

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSNH-89
DA Number	LDA2020/0044
LGA	City of Ryde
Proposed Development	Demolition of existing warehouse and construction of an 8 storey mixed use building containing commercial and retail uses including 2 levels of basement carparking and public domain works.
Street Address	1 Eden Park Drive, Macquarie Park
Applicant/Owner	Kamirice Pty Ltd
Date of DA lodgement	7 February 2020
Number of Submissions	One (1) submission by way of objection
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	The development has a capital investment value of \$52,651,893.80
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land • SEPP (Infrastructure) 2007 • Deemed SEPP (Sydney Harbour Catchment) 2005 • SEPP (Vegetation in Non-Rural Areas) 2017 • Draft SEPP (Remediation of Land) • Draft Environment SEPP • Ryde Local Environmental Plan 2014 • Ryde Development Control Plan 2014 • A Planning Agreement has been submitted with the application.
List all documents submitted with this report for the Panel's consideration	Attachment 1: Conditions of consent
Clause 4.6 requests	N/A
Summary of key submissions	Concern raised by the neighbouring property that the proposal has not adequately considered how the demolition and construction phases of development may impact the data centres ongoing operations, particularly in relation to structural integrity and vibration impacts.

Report prepared by	Alicia Hunter, Senior Town Planner
Report date	November 2020

Summary of s4.15 matters

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

Legislative clauses requiring consent authority satisfaction

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

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

Clause 4.6 Exceptions to development standards

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

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not Applicable**

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes – The applicant disagrees with several conditions**

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

Assessment Report and Recommendation

1. EXECUTIVE SUMMARY

The application proposes to construct a new eight (8) storey commercial building at 1 Eden Park Drive, Macquarie Park in the position of an existing warehouse building which is to be demolished.

The application comprises:

- Site preparation and civil engineering works;
- Demolition of an existing warehouse;
- Construction of an eight (8) storey commercial building;
- Two (2) basement car parking levels and loading dock;
- Construction of a pedestrian pathway on the western side of the site and public domain upgrades; and
- Tree removal and landscaping works.

No works are proposed to the existing commercial office building (known as the Orix building).

Public notification and submissions

The development application was notified and advertised in accordance with the Ryde Community Participation Plan between 12 February 2020 and 12 March 2020. One (1) submission was received from NEXTDC, a data centre at 4 Eden Park Drive.

The primary concern raised in the submission was that the proposed Demolition Management Plan has not suitably guaranteed the protection of adjoining buildings and protection of the immediate environment, particularly with regard to structural integrity, vibration and concussion, so that the NEXTDC operations are not unduly impacted during this phase of the development.

Conditions are recommended on the draft consent to ensure concerns by the adjoining property owner are sufficiently mitigated.

Section 4.15 Assessment Matters

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

A Planning Agreement under Section 7.4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) has been entered into which includes the construction of a pedestrian pathway and public access easement (as shown in Figure 14) which is generally in accordance with the Access Network Structure Plan under Part 4.5 of Ryde DCP 2014, in addition to payment of a monetary contribution.

Under Ryde DCP 2014 the proposal complies with the relevant controls with the exception of 4.2 Pedestrian Connections, 7.6 Rear and Side Setbacks (Rear Setbacks), 7.7 Building Separation and 8.7 On-site Parking (Basement Parking) This is further assessed in this report and is considered satisfactory on its merits.

The application has demonstrated that the site can be appropriately remediated and made suitable for the proposed use under clause 7 of State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55). Appropriate conditions are included on the draft consent (Attachment 1).

After consideration of the development against section 4.15 of the EP&A Act and the relevant statutory and policy provisions, the proposal is considered suitable for the site and is in the public interest. Assessment of the application against the relevant planning framework and consideration of various design matters by Council's technical departments has not identified any fundamental issues of concern.

Consequently, this report concludes that this development proposal is sound in terms of design, function and relationship with its neighbours. This report recommends that consent be granted to this application in accordance with conditions provided in **Attachment 1**. These conditions have been reviewed and the applicant has advised that they do not accept three (3) conditions.

The application has a Capital Investment Value of \$ 52,651,893.80 as such, the application is being referred to the Sydney North Planning Panel for determination.

2. APPLICATION DETAILS

Applicant: Kamirice Pty Ltd
Owner: Kamirice Pty Ltd
Estimated value of works: \$52,651,893.80

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

3. SITE DESCRIPTION

The subject site is located at 1 Eden Park Drive, Macquarie Park and legally described as Lot 10 DP 1043041. The site is an irregular shaped allotment, with a primary frontage to Eden Park Drive, a secondary frontage to Waterloo Road, and a total area of 7,952m².

The site is currently occupied by a five (5) storey commercial office building, known as the Orix building, attached single storey warehouse and an at-grade car park. The existing buildings were approved under Application No. 213/96 dated 4 September 1996. The Orix building has a gross floor area of approximately 6,347sqm.

Associated landscaping exists throughout the site, including existing substantial trees. The site has a sloping topography with a RL of 59.12 toward the southern corner of the site, and an RL of 58.80 toward the northern corner of the site.

Vehicular access to the basement car park is achieved via a driveway and access ramp off Eden Park Drive on the eastern side of the existing warehouse. The at-grade car park is accessed via a driveway on the north-western side of the site via Eden Park Drive.

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

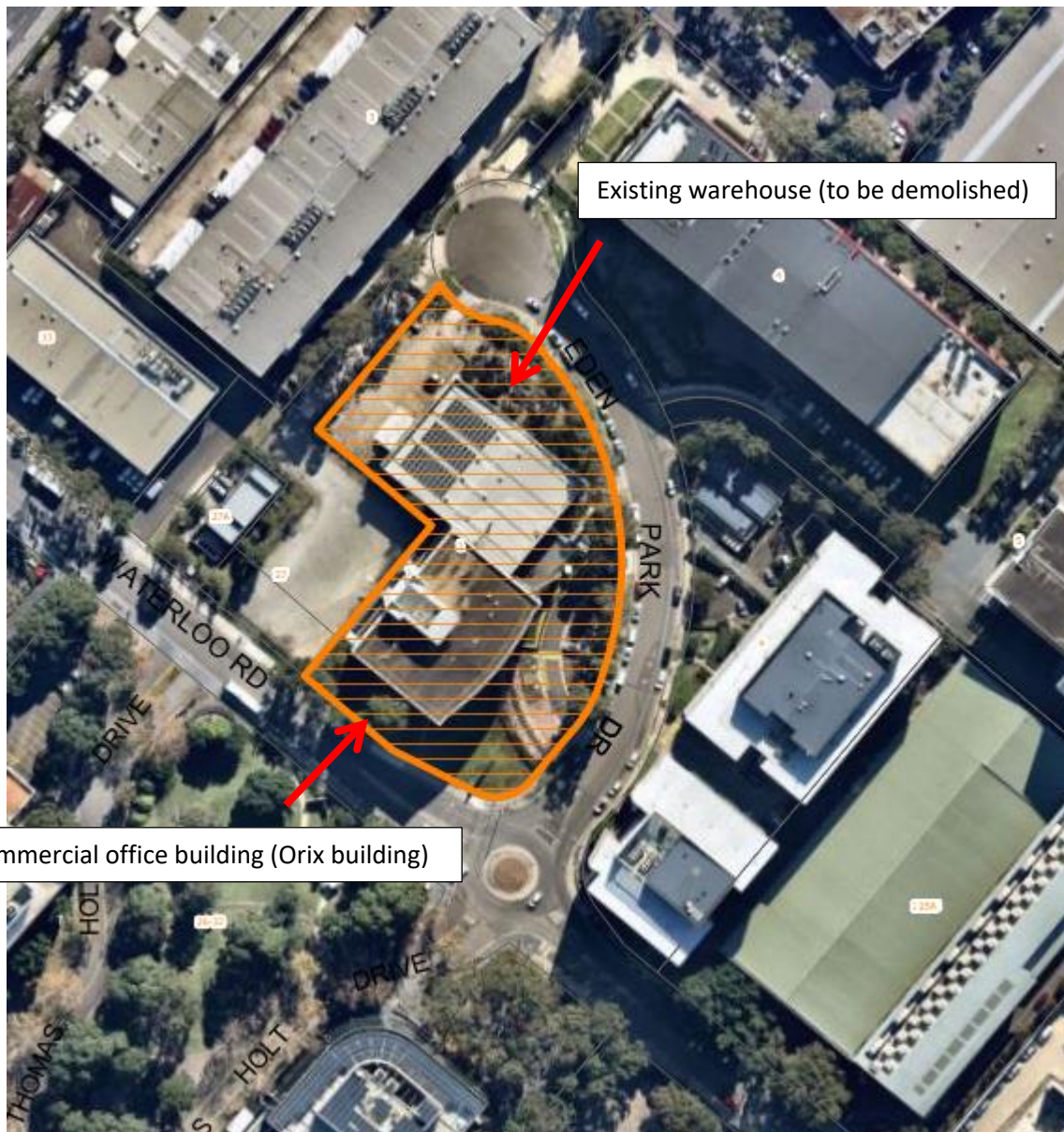


Figure 1: 1 Eden Park Drive, Macquarie Park (Hatched in orange).

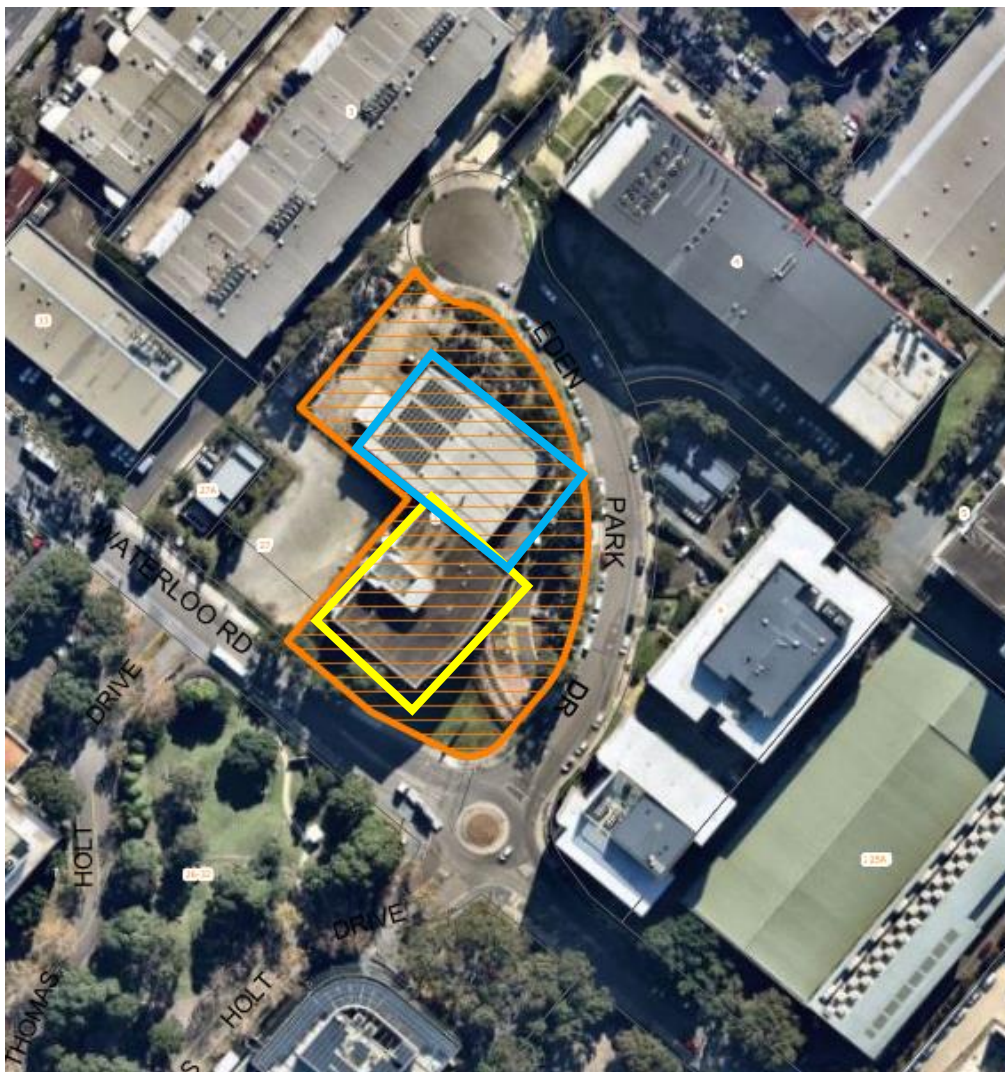


Figure 2: Orix building, outlined in yellow. Existing warehouse, outlined in blue.

Figure 3 shows the site from Eden Park Drive, looking toward the Orix building.



Figure 3: 1 Eden Park Drive, Macquarie Park.

Figure 4, 5 and 6 shows site from Eden Park Drive looking toward the existing warehouse, proposed to be demolished.



Figure 4: 1 Eden Park Drive, Macquarie Park. Looking toward the rear of the site and existing access point.



Figure 5: 1 Eden Park Drive, Macquarie Park. Existing warehouse to be demolished.



Figure 6: 1 Eden Park Drive, Macquarie Park. Existing warehouse to be demolished.

4. SITE CONTEXT

Development in the vicinity of the subject site comprises a mixture of commercial/office, high technology industry as well as medical and beauty supply premises. **Figure 7** shows the site in its context, as follows:

North: The end point of the Eden Park Drive cul-de-sac is located north of the site, as well as a commercial and office premise known as Ryde Corp. NEXTDC Sydney Data Centre and a cafe is located to the north east of the site

South: Waterloo Road is directly south of the site. Macquarie Park and a number of commercial/office buildings are located further to the south of Waterloo Road.

West: Directly west of the site is a number of commercial, warehouse and retail buildings containing beauty and medical suppliers and a number of fast food restaurants. To the west of these premises is Lane Cove Road.

Macquarie Park Metro Station is located further toward the west

East: A six (6) storey commercial/office premise is located directly toward the east of the site at 6 Eden Park Drive. The premises contains a number of commercial offices, a café and a gym.

The M2 Motorway is located further toward the east of the site.

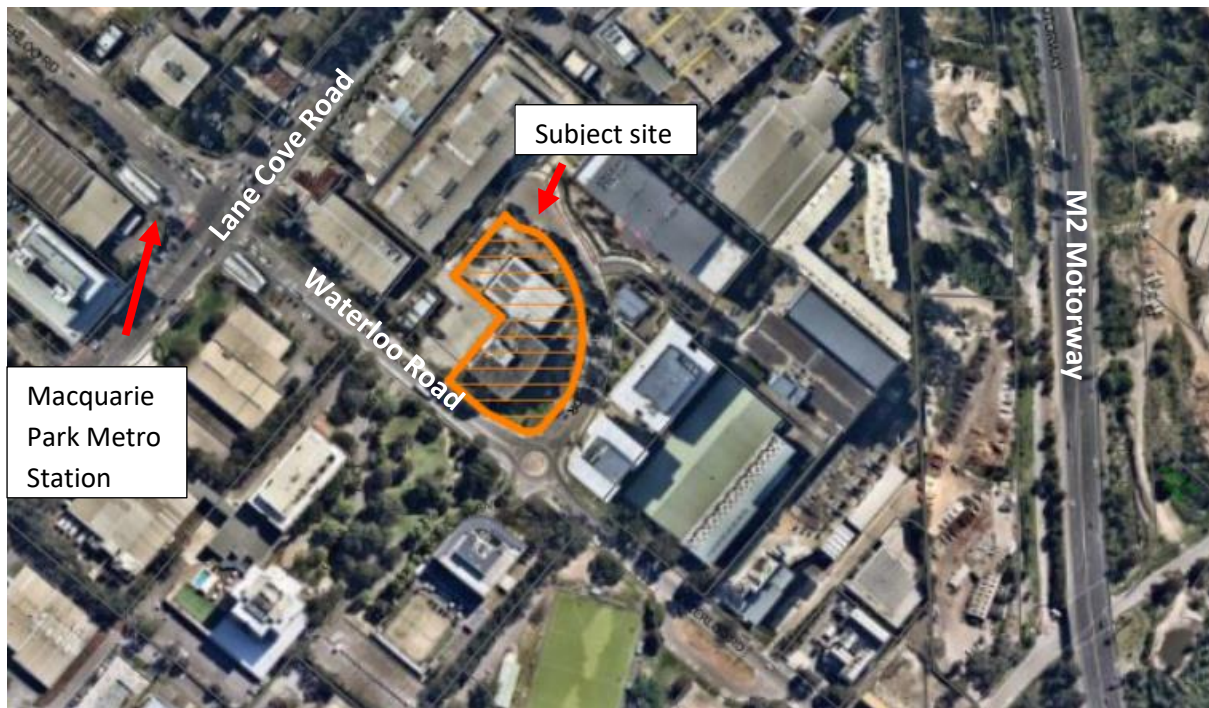


Figure 7: Site context

5. **PROPOSAL**

5.1 **Proposed Development**

The application proposes to construct a new eight (8) storey building at 1 Eden Park Drive, Macquarie Park.

The application comprises:

- Site preparation and civil engineering works;
- Demolition of an existing warehouse;
- Construction of an eight (8) storey commercial building;
- Two (2) basement car parking levels and loading dock;
- Construction of a pedestrian pathway on the western side of the site and public domain upgrades; and
- Tree removal and landscaping works.

No works are proposed to the existing commercial office building (Orix building).

Site Preparation and Civil Engineering Works

The application proposes associated site preparation and civil engineering works.

Demolition Works

The application proposes to demolish the existing warehouse. The existing warehouse is single storey and located in the northern portion of the site.

Figure 8 demonstrates the extent of the existing warehouse to be demolished.

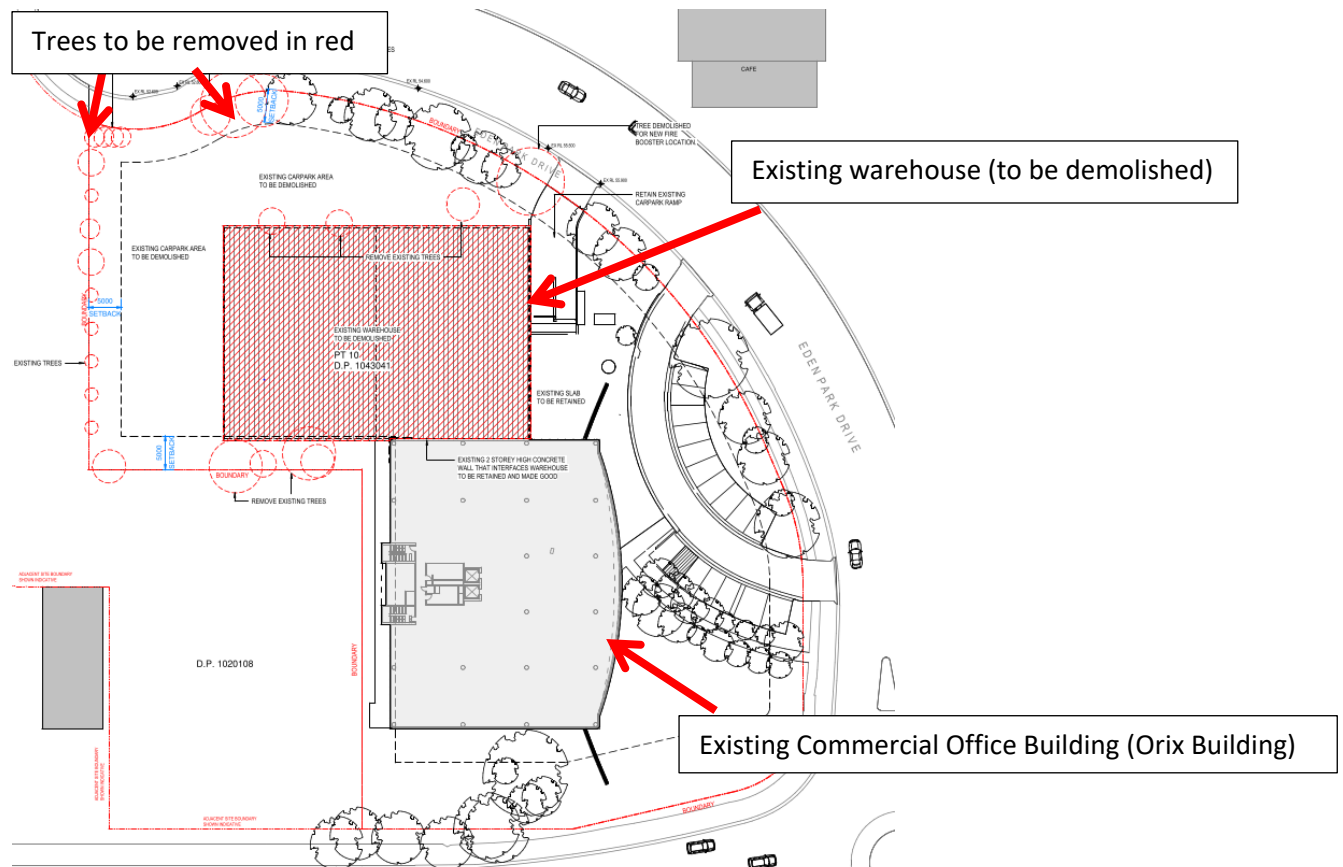


Figure 8: Existing warehouse (hatched in red) to be demolished.

Tree Removal

The applicant has proposed to remove 25 of the 68 trees on site. These are noted in red at **Figure 8** above. Of the 25 trees proposed to be removed, eight (8) are considered to be high category, and 17 are considered to be low category.

Of the 17 low category trees proposed to be removed, 11 are exempt under Ryde DCP 2014 Part 9.5 Tree Preservation and can be removed without development consent.

Resulting in a total of eight (8) high category, and six (6) low category trees proposed to be removed as part of this development consent. All trees proposed to be removed are located on the subject site, no tree removal is proposed on neighbouring sites or within the public domain. Substantial replacement planting is proposed as detailed below.

Commercial Building

The application proposes to construct an eight (8) storey commercial building up to 44m in height (see **Figures 9 and 10**). The commercial building will comprise:

- Commercial office space;
- Loading dock at ground level;
- End of trip facilities;
- Commercial/showroom tenancy;
- Retail tenancy; and
- Rooftop plant.

It is proposed to construct the building to a maximum height of 44m with a Gross Floor Area (GFA) of 11,256m².

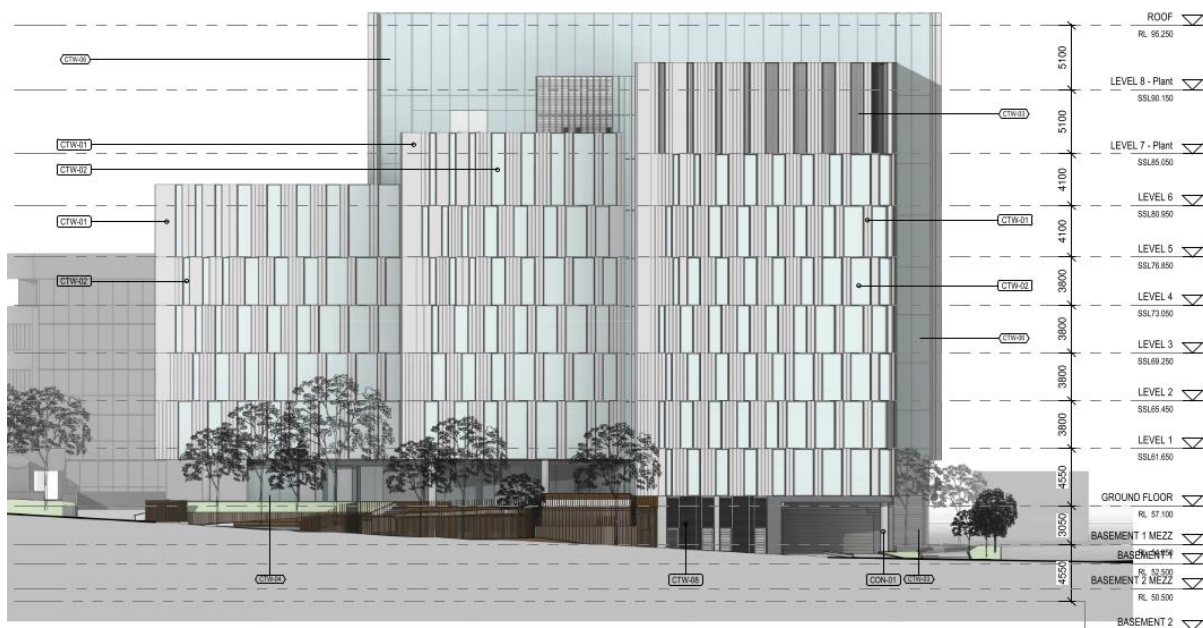


Figure 9: Northern elevation



Figure 10: Photomontage of the proposed development.

As shown in **Figure 11**, it is proposed to construct the building with masonry, aluminium, concrete and glazed finishes.

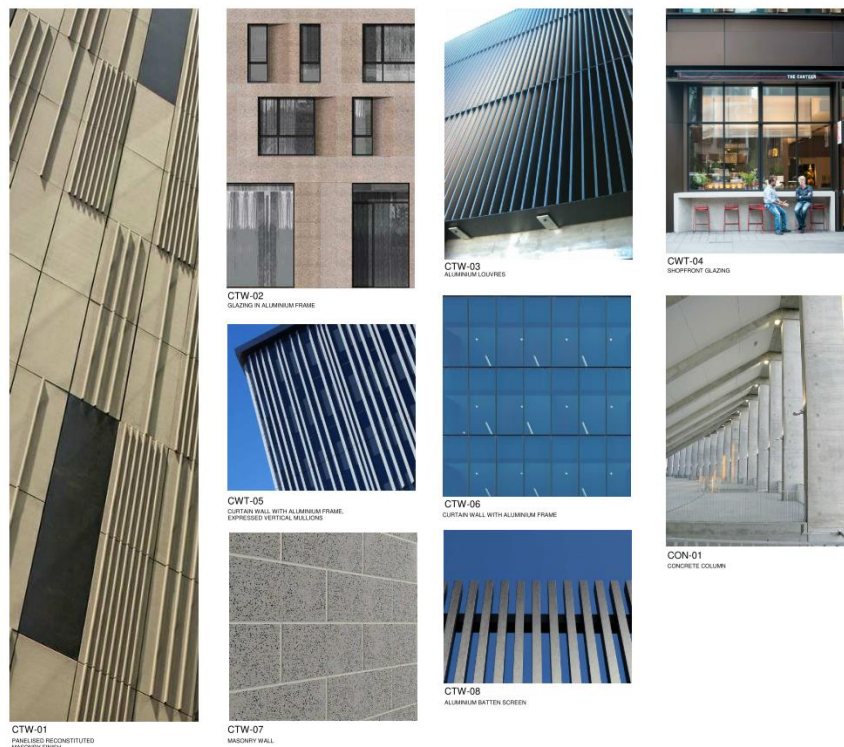


Figure 11: Material Finishes.

Basement Car Park

The application proposes the construction of a two (2) storey basement car park comprising 74 car parking spaces, including three (3) accessible spaces and 91 bicycle spaces. Associated plant rooms and waste, loading and storage areas are also proposed.

Pedestrian access is proposed to be achieved via the lift lobby with four (4) lifts to the ground and upper levels.

Landscape and Public Domain

The application proposes a landscape strategy comprising of the following elements:

- Landscape roof terrace to Level six (6);
- Landscape communal roof terrace to Level seven (7);
- Communal open spaces and landscape areas on the ground floor; and
- A total of 1,660m² of deep soil planting. A total of 2,180m² (27.4%) of landscaped areas are provided throughout the site.

A total of 2,180m² (27.4%) of deep soil and landscaped areas are provided throughout the site. It is noted, for purposes of this calculation, all areas have not been included as the areas are not 20m x 10m in accordance with Ryde DCP 2014.

The proposal includes the planting of 26 new trees within the site including Smooth Barked Apple, Spotted Gum, Blueberry Ash and Water Gum and a number native shrubs and grasses.

An additional 8 trees are proposed to be planted along the Eden Park Drive public domain, including Spotted Gums and native grasses. This is in addition to the trees along Eden Park Drive to be retained.

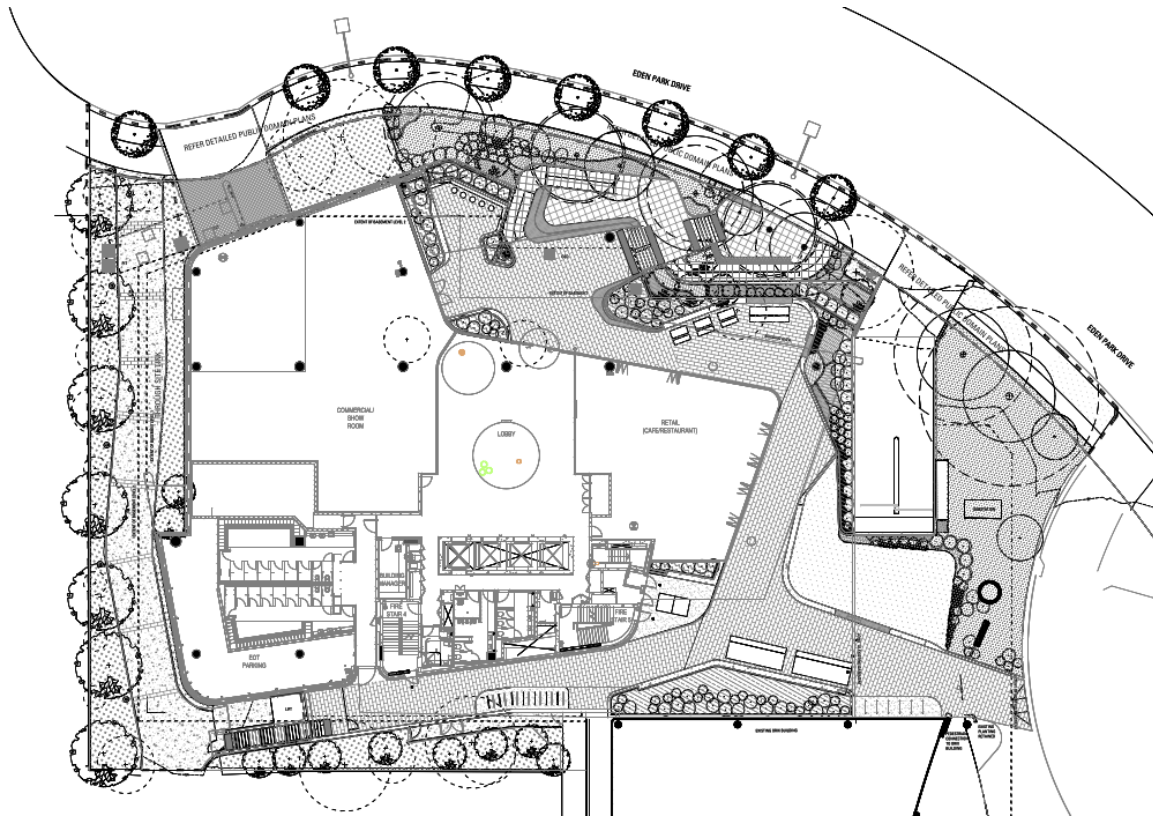


Figure 12: Ground floor landscape plan.

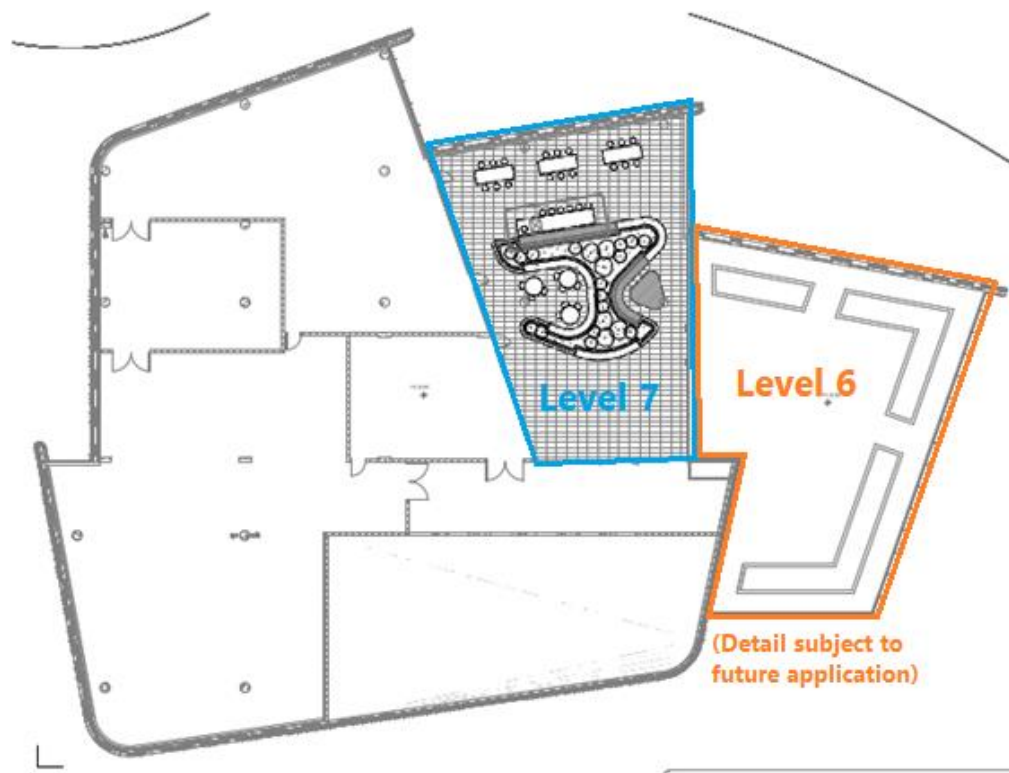


Figure 13: Level Six (6) and Seven (7) Landscape Roof Terraces.

In addition the applicant is proposing a number of public domain improvements including a pedestrian pathway toward the western end of the site as shown in **Figure 14.**

This agreement requires the payment of a monetary contribution in connection with incentive GFA and height under clause 6.9 of RLEP 2014, and the construction of a pedestrian site through link and provision of a pedestrian right of way.

The applicant is seeking to apply the clause 6.9 incentives for the site. In accordance with the RLEP 2014, the incentive height and FSR for the northern portion of the site are 65m and 3:1 respectively. It is proposed to construct the building to a maximum height of 44m with a gross floor area (GFA) of 11,256m². Noting the proposed total GFA for the site is 17,603m² (cumulative with the Orix building), resulting in an FSR of 2.21:1.

The public benefits to be provided under the Planning Agreement consist of the following:

- Construction of a pedestrian pathway and public access easement (as shown in **Figure 14**) as part of the Macquarie Park Access Network to the agreed value of \$ 282,710 prior to the issue of an Occupation Certificate; and
- Monetary contributions in accordance with the incentive contribution rate to a value of \$ 176,546.69 prior to the issue of a Construction Certificate.

Council considered the Planning Agreement Offer at its meeting on 25 August 2020 where the planning Agreement offer was accepted by Council resolution.

The Planning Agreement was publicly exhibited from 11 September 2020 to 21 October 2020. Zero submissions were received.

The execution of the Planning Agreement is currently being finalised by Council and the applicant, and is planned to be executed before the SNPP determination meeting for the development application on 24 November 2020.

It is noted that the Planning Agreement is not required to be determined by the SNPP.

Further, the Planning Agreement requires the Developer to provide security to Council, in the form of bonds or bank guarantees for the monetary contribution and the public domain works including the pedestrian site through link. Additionally, the Developer is to provide Council with the documentation required to register the Planning Agreement on the title of the land.

Condition 3 of the draft consent requires the registration of the Planning Agreement on the title of the property in accordance with the terms of the Planning Agreement.

Condition 136 of the draft consent requires all public benefit works required by the Planning Agreement to be completed to Council's satisfaction prior to the relevant Occupation Certificate being issued.

6. BACKGROUND

The applicant first met with Council in November 2019 for a pre-lodgement meeting and an Urban Design Review Panel meeting (UDRP). The UDRP raised a number of issues with the proposal which have largely been addressed in the submitted development application.

The subject development application was lodged on 7 February 2020 and was notified and advertised between 12 February 2020 and 12 March 2020. One (1) submission was received.

Following lodgement of the development application the applicant again met with the UDRP on 19 March 2020. Further to this, a preliminary review of the application was undertaken and additional information was requested by Council on 30 April 2020.

The issues raised/information requested can be summarised as follows:

a) Urban Design Review Panel

Context, Neighbourhood Character and Landscape Design

The UDRP recommended minor amendments to the ground floor layout of the building including the end of trip facilities, as well as minor amendments to the landscape design.

Built Form, Scale and Density

The UDRP indicated support for the proposal with regard to the encroachment to the 10m building separation between the existing Orix Building and the proposed building.

Aesthetics

The UDRP recommended detailed sections, elevations and renders be submitted to Council detailing the proposed façade.

The UDRP were generally supportive of the proposal and offered a number of suggestions to improve the buildings architectural cohesion and integration with the existing and future context of Macquarie Park.

Note: Amended plans were received by Council on 29 May 2020. The application was not required to be re-referred to the UDRP, instead, as discussed below, Council's Urban Designer reviewed both the application as submitted, and amended plans.

b) Council's Urban Designer

Council's Urban Designer reviewed the application and requested the following additional information:

Pedestrian Link

Refinements to the design of the proposed pedestrian link was requested to address safety issues, with a recommendation that the Ground Floor plan should be reconfigured to increase passive surveillance to the western boundary.

In response, the applicant altered the pedestrian pathway to provide a more direct line of sight from Eden Park Drive to the southern boundary. The applicant also reconfigured the end of trip area to run through to the north facing window which overlooks the pedestrian link and submerged the plantroom into the floor plate, increasing passive surveillance to the proposed pedestrian link from the north-facing windows.

This matter is considered to be resolved.

Plant Selection

Council's Urban Designer noted that the selected shrub species located along the western boundary was inappropriate as their relatively low heights and bushy form will not provide good sightlines from Eden Park Drive to the nearby station.

It was recommended to replace these shrubs with large native trees (that have clear stems at the eye height) and grasses (up to 1m high) for the landscape planting along the western boundary.

In response, the applicant updated the Landscape Plans to realign the pedestrian link to improve sight lines along the corridor. Along the western pedestrian link, the landscape plans have been amended to remove shrub species and instead introduce clear stem trees and lower decorative grasses to improve visibility along the pedestrian link.

This matter is considered to be resolved.

Eden Park Drive Interface

Council's Urban Designer recommended the applicant create a refined solution to improve the proposed buildings relationship with the public domain. It was noted that greater effort is expected to maintain the visual connections between the Ground Floor and Eden Park Drive. Specifically, it was recommended that the applicant lower the level of the outdoor working/learning area (currently at RL 57.10), ideally, to approximately RL 55.20, i.e. no more than 1.2m above the adjacent footpath level. In addition, it was noted that the proposed ramps in the street setback zone should not be steeper than 1:20 so that handrails can be avoided to minimise any visual clutters.

In response, the applicant advised:

The level of the working/learning area has been retained to provide a fully accessible on-grade area at the ground floor. However, the layout has been refined to incorporate a lower planter bed in front of the working/learning area at RL55.10, providing a gentle transition to the RL 57.10 of the ground floor area, while also softening the interface.

Ramps have been maintained at 1:20 grades to avoid the need for handrails, which will minimise visual clutter as per Council's advice.

This matter is considered to be resolved.

Visitor Bike Parking

It was noted to the applicant that the visitor bike parking at the rear of the proposed building will create a pinch point for circulation. It was recommended to angle the bike racks to allow for greater width for pedestrian and cyclist circulation.

Amended plans submitted indicate that the bicycle racks have been partially redistributed at 1m centres to remove the pinch point.

This matter is considered to be resolved.

Public Domain

It was noted that the fire boosters located at the street boundary should ideally be incorporated into the landscape design, rather than being a standalone element fronting the public domain.

The amended plans relocated the fire boosters to be incorporated into the landscape design, noting compliance with relevant Australian Standards is required to be achieved.

This matter is considered to be resolved.

Council's Urban Designer reviewed the amended plans (dated 29 May 2020) and advised no further comment is required regarding matters of Urban Design.

c) Landscape

In its original review of the application, Council's Consultant Landscape Architect requested the applicant provide an updated Arboricultural Impact Appraisal and Method Statement. It was noted that the statement submitted provided no assessment of the actual anticipated levels of Tree Protection Zones (TPS)/Structural Root Zone (SRZ) incursion to enable an understanding of the required tree removal/retention to be carried out, specifically those trees within the street setback.

The Applicant provided a response to Council on 27 May 2020. The proposed method of retention was the use of an aluminium joist and unit paver system within the subject site. In addition, the applicant advised that they no longer proposed to upgrade the existing concrete footpath to granite paving as required by Council's Public Domain Technical Manual.

Consultation with Council's Public Domain Engineer confirmed the proposed retention of the concrete footpath is not in accordance with the Public Domain Technical Manual and that a deviation to this requirement would not be supported, noting as per the Public Domain Technical Manual, the existing footpath is required to be upgraded to be constructed of granite paving.

This information was reviewed by Council's Consultant Landscape Architect, and on 3 July 2020 further detail was requested regarding a number of trees proposed to be removed, retained and methods proposed to do so. In addition, the applicant was advised that the proposed retention of the concrete footpath would not be supported.

Amended plans and documentation were received on 30 September 2020. The amended plans indicated compliance with the Public Domain Technical Manual and noted that the existing footpath will be upgraded to a granite footpath as required by the Public Domain Technical Manual. The plans were accompanied by an amended Arborist report which detailed proposed surface treatments which will achieve the retention of significant trees along the Eden Park Drive frontage.

Council's Consultant Landscape Architect reviewed the amended plans advised no objections to the proposed development were raised subject to appropriate conditions of consent. **(See Conditions 24-26, 31, 32, 69, 74, 117-125 & 160).**

Further, Council's Urban Designer reviewed the amended plans and advised no further comment is required regarding matters of Urban Design. Council's Public Domain Engineer also acknowledged the amended plans, and noted compliance with Council's Public Domain Technical Manual.

d) City Works

Council's Traffic Engineer reviewed the application and requested the following additional information:

- Council has a demonstrated history of frequent complaints from the local businesses about traffic congestion and associated long queue at Waterloo Road / Eden Park Drive intersection during weekday PM peak. Calibration of SIDRA analysis during PM Peak was required to be submitted for further evaluation and if required, mitigation measures should be proposed and discussed in order to achieve a 'no net worsening' outcome; and
- It is considered unsafe to channel pedestrians to walk on/across the main access driveway. Further clarification was required for the proposed pedestrian crossing located on Basement Level 1 near the site access, including the purpose of the pedestrian crossing, connection with other pedestrian facilities and how the pedestrian safety can be achieved.

A response to Council's Request for Information was received on 27 May 2020.

Council's Traffic Engineers reviewed this additional information and on 10 June 2020 requested the applicant undertaken additional SIDRA analysis. On 26 June 2020 the applicant responded to the additional request. It is noted the applicant did not provide additional SIDRA analysis, and advised in their response that they did not feel it was necessary.

On 9 July 2020 Council's Traffic Engineer, as well as Council's Senior Coordinator for Transport and Development reviewed the amended application and confirmed further additional SIDRA analysis is required.

A meeting was held with the applicant and Council Traffic Engineers and Planners on 15 July to discuss the request for additional SIDRA analysis.

On 9 August 2020 additional information (by way of a traffic survey video) was provided to Council.

Council's Traffic Engineer noted that the proposed development is estimated to potentially generate up to 60 peak hour trips to/from the site over and above the existing land uses. However, it was further noted that the intersection of Waterloo Road and Eden Park Drive/Thomas Holt Drive has spare capacity to accommodate greater traffic demands.

As such, Council's Traffic Engineer concluded that the additional peak hour traffic potentially generated by the proposed development is therefore not expected to alter the current operational performance of this intersection.

On 21 August 2020 Council's Traffic Engineer confirmed the additional information was sufficient and advised no objections to the proposed development were raised subject to appropriate conditions of consent.

This matter is considered to be resolved.

e) Development Engineering

Council's Senior Development Engineer has reviewed the application and requested further information regarding potential drainage easements onsite.

In addition, Council's Senior Development Engineer requested amended plans detailing approximate pit levels with regard to the On-Site-Dentation tanks.

A response to Council's Request for Information was received on 27 May 2020 and on 9 July 2020.

The applicant demonstrated that the easement, shown on Council mapping was not a drainage line, but an outline of a previous title from 1998. This title has been provided. In addition, a Service Locator undertook a site inspection with a Ground Penetrating Radar, no drainage line was found.

In addition, the applicant provided amended plans detailing approximate pit levels with regard to the On-Site-Dentation tanks.

Upon review of the additional information Council's Senior Development Engineer confirmed the additional information was sufficient and advised no objections to the proposed development were raised subject to appropriate conditions of consent.

This matter is considered to be resolved.

f) Sydney Metro

In accordance with Clause 86(4) of SEPP (Infrastructure) 2007 concurrence was sought from Sydney Metro. A request for further information was received on 9 March 2020, specifically the applicant was requested to provide:

- A detailed survey plan;
- Cross sectional drawings;
- Shoring design for the proposed basement; and
- Confirmation regarding specific drainage design.

Additional information was provided to Sydney Metro on 21 April 2020. Sydney Metro reviewed this additional information and on 30 April 2020 requested the applicant prepare a Metro Corridor Impact Statement. The statement was provided to Sydney Metro on 18 May 2020.

Upon review Sydney Metro advised the statement was not sufficient in demonstrating that there are no adverse impacts on the Sydney Metro infrastructure related to the proposed development. An amended statement was requested to be prepared in accordance with the Sydney Metro Underground Guidelines.

On 7 August 2020 additional information was provided to Sydney Metro. Sydney Metro assessed the proposal in accordance with the requirements of Clause 86(4) of the SEPP (Infrastructure) 2007 and granted concurrence subject to appropriate conditions of consent. **(See Conditions 78 - 86).**

This matter is considered to be resolved.

g) Transport for New South Wales (TfNSW)

In accordance with Clause 103 of SEPP (Infrastructure) 2007 the application was referred to TfNSW. A request for further information was received on 25 March 2020, specifically the applicant was requested to provide:

- The SIDRA modelling should consider the impacts from the proposed development traffic on the Waterloo Road/Lane Cove Road intersection; and
- The traffic modelling should include the higher traffic generation rates from the TfNSW Technical Direction 2013/04 - Guide to Traffic Generating Developments.

Additional information was provided to TfNSW on 20 May 2020. TfNSW reviewed this additional information and on 27 June 2020 advised no objections to the proposed development were raised subject to appropriate conditions of consent.

This matter is considered to be resolved.

7. APPLICABLE PLANNING CONTROLS

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

- SEPP (State and Regional Development) 2011;
- SEPP No. 55 – Remediation of Land;
- SEPP (Infrastructure) 2007;
- SEPP (Sydney Harbour Catchment) 2005;
- SEPP (Vegetation in Non-Rural Areas) 2017;
- Draft SEPP (Remediation of Land);
- Draft Environment SEPP;
- Ryde LEP 2014; and
- Ryde DCP 2014.

8. PLANNING ASSESSMENT

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

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

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

The requirements of State Planning Policy No. 55 – Remediation of Land (SEPP55) apply to the subject site. In accordance with Clause 7 of SEPP 55, Council must consider if the land is contaminated, if it is contaminated, is it suitable for the proposed use and if it is not suitable, can it be remediated to a standard such that it will be made suitable for the proposed use.

A Detailed Site Investigation (DSI) was submitted as part of the Development Application prepared by Douglas Partners (dated October 2019). The DSI included a summary of previous land uses. This summary is reproduced below:

Table 1: Land Use summary (Source: DSI prepared by Douglas Partners, dated October 2019).

Approximate Dates	Land Use
Prior to 1968	Residential and poultry farm
1966 - 1978	Cosmetic Products Industry. This included the installation of an underground storage tank and pump unit in 1972.
1966 – 1979	Motor Vehicle Distribution Centre. This included the installation of a 2000 gallon underground fuel storage tank in 1969, and a 27,850 L underground fuel storage tank and pump unit in 1977.

All underground storage tanks and pump units were removed from the site in 2013. Douglas Partners concluded that based on an assessment at the time, as well as fieldwork and analysis undertaken, the tank pits and subject site was appropriately remediated.

Overall, the DSI concluded that the site is suitable for the proposed development.

Council's Environmental Health Officer (EHO) has reviewed the submitted documentation has advised that the site is suitable for the proposed on-going commercial land use. **(See Conditions 41–44 & 126-130).**

With the inclusion of these conditions the proposal is considered satisfactory for the purposes of SEPP55.

8.2 State Environmental Planning Policy (Infrastructure) 2007:

a) Ausgrid

In accordance with Clause 45(2) of SEPP (Infrastructure) 2007 the application was formally referred to Ausgrid.

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

Ausgrid assessed the proposal in accordance with the requirements of Clause 45(2) of the SEPP (Infrastructure) 2007, and advised no objections to the proposed development were raised subject to appropriate conditions of consent. **(See Conditions 87, 131 & 132).**

No adverse effects on the electricity transmission or distribution network are considered to arise as a result of the proposed development.

Overall, it is considered that the application is consistent with Clause 45(2) of SEPP (Infrastructure) 2007.

b) Sydney Metro

In accordance with Clause 86(4) of SEPP (Infrastructure) 2007 concurrence was sought from Sydney Metro. As detailed in Section 6(f) of this report, following receipt of additional information in accordance with the Sydney Metro Underground Guidelines, Sydney Metro assessed the proposal in accordance with the requirements of Clause 86(4) of the SEPP (Infrastructure) 2007, and granted concurrence subject to appropriate conditions of consent (**See Conditions 78 - 86**).

No adverse effects on the safety or structural integrity or the safe and effective operation of the Sydney Metro line are considered to arise as a result of the proposed development.

Overall, it is considered that the application is consistent with Clause 86(4) of SEPP (Infrastructure) 2007.

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

In accordance with Clause 104 of SEPP (Infrastructure) 2007 the application was required to be referred to TfNSW. As detailed in Section 6(f) of this report, following receipt of additional information TfNSW assessed the proposal in accordance with the requirements of Clause 103 of the SEPP (Infrastructure) 2007, and advised no objections to the proposed development were raised. No conditions were recommended.

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

Overall, it is considered that the application is consistent with Clause 103 of SEPP (Infrastructure) 2007.

8.3 State Environmental Planning Policy (Sydney Harbour Catchment) 2005;

This Plan, now a deemed State Environmental Planning Policy, applies to the whole of the Ryde local government area. The aims of the Plan are to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.

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

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

As detailed earlier in this report, the proposal results in the removal of 25 of the 68 trees on site. Of the 25 trees proposed to be removed eight (8) are considered to be high category, and 17 are considered to be low category. Of the 17 low category trees proposed to be removed, 11 are exempt from the City of Ryde's Development Control Plan Part 9.5 Tree Preservation, and can be removed without development consent.

Resulting in a total of eight (8) high category, and six (6) low category trees proposed to be removed as part of this development consent, as summarised in Table 2.

Table 2: Ryde DCP 2014 – Part 9.5 Tree Preservation – Tree Removal Summary

Total trees on site	68 trees		
Trees to be removed	25 trees		
Summary of Arboricultural Assessment of trees to be removed	High category: 8 Low category: 6 Exempt trees: 11		
High category tree species	Tree 2.	Casuarina Cunninghamiana / River Oak	(moderate significance)
	Tree 4.	Tristaniopsis laurina / water gum	(moderate significance)
	Tree 5.	Tristaniopsis laurina / water gum	(moderate significance)
	Tree 21.	Corymbia Maculta / spotted gum	(high significance)
	Tree 22.	Corymbia Maculta / spotted gum	(high significance)
	Tree 23.	Corymbia Maculta / spotted gum	(high significance)
	Tree 32.	Corymbia Maculta / spotted gum	(high significance)
	Tree 33.	Tristaniopsis laurina / water gum	(low significance)

Source: Arboricultural Impact Appraisal and Method Statement (prepared by Naturally Trees, dated 21 July 2020, Rev C).

The proposal includes the planting of 26 new trees within the site including Smooth Barked Apple, Spotted Gum, Blueberry Ash and Water Gum and a number of native shrubs and grasses.

An additional 8 trees and native grasses are proposed to be planted along the Eden Park Drive public domain, including Spotted Gums and native grasses.

Council's Consultant Landscape Architect reviewed the amended plans advised that no objection is raised to the removal of eight (8) high category, and six (6) low category trees, subject to the replanting of 26 new trees, and an additional 8 along the Eden Park Drive public domain.

Further, Council's Consultant Landscape Architect noted that with regard to tree protection measures proposed, the proposed surface treatment (comprising a low impact paving system) is supported provided the system is capable of relocation if significant roots are found during construction.

No objections were raised to the proposed development subject to appropriate conditions of consent. **(See Conditions 24-26, 31, 32, 69, 74, 116-125 & 160).**

It is considered that the removal of 25 of the 68 trees on site will not have an adverse impact of the ecological, heritage, aesthetic and cultural significance of the area. The

proposed replacement planting and mitigation measures will ensure that the development will not result in an unacceptable loss of amenity values or finite natural resources. The development as a whole will positively contribute to ensuring a sustainable urban forest canopy in the City of Ryde.

As such, the consent authority can be satisfied that the tree removal is in accordance with the SEPP.

8.5 Ryde Local Environmental Plan 2014

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

Clause 2.2: Zoning

The subject site is zoned B3 – Commercial Core under RLEP 2014. The proposed development is permitted in the zone.

Clause 2.3: Zone Objectives

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

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

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

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

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

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

Clause 4.3: Height of Buildings

A maximum building height limit of 30 metres applies to the development site.

Despite the provisions of clause 4.3 - Height of Building, under clause 6.9 - Development in Macquarie Park Corridor, development consent may be granted to development to a maximum height of 65 metres, as an incentive provision, if the consent authority is satisfied that there will be adequate provision for an access

network which has a configuration and location to allow a suitable level of connectivity within the precinct.

It is proposed to construct the building to a maximum height of 44m.

The application proposed the construction of a pedestrian pathway and public access easement as part of the Macquarie Park Access network. In addition, monetary contributions in accordance with the incentive contribution rate to a value of \$176,546.69 will also be provided.

The provision of a safe and convenient pedestrian environment will help promote a greater connectivity between the subject site and Macquarie Park Metro Station and encourage public transport use.

The development complies with the 65m incentive height development standard. The assessment under clause 6.9 below provides further review on the application of the incentive height control for the site.

Clause 4.4: Floor Space Ratio

The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. The maximum floor space ratio for the development site is 2:1.

Despite the provisions of clause 4.4 – Floor Space Ratio, under clause 6.9 - Development in Macquarie Park Corridor, development consent may be granted to development to a maximum floor space ratio of 3.1:1 as an incentive provision if the consent authority is satisfied that there will be adequate provision for an access network which has a configuration and location to allow a suitable level of connectivity within the precinct.

It is proposed to construct the building with a Gross Floor Area (GFA) of 11,256m². Noting the proposed total GFA for the site is 17,603m², resulting in an FSR of 2.21:1.

The application proposed the construction of a pedestrian pathway and public access easement as part of the Macquarie Park Access network. In addition, monetary contributions in accordance with the incentive contribution rate to a value of \$176,546.69 will also be provided.

The provision of a safe and convenient pedestrian environment will help promote a greater connectivity between the subject site and Macquarie Park Metro Station and encourage public transport use.

The development complies with the 3.1:1 incentive floor space ratio development standard with a maximum FSR of 2.21:1.

The assessment under clause 6.9 below provides further review on the application of the incentive height control for the site.

Clause 4.5B: Macquarie Park Corridor

This subject application is for a commercial land use on a site zoned B3 Commercial Core within the Macquarie Park Corridor. However, the provisions of this Clause are not applicable as:

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

Clause 6.1 Acid Sulphate Soils

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

Clause 6.2 Earthworks

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

As a result of the removal of contaminated lands on the subject site, a total volume of earthworks being 20,685m³ over an area of 7,952m² is proposed to be undertaken. The extent of excavation is largely a result of the construction of two (2) basement levels.

The scale and location of the proposed earthworks will not adversely affect the visual quality and amenity values of adjoining properties as the earthworks are localised to the vicinity of the site. The proposed earthworks will not change the line of the landscape or affect any existing structures or water bodies. The earthworks are proposed to be undertaken in a way that avoids, remedies or mitigates adverse effects on the environment.

Further, adequate sediment and erosion control measures are proposed as part of this development as are supporting conditions. (**See Conditions 65 and 111**).

Clause 6.3 Flood Planning

This clause applies to land identified as “Flood Planning Area” on the Flood Planning Map, and other land at or below the flood planning level.

The site is not identified on the Flood Planning Map. This clause is not applicable to the development.

Clause 6.4 Stormwater Management

The objective of Clause 6.4 is to minimise the impacts of urban stormwater on land to which this clause applies, adjoining properties, native bushland and receiving waters.

The proposed development has been designed to maximise the use of water permeable surfaces on the subject site, as well as the use of on-site detention (OSD) tanks.

The applicant is proposing to remove the existing OSD tanks and replace with two (2) new tanks. Each tank is considered to be sufficient in size.

Further, Council's Senior Development Engineer has reviewed the stormwater management scheme and has raised no objections subject to the imposition of conditions. **(See Conditions 59-62, 110, 138 & 139).**

No adverse impacts as a result of stormwater runoff to adjoining properties are considered to result.

Clause 6.6 Environmental Sustainability

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

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

The proposed development complies with the sustainability principles of this clause as outlined in **Table 3**.

Table 3: Clause 6.6 Environmental Sustainability

Planning Principles	Comment
Water demand reduction, including water efficiency, water recycling and minimisation of potable water usage	It is proposed to incorporate a 5-star Water Efficiency WELLS rating. The development will include water use metering and monitoring, comprehensive commissioning of water-based systems, selection of water efficient fittings and fixtures (minimum WELS targets), water efficient landscape and irrigation design, and rainwater harvesting.
Energy demand reduction, including energy generation, use of renewable energy and reduced reliance on mains power,	Energy reduction measures propose the introduction of passive design principles, energy metering and monitoring, optimized daylighting, lighting control, appropriate HVAC zoning, energy modelling, building management system, and comprehensive commissioning of services.
Indoor environmental quality, including daylight provision, glare control, increased outside air rates, thermal comfort,	Zoning and control methods are proposed and will be used to provide good thermal comfort levels in the appropriate spaces and high rates of outside air exceeding Australian Standards.
A reduction in new materials consumption and use of	The applicant has noted that the proposal will reduce new material consumption through the use of low VOC

sustainable materials, including recycled content in concrete, sustainable timber and PVC minimisation,	finishes, best practice or reduced PVC use, educating contractors on waste practices, and supply chain engagement. In addition, the applicant has noted that products will be independently environmentally certified, reused, have eco preferred content or will be recycled where available.
Emissions reduction, including reduced flow to sewer and light pollution,	The building has been designed to minimise light pollution. Energy efficient fixtures (meeting minimum WELLS targets) are proposed.
Transport initiatives to reduce car dependence such as providing cycle facilities, car share and small vehicle parking spaces,	End of trip facilities are proposed as part of this Development Application.
Land use and ecology, including reduced topsoil removal and contaminated land reclamation.	All earthworks are proposed to be undertaken in a way that avoids, remedies or mitigates adverse effects on the environment.

It is considered that through the measures outlined in the submitted Sustainability and Energy Efficiency Report prepared by Kador Group (dated 20 December 2019) that the proposed development embraces principles of quality urban design and is consistent with principles of best practice environmentally sensitive design in accordance with the objectives of this clause.

Clause 6.9 Development in Macquarie Park Corridor

The application proposed the construction of a pedestrian pathway and public access easement as part of the Macquarie Park Access network. In addition, monetary contributions in accordance with the incentive contribution rate to a value of \$176,546.69 will also be provided.

To obtain the height and FSR incentives under this clause of Ryde LEP 2014, the consent authority must be satisfied that the development has 'adequate provision to an access network' with a 'suitable level of connectivity within the precinct'.

Incentives Controls

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

Despite the provisions of clause 4.3 - Height of Building and clause 4.4 – Floor Space ratio, clause 6.9 - Development in Macquarie Park Corridor allows development consent to be granted to development on the subject site with a maximum height of 65 metres and FSR of 3.1:1, as an incentive provision if the consent authority is satisfied that the provisions of clause 6.9 are met.

It is proposed to construct the building to a maximum height of 44m with a Gross Floor Area (GFA) of 11,256m². Noting the proposed total GFA for the site is 17,603m², resulting in an FSR of 2.21:1.

The discussion below outlines that Council is satisfied that the provisions of clause 6.9(3) are adequately fulfilled, and the development is supported.

Compliance with Clause 6.9

Clause 6.9(3) states the following:

(3) The consent authority may approve development with a height and floor space ratio that does not exceed the increased building height and floor space ratio identified on the Macquarie Park Corridor Precinct Incentive Height of Buildings Map and the Macquarie Park Corridor Precinct Incentive Floor Space Ratio Map, but only if the consent authority is satisfied that:

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

Ryde DCP 2014 Part 4.5 identifies the open space and access networks for the Macquarie Park Corridor. This Part of the DCP was subject to detailed strategic planning by Council to augment existing public open spaces and identify new public spaces within the Corridor, in addition to creating a permeable network of streets and pedestrian ways through identifying new streets and laneways within the Corridor.

This strategic planning process resulted in the Open Space Structure Plan which allocated new recreation areas in locations considered by Council to be appropriate for the recreational purposes of the precinct and to ensure there is adequate provision of open space for the anticipated densities and uses within the Corridor. Additionally, the Access Network Structure Plan was created to identify a hierarchy of streets which is considered to best improve permeability within the precinct in a coordinated manner.

The subject site does not have any proposed areas of open space identified on or adjacent to the site, however as per the RDCP 2014 the site is identified as a site which is subject to the creation of a pedestrian connection as shown at **Figure 16**.

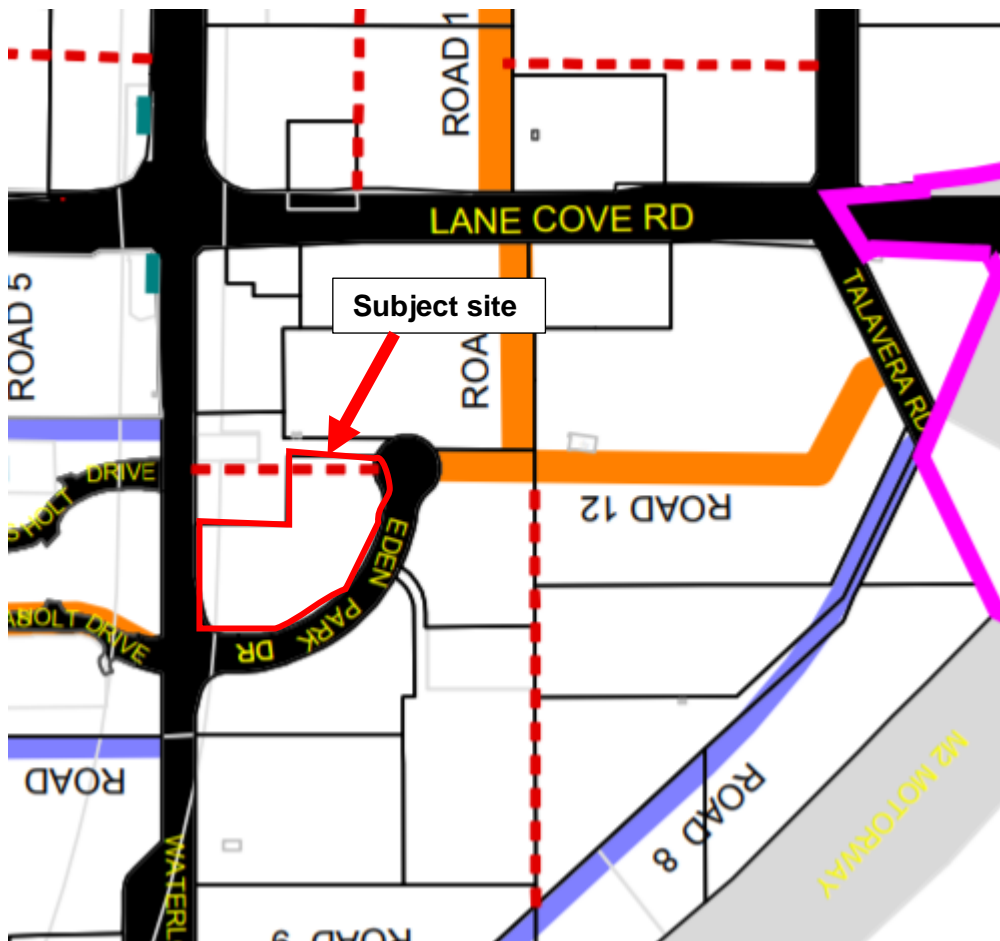


Figure 16: Access Network – Structure Plan (Figure 4.1.1 of Part 4.5 of Ryde DCP 2014)

The application proposes the construction of a pedestrian pathway and public access easement as part of the Macquarie Park Access network to provide pedestrian access from Eden Park Drive to Waterloo Road. Appropriate conditions are recommended on the draft consent requiring the construction of the pedestrian pathway and making of the public access easement prior to the issue of an Occupation Certificate in accordance with the provisions of the Planning Agreement (see **Condition's 3 & 136**).

The provision of the pedestrian pathway and making of the public access easement directly addresses subclause (c) of clause 6.9 as the delivery of a publicly accessible pedestrian pathway will contribute towards the provision of an access network throughout the Macquarie Park Corridor, providing a suitable level of connectivity as envisaged by the Ryde DCP 2014 Access Network Structure Plan.

The Planning Agreement has also been executed which requires the applicant to pay a monetary component totalling \$176,546.69. This monetary contribution is to be paid by the Developer and is to be used by Council towards the embellishment of public parks and open space in Macquarie Park, and / or the Macquarie Park access network.

Council is satisfied that the provisions of clause 6.9(3) have been suitably addressed and it is considered that while the primary purpose of the pedestrian pathway is to maximise pedestrian accessibility, walkability, amenity and safety in an accessible, continuous, well lit and safe.

The development is therefore able to be approved with the incentive height and FSR permitted under clause 6.9.

8.8 Any proposed instrument (Draft LEP, Planning Proposal).

Draft State Environmental Planning Policy (Remediation of Land)

The Draft State Environmental Planning Policy (Remediation of Land) is proposed to replace SEPP 55. The Draft SEPP is proposed to provide a state-wide planning framework for the remediation of land. The Draft SEPP will maintain the objectives of SEPP 55 and reinforce the requirements of the existing framework.

The site is considered to be suitable for its future use.

The proposal is considered to be consistent with the objectives of Draft State Environmental Planning Policy (Remediation of Land).

Draft Environment State Environmental Planning Policy

The Draft Environment State Environmental Planning Policy is proposed to consolidate the following:

- SEPP No. 19 - Bushland in Urban Areas;
- SEPP (Sydney Drinking Water Catchment) 2011;
- SEPP No. 50 - Canal Estate Development;
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment;
- Sydney Regional Environmental Plan (SREP) No. 20 – Hawkesbury-Nepean River (No.2-1997);
- SREP (Sydney Harbour Catchment) 2005; and
- Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.

The Draft SEPP is proposed to provide a state-wide planning framework for the protection and management of the natural environment.

Given the nature of this development and the location of the site, there are no specific controls that directly apply to this proposal.

The proposal is considered to be consistent with the aims of Draft Environment State Environmental Planning Policy.

8.9 City of Ryde Development Control Plan 2014

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

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

- Part 9.3 – Parking Controls
- Part 9.5 – Tree Protection


With regard to Parts 7.1 to 8.3 and 9.5, noting the advice received from the various technical departments within Council and the consideration of issues previously in this report, the proposal is satisfactory in relation to the above matters. Therefore, the following assessment addresses Parts 4.5, 9.2 and 9.3.

Part 4.5 – Macquarie Park Corridor

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

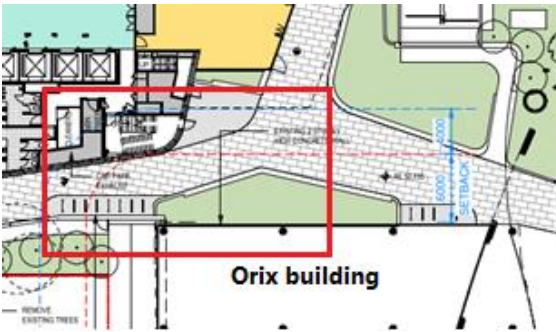
Table 4: Ryde DCP 2014 – Part 4.5 Macquarie Park Corridor

Control	Comments	Comply
2.0 - Vision		
<p><i>'Macquarie Park will mature into a premium location for globally competitive businesses with strong links to the university and research institutions and an enhanced sense of identity.</i></p> <p><i>The Corridor will be characterised by a high-quality, well designed, safe and liveable environment that reflects the natural setting, with three accessible and vibrant railway station areas providing focal points.</i></p> <p><i>Residential and business areas will be better integrated and an improved lifestyle will be forged for all those who live, work and study in the area.'</i></p>	<p>The proposed development will provide a key service which will support the operations, competitiveness and needs of businesses within Macquarie Park and the broader network.</p> <p>The development will introduce further commercial and retail uses, placing further emphasis on Macquarie Park as a principle area for commercial and employment activities.</p> <p>The development is within close walking distance to Macquarie Park Station, providing easy access for employees and visitors or local business and will ensure a safe and functional environment that fits with the natural setting.</p> <p>Given the urban environment and the high quality of design, it is considered that the proposed building will not appear to be overly dominant or out of character with the surrounding environment when viewed by the public.</p>	Yes
4.0 – Access Network		
4.2 Pedestrian Connections		
<p>Section 4.2(c) of the RDCP 2014 states that pedestrian connections are to:</p> <p>I.Be a minimum of 6m wide comprising 4m wide paving and 2m wide soft landscaping;</p> <p>II.Be designed with a 2m setback to any building; and</p> <p>III.Be publicly accessible at all times;</p> <p>IV.Provide a clear sightline from one end to the other for surveillance and accessibility;</p> <p>V.Maximise active frontages pedestrian connections;</p>	<p>The applicant has proposed a pedestrian connection that ranges from 5.5m to 8.3m, comprising of a 4m wide pathway, with a soft landscape setback of 2m meandering from the northern to southern end of the site, as shown below in Figure 16. The pathway is proposed to be setback between 0.70m and 5m from the proposed building.</p> <p>The 0.5m encroachment to the minimum width of the pathway is in the in the north-west corner of the ground floor of the proposed building and is for an approximate length of 1.30m only.</p>	No - justified

Control	Comments	Comply
<p>VI. Be designed to consider pedestrian safety and the security of adjacent businesses, particularly at night. (For example, where pedestrian through-site links are provided between buildings, windows are to be provided between the internal ground floor space of the building and the pedestrian link);</p> <p>VII. Extend and enhance the public domain and have a public domain character;</p> <p>VIII. Be in accordance with Part 9.2 of this DCP Access for People with Disabilities and designed to provide barrier-free access in accordance with AS1428 and the Disability Discrimination Act 1992;</p> <p>IX. Paving shall be in accordance with the Macquarie Park Public Domain Technical Manual; and</p> <p>X. Remain in private ownership and be created as Rights-of-Way in favour of Council or similar mechanism.</p>	<p>At this pinch point, the width of the pathway remains at 4m, with a 2m wide soft landscape verge, however, the pathway is setback from the building 0.70m. An encroachment of 1.30m. It is noted that this portion of the breach is for approximately 13m only.</p> <p>The setback of the pathway from the proposed building tapers from 2m to 5m at all other points of the pathway. This encroachment is to the ground floor only.</p> <p>Both the URDP and Council's Urban Designer indicated support for the non-compliance.</p> <p>The proposed pedestrian connection will be publicly accessible at all times, noting as part of the VPA agreement the applicant is required to make a pedestrian link easement over the connection.</p> <p>It is considered that the proposed pedestrian connection is of adequate dimensions and that the connection is accessible, continuous, well-lit and safe. Further,</p>  <p>Figure 16: Proposed Pedestrian Connection (outlined in red).</p>	
<p>4.4 Sustainable Transport</p> <p>c. A Framework Travel Plan. (FTP) is required to be submitted to Council for approval together with a DA for all development that exceeds 10,000sqm new floor space. For all development (including residential development)</p>	<p>The proposal includes more than 10,000m² new floor space. A Framework Travel Plan was submitted with the application.</p> <p>Council's Senior Sustainability Coordinator Transport & Environment has reviewed the plan and advised no objections are raised subject to appropriate conditions of consent.</p> <p>Refer Conditions 144.</p>	<p>Yes – via condition</p>
<p>f. Vehicular and bicycle parking is to be provided in accordance with Part 9.3 of Ryde DCP 2014.</p>	<p>See Part 9.3 below.</p>	<p>Yes</p>
<p>5.0 – Public Domain</p>		
<p>5.8 Street Trees, Front Setback Tree Planting, and Significant Trees</p>		

Control	Comments	Comply
<p>a. Street trees and front setback must be provided in accordance with the Street Tree Key Plan in Macquarie Park Public Domain Technical Manual, and their health guaranteed for a minimum of 5 years.</p> <p>b. At grade parking is not permitted in the front setback.</p> <p>c. Where</p> <ul style="list-style-type: none"> new floor space or parking areas are proposed and; a site is shown part coloured on the Sydney Metropolitan Catchment Vegetation Mapping 2013 (unless identified as containing "Weeds and Exotics" only) and; removal of native vegetation species is proposed <p>submit a Flora and Fauna Assessment prepared by a suitably qualified ecological consultant with the DA that has regard to:</p> <ul style="list-style-type: none"> Part 9.6 Tree Preservation of the RDCP 2014 NSW Threatened Species Conservation Act Sydney Metropolitan Vegetation Mapping, 2013. 	<p>Council's City Works have reviewed the application and included conditions on the consent with regard to street tree planting. (See Condition 68)</p> <p>No at grade parking is proposed within the front setback.</p> <p>The proposal includes new floor space, however is not shown as having 'Urban Native and Exotic Cover' on the Sydney Metropolitan Catchment Vegetation Mapping 2013.</p> <p>As such a Flora and Fauna Assessment was not required to be provided.</p>	<p>Yes – via condition</p> <p>Yes</p> <p>Yes</p>
<p>5.10 Art in Publicly Accessible Places</p> <p>a. Art must be included in all new development with more than 10,000m² new floor space in the amount of 0.1% of the construction cost of the works capped at \$1,500,000.</p>	<p>The proposal includes more than 10,000m² new floor space. A Public Art Plan was submitted with the application.</p> <p>Council's Centres Coordinator for Urban Strategy has reviewed the plan and advised no objections are raised subject to appropriate conditions of consent.</p> <p>Refer Conditions 158 & 159.</p>	<p>Yes</p>
S6.0 –Implementation – Infrastructure, Facilities and Public Domain Improvements		
<p>a. Floor Space Ratios and Height of Buildings are to comply with the Ryde LEP 2014.</p> <p>Note: Where it is proposed to take advantage of Floor Space and/or Height Incentives, applicants are to present and discuss their scheme with Council prior to lodgement of a development application.</p> <p>b. The Access Network being roads and the Open Space Network being parks are to</p> <p>i. be dedicated to Council as part of a new development and are to</p> <p>ii. conform with the Macquarie Park Corridor Access Structure Plan.</p>	<p>a. Refer clause 6.9 of Ryde LEP 2014 assessment above.</p> <p>N/A</p>	<p>Yes</p> <p>Yes</p>

Control	Comments	Comply
<p>iii. be design and constructed in accordance with the Macquarie Park Corridor Public Domain Technical Manual and Section 4 of this Part.</p> <p>c. The public land such as the road verge adjoining a development site is to be embellished and dedicated to Council as part of any new development. The design and construction of the works are to be undertaken in accordance with the Macquarie Park Public Domain Technical Manual and Section 4 of this Part.</p>	<p>The draft consent conditions include relevant conditions to ensure the public domain improvements along Eden Park Drive in front of the development site are undertaken in accordance with the Macquarie Park Public Domain Technical Manual.</p> <p>Refer Conditions 12, 13, 14,16,17, 67-73, 92-96, 101,115 & 146-157.</p>	Yes
S7.0 - Built Form		
<p>7.1 Site Planning and Staging</p> <p>a. Sites are to be planned to allow for the future provision of new streets and open spaces in accordance the Figure 4.1.1 Access Network and Figure 5.1.1 Proposed Open Space Network.</p>	The proposal includes the provision of a pedestrian site through link in accordance with the Access Network along the site's western boundary.	Yes
<p>7.3 Active frontage</p> <p>a. Continuous ground level active uses must be provided where primary active frontages are shown in Figure 7.3.2 Active Frontage and Setback Control Drawing. Buildings must address the street or public domain.</p>	The site is not located within an Activity Centre and an active frontage is not required.	N/A
<p>7.4 Setbacks and Build-to Lines</p> <p>a. Minimum setbacks and build-to lines must be provided as shown Figure 7.3.2 Active Frontage and Setback Control Drawing – summarised as follows:</p> <p>ii. 5m setback to all existing and new streets unless otherwise specified;</p> <p>f. Underground parking is not permitted to encroach into the front setback areas unless it can be demonstrated that the basement is designed to support significant mature trees and deep root planting. Refer to Figure 7.4.1.</p> <p>h. 60% of the street setback area is to be soft landscaping. Existing mature trees are to be retained where possible. Paved areas are to relate to the materials and finishes of the adjacent streetscape. At grade car parking must not be located within this setback.</p>	<p>The proposal has a 5m setback to Eden Park Drive.</p> <p>Basement does not encroach into the front setback area. The front setback to Eden Park Drive will support significant tree planting and deep soil.</p> <p>Approximately 82% of the front landscape area will have soft landscaping with no at grade parking provided within this area.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
7.5 Awnings and Canopies	No awning required – site not within an Active Frontage.	N/A

Control	Comments	Comply
<p>building separation control only applies where the width of the facing facades does not exceed 20 m.</p>	<p>It is proposed to construct the building a minimum of 6m from the most south-eastern corner of the existing Orix building on site, as shown in Figure 18. The extent of the encroachment is for a distance of 10m.</p>  <p>Figure 18: Extent of Building Separation Encroachment.</p> <p>It is considered that the proposed building has been sensitively designed regarding scale, bulk and form, high quality composition of building elements, textures materials, landscaping and colours, which respond to the setting and will contribute positively to the existing character of the site.</p> <p>It is noted that shadow diagrams submitted as part of the development application demonstrate that adequate solar access is provided between the existing and proposed building, and to the proposed pathway.</p> <p>The proposed pathway, as well as the planting of three (3) Water Gums will ensure the building will not appear to be overly dominant or out of character with the surrounding environment when viewed by the public.</p> <p>Sufficient areas of landscaping will allow for the provision of deep soil planting between the buildings.</p> <p>In addition, both the UDRP and Council's Urban Designer indicated support for the non-compliance. The UDRP noted that their support for the noncompliance was in the context that that the Orix building is under control of the proponent, meaning the two buildings remain in the same ownership. Accordingly, the encroachment was considered to be supportable from a design perspective. It is noted that the proposal does not seek subdivision as part of this and any future subdivision would require a further development application to be assessed.</p>	
<p>7.8 Building Bulk and Design</p> <p>a. The floor-plate of buildings above 8 storeys is not to exceed 2,000m², unless it can be demonstrated that slender building forms are achieved through courtyards, atria, articulation or architectural devices.</p>	<p>Building is only 8 storeys high.</p>	<p>N/A</p>

Control	Comments	Comply
b. Buildings are to address the street, and are to have a street address.	Building addresses Eden Park Drive and has a street address.	Yes
c. Facade design is to:		
i. Reflect and respond to the orientation of the site using elements such as sun shading and other passive environmental controls where appropriate.	It is considered that the proposed building is designed to align as closely as possible with the natural topography of the site. Planting around the street frontage will create a quality landscape setting which will assist to integrate the buildings within the streetscape and provide a high level of amenity.	Yes
ii. Provide building articulation such as well design roof forms, expressed vertical circulation etc.	The proposal incorporates significant articulation and materials in the composition of the facades which serves to break up the visual scale and bulk of the development, visually reducing the apparent building mass.	Yes
iv. Integrate and co-ordinate building services such as roof plant, parking and mechanical ventilation with the overall façade and building design, and be screened from view.	Mechanical ventilation have been designed to be incorporated into the building design and are screened from view.	Yes
v. Roof forms, building services and screening elements are to occur within the overall height controls. Refer to Ryde LEP 2014 for height controls.	It is proposed to construct the building to a maximum height of 44m. The development complies with the 65m incentive height development standard. See discussion in RLEP 2014.	Yes
vi. Ventilation louvres and car park entry doors are to be coordinated with the overall façade design.	Ventilation louvers and the car park entry have been incorporated into the overall façade design.	Yes
e. Buildings are to be designed to be flexible – car parking above the ground level is to have a floor to ceiling height of not less than 2.7m.	The development has 3.8m – 4.1m floor to floor ceiling heights.	Yes
S8.0 - SITE PLANNING AND STAGING		
8.1 Site Planning and Staging		
a. Sites are to be planned to allow for the future provision of new streets, pedestrian connections and open spaces in accordance with Figure 4.1.1 Access Network and Figure 5.1.1 Proposed Open Space Network. Where it is proposed to vary the locations of open space, and roads; a master plan must be submitted with the development application in accordance with clause 8.1.b (below) and the following:	The proposal includes the construction of a Pedestrian Connection which is in accordance with the DCP. The location is not proposed to be varied.	Yes
8.2 Site Coverage, Deep Soil Areas and private open space		
a. A minimum 20% of a site must be provided as deep soil area.	Required deep soil and landscaping: 1,590.4m ² Total Proposed: 1,660m ² (21%).	Yes

Control	Comments	Comply
<p>b. Deep soil areas must be at least 2 m deep.</p> <p>c. For the purpose of calculating deep soil areas, only areas with a minimum dimension of 20 m x 10 m may be included.</p> <p>d. A minimum 20% of the site area is to be provided as Landscaped Area. Landscaped Area is defined as: Area on the site not occupied by any buildings, except for swimming pools or open air recreation facilities, which is landscaped by way of gardens, lawns, shrubs or trees and is available for use and enjoyment by the occupants of the building, excluding areas used for driveways, parking areas or drying yards.</p> <p>e. Solar access to communal open spaces is to be maximised. Communal courtyards must receive a minimum of 3 hours direct sunlight between 9 am and 3 pm on the 21st of June.</p> <p>f. Appropriate shading is to be provided so that communal spaces are useable during summer.</p> <p>g. Communal open spaces are to incorporate the primary deep soil area where possible.</p> <p>h. Landscaping is to contribute to water efficiency and effective stormwater management. Landowners are to consult with Council for requirements to address stormwater quality.</p>	<p>Note: A total of 2,180m² (27.4%) of deep soil and landscaped areas are provided throughout the site. It is noted, for purposes of this calculation, all areas have not been included as the areas are not 20m x 10m.</p> <p>Deep soil areas (included in calculation) are at least 2m deep.</p> <p>Total Proposed with 20mx10m dimension: 1,600m² (21%)</p> <p>A total of 2,180m² (27.4%) of landscaped areas are provided throughout the site.</p> <p>Shadow diagrams submitted as part of the development application demonstrate that communal landscaped open areas will receive a minimum of 3 hours direct sunlight between 9 am and 3 pm on the 21st of June.</p> <p>Outdoor shade structures are proposed to the communal open spaces on the ground floor and the level seven (7) roof terrace.</p> <p>Communal open space areas incorporate deep soil planting on the ground floor.</p> <p>The submitted Sustainability and Energy Efficiency Report identifies the potential use of rainwater tanks and water recycling in the design of the development. Condition 4 has been included on the draft consent requiring works to undertake the recommendations made in this report.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>8.3 Planting on Structures</p> <p>a. Provide optimum conditions for plant growth by providing appropriate irrigation and drainage methods.</p> <p>b. Design planters to provide the largest possible volume of soil, in accordance with the following recommended standards:</p> <p>i. Large trees (canopy diameter up to 16 m at maturity) Min. soil volume 150 m³ Min. soil depth 1.3 m, Min. soil area 10 m x 10 m or equivalent</p>	<p>A total of 2,180m² (27.4%) of deep soil and landscaped areas are provided throughout the site.</p> <p>Sufficient deep soil, and planter and tree size is proposed as part of the landscape scheme which has been confirmed by Council's Consultant landscape Architect.</p> <p>Planting around the street frontage centre will create a quality landscape setting which will assist to integrate the buildings within the streetscape and provide a high level of amenity.</p>	<p>Yes</p> <p>Yes</p>

Control	Comments	Comply
ii. Medium trees (canopy diameter up to 8 m at maturity) Min. soil volume 35 m ³ Min. soil depth 1 m Min. soil area 6 m x 6 m or equivalent iii. Small trees (canopy diameter up to 4 m at maturity) Min. soil volume 9 m ³ Min. soil depth 800 mm Min. soil area 3.5 m x 3.5 m or equivalent iv. Shrubs Min. soil depth 500-600 mm v. Ground cover Min. soil depth 300-450 mm vi. Turf Min. soil depth 100-300 mm		
8.4 Topography and Building Interface a. Level changes across sites are to be resolved within the building footprint. ii. Where buildings are set back from the street boundary, entries are to be provided at street level wherever possible. b. An accessible path of travel is to be provided from the street through the main entry door of all buildings. i. Where necessary, stairs and ramps are to be integrated with the landscape design of front setbacks. c. Natural ground level is to be retained for a zone of 4 m from the side and rear property boundaries. Retaining walls, cut and fill are not permitted within this zone. d. The maximum height of retaining walls within the front, side and rear setbacks is not to exceed 1.2 m. e. Publicly accessible open spaces under private ownership (courtyards, forecourts) must be provided at footpath level. Where level changes cannot be avoided due to topography, the finished level of the open space must not exceed 1.2 m above footpath level.	<p>The site falls from RL 58.00 at the southern corner to RL 52.80 at the northern corner of the site. Stair and ramp access is provided to access the front of the site. Significant landscaping and detailed design will ensure the building frontage can activate and enhance Eden Park Drive.</p> <p>The applicant has submitted an Access Report by Morris Goding Access Consultants (MGAC) (dated 21 January 2020) which confirms that an accessible path of travel is provided. Condition 49 is imposed to ensure compliance with this report.</p> <p>The ramp and stairs within the front setback are within a landscaped setting.</p> <p>Natural ground level will be retained within the side and rear boundaries which have a 5m setback, where possible.</p> <p>No retaining wall shown on plans for side and rear boundaries.</p> <p>The main entry plaza has an RL of 55.55. The public foot path has an RL of 54.18. The finished level of the publicly accessible open space is 1.3m above that of the public foot path.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
8.5 Site Facilities a. Commercial a. Vehicular access to loading facilities is to be provided from secondary and tertiary streets where possible. b. Rubbish and recycling areas must be provided in accordance with Section 6.3 Waste Management. These areas must: i. be integrated with the development; ii. minimise the visibility of these facilities from the street; and iii. be located away from openable windows to habitable rooms.	<p>Access is proposed via an existing vehicle crossing on Eden Park Drive.</p> <p>Rubbish and recycling to be collected in accordance with Section 6.3, and be integrated internally within the development, with no visibility from the street and located away from openable windows.</p>	<p>Yes</p> <p>Yes</p>

Control	Comments	Comply
c. Barrier free access is to be provided to all shared facilities.	Barrier free access for users of the building to all shared facilities.	Yes
8.6 Vehicular Access		
a. Vehicular access is not permitted along streets identified as 'Active Frontages' (refer to Section 7.3 Active Frontages).	The site has no Active Frontages. Access is proposed via an existing vehicle crossing on Eden Park Drive.	Yes
b. Where practicable, vehicle access is to be from secondary streets.	Vehicular access is from the Eden Park Drive.	Yes
c. Potential pedestrian/vehicle conflict is to be minimised by: <ul style="list-style-type: none"> i. limiting the width and number of vehicle access points ii. ensuring clear site lines at pedestrian and vehicle crossings iii. utilising traffic calming devices 	Potential pedestrian/vehicle conflict is minimised by utilising the existing crossover. Pedestrian access is achieved via the front entrance of the site, or via the rear from the pedestrian pathway. The pedestrian pathway is clearly defined from the car park entrance.	Yes
iv. separating and clearly distinguishing between pedestrian and vehicular accessways	Clear site lines will be provided across the footpath and vehicle entry areas with a 5m building setback and landscaping design that allows for visibility.	Yes
d. The appearance of car parking and service vehicle entries is to be improved by <ul style="list-style-type: none"> i. locating or screening garbage collection, loading and servicing areas visually away from the street ii. setting back or recessing car park entries from the main façade line iii. avoiding black holes in the façade by providing security doors to car park entries iv. where doors are not provided, it is to be ensured that the visible interior of the car park is incorporated into the façade design and material selection and that building services pipes and ducts are concealed, and v. returning the façade material into the car park entry recess for the extent visible from the street as a minimum. 	<p>Pedestrian and vehicular paths are clearly delineated through the design and separation of the footpath areas.</p> <p>The appearance of car parking and service vehicle entries is improved by:</p> <ul style="list-style-type: none"> • locating garbage collection, loading and servicing areas internally within the building. • building articulation and appropriate street planting. • Utilising the existing vehicle crossing toward the rear of the site. 	Yes
e. The width of driveways is to be determined in accordance with the requirements of Ryde DCP 2014 and the relevant Australian Standards.	Complies.	Yes
8.7 On-site Parking		
a. Safe and secure 24-hour access to car parking areas is to be provided for building users.	Safe and secure 24-hour access to car parking areas will be provided for building users.	Yes
Basement parking		
f. Basement parking areas should be located directly under building footprints to maximize opportunities for deep soil areas unless the structure can be designed to support mature plants and deep root plants.	As shown in Figure 19 , the basement parking area is not located directly under the building footprint toward the eastern and southern side of the building.	No - Justified

Control	Comments	Comply
	<p>The applicant has indicated that the non-compliance is due to the unique and articulated building design on the eastern and southern sides, compared to the rectangular form of the basement. In addition, the extension of the basement on the southern and eastern side allows for the future basement connection to the Orix Building.</p> <p>It is considered that despite, this non-compliance sufficient landscaping and deep soil zones are included across the site. Further, it is noted that deep soil planting around the street frontage centre will create a quality landscape setting which will assist to integrate the buildings within the streetscape and provide a high level of amenity</p> <p>In addition, URDP and Council's Urban Designer and Landscape Architect indicated support for the non-compliance.</p>	

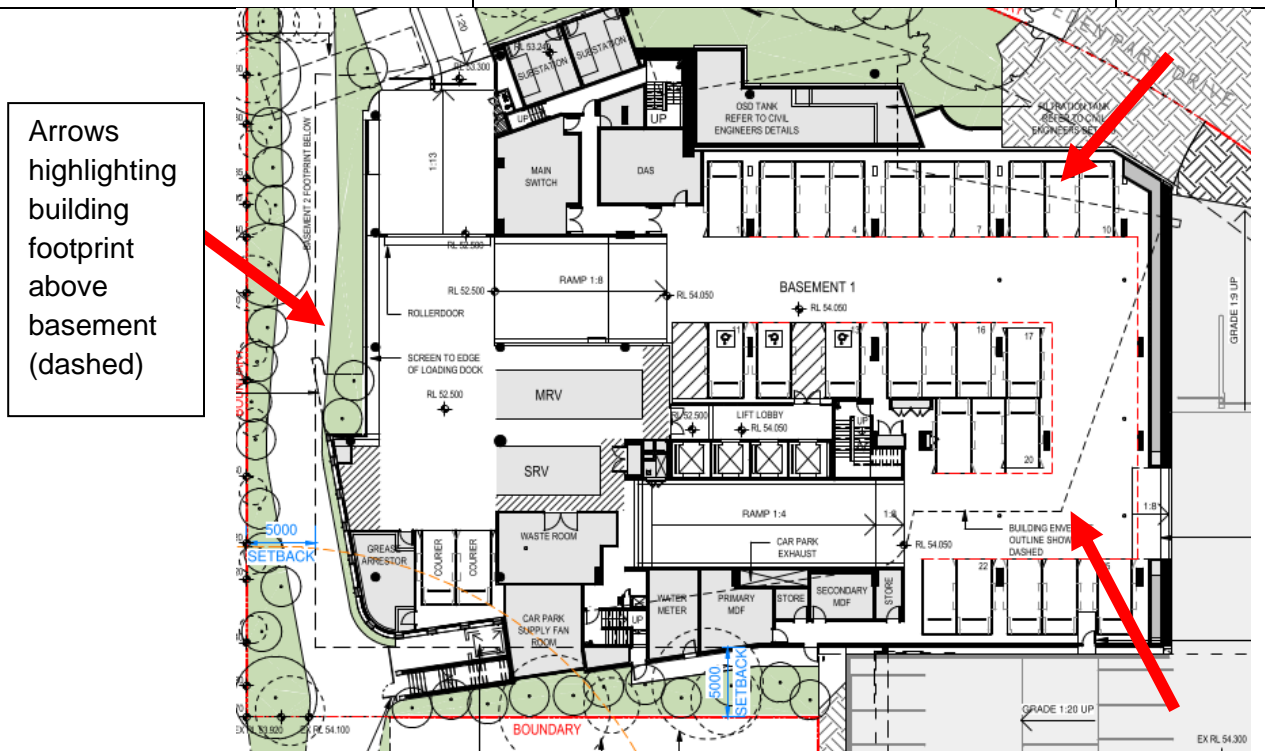


Figure 19: Area of encroachment outlined in red. Building envelope line shown in grey dashed line.

g. Basement parking areas must not extend forward of the building line along a street.	It is noted the encroachment does not extend beyond the front building line.	Yes
h. Along active frontages, basement parking must be located fully below the level of the footpath. Refer to Section 7.3 Active Frontages.	Site is not identified as requiring active frontage.	Yes
i. Basement parking should be contained wholly beneath ground level along public streets.	Basement parking is contained wholly beneath ground level along both public streets.	Yes
j. Where this cannot be achieved due to topography, the parking level must	N/A	Yes

Control	Comments	Comply
<p>protrude no more than 1.2 m above ground level for no more than 60% of the building frontage along a public street (Refer to Figures 8.7.1 and 8.7.2).</p> <p>k. Ventilation grills or screening devices of car park openings are to be integrated into the overall façade and landscape design of the development.</p>	<p>Basement is below ground level. Ventilation grills /screening devices of car park openings are integrated into the overall façade and landscape design of the development.</p>	Yes
S9.0 - ENVIRONMENTAL PERFORMANCE		
<p>a. Commercial development is required to achieve a 4 Star Green Star Certified Rating.</p> <p>b. Additional floor space maybe permitted within a development where the building can demonstrate design excellence and environmental sustainability. For consideration of the additional floor space a minimum 5 Green Star- Green Building Council of Australia (GBCA) should be provided. Refer to Ryde LEP 2014 and Section 6 of this Part.</p> <p>c. Residential development is to comply with BASIX (Building Sustainability Index) requirements.</p> <p>d. Development is required to comply with Section 7 Built Form.</p>	<p>It is considered that through the measures outlined in the submitted Sustainability and Energy Efficiency Report prepared by Kador Group (dated 20 December 2019) that the proposed development embraces principles of quality urban design and is consistent with principles of best practice environmentally sensitive design in accordance with the objectives of this clause.</p> <p>The applicant is seeking a 5 star Green Star certification under the Design & As-Built v1.3 tool, which exceeds the planning requirement of 4 stars. Proposed energy, water, material and indoor environment quality initiatives will be implemented to improve the project's environmental outcomes.</p> <p>Condition 4 has been imposed requiring compliance with the strategies contained in the Sustainability and Energy Efficiency Report prepared by Kador Group (dated 20 December 2019).</p>	Yes
<p>9.1 Wind Impact</p> <p>a. Buildings shall not create uncomfortable or unsafe wind conditions in the public domain which exceeds the Acceptable Criteria for Environmental Wind Conditions. Carefully locate or design outdoor areas to ensure places with high wind level are avoided.</p> <p>b. All applications for buildings over 5 storeys in height shall be accompanied with a wind environment statement.</p>	<p>The building is 8 storeys in height, and accordingly a wind assessment has been prepared by Cermak Peterka Petersen (CPP) has been submitted (dated December 2019).</p> <p>The report concludes that:</p> <p><i>The local wind environment is expected to be similar to comparable locations in the vicinity. Most areas are expected to meet the comfort criteria for standing activities and pedestrian accessways, in addition to passing the safety criterion.</i></p> <p>Recommendations were included in the report to improve the wind conditions. The recommendations included the provision of balustrading (to a height of 1.5m) and/or landscaped edges to the roof top areas and increased foliage density along the south side of the building.</p> <p>These recommendations formed part of the detailed design submitted as part of the development application. Specifically, the landscape roof terraces will incorporate a 1.5m high balustrade as well as planting along the edges. Further to this, the applicant has increased the proposed planting</p>	Yes

Control	Comments	Comply
	along the south side of the building. See Condition 47 .	
9.2 Noise & Vibration a. An Acoustic Impact Assessment report prepared by a suitably qualified acoustic consultant is required to be submitted with all development applications for commercial, industrial, retail and community buildings, with the exception of applications minor building alterations. b. Development is to comply with all relevant statutory regulations.	<p>The applicant has submitted an acoustic report prepared by a suitably qualified acoustic consultant (Norman, Disney & Young, dated 20 December 2019). The purpose of this report was to address the aspects of the proposed development under the relevant provisions of the Protection of the Environment and Operations Act (1997) and provide in-principle recommendations to determine compliance with these requirements.</p> <p>The report concludes that: <i>A noise and vibration impact assessment were undertaken for the proposed 1 Eden Park Drive, Macquarie Park, NSW development. Noise impacts from the facility were determined to generally comply with noise and vibration criteria during the day, evening and night periods;</i></p> <p>The report included recommendations to ensure the construction noise levels at the nearest sensitive receivers are in accordance with the NSW Interim Construction Noise Guideline (2011). In addition, recommendations relating to operational noise impacts, specifically limiting sound power of mechanical plant equipment were included in this report. Further to this, the report recommended specific façade glazing requirements.</p> <p>It is proposed to include these recommendations as conditions on the consent to ensure that the development will meet the acceptable levels as contained in this policy. This will ensure that the amenity of the locality will be maintained. (See Conditions 48)</p>	Yes
9.4 Soil Management b. Development is to be designed and constructed to integrate with the natural topography of the site to minimise the need for excessive sediment disturbance and prevent soil loss.	<p>Appropriate conditions of consent will be imposed to require the submission of an erosion and sediment control plan that meets the Council's requirements (See Conditions 65 and 111).</p>	Yes

Part 9.1 - Advertising Signs

No signage is proposed as part of this application. **Condition 6** has been imposed requiring a separation application to be submitted and approved prior to the erection of any signage.

Part 9.2 - Access for People with Disabilities

The applicant has submitted an Access Report by Morris Goding Access Consultants (MGAC) (dated 21 January 2020) which confirms that the development can comply with the accessibility requirements under Council's RDCP 2014, the

Building Code of Australia (BCA) and DDA Access to Premises Standards (including DDA Access Code). The report concludes:

“MGAC has assessed the proposed scheme for 1 Eden Park Drive, Macquarie Park, NSW 2113. The proposed drawings indicate that accessibility requirements, pertaining to external site linkages, building access, common area access, sanitary facilities and parking can be readily achieved.”

Condition 49 is included on the draft consent to ensure compliance with the recommendations of this report.

Part 9.3 – Parking Controls

Section 2.3 Non-residential Land Uses

Section 2.3 of the Ryde DCP 2014 requires a maximum of 1 space / 100 m² GFA for new industrial and commercial premises on the subject site. In this instance, the subject development would permit a maximum 113 car parking spaces.

It is proposed to provide 74 car parking spaces over two (2) levels of basement parking. An internal loading area providing one (1) SRV loading bay and one (1) MRV loading bay is also provided within the first basement level.

Given the proximity of the site to Macquarie Park Metro Station, it is considered that adequate car parking for future users of the building has been provided.

Further, the proposed implementation of a new pedestrian link along the western site boundary, connecting with the existing shared path along the northern side of Waterloo Road will reduce the walking distance to the site (from the Station), which is also expected to assist with reducing private vehicle travel to the site and thus minimise the impact to the surrounding road network associated with the subject proposal.

As the parking control for the site is a maximum, the proposal complies with the respective DCP control. The applicant has also included an assessment to demonstrate that the parking provision will adequately meet the parking demands of the site, which has been reviewed by Council's Senior Development Engineer and Traffic Section and is supported.

Overall, it is considered that the proposed development has been designed in a manner which maintains the safety and efficiency of the transport network and provides adequate car parking for future users of the building.

Section 2.7 Bicycle Parking

Section 2.7 of this Part of the DCP outlines that:

a. In every new building, where the floor space exceeds 600 m² GFA (except for dwelling houses and multi unit housing) provide bicycle parking equivalent to 10% of the required car spaces or part thereof.

A maximum car parking requirement of 113 parking spaces, equates to a minimum 13 bicycle parking spaces.

A total of 91 bicycle parking spaces have been provided. These spaces have been provided on the ground floor adjacent to the end of trip facilities to satisfy this control.

Condition 163 has been included on the draft consent to require the parking allocation to be provided and maintained as outlined above.

Section 7.11 - Development Contributions Plan – 2007 Interim Update (2014)

Council's current Section 7.11 and Section 7.12 Contributions Plan 2020 effective 1 July 2020 requires a contribution for the provision of various additional services required as a result of increased development density. The contribution is based on the increase in gross floor area on the subject site. It is noted that an existing GFA on the site is 6,347m², and a proposed GFA of 11,256m². The contribution that are payable with respect to the increase density on the subject site (being for commercial) development inside the Macquarie Park Area) are as follows:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$ 155,445.36
Open Space & Recreation Facilities	\$ 351,862.56
Transport Facilities	\$ 182,787.44
Plan Administration	\$ 10,355.52
The total contribution is	\$ 700,460.88

Condition on the payment of Section 7.11 Contribution of \$ 700,460.88 has been included in the draft notice of determination attached to this report.

9. 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 through compliance with the applicable planning instruments and controls. All relevant issues regarding environmental impacts of the development are discussed elsewhere in this report and the development is considered satisfactory in terms of environmental impacts.

10. REFERRALS

As detailed throughout this report, the application has been subject to a number of amendments following comments from various sections of Council and external referrals. The following section outlines the response and conditions recommended from each of the internal and external referrals in relation to the subject application (as amended).

10.1 Internal Referrals

- Development Engineer

Council's Senior Development Engineer has reviewed the proposal and concluded that sufficient evidence has been provided demonstrating that the proposed

development has been designed in a manner that does not negatively impact on neighbouring properties, the public drainage network or increase the threat to public safety.

No objections are raised subject to appropriate conditions of consent. **(See Conditions 12-15, 17, 29, 58-67, 71, 109-114, 138-143, 163 & 165).**

- Landscape Architect

Council's Consultant Landscape Architect reviewed the amended plans advised that no objection is raised to the removal of eight (8) high category, and six (6) low category trees, subject to the replanting of 26 new trees, and an additional 8 along the Eden Park Drive public domain.

Further, Council's Consultant Landscape Architect noted that with regard to tree protection measures proposed, the proposed surface treatment (comprising a low impact paving system) is supported provided the system is capable of relocation if significant roots are found during construction.

No objections were raised to the proposed development subject to appropriate conditions of consent. **(See Conditions 24-26, 31, 32, 69, 74, 116-125 & 160).**

- Urban Designer

Council's Urban Designer has reviewed the proposal and has raised no objections, concluding that the amended design satisfactorily address all concerns raised by the UDRP and that additional comments made by Council's Urban Designer. No conditions were recommended.

- Environmental Health Officer

Council's Environmental Health Officer (EHO) has reviewed the submitted documentation and has advised that the site is suitable for the proposed on-going commercial land use. Appropriate conditions have been imposed regarding discovery of additional contamination information, waste transportation and excavated material. No objections are raised subject to appropriate conditions of consent. **(See Conditions 18 – 23, 41 – 44, 76, 77, 126-130, 133, 161 and 169).**

- Building Surveyor

Council's Building Surveyor has reviewed the proposal and noted that as stated in the BCA report prepared by Mackenzie Group (dated 12 December 2019) the proposed development does not fully meet the Deemed to Satisfy provisions of the Building Code of Australia for Type A Construction and notes that a performance solution to demonstrate compliance with the BCA is required.

The performance solution report and the access report must form part of the Construction Certificate submission.

No objections are raised subject to appropriate conditions of consent. **(See Conditions 2 and 170).**

- Senior Sustainability Coordinator Transport and Environment

Council's Senior Sustainability Coordinator Transport and Environment has reviewed the proposal, and the proposed Framework Travel Plan and has raised no objections subject to appropriate conditions of consent. **(See Condition 144).**

- Public Art

Council's Public Art Officer has reviewed the proposal and has raised no objections subject to appropriate conditions of consent requiring a detailed Public Art Plan to be submitted to Council prior to the issue of a Construction Certificate. **(See Conditions 158 & 159).**

- Waste Services

Council's Waste Service Officer has reviewed the proposal and has raised no objections. No conditions were recommended.

- Traffic Engineer

Council's Traffic Engineer has reviewed the proposal and concluded that the additional peak hour traffic potentially generated by the proposed development is not expected to alter the current operational performance of this intersection. As such, it is considered that the Macquarie Park corridor is able to sufficiently cater for any traffic movement as a result of the development on the subject site.

No objections are raised subject to appropriate conditions of consent. **(See Conditions 15, 34, 35, 66, 91, 114).**

- Public Domain

Council's Public Domain Engineer has reviewed the amended proposal and concluded subject to appropriate conditions of consent the proposed development will comply with Chapter 6: Macquarie Park Corridor of the City of Ryde Public Domain technical Manual.

It is considered that the amended design contributes to the improvement of the public domain within Macquarie Park by providing a new pedestrian connection which will ensure better access for future users of the site.

No objections are raised subject to appropriate conditions of consent **(Refer Conditions 12, 13, 14, 16, 17, 67-73, 92-96, 101, 115 & 146-157).**

- Structural Engineer

Council's Consultant Structural Engineer has reviewed the proposal and has raised no objections. Council's Structural Engineer noted that all probable geotechnical issues have been appropriately addressed in the geotechnical report prepared by Douglas Partners (dated October 2019). No conditions were recommended.

10.2 External Referrals

- Ausgrid.

In accordance with Clause 45 of SEPP (Infrastructure) 2007 the application was formally referred to Ausgrid. Ausgrid has reviewed the proposal and has raised no

objections subject to appropriate conditions of consent. **(See Conditions 87, 131 & 132).**

- Sydney Metro.

In accordance with Clause 86 of SEPP (Infrastructure) 2007 concurrence was sought from Sydney Metro. Sydney Metro assessed the proposal in accordance with the requirements of Clause 86(4) of the SEPP (Infrastructure) 2007, and granted concurrence subject to appropriate conditions of consent. **(See Conditions 78 - 86).**

- Transport for New South Wales (TfNSW). (Formally Roads and Maritime Service).

In accordance with Clause 103 of SEPP (Infrastructure) 2007 the application was formally referred to TfNSW. TfNSW has reviewed the proposal and has raised no objections. No conditions were recommended.

- New South Wales (NSW) Police

The application was formally referred to the NSW Police. The NSW Police has reviewed the proposal and has raised no objections subject to appropriate conditions of consent. **(See Condition 162).**

11. PUBLIC NOTIFICATION AND SUBMISSIONS

The proposed development was notified and advertised in accordance with Development Control Plan 2014 – Part 2.1, Notification of Development Applications. The development application was notified and advertised between 12 February 2020 and 12 March 2020. One (1) submission was received from NEXTDC, a data centre at 4 Eden Park Drive.

The primary concern raised in the submission was that the proposed Demolition Management Plan has not suitably guaranteed the protection of adjoining buildings and protection of the immediate environment, particularly with regard to structural integrity, vibration and concussion, so that the NEXTDC operations are not unduly impacted during this phase of the development.

Conditions 34, 48, 99,133 &169 have been included on the draft consent to address construction and operational noise and vibration on receivers and are considered to adequately address the concerns of NEXTDC.

12. SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The proposed development is considered to be a suitable development for the site, being permissible in the zone and being compliant with the relevant planning controls relating to the built form. As detailed earlier in this report, the development will provide a built form that reflects the existing and desired future character, quality and amenity values of Macquarie Park and that services the needs of present and future activities. Further, the proposed development is considered to constitute new development in an appropriate area which will give rise to minimal adverse effects.

The proposed development is a desirable built form and development for the location and strategic vision for Macquarie Park. The proposal will result in job creation both

through construction and the future use of the site, in a location close to public transport and infrastructure.

The proposal is considered to be suitable for the subject site for the reasons contained within the report.

13. **THE PUBLIC INTEREST**

The various controls contained within RLEP 2014 provide the community with a level of certainty as to the scale and intensity of future development and the form and character of development that is in keeping with the future character envisaged for the zone.

The pedestrian pathway and making of the public access easement will ensure the provision of a public pathway which will maximise pedestrian accessibility, walkability, amenity and safety in the Macquarie Park Corridor. Further contribution to recreational open space will ensure a positive effect on the economic and social wellbeing of the Macquarie Park Corridor and the wider community.

This assessment has found the proposal to be consistent with the scale and intensity of development that the community can reasonably expect to be provided on this site and within the respective zone and is therefore considered, in its current form, to be in the public interest.

14. **CONDITIONS**

The applicant has reviewed the recommended conditions and does not agree to the imposition of the condition's 68, 69 and 72. These conditions, a response from the applicant and Council are detailed in Table 5 below.

Table 5: Conditions subject to disagreement – The change recommended by the applicant has been struck out in the condition below.

Condition as Recommended	Applicant Response	Council Response
<p>Condition 68: Public domain improvements.</p> <p>The public domain is to be upgraded on both the Eden Park Drive and Waterloo Road frontages of the development site in accordance with the City of Ryde Public Domain Technical Manual Section 6 – Macquarie Park. The works shall include paving, multifunction light poles, street furniture and plantings, and must be completed to Council's satisfaction at no cost to Council.</p> <p>A public domain plan for the following works shall be submitted to, and approved by Council's City Works</p>	<p>The applicant does not agree to the imposition of recommended condition 68. The applicant does not agree to the requirement to upgrade the public domain frontage of Waterloo Road. The applicant has advised the following:</p> <p>The Applicant disagrees with the requirement to upgrade the Waterloo Road frontage for the site, and only agrees to upgrade the public domain to the frontage of the development at Edan Park Drive in accordance with the public domain plans provided with the DA. The Applicant did not have the expectation of upgrading parts of the street frontage that did</p>	<p>The development is subject to the standards and requirements of the City of Ryde Development Control Plan DCP 2014 - Part 4.5 Macquarie Park Corridor, Part 8.2 Stormwater and Floodplain Management, Part 8.3 Driveways and Part 8.5 - Public Civil Works. As the development site is located within the Macquarie Park precinct it is subject to requirements specified within the Public Domain Technical Manual, Chapter 6: Macquarie Park, dated 20 January 2016.</p>

<p>Directorate, prior to the issue of the relevant Construction Certificate.</p> <p>a) Footpath paving as specified in the condition of consent for public infrastructure works.</p> <p>b) Street trees to be provided in accordance with the Macquarie Park Street Tree Master Plan. The designated species on each frontage are to be confirmed by Council's Landscape Architect and detailed within the Public Domain works plans to be approved by Council.</p> <p>Note: In designing the street tree layout, the consultant shall check and ensure that all new street trees are positioned such that there are no conflicts with the proposed street lights, utilities and driveway accesses. The proposed street lights will have priority over the street trees. All costs associated with the removal of existing street trees, where required, will be borne by the Developer.</p> <p>c) New street lighting serviced by metered underground power and on multifunction poles (MFPs) shall be designed and installed to Australian Standard AS1158:2010 Lighting for Roads and Public Spaces, with a minimum vehicular luminance category V3 on the Waterloo Road frontage and V5 on the Eden Park Drive frontage and V5 on the Eden Park Drive frontage and pedestrian luminance category of P2 along both frontages. Subject to design, it is expected that five new street lights on multi-function poles (MFP) will be required along the Eden Park Drive frontage and three new street lights on MFPs will be required along the Waterloo Road frontage of the site. Lighting upgrade shall be in accordance with the City of Ryde Public Domain Technical Manual Chapter 6 – Macquarie Park. The consultant shall liaise with Council's City Works Directorate in obtaining Council's requirements and specifications for the MFP and components, including the appropriate LED luminaire and location of the meter boxes.</p>	<p>not have an interface with the proposed development. This position does not diminish the expectation of the Applicant that when it comes to develop the part of the site fronting Waterloo Road, that such a development would be subject to a requirement to upgrade the Waterloo Road frontage.</p>	<p>The development site is approximately 150m from the Macquarie Park Metro Station and therefore improving access routes is an important part of the required public domain works associated with this development.</p> <p>Despite the partial redevelopment of the site it is considered a reasonable requirement that the public domain for the full frontage of the property is upgraded in accordance with the Macquarie Park Technical Manual in order to provide for consistent public access and streetscape appearance.</p> <p>There are no existing overhead cables on either the Waterloo Road frontage or the Eden Park Drive frontage so no undergrounding works will be required, which will reduce the cost significantly.</p> <p>The applicant is going to invest around \$52,000,000 for this development and it will be necessary to upgrade public assets during this time.</p>
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<p>Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant and submitted to, and approved by Council's City Works Directorate prior to lodgement of the scheme with Ausgrid for their approval.</p> <p>Note: Council has prepared a design guide and schema for the provision of the street lighting on MFPs. A copy of the design guide including the design template and checklist, and the street lighting schema can be made available to the Electrical Design Consultant upon request to Council's City Works Directorate.</p>		
<p>Condition 69 (a) and (e).</p> <p>Public Infrastructure Works.</p> <p>Public infrastructure works shall be designed and constructed as outlined in this condition of consent. The approved works must be completed to Council's satisfaction at no cost to Council.</p> <p>Engineering drawings prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia) are to be submitted to, and approved by Council's City Works Directorate prior to the issue of the relevant Construction Certificate. The works shall be in accordance with City of Ryde DCP 2014 Part 8.5 - Public Civil Works, and DCP 2014 Part 8.2 - Stormwater Management, where applicable.</p> <p>The drawings shall include plans, sections, existing and finished surface levels, drainage pit configurations, kerb returns, existing and proposed signage and linemarking, and other relevant details for the new works. The drawings shall also demonstrate the smooth connection of the proposed works to the existing adjoining street scape.</p> <p>The Applicant must submit, for approval by Council as the Road Authority, full design engineering</p>	<p>The applicant does not agree to the imposition of recommended condition 69 (a) and (e). The applicant has advised the following:</p> <p>The Applicant only agrees to upgrade the public domain along Eden Park Drive in accordance with the Public Domain plans submitted with the DA. The Applicant proposes a public domain upgrade that is fit for purpose and specific to what is understood to be required for Eden Park Drive only. Conditions 69(a) and (e) are requested to be deleted.</p> <p>Clause 1.1.4 of Section 8.5 of the Ryde DCP states that : "The applicant shall provide half road pavement, along all necessary kerb and gutter works, where the same does not exist or the existing pavement is unsatisfactory, across the entire frontage of the land adjacent to the development site".</p> <p>The road pavement condition is acceptable in the current condition for the development in Eden Park Drive. The works to Eden Park Drive should be limited to the public domain plans submitted, which is what we understood was acceptable</p>	<p>The development is subject to the standards and requirements of the City of Ryde Development Control Plan DCP 2014 - Part 4.5 Macquarie Park Corridor, Part 8.2 Stormwater and Floodplain Management, Part 8.3 Driveways and Part 8.5 - Public Civil Works. As the development site is located within the Macquarie Park precinct it is subject to requirements specified within the Public Domain Technical Manual, Chapter 6: Macquarie Park, dated 20 January 2016.</p> <p>Half road reconstruction in accordance with Part 8.5 of Council's DCP 2014 has been requested on the Eden Park Drive frontage of the property, due to the fact that this section of the road pavement will be heavily utilised during the construction process and will be more heavily utilised following the completion of the development works.</p> <p>There is no requirement to upgrade the road and kerb & gutter in Eden Park Drive and Waterloo Road frontage.</p>

<p>plans and specifications for the following infrastructure works:</p> <ul style="list-style-type: none"> a) The full reconstruction of half road width for the Eden Park Drive frontage of the site in accordance with the City of Ryde DCP 2014 Part 8.5 – Public Civil Works, Clause 1.1.4 – Constructing Half Road and Council Standard Drawing CIV 14.2. b) The removal of all redundant vehicular crossings and replacement with new kerb and gutter on the Eden Park Drive frontage of the site. c) The construction of new kerb and gutter along the Eden Park Drive frontage of the development site. d) Construction of the granite footpath is to be entirely above the existing footpath subgrade level within TPZ of trees nominated for retention. The maximum depth of the granite paving profile is to be 150mm or to the depth of the existing concrete footpath. Increased pathway cross falls are to be provided if necessary to avoid conflict with existing tree roots within the TPZ of trees nominated for retention. All fill to be placed within the TPZ of trees nominated for retention is to be gap graded structural soils which allows for gaseous exchange and future root growth. Under no circumstances shall roots be severed or cut to install the granite paving without prior approval from Council and the Project Arborist. e) Reconstruction of the two existing kerb ramps at the intersection of Waterloo Road and Eden Park Drive as per Council Standard Drawing No. PV4.7.1. f) Stormwater drainage installations in the public domain in accordance with the DA approved plans. g) Existing and proposed signage and line marking details. h) Reinstatement or relocation of the existing parking meters to accommodate the proposed works as per instruction from Council's Community and Ranger Services Department. Any relocation or reinstatement works must be completed in accordance with both 	<p>to Council as being required for the public domain upgrades.</p>	
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<p>Council and the manufacturer's requirements.</p> <p>i) Staging of the public civil works, if any, and transitions between the stages.</p> <p>j) The relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council along with the public domain plans submission. All the requirements of the Public Authority shall be complied with.</p> <p>Notes:</p> <ol style="list-style-type: none"> 1. The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths, prior to setting the floor levels for the proposed building. 2. Depending on the complexity of the proposed public domain works, the Council's review of each submission of the plans may take a minimum of six (6) weeks. 3. Prior to submission to Council, the Applicant is advised to ensure that the drawings are prepared in accordance with the standards listed in the City of Ryde DCP 2014 Part 8.5 - <i>Public Civil Works</i>, Section 5 "<i>Standards Enforcement</i>". A checklist has also been prepared to provide guidance, and is available upon request to Council's City Works Directorate. 4. City of Ryde standard drawings for public domain infrastructure assets are available on the Council website. Details that are relevant may be replicated in the public domain design submissions; however Council's title block shall not be replicated. 		
<p>Condition 72.</p> <p>Public Domain Works – Defects Security Bond.</p> <p>To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works in the road reserve following completion of the development. The defects liability period shall commence from the date</p>	<p>The Applicant only agrees to pay a Defects Security Bond for the amount related to the proposed public domain works to Eden Park Drive, in accordance with the public domain plans submitted with the</p>	<p>The amount is 5% of the total rough estimated cost.</p> <p>If the applicant is going to challenge the amount then the applicant needs to submit an</p>

of issue by Council, of the Compliance Certificate for the External Works. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the twelve (12) months' defects liability period. A bond in the form of a cash deposit or Bank Guarantee of \$80,000 shall be lodged with the City of Ryde prior to the issue of a relevant Construction Certificate to guarantee this requirement will be met. The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the twelve (12) months defects liability period.	DA. The Applicant does not agree to pay for a Defects Security Bond relates to works to Waterloo Road frontage that it does not agree to provide, as outlined above in relation to Condition 68.	estimated figure for the public domain civil works as per the LDA conditions and Council will then consider applying 5% figure.
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15. **CONCLUSION**

After the consideration of the development against section 4.15 of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the proposal is considered suitable for the site and is in the public interest.

The development application is consistent with the land use zoning. Furthermore, the proposal provides an opportunity to redevelop the site for commercial uses resulting in job creation and will provide a high degree of amenity in terms of access to public transport, pedestrian connectivity and architectural design.

It is recommended that the application be approved subject to conditions.

16. **RECOMMENDATION**

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

- A. That the Sydney North Planning Panel grant consent to development application LDA2020/0044 to undertake the demolition of the existing warehouse and construction of an 8 storey mixed use building containing commercial and retail uses including 2 levels of basement carparking and public domain works at 1 Eden Park Drive, Macquarie Park subject to the Conditions of Consent in Attachment 1 of this report.
- B. That a copy of the development consent be forwarded to Sydney Metro, Transport for NSW, Ausgrid and NSW Police.
- C. That those who made a submission be advised of the determination.

Report prepared by:

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