

ATTACHMENT 1

City of Ryde Submission

**Key Site 6 Mixed Use Development
SSD-79017211**

2-4 Giffnock Avenue

Submission Date: 17 December 2025

Council Reference: COR2025/265/1

EXECUTIVE SUMMARY

Introduction

Thank you for inviting City of Ryde Council to comment on the proposed State Significant Development (SSD) application at 2-4 Giffnock Avenue Macquarie Park (SSD-79017211) for the redevelopment of the site as a mixed-use precinct.

The SSD Application seeks approval for the redevelopment of the site utilizing the Key Site 6 Incentive provisions under the *Ryde Local Environmental Plan 2014* to provide for a mixed use residential precinct that includes open space, provision of infrastructure, childcare and commercial uses and affordable housing. Specifically, the application as amended involves:

- Demolition of two existing single storey buildings, one x two storey building and one carport
- Site preparation and excavation work
- Construction of 2 x 44 storey towers, comprising:
 - a single basement, comprising 6 parking levels to service the entire development
 - ground floor retail premises, residential amenities and services
 - a childcare centre (located on both ground and level 1 of the northeastern tower only)
 - residential accommodation on the remaining levels (comprising a total of 741 units and dedication of 5% affordable housing in perpetuity)
- Landscaping and communal open space
- Associated infrastructure and services
- Streetscape upgrades including road widening to Drake Avenue by 2.5m (equivalent to 273m²) and Hyundai Drive by 4m (equivalent to 258m²)
- Dedication of land for road infrastructure and open space purposes (equivalent to 4025m²) pursuant to Clause 7.13 of the (RLEP 2014) and the Macquarie Park Design Guide
- Embellishment of the dedicated open space area
- Loading dock facility shared with the Veriu driveway / loading area
- Subdivision to separate the redevelopment site and the Veriu site given they will comprise separate uses and can operate independently
- Easements for access, drainage, and maintenance to the new substation and for the new pipe over the dedicated recreation area

Council notes that the applicant has undertaken detailed prelodgement consultation with Council and have considered the issues prior to lodgement of the application. The applicant's engagement and considered response has resulted in the application been generally supportable.

Notwithstanding, after review of detailed proposal Council's submission has identified a number of issues, that require resolution. Council believes these can be resolved collaboratively between the applicant, DPHI and Council. Council's submission outlines issues and possible suggested revisions/ resolutions.

In review of the Environmental Impact Statement (EIS) and supporting documentation several issues have been identified. The key issues identified with the application include:

- Engagement with Council
- Planning Matters
- Contributions and Planning Agreement

- Urban Design
- Tree Replacement
- Environmental Health
- Traffic and Parking
- Waste Management and Collection
- Public Domain
- Stormwater

It is the view of Council that the proposal requires further revision before Council is able to support the development. Council provides its **comments** on the application.

Details of the issues are included below.

Council Comments and Issues

1. Engagement with Council

Council notes that the applicant has undertaken detailed and considered engagement with City of Ryde prior to the EIS being submitted. This advice is attached with this submission (Attachment 2).

2. Planning Matters

a. Affordable Housing – DPHI to address not Applicant

Council does not support the applicant's variation under Clause 4.6 to vary the affordable housing requirement under the RLEP 2014. Council notes that the site is required to provide 10% affordable housing as either dedicated or payment of equivalent monetary contribution under Clause 7.5 of the RLEP 2014.

The applicant seeks to provide only 5% affordable housing and no payment of equivalent monetary contribution which is approximately \$4,063,605 in accordance with the *Macquarie Park Affordable Housing Contribution Scheme November 2024 (Affordable Housing Scheme)*. Table 2-1 of the affordable housing scheme outlines that the site is to provide contribution of \$1,183 per metre squared (m²) for relevant affordable housing Gross Floor Area (GFA) required, if no dedicated dwellings are proposed (Figure 1).

The development proposes 69,910m² of residential GFA, therefore it is required to contribute 6,981m² of affordable housing GFA or equivalent monetary contribution. As the development provides 3546m² of affordable housing GFA, the resulting monetary contribution would be calculated as:

- $6,981\text{m}^2 - 3546\text{m}^2 = 3435\text{m}^2$ balance Affordable Housing GFA not provided
- $3435\text{m}^2 \times \$1,183 = \$4,063,605$ monetary contribution applicable

Table 2-1: Affordable Housing Dollar Contribution Rates, the Precinct

Gross Realisation Value (GRV)	Dollar Contribution Rate	Dollar Rate (\$/sqm GFA)
(a)	(b)	(c) = (a x b)
\$11,832	1.0%	\$118
\$11,832	2.0%	\$237
\$11,832	3.0%	\$355
\$11,832	4.0%	\$473
\$11,832	5.0%	\$592
\$11,832	10.0%	\$1,183

Figure 1: Extract of Monetary contribution Rate (Source: Macquarie Park Affordable Housing Scheme)

Council notes this is the first residential application submitted using the new Transport Orientated Development (TOD) planning controls in the RLEP 2014 gazetted by DPHI and to propose such significant variation to affordable housing provision, including not paying the required monetary contributions is not supported. Council remains concerned that supporting the application in its current form will set a tone for all future residential development in Macquarie Park that will seek to vary the provision of affordable housing or not provide the equivalent monetary contribution. This would not be within the intended effect of DPHI's TOD rezoning.

Council cannot see any suitable environmental planning grounds to support such reduction in the required amount of affordable housing, whilst at the same time varying both Height of Building and

Floor Space Ratio (FSR). The applicant's suggestion that environmental grounds are demonstrated as it's emphasized the development is not economically viable; is not grounds for support of a Clause 4.6 Request. This is confirmed in DPHI's *Guide to Varying Development Standards November 2023*. It states (Pg 17):

3.2.6 Dos and Don'ts when preparing a variation request

Do not:

- *include economic feasibility or commercial gain as a reason to justify a variation*

As noted in all 3 Clause 4.6 requests, the applicant's primary justification relates to the development's economic feasibility. This is inappropriate justification to rely on for seeking to vary development standards. It's requested that DPHI either require 10% affordable housing or the balance of affordable housing monetary contribution be required and that support for variation under Clause 4.6 not be given for lack of environmental planning grounds.

Resolution to affordable housing

Council seeks that if DPHI be of the mind to support only 5% affordable housing (which would be contradictory to the intent of Key Site 6) then rather than supporting varying affordable housing with a Clause 4.6, that DPHI prepare and gazette a minor amendment under 3.22 *Expedited amendments of environmental planning instruments*(cf previous s 73A) of the *Environmental Planning and Assessment Act 1979 No 203* to correct any errors or misdescriptions on the site. Council would also recommend that as a part of the correction, DPHI should also seek to amend Clause 4.6(8) to prevent further variations to affordable housing using a clause 4.6 mechanism.

By undertaking the above, it will ensure that the integrity of the rezoning is maintained and will not set an undesirable precinct for residential development in Macquarie Park, to vary the proscribed affordable housing requirements. Should the very first residential project be permitted to vary the affordable housing requirement via Clause 4.6, it will set a negative precedent for all other residential projects who will seek to do the same thing.

This matter is requested to be responded by DPHI not the applicant.

b. Floor Space

Its noted Council's EIS advice (Attachment 2) Council identified the land use anomaly that prevents certain site area from being utilized for the purposes of calculating GFA. Any variation as a result of this adnominally is supported.

It's noted that not including the anomaly, there is a 23% variation to FSR. DPHI as the consent authority should be satisfied with this exceedance. Council notes that if the applicant proposes the reduction of affordable housing but seeks additional floor space, it is unclear what appropriate environmental planning grounds would exist to support this.

Omitted GFA

In review of the EIS it's noted that the application proposes full height perimeter walls of 2.1m around the childcare centre and several balustrades and that would exceed 1.4m in height. In accordance with the definition of GFA, these areas would be included for the purposes of GFA, however have been excluded by the applicant.

On RTS submission it's recommended that the GFA plan be revised to include areas omitted from GFA. Subsequently any changes would require amended Clause 4.6 requests for FSR, as well as

reconsideration of any “new residential GFA” that would then increase the developers affordable housing contribution.

c. Height of Building

The applicant seeks to significantly increase building height above the 130m height limit.

DPHI must consider the dangerous precedent of them supporting such large variations on the first residential development using the new planning controls.

DPHI should consider whether it's more appropriate to further amend the LEP to respond to the applicant's proposal, and if Clause 4.6 is the best pathway. As if Clause 4.6 is supported it will set the baseline for further development being submitted seeking to significantly vary the incentive standards effectively defeating the purpose of the rezoning undertaken by DPHI.

d. Design Guide Compliance and ADG compliance

Clause 7.3 of the RLEP 2014 outlines that consent must not be granted unless a development is consistent with the Macquarie Park Design Guide. Council notes that the Design Guide provides design outcomes for site towers under Section 5.3. Building Envelopes. There are several design guide non-compliances such as:

- Floor Plates exceeding 750m² (5.3(1))
- Towers don't provide the 3m upper level setback (5.3(5))
- Provide minimum separation distances per Figure 38 (5.3(6))
- Buildings are to be designed with the upper level setback.(5.3(10))

It's also noted that the Apartment Design guide requires for buildings over 9 storeys that separation is to be provided that is

- 24m between habitable rooms/balconies
- 18m between habitable and non-habitable rooms
- 12m between non-habitable rooms

Based on the plans separation between buildings A & B varies however its predominately 17.7m which is non-compliant with the ADG separation requirements. The separation between these spaces is habitable to habitable, that would require 24m separation.

Council raises concerns that the development seeks to breach both height and FSR significantly whilst at the same time seeking to vary key design and amenity-built form standards.

It's recommended that further design refinement occur to provide upper-level podium setbacks that would then result in improved separation and assist in mitigating any excessive height/ FSR proposed above the planning controls.

e. Childcare and other commercial land uses

It's noted the applicant seeks consent for childcare centre on the site. The application lacks confirmation of compliance with the relevant childcare planning guidelines, Council's DCP 3.2 and compliance with the relevant SEPP provisions.

Whilst its noted Appendix 17 does a brief assessment, the application does not provide sufficient detail to confirm a childcare is suitable on the site. It's noted that the application has omitted undertaking environmental assessments against constraints, such as air quality and noise, which are key considerations when assessing childcare applications.

As the site interfaces a classified road and is surrounded by Data Centres, which present a significant land use conflict specific and detailed mitigation measures need to be included with the application should consent be sought for the fit out and operation. Council further notes that the SSDA for the 269 Lane Cove Road Data Centre includes a sewer mine (that exceeds the **designated development thresholds**) and requires assessment against ensuring the childcare centre is appropriately located.

Council also notes that the plans do not demonstrate compliance with the unencumbered indoor and outdoor space, therefore compliance with the relevant SEPP provisions, including confirming the suitable number of children for the site cannot be undertaken. Council has concerns on whether the site can be appropriately used for the childcare and would recommend any determination of the childcare centre be considered by Council.

Council further recommends that a condition be imposed that requires a DA for use, fit out and construction be sought from Council. It is recommended that:

- DPHI only approves the commercial floor space (no childcare)
- DPHI imposes a condition that requires separate development consents to be obtained for land use/ fitout and operation of any commercial tenancy.

Separate development application - Separate development application must be submitted to City of Ryde Council for any future Use, fitout and operation of the commercial retail tenancies, childcare and any other commercial activities as set out in this consent.

Reason: To ensure necessary approvals are in place for future operation of the building and associated impacts are appropriately considered.

It's anticipated that this approach would be beneficial to Council and the Applicant as once an operator of the childcare center is selected a more detailed assessment of operation outcomes and impacts can be assessed.

Should the above not be supported by the applicant or DPHI then, Council requires a detailed assessment against the relevant Childcare planning guidelines, detailed plans of the childcare's fit out, updated environmental assessments (Noise, air quality, visual) as well as detailed mitigation measures, details of food preparation and food compliance, operational details of children numbers, and an operational management plan of the childcare center.

f. Modification to existing consent

As raised in **Section 8** of this submission the proposed waste management strategy in its current form requires modification to the existing Verui Consent (adjoining development). Should the waste management strategy be unchanged then DPHI would be required to impose a condition that modifies the existing consent for the adjoining completed development.

g. Non-minimum commercial floor area

As raised in **Section 8** of this submission, should the applicant redesign their waste arrangement which may result in the loss of non-residential floor space, Council seeks that at minimum the commercial floor space be redistributed throughout the site. Currently all commercial floor space is at ground level. There is opportunity for the applicant to provide commercial spaces in the podiums rather than solely at ground level.

3. Contributions and Planning Agreement

a. Planning Agreement

The site is identified as Key Site 6. Clause 7.13 of the RLEP 2014 allows a development to access the incentive height and FSR provisions, provided that:

- a) *at least 3,025m² of the site area will be used for the purposes of a single recreation area, and*
- b) *at least 1,000m² of the site area will be used for the purposes of road infrastructure facilities.*

Clause 7.3 of the RLEP 2014 requires this infrastructure to be designed and delivered in accordance with the Macquarie Park Design Guide. The infrastructure must be fully embellished for its intended purpose and provided free of cost to Council. The mechanism to dedicate the required infrastructure to Council is a planning agreement.

Comment on proposed Letter of Offer

A draft letter of offer to enter into a planning agreement, dated 7 November 2025, has been submitted as part of the EIS package. The offer includes the following:

- *Embellishment and dedication of 3,025m² for public open space,*
- *Semi-embellishment and dedication of 1,000m² for the future pedestrian bridge,*
- *Dedication of approximately 533m² for road widening along Drake Avenue and Giffnock Avenue/Hyundai Drive,*
- *Dedication of 5% of residential floorspace for affordable housing in perpetuity.*
- *Partial exclusion of Section 7.12 contributions for the items above.*

The Letter of Offer is currently under assessment by Council. Council will work with the applicant to resolve any outstanding issues. A preliminary review of the items in the offer is detailed below. Council seeks further engagement with the applicant on the following:

- *Embellishment and dedication of 3,025m² for open space*

Council is generally supportive of the dedication and embellishment of the 3,052m² park subject to it being designed and delivered in accordance with the Design Guide Macquarie Park Design Guide.

The architectural plans show a playground that is partially located on private/public land. This is inconsistent with the Macquarie Park Design Guide and presents significant maintenance and operational issues for Council.

The proposed open space also appears to contain easements and water management infrastructure to support the private development. This is strongly rejected by Council. All land to be dedicated must be free from easements, encumbrances and private infrastructure.

Further consultation with Council is required to determine an appropriate solution that does not result in an easement through the future open space land.

- *Semi-embellishment and dedication of 1,000m² for future pedestrian bridge*

Council is generally supportive of the dedication of the 1,000m² of land to contain the future pedestrian bridge however further assessment of the proposed semi-embellishment is required. The embellishment must allow the appropriate temporary use of this land until the pedestrian bridge is provided by TfNSW.

As per the provisions of Clause 7.13(4)(b), it is imperative that the consent authority obtains concurrence from Transport NSW in relation to the location, size and configuration of the proposed land before dedication can be supported by Council.

Please also note Council's advice in Attachment 2 and Section 9 regarding the dedication layout of the land.

- *Construction and dedication of approximately 533m² for road widening along Drake Avenue and Giffnock Avenue/Hyundai Drive*

Council is generally supportive of the dedication of land for road widening as identified in the Macquarie Park Design Guide Land Dedication Map (Figure 20). The widening of these roads fronting the development site will be required as a condition of development consent, at no cost to Council.

Please note Council's Previous advice and stated in Section 9, that outlines the land dedication of Hyundai Drive is recommended to be increased to 16m to match the existing land dedication provided by the Veriu development.

- *Affordable housing*

Refer to point under **Section 2.a** of this submission. Clause 7.5 of the RLEP requires the provision of 10% affordable housing on Key Site 6 and allows a consent authority to impose a condition requiring the provision of affordable housing in accordance with the scheme. Council objects to the proposed reduction of affordable housing floor space from 10% to 5%.

The provision of affordable housing is required as a condition of development consent as outlined in the Affordable Housing Scheme and Clause 7.5(4) of the RLEP 2014, and is not a matter for consideration under the planning agreement, therefore should be removed from the Applicants letter of offer.

- *Partial exclusion of Section 7.12 contributions*

The offer seeks to partially exclude Section 7.12 contributions, purportedly to reflect the value of the proposed infrastructure to be delivered on the land. This is inconsistent with Clauses 7.3, 7.13, 7.21 of the RLEP 2014, the Macquarie Park Design Guide and the Macquarie Park Infrastructure Delivery Plan 2024. Any offset to the required Section 7.12 levy is **strongly rejected by Council**.

The Macquarie Park rezoning was focused around significant uplifts on identified Key Sites. This uplift can only be accessed in return for the direct delivery of specific infrastructure on the Key Sites.

The infrastructure is identified in Division 2 of Part 7 of the RLEP and is very different to the types of local infrastructure to be funded under Section 7.12 Contributions Plan. The *Macquarie Park Infrastructure Delivery Plan 2024* states:

"The provision of infrastructure in exchange for additional incentive floor space is in addition to any requirement for land (SIC) developers to make local infrastructure contributions to the Council under section 7.11 or s7.12 of the EP&A Act. These contributions go towards other infrastructure in the Ryde LGA which have a nexus with the Macquarie Park development."

The planning controls and infrastructure framework for Macquarie Park required that infrastructure be delivered on Key Sites at the developer's full cost. This is further incentivised by allowing developers to utilise the FSR associated with land to be dedicated to Council.

The site has benefited from significant uplift under the rezoning (FSR from 3:1 to 4.75:1, height from 65m to 130m) and seeks an additional significant variation to height and FSR via a clause 4.6 variation (FSR of 6.36:1 and height of 153m). The development is seeking to benefit from this uplift without the costs associated with provision to the required infrastructure, which is not supported.

Any offset to the required 7.12 contribution will adversely impact on the delivery of the infrastructure in the 7.12 Plan's works schedule and is not in the public interest. No offset is against Section 7.12 is supported under a planning agreement.

Any 7.12 conditions must be imposed in accordance with the adopted contributions plan and cannot

be reduced by the value of any proposed works-in-kind. The Development Contributions Practice Note prepared by DPHI advises:

“there is no provision in the EP&A Act to satisfy a section 7.12 levy through the dedication of land or provision of a material public benefit”.

Any condition providing an offset to the required 7.12 contribution is unlawful and contravenes the NSW Government’s own infrastructure strategy for Macquarie Park.

The offer is not supported in its current form. Notwithstanding, Council considers that further engagement is required on the letter of offer to resolve the above issues. Council will continue its assessment and meet with the applicant to ensure that the offer is updated to reflect its concerns.

b. Section 7.12 Contributions Plan

The *Macquarie Park Corridor Section 7.12 Contributions Plan 2025* (7.12 Plan) was prepared by DPHI to support the rezoning of the Macquarie Park. On 22 November 2024, the NSW Minister for Planning and Public spaces wrote to Council instructing it to adopt the 7.12 Plan. The Minister’s letter advised:

“Finalising the Plan for the Macquarie Park Corridor is critical to achieving the coordinated delivery of new and upgraded infrastructure alongside growth, especially as new planning controls are commencing”.

The Minister also amended the *Environmental Planning & Assessment Regulation 2021* to enable a consent authority to impose a 4% fixed rate levy on residential and mixed-use development in accordance with the plan. The 7.12 Plan came into force on 2 May 2025. It applies to the subject site and the proposed development. Chapter 1.8 of the 7.12 Plan states:

“if the development contains any form of residential accommodation, the 4% levy will apply to the whole development, including any non-residential component”.

The EIS states that the application has an estimated cost of \$402,194,740. The cost report must be provided to Council for review to allow calculation of the required levy in accordance with the 7.12 Plan and clause 208 of the EP&A Regulation 2021. Importantly, the cost of work must be indexed from the date of the cost report. It is requested that:

- DPHI or the Applicant provide the QS report for the development to Council, to enable Council prepare the required 7.12 condition.
- This will be kept in confidence and can be emailed directly to Council.

Once the QS report is provided, Council will be able to provide its recommended condition on the matter. As noted above, Council does not support any 7.12 offset and it must be paid in full.

4. Urban Design

a. Design excellence

Council acknowledges that the proposal has undergone a series of design refinements and additional detailing through the State Design Review Panel (SDRP) process. However, these changes are accompanied by a significant increase in building height and density.

As one of the identified key sites and designated Design Excellence sites, the proposal must clearly demonstrate design excellence to ensure quality residential amenity and public domain outcomes. This includes delivering a high standard of architectural design, materials and detailing, while

presenting a responsive built form and articulated external appearance that contribute positively to a permeable and interesting skyline in Macquarie Park.

b. Street and public realm activation

The proposed location and configuration of the substation at the eastern end of Tower B adversely impact the activated frontage, while the proposed waste storage for Tower A creates an inactive blank wall along the Yura Place as a major public domain and through-site link within the development.

Figure 2 demonstrates these inactive frontages. The proposed substation facing Drake Ave and the future active transport link (left), and the proposed waste storage facing Yura Place (right). Council notes that the Macquarie Park Design Guide requires “contributory frontages” facing drake avenue, for which the proposed substation does not assist in achieving, therefore further revision is recommended.

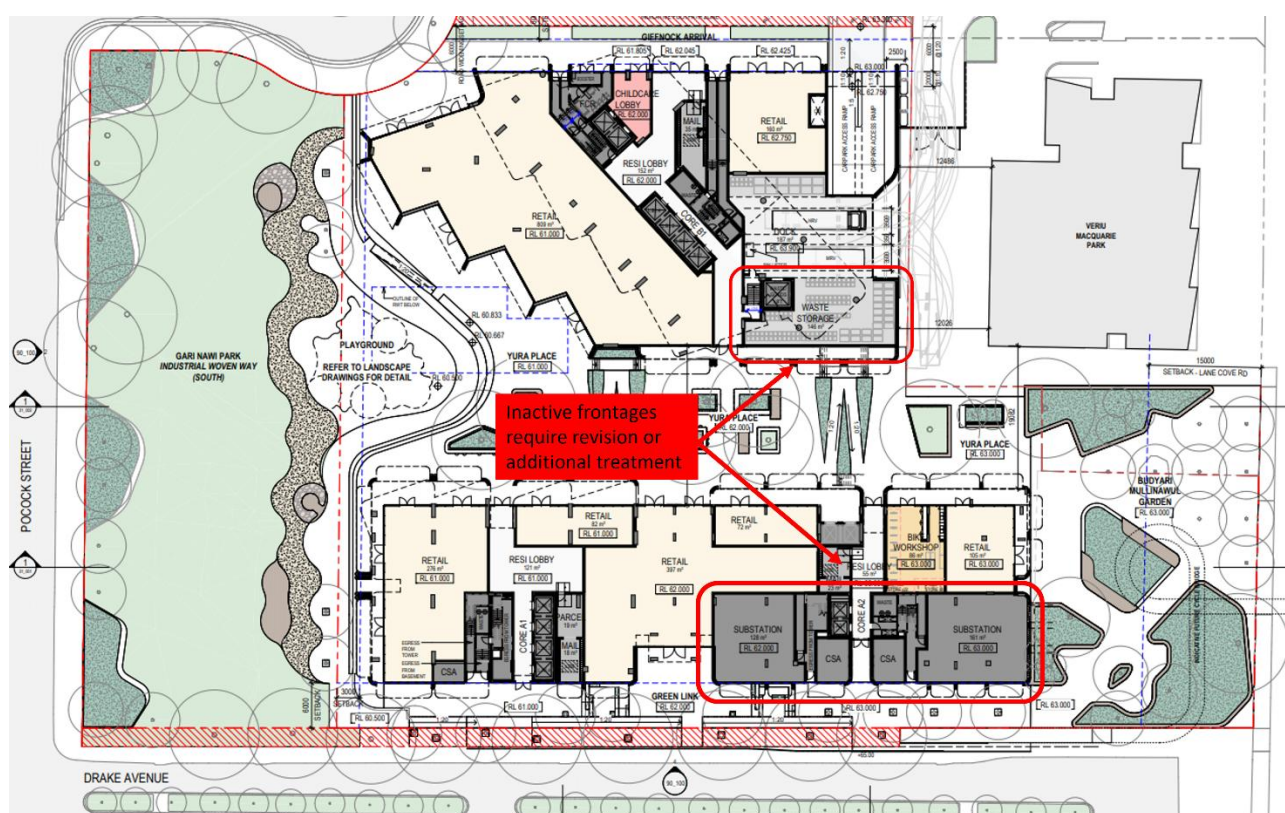


Figure 2: Mark up of Ground Plan(Base Source: Studio.SC)

c. Air quality

The submitted air quality assessment considers Lane Cove Road as the sole pollution source. However, it fails to account for emissions from the existing data centre at 8 Giffnock Ave and the future large-scale data centre at 269 Lane Cove Road that also proposes a 4,000,000 Litre Sewer Mining operation per day, both of which are near the site.

These are significant pollutant sources and is requested that the study be reflected to consider, assess and propose mitigation measures associated with these offensive sources and their impact on future residents and users of the park.

d. Pedestrian wind assessment

The pedestrian wind assessment provided is preliminary and lacks wind tunnel or Computational Fluid Dynamics (CFD) simulations. Consequently, it does not offer sufficient analysis or detailed information regarding pedestrian comfort and safety at key locations within the site. Furthermore, the assessment does not compare baseline conditions with proposed development impacts or demonstrate improvements achieved through mitigation measures.

Council is particularly concerned about potential wind impacts along Hyundai Drive, especially near the proposed childcare and residential lobby entries, given that Tower A does not incorporate a secondary setback above the podium on its northern side.

Council seeks that further assessment be done on this matter.

e. Visual impact assessment

Viewpoint 01: Council noted that a significant amount of view loss particularly the sky view from the pedestrian crossing approaching the future Gari Nawi Park. The two proposed 44-storey towers, with identical heights and minimal building separation, create a visually dominant wall effect. The façades lack sufficient articulation to mitigate the visual impacts. This impact is exacerbated by the non-compliance with design outcomes of the Macquarie Park Design Guide described below.



Figure 3: View Point 1

Viewpoint 05: Due to the building orientation, scale, and limited articulation, the development presents as a tall, wide and bulky built form, adversely affecting visual amenity from major public domain areas around Macquarie Park Metro Station.

VIEWPOINT 05



Existing site photo

From standing position on the pavement.
RL + 23.23m - Distance to boundary 176.80m

Camera - Canon RP
Lens - 24mm



Photomontage of Proposal

Figure 4: View Point 5

f. Recommendations

- Council supports the SDRP advice and strongly recommends that the proponent address issues identified in the SDRP advice letters and refine the design to achieve the design excellence.
- Council recommends revisiting the location of the substation and waste storage to improve activation of streets and public realms, while ensuring adequate passive surveillance.
- Council recommends the air quality assessment include emissions from the existing and future data centres in proximity to the site.
- Council recommends conducting a wind tunnel test to reflect the proposed height. The assessment should include comparisons across the following scenarios to demonstrate the effectiveness of mitigation measures on the public domain and private open spaces.
- Scenario 1: baseline, existing built environment
- Scenario 2: proposed, baseline + proposed development
- Scenario 3: mitigation, proposed + recommended wind mitigation treatments
- It is further recommended that several study points include the footpath zone at ground level along Hyundai Drive, particularly adjacent to Tower A and the childcare and residential entries.
- It is recommended mitigating visual impacts and improving the overall appearance by introducing varied tower heights, enhanced articulation and a façade design incorporating diverse materials, textures and colours to reduce perceived bulk and create visual interest.

5. Tree Replacement

There are 3 trees identified for removal across the site. It should be required that a condition be imposed that requires tree replacements should be on a 3 for 1 basis in accordance with Council's DCP 9.5. Should replacement trees not be able to be planted on the site then a monetary contribution is made to Council for each replacement tree not planted on the site in accordance with the City of Ryde's fees and charges for planting trees on public land. Recommended condition below:

***Tree replacement plantings** are to be undertaken on a ratio of 3 to 1. Where replacement trees cannot be planted on the site, prior to the issuing of a construction certificate, the Applicant to pay a fee to City of Ryde Council for each tree planting to occur on private land, equivalent to that identified in its Fees and Charges Schedule for the purposes of planting a tree on Council Land.*

6. Environmental Health

Council has considered the developments impact on several environmental health concerns and raises the following matters to be addressed on the Applicants RTS.

a. Noise and Acoustic

Noise intrusion

An assessment of noise intrusion identifies that the most significant source of noise intrusion will be from traffic noise. The short term noise monitoring from the boundary of Next DC indicates that the noise emitted ranges from 58-61 dBA at the site boundary with the greatest contributor the mechanical plant. The project plans to have parklands and open space in the areas closet to the noisy equipment.

Noise modelling was undertaken using CADNA (v2025) implementing the noise propagation algorithm ISO 9613:2024, to determine the internal noise levels within the development.

Section 5.2 provides several recommendations to comply with the acoustic criteria including glazing on certain facades at differing ratings. Additional recommendations have been provided for Wall and Ceiling requirements. It must be noted that it is identified that noise criteria for night-time cannot be met with windows open and additional ventilation is required in order to comply with AS1668. Compliance can be achieved through:

- Partially enclosed balconies,
- Acoustically treated balconies;
- Acoustic plenums;
- Wintergardens;
- Trickle ventilation systems
- Mechanical ventilation/air-conditioning system

However further details are required to ensure that the appropriate control strategies can be integrated into the bedroom and living areas that face Lane Cove Rd/ Epping Rd.

The report does not clearly assess noise intrusion on the childcare centre, particularly for cot/ sleeping areas and an assessment of the noise from the loading dock area immediately under the centre. Council seeks further information be provided to address this matter. If design changes are required, they are to be drawn onto the architectural plans.

Childcare Centre

Noise from the childcare is assessed with 2 outdoor spaces and an indoor play area. It will have residential immediately above the centre. At this stage there is no distribution of ages for children at the centre so it is assumed that there will be 30 children 0-2, 40 children 2-3 and 50 children 3-5 years old.

The report predicts that the noise will comply with project noise trigger levels and the AAAC Guideline for Child Care Centre Acoustic Assessment Version 3.0 without any time limitations to outdoor play. This assessment assumes that the outdoor play areas are partially enclosed with a roof covering both outdoor play areas. Any deviation from the EIS will result in non-compliance and further assessment must be undertaken.

Considerations must be made regarding the outdoor play areas and if they can be truly considered outdoor play areas as they are roofed with communal open spaces immediately above on level 2. Details have not been provided in the wall heights. It is noted that in the Pedestrian Wind Assessment wall heights of 2.15m balustrades will be installed. This will essentially fully enclose the space.

Without in depth details and plans of the proposed childcare centre, including the outdoor wall heights, an accurate assessment cannot be conducted.

b. Mechanical ventilation / kitchen exhaust / air conditioning

No details of mechanical plant have been provided with the application.

Natural Ventilation Design Review Letter

It must be noted that the Natural Ventilation Design Review Letter appears to require bedroom window to be open to enable/ meet natural cross ventilation potential. Reference must be made to the acoustic report in that bedroom window must be closed to meet noise requirements and considerations should be made regarding Cross ventilation requirements.

Council requests further information that demonstrates appropriate cross ventilation is achieved.

c. Food Safety and Public Health

The floor plan for the proposed childcare centre do not include any information regarding a kitchen or food preparation area. The floor plans show limited space, and it cannot be determined if there is sufficient space for any compliant kitchen to fit.

The proposal does not include details of the commercial tenants use. Should any consist of retail food or health premises, further approvals must be obtained.

As noted in above, Council recommends that no consent be issued for the Childcare, so these matters can be assessed under separate application.

d. Air Quality

An Air Quality Impact Assessment has been prepared by RWDI Australia Pty Ltd, reference 2508944, dated 15 September 2025. The report references and considers the requirements of SW EPA Approved Methods (2022), NEPM (2021), SEPP (Infrastructure) 2021, and the DoP 2008 guideline for development near busy roads.

The assessment undertakes a Level 1 screening assessment in accordance with NSW EPA's

“Approved Methods” for vehicle/ traffic impacts. The assessment uses the Transport for NSW RAQST modelling tool. The modelling shows exceedances with:

- PM_{2.5} (24-hour) at all assessed distances (due to high background levels).
- NO₂ (annual) at 10 m under slow traffic conditions.
- PM₁₀ (24-hour) at 10 m under slow traffic conditions

The Modelling explicitly states that the air quality assessment does not comply a Level 2 detailed assessment is required however the report concludes that there are no significant impacts.

SEPP (Infrastructure) 2021, Clause 2.119 requires measures to ameliorate vehicle emissions for sensitive uses. The report lists general principles (ventilation design, landscaping) but does not provide project-specific, enforceable design commitments.

Council requests a Level 2 Air quality assessment using refined dispersion modelling and site-specific inputs to provide a Mitigation Schedule tied to the actual design elements be provided with any RtS.

Should the application still include the proposed childcare then the Air Quality assessment is to be revised to include detailed assessments and appropriate mitigation measures. As noted in above, Council recommends that no consent be issued for the Childcare, so these matters can be assessed under separate application.

e. Conclusion and Recommendations

The applicant is required to provide the following additional information to enable assessment of the proposal:

1. An amended acoustic report prepared by an appropriately qualified acoustic technician, conducted in accordance with the Noise Policy for Industry. The report must include:
 - a. Details of proposed alternate ventilation systems for bedrooms at noise affected facades. These details must be reflected on architectural plans.
 - b. Noise intrusion assessment for any cot/ sleeping areas in the proposed childcare centre, including from operation of the proposed loading dock.
 - c. Details of any acoustic barriers/ fence heights for the outdoor play areas, including construction materials to ensure compliance with the AAAC Guidelines for Child Care Centre Acoustic Assessment Version 3.0
2. Detailed floor plans of the proposed childcare centre that include the cot/ sleeping rooms, kitchen plans that demonstrate compliance with AS4674 and the Food Standards Code.
3. A Level 2 Air quality assessment prepared by an appropriately qualified consultant that uses refined dispersion modelling and site-specific inputs to provide a Mitigation Schedule tied to the actual design elements is required. The assessment must consider sensitive receives such as the childcare centre.

7. Traffic and Parking

a. Traffic

Council has considered the EIS and its associated traffic impact and provides the below matters to be addressed by the Applicant through a revised Traffic and Parking Assessment.

- Section 2.3.1 of the submitted Transport Impact Assessment (TIA) report states that, based on the Macquarie Park Urban Design Framework (MPUDF 2024), a new traffic signal will be installed at the intersection of Waterloo Road / Coolinga Street / Harvest Street. On this basis, the report concludes that the future signalised intersection will allow right-turn movements to and from Coolinga Street—currently restricted to left-in / left-out—and will therefore provide an alternative direct connection between Coolinga Street and Lane Cove Road via Waterloo Road.

However, the proposed signalised upgrade will **not** be delivered at Waterloo Road / Coolinga Street / Harvest Street. Instead, Condition 13 of LDA2018/172 requires the delivery of traffic signals at the intersection of Road 16 and Waterloo Road as part of Stage 4 of the development at 45–61 Waterloo Road, Macquarie Park. Consequently, the Coolinga Street / Waterloo Road intersection will remain left-in / left-out.

As the TIA assessment relies on an incorrect assumption regarding a future traffic signal at Waterloo Road / Coolinga Street, its conclusions about the development's traffic impacts on the surrounding road network are unreliable. The applicant is required to revise the TIA to retain the left-in / left-out arrangement at Coolinga Street and reassess the traffic impacts accordingly.

- The submitted TIA report for the SSD application assessed the traffic impacts using the net traffic increase generated by the proposed development. However, traffic impact assessment must be based on the actual traffic generated by the development, not the net increase. Accordingly, the TIA report must be revised to assess the cumulative traffic impacts, incorporating both the full traffic generation of the proposed development and that of nearby major developments.
- The traffic impacts of the proposed development must be assessed using traffic modelling of the nearby intersections. The applicant is required to amend the TIA report to include a SIDRA network model assessing the development's impacts on the following intersections:
 - Waterloo Road/Lane Cove Road
 - Hyundai Drive/Lane Cove Road
 - Waterloo Road/Coolinga Street
 - Coolinga Street/Giffnock Avenue/Kitty Street
- SIDRA traffic modelling is to be undertaken for the following scenarios:
 - Existing Conditions;
 - Existing + Post-Development Conditions; and
 - 10-year projected traffic conditions (with and without the development traffic), which incorporates background traffic growth.
- Cumulative traffic impacts of the proposed development and the nearby major developments is to be considered in the traffic modelling.
- Existing traffic conditions within the surrounding road network are to be based on weekday morning and afternoon peak hour traffic surveys (between 7:00am – 9:00am and 4:00pm – 6:00pm).
- The proposed development will generate substantial pedestrian activity on the surrounding road network due to the provision of 741 residential units. Accordingly, suitable pedestrian crossing facilities must be provided on nearby roads. The applicant is required to update the TIA report to include a person-trip assessment and an evaluation of impacts across all transport modes in accordance with Transport for NSW's (TfNSW) Guide to Transport Impact Assessment 2024 (GTIA). The assessment must also address the safety and efficiency of

pedestrian routes connecting the site with nearby bus stops, the metro station, and surrounding retail uses.

At a minimum, pedestrian crossing facilities are expected at the following locations:

- A pedestrian crossing on Hyundai Drive prior to the roundabout at Giffnock Avenue.
- A pedestrian crossing on Coolinga Avenue at its intersection with Waterloo Road.
- Zebra crossing linemarking across the access driveways of the adjacent property at 392 Lane Cove Road, Macquarie Park.
- Based on outputs from the TfNSW Urban Freight Forecasting Model, the development is required to provide:
 - Two Heavy Rigid Vehicle (HRV) bays;
 - Three Small Rigid Vehicle (SRV) bays; and
 - Six standard car parking bays for vans, utilities, and other B99-sized maintenance vehicles.

However, the architectural plans submitted with the SSD application indicate that only two loading bays are proposed within the loading dock—one HRV bay and one MRV bay. This provision is inadequate. The application must be revised to redesign the loading dock to accommodate the required loading and servicing facilities in accordance with the TfNSW Urban Freight Forecasting Model.

Resolution to Contention above

To assist resolve the above contentions, Council seeks the following matters be addressed in the Applicants RtS:

- The Applicant provide a revised Traffic and Parking Assessment that addresses the above points, in particularly regarding the assumptions that a signalized upgrade is occurring at Waterloo Road.
- The Applicant provide SIDRA Modeling within their TIA that includes Councils recommended modelling scenario (noting this was recommended in Council's Pre-EIS advice).
- The Applicant reconsider their Loading Dock arrangement and increase the number of loading bays. Note that Council has other waste concerns regarding the loading dock arrangement and a wholistic review of the loading dock is recommended, particularly to not rely on access from an adjoining site.

The applicant should revise the documentation submitted with the SSD application to address and resolve the above issues.

b. Parking Provision

The following issues and concerns are noted:

- The degree of visitor parking is considered inadequate given the scale of development and lack of public/ onstreet parking in the surrounding area. It is forwarded that, with the proximity to a metro station and public transport options, a lower provision of resident parking should be sought as this is aligned with the objectives of the Macquarie Park corridor which seek to reduce the reliance on private motor vehicle usage by lower ownership rates. The same planning incentives are not effective for visitor parkers, which will arrive at the site from outside the area.

- The plans / documentation does not clarify or confirm the allocation of residential parking between market and affordable units. At minimum Council seeks that affordable units be provided with parking spaces at 0.2:1. Should the applicant not nominate this on the plan, Council would provide a recommended condition.
- The plans are unclear regarding the clearance height for the vehicle load dock. This can be addressed with condition of consent.
- The proposed easement over the Veriu site will need to accommodate the vehicle swept path. Accordingly, a swept path analysis will be required to demonstrate the easement width prior to registration.

c. Strategic Transport

The development includes significant parking for the residential component, when the site is “well-located” and is within a Transport Orientated Development (TOD) area. The rezoning of Macquarie Park did not contemplate parking rates that would be suitable for a TOD area and Council's current planning controls for parking are more than 10 years old and do not align with contemporary planning practices as it relates to planning for parking in a TOD area.

Council's DCP 9.3 parking provides residential parking rates within Macquarie Corridor. The site (and all of the TOD rezoning) is located within the Macquarie Park Precinct. Council's planning controls clearly distinguishes these localities. Macquarie Park Precinct never was intended for residential development and only contemplated commercial development, therefore Council's planning controls under DCP 9.3 never considered residential development in Macquarie Park Precinct and its associated parking requirements therefore applying the parking rates of Macquarie Park Corridor to land within Macquarie Park Precinct is not appropriate.

Due to the proximity to public transport options (Metro Station) and the foreseeable traffic capacity issues associated with surrounding road intersections, it is strongly recommended that the development minimise the degree of off-street parking provided to residents. Conversely the parking allocation for residential visitors should be maximised given the very low capacity for casual on-street parking. Based on review of DPHI rezoning of other TOD Area's, the respective design guides for these areas did include parking rates for residential development in the accelerated TOD areas.

In review of the 8 accelerated TOD Areas Macquarie Park was the only TOD Area to not have parking controls included in its Design Guide, it is unclear as to why this was the case. Council considers that the EIS must undertake a comparative analysis of parking in similar TOD (Figure 5) areas and determine a suitable parking rate that can service the development, whilst reducing reliance on parking. To be clear the proposal should provide less parking than what it outlined in DCP 9.3 and what is currently proposed subject to additional visitor parking as articulated under 7(b) above.

Table 7: Car Parking Rates for Residential Flat Buildings and Residential Component of Shop Top Housing

Apartment size	Maximum car parking rates (per dwelling)
Studio	0.3
1 bedroom	0.4
2 bedroom	0.7
3+ bedroom	1

Figure 5: Extract of Table 7 showing Maximum Parking Rates (Source: Crows Nest TOD Design Guide)

8. Waste Management and Collection

The proposed development has significant issues that would inhibit effective, safe and reliable

collection of waste from the property. As such, Council cannot support the proposed works. Further details and request for further information are provided below.

Access Concern

- Access to the loading dock is proposed to occur via a private laneway located on the adjacent private parcel of land. This configuration is not fit for purpose as there are no instruments available to guarantee access, or the safe and reliable collection of waste.
 - Council requires that all properties with onsite collection agree to a positive covenant, which cannot be implemented with the proposed configuration.
- To ensure unobstructed and efficient access for waste collection vehicles, Council's DCP provides the following direction:
 - *In all development, waste and recycling storage areas and facilities should be provided and be located in positions that:*
 - i. provide easy, direct and convenient access for the users of the facility;*
 - ii. permit easy transfer of bins to the collection point if relocation of bins is required;*
 - iii. permit easy, direct and convenient access for collection service providers;*
 - iv. do not intrude on car parking, landscaping, access and turning areas required for the type and scale of development;*
 - v. do not reduce amenity (minimises the potential for noise, odour and other amenity and environmental impacts on residents and other occupants);*
 - vi. maximize protection of trees and significant vegetation.*
- Direct access must be provided from the road to the proposed dwelling to ensure the continuity of essential waste services.
- The swept paths provided for collection vehicles exiting Lane Cove Road must demonstrate the manoeuvre can be undertaken without mounting kerbs.

Council cannot support using an adjoining site to access the subject site to enable waste collection. The application is unable to "stand on its own legs" and relies on adjoining properties to enable it be serviced by Council.

As Council cannot guarantee that safe and efficient access be granted by an adjoining site nor can a positive covenant be imposed that enables suitable access that burdens an adjoining property. Council cannot enter another's property without risk and liability being reduced. As the adjoining site has been developed under LDA2015/0484 & as amended under LDA2022/0133 there have been no conditions imposed that would require 88B instruments registered on the sites title for the purpose of waste collection.

Recommendations to address access concern

Should DPHI agree with the Applicants Waste Arrangement, Council would seek that DPHI use its powers afforded under *Section 4.17 of the EPA Act* and associated section 67 of the *Environmental Planning and Assessment Regulations 2021* to impose a condition that modifies both LDA2015/0484 & LDA2022/0133, that requires them to register an 88B Instrument on the sites title, that is consistent with Council's recommendations. Council would provide a recommended condition to address this point if DPHI deems its suitable.

Alternatively, as raised elsewhere in this submission, Council has fundamental concerns with the loading arrangement, number of loading docks and associated access, as such it is recommended a fundamental review of the loading dock occur that can holistically address these concerns. Although imposing a condition to register an 88b Instrument on both lots is possible, it does not resolve the wider issues as such it's recommended that:

- The Applicant explore an alternative loading dock and waste arrangement.
- Consideration should be given to removing the front facing retail and associated residential/ Childcare Lobby

Council notes that the Veriu consents require that the area for which key site 6 will access, that the land be used for Landscaping and deep soil for the site. The proposed access will be reducing that sites required landscaping, reducing amenity and reducing tree canopy coverage that was required under Council's assessment of that application. It is recommended to reconsider loading dock access as shown in the below Figure 7.

The applicant can explore:

- Revising their loading and access arrangement to occur directly from Hyundai Drive.
- The Applicant can relocate their retail/ commercial areas to other locations on the building (to still achieve compliance with LEP minimum commercial requirement), such as placing it in podiums (rather than solely on ground level).
- The applicant can reconsider residential/ childcare lobby as to not conflict with any future loading dock access points creating safety concerns (for residents and children).

By making the above design moves the applicant can positively increase loading bays, improve waste servicing and collection and ensure that the existing Veriu approval is unchanged.

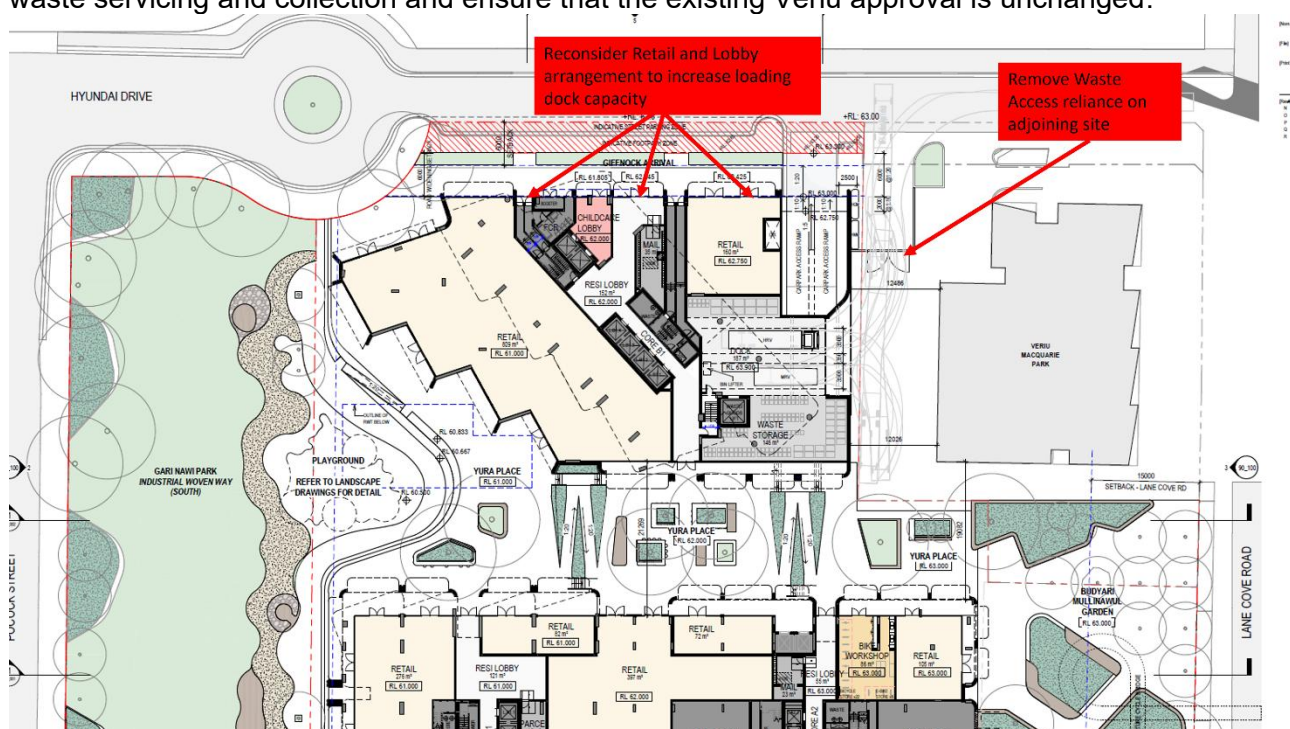


Figure 6: Mark up of Ground Level (Base Source: Studi.SC)

Insufficient provision of waste management services (domestic)

- The applicant has not sufficiently responded to Council's Previous EIS advice and has proposed a significantly deficient waste servicing allocation per household. The applicant must update their waste collection to address this.
- The proposed location of the FOGO bin room servicing Core A1 has a structural column blocking the entrance, rendering it completely unusable.

Insufficient provision of waste management services (commercial)

- The proposal incorporates a childcare centre and multiple retail tenancies. The internal layout must better distinguish between different users, including segregation of residential, retail and childcare waste services.

- Childcare bin and bulky waste storage must be segregated from the other commercial tenants (all retail) to ensure safe management of waste and to provide adequate space to prevent illegal dumping in the public domain.

Insufficient waste management infrastructure

- The issues detailed above require a significant restructuring of the waste storage and handling services on site. To support this, the applicant will need to provide additional waste storage facilities.
- A larger goods lift will be required to facilitate the movement of the large number of bins and bulky waste to the loading dock.
- A bin tug with adequate storage must also be provided as bin movements to the goods lift exceed the maximum recommended distances for safe manual handling.
- Sufficient storage for residential bulky waste must be provided at the loading dock. Council will not service bulky waste rooms on other floors of the building.

Request for Further Information relating to waste management

The applicant must:

- Provide swept paths for a heavy rigid vehicle in accordance with AS 2890.02 to ensure waste collection vehicles can safely access the site for servicing from Lane Cove Road without mounting any kerbs, and ensure the waste collection vehicle can enter and exit the site in a forward direction. Council doesn't support waste collection vehicles reversing across footpaths and high traffic areas.
- Provide an access point to the loading dock which does not require transit through private property that is not part of the development.
- Amend waste generation rates as your site will require:
 - 29 x 1100 litre waste bins collected 3 times a week
 - 68 x 660 litre recycling bins collected 2 times a week
 - 38 metres squared minimum of unobstructed bulky waste storage space (please indicate the exact area provided)
- You must also demonstrate suitable storage for 79 x 240 litre food organics bins in anticipation of a Food Organics Garden Organics (FOGO) service. This will ensure organic waste is considered in the provision of bin allocation and space for bin storage.
- Amend the waste storage room to ensure it can accommodate the required number of bins. Additional space must be provided for bin rotation.
- Ensure that structural elements do not obstruct access to bin storage rooms, transfer paths or impact rotation of bins within rooms. Paths must maintain a 1 metre wide clearance at all times.
- Provide a bin movement aid (e.g. tug and trailer) and suitable storage beside the waste collection area. The proposed bin movement paths are excessive for the manual movement of bins for servicing.
- Provide a larger good lift to more efficiently manoeuvre bins and bulky waste.
- Reposition the main bulky waste storage area to ensure the doorway opens directly onto the loading bay to support efficient servicing.
- Provide separate storage for the required number of commercial waste bins with childcare bins separated from the retail bins and residential bins. Access must not be through the residential waste room.
- Provide suitable space in the loading area for the servicing of the required number of commercial bins.
- Provide sufficient storage space for the required number of commercial bins based on the intended use as per the EPA's Better practice guide for resource recovery in residential

developments 2019. If unknown, generation rates for Food Retail: With Sit Down Area must be applied.

- Provide a minimum 5 square metres for the storage of bulky items from the retail tenants, including furniture and pallets to reduce potential illegal dumping.
- Provide a minimum 5 square metres for the storage of bulky items from the childcare tenants, including furniture and pallets to reduce potential illegal dumping.
- Provide an updated waste management plan which reflects the required changes.

9. Public Domain

a. General

Public domain upgrade works along the Hyundai Drive, Kitty Street, Giffnock Avenue and Lane Cove Frontages of the site may include but are not necessarily limited to the following:

- Upgrade of Council road pavement assets.
- Upgrade to or installation of new granite footways or shared user paths.
- Undergrounding of overhead utilities along and adjoining the site frontages.
- Installation or upgrade of street lighting assets.
- Upgrade to pedestrian infrastructure such as pedestrian kerb ramps.
- Provision of street furniture such as garbage bins, bike loops ect.
- Upgrade of stormwater infrastructure to facilitate the development and adjoining public domain areas.
- Adjustment, relocation or lowering of subsurface utility assets as required to facilitate the new development and adjoining public domain upgrade works.
- Installation of street trees in tree pits and where specified in strata vault systems to facilitate the ongoing health of street trees.

Council will provide a recommended condition of consent later to address this matter.

b. Land Dedicated for Pedestrian Bridge

It is considered critical that the shape of the lot on which the future pedestrian bridge landing sits in Key site 6 is amended from the current square shaped lot / spiral alignment to a shape which would provide more adequate connectivity to the and from the metro station. It is requested that further consultation with TfNSW is carried out to support an amended shape of the land dedication, to enable better pedestrian connectivity outcomes when the bridge is finally constructed.

Council notes that this advice was provided in its Pre-EIS review and seeks that DPHI and TfNSW address this matter. It is crucial that the land associated with this infrastructure is planned correctly to ensure that future delivery of the pedestrian bridge is appropriate and suitably shaped to ensure the best outcome. DPHI is further informed that on 1 October 2025, Council had advised that the applicant should approach TfNSW and seek that TfNSW accept dedication of the 1000m2 land since the pedestrian bridge infrastructure over the land is to be delivered and owned by TfNSW.

The current rectangular shaped dedication is unlikely to support an extended landing ramp adjacent to Drake Avenue as it has to extend beyond the rectangular shaped area and would prevent optimal connectivity between the site and the Metro station. In summary Council has concern that the current land geometry as shown may prevent optimal future connectivity being achieved by the pedestrian bridge and as such Council may be stuck with a lot of land which cannot be utilised appropriately for its intended purpose. At a minimum it is expected that consultation with TfNSW progress to in principle endorsement of a concept plan which details arrangement and ramp levels which will guide land dedication shape. An example of an L-shaped dedication is shown below:

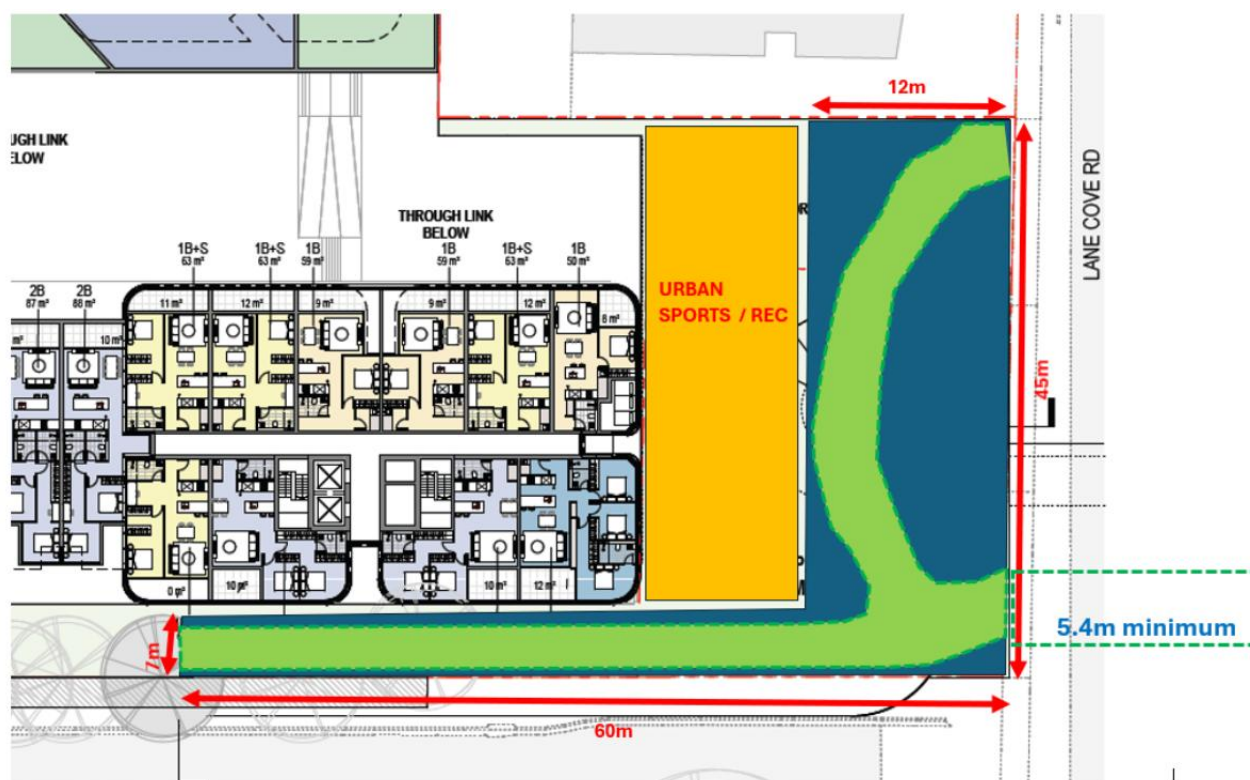


Figure 7: Sketch showing potential amended design of pedestrian bridge (Base Source: Studio.SC)

c. Drake Avenue Future Road

The Updated Macquarie Park Design Guide issued DPHI in November 2024, specifies an intention for Drake Avenue to provide direct vehicular access to Lane Cove Road. In general, an arrow from a local road to an existing road, denotes an intention to provide a vehicular connection (Figure 7). Drake Avenue is to be upgraded and dedicated as part of the future development of Key Site 5 which neighbours the subject development site.

To achieve vehicular connection between Drake Street and Lane Cove Road, would require the significant raising of the Drake Street Road reserve, which already sits above the subject site. If Drake Street were to be raised locally in the future within the vicinity of the Lane Cove Road intersection, this would significantly affect the boundary interface with the subject development site.

Clarity should be obtained through consultation with TfNSW, on whether there is an intention to provide a vehicular connection at the Lane Cove / Drake Avenue intersection so that an appropriate interface can be designed, significant level differences between building entrances and the future Drake Avenue Road reserve.

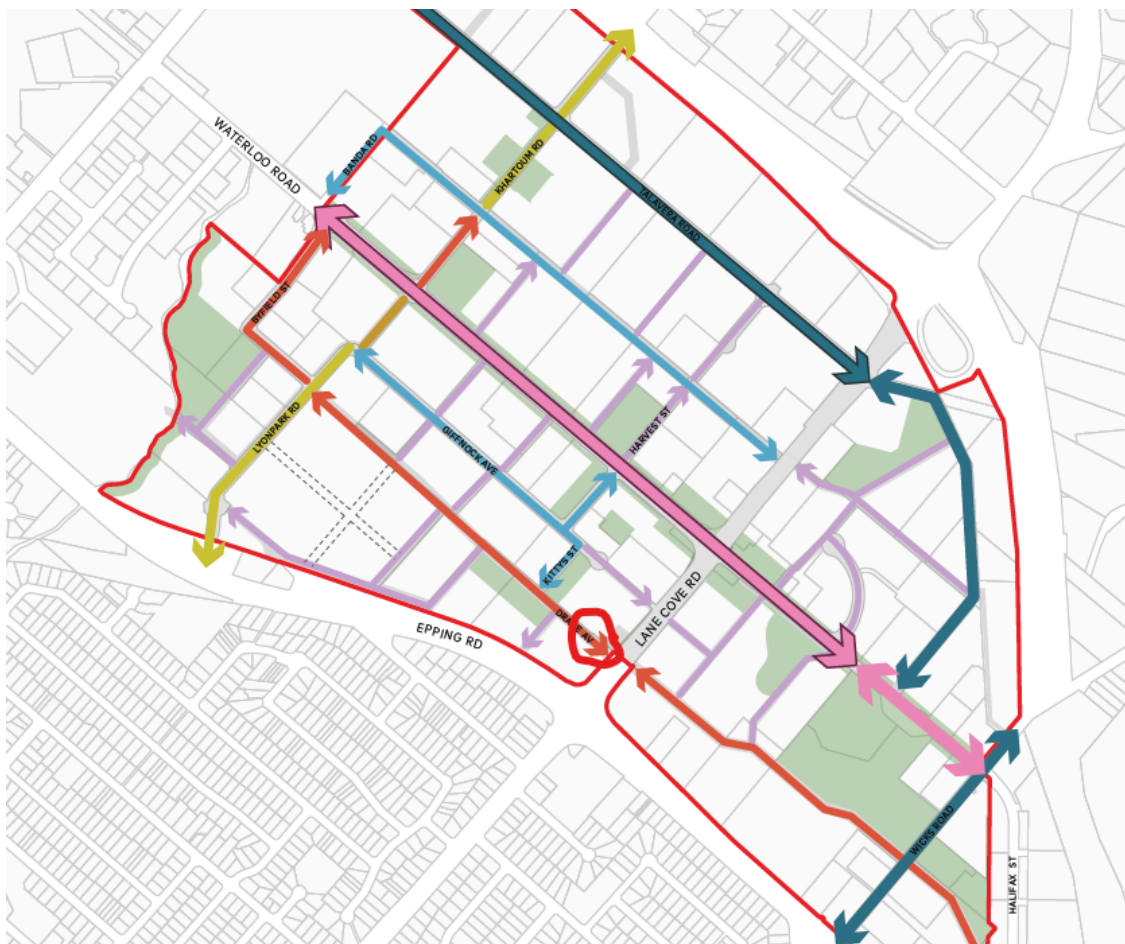


Figure 8: Mark up of Design Guide Street Location (Base Source: Macquarie Park Design Guide)

d. Hyundai Drive expansion

Upon completion of the 2-4 Giffnock Avenue, Hyundai Drive will be mostly two ways with the exception of the area adjoining Lane Cove Road – there will be access from Lane Cover Road to Hyundai Drive but not vice versa.

The Hyundai Drive Road reserve is to be 16.0m in width to match what has already been delivered. Council notes that the applicant has proposed 14.5m to match the design guide. Council previously made a submission to the Rezoning of Macquarie Park relating to the Design Guides requirements and outlined several road inconsistencies between Council's Public Domain Technical Manual, Macquarie Park DCP 4.5 that sought to resolve these road inconsistencies, however those submissions were not adopted by DPHI, leaving site specific assessment to resolve them (such as 6-8 Julius Avenue Data Centre proposal).

This matter raised is an error Council put forward, in addition to numerous other sites in Macquarie Park, where there are inconsistencies/ new roads that Council sought to address prior to the design guide being adopted, however were not resolved. Council does acknowledge that the Design Guide provides for a 14.5m design control. Notwithstanding this Point, Council's Public Domain technical Manual requires a 16m design. Council seeks that DPHI/ the applicant amends their design to include this amendment.

The reason Council seeks the applicant to design a 16m road design which is a variation from the 14.5m requirement, is to ensure that there is continuity in the public realm and for the 2-4 Giffnock development match the Veriu development in terms of the public realm. As the applicant is aware the Veriu development provides for a 16m width. Providing a continuous public domain is what Council seeks by requesting a 16m width.

Whilst it is noted that the design guide prevails to the event of an inconsistency with the Council DCP, Council request is based on reason and seeking to maintain a high quality public domain experience, irrespective of what the design guide may state.

Whilst the Design Guide is given legislative weight by Clause 7.3 of the RLEP – Council would support any variation to the design guide based a development achieving the intended effect of the control – similar to how Council has supported other developers varying the design guides road requirements.

Given this Council seeks that the road reserve on Hyundai Drive is designed to be consistent with the existing.

10. Stormwater

a. Stormwater management Plan

Council seeks the following items to be addressed:

- The OSD analysis has been undertaking utilizing DRAINS software however the data files have not been provided for review. As such, there is no ability to confirm whether the provided OSD design is adequate. Council requests this be provided.
- The stormwater system proposes a 10m³ rainwater tank which is extremely underwhelming considering the scale of the development. It is pertinent to note that a typical duplex development in the Ryde council area would likely accommodate the same level of storage. The applicant should refer to the DCP Part 8.2 controls and associated documents for guidance on rainwater storage requirements. To be clear the level of rainwater capture is to be increased.

b. Civil Stormwater

It appears that the proposed road widening works have not accounted for the adjustment of existing Council drainage infrastructure. Accordingly, where public domain works are undertaken to widen Hyundai Drive and Drake Avenue, the existing stormwater drainage infrastructure including kerb inlet pits must be relocated or modified to suit the revised road alignment.

Council seeks that all pits are positioned within the new kerb line to ensure effective surface drainage. All drainage works must be designed and constructed in accordance with Council's standards and must maintain the ongoing functionality of the stormwater system.

Please update the Civil plans to indicate the new alignment of the kerb and gutter and stormwater infrastructure under the kerb and gutter. The plan is also to be updated to reflect:

- The location, width, and depth of the proposed footpath must be shown, along with the stormwater outlet passing beneath it clearly indicated on the stormwater plan.
- Kerb and gutter alignment to be shown.
- Please indicate cover depths and pipe classes under the footpath.
- Please provide a drainage network capacity assessment for the proposed connection(s) to Council's stormwater system. The assessment must confirm that the receiving network has adequate capacity to accommodate the development's discharge without causing surcharge or adverse downstream impacts.
- Where the assessment identifies insufficient capacity in the downstream system, the applicant must identify and propose any necessary upgrades to support the additional flows.
- The outlet of the proposed pit to be 1% above the invert level of Council pit.
- Please include the outlet of the private junction pit higher than HGL backwater effect.
- HGL is to be clearly indicated on the plans.

- Please clearly identify and annotate the ownership of all easements within your lot. Based on the available information, these easements service private developments and therefore must be maintained privately.
- If any private easements are proposed to be extinguished, please note them on the plan.

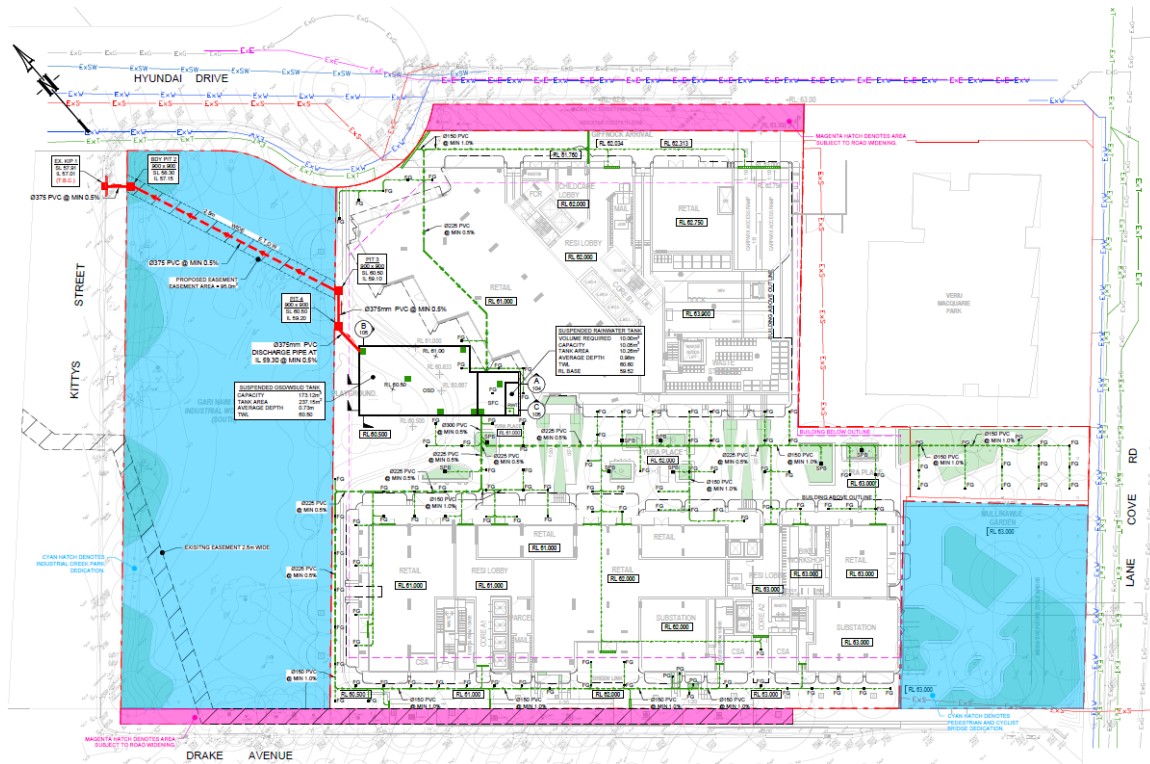


Figure 9: Extract from Stormwater Plan

11. Conclusion

City of Ryde Council, thanks DPHI for seeking Council's comments on this application.

Council provides its **comments** on the application. Council is supportive of the residential aspect of the development, however the sites response to context and key planning issues requires further resolution.

Council thanks the applicant for their engagement to date and seeks further engagement on the matter, particularly around the applicant's planning agreement and adequate waste arrangement.

Council reiterates to DPHI that this is the very first residential development utilizing the new planning controls under the TOD reform. Council does not support the applicant's proposal to vary the required affordable housing. Should this be supported it will set a negative precedent moving forward for all other residential development. Given this, Council strongly recommends that DPHI require the applicant provide the full contribution or require the monetary payment. If there was an intention of reducing the affordable housing rate, then DPHI should do that through a minor LEP amendment process.

Councils' submission outlines additional items for the applicant to further address. Subject to receipt of further information outlined in this submission. Council will be able to provide recommended conditions of consent to DPHI later.

Should the Applicant or DPHI wish to engage with Council directly on the issues raised above, Council would welcome the opportunity to consult with the Applicant or the Department.

End Submission