ETHOS URBAN

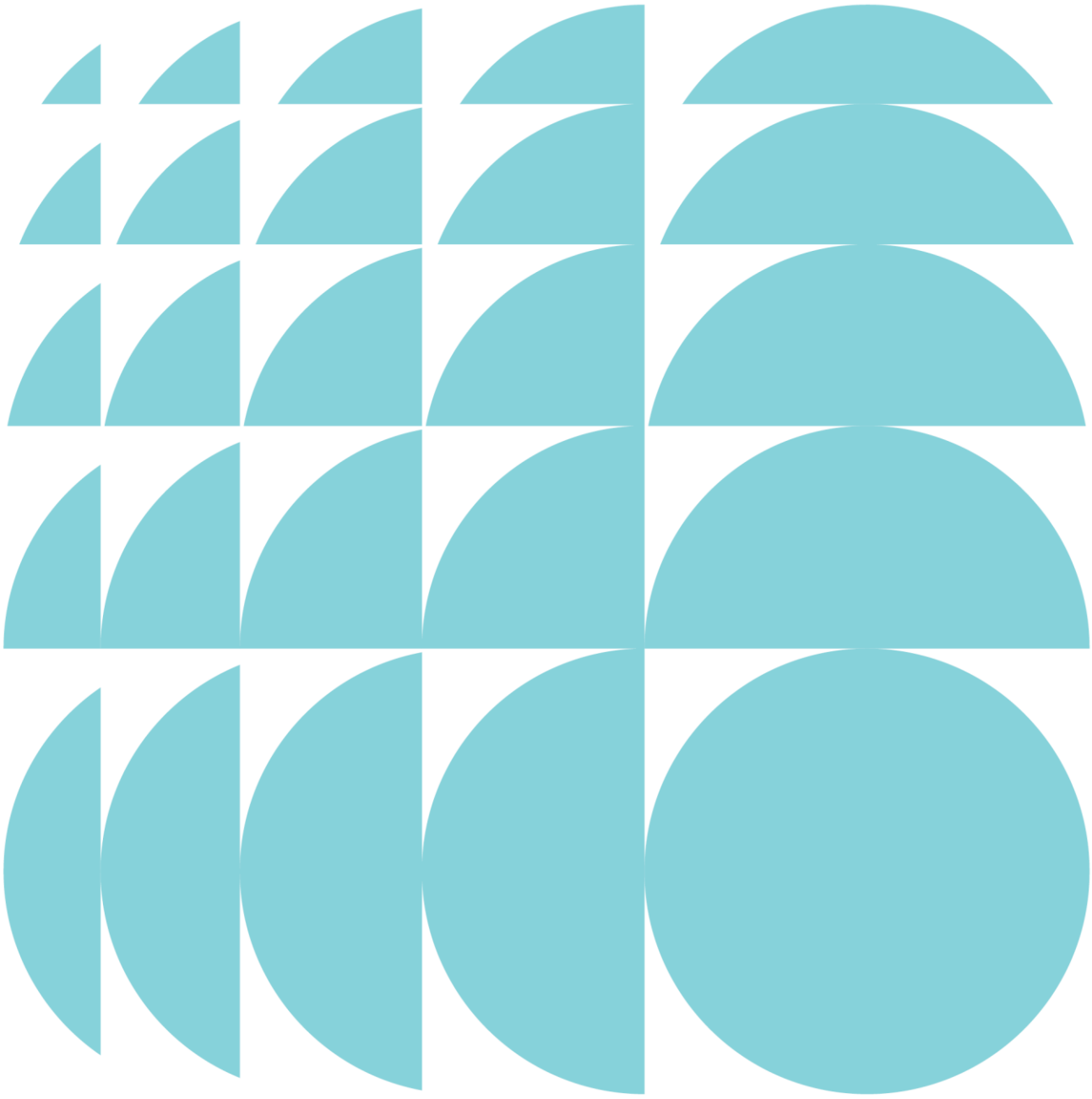
Response to Response to Submissions for MOD 2 to MP 09_0209

396 Lane Cove Road & 2 Coolinga Street, Macquarie Park

Submitted to Department of Planning and Environment

On behalf of Frasers Property Australia & Winten Property Group

09 April 2018 | 17164



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Ethos Urban

B Amended Concept Plans and Supplementary Design Report

Bates Smart

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WSP

Executive Summary

This submission to the Department of Planning and Environment (Department) comprises a response to comments received from City of Ryde Council (Council) and State Government agencies during the exhibition of the Section 75W Modification Application to amend the Part 3A Concept Plan Approval (MP 09_0209).

Background

This is the second Section 75W Modification Application made in relation to the Part 3A Concept Plan Approval for the 'Macquarie Park Commerce Centre' located at 396 Lane Cove Road and 2 Coolinga Street, Macquarie Park (the site). The exhibited Modification Application amends the approved concept for the site to reflect the culmination of some five years of market testing, design development, and aspiration to provide the best possible outcome for the site and deliver a landmark development at an important gateway within the Macquarie Park Corridor.

The Application has been the subject of previous and ongoing consultation, including a post-exhibition meeting with Council on 26 March 2018. Feedback on the proposal was issued and has been addressed as part of this response to the Department.

Notification & Submissions Received

The Section 75W Modification Application No. 2 was notified by the Department to Council and other key agencies between 28 February 2018 and 14 March 2018. During this period, a total of six submissions were received including the request for additional information issued by the Department. Those matters that were raised in the submissions include:

- laneways between the buildings and pedestrian movements / views;
- solar access of the central park;
- the extent of rooftop plant;
- the extent of outdoor play areas for the child care centre;
- the total provision of parking on the site; and
- suggested conditions of consent.

Revisions to the Exhibited S.75W Modification Application

In response to those matters raised by the Department, and in other agency and authority submissions, the proponent has sought to refine the scheme to demonstrate how the proposal can respond to the matters raised in the submissions. This includes the submission of further details and supplementary environmental assessment, and the amendment of the conditions of consent and Statement of Commitments to better respond to the Modification Application and future works on the site. No material changes are proposed to the building envelopes or public domain outcomes.

Conclusion and Recommendations

This Modification Application provides for a significantly improved urban design outcome for the site that reduces environmental impacts from the original approval, provides additional and high-quality public open space within the site, provides for additional public benefits through improved public and publicly accessible open space, and does not give rise to any unacceptable environmental, social or economic impacts. Bates Smart's amended masterplan represents a significant opportunity to realise the potential benefits of this large, consolidated site and deliver urban density in a manner that delivers positive outcomes for one of the most significant commercial office centres in NSW and a future destination in the Sydney Northwest Metro Line. In light of the substantial benefits of this Modification Application, we have no hesitation in recommending the approval of this project.

1.0 Introduction

A Section 75W Modification Application (S75W) for the Part 3A Concept Approval for the Macquarie Park Commerce Centre at 396 Lane Cove Road & 2 Coolinga Street, Macquarie Park (MP 09_0209), was notified for a period of 2 weeks between 28 February 2018 and 14 March 2018.

In total six submissions were received, including the request for additional information issued by the Department, identifying the following matters as requiring a response:

- the laneways between the buildings and pedestrian movements / views;
- the solar access of the central park;
- the extent of rooftop plant;
- the extent of outdoor play areas for the child care centre;
- the total provision of parking on the site; and
- suggested conditions of consent.

The proponent, Frasers Property Australia and Winten Property Group, and its specialist consultant team have reviewed and considered the comments by the Department, Council, and public agencies and has responded to the issues raised in accordance with Schedule 2 of the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). This response sets out the proponent's response to the issues identified by the Department and other agencies as requiring further justification or clarification, and should be read in conjunction with the supporting material appended to this report, the exhibited S75W Report prepared by Ethos Urban dated 12 February 2018, and the Architectural Design Statement dated February 2018.

2.0 Key Issues and Proponents Response

This section of the report provides a detailed response to the following key issues raised by the Department, Council, and government agencies during the notification of the S75W.

A response to each of the individual issues raised in the submissions is provided in the Table at **Appendix A**.

An overview of the parties who made submissions and their key issues for consideration is provided below, and a discussion of the nominated changes to the conditions of consent in light of these submissions is provided at **Section 3**.

Submissions

As highlighted earlier in this report, six submissions (inclusive of the Department's letter) were received from government agencies and Council in response to the S75W. Specifically, responses were received from:

- City of Ryde Council;
- Department of Industry – Crown Lands and Water Division;
- Sydney Trains;
- Sydney Water; and
- Transport for NSW.

The Department also provided an overarching letter (as the consent authority) summarising the key matters to be addressed and additional information to be provided. A response to the Department's correspondence is provide below. City of Ryde Council has also sought clarification on a number of matters, which have been summarised in the Department's letter, and have been individually detailed and actioned in the Table at **Appendix A**.

2.1 Laneways & Pedestrian Environment

The Department have commented on the proposed treatment of the laneways between Building A and B, and Building B and C, as follows:

- *Provide further consideration of the adequacy of the proposed laneway widths to accommodate pedestrian movements, as well as areas for seating, landscaping and other elements*
- *Clarify the location of existing views and provide additional views through the laneways, particularly between Buildings A and B, comparing the approved and proposed scheme.*

Council have also stated the following in relation to the laneways, to be addressed:

- *The usability and capacity of the laneway would be compromised by the reduced width from 15m down to 9m given that these laneways would also be occupied by table and chairs for outdoor eating/ recreation, planting, planter boxes and awnings as shown on the landscape plan and in the planning report.*
- *The physical connectivity and site through link for pedestrians provided under the existing scheme diminishes significantly between the Lane Cove Road and the internal park because of the narrower laneways.*
- *The reduced width of the laneways (which also acts as the building separation distance) will also breach the required building separation between building A, B and C as per Councils Development Control Plan 2014 (DCP)- Part 4.5 Figure 4.7.1.*
- *This is also the building separation setbacks required between individual buildings on the site that is critical in providing solar access to buildings and communal areas, allows for visual privacy and outlook between buildings.*

2.1.1 Response

Pedestrian Capacity

In order to demonstrate the capacity of the modified laneways to accommodate pedestrian movements, the S75W was accompanied by a pedestrian capacity analysis prepared by WSP (Appendix D of the S75W Report). This analysis assessed the pedestrian connections and pathways within the site (see **Figure 1** below) to determine the level of service that would be provided, being an analysis of the number of pedestrians per metre of clear footway width and per minute based on an analysis of pedestrian activity and the street environment. It measures the width of the pedestrian link at its narrowest point, to understand the usable width that is available for pedestrian movement and discounts the components of the footway that cannot be used for movement including street furniture, trees, the kerb edge, and shop facades and their associated buffers. The updated report at **Appendix C** now makes specific reference to the architectural sections of the proposed laneways, to avoid any uncertainty. The results discussed below demonstrate that the proposed laneways are more than capable of accommodating pedestrian movements and will not result in compromised through-block connections.

The analysis considers 35 locations across the site and determines the pedestrian volumes and associated Level of Service (LOS) that can be expected at each location, taking into consideration the growth of pedestrian movements over the next decade. The analysis confirms that during peak AM and PM periods, all pedestrian thoroughfares on the site will achieve a level of LOS A, with the exception of the pedestrian path on the northern side of Building D fronting the internal open space area that will achieve LOS B owing to the pathway width and the use of outdoor seating in this area. These pedestrian pathways were targeted to achieve LOS B or D, and as such the proposed development has achieved or exceeded the criteria in every scenario and at every location.

WSP confirms that on the grounds of pedestrian capacity; “all footway connections were shown to comply with the target Level of Service B, with almost all links performing at Level of Service A. This demonstrates a good provision of pedestrian space.” The proposed laneways are therefore more than adequate to accommodate pedestrian movements.

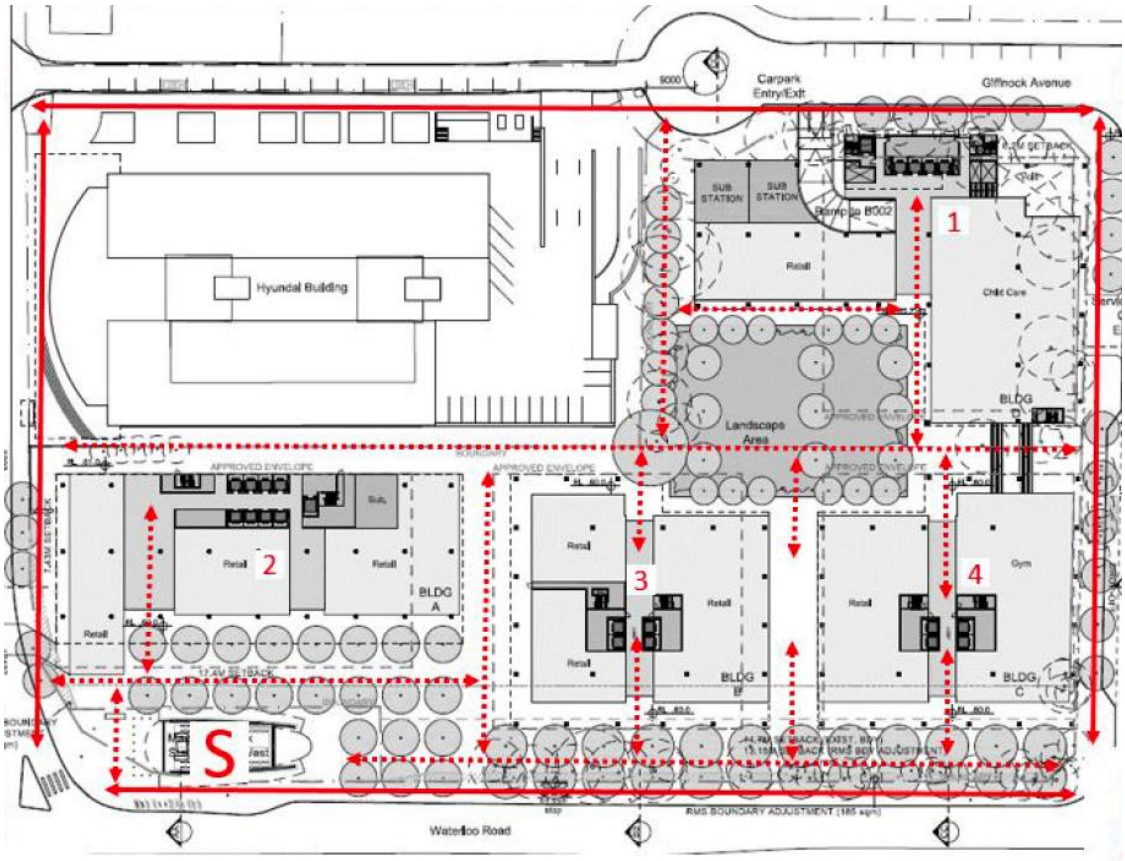


Figure 1 Pedestrian links that were analysed to understand capacity and level of service

Source: WSP

Views and Line of Sight

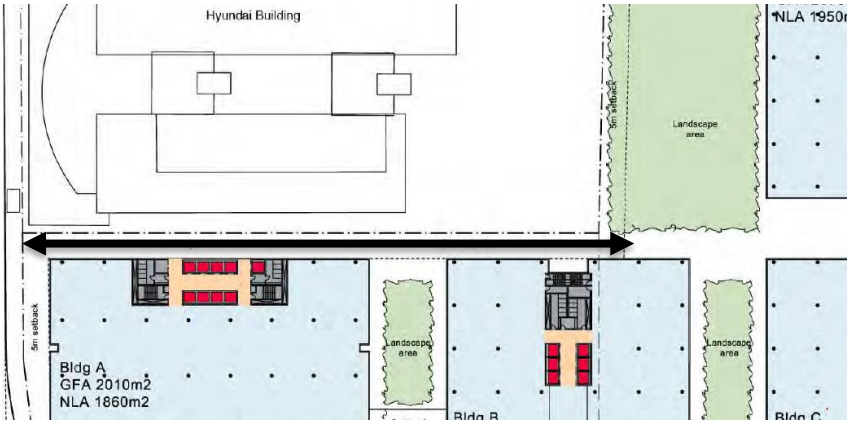
The Modification Application proposes marginal changes to the allocation of building mass and the location of open space on the site, which will result in some minor changes to views within the site. However, it is emphasised that these resultant changes will not diminish the physical connectivity of the site and will not result in more exclusive or private public domain areas. The following analysis considers each of the view lines through the site and the resultant changes.

1. Building A and the Hyundai Building (Lane Cove Road frontage)

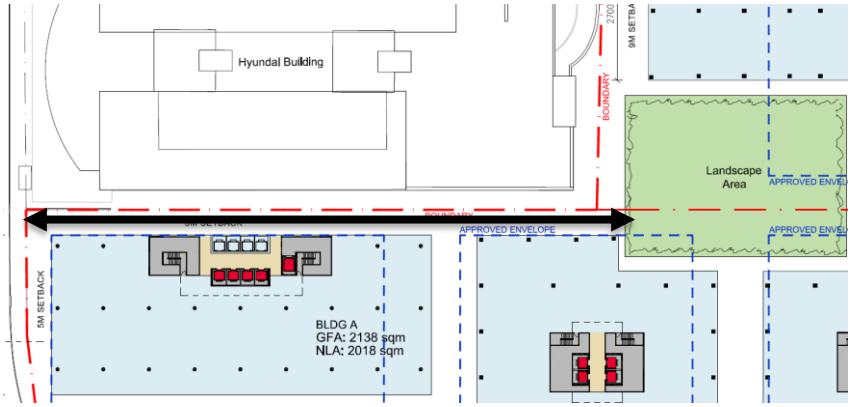
The line of sight between Building A and the Hyundai site is enhanced in the modified scheme:

- the setback of Building A to the neighbouring commercial building is consistent with the approval;
- the pathway will continue to be provided with a landscaped edge (refer to the Landscape Concept Plans prepared by Aspect Studios); and
- the uninterrupted view from Lane Cove Road to the open space area in the centre of the site has been maintained and improved through stepping the landscaped area closer to Waterloo Road and therefore into the view corridor. The line of sight from Lane Cove Road now terminates with the park edge, improving the connection to this space on the site.

Approved Line of Sight:



Proposed Line of Sight:

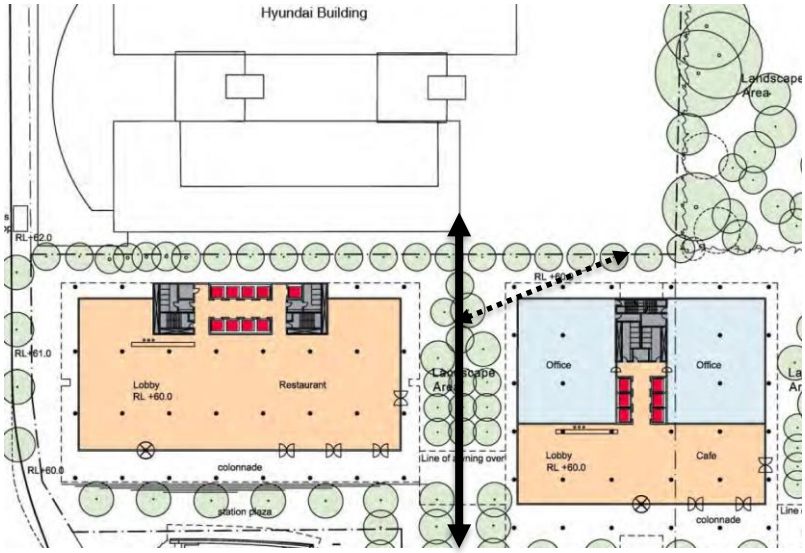


2. Building A and Building B (Waterloo Road frontage)

The line of sight between Building A and Building B is consistent with the approved scheme, and has been enhanced through a more refined edge treatment:

- The view corridor between these two buildings continues to terminate at the side of the Hyundai commercial building.
- There were never any direct views from the Station Plaza of the open space area on the site, which in the approved scheme was orientated to Giffnock Avenue.
- The amended ground floor plan proposes a larger colonnade, wrapping around the south eastern corner of Building B, which opens up the view corridor. This therefore improves view lines to the central open space area on the site and ensures pedestrians will be able to see the park sooner under the modified scheme.
- The pedestrian environment between these two buildings has been improved. Whilst the view corridor has reduced in width, the introduction of fine-grain retail tenancies on both sides of the laneway will draw people and activity into the site more successfully than the approved ground floor offices and lobbies. Offices and lobbies are perceived as being for select users and can be exclusive, and accordingly do not attract the same level of activity or interest as shops, cafés and food outlets. These users invite people to engage with a space and are a key indicator of publicly accessible land. Supplementary renders of this view corridor have been produced by Bates Smart and are included at **Appendix B** and **Figure 2** to **Figure 6** below.

Approved Line of Sight:



Proposed Line of Sight:

Figure 2 Modelling of approved view line between Building A and Building B

Source: Bates Smart

Figure 3 Modelling of proposed view line between Building A and Building B

Source: Bates Smart

Figure 4 Modelling of a view within the approved laneway between Building A and Building B, looking towards the open space area

Source: Bates Smart

Figure 5 Modelling of a view within the proposed laneway between Building A and Building B, looking towards the open space area

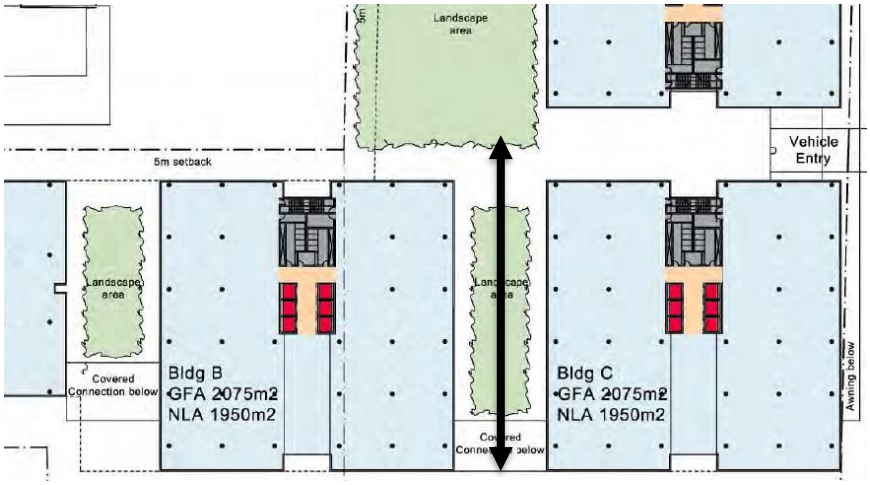
Source: Bates Smart

3. Building B and Building C (Waterloo Road frontage)

The line of sight between Building B and Building C is consistent with the approved scheme, and has also been enhanced through larger and more centrally located open space, and a more refined edge treatment:

- The existing line of sight between Building B and Building C to the open space area is maintained in the Modification Application.
- The visual connection and attraction to this open space area has been improved in the modified scheme by moving this space closer to the Waterloo Road frontage and the Station Plaza and designing this space as an area to sit, socialise and recreate. The approved design for this open space area (discussed further at Point 5 below) was orientated away from Waterloo Road and the Plaza and incorporated only a small area of usable space. The approved scheme does not deliver usable space for future office workers and does not deliver a strong or inviting connection to those using the major pedestrian thoroughfare along Waterloo Road (see the renders of this view line at **Figure 6** and **Figure 7** below).
- Consistent with the discussion at Point 2 above, whilst the view corridor has reduced in width, the introduction of fine-grain retail tenancies on both sides of the laneway will draw people and activity into the site more successfully than the approved ground floor offices and lobbies. This combats the perception that areas within the site are for private use, and encourages people to travel through the site and engage with the space.

Approved Line of Sight:



Proposed Line of Sight:

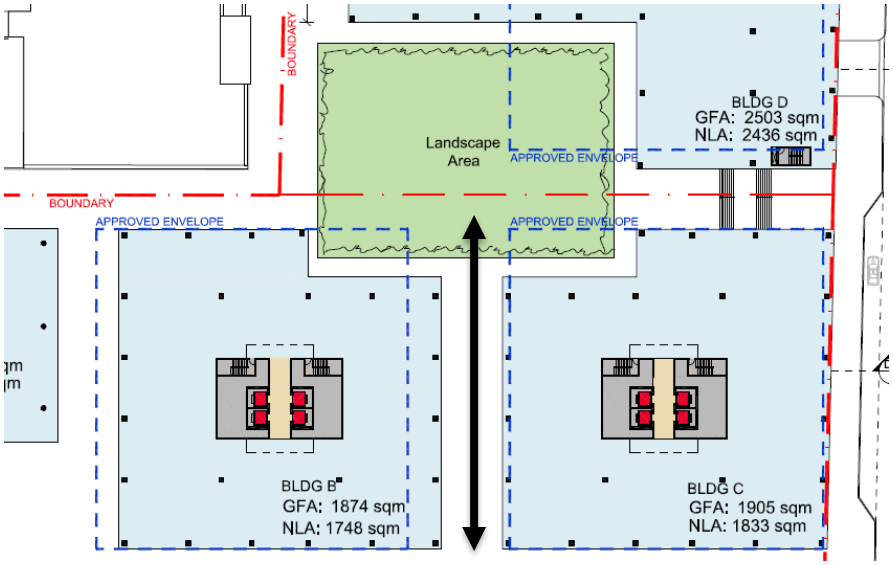


Figure 6 Modelling of approved view line between Building B and Building C

Source: Bates Smart

Figure 7 Modelling of proposed view line between Building B and Building C

Source: Bates Smart

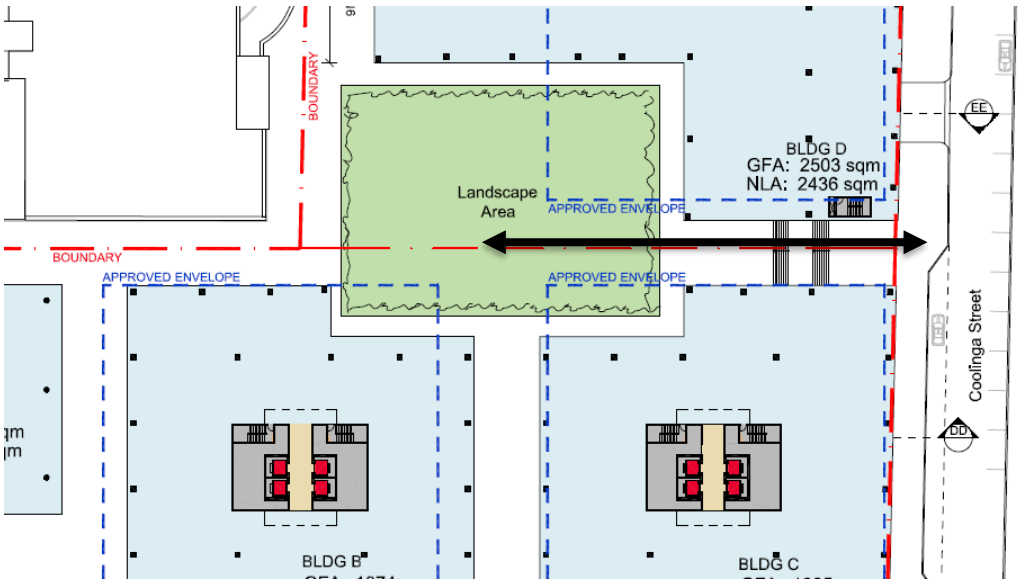
4. Building C and Building D (Coolinga Street frontage)

The line of sight between Building C and Building D is generally consistent with the approved scheme, with minor improvements resulting from a widened pedestrian pathway and the centrally located open space:

- Owing to the slope of the site, direct views from the Coolinga Street road frontage to open space areas within the site have always been obscured, which is likewise the case for the modified scheme.
- The pedestrian thoroughfare between Building C and Building B has been widened and considerably improved by relocating the service vehicle driveway on the Coolinga Street further north. This mitigates potential conflicts between vehicles and pedestrians, improves pedestrian amenity and the useability of this space and widens the field of vision. Refer to **Figure 8** and **Figure 9** below.
- The visual connection and attraction to the open space area within the site has been improved in the modified scheme by moving this space to be central to the site, ensuring that glimpses of open space and landscaping from the road may now be possible under the modification.

Approved Line of Sight:

Proposed Line of Sight:



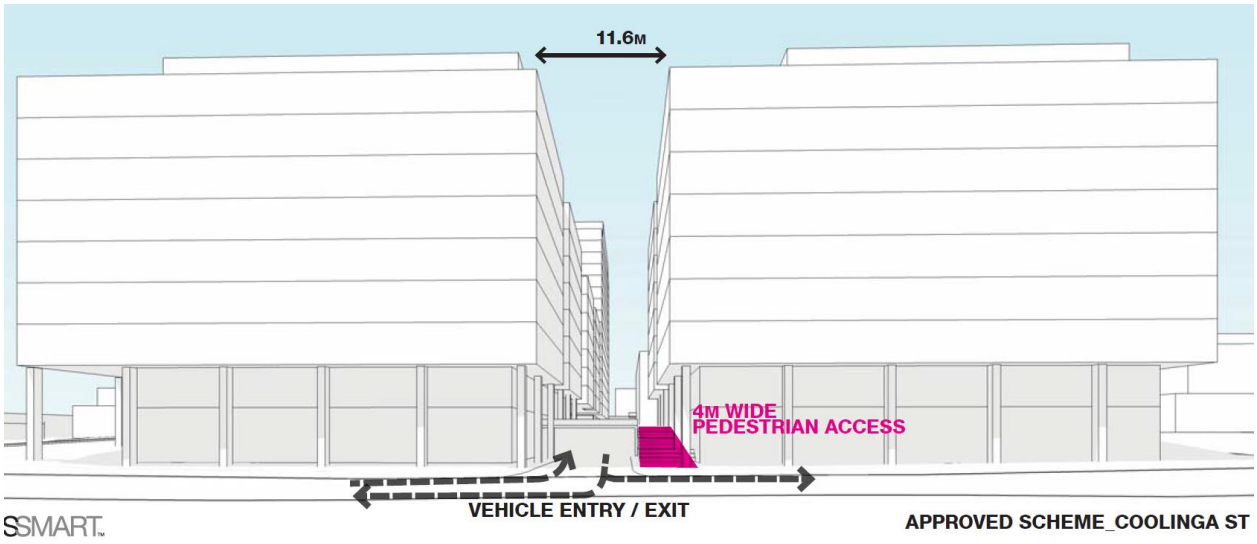


Figure 8 Approved pedestrian pathway between Building C and D

Source: Bates Smart

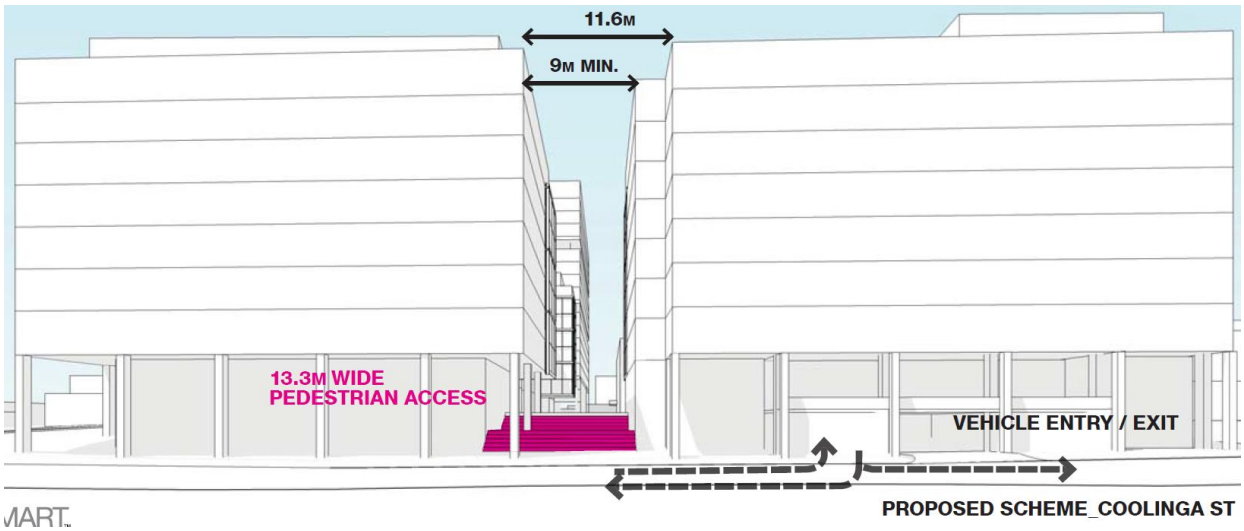


Figure 9 Proposed pedestrian pathway between Building C and D

Source: Bates Smart

Figure 10 Modelling of the Coolinga Street frontage and the pedestrian link between Building C and D

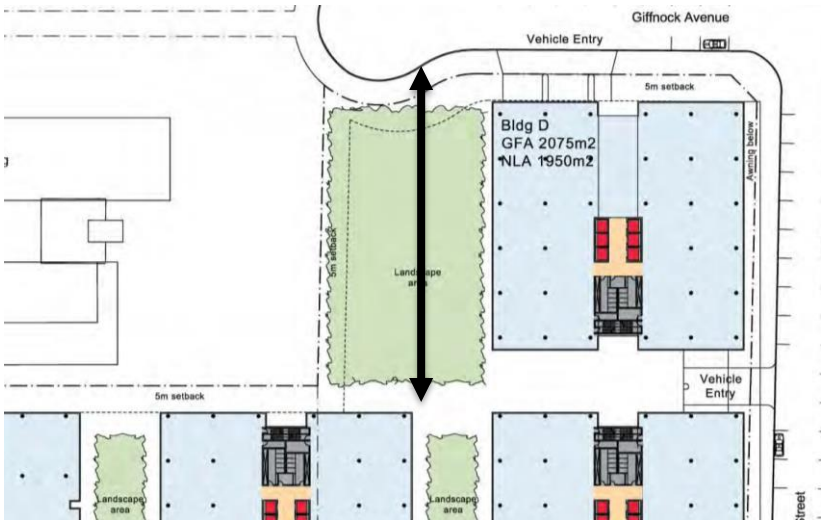
Source: Bates Smart

5. Building D and the Hyundai Building (Giffnock Avenue frontage)

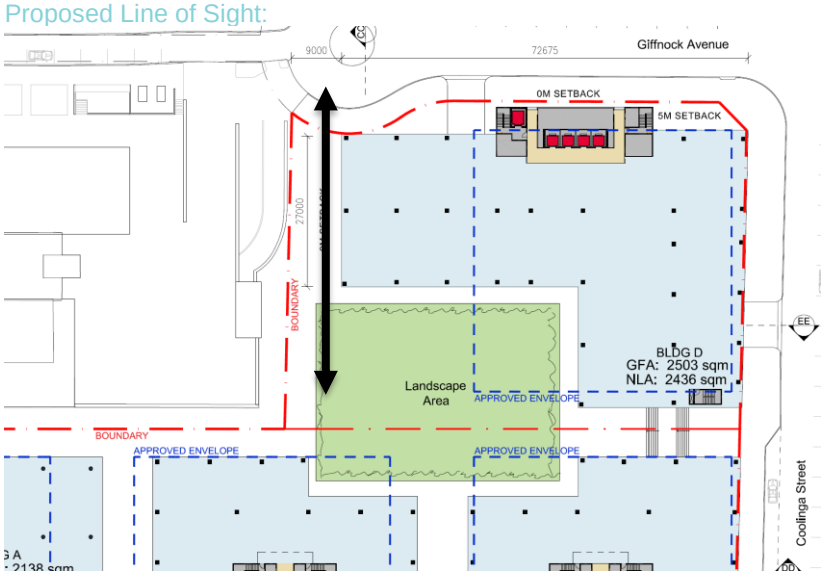
The setback between Building D and the Hyundai site has been reduced, however, the modified scheme will not adversely impact physical connectivity or visual connections to open space within the site.

- The approved landscaped courtyard within the site is orientated to the Giffnock Avenue road frontage. The courtyard provides heavy landscaping to the south where it interfaces with the centre of the site and to the west where it interfaces with the rear driveway and at-grade car park area associated with the Hyundai building. The remaining areas of the courtyard are defined by swales and a small area of turf. This open space area fails to invite people into the site from the main pedestrian thoroughfare along Waterloo Road and is primarily landscaped, rather than providing usable open space for future occupants and visitors to the site (**Figure 11** and **Figure 12** below).
- The approved pedestrian link between Building D and the neighbouring site is confined to a narrow pathway on the eastern side of the courtyard (refer to **Figure 11** below). Accordingly, whilst the setback between Building D and the adjoining Hyundai site has been narrowed, pedestrian connectivity has been improved through a much wider and more centrally located pedestrian path (and **Figure 13** below). This pedestrian path will encourage people to walk through the site, being more legible as a publicly accessible area and creating a safer pedestrian environment with fewer opportunities for concealment. The boundary shared with the Hyundai building will continue to be landscaped.
- Views from Giffnock Avenue to the modified open space area are still available, and the site will benefit from a better located and more functional open space area that caters for different uses and user groups.

Approved Line of Sight:



Proposed Line of Sight:



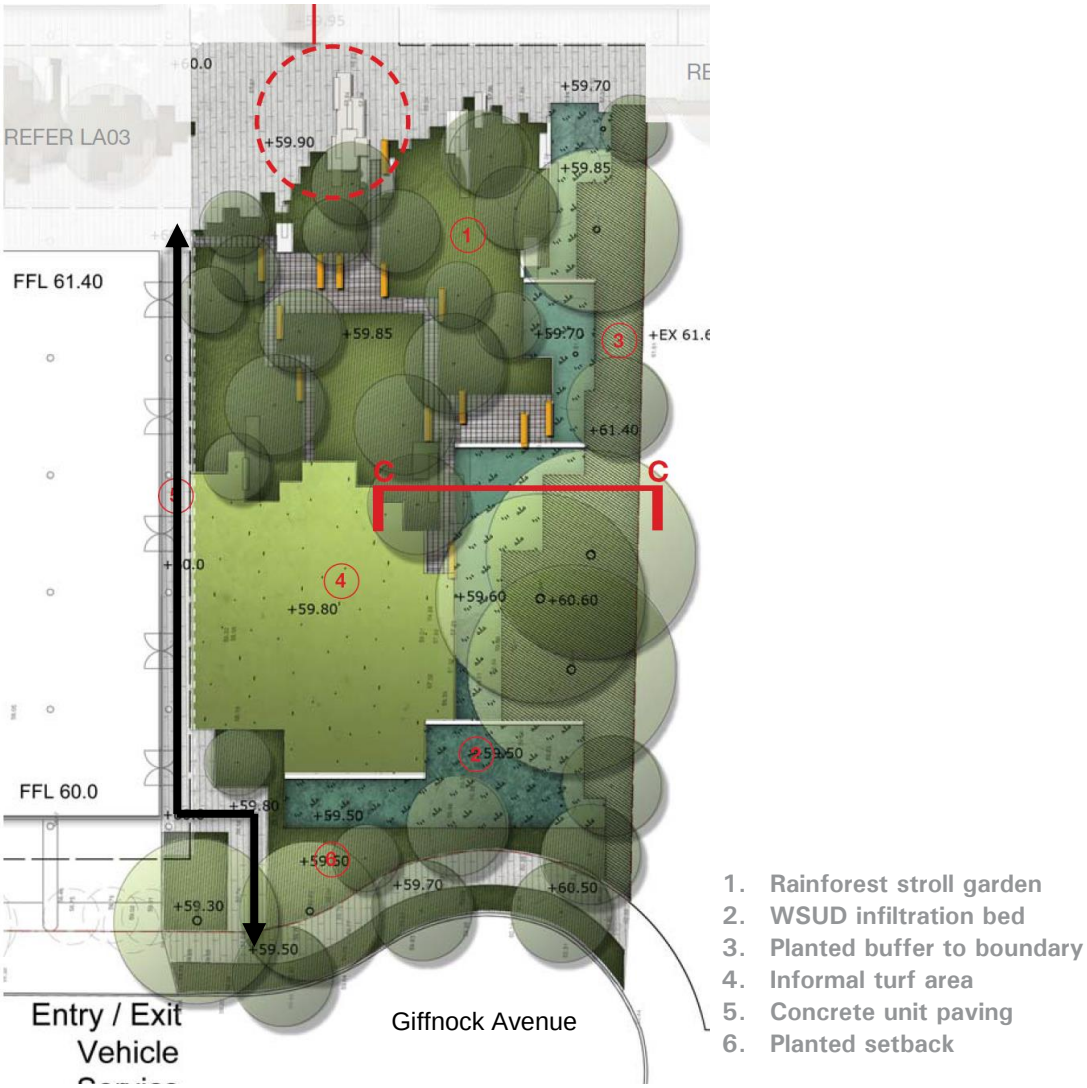


Figure 11 Approved landscaping treatment for the key open space area on the site, showing the narrow and indirect pedestrian connection

Source: Aspect Studios

Figure 12 Approved section (C) of the key open space area on the site

Source: Aspect Studios

Figure 13 Proposed interface between Building D and the adjoining Hyundai site, showing the improved pedestrian connection

Source: Aspect Studios

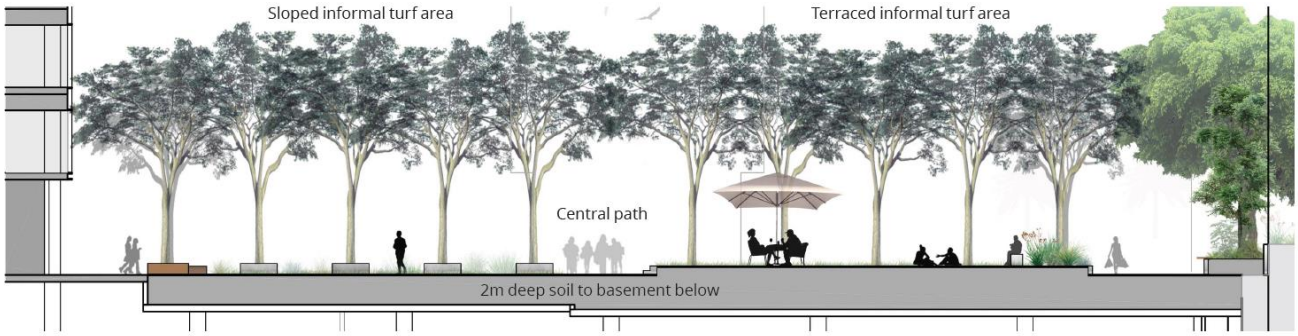


Figure 14 Proposed section of the key open space area on the site

Source: Aspect Studios

Pedestrian Connectivity

The physical connectivity of the amended through-site links, and the resultant ability of pedestrians to move through the site will not be impacted. It is emphasised that the proposed laneways are in the same general locations as approved, and will facilitate the same through-block connections as approved, with the Modification Application resulting in some minor improvements to the distances travelled from the Station Plaza through the site (see **Figure 15** below).

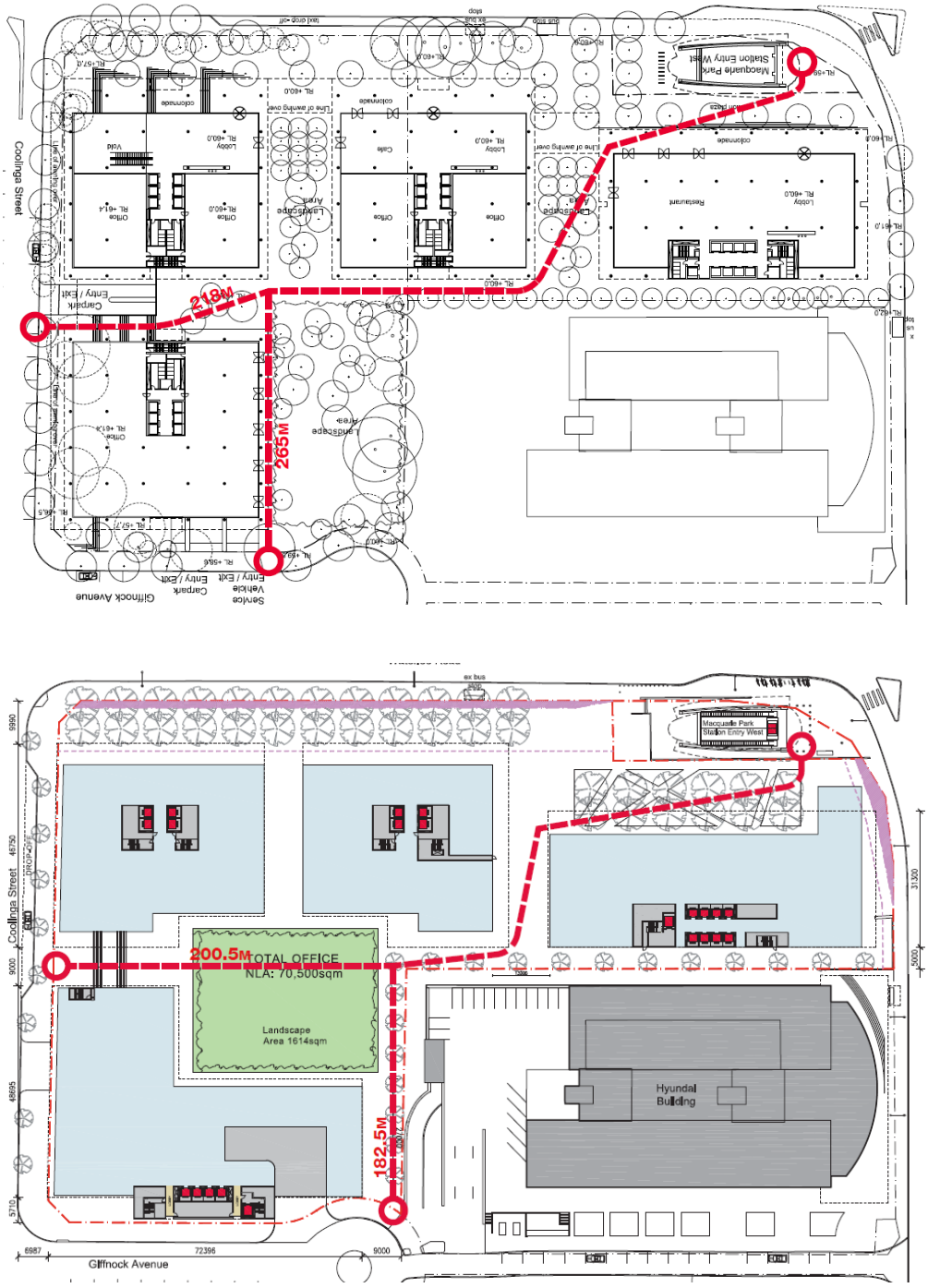


Figure 15 Approved (top) and proposed (bottom) through-site circulation shown in the red dotted line

Source: Bates Smart

Building Separation

The reduced width of the laneways remains generally consistent with the suggested building separation distances for commercial buildings under Part 4.5, Figure 4.7, of the *Ryde Development Control Plan 2014* (Ryde DCP). This provision suggests that a minimum 10m building separation distance be achieved between buildings that are perpendicular to each other on the same site, and a 20m separation distance between buildings that are facing each other on the same site.

The reconfigured building envelopes achieve a minimum 9m separation distance between perpendicular building facades and a minimum 37m separation distance between the faces of the buildings that overlook each other and the open space area in the centre of the site. The development is therefore generally consistent with the provision and will achieve the objectives of this control in providing visual breaks between buildings, improving the outlook from buildings that now oversee the open space area in the centre of the site, and retaining a similar level of solar access or improving solar access in key open space areas within the site (as demonstrated in **Section 2.2** below).

The proposed separation distances will also have a negligible impact on visual privacy between commercial tenancies, which can be mitigated with façade treatments such as cladding, angled glazing, orientated key congregation/socialising spaces to overlook the park or plaza. The proposed changes are also key to providing greater public benefits on the site in terms of the increased public plaza, increased and more functional open space areas, and improved site activation.

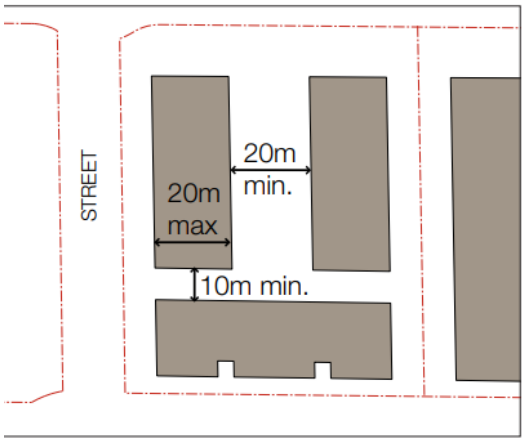


Figure 16 Commercial building separation control

Source: Ryde DCP

2.2 Solar Access

2.2.1 Issue

The Department has requested that the proponent prepare additional information quantifying the solar access to the park and laneways on the winter solstice (21 June), comparing the approved and proposed scheme in terms of the area and the duration of solar access. Council has suggested that solar access to the relocated consolidated open space would be highly compromised.

2.2.2 Response

The Architectural Design Report prepared by Bates Smart and submitted as part of the S75W included detailed overshadowing plans, illustrating the shadows cast by the proposed and approved schemes. The Design Report also included further analysis of the percentage of the central open space area that would be overshadowed, comparing the approved and proposed scheme.

This analysis has been revised in the supplementary information provided at **Appendix B**, which specifically references the winter solstice and details the quantum of overshadowing of the existing and approved laneways between buildings, the key open space areas within the site, and the plazas surrounding the station, as discussed below.

Central Open Space

The solar access enjoyed by the relocated and enlarged central open space area within the site has been improved under the S75W. As detailed in the daylight comparison at **Appendix B**, alterations to the park size and building footprints have increased the proportion and area of the park that will receive sun on the winter solstice, being the worst-case scenario when daylight is most limited.

A comparison of the approved and proposed scheme yields the following:

- the orientation of the building envelopes has marginally reduced direct sunlight within the open space area for 2 hours between 9am and 11am;
- the extent of direct sunlight within the open space area has been improved over a 5 hour period between 12pm and 4pm, resulting in an overall net benefit both in terms of the available area and duration; and
- critically, the increased proportion of sunlight also captures the high-priority lunchtime period between 12pm and 2pm when the central open space area is expected to be most in demand.

ZONE	APPROVED SCHEME SIZE	PROPOSED SCHEME SIZE	COMPARISON
PARK SOLAR ACCESS 9AM-5PM			
- TOTAL HOURS WINTER SOLSTICE	1,631 M²	1,824 M²	+
- TOTAL HOURS SUMMER SOLSTICE	9,724 M²	9,865 M²	+
- TOTAL HOURS EQUINOX	5,340 M²	6,426 M²	++
SUB-TOTAL	16,695 M²	18,115 M²	++

Laneways

The reduction in the width (and therefore area) of the laneways corresponds to a reduction in the area within these laneways that will receive direct sunlight, as detailed in the daylight comparison at **Appendix B**.

It is, however, noted that the time periods in which the laneways receive direct sunlight is consistent between the approved and proposed schemes. Namely, daylight only extends through the corridors for 1 hour between 9am and 10am, after which time only patches of daylight are available in the north eastern corner of the laneways until 12pm. This confirms that although the overall area of direct sunlight within these laneways is proportionally reduced in the S75W, the amenity of these laneways remains generally unchanged and especially during the high-priority lunchtime period.

ZONE	APPROVED SCHEME SIZE	PROPOSED SCHEME SIZE	COMPARISON
LANEWAY SOLAR ACCESS 9AM-5PM			
- TOTAL HOURS WINTER SOLSTICE	2,305 M²	1,063 M²	o
- TOTAL HOURS SUMMER SOLSTICE	3,331 M²	1,184 M²	o
- TOTAL HOURS EQUINOX	2,458 M²	1,115 M²	o
SUB-TOTAL	8,094 M²	3,362 M²	o

Plaza

The solar access enjoyed by the enlarged Station Plaza has also been substantially improved, which is a significant public benefit as this space is intended to be dedicated to Council as a public asset. As detailed in the daylight comparison at **Appendix B**, areas of direct sunlight are available within the proposed Plaza between 9am and 4pm and the overall area of the Plaza that will receive direct sunlight has increased by 3,500m^2 +. Accordingly, the proposed amendments will benefit the functionality and enjoyment of this future public open space, and significantly improve the interface between the site and the Macquarie Park Station Portal under the approved scheme.

ZONE	APPROVED SCHEME SIZE	PROPOSED SCHEME SIZE	COMPARISON
PLAZA SOLAR ACCESS 9AM-5PM			
- TOTAL HOURS WINTER SOLSTICE	14,902 M²	18,658 M²	++
- TOTAL HOURS SUMMER SOLSTICE	12,345 M²	15,727 M²	++
- TOTAL HOURS EQUINOX	13,260 M²	16,846 M²	++
SUB-TOTAL	40,507 M²	51,231 M²	++

2.3 Rooftop Plant

2.3.1 Issue

The Department has requested that the proponent review the extent of rooftop plant on Building A, and incorporate setbacks to the north west, north east and south east.

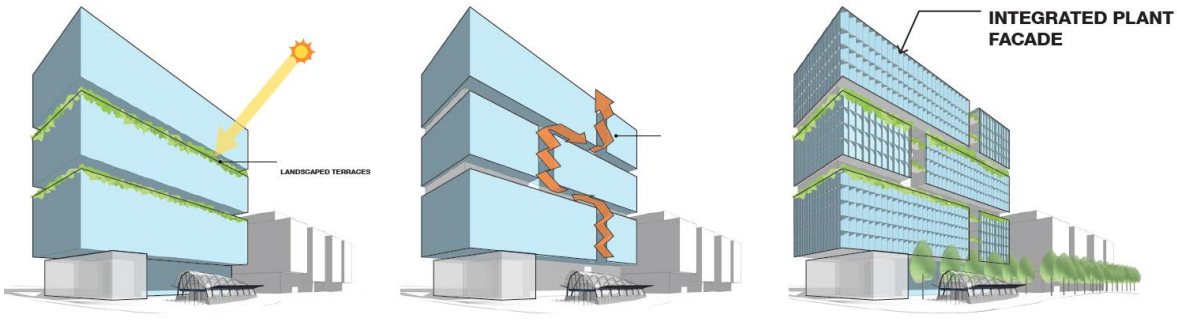
2.3.2 Response

The S75W has revised the zone for rooftop plant for Building A, allocating the complete rooftop area for the provision of plant and building services. This revision results from further design development and testing and is for two reasons, being to deliver the capacity of building services necessary for a functional building and to deliver a resolved architectural form.

The proposed plant level has been designed with consideration of the area of mechanical plant and other base building services that are required to service the base building. Reducing the extent of this plant level could result in an insufficient area to meet the servicing and plant requirements of the building.

Further, the intent is to better integrate plant and building services with the overall built form and massing of the building, to create a more resolved roof form. Development in a prominent corner within the Macquarie Park corridor should avoid isolated and unattractive rooftop plant and services that sit like a 'top-hat' above the roofline. The objective for the future detailed design of the Building A envelope will therefore be to present a consistent roofline that achieves the approved maximum building height.

Consistent with this approach, the supplementary architectural report at **Appendix B** details how the future detailed design of the building envelope can integrate the plant level with the building form and contribute to the architectural integrity of the building. An optimum outcome for the detailed design of the Building A envelope would be to create stacked volumes that emphasise and articulate the building through landscaped external terraces and expressed vertical connectivity through the building. Under this indicative design scenario, the plant level can be fully integrated with the buildings architecture, will assist in balancing the façade articulation, and are disguised and indistinguishable from the remaining building when viewed from afar.



2.3.3 Issue

The Department has requested that the ground floor protrusion from the station entry and site boundary be dimensioned, and that an additional view be provided showing the area for pedestrian movement.

2.3.4 Response

The revised envelope plans at **Appendix B** detail the setbacks of the ground floor protrusion and colonnade area on the ground floor of Building A where it interfaces with the entry portal of the Macquarie Park Station. The setback between Building A and the station portal has generally been increased from 14m to 20m at the ground floor (see **Figure 17** and **Figure 18** below). The small 'L-shaped' projection along Lane Cove Road has been amended to sit

entirely within the bounds of the approved building envelope, and will be setback a minimum of 10.5m from the Station Portal. This projection is not continued in the tower form above and will assist in addressing Lane Cove Road and protecting the Plaza and key pedestrian thoroughfare from wind and noise generated by the classified road. The proposed modification will provide a more generous, activated, and amenable Plaza, and represents a noticeable improvement on both the existing and approved interface between the station and the site.

Photomontages of how Building A interfaces with the future Macquarie Park Metro Station entry is provided at **Figure 19** and **Figure 20** below.

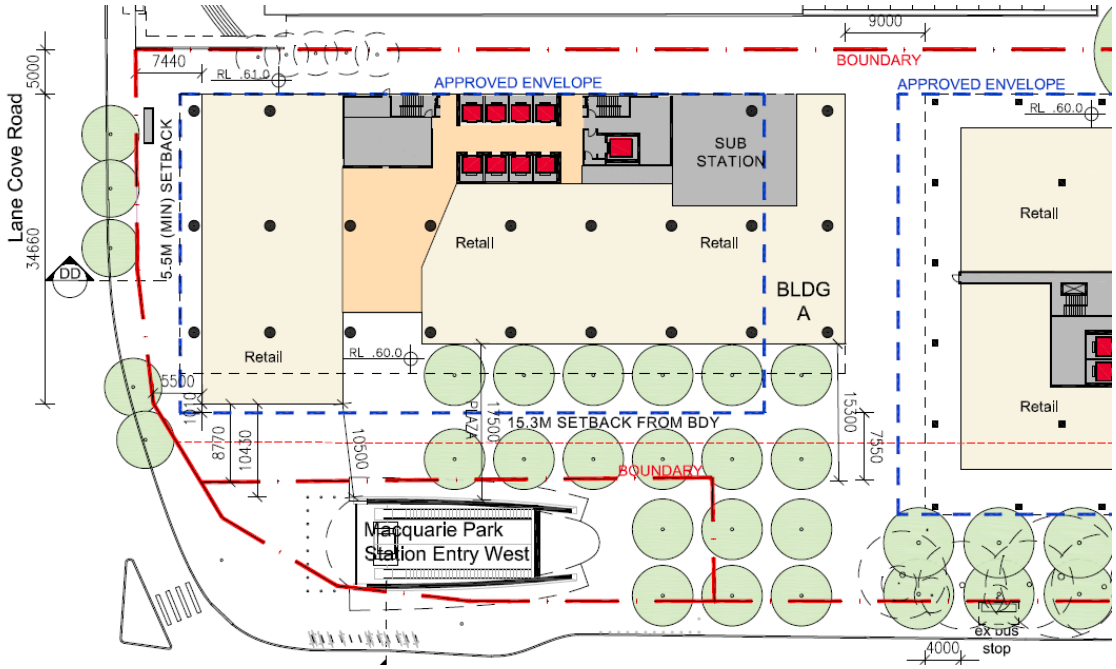


Figure 17 Dimensioned ground floor showing the interface between Building A, the Plaza, and Station entry

Source: Bates Smart

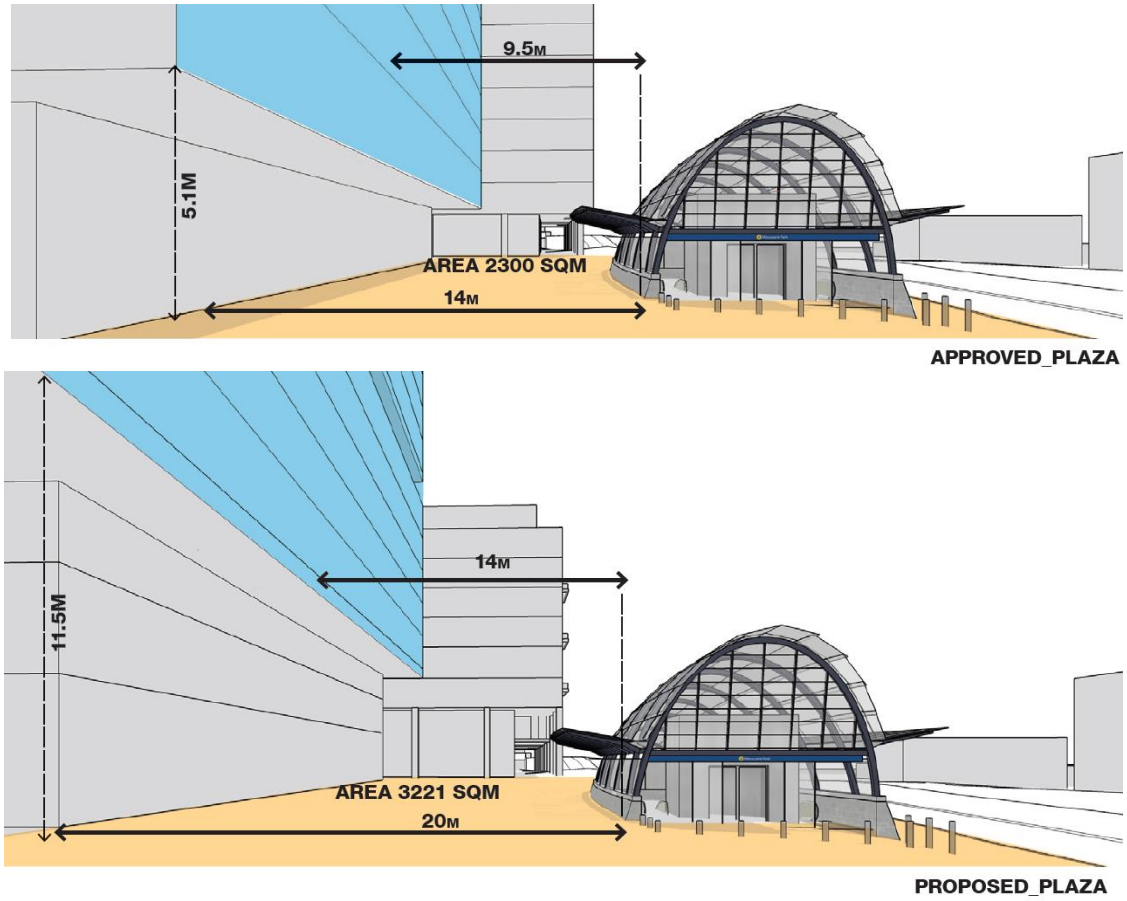


Figure 18 Approved and proposed setback of the building to the Station entry

Source: Bates Smart

Figure 19 Photomontage of the Plaza and Macquarie Park Station entry, as viewed from the corner of Lane Cove Road and Waterloo Road

Source: Bates Smart

Figure 20 Photomontage of the Plaza and Macquarie Park Station entry, as viewed from the Plaza looking towards Lane Cove Road

Source: Bates Smart

2.4 Child Care Centre

2.4.1 Issue

The Department has requested that the proponent demonstrate that a future child care centre on the site will be provided with adequate outdoor play area(s). This is supplemented by Council's comment, which suggests that the lack of a separate outdoor area could result in an encroachment or displacement of the landscaped area in the centre of the site or the plaza.

2.4.2 Response

The current intention for the child care centre is to provide a dedicated outdoor terrace overlooking Coolinga Street that is secure and separate to the landscaped area and Plaza identified in the Modification Application (see **Figure 21** below). This outdoor terrace will not displace any of the public domain areas identified in the Modification Application and will assist in activating the Coolinga Street frontage.

It is emphasised that this is an indicative treatment, and that the detailed design and operation of the centre will be the subject of a separate application pursuant to the CPA. As part of this separate approval process, any child care centre will be required to demonstrate compliance with Part 2, Part 3 and Part 4 of the Child Care Guideline and the National Quality Framework Assessment Checklist to validate that the development is consistent with the requirements of Part 4.3 'Physical Environment of the Education and Care Services National Regulations'.

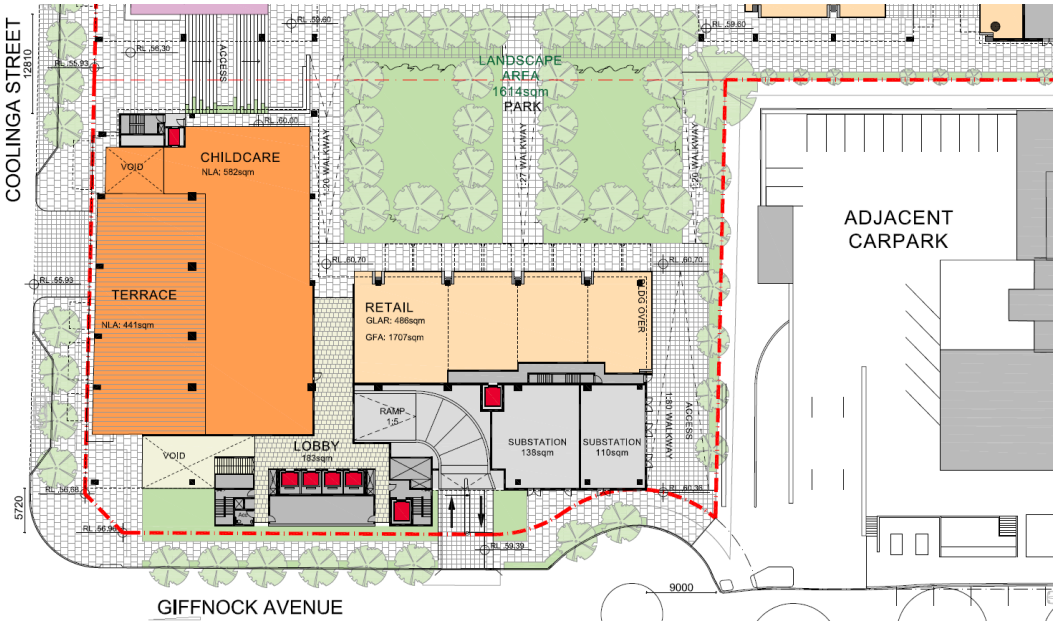


Figure 21 Indicative location of the child care centre and its dedicated outdoor terrace

Source: Bates Smart

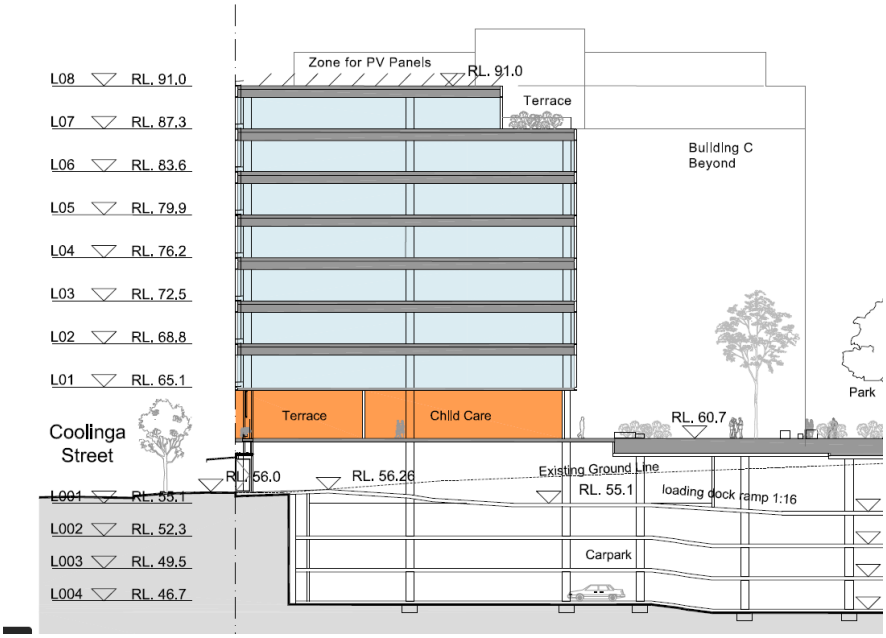


Figure 22 Indicative section showing the location of the child care centre and its dedicated outdoor terrace

Source: Bates Smart

2.5 Car Parking

2.5.1 Issue

The Department has requested that the proponent clarify the total number of car parking spaces proposed, including courier spaces, within the maximum 834 spaces permitted under the Concept Approval.

2.5.2 Response

The Architectural Plans prepared by Bates Smart and submitted with the application detail the four proposed basement parking levels to be provided on the site. As shown on these plans, all 834 spaces permitted on the site will be delivered as part of the application and separate waste collection, loading areas and servicing spaces will be provided on Level 01 of the basement. It is emphasised that the parking rate stipulated in Condition B1 of the consent does not relate to loading bays and courier spaces and was never intended to control servicing arrangements on the site.

During the assessment and refinement of the original Concept Plan, negotiations between the Department, RMS and the Proponent concerned the applicable rate of tenant parking on the site. At the time, the relevant parking rate comprised 1 space per 80sqm of GFA (under the *Ryde Local Environment Plan 2010*), which equated to 1,042 parking spaces for the 83,368m^2 of GFA being providing on the site, in addition to 24 spaces for courier vehicles and 9 truck parking spaces in the loading/waste collection dock. The Director General's Assessment Report dated May 2012 confirmed that a car parking rate of 1 space per 100sqm of GFA was appropriate for the proposal, equating to 834 parking spaces for the tenants of the site based on the 83,368m^2 of GFA being provided. This rate was never inclusive or servicing spaces for deliveries and waste collection, but rather related to tenancy parking and ensuring future employees were not reliant on on-site parking. This informed Condition B1 of the consent, and Condition 3 of Schedule 3 of the consent that requires the Proponent to prepare a Work Place Travel Plan.

The proposed modification therefore remains consistent with intent and terms of Condition B1 of the CPA.

3.0 Conditions of Consent

This section of the report summarises the proposed modifications to the conditions of consent and Statement of Commitments, inclusive of those that were discussed in the original S75W Report for completeness. Not all changes nominated below are as a result of the discussion in **Section 2** or **Appendix A** of this report.

Words proposed to be deleted are shown in ~~**bold strike through**~~ and words to be inserted are shown in ***bold italics.***

3.1 Conditions of Consent

3.1.1 Schedule 2 Conditions

A1. Development Description

Concept approval is granted to the development as described below:

(a) *Use of the site for commercial and retail purposes including an ancillary helipad**, gym and child care centre**;*
(b) *indicative building envelopes for 4 separate buildings with heights ranging from 8 to 17 storeys plus plant level;*
(c) *maximum Gross Floor Area of 83,368m^2;*
(d) *basement car parking;*
(e) *public domain works including:*
- *establishment of publicly accessible pedestrian through site/courtyard 'links' between proposed building envelopes including covered pedestrian connections;*
- *establishment and dedication of a civic streetscape along Waterloo Road and new civic square surrounding the western entrance to the Macquarie Park railway station;*
- *streetscape upgrades to all street frontages; and*
- ~~o~~ ***4** new publicly accessible **laneways** between building envelopes;*
- ***a new publicly accessible park.***

Reason: This is consistent with the changes proposed in the S75W Application.

A2. Development in Accordance with the Plans and Documentation

The approval shall be generally in accordance with:

- *the Environmental Assessment dated November 2010 prepared by JBA Planning, except where amended by the Preferred Project Report dated November 2011 including all associated documents and reports, and additional plan "Ground Level Plan (Area dedicated to future Public Domain)" submitted 9 May 2012;*
- *the Statement of Commitments prepared by JBA Planning **/ Ethos Urban**; and*
- *the following drawings:*

Drawing No.	***Revision***	***Name of Plan***	***Date***
Concept Plan Drawings prepared by Bates Smart			
PA02-00	***A***	*Ground Level Plan (Area dedicated to future public domain)*	***~~07.2011~~ March 2018***
PA02-001	***A***	*Basement Level 001 Plan*	***~~07.2011~~ February 2018***
PA02-002	***A***	*Basement Level 002 Plan*	***~~07.2011~~ February 2018***
PA02-003	***A***	*Basement Level 003~~—**005** Plan*	***~~07.2011~~ February 2018***
PA02-004	***A***	***Basement Level 004 Plan***	***February 2018***
~~PA02-006~~	***-***	***~~Basement Level 006 Plan~~***	***~~07.2011~~***
PA02-00	***A***	*Ground Level Plan*	***~~07.2011~~ February 2018***

Drawing No.	***Revision***	***Name of Plan***	***Date***
PA02-01	***A***	*Typical Level Plan*	***~~07.2011~~ February 2018***
PA02-10	***A***	*Upper Level Plan*	***~~07.2011~~ February 2018***
PA02-20	***A***	*Roof Plan*	***~~07.2011~~ February 2018***
PA05-01	***A***	*Elevations Waterloo Road & Coolinga Street*	***~~07.2011~~ February 2018***
PA05-02	***A***	*Elevations Lane Cove Road and Giffnock Avenue*	***~~07.2011~~ February 2018***
PA06-01	***A***	*Section AA*	***~~07.2011~~ February 2018***
PA06-02	***A***	*Section BB*	***~~07.2011~~ February 2018***
PA06-03	***A***	*Section CC*	***~~07.2011~~ February 2018***
PA06-04	***A***	*Section DD*	***~~07.2011~~ February 2018***
PA06-05	***A***	***Section EE***	***February 2018***
Landscape Concept Master Plans prepared by Aspect Studios			
10030-LA01	***~~G~~ H***	*Landscape Concept Master Plan*	***~~23.08.2011~~ 12.12.17***
10030_LA02	***~~G~~ H***	*Civic Frontage: Waterloo Rd + Station Interface*	***~~23.08.2011~~ 12.12.17***
10030_LA03	***~~G~~ H***	*Courtyard Links*	***~~23.08.2011~~ 12.12.17***
10030_LA04	***~~G~~ H***	*Garden Courtyard*	***~~23.08.2011~~ 12.12.17***
10030_LA05	***~~G~~ H***	*Streetscapes: Lane Cove Rd, Giffnock Ave + Coolinga St*	***~~23.08.2011~~ 12.12.17***

A) and as amended by:

- ***Mod 2 Application – Section 75W Modification MP 09_0209, submitted by Ethos Urban, dated 12 February 2018 including;***
- ***Pedestrian Wind Environment Assessment prepared by Windtech dated 7 February 2018.***
- ***Stormwater & Flooding – Section 75W Report prepared by Arcadis dated 20 December 2017.***
- ***Preliminary Geotechnical and Structural Impact Assessment on ECRL Infrastructure prepared by WSP dated February 2018.***
- ***Pedestrian Analysis prepared by WSP dated February 2018.***

Reason: these changes reflect the plans and consultants reports that accompany this RTS report and the original S75W Application.

A4. Voluntary Planning Agreement

Prior to the issue of the first construction certificate for any Development Application ***for the construction of buildings on site*** *pursuant to this Concept Plan, the Proponent shall provide written evidence to the Director-General that it has executed a Voluntary Planning Agreement with Council, with terms outlined in the EA and PPR and as agreed with Council including:*

- *any offsets for works in kind; and/or*
- *works and services for public benefit in addition to Section 94 Contributions; and/or*
- *dedication of land.*

Should Council not agree to enter into a Voluntary Planning Agreement, written evidence shall be provided to the Director-General outlining this.

Reason: This is consistent with the changes proposed in the S75W Application. It enables the effective staging of development on the site without impacting the proponent's commitment to enter into a VPA with Council. The proposed wording would enable the planning process for site establishment works to commence whilst the process of negotiation, exhibition, and finalising the VPA are undertaken.

B1. Development in Accordance with the Plans and Documentation

Car parking provision on site shall be provided at a rate of 1 car parking space per 100m^2 of gross floor area to a maximum of 834 car parking spaces. Car parking provision in the basement car park shall be staged to reflect the amount of commercial floor space ***available*** ~~***being developed at each stage of the development***~~ *to ensure that there is not an oversupply of car parking provision during the initial stages of the development.* ~~***Note: The reduction in car parking will result in a reduction in the number of basement car parking levels required.***~~

Reason: This is consistent with the changes proposed in the S75W Application. The clarified wording in this condition enables the basement to be constructed as one stage, but ties the use of available parking spaces to the approved allocation for each building. It is expected that a condition of consent would be imposed on each subsequent detailed Development Application restricting the operator from occupying parking within the basement to those spaces allocated to the building that is being delivered.

3.1.2 Schedule 3 Conditions

10. NSW Office of Water Requirements

Future Development applications shall ~~*address the*~~ ***demonstrate that all reasonable and feasible measures have been applied to minimise*** *potential* ***inflows of groundwater (inflows during construction and ongoing inflows)*** ~~*of*~~ ***to*** *the development*~~*. and provide any details of any mitigation measures to seal off the water bearing zones. Details of proposed measures to minimise the extraction of groundwater from the basement areas during construction shall be provided.*~~ ***Assessment of groundwater licensing requirements and potential impacts to groundwater resources in accordance with the NSW Aquifer interference Policy shall be provided.***

Reason: This is consistent with the changes requested by the Department of Industry.

11. Railcorp Requirements

(b) Stray Currents and Electrolysis from Rail Operations

~~***Future Development Applications shall include***~~ ***Prior to the issue of a relevant Construction Certificate for works on the site, the Applicant is to provide*** *an Electrolysis Risk report, prepared by an Electrolysis Expert, detailing any Electrolysis Risk to the development from stray currents. The development must incorporate in the development all the measures recommended in the report to control that risk.* ***A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.***

Reason: This is consistent with the changes requested by Sydney Trains, noting that this report better relates to the works that would be completed at the Construction Certificate stage rather than the Development Application stage.

(d) Demolition, Excavation and Construction Impacts

~~***Future Development Applications shall include***~~ ***Prior to the issue of a relevant Construction Certificate for works on the site, the Applicant is to provide*** *a risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for any proposed works. This shall be referred to the Rail Authority for review and comment on the impacts on rail corridor.* ***A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.***

Reason: This is consistent with the changes requested by Sydney Trains, noting that this report better relates to the works that would be completed at the Construction Certificate stage rather than the Development Application stage.

(e) Cranes and other aerial operations

Prior to the issuing of a relevant Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

Reason: This is generally consistent with the changes requested by Sydney Trains. It is suggested that this condition make reference to "a relevant Construction Certificate" to avoid the requirement to submit details to Sydney Trains where no craneage or aerial operations are proposed.

12. Transport for NSW requirements:

(a) Construction Pedestrian and Traffic Management Plan

Prior to the issue of any relevant Construction Certificate for works undertaken prior to 30 June 2019 that would generate greater than 2 heavy vehicle movements per hour, the Applicant must prepare and submit to Sydney Coordination Office (SCO) within Transport for NSW (TfNSW) a construction and pedestrian traffic management plan (CPTMP) that takes into account the potential impacts of the proposed development on the establishment, operation and removal of the Epping Chatswood Railway Temporary Transport Plan (ECR TTP) including the movement of public transport customers and buses to and from temporary bus stops and bus layover locations, and the Stage 1 and Stage 2 Bus Priority Infrastructure Program work that will affect the road network in this area prior to and post the ECR TTP. The applicant must receive written advice that Sydney Metro is satisfied with the construction and pedestrian traffic management plan.

Reason: This is generally consistent with the condition suggested by Transport for NSW, with minor rewording to reflect the potential for minor, inconsequential works being completed on the site in preparation for the redevelopment of the site. It is expected that some site preparation works will be completed prior to site excavation and the construction of buildings or public domain areas within the site, and which will generate negligible construction traffic. These minor works do not trigger the need to prepare an extensive CPTMP with the concurrence of Sydney Metro, and could not appropriately respond to the level of detail recommended by Transport for NSW. Accordingly, thresholds need to be established within any condition imposed on the CPA to ensure the degree of environmental assessment appropriately responds to the scope of works.

3.2 Statement of Commitments

4.3 Transport and Accessibility

A Workplace Travel Plan (WTP) will be prepared in accordance with the requirements of ***~~DCP 2010~~ Council's Travel Plan Guidelines 2015****.*

An assessment of the construction traffic will be undertaken at the Development Application stage.

Reason: This is consistent with the changes proposed in the S75W Application. The relevant planning controls have changed since the CPA was issued in 2012. No change is proposed to the commitment to provide a WTP.

4.5 Contamination

The proponent commits to undertake the following actions during site preparation:

- *The UST to be decommissioned (by removal) which will allow for the exaction of impacted soils (if any), and appropriate sampling of the UST pit excavation to validate removal of contaminated soil.*
- *The asbestos and associated impacted soils located on the south west boundary of the 396 Lane Cove Road property be removed from the site by an appropriately licensed asbestos removal contractor.*

~~The proponent commits to undertaking further analysis when seeking consent for the use of the child care centre, to confirm that the outdoor area to be utilised by the centre in no way poses an unacceptable risk to the health of children.~~

Reason: As discussed in **Section 2.4**, the child care centre will be provided with a separate terrace overlooking Coolinga Street. Accordingly, there will be no direct access to soils on the site and the modification to the Statement of Commitment proposed in the S75W Report is no longer warranted.

4.0 Conclusion

The proposed modification to the Concept Plan Approval offers a number of significant benefits to the existing and future Macquarie Park Corridor, without altering the key numerics of the proposal.

This modification application represents the culmination of some five years of market testing, design development, and aspiration to provide the best possible outcome for the site and deliver a landmark development at an important gateway within the Macquarie Park Corridor. It will better align the approved development with contemporary aspirations for a commercial precinct and improve the relationship between the site and its surrounds.

As has been demonstrated in this report, and the S75W Report, the proposed modifications will deliver:

- a larger public plaza around the Macquarie Park Railway Station portal (soon to be a Metro Station), which has been designed to interface with Building A and create an amenable and activated pedestrian environment;
- a larger, more usable, and activated publicly accessible park within the site, which remains visible from the surrounding streetscapes and will benefit from improved solar access;
- activated laneways between the buildings, which can operate as ‘eat streets’ and contribute to the night time economy of the Centre, without impacting pedestrian circulation or the overall connectivity of the site; and
- complementary land uses such as a gym and child care centre that contribute to the functionality and viability of the centre, by activating the site beyond typical office hours, which can be accommodated on site without encroaching on other public domain areas.

The proposed modifications are essential to attracting a tenant and delivering a commercial development that is consistent with the established aspirations for Macquarie Park; as a key anchor in the global economic corridor and a location for globally competitive businesses. We consider the proposed modifications to represent a substantial improvement to the current Concept Plan and we have no hesitation in recommending that this Section 75W Modification Application be approved.