

SYDNEY NORTH PLANNING PANEL

Panel Reference	PPSSNH-98
DA Number	LDA2020/0169
LGA	City of Ryde
Proposed Development	Construction of an eleven (11) storey commercial and retail building comprising excavation for two (2) levels of basement car park for 246 car parking spaces, four (4) ground floor retail tenancies, ten (10) levels of commercial tenancies, plant areas and solar panels on the roof level, end of trip facilities including 236 bicycle spaces, lockers and amenities, landscaping and public domain upgrade works along Waterloo Road.
Street Address	45-61 Waterloo Road, Macquarie Park
Applicant/Owner	John Holland Macquarie Park Land Custodians Pty Ltd
Date of DA lodgement	20 May 2020
Number of Submissions	None
Recommendation	Approval subject to a deferred commencement condition and general conditions of consent.
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	General Development over \$30 Million – Cost of works: \$103,426,844
List of all relevant s4.15(1)(a) matters	• Environmental Planning and Assessment Act 1979; • State Environmental Planning Policy (State and Regional Development) 2011; • State Environmental Planning Policy (Infrastructure) 2007; • State Environmental Planning Policy No. 55 – Remediation of Land; • State Environmental Planning Policy No. 64 – Advertising and Signage • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; • Draft Remediation of Land State Environmental Planning Policy; • Ryde Local Environmental Plan 2014; • Ryde Development Control Plan 2014; and • Ryde Section 7.11 Development Contributions Plan 2020

List all documents submitted with this report for the Panel's consideration	Attachment 1: Conditions of Consent Attachment 2: Architectural Plans Attachment 3: Landscape Plans Attachment 4: John Holland Group's response to the deferred commencement condition
Report prepared by	Sandra Bailey Manager Development Assessment and Madeline Thomas Senior Coordinator Development Assessment (West)
Report date	

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

1. EXECUTIVE SUMMARY

This report is an assessment of a development application for the construction of an eleven storey commercial and retail building comprising four (4) ground floor retail tenancies and ten (10) levels of commercial tenancies with a total gross floor area of 33,045m², excavation and construction of two (2) levels of basement car parking for 246 car parking spaces and end of trip facilities consisting of 236 bicycle parking spaces, lockers and amenities. The proposal also includes landscape works within the site boundaries, a new Linear Park along Waterloo Road and public domain upgrade works.

The proposed development consists of Stage 2 works as part of the Concept Plan approval (LDA2018/0172) for the staged construction of five (5) commercial and retail buildings ranging in height between 6 to 18 storeys, distribution of 117,070m² of floor space and 1,170 car parking spaces across 5 buildings, provision of 3 new roads (Roads 1, 14 and 16) and 3 east-west pedestrian links between Buildings C and AB, Building D and the future park (Catherine Hamlin Park), and Buildings E and F. The proposed development is consistent with the requirements of the Concept Plan.

A Planning Agreement between the applicant and Council was executed on 31 August 2018 for monetary contributions to achieve incentive floor space and building height permitted under the Ryde Local Environmental Plan (RLEP 2014), construction of new roads and pedestrian links, dedication of land and creation of easements.

The subject site is bounded by Building C to the north, Road 14 to the west and Waterloo Road to the south. The construction of Building C under Development Consent LDA2017/0390 was approved on 22 August 2018 and included the construction of Road 14 and a pedestrian link along the southern boundary of the site. Road 14 has been constructed with a temporary intersection at Waterloo Road which currently occupies the south-eastern portion of land for the future park. In accordance with Development Consent LDA2019/0370 and the variation to the Voluntary Planning Agreement (VPA) executed on 13 February 2020, construction of the permanent intersection of Road 14 and Waterloo Road is due to be completed by 30 June 2021. An easement has been constructed over this road which extends partly onto the subject site. This will impact the development. A deferred commencement condition has been imposed to ensure that the consent does not become operable until the permanent Road 14 has been constructed and the easement for access removed from the property.

The subject application does not include the construction of any new roads or pedestrian links as part of Stage 2 works and is consistent with the requirements under the Concept Plan approval and executed VPA.

Catherine Hamlin Park has an area of 7,000m² and is bounded by Waterloo Road to the south, Road 14 to the east and Road 16 to the west. The subject site and proposed building adjoins Catherine Hamlin Park to the west. The park is a separate allotment in the ownership of Property NSW and does not form part of the Concept Plan application.

The proposed development includes excavation for 2 levels of basement car park in the vicinity of underground rail infrastructure and requires approval by Sydney Metro. On 22 March 2021, Sydney Metro granted General Terms of Approval (GTAs) for the proposal.

The proposed mixed use development is permissible with consent under the Ryde Local Environmental Plan 2014 (RLEP 2014). In accordance with the incentive provisions in Clause 6.9 the RLEP 2014, Building AB is permitted a maximum incentive floor space of 3.66:1 and building height of 65m. The proposal has a gross floor area (GFA) of 33,045m² and building height of 48.95m (RL106.45). Although the development exceeds the permitted floor space ratio, it is consistent with the Concept Plan for the entire site which distributed the floor space across 45-61 Waterloo Road.

The proposal complies with relevant controls under Part 4.5 – Macquarie Park Corridor in the Ryde Development Control plan 2014 (RDCP 2014) with the exception of the following requirements:

- 60% of the Waterloo Road setback is to be soft landscaping.
- The floor plate of each level is not to exceed 2000m².
- 20% of the site is to be deep soil area.
- Buildings are to be separated 20m.
- An awning is required to be provided along the Road 14 frontage.

The application was notified and advertised between 27 May 2020 and 26 June 2020, in accordance with Ryde Community Participation Plan with no submissions received. Amended plans and information was submitted to Council on 19 October 2020 and 23 March 2021. The amended proposal was not renotified as the scope of amendments did not warrant renotification of the proposal.

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

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the relevant statutory and policy provisions, the proposal is considered suitable for the site and is in the public interest as the development will contribute to significant economic growth and the future prosperity of Macquarie Park and facilitate the orderly development of the site.

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. The application was referred to external authorities for comment including Transport for NSW (TfNSW), Sydney Metro, Sydney Water, Ausgrid and NSW Police. No objections have been raised by external authorities.

This report concludes that the development is sound in terms of design, function and relationship with its surroundings. The report recommends that consent be granted to this application in accordance with conditions provided in **Attachment 1**. These conditions have been reviewed by the applicant who has agreed with all of the conditions with the exception of the deferred commencement condition. This matter has been addressed in the report.

2. APPLICATION DETAILS

Applicant/Owner: John Holland Macquarie Park Land Custodians Pty Ltd

Capital Investment Value: \$103,426,844

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 AND SURROUNDING DEVELOPMENTS

The site is located on Lot 2 in DP1255496 and is known as 45-61 Waterloo Road, Macquarie Park. The site has a frontage to Waterloo Road and Road 14 and has a total area of 7078m².

The site is located to the north-west of the intersection of Waterloo Road and Lane Cove Road and is approximately 80 metres from the Macquarie Park Train Station.

To the north of the site is a recently constructed 10 storey retail/commercial building, known as Building C (Lot 3 in DP 1255496) which is also part of 45-61 Waterloo Road.

The development consent for construction of Building C also approved the construction of part of Roads 1 and 14. A temporary access road connecting Road 14 and Waterloo Road has been constructed whilst approval and construction works for the relocation of essential services along the Waterloo Road frontage is completed. Prior to 30 June 2021, the temporary road forming the intersection of Road 14 and Waterloo Road will be removed and the permanent alignment of Road 14 to Waterloo Road will be constructed in accordance with the development consent for Building C, and the Concept Plan approval.

To the west of the site is Lot 1 DP1231416 which has been designated as a future public park (Catherine Hamlin Park) with an area of 7000m².

The site is relatively flat and does not contain any significant vegetation.

An aerial of the site and surrounding developments is in **Figure 1**.

Photographs of the site and surrounding developments are provided in **Figures 2 to 6** below.



Figure 1. Aerial image of the site location

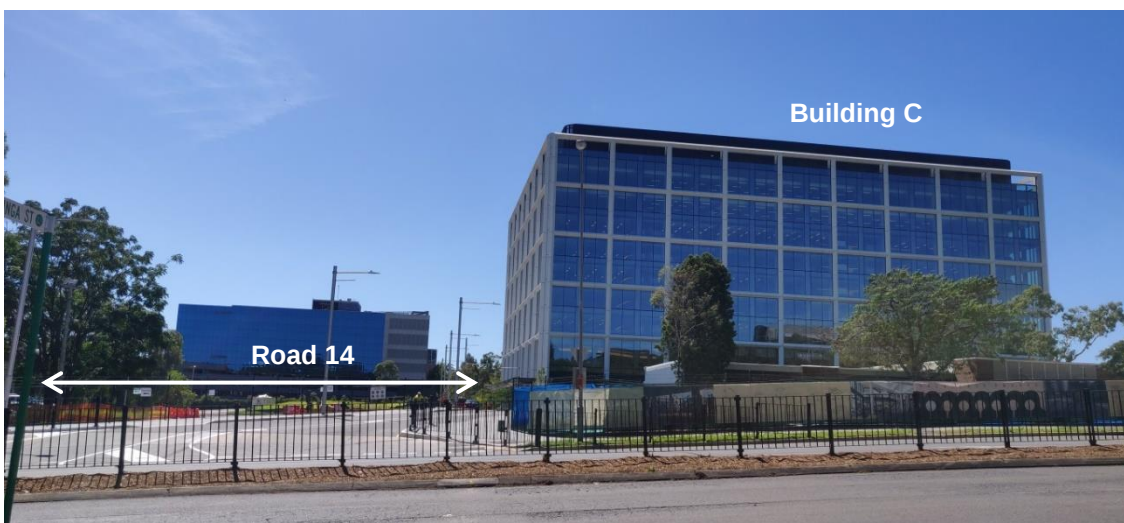


Figure 2. View of south-eastern portion of site from Waterloo Road. The subject site is located in front of Building C. The trees on the site have been removed as part of a Tree Management Permit.



Figure 3. Macquarie Park Station fire egress stairs, ventilation shaft and bike storage, and a 3 storey commercial office building to the south-east of the site.



Figure 4. Existing commercial office/warehouse buildings opposite site at intersection of Waterloo Road and Coolinga Street.



Figure 5. Macquarie University building at intersection of Waterloo Road and Coolinga Street.



Figure 6. Existing commercial office building at No. 48 Waterloo Road.

Immediately surrounding properties include commercial office buildings and Sydney Metro land containing secure bicycle lockers and fire egress stairs to the south-east of the site fronting Waterloo Road, the Property Link Business Park and Macquarie Park Data Centre to the north, and TPG offices to the west.

The site and immediately adjacent properties comprise of commercial and light industrial uses which are consistent with the character of the Macquarie Park Corridor.

Development within the Macquarie Park Corridor is in transition with existing lower scale warehouse and commercial buildings and recently constructed multi-storey commercial developments.

The surrounding road network connects the site to Greater Sydney and the CBD via major roads including Lane Cove Road, Epping Road and the M2 Motorway. The M2 motorway is located approximately 618m to the north and Epping Road is 470m to the south-east of the site. A network of smaller roads connects the site to the remainder of the Macquarie Park precinct, surrounding residential suburbs and local centres.

4. THE PROPOSAL

The proposal seeks development consent for construction of an eleven (11) storey commercial and retail building as part of Stage 2 works as approved under the Concept Plan for 5 mixed use commercial/retail buildings on the site. The proposed building, known as Building AB, consists of 33,045m² of GFA, a building height of 48.95m and comprising the following:

- 4 x retail tenancies (1,945m² GFA) with outdoor dining areas fronting Harvest Street (Road 14)
- 10 storeys of commercial tenancies (31,100m² GFA)
- Excavation for 2 basement car park levels for 246 car parking spaces (including 212 commercial spaces, 23 small car spaces, 8 accessible spaces and 3 courier bays)
- End of trip facilities consisting of 236 bicycle storage spaces, 284 lockers and amenities on the ground floor accessed via lobby and pathway along the south-eastern landscaped setback
- A loading dock for 2 trucks at ground level access via a new 6m wide private driveway from Harvest Street
- A non-trafficable landscape roof on Level 1
- Roof top plant area with solar panels above
- A new urban plaza consisting of landscaping and seating adjacent to the northern entrance of the building, new private driveway and pedestrian access to the pedestrian pathway along the southern boundary of Building C
- New Linear Park fronting Waterloo Road and landscaped setback along the south-eastern boundary with shared pedestrian/bicycle path providing pedestrian and bicycle connections between Waterloo Road and the pedestrian path adjacent to the northern boundary
- 32 visitor bicycle parking spaces (24 located to the south of the private driveway and 8 located within the Linear Park fronting Waterloo Road)
- 2 signage zones on the southern and eastern elevations measuring 11.5m x 2m and 10.5m x 2m, respectively
- Public domain works including new street tree planting and granite footpath paving along Waterloo Road and relocation of existing pedestrian crossing on Harvest Street further to the north to align with the pedestrian pathway adjacent to Building C

A separate development application will be submitted for the installation of signage within the proposed signage zones on the eastern and southern facades.

Selected photomontages and elevations are provided in **Figures 7-8** below.

The proposal has been amended to incorporate vertical blades on the western façade (refer to **Figure 9**) to break up building bulk and address passive solar controls raised by the Urban Design Review Panel and Council's Urban Designer.

As part of the proposal, the applicant has requested the following construction hours:

- 7am to 7pm Monday to Friday
- 7am to 7pm Saturday

- No work on Sundays or Public Holidays.

It is also requested that consent be granted for 24 hour construction hours for internal work.



Figure 7. Photomontage of the development as viewed from Waterloo Road.



Figure 8. Photomontage of the development as viewed from Harvest Road. The western elevation has been amended to incorporate vertical perforated fins as demonstrated in Figure 11.

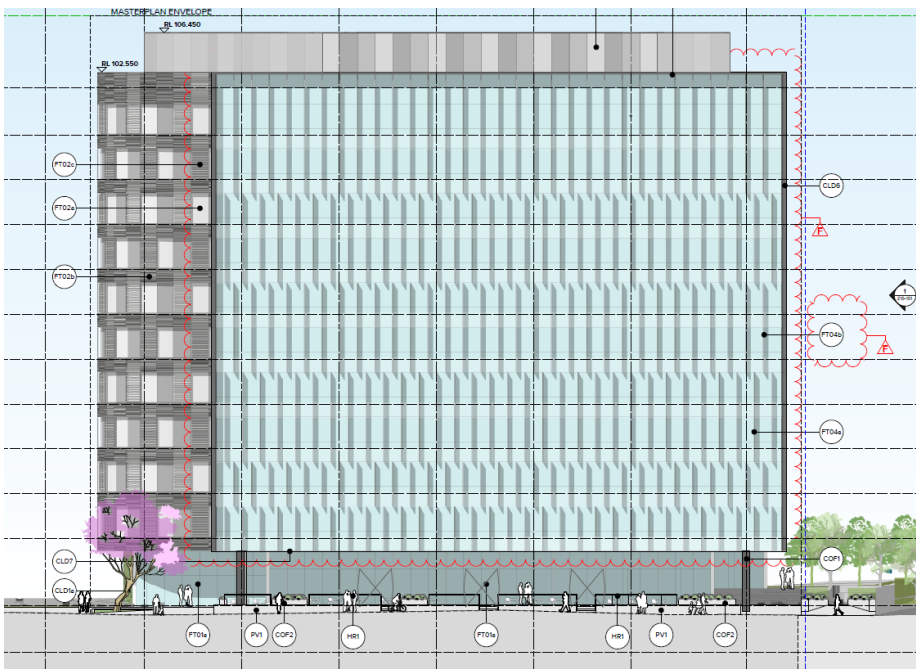


Figure 9. Amended western elevation incorporating vertical perforated fins which provide visual interest and improve the thermal performance of the façade.

5. HISTORY OF DEVELOPMENT APPLICATIONS ON THE ENTIRE SITE

In June 2014, Council and the Department of Planning and Environment entered into a funding agreement for the delivery of a 7,000m² park (known as Catherine Hamlin Park) at 45 - 61 Waterloo Road, Macquarie Park.

Under the agreement, the NSW Government is providing \$6 million through the Precinct Support Scheme in connection with the North Ryde Station Urban Activation Precinct.

On 9 June 2015, Council resolved to seek guarantees from the NSW Government for the provision of the 7,000m² park and the related \$6 million funding. In accordance with this resolution, the General Manager convened a meeting on 14 August 2015, with senior representatives from the Department and Property NSW. At the meeting, it was agreed that a Planning Proposal was required to be submitted to rezone the land for the park to "RE1" Public Recreation and to transfer the floor space ratio from the park area to the remainder of the site. Property NSW agreed to undertake the proposal and subsequently lodged a planning proposal with Council.

At Council's meeting on 10 November 2015, Council considered a report on the planning proposal and resolved to proceed to Gateway subject to:

- a) *Removal of the proposal to amend the Macquarie Park Corridor Parking Restrictions Map; and*
- b) *The provision by the proponent of a satisfactory Stage 1 Site Assessment Contamination Report; and*
- c) *The minimum width of the proposed park fronting Waterloo Road being 63m in accordance with the funding agreement between the Council and the NSW Minister for Planning (or as near as possible in order to cater for functions including informal sport, active and passive recreation, trade expos and events).*

Council subsequently obtained a "gateway" determination from the NSW Department of Planning and Environment to allow public exhibition and consultation to proceed. The proposal was placed on public exhibition between 4 May 2016 to 1 June 2016.

On 23 June 2017, the land for the future park was rezoned under *Ryde Local Environmental Plan 2014 (Amendment No 14)* and included the following changes to the site in RLEP 2014:

- Rezoned a 7,000m² portion of the site fronting Waterloo Road from B3 Commercial Core to RE1 Public Recreation for the purposes of Open Space
- Amended the maximum floor space ratio (FSR) development standard in order to:
 - Remove the FSR limit applying to the new area zoned RE1 Public Recreation and
 - Evenly distribute the park site area and existing split FSRs of 1:1 and 2:1 at a unified rate of 2.26:1 across the remainder of the land identified as 45-61 Waterloo Road that continues to be zoned B3 Commercial Core

- Amended the maximum height of building development standard to:
 - Remove the height limit applying to the new area zoned RE1 Public Recreation and
 - Amend the height controls in the south-west corner of the site to reflect the height control for the adjacent properties
- Include the 7,000m² public open space area on the relevant Land Acquisition Reservation Map as “Local Open Space”.

Relevant development applications for the site are summarised as follows:

- LDA2017/0048 was approved on 11 March 2017 for subdivision of the site into two (2) Torrens Title allotments comprising of Lot 1 with an area of 7,000m² (future park) and Lot 2 with an area of 31,987m² (subject site).
- LDA2017/0390 was approved by the Sydney North Planning Panel as a Deferred Commencement Consent on 22 August 2018 for the construction of a ten (10) storey commercial and retail building (Building C) with 355 car spaces in 2 levels of basement, new road works and landscaping. The Deferred Commencement approval required the applicant to enter into a Planning Agreement with Council for the delivery of public benefits within 12 months of the consent. On 31 August 2018, the Planning Agreement between the applicant and Council was executed and satisfied the Deferred Commencement requirement. The development consent was made operational on 31 August 2018.
- LDA2019/0331 was approved on 27 November 2019 for the demolition of an existing single storey building at the south-eastern portion of the site, removal of hardstand areas and removal of six (6) trees in preparation for the construction of Building AB.
- LDA2019/274 was approved on 18 December 2019 for subdivision of the site into 3 lots to facilitate development of the buildings in accordance with the staging of the concept plan and dedication of Road 14 to Council. The Subdivision Certificate to subdivide the site into 3 lots was issued on 28 February 2020. This has resulted in the subject site being known as Lot 2 in DP1255496.
- LDA2019/0370 was approved on 19 December 2019 for the construction of a temporary access road across the south-eastern portion of Lot 2 (the future park) to connect Road 14 and Waterloo Road, and provide vehicular and pedestrian access to Building C. The development consent is time limited and will lapse on 30 June 2021. At the lapsing of development consent, the developer is required to remove the temporary access road and reinstate the subject area of Lot 2 to park land. This is to be completed by 30 September 2021. Construction of the intersection of Road 14 and Waterloo Road will be completed in accordance with development consent LDA2017/0390. Condition 16 of this consent required a public access & right of way to be created over the temporary road access. Evidence regarding the effective

registration of the ROW was required to be submitted before the temporary road can be used. This has occurred and the plan registered on 12 March 2020. **Figure 10** demonstrates the DP indicating the easement over Lot 1 in DP123416 and Lot 2 in DP1255496 and **Figure 11** shows the aerial image of the temporary road.

The applicant has lodged a modification to LDA2019/0370 to allow the continuation of the time limit for the consent for the temporary road from 30 June 2021 to 31 December 2022 (MOD2021/0098). This application is currently under assessment.

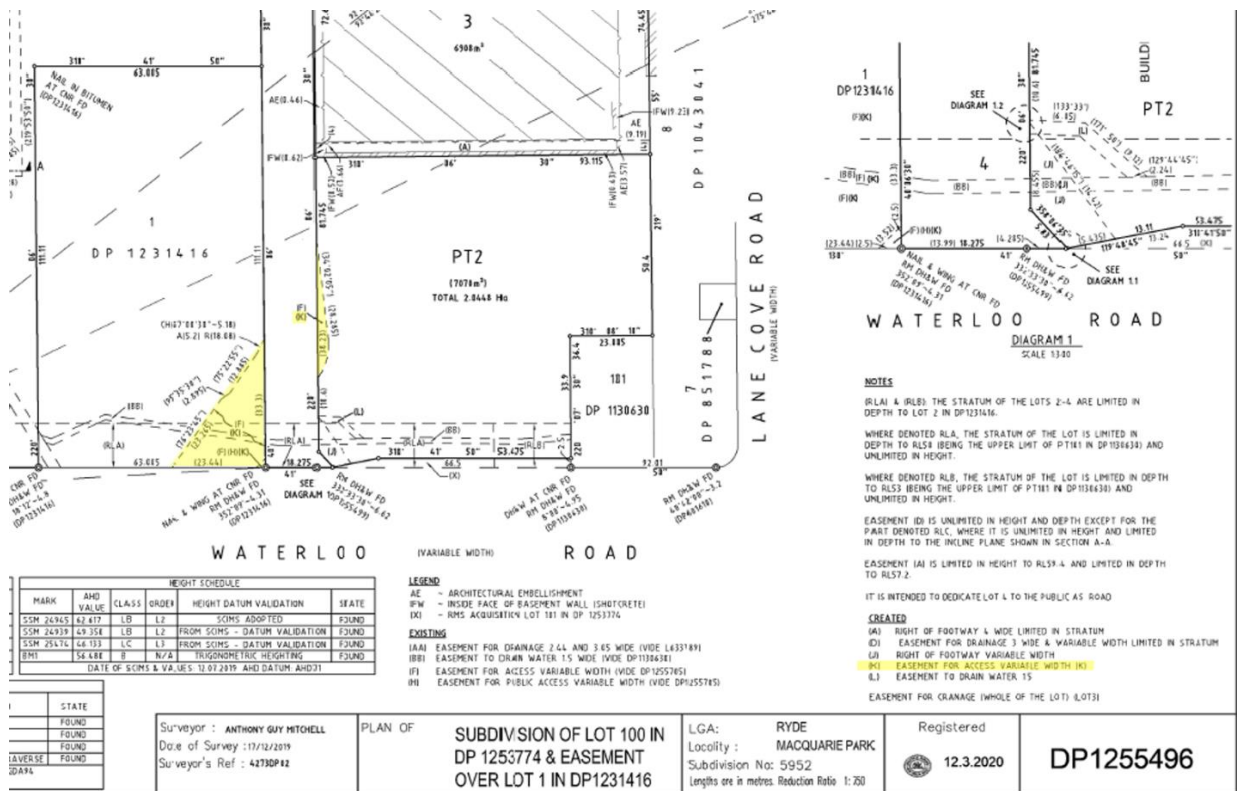


Figure 10. DP1255496 showing the easement over the proposed park. The easement extends over Lot 1 as well as the subject site being Lot 2.



Figure 11. Aerial image of temporary access road.

- A meeting occurred with the applicant and Council in respect to MOD2021/0098. The purpose of the meeting was to discuss the timing requested by the applicant and the timing of the completion of the park. As a result of that meeting it was agreed that the applicant would look at providing an interim road within the road reserve which would provide temporary access until the permanent road could be constructed. It was agreed that the applicant should submit another Section 4.55(1a) to extend the use of the temporary road for a further three months. This timing would permit the applicant to determine if the interim road was possible. At the time of finalising this report, this application had not been approved but it is expected that the application will be approved prior to the determination of this LDA.
- LDA2018/172 was approved by the SNPP on 2 December 2020. This DA was for a concept plan for the mixed use development of the entire site comprising site layout, maximum building envelopes and gross floor area distribution across 5 buildings over lots 2, 3 and 4, on site car parking, 3 pedestrian links, 3 roads and staging of the development into 4 stages.

The current DA represents Stage 2 of the concept plan and is known as Building AB. This is demonstrated in **Figures 12 and 13**.

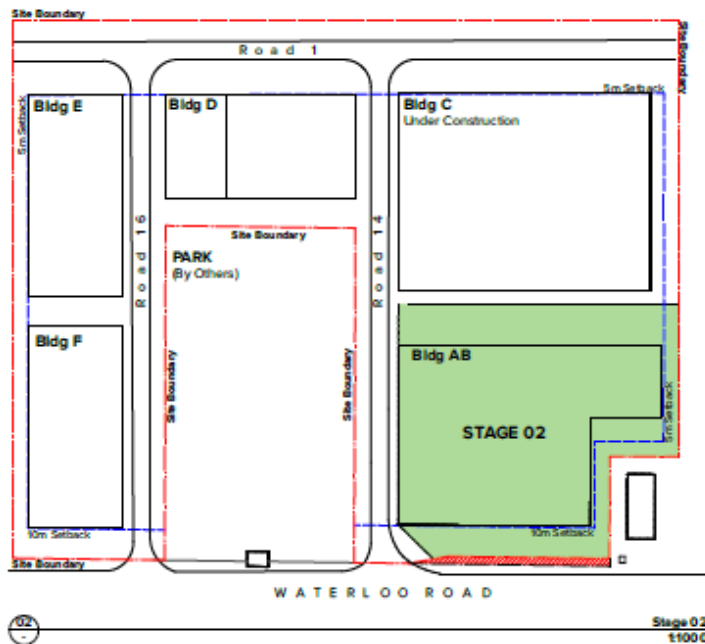


Figure 12. Staging of the development as approved in the concept plan consent. The current application relates to Stage 2.

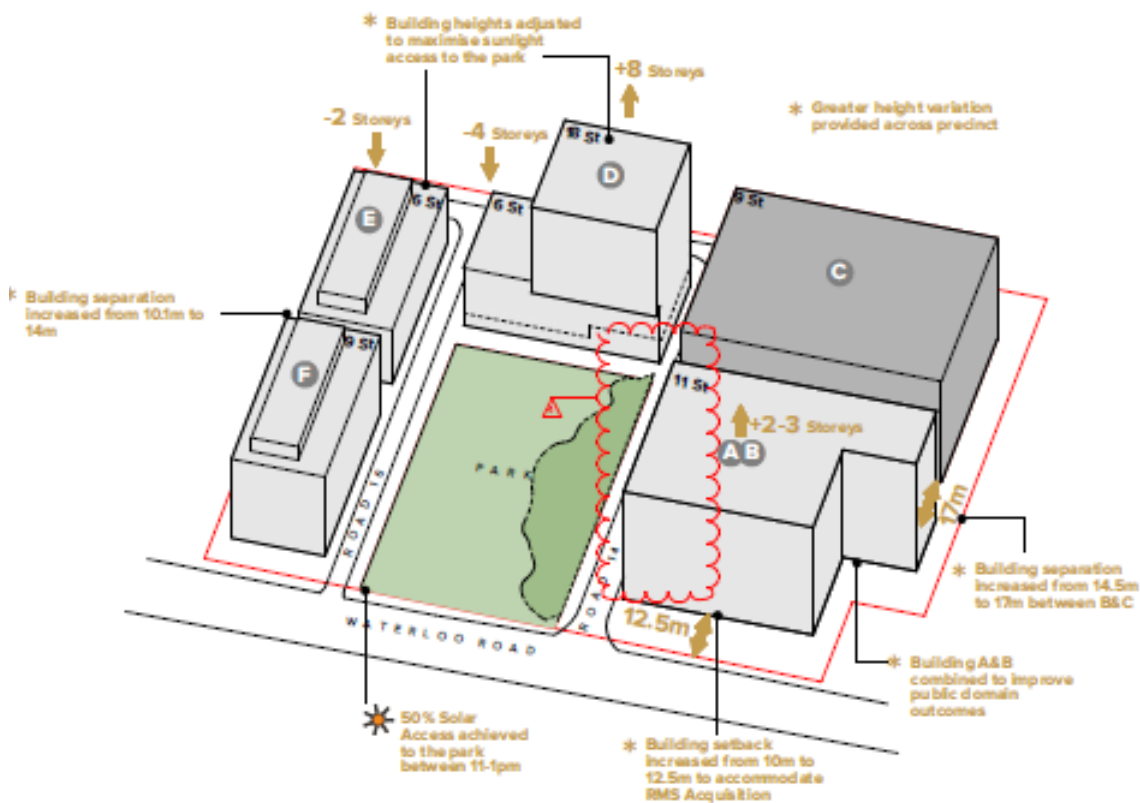


Figure 13. Concept plan approval demonstrating the overall bulk and scale. The current building is Building AB.

- A development application (LDA2020/218) was lodged on 26 June 2020 for the construction of a part eight (8) storey, part fifteen (15) storey mixed use building (Stage 3 of the concept plan - Building D) comprising commercial and retail uses, two and a half levels of basement car parking for 188 car spaces, 154 bicycle spaces

and 6 motorcycle spaces. The proposal also includes construction of an east-west pedestrian link adjacent to Catherine Hamlin Park and public domain works including the construction of part of Roads 1 and 16. The application is currently under assessment and has not been determined. It is anticipated that this matter will be determined in late July 2021.

- LDA2021/104 for the construction of a box culvert under Road 16 was approved on 16 June 2021. The box culvert was required under the approved concept plan.

6. HISTORY OF THE SUBJECT APPLICATION

Urban Design Review Panel

The development application was considered by the Ryde Urban Design Review Panel (UDRP) on 11 June 2020. The Panel were supportive of the application, subject to the design being refined to address several comments as detailed below.

The Panel's comments relating to the Development Application have been included in italics below including a comment in respect to any design changes made by the applicant.

Context and Neighbourhood Character

RMS road widening is shown along Waterloo Road but not dimensioned. The landscape plan appears to resolve the widening and enable street tree planting along the future kerb. The proponent should clarify if the street widening is dedicated with this development or at a future date? If a future date, an interim streetscape should be documented.

The basement car park partially extends under the share way. The proponent should clarify if the share street will be dedicated to Council and if Council will accept a car parking stratum within the reserve.

The existing character of Macquarie Park and Council's desired character is largely dependent on significant tree planting along streets and most importantly within private land. The proposal removes 3 large existing trees along Waterloo Road. Retention of these trees is desirable and should be accommodated within the landscape plan. Similarly, deep soil zones are intended to maximise significant tree planting and should be better utilised at the consolidated area adjacent the south-east common boundary with 31-45 Waterloo Road, along the Waterloo Road setback and on the northern side of the share street.

The site plan and landscape plan should accurately represent the rail service building, fencing and substation adjacent the site and demonstrate how the proposed footpath and streetscape is resolved at the property boundary.

Comment: The Waterloo Road land has already been acquired by TfNSW. For this reason, it is not necessary to provide an interim streetscape landscape plan.

The shared way has been deleted on the amended plans and replaced with a driveway access to the entry/exit point of Building AB. The driveway will remain in private ownership so a parking stratum is not required. The width of the driveway is less than the shared zone so there is more opportunity to provide deep soil zones.

The removal of the three large trees along the Waterloo Road frontage is necessary due to the road widening required by TfNSW and moving of the services within the public domain. A Tree Management Permit has already been granted by Council for the removal of these trees. A linear park will be provided along the Waterloo Road frontage which will compensate for the loss of trees. Deep soil planting has also been increased in the area separating Buildings AB and C.

The current landscape plans have been updated to reflect the rail service building, fencing and substation.

Built Form and Scale

The 11 storey building mass is vertically divided by recesses at the Waterloo Road entry, the share street entry and the eastern bike facility entry. The articulation assists in highlighting building entries and breaking up the building length along Waterloo Road and the share street, but additional articulation is needed to visually divide the 11 storey elevations.

The proposed façade design incorporates bands of colour to provide detail and variation to both the metal cladding across most of the buildings and the glazing to the façade facing the park. While the Panel appreciates the visual texture of the materials, the consistent application of this approach across the building facades reinforces the building's visual bulk, particularly as illustrated in the view from the park.

The façade design would benefit from additional articulation to add depth to the facade and help mediate between the fine grain approach to materials and colour and the overall building mass. The architect's sketch drawing, on the drawing list page of the architectural drawings, illustrates how variety could be introduced into the façade design. For example, a different fenestration, with deeper shadows at the curved corner adds scale to the façade and signals the secondary lobby entry. The same sketch shows more generous horizontal shade elements and areas of planting on the glazed facade, which increase visual interest and scale to the park frontage.

Comment: The amended design of the elevation adjacent to the park has incorporated a 1500mm deep projected hood which provides a framing element and articulates the building's park frontage. Horizontal louvers and vertical perforated fins have also been added to this façade which will provide visual interest as well as improve the thermal performance of the façade. These elements will assist in reducing the perceived bulk and scale of the western façade. **Figures 8 and 9** demonstrates the elevation as viewed from the park.

Figure 14 demonstrates the entrance fronting Waterloo Road which assists in reducing the visual mass of the building as well as providing a clear entry to the building.



Figure 14. Photomontage of ground floor entrance fronting Waterloo Road and adjacent to the Linear Park

The modifications to the facade have been considered by Council's Urban Designer who has raised no objections to the amendments and is of the view that the design now provides adequate articulation to the façade to assist in reducing the bulk and scale of the development.

Density

While numerically the proposal achieves the permissible floor space, the building form and façade design exacerbates the building's bulk.

Comment: The amended plans have reduced the perceived bulk and scale of the development by adding various elements to the building. This aspect is considered resolved.

Sustainability

The project is aiming to 5 star Green Star, 5 star NABERS energy and 4 stars NABERS water.

The fully glazed park façade facing north-west includes narrow horizontal elements that are not sufficient to mitigate the western sun. Alternative solutions to shading the façade are needed and could also contribute to refinements of the building bulk and scale as noted above in Built Form.

Comment: The applicant has amended the western façade to incorporate vertical perforated fins which will assist in improving the thermal performance of the façade as well as adding visual interest.

Amenity

The Panel appreciates the seamless integration of ramps and design for levels within the landscape design. The elevated terrace facing the park is accessible from the building entries. If retail uses are intended, which are a pedestrian destination from outside the site, then more equitable access to the terrace and generous pathways along the terrace should be incorporated into the design.

Comment: The development has been amended to provide an increased width and length for the at grade street dining zones. The assessable pathways to retail tenancies have also been increased.

Landscaping

An arborist report should be provided to assess the trees along Waterloo Road.

Tree selection and a proposed planting plan should reinforce the character of Macquarie Park and maximise use of deep soil zones.

The share street is 19m wide and dominated by an expanse of paving. The trees along the share street are small as shown in the Landscape section E. There is an opportunity to take advantage of deep soil and provide larger trees along the share way to reinforce the landscape character of Macquarie Park and mediate the space between large commercial buildings. Additional planting and smaller trees along the southern side of the share street (excluding vehicle turning circles or service areas) in front of the retail tenancy and at the eastern end would also help to reduce the visual extent of paving and further articulate the vehicle path of travel.

Comment: The issue of tree removal was addressed in LDA2019/331 and a Tree Management Permit has already been issued for the removal of the trees along the Waterloo Road frontage. The amended landscaping plans has increased the tree planting along the linear park along Waterloo Road. In addition, the shared zone has been replaced with a driveway. This has resulted in the width of the carriageway being reduced from 7m to 6m and additional deep soil which will accommodate addition planting. Adequate replacement planting is proposed on the landscaping plans.

Safety

The path to the bike storage through the eastern courtyard is separate to the main entries and has little surveillance. A more direct internal building corridor linking the bike entry to the lift lobby and with direct sight lines from the concierge would improve the visibility of the bike entry and increase surveillance of this courtyard. Nighttime safety of this space should also be addressed by creating clear sightlines along paths from streets, avoiding areas concealment and including adequate lighting.

Comment: The footpath from Waterloo Road to the EOT lobby has been increased from 1.8m to 2.4m. There is direct sightline from Waterloo Road and Tenancy 3 to the EOT lobby. In addition 50% of the external walls of the EOT facilities will be glazing. These features will all contribute to the passive surveillance of the area. **Figure 15** demonstrates the glazing included to the EOT facilities.



Figure 15. Photomontage of ground floor entrance to end of journey facilities along the eastern boundary

Lodgement and Requests for Additional Information

The development application was lodged on 20 May 2020 and considered by the Urban Design Review Panel on 11 June 2020.

On 21 August 2020, a letter was sent to the applicant requesting additional information. This included:

- The Urban Design Review Panel requested various changes as identified earlier in the report.
- Concerns were raised with the originally proposed shared zone as it was excessive in length, lacks traffic calming devices to ensure pedestrian safety and failed to maximise landscaping opportunities. Various changes were recommended to improve the layout and operation of this space.
- Changes were recommended to the loading zone to ensure that vehicles could exit in a forward direction and that 2 vehicles could be accommodated wholly within the property boundary rather than needing to queue in the shared zone.
- The Traffic Assessment Report fails to take into account traffic generation rates for the retail uses.
- The linear park along the Waterloo Road frontage failed to provide sufficient tree planting.
- The civil drawings were required to be amended to include further details in respect of retaining walls, paving details, relocation of the pedestrian crossing on Road 14 and proposed stormwater drainage pits along Waterloo Road.

- Amendments were requested to the Framework Travel Plan to ensure compliance with Part 4.5 of RDCP 2014.
- Sydney Metro requested an engineering assessment report to be prepared in accordance with their guidelines.

On 8 September 2020, the applicant requested an extension of time to provide this information. Amended information and plans were submitted to Council on 16 October 2020. While most of additional information was provided, the response from the applicant did not include revised architectural and landscaping plans or the information requested by Sydney Metro.

The engineering assessment report requested by Sydney Metro was submitted to Council on 17 November 2020.

Amended architectural plans and landscaping plans were submitted to Council on 30 November 2020.

In mid February 2021, an email was sent to the applicant advising that there were still outstanding issues in respect to the following matters:

- The north-western façade still did not incorporate the sun shading as requested by the UDRP.
- Confirmation was requested from an Access Consultant that the public domain design would meet the requirements of the Disability and Discrimination Act 1992.
- Safety issues were raised in respect of the eastern courtyard and access area to the EOT facilities. Appropriate lighting was recommended.
- The amended stormwater and civil plans had not addressed the issues raised in the Council's letter dated 21 August 2020.
- Sydney Metro requested further details.

On 26 February 2021, the applicant responded advising that the additional information would be provided by mid March 2021.

Further information was provided on 17 March 2021.

7. APPLICABLE PLANNING CONTROLS

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

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 64 – Advertising and Signage
- Draft Remediation of Land State Environmental Planning Policy
- Draft Environment State Environmental Planning Policy

- Ryde Local Environmental Plan 2014
- Ryde Development Control Plan 2014
- Ryde Section 7.11 Development Contributions Plan 2020.

8. PLANNING ASSESSMENT

8.1 Environmental Planning and Assessment Act, 1979 – Section 7.4 Planning Agreements

A Planning Agreement was entered into by the Applicant and Council under Section 7.4 of the EP&A Act 1979 as part of the development application for Building C. The agreement was executed on 31 August 2018 for monetary contributions and works in kind to contribute to public infrastructure to enable the developer to utilise the additional building height incentive of 65m and additional FSR incentive of up to 3.66:1 available pursuant to Clause 6.9(3) of RLEP 2014.

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

- Monetary contribution to the amount of \$2,175,825.86 (paid to Council on 24 February 2020);
- Construction of Roads 1, 14 and 16 and dedication of land as public roads;
- Upgrade works along Waterloo Road;
- Construction of 3 pedestrian links;

A Deed of Variation was executed on 13 February 2020 to amend the Planning Agreement to modify the timing for completion of construction of the southern portion of Road 14 and upgrade works to the Waterloo Road intersection to 30 June 2021 or otherwise agreed in writing between Council and the applicant. The Deed of Variation also includes a new bank guarantee to the amount of \$4,800,000 as security for the delivery of the subject road works.

The VPA does not require this stage of the development to provide any of the roads or pedestrian links.

8.2 Environmental Planning and Assessment Regulation 2000

This application satisfies Clause 50(1)(a) of the Regulation as it is accompanied by the nominated documentation required.

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

The proposal has a Capital Investment Value of more than \$30 million, 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.

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

Clause 104 (Traffic-generating development)

The proposal has a GFA of 33,045m² comprising 246 car parking spaces in two (2) levels of basement car parking and is identified as traffic generating development under Schedule 3 of the SEPP. In accordance with Clause 104 of the SEPP, the proposal was required to be referred to Transport for New South Wales for comment. The following comments were provided from TfNSW:

TfNSW has reviewed the submitted application and provides the following comments for Council's consideration in this application:

- 1. TfNSW has previously acquired a strip of land for Macquarie Park Bus Priority and Capacity Improvement Project along the Waterloo Road frontage of the subject property, as shown by blue colour on the attached aerial – X. All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth). Along the Waterloo Road Boundary.*
- 2. The development should be consistent with the approved Masterplan.*

The strip of land is demonstrated on the plans. The development will not extend into the area that has already been acquired by TfNSW.

As demonstrated in Attachment 4, the development is consistent with the Concept Plan.

Clause 86

In accordance with Clause 86 of ISEPP, the development application was required to be referred to Sydney Metro. Sydney Metro granted concurrence to the development on 22 March 2021 subject to conditions of consent. These conditions have been incorporated into the draft conditions of consent in Attachment 1. (See conditions numbered 58 to 73, 129 to 136).

Clause 45

In accordance with Clause 45 of ISEPP, the development application was referred to Ausgrid. Ausgrid have granted concurrence to the development application subject to a condition of consent requiring care to be taken with any work in the footpath area to ensure the works don't interfere with the existing cables. (See condition number 79).

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

The requirements of SEPP 55 apply to the subject site. In accordance with Clause 7 of SEPP 55, the consent authority must consider if the land is contaminated and, if so, whether the site is suitable for the proposed use. If the site is not suitable, the consent authority must consider if it can be made suitable for the use.

A detailed site investigation report was prepared by Douglas partners. The conclusion within the report was that based on the previous and current investigations, it is considered that Lot 2 does not present a significant risk to human health or the environment, and is suitable for future commercial or industrial development, subject to the following:

- Existing Building - as the building on the site is known to contain hazardous building materials (Greencap, 2013), hazardous materials removal works should be undertaken in accordance with the National Code of Practice: How to Safely Remove Asbestos (Safe Work Australia 2016). Upon demolition and removal, the footprint of the building should be validated as being suitable for the proposed development. (Development consent has been granted under LDA2019/331 for the demolition of this building. Conditions in regard to asbestos removal were included in this consent and is not necessary to be included in this application).
- Asbestos – whilst no asbestos was identified in soil and on the ground surface during the current investigation, asbestos has been identified in previous investigations (Greencap, 2013, NAA, 2013b, Greencap, 2016). Prior to undertaking bulk demolition of hardstand etc. the entire site should be cleared of asbestos by a qualified occupational hygienist. (See condition number 85).
- Unexpected Finds Protocol – given the presence of general building rubble in some of the fill, and the identification of asbestos in previous reports, an unexpected finds protocol (UFP) should form part of the demolition, civil and construction contractor's works plans. The UFP must outline the process for identification, assessing and investigating any unexpected finds of potential contamination within the site. (See condition number 57).
- Waste classification – In accordance with the Protection of the Environment Operations Act (POEO Act), waste classification of material for off-site disposal will be required if excavation is proposed at the site.

Council's Environmental Health Officer has reviewed the Detailed Site Investigation Report and supports the conclusion that the site is capable of being made suitable for the proposed use, subject to conditions identified above.

8.6 State Environmental Planning Policy No. 64 – Advertising and Signage

The development has proposed two signage zones, one of the southern elevation and the other on the western elevation. The applicant intends to submit a separate development application for the installation of signage within the above zones.

The signage zones are consistent with the aims and objectives of the SEPP.

Clause 18 of SEPP 64 states that the consent authority must not grant development consent to the display of *advertisements* greater than 20 square metres and within 250 metres of, and visible from, a classified road without the concurrence of the RMS

(TfNSW). The signage zones will be located within 250m of Lane Cove Road and both will exceed 20m². No objection was raised by TfNSW to the signage.

A consent authority must not grant development consent to an application unless the signage satisfies the assessment criteria specified in Schedule 1. This is detailed below:

SCHEDULE 1 – ASSESSMENT CRITERIA	
1 Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Yes – The design of the signage is compatible with the existing building. The sign is compatible with other signage in Macquarie Park.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	A consistent theme for signage in Macquarie Park is large identification signage at the top of buildings. The proposed signage is consistent with this requirement.
2 Special areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	No.
3 Views and vistas	
Does the proposal obscure or compromise important views?	No views are affected by the proposal.
Does the proposal dominate the skyline and reduce the quality of vistas?	No.
Does the proposal respect the viewing rights of other advertisers?	Yes.
4 Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposal is appropriate for the building as well as streetscape.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposal will contribute to the visual interest of the streetscape.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposal reduces clutter and simplifies advertising.
Does the proposal screen unsightliness?	There is no unsightliness to be screened.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The sign will not protrude above the building or tree canopies in the area.
Does the proposal require ongoing vegetation management?	The location of the proposed signage will not require any ongoing vegetation maintenance.
5 Site and building	
The proposal compatible with the scale, proportion and other characteristics of the site or	The proposed signage is in proportion to the building.

building, or both, on which the proposed signage is to be located?	
Does the proposal respect important features of the site or building, or both?	The signage is consistent with the architectural appearance of the buildings.
Does the proposal show innovation and imagination in its relationship to the site or building, or both	At this stage details of the sign are not known. This will be considered in the next development application.
6 Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	This will be considered as part of the next development application.
7 Illumination	
Would illumination result in unacceptable glare?	This will be considered as part of the next development application.
Would illumination affect safety for pedestrians vehicles or aircraft?	Illumination would not affect the safety of pedestrians, vehicles and air craft in the proposed location. Details of any illumination would be subject to a future DA.
Would illumination detract from the amenity of any residence or other form of accommodation?	The illumination would not impact upon any residential dwellings.
Can the intensity of illumination be adjusted, if necessary?	This will be considered as part of the next development application.
Is the illumination subject to a curfew?	This will be considered as part of the next development application.
8 Safety	
Would the proposal reduce the safety for any public road?	The signage will not affect road safety as the site is setback from Waterloo Road.
Would the proposal reduce the safety for pedestrians or bicyclists?	The signage will not affect pedestrian or cyclist safety.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage will not obscure any sightlines from public areas.

8.7 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 is a deemed SEPP and applies to the whole of the Ryde Local Government Area.

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

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

8.8 Ryde Local Environmental Plan 2014

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

Clause 2.2 – Zoning

The site is located within the B3 Commercial Core zone under the RLEP 2014. Development for commercial and retail purposes is permitted in this zoning. **Figure 16** demonstrates the zoning of the site and surrounding properties.

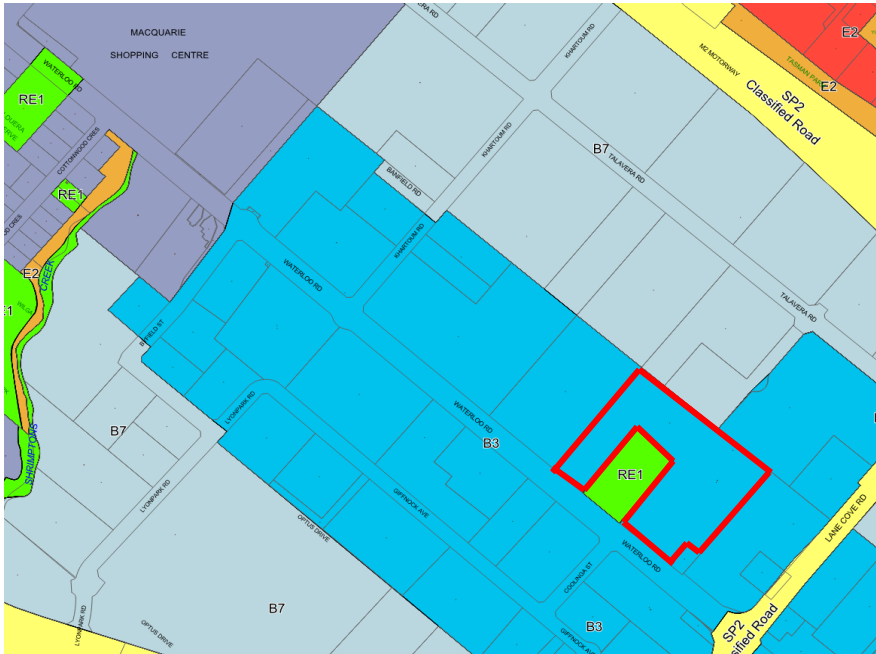


Figure 16. Site zoning (B3 Commercial Core) with site outlined in

Clause 2.3 – Zone Objectives

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

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

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

The development complies with the above objectives, and will be consistent with the State and local strategic intent for the zone and the Macquarie Park Corridor by providing a mix of retail and commercial tenancies within the building which serve the employment needs of the local and wider community.

Additionally, the subject site is located within walking distance of train and bus services, retail and commercial services, and is therefore considered to be a suitable location for this development.

Clause 4.3 - Height of Buildings

Under Clause 4.3 of the RLEP 2014, a maximum building height of 30m is permitted across the development site. Incentive building heights are permissible under Clause 6.9 of the RLEP 2014 which allows a maximum height of 65m across the development site. In accordance with the Concept Plan approval, Building AB is permitted to a maximum building height of 51 metres (RL107.35) and 11 storeys. The development complies with these requirements, with a maximum building height for Building AB of 48.95m (RL 106.45).

Clause 4.4 – Floor Space Ratio

The maximum floor space ratio (FSR) control for the site is 2.26:1 under Clause 4.4 of the RLEP 2014. The Concept Plan approved a total of 117,070m² and a FSR 3.66:1 across the site, which exceeds the maximum FSR for the development site.

Despite the FSR control under Clause 4.4, incentive FSR under Clause 6.9 of the RLEP 2014 allows a maximum FSR of 3.66:1 for the development site, if the consent authority is satisfied there will be adequate provision of recreation areas and an access network whose configuration and location allow a suitable level of recreation and connectivity within the precinct. The applicant has previously entered into a VPA with Council to ensure the provision of an appropriate access network. The development is also consistent with the floor space identified in the Concept Plan.

Building AB proposes a GFA of 33,045m². Condition 6 of the Concept DA required the combined maximum GFA for Buildings AB and D to be 52,470m². The proposed GFA for Building AB will allow for this allocation.

Clause 6.1 – Acid Sulfate Soils

The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

In accordance with Council's Acid Sulfate Soils Map, the site is not identified as being located within a classified acid sulfate soils area. As such the proposed development will not impact acid sulfate soils and the provision of the clause is not applicable.

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.

Subject to appropriate conditions of consent, the development is considered satisfactory.

Clause 6.4 - Stormwater Management

Development consent must not be granted to development on land within residential, business and industrial zones unless the consent authority is satisfied that the development:

- is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and
- includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and
- avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.

Council's Senior Development Engineer has advised that the proposed stormwater management system for the development and stormwater runoff from upstream drainage will be collected and piped by gravity flow to the existing infrastructure. No objections to the proposed development with respect to the engineering components, subject to the application of conditions being applied to any development consent regarding stormwater management. (See condition numbers 38 to 41, 48, 86, 117, 151 to 153).

Clause 6.6 - Environmental Sustainability

The objective of this clause is to ensure that development on land in a business or industrial zone exceeding 1,500m² in GFA embraces principles of quality urban design and is consistent with principles of best practice environmentally sensitive design.

An Ecologically Sustainable Development Report prepared by LCI, dated 2nd April 2020 has identified the following ESD strategies to be included in the building:

Building AB will incorporate several ESD strategies as follows:

- The commercial office components of the development will be designed to achieve a 5.5 star base building NABERS Energy for Offices rating and enter into a Commitment Agreement with the Office of Environment and Heritage.
- The development will be designed to achieve a 4 star NABERS water for Office rating.
- The building will target a 5 star Green Star – Design & As Built v1.3 rating.

The ESD Report submitted with the application satisfies the provisions for environmental sustainability in Clause 6.6 of the RLEP 2014.

Clause 6.9 – Development in Macquarie Park Corridor

Clause 6.9(3) permits additional building height to a maximum of 65m and a floor space ratio of 3.66:1 for the site, subject to the consent authority being satisfied of the following:

- (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.*

A Voluntary Planning Agreement with Council has been executed in accordance with Clause 6.9 to allow the maximum height and FSR incentive controls to apply to the entire development site. The development is consistent with this clause and the Concept Plan for the site.

8.9 Draft Remediation of Land State Environmental Planning Policy

The draft Remediation of Lands SEPP was exhibited from 31 January 2018 to 13 April 2018. The SEPP will maintain the objectives and existing framework of SEPP 55 and require the consent authority to consider the potential for land contamination as part of the assessment of development applications and rezoning of land. The SEPP will identify remediation works that require development consent and introduce certification and operational requirements for remediation works that can be carried out without development consent.

A Detailed Site Investigation Report has been submitted with the application and is considered to be consistent with the provisions of the draft SEPP.

8.10 Draft Environment State Environmental Planning Policy

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

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

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

8.11 Ryde Development Control Plan 2014

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

- Part 4.5 – Macquarie Park Corridor;
- Part 7.2 - Waste Minimisation and Management;
- Part 8.1 - Construction Activities;
- Part 8.2 - Stormwater Management;
- Part 8.3 – Driveways;
- Part 9.1 – Signage
- Part 9.2 - Access for People with Disabilities; and
- Part 9.3 – Parking Controls.

Note: With regard to Parts 7.2 to 8.3, 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 only.

Part 4.5 – Macquarie Park Corridor

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

- Section 7.4(h) - Soft landscaping of 60% of the front setback has not been achieved
- Section 7.5(a) – An awning along the primary frontage of Road 14 has not been provided
- Section 7.7(a) - Proposed building separation is less than the required minimum separation of 20m
- Section 7.8(a) – The floor plate of the building exceeds 2,000m²
- Section 8.2(a) - Deep soil area is less than 20% of site area

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

Relevant Control	Compliance/Comment
3.2 Urban Structure Plan	
The Commercial Core will evolve to become an employment centre supported by key public transport infrastructure.	Complies The development seeks to provide 33,045m² GFA for commercial/retail uses that will contribute to employment in Macquarie Park. This is considered to be consistent with the aims of the Urban Structure Plan for the Commercial Core. The development is supported by key public transport infrastructure including the Macquarie Park Train Station and frequent bus services which connect the site to both the local Macquarie Park area and Greater Sydney.

Relevant Control	Compliance/Comment
4.0 Access Network	
4.1 Streets	
a) Provide new public streets and pedestrian connections in accordance with Figure 4.1.1 Access Network.	Complies New roads and pedestrian links required under the DCP are proposed under the Concept Plan approval. In accordance with the Concept Plan, this application does not involve the provision of any new roads or pedestrian links. The development proposed access from Road 14. As previously advised, approval has been created for a temporary road over a portion of the proposed park which then joins to Road 14. This temporary road was constructed to allow access to Building C while the completion of the southern section of Road 14 at the intersection of Waterloo Road occurred. This was delayed due to the constraints relating to the relocation of essential services fronting Waterloo Road. In accordance with the development consent for the temporary road, an easement has been created over the road. As demonstrated in Figure 10 & 11, part of this easement extends onto the subject site. This easement will not be extinguished until the construction of the whole of the public road to the satisfaction of the City of Ryde Council. This easement will prevent the development of Building AB as the basement extends beneath the easement and the colonnade on the ground floor extends over the easement. A deferred commencement condition is proposed to prevent the DA becoming operable until the easement is extinguished. This will ensure construction vehicles and ultimately vehicular traffic can access the site via a public road rather than a temporary road. The applicant does not agree with the deferred commencement condition and has indicated that the deferred commencement condition could be an operational condition. This matter has been discussed in greater detail in section 13 of the report.
c. Buildings are not permitted to be located on any proposed street and are required to be setback from proposed streets identified in Figure 4.1.1 Access Network.	Complies Building AB is not located on any proposed street as identified in the Concept Plan. The proposed building setbacks are consistent with the DCP controls.
e. Lighting, paving and street furniture, landscaped setbacks and tree planting are to be provided as required in the	Complies The development will be conditioned to provide the appropriate public domain improvements.

Relevant Control	Compliance/Comment
Macquarie Park Corridor Public Domain Technical Manual.	
4.2 Pedestrian Connections	
Pedestrian through-site links are to be provided as they contribute to the walkability of the Corridor by providing a useful addition to the street network and walkable destinations (e.g. building entries, shopfronts, courtyards, outdoor dining). The design of through-site links is to maximise pedestrian accessibility, walkability, amenity and safety. b) Provide pedestrian connections in accordance with Figure 4.1.1 Access Network	Complies The proposed Stage 2 works are not required to provide any pedestrian link required under the DCP or the Concept Plan approval. However, the proposal does contribute to the provision of pedestrian access through the site as pedestrian access is provided along the northern boundary adjacent to the approved and constructed pedestrian link at Building C.
4.4 Sustainable Transport	
Travel Plans	
a) A Framework Travel Plan. (FTP) is required to be submitted to Council for approval together with a DA for all development that exceeds 10,000sqm new floor space.	Able to Comply A FTP is required to be prepared as the development has a gross floor area of 33,045m². A final FTP is required to be prepared to satisfy the requirements of the DCP and submitted for approval prior to the issue of an Occupation Certificate (see Condition 161 to 163).
Parking Rates	
f) Bicycle parking and end-of-trip facilities are to be provided in accordance with the RDCP 2014 Part 9.3 Parking Controls.	Complies Section 2.7 in Part 9.3 of the RDCP 2014 requires bicycle parking rate of 10% of the required car parking spaces. The proposal is permitted a maximum of 390 car spaces requiring 39 bicycle spaces. The proposal provides 236 bicycle spaces and associated end of trip facilities which is consistent with the requirements of the DCP.
g) Parking is to be provided in accordance with the RDCP 2014 Part 9.3 Parking Controls.	Complies The DCP requires car parking to be provided at the following maximum rates; Commercial – 1 space per 100m² GFA Retail – 1 space per 25m² GFA. Based on 31,100m² of commercial floor space and 1,945m² of retail floor space, the development could provide a maximum of 390 car parking spaces. However a total of 246 spaces are proposed. As the car parking provided is less than the maximum amount of car spaces, the development complies. The issue of car parking has been discussed following the table.

Relevant Control	Compliance/Comment
5.0 Public Domain	
5.8 Street Trees, Front Setback Tree Planting and Significant Trees	
a) Street trees and front setbacks must be provided in accordance with the Street Tree Key Plan in the Macquarie Park Public Domain Technical Manual, and their health guaranteed for min. 5 years.	Able to Comply The proposal seeks to complete works in accordance with the Macquarie Park Public Domain Technical Manual. Details are to be submitted for approval by Council's Public Domain Team (see Conditions 52 and 53). The application has also proposed the linear park along Waterloo Road, consistent with the Concept Plan.
b) At grade parking is not permitted in the front setback.	Complies All parking is proposed to be located within basement car parking levels.
5.10 Art in Publicly Accessible Spaces	
a) Art must be included in all new development with more than 10,000m ² new floor space in the amount of 0.1% of the construction cost of the works capped at \$1,500,00.00.	Able to Comply The applicant has provided a detailed Art Plan prepared by UAP Studio dated November 2019 with the DA. This plan has identified three possible locations for the artwork associated with Building AB. This includes the ground plane treatment on Waterloo Road public plaza entrance, sculptural intervention at the Waterloo Road entrance and soffit treatment also at the Waterloo Road entrance. The proposed public art plan is acceptable subject to Condition 32 .
b) Art must be located within the site so as to be publicly accessible (i.e. viewed or experienced from publicly accessible places).	Complies The development complies with this requirement.
c) A site specific Arts Plan is to be submitted together with the development application. i. Arts project description and statement of artistic intent. ii. Thematic framework for the artwork. Suggested themes arising from the history of the Macquarie Park Corridor are: ▪ Innovation and / or technology ▪ Transport (train, bus, car) and people movement ▪ History of Macquarie Park Corridor e.g. market gardening ▪ Future of Macquarie Park ▪ Natural environment e.g. water iii. Concept drawing and descriptions of proposed art works including: ▪ Proposed location	Complies While the Art Plan provides general information on possible locations, it does not address the details required by the DCP in respect to a detailed description of the art work. The applicant is intending to appoint the artist directly or engage the artist from Building C to develop and then complete the work. It is intended that City of Ryde will have input into this process. It is proposed to include a condition of consent to require a more detailed plan to be submitted to Council which will detail the thematic framework for the artwork, concept drawings, implementation and preliminary construction details. (See condition number 32).

Relevant Control	Compliance/Comment
▪ Whether or not the artwork is integrated into the building design, landscape or other site features (including the building façade, paving, lighting design, outdoor seating, play equipment and the like) ▪ Proposed use of materials with particular information to be provided on robustness, durability, and low maintenance iv. Implementation (detailing at what stage the artwork will be implemented etc) v. Preliminary construction details with particular emphasis on public safety considerations.	
6.0 Implementation – Infrastructure, facilities and Public Domain Improvements	
a) Floor Space Ratios and Height of Buildings are to comply with the Ryde LEP 2014.	Complies The proposal complies with the maximum gross floor area and building height for the site as approved under the Concept Plan approval and as permitted under Clause 6.9 of the RLEP 2014.
c) The public land such as the road verge adjoining a development site is to be embellished and dedicated to Council as part of any new development. The design and construction of the works are to be undertaken in accordance with the Macquarie Park Public Domain Technical Manual and Section 4 of this Part.	Able to Comply Required public domain embellishment works associated with Stage 2 works will be undertaken as part of this application under Conditions 52 and 53 . There is no requirement for the dedication of any land to Council.
7.0 Built Form	
7.1 Site Planning and Staging	
a) Sites are to be planned to allow for the future provision of new streets and open spaces in accordance the Figure 4.1.1 Access Network and Figure 5.1.1 Proposed Open Space Network.	Complies New roads and pedestrian links for the whole development site has been approved under the Concept Plan approval and will be constructed in stages in accordance with the access network plan under the RDCP 2014. No new roads or pedestrian links are required to be constructed as part of this proposal or Stage 2 works.
7.3 Active Frontage	
Active uses at ground level are encouraged within Macquarie Park generally but more particularly in Activity Centres in order to ensure vibrant streetscapes, community meeting places	Complies The proposed building provides an active frontage consisting of retail tenancies and outdoor seating areas

Relevant Control	Compliance/Comment
and the provision of local services and facilities.	fronting Road 14 and will contribute to the active streetscape.
7.4 Setbacks and Build-to Lines	
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: i. Zero setbacks / build-to lines to Primary Active Frontage; ii. 5m setback to all existing and new streets unless otherwise specified; iii. 10m setback to Waterloo Road and Talavera Road; iv. 10m green setbacks to the M2 tollway and Epping Road; and v. 5m built form setback to all parks (existing and proposed – subject to providing a Riparian Corridor in accordance with the NSW Office of Water's Guidelines for Riparian Corridors on Waterfront Land).	Complies The proposed building envelopes and setbacks from primary active frontages along Road 14 are consistent with the setback controls. The proposal is setback between 11.6m and 12.1m from Waterloo Road (measured to the road acquisition by TfNSW) and is consistent with the minimum 10m setback control under the RDCP 2014.
b) Despite clause 7.2.a development may be set back further from the street or public domain where it can be demonstrated to Council that the impacts of development on underground rail infrastructure are not in accordance with the ECRL Underground Infrastructure Protection Guidelines Report No. 20007300/ PO-4532 obtainable from Transport for NSW c) Council encourages development that complies with Figure 7.3.2 Active Frontage and Setback Control Drawing and meets the requirements of the ECRL Second Reserve Support Zone. The following are permitted in the Second Reserve support zone: i. Excavations less than 3m in depth are not required to be assessed. Excavations 3m or more in depth are required to be assessed for their impact on the underground infrastructure, including impacts during construction. ii. Shallow footings with relatively light loadings (allowable bearing pressure of less than 150kPa on	Complies The proposal is setback more than 10m from the Waterloo Road boundary and is setback behind the first reserve setback to minimise impacts on the underground rail corridor as required by Sydney Metro. The impact of the proposal on the second reserve adjacent to Waterloo Road has been considered by Sydney Metro who raises no objection to the proposal subject to conditions (GTAs have been provided and included in the conditions of consent in Attachment 1).

Relevant Control	Compliance/Comment
small pad or strip footings) are not required to be assessed. Other shallow footings and deep foundations are required to be assessed.	
d) 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.	Complies The basement footprint of Buildings AB does not encroach on the 10m setback to Waterloo Road and complies with the requirements of the RDCP 2014. The proposed basement setbacks will enable deep soil planting within the Linear Park along Waterloo Road.
e) Awnings, canopies, balconies, sun shading and screening elements can project forward of the street setback line.	Complies The ground floor retail tenancies are setback from the boundary to Road 14 with the underside of the building above providing weather protection to occupants. No awnings or projections forward of the boundary fronting Road 14 are proposed.
f) 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.	Does Not Comply – Justified The required 10m setback from Waterloo Road will facilitate the Linear Park and pedestrian pathways. The intent of the linear park is to improve the precinct's landscape character and the needs of pedestrians and cyclists. The proposal is unlikely to achieve 60% soft landscaping within the setback area as the Linear Park requires pedestrian pathways (subject to future detailed design). Soft landscaping and deep soil areas are proposed within the eastern side setback and along the northern boundary adjacent to the pedestrian link. Given that Road 14 is an active frontage with zero setbacks controls, no soft landscaping will to be provided. Paving finishes will be required to be consistent with Council's Public Domain Manual. No at grade parking is proposed within street setbacks.
7.5 Awnings and Canopies	
a) Awnings must be provided where Primary Active Frontages are shown in Figure 7.3.2 Active Frontage and Setback Control Drawing. Entry canopies and discontinuous awnings are encouraged elsewhere in the Corridor. b) Awning width is to be 3 m.	Does not comply – justified No awning that projects beyond the street boundary on Road 14 is proposed. The design of the building provides weather protection for occupants of the ground floor retail tenancies with the overhang of the building above. The proposed retail use

Relevant Control	Compliance/Comment
c) Provide awnings with a soffit height of 3.6m above the finished ground floor level. On sloping sites, awning soffit height may vary from 3.6 m - 4.2 m. d) Entry canopies and discontinuous awnings may be provided to building entries not located along Active Frontages. e) Entry canopies may be glazed or solid, and are to be coordinated with a soffit height of 3.6 m minimum.	and ancillary outdoor seating will contribute to the activation of the public domain. The proposal will not have detrimental impacts on the amenity of the public domain as pedestrians are able to access the sheltered section of the ground floor (between the shopfronts and outdoor seating areas) along Road 14. The provision of an awning was not required by the UDRP. Entry canopies are provided to all entries to the building at ground level and provide height clearances of at least 3.6m.
7.6 Rear and Side Setbacks	
a) Buildings are to be set back 10m from the rear boundary and 5m from a side boundary unless a proposed new road is shown on the site.	Complies The building is consistent with the minimum setback requirements to the rear and side boundaries. The building is setback between 13.8m and 22.7m from the northern boundary and 5m from the eastern side boundary. No setback is required to the western side boundary (Road 14) as it is an active frontage.
b) Buildings are not to be constructed on the locations for proposed new roads. An allowance for a 5m setback from a proposed road should also be made.	Complies No buildings are located on land for proposed new roads. No setbacks are proposed along Road 14 in accordance with the setback controls for primary active frontages.
c) Awnings, canopies, balconies, sun shading and screening elements may project into the rear setback zones	Complies Adequate weather protection and sun shading have been incorporated into the design of the building. No elements project beyond the building setback zones.
d) Basement car park structures should not encroach into the minimum required rear or side setback zone unless the structure can be designed to support mature trees and deep root planting.	Complies The proposed basement footprint is consistent with the setback controls approved under the Concept Plan approval with the basement setback more than 10m from Waterloo Road, 5m from the eastern side boundary and zero setback from Road 14. In accordance with the approved basement footprint under the Concept Plan, the proposed basement is permitted to extend below the pedestrian/vehicular zone adjacent to the northern boundary. The amended landscape plan has satisfactorily demonstrated that deep soil planting has been maximised across the site.
7.7 Building Separation	

Relevant Control	Compliance/Comment
a) Provide minimum 20 m separation between buildings facing each other within a site.	Does not comply - justified The proposal provides a minimum separation of 17m between Buildings AB and C. Notwithstanding the building separation between Buildings AB and C being less than 20m in parts, the separation provides adequate width for a pedestrian link, landscaping and vehicular access which will contribute to the amenity of pedestrians and accessibility of the site for vehicles. Whilst Building C will have some overshadowing impacts on the northern elevation of Building AB, direct sunlight to the north-western and northern elevations is achieved between 12.00noon and 3.00pm. Given the required setback to Waterloo Road and the 2.5m wide road dedication to TfNSW the building envelope is appropriate within the context of the site. The proposed building envelope and articulation of the facades has adequately demonstrated that bulk and scale is minimised and appropriate sun shading is provided whilst maintaining outlook for occupants towards Catherine Hamlin Park. Furthermore, the proposed building is consistent with building envelopes approved under the Concept Plan.
7.8 Building Bulk and Design	
a) The floor-plate of buildings above 8 storeys is not to exceed 2,000m ² , unless it can be demonstrated that slender building forms are achieved through courtyards, atria, articulation or architectural devices.	Does Not Comply – Justified The proposed floor plates between Levels 1 to 10 have net leaseable areas of 2,885m² which exceed the maximum floor plates of 2,000m². However, given the orientation and layout of the building, the floor plates are divided into 3 sections with a centrally located building core. The depth of the floor plates are not excessive and ensure adequate internal amenity is achieved for occupants. The proposed building envelope is also contained within the maximum building envelope for Building AB under the Concept Plan approval and is acceptable.
b) Buildings are to address the street, and are to have a street address.	Complies The building has been designed to directly address Waterloo Road, Road 14 and also the northern boundary. A secondary entrance servicing the end of trip facilities is provided along the eastern boundary (no street address).
c) Facade design is to i. Reflect and respond to the orientation of the site using elements such as sun shading	Complies Details of façade treatments to the building has incorporated additional vertical sun shade blades that also reduce visual building bulk recommended by the UDRP

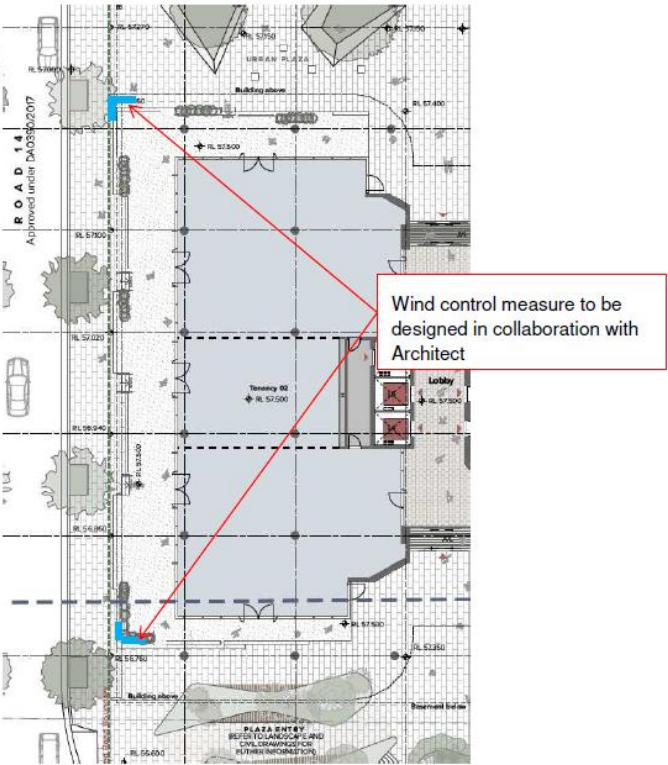
Relevant Control	Compliance/Comment
and other passive environmental controls where appropriate. ii. Provide building articulation such as well design roof forms, expressed vertical circulation etc. iii. Express corner street locations by giving visual prominence to parts of the façade (eg a change in building articulation, material or colour, or roof expression). iv. Integrate and co-ordinate building services such as roof plant, parking and mechanical ventilation with the overall façade and building design, and be screened from view. v. Roof forms, building services and screening elements are to occur within the overall height controls. Refer to Ryde LEP 2014 for height controls. vi. Ventilation louvres and car park entry doors are to be coordinated with the overall façade design.	and Council's Urban Designer. Council's Urban Designer has reviewed the proposed architectural treatments and raise no objection to the proposal. The development is well articulated which creates well defined entry points and enhances visual permeability through the building. It also allows the building to have 3 distinct addresses, Waterloo Road, Road 14 and the access road.
d) The distance of any point on a habited floor from a source of natural daylight should not exceed 12m (such as from the core to an external window). i. Atria and courtyards are to be used to promote access to natural light, pedestrian links and slender building forms. ii. Arrange courtyards and atria to respond to street lot & solar orientation. iii. The preferred height to width ratio of atria is 3:1.	Complies The proposed floor plate is irregular in shape with all points being within 12m from an external window. The layout of the floor plates also provides flexible uses within the commercial tenancies and is acceptable.
8.0 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:	Complies The provision of new roads, pedestrian links and open spaces within the wider development site has been approved under the Concept Plan approval and will be delivered in stages in accordance with the VPA. The subject application does not include the construction of any new roads or pedestrian links. The proposal seeks to provide a new urban plaza at the north-western corner of the site to provide landscaping, pedestrian thoroughfare and passive recreational use

Relevant Control	Compliance/Comment
i. Equal or greater quantum of open space or road area than shown in Figure 4.1.1 Access Network and Figure 5.1.1 Proposed Open Space Network; ii. A highly visible and publicly accessible location for passive open space bounding Waterloo Road; iii. The same functional outcomes for open space as specified in Section 5.2; iv. The same connection points to existing roads as shown in the Figure 4.1.1 Access Network and the ability to enhance connectivity.	adjacent to Road 14, the new driveway and pedestrian link at Building C. The provision of the future park is not part of the approved Concept Plan, but is being delivered concurrently by NSW Property in partnership with Council and the developer. Building AB will benefit from the availability of publicly accessible open space immediately to the west.
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. b) Deep soil areas must be at least 2 m deep. c) For the purpose of calculating deep soil areas, only areas with a minimum dimension of 20 m x 10 m may be included.	Does Not Comply – Justified The proposal provides approximately 630m² of deep soil (8.9% of the site area) as calculated in accordance with the definition for deep soil area in subclause (c). In accordance subclause (b) the proposal provides approximately 1,350m² (19.1% of the site area) of deep soil areas achieve the minimum depth of 2m, but does not achieve the required dimensions of 20m x 10m. Having regard to the Planning Agreement for the provision of 3 new roads and 3 pedestrian links within the site, and the location of roads and pedestrian links in accordance with the Access Network required in the Ryde DCP 2014, the remainder of the site cannot accommodate a minimum 20% of the site for deep soil areas, with minimum dimensions of 20m x 10m. In addition, the proposed building footprint and envelope is consistent with the building envelope granted under the Concept Plan approval which contributes to the urban form and pedestrian amenity within Macquarie Park. Given the history of development of the site, specifically the transfer of floor space ratio from the future park lot to the subject site, and the amenity to be provided by the park to the occupants of the development, the non-compliance with deep soil areas is considered acceptable as landscaping areas will be provided where possible throughout the site.
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	Complies The proposal provides 2,450m² of landscaped area across the development site (34.6% of site area). Detailed

Relevant Control	Compliance/Comment
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.	landscape plans have been submitted and are acceptable subject to conditions.
g) Landscaping is to contribute to water efficiency and effective stormwater management. Landowners are to consult with Council for requirements to address stormwater quality	Complies Water sensitive urban design principles, stormwater management and landscaping design have been incorporated into the proposal. The proposal is acceptable, subject to conditions.
8.3 Planting on Structures	
a) Provide optimum conditions for plant growth by providing appropriate irrigation and drainage methods. b) Design planters to provide the largest possible volume of soil, in accordance with the following recommended standards.	Complies The proposal includes a landscaped roof on level 1 located above the plant area at the north-eastern corner of the building. The landscape plan has not provided any details in respect of this space. The proposed landscaped roof is supported subject to conditions. (See conditions 1a).
8.4 Topography and Building Interface	
d) Level changes across sites are to be resolved within the building footprint. i. Where buildings are built to the street boundary (i.e. zero setbacks, refer to Section 7.4 Setbacks and Build-to Lines), a level transition must be provided between the building and the adjacent footpath. This level must be maintained for a minimum depth of 10 m into the building. ii. Where buildings are set back from the street boundary, entries are to be provided at street level wherever possible. e) 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.	Complies The proposal is built to the boundary along Road 14 however, the ground floor retail tenancies are setback from the street boundary with outdoor dining areas provided within the setback. The level changes between the footpath and the entrance to the retail tenancy has been sufficiently addressed and it has been demonstrated that satisfactory equitable access is achieved between the public domain and the site. The development provides an accessible path of travel to the development.
f) 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.	Complies Natural ground level is being retained adjacent to the eastern side boundary. The ground level at the rear (northern boundary) will be maintained to ensure appropriate and accessible transition between the pedestrian link and the site.

Relevant Control	Compliance/Comment
g) The maximum height of retaining walls within the front, side and rear setbacks is not to exceed 1.2 m.	
h) 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.	Complies The Linear Park is provided within the 10m front setback from Waterloo Road. The area will be publicly accessible and comprise of landscaping, pathways and seating. The proposed urban plaza is at the same level as the footpath along Road 14 and is acceptable.
8.5 Site Facilities	
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. c) Barrier free access is to be provided to all shared facilities.	Complies Vehicular access to the site is provided via a private driveway accessed via Road 14. The provision of vehicular access via Road 14 was considered acceptable at the Concept Plan stage as access via Waterloo Road was not viable. The design and location of loading docks and servicing of buildings will be via the private driveway and will not result in any adverse impacts on the surrounding road network or amenity of surrounding properties.
8.6 Vehicular Access	
a) Vehicular access is not permitted along streets identified as 'Active Frontages' (refer to Section 7.3 Active Frontages).	Complies A private driveway is proposed to provide vehicular access to the loading area and basement car park from Road 14. This is consistent with the approved vehicular access under the Concept Plan approval which considered the limited vehicular access options for the site as no vehicular access could be provided via Waterloo Road. The proposal will not have any adverse impact on the character or amenity of the active frontage.
b) Potential pedestrian/vehicle conflict is to be minimised by: i. limiting the width and number of vehicle access points ii. ensuring clear site lines at pedestrian and vehicle crossings iii. utilising traffic calming devices iv. separating and clearly distinguishing between pedestrian and vehicular accessways	Complies The vehicular access to Building AB is via the private driveway adjacent to the pedestrian link. The driveway is 6m with landscaping and traffic calming design on either side to minimise conflict between vehicles and pedestrians.

Relevant Control	Compliance/Comment
c) The appearance of car parking and service vehicle entries is to be improved by 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.	Complies The car park entry and loading dock are accessed via the private driveway on the northern elevation of the building. The entries are setback 44 metres from Road 14 and will not have any adverse visual or amenity impacts when viewed from the public domain. The design of the car park entry is recessed from the main building line and ensures that a waiting car can be accommodated to minimised pedestrian and vehicular conflict.
d) The width of driveways is to be determined in accordance with the requirements of Ryde DCP 2014 and the relevant Australian Standards.	Complies The proposed private driveway has a width of 6m and accommodates two way traffic. The design of the driveway complies with the RDCP 2014 and relevant Australian Standards.
8.7 Onsite Parking	
Basement parking	
e) 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.	Complies The footprint of basement car park comply with setback controls under the RDCP 2014 and the footprint approved under the Concept Plan. Deep soil areas across the site have been addressed above.
f) Basement parking areas must not extend forward of the building line along a street.	Complies The alignment of basement car parking does not extend beyond building setbacks.
g) Along active frontages, basement parking must be located fully below the level of the footpath.	Complies Along Road 14, the basement carpark is contained wholly beneath ground level along the street.
9.0 Environmental Performance	
9.1 Wind Impact	
a) Buildings shall not create uncomfortable or unsafe wind	Complies

Relevant Control	Compliance/Comment
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. b) All applications for buildings over 5 storeys in height shall be accompanied with a wind environment statement. For buildings over 9 storeys and for any other building which may be considered an exposed building shall be accompanied by a wind tunnel study report. Refer to Council for documentation and report requirements. c) Calculation rules – acceptable criteria for environmental wind conditions.	A Pedestrian Level Winds – Wind Tunnel Test prepared by Vipac Engineers and Scientists Limited (dated 20 January 2020) has been submitted. The report concludes: • The proposed development would be expected to fulfil the recommended safety criterion in all pedestrian level areas. • A few locations for primary public thoroughfare would be expected to exceed the recommended walking comfort criterion. It is recommended that wind control measures are to be designed in collaboration with the Architect in the detailed design stage. Figure 17 demonstrates the proposed locations. • Building entrances would be expected to be within the recommended standing comfort criterion. A condition of consent has been imposed to reflect these requirements (see Condition 34 and 149)  Figure 17. Wind control measures will be required to be provided in the areas indicated in blue on the above diagram.
9.2 Noise and Vibration	
a) An Acoustic Impact Assessment report prepared by a suitably qualified acoustic consultant is required to be submitted with all development applications for commercial, industrial, retail and community buildings, with the	Complies A Noise Impact Assessment Report prepared by Acoustic Logic and dated 29 January 2020 has been submitted. The report has concluded that the primary source of noise generated by the ground floor retail uses is likely to be

Relevant Control	Compliance/Comment
exception of applications minor building alterations. b) Development is to comply with all relevant statutory regulations.	associated with the outdoor dining. At this stage, the precise operational details are not known so a detailed assessment could not be undertaken. It is unlikely that the retail uses would adversely impact on residential uses given the separation between these uses. The acoustic report has recommended that the café/retail tenancies with the potential to generate high levels of noise within the development should be subject to a separate development application once specific uses and operators are determined. The requirement for a DA for the retail uses may not be necessary under SEPP (Exempt and Complying Development). For this reason, a condition of consent has been imposed to restrict the hours of operation for the retail spaces as well as preventing any live or amplified music being played. These conditions should limit the potential to generate high levels of noise associated with the retail spaces. (See condition numbers 184 and 185). Recommendations were also made in respect of façade treatments to ensure the building will not be adversely affected by outside noises. A condition of consent has been imposed requiring compliance with these recommendations. Vibration and ground borne noise was also measured with no vibration isolation required.
9.4 Soil Management	
a) Development is to comply with the City of Ryde DCP 2014. b) Development is to be designed and constructed to integrate with the natural topography of the site to minimise the need for excessive sediment disturbance and prevent soil loss. c) Effective site management and maintenance practices are to be followed to prevent soil loss. d) Ensure that suspended Solid concentrations in stormwater leaving the site do not exceed more than 50 mg/litre. e) An Erosion and Sediment Control Plan (ESCP), prepared by a suitably qualified environmental engineer, is required to be submitted in support of all development proposals requiring development consent under the Ryde Local Environmental Plan, (other than for minor building modifications) including: Demolition; Excavation; Trenching and Building.	Complies Appropriate conditions of consent will be imposed to require the submission of an erosion and sediment control plan that meets the Council's requirements. (See condition numbers 44 and 118).

Relevant Control	Compliance/Comment
f) The ESCP must make reference to the entire construction and post construction period, and all devices must be installed prior to commencement of any demolition or construction works on-site.	

Part 9.2 Access for People with Disabilities

The application includes an Access Report dated 26 November 2019 as prepared by Morris Goding Access Consulting.

The Report concludes that the proposed development indicates that accessibility requirements, pertaining to external site linkages, building access, common area access, sanitary facilities and parking can be readily achieved.

Appropriate conditions are imposed requiring compliance with the recommendations made in the Report, the BCA and relevant Australian Standards. (See conditions 27 and 148).

Part 9.3 – Car Parking

The issue of car parking was originally raised with the applicant in the first request for additional information as the development did not allocate any parking to the proposed retail component. The actual floor area of the retail spaces is 1096m². It is foreseeable that tenancies 1, 2 and 3 could revert to a bar or restaurant and these could be considered a “destination facility” catering for patrons outside the development area. The size of the retail spaces is significant enough to warrant a portion of the off street parking to be allocated to this use.

Based on the Concept Plan approval, the development would be required to provide 44 retail spaces and a maximum of 311 commercial spaces.

In terms of impacts to the current and projected traffic conditions, there are only some 52 public parking spaces (those provided in the new road network in the John Holland site and in Coolinga Street opposite) which are in proximity to the site. There is also the Fraser development site opposite on Waterloo Road, a State Significant approval which also provides no public parking, which will also impose a parking demand and compete for these spaces. As such it is anticipated that such on-street parking will be fully occupied throughout the business hour periods such to be fully saturated and considered ineffective.

As the hours of operation for the retail spaces are likely to extend beyond the operating hours of the commercial operations, a condition of consent (see **Condition 187**) has

been imposed to require part of the first floor basement level to be available outside of core hours to the retail uses. This condition is detailed below:

187. Parking Allocation. Both the owner and occupier of the development must provide and maintain the following parking allocation as follows:

- *243 commercial space*
- *236 bicycle parking spaces*
- *A minimum of 44 parking spaces be made available in Basement 1, between the hours of 6.30pm to the close of the retail business, so as to accommodate retail parking.*

The applicant has agreed to this condition.

9. SECTION 7.11 CONTRIBUTIONS

Council's current Section 7.11 Development Contributions Plan 2020 effective 1 July 2020 requires a contribution for the provision of various additional services required as a result of increased development density.

Accordingly the contribution is based on the additional floor space there is in the development proposal. The contribution that are payable with respect to the increased 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	\$456,134.90
Open Space & Recreation Facilities	\$1,032,358.50
Transport Facilities	\$536,297.70
Plan Administration	\$30,420.65
Total Contribution	\$2,055,211.75

A condition on the payment of Section 7.11 Contribution of \$2,055,211.75 has been included in the draft notice of determination attached to this report. (See condition number 20).

10. LIKELY IMPACTS OF THE DEVELOPMENT

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

Construction Hours

As part of the application, the applicant has requested that the construction hours be approved as follows:

- 7am to 7pm Monday to Friday
- 7am to 7pm Saturday
- No work on a Sunday or public holiday.

In addition to the above, the applicant has also requested that consent be granted for 24 hours construction for internal works after the façade of a level is sealed.

Part 8.1 of DCP2014 pertains to 'Construction Activities'. Section 4.6 states the following controls in relation to construction hours:

- a. All demolition and/or construction and associated work is to be restricted to between the hours of 7 am and 7 pm Mondays to Fridays and between 8 am and 4 pm on Saturday. No work is to be carried out on Sunday or public holidays.*
- b. Council may vary these conditions if the applicant provides a formal submission demonstrating that due to the nature of the work being undertaken, or the location of the site, residents in the vicinity of the construction site will not be adversely affected.*

Excluding the internal work, the applicant has requested that construction extend until 7pm on Saturdays which would allow for a further 3 hours of construction beyond what Council's standard construction hours permit.

The relevant guideline for managing construction noise is the Interim Construction Noise Guideline (DECC, 2009). According to the Guideline construction work should only be allowed outside standard hours in the following circumstances:

- the delivery of oversized plant or structures that police or other authorities determine require special arrangements to transport along public roads;
- emergency work to avoid the loss of life or damage to property, or to prevent environmental harm;
- maintenance and repair of public infrastructure where disruption to essential services and/or considerations of worker safety do not allow work within standard hours;
- public infrastructure works that shorten the length of the project and are supported by the affected community; and
- works where a proponent demonstrates and justifies a need to operate outside the recommended standard hours.

The Guideline further states that in the last two categories, the proponent should provide the relevant authority with clear justification for reasons other than convenience, such as to sustain operational integrity of road, rail and utility networks.

The Guideline also requires the proponent to apply all feasible and reasonable work practices to minimise noise and sets a management level (LAeq) for noise outside

standard hours of background level (LA90) + 5dB(A) at the property boundary of the most noise affected residence.

The reason given by the applicant for the extended hours is the location of the site and that neighbouring properties are all commercial in nature and that any noise generated by the proposed extended period of 4pm to 7pm on Saturday would not affect the acoustic amenity of those receivers as they are not typically in operation. It should be noted that there is a hotel in the vicinity of the site but for the purposes of noise, the hotel is also considered to be commercial in operation.

The extended construction hours until 7pm on Saturday was permitted with Building C. During the construction of the building council did not get complaints about noise. For these reasons, the extension of construction hours is supported.

Consideration has also been given to the applicant's request to permit the 24 hour construction for internal works. As long as the works cannot be heard from and adjoining property, no objection is raised to internal works being completed beyond the standard hours.

To address the issue of construction hours it is recommended that the following conditions be imposed:

- **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Saturday (other than public holidays). No building activities are to be carried out at any time on a Sunday or a public holiday.
- **Works outside standard hours of construction.** Internal work may be undertaken outside of the approved hours of work outlined in the above condition only after the completion of the external shell and the sealing of the entire floor during the hours between 7.00pm and 7.00am, Mondays to Saturdays subject to:
 - i. No works are to be undertaken externally;
 - ii. No material delivery or removal of waste must take place during the extended hours;
 - iii. Approval is not given for the use of any high noise intrusive plant and equipment other than hand operated power tools; and
 - iv. The works should not be heard at the boundary of any adjoin property.

(See conditions number 3 and 4).

Crime Prevention Through Environmental Design

A Crime Prevention Through Environmental Design Report has been prepared in accordance with the CPTED requirements of the Act. This report has identified a number of recommendations which are to be incorporated into the detailed design of the proposed building. These recommendations are in respect to surveillance, lighting, territorial reinforcement, environmental maintenance, activity and space management and access control. A condition of consent will be imposed to require the development

to incorporate all of the recommendations of the report into the design of the development. (See condition number 33).

Signage

The development also proposes two signage zones, one on the southern elevation and the other on the eastern elevation. The signage zones will have the following demonstrates and are indicated in **Figure 18**.

- Southern elevation – 11.5m x 2m
- Eastern elevation – 10.5m x 2m.

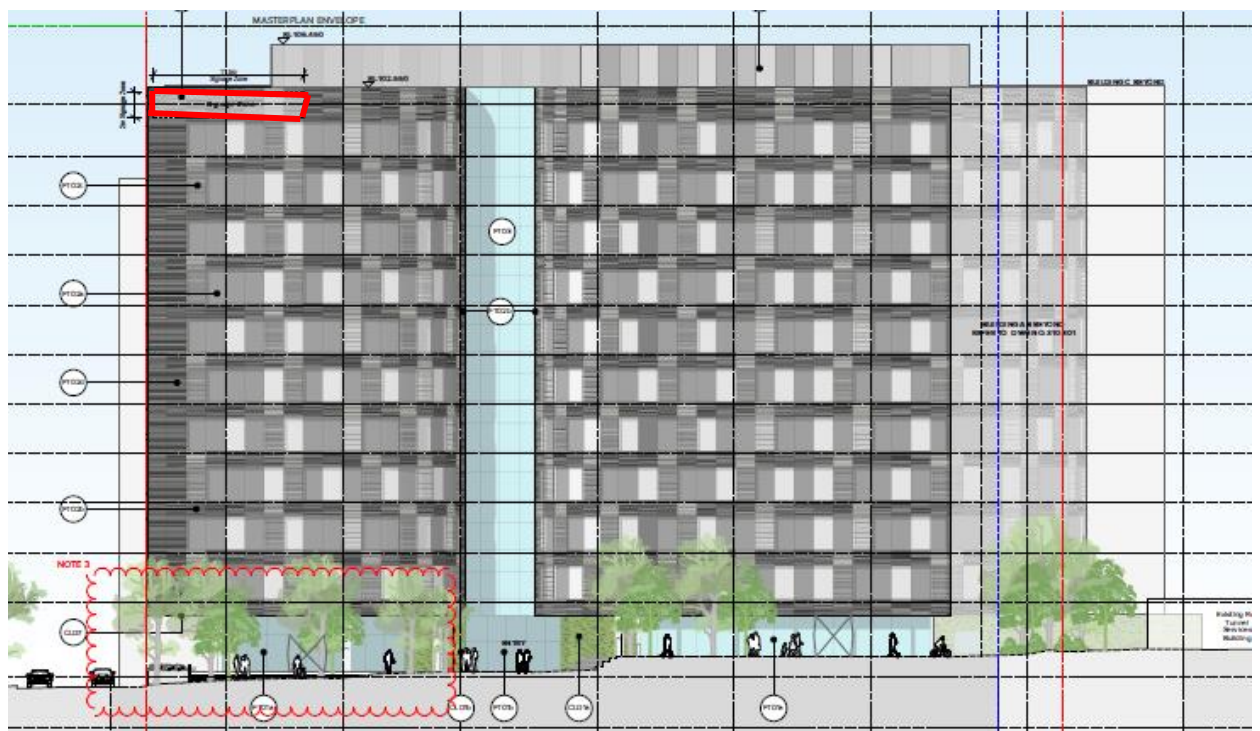


Figure 18. Southern elevation demonstrating the location of the signage zone. The other signage zone is proposed on the eastern elevation.

The applicant intends to submit a separate development application for the installation of signage within the above zones.

Part 9.1 of the RDCP 2014 identifies that signage in Macquarie Park is to be provided at the rate of 1m² of signage per 1 metre of building frontage for the first 10m then 0.3m² of signage for each 1m of building frontage after that. As the site has 2 street frontages, the length of the building as it presents to the longest street may be used. Using this criteria, the building will permit a total area of approximately 23.5m². The extent of the signage zones as proposed by the applicant is equivalent to an area of 44m², that exceeds Council's requirements.

The variation to Council's DCP requirements is acceptable given that there are two road frontages for the site and the signage zones will not be seen together. The applicant intends to submit a separate development application for the installation of the signage.

Linear Park

Council has prepared a strategy for the provision of a linear park along Waterloo Road. The linear park will be publicly accessible open space which provides passive recreational opportunities and serves as a green spine through the city centre for all members of the public to use and appreciate. The linear park includes the street setback zones of Waterloo Road as well as the public domain area. The landscape plans are consistent with Council's intended plans for the linear park.

11. REFERRALS

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

11.1. Internal Referral Comments

Urban Designer

Council's Urban Designer has raised no objection to the proposal subject to a condition of consent to ensure adequate lighting is provided in the eastern courtyard area adjacent to the EOT facilities. A condition of consent has been included to address the lighting requirement. (See condition number 36).

Landscape Architect

Council's Landscape Architect raises no objection to the proposal, subject to conditions of consent. (See Conditions 1a, 76, 80 to 84, 138 to 139).

City Works (Traffic)

Council's Traffic section raises no objection to the proposal, subject to conditions of consent. (See Condition 49, 167 to 169).

City Works (Public Domain)

Council's Public Domain section raises no objection to the proposal subject to conditions of consent. (See Conditions 13, 52 to 56, 88 to 95, 170 to 183).

City Works (Drainage)

Council's Drainage Engineer raises no objection to the proposal subject to conditions of consent. (See Conditions 41, 45 to 48, 86, 140, 164, 165).

Environmental Health

Council's Environmental Health Officer raises no objection to the proposal subject to conditions of consent. (See Conditions 57, 85, 122 to 127, 189 to 194).

Development Engineering

Council's Senior Development Engineer raises no objection to the proposal subject to conditions of consent. (See Conditions 9 to 12, 37 to 44, 115 to 120, 151 to 155, 188).

Environmental Sustainability

Council's Senior Sustainability Transport and Environment Officer has reviewed the development application and has raised no objection subject to conditions of consent. (See conditions 161 to 163).

11.2. External Agency Referrals

Sydney Metro

Transport for NSW (TfNSW) has delegated its rail authority functions in relation to the Sydney Metro Northwest rail corridor to Sydney Metro, and Sydney Metro is therefore the relevant rail authority for the Sydney Metro Northwest rail corridor for the purpose of the Infrastructure SEPP.

Sydney Metro have raised no objections to the proposal development subject to General Terms of Approval contained within **Attachment 1**.

Transport for NSW

Transport for NSW have raised no objection to the development.

NSW Police

The NSW Police have supported the development application and agree with the recommendations made in the CPTED report. A condition of consent has been included requiring the development to comply with these recommendations. (See condition number 33, 108 to 114, 150).

12. PUBLIC NOTIFICATION & SUBMISSIONS

The application was notified and advertised for a period of 28 days between 27 May 2020 and 26 June 2020. As a result of the notification period, no submissions were received.

13. CONTENDED CONDITIONS

The draft conditions of consent have been referred to the applicant. The only condition in contention is the deferred commencement condition. This condition has been imposed as there is an existing easement that extends onto the subject site. This easement will be extinguished when the construction of Road 14 to the satisfaction of Council is completed. The easement exists in order to provide access to Building C. (Refer to figures 10 and 11).

The development proposes the basement to be constructed up to the boundary with Road 14 and the colonnade on the ground floor to extend over the top of the easement. To allow for the orderly development of the site, the deferred commencement condition has been imposed.

The applicant has suggested an alternative operable condition which in the applicant's view would prevent construction occurring on that part of the site which is affected by the easement, but allow construction to proceed on the remaining parts of the site which are not affected by the easement. The wording as suggested by the applicant is as follows:

Prior to the issue of a construction certificate relating to works on the portion of the site affected by easement (K) that benefits Lot 4 DP1255496 and burdens Lot 1 DP1231416 and Lot 2 DP1255496 is to be extinguished. Evidence confirming that the easement has been extinguished must be submitted to Council. Prior to the issue of the relevant Construction Certificate, written evidence that Council is satisfied that the easement is extinguished shall be provided to the certifier.

The justification provided by the applicant for the above condition rather than the deferred condition is detailed in Attachment 4.

One of the reasons given by the applicant for this condition rather than the deferred commencement condition, is that the applicant could be working towards obtaining construction certification and could undertake early works such as site preparation, satisfaction of pre-construction conditions, basement perimeter wall works and the like on parts of the site that are not affected by the easement. The deferred commencement condition would not prevent the applicant from preparing the CC documentation. As the basement extends beneath the easement, it would not be able to excavate beneath the easement or construct the basement perimeter walls in this area.

The applicant's justification has also referenced that the deferred commencement condition would be inconsistent with the State Government actions to expedite

development in response to COVID 19 and there would be economic impacts as a result of the development.

While there may be economic impacts as a result of the deferred commencement conditions, the condition has been imposed as there are clear planning grounds to impose the condition. In Council's view the deferred commencement condition is required to ensure the orderly development of the site.

14. CONCLUSION

The development results in a few minor variations to the DCP. These variations to the built form and landscaping issues are all considered to be justifiable on the merits of the application.

The development also proposes a variation to the amount of car parking proposed for the retail uses with zero spaces provided. This variation to the DCP as well as the concept plan is not supported. It is recommended that a condition of consent be imposed to require the retail spaces to access the commercial parking spaces after 6.30pm. This will allow for a range of retail uses to occupy the ground floor and contribute to the night time economy of Macquarie Park.

An existing easement to accommodate the temporary road while the southern portion of Road 14 is constructed affects the site and ultimately the development. This easement is to be extinguished once Road 14 is finalised. A deferred commencement condition has been imposed to ensure that this consent is not operable until the easement has been extinguished.

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

1. Subject to appropriate conditions of consent, the proposed development is consistent with the intent of the Concept Plan approved under LDA2018/0172. The proposal is considered responsive to the strategic intentions for Macquarie Park under the RDCP 2014 and RLEP 2014 and associated planning controls that have been adopted for the locality.
2. The proposed development allows for the orderly development of the site.
3. The proposed development is consistent with the zone objectives and the objectives of the relevant planning provisions.
4. The proposed development will contribute to significant economic growth and the future prosperity of Macquarie Park.
5. No submissions were received in relation to the proposed development.

15. 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 LDA2020/169 for a mixed use commercial and retail building known as Building AB at 45-61 Waterloo Road, Macquarie Park, subject to the conditions of consent in **Attachment 1** of this report.
- B. That a copy of the development consent be forwarded to Sydney Metro and Transport for NSW.

Report prepared by:

Madeline Thomas
Senior Coordinator Development assessment (West)

Sandra Bailey
Manager Development Assessment

Report approved by:

Liz Coad
Director City Planning and Environment