

# ATTACHMENT 1

## City of Ryde Submission

**192 Balaclava Road, Macquarie Park (16 Herring Road, Macquarie Park)- SSD-51811458**

Construction and operation of a single storey (with a mezzanine plant level) RNA Pilot Research and Manufacturing Facility, including: tree removal; construction of internal road and car park alterations; utility works; signage; and landscaping.

**Submission Date: 29 September 2023**

# EXECUTIVE SUMMARY

## Introduction

Thank you for inviting City of Ryde Council to comment on the proposed State Significant Development (SSD) Application for the proposed RNA Facility on Macquarie university Land at 16 Herring Road Macquarie Park (192 Balaclava Road), SSD-51811458.

The SSD application seeks approval for the construction and operation of a single storey building (with a mezzanine plant level) RNA pilot research and manufacturing facility, including:

- Site establishment.
- Site preparation including earthworks, tree removal, cut and fill.
- Construction of internal road and car park alterations and upgrades.
- Inground building services works and utility adjustments, including service diversions.
- Building foundation works.
- Signage zone.
- Landscaping and tree removal. (28 trees removed and 56 trees planted)
- A single storey building (with a mezzanine plant level) rectangular shaped building with a maximum height of 10.44m and GFA of 2195m<sup>2</sup>. The building will accommodate reception and administration areas and research, manufacturing, and laboratory spaces. Landscaping and public domain works include additional tree planting, provision of vegetation, installation of furniture and construction of new footpaths.

The proposed works will enable the use of the site as a health research facility, which involves:

- Translational health research into RNA technology to develop treatments (using RNA) for clinical trials.
- The facility is predominantly for research with an expected future small manufacturing capability to produce RNA technology for support of research purposes only. Any clinical trials with the RNA products developed through this research for human use are expected to be conducted either in local hospitals, universities (including via medical research institutes attached to the university) or through specialist clinical trials organisations.
- RNA products developed by the facility reach the point of commercialisation and substantial manufacture e.g. vaccines, this would not be undertaken in this facility. The IP would be licensed to a separate commercial entity for manufacture elsewhere.

## **Key Issue Summary**

In review of the Environmental Impact Statement (EIS) and supporting documentation Council is generally supportive of the application and is requesting that the Department seek information from the Applicant. Council would then like the opportunity to comment on any RtS Submission.

Council does require further information on certain issues and would like the opportunity to further comment on any RtS submission. The key issues identified with the SSD Application that requires further information includes:

### **Fulfillment of VPA Commitments**

- The Applicant is to provide further information regarding fulfilling the agreed upon requirements of the VPA.
- A condition for specific land use should be imposed by DPE, to ensure consistency with Council and Macquarie University's VPA.

### **Traffic**

- An updated traffic assessment is required that considers the traffic generation of the new development of the Royal Institute for Deaf and Blind Children (RIDBC) (located at the south-eastern corner of Culloden Road and Gymnasium Road intersection) which is currently under construction and will be operational when the proposed development is built.
- Traffic Counts are to be provided with the RtS response, consistent with what clause 6.8 of Council and Macquarie University's VPA stipulates.

### **Landscaping and Vegetation**

- To ensure appropriate vegetation management occurs, a condition should be imposed by DPE that requires a Vegetation Management Plan to be prepared for the site.

### **Conditions**

- Core conditions are recommended in this submission that relate to Council's key issues with the Application.
- Council can provide a number of additional Conditions for DPE to consider in its determination of the SSD Application once the information requested is supplied to Council.

Council officers have undertaken a review of the SSDA, the EIS, and associated supporting Appendixes and provide the following more detailed comments and core conditions.

## Detailed Explanation of Issues

### 1. Contributions, Land Use and fulfillment of VPA Commitments

#### a. Contributions and land use

City of Ryde Council (Council) and Macquarie University have an executed Voluntary Planning Agreement (VPA) which applies to land within Macquarie University. This VPA was executed as a result of the Macquarie University's Concept Plan Part3A Approval (Concept Plan 06\_0016) and further modified under Modification to Concept Approval Part3A (MP 06\_0016 MOD 1).

The VPA set out development contributions on land use, payable to the Council as well as established requirements for infrastructure upgrades resulting from intensifying development on Macquarie University. For Infrastructure comments please refer headings 3 & 4 of this submission. This VPA is provided at **Attachment 2**.

The VPA outlined 3 categories for contributions payable. These being:

- Category 1: Housing for University Purposes – Contributions payable under this category.
- Category 2: Commercial and Research (for commercial purposes) and Business Incubation – Contributions payable under this category.
- Category 3: Academic Use including Research (for non-commercial purposes) – Contributions **not** payable under this category.

The Application seeks to apply Category 3's land use to the development, therefore not being subject to development contributions payable to the Council. The Applicants categorization of the land use is consistent with Council's executed VPA and the definition of "Academic Use" under MP 06\_0016 MOD 1 (refer Schedule 2, item 2).

To ensure that the land use remains "academic" Council requests that a condition be imposed on any consent, stating that the use must remain for academic and research purposes with no commercial sales, or production occurring on the site without a new approval. Draft condition proposed:

1. **Use of Land:** *No approval is granted for commercial operations or sales on the site and activities undertaken must be consistent with the VPA between City of Ryde Council and Macquarie University. The land use must remain entirely consistent with the Academic categorization under MP 06\_0016 MOD 1.*

*(Reason: To ensure consistency with City of Ryde Council's VPA)*

#### b. VPA Commitments

The executed VPA between Council and Macquarie University requires on submission of any application on university land, that details must be provided of the remaining GFA for the sites as modified by MP 06\_0016 MOD 1. Clause 6.5 *Monitoring of GFA* (Figure 1) under the VPA requires that each application must contain a cumulative list of all approved GFA under each category. The Application has not done this. As such Council requires:

- A breakdown of all approved GFA on the site into each relevant category. Noting there are several relevant approval processes that may have added GFA onto the site (complying development, review of environmental factors, Local Development and State Significant Development).

- Applicant is to quantify the remaining amount of GFA left as per the Concept Plan (as amended by MP 06\_0016 MOD 1.
- The number of car parking spaces at the university which has been approved (including the subject application).

## 6.5 Monitoring of GFA

On the lodgement of each Approval Application for the Development but excluding the Approval Application for the Hearing Hub, the University must include the following details:

- (a) the cumulative Category 2 GFA or the number of beds (determined at a date not more than 3 months prior to the date of lodgement of the Approval Application), as the case may be, for all Approved Buildings (excluding any Approval which has lapsed or been surrendered) by reference to each Land Use Category, including the GFA or the number of beds, as the case may be, forming part of the Approval Application;
- (b) the cumulative Category 2 GFA or the number of beds for each Precinct (as defined in the Concept Plan Approval), for all Approved Buildings (excluding any Approval which has lapsed or been surrendered) including the GFA, as the case may be, forming part of the Approval Application; and
- (c) the number of car parking spaces at the University which have been Approved at that time as part of the Development.

Figure 1: Extract of Clause 6.5 from the VPA between City of Ryde Council and Macquarie University

## 2. Landscaping and Arboricultural

The application seeks to remove 28 trees and proposes to plant 56 trees. This is consistent with Macquarie University's Design Guideline planting ratio of 2:1. The Landscape Plan, point 11 shows "existing woodland forest and new revegetated planting & trees". Revegetation of the existing "Grove" is a positive idea however needs to be carried out in a planned method. A Vegetation Management Plan (VMP) is required for this to occur.

Council recommends that a VMP be conditioned on any consent to ensure this vegetation management is carried out in a planned methodology. Any future VMP should be consistent with the *Macquarie University Design Excellence strategy and urban design guidelines, supporting documents (Vegetation Management Plan (incorporating Threatened Species Plan) Bushland Remnants, Macquarie University July 2015)*. Recommended condition below:

1. **Vegetation Management Plan:** Prior to Crown Works Certificate a Vegetation Management Plan (VMP) must be prepared. The VMP shall be in effect for the life of the development. Details are to be provided to the certifying authority.

(Reason: To ensure re-vegetation is carried out.)

## 3. Traffic

Regarding traffic, Council notes that there is an active VPA between Macquarie University and Council that is triggered upon a specific threshold of vehicle movements. The executed Voluntary Planning Agreement (VPA) (reference Clause 6.8 of the VPA) between Council and Macquarie University requires Macquarie University to undertake traffic counts every two years and supply

these Counts to Council to confirm if the threshold of 7000 vehicle movements is triggered. If triggered the upgrade works consistent with the VPA are required.

This information has not been provided within the last two years (or even the last 7 years). It is requested that this information be provided with this application to enable Council to determine if any of the upgrade works are required. Council notes that the last traffic study undertaken by Macquarie University was supplied to Council on 23<sup>rd</sup> of May 2016, with the traffic count prepared by Arup Pty Ltd. This traffic count outlined that at the time, the average weekday traffic count was shown to be 4,905. JMT Consulting report outlines there is a reduction of vehicle movements to 3500, being 1405 less than what was counted in 2016. The Applicant's RtS response is to provide rationale regarding any difference in vehicle movements, compared to the last recorded traffic count.

In respect of the submitted traffic assessment Council raises the following concerns requiring further information before recommended conditions could be provided by Council:

- The Transport Impact Assessment (TIA) report prepared by JMT Consulting dated 27 July 2023 indicates that traffic counts were undertaken on Gymnasium Road and Culloden Road within Macquarie University in October 2022 during normal teaching periods. Based on the result of the traffic counts, the report states that two way hourly traffic volumes on Gymnasium Road typically peak at between 400-450 vehicles between 5pm and 6pm in the evening and on an average weekday approximately 3,500 vehicles were recorded at this location. However, the report did not provide detail information of the traffic count survey to verify the abovementioned figures. The applicant should be required to provide details of the abovementioned traffic count and to include that information to the TIA as an appendix.
- The TIA report undertook traffic modelling at the intersections of Culloden Road / Gymnasium Road and Culloden Road / Waterloo Road to forecast the performance of the abovementioned intersections post construction of the proposed development. The report indicates that the traffic modelling was undertaken using the forecast traffic generation from the development plus the existing traffic volumes with a conservative background traffic growth rate of 2.0% per annum over a 10 year period applied. However, the TIA report did not consider the traffic generation of the new development of the Royal Institute for Deaf and Blind Children (RIDBC) (located at the south-eastern corner of Culloden Road and Gymnasium Road intersection) which is currently under construction and will be operational when the proposed development is built. As a result, it is recommended that the TIA report is to be amended to update traffic modelling based on traffic generation of both the proposed development and the RIDBC development plus the existing traffic volumes with background traffic growth rate of 2.0% per annum over a 10 year period.

#### 4. Public Domain

The site falls outside the Macquarie Park Corridor and is therefore not subject to the requirements specified within the Macquarie Park Technical Manual. The proposed development **is subject** to the requirements of the *City of Ryde Development Control Plan 2014 Part: 8.5 Public Civil* which includes the following public domain works:

- Half road reconstruction along the extent of the Culloden Road frontage of the site.
- Upgrade to kerb and gutter along the extent of the Culloden Road frontage of the site.
- Upgrade to the shared user path along the extent of the frontage to ensure safe and functional access to development occupants. The scope of works required is subject to further investigation and on the condition and connectivity of the current path.
- Upgrade of the Culloden Road / Waterloo Road intersection in accordance with the requirements of the VPA. This requirement may or may not be triggered at this point and is subject to the results of an updated traffic study to verify expected traffic volumes post development.



To address the above request Council will provide a recommended condition of consent with the scope of any public domain works to be carried out along the site's Culloden Road frontage, separate and prior to works required under the VPA, to be subject to a joint inspection of existing public domain infrastructure.

The reason for assessing the scope of public domain works in this manner, is that the VPA includes requirements for the Culloden Road/ Gymnasium Road /Waterloo intersection to be upgraded once a certain traffic volume is reached, meaning that upgrade of this area will be carried out in the future.

Once further information is received from the Applicant to address other requests as outlined in this submission, Council will provide a recommended condition of consent.

## **5. Development Engineering**

Council provides the following comments on the Application in respect of Stormwater, vehicle access and parking and general engineering matters. Conditions can be provided once the above information is provided to Council.

### **a. Stormwater Management Comments**

- The development site falls to an existing OSD system (basin) on the site which was augmented in recent works to accommodate further proposed development on the lot. Overall, the site falls to undeveloped land downstream and discharges to an existing detention basin and so stormwater management for the proposal presents very low risk implications.
- The development itself has implemented OSD to ensure the post development discharge does not exceed pre-developed rates. This has been clarified using DRAINS and appears acceptable.
- The Civil report nominates a 5kL rainwater tank which is marked on the architectural plan and is faintly noted in the architectural layer in the Civil Stormwater Plans. Whilst the tank is shown, it is not depicted as connected to the drainage system on the Civil Plans. Notwithstanding this, the level of storage is disappointing for a development of this scale. Nearly all new smaller development (single / dual occupancy homes) in the City of Ryde area provide this (or greater) level of rainwater storage and therefore this should be increased. Section 3.3.2 of the DCP specifies the rainwater tank is to be based upon 50% of non-potable water demand.
- In lieu of the above analysis, a 10kL would be considered reasonable / adequate for the site as such an amendment to the rainwater tank is required from Council to increase its size. Amended stormwater plans are to be provided showing the increase in rainwater tank size and its location on the site.

### **b. Vehicle Access and Parking**

- The Macquarie University masterplan parking strategy seeks to reduce reliance on private motor vehicle usage and therefore is limited (capped) to a parking maximum of 10,800 parking spaces. The removal of parking spaces from the university is therefore aligned with this planning objective. As per Item (1) in this submission details of the number of parking remaining are to be provided with the Application.

## **6. Environmental Health Comments (Acoustic, Contamination and Hazardous Goods)**

### **a) Acoustics**

- Of the various receivers impacted by noise from this development, It is the residential receivers opposite the development on Culloiden Road that are most affected. The noise impact assessment investigated construction noise, operational plant noise, noise from the loading dock, an emergency diesel power generator and traffic noise.
- The current proposed location of the emergency generator(s), being close to the Culloiden Road residences, would benefit from a relocation to utilise, where possible, the noise shielding effects of the building or other structures, rather than being in the direct 'line of sight' to the residences as it is at present. Amended plans are requested demonstrating the relocation of the emergency generators away from sensitive receivers.
- An construction noise plan should be prepared by the Applicant and submitted in the RtS response. Further assessment of the impact of operational noise for plant and equipment including the emergency generator should be undertaken for compliance of the actual equipment to be used. Consideration should be given to relocation of the emergency generator to better control any noise impact to the nearby residential area.
- Council can provide conditions, subject to the request of the above information.

### **b) Site Contamination**

- A combined preliminary and detailed site assessment was undertaken. The results were reported to not have found any contamination of significance. Council has no objections and can provide conditions once the information requested in this submission is received.

### **c) Hazards**

- A preliminary hazard analysis report was required as there will be storage of approximately 15,000L of flammable liquids and this exceed the Resilience and Hazards SEPP screening thresholds. The report concludes that risks at the site boundary do not exceed the acceptable risk criteria and would remain classified as potentially hazardous.
- Council has no objections and can provide conditions once the information requested in this submission is received.



## **Conclusion**

City of Ryde Council, thanks the Department for providing Council the opportunity to comment on the proposed SSD Application. As outlined in this submission Council requires further information to be provided to address concerns, however once this information is provided, Council can provide recommended conditions of consent.

In the RtS Phase Council would like to further review the information in response to Council's submission and once satisfied can provide recommended conditions of consent to DPE for consideration.

Finally, Council would be happy to meet with the Applicant or DPE to discuss the contents of this submission.

## **End Advice**