

ATTACHMENT 1

City of Ryde Submission

35 Waterloo Road, Macquarie Park – BTR

SSD-52947710

Council reference: COR2023/60
Submission Date: 30 November 2023

EXECUTIVE SUMMARY

Thank you for the opportunity to provide a submission in response to the proposed State Significant Development Application (SSD-52947710) to facilitate a build-to-rent development at 35 Waterloo Road, Macquarie Park. This submission is being made in response to SSD- lodged with the Department of Planning and Environment (DPE) currently on exhibition from 5 October 2023 until 1 November 2023.

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

- Site preparation, including demolition, excavation, and tree removal.
- Construction of a new build-to-rent (BTR) development comprising buildings ranging between 7 to 20 storeys that accommodate:
 - 4,637m² of non-residential floor area at ground level, including commercial uses and a medical centre
 - 39,030m² of build-to-rent housing, including a total of 513 dwellings.
 - 2,646m² of communal residential amenity facilities located throughout the buildings.
- Extension of Dirrabari Road to facilitate connection to Lane Cove Road.
- Provision of a 1,793m² public park and through site link.
- Shared basement carpark, comprising a total of 417 car parking spaces and 74 bicycle spaces.
- Vehicular access for Building A and B and loading purposes via Waterloo Road, while Buildings C and D will be accessed via the Dirrabari Road extension.
- Associated landscaping and public domain works.
- Augmentation of, and connection to, existing utilities as required.

Council has reviewed the documentation made available via the Planning Portal. Based on our review of the application, Council strongly opposes the proposed development in its current form for the following reasons, which we outline in detail below:

- Strategic Planning Inconsistency & Macquarie Park Corridor Masterplan
- Site isolation
- Housing Targets
- Use of Clause 6.9, VPA and Infrastructure and Omitted GFA
- Urban Design and Place making Outcomes.
- Employment generating land use loss and Economic Impact
- Financial Impact
- Wind Impact Assessment
- 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

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 Context

Council does not support the proposed BTR on the site on the basis that it will undermine the land use planning within Macquarie Park that has been subject to extensive community engagement and comprehensive strategic planning by Council. Given the strategic planning context, allowing BTR development of this scale would hinder Council and the community's attainment of good planning outcomes.

Noting residential accommodation is prohibited under Ryde LEP 2014. The Applications Built To Rent (BTR) proposal in its current form does not align with the following objectives of Zone E2 Commercial Centre which states:

- *To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.*
- *To encourage investment in commercial development that generates employment opportunities and economic growth.*
- *To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.*
- *To enable **residential development only** if it is consistent with the **Council's strategic planning for residential development in the area.***
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*

The Commercial Core has a focus of commercial uses, the proposed BTR is not consistent with the objectives of a Commercial Core, nor is it consistent with the objectives of the zone, which must be given weight in the departments assessment of the application. This is particularly important, as the department will need to be satisfied that the zone objectives are able to be reasonably satisfied by the proposal. It is the Council's view that it is not consistent with the zone objectives as:

- The proposal does not contribute in a meaningful way to the viability of Macquarie Park as an economic centre, as the scheme removes existing commercial enterprise replacing it with residential development sterilizing economic potential.
- The scheme does not provide suitable space for commercial development, encouraging further investment in Macquarie Park as an economic hub.
- Council's strategic planning priority for the area is to 'ensure the economic vitality of the Macquarie Park Health and Education Strategic Centre and retain the precinct's strong economic base as shown by its contribution to Australia' GDP' (see LSPS page 137). The proposed development does not align with Council's strategic priority, as it will 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 scheme does not provide a suitable ground floor plane that contributes to an active and diverse environment, particularly as ground floor apartments are proposed.

Overall, the application in the current form is entirely inconsistent with the strategic vision for Macquarie Park. The Application requires significant revision, to align with the outcomes envisaged in the masterplan, ensuring that the site can support employment lands, and contribute to GDP with commercial land uses, consistent with the Place Strategy & Masterplan.

b. Macquarie Park Corridor Masterplan

The site is located within an area identified as Commercial Core in the Gari Nawi (saltwater canoe) Macquarie Living Station (Figure 1). The Place Strategy envisioned that Gari Nawi Precinct to be a predominately commercial neighbourhood, with up to 350-450 new homes. The Precinct will include 500,000m² - 550,000m² of commercial and retail spaces with no new homes.

The proposed 513 Built-to-rent dwellings is 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, whilst not providing any meaningful contribution to commercial revisitation with appropriate commercial uses.

Both the Masterplan and Place Strategy provide guidance on the intended land use outcomes for the precinct, and future character, which the application in its current form is entirely inconsistent with. The statement sentence from the Place Strategy States (refer Page 49).

Statement sentence

This predominantly commercial neighbourhood will encompass a new activity hub, an extensive commercial core and new residential development, giving it the capacity to develop into a denser and more integrated place of economic vitality

The Place Strategy landuse framework states:

LAND USE FRAMEWORK

Active frontages that lead to and from key open spaces and transport hubs will create a vibrant and bustling environment, emblematic of a true commercial centre. The careful introduction of residential will facilitate the development of the neighbourhood into a living station.

The Masterplan Design Criteria states:

Building Typologies

Residential dwellings are only to be located within the Activity Hub. Residential buildings with commercial podiums are encouraged.

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 and desired future character of the locality, particularly as residential dwellings are located outside of the Active Hub. 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, per clause 35 of the *Environmental Planning and Assessment Regulations 2021* (EPAR 2021).

The phasing and delivery plan for this Precinct indicates that the area will have new diversified employment space for approximately 90 new dwellings in the years 1 to 5, 80 new dwellings in the years 6 to 10, and 180+ new dwellings from year 11+.

For the first 1-5 years alone, the proposal will exceed the expected dwelling provision by **470%**. Comparing the proposed dwellings to the dwellings expected over the total phasing and delivery timeframe (450 max per the structure plan) it would be a supply increase of **14% over the total of dwellings planned for the entire precinct.** This is a gross oversupply of dwellings and overdevelopment, in a precinct that is not planned or can support the additional dwelling density.

The phased delivery plan aims to ensure infrastructure and open space provision could catch-up with new development, the proposed development would have a negative impact on meeting infrastructure needs in as there is a lack of infrastructure in the precinct to support the additional density used for residential purposes (Figure 2).

This plan demonstrates the required infrastructure to support the expected land uses within the precinct, which residential growth is not planned for. 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 small amounts of dwellings are to be delivered over time, as it isn't planned for residential growth with appropriate infrastructure plans to support residential growth.

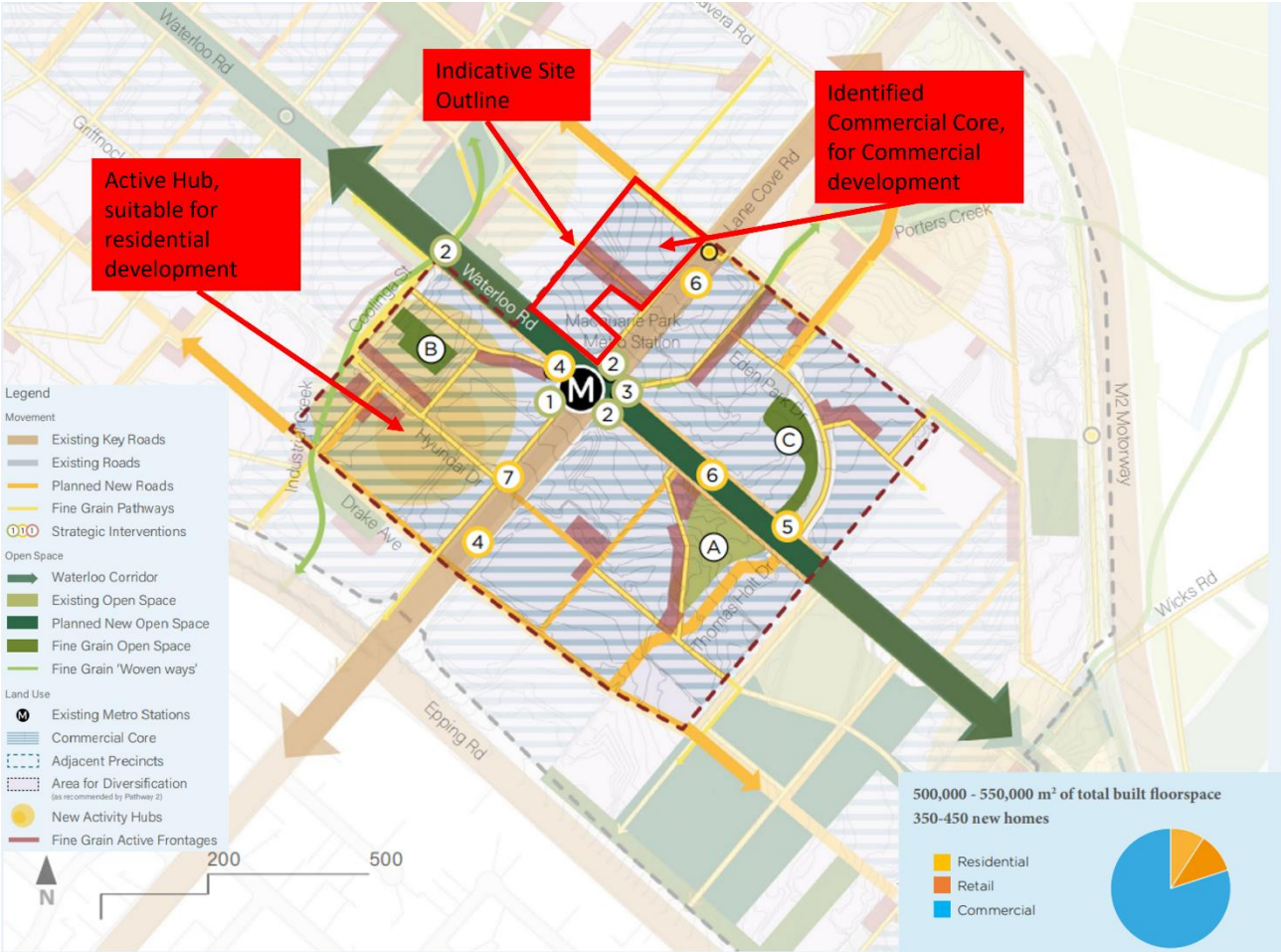


Figure 1: Mark Up of Precinct 4 Neighbourhood Framework Diagram (Base Source: Macquarie Park Structure Plan)

Phasing and delivery

| Years 1-5 | Years 6-10 | From year 11+ |
|---|--|---|
| New diversified employment space for approximately 500 new jobs | Space for 500 additional jobs in a diversity of sectors and scales | Space for 1,200+ additional jobs in a diversity of sectors and scales |
| Approximately 90 new dwellings | Approximately 80 new dwellings | Additional 180+ dwellings |
| New public art program | Conversion of car parks into active uses | Integration of Metro station into neighbourhood |
| Cultural spaces | Continued environmental upgrades to the creek | Roll out of 18-hour economic strategy |

Figure 2: Phasing and Delivery Plan (Source: Macquarie Park Place Strategy)

Council requests that DPE strongly consider the requirements of the Place Strategy and Masterplan as required by Clause 35 of the EPAR 2021. It is the Council's view the application is consistent the Place Strategy as:

- The proposal is for built to rent (dwellings), is located in the The Macquarie Park Innovation Precinct Place Strategy (Place Strategy) and Macquarie Park Innovation Precinct Strategic Master Plan (Master Plan) under Precinct 4 which is outlined to have maximum 450 new dwellings in over 11 years it whereas the scheme provides 513.
- 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 land uses.
- It does not retain areas identified for employment zones, therefore not supporting the viability of the strategic centre of Macquarie Park Corridor.

The large component of the residential uses within the site would also be detrimental to the surrounding commercial context given the over development of the site. A mainly residential use on the land requires careful planning and design to minimise land use conflicts and interfaces between residential and commercial uses.

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.

In summary, the proposed development is found 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.

c. Macquarie Park Innovation precinct Stage 1 Rezoning Proposal

The Macquarie Park Innovation Precinct – Stage 1 Rezoning Proposal, including master plan and proposed new planning controls, is currently on exhibition for public comment until 10 December 2023. The site is identified as Key Sites (Area 4) within the planning proposal, as illustrated in Figure 3.

It is proposed to introduce a Key Sites Map under Ryde LEP 2014 to identify six key sites that have been provided with floor space and building height uplifts in the Stage 1 Master Plan, to ensure they also deliver the open space and community facilities proposed. Area 4 within the Planning proposal requires that at least 3,435m² of the site area will be used for the purposes of a recreation area and contribute to affordable housing (being 1% from 2025, increasing year on year to 3% in 2027).

Given the above, the proposed BTR is totally inconsistent with the Planning proposal that is currently on exhibition by the Department and does not align with the intended outcomes of the site, particularly the provision of affordable housing and the location and quantum of open space. It is Council's view that this Planning Proposal is "imminent and certain", therefore should be given appropriate weight in the Departments assessment of the scheme, requiring revision of the application to align with it.



Figure 3: Proposed Key Sites Map (source. Macquarie Park Innovation Precinct- Stage 1 Rezoning proposal.

2) Site isolation

A key consideration is the impact of the proposal upon the orderly development of land within E2 commercial zone. In this regard, the adjoining site being No.404 Lane Cover Road (the '7 Eleven Site') will be isolated, as the 7 Eleven site is constrained in terms of its size and configuration and there is no alternative access apart from Lane Cover Road. Figure 4 below is provided to show the 7 Eleven site (outline in yellow) as it relates to the subject site.

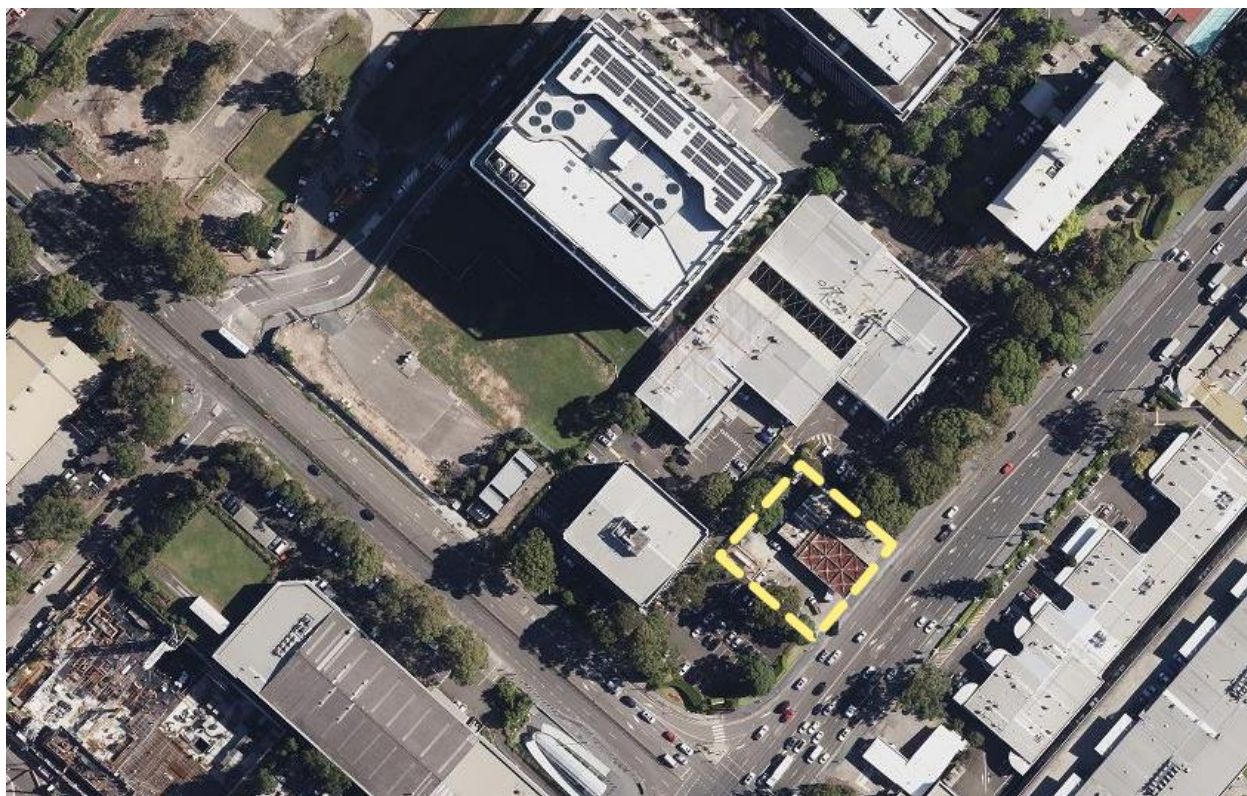


Figure 4: Site Plans showing the adjoining "7 Eleven." Site (Source Ryde Maps)
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The Applicant has provided a copy of a letter which offers to purchase the 7 Eleven Site in 2017 (6 years ago). No details have been provided in terms of negotiation and the offer that was made.

In this regard, reference is made to the Land and Environment Court (LEC) which has established a Planning Principles to address isolated sites, which is set out in **Karavellas v Sutherland Shire Council [2004] NSWLEC 251** where the Court required the following two questions to be considered when assessing whether it is reasonable to isolate a site through redevelopment:

1. Is amalgamation of the sites feasible?
2. Can orderly and economic use and development of the separate sites be achieved if amalgamation is not feasible?

The above was further examined in the Planning Principles established in **Cornerstone Property Group Pty Ltd v Warringah Council [2004] NSWLEC 189** which requires the submission of development schemes for isolated site(s) where negotiations have failed.

Having regard to the relevant Planning Principles established by the LEC, consideration must be given to whether appropriate steps have been taken to amalgamate with any potentially isolated sites. It is not until this process is followed that consideration should be given to building schemes on an isolated site(s).

In this regard, amalgamation of the 7 Eleven site with the site will achieve a better planning outcome, and the development would be consistent with applicable planning controls and the objects of the *Environmental Planning and Assessment Act, 1979* (EP&A Act). It is also acknowledged that agreement may not be reached for the sale of the adjoining property, however, it is reasonable to require information to determine whether adequate steps have been made to avoid site isolation. If this process is not followed, the issue has not been properly resolved and therefore any decision to approve the current application is premature.

In relation to the 7 Eleven site, no evidence has been provided in terms of negotiations including an independent valuation and a reasonable offer between the property owners. This is evident by the letter that is dated 28 June 2017.

In summary, the proposal would result in the isolation of the adjoining site to the 404 Lane Cover Road (7 Eleven Site) and in this regard the Applicant has not demonstrated that the correct process has been fully undertaken to satisfy the Courts Planning Principles to determine the planning merits of the proposal to develop the subject site alone.

Council further notes and outlined above, that this site is nominated as “area 4” under the exhibited stage 1 rezoning. If this planning proposal is gazette, and the BTR application is approved and constructed, the 7 eleven site will never be able to deliver the required additional area (open space) outcomes envisaged under the draft planning proposal, therefore never being able to be developed to its highest and best use.

Accordingly, in Council opinion this issue warrants the refusal of the application.

3) 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 5: 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 5). 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.

4) Use of Clause 6.9, VPA and Infrastructure 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:

- There is a conflict in the number of dwellings identified for delivery as part of the proposal. The VPA letter of offer (and the Landscape Design Report) indicate that 500 dwellings will be delivered. The Environmental Impact Statement (EIS) indicates there will be 513 dwellings delivered. For the purposes of this response the information in the EIS has been relied upon.
- 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 1,793 square metres of open space identified in the design is generally of poor quality. It is of a size that barely meets Council’s minimum requirement for public open space, 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 a natural open space.
- Public Open Space in the location of the Development is not identified in the Macquarie Park Place Strategy and current exhibited Planning Proposal (Figure 6), therefore there is no strategic need for the proposed open space in its current location. The open space identified to be delivered as part of this application will only function to beautify the development and not provide any broader community purpose.

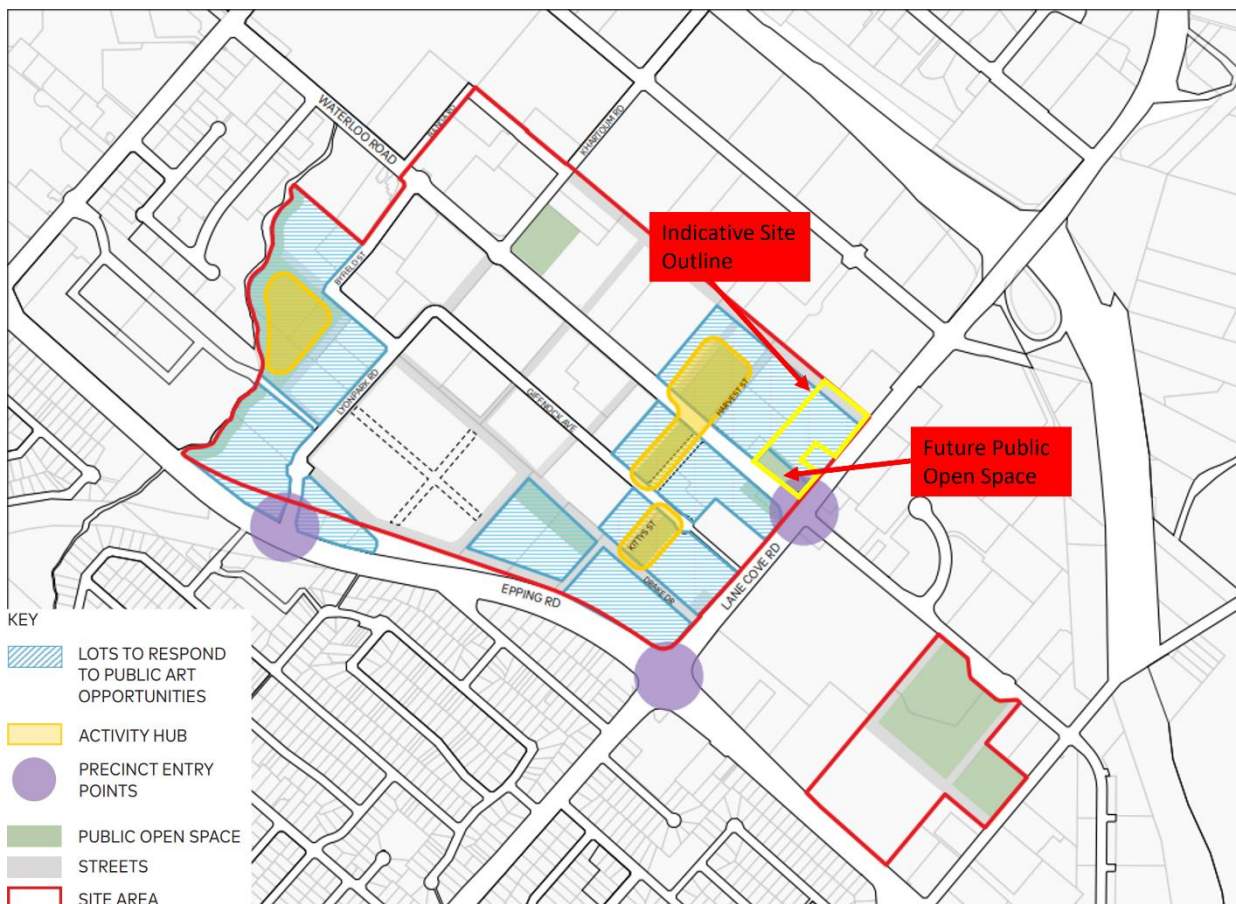


Figure 6: Mark up of Macquarie Park Innovation Precinct Stage 1 Neighbourhoods – Design Guide (Base Source: Design Guide figure 26 – Page 67)

- To enhance the amenity for the residents and visitors of the development, reference needs to be made to the draft Greener Places Design Guide and specifically the Open Space for Recreation and Urban Tree Canopy sections when preparing the landscape plans for the site. This also needs to occur to ensure the applicants SEAR's requirements are met.
- Limited rooftop garden or vegetated areas above ground level appear to be identified on the landscape plans (plans are not clear). To enhance the amenity further opportunities to implement vegetated areas on the rooftop should be investigated. It is noted rooftop gardens will only service the existing residents and not provide a broader community benefit.
- As identified in the Pedestrian Wind Environmental Assessment, the open space area will be significantly impacted by Westerly winds which are predominant through the winter period, therefore significantly detracting from the amenity of the area. Significant screening and trees are identified in the report as measures to mitigate any impact of the wind. Most of the trees on the site will not reach maturity for 10 – 20 years, providing little wind mitigation in the short to medium term. The proponent should 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 at this location.
- 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 513 dwellings, which with the City of Ryde's current average household size of 2.47, will bring into the Local Government Area an additional 1,267 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 3,800 square metres
 - Junior field equivalent to 550 square metres
 - An outdoor court equivalent to 432 square metres
 - Access to an indoor court for 8 hrs per week
 - Access to a public swimming pool for 1 hour 35 minutes per week
- **Passive Recreation**
 - The site will be adequately serviced (in accordance with Council's LSPS and State Government Guidelines) for passive recreation by Catherine Hamlin Park, approx. 200m walking distance from the proposed development.
 - This further strengthens the argument for the developer not to receive any offsets for the provision of public open space for passive recreation.

The \$12.632 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. Omitted GFA

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 7) & 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 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.

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 complemented with a mix of innovation spaces, commercial, showrooms and a wide mix of retail to realise the vision of an innovation precinct/city area where live, work and play is achieved in place. The proposal is directly opposite the Macquarie Park metro station. 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.

The proposals existing context has not been considered. The frontage along Lane Cove Road needs innovative design solutions to resolve the level difference and busy road setting to create an active and vibrant street frontage along Lane Cove Road. Locating a residential building on one of the busiest corners of Macquarie Park – cnr of Waterloo Road and Lane Cove Road – creates noise, pollution issues for residential dwellings. It also negatively affects the potential of the location as a

metro station city place.

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 i.e., Service shops such as doctors' offices, dry cleaning, dog grooming, child day care, work from home hub, innovative, r and d spaces etc.

It is not demonstrated how the amount and configuration of communal open space is sufficient for the number of apartments and future population increase.

Additional tower height may be suitable subject to addressing the issues outlined with a key focus on provision of commercial/innovation/city shaping uses, block and building modelling, street wall, double height retail frontages and design excellence.

c. Waterloo Road - Macquarie Park's 'Front Door'

The site is located on Waterloo Road and within approximately 400m from the Metro Station. The sites frontage is around 200m of Waterloo Road frontage. 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 an innovation setting. This central urban project will improve pedestrian amenity and create strong a sense of place.

Building 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. Residential uses and character are to be setback and above the commercial/innovation

base. The proposal does not respond the desired future character of either Macquarie Park or Waterloo Road.

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 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. 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. It is essential that a sense of address is created as the proposal provides open space that is publicly accessible. The current form of the open space does give an impression that the open space is for public use or is publicly accessible. This requires revision.

f. 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

g. Ground plane and Supporting the Place Strategy intent for Macquarie Park 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.

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

For this key location in Macquarie Park in close proximity to the metro station, building uses and design need to support the area as a commercial/mixed use area, and in such close proximity to the metro station the desired future character is to be of a city character, in scale and design. The proposal's residential components totally dominate street frontages in terms of use and massing.

To avoid this, a consistent street wall should be provided to each street with a tower setback above. The street wall should have a markedly different character to the tower and have a strong and attractive civic presence of up to 6 storeys or more ideally using a tactile, characteristic and natural material such as brick. The proposals massing to the corner of New Link Road and Rivett Street has successfully achieved a street wall form, although proportions, materials, height of the ground level glass frontages and level of enclosure all require further refinement to achieve a street wall with a strong civic presence.

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.
- 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.
- 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.
- A breach in the height limit could be explored in order to achieve more moderate tower footprints.
- 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.

j. 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.

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 1). 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 1: 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 1) 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 proposal to deliver two mixed-use precincts developments founded on Build-to-Rent (**BTR**) for following key reasons:

- The Assessment needs to provide a thorough assessment of medium to long-term risks surrounding the provision of commercial spaces in Macquarie Park.
- 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.
- 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.
- Refer to Table 2 for detailed analysis of economic impacts.

| Comment | Detail |
|---|---|
| 1 The Assessment it fails to provide a thorough assessment of medium to long-term risks surrounding the | The Assessment identifies that decline in tenancy and demand from commercial space in Macquarie Park. Furthermore, the Assessment suggests that there is an oversupply of commercial space, noting: 1. Projections in the Greater Cities Commission's Macquarie Park Place |

| Comment | Detail |
|---|---|
| <p>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>Strategy (delivering 124-year supply of commercial space), and</p> <p>2. Existing approvals for commercial developments in Macquarie Park (delivering 37-year supply).</p> <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. 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), 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. |

| Comment | Detail |
|--|---|
| <p>2</p> <p>The Assessment lacks sufficient evidence to support a genuine approach to mixed-use development, with the inclusion of retail on the ground floor appearing to be an afterthought.</p> <p>Consideration should be given to more commercial space, including spaces to support the nighttime economy.</p> | <p>The Assessment does not assess economic opportunities for mixed-use. In only compares commercial office space against residential dwellings.</p> <p>City Economy 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 nighttime economy in Macquarie Park that attracts workers, residents and visitors from across Sydney. A nighttime 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> <ol style="list-style-type: none"> 1. The provision of appropriate setbacks from the verge to allow for outdoor dining. 2. Pre-approvals for noise at night-time (e.g., live music, outdoor dining, markets, etc.). 3. Provision of plazas and open space that provides sufficient lighting and clear lines of sight to support safe pedestrian movements at night-time. 4. Spaces (including enabling infrastructure) suitable for businesses working in the retail, hospitality (food, beverage, and live performances), community services, and health services sectors. <p>In addition to contributing to the broader vibrancy of North Ryde, the provision of these spaces for night-time economy businesses will provide both workers and residents with access to new services, reducing the need to travel to other locations via private vehicle.</p> <p>Regarding commercial space, please see the detailed comment above and below.</p> |
| <p>3</p> <p>The proposal lacks innovation in that it does not consider the long-term needs and, thus, opportunities to deliver a mixed-use development that provides the proponent with flexibility in how they could respond to future commercial/financial risks.</p> <p>Adaptive/sequential uses should be considered to avoid the future sterilization of Macquarie Park as a globally competitive Innovation District.</p> | <p>As noted previously, the Assessment fails to consider the need for renewal and redevelopment of commercial spaces in Macquarie Park.</p> <p>Recognising that the current downturn of the commercial market presents a financial risk to the proponent, City Economy recommends they consider opportunities for adaptive reuse of spaces in the building. This could include, for example, the temporary provision of above-ground car parking that commercial spaces could replace in the future once the demands for parking and commercial spaces change.</p> <p>Taking an adaptive approach could provide the proponent with greater flexibility and an enhanced ability to respond to risks over the medium to long term, particularly if demand for car parking spaces continues to decline.</p> |

Table 2: Analysis of 35 Waterloo Road Economic Impact Assessment

7) Financial Implication

a. Impact to Council Rates

For Council to understand the potential impact of commercial properties converting into 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 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 3: Table A

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

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

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

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

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

This means that even though residential units will be built on the property, the Housing 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 (Table A), 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 |

| 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 – Rated as one assessment | \$157,000,000 | \$92,063 | \$0 | \$92,063 |
| Results in a DECREASE in rates per annum | | | | (\$503,654) |

Table 4: 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 **\$45,956**, and as the units will not be able to be rated separately there will be a future loss of **\$371,712** per annum. It is important to note that this loss will be compounded by the IPART Rate Peg. Assuming a Rate Peg of 4% over a 10 year period this will amount to a loss in future income of **\$4,462,814**.

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

| Current Business Rates | Land Value 2022* | Total Rated as One Residential Assessment | Initial Loss of Income | Total Residential units Rated Separately | Future Lost income for Council |
|------------------------|------------------|---|------------------------|--|--------------------------------|
| A | | B | B-A | C | B-C |
| \$113,961 | \$115,886,331 | \$68,005 | (\$45,956) | \$439,717 | (\$371,712) |

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 (under public exhibition for the stage 1 rezoning of Macquarie Park) on behalf of the Department of Planning & Environment, it states 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 |

| Criteria for Greater Sydney Region councils* | |
|--|--|
| | 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 5: 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 6: 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 |
|-------------------------|--------|-----|-----|-------|------------|--------------------|
| 35 Waterloo Road | 126 | 167 | 195 | 25 | 513 | \$9,349,667 |

Table 7: Analysis of development under 7.11 Contributions

| Property | Cost of Development | 1% | 2% | 3% | 4% |
|---|---------------------|----------------------|----------------------|--------------------|--------------------|
| 35 Waterloo Rd | \$35,293,776 | \$3,052,938 | \$6,105,876 | \$9,158,813 | \$12,211,751 |
| Difference between s7.11 & s7.12 | | (\$6,296,729) | (\$3,243,791) | (\$190,854) | \$2,862,084 |

Table 8: 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.

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 respond to appropriate wind considerations.

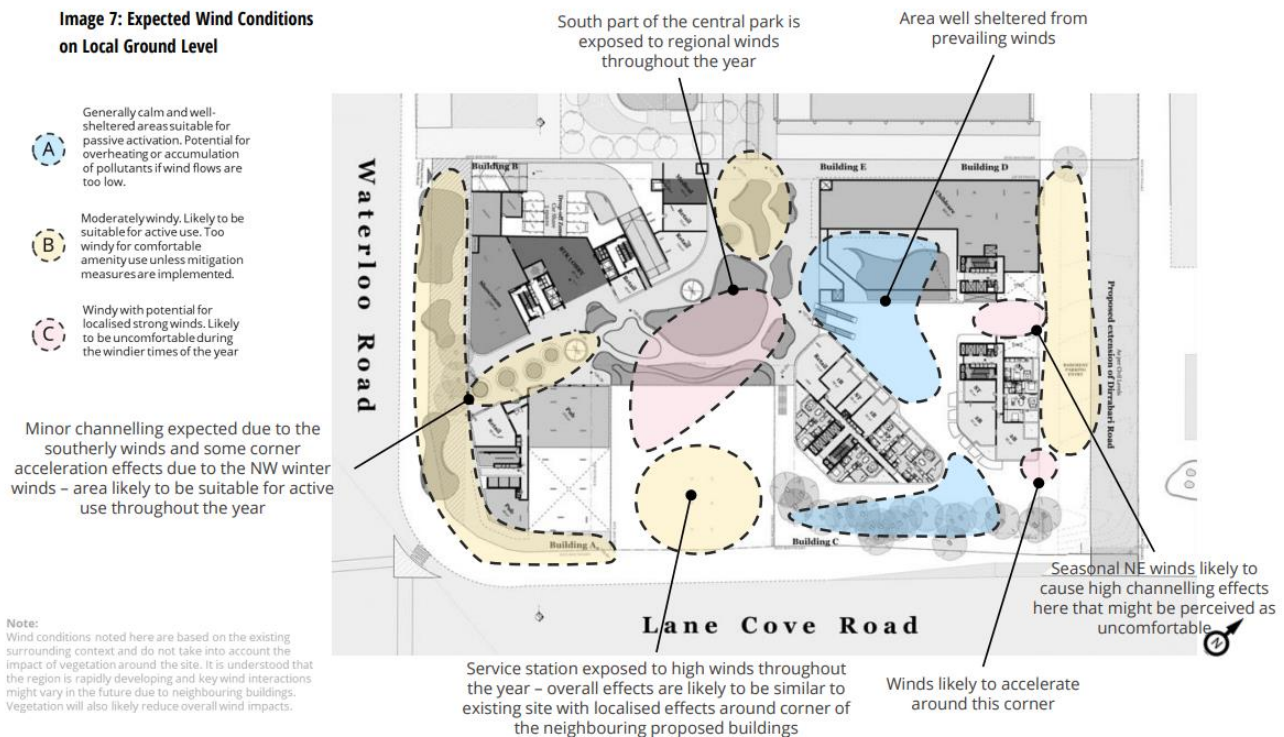


Figure 8: Figure 7 from Appendix 0 (Source: RWDI)

Council notes that plans for the apartments don't contain any wind shielding measures. It is unclear if the wind assessment has determine building specific recommendations for wind mitigation measures for each apartment building, as the following was stated in the wind assessment:

- *The eastern corner balconies of Building D (Levels 6 and above) will benefit from full-height end screens. Building C balconies will benefit from 1400 mm balustrades.*
- *All upper-level and rooftop terraces will benefit from high perimeter screening (1500 – 1800 mm). Localised canopies or trees with dense interlocking canopies 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 local screening.*

The architectural drawings submitted with the application have not drawn in the preliminary recommendations. Given the associated impact of reduced amenity on these dwellings, Council requests that the architectural drawings be revised to consider the design advise in Appendix 0 and any revised assessment.

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

The proposal indicates removal of 61 Trees, 7 of which are identified as high value within the arboriculture report provided. Sufficient compensation for any ecological loss because of this needs to occur. 103 replacement trees are to be planted, many of which are predominantly in the road reserve with no species proposed consistent with the recommendations of the submitted Arboriculture report.

The landscape plans provided indicate that the area will have total canopy coverage of 39% following the development. Due to the removal of a significant number of the existing trees across the site, and the 103 new plantings to occur, 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 have appropriate comfort levels and the urban heat island effects mitigated in this intervening period in accordance with their obligations SEAR's requirements.

Council's Part 4.5, Section 7.6 of the DCP requires 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.

The application only demonstrates that 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, therefore the landscaping outcome is requested to be revised to be consistent with Council's DCP.

In review of the landscape plan, Council requires it to be amended to address the following:

- Provide two new trees for each tree removed that is not an exempt tree in DCP2014 Part 9.5 Tree Preservation.
- To demonstrate it complies with the City of Ryde Waterloo Road Masterplan
- Page 9 1.5 Landscape schematic plan – 'J' Mass planting buffer to the road – needs clarifying as it appears to be within council's public domain on the main road way which is inconsistent for sightlines for Lane Cove road and bus lanes and will require approvals. These do not appear to be planted within their own property boundaries.
- Open spaces nominated will serve little to no function for the numerous occupants who will need to share this common space. This could be expanded and reduce hardstand surfaces on site which should be encouraged.
- There is very little to no common space for general utilization which could be increased through soft space landscaping and should be included given the volume of occupants proposed.
- Tree planting and species needs to be consistent with Council planting guidelines and list and compliment/ align with existing vegetation communities in this area.

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 513 dwellings are proposed and therefore, 103 residential carparking spaces are required. The proposed development provides a total of 224 residential carparking spaces, which exceeds the 0.2 rate, proposing approximately 0.46:1, 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 103 residential spaces, whereas 224 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 4**) 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 121 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

A significant concern is the provision of only one loading bay to service the entire site. This is unacceptable considering the level of development and intended retail use for a supermarket.

Regarding parking demand Council raises the following concerns.

- The development provides only 3 of the 9 carshare spaces required and is of considerable concern. The provision of carshare would encourage less motor vehicle ownership and therefore this provision is unacceptable. Given BTR has a reduced parking rate providing 9 car share spaces is required. Notwithstanding a higher amount of car share spaces should be provided to offset the reduced parking provision required for BTR.

Northern Basement

Council raises the following concerns with the northern basement:

- The pickup-drop off layby area of Dirrabari Road is not supported as it will result in significant traffic movements in a zone intended for pedestrian activity.
- Ramp gradients to the loading bay area do not appear compliant with AS 2890.2.
- The configuration at the base of the ramp descending from Dirrabari Road is considered poor with respect to providing safe and efficient vehicle movements.
- Both basement level plans depict columns in the middle of the internal basement ramp adjoining the northern boundary.
- The lift access (accommodating three lifts) in the southeast corner of Building C is distanced from any parking spaces in this area and results in an excessive length of pedestrian path through the basement, crossing the main access ramp and loading bay, and thereby presenting a pedestrian safety concern.

Southern Basement

- There are several visitor spaces at grade on the Waterloo frontage which will simply be abused by retail / public parking. This parking area would best be allocated for carshare vehicles (addressing the shortfall noted above) and the visitor parking allocation relocated to basement level.

11) Stormwater and Flooding

a. Stormwater Management

The documentation provides an extremely over simplified stormwater plan and does not provide any site levels, any surface drainage system but simply details the onsite detention system and point of discharge. The following concerns are identified:

- 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 detail the surface inlet pits, invert levels, surface levels and grades over the site.
- The plans nominate an onsite detention system though the proposed location and footprint does not correlate with the architectural plans and therefore of no value. The plans must correlate with the proposed architectural details so as to ensure that the system is viable and will have a failure mode which can safely convey runoff back to the public drainage system without impacting the subject site or adjoining properties.
- 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 (i.e., 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 documentation does not provide information on the associated DRAINS software modelling (OSD) or water quality components (MUSIC software modelling). This is required for review to clarify the presented figures.

b. Stormwater drainage

In review of the stormwater plans, Council raises the following concerns:

- Design to be in accordance with Council DCP 2014 8.2 stormwater management technical manual. DCP specifies any new Council Pipe shall be, at least, 375mm diameter.
- Any proposed drainage assets or roads dedicated to TFNSW, must accompany an approval from TFNSW.
- New Pipe proposed in Council Land, including the connection from the boundary pit to the proposed pit shall be STEEL REINFORCED CONCRETE PIPE, class 4, of minimum diameter $\geq 375\text{mm}$.
- Longitudinal Section to be provided and shall be cover compliant as per City of Ryde DCP 2014 8.2 stormwater management technical manual, table 5.4. Please indicate the cover of the proposed pipe within Council land on the long section, and the type of RCP pipe (steel reinforced Class IV)
- Details of the connection to Council pits shall be included in the Stormwater Management Plan.
- Minimum 1% slope to be proposed for new drainage lines in Council land.
- Existing Council drainage infrastructure details including, diameter, etc. shall be shown on the plans, including details of the connection with the proposed stormwater system.
- Note: Please use Council asset numbers.
- Council Details shall be incorporated, from Council Standard Drawings.
- All new pipes proposed in Council land or dedicated to Council to include Rubber ring joints.
- Any proposed pits and pipes must be inspected by Council staff prior to the backfilling. Council shall receive notice for the inspection minimum 48 hours in advance.
- The length of new lintels and pit schedule to be included on the plans.
- A clear map indicating any roads and assets dedicated to Council must be provided.

12) Sustainability and resilience

a. Sustainability

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 9: Extract from Industry specific SEARs issued by DPE.

Figure 9 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:

- Embodied carbons emission report
- 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.

b. Resilience

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)*

Urban Heat Island - The development is likely to require a slip lane into the development along Lane Cove Road which would then see the removal of the only trees nominated by the Applicant for retention. This will also impact the planted 'buffer zone' for the buildings/ residential to Lane Cove which will have both visual and audio impacts to those occupying these developments.

Should this be the case, this will further open Lane Cove Road up exacerbating and contributing to urban heat impacts should replacement not be undertaken in this direct area. These corridors of planted space are critical for limiting impacts of heat in key spaces of the city as well as acting as temporary corridors for wildlife movement. This also conflicts the SEARs requirements stipulated under 'Trees and Landscaping' if a slip road is provided, and trees removed. Removal of 65 trees with post development construction nominated to provide 39% of canopy coverage. The high number of tree removal will see the site barren and hot for up to 10-20yrs until the newly planted trees reach maturity contributing to urban heat impacts.

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 B. The proposed gym results in significant land use conflict with the residential apartments in the complex. In this regard Council raises serious concerns with the impact generated by the development on the residential amenity, resulting from increase noise and vibration caused by gym users. Recently Council has had numerous issues with gyms in complexes that contain residential uses due to numerous complaints from complex residents.

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: o 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.

Trip Generation. The Table 14 on pages 39-40 of TIA report has missed following trip generation components:

- Section 4.16 of EIS report states a total of 193 jobs are estimated for the residential and retail components. 193 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.
- Employees within 211m² coworking space cannot be assumed all travelling via non-car mode.

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 Connect MPID. The above vehicle trips for employees could be more than 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:

- Trip generation adjustment as advised in comment 1;
- The intersection of Dirrabari Road/Lane Cove Road should be included in future year modelling.
- The intersection of Waterloo Road/Road 16 in future year modelling should be included as a signalised intersection.
- 2026 proposed as the modelling future year for the assessment is inappropriate. Section 4.18 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
- The future year traffic modelling 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.

- Based on updated modelling outcomes, mitigations are required to improve any intersections with LOS worse than LOS D, excluding Lane Cove Road/Talavera Road, and Lane Cove Road/Waterloo Road.
- The traffic modelling output contained in the recently released traffic and transport study for Stage 1 Macquarie Park Rezoning (MPR) shows the current operational performance of the public road network servicing Macquarie Park to be significantly worse than what has been captured in Ason Group's transport study for the proposed development. For instance, the MPR study states the average network delay to be between 102 to 106 seconds, whilst the average network delay stated Ason Group's study ranges between 52 to 61 seconds. This inconsistency in modelling outcomes will need to be resolved as part of any revised modelling.

Dirrabari Road Design. The TIA report is requested to consider followings for Dirrabari Road design:

- Clarification of the allowed movements and control method of the intersection of Dirrabari Road/Lane Cove Road.
- The TIA consultant is also required to consult TfNSW for the intersection design and inform whether a deceleration lane along western side of Lane Cove Road is required, which would significantly impact the existing footpath along western side of Lane Cove Road.
- The swept paths for 12.5m HRV into and out of the basement loading docks show serious conflict with the proposed design of Dirrabari Road. Dirrabari Road should be designed with that:
 - The section of Dirrabari Road between the site basement parking access driveway and Lane Cove Road should be designed to accommodate 12.5m long HRV turning in/out of the site; and
 - The remaining section of Dirrabari Road to the north-west of site basement parking access driveway should be designed to accommodate 8.8m long MRV turning in/out of the site.
 - Swept paths are also required to show the road design achieving the above.

Basement access driveway and porte cochere drop-off accesses. Three accesses are proposed along south-western side of Dirrabari Road, which creates confusion and safety concerns. Based on

the high number of off-street parking spaces proposed on site, it is recommended that the indented porte cochere be removed and the number of driveways reduced from three (3) to two (2). It is further recommended that separate ingress and egress driveways be provided in accordance with AS2890.1.

Service vehicle and loading dock. The swept paths for 12.5m HRV into and out of the basement loading docks via Dirrabari Road shows the necessity of further widening the proposed access driveway.

- The swept paths only show how 12.5m HRV enters/exits from one loading dock. There is no swept paths showing 12.5m HRV into/out of another loading dock. Please provide corresponding swept paths for another loading dock.
- The number of proposed loading docks are required to be justified to accommodate the demand associated with the residential/retail/commercial/community use.

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 is able to accommodate 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 Applicant is required to provide and/or contribute to the following active transport infrastructure improvements in line with Transport for NSW's Strategic Cycleway Corridor planning, Stage 1 Macquarie Park Rezoning Infrastructure Delivery Plan, City of Ryde's 2022 – 2030 Bicycle Strategy & Action Plan and City of Ryde's Integrated Transport Strategy 2041:

- Cycleway improvements along Lane Cove Road between Lane Cove Road and Talavera Road
- Cycleway improvements along Dirrabari Road between Lane Cove Road and Road 14
- Pedestrian bridge across Lane Cove Road

15)Public Domain

a. General

Public domain works to be completed as part of the proposed development will include the extension of Dirrabari Road between Lane Cove and the extent of the existing portion of this road on the frontage of 7 Harvest Street. The existing street frontages along Lane Cove Road and Waterloo Road must be upgraded in accordance with Council's *Development Control Plan (DCP)*, *Council's Public Domain Technical Manual: Chapter 6 – Macquarie Park* and the design principles and requirements contained within the *Macquarie Park Innovation Precinct Place Strategy* and the *Macquarie Park Innovation Precinct Master Plan*.

b. Public Domain Technical Manual: Chapter 6 – Macquarie Park

The existing Waterloo Road and Lane Cove Road frontages of the site must be upgraded in accordance with the requirements of the Public Domain Technical Manual. This work will include the following works:

- Provision of or where required upgrade to full width granite footway along both the Waterloo Road and Lane Cove Road.
- Delivery of the extension of Dirrabari Road between the current extent of the Dirrabari round on the frontage of 7 Harvest Street to the intersection with Lane Cove Road. The scope of these works should include all works necessary to provide for a functional through link between the existing portion of Dirrabari Road and Lane Cove Road.

- Half road pavement upgrade works along the Waterloo Road frontage of the site as required under Section 1.1.4, Part 8.5 of Council's DCP.
- Installation / or upgrade of Multi-Function Poles as required along the site frontages in accordance with Council's Public Domain Technical Manual and Lighting Schema for the Macquarie Park Corridor.

c. Macquarie Park Innovation Precinct Place Strategy

The subject site lies within the Macquarie Living Station, which is denoted as neighbourhood No.4 within the Macquarie Park Innovation Precinct Place Strategy. The master plan presents design principals for public domain infrastructure, rather than specific requirements.

One of the design objectives of the Place Strategy is the ongoing improvement of a fine grain pedestrian network, allowing for multiple routes to contribute toward the strategy objective of creating a well-connected hub. This development site is particularly critical in providing connectivity as it is in such close proximity to transport hubs, most predominantly the Macquarie Park Metro Station. The Public Domain Technical Manual: Chapter 6 – Macquarie Park, details the requirement for a new pedestrian way through the site linking Lane Cove Road and Road No.14, now named Harvest Street.

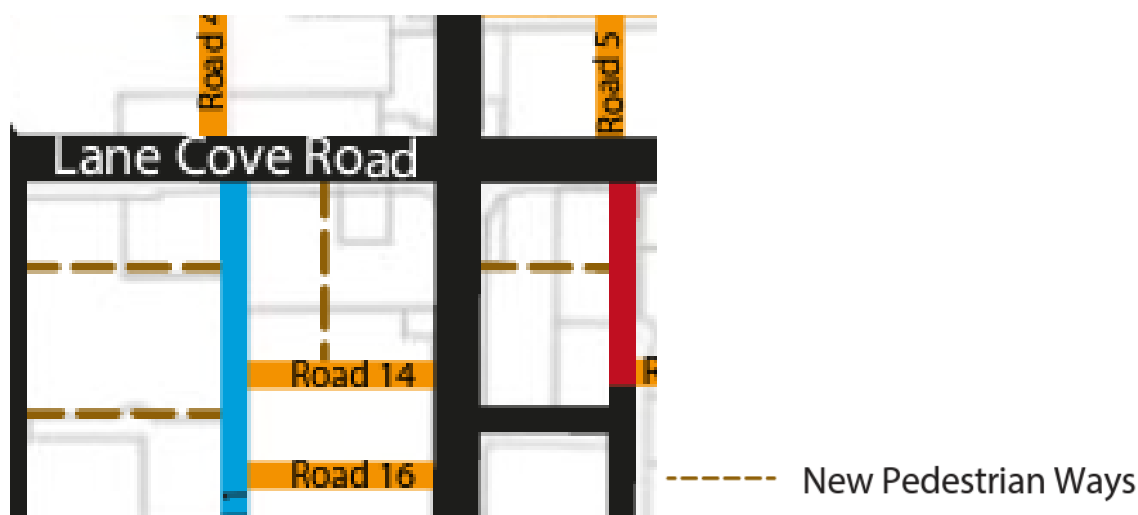


Figure 10: Extract from the Public Domain Technical Manual

The plans do not detail a through pedestrian link as shown in the Technical Manual, a link is however shown extending diagonally through the site from the intersection of the Lane Cove Road and Waterloo Road. Possibly the reason for the link detailed in the technical manual not being provided is the presence of the petrol station, however the manual shows that the proposed link bypasses this property and should therefore be provided. As the Place Strategy notes the objective of a fine grain pedestrian network of pedestrian accessways it is considered appropriate that both the diagonal link and the link show required by the technical manual should be provided.

d. Public Domain Works Required to Facilitate Traffic and Pedestrian Management

Subject to the outcome of traffic studies addressing the future traffic conditions resulting from the proposed developments, additional traffic management infrastructure may be required which will need to be incorporated into the public domain upgrades along the site frontages. The final scope of works associated with the management of vehicular traffic and pedestrian movement will be subject to the outcomes of detailed traffic studies but may include measures such as:

- provision for turning or queuing lanes to prevent delays to traffic flows,

- pedestrian to accommodate safe pedestrian movement such as at the new intersection created by the extension of Dirrabari Road to Lane Cove Road,

In the case that parts of the existing Council verge are required to be utilised to accommodate turning, queuing or deceleration lanes, an equal area of land would need to be dedicated to Council in order to compensate the verge utilised for traffic management purposes, so that the verge width and pedestrian footway width could be maintained. Council's Transport Department will be responsible for specifying and determining requirements in regard to traffic studies and measures to be implemented to mitigate traffic management of pedestrian management issues.

e. Connection of Dirrabari Road to Lane Cove Road

Endorsement of the connection between Dirrabari Road and Lane Cove Road by TfNSW and subsequent vertical alignment is critical at an early stage of the development to ensure that all other aspects of the design are not impacted including the design of public domain upgrades. It is noted that civil design plans detailing the connection works have been included in the submitted documentation, however, this package should be extended to provide full design details, including extension of the longitudinal sections to demonstrate an adequate connection to existing road pavement surfaces at the extents, as well as cross-sections at a minimum of 5.0m intervals to enable a more comprehensive review, particularly from TfNSW as noted above. The following additional information

- A report detailing the existing sub-surface infrastructure, including utilities, along the frontages of the site, which may impact the delivery of public domain infrastructure. The report should also consider the dynamic nature of subsurface infrastructure in the area and what strategies will be implemented to deal with changes to utilities or sub-surface infrastructure prior to completion of the development works. The report should identify potential issues impacting the delivery of the required public domain works and strategies for mitigating or overcoming these issues, including strategies for liaising with owners of subsurface assets.
- Consult Transport for New South Wales (TfNSW) in regard to their input and requirements regarding the connection of Dirrabari Road with Lane Cove Road. Provide evidence of Council TfNSW consideration and comments and incorporation of these comments into a Public Domain Concept plan. Comments from TfNSW should clearly indicate whether or not they have any objection to the connection of Dirrabari Road to Lane Cove Road.
- Provide a public domain concept plan including all public domain upgrades as required under Council's *Development Control Plan (DCP)*, *Council's Public Domain Technical Manual: Chapter 6 – Macquarie Park* and the design principles and requirements contained within the *Macquarie Park Innovation Precinct Place Strategy*.

16)Waste Management

a. Storage and collection of bulky waste material

- Due to the distance between the bulky goods rooms and the loading zone, all bulky waste must be presented in the loading dock or the Residential Waste Rooms for collection. Please update the architectural plans to reflect that sufficient space is available for materials to be presented. Line markings will need to be employed to identify a designated area for the presentation of material if presenting in the loading zone.
- Please detail in the Waste Management Plan the access routes that residents will use to transport waste to the bulky waste rooms, and how and where staff will transport these items to for contractor collection.

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

- The operational Waste Management Plan indicates that the Residential Waste Holding Room (C&D) isn't sufficiently large enough to host bins for servicing). Please update the Architectural Plans to accommodate this additional servicing requirement.

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