

ATTACHMENT 1

City of Ryde Submission

Triniti Lighthouse Build-to-Rent, North Ryde- SSD-55844212

Site preparation & construction of a new BTR development consisting of 508 units and ground floor commercial tenancies across 3 buildings with shared podium, ranging between 2-20 storeys, car parking, pedestrian link and activation of New Link

Submission Date: 17 November 2023

EXECUTIVE SUMMARY

Introduction

Thank you for inviting City of Ryde Council to comment on the proposed Build to Rent (BTR) State Significant Development (SSD) Application for the Trinita Lighthouse Site at 39 Delhi Road, North Ryde SSD-55844212.

The SSD Application seeks approval for the redevelopment of the Trinita Lighthouse site as a new BTR development consisting of 508 units and ground floor retail tenancies across 3 buildings with shared podium, ranging between 2-20 storeys, car parking, pedestrian link and activation of New Link Road.

Specifically, the application involves:

- Site preparation and excavation, including the removal of 28 trees.
- Total Site area being 27,410m² with the site area subject of the application (Stage 2) being 10,614m².
- Construction of a new Build-to-Rent development on the Trinita Stage 2 site, comprising a shared podium with a low-rise communal amenity building, and two 20 storey residential towers. Specifically, the following is proposed:
 - 1,851m² of non-residential floor area at ground level, including commercial and retail uses,
 - 39,031m² of build-to-rent housing including a total of 508 dwellings,
 - 1,518m² of communal residential amenity facilities located throughout the building.
- Total of 319 carparking spaces proposed, broken up as follows:
 - Residential: 256 spaces
 - Visitor: 42 spaces
 - Retail: 15 spaces
 - Car share: 6 spaces
 - * Note: Of the total 256 residential carparking spaces, 164 spaces are located within the existing Trinita Stage 1 basement
- Basement and ground floor carparking, comprising a total of 155 car parking spaces, 108 bicycle spaces, and 6 motorcycle spaces and 1 carwash bay.
- Use of the Stage 1 basement carpark, including the use of approximately 164 commercial carparking spaces as residential carparking. This involves transferring the parking spaces approved as a part of the commercial development, to the proposed development used for residential purposes.
- Vehicular access providing via Rivett Road for retail, services, loading and waste removal, and Rennie Street for residential use.
- A proposed VPA with Ryde Council for the existing New Link Road (subject to acceptance by Council) to be used as a pedestrian shared zone.
- Associated landscaping and public domain works; and
- Augmentation of, and connection to, existing utilities as required.
- Communal Open Space comprising off:
 - External: 2,662m² (25.1%)
 - Internal: 1,193m² (11.2%)
- Landscaped Area 2,770m² (26%)
- Deep Soil Area 765m² (7.2%)
- Operational Hours for commercial land uses include:
 - Supermarket and other non-food retail premises: 7:00am to 10:00pm
 - Food and beverage premises: 7:00am to 12:00am (midnight)
 - Gym: 24 hours Build-to-Rent: 24 hours

In review of the Environmental Impact Statement (EIS) and supporting documentation a number of issues have been identified. The key issues identified with the BTR SSD Application include:

- Strategic Planning Inconsistency & Macquarie Park Corridor Masterplan
- Housing Targets
- Use of Clause 6.9 , FSR transfers and Omitted GFA
- Impact On LDA2007/950 & LDA2003/383
- Urban Design and Place making Outcomes.
- Employment generating land use loss and Economic Impact
- Land Dedication and Lack of Infrastructure
- Wind Impact
- Landscaping and Arboricultural
- Biodiversity
- Vehicle Access, Parking and Service Facilities
- Financial Implications
- Stormwater and Flooding
- Sustainability and resilience
- Acoustic
- Traffic
- Public Domain
- Waste Management

Broadly Council has reviewed the application and has serious concerns with the application proposed. The development does not meet Council's strategic objectives for Macquarie Park due to the land use conflict of proposing residential in land reserved for commercial land use.

Additionally, the application in its current form results in an unacceptable loss to Council's employment lands, sterilising the sites Gross Domestic Product (GDP) economic viability, which is inconsistent with both City of Ryde Council (Council) and the Department of Planning and Environment (DPE), vision for Macquarie Park Corridor.

The applications merits are largely strategic focused, which it, fails entirely, in Council's opinion. The scheme lacks consideration of open space provision, built form outcomes and economic growth. Whilst Council appreciates there is a need for housing, Council submits that's it's a poor planning outcome to completely remove the commercial aspect of the site.

As outlined later in this submission, the Applicant is required to reconsider their land use configuration to provide a significantly increase portion of the GFA as a commercial generating land use. The application requires serious revision to provide a harmonized balance of land use outcomes that can service both residential growth with appropriate infrastructure provision and commercial growth, contributing to economic viability.

It is the view of Council that the proposal, in its current form, is inappropriate and Council **objects** to it. Details of the issues are included below.

Detailed Explanation of Issues

1. Strategic Planning Inconsistency & Macquarie Park Corridor Masterplan

a. Strategic Planning Inconsistency

- Noting Residential Accommodation is prohibited under Ryde LEP 2014. The Applications Built to rent (BTR) proposal in its current form does not align with the following objectives of Zone E2 Commercial Centre which states:
 - *To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.*
 - *To encourage investment in commercial development that generates employment opportunities and economic growth.*
 - *To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.*
 - *To enable **residential development only** if it is consistent with the **Council's strategic planning for residential development in the area.***
 - *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- The Commercial Core has a focus of commercial uses, the proposed BTR is not consistent with the objectives of a Commercial Core, nor is it consistent with the objectives of the zone, which must be given weight in the departments assessment of the application. This is particularly important, as the department will need to be satisfied that the zone objectives are able to be reasonably satisfied by the proposal. It is the Council's view that it is not consistent with the zone objectives as:
 - The proposal does not contribute in a meaningful way to the viability of Macquarie Park as an economic centre, as the scheme removes existing commercial enterprise replacing it with residential development sterilizing economic potential.
 - The scheme does not provide suitable space for commercial development, encouraging further investment in Macquarie Park as an economic hub.
 - Council's strategic planning priority for the area is to 'ensure the economic vitality of the Macquarie Park Health and Education Strategic Centre and retain the precinct's strong economic base as shown by its contribution to Australia' GDP' (see LSPS page 137). The proposed development does not align with Council's strategic priority, as it will reduce the existing commercial floorspace to 1,851m² whilst providing little benefit to GDP generating land uses contributing to Macquarie Parks economic contribution to the state of NSW.
 - The scheme does not provide a suitable ground floor plane that contributes to an active and diverse environment, particularly as ground floor apartments are proposed.
- Overall, the application in the current form is entirely inconsistent with the strategic vision for Macquarie Park. The Application requires significant revision, to align with the outcomes envisaged in the masterplan, ensuring that the site can support employment lands, and contribute to GDP with commercial land uses, consistent with the Place Strategy & Masterplan.

b. Strategic alignment with the Macquarie Park Corridor Masterplan

- The site is located within an area identified as Commercial Core in the North Ryde Riverside

Precinct. The Commercial Core has a focus of commercial uses, the proposed Built-to-Rent is not consistent with the objectives of a Commercial Core.

- Specifically, the Place Strategy states that for the North Ryde Riverside Precinct, 'inside the commercial core, there is the opportunity to explore residential uses within the identified activity hub'. The subject site is not located within the identified activity hub; therefore its proposed residential use is not supported by the Place Strategy. (Figure 1)

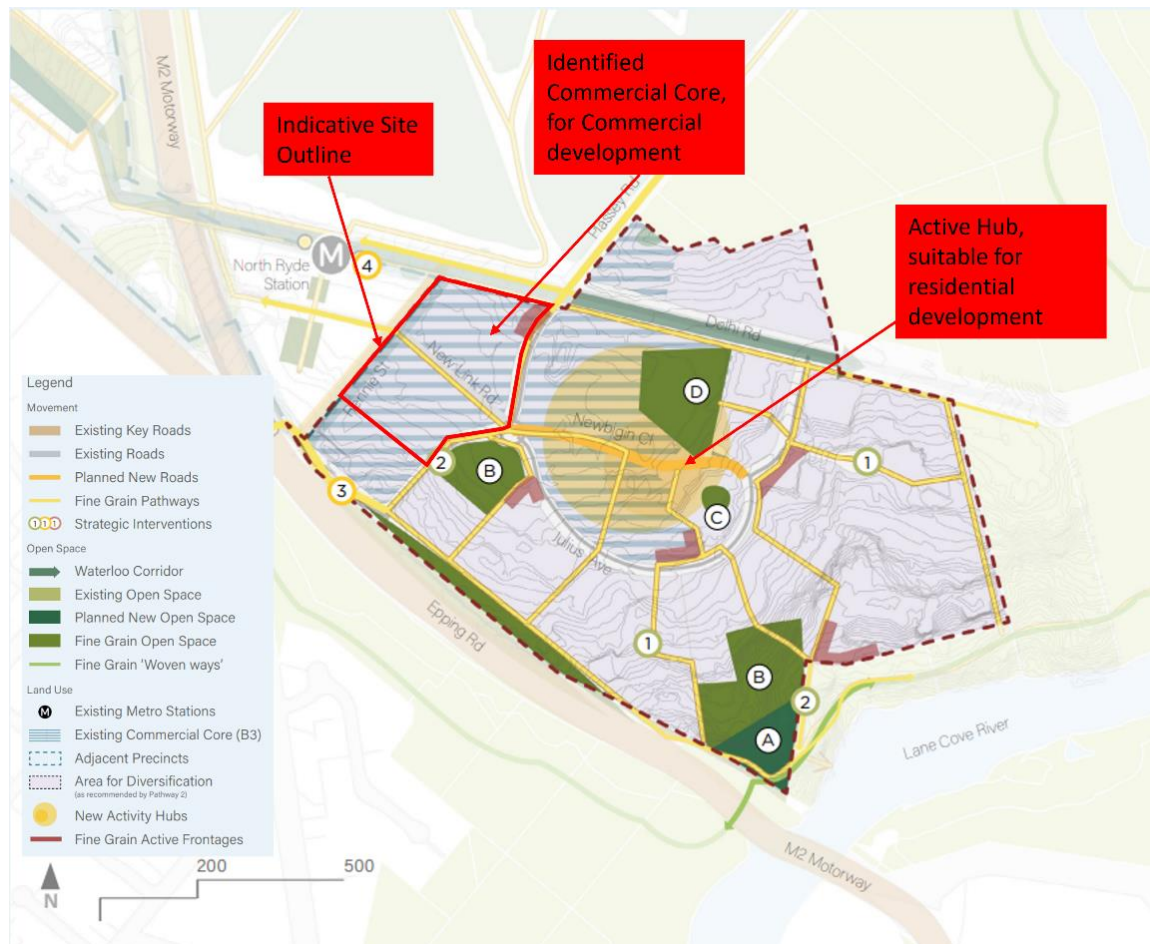


Figure 1: Markup of North Ryde Riverside Neighborhood Framework diagram (Base Source: Macquarie Park Structure Plan)

- The phasing and delivery plan for this precinct indicates that the area will experience only moderate growth in new dwellings (555 new dwellings) for the first 10 years, the proposed development alone would account for 92% of new dwellings planned for the years 1 to 10. The phased delivery plan aims to ensure infrastructure and open space provision could catch-up with new development, the proposed development would have a negative impact on meeting infrastructure needs in as there is a lack of infrastructure in the precinct to support the additional density used for residential purposes (Figure 2).
- The instant hit of delivering the proposed dwellings that should be spread out across the 10-year period would result in a precinct without appropriate infrastructure in place to handle the additional residential density. This would result in a severely compromised residential amenity as there will be a time lag between infrastructure and dwelling delivery. This is why the strategy plan envisages that dwellings be slowly delivered, to match infrastructure delivery to ensure a precinct that can handle the additional density.
- As the proposed development alone would account for 92% of new dwellings planned for the first 10 years, it will limit the opportunity to provide diverse housing types within the identified

activity hub. Other more suitable sites will lose the opportunity to provide housing or future residential development will be provided without the appropriate infrastructure provided to accommodate the residential population.

Phasing and delivery

Years 1-5	Years 6-10	From year 11+
New diversified employment space	New diversified employment space	New diversified employment space
Approximately 225 new dwellings	Approximately 330 new dwellings	Additional 945+ dwellings
Wayfinding and public art	Traditional custodians, engagement and delivery program	Consolidation of residential development
Regenerative Country-centred landscape management	Conversion of car parks into active uses	Further connections to Lane Cove River
	Continued environmental upgrades to the national park and routes	Roll out of 18-hour economic strategy

Figure 2: Phasing and Delivery Table (Source: Macquarie Park Corridor Place Making Strategy)

- Council requests that DPE strongly consider the requirements of the Place Strategy and Masterplan as required by Clause 35 of the *Environmental Planning and Assessment Regulations 2021* (EPAR 2021). It is the Council's view the application is consistent the Place Strategy as:
 - The quantum of residential dwellings is not consistent with the phasing plan or dwellings proposed are not in the identified areas of the *Macquarie Park Innovation Precinct Place Strategy* (Place Strategy) and *Macquarie Park Innovation Precinct Strategic Master Plan* (Master Plan).
 - The Application does not encourage employment growth in a location specifically identified for employment growth consistent with the Masterplan.
 - It results in a significant loss of commercial floor area, permanently sterilizing the site with residential uses.
 - It does not retain areas identified for employment zones, therefore not supporting the viability of the strategic centre of Macquarie Park Corridor.
- As demonstrated above, it is Council's view the application is entirely inconsistent with the requirements of the Place Strategy and Masterplan, therefore fails the test of consistency, therefore Council requests that DPE require serious amendments to the schemes land use and built form outcomes, to ensure the scheme can be considered consistent with clause 35 of the EPAR 2021. The Application requires significant revision, to align with the outcomes envisaged in the masterplan, ensuring that the site can support employment lands, and contribute to GDP with commercial land uses, consistent with the Place Strategy & Masterplan.

2. Housing Targets

- The *City of Ryde Housing Strategy and Addendum* (Housing Strategy) prepared by Hill PDA was adopted by Council on the 8th of December 2020, with DPE approving the housing strategy on the 9th of September 2021. This document provides the evidence base for housing outcomes in the Ryde Local Government Area (LGA), specifically the housing strategy outlines that there are an additional 20,000-22,000 dwellings to be delivered by

2036.

- The Applicants EIS and supporting appendices justify the excessive housing supply provided, resulting in a significant loss to Council's employment lands, suggesting that the scheme will contribute to Council's housing targets and address the shortfall in housing options. The EIS and supporting Appendix's have failed to undertake any meaningful assessment of the housing strategy. If this document was considered it would outline that City of Ryde Council is exceeding its required housing targets, **significantly**, exceeding the projected targets by 25%-57% and can deliver almost half of the entire North Districts housing target. This is evidenced in the housing strategy which states:
 - *As discussed in Section 6, Ryde LGA is well placed to meet the Greater Sydney Commissions housing target for 2016 to 2021 period of 7,600 dwelling target. The current pipeline suggests that between 9,500 and 12,000 dwellings are anticipated to be delivered depending on market demand. **This projection exceeds the Greater Sydney Commissions target by between 25 per cent and 57 per cent.** This pipeline **suggests that the LGA could deliver almost half of the entire North District target, making a substantial contribution to meeting the District's housing needs,** the highest of any LGA In the District. The Ryde LGA has a 2016 to 2036 theoretical capacity of approximately 35,043 additional dwellings. This greatly exceeds the ranges outlined in the forecast .id and DPIE projections. This would allow for market fluctuations to be accommodated, avoidance of supply constraints, and proactive planning to adapt planning controls to provide the right housing in the right locations.*

Financial Year												
Sum of Additional Dwellings	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	Grand Total
Boarding house		15	95	38		50	9	43	22	367		639
Dual occupancy	47	80	75	98	70	55	34	44	39	36	12	590
Group home							1	2	4			7
Multi dwelling housing	19	94	45	83	53	43	23	52	3			415
New single dwelling							1	1				2
Residential flat building	114	591	2,804	1,939	3,931	864	432	475	103	1,416	794	13,463
Secondary dwelling	16	29	44	35	32	11	19	14	15	16	10	241
Secondary dwelling CDC	37	99	91	92	75	74	33	44	15	28	1	589
Seniors housing				69	156		1					226
New single dwelling CDC						2	1	1	2	2	3	11
Dual occupancy CDC			1					177	191	157	50	576
Grand Total	233	908	3,155	2,354	4,317	1,099	554	853	394	2,022	870	16,759

Figure 3: Summary of Council's delivered housing via DA & CDC (excluding SSD approvals)

- Given the above evidence in Council's housing strategy it is unclear of the rationale, suggesting that there is a housing undersupply in the Ryde LGA and that the scheme will resolve this, at the expense of Council's employment lands. Whilst it acknowledged the other areas within the Greater Sydney Area may be affected housing undersupply, the City of Ryde is not, and demonstrates it is on track to exceed its housing targets (Figure 3). It is unreasonable to require the Ryde LGA to pick up the slack of other LGA's not achieving their housing targets whilst negatively impacting Council's employment lands.
- Council requests that strong consideration be given to this aspect by the Department, as demonstrated in Council's strategic housing documents, Council is on track to deliver and exceed its housing targets, without the need for the BTR SSD applications, excessive residential component, resulting in sterilization of Council's employment lands, loss economic growth & impact on Macquarie Park being an economic powerhouse. Whilst Council appreciates there is a need for housing, Council submits that's it's a **poor planning outcome** to completely remove the commercial aspect of the site. As outlined later in this submission, the Applicant is required to reconsider their land use configuration to provide a significantly increase portion of the Gross Floor Area (GFA) as a commercial generating land use.

3. Use of Clause 6.9 , FSR transfers and Omitted GFA

a. Use of 6.9

- The application seeks to benefit from *clause 6.9 Development in Macquarie Park Corridor* of the RLEP 2014. Council notes that the objective of clause 6.9 of the RLEP 2014, is to encourage **additional commercial development** in the Macquarie Park Corridor. The clause states:

6.9 Development in Macquarie Park Corridor

*(1) The objective of this clause is to **encourage additional commercial development** in Macquarie Park Corridor co-ordinated with an adequate access network and recreation areas. (Emphasis Added)*

(2) This clause applies to land in Macquarie Park Corridor, identified as “Precinct 01—Macquarie Park” on the Macquarie Park Corridor Precinct Map.

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

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

- DPE in its assessment of the BTR Application needs to be satisfied that the development is commercial in its use. This would include management details of the land use to be provided with the application, demonstrating the commercial aspect of the development. In this regard, the following should be provided:
 - An Operational Management Plan that details how the ‘use’ is commercial as well as outline the operational management procedures of the land use.
- Notwithstanding the above Council submits that the application in its current form requires reconsideration of its land use to provide a higher quantum of employment generating land uses that contribute to GDP and economic growth, to ensure employment lands are protected and a harmonized balance of land uses occurs within the site.

b. FSR transfers

- The application proposes a Floor Space Ratio (FSR) transfer from remaining portions of the principal site area into the site area associated with the BTR. Specifically, the remaining GFA from Stage 1 would be ostensibly transferred into the Applicants stage 2 BTR scheme, as shown in the Applicants Environmental Impact Statement (EIS), which states (Pg 39):

3.7 Gross Floor Area

The Trinita Stage 2 development proposes an additional gross floor area (GFA) of 42,400m² , which together with the existing commercial development at Trinita Stage 1 equates to a total GFA of 82,219.6m². This is entirely compliant with the maximum incentive floor space ratio of 3:1 on the site

- When looked at site area wholistically with the GFA proposed, the applicant would comply with the incentive provisions FSR; however, if considering the site areas associated with the BTR Scheme and the GFA proposed. The FSR value would significantly exceed the incentive

provision bonus. Table 1 shows that it is approximately **4:1** whereas the incentive provision permits a **maximum of 3:1**, this table highlights the applicants proposed GFA Transfer from stage 1 into stage 2. This value is irrespective of any GFA that they have omitted, due to not including areas associated with wind mitigations or excess parking over the maximum required by an EPI, therefore Counting as GFA. (Refer **Section 8 & 11** for discussion on additional GFA not counted)

- The excess gross floor area is attributed to the transferring of unused GFA from stage 1 into stage 2. As such under clause 4.5(9) of the RLEP 2014 it provides the ability to require a covenant imposed on land that relates to two sites that transfer GFA into another site, to prevent double dipping. The clause states:

4.5 Calculation of floor space ratio and site area

(9) Covenants to prevent “double dipping” When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.

- As such DPE must consider gross floor area holistically and impose a condition on any consent issued that requires the registering of a positive covenant on both sites to prevent double dipping of GFA, if further redevelopment occurs on the stage 1 site. Council can provide a recommended condition once remaining issues are addressed.

Site Address	Proposed site area whole	Site area BTR	Total GFA	FSR whole site area	FSR for -BTR Site Area & GFA
39 Delhi Road	27,410m ²	10,614m ²	82,230m ² which includes the existing stage 1 development, or 42,400m ² which includes the BTR GFA.	3:1 , calculated from the total GFA of stage 1 and 2	3.99:1 Rounded up to 4:1

Table 1: Calculation of GFA & FSR of 39 Delhi Road

- Council requires on submission of any RTS response that a detailed schedule of GFA be provided with the application. The GFA schedule shall demonstrate the amount of GFA being transferred into stage two, forming the basis of any future condition subtracting that GFA from the stage 1 development.

c. Omitted GFA

- Notwithstanding point (b) above requiring a positive covenant imposed on the land, Council raises concerns with how the applicant has omitted items from its GFA calculation. This includes parking omissions, surplus over the housing standard and wind mitigation measures that are included as GFA per the definition of GFA. (Refer **Section 8 & 11** for discussion on additional GFA not counted)
- In this regard the applicant is to recalculate its GFA distribution throughout the site and determine the actual GFA proposed. This value may result in a breach of the 3:1 maximum incentive provision holistically (site area for stage 1 and 2), and therefore require the scheme to be amended to ensure it does not exceed the incentive provisions bonus.
- Clause 6.9(3) outlines that a consent authority can grant consent to development where

these incentive provisions apply, as long as they don't exceed the incentive provisions maximums. The clause states:

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

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

- In respect of development it is demonstrated to exceed the incentive provisions maximum due to omitting items defined as GFA, this would ostensibly leave the consent authority no option but to refuse it in its current form, without revision to the GFA quantum.
- Upon recalculation of the schemes GFA including items identified by Council as being omitted, should the recalculated GFA result in a scheme that exceeds the maximum incentive provisions ratio of 3.1, the applicant will need to revise its massing to reduce the amount of GFA to ensure the site complies with maximum incentive provisions requirements.
- Council submits that DPE will require to be satisfied that any scheme they determine is in strict compliance with clause 6.9 incentive bonus prior to determination. As outlined above DPE should request the applicant to recalculate its GFA and reduce it accordingly.

4. Impact On LDA2007/950 & LDA2003/383

a. LDA2003/383

- The Application proposes to repurpose LDA2003/383 approved parking layout, by using the approved commercial parking space for the stage 2's land use, repurposing 164 commercial parking spaces.
- The stage 1 is ostensibly being modified by the proposed application, whereas it seeks to amend the approved parking quantum afforded to the development, but proposing parking be used not for the commercial land uses but the residential land uses. LDA2003/383 approved a specific parking quantum, used for commercial purposes, that LDA did not approve it to be used for residential purposes. It's noted that Condition 22 required:

Conditions of Consent for 382/2003 :-

location for the convenience of employees and visitors to the site. Suitable change facilities for cyclists must also be provided within the development.

22. **Traffic:** A maximum of 995 off-street car spaces being provided in accordance with the submitted plans. Such spaces are to be paved, linemarked and made freely available at all times during business hours of the site for staff and visitors.

Figure 4: Extract from LDA2003/382 showing condition 22 (Source: LDA2003/382)

- The Applicant's approach would ostensibly require them to lodge a modification application to Council to modify LDA2003/383 parking use, used for the proposed residential purposes. DPE would have no power in this circumstance to approve the development, that requires a

separate application be considered by Council. Council supports the removal of park parking for the stage 1 development, however the applicant would need to amend LDA2003/383 to adjust the car parking numbers prior to this application being determined by DPE.

- Additionally Council notes that LDA2003/382 was modified on the 13th of October 2006 by *Section 96 Consent No:382.2/2003*. This imposed additional consent conditions requiring the Applicant to construct and dedicate New Link Road to Council upon the completion of stage 2. Refer conditions 122 & 123 which state:

2. The addition of the following additional conditions of consent:

122. *The owner is to enter into a legal agreement with Council, (at no cost to Council) within a period of six (6) months from the date of this modification, which requires the area through the site required for the construction of the road proposed to connect the roundabout at the intersection of Julius Avenue and Rivett Road to the Delhi Road Railway Station to be dedicated to Council as a public road, free of cost, upon completion of the construction of the road through the site to Council's satisfaction prior to the sale of the land by the owner, whichever event occurs earlier. The agreement is to be in a form satisfactory to the parties.*

123. *The road referred to in the preceding condition is to be fully constructed:*

- *Prior to the issue of an Occupation Certificate for the Stage 2 development on the southern side of the road; or*
- *Upon construction and dedication of the road proposed on 25-37 Delhi Road, which is to abut the common boundary between 25-37 and 39 Delhi Road, whichever event occurs earlier.*

- As proposed in this application, this road is to be converted to a shared lane. This would require condition 123 of LDA2003/383 to be amended prior to this application being determined by the applicant.

b. LDA2007/950

- It's noted that stage 1 has been completed and is operational and that subsequently after stage 1 was completed, the Applicant obtain consent for stage 2 being LDA2007/950. It is unclear if LDA2007/950 has achieved physical commencement. In this regard the following is required:
 - Confirmation if LDA2007/950 has been physically commenced.
 - Surrendering of LDA2007/950 to Council, consistent with clause 67 *Modification or surrender of development consent or existing use right—the Act, s 4.17(5) of the Environmental Planning and Assessment Regulation 2021.*

5. Urban Design and Place Making Outcomes

a. Urban Design Review

Overall Council objects to the current urban design outcome of the proposal. Council raises serious concerns that the current design of the building is inappropriate and does not advocate good place making outcomes. The built forms propose long unarticulated bulky towers that don't define place resulting in offensive built form and poor amenity outcomes.

Council's Urban Design feedback is provided below.

b. Place Making Outcomes

- The Macquarie Park Place Strategy outlines that Residential can occur within the precinct, however this would be subject to a strong mix of commercial and residential land uses as well as being located in an alternative area within the precinct. The application does not demonstrate any of these elements. A mix of residential, shopping and working spaces is required to realise the vision of a city area where live, work and play is achieved in place. The proposal is only 150m from the North Ryde metro. With such a strategic location the site has great potential to reinvigorate this part of Macquarie Park, set a precedent for vibrant day and evening activity and high quality live, work and play buildings and be innovative in demonstrating how commercial and residential can be delivered together.
- The proposal provides 93% residential uses, small scale retail on only one street frontage. Residential uses predominate on two of the three street frontages. There is no commercial, innovation or office hub or other working spaces provided. This aspect is inconsistent with the Macquarie Park place strategy and doesn't deliver the vision and objectives of the place strategy. Residential uses in the proposal start from the first level of the building giving the overall appearance of residential only buildings.
- The proposal is therefore incompatible with the potential of the site, the place, the location and the desired future character as set out in the place strategy. The proposal does not support the precinct as a mixed-use live, work and place and innovation area. A wide range of commercial spaces should be looked at to provide jobs in place and opportunities for small and medium size business. Street facing shops should create a civic proportion by occupying double height space and achieving ancillary city uses or commercial and innovation uses across first level spaces above shop fronts.
- Whilst BTR is permitted by the Housing SEPP, the SEPP does not preclude developments from achieving both residential and commercial space. To realise the intent of the Place Plan **both uses** are required to achieve a viable city precinct. Residential development should not sterilise the area as a commercial precinct.
- The proposal does not demonstrate how it contributes services and facilities commensurate with commercial or residential requirements ie. Service shops such as doctors' offices, dry cleaning, dog grooming, child day care, work from home hub, innovative Research and development spaces.
- It is not demonstrated how the amount and configuration of communal open space is sufficient for the number of apartments and future population increase.

c. City shaping buildings – Podium Street Wall/Tower building forms

- For this North Ryde location as a commercial/mixed use area, and in such close proximity to the metro station the desired future character is to be of a city character, in scale and design. The proposal's residential components totally dominate street frontages in terms of use and massing.
- To avoid this, a consistent street wall should be provided to each street with a tower setback above. The street wall should have a markedly different character to the tower and have a strong and attractive civic presence of up to 6 storeys or more ideally using a tactile, characteristic and natural material such as brick. The proposals massing to the corner of New Link Road and Rivett Street has successfully achieved a street wall form, although proportions, materials, height of the ground level glass frontages and level of enclosure all require further refinement to achieve a street wall with a strong civic presence.

d. Street wall

- Along New Link Road a street wall should match the opposite building in terms of podium height to create a consistent streetscape. Breaks in this building form are possible however the street wall should be a consistent and dominant form to buildings along this frontage in terms of height, expressed corner elements, vertical massing and articulation and materials (brick is preferred).
- The podium along New Link Road should clearly express a public and commercial or civic architecture, rather than residential. The tower form should be setback behind the podium and take a different architectural resolution. Exposed balcony edges and setback glass lines should be avoided.
- The street wall shown in the proposal for building C could be utilised along all streets. The elevation for the podium required further refinement by employing vertical articulation and brick (or other natural material) to differentiate the city shaping street wall from the residential component above. Slab edges and large areas of glass should be avoided in the podium.
- Residential is not suitable for any street frontages including Rivett Street. Commercial or retail uses occupy ground and first levels of all buildings.

e. Towers

- Residential towers, slender and tall are supported in this location, above a commercial street wall base.
- Tower forms in the proposal are excessively long, resulting in significantly long, bulky and imposing extruded block edge forms rather than towers. This is a result of the proposals floorplate for buildings A and C having two towers joined together to form extremely long, bulky and imposing 20 storey forms. This type of building form is not supported and will have a detrimental impact on the quality of streets, the development of other sites, the future park and the precinct generally as an attractive destination.
- These should be replaced with slender, taller tower forms similar in footprint to building A. Tower floor plates are to be no greater than 50m long by 22m wide.

f. Street frontages

- All ground level spaces should have at least double heights to provide a quality commercial/retail proportions commensurate with a city scale along the street including the laneway. Overhanging concrete slabs should be pulled back in line with the building façade and the laneway fully open to the sky.
- Rivett Street and Rennie Streets are dominated by ramps, car access and residential uses. This is to be replaced with commercial and/or retail frontages.
- Active street frontages should be achieved on all street frontages. The rear laneway could also have active frontages with secondary retail uses such as a car wash or bike storage area.
- It is unclear what Building B is and why it is in its proposed form. It may make more sense if it was a stand along civic building on all levels offering a public service.

g. Accessible and permeability block structure

- The current block is around 137 x 250, this doubles the size of well sized permeable city block. The proposal has successfully broken up the block with new north-south and east-west pedestrian connections. However there should be a public laneway (ideally publicly owned) linking Rennie and Rivett Streets.
- These spaces should be clearly designed as public lanes and accessible 24/7.
- Both should be designed to the Ryde standard of open spaces in order to be articulated as part of the public domain. Spaces should have active frontages of at double heights and be fully open to the sky.

h. New Link Road

- The precinct is currently poorly connected due the large blocks, lack of streets and circuitous street structure. In readiness for additional densities across site in this precinct, the New Link Road was to be dedicated to Council under LDA2002/383 of the Trinita development as a public road to facilitate traffic movement from and to the Metro and surrounding sites. It is currently the only connecting road in a north-south direction in the precinct.
- To facilitate the future growth and movement requirements of the precinct this street is to remain as a fully open two-way public road with carparking on both sides. Where the proponent seeks to provide outdoor areas, these can be provided as an additional building setback to New link road to widen and enhance the pedestrian experience. Any embellishments in the space must be to councils' specification.

i. Podium Slab

- The proposal has a full block sized podium slab raised up off the ground. The results is an excessive slab that is raised above ground which results in no deep soil planting mid-block, extensive deck areas and plant and carparking above ground.
- Buildings should be located at grade with all plant and carparking to be fully underground and no exposed basement walls.
- As a 93% residential building this requires deep soil zone with communal open spaces central to the buildings, currently the proposal has no mid-block deep soil, which is inappropriate and should be revised to improve amenity outcomes for residents.
- An extensive deep soil planting area should be provided centrally within the site and mature, native trees and other vegetation planted.
- Plant and carparking should be located under the building footprint to allow the centre of the site to be deep soil zone. Buildings of this size and number require more than one level of underground carparking. A deeper and slender basement footprint should be considered to improve deep soil and landscape provision.

j. Elevations, massing, building articulation and materials

- Elevations, building massing, articulation and a variety of materials requires design. There should be a base (street wall) middle and top to the building massing.

- Double height retail along all street frontages, a 6-7 storey street wall and towers setback above.
- Tower elevations require far greater design consideration to achieve variety and an attractive modulated and articulated design. There is no sun shuttering on balconies. Different orientations should achieve different facades to match sun load and operable screening devices.
- The vertical should be expressed more in building elevations and slab edges clad in places to reduce the monotonous horizontal and repetitive design.
- Council further notes the impact of the buildings design on the mixed-use plaza outlined in the Place Strategy. The current built form outcome severely compromises sunlight and aspect to the future open space (Figure 5). Of particular importance is the design criteria that requires sunlight protection to this area as follows:
 - *Open spaces are to have solar protection between 10am-2pm on the winter solstice.*

The submitted EIS provides rationale as to why severely compromising this solar access is acceptable, however Council does not accept this, as an improved design outcome on the site, could ensure amenity is retained for this important open space. The suggestion that little weight should be given to this is inappropriate. Part of the consistency test required by Clause 35 of the EPAR 2021, would be consideration of this control. In this regard, the open space is **NOT** demonstrated to have solar protection. Council does not accept the impact to this space when a more considered design approach could occur to ensure the retention and protection of solar amenity to this space.

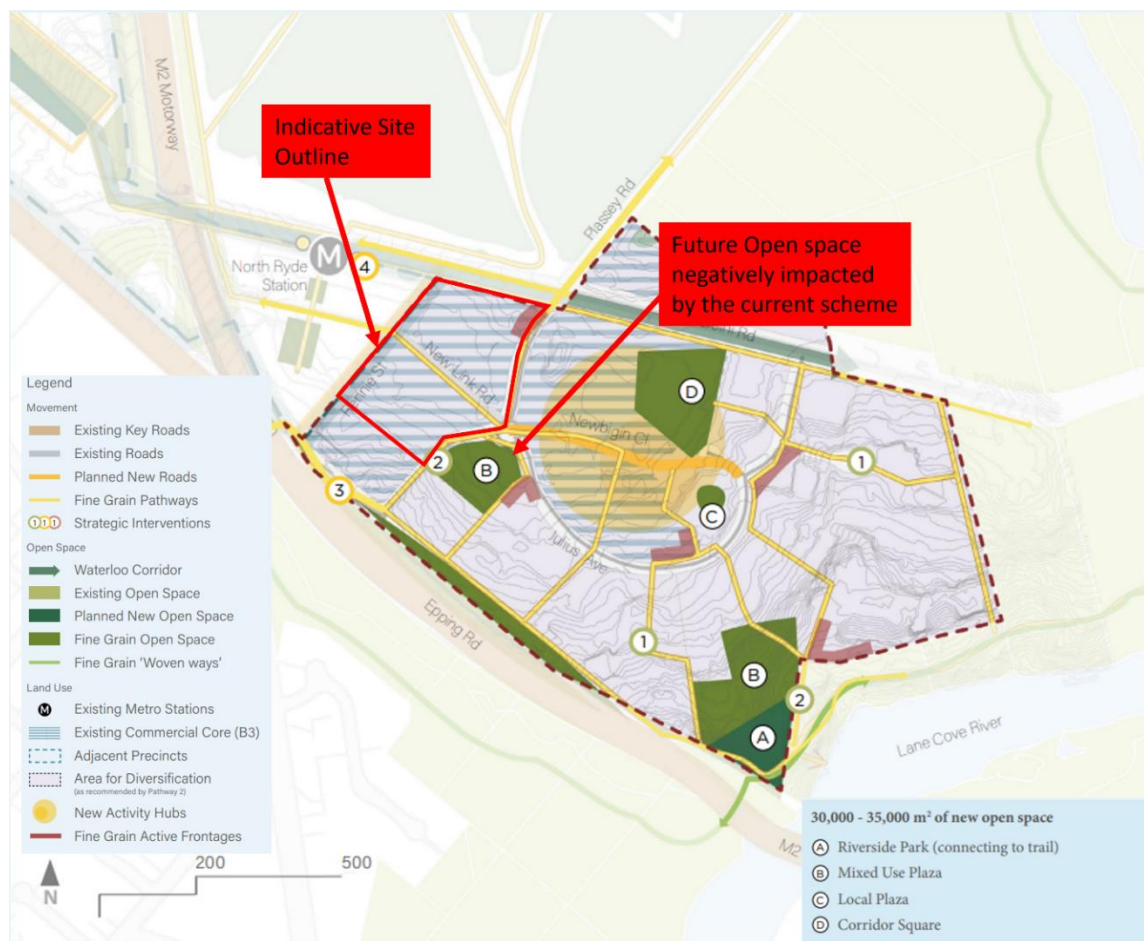


Figure 5: Markup of Structure Plan for Precinct 7 (Base Source: Place Strategy and Masterplan Macquarie Park)

6. Employment generating land use loss and Economic Impact

a. Employment Land use loss

- Appendix HH claims that other areas in Macquarie Park will be delivering the required Commercial floor space as a part of their justification that they don't need to deliver it. This is not supported. Particularly as they rely on Macquarie University (Figure 6) delivering commercial GFA as a part of the total. Macquarie University isn't located within the Macquarie Park corridor or the place strategy, so relying on this argument is inappropriate. Council submits that provision of additional commercial floor area is required within the development.

Table 6 Future Proposed Space by Location

Map Reference	Planning Not Yet Built	Approval	Commenced	Anticipated Space (m ²)
1	63-71 Waterloo Road	Yes	No	59,000
2	40 Talavera Road	Yes	No	37,500
3	Macquarie Exchange (EO to Existing)	Yes	Yes	65,000
4	Macquarie Square (EO to Existing)	Yes	Yes	80,000
5	Macquarie University	Yes	-	25,000
6	65-67 Epping Road	No	No	35,000
Total				301,500

Source: Industry Data; Commercial Office Leasing Agents; Ethos Urban

Figure 6: Table 6 from Appendix HH

- Further Appendix HH is fundamentally flawed in its assessment, as it has not considered the Macquarie Park Economic Development Study (Appendix B Economic Development Study) in its assessment. This study underpinned the Macquarie Park Place Strategy economic focus and outcomes therefore should be considered by the applicant. A revised assessment is required.
- Appendix HH has failed to undertake an assessment of the cumulative impact of the loss of commercial GFA. Concern is raised with the cumulative loss of GFA in employment generating zones, with the number of Build to Rent SSD applications being proposed. Currently there are 4 applications proposed in the E2 Zones (Table 2). These BTR applications are proposing to significantly reduce employment generating floor space, resulting in a significant loss, if assessed cumulatively.

Address	GFA Proposed
39 Delhi Road	54,352m ²
85-95 Waterloo Road	63,737m ²
1-5 Khartoum Road	47,504m ²
35 Waterloo Road	44,700m ²
Total	210,293m²

Table 2: Table showing upcoming SSD applications for Build to Rent Purposes

- If looked cumulatively the above GFA proposed all for residential purposes throughout the employment zones, it results in a loss of **210,293m²** (Table 2) of employment generating floor space, being turned into a floor area that creates little GDP benefit. A revised assessment is required.
- Concern is raised where BTR applications are being submitted with purely residential components, with no significant commercial components. This doubled with the effect that there is a serious infrastructure deficiency as outlined in the Macquarie Park Strategic Infrastructure and Services Assessment (SISA) that the precinct is faced with to support the

additional residence. The Applications providing a significant amount of residential GFA without the required time for the Macquarie Park to catch up with the infrastructure needs to support the precinct.

- Council requests that revised design should occur to provide for a more compatible split of commercial GFA to any residential GFA. The current ratio is unacceptable and provides no compatible land uses consistent with the Macquarie Park Place Strategy.

b. Economic Impact

- Council does not support the Stockland's proposal to deliver a mixed-use precinct consisting of two Build-to-Rent (BTR) housing towers and ground retail uses for the following key reasons:
 - a. The Assessment needs to provide a thorough assessment of medium to long-term risks surrounding the provision of commercial spaces in Macquarie Park.
 - b. The Assessment would benefit from more evidence around the opportunities for mixed-use development, which would likely support a more vibrant and diverse mixed-use development outcome.
 - c. The proposal could be more innovative. The Assessment does not consider the long-term needs and, thus, opportunities to deliver a mixed-use development that provides the proponent with flexibility in how they could respond to future commercial/financial risks.
 - d. Refer to Table 3 for detailed analysis of economic impacts.

	Comment	Detail
1	<p>The Assessment it fails to provide a thorough assessment of medium to long-term risks surrounding the provision of commercial spaces in Macquarie Park.</p> <p>An increase in the supply of residential dwellings in Macquarie Park is supported, but not at the complete sacrifice of commercial space.</p>	<p>The Assessment identifies the decline in tenancy and demand for commercial space in Macquarie Park and other economic centres in Greater Sydney.</p> <p>The Assessment fails, however, to provide sufficient context as to the reasons for the decline, only stating that there is an oversupply of commercial space, particularly in Macquarie Park. The Assessment should explore the following:</p> <ol style="list-style-type: none"> 1) Opportunities to provide spaces suitable to the innovation ecosystem (e.g., spaces for small to medium-sized enterprises, spaces for co-working operators, spaces for advanced manufacturing capabilities in the life sciences, biotechnology, and energy management sectors). 2) Evolution of workplace practices post-COVID-19 and the continued uncertainty of the sustainability of hybrid working and its impact on productivity. 3) The age and quality of commercial stock in Macquarie Park not being of a modern standard (e.g., responding to the 'flight to quality' by commercial tenants reported by commercial real estate agents). 4) The broader context of multiple development sites in Macquarie Park being converted to residential dwellings, resulting in Macquarie Park changing from an economic centre to a residential dormitory of Greater Sydney, where new residents would be forced to travel longer distances to get to work.

	Comment	Detail
2	<p>The Assessment lacks sufficient evidence to support a genuine approach to mixed-use development, with the inclusion of retail on the ground floor appearing to be an afterthought.</p> <p>Consideration should be given to more commercial space, including spaces to support the night time economy.</p>	<p>The Assessment makes no justification for the inclusion of retail on the ground floor.</p> <p>Council strongly recommends that the mixed-use development be expanded across multiple floors, targeting both the innovation ecosystem (spaces for small to medium-sized enterprises) and the night time economy. Regarding the night time economy, the development should consider the following:</p> <ol style="list-style-type: none"> 1) The provision of appropriate setbacks from the verge to allow for outdoor dining. 2) Pre-approvals for noise at night time (e.g., live music, outdoor dining, markets, etc.). 3) Provision of plazas and open space that provides sufficient lighting and clear lines of sight to support safe pedestrian movements at night time. 4) Spaces (including enabling infrastructure) suitable for businesses working in the retail, hospitality (food, beverage, and live performances), community services, and health services sectors. <p>In addition to contributing to the broader vibrancy of North Ryde, the provision of these spaces for night time economy businesses will provide both workers and residents with access to new services, reducing the need to travel to other locations via private vehicle.</p>
3	<p>The proposal lacks innovation in that it does not consider the long-term needs and, thus, opportunities to deliver a mixed-use development that provides the proponent with flexibility in how they could respond to future commercial/financial risks.</p> <p>Adaptive/sequential uses should be considered to avoid the future sterilization of Macquarie Park as a globally competitive Innovation District.</p>	<p>As noted previously, the Assessment fails to consider the need for renewal and redevelopment of commercial spaces in Macquarie Park. Recognising that the current downturn of the commercial market presents a financial risk to the proponent, City Economy recommends they consider opportunities for adaptive reuse of spaces in the building. This could include, for example, the temporary provision of above-ground car parking that commercial spaces could replace in the future once the demands for parking and commercial spaces change.</p> <p>Taking an adaptive approach could provide the proponent with greater flexibility and an enhanced ability to respond to risks over the medium to long term, particularly if demand for car parking spaces continues to decline.</p>

Table 3: Analysis of 39 Delhi Roads Economic Impact Assessment

7. Land Dedication and Lack of Infrastructure

a. Land Dedication

- The Applicant has submitted a Voluntary Planning Agreement (VPA) with the Application.
- Council has advised that the VPA is unacceptable, and Council is working with the applicant to discuss a more appropriate VPA. As the development relies on clause 6.9 incentive provision, the application cannot be determined until a satisfactory VPA has been finalized.

b. Lack of Infrastructure to support the increased residential population

- The Macquarie Park Place strategy is supported by the Greater Sydney Cities commission strategic infrastructure and services assessment which will guide delivery of infrastructure in Macquarie Park. This document has identified 190 individual infrastructure items that need to be provided to accommodate the stage 1 delivery of the place strategy. The Applicant has not provided any details as to the required infrastructure to support the residential population as opposed to commercial land use. This is highlighted below.
- The development proposes 508 dwellings, which with the City of Ryde's current average household size of 2.47, will bring in an additional 1,255 residents. This will have an impact by requiring new public recreation infrastructure to meet this demand and none is proposed to be included in the proposal and the surrounding existing Council facilities are at capacity. The needs for active recreation generated by the new residents is shown below:
 - **Active Recreation**
 - Senior Sports field equivalent to 3,700 square metres
 - Junior field equivalent to 900 square metres
 - An outdoor court equivalent to 420 square metres
 - Access to an indoor court for 7.5 hrs per week
 - Access to a public swimming pool for 1.5 hrs per week (it is noted that the proposed development includes an 18m lap pool which will go some way to addressing this need)
 - **Passive recreation**
 - Blenheim Park is approx 300m of the development and provides a passive Open Space area that is more than 3,000m² which is slightly outside the State Government's accessibility objective to have residents in high rise within 200m.
 - The pedestrian access to Blenheim Park is poor as it will require the crossing of Epping Road via the traffic signals at the junction of Pittwater and Epping Roads.
 - Council's strategic statement identified the need to create new open space near to the area of the proposed development. It is also identified within the Macquarie Park Place Strategy (as below), however there is no confirmation over the timing for its delivery. Therefore, there is no guarantees of when this will be available to the residents.
 - The \$17.5 million (less any offsets provided) in contributions and the portion that will be identified for Open Space Sport and Recreation facilities, will be inadequate to meet the cost of provision of the Active Recreation infrastructure and any embellishments to passive parks required to cater for the additional demand created by the development. Council can provide the cost of the relevant infrastructure as identified in its Section 7.11 plan to demonstrate this shortfall.

8. Wind Impact Assessment

- Appendix -L Pedestrian Wind Environmental Assessment, Prepared by Windtech, is completely unacceptable in its current form. In review of Appendix L, it becomes apparent that it is a general wind assessment only and no meaningful assessment has been undertaken of the proposed development and site-specific impacts. This is clarified in the below statement from Appendix L:
*The conclusions of this report are drawn from our extensive experience in this field and are based on an examination of the latest architectural drawings. **No wind tunnel testing has been undertaken for the subject development, and hence this report addresses only the general wind effects and any localised effects that are identifiable by visual inspection of the architectural drawings provided (received 01 August 2023).** Any recommendations in this report are made only in-principle and are based on our extensive experience in the study of wind environment effects.*

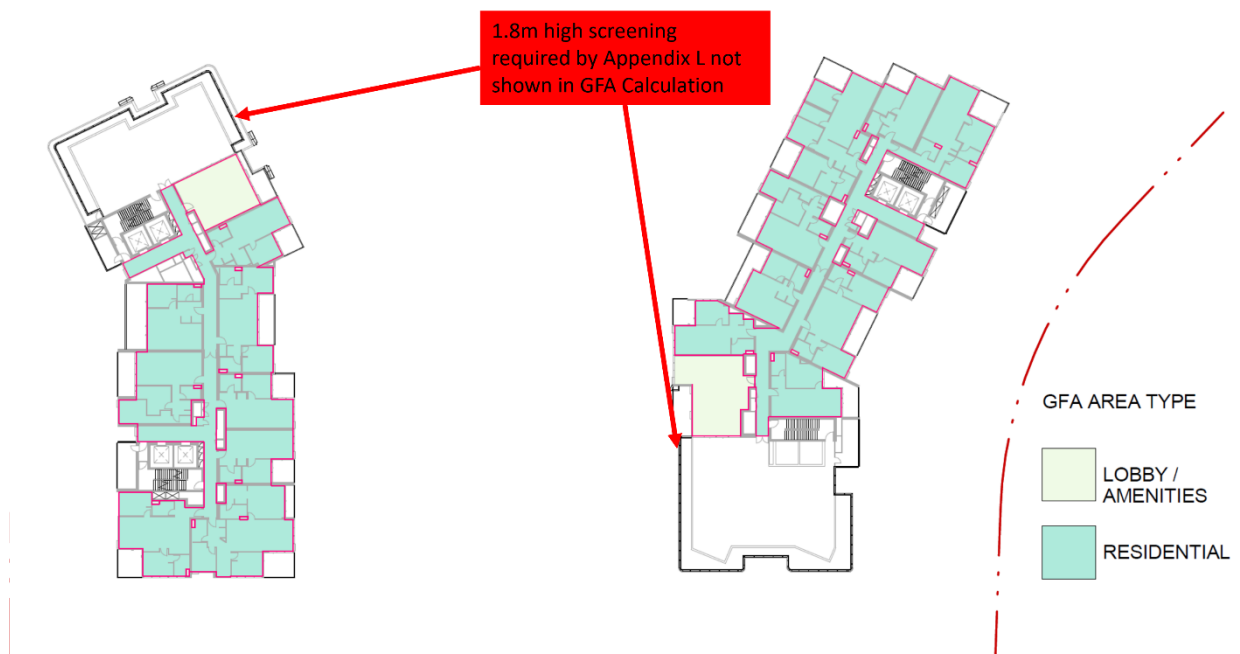
- Council requires a site-specific wind impact assessment that analysis the wind tunnel impacts. The general wind impact assessment provides no useful mitigation measures that would be required for the project. This is also recommended by Appendix L – which concludes:

*Nonetheless, **wind tunnel testing is recommended** to be undertaken at a more detailed design to quantitatively assess the wind conditions and to optimise the size and extent of the treatments required.*

- It's noted that Appendix L has provided "general" recommendations that are to be incorporated into the design. In review of Appendix E (Architectural Plans), it becomes evident these recommendations (general) are not included in the submitted architectural design. Appendix L recommended:
 - *Ground level trafficable areas:*
 - *Retention of the proposed/existing tree planting.*
 - *Communal Open Spaces:*
 - *Retention of all proposed landscaping elements on the Level 3 Podium and the proposed pergola (30-35% porosity) over the link bridge.*
 - *Retention of 1.8m high screening (raised planter & balustrade) around the perimeter of the Level 20 terraces, and retention of raised landscaping/vegetation located centrally.*
 - *Private Balconies:*
 - *Retention of full height impermeable screens on the north-western balconies on Building A and the north-western and south-eastern balconies on Building C*
 - *Retention of the proposed impermeable balustrades*
- The above recommendations outlined that full height impermeable screening is to be provided around communal open spaces and certain private balconies. It is unclear if these elements have been drawn into the design, however what is clear is that the Applicant has not included these spaces into their GFA Calculations. As per the definition of GFA, screening higher than 1.4m would be included in GFA. An example is demonstrated below for the communal open space on level 20 refer Figure 7 & Figure 8 .



Figure 7: Mark up of Windtech Figure 6 showing Level 20's recommendation (Base Source: Windtech)



9 GFA PLAN - LEVEL 20
1 : 700

Figure 8: Markup of Level 20 GFA Plan (Base Source: Koichi Takada Architects (A-DA-0502))

- The above illustration outlines that the design has not included the recommended mitigation measures or considered the associated implications on GFA. Furthermore, Appendix L in its current form provides no meaningful assessment of site-specific impacts. As such the following is required to be provided:
 - A Wind Impact Assessment that undertakes a site-specific assessment (including wind tunneling)
 - The Architectural design is to reflect the required recommendations (and any further mitigation measures, subject to the updated assessment)
 - The Applicant is to include the required recommendations into their GFA and provide an updated GFA Schedule. This may require redesign and reduction of massing to stay within the incentive provision under clause 6.9 of the RLEP maximum.

9. Landscaping and Arboricultural

a. Landscaping

- The landscape plans provided indicate that the area will have total canopy coverage of 18.3% following the development. The inclusion of vegetation and trees at the top of structures is strongly supported and should be enhanced where possible to achieve as close to possible 40% canopy coverage across the entirety of the site.
- It is unclear if the Landscape plan incorporates species from the Blue Gum High Forest (BGHR) Community. The Landscape plan must incorporate BGHF species as per BDAR recommendation to offset loss that cannot be avoided. Given the lack of deep soil provision under the proposal, achieving the tree targets using BGHF needs to be confirmed given the height, root space needed under this proposal.
- The landscape plan needs to demonstrate a tree replacement, a minimum of 2:1 tree replacement ratio consistent with the design criteria of the North Ryde Riverside Precinct of the Macquarie Park Strategic Masterplan.

b. Arboricultural

- The proposal indicates removal of 28 trees, 21 of which are identified as high value (category within the arboriculture report provided). It needs to be confirmed if all design options have been implemented to reduce the number of trees required to be removed, particularly those with high ecological value.
- The proposed development has been designed to allow for the retention of up to 96 trees on or nearby the subject land, the majority of which are native to NSW. Approximately 0.09 ha of BGHF CEEC will be retained within the Subject Land post-development. Near the subject area (anywhere that is land not owned by the development) is not acceptable to be considered and counted as part of the number of trees for retention or removal by the development.
- There several trees shown on demolition plan for removal that appear not to be on the lot. This requires to be revised. Other trees counted are counted as being 'retained' and contributing to development proposal supporting tree retention when they are not within the development boundary and should not be considered appendix F (as per above comment as they are not within landowners consent for removal)
- The EIS notes; 124 trees on entire site. 22 trees line Link Rd which are not part of the development should not be considered as part of assessment for retention or removal.

10. Biodiversity

- Plant Community Type (PCT) the scheme involves removal of the Blue Gum High Forest (BGHF) triggering 6 eco-system credits being retired. These must be retired to offset against the loss with evidence provided.
- The proposed development will involve the removal of 28 trees, though will retain up to 96 trees within and adjacent to the Subject Land post-development (Urban Arbor 2023).
- Removal of these trees' conflicts with 'Tree principles' of EIS particularly given the removal of old and mature trees particularly given that less than 140Ha of Blue Gum High Forest remains today. Species are unlikely to have been planted given proximity to existing identified PCTs nearby as identified by ecologist (LandEco 2023.)

11. Vehicle Access, Parking and Service Facilities

- The parking allocation for the development will need to comply with the requirements as outlined in the SEPP (Housing) 2021 - Build to Rent.
- Clause 74(2)(d)(i) of the housing SEPP requires parking within an accessible area equivalent to 0.2 spaces for each dwelling. The Application would require 102 residential spaces, whereas 256 residential spaces plus 42 visitors is provided.
- The surplus parking in this regard results in a non-compliance with the non-discretionary standard specific to Build to Rent Housing under the Housing SEPP. **This will require a Clause 4.6 Variation request to be submitted to consider the non-compliance.** One was not provided with the application.

With respect to the identified non-compliances, Section 4.15(3) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) specifically addresses non-compliances to non-discretionary development standards and states:

"If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards:

a) subsection (2) does not apply [subsection 2 refers to development which does comply with a non-discretionary development standard] and the discretion of the consent authority under this section and section 4.16 is not limited as referred to in that subsection, and

b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard".

Point (b) above refers to a provision of an environmental planning instrument which allows flexibility in the application of a development standard and is taken to mean a request to vary the standard via Clause 4.6 of the Standard Instrument (being the *Ryde Local Environmental Plan 2014* (RLEP 2014)).

Therefore, subject to Clause 4.15(3) of the EP&A Act, the Applicant would require submitting a clause 4.6 variation request to clause 74(2)(d)(i).

- Council is of the view that given the proximity to the metro station and accessibility available for future occupants, the development should significantly reduce its parking quantum, to align with the principles of transport orientated development.

- In regard to vehicle access, the following issues are noted:
 - A section through the loading bay area, is required to ensure the required headroom clearances are provided.
 - The vehicle access around corners or intersections do not respect vehicle swept paths. Most of the access driveways are "hard corners" with little to no inside radius which do not observe AS2890.1 requirements. This is particularly noted for the pickup-drop-off area on the western side of the site accessed from Rennie Street, the main entry to the basement level from Rennie Street (there is a column in the middle of the access which greatly imposes on vehicle movements), the NE corner of the garage (which presents a hairpin turn), loading dock access and the retail area. It is notable that the Traffic report has undertaken a swept path analysis related only to access to the retail area and this portrays a number of instances where vehicle paths travel into the opposing flow.
 - The retail parking and loading bay entry lack any sight distance splays which would enable emerging drivers to see approaching traffic or pedestrians.
 - Not all disabled spaces are compliant with AS2890.6 (Disabled Parking) in that the spaces access to an adjoining shared area.
 - Several disabled spaces are distanced from lifts and access doors thereby imposing on amenity for less abled drivers.
 - Spaces 24 and 25 are positioned at the end of the access aisle yet have no provision (turning bay) in which to exit the area in a forward manner.
 - The exit path for the HRV service vehicle is noted to intrude over a column and what would appear to be a kerb in the loading bay area.
 - There are no bicycle storage racks in the parking level.

12. Financial Implications

Impact to Council Rates

In order for Council to understand the potential impact of commercial properties converting into Build to Rent (BTR), Council has modelled its assumptions on a case study of an existing development that initially was a commercial property in 2016 but later was redeveloped into 695 residential units under a strata plan in 2019 within the Macquarie Park Precinct.

Table A below models on an existing development on 101-107 Waterloo Road, Macquarie Park. In this redevelopment, the land value increased from **\$10.8m** to **\$157m** as the Valuer General recognises the "highest best use" of the property.

TABLE A: 101-107 Waterloo Road, Macquarie Park	Land Value 2022	Ordinary Rates (Inc Infrastructure & Enviro Levy)	Macquarie Park Special Rate	Total Rates (Ordinary + MPSL)
Business	\$10,818,056*	\$44,181	\$7,941	\$52,122
Residential	\$157,000,000	\$595,717	\$0	\$595,717
Resulted in an increase in rates per annum				\$543,595

Table 4: Table A

*Business land value has been forecasted to 2022 based on similar business properties in precinct.

As detailed above, although the Macquarie Park Corridor Special Rate is no longer applicable as it only applies to properties categorised as business within Macquarie Park, the overall rates increased by **\$543,595**. It is important to note that with the additional population, this increase in rates will be required to fund the new demand placed on Council's existing infrastructure and services.

How is **Build to Rent (BTR)** different from **Build to Sell (BTS)**?

In the example above, the redevelopment is considered “Build to Sell” where the property was subdivided into separate lots under a strata plan. Which means each unit is rated separately. In the case of BTR as per the NSW Government Housing SEPP it prevents subdivision. NSW has stated:

“Prevent residential subdivision for 15 years in all zones, except the E2 zone where build-to-rent housing development can never be subdivided into separate lots.”

This means that even though residential units will be built on the property, the SEPP does not permit subdivision into separate lots. Council will not be able to rate each unit separately and will only be able to rate the property as **one assessment**.

Using the same property as an example from above, if subdivision is not permitted for BTR developments, this would mean Council will have to rate the property as one assessment.

TABLE B: 101-107 Waterloo Road, Macquarie Park (JQZ ELEVEN)	Land Value 2022	Ordinary Rates (Inc Infrastructure & Enviro Levy)	Macquarie Park Special Rate	Total Rates (Ordinary + MPSL)
Residential – 695 Units separately rated	\$157,000,000	\$595,717	\$0	\$595,717
Residential – Rated as one assessment	\$157,000,000	\$92,063	\$0	\$92,063
Results in a DECREASE in rates per annum				(\$503,654)

Table 5: Table B

As detailed in Table B above, this would result in a decrease in rates income of **\$503,654** which would be financially unsustainable for Council to meet the increased demand on infrastructure and services for this increase in population.

What is the potential impact to rates for this proposed development:

Based on the assumptions in the example above, the impact to Council Rates can be seen below. From the redevelopment of business property to residential there will be an initial loss of **\$73,499**, and as the units will not be able to be rated separately there will be a future loss of **\$368,087** per annum. It is important to note that this loss will be compounded by the IPART Rate Peg. Assuming a Rate Peg of 4% over a 10 year period this will amount to a loss in future income of **\$4,419,292**.

This has also financial implications in terms of the burden created on existing infrastructure and services and would require cuts to services and projects in order to accommodate the increased population. Otherwise, the alternative would be an increase to general rates across the existing City of Ryde Local Government Area to recoup these losses as Council will not be able to sustain these impacts from future BTR developments

Current Business Rates	Land Value 2022*	Total Rated as One Residential Assessment	Initial Loss of Income	Total Residential units Rated Separately	Future Lost income for Council
A		B	B-A	C	B-C
\$140,843	\$114,756,835	\$67,344	(\$73,499)	\$435,431	(\$368,087)

Figure 9: Comparison of property rating (Source: City of Ryde Council)

What is the potential Impact to Developer Contributions for this proposed development:

As per the Macquarie Park Corridor Infrastructure Delivery Plan completed by GLN Planning on behalf of the Department of Planning & Environment, there is mention that developers can pay either Section 7.11 or Section 7.12 contributions. Section 7.11 contributions are calculated with different rates based on the composition of dwellings within the development, however Section 7.12 contributions are generally restricted to a maximum of 1% of the cost of development. If Council seeks a levy higher than 1% and up to 3% it must satisfy certain conditions.

Table C: Councils should demonstrate how an area meets the following criteria for an increased levy of **more than 1% on the cost of development**.

Criteria for Greater Sydney Region councils*	
a.	The strategic areas are identified in a regional plan, district plan or respective Local Strategic Planning Statement, as a strategic centre, growth area, local centre or economic corridor.
b.	Local planning controls reflect, or are being amended to reflect relevant strategic direction and targets for the centre or defined area.
c.	A requirement for a review every 5 years from the date the new contributions plan comes into force is written into the contributions plan.
d.	Ongoing consultation with the Department regarding changes to works schedules will be undertaken, otherwise the higher percentage levy will no longer apply.
e.	The contributions plan should focus on delivering quality place-based community and green infrastructure, and public space improvements that enhance amenity of the centre. Criteria for all other councils: Contributions should focus on delivering high cost infrastructure items identified in regional plans and strategic plans such as roads.
f.	The centre has been identified by the relevant strategic plan/s to accommodate significant employment growth. An example of this includes facilitating an increase of at least 25% more employment opportunities than currently available in the centre. Criteria for all other councils: Not applicable

Table 6: Table C

Table D: Councils should demonstrate how an area meets the criteria in Table C and the following criteria for an increased levy of **more than 2% of the cost of development**.

Criteria	
a.	The works schedule has been prepared in consultation with the Department.
b.	Financial modelling is provided demonstrating that a maximum 2% levy on the cost of development is insufficient to deliver identified infrastructure in the proposed timeframe.

Table 7: Table D

Calculations below show the difference in developer contributions by levying Section 7.11 versus levying Section 7.12 fixed percentages on the cost of development ranging between 1% to 4%

Property	STUDIO	ONE	TWO	THREE	TOTAL	s7.11 Contribution
39 Delhi Rd	43	204	237	24	508	\$9,300,017

Table 8: Analysis of development under 7.11 Contributions

Property	Cost of Development	1%	2%	3%	4%
39 Delhi Rd	\$303,145,000	\$3,031,450	\$6,062,900	\$9,094,350	\$12,125,800
Difference between s7.11 & s7.12		(\$6,268,567)	(\$3,237,117)	(\$205,667)	\$2,825,783

Table 9: Analysis of development under 7.12 contributions

As can be seen from above calculations, an application of Section 7.12 contribution between 1-3% will not provide sufficient funds to Council to deliver critical infrastructure to support this development, a levy at 4% does cover shortfalls. However, this would be subject to IPART and Ministerial approval and will be likely a two year process and this determination cannot be applied retrospectively.

13. Stormwater and Flooding

a. Stormwater Management

- The concept stormwater management plan is noted to incorporate onsite detention system, WSUD components and rainwater storage, prior to discharging directly to the inground drainage service surrounding the site.
- There is a section of hardstand area along the eastern elevation which does not cater for a failure mode (ie surcharge / overflow in the event the inground drainage system blocks). Any blockage of the drainage system in this area would present some risk of flooding the adjoining ground floor level and so the location warrants further detail.
- The two raingardens nominated in the stormwater plans are not located / detailed in the landscaping set. The landscaping plans will therefore need to be updated to ensure the set of plans is consistent with one another.
- The design parameters for the proposed OSD in the stormwater management system are noted to be designed/ derived utilising DRAINS software modelling. To ensure the adequacy of this modelling, it is requested that the data input files be provided for review with the results saved for each particular storm event. This will require files run for both the 20% AEP and 1% AEP storm events.

b. Stormwater drainage

- Council requests that the Stormwater management plan dated 18 August 2023 be amended to reflect the following:
- Please provide clarification of the new proposed pits. It is unclear if there is a new junction pit proposed within the driveway. Please show the new and existing pits in a different layer. Details of all new drainage infrastructure (pits and pipes) to be included in the stormwater management plan (Figure 10)

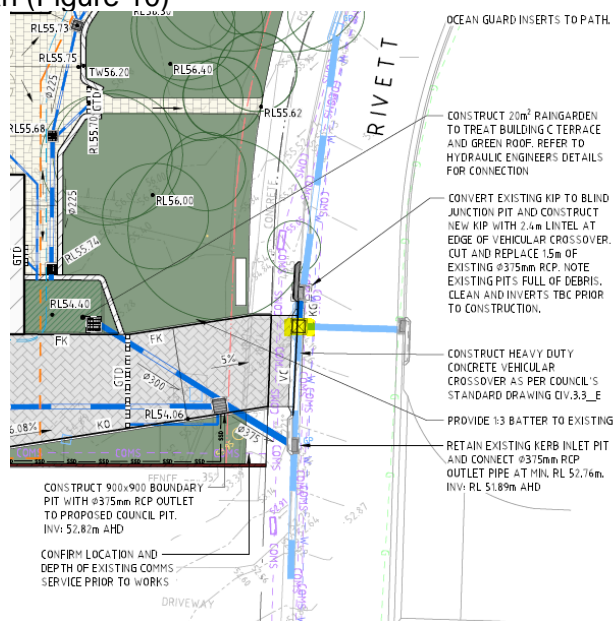


Figure 10: Markup of Stormwater Plan

- A longitudinal section of the proposed new pit/pipe adjustment to be provided and indicate all the following details:
 - Design to be in accordance with Council DCP 2014 8.2 stormwater management technical manual, table 5.4. DCP specifies any new Council Pipe shall be, at least, 375mm diameter.
 - New Pipe proposed in Council Land, including the connection from the boundary pit to the proposed pit shall be (steel reinforced Class IV), of minimum diameter $\geq 375\text{mm}$.
 - Please indicate the cover of the proposed pipe within Council land on the long section.
 - Existing Council drainage infrastructure details including, diameter, etc. shall be shown on the plans.

Note: Please use Council asset numbers.

 - Minimum 1% slope to be proposed for new drainage lines in Council land.
 - Existing Council drainage infrastructure details including, diameter, etc. shall be shown on the plans, including details of the connection with the proposed stormwater system.
 - Council Details shall be incorporated, from Council Standard Drawings.
 - New proposed Council pipes to include Rubber ring joints.
 - Any proposed junction pit to be constructed with concrete lid.
 - Details of the connection to Council pipe shall be included in the Stormwater Management Plan.
 - Details of all new proposed Council pits must be included in the plans. Please provide some detailed sections for clarification of the proposed drainage assets. For example, please provide a section for the new pit over Council pipe as highlighted below (Figure 11):

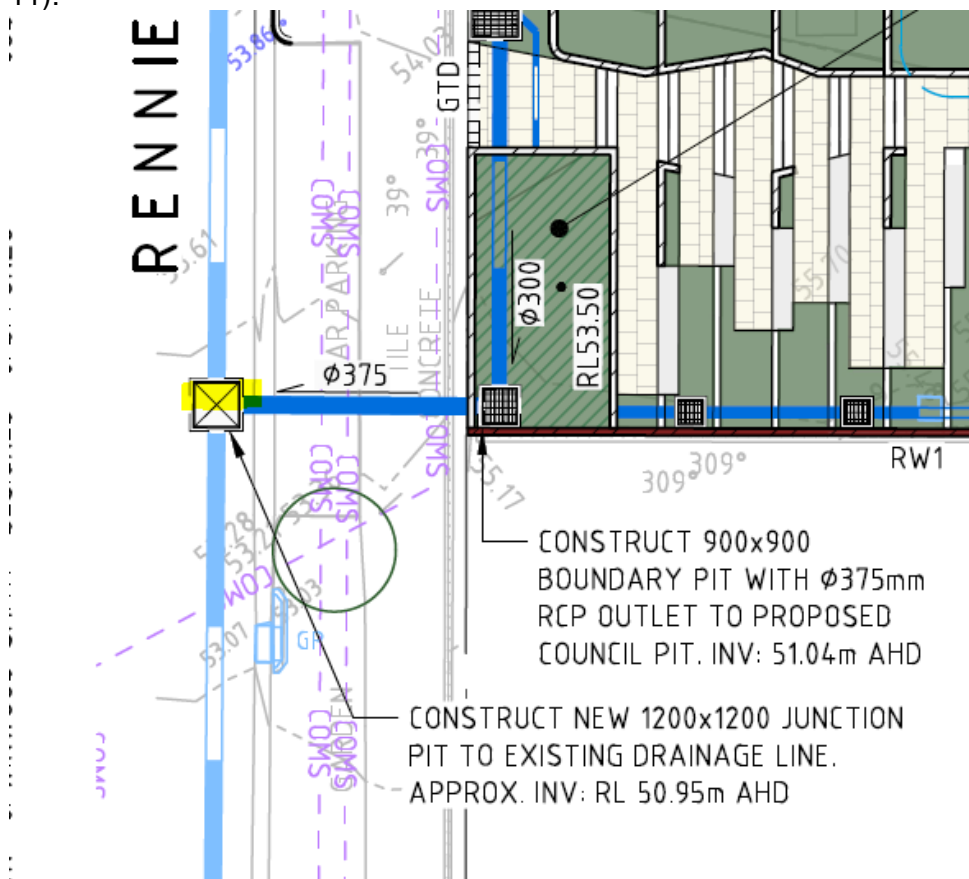


Figure 11: Markup of Civil Drawing

c. Flooding

- Flood impact statement prepared by Stockland Development Pty Ltd dated 28 August 2023 shall be amended to reflect the following:
- Full electronic copies of executable TUFLOW modelling file compatible with QGIS software (including batch file for run and flood difference file) clearly identifying each scenario shall be submitted to Council for further assessment. Electronic copy of modelling results for pre and post development scenario for velocity, depth, flood level, VxD and VxD afflux, flood level afflux for 1% AEP and PMF in .asc format shall be submitted.
- Existing scenario flood levels shall be calibrated with the Flood Certificate levels provided by Council.
- VD product (Velocity x depth) of overland flows to be supplied and, if increased inside the development, restricted to below 0.4 m² /s. VxD map to be included in the Flood Study, including neighbouring properties (no increments in VD product is allowed inside the neighbouring property).
- Please provide VxD afflux map at 0.05m²/s interval for 1% AEP flood event and PMF.
- Flood Impact maps shall be submitted showing the variation in Flood Levels between the pre and post development scenarios for 1 in 100 yr ARI and PMF storm event. Flood Impact maps shall have 10-20mm intervals.

14. Sustainability and resilience

- There is no detail on the installation of EV charging infrastructure or assessment. Further information is required on the RtS Response.
- Proximity to public transport buses and metro 150mtrs which supports reduced car parking. Proposal notes 0.5 car space target despite proximity to more than adequate public transport. This should be reduced in line with the Housing SEPP's requirement of 0.2.
- Council recommends that compliance under Sustainable Buildings SEPP (Oct 2023) should be considered. Council notes that the DA was submitted prior to the 1st of October, however notwithstanding, its position is that it should be considered in the design and sustainability outcomes of the site. Council notes that the issued SEARs required:

1. Statutory Context

- Address all relevant legislation, environmental planning instruments (EPIs) (including drafts), plans, policies and guidelines.
- Identify compliance with applicable development standards and provide a detailed justification for any non-compliances.
- If the development is only partly State significant development (SSD) declared under Chapter 2 of SEPP (Planning Systems) 2021, provide an explanation of how the remainder of the development is sufficiently related to the component that is SSD.
- Address the requirements of any approvals applying to the site, including any concept approval or recommendation from any Gateway determination.

• Address in EIS

Figure 12: Extract from Industry specific SEARs issued by DPE

Figure 12 outlined that all draft EPI's were to be addressed by the Applicant. In this regard, the Sustainable Building SEPP, was a Draft EPI, close to gazettal, as such should have been considered by the Applicant in the EIS.

- Appendix AA – does not consider the Draft EPI or its requirements. Given the future objectives of Macquarie Park and Council's commitments to improving resilience through sustainable outcomes further information should be provided demonstrating consistency with the now in force sustainable building SEPP. This should include:
 - 1) Embodied carbons emission report
 - 2) An updated BASIX certificate to meet the new requirements of the sustainable building SEPP.
- The proposal has sought to integrate principles of Ecologically Sustainable Development (ESD) throughout the development. This includes achieving a 5 Star Green Buildings rating, as well as numerous initiatives to ensure the efficient use of resources including gas, electricity and water. No details on this are contained within the within the EIS and supporting Appendix's. Further information demonstrating this can be achieved is required.
- The site is not subject to flooding, which is demonstrated via the flood modelling, due to the location with this not to do with any design-built form proposed under the development. Improving resilience of occupants should be afforded through ensuring buildings are passively considered in design for solar access and ventilation, provide solar PV where possible, water tanks for irrigation and minimise the use of air conditioning/ heating through this design.
- Given the proximity to the National Park, consideration for additional water tanks would be advantageous in the case of fire, noting the 100kL OSD/ rainwater tank on site.
- The EIS does not include car share or nominated EV spaces that the architectural plans note. It does not include detail on EV charging types and infrastructure. Revision of the scheme is required to demonstrate this.
- Given the proximity to the Metro of 150mtrs and supporting buses the proposal should seek to comply with the 0.2 rate as the Proponent states that they are complying towards addressing emissions reductions from the site, noting that transport is the second highest contributor of carbon emissions. This will contribute to the City's adopted community Net Zero Emissions target of net zero by 2040 or sooner. <https://www.ryde.nsw.gov.au/files/assets/public/v/1/publications/environment/net-zero-emissions-pathway-for-the-city-of-ryde-and-community.pdf>
- Clarification is required on the proposals intent to be fully electric by 100% renewable energy (RE). The EIS claims that it will be fully electric, however the submitted ESD Report (Appendix AA), suggests this will only apply to common areas. Further information is required.

15. Acoustic Impact and 24 hour Gym

a. Acoustic Impact

- An acoustic and vibration report has been prepared by Acoustic Logic, ref 20230459.1/1508A/R2/RF, dated 15 August 2023. Recommendations for external finishes are made with respect to glazing, roof, ceiling, walls and entry doors are made in section 6.3. It is understood that an alternative means of ventilation will be required as the internal noise criteria will not be achieved with windows open.
- The submitted acoustic assessment confirms that residential amenity will be severely compromised in certain apartments during both day time (Figure 13) and nighttime (Figure 14), due to noise impacts. This is unacceptable and the application in its current form doesn't demonstrate that there is sufficient mitigation measures and design outcomes to appropriately manage noise to ensure residential amenity isn't compromised.

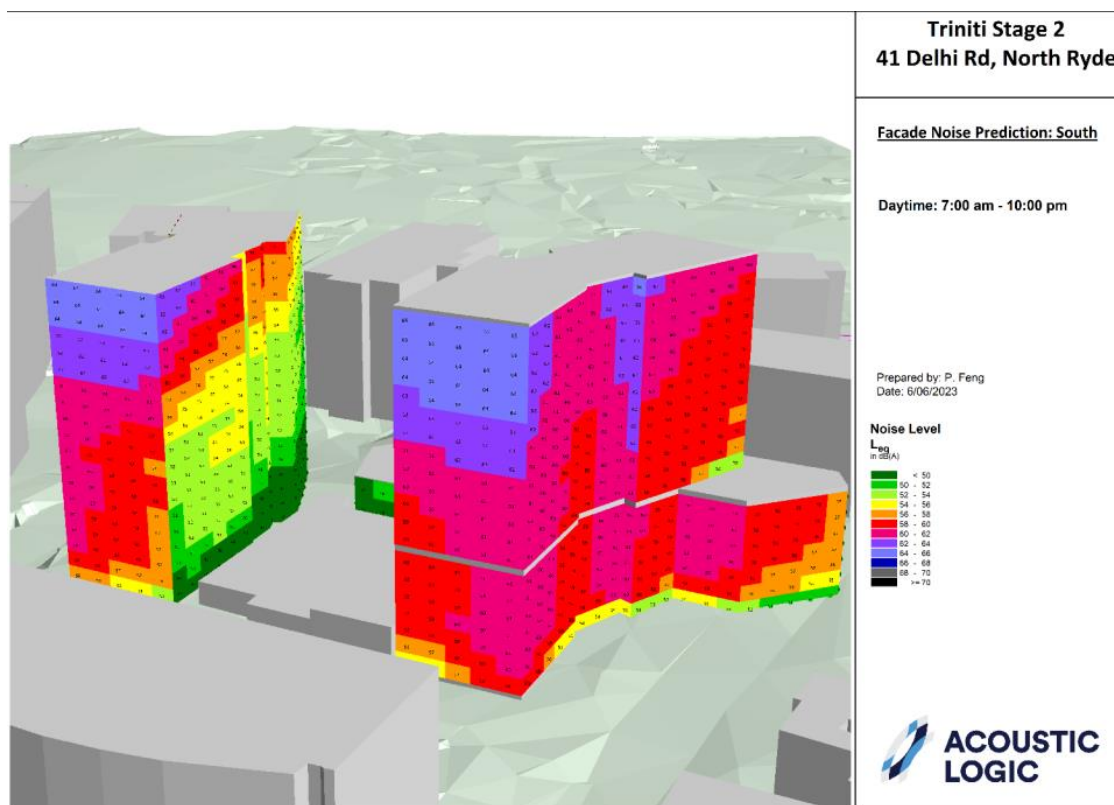


Figure 13: Extract Showing south façade noise prediction daytime (Source: Acoustic Logic)

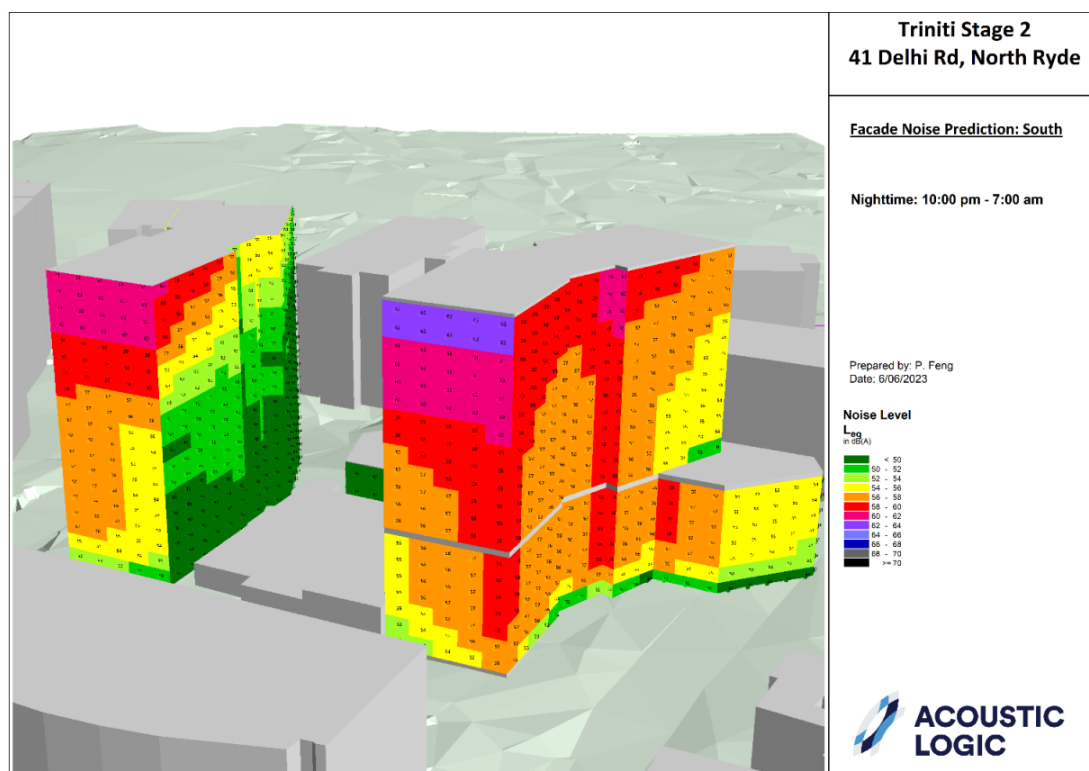


Figure 14 Extract Showing south façade noise prediction nighttime (Source: Acoustic Logic)

- To minimise the potential long-term impact to residents, ensuring that apartment construction is done in a way to protect the amenity of the occupants in very important at the planning stage, this can be achieved through demonstrated compliance with the AAAC 5 Star Certification. As such an amended acoustic report shall be provided that will assess and

confirm compliance with a 5-star rating as described in the AAAC Guideline for Apartment and Townhouse Acoustic Rating V1.0 dated June 2017.

b. 24 Hour Gym

- The application proposes a 24/7 gym and wellness centre in Building B. The proposed gym results in significant land use conflict with the residential apartments in the complex. In this regard Council raises serious concerns with the impact generated by the development on the residential amenity, resulting from increase noise and vibration caused by gym users. Recently Council has had numerous issues with gyms in complexes that contain residential uses due to numerous complaints from complex residents.
- Appendix U - Noise and Vibration Assessment does not undertake any assessment of impact of the noise and vibration caused by users on the gym and the amenity of the residential receivers. In this regard, an amended acoustic assessment is required to consider the 24-hour gym and the associated impacts and mitigation measures needed to be implemented to be situated below residential receivers. Appendix U does not propose any mitigation measures for the gym, as shown in figure 15, where no acoustic glazing is suggested below, as a simple mitigation measure. Further measures could be required, which is to be assessed in the revised assessment.

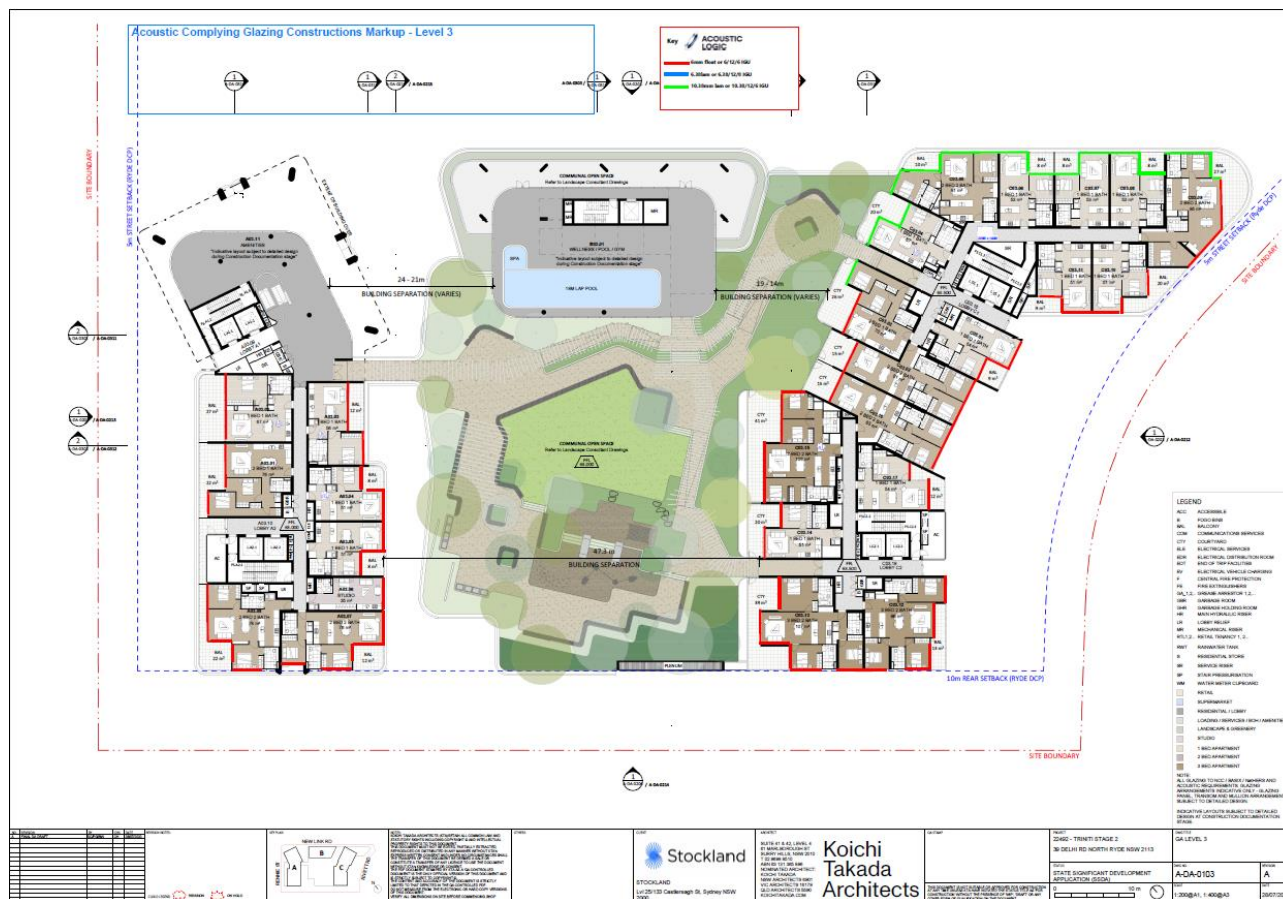


Figure 15: Appendix B of Acoustic Logic – Mark up of level 3 (Source: Acoustic Logic)

- Council raises concerns with the operations of the gym and the impact to residential amenity, particularly without ability to control future operations. In this regard, Council provides the following condition to DPE that must be imposed on any condition of consent.
 - Acoustic compliance testing.** Acoustic compliance testing must be carried out within 3 months of the commencement of operations pursuant to this consent. The

assessment is to be carried out by an appropriately qualified person, being a member of either the Australian Acoustical Society (AAS) or Association of Australasian Acoustic Consultants (AAAC) and address the following:

- Noise monitoring shall be undertaken at the nearest sensitive receivers as identified in the Acoustic Report and any other location to determine compliance with the relevant criterion as identified in the Acoustic report referred to in Condition No. @@@ Acoustic Report. Noise monitoring must be undertaken from within habitable room(s) of the nearest sensitive receiver(s).
 - The acoustic testing shall be undertaken between the hours of 10pm and 7am.
 - The test procedure must involve the controlled replication of various gym activities. The weights selected will need represent the worst-case scenario for the activity.
 - This report must include details verifying that the noise control measures recommended in the Acoustic Report referred to in Condition No. 36 Acoustic Verification Report are attenuating noise to an acceptable noise level in accordance with the relevant criteria.
 - If the acoustic compliance testing concludes that the noise levels in the approved report are exceeded, then it shall make recommendations to remedy the non-compliances.
 - If Council receives confirmation that the noise and/or vibration levels exceed any applicable criteria, the use of the premises is to cease immediately until further action has been taken and Council's Environmental Health Officer has confirmed that the use is approved to recommence.
 - The Acoustic Compliance Report and recommendations must be submitted to Council's Environmental Health Officer for approval within 30 days of testing being completed.
 - Subject to approval by Council's Environmental Health Officer, the recommendations made in the Acoustic Compliance Report are to be implemented within a timeframe agreed upon by the applicant and Council's Environmental Health Officer.
- (Reason: To ensure compliance with submitted acoustic report and mitigate the impact the sensitive receivers.)
- During the RtS Phase Council will review the revised acoustic assessment and further detailed comments will be provided. Subject to Council's satisfaction further conditions will be provided to DPE on this issue.

16. Traffic

- Council has previously advised the applicant regarding their proposed amendments to new link road, refer letter dated 16 September 2023. It is Council's preference that new link road remain as required under LDA2003/383. Council and the Applicant will continue to liaise regarding the intent of new link road in ongoing VPA discussions.
- In respect of the submitted traffic assessment, Council requires the following considerations in an amended traffic report:
 - The proposal involves converting the section of New Line Road between the new development access driveway and Rivett Road from a two-way to a one-way road that facilitates eastbound traffic only. This road section is proposed to be fully closed off to traffic during events.
 - The traffic study appears to have only undertaken an assessment of the traffic impacts associated with the proposed one-way eastbound connection between the development access driveway and Rivett Road being active/open. However, there has been no

assessment of the traffic implications associated with New Link Road being fully closed to Rivett Road during events.

- There is no swept path assessment demonstrating that the largest/longest vehicle that could potentially access New Link Road from Rennie Street can turn around when New Link Road is closed to Rivett Road during events.
- Consideration also needs to be given to the intersection arrangement at Rennie Street and New Link Road/Network Place. The current linemarking at the intersection of Rennie Street and New Link Road forces westbound traffic on New Link Road to turn left (Figure 16) onto Rennie Street which is currently a dead-end road and does not have any turning circle to facilitate turnaround movements on Rennie Street. Forcing all traffic from New Link Road, onto Rennie Street will result in a significant bottle-neck, in its current form as its closed.

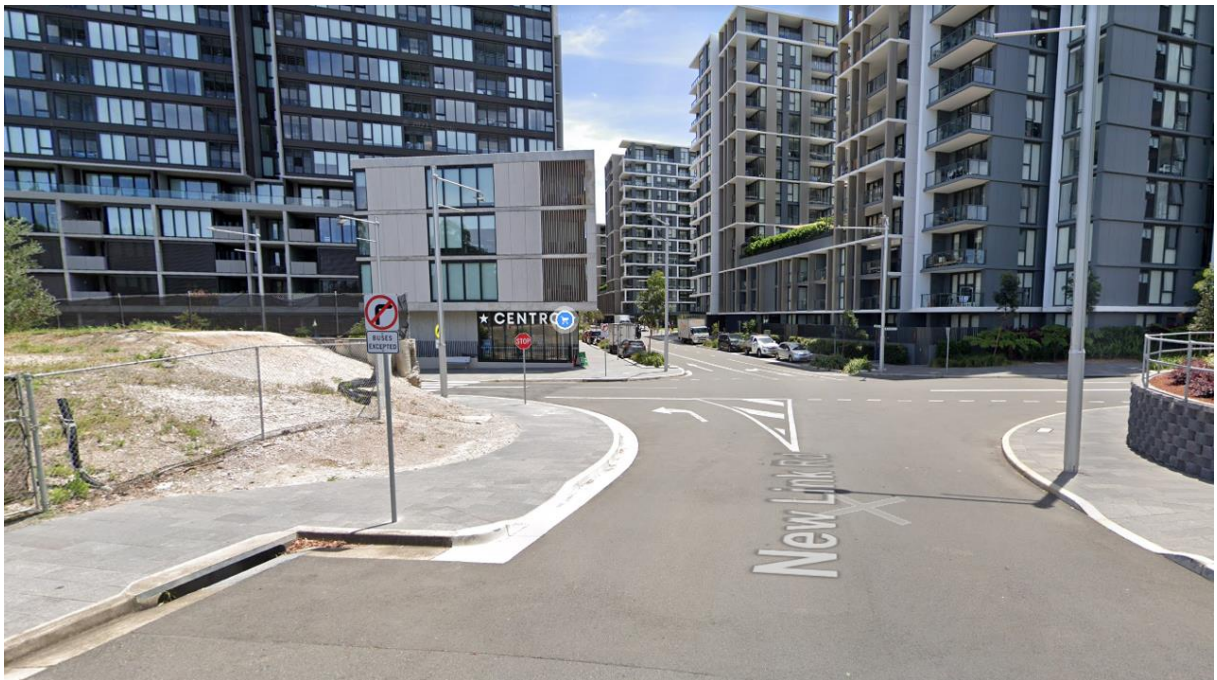


Figure 16: Shot showing left turn only from New Link Road onto Rennie Street (Source: Google Maps)

17. Public Domain

- Council will be able to give recommended conditions to DPE on this matter, subject to all other matters being addressed in this submission. Council and the applicant will continue to liaise regarding public domain outcomes in VPA discussions. Notwithstanding the following items require to be addressed in the RtS submission:
 - At the intersection of Rennie Street and New Link Road the Developer will need to consider additional land dedication - on both sides of New Link Road (or as a minimum a Right-of-Way created over) 2.5m x 2.5m right angled triangles to allow for a comfortable pedestrian area. At present the granite footpath is of satisfactory to Council width, but the land has to be legally properly defined.
 - Along the boundary with Rennie Street the development site is supported by a continuous more than 2.0m high retaining wall. This wall is also supporting the neighbouring Goodman's site. Public Domain will need more information on the future fate of the present retaining wall especially if the access to the residential carpark is going to be from Rennie Street.
 - Testing of the road pavement along the New Link Road will be required when the road is to be dedicated to Council under LDA2002/383 as a public road.

18. Waste Management

a. Storage and collection of bulky waste material

- All developments above 30 units are required to include a separate bulky waste room for the disposal of bulky household waste material. For a development of this scale, Council recommends a minimum of 20 square metres allocated to the provision of this service. Please revise the architectural plans to include this storage requirement.
- A revised waste management plan is to be submitted which indicates, the paths that residents will take to safely transport their unwanted items to the nominated bulky waste storage room(s).

b. Bin allocation for waste and recycling services

- Council recommends 19 x 1100L waste bins which will be collected thrice weekly and 46x660L recycling bins which will be collected twice weekly.
- Please indicate on the waste management plan where residents are expected to dispose food organics when this service commences.
- The architectural plans do not indicate sufficient space allocated for bin movements in the bin room. Please amend the plans to improve the accessibility of bins.

c. Operational Factors

- The waste management states that Build to Rent developments are not required to use Council services. This is incorrect - all residentially rated properties must use Council's waste services, therefore Council's waste policies apply to the development.
- Due to the distance between the proposed central holding room and the loading dock for HRVs used to service Council's collection contract, all bins and bulky waste must be presented in the loading dock for collection. Please update the architectural plans to reflect that sufficient space is available for materials to be presented. Line markings will need to be employed to identify a designated area for the presentation of material.
- Please update the waste management plan to detail how HRVs conducting collections will be notified whether the loading bay is currently occupied when entering the site. Due to the constraints of the site, Council wishes to minimise any unnecessary congestion.

Conclusion

City of Ryde Council thanks the Department for providing Council the opportunity to comment on the proposed SSD Application. As detailed in this submission, the Application submitted is entirely inappropriate and requires serious amendments to align with the strategic vision for the Macquarie Park Corridor.

Council request that the Department of Planning not approve the application in its current form for the number of deficiencies raised in this submission. Particularly as the scheme doesn't provide sufficient infrastructure to support the additional density or is demonstrated to provide an acceptable outcome regarding economic productivity.

Council appreciates the need for diverse housing opportunities however as demonstrated in this submission, Council is exceeding its housing targets as such the need to sterilize Council's land reserved for economic growth to provide housing is inappropriate. The Application needs to demonstrate a balanced land use outcome with both commercial and residential, to ensure social, environmental, and economic are cohesively achieved. The current scheme does not achieve this.

As outlined above, Council and the Applicant must enter into a VPA to address these concerns. **No approval should be granted by DPE until such VPA has been executed with Council.**

Council requests that the above issues outlined be addressed during the Response to Submission phase of the Assessment. This information is requested to be provided to Council for further review and comment.

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

Council objects strongly to the application in its current form.

End Submission