

MEMORANDUM

To: Sydney North Planning Panel

From: Alicia Hunter - Senior Town Planner, Major Development Assessment

Date: 30 November 2020

Subject: Panel No: PPSSNH-59
LDA2020/0044 – 1 Eden Park Drive, Macquarie Park

The purpose of this memo is to advise the Sydney North Planning Panel of:

1. Execution of the Planning Agreement;
2. Amendment to the recommended draft conditions of consent at Attachment 1 of the Consent, including:
 - Condition 1 (Approved Plans/Documents);
 - Condition 4 (Energy Efficiency);
 - Condition 45 (S7.11 Contributions);
 - Condition 68 (Public Domain Improvements); and
 - Condition 69(e) (Public Infrastructure Works).
3. Provide a CPTED Assessment of the proposed pedestrian site-through link.

1. Planning Agreement

The Planning Agreement between Council and Kamrice Pty Ltd was executed on 24 November 2020.

2. Amendment to the recommended draft conditions of consent

Following submission of the Council Assessment Report, a number of amendments to the draft conditions have been required as further detailed below. A complete updated Attachment 1 Draft Conditions of Consent accompanies this Memo. It is noted that not all the conditions are in agreement with the Applicant, those in contention are further outlined below.

- **Condition 1 (Approved Plans/Documents)**

Condition 1 has been amended to include reference to specialist reports submitted as part of the Development Application, and referenced in Conditions. Specific reference is made to:

- Qualitative Wind Assessment;
- Noise Impact Assessment;

- Geotechnical Report;
- Accessibility Report;
- Detailed Site Investigation; and
- CPTED Report.

Accordingly, recommended Condition 1 is to be amended to insert these additional reports as follows:

(Condition 1 has not been reproduced in full).

<u>Qualitative Wind Assessment</u> <u>(Prepared by Cermak, Peterka and Petersen)</u>	<u>December 2019</u>	<u>Project No: 13957</u>
<u>Noise Impact Assessment</u> <u>(prepared by Norman, Disney & Young)</u>	<u>December 2019</u>	<u>Rev. 2.0</u>
<u>Geotechnical Report</u> <u>(Prepared by Douglas Partners)</u>	<u>21 January 2020</u>	<u>Rev. V2</u>
<u>Accessibility Report (Prepared by Morris Goding Access Consulting)</u>	<u>21 January 2020</u>	<u>Rev. V2</u>
<u>Detailed Site Investigation Contamination Report</u> <u>(Prepared by Douglas Partners)</u>	<u>October 2019</u>	<u>Project No: 73096.02</u>
<u>CPTED Report (Prepared by Urbis)</u>	<u>22 January 2020</u>	<u>Project No: P0019386</u>

The applicant has agreed to the proposed amendments to Condition 1.

- **Condition 4 (Energy Efficiency)**

Condition 4 requires the applicant to achieve a 5 Star Nabers Design Target Rating. It was required that these details be shown on the Construction Certificate plans. Upon review and discussion with the applicant it was noted that best practice is to enter into a Commitment Agreement with NABERS for a Target Rating.

Accordingly, Condition 4 on the recommended conditions of consent is to be amended to read as follows (added text underlined and **bold** and deleted text ~~struck through~~):

4. **Energy Efficiency.** The fittings, fixtures and materials installed in association with the development (including but not limited to hot water systems, ceiling/roof insulation, shower heads, toilet cisterns and the like) shall comply with the requirements of Council's DCP. ~~The building is to achieve a 5 Star Nabers Design Target Rating. Details are to be noted on the plans submitted with the relevant Construction Certificate.~~ **Prior to the relevant Construction Certificate, the Applicant shall enter into a Commitment Agreement with NABERS for a Target Rating – Energy for Offices of 5 stars.**

The applicant has agreed to the proposed amendments to Condition 4.

- **Condition 45 (Section 7.11 Contributions)**

The Section 7.11 Contributions have been recalculated to reflect a credit for the existing 1,500sqm warehouse, proposed to be demolished as part of this Development Application. The amended contribution amount is as follows (Condition 45 has not been reproduced in full):

- 45. Section 7.11.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council as follows:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	<u>\$ 145,080.36</u>
Open Space & Recreation Facilities	<u>\$ 328,417.56</u>
Transport Facilities	<u>\$ 170,617.44</u>
Plan Administration	<u>\$ 9,665.52</u>
The total contribution is	<u>\$ 653,780.88</u>

Condition 45 has been updated to reflect this amendment and the applicant has agreed to the proposed amendments to Condition 45.

- **Condition 68 (Public Domain Improvements)**

Following submission of the assessment report and draft conditions to the SNPP, the applicant and Council met to discuss the disagreement with Council's conditions. Council's Public Domain Team agreed that the applicant will not be required to undertake paving works to the Waterloo Road frontage of the subject site.

Accordingly, it is requested that Condition 68 be amended to read as follows (added text underlined and **bold** and deleted text ~~struck through~~):

(Condition 68 has not been reproduced in full)

- 68. Public domain improvements.** 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. **Paving works will not be required to the Waterloo Road frontage.**

Despite this change, the applicant still does not agree to Condition 68 for reasons outlined in the assessment report.

This condition remains in contention with the applicant and Council welcomes the opportunity to discuss this matter further with the Panel.

- **Condition 69(e) (Public Infrastructure Works)**

Following submission of the Assessment Report and draft conditions to the SNPP, the applicant and Council met to discuss the disagreement with Council's conditions. Council's Public Domain Team agreed that the applicant only be required to reconstruct one of the existing kerb ramps at the intersection of Waterloo Road and Eden Park Drive.

Accordingly, it is requested that Condition 69(e) be amended to read as follows (added text underlined and **bold** and deleted text ~~struck through~~):

(Condition 69 has not been reproduced in full).

69(e). Public Infrastructure Works. Reconstruction of the ~~two~~ existing kerb ramps at the intersection of Waterloo Road and Eden Park Drive **that faces east** as per Council Standard Drawing No. PV4.7.1.

Despite this change, the applicant still does not agree to Condition 69(e) for reasons outlined in the assessment report.

This condition remains in contention with the applicant and Council welcomes the opportunity to discuss this matter further with the Panel

3. Crime Prevention Through Environmental Design (CPTED) Assessment

In accordance with the Crime Prevention Legislative Guidelines (the guidelines) and the City of Ryde Development Control Plan 2014 (RDCP) a CPTED assessment has been undertaken with regard to the proposed pedestrian site through link.

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. This pathway runs along the western boundary of the site (See Figure 1).

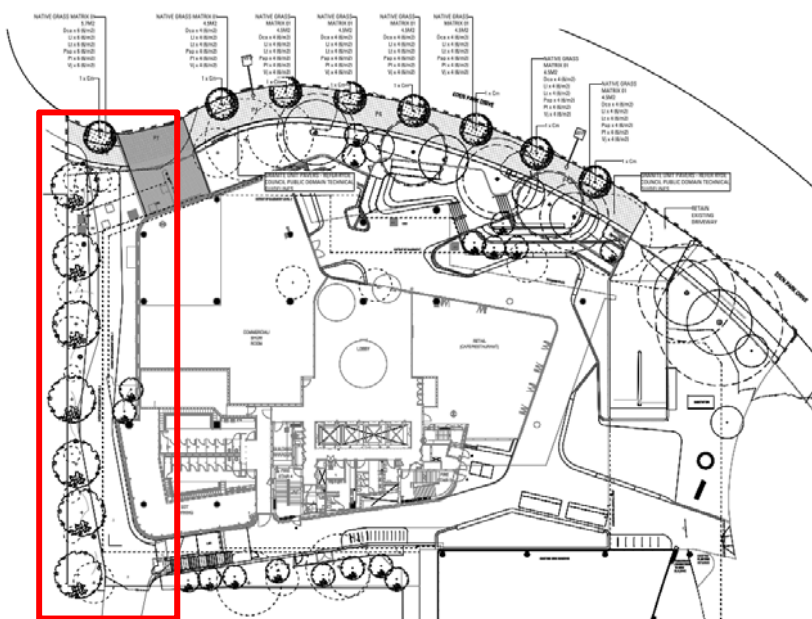


Figure 1: Pedestrian Pathway (highlighted in red).

The pedestrian site through link is required under Section 4.2(c) of Part 4.5 of Ryde DCP 2014 and is to be constructed and provided with a right of way under the Planning Agreement.

This pathway will be blocked at the southern end of the site until such time the adjoining allotment to the south is redeveloped.

This assessment has been undertaken against the four (4) key principles detailed in the guidelines.

Access Control

The guidelines require that spaces be designed to restrict, channel and encourage people and vehicles into, out of and around the development.

Informal pathways and landscape elements are designed to clearly define the pedestrian pathway entrance ensuring effective access and way-finding control which will aid to channel the pedestrians into this area. The pathway will be blocked at the southern end until such time the through link is provided, and at which time pedestrians will be channelled though the site via the path as the most efficient means for pedestrians to travel from Eden Park Drive to Waterloo Road.

Territorial Reinforcement

The guidelines state that community ownership of public space sends positive signals to the community.

The land subject to the pedestrian pathway forms part of the subject site. This land will remain in private ownership and will be maintained by the owner. As part of the Planning Agreement, a public access easement is required to be created over this land.

The design of the pedestrian site through link is required to be further reviewed and constructed in accordance with the Public Domain Conditions (Condition 70) and will look and feel like a public space for use by the community.

This will ensure the pedestrian pathway can be enjoyed and will be revisited by users.

Space and Activity Management

The guidelines state that space and activity management can develop and maintain control and care of a development. With regard to the pedestrian pathway, the space is considered to be well designed, once it is connected through to the neighbouring site will be frequently used and will be maintained by the owner, which in turn enhances pedestrian safety.

A CPTED report was submitted with the application which included a recommendation that a landscaping maintenance schedule be implemented ensuring that trees and plants are well maintained and do not interrupt sightlines. In addition, the CPTED report recommended that the sightline remain clear and uninterrupted, and that the fence along the western boundary be constructed of visually permeable material. **Condition 1** has been updated in the amended set of conditions requiring the development to be carried out in accordance with the CPTED report.

Surveillance

The guidelines require that consideration is given to the ensuring people feel safe in public areas. Natural surveillance (passive surveillance), technical/mechanical surveillance (e.g. CCTV), and formal (or organised) surveillance are ways in which places can be well supervised.

During the assessment of the application, 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 down the pedestrian link, to the southern boundary through changes to landscaping and the path layout. 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.

Further to this, a Condition (**See Condition 162**) has been recommended requiring the installation of CCTV. The condition requires the installation of cameras to monitoring a 50 metre vicinity outside of the building including, but not limited to, the footpath area in front and rear of the premises.

Overall, combined with appropriate lighting and spatial arrangement it is considered that the pedestrian pathway will be a safe public area which people can see and interact with others with both natural and technical surveillance being implemented.

Further, the development application was referred to the New South Wales (NSW) Police. The NSW Police noted that the CPTED report submitted as part of the proposal was well prepared, and agreed with the recommendations made.

The NSW Police recommended conditions of consent requiring the recommendations in the CPTED report be implemented and additional conditions relating to the installation of CCTV be imposed (**see Conditions 1 & 162**).

A copy of an amended set of draft conditions to supersede the previously submitted Attachment 1 accompanies this memo.

Alicia Hunter
Senior Town Planner