p> <p>If Council is satisfied of the above, no objection raised by the Panel.</p>
<p><u>Retail and Public Domain</u></p> <ul style="list-style-type: none"> The DIP has raised concern for the lack of footpath along the existing slip road and notes the lack of pedestrian refuge. The applicant is to consider pedestrian safety in this area, the proposed siting of share cars, the proposed restaurant drop-off and potential for incidental CCC drop off. The applicant has somewhat opened the retail to provide more seating and amenity in this area. This approach is supported by the DIP, however, concern is raised with the approach to resolving the level differences in the Talavera Road frontage. Planting between switchbacks on the ramp on Talavera Road to help screen the ramp. 1m width of planting is the minimum width suggested. Consideration of CPTED principles is required for this design to ensure sight lines are maintained from retail level and street level. Detailed sections to be provided in this area. <p><u>Restaurant</u></p> <ul style="list-style-type: none"> The amended plans address the issue of visibility of the restaurant. Refer to comments 	<p>The applicant has confirmed that a pedestrian path has been provided around the slip road. It was also advised by the applicant that the road has not reduced in width to accommodate this pathway, rather, that the deletion of the previous car share spaces in the slip road have allowed for the pathway to be included. This strategy is supported.</p> <p>A restaurant parking zone has been provided in the basement near the restaurant/lobby lift. This is supported by the Panel.</p> <p>As discussed in the landscaping section above, further detail is required to be provided to demonstrate the levels in the Talavera Road public domain interface have been resolved.</p>	<p>No further action.</p> <p>No further action.</p> <p>Levels in the Talavera Road public domain interface are to be resolved. The proposed switch back ramp is inadequate to resolve this issue.</p> <p>Amended plans and supporting information are to be submitted which resolve the above concerns.</p> <p><u>Council response:</u> The applicant subsequently submitted amended plans deleting the ramps and providing landscaping in its place, as well as providing ramps and lift access to enable accessibility across the steep levels along the</p>

<p>regarding the safety of the existing slip road for restaurant drop off.</p>		<p>Talavera Road frontage. This is supported by Council.</p>
<p><u>Facades</u></p> <ul style="list-style-type: none"> Overall, the DIP request further façade detail sufficient to describe the design intent for each primary facade type. It is requested more 3D representations are provided in the next DA pack along with illustration sections at 1:50 showing structure, facade, balustrade, glazing, wind screens and the integration of any acoustic treatments, bushfire protection, drainage and services. The DIP question whether all the environmental factors have been resolved and whether mitigation of these factors (i.e., wind, acoustic, bushfire) are shown clearly enough on the façade. For example, details need to be provided for apartments that have operable windows and different thicknesses of glass. 	<p>The DIP acknowledges the submission of detailed sections for the various façade types across the project, that show the mitigation measures proposed for wind, acoustic and bushfire.</p> <p>Refer to comments on the wind screens and possible resulting winter gardens above.</p> <p>The applicant should confirm how the window glass can be cleaned given the location of the bushfire screens inside of the glass.</p> <p>The DIP gave in principle support for the design development evident in the various facade types.</p> <p>The DIP is seeking confirmation of the final material palette, appreciating that there are areas that remain unresolved at this point.</p> <p>The final proposed extent of pre-cast and in situ concrete should be confirmed, and the finished treatments clarified.</p> <p>The Panel restates its expectation that the buildings are to be primarily integral colour finishes and that the use of painted and rendered finishes should be limited to minimise any long term maintenance burden.</p>	<p>Issue: Insufficient information regarding the final developed design intent for each primary façade type, including the proposed installation and maintenance of bushfire ember screens and glazing.</p> <p>The Panel's earlier comments are repeated:</p> <ul style="list-style-type: none"> The DIP request further façade detail sufficient to describe the design intent for each primary facade type. It is requested more 3D representations are provided in the next DA pack along with illustration sections at 1:50 showing structure, facade, balustrade, glazing, wind screens and the integration of any acoustic treatments, bushfire protection, drainage and services. <p><u>Council response:</u> The applicant subsequently submitted additional information which demonstrates that façade systems cater for each of these items. Council is satisfied of the façade design as discussed in detail below.</p> <p>The DIP notes that some developed façade design and 3D diagrams has been provided, however, these diagrams are silent on balcony drainage and external downpipes (which should be integrated and not exposed).</p> <p><u>Council response:</u> The applicant subsequently confirmed that all drainage and external downpipes are integrated into the balcony design. Council is satisfied that downpipes are capable of being screened from view as discussed in detail below.</p>

		<p>Additionally, it is noted that although the applicant's Bushfire report explains that the bushfire ember screens can be removed to enable window cleaning. Detailed plans do not yet show the complete, resolved design intent. This is to be detailed on 1:50 façade section plans.</p> <p><u>Council response:</u> The applicant subsequently submitted additional façade sections and Council is satisfied that the windows are capable of being cleaned, similar to fly screens being removed from window frames to allow for cleaning.</p> <p>Issue: External finishes.</p> <p>The DIP has reviewed the final amended material & letter provided and is not satisfied that this addresses the substance of the issue.</p> <p>The provided letter seeks to justify the use of paint on all masonry surfaces across all towers. The DIP restates its expectation that the final proposed extent of pre-cast or in-situ concrete, having been confirmed, that the buildings are to be finished primarily with integral colour finishes and that the use of painted and rendered finishes should be limited to minimise any long term maintenance burden.</p> <p>Painted masonry for all aspects of the façade is inadequate. Amended plans are required which respond to the previously raised issues and minimise the use of painted and rendered finishes.</p> <p><u>Council response:</u> The applicant subsequently submitted additional justification in support of the use of paint on masonry surfaces. This is discussed in further detail below. Council is satisfied that the applicant's proposed external</p>
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		materials and finishes are suitable in terms of quality and longevity.
<p><u>Building C</u></p> <ul style="list-style-type: none"> The height difference between the two connected forms within Building C has been increased to 3 stories. The applicant stated that this differential in height was not increased further in an attempt to maximise the number of units with views towards the city. The DIP accepts this approach in principle, subject to the development of the design intent for each primary facade type as noted above. 	No further discussion required.	No further action.
<p><u>Building B</u></p> <ul style="list-style-type: none"> The amended design has incorporated private rooftop terraces for Building B, but this does not incorporate COS as previously suggested. As stated above, further recreational facilities have been provided on the podium level which will be utilised by occupants of Building B. 	No further discussion required.	No further action.

As explained in the table above, the DIP concluded that if Council considers these matters to be satisfactory, the DIP raised no further objection. Council's consideration of how these matters have been resolved is as follows:

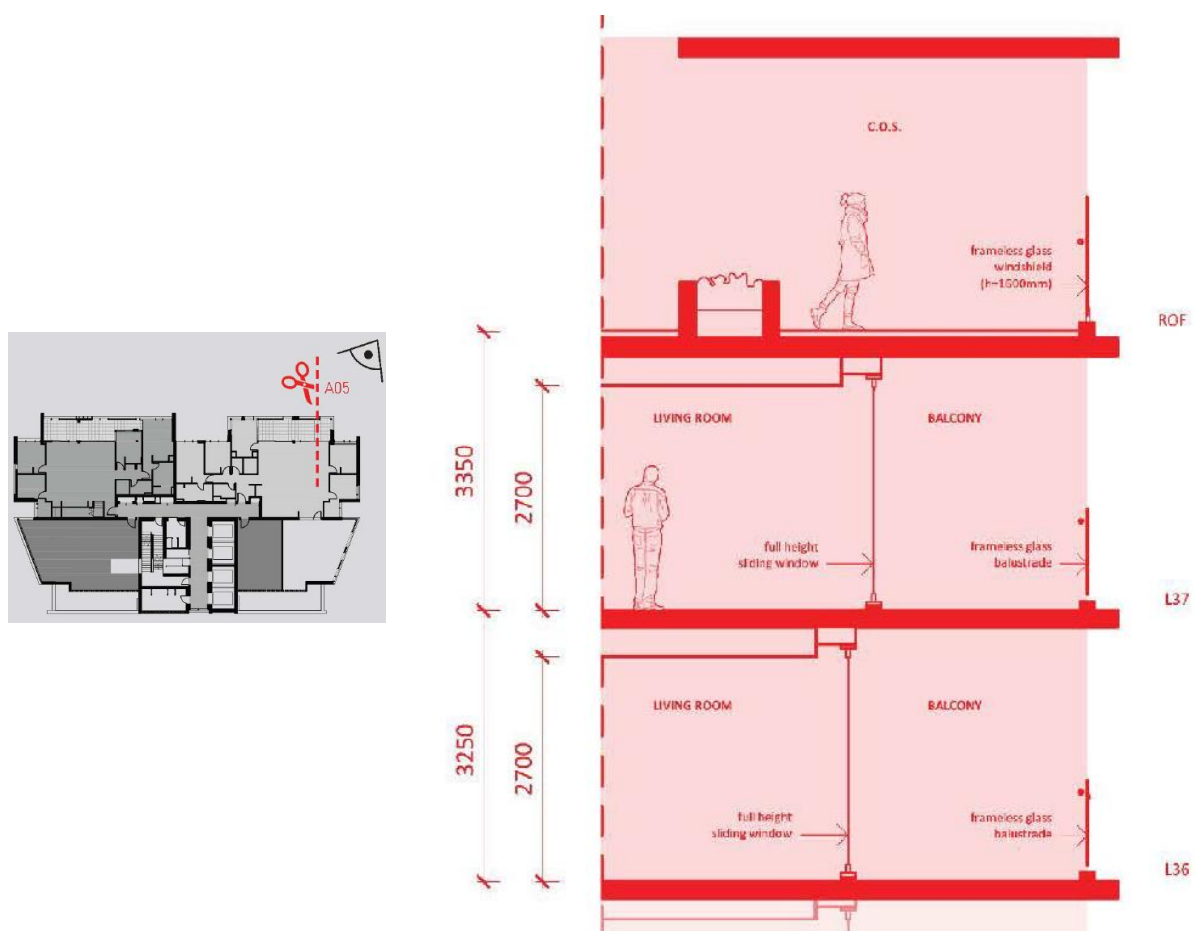
Balcony wind screens

The Wind Environment Assessment prepared by Windtech recommends the installation of wind screens to mitigate potential direct and upwashed wind impacts, which include some full height 1.8m screens. The applicant proposed to use glazing as the screening material.

The extent of screens for each balcony are shown on the plans at **Attachment 1** (see plans R2015-R4068). For example, as shown in **Figure 16** below, the rooftop terraces and rooftop communal open space (COS) area of Building A is required to be treated with impermeable 1.5m high balustrades along the entire perimeter edge. The COS areas intended for short duration stationary activities such as outdoor seating are recommended to be situated away from the edge. Various residential balconies are to be treated with impermeable 1.2m high balustrades and full-height screens along the exposed perimeter edges as shown on the proposed plans.

Council is satisfied that the balconies maintain an open effect and are not considered to be enclosed 'winter gardens,' or similar which may be included as gross floor area.

The resulting amenity is not considered to result in a sense of enclosure and are acceptable.



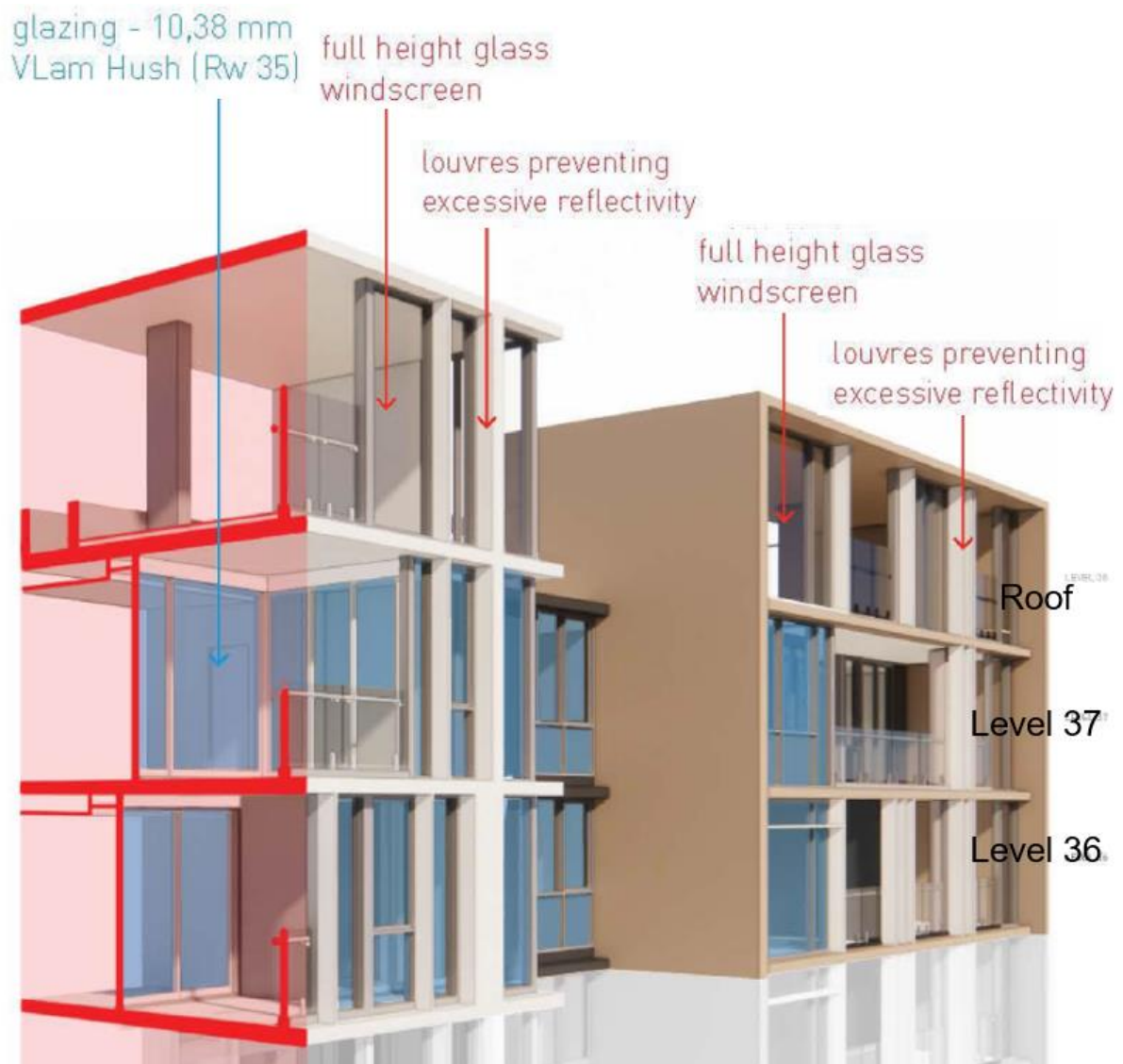


Figure 16: Section Plan and Perspective Plan of the façade of Building A which is orientated towards the M2 Motorway showing the glazing, full height windscreen and louvres.

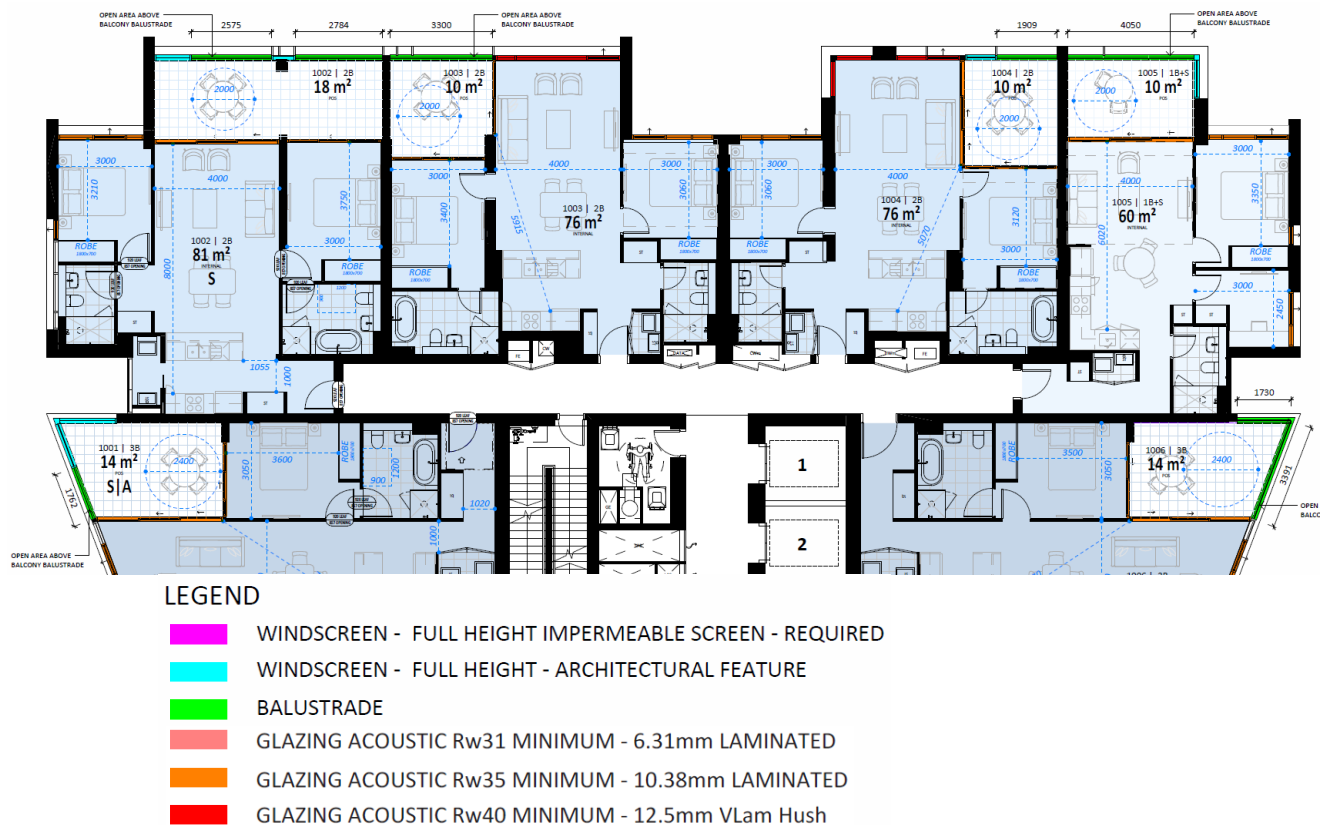


Figure 17: Extract from the Level 10 Floor Plan (typical of Levels 6-21) showing the glazing treatment to the habitable room and balconies to address wind and acoustic impacts.

Ventilation plenums

The proposal includes the installation of ventilation plenums to the required habitable rooms of select apartments to ensure appropriate 'cross ventilation' is available, as detailed in Appendix D of the Façade Design Co-ordination Report prepared by Windtech. To provide suitable acoustic attenuation the ventilation plenums include silencing treatments as shown in **Figure 18** to **Figure 20** below. The ventilation plenums can be operated by the occupants with an electronic open/close switch to enable the vent to be closed at the discretion of the occupant, including if the air conditioning is operating.

The ventilation plenums comprise passive air intake vents designed to supply fresh air to each of the noise affected habitable room and then be exhausted from a central location via a continuously operating extraction fan capable of generating a minimum flow of 40 litres per second. A system that is able to provide at least 40 litres per second of air changes through the apartment is more than sufficient to maintain adequate air quality to apartments.

The detailed design of these silencing treatments demonstrate that ventilation plenums achieve the required minimum natural ventilation for air quality as per Australian Standard (AS) 1668.2 in the noise affected habitable rooms.

Windtech have also confirmed that the installation of metal mesh with an aperture of less than 2mm is to be installed to select ventilation plenum openings to avoid bush fire embers from penetrating the façade.

Council is satisfied that the efficacy of the natural ventilation, acoustic attenuation and bushfire protection afforded by the ventilation plenums is acceptable.

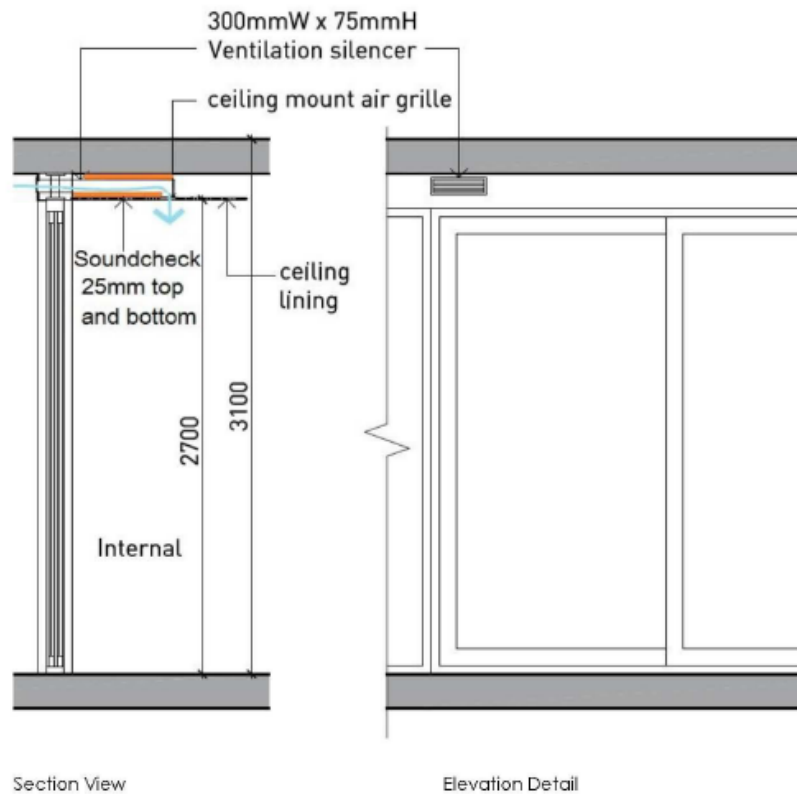
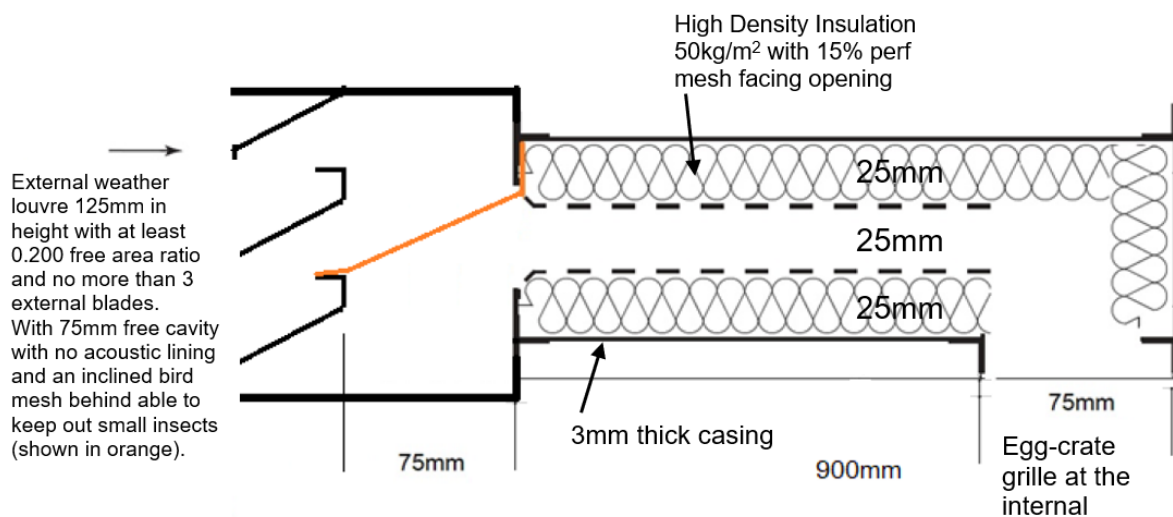


Figure 18: Typical façade section showing the location of the ventilation plenums and silencing treatments to mitigate noise impacts.



B2.3 Typical Long Section – Exposed Façade NTS

Figure 19: Typical long section showing the silencing treatments to mitigate noise impacts, bushfire embers and insects within the ventilation plenums.

C2.5 Night time Pass-Fail External Noise Building A: Elevations 1 to 4

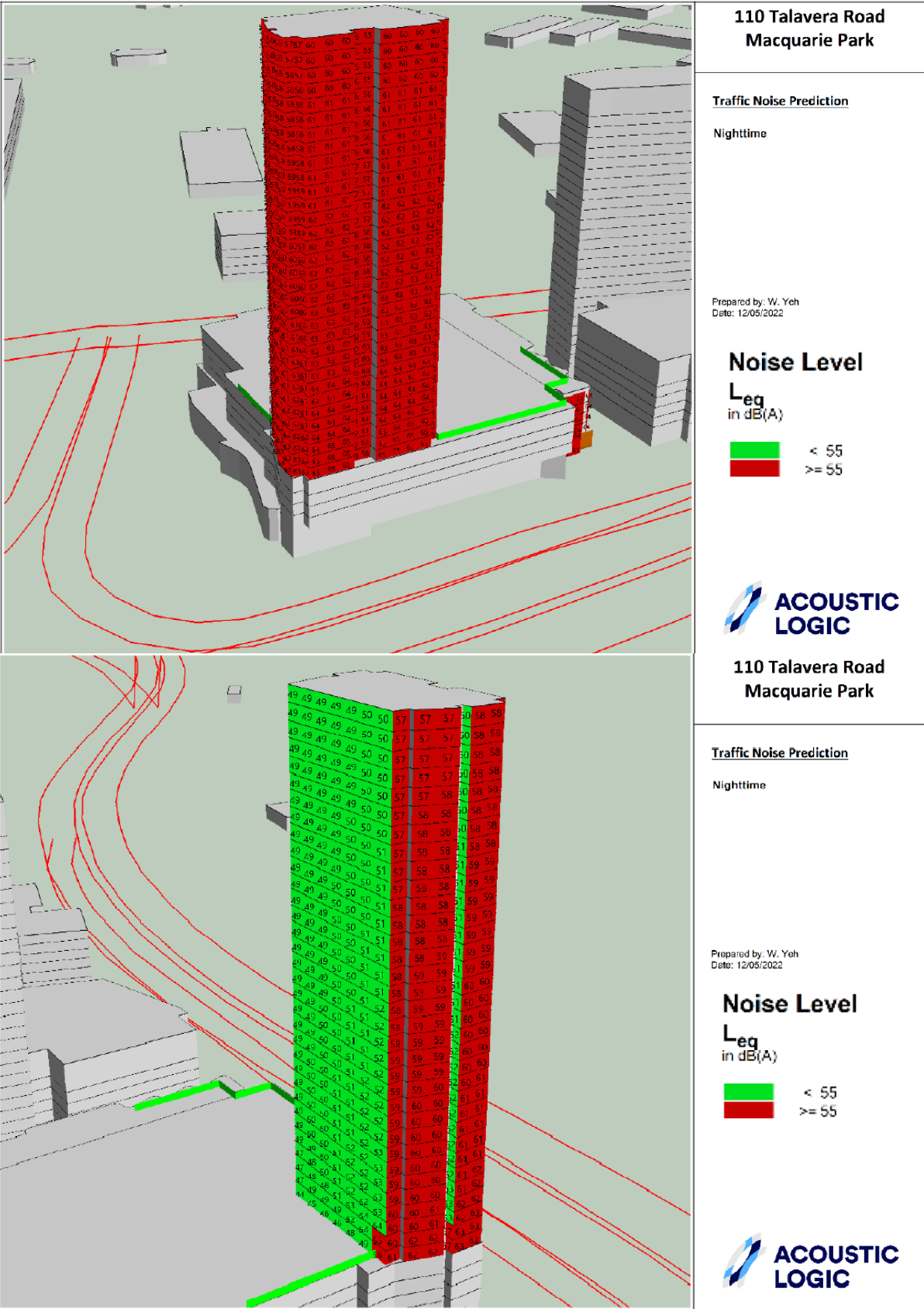


Figure 20: Extract from modelling prepared by Acoustic Logic showing the apartments in Building A which receive nighttime traffic noise under 55 L_{eq} in dB(A) (green) and over 55 L_{eq} in dB(A) (red).

The applicant confirmed that the balcony drains and downpipes will be integrated and not exposed as shown in **Figure 21** below. Council is satisfied that downpipes are capable of being screened from view. Due to the level of detail required to show this on the plans, it is recommended that this is addressed by **Condition 39**.

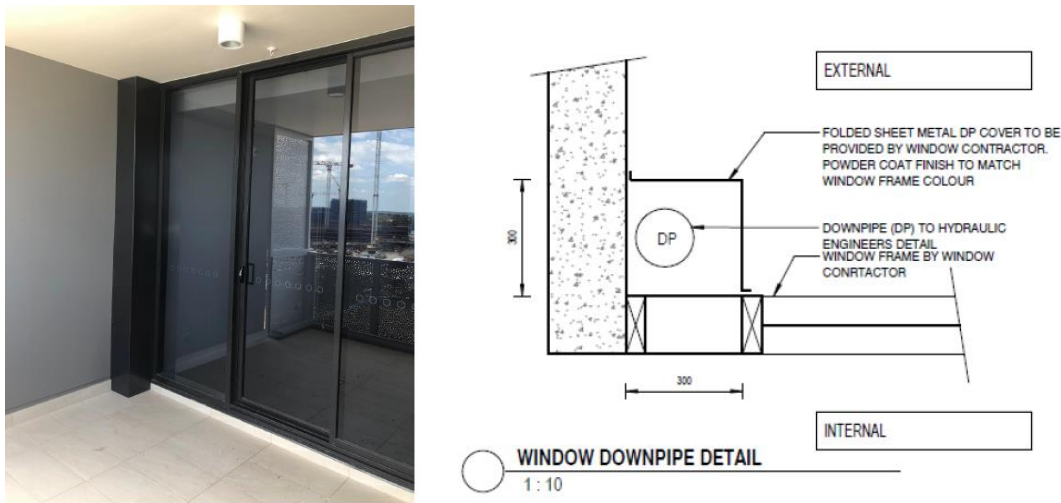
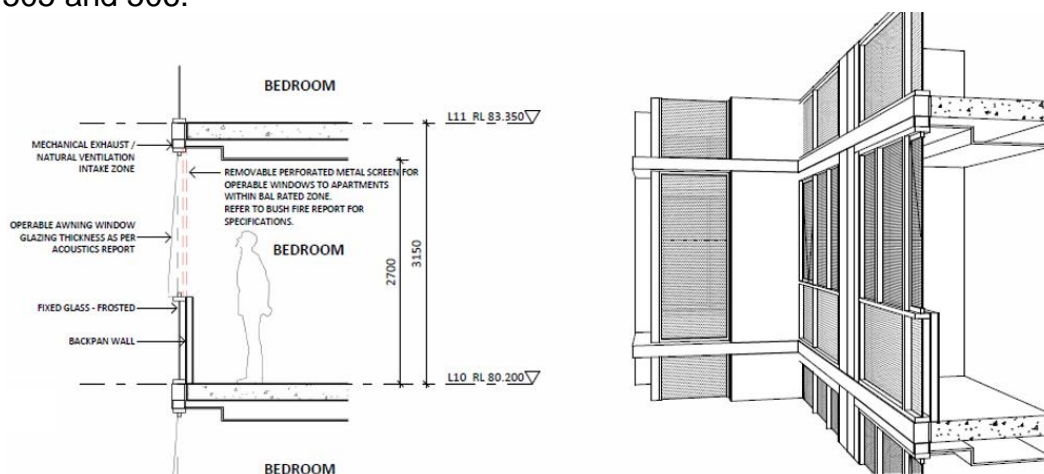


Figure 21: Photo and detail plan of a typical balcony drain and downpipe showing that they are integrated into the balcony and screened from view.

Facade Integration

The applicant provided additional construction and maintenance details for the facades showing structure, facade, balustrade, glazing, wind screens, acoustic treatments and bushfire measures, as shown in **Figure 22** below. Council is satisfied that the proposal adequately considers the integrated design of the facades in a manner which is buildable and offers a suitable quality and amenity to occupants.

It is noted that the perforated metal screens are only recommended to be installed on the windows of podium level apartments orientated towards the Lane Cove National Park to the north-east. The affected apartments are detailed in the Bushfire Assessment Report prepared by Australian Bushfire Consulting Services. This includes 28 podium level units, being Units G10, G11, 110, 111, 201, 202, 203, 204, 210, 211, 301, 302, 303, 304, 312, 313, 401, 402, 403, 404, 412, 413, 501, 502, 503, 504, 505 and 506.



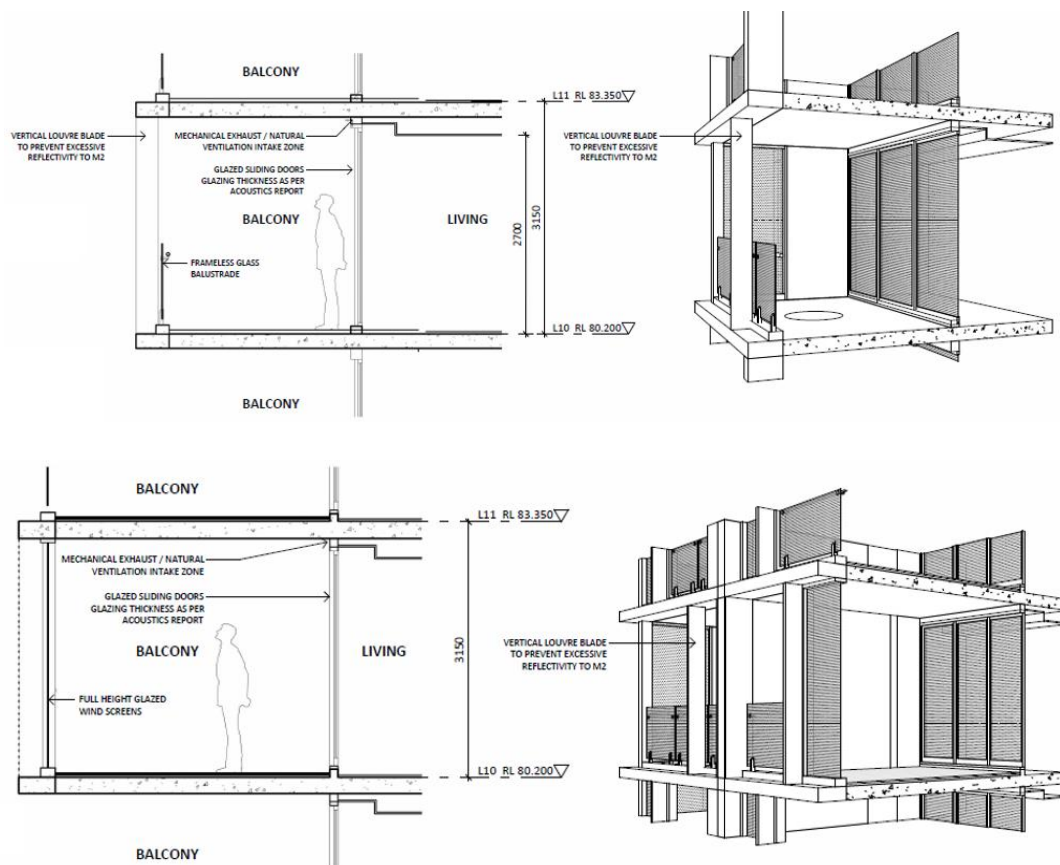


Figure 22: Extract of a section plans for a typical Building A apartment showing the structure, facade, balustrade, glazing, wind screens and the integration of any acoustic treatments, bushfire protection, drainage and services.

External paint finish

The applicant has explained that the DIP's suggestion to 'stain' the concrete lasted for only 2 years before experiencing cracking in the finish which requires infill patching and painting over. The applicant has explained that paint they use lasts for more than 15 years with Taubman's unique endurability and tower specialisation. This is a specific architectural coating that contains the product *Armawall* which is specifically designed for use on precast concrete, developed and testing for Australian weather conditions. The applicant also identifies that the façade of the development is mostly glazed with minimal concrete. Council is satisfied that the applicant's proposed external materials and finishes are suitable in terms of quality and longevity.

The proposed plans and supporting documentation demonstrate that this application exhibits design excellence that contributes to the natural, cultural, visual and built character values of Ryde. The proposal exhibits good building design which positively contributes to the overall architectural quality of the Macquarie Park Corridor and fits sensitively into the streetscape.

City of Ryde Section 7.11 Development Contributions Plan 2020

Council's current Section 7.11 Development Contributions Plan 2020 effective 1 July 2020 requires a contribution for the provision of various additional services required as a result of increased development density. The contribution is based on the number of additional dwellings and commercial floor area within the development proposal.

The contributions that are payable with respect to the increased housing density on the site (being for residential development inside the Macquarie Park Area) are permitted to be paid in stages in line with the proposed construction staging of the development as follows (see **Condition 34**):

Stage 1 as per the Construction Staging Plans	
A – Contribution Type	B – Contribution Amount
Community Facilities	\$ 1,438,434.62
Open Space & Recreation	\$ 2,779,977.68
Transport & Traffic Facilities	\$ 217,467.17
Plan Preparation & Administration	\$ 66,550.57
The total contribution is	\$ 4,502,430.04

Stage 2 as per the Construction Staging Plans	
A – Contribution Type	B – Contribution Amount
Community Facilities	\$ 1,834,194.48
Open Space & Recreation	\$ 3,536,227.43
Transport & Traffic Facilities	\$ 250,659.87
Plan Preparation & Administration	\$ 84,316.82
The total contribution is	\$ 5,705,398.60

Stage 3 as per the Construction Staging Plans	
A – Contribution Type	B – Contribution Amount
Community Facilities	\$ 3,139,597.95
Open Space & Recreation	\$ 6,054,846.80
Transport & Traffic Facilities	\$ 434,834.12
Plan Preparation & Administration	\$ 144,440.10
The total contribution is	\$ 9,773,719.97

(ii) Any proposed instrument (Draft SEPP, Planning Proposal)

Draft Environment SEPP

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

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

The proposal is consistent with the relevant provisions of the draft SEPPs.

Draft Remediation of Land SEPP

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

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

The draft SEPP does not seek to change the requirement for consent authorities to consider land contamination in the assessment of DAs. Refer to the above conclusions made in relation to SEPP (Resilience and Hazards) 2021.

(iii) Any development control plan

Ryde Development Control Plan (DCP) 2014

The proposal is subject to the provisions of the following parts of Ryde DCP 2014:

- Part 3.2: Child Care Centres
- Part 4.5: Macquarie Park Corridor
- Part 7.2: Waste Minimisation and Management
- Part 8.1: Construction Activities
- Part 8.2: Stormwater and Floodplain Management
- Part 8.3: Driveways
- Part 9.2: Access for People with Disabilities
- Part 9.3: Parking Controls
- Part 9.5: Tree Preservation

A details assessment of the DCP is provided at **Attachment 4**. The proposal is consistent with the relevant objectives and development controls, with the exception of the following minor items:

Part 4.5: Macquarie Park Corridor

Control 8.2 of the DCP requires a minimum of 20% of the site area to be provided as deep soil with a depth of at least 2m. For the purpose of calculating deep soil areas, only areas with a minimum dimension of 20m x 10m may be included. The proposal comprises deep soil area with a depth of more than 2m around the perimeter of the site as shown in **Figure 23** below. (It is noted that the podium planting has a depth of up to 1m only). However, the deep soil is not provided dimensions of 20m x 10m. However, parts of the setback areas have substantial dimensions such as:

- 25m x 3-10m and 47m x 6.5m in the setback to the M2 on-ramp
- 27m x 7m, 22m x 8m and 27m x 8m in the setback to Talavera Road
- 20m x 7.5m to the through site link
- 92.5m 4.5m to the M2 Motorway frontage

The overall development is considered to offer sufficient landscaping throughout the site in appropriate proportions for this form of mixed use development, including at ground level, podium level and at the communal open space areas of each tower.



Figure 23 Ground level landscape plan showing areas of deep soil (green) with depth of at least 2m.

Part 3.2: Child care centres

A portion of Part 3.2 of Ryde DCP 2014 is applicable to the development. As confirmed by the Child Care Planning Guidelines, the proposed of the Guidelines (as addressed above) will generally take precedence over a DCP, other than building height, side and rear setbacks and car parking. This DA is for approval of the use of part of Level 4 as a child care centre with on-site parking. The applicant has confirmed that separate approval will be sought for the detailed design, fitout and occupation of the child care centre. This future DA will consider consistency with SEPP (Transport and Infrastructure) 2021 (in particular clause 3.22 which requires the concurrence of the Department of Education for the provision of 'simulated outdoor space'), the Child Care Planning Guidelines and the relevant provisions of the DCP.

Part 9.5: Tree Preservation

Three trees within the site are proposed to be retained (Trees 3, 4 and 9). Two trees located along the boundary shared with RMS are proposed to be retained (Trees 7 and 8). 12 trees within the site are proposed to be removed (Trees 18, 19, 20, 21, 22, 23, 27, 28, 30, 31, 32 and 44). Two exempt trees along the common boundary with RMS are to be removed (exempt Trees 5 and 6). It is noted that other trees on the site have since been removed under previous applications.

Council's Landscape Architect and Arborist has considered the trees on site and agrees with the trees proposed to be removed and retained, with the exception of Trees 31 and 32 which are Sydney Blue Gums and are required to be retained as shown.

in **Figure 24** below. **Condition 40** is recommended to be imposed requiring that replacement planting is provided at the minimum ratio of 2:1 to compensate for the removal of locally endemic trees. Overall, 5 (out of 15) existing trees within the site are required to be retained.

Overall, the proposal provides a favourable balance between the built form, retention of existing trees on the site and adjoining sites and the planting of new trees and landscaping which is in keeping with the desired future character of the locality to foster a green environment.

Conditions of consent are recommended to ensure the trees to be retained are protected in accordance with industry standards (**Conditions 108-112**).

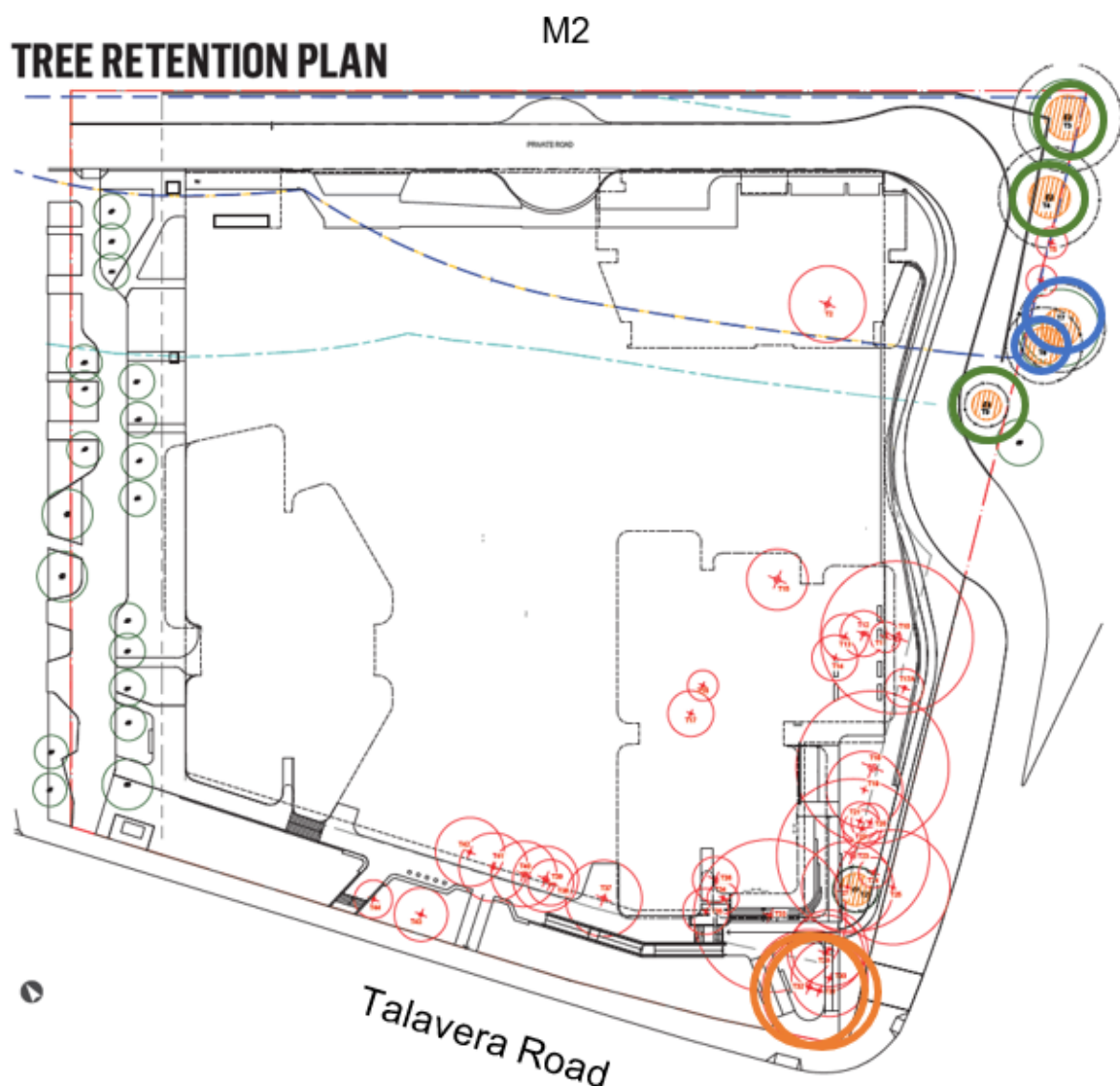


Figure 24: Site Plan indicating trees proposed to be retained on site by the applicant in green.

Trees sought to be retained on the adjoining RMS site are shown in blue.

Council's Landscape Architect & Arborist requires Trees 31 & 32 to be retained as shown in orange.

(iiia) Any planning agreement

Under Clause 6.10 of the Ryde LEP 2014, development consent cannot be granted to the development unless the Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated state public infrastructure in relation to the subject development.

The Department of Planning and Environment has provided a Satisfactory Arrangements Certificate (**Attachment 3**). This Certificate was issued subsequent to the applicant entering into a Voluntary Planning Agreement with the Minister for Planning. The VPA involves a monetary contribution of \$12,528,000.

No Planning Agreement is required or has been offered to be entered into with Council.

(iv) The regulations

Environmental Planning and Assessment Regulation 2021

The Regulation underpins the day-to-day operation of the NSW planning system. The Regulation guides the processes, plans, public consultation, impact assessment and decisions made by local councils, the Department of Planning and others. Standard conditions are recommended relating to compliance with BCA and AS.

The proposal is consistent with the Regulation. Clause 69 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). These matters have been addressed via standard conditions of consent regarding compliance with the BCA and Australian Standards.

The proposal is consistent with Clause 61 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2001. A standard condition is imposed requiring the person having the benefit of this consent to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken.

(c) The likely impacts of the development

The assessment demonstrates that the proposal will not have any significant adverse impacts upon any adjoining properties or the environment in general due to the nature of the development. All relevant issues regarding environmental impacts of the development are discussed within this report. The development is considered satisfactory in terms of environmental impacts.

Timing of delivery of the public domain

As shown on the 'Staging 3 Public and Private Domain Handover' in **Figure 25** below, the proposal includes public domain improvements to the existing pathway along the Talavera Road frontage. This is proposed to be delivered prior to the final 'Stage 3' Occupation Certificate on the site. Although the public domain improvements are delayed until the final stage of the development, this is consistent with the delivery of the perimeter landscaping and pathways of the site (referred to as 'Stage 3 - Private Domain' works in the figure below. Up until this point, the applicant is proposing to utilise the setback areas along the through site link and Talavera Road as construction

access paths. The delay in the delivery of the public domain works along Talavera Road is satisfactory as the construction vehicles are accommodated on site and potential obstruction of Talavera Road is avoided (Talavera Road does not provide any on-street parking).

The maintenance of Talavera Road during works and final upgrades have been considered by Council's City Works Public Domain section and no objection is raised. Council has certainty that the public domain works (which comprise replacing the pathway only, as there is no existing street trees or services in this location) will be delivered at a suitable time and quality and no objection is raised.

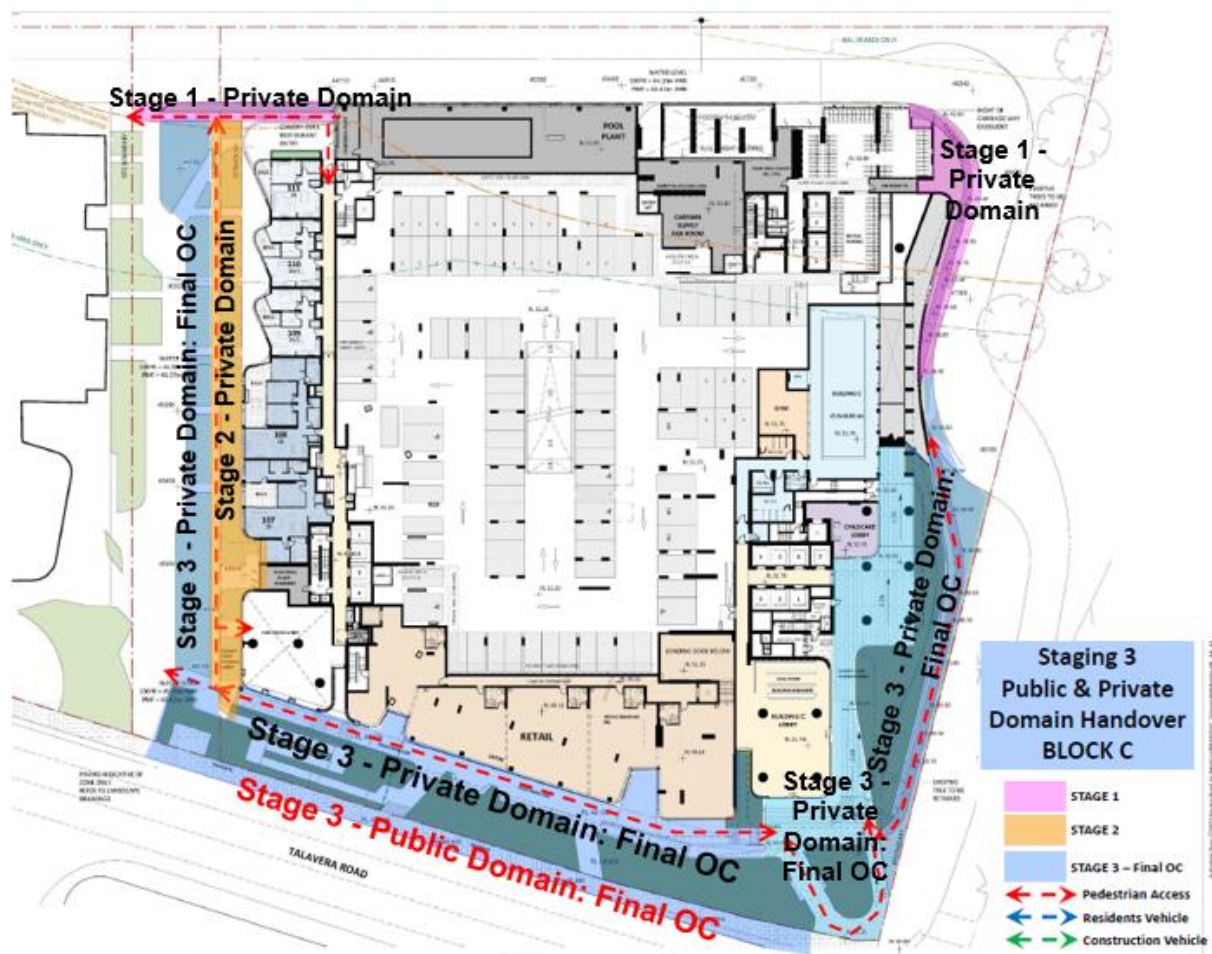


Figure 25: Tree Retention Plan indicating trees to be removed in red.

The proposal is consistent with the existing and future desired character of the locality and is not considered to result in adverse social, economic or environmental impacts subject to the imposition of conditions of consent, as detailed in this report.

(d) Suitability of the site for the development

The site is zoned B4 Mixed Use and benefits from Concept Plan approval under LDA2020/0187 for the maximum building envelopes and allocation of gross floor area for the site. This proposal is for improvements for the site which delivers complementary land uses in the form of 1,036 x 1 to 4 bedroom apartments, retail

premises, a restaurant and child care centre. The proposal satisfies the relevant planning requirements including the maximum permitted height of buildings and floor space ratio development standards across the site, vehicular access and parking, landscaping, private and communal open space.

The proposal will deliver a mix of residential and non-residential uses within the proximity of educational, commercial and retail services which will benefit skilled workers and students looking for housing close to the major employment hub and university and existing and proposed transport infrastructure.

The proposal demonstrates careful consideration of the constraints on the site including access, bushfire affectation, flood risk and ecological matters. The architectural aspects also feature design excellence that positively contributes to the overall architectural quality of the Macquarie Park Corridor and fits sensitively into the streetscape.

This assessment demonstrates the proposal will not result in any significant adverse impacts to adjoining properties or the streetscape. The proposed site is therefore considered to be suitable for the mixed use development.

(e) Any submissions made in accordance with this Act or the regulations

The DA was notified and advertised as lodged in accordance with Part 2.1 of *Ryde Community Participation Plan* to the owners and occupants of surrounding properties between 2 February and 9 March 2022. In response, 10 submissions were received objecting to the proposal.

The applicant submitted amended DA documentation which incorporated revised shadow diagrams, basement layout and more detailed elevations which were subsequently re-notified. In response, 1 submission was received (from a previous submitter) objecting to the development.

A total of 11 submissions were received (from 10 separate submitters) raising key issues which are addressed below:

A. Scale of development and visual impact: The buildings at this height do not match the aesthetic of the local area and are too tall for the Macquarie Park area.

Council response: The building height and envelopes on the site were approved in Concept DA LDA2020/0187, and this DA is consistent with the concept plan and complies with the maximum permitted height of buildings in the Ryde Local Environmental Plan 2014. The site is substantial in size (13,330m²) and forms part of a greater 'master planned' block site which is bound by Talavera Road, Christie Road and the M2.

Given the significance of the site and height of buildings, the design was subject to a Design Excellence competition as detailed above. The detailed design of the development has been critically reviewed by the Design Integrity Panel to ensure that the height of the towers delivers a positive architectural design outcome which is consistent with the future desired character of the Macquarie Park corridor.

B. Traffic impact: *Traffic congestion and pressure on local infrastructure.*

The proposal removes an existing vehicular exit from the Stage 2 site onto Talavera Road. The proposal provides on 3 entrances and 2 exits. The traffic analysis is based on 2016 data and traffic flow shared between different uses; for residential, commercial and child care uses. Can only 2 exits to the main roads handle traffic for over 1,200 units, 2 child care, several retail shops and a restaurant?

Council response: The provision for vehicular access to the site and traffic flow generated by the residential and non-residential uses has been considered in detail by Council's Development Engineer, Traffic Engineer as well as Transport for NSW as discussed below. This includes traffic modelling of the cumulative impact of this Stage 2 site and the adjoining sites within this block which share access arrangements (refer to **Figure 26** below) at the completion of the development and in the future (for example the traffic scenario in 2031).

The proposal encourages reducing vehicular trips generated by the site by providing complementary uses on the site, being retail premises, a restaurant and a child care centre, providing access to a pedestrian through site link and connections to bus and train services, provision of car share vehicles and bicycle parking. The proposal also provides on-site loading services accessed via the rear of the site which avoids this kind of activity and congestion along Talavera Road.

The proposal is considered to provide satisfactory access arrangements suitable for the site and surrounding street network and suitable for the mix of uses on this site.

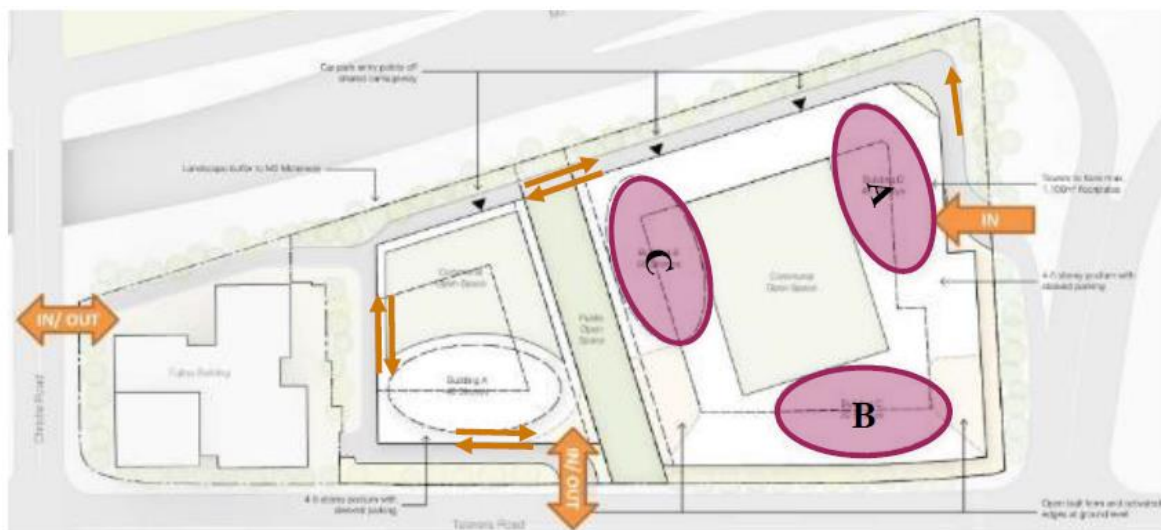


Figure 26: Extract from the Transport Impact Assessment prepared by ARUP Group showing the vehicular access points within the overall block and to the surrounding street network.

C. Wind impact:

All 3 towers will meet the criteria to be regarded as exposed buildings and will result in intensified wind conditions in the local area. An area of concern is the footpaths surrounding the site, in particular along Talavera Road. Wind impacts should be reduced to ensure that pedestrian and public domain areas meet the requirements of the Ryde DCP 2014.

Council response: The application is accompanied by a Wind Environment Assessment prepared by Windtech which considers the condition of the ground level pedestrian footpath along various street frontages of the site. The assessment notes that the site benefits from some shielding of north-westerly winds by the adjoining Stage 1 development. However, the following areas of the site remain relatively exposed to the prevailing winds:

- Direct and side-stream winds along the podium façade on the pedestrian footpaths, in particular along the Talavera Road aspect due to the alignment with the prevailing south to south-easterly winds which are the strongest for the region.
- Some accelerated flows likely around the north-east corner of the site due to the side streaming of the south to south-easterly winds around that corner.

The recommended treatment strategy is for densely foliating trees in the street setback areas or a continuous awning along the various street frontages of the development; in particular along the Talavera Road frontage and around the north-eastern corner off the site. Tree planting along Talavera Road and the north-eastern corner of the site are to be selected from an evergreen species as these areas are most impacted by the south-easterly winds, which are prevalent throughout the year.

The proposal also includes buffer landscaping in the street setback areas and awnings along the podium. These measures were also considered in detail by the Design Integrity Panel and Council's Consultant Landscape Architect to ensure the viability of the trees. These measures are suitable to mitigate potential wind impacts to pedestrians.

D. Overshadowing impact: *The entire apartment complex at Alma Road (on Talavera Road) will be substantially overshadowed by the multiple towers which area of a significant height. The building footprint and communal areas are overshadowed from 12:30pm. These shared garden areas and balconies rely on sunlight. Our livability will be significantly impacted.*

Council response: The development at 84-92 Talavera Road (now known as 1-9 Alma Road) was approved in LDA2011/0485 for a mixed use development containing serviced apartments fronting Talavera Road and residential apartments at the northern part of the site as shown in **Figure 27** below.

The shadow analysis diagrams are provided at Plans A0730 to A0733 in **Attachment 1**. The shadow impacts generated by the proposal impact the neighbouring development site to the south-east (on the corner of Talavera and Alma Road) as shown in **Figure 28** below.

The applicant argues that *“the scale, bulk and size of the proposed development is consistent with the relevant planning controls for the site. The proposal is fully compliant with the approved Planning Proposal and Stage 1 concept DA at the site. The potential shadow impacts are considered acceptable.”*

21 JUNE 1200



Residential
apartments at
1-9 Alma Road

21 JUNE 1300HRS



21 JUNE 1400HRS



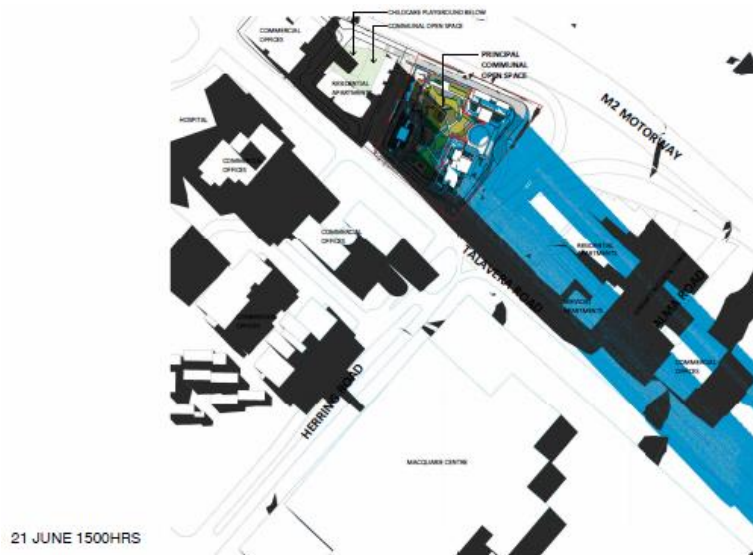


Figure 28: Extract from the Shadow Diagrams showing the overshadowing generated by the proposal (blue) from midday to 3pm in mid-winter. The neighbouring development at Alma Road to the south-east is overshadowed from 12:30pm onwards.

E. View impact:

(Please note some objectors have not provided their address.)

The proposal does not satisfy clause 6.13(c) Design Excellence of the Ryde LEP 2014 from the perspective of Nos. 1-9 Alma Road (a 7 storey apartment complex). Clause c requires the consent authority to have regard to ‘whether the development detrimentally impacts on view corridors.’

The current views enjoyed by apartments facing west in the residential development at 1-9 Alma Road are shown below. The objector states that ‘we understand that regardless of the determination of the current application at 94 Talavera Road, these views will be lost. A proper view loss analysis should be provided to allow this impact to be identified and given consideration in this assessment process. It may be that towers of lesser width or differing orientation may have reduced impacts in relation to views from these apartments.’



Current views to the south west from 1-9 Alma Road

Council response: The direction of the above view to the west or south-west is orientated away from the subject site as shown in **Figure 29** below. The proposed development does not obstruct any views in this direction. The proposal has been considered with regard to Clause 6.13 of the Ryde LEP 2014 and is considered to satisfactorily address the potential impact on view corridors.



Figure 29: Aerial map showing the direction of the views from 1-9 Alma Road.

F. Lack of infrastructure to support development: Not enough educational facilities to deal with more high rise buildings.

Council response: The overall site includes provision for 2 child care centres which assist with responding to the early learning needs of the site and area. The overall Macquarie Park Corridor accommodates a range of educational services, and this proposal delivers housing to the benefit of workers and students. Consideration of the suitability of the use of this site for a mixed use development of this scale with regard to the provision of educational facilities was also a matter considered by the NSW Department of Planning and Environment for Planning Proposal PP2020-255. This Planning Proposal included consultation with the Department of Education, and no objection was raised.

G. Social impact to the community

Public disturbance and adverse impacts on community health (including from noise and dust pollution).

The City of Ryde is a residential area where we have fostered community and livelihood. Additional large developments will disturb this community.

A lot of these new apartments are largely investor owned therefore the vacancy rate is low.

It creates more social isolation, especially during the pandemic period.

Council response: As explained by the applicant, the cumulative impacts of the proposed construction works are addressed within the accompanying Acoustic

Report, Construction Management Plan and Construction Waste Management Plan.

The design of the development includes detailed consideration of acoustic mitigation measures to and from residential apartments and the retail, restaurant and child care centre (also refer to the detailed assessment by Council's Environmental Health Officer below). Standard conditions are recommended to ensure that the noise and dust generated during construction and occupation are appropriately managed to protect the health and amenity of surrounding properties and the general public (see **Conditions 81, 82 and 84**).

The proposal includes active and passive communal open space areas on-site for the use of residents, as well as complementary commercial uses. This approach is desirable as it assists with fostering a sense of community and activation of the site. This also assists with encouraging interaction between owners/tenants and reducing the likelihood of social isolation.

The detailed design of the development has been critically reviewed by the Design Integrity Panel to ensure high quality urban design and social interaction is designed into the development. The proposal supports a positive community outcome which is consistent with the future desired character of the Macquarie Park corridor.

H. Environmental impact:

Rapid urbanisation disrupting nature. The City of Ryde has already granted the development of many residential apartments which has changed the natural landscape of this land. To continue doing this would accelerate us on a journey of urbanisation we should be halting for the sake of the local environment.

Council response: The applicant has provided justification, stating that:

- *"The accompanying Flora and Fauna Assessment prepared by Fraser Ecological Consulting confirms that the proposed works are unlikely to result in a significant impact on any listed species or communities.*
- *The increased population offers increased consumer traffic for local businesses and active nightlife.*
- *The site is well serviced by public transport.*
- *The proposed buildings comprise residential and commercial land uses which supports this site location adjacent to open space. The proposal supports a diverse resident base, providing larger apartments catering to families and downsizers, within the wider range of uses provided within the B4 zone in a generally high-density environment and in keeping with the zone objective."*

The site historically accommodated commercial premises, and the proposal is for the redevelopment of the site for a mixed use development which retains some trees on the site and adjoining RMS land, as well as the planting of new trees and landscaping throughout the site. The proposed development is consistent with the type of development envisaged by Ryde LEP 2014.

I. Construction impacts:

Residents at 1-9 Alma Road have experienced considerable vibration impacts from the works on the site, which we presume are related to the preliminary site works approved on the site in February 2022. Any future consent should include conditions which safeguard the integrity of structures at 1-9 Alma Road in relation to ongoing construction impacts.

Council response: Conditions are also recommended to be imposed relating to mitigation of noise and vibration impacts during construction (see **Condition 84**). It is noted that the scope of this DA does not include any further excavation. This DA relates to the construction of the development only.

(f) The public interest

The public interest is best served by the consistent application of the requirements of relevant Environmental Planning Instruments and by Council ensuring that any adverse effects on the surrounding area and the environment is minimised. The proposal has been assessed against the relevant planning instruments and is considered to be acceptable. The proposed mixed use development does not significantly or unreasonably affect surrounding sites.

The proposal introduces residential apartments which positively contribute to the high quality housing stock and provides housing diversity in the Macquarie Park Corridor. Commercial premises are also provided which enhance the liveability and activation of the site.

The proposal also comprises suitable flood and bushfire mitigation measures, protection of remnant trees, the provision replacement tree planting and new landscaping, and a high quality built form which is in keeping with the uplift of this locality. The overall design of the proposed development offers a high quality development outcome which is not contrary to the public interest.

The issues raised in the submissions do not warrant the refusal of the DA.

On this basis, the proposal is not considered to raise any issues that would be contrary to the public interest.

7. REFERRALS

External Referrals

NSW Department of Planning and Environment (DPE): DPE issued Council with a ‘Satisfactory Arrangements Certificate’ confirming that the applicant had entered into a Voluntary Planning Agreement with DPE and that satisfactory arrangements have been made in relation to Clause 6.10 *Arrangements for contributions to designated State public infrastructure* of the Ryde Local Environmental Plan 2014 (see **Attachment 3**).

Transport for NSW (TfNSW): TfNSW provided correspondence dated 16 September 2022 and does not raise any objection to the proposal. Suggested standard conditions are provided. See **Condition 17**.

NSW Rural Fire Service (RFS): RFS provided their General Terms of Approval in support of the application under Division 4.8 of the EP&A Act 1979, and a Bush Fire Safety Authority, under section 100B of the Rural Fires Act 1997. These are imposed in **Conditions 18 and 246**.

WaterNSW: WaterNSW provided correspondence dated 4 November 2022 that for the purpose of the *Water Management Act 2000*, advised that the proposal does not trigger the need to obtain an activity approval. Therefore, no further investigation is required by WaterNSW. WaterNSW provided the following general advice (which is addressed in **Condition 134**):

If groundwater is encountered during the development and requires removal, the proponent should contact WaterNSW immediately and apply for a dewatering water supply work approval. Failure to do so may result in the NSW Department of Natural Resources Access Regulator (NRAR) taking compliance action under the Water Management Act 2000.

As part of this application, they may need to provide a Dewatering Management Plan, Authority to Discharge groundwater as well as an updated Geotechnical Report that states volume of water to be taken, time frame of dewatering and basement construction (if relevant).

Sydney Airport: Sydney Airport provided correspondence dated 25 May 2022 and does not raise any objection to the proposal. The following comments were provided:

Airspace Procedures

With respect to procedures designed by Airservices in accordance with ICAO PANS-OPS and Document 9905, at a height of 243m (798ft) AHD, the property development will not affect any sector or circling altitude, nor any instrument approach or departure procedure at Sydney Airport.

The property development will not affect the Sydney RTCC.

*Notes: Any associated construction cranes will need separate assessment once details are confirmed. (Addressed in **Condition 85**).*

Communications/Navigation/Surveillance (CNS) Facilities

We have assessed the proposal to a maximum height of 243m (798ft) AHD for any impacts to Airservices Precision / Non-Precision Navigation Aids, Anemometers, HF/VHF/UHF Communications, A-SMGCS, Radar, PRM, ADS-B, WAM or Satellite/Links and have no objections to it proceeding.

Air Traffic Control (ATC) Operations

There are no additional instructions or concerns from our ATC.

Summary

Based on the above assessment, our view is that the proposed development would not have an impact on any Airservices designed instrument procedures, CNS facilities or ATC operations at Sydney Airport.

Civil Aviation Safety Authority (CASA): CASA provided correspondence dated 22 March 2022 and does not raise any objection to the proposal. The following comments were provided:

The height of the proposed building is 243m above AHD or 1983m above Ground Level. The proposed building is outside the limit of the Sydney Airport Obstacle Limitation Surfaces.

Subject to the following recommendations, CASA has determined the building would not constitute an unacceptable hazard to aircraft operations.

CASA recommends that the building be obstacle lit by medium intensity steady red lighting during the hours of darkness and periods of low visibility at the highest point of the building. Obstacle lights are to be arranged as per section 9.31 of the Part 139 MOS. Characteristics for medium intensity steady red are stated in subsection 9.33 of MOS. The proponent/building owner/building operator is to ensure that the obstacle lighting is appropriately monitored.

Under Subsection 8.109(5) of the MOS, CASA has determined the buildings may remain unmarked because it is sufficiently conspicuous in shape and size.

This assessment does not include any cranes required during construction. Any cranes that exceed a height of 100m ADH will require a separate assessment.

These matters are addressed in **Conditions 86 and 245**.

Sydney Water: Sydney Water provided correspondence dated 5 July 2022 and does not raise any objection to the proposal. Sydney Water provided information for the purpose of assisting with planning the water, wastewater and recycled water servicing needs of the development. These are provided at **Condition 87**. **Condition 175** requiring a Section 73 Certificate also addresses these matters.

Ausgrid: Ausgrid provided a response dated 3 March 2022 under clause 45(2) of State Environmental Planning Policy (Infrastructure) 2007 and section 4.15 of the EP&A Act 1979 and provided the following comments:

One of the obligations upon consent authorities, such as local councils, is to consider the suitability of the site for the development which can include a consideration of whether the proposal is compatible with the surrounding land uses and the existing environment.

In this regard, Ausgrid requires that due consideration be given to the compatibility of proposed development with existing Ausgrid infrastructure, particularly in relation to risks of electrocution, fire risks, Electric and Magnetic Fields (EMFs), noise, visual amenity and other matters that may impact on Ausgrid or the development.

Ausgrid recommend the imposition of conditions relating to the method of electrical connection, supply of electricity, conduit installation, service mains and proximity to existing network assets relating to underground cable and substations. See **Condition 19**.

NSW Local Police: The Crime Prevention Officer of the NSW Local Police Ryde Local Area Command has reviewed the proposal and does not raise any objection given the proposal satisfies the principles of Crime Prevention through Environmental Design.

The Police advise that they support the recommendations for the installation of CCTV within the car park areas, including the entrance and egress points and also recommended that appropriate coverage of CCTV be installed throughout the complex, especially in the foyer areas. This is addressed in **Condition 20**.

Internal Referrals

Senior Development Engineer: Council's Senior Development Engineer reviewed the proposal and raised no objection. The following comments were provided:

Stormwater Management and Water Sensitive Urban Design

Stormwater management: The development proposes to discharge stormwater to LPD1, which is a stormwater network constructed within the private driveway on the site (approved in LDA2021/0071) and ultimately draining into trunk stormwater drainage traversing the M2 to the north of the site. This is found acceptable legal point of discharge.

On site detention: The implementation of onsite detention is not considered warranted due to the location of the site in the catchment and low impact to downstream areas.

Water sensitive urban design: The water sensitive urban design (WSUD) component of the development meets the WSUD targets and the proposed stormwater quality treatment measures generally comply with Council's requirements.

Vehicle Access and Parking

Provision of parking: The table below demonstrates that the proposed provision of parking generally satisfies the parking controls set out in Parts 9.2 and 9.3 of Ryde DCP 2014.

	Category	Quantity	Parking demand	Parking required	Parking proposed	Compliance
RFB in Mac Park corridor	1-bed	160 units	DCP- Max 0.6 space / 1 bedroom dwelling	96	1,036 (Surplus: 1)	No. Parking to be reduced to 1,035 spaces in Condition 1 .
	2-bed	579 units	DCP- Max 0.9 space / 2 bedroom dwelling	522		
	3-bed	256 units	DCP- Max 1.4 space / 3 bedroom dwelling	359		
	4-bed	41 units	DCP- Max 1.4 space / 3 bedroom dwelling or more	58		
				<i>Total maximum</i>		

				1,035		
	Visitor	-	DCP- Max 1 visitor space / 10 dwelling	104	104 (including 1 accessible)	Yes
	Car share	-	DCP-1 space / 50 proposed parking spaces	21	21	Yes
	Accessible	104 adaptable units	DCP Class 2 (residential flat building): 1 space / adaptable unit & at least 1 visitor accessible space	104	104	Yes
Childcare	Childcare	120 children and 20 staff	DCP - 1 space / 8 children & DCP - 1 space / 2 employees	25	25	Yes
	Accessible	25 parking spaces	DCP - Class 9b (early child learning): 3% of parking spaces	1	1	
Non-residential component	Retail	577.5m ² GFA	DCP-1 space/25m ² GFA	24	24	Yes
	Restaurant	511.6m ² GFA	DCP-1 space/25m ² GFA	21	21	
	Accessible	45 parking spaces	DCP Class 6 (restaurant and retail): 3% of parking space	2	8	
	Bicycle parking		10% of parking spaces	5	0	See comments below

*Bicycle parking for commercial premises: Bicycle parking is to be provided at a rate of 10% of the required car spaces for non-residential components (i.e., retail and restaurant) of the development. If the minimum required spaces are adopted, then a total of 5 bicycle parking spaces are required to be provided. A visitor bicycle storage room is proposed at ground level. However, the exact number of spaces is unclear. This is addressed by **Condition 229** requiring at least 5 spaces to be provided in the storage room. (It is noted that the basement features sufficient bicycle parking rooms for residential use).*

Accessible parking spaces: Some of the proposed accessible parking spaces are in the form of wide bays (3660mm wide). Though it is Council's preference that the development provides accessible parking in accordance with the latest Australian Standard (AS 2890.6) which requires a 2400mm wide shared space to be provided on one side of a 2400mm wide accessible parking space. Part 9.2 of the Ryde DCP 2014 permits accessible parking spaces to be provided in the form of 3660mm wide bays. Therefore, no objection is raised.

Parking layout: The parking layout, internal ramp gradients, and dimensions of off-street parking spaces are satisfactory as they generally comply with the requirements of AS 2890.1.

Council's Traffic Team and Waste Team have also provided comments regarding vehicle access and internal traffic circulation, as discussed below.

City Works – Public Domain: Council's Activation and Compliance Officer reviewed the proposal and raised no objection. Conditions are required to be imposed to address upgrades to the public domain areas, undergrounding of all telecommunication and utility services, provision of 5 multi-function poles and hold points for inspections during the stages course of construction in the public domain areas. See **Conditions 58-62**.

City Works – Drainage: Council's Infrastructure Services team reviewed the proposal with regard to flooding and overland flow and raised no objection, subject to **Conditions 63, 194 and 195**.

The proposal maintains the overland flow path along the north-western boundary of the site. The development is supported by a Flood Impact Study and Flooding Statement prepared by TTW Consulting Engineers which certify that all proposed openings to the basement car park which may create a water ingress risk must be above the adjacent PMF levels. On this basis, the applicant has demonstrated that the basement achieves flood immunity.

City Works – Traffic: Council's Traffic Engineer reviewed the proposal and raised no objection, subject to **Conditions 26, 68, 97-100, 103, 135-136, 201 and 202**. The following comments were provided:

Access: Vehicular access to the development site is previously approved and constructed as follows:

- *An ingress driveway connecting with the M2 Motorway on-ramp at the eastern property boundary.*
- *A combined ingress/egress driveway connecting with Christie Road at the western property boundary. A "NO ENTRY" sign for vehicles over 9m is currently installed at this driveway.*
- *A combined ingress/egress driveway connecting with Talavera Road at the southern property boundary. Access movements are restricted to left in/left out by virtue of a raised central island within Talavera Road.*

Trip Generation: The Transport Impact Assessment prepared by ARUP and accompanying this DA adopted the following trip generation rates specified within Transport for NSW's Guide to Traffic Generating Developments (GTGD), and its Technical Direction (TDT 2013/04a) to estimate the peak hour traffic potentially generated by the proposed development:

High Density Residential Flat Dwellings
AM Peak = 0.19 vehicle trips per unit
PM Peak = 0.15 vehicle trips per unit

Childcare Centre (Long-Day Care)
AM Peak = 0.8 vehicle trips per child
PM Peak = 0.7 vehicle trips per child

Restaurant

PM Peak = 5 vehicle trips per 100m²

Specialty Retail

PM Peak = 4.6 vehicle trips per 100m²

The transport study has also applied a discount factor of 25% to the weekday peak hour traffic generated by the childcare component of the proposed development as it is expected to perform a complementary function to the residential component of the proposal, thereby resulting in linked and multi-purpose trips (e.g., future residents of the development could also have children attending the childcare centre).

The proposed development is projected to introduce between 270 – 275 vehicle trips onto the surrounding public road network during weekday peak hour periods.

External Traffic Implications: ARUP has undertaken a future (2031) traffic modelling assessment of the surrounding public road network in the immediate vicinity of the development site, with and without the development traffic. The outputs of this modelling assessment are shown in the following tables being an extract of ARUP's transport study:

Table 18: Intersection performance – future 2031 scenario with and without Stage 2 – AM peak

Intersection	Without Stage 2			With Stage 2		
	DoS	Delay	LoS	DoS	Delay	LoS
Talavera Road/Christie Road	0.93	43	D	0.91	41	C
Herring Road/Talavera Road/M2 Motorway	1.06	87	F	1.14	124	F
Herring Road/Waterloo Road/University Avenue	1.18	76	F	1.18	82	F
Talavera Road/Khartoum Road	1.08	90	F	1.14	110	F

Table 19: Intersection performance – future 2031 scenario with and without Stage 2 – PM peak

Intersection	Without Stage 2			With Stage 2		
	DoS	Delay	LoS	DoS	Delay	LoS
Talavera Road/Christie Road	0.64	17	B	0.62	16	B
Herring Road/Talavera Road/M2 Motorway	0.96	65	E	1.01	64	E
Herring Road/Waterloo Road/University Avenue	1.06	76	F	1.07	78	F
Talavera Road/Khartoum Road	0.83	48	D	0.85	47	D

These tables indicate that the proposed development is not expected to alter the future level of service (LoS) at the intersections of Christie Road/Talavera Road, M2 Motorway/Talavera Road/Herring Road, Waterloo Road/Herring Road/University Avenue and Talavera Road/Khartoum Road.

Notwithstanding the above conclusion, the SIDRA output shows a significant increase in the average vehicle delay at the intersections of M2

Motorway/Herring Road/Talavera Road (+37 seconds) and Talavera Road/Khartoum Road (+20 seconds), during the weekday AM peak hour period, as a consequence of the development traffic.

It is noted that the modelling analysis has not taken into consideration the traffic implications associated with Transport for NSW's Macquarie Park Precinct and Bus Interchange Project, which is currently in progress. This project will improve public transport connectivity to, from and within Macquarie Park, which is expected to alleviate some of the traffic impacts associated with the proposed development by facilitating a greater shift in public transport usage.

Transport for NSW are also currently undertaking a precinct wide traffic study to inform the future transport needs for Macquarie Park which builds on the outcomes from greater Cities Commission's Macquarie Park Strategic Infrastructure and Services Assessment report. With regard to the proposed development, Transport for NSW have provided their concurrence (refer above), without any additional transport and/or road infrastructure to be delivered or funded by the proponent.

City Works – Waste: Council's Waste Officer reviewed the proposal and raised no objection. It was recommended that the location of the bulky waste storage rooms for Buildings A and C are relocated to ensure that the distance of travel of large items is not excessive (**Condition 1**).

Environmental Health Officer: Council's Environmental Health Officer reviewed the proposal and raised no objection subject to **Conditions 23, 33, 83, 128 and 155-163**. The following comments were provided:

Construction Management Plan (CMP):

This proposal will be completed across four stages of construction as follows:

- Stage 1 - Excavation and Shoring (4 months)
- Stage 2 - Structure (14-20 months)
- Stage 3 - Fit Out (21-27 months)
- Stage 4 - Landscaping/Public Domain Works (6 months).

As per the construction program provided in the CMP, the total construction time frame is expected to be a total of 27 months, noting that some of the above stages overlap.

Child Care Centre: The proposal will not involve excessive hours of operation and will not impact surrounding properties and land uses.

Kitchens: Discharge for the restaurant and child care centre kitchens are directed to the podium level above and are a distance of more than 10m away from any residential receiver which complies with AS1668.1-2. So there should be no odour issues affecting the nearby residential receivers from the use of either kitchen.

Waste and Loading: Waste for the proposed development is expected to consist of general waste and recycling waste; cardboard and waste cooking oil. A single waste chute is proposed to be fitted with waste hoppers to service the respective floors and residents will manage their waste.

The proposal will provide sufficiently sized and types of bins, Waste Storage Rooms and the Central Waste Holding Area. The Waste Collection Point will occur within the Central Waste Holding Area adjacent to the Loading Dock located on Ground Level. Waste will be collected 2-3 times per week.

Contaminated Land: The DA is accompanied by a Preliminary Site Investigation (PSI) Report prepared by SMEC Testing which concludes that the site is not expected to be affected by any significant land contamination.

ADE Consulting prepared a Phase II Detailed Site Investigation (DSI) Report in June 2019 to determine the suitability of the site for residential development. ADE Consulting made the following conclusions based on the data evidence collected from the Phase II DSI:

- The concentrations of all chemical analytes detected within the soil material within the site meet the adopted site assessment criteria and the site-specific ecological investigation levels;
- Asbestos was not detected in any of the 35 presence / absence soil samples collected within the site. One piece of Asbestos Containing Material (ACM) in bonded condition was observed and sampled, however ADE considers the extent of the bonded ACM has been removed and no further investigation and / or sampling is deemed warranted; and
- The concentrations for heavy metals, in the sampling locations 14 meet the NSW EPA criteria assigned for 'General Solid Waste (non-putrescible)', all samples analysed returned results either below contaminant threshold 1 or specific contaminant concentration 1 with the toxic characteristics leaching procedure (TCLP) results below TCLP1 in accordance with NSW EPA (2014).

Following a review of the results for soils within the site, ADE considers that the owner/applicant does not have a Duty to Report Contamination to the NSW EPA regarding on-site contamination of soils. Taking into consideration the data obtained from previous and current investigations, ADE considers that the site is suitable for the proposed development, including residential with minimal access to soils, open space and childcare.

Noise: The accompanying Acoustic Assessment Report prepared by Acoustic Logic addresses potential noise intrusion to the site from adjacent roadways. Site investigations indicate that the major external noise source around the site is road traffic noise from the M2 to the north and Talavera Road to the south. One unattended noise monitor was placed on the north eastern boundary of the site (near the M2) and the other was placed facing Talavera Road. A 15 minute measurement interval was utilised by Acoustic Logic to determine the effects of traffic noise at the site. The results show the following traffic noise levels at the façade:

- Tower A northern façade: 69 dB(A) during the day
- Tower A southern façade: 61 dB(A) during the day.

The Acoustic Assessment confirms noise emissions from the development once operational can comply with the requirements outlined in the report. Child care noise emissions are to be reviewed once a detailed fit out plan operator has been determined. Retail noise emissions are to be assessed in accordance

with Council and NSW Liquor and Gaming requirements, as part of a separate DA should late night trading be proposed.

Sediment and Erosion Control: Extensive works can be expected to occur during excavation and construction. This will have an impact on the surrounding environment, particularly in relation to sediment and erosion control during these phases of development. To account for this impact, standard conditions are recommended to ensure minimisation of these impacts, and to ensure compliance with the Protection of the Environment Operations Act 1997 (NSW).

Consultant Landscape Architect / Arborist: Council's Consultant Landscape Architect/Arborist reviewed the final Landscape Plans and supports the proposal, subject to **Conditions 105-117 and 152-154**.

Existing Trees

With regard to trees outside of the site, remnant trees of a species consistent with the Critically Endangered Ecological Community (CEEC) 'Blue Gum High Forest' in the Sydney Basin Bioregion occur along the RMS land located along the north-eastern edge of the site (slip road adjacent to the M2 motorway on-ramp). These trees are detailed below and are proposed to be retained:

- Tree 7 *Eucalyptus saligna* (good condition) and not impacted by the development works. Retention is proposed.
- Tree 8 *Araucaria heterophylla* (good condition) and not impacted by the development works. Retention is proposed.



Figure 30: Extract from the Flora and Fauna Assessment showing the Blue Gum High Forest trees located within RMS land.

Trees 5 and 6 are proposed to be removed by the applicant. As these are undesirable weed species (Broad-leaved Privet and African Olive) no objection is raised with regard to their removal, subject to consent from RMS as the land owner.

Ecological Impacts of Tree Removal

The accompanying Flora and Fauna Assessment prepared by Fraser Ecological Consulting provides the following:

“The presence of some locally native tree species indicated the presence of Blue Gum High Forest. The understorey is highly modified and there is no evidence of a viable soil seed bank. The understorey is dominated by introduced exotic and environmental weed species. The locality of the site is not mapped by the NSW Office of Environment and Heritage (2013) as containing Blue Gum High Forest, however, ground-truthing inspections recorded ecological elements of this community that are consistent with the NSW Scientific Determination for listing Blue Gum High Forest (BGHF) as Critically Endangered Ecological Community.

In relation to the NSW Threatened Species Conservation Act 1995, the NSW Scientific Committee (2006) states that 'highly modified relics of the community also persist as small clumps of trees without a native understorey', and that 'a number of stands of Blue Gum Forests have highly modified understoreys, in which the native woody component has been largely replaced by woody exotic species or by increased abundance of native and exotic grasses'. This vegetation on-site is consistent with this statement.

The Blue Gum High Forest on-site is generally considered to be in poor condition.”

Council's Consultant Landscape Architect/Arborist has assessed each tree and supports the proposed retention or removal of trees as proposed, with the exception of Tree 31 and 32 which are identified as capable of retention, as summarised in the following table:

Tree No.	Species 'Common Name'	CPS Comment
3	<i>Eucalyptus botryoides</i> Bangalay	Retention Acceptable No new works proposed within the TPZ.
4	<i>Eucalyptus botryoides</i> Bangalay	Retention Acceptable No new works proposed within the TPZ.
7	<i>Eucalyptus saligna</i> Sydney Blue Gum	Retention Acceptable No new works proposed within the TPZ.
8	<i>Araucaria heterophylla</i> Norfolk Island Pine	Retention Acceptable No new works proposed within the TPZ.
9	<i>Eucalyptus saligna</i> Sydney Blue Gum	Retention Acceptable Minor TPZ impact (<10%) from stormwater.
18	<i>Eucalyptus saligna</i> Sydney Blue Gum	Removal Acceptable Within footprint of site grading works / elevated landscape area. Replacement planting required.
19	<i>Eucalyptus saligna</i> Sydney Blue Gum	Removal Acceptable Within footprint of site grading works / elevated landscape area. Replacement planting required.
20	<i>Melaleuca bracteata</i> 'Rev. Gold' Honey Myrtle	Removal Acceptable Within footprint of site grading works / elevated landscape area. Replacement planting required.
21	<i>Casuarina glauca</i> Swamp Oak	Removal Acceptable Within footprint of site grading works / elevated landscape area. Replacement planting required.
22	<i>Eucalyptus saligna</i> Sydney Blue Gum	Removal Acceptable

23	<i>Eucalyptus saligna</i> Sydney Blue Gum	Within footprint of site grading works / elevated landscape area. Replacement planting required. Removal Acceptable
27	<i>Eucalyptus saligna</i> Sydney Blue Gum	Within footprint of site grading works / elevated landscape area. Replacement planting required. Removal Acceptable
28	<i>Eucalyptus saligna</i> Sydney Blue Gum	Within footprint of site grading works / elevated landscape area. Replacement planting required. Removal Acceptable
30	<i>Eucalyptus saligna</i> Sydney Blue Gum	Major, unsustainable impact to TPZ & SRZ (>10%) from proposed entry ramp & hard paving areas. Replacement planting required. Removal Acceptable
31	<i>Eucalyptus saligna</i> Sydney Blue Gum	Major, unsustainable impact to TPZ & SRZ (>10%) from proposed entry ramp & hard paving areas. Replacement planting required. Removal Unacceptable
32	<i>Eucalyptus saligna</i> Sydney Blue Gum	Soft landscape works only within TPZ. Capable of retention. Removal Unacceptable
44	<i>Corymbia citriodora</i> Lemon-scented Gum	Minor TPZ impact (<10%) from entry path. Capable of retention. Removal Acceptable
		Major, unsustainable impact to TPZ & SRZ (>10%) from proposed stairs & hard paving areas. Removal suitably offset by proposed landscape scheme.

Comment from Council's Consultant Landscape Architect and Arborist regarding Ecological Impacts of Tree Removal:

"With regard to the Ecological impacts of the proposal, it is noted that a number of those trees to be removed are of a species consistent with those listed under the Critically Endangered Ecological Community (CEEC): Blue Gum High Forest in the Sydney Basin Bioregion (Trees 18, 19, 21, 22, 23, 27, 28 and 30).

To provide further clarity on the potential impacts to this community, a Flora and Fauna Assessment prepared by Fraser Ecological Consulting, dated 28 May 2022 has been provided. Whilst this report has determined that the site does contain highly modified and poorly conserved elements of this community, it has ultimately concluded that the proposed works are unlikely to result in any significant Ecological impacts.

It is acknowledged that the conclusions of this report are supported by the fact that the site does not feature on the NSW Biodiversity Values Map or Sydney Metro Vegetation Map and appears to have been cleared of almost all vegetation prior to 1943 as evidenced by available aerial imagery. For these reasons, the removal of these trees has been supported from an Ecological perspective."

Assessment of Landscape Plans

The accompanying Flora and Fauna Assessment prepared by Fraser Ecological Consulting provides the following:

A review of the DA documentation reveals a design that is generally able to be supported from a landscape perspective. The design of site and public domain open spaces as proposed is generally compliant with the objectives of each of

the guiding documents (Part 4.5 Macquarie Park Corridor of Ryde DCP 2014, the Apartment Design Guide (ADG) 2015 and Chapter 6: Macquarie Park Corridor of the City of Ryde Public Domain Technical Manual (RPDTM)).

Hard paving outside the building footprint has generally been minimised and proposed plant species are considered to be well suited to the site-specific environmental conditions. Lighting and embellishment of paved areas within the streetscape is consistent with the requirements of the RPDTM and overall landscaped area and communal open space exceed minimum requirements.

Minor concern has been raised in relation to the absence of street tree planting, insufficient locally endemic replacement canopy tree planting on site as well as the somewhat cursory nature of the planting plans provided within the landscape set. Each of these outstanding concerns are considered capable of being addressed via Conditions.

Consultant Structural Engineer: Council's Consultant Structural Engineer reviewed the proposal and confirmed that the proposal and supporting documentation does not pose any threats regarding site stability or to the integrity of the retention system which was previously approved under LDA2021/0415 for excavation of the site. Similar to this previous approval (which is currently being carried out on site) a condition is recommended to be imposed requiring all design and construction works to be in compliance with the Geotechnical Investigation Report prepared by JK Geotechnics dated 20 October 2021. (**See Condition 46**).

Consultant Bushfire Consultant: Council's Bushfire Consultant, Building Code and Bushfire Hazard Solutions reviewed the final Bushfire Report and proposed plans and issues a Bushfire Assessment Determination letter dated 14 November 2022. No objection was raised subject to the General Terms of Approval issued by the NSW RFS being imposed.

Public Art Officer: Council's Public Art Officer has reviewed the X Plan and advises that the public art concepts align with Council requirements. However, **Conditions 57 and 167** is recommended requiring the development of specific public art plans for Council approval.

8. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the likely impacts identified in this report, it is considered that the application can be supported, subject to conditions.

The likely impacts as outlined in this report have been resolved satisfactorily through amendments to the proposal and in the recommended draft conditions at **Attachment 5**. Therefore, it is recommended that the application be approved for the following reasons:

- The proposed mixed use development is consistent with the objectives and development standards for land zoned B4 Mixed Use.

- This proposal exhibits design excellence that positively contributes to the overall architectural quality of the Macquarie Park Corridor and fits sensitively into the streetscape.
- The issues raised in the submissions do not warrant the refusal of the DA and have been adequately addressed in the Assessment report.
- The proposed development does not create unreasonable environmental impact to existing adjoining development.
- The proposal is not contrary to the public interest.
- The site is considered to be suitable for the proposed development.

9. RECOMMENDATION

- A. That the Sydney North Planning Panel, as the consent authority, endorse that the development exhibits design excellence having regard to the matters for consideration in clause 6.13 Design Excellence in Ryde Local Environmental Plan 2014.
- B. That the Sydney North Planning Panel, as the consent authority, grant development consent to Development Application No. LDA2022/0021 for a mixed use development at land at 100 Talavera Road, Macquarie Park, subject to the draft conditions contained in **Attachment 5**.
- C. That Transport for NSW, Department of Planning and Environment, Rural Fire Service, Water NSW, Sydney Airport, Ausgrid and Sydney Water be advised of the decision.
- D. That those who made a submission be advised of the decision.

Report prepared by:

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Report approved by:

Sandra Bailey
Executive Manager City Development

ATTACHMENTS

Attachment 1: Proposed Architectural Plans
 Attachment 2: Proposed Landscape Plans and Civil Plans
 Attachment 3: Satisfactory Arrangements Certificate from DPE
 Attachment 4: Assessment against ADG & DCP
 Attachment 5: Draft Conditions of Consent