

ATTACHMENT 1

City of Ryde Submission

85-97 Waterloo Road & 2 Banfield Road, Macquarie Park – Build to Rent SSD-52604208

Construction of a new BTR development consisting of 66,683m² GFA including 736 units & community uses across 7 buildings with a max height of 20 storeys, retail, recreation, public park & basement parking. Continued operation of 2 Banfield Rd.

Submission Date: 30 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 Goodman Site at 85-97 Waterloo Road & 2 Banfield Road, Macquarie Park SSD-52604208.

The SSD Application seeks approval for the redevelopment of the Goodman site as a new BTR development consisting of Construction of a new BTR development consisting of 66,683m² GFA including 736 units & community uses across 7 buildings with a max height of 20 storeys, retail, recreation, public park & basement parking. Continued operation of 2 Banfield Rd.

This SSDA seeks consent for a new mixed-use build-to-rent development at 85-97 Waterloo Road, specifically seeking approval for:

- Site preparation works, including demolition of all existing structures, excavation and tree removal.
- Project Site Area 21,730m² (portion of land subject to physical works only)
- Concept Proposal Area 27,705m² (including Stage 1 site area and roadworks).
- GFA 82,614.5m² (calculated using the overall concept proposal area).
- Construction of a new BTR housing development comprising six buildings ranging between 4-20 storeys:
- **Building A:** A 13-storey building with a building height of 46.3m and gross floor area of 10,221.7m², consisting of:
 - Car porte cochere and BTR lobby at ground level, with 942.6m² internal amenities distributed throughout the building.
 - 9279.1m² of residential GFA above, comprising a total of 122 dwellings.
- **Building B:** An eleven (11) storey building with a building height of 41.9m and GFA of 6,681.2m², consisting of:
 - 410.9m² non-residential GFA at ground level and 512.6m² of internal amenities throughout the building.
 - 5,757.7m² residential GFA above, comprising a total of 76 dwellings.
- **Building C:** A nineteen (19) storey building with a building height of 64.3m and GFA of 13,498.7m², consisting of:
 - 920.5m² non-residential GFA at ground level, and 888m² of internal amenities throughout the building.
 - 11,690.2m² residential GFA above, comprising 145 dwellings.
- **Building D:** A three (3) storey community facility and residential amenity building with a building height of 12.9m and GFA of 909.4m², comprising a gym, wellness centre, pool, multipurpose function space, and rooftop.
- **Building E:** A twenty (20) storey building with a building height of 64m and GFA of 12,064.3m², consisting of:
 - 801m² non-residential GFA at ground level, and 609m² of internal amenities throughout the building.
 - 10,655m² residential GFA above, comprising a total of 124 dwellings.
- **Building F:** A sixteen (16) storey building with a building height of 59.1m and GFA of 10,515.8m², consisting of:
 - 815m² non-residential GFA for a childcare centre at ground level, and 418m² of internal amenities throughout the building.
 - 9,283m² residential GFA above, comprising a total of 143 dwellings.
- **Building G:** A twenty (20) storey building with a building height of 64.9m and GFA of 12,791m², consisting of:

- 472m² non-residential GFA at ground level, and 903m² of internal amenities throughout the building.
- 11,417m² residential GFA above, comprising a total of 126 dwellings above.
- Provision of a new public park at the centre of the site with a total area of 4,126m².
- Delivery of a publicly accessible through site link facilitating connection between Waterloo Road and Banfield Road.
- Two basement carparks comprising a total of 671 car parking spaces, 84 bicycle spaces and 2 loading docks.
- Vehicular access for Buildings A, B, C and loading purposes is provided from Banda Road, while Buildings E, F and G will be accessed via Khartoum Road.
- Associated landscaping and public domain works; and
- Augmentation of, and connection to, existing utilities as required.
- Site Coverage 9,167m² (42%)
- Communal Open Space 10,201.6m² (47%)
- Landscaped Area 12,771.3m² (59%)
- Deep Soil Area 6,430.6m² (30%)
- Operational Hours Build-to-rent: 24 hours Commercial and Retail uses & proposed childcare: 6:00am to 10:00pm
- In addition to the above, this SSDA also seeks to surrender the approved Concept Proposal (LDA2017/0096) on the site via a deferred commencement condition. However, in doing so, it also seeks the continued use and operation of the Stage 1 development being 2 Banfield Road as approved by LDA2017/0096.
- Continuation of the approved use-built form and operational conditions applicable to 2 Banfield Road. This is proposed via a new consent (SSD Consent)

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, VPA and Infrastructure, FSR transfers and Omitted GFA
- Concept Consent LDA2017/0096 and Sufficiently Related SSD Development
- Urban Design and Place making Outcomes.
- Employment generating land use loss and Economic Impact
- Financial Impact
- Wind Impact
- Landscaping
- Vehicle Access, Parking and Service Facilities
- Stormwater and Flooding
- Sustainability and resilience
- Acoustic Impact and Noise Generating Land Uses
- 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 accommodation in land reserved for commercial land use.

Additionally, the Application in its current form results in an unacceptable loss to Council's employment lands, sterilizing 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 in appropriate 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 enable residential development only if it **is consistent** with the Council's strategic planning for residential development in the area.*
- 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.
- 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 provide commercial floorspace of only 3,419 sqm whilst providing little benefit to GDP generating land uses contributing to Macquarie Parks economic contribution to the state of NSW.
- The site currently contains two commercial buildings, occupied by several companies including Olympus and LabCorp. These companies which are vital to the economic significance of Macquarie Park will be displaced by the proposed development. Council raises concerns with the applications significant impact to "Employment Lands" as the proposal sterilizes land reserved for commercial land uses, turning it solely residential.
- 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 Waterloo Park Precinct (Figure 1). The Place Strategy envisioned that Waterloo Park Precinct to be a commercial neighbourhood, there will be **no** new residential population within the Precinct. The Precinct will include 300,000 to 400,000 sqm of commercial and retail spaces with no new homes. The proposed 736 Built-to-rent dwellings are not consistent with the Place Strategy, as Built-to-rent is a type of residential development and will result in the increase of residential population in the Precinct.
- The Place Strategy outlines the intended land use outcomes for Precinct, two which states:

LAND USE FRAMEWORK

Remaining primarily a working neighbourhood, new linkages and smaller block structures creates opportunities for a finer grain of employment spaces along new

linkages. A new activity hub of cultural and commercial space will cluster around the Industrial Creek and its chain of parks.

Waterloo Road will become a corridor with more active frontages and potential for a night time economy focus. The Waterloo Road Active Street Master Plan, prepared by the City of Ryde, looks at the urban form and public domain along the road.

The intended land use outcomes guide the strategic and statutory vision for land use planning within the precinct. The Application is entirely inconsistent with both DPE and Council's vision for land use outcomes within the precinct. On this basis, it is unclear how the application in its current form can be supported, irrespective of permissibility under the housing SEPP, as the application is inconsistent with this vision which significant weight must be given.

- The phasing and delivery plan for this Precinct indicates that the area will have new diversified employment space for approximately 100 new jobs in the years 1 to 5, 300 new jobs in the years 6 to 10, and 600 additional jobs from year 11+. The proposed development reduces the number of jobs on site, rather than increasing them. The Application does not demonstrate how suitable number of jobs would be created by the proposal. The associated construction jobs, in the Council's view are not counted, as they are temporary during construction, not resulting in permanent full-time jobs within the LGA, past the construction period.
- Of particular concern is the phasing and delivery for the precinct, as shown in Figure 2. This shows that **NO new dwelling** are to be delivered in this precinct, which the proposal seeks to do. This plan demonstrates the required infrastructure to support the expected land uses within the precinct, which residential growth is not planned for. 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.
- The instant hit of delivering the proposed dwellings is a precinct not planned for dwellings 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 no infrastructure provided to support these dwellings. This is why the strategy plan envisages that no dwellings are to be delivered as it isn't planned for residential growth with appropriate infrastructure plans to support residential growth.

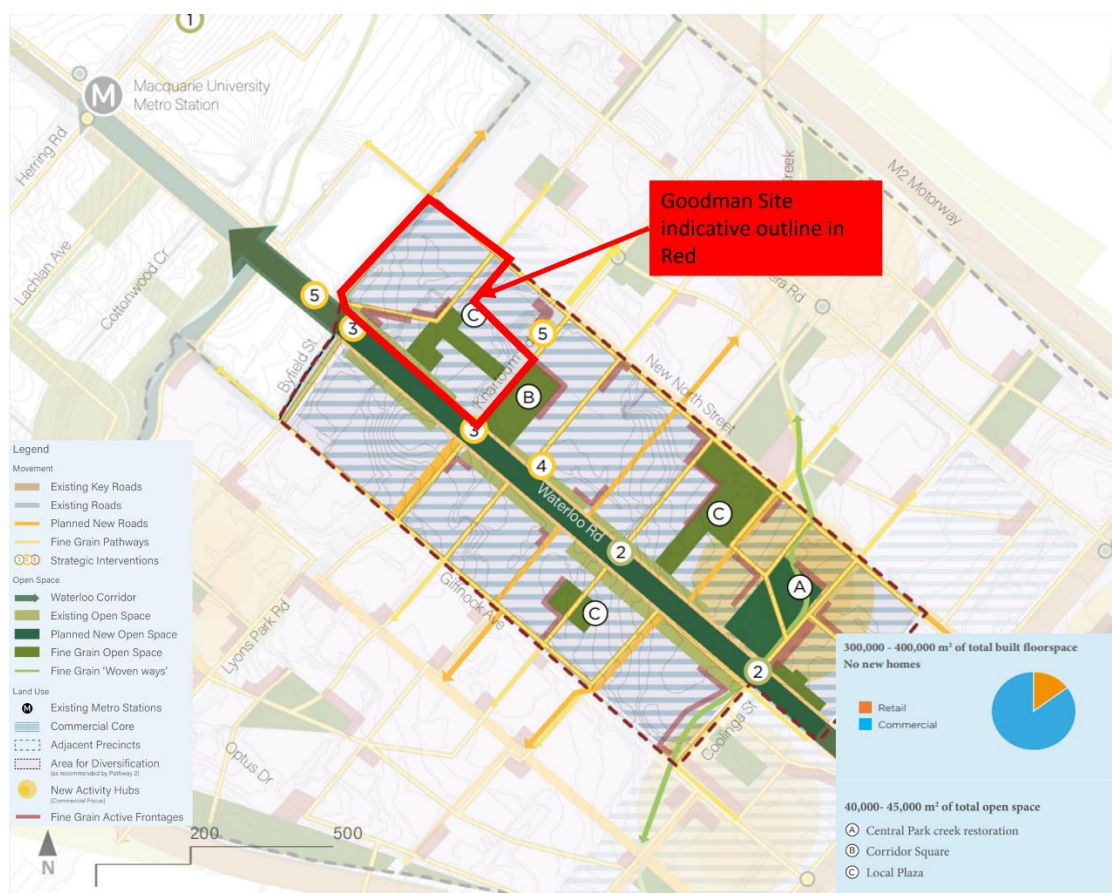


Figure 1: Markup of Waterloo Road Precinct 2 Neighborhood Framework diagram (Base Source: Macquarie Park Structure Plan)

Phasing and delivery

Years 1-5	Years 6-10	From year 11+
New diversified employment space for approximately 100 new jobs	Increased diversity of jobs by type and sector and 300 new jobs	Space for 600+ additional jobs in a diversity of sectors and scales
Innovation-led temporary office spaces	Waterloo Road public realm plan implemented	New infrastructure connections
New cycling infrastructure	Permanent and temporary connectivity projects	Increased presence of university uses within the neighbourhood

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 with the Place Strategy as:
 - The proposal is for built to rent (dwellings). The *Macquarie Park Innovation Precinct Place Strategy* (Place Strategy) and *Macquarie Park Innovation Precinct Strategic Master Plan* (Master Plan), as Precinct 2 is outlined to have **NO** new dwellings in it.
 - 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.
 - The Application would remove permanent jobs and not create additional full-time jobs, past the construction process.
- 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. 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 affecting 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, VPA and Infrastructure, 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. VPA Under Clause 6.9

- The Applicant has submitted a Voluntary Planning Agreement (VPA) with the Application, which in its current form is unacceptable. 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**. Council raises the following concerns with the Open Space and current VPA which requires to be addressed:
 - Any works in kind provided through open space infrastructure that is included as an offset to development contributions should be consistent with the City of Ryde's relevant plans and strategies and/ or the Macquarie Park Place Strategy.
 - The 10,121m² of communal open space identified in the design is generally of poor quality. It is fragmented, much of it forms setbacks from the buildings and will be significantly overshadowed. The Landscape drawings provided indicate it is predominantly constructed of material that will make it feel like urban plaza area rather than soft open space. The main open space area of 4,411m² is located in the centre of the new development and is poorly connected to the public road to make it readily accessible for the general community.
 - The Open Space area(s) and general shape is inconsistent with that identified on the Macquarie Park Place Strategy (MPPS) and within the approved concept proposal (LDA2017/0096). Whilst the proponent identifies in their application that there is consistency with the MPPS, this is only in the fact that there is provision for a pedestrian link to the southern end of the site and onto Khartoum Road. The functional benefit provided in the proposed communal open space does not align to that conceptually identified in the MPPS.
 - As identified in the Pedestrian Wind Environment Assessment the proponent is to be required to prepare a Computational Fluid Dynamics (CFD) assessment prior to detailed designs being approved, to ensure the communal common space areas have a pleasant amenity and are not significantly wind effected.
 - For the reasons outlined above, there should be no offset provided for the provision of this open space infrastructure as there is little strategic alignment and no broader community benefit through the provision of this infrastructure.
 - It is noted the proponent intends on managing the communal open space privately and providing an easement over the land for public access. This should be reflected in the conditions of consent.

c. 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.

- The development proposes 736 dwellings, which with the City of Ryde's current average household size of 2.47, will bring into the Local Government Area an additional 1,817 residents. This will have an impact by requiring new public active 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 are shown below:
 - **Active Recreation**
 - Senior Sports field equivalent to 5,400 square metres
 - Junior field equivalent to 1,380 square metres
 - An outdoor court equivalent to 620 square metres
 - Access to an indoor court for 10.5 hrs per week
 - Access to a public swimming pool for 2 hours10 minutes per week
 - **Passive Recreation**
 - Whilst there is a 4,411sqm public Space identified within the plans for the development, as indicated previously the quality of this space is poor and due to the materiality proposed will have more of an urban plaza style of feel. It will not bring the same liveability benefits that are associated with public open space.
 - Shrimpton's Creek entry is approx. 300m from the development, with Wilga Park over 500m and Eleoura Reserve approximately 400m. These two locations provide a passive Open Space area that is more than 3,000m², however are outside the State Government's accessibility objective to have residents in high rise within 200m of passive open space.
 - These issues make it critical that the Open Space on the southern edge of Khartoum Road and identified in the Macquarie Park Place Strategy, is delivered in conjunction with this development proceeding. It is essential this open space infrastructure is available for the residents when occupancy commences.
 - The \$23.754 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.
- A future VPA is to address the lack of infrastructure to support the intensified population as outlined above there is a serious deficiency, in infrastructure to support the additional population with the current scheme exacerbating the infrastructure deficiency.

d. FSR transfers

- The application proposes a Floor Space Ratio (FSR) transfer from the 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.
- When looked at site area wholistically with the Gross Floor Area (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 exceed the incentive provision bonus. Table 1 shows that it is approximately **3.06:1** 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 & 10 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. In noted condition 4 of LDA2017/0096 imposes a similar condition.

Site Address	Proposed site area whole	Site area BTR	Total GFA	FSR whole site area	FSR for -BTR Site Area & GFA
85- 97 Waterloo Road	27,705m ²	21,730m ²	82,614.5m ² which includes the existing stage 1 development or 66,683m ²	2.98:1 calculated from the total GFA of stage 1 and 2	3.06:1

Table 1: Calculation of GFA & FSR of 85 & 97 Waterloo Road & 2 Banfield 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.

e. 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 & 10** 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. Concept Consent LDA2017/0096 and Sufficiently Related SSD Development

a. Concept Consent LDA2017/0096

- The Application proposes that the Applicant will surrender the approved concept application (issued by Council) known as LDA2017/0096. It's noted that LDA2017/0096 has an executed VPA associated with it. The concept proposal sought approval for four buildings for the purpose of commercial and retail land uses, which were to be undertaken in four separate stages.
- The Applicant has completed Stage 1 above and now seeks to replace stages 2-4 with the proposed BTR Application. The Applicant is proposing to surrender its approved and activated consent for stage 1. The BTR Application (as proposed) is currently entirely inconsistent with this concept approval as such they are proposing to surrender it via condition of consent to enable DPE to determine it. This is confirmed in the Applicant's EIS (page 15), which states:

The development proposes a new build-to-rent housing development and therefore is not consistent with the Concept Approval. As such, this SSDA seeks to surrender the Concept Proposal via a Deferred Commencement condition. That is, the proposed development can be approved following the surrender of LDA2017/0096.

As a result, the consent authority can authorise the continuation of the Detailed Development Application for 2 Banfield Road as approved in LDA2017/0096 without having to re-assess the proposal or authorise the development. It is therefore proposed that this operational consent and associated conditions of consent is effectively absorbed into any consent issued for this development.

- The Applicant has submitted legal advice with the Application. This is provided at Attachment 2. The legal advice provided to Goodman, recommends a planning pathway to enable the BTR Application be determined. In respect of the legal advice submitted with Goodman's Application, It's noted that:
 - Goodman does not appear to have followed their legal advice and associated steps of amending their approved concept approval. (Refer page 3 of Attachment 2)

- The methodology outlined in the Applicant's EIS, is contrary to the methodology outlined in the applicant's legal advice.
- The legal advice suggested that an amending concept application or new concept application be lodged, which the current application is neither of these.
- Council notes that as LDA2017/0096 is an approved Concept Application, clause 4.24 of the EP&A Act applies to the development. This clause states:

4.24 Status of concept development applications and consents (cf previous s 83D)

(1) The provisions of or made under this or any other Act relating to development applications and development consents apply, except as otherwise provided by or under this or any other Act, to a concept development application and a development consent granted on the determination of any such application.

(2) While any consent granted on the determination of a concept development application for a site remains in force, the determination of any further development application in respect of the site cannot be inconsistent with the consent for the concept proposals for the development of the site. (Emphasis added)

(3) Subsection (2) does not prevent the modification in accordance with this Act of a consent granted on the determination of a concept development application.

Note—

See section 4.53(2) which prevents a reduction in the 5-year period of a development consent.

- The Application as proposed results in a severely inconsistent development than what was envisaged under the concept consent. As such it is unclear how the consent authority (DPE in this case) can grant to consent to an application to where a concept consent applies, particularly if the application being determined is entirely inconsistent with the approved concept. This point is emphasised by condition 9 of LDA2017/0096 shown in Figure 4.

9. Consistency of future development applications.

While this consent remains in force, the determination of any further development application in respect of the site cannot be inconsistent with this consent.

Figure 4: Condition 9 from LDA2017/0096

- It's noted that the Applicant seeks to surrender the activated staged consent, and then have the Department impose a condition onto a new consent. In this regard, Council contends there is no power for the department to impose a condition that relates to a Council LDA, in particular a DA that is not state significant.
- The Applicant would require submitting an amending DA to the concept to enable, any future inconsistent application with the approved concept be determined. This would require to be determined prior to the determination for any SSD application. This has not been done by the Applicant. The Applicant would first require amending their approved concept application, before the SSD BTR application could be approved by DPE. This would mean Council would be the consent authority to determine and amendments/ modifications to LDA2017/0096.
- It is Council's view that the application in its current form can't be accepted, particularly as any determination made whilst the concept is in force would result in development that is inconsistent with it, therefore any determination made cannot be inconsistent with it, per 4.24(2) of the EPA Act 1979. In this regard Council submits that the Department of Planning should seek its own privileged legal advice of the matter to sufficiently satisfy themselves and demonstrate there is power to determine and approve any application submitted, without alternative planning processes being implemented prior to any determination.

b. Sufficiently Related SSD Development

- Council contends that the Applicants proposed “surrender” of development, forming part of the SSD approval, is not development that is considered sufficiently related to the development as required under clause 2. 6 *Declaration of State significant development: section 4.36* of the Planning system SEPP 2022. The clause states:

Part 2.2 State significant development

2.6 Declaration of State significant development: section 4.36

(1) Development is declared to be State significant development for the purposes of the Act if—

(a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and

(b) the development is specified in Schedule 1 or 2.

(2) If a single proposed development the subject of one development application comprises development that is only partly State significant development declared under subsection (1), the remainder of the development is also declared to be State significant development, except for—

(a) so much of the remainder of the development as the Director-General determines is not sufficiently related to the State significant development, and

(b) coal seam gas development on or under land within a coal seam gas exclusion zone or land within a buffer zone (within the meaning of clause 9A of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007), and

(c) development specified in Schedule 1 to State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

(3) This section does not apply to development that was the subject of a certificate in force under clause 6C of State Environmental Planning Policy (Major Development) 2005 immediately before the commencement of this Chapter.

Note—

Development does not require consent under Part 4 of the Act merely because it is declared to be State significant development under this section. Any such development that, under an environmental planning instrument, is permitted without consent may be an activity subject to Part 5 of the Act or State significant infrastructure subject to Division 5.2 of the Act. Any such development that is permitted without consent may become State significant development requiring consent if it is part of a single proposed development that includes other development that is State significant development requiring consent (see section 4.38(4) of the Act and subsection (2)).

- The Applicants EIS has not demonstrated that this component of the application is sufficiency related for the purposes of being SSD, refer Page 53 of the EIS. In this regard the consent authority, could not be satisfied that the Applicant has sufficiently demonstrated this component is SSD, further, the applicants own legal advise has suggested an alternative planning pathway to achieve the BTR outcome on the site, which they have not followed.
- Council contends that the surrendering of the approved concept consent, via a condition of consent approved by DPE, is not a form of development that is sufficiently related to the SSD application. Council forms this view for the following reasons:
 - Clause 4.24(2) of the EPA Act 1979 requires future development applications to be consistent with the concept application. The proposed surrounding of a consent an activated consent, to enable an application to be determined by DPE, when Council was the consent authority cannot be considered sufficiently related, as the concept was a local council application.
 - The Applicant cannot surrender an “activated and operational” concept consent via their SSD application. As the consent is activated, and alive, it would require formal planning modification or amendment, via a Council approval, not an approval via the Department.
 - Any condition that is suggested to be imposed fetters the Council’s discretion in assessing and determining the application. Council contends this is not a reasonable condition as it

requires the applicant to obtain a further approval from Council to then activate the SSD Consent (if accepted by DPE).

- Irrespective of any EPI that permits BTR in the E2 zone, the concept consent has set out approved land uses and built forms by Council as the consent authority. Council was the authority to approve the development, therefore any amendments should be determined by the Council not the department.
- As the surrendering component of the application makes the entire application permissible, in its current form, the application cannot be determined by the department, and it would require formal amendments prior to determination or refusal by DPE.
- The site has an active and executed VPA active, therefore surrendering that consent imposes burdens on that VPA.

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

- Large sites require subdivision, with a finer grain public street and laneway system and well configured public open spaces. This is essential given that the development is proposing residential uses. The Council's DCP fine grain road network and open space requirement is not considered relevant as these controls relate to commercial development. This must then be completed with mix of innovation spaces, commercial, showrooms and a wide mix of retail is required to realise the vision of an innovation precinct/city area where live, work and play is achieved in place. The proposal is only 400m from the Macquarie Park 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 in a finer grain city structure and high quality live, work and play buildings and be innovative in demonstrating how commercial and innovation spaces and residential can be delivered together.
- The proposal fails to deliver this. It provides mainly residential uses, small scale retail on a podium of ambiguous and fragmented paving. There is no commercial, innovation or office hub or other working spaces provided. Residential uses in the proposal start from the first level of the building giving the overall appearance of residential only buildings. There is poor street address and the vision for Waterloo Road has not been incorporated.
- Whilst the subdivision pattern works for commercial development, it fails for residential development. There is no site subdivision proposed, which is required on such a large site to create a logical system of public streets and laneways and public open space to create a clear point of address to a street frontage for each building (and building use) and facilitate logical and well-planned separation of residential and commercial access to the various uses across the site. The ground plane in the proposal is poorly designed, it is unclear what the various above podium planted areas and paved areas are or how the various spaces will be used. The spaces are not clearly public or private and are circuitous, incongruent and unusable. The main vehicle entry is located within the Waterloo Linear Park, increasing the conflicts between the main pedestrian spine and ramped vehicle entry. The potential of the site to create a finer grain city has not been realised.

- 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 orderly growth of the precinct as a finer grain, well designed 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. Double and triple height ground floor spaces should be created to enhance the place as a city.
- 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. Waterloo Road - Macquarie Parks 'Front Door'

- The site is located on Waterloo Road and within approximately 400m from the Metro Station. The future character of Waterloo Road is as a wide landscaped, formal boulevard with activated frontages and buildings setback to a regular dimension along the length of the road. This will create a linear park from one end of Macquarie Park to the other and become the key activity spine within the park as well as the cultural, commercial and innovation setting. This central urban project will improve pedestrian amenity and create strong sense of place.
- Buildings along Waterloo Road are to create a strong built form edge to the linear park and from side street to side street. This is to be activated with retail, commercial and innovation uses. It is to be lined with double or ideally triple height active frontages and a block edge form of between 6-7 storeys. Towers are to be setback from the block edge form below.
- The commercial/innovation character of the area is to be expressed on the street wall section of the buildings, the current form does not demonstrate this. Residential uses and character is to be setback and above the commercial/innovation base fronting Waterloo Road, however this is not proposed.
- The proposal does not respond the desired future character of either Macquarie Park or Waterloo Road as outlined in the Waterloo Road Masterplan. The Applicant is to reconsider their landscape outcomes fronting Waterloo Road, to ensure it aligns with the intended outcomes and vision of the Waterloo Road Masterplan, as such a statement of consistency with this masterplan is requested.
- Desired Character Images provided below that shows residential towers to be setback above street wall buildings with innovation character.



Desired Character Image



Desired Character Image



Desired Character Image



Undesired character outcome

d. Urban Structure and Block Structure

- Given the site size at nearly a whole block it does require subdividing to create viable building

sites, vehicular and pedestrian access, visual and sun permeability. The site is also strategically located on the precincts 'main spine street' Waterloo Road, as well as in proximity to the metro station and the Macquarie Centre.

- Due to the size of the site and its strategic location, the site has an important role in establishing new east-west and north-south public connections and new public open space. These connections are also important for providing orderly vehicular and pedestrian connections to buildings on the site and separating vehicular entrances from pedestrian entrances as well as separating commercial/innovation/retail access requirements from residential access. Buildings and the various uses across the site require both street frontages and a point of address, the proposal does not do this.

e. Ground plane and Supporting the Place Strategy intent as an innovation Precinct.

- All residential communal spaces are to be located above the street wall on roof podium level. The ground plane of the sites is to be used for public streets, a public park and active uses, including commercial/innovation uses.

f. Circulation, public open space, communal open space, address and city shaping.

- The proposed configuration of the ground place is unsuitable for the location and does not realise the site or the place as an innovation centre. The proposals spaces at ground level are not clearly either public or private domain.
- There needs to be a clear delineation of public and private space through appropriate urban design outcomes to support place making principles.

g. Architectural variety and human scale

- The current urban design outcomes of the built environment is monotone and does not promote excellence or variety in the urban form. The building proposed all appear exactly the same and don't support good urban design principles. It's recommended that revision of the urban form be undertaken by the applicant. Items to explore include:
 - Provide only working/commercial/innovation space on ground level (except for residential entries) see sketch.
 - Ground level to be at least double height if not triple height.
 - Built form modelling should use a podium tower model with increased setbacks and higher forms.
 - Resolve level differences throughout the sites.
 - Active/showroom frontages on corners
 - Create the Waterloo Road 'urban project' consistent with the Waterloo Masterplan.
 - Architectural 'projects' different architects

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

- 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.
- 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.

- 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 6-77 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.

i. Street wall

- Along Waterloo Road a street wall building to 6-7 storeys 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 street wall 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 in order to avoid a residential.
- 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 or the ground plane. Commercial/innovation and retail uses occupy ground and first levels of all buildings.
- Basements are proposed within the 10m setback which is not supported as it reduces Deep soil area. Additionally these basements are exposed above ground. This is not supported as basements must be contained wholly below ground (Figure 5).

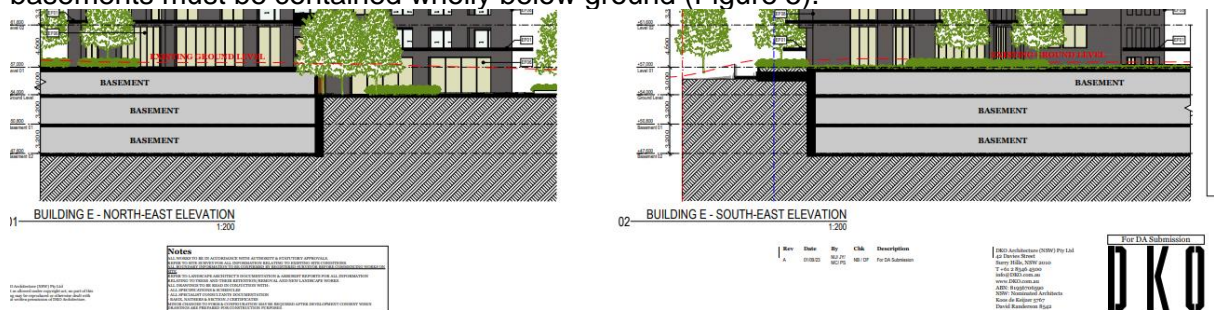


Figure 5: Exposed Basement Extract (Source: DKO)

j. Towers

- Residential towers, slender and tall are supported in this location, above a commercial street wall base.

- Tower floor plates are to be no greater than 50m long by 22m wide.
- Slender 'signature towers' are required ideally designed through a design excellence process to increase variety between towers. None of the towers proposed are distinctive in architectural quality or markedly different.

k. 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.
- 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.
- 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.

l. Elevations, massing, building articulation and materials.

- Council 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 6). 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.

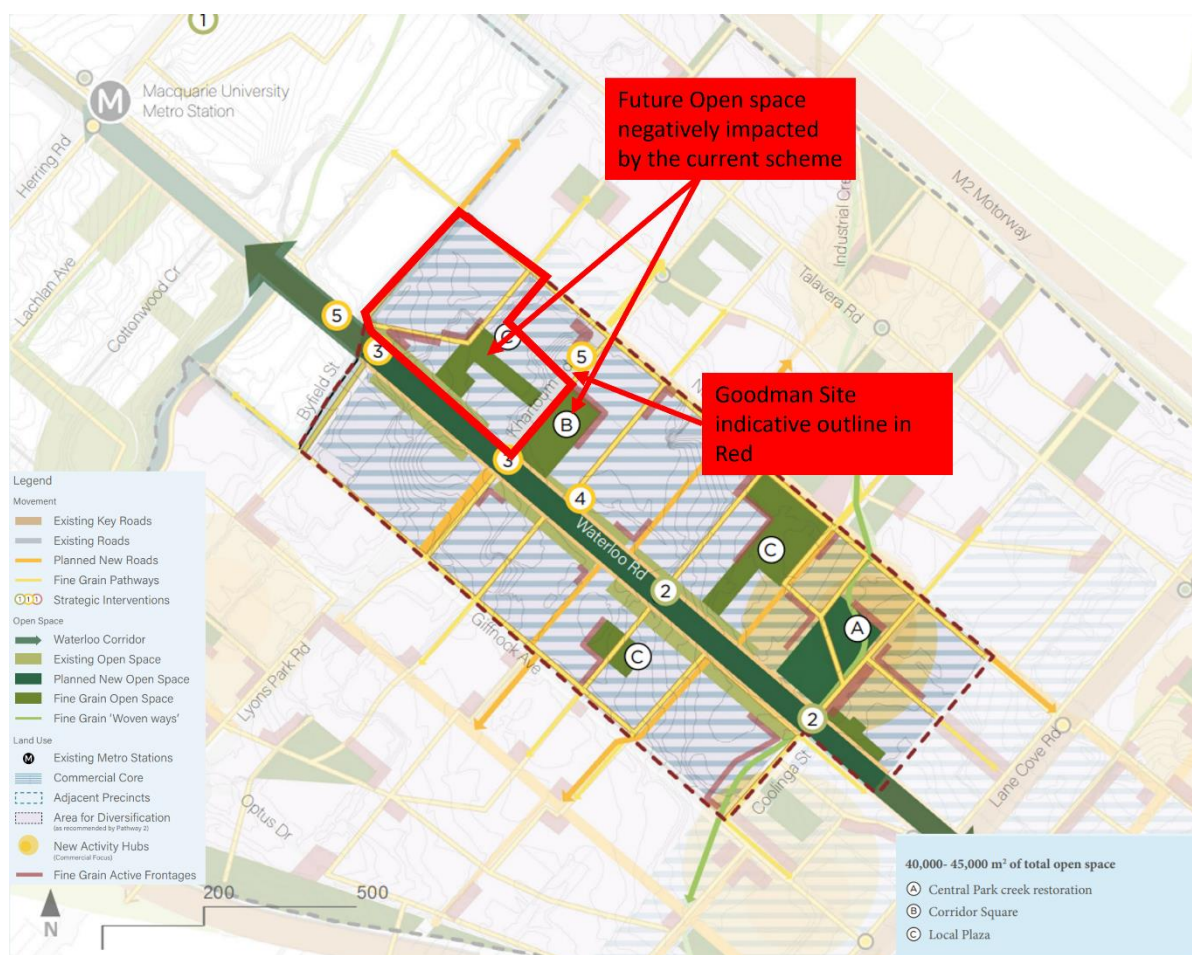


Figure 6: Markup of Structure Plan for Precinct 2 (Base Source: Place Strategy and Masterplan Macquarie Park)

6. Employment generating land use loss and Economic Impact

a. Employment Land use loss

- Appendix L 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 L 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 begin submitted with purely residential components, with no significant commercial components. This doubled with the effect that there is a serious infrastructure deficiently 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 Goodman's proposal to deliver two mixed-use precincts developments founded on Build-to-Rent (BTR) for 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
<p>1 The Assessment 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. Furthermore, the Assessment suggests that there is an oversupply of commercial space, noting:</p> <ol style="list-style-type: none"> 1. Projections in the Greater Cities Commission's Macquarie Park Place Strategy (delivering 124-year supply of commercial space), and 2. Existing approvals for commercial developments in Macquarie Park (delivering 37-year supply). <p>Combined with the drop in tenancy and post-COVID-19 trends in commercial space, these figures are misused to justify a case for replacing commercial space with residential space.</p> <p>The Greater Cities Commission's strategy is a point-in-time document, developed before the opportunities for BTR were understood and the challenges of hybrid working (which are yet to be resolved) where realised.</p> <p>Nonetheless, the Assessment includes a worrying table (page 8),</p>

	Comment	Detail
		<p>which demonstrates that just 9.32% of approved commercial space (sqm) has commenced. That's 53,743sqm out of a total potential approved supply of 576,722sqm. While these approvals exist, there is no certainty in the developments proceeding in line with their approval.</p> <p>To be clear, Council supports the increase of residential dwellings in Macquarie Park, but not at the complete sacrifice of commercial space. There needs to be a harmonized balance of both land uses. Council strongly urges the proponent, and indeed any proponent of BTR in Macquarie Park, to pursue a genuine mixed-use development that will deliver commercial space and residential dwellings.</p> <p>To help identify a feasible case for mixed-use development, the proponent's Assessment should explore:</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.
2	<p>The Assessment lacks consideration of local economic development opportunities for both residents and workers.</p> <p>Consideration should be given to more commercial space, including spaces to support the night time economy.</p>	<p>The Assessment does not assess economic opportunities for mixed-use. In only compares commercial office space against residential dwellings.</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.</p> <p>Coordinated developments along Waterloo Road between the two metro stations presents one of the best opportunities to create a sustainable night time economy in Macquarie Park that attracts workers, residents and visitors from across Sydney.</p> <p>A night time economy precinct would place positive pressure on providing short term accommodation (e.g., hotels) for business visitors to Macquarie Park who, anecdotally, come to Macquarie Park for work but stay in Sydney CBD for the experience.</p> <p>Regarding the night time economy, the development should consider the following:</p>

Comment	Detail
	<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 Macquarie Park, 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> <p>Regarding commercial space, please see the detailed comment above and below.</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 sterilisation 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.</p> <p>Recognising that the current downturn of the commercial market presents a financial risk to the proponent, Council recommends the proponent 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 85-97 Waterloo Road & 2 Banfield Road Economic Impact Assessment

7. Financial Impact

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. The control states:

"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 **\$96,644**, and as the units will not be able to be rated separately there will be a future loss of **\$533,378** 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 **\$6,403,793**. 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 A	Land Value 2022*	Total Rated as One Residential Assessment B	Initial Loss of Income B-A	Total Residential units Rated Separately C	Future Lost income for Council B-C
\$194,127	\$166,261,871	\$97,483	(\$96,644)	\$630,861	(\$533,378)

Figure 7: 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
85-95 Waterloo Road	192	167	343	34	736	\$13,506,080

Table 8: Analysis of development under 7.11 Contributions

Property	Cost of Development	1%	2%	3%	4%
85-95 Waterloo Road	\$434,865,121	\$4,348,651	\$8,697,302	\$13,045,954	\$17,394,605
Difference between s7.11 & s7.12		(\$9,157,429)	(\$4,808,778)	(\$460,126)	\$3,888,525

Table 9: 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.

Council submits that the Built to Rent application causes significant financial burden onto Council's rates and will result in unacceptable economic loss to Council, as a result of the loss of the Macquarie Park special levy and rating the property as one assessment. Given the significant increase of population density intensifying demand on infrastructure Council provides this is inappropriate and a solution is needed to resolve the above issue.

8. Wind Impact Assessment

- Appendix O - Pedestrian Wind Environment Assessment outlines that there will be significant wind impact throughout the entire development, with majority of areas being too windy for comfortable usage. This is particularly evident as the locations proposed for open space and site links are a high wind category (Figure 8).
- These areas are likely to be used less frequently, and not serve its intended public benefit. Furthermore the area of high wind is the proposed active frontage, as such Council raises concerns with the amenity and usability of this space given the associated wind impact. The wind impact in this location is not supported by Council and reconsideration of this area is needed to ensure the development can response to appropriate wind considerations.

6. RESULTS AND DISCUSSION



Image 7: Expected Wind Conditions on Local Ground Level

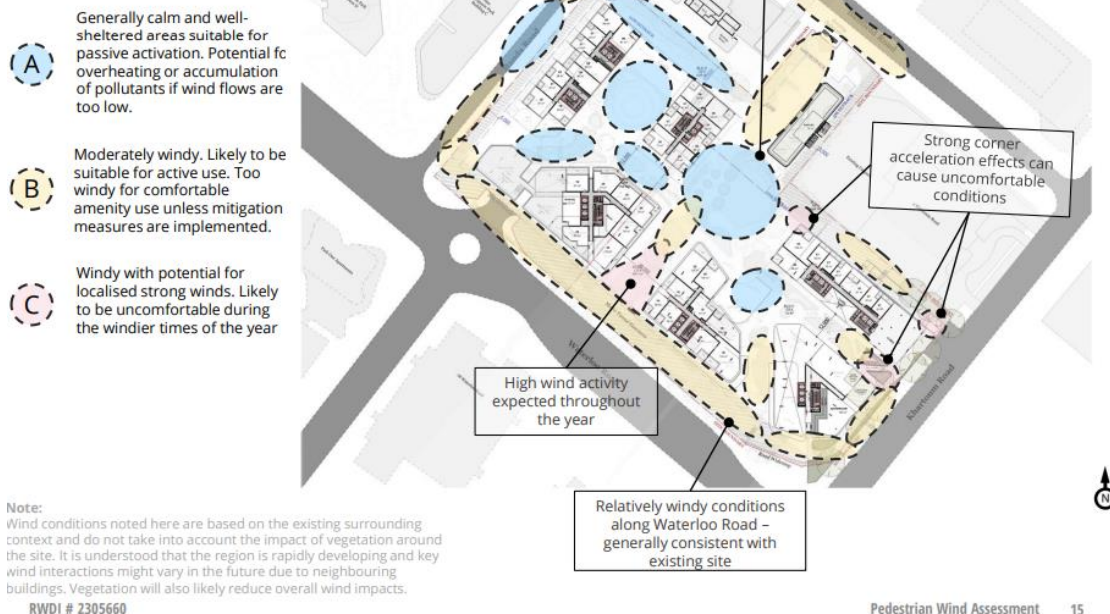


Figure 8: Figure 7 from Appendix 0 (Source: RWDI)

- Council notes that plans for the apartments don't contain any wind shielding measures. It is unclear if the wind assessment has determined building specific recommendations for wind mitigation measures for each apartment building, as the following was stated in the wind assessment:
 - The corner balconies of Buildings C, E, F, & G (Levels 6 and above) will benefit from increased or full-height end screens.*
 - All rooftop terraces will benefit from high perimeter screening (1500 – 1800 mm). Localised canopies or trees with dense interlocking foliage are also recommended further in from the perimeter to capture the recirculating winds. Additional hard and soft landscaping elements are also recommended within the terraces to provide buffer to the winds. Any seating areas should incorporate screening to provide protection from strong winds expected on the upper rooftop terraces.*
- The architectural drawings submitted with the application have not drawn in the preliminary recommendations (Figure 9). Given the associated impact of reduced amenity on these dwellings, Council requests that the architectural drawings be revised to consider the design advice in Appendix 0 and any revised assessment.

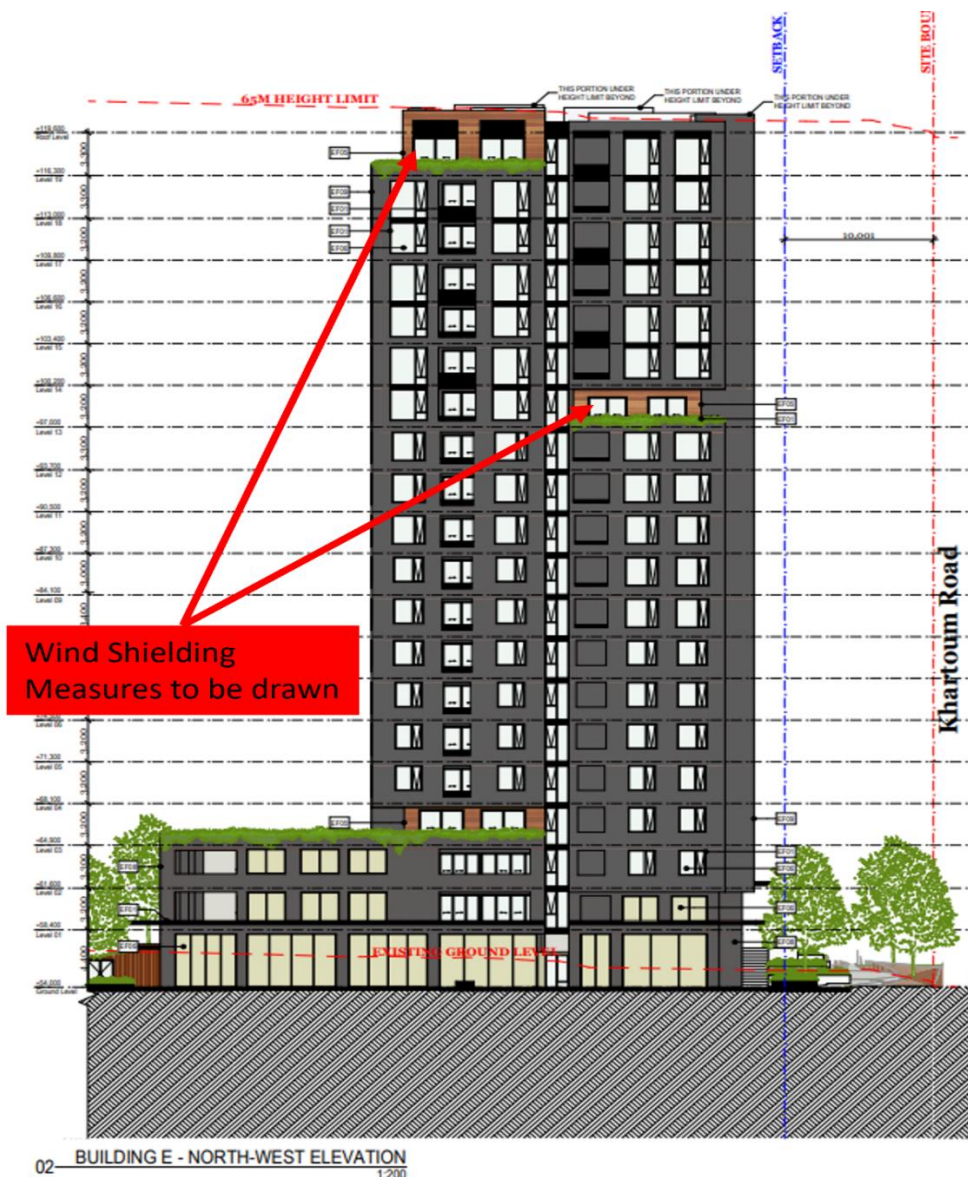


Figure 9: Mark up of Building E North Elevation (Source: DKO)

- Council notes that the preliminary wind assessment includes recommendations for screening and full height screening starting from 1.5m. this screening would then become included in the definition of GFA, therefore must be included in any amended architectural plan set. These inclusions into GFA would further exacerbate the GFA exceedance on the site, acting as a prohibition per clause 6.9 of the RLEP which the applicant seeks to benefit from.
- It becomes apparent in review of the wind assessment that it predominate focus is on pedestrian wind impacts and does not take a considered review of the entire development, providing specific wind mitigation measures for each building.
- As identified in the Pedestrian Wind Environment Assessment the proponent is to be required to prepare a Computational Fluid Dynamics (CFD) assessment prior to detailed designs being approved, to ensure the communal common space areas have a pleasant amenity and are not significantly wind effected. Further it appears that the wind impact recommendations are not included in the design and in turn, counted to the proposed GFA. As such Council requires:
 - A Wind Impact Assessment that undertakes a site-specific assessment (including wind tunnelling) that assesses both pedestrian comfort and wind impacts on buildings within the precinct.

- The Architectural design is to reflect the required recommendations (and any further mitigation measures, subject to the updated assessment). Amended plans are required.
- 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 Ryde Local Environmental Plan 2014 (RLEP) maximum.

9. Landscaping

a. Landscaping

- The Architect Report (Appendix H-P2) states 7% of the site is provided as deep soil. This is consistent with the Apartment Design Guide that requires 7%, however recommends that sites over 1500m² have 15% deep soil area. Given the significant site area the tokenistic 7% ADG deep soil area of 7% is inappropriate and at minimum 15% should be applied to provide an improved amenity outcome for future occupants as well as supporting increased canopy cover.
- The Macquarie Park Place Strategy, Assessment of Consistency on states 29.6% of the site is Deep Soil Area, however there is no plan showing how this figure was calculated. As the site is located in the Macquarie Park Corridor so The DCP2014 Part 4.5 applies.
 - *Section 8.2 Control (a) requires "A minimum 20% of a site must be provided as deep soil.*
- A plan is needed that clearly shown that a minimum of 20% of the site is deep soil area as defined in DCP2014.
- Section 7.6 of the Macquarie Park DCP states "Side and rear setback spaces provide a corridor of deep soil between sites" and "Buildings are to be set back 10m from rear boundary and 5m from side boundary". Only part of the rear setback has been kept as deep soil, with basement parking and car ramps located in the rear setbacks. This is not supported. Reduced basement setbacks is required to improve deep soil provision on the site, to ensure canopy tree growth.
- The proposal indicates removal of 153 Trees, 5 of which are identified as high value (Sydney Turpentine) within the arboriculture report provided. Sufficient compensation for any ecological loss because of this needs to occur. 143 replacement trees are to be planted, many of which are predominantly in the road reserve. Replacement tree planting should be spread evenly throughout the precinct, to support an improved outcome and assist in reducing the heat island effect.
- Given the number of trees being removed on the site, a 2:1 tree planting ratio should be provided for each tree that is not an exempt tree in DCP2014 Part 9.5 Tree Preservation
- The landscape plans provided indicate that the area will have total canopy coverage of 42% following the development. The inclusion of vegetation and trees at the top of structures detailed in the design plans provided is strongly supported. Due to the removal of almost all the existing new trees across the site, it will take many years (up to two decades) for the tree canopy to reach the claimed coverage of the site. The proponent is to identify how the area will be made liveable and heat island effects mitigated in this intervening period.

10. Vehicle Access, Parking and Service Facilities

a. Parking provision

- The parking allocation for the development will need to comply with the requirements outlined in the SEPP (Housing) 2021 - Build to Rent.
- A total of 736 dwellings are proposed and therefore, 147 residential carparking spaces are required. The proposed development provides a total of 441 residential carparking spaces, which exceeds the 0.2 rate, proposing approximately 0.59:1, this grossly exceeds the requirement.
- The Application is submitted pursuant to the *State Environmental Planning Policy (Housing) 2021 Part 4 Build-to-rent housing* requirements. Of concern is the non-compliance with clause 74(2)(d)(i) parking requirement of 0.2:1 as the site is within an “accessible area”. The Applicant would require 147 residential spaces, whereas 441 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). This point is clarified in The Department of Planning Guidelines to Varying Development Standards refer page 24.

- Council notes that the surplus parking provided will count towards GFA, which the Applicant has not included in their GFA Calculations, therefore if the surplus parking is remaining then the Applicant is to include this in their GFA calculations. Noting elsewhere (**Section 3**) in this submission that the current GFA requires reduction to align with the clause 6.9 maximum’s incentive provision.
- Notwithstanding the clause 4.6 Council submits 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.
- The development has provided a significant parking surplus of 294 resident spaces the development should minimise the level of off-street parking provided given the proximity of

the site to transport nodes (Metro and Macquarie University Bus Interchange) and to be truly aligned with the objectives as a transport orientated development. In conjunction with concerns raised with the low level of deep soil landscaping over the site, strong consideration should be given to reducing the scale (and parking level) of the basement carpark.

b. Vehicle access and service facilities

- Council notes the following concerns to be addressed:
 - A non-compliance is related to the childcare component, which the plans nominate only 8 parent pickup-dropoff spaces however 10 is required. Considering the objectives of the Macquarie Park corridor to reduce reliance on private motor vehicles for transport and the potential usage of retail spaces in the morning / evening periods, the shortfall does not present any concerns.
 - The development is noted to accommodate a medical centre however there does not appear to be any parking allocated for this component and therefore must be addressed.

General

- There is scope the parking layout could be reconfigured to provide a more efficient layout as it appears there are several points of conflicting vehicle flows along the access paths. It is advised that a swept path analysis be undertaken with the design to identify areas of improvement, noting that "hard" (ie 90 degree) corners are to provide either a curved inner radius or splay to accommodate the inside swept path.
- Detailed ramp profiles are required as the plans are too conceptual to gauge whether ramp grades and height clearances are satisfactory. To ensure compliance with AS 2890, driveway ramp profiles must be prepared and be taken along the vehicle path of travel and along the inside swept paths on curves (this presents the worst case due to the path having the shortest ramp level and greatest level differences). The profile shall clearly indicate grade lengths, grades (presented as %'s) and levels which correlate with the proposed development levels and surveyed boundary levels. Any overhead structures and / or parking levels under the ramp must be noted to ensure that adequate vehicle clearances are provided both on the ramp (and under the ramp if proposed). All grades and height clearances must be in accordance with the relevant section of AS 2890 for the access design vehicle.
- End-of-trip facilities are warranted for the staff/ retail component. The Traffic Report presents these could be addressed in the CC stage however it is considered this detail should be present in the development consent plans.
- There are no dimensions on the submitted plans nor notes regarding the allocation of parking spaces (Resident/ Retail/ Visitor/ etc). To assist in the assessment of the development, it is essential that dimensions and notes be provided on the plans for parking areas for all aspects related to vehicle access and manoeuvrability. These include, but are not limited to, access aisle/ ramp widths, car space dimensions, headroom clearances (particularly at ramps), ramp lengths and grades (in % as per AS 2890.1).

Western Basement Parking Levels

- There is a "Car Porte Cochere TBU" noted on the Banda Road frontage however no clear detail what this entails. Further clarification on what this is, is required.
- The vehicle access to Banda Road depicts a solid wall extending to the boundary. This appears to be a drafting error however will impose on sight distance along the road frontage. The plans must present there are no encroachments on the Standards sight distance splay requirements at the entry to the roadway.

- The crest of the ramp from Basement 02 and Basement 01 access has no sight distance to vehicles approaching from the Banda Road entry and presents a traffic safety issue.
- The design presents entries to both basement levels (01 & 02) adjoining another. The arrangement presents a traffic safety issue associated with the conflicting movement of a vehicle entering basement 02 entry as a vehicle emerges from basement 01. Details on signage / landmarking are considered warranted.
- Further to the above, the access point to Basement 01 appears to be 5.5m and would be incapable of accommodating two-way traffic flow. With sight distance obscured
- The two visitor spaces located at the base of the ramp descending from Basement 01 to 02 are poorly placed and will require (at best) a reverse in manoeuvre to enter and 3-point turn to exit. This will result in congestion in the parking area and is poor design.
- The resident visitor spaces located amongst the retail parking in the upper level must be segregated from the public retail spaces as they will simply be abused by retail users. Also there is no way to differentiate parking restrictions / control time limits (which is envisaged to encourage retail parking turnover) between the resident visitor and retail parkers.

Eastern Basement Parking Levels

- The parking area accommodates 377 parking spaces and would be (generously) considered a Class 1, 1A parking facility (residents only). AS 2890.1 advises that the driveways to such areas should provide a separate entry and exit, with the entry width being 6m wide and the exit being 4-6m wide. The proposed 6m combined entry and exit is therefore well short of this.
- The design appears to present a one-way circuit arranged clockwise (based on the wheelstop positions associated with the parallel spaces) however this will require entering vehicles to perform a relatively tight "U-Turn" at the base of the entry ramp due to the ramp facing west, opposite to this flow. The arrangement is such that less abled drivers may potentially be unable to do this in one manoeuvre, requiring them to do a multipoint turn, resulting in considerable congestion at this point. This could also present a high potential for property damage to vehicles and also creates a traffic safety issue in the event of conflicting flow (say a vehicle entering the basement as another vehicle approaches the exit as the entering vehicle is required to manoeuvre into the ascending (opposing) lane prior to the turn.
- It is unclear where the childcare centre is located on the site. In this respect the childcare centre spaces must be located in proximity to the childcare entry and ensure the configuration presents no traffic safety impacts. Further details are required of the childcares intended location and parking spaces positions.

11. Stormwater and Flooding

a. Stormwater Management

- The provided stormwater plans are generally very basic and do not provide any site levels, any surface drainage system and simply detail the onsite detention system and point of discharge. The following concerns are present.
 - There is insufficient detail to determine as to whether the surface drainage system caters for a failure mode (surcharge in the event of blockage) for the entire development. The plans must be updated showing surface inlet pits, invert levels, surface levels and grades over the site.

- The site itself straddles two catchments, one which falls south (Waterloo Street) and the other to the north (Banfield Road). Without the greater surface drainage system being detailed, there is some doubt that the nominated location of the onsite detention system can wholly cater for the entire site runoff.
- Notwithstanding the above, there is significant flooding upstream of the Macquarie Shopping Centre in Waterloo Road and therefore discharging to the infrastructure downstream (Banda Road) is desirable. The northern Banda Road drainage system (end of Banfield Road intersection) is led through an easement which traverses through Macquarie Shopping Centre site. **It is unclear / unlikely there is a clearly defined overland flow path through this area and so the analysis will need to demonstrate there is adequate capacity in this system to cater for the developments runoff.**
- The WSUD strategy is noted to be heavily reliant on proprietary systems and fails to meet the objectives of the WSUD component in the DCP Part 8.2 (Stormwater and Floodplain Management) which seek to encourage stormwater treatment and water storage options integrated into the landscape design (ie bioretention systems, etc.). Proprietary treatments are not favorable as the measures last as long as the company manufacturing the device. The proposed concept totally fails in this area.
- The drainage easement located adjoining the western boundary appears no longer active. The service once looked to accommodate runoff from upstream lots (it did extend to the northern boundary then proceeded east, uphill) and was reconfigured to accommodate runoff from the initial (eastern) stub of Banfield Road formed by the development on 8 Khartoum Road. It is understood that with the construction of 2 Banda Road, this easement and service is now redundant and should be confirmed in the application.
- There is a rainwater tank located on "Basement 01" however it is sited in the middle of the site and is unclear whether the tank has an external opening which would cater for a failure mode (ie surcharge storm event).
- The proportion of hardstand coverage present in the open space areas on the site appears significant and generate excess stormwater runoff. It is considered warranted the applicant reduce the level of hardstand coverage in these areas.

b. Stormwater drainage

- Civil drawings (Revision A) prepared by at & I Pty Ltd dated 08 September 2023 to be modified and reflect below:
- Details of the connection to Council pits shall be included in the Stormwater Management Plan.
- Existing Council drainage infrastructure details including, diameter, etc. shall be shown on the plans.

Note: Please use Council asset numbers. Ensure the Council pit, which is being connected to, is indicated on the plans with Council pit numbering.

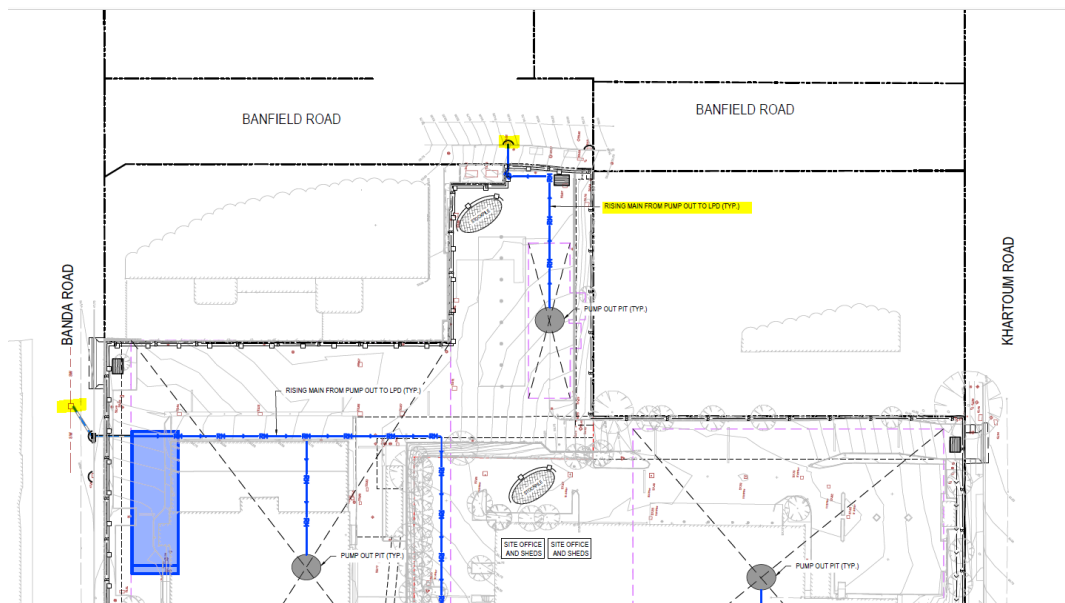


Figure 10: Markup of stormwater plan

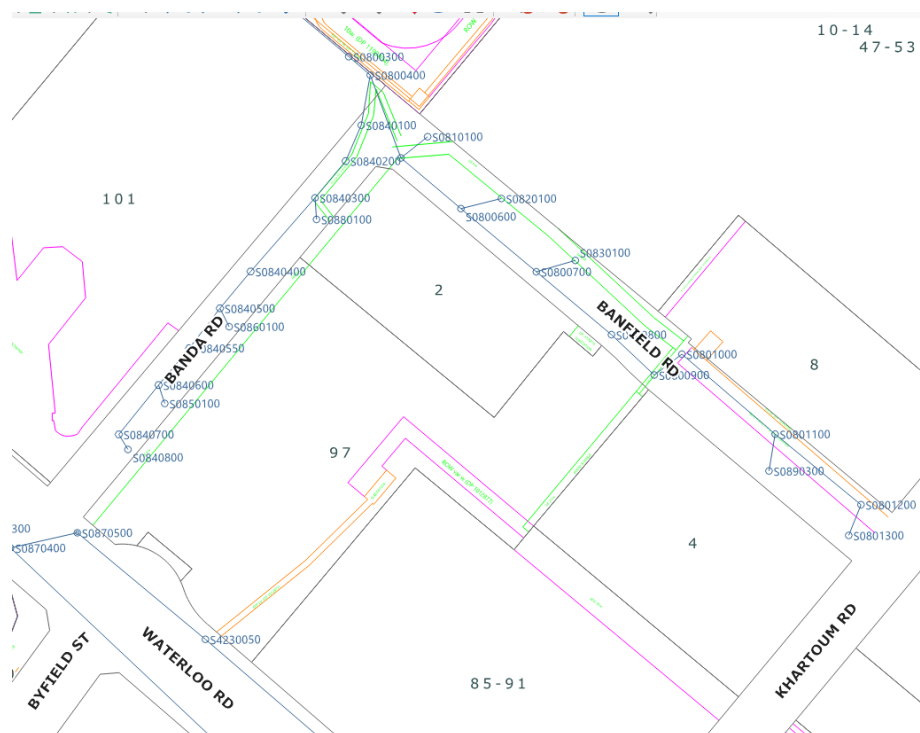


Figure 11: Extract from Ryde Maps

- Detailed survey plan to be provided showing the stormwater infrastructures and easement within the property. Physical location of the Council stormwater pipe, by non-destructive method is required, to update the survey plan with the exact position of the pipe, depth, invert level, etc.
- As highlighted below there is an existing stormwater pipe and easement within the property which is not shown on the plans. Please note that no encroachment to Council easement is allowed.
- The horizontal clearance from the proposed development to the existing pipe to be shown on the plan. Any development must be proposed at least 1m away from the existing outermost part of the Council pipe.

Drainage System/ Overland Flow	Residential			Industrial/ Commercial	
	Land Level ^(b)	Habitable Floor Level	Non-Habitable Level ^(c)	Land Level ^(b)	Floor Level
Surface Drainage/ adjoining ground level ^(a)	-	.15m	-	-	.15m
Public drainage infrastructure, creeks and open channels	0.5m	0.5m	0.1m	0.3m	0.3m
Flooding and Overland Flow (Overland Flow Precincts and Low Risk)	N/A	0.3m	0.15m	N/A	0.3m
Flooding and Overland Flow (Medium Risk and greater)	N/A	0.5m	0.3m	N/A	-
Onsite Detention ^(d)	N/A	0.2m	0.1m	N/A	0.2m
Road Drainage Minor Systems (Gutter and pipe flow)		0.15m below top of grate			
Road Drainage		Refer to Figure 2-1.			
Detention Basins ^(e)		The top water level shall be designed to be 0.5m below top of embankment (100yr ARI)			

Table 2.1 Freeboard requirements.

Figure 13: City of Ryde Council Free Board Requirements

12. Sustainability and resilience

- 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 14: Extract from Industry specific SEARs issued by DPE.

Figure 14 outlined that all draft EPIs 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 W – 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 submission does not adequately or accurately provide full detail for Council review and assessment of ESD outcomes in the precinct. The documents use of consistent language such as 'explore' or 'investigate' does not commit the proponent to final delivery of items (particularly in the ESD outcomes) which is not acceptable to determine impact from the development proposed. As such Council requires an amended ESD report that:
 - Accurately outlines the proposed ESD measures the development would implement.
 - Clearly define the intended sustainability targets and outcomes to be achieved.
 - Outlines specific targets, strategies and policies the development would be contributing through the development of the site. Such as Green Star, Wells, NABERs, sustainable building SEPP, Net Zero Policy & more.
- The developer should be seeking to demonstrate that they will not contribute to broader traffic congestion issues in the city by further reducing this and encouraging other modal transport options which could be achieved through docked e-bikes and car share. Identification of specific active and passive transport outcomes is required.
- The development should be aiming to reduce car use to contribute to the State's Net Zero emissions targets particularly from internal combustion engines / transport which is the 2nd largest contributing source of emissions in the state. No vehicle trips generated have been included in the EIS to understand site in/ out and broader city impacts on congestion and compliance with planning control requirements.
- ESD report provides that 'EV charging will be provided' however there is no detail on this as far as load impacts for electricity particularly for peak demand management, speed of chargers etc.
- 'High efficiency' HVAC systems nominated but no rating. This should be specified to ensure compliance, contribute to reducing city wide carbon emissions from the site and align with State Gov Net Zero goals. Currently this may see lowered efficiency appliances producing high-cost outcomes for occupant's long term.
- No gas to be installed on the site to reduce emissions long term and protect health of occupants.
- No solar is specified. This should be included to offset common energy usage and improve site resilience long term and reduce emissions and costs to occupants. Currently the proposal states 'to be explored' this should be a non-negotiable requirement on site to reduce site GHG emissions.
- Net Zero Plan – inclusion of 'future consideration' for purchasing offsets should not even be included within this submission as the developer will once constructed, vacate the site and have no control over the site procurement of offsets. Furthermore, the developer has social and environmental responsibility to limit impacts (including cost to future occupants) to

reduce emissions through design to ensure those who reside in the complex are not left to pay for offsets. This is confirmed in the ESD report stating:

- *The project team will consider the target of a 5 Star Green Star Buildings Certification in line with the proposed ESD strategies' (page 23)*

13. Acoustic Impact and Noise Generating Land Uses

a. Acoustic Impact

- The submitted acoustic assessment confirms that residential amenity will be severely compromised in certain apartments during both day time and nighttime, 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 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. The amended assessment should assess all potential noise impacts on and from the development, including:
 - The site specific impact from all operations on nearby existing and future sensitive receivers (residential, commercial and industrial where applicable) including but not limited to noise from construction activities; vehicle movements/traffic generation; mechanical plant including air conditioning, pool pump, and mechanical exhaust/ventilation systems (kitchen/car park exhausts); noise from patrons including attendance at large events at licenced premises (if any), noise from the use of outdoor communal areas, noise from, required alarms;, after-hours access (deliveries/waste pick ups), noise from the operation of the proposed 24/7 gym, and use of any amplified sound equipment including music and external speaker/sound systems
 - Suitability of the proposed hours of operation and consideration of any sleep disturbances which may arise from the use of the site would be required should the proposal operate into the night time period of between 10pm and 6am.
 - Any required Plans of Management associated with acoustic recommendations will also need to be submitted and must be site specific.

b. Noise Generating Land Uses

- The application proposes a 24/7 gym and wellness centre in Building D. 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.
- 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.)
- In addition to the 24/7 gym associated with the BTR use, the application also proposed a childcare centre and tenancy space for another gym. These noise generating land uses will be located below sensitive residential uses. The submitted application does not provide details of these land uses, as such its presumed they are for separate development applications. In this regard, should DPE approve the application, a condition of consent must be imposed that requires separate uses seek formal development consent. This is to ensure that assessment of impacts is appropriately undertaken and conditions can be imposed to control uses that can cause amenity impacts.

14. Traffic generation and Infrastructure improvements

Council has reviewed the EIS and supporting documents and does not support the application in its current form. The following issues are to be addressed in the RtS phase. Council requests to review any further information provided.

- **Access issue.** The TIA report proposed one access driveway off Khartoum Road, which is not supported.
 - Due to the construction of Macquarie University Bus Interchange, the southbound lanes for general traffic on Herring Road between Talavera Road and Waterloo Road will be permanently closed, which would lead to the significant congestion and queue length on the northern approach of Khartoum Road/Waterloo Road intersection. The function of proposed access off Khartoum Road would be seriously impacted.
 - This access driveway off Khartoum Road is required to be relocated to Banfield Road, which would allow car traffic into/out the site turning right and left at the intersection of Banfield Road/Khartoum Road, which would be signalised in the future.
- **Trip Generation.** The Table 14 on page 39 of TIA report has missed following trip generation components:

- Section 4.16 of EIS report states a total of 173 jobs are estimated for the residential and retail components. 173 retail and residential workers travelling to the subject site via car should be considered as part of trip generation.
 - Childcare educators and medical centre staff travelling to the site via car should be also included.
 - The proposed three-storey Building D (Club House) including multipurpose function space, which may generate vehicle trips for external patrons. This should be considered to be included in the trip generation.
 - Currently, the car mode share for workers in Macquarie Park is around 54% (48% drive alone and 6% carpool) according to the survey undertaken by ConnectMPID. The above vehicle trips for employees could be around 100, which should be included in the trip generation Table 14 of TIA report.
- **Traffic modelling** is required to be updated in terms of following considerations:
 - Due to the access required to be changed from Khartoum Road to Banfield Road, the generated traffic distribution would be altered correspondingly.
 - The intersection of Waterloo Road/Road 16 in 2026 should be included as a signalised intersection.
 - Due to the trip generation adjustment as advised in trip generation comment.
 - 2026 proposed as the modelling future year for the assessment is inappropriate. Section 4.19 of EIS report states Stage 1 would be completed in Q4 2027. The TIA report is required to be consistent with EIS staging plan and provide the completion year of Stage 2. Then 1-2 years after Stage 2 completion used for future modelling year is appropriate for assessing the traffic impact of the site development, because all the tenants moving into the site and all facilities in full operation would take at least 1 or more years after the development completed; and
 - The modelling for future year is 2026, which is required to consider the project completion of Macquarie Park Precinct and Bus Interchange Upgrade. The published project REF report states below:

Removing the southbound general traffic lane from Herring Road as proposed would cause this traffic to reroute, predominantly via Khartoum Road and Lane Cove Road. It is predicted that during the weekday 5-6pm period, about 500 vehicles could reroute through Khartoum Road and 200 vehicles could reroute through Lane Cove Road to access Waterloo Road.
 - Therefore, the intersections of Waterloo Road/Khartoum Road and Waterloo Road/Lane Cove Road, as well as Talavera Road/Lane Cove Road should be modelled to consider the above traffic volumes.
 - **Service vehicle and loading dock.** The access driveway off Banda Road is required to be widened to accommodate an inbound turning-right HRV passing an outbound turning-left HRV.
 - The number of proposed loading docks are required to be justified to accommodate the demand associated with the residential/retail/commercial/club house.
 - **Preliminary Green Travel Plan.** Please calculate the car parking demand based on the estimated number of workers and residents within the subject site, and the mode share target. Make sure the proposed car parking provision can be accommodated by the estimated car parking demand.
 - If the estimated car parking demand is over the proposed car parking provision, the mode share target or car parking provision or even land use intensity has to be adjusted to enable the car parking demand to be accommodated.

- **Infrastructure improvements:**

- The intersections of Waterloo Road/Khartoum Road and Waterloo Road and Byfield Street will need to be upgraded to traffic signal control along with other road geometry improvements to sustainably support the future development generated by the SSD. This requirement has been specified in DPE's Stage 1 Rezoning Proposal for Macquarie Park as well as a number of other technical planning documentation (e.g. City of Ryde Integrated Transport Strategy 2041).
- The intersection of Banda Road/Banfield Road is currently not connected with Macquarie Shopping Centre side, which is a major issues in developing a fine-grained road network in Macquarie Park, particularly as its outlined to be connected in the Place Strategy and Macquarie Park Masterplan (Figure 15). The applicant will need to liaise with the relevant stakeholder (AMP Capital) to construct the intersection of Banda Road/Banfield Road to be a four-way intersection, which would reduce the impacts of the site-generated traffic on local road network.

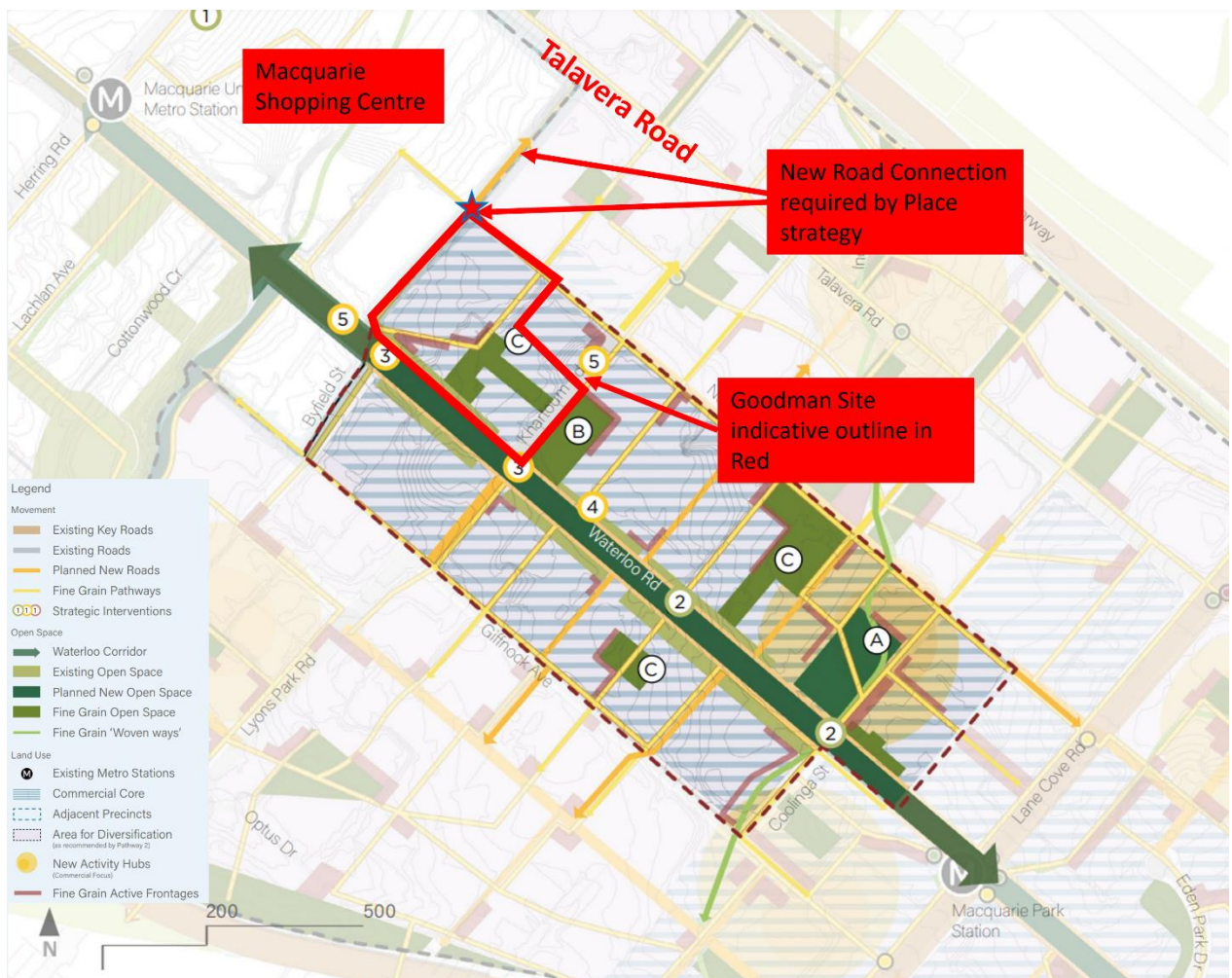


Figure 15: Markup of Precinct 2 Structure Plan (Base Source: Macquarie Park Corridor Masterplan)

- Council notes that AMP Capital (Macquarie Shopping Centre) have a deed of agreement for the construction and connection of this road in the future. In this regard the Applicant is to undertake detailed engagement with AMP capital, in the preparation of suitable plans demonstrating the connection and construction (Figure 16) of this new road consistent with the place strategy and masterplan's future vision. Evidence of this engagement is to be outlined in an amended engagement report. **This deed can be provided to DPE under separate cover if requested.**



Figure 16: Areal Markup of Intended connection point between AMP Capital & Goodman's Sites (Base Source: Ryde Maps)

15. Public Domain

- DPE is advised that the legal description and the ownership of the Land Lots and the DP numbers is not correct in the Urbis EIS (Environmental Impact Statement). The EIS should be updated accordingly. The site comprises three separate allotments, legally described as:
 - 2 Banfield Road - Lot 2 in DP 1259231,
 - 85-91 Waterloo Road - Lot 1 in DP 1259231, and
 - 97 Waterloo Road – Lot 3 in DP 1249920.
- As part of the delivery of the Stage 1 development (LDA2017/0096), monetary contributions have been paid and the construction and dedication of a public road, being Banfield Road has already been undertaken relevant to that part of the development.
- Therefore, the last remaining item of the VPA is the delivery of the through site link and associated monetary contributions.
- Due to the deviation from the original Concept Proposal, Goodman proposes the drafting of an updated VPA, which has been the subject of several discussions with City of Ryde Council. In summary this VPA includes monetary contributions, the delivery of a public park, and the through site link.
- In addition to the public benefits set in the VPA, Public Domain will impose conditions for the upgrade of the existing roads and footpaths – along Waterloo Road and Khartoum Road as dictated by the City of Ryde Development Control Plan (DCP) 2014, Part 4.5 – Macquarie Park Corridor, and the Public Domain Technical Manual (PDTM), Chapter 6: Macquarie Park Corridor. The restoration of any damages to the relatively newly constructed Banda Road and Banfield Road will also be the responsibility of the Developer.

16. 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. Please revise the architectural plans to include this storage requirement or separate it from the bin room.
- Bins and Bulky Waste rooms should be serviced directly from loading bays. Please indicate on the Architectural plans where doors will be installed to facilitate efficient waste collection with ample door width to facilitate collection.
- In your revised waste management plan, please indicate the paths that residents will take to safely transport their unwanted items to the nominated bulky waste storage room(s). Resident access to Chute rooms and bin storage rooms should be avoided to reduce health and safety risks.

b. Bin allocation for waste and recycling services

- Please indicate in the waste management plan how the building will manage the introduction of a food organics recycling service as mandated through the NSW EPA Waste and Sustainable Materials Strategy 2041 (i.e. FO or FOGO), including where residents are expected to dispose food organics when this service commences, and where bins will be stored.

c. Operational Factors

- There is an inconsistency between The Operational Waste Management Plan and architectural drawings in relation to where the chutes terminate (chute rooms). The architectural drawings depict chute rooms on Basement 1 not 2 and also depict chutes on B2 (DA2000, Revision A). Please clarify and update this information.

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