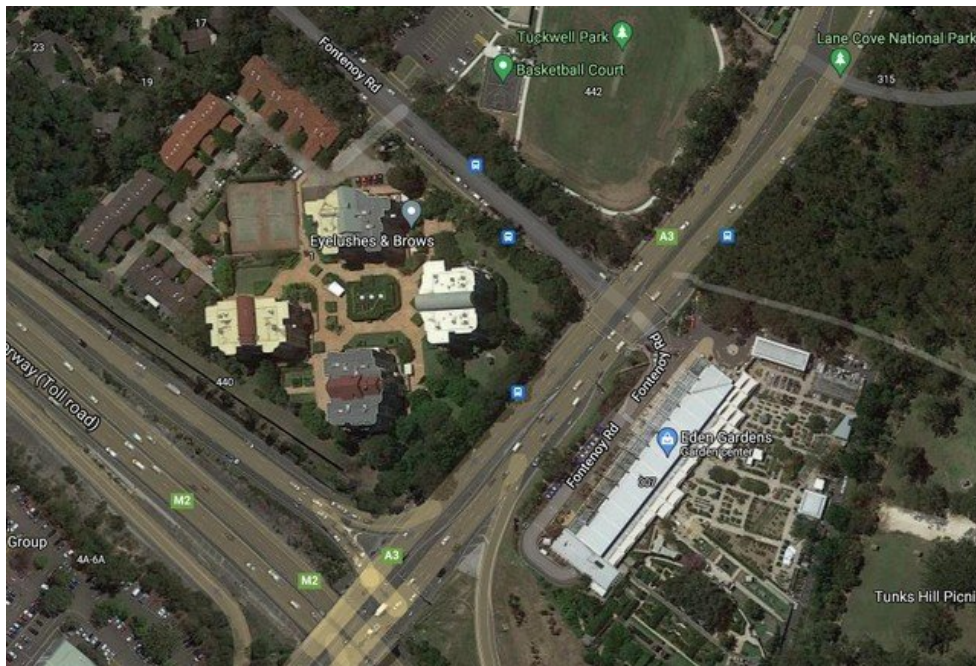


LDA2021/0095 - Land and Environment Court 2023/26469

Amends documents sent on 2nd and 5th of May 2021, 17th February 2023, 19th of March 2023, and 17th of July 2023

Executive Summary:

These are personal views and do not represent any group (although I have received, privately, an unconditional support from 53 owners and tenants in this complex who expected strata manager and committee members to act on their behalf), and present concerns about the development that will affect the area, especially large strata complex across the road at 1-15 Fontenoy Road (strata plan SP52948):



This case has been draining public and private funds for one reason only, whilst ignoring many obvious reasons against the proposal:

Looking for loophole to change the rezoning for the development

Apart from many other concerns I have already raised against this development, I present to the Land and Environment Court two more:

1) Precedent case, covering so-called "Implied Right to a Healthy Environment".

Landmark recognition of human rights and environmental impacts as grounds for a recommendation against the grant of a mining lease: *Waratah Coal Pty Ltd v Youth Verdict Ltd & Ors* (No 6) [2022] QLC 21 (25 November 2022) involved the Land Court of Queensland making recommendations to the [Queensland] Minister for Resources (Minister) and the Chief Executive of the Department of Environment and Science (Chief Executive) on Waratah Coal Pty Ltd's (Waratah) applications for a mining lease and environmental authority to mine thermal coal in the Galilee Basin. I submit these justifications:

- Rights of First Nations people
- Right to protect children
- Right to property
- Right to privacy and home
- Right to enjoy human rights without discrimination

I am in contact with a dear person from Dharug community who stated on 16th of September 2023 that such a building disrespects the existing call for recognition that this area has integral links to the river, and the areas known as National Park today. As such, it threatens the biodiversity of the river valley, not only in the immediate area but further down the river. The history of the abuse of the river can be found in the 1985 thesis by Lynne McLoughlin, "The Middle Lane Cove River: A History and a Future". A current project run through ACF and Sydney University, called Platy Project has shown that the rare Platypus has been recently sighted along the Lane Cove River:

https://platy-project.acf.org.au/?_gl=1

While the screen shot shows the Platypus up stream, the link shows there is another sighting down stream from the proposed development. The context of saving biodiversity is ever more critical as we face mega bushfires running through the valley. While hazard reduction burns are happening, these aren't sufficient to protect the general biodiversity of the river and valley.

Any further development, as proposed by this plan for the high-rise on the Eden Park site totally undermines any notion of sustainable ecological intent.

Overall, the balance weighs against approving the application, taking into account the factors for each of the rights considered.

The fact that the development site does not impose height limits should not be accepted as valid defence. Laws change frequently, so regulation to prevent high-rise buildings close to national parks is just a matter of time. For the moment, we should accept it as an "implied rule".

2) The Tasmanian law restricting protests in Brown (2017), for example, did not come close to single-handedly destroy the Constitution. Nevertheless, the Court was sensitive to how such actions might incrementally or partially affect our rights and privileges. This was enough for it to be deemed in breach of the Implied Freedom of Political Communication.

And when we add many other concerns, every reasonable person should adopt a decision that I (and many others) support.

Macquarie Park - originally known by its Aboriginal name Wallumatta - sits within the City of Ryde Local Government Area (LGA). Macquarie Park is home to Macquarie University, Macquarie University Hospital, Macquarie University Incubator and more than 180 large international and 200 small businesses. With Macquarie Hospital and CSIRO Lindfield nearby, this is one of the largest non-CBD office markets in Australia.

I strongly believe in humans' need to protect the planet for future generations. None of us have a mandate to destroy the planet. I submit 60 concerns below and they are just a brief summary of problems I would hope we shall deal with in open-minded consultations.

Current strategy for Macquarie Park is based on up to 7,650 new homes (almost exclusively in high rise buildings) and allegations that around 20,000 jobs would be created. Almost 7,000 homes were built in the past few years, and another 10,000 are expected to be constructed by 2023, according to planning department figures released recently.

Living on overcrowded areas will become more and more unattractive, not only because of costs, traffic, and similar, but as well due to increased risks of sharing common property and illnesses like Covid-19. For example, travelling in elevators and sharing very confined space is a permanent health hazard. Virii will not stop to exist. That is the natural process.

A significant reduction in height would be a better solution, considering the already adequate availability of business space in North Ryde/Macquarie Park (in 2020, approximately 894,000 sqm of commercial floor space – source: Department of Planning, Industry and Environment Draft Macquarie Park Place Strategy 2021). I strongly support another proposal, from 416 Group (representing 750 households in Killara and Lindfield west of Lady Game Drive: *if development must occur on this site which sits between the M2 and the national park it should be within the tree canopy. The site is sufficiently large to accommodate a campus style development. That doesn't mean a compromise of 12 storeys or 8 storeys but buildings within the tree canopy:*

<https://www.416group.org/wp-content/uploads/2023/01/Presentation-to-Sydney-North-Planning-Panel-on-Eden-Gardens-office-tower-proposal-16.12.22.pdf>

Would any reasonable person support the only high-rise on Lane Cove Road near such lovely national park. These are images of how the development might look like:



March 2018 report confirmed that NSW was the second highest per capita producer of waste in the world:

<https://wastemanagementreview.com.au/nsw-parliamentary-inquiry/>

If the site needs to be redeveloped, more appropriate option would be for government to consider buyback, in a similar manner like they did for Peter Board High School in 2017. Following the school's closure, in 2006 the NSW Department of Education and Training sold the site to Dexus Property Group for \$51.75 million – the buyback price was never disclosed.

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1. Applicant's attempt to flood the court with excessive new submissions in September 2023, giving Respondents practically only one week to consider and submit their updates

1.1 I received a letter from City of Ryde, dated 6 September 2023. It arrived to me on 11th of September 2023.

1.2 I note that the number of changes, including sudden pedestrian bridge was submitted to the court, in spite of it not being part of the original documents, whilst mostly ignoring the original concerns that I raised multiple times.

1.3 Based on deep investigations of hidden metadata in the 45 documents (I have extensive experience in IT forensic, and it is part of my daily job for federal government agency which protects financial institutions and transactions in Australia and overseas), I conclude that most of them were prepared on, or around, 5th of June 2023.

Drastic evidence is even more compelling: Applicant's document "Tab 4 - Architectural drawings and prepared by DKO Architecture.pdf" was prepared on Friday, 26th of May 2023 at 14:25 hours.

I raise this question:

Why did Mills Oakley wait till mid-August 2023 to delay the proceedings in Land and Environment Court?

1.4 There are 45 new or updated documents I downloaded:

<https://www.ryde.nsw.gov.au/Business-and-Development/eServices/DA-Tracker>

1.5 We are given only one week to submit responses about the pedestrian bridge (and anything else we want to add). The deadline is 5:00pm on 19 September 2023.

1.6 It is questionable if all owners and tenants in large strata plan SP52948 (218 properties) at 1-15 Fontenoy Road, directly facing the proposed development, received this updated information. Due to workload, I did not have time to check it with my neighbours.

1.7 45 files new have total size of staggering 958.3 MB (27 files larger than 1 MB in size individually, and 18 files smaller than 1 MB in size individually). An average person will have difficulties to digest this amount of data.

1.8 It appears that the Applicant is simply trying to "overload" respondents with information, hoping I will give up. Their estimate cost of \$155,581,524.48 obviously make them believe their plans justify the legal costs.

2. Brief comments about Applicant's new submissions in September 2023

2.1 After briefly perusing voluminous new Applicant's documents, I formed an opinion that the additional documents have not addressed the issues raised in the original objections.

2.2 The building has the same height and appearance.

2.3 There is lack of consideration for the existence and purpose of the National Park. The development proposal views it as an unrelated entity. It appears there is limited evidence the Applicant properly addressed issues raised by NPWS, environmental groups, and other parties.

2.4 The shadow diagrams presented selective evidence in Applicant's document "Tab 1 - Planning memorandum prepared by Gyde Consulting Pty Ltd.pdf" on page 4 where only times 09:00 and 16:00 hours were analysed, and measurements on 21 September 2022 and 22 December 2022 did not provide information for times after 16:00 hours:

- 21 March 2022 (negligible overshadowing of the vegetated western boundary of the Tunks Hill southern picnic area from 14:00 to 15:00 hours, carpark building results in very minor overshadowing of the northern picnic area after 16:00 hours)
- 22 June 2022 (minor overshadowing of the south-east corner of the Tunks Hill southern picnic area from 14:00 to 15:00 hours, from 15:00 to 16:00 hours the commercial tower overshadows approximately 30% of the southern picnic area and the carpark building results in a very small area of shadow on the south-west

corner of the northern picnic area and north-west corner of the southern picnic area, elongated fast-moving shadow onto the picnic areas after 16:00 hours)

- 21 September 2022 (negligible overshadowing of the vegetated western boundary of the Tunks Hill southern picnic area from 14:00 to 15:00 hours, no details of status after 16:00 hours)
- 22 December 2022 (after 15:00 hours commercial tower results in approximately 45% of the southern portion of the northern picnic area being in shadow and a very small area at the north-west corner of the southern picnic area, by 16:00 hours the northern picnic area is in shade, no details of status after 16:00 hours)

2.5 Applicant's consultants made many assertions without concrete evidence. Including the value of a "marker building" at an on/off ramp to the M2, and that the new 18-storey building would not change the landscape.

2.6 In their document "Tab 2 - Planning letter – land use zoning.pdf", on page 4, Applicant states:

Development that is permitted with development consent on land in a former zone under a local environmental plan, as in force immediately before 26 April 2023, continues to be permitted with development consent on the land until 26 April 2025.

The Applicant acknowledges that on 5th of November 2021 Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021 (Order) amended the Standard Instrument (LGA) Order 2006. The Order amended the Ryde LEP 2014 on 26th of April 2023 and had the effect of rezoning the subject site to E3 Productivity Support. Therefore, the Applicant is aware of the risk of trying to use old Order. The Applicant has property rights and the right to develop their property within planning constraints, where the focus should be on the planning issues including height and bulk, overshadowing, bushfire egress, traffic and congestion, proximity to the park, and similar.

2.7 The pedestrian bridge was introduced before but it was not a part of the original Development Application. Its design was still underway when the Applicant submitted the development proposal and it was not a factor in the original refusal by the Council. Comments on the bridge include:

- The bridge is a major new element, the application should be withdrawn and resubmitted as it otherwise is an abuse of legal process.
- Bridge has been added (at what would be major cost to the proponent) to address Transport for NSW concerns about additional pedestrian activity adding to the already heavy congestion on Lane Cove Road due to the traffic lights at Fontenoy Road, M2, Talavera Road, and Waterloo Roads.
- Usefulness of the bridge at this location is limited - it only serves the Eden Gardens island site. A better location for a pedestrian bridge for general use would be between Talavera and Waterloo Roads to the food outlets but this would be of little help to Eden Gardens.
- Applicant's alleged saving of five seconds for Lane Cove traffic if a current pedestrian crossing is removed on Lane Cove Road is superficial (document "Tab 13 - Traffic review prepared by Colston Budd Rogers & Kafes Pty Ltd.pdf". Traffic on Lane Cove Road is almost always at record levels post Covid-19. Removal of the pedestrian crossing negatively affects other users who travel to any other destination (bike riders and walkers to National Park, for example and there are many of them every day!).
- In Applicant's document "10 - Urban design response to contentions.pdf", they state on page 7:

Visitors are likely to arrive by both car and foot. Pedestrians will come from either the residential areas to the north-west of the site, Macquarie Park or from the nearest rail station - Macquarie Park 800m away.

From personal experience (I live in Macquarie Gardens since 1997) I categorically state that this statement is misleading, designed to coerce the Court to make an uninformed decision.

- Bridge would not be popular with the proposed 1750 occupants of Eden Gardens, taking a longer time to climb and cross (the pedestrian crossing at grade of Lane Cove Road at that location being closed off). It all adds to the obvious inefficiency of an office tower at this location - buy land near a metro station and build there.
- Bridge construction and its height would increase privacy issues for tenants in strata complex SP52948, as it would be only about 30-40 meters away from the building edges.
- Bridge will increase noise during its construction, which will adversely affect tenants in strata complex SP52948.
- Widening the pedestrian sidewalk on Lane Cove Road would affect pedestrians and bike rides during the bridge construction.
- Pedestrian bridge requires the removal of existing trees 185, 186 and 187 due to the location of the eastern bridge ramp (Applicant's document "Tab 1 - Planning memorandum prepared by Gyde Consulting Pty Ltd.pdf", page 2).
- It appears that build of pedestrian crossing is now meant as precursor to the high-rise development, and requires a permission BEFORE high-rise project is approved.

2.8 In Applicant's document "10 - Urban design response to contentions.pdf", they state on page 6:

The low-rise alternatives fails to provide a good contextual fit. Because the mass of the building is distributed more along the horizontal plane, the buildings read with greater bulk in the landscape.

The Applicant even provides a free drawing of options for high-rise:

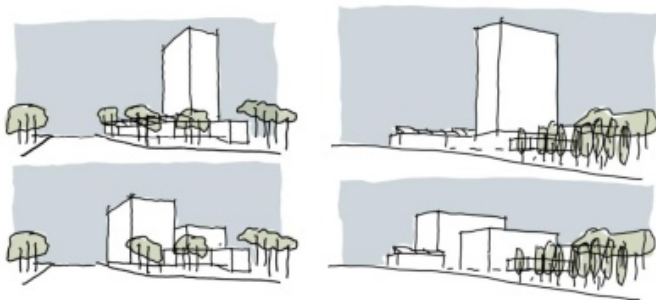


FIGURE 7: COMPARISON OF MASSING - POINT TOWER VS LOW RISE TOWERS

I categorically state that this statement is misleading and based on assertion.

2.9. In Applicant's document "Tab 3 - Schedule of architectural amendments prepared by DKO.pdf", they state on page 1:

Drawing no.	Revision	Reason	Comment
DA101	1	Contention 4 – Parking	<ul style="list-style-type: none"> • Additional area to the East of the Lower Ground carpark to accommodate the required cars.
DA104	1	Contention 4 – Parking *Contention 14.1 – Travel Distances	<ul style="list-style-type: none"> • Additional 50 carparking spaces to the North East (new carparking zone). Previously there were 53, now 103. • Barriers added to delineate between retail and commercial carparking spaces and a reduction in 2 carparking spaces to accommodate the barriers. • Comms Room & Waste Room relocated. • New fire egress door provided

This proposal creates even more congestion risks. New parking zone changed its number of parking spaces by almost 100%.

2.10 In Applicant’s document “Tab 13 - Traffic review prepared by Colston Budd Rogers & Kafes Pty Ltd.pdf”, they appear to undertake a review of the traffic and parking effects of the amended plans prepared by DKO for the proposed Eden Gardens development. The amended plans include the following changes to address the traffic and parking issues raised in Council’s Statement of Facts and Contentions dated 21 December 2022 (Contention 4 (Parking), Contention 5 (Traffic) and Contention 15 (Traffic Information)):

- Increase in parking provision from 463 to 539 spaces; and
- Minimise traffic generation, changes to the operation of the restaurant, café, food and beverage premises in the morning on weekdays.
- Potential to modify the exit to Lane Cove Road to ban the through movement to Fontenoy Road for vehicles exiting the site (egress will be left and right out only).

They also state on page 7:

Table 2 Summary of Additional Weekday AM and PM Peak hour Traffic Generation					
Component	Change	Rate		Traffic Generation	
		AM	PM	AM	PM
Garden Centre	-6,356m ²			+0	+0
Function Centre	+735m ²	n/a	5/100m ²	+0	+30*
Café/F&B	- 82m ²	n/a	5/100m ²	+0	-4
Restaurant	+1,350m ²	n/a	5/100m ²	+	+53*
Neighborhood shops	+325m ²	2.3/100m ²	4.6/100m ²	+7	+12*
Office	+423 spaces	0.45/space	0.36/space	+190	+152
Total				+197	+243

*reduced by 20% to account for linked trips

And they state of page 2:

Lane Cove Road past the site carries some 6,000 vehicles per hour (two way) during the weekday morning and afternoon peak hours. Fontenoy Road carries some 500 vehicles per hour (two way) during the weekday morning and afternoon peak hours;

Their assessment is, yet again, based on old data: CBRK Technical Note dated 1st of June 2022.

I categorically state that this statement is misleading and based on assertion.

2.11 In Applicant’s document “Tab 10 - Urban design response to contentions.pdf”, on page 2 it said:

It is also noted that the recently adopted Macquarie Park Place Strategy and masterplan incorporates increased heights along the station nodes. A key aspect of this strategy is providing both increased connectivity through the existing street network but highlighting existing anchors that mark key infrastructure or entrances to the precinct with tall towers.

I emphasize that the development site is not part of this precinct.

2.12 In Applicant’s document “Tab 10 - Urban design response to contentions.pdf”, on page 7 it said:

Visitors are likely to arrive by both car and foot. Pedestrians will come from either the residential areas to the north-west of the site, Macquarie Park or from the nearest rail station - Macquarie Park 800m away. The provision of good pedestrian access and an identifiable entrance to the development is important and a fundamental urban design principle.

From personal experience (I live in Macquarie Gardens since 1997) I categorically state that this statement is misleading, based on pure assertion. Due to high costs (plants, and restaurant), number of on-foot visitors to garden centre significantly decreased, both from the residential areas, and elsewhere.

2.13 In Applicant's document "Tab 12 - Arboricultural development impact assessment report.pdf", on page 2 and 3, they provide Revision D of this report to specifically address the contentions raised by City of Ryde within the Statement of Facts and Contentions dated 21 December 2022. The number of errors and omissions in their original report is stunning and disappointing.

Some of the contentions that the Applicant had to correct from the original proposal:

- Proposed level of impact to Tree 162 construction methods were (*Eucalyptus racemosa*) and Trees 183 and 184 (*Angophora costata*) is unacceptable.
- No assessment of the level of impact to trees located within LCNP which are situated along the northern boundary of the subject site.
- The arborist report incorrectly identifies tree species, provides insufficient justification for impacts and has not been designed in response to the site's constraints.
- Tree 158 noted as dead and wrong species.
- Misrepresentation of the level of impact to several trees across the site.
- Several instances of species misidentification.

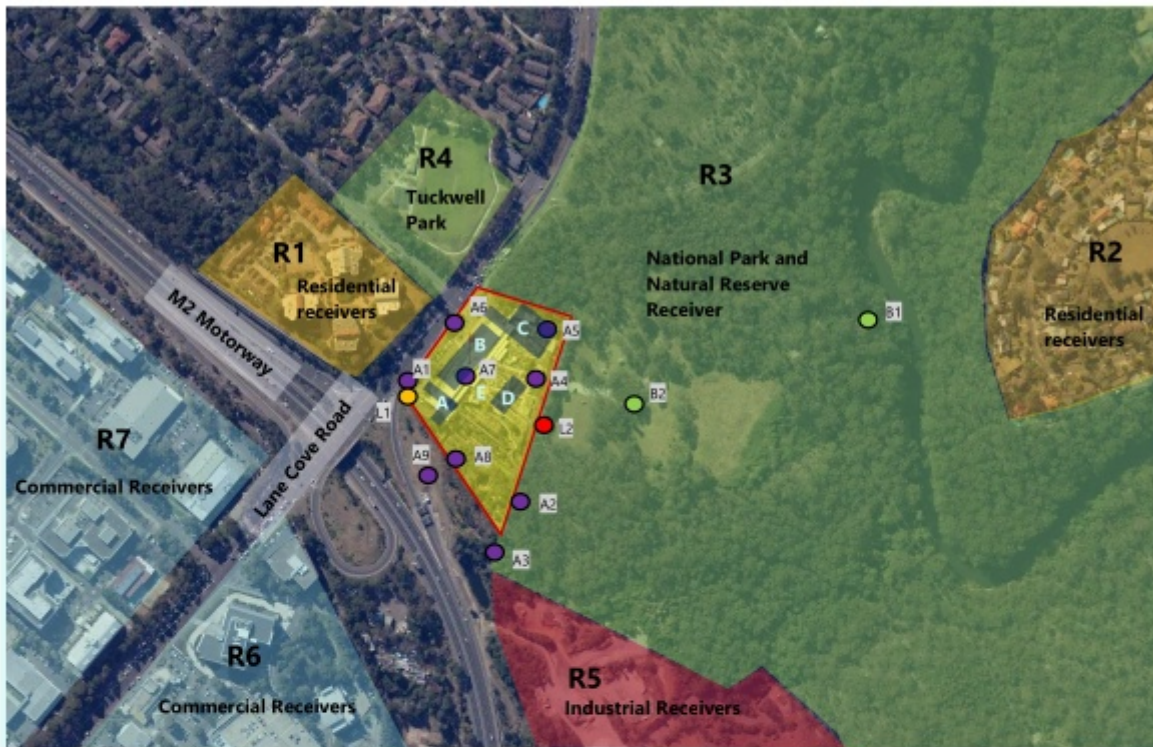
The Tree Protection Zones (TPZ) of Trees 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 22, 23, 26, 27, 28, 29, 30, 31, 32, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 107, 115, 116, 120, 121, 125, 126, 130, 131, 135, 136, 149, 150, 151, 152, 177, 180, 181, 182, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 199, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, and 212, are encroached by the proposed construction and required earthworks by a total or major encroachment as defined by AS4970-2009 Protection of Trees on Development Sites. These trees will not be viable to be retained and will be required to be removed due to the proposed development. In addition, The Tree Protection Zones (TPZ) of Trees 72, 73, 74, 75, 76, 77, 78, 79, 80 and 81 are viable to be retained however these trees encroached by proposed revised landscape elements as defined by Realm Studios DA Package dated 19 May 2023 and are proposed for removal as part of the proposed landscape design.

I categorically state that the number of errors and omissions in their original report is stunning and disappointing. Furthermore, I question the quality and veracity of submissions not only for arboricultural development, but other submissions as well.

In the new report, the number of affected trees grew significantly.

2.14 Document “Tab 14 - Amended noise impact assessment.pdf”, did not include any noise measurements at residential properties R1 and R2 and used subjective estimates for them. Measurements were taken between Wednesday 24th of October 2018 to Friday 16th of November 2018 at locations A1 to A9 and additional attended measurements were undertaken on Thursday 9th of February 2023 at locations B1 and B2 to quantify the background noise level in Lane Cove National Park. Additional unattended background noise monitoring was conducted in the period between Wednesday 1st of February to Thursday 9th of February 2023 at a location near the picnic area of Lane Cove National Park. Trigger levels for the residential receivers to the west have been derived from the background noise levels measured at Location L1 and trigger levels for the residential receivers to the east have been derived from the background noise levels measured at Location L2.

Figure 1 Aerial photo of the site, nearest receivers and noise measurement locations (Resourced from SIX Maps)



- Subject site: 307 Lane Cove Road, Macquarie Park
- Nearest residential receivers
- Nearest passive recreation receivers
- Nearest Industrial receivers
- Nearest commercial receivers
- Attended noise measurements (2018)
- Attended noise measurements (2023)
- L1 - Noise monitor location (2018)
- L2 - Noise monitor location (2023)
- A Area "A" – Function Centre Area
- B Area "B" – Neighbourhood Shops/ Garden Centre
- C Area "C" – Carpark and Active Wellness Rooftop
- D Area "D" – Restaurant
- E Area "E" – Commercial Building

2.15 Document “Tab 14 - Amended noise impact assessment.pdf”, on page 11 states:

It should be noted that the acoustic environment at monitor location L1 is mostly characterised by traffic noise on M2 and Lane Cove Road. As a general rule, there is a 3% increase of traffic per annum on busy roads. Both M2 motorway and Lane Cove Road are specified as roads with Annual Average Daily Traffic of more than 40,000 (based on the RTA Traffic Volume Map 15). Typically, an annual 3% increase of traffic volume on busy roads would barely result to an increase of noise level. Generally, for a 3dB increase, the annual traffic flow should be increased to double. In addition to the above, we compared historical data of traffic flows on Lane Cove Road (Station ID number 32022) by Transport for NSW Traffic Volume Viewer 1 and we note that there has not been an increase of traffic flow since 2018 (refer to Appendix D for details).

- Applicant uses phrase “as a general rule, there is a 3% increase of traffic per annum”, without quantifying real traffic congestion on Lane Cove Road.
- Map 4 actually relates to M2 Epping Road, not traffic flow on Lane Cove Road.
- Map 4 does not include traffic flows on Fontenoy Road, which is directly affected by the proposed development.
- The document does not include assessments for times when overflow of traffic is generated due to accidents. An illustrative evidence: From 17 January 2018 at 16:41 hours (Epping Road just past Lane Cove tunnel, truck breakdown) to 16 February 2023 at 14:37 hours (Epping Road just past Herring Road, two-car crash) 494 traffic accidents happened in Macquarie Park alone.
- The assessment of loading dock noise is incomplete and misleading. A loading dock is included within the proposed development, located on the northern side of the building with the entrance and exit on Lane Cove Road. The Applicant claims that that the loading dock will be used during the day and evening periods only (7am to 10pm), and then calculated that during the loading and unloading of trucks, the noise level at the closest and most sensitive receivers (to the northwest) will be 44dB(A). Further they state on page 20:

This noise level complies with the Day and Evening time criteria presented in Section 3.5 and no further acoustic measures are required.

Conflicting information: The loading dock operating hours in document “Tab 14 - Amended noise impact assessment.pdf” on page 20 states that “will be used during the day and evening periods only (7am to 10pm)”, which significantly differ from statement in document “Tab 13 - Traffic review prepared by Colston Budd Rogers & Kafes Pty Ltd.pdf” on page 8 which states that “loading dock hours of operation will be outside of peak vehicle periods for the parking area”.

- Night-time noises, which occur infrequently and for short durations of time, have the potential to cause sleep disturbances. Such noise sources may include operation of loading docks, refuse collection and other activities. NPfI establishes sleep disturbance criteria for all residential noise sensitive receivers for peak noise events. The sleep disturbance criteria are summarised below:

L_{Aeq,15min} 40 dB(A) or prevailing RBL plus 5dB, whichever is greater and/or

L_AF_{max} 52 dB(A) or prevailing RBL plus 15dB, whichever is greater.

2.16 In Applicant’s document “Tab 15 - Letter regarding bushfire matters annexing response to SoFaC.pdf”, on page 2 states:

The Specification 43 changes affect some highly vulnerable Class 9 buildings which are Special Fire Protection Purpose (SFPP) developments under section 100B of the Rural Fires Act 1997, such as Class 9a hospitals, Class 9b schools and childcare centres and Class 9c residential care buildings. Eden Gardens has existing function centre which will be expanded as part of the application. It is not a SFPP development and as such, the

Specification 43 provisions do not have effect as there is not a specified vulnerable community exclusively using the function centre.

This conflicts with Applicant's original document "307-lane-cove-road-bushfire-report.pdf" which clearly discussed child care centre as part of the development.

Furthermore, at least in the past, number of retirees and less-mobile older people would gather in the garden centre for various activities (walk in the gardens, and so on).

By reading this document, I get an impression that NSW RFS did not get a comprehensive and satisfactory response. The 90-day Southern Oscillation Index (SOI) is currently -7.4, exceeding El Niño thresholds, as of 12th of September 2023:

<http://www.bom.gov.au/climate/enso/>

SPECIAL NOTE - The following are details of my original submissions, mostly either not addressed in Applicant's responses, or dismissed through their assertions and misleading statements. Due to time constraints (I need to submit a reply by 17:00 hours on 19th of September 2023 and today is already Saturday, 16th of September 2023, where I am literally forced to do it on the weekend!), I am unable to properly assess all 45 Applicant's new documents

3. Application for development was sent to concerned parties in Macquarie Park without giving enough time to make informed decisions

3.1 Submission was sent to public for comments on 14th of April 2021, with deadline for submissions being 7th of May 2021. Counting the business days between receiving the LDA2021/0095 letter from City of Ryde and the deadline, there were only 15 days for an average person to read the documents and make an informed decision on 20 documents with 687 pages in total:

307-lane-cove-road-acoustic-report.pdf, 29 pages
307-lane-cove-road-arborist-report.pdf, 77 pages
seven 307-lane-cove-road-architectural-plans-reduced.pdf, 45 pages
307-lane-cove-road-bca-and-access-statement.pdf, 8 pages
307-lane-cove-road-bushfire-report.pdf, 45 pages
307-lane-cove-road-crime-risk-assessment-report.pdf, 30 pages
307-lane-cove-road-demolition-work-plan.pdf, 21 pages
307-lane-cove-road-energy-efficiency-report.pdf, 12 pages
307-lane-cove-road-geotechnical-report.pdf, 4 pages
307-lane-cove-road-heritage-impact-statement.pdf, 35 pages
307-lane-cove-road-planning-agreement-offer.pdf, 1 page
307-lane-cove-road-plan-of-management.pdf, 11 pages
307-lane-cove-road-political-donations-statement.pdf, 4 pages
307-lane-cove-road-preliminary-site-investigation.pdf, 171 pages
307-lane-cove-road-structural-statement.pdf, 3 pages
307-lane-cove-road-survey-plan.pdf, 5 pages
307-lane-cove-road-traffic-and-parking-report.pdf, 79 pages
307-lane-cove-road-udrp-and-pre-da-minutes.pdf, 20 pages
307-lane-cove-road-urban-design-report-reduced.pdf, 67 pages
307-lane-cove-road-wind-report.pdf, 20 pages

3.2 Later on, seven more documents were added:

307-lane-cove-road-fire-safety-report.pdf, 27 pages
307-lane-cove-road-landscape-plans-reduced, 64 pages
307-lane-cove-road-reflectivity-report.pdf, 14 pages
307-lane-cove-road-section-j-compliance-report.pdf, 27 pages
307-lane-cove-road-section-j-compliance-verification.pdf, 37 pages
307-lane-cove-road-statement-of-environmental-effects-reduced.pdf, 88 pages
307-lane-cove-road-stormwater-plans.pdf, 33 pages

3.3 In early September 2023, the Applicant added 45 more documents:

Tab 43 - Pedestrian bridge Aboriginal objects due diligence assessment Tab 43 - Pedestrian bridge Aboriginal objects due diligence assessment (10MB)
Tab 42 - Pedestrian bridge visual impact assessment Tab 42 - Pedestrian bridge visual impact assessment (180MB)
Tab 41 - Pedestrian bridge traffic response letter Tab 41 - Pedestrian bridge traffic response letter (3MB)
Tab 40 - Pedestrian bridge arboricultural impact assessment report Tab 40 - Pedestrian bridge arboricultural impact assessment report (1MB)
Tab 39 - Pedestrian bridge urban design response and justification Tab 39 - Pedestrian bridge urban design response and justification (168kB)
LEC 2023/026469 - 307 Lane Cove Road, Macquarie Park - Thunderbirds Are Go Pty Ltd - Notice of Motion -
Tab 38 - Pedestrian bridge structural engineering design statement LEC 2023/026469 - 307 Lane Cove Road, Macquarie Park - Thunderbirds Are Go Pty Ltd - Notice of Motion - Tab 38 - Pedestrian bridge structural engineering design statement (171kB)

Tab 37 - Pedestrian bridge structural concept drawings Tab 37 - Pedestrian bridge structural concept drawings (7MB)

Tab 36 - Pedestrian bridge concept civil engineering report Tab 36 - Pedestrian bridge concept civil engineering report (4MB)

Tab 35 - Pedestrian bridge concept plans Tab 35 - Pedestrian bridge concept plans (204MB)

Tab 34 - Statement of environmental effects for pedestrian bridge Tab 34 - Statement of environmental effects for pedestrian bridge (4MB)

Tab 33 - Letter regarding waste minimisation and management plan Tab 33 - Letter regarding waste minimisation and management plan (133kB)

Tab 32 - Letter re validity of reflectance impact report Tab 32 - Letter re validity of reflectance impact report (88kB)

Tab 31 - Letter re validity of specialist lighting impact assessment Tab 31 - Letter re validity of specialist lighting impact assessment (16MB)

Tab 30 - Letter re validity of energy efficiency report Tab 30 - Letter re validity of energy efficiency report (87kB)

Tab 29 - Crime risk report addendum letter Tab 29 - Crime risk report addendum letter (23kB)

Tab 28 - Technical note re fire safety strategy Tab 28 - Technical note re fire safety strategy (487kB)

Tab 27 - Letter re preliminary site investigation Tab 27 - Letter re preliminary site investigation (178kB)

Tab 26 - Letter re geotechnical assessment Tab 26 - Letter re geotechnical assessment (195kB)

Tab 25 - Accessibility assessment report prepared by BM+G Tab 25 - Accessibility assessment report prepared by BM+G (3MB)

Tab 24 - BCA review of SoFaC Tab 24 - BCA review of SoFaC (285kB)

Tab 23 - BCA assessment prepared by BM+G Tab 23 - BCA assessment prepared by BM+G (5MB)

Tab 22 - Letter clarifying compliance with BCA and access assessment Tab 22 - Letter clarifying compliance with BCA and access assessment (128kB)

Tab 21 - Amended NCC 2022 Section J report Tab 21 - Amended NCC 2022 Section J report (10MB)

Tab 20 - Amended NCC 2022 Section J report “ DTS Pathway Tab 20 - Amended NCC 2022 Section J report“ DTS Pathway (10MB)

Tab 19 - Ecological assessment report prepared by AEP Tab 19 - Ecological assessment report prepared by AEP (19MB)

Tab 18 - Statement of heritage impact Tab 18 - Statement of heritage impact (4MB)

Tab 17 - Letter re Aboriginal heritage Tab 17 - Letter re Aboriginal heritage (21MB)

Tab 16 - Letter re visual impact assessment Tab 16 - Letter re visual impact assessment (2MB)

Tab 15 - Letter regarding bushfire matters annexing response to SoFaC Tab 15 - Letter regarding bushfire matters annexing response to SoFaC (24MB)

Tab 14 - Amended noise impact assessment Tab 14 - Amended noise impact assessment (1MB)

Tab 13 - Traffic review prepared by Colston Budd Rogers & Kafes Pty Ltd Tab 13 - Traffic review prepared by Colston Budd Rogers & Kafes Pty Ltd (4MB)

Tab 12 - Arboricultural development impact assessment report Tab 12 - Arboricultural development impact assessment report (7MB)

Tab 11 - Amended Plan of Management prepared by Eden Gardens Tab 11 - Amended Plan of Management prepared by Eden Gardens (253kB)

Tab 10 - Urban design response to contentions Tab 10 - Urban design response to contentions (1MB)

Tab 9 - Urban design report prepared by REALM Studios Tab 9 - Urban design report prepared by REALM Studios (85MB)

Tab 8 - Schedule of amendments to the urban design report Tab 8 - Schedule of amendments to the urban design report (126kB)

Tab 7 - Stormwater plans prepared by BG&E Tab 7 - Stormwater plans prepared by BG&E (9MB)

Tab 6 - Landscape plans (appendix to landscape DA report) Tab 6 - Landscape plans (appendix to landscape DA report) (36MB)

Tab 5 - Landscape DA Report prepared by Realm Studios Tab 5 - Landscape DA Report prepared by Realm Studios (69MB)

Tab 4 - Architectural drawings and prepared by DKO Architecture Tab 4 - Architectural drawings and prepared by DKO Architecture (214MB)

Tab 3 - Schedule of architectural amendments prepared by DKO Tab 3 - Schedule of architectural amendments prepared by DKO (148kB)

Tab 2 - Planning letter “ land use zoning Tab 2 - Planning letter“ land use zoning (768kB)

Tab 1 - Planning memorandum prepared by Gyde Consulting Pty Ltd Tab 1 - Planning memorandum prepared by Gyde Consulting Pty Ltd (345kB)

LEC 2023/026469 - 307 Lane Cove Road, Macquarie Park - Thunderbirds Are Go Pty Ltd - Short Minutes of Order - Issued 8 August 2023 - SMO2 LEC 2023/026469 - 307 Lane Cove Road, Macquarie Park - Thunderbirds Are Go Pty Ltd - Short Minutes of Order - Issued 8 August 2023 - SMO2 (749kB)
LEC 2023/026469 - 307 Lane Cove Road, Macquarie Park - Thunderbirds Are Go Pty Ltd - Short Minutes of Order - Issued 8 August 2023 - SMO1 LEC 2023/026469 - 307 Lane Cove Road, Macquarie Park - Thunderbirds Are Go Pty Ltd - Short Minutes of Order - Issued 8 August 2023 - SMO1 (976kB)

3.4 These documents require highly-skilled people to review them properly. By not giving ordinary people enough time to digest this information or even be involved in some on-line consultation forum with City of Ryde staff, appearance of discrimination and cover-up is inevitable.

3.5 The fact that very small number of people submitted their concerns on website, shows that consultation process was insufficient:

<https://www.planningalerts.org.au/applications/1927410>

3.6 Based on talks to number of other owners in large strata complex across the location listed in LDA2021/0095 (I spoke to 53 owners comprising about 25% of owners in the complex, strata plan SP52948), almost of them were not aware of this development because the City of Ryde letter dated 14 April 2021 was ambiguous and gave incomplete summary of the proposed changes.

3.7 During 2021, 2022, and now 2023, I tried to engage strata managers and committee members of strata plan SP52948 to present unified responses on behalf of 218 owners in four buildings (each with seven storeys) and 26 townhouses – to no avail. To the best of our knowledge, strata plan SP52948 did not provide any official response in regards to this development. As an example, email sent to Waratah Strata Management on 19 April 2021 was deleted without reading or responding on 11 May 2021 (almost a month later):

https://www.nswstratasleuth.info/Waratah-Strata-Management-Stuart-Greene-deleted-SP52948-owner-email-without-reading-URGENT-INQUIRY-owners-corporation-response-to-City-of-Ryde-Development-Proposal-LDA2021_0095-11Apr2021.html

3.8 In May 2021, we questioned reasons the Council was giving only 15 days to an average person to read the documents and make an informed decision on 20 documents with 687 pages in total. Reading, and understanding, 687 pages requires significant effort and knowledge.

3.9 Whilst progress is always welcome, we raise numerous concerns about this development, same way I did on 17th of November 2002. At that time, I worked with City of Ryde on making sure that best outcome was achieved. In 2002, I was given full privileges to represent 218 owners in strata plan SP52948:

<https://www.nswstratasleuth.info/SP52948-Motion-7-about-development-proposal-committee-meeting-28Nov2002-page-1.webp>

3.10 Most of the owners in strata plan SP52948 are not aware that the development seeks the following:

- 18-storey building,
- 4-storey carpark (whole site: 605 parking spaces in total, including 438 commercial staff spaces, 112 neighbourhood shop spaces, 15 nursery and 40 function centre spaces),
- Generate an increase of 314 and 262 vehicle trips per hour in the morning and evening peaks, respectively,
- Function/conference centre to hold 400 people with attached restaurants and a garden bar,
- Microbrewery,
- Child care centre,
- At full occupancy, 1750 workers would be on site during business hours Monday to Friday,

- Long-working hours for function centre and restaurant (till 23:00 hours seven days a week),
- and more.

3.11 Eden Gardens' website makes a claim of different number of car spaces: 502. How does that relate to number 605 listed in some documents:

<https://www.307lanecoveroad.com.au/development>

4. The owners in large strata complex SP52948, building blocks B, C, and D at 1-15 Fontenoy Road, will experience direct loss of views towards City and North Sydney if the 18-storey building is built at distance of around 100 metres and pedestrian crossing at distance of around 30-40 meters from them

5. The owners in large strata complex, building blocks B, C, and D at 1-15 Fontenoy Road, will experience direct loss of privacy if the 18-storey building is built at distance of around 100 metres from them and pedestrian crossing at distance of around 30-40 meters from them - the ability to view inside the units is unavoidable

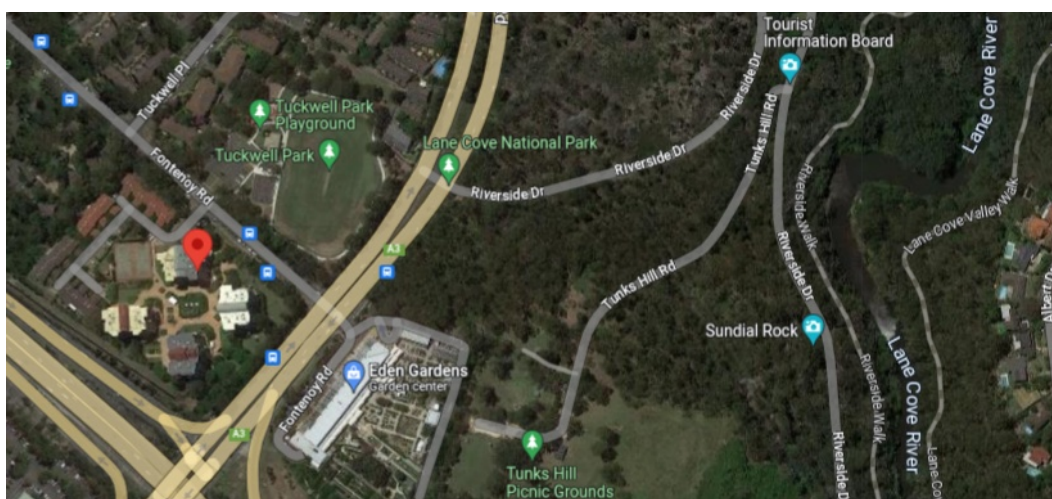
6. The owners in large strata complex, building blocks B, C, and D at 1-15 Fontenoy Road, will experience direct light pollution throughout the evenings and whole night if the 18-storey building is built at distance of around 100 metres from them

7. The property values in large strata complex at 1-15 Fontenoy Road will quite likely be affected by the new development, which has already been affected by over-development of residential and commercial high-rises in the area and latest trends that people give preference to living in detached properties

7.1 How much loss of privacy and unobstructed (unspoilt) views can be affected when high-rise is built in front of 1-15 Fontenoy Road. As an example, these are views from Lot 92 in the complex, which is advertised as "graced with expansive 180 degree district views spanning to the city skyline" (photos obtained from publicly-available advertisements):



7.2 Aerial view for 1-15 Fontenoy Road show impact of high-rise building at Eden Gardens, including SP52948 Lot 139 (photos obtained from publicly-available advertisements):



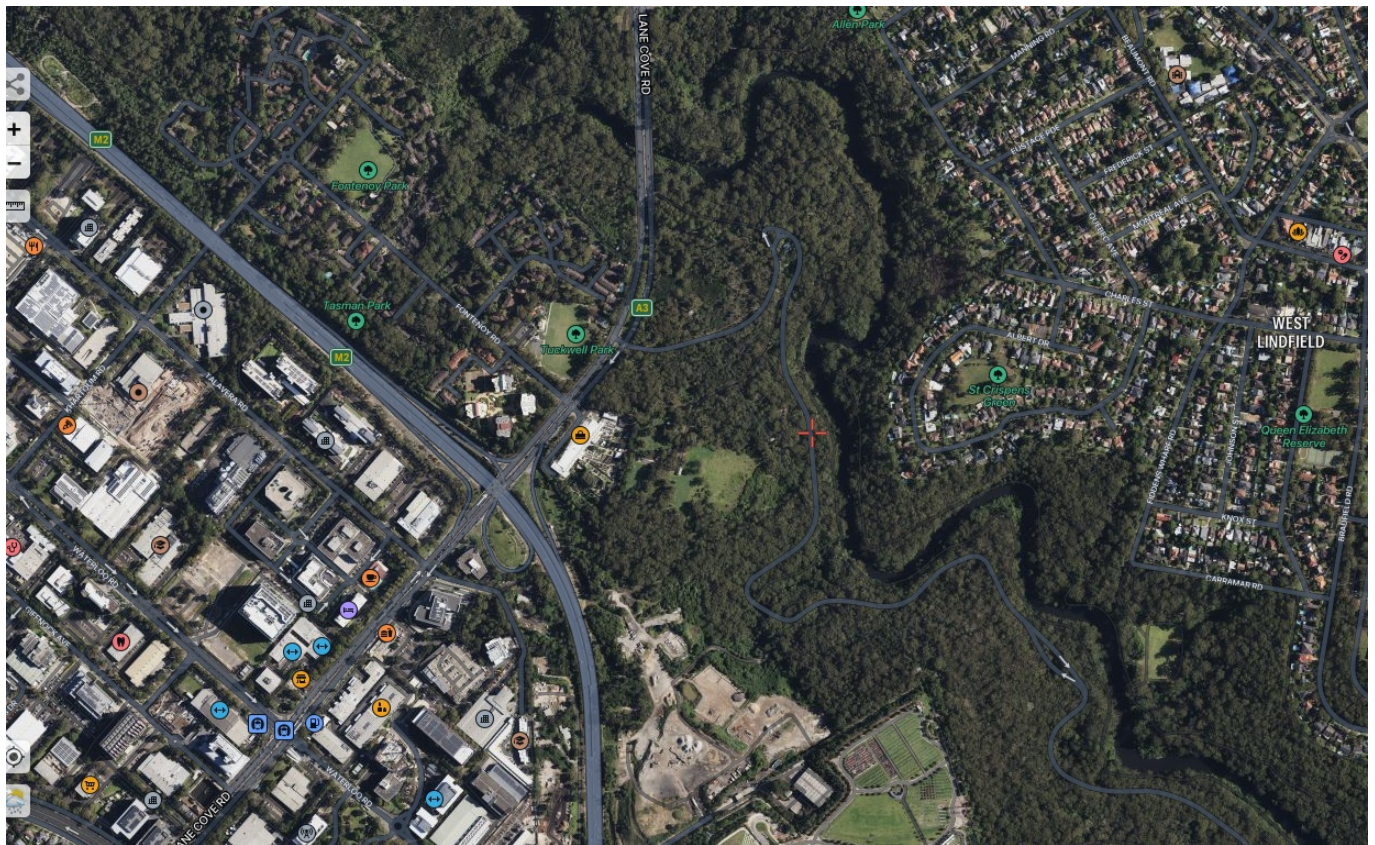
7.3 View from top of SP52948 Block B on Lane Cove National Park and Eden Gardens at the bottom of the photo:



7.4 View from top of SP52948 Block C on Lane Cove National Park and Eden Gardens at the bottom of the photo. These views also include North Sydney, Sydney bridge, and City:



7.5 Aerial view shows that this high-rise proposal stands at odds with other developments. No high buildings are seen anywhere near Lane Cove National Park:



7.6 View from strata plan SP52948 gardens towards Eden Gardens on 19th of March 2023 (beautify blue skies, without obstruction, even for owners who live on ground floors):



7.7 Photo taken on 19th of March 2023 from Eden Gardens towards strata plan SP52948:



7.8 According to Property Update website in 2019:

<https://propertyupdate.com.au/how-much-does-a-view-add-to-the-value-of-your-property/>

- Unobstructed view from ground level increase property value by 3% to 5%
- Rooftop partially unobstructed view increase property value by 6% to 8%
- Unobstructed view from medium elevation increase property value by 9% to 12%
- Unobstructed view from high elevation increase property value by 15% to 20%

Same views are shared at:

<https://www.therealestateconversation.com.au/blog/michael-matusik/how-much-view-worth/michael-matusik-property-analyst/michael-matusik-research>

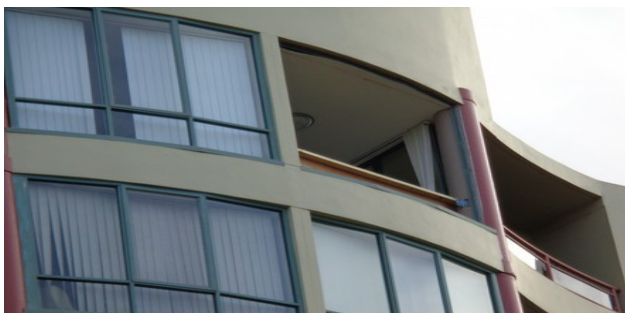
<https://www.smartrepm.com.au/2019/05/how-much-is-a-view-worth/>

<https://www.linkliving.com.au/how-much-can-a-view-add-to-your-investment-property-worth>

8. Risk of instability (in case of any adverse affects to large residential strata complex at 1-15 Fontenoy Road, the question is: who will be responsible for cost recovery for remediation works (we all know the story of disaster at Opal Tower in Olympic Park and elsewhere in recent times)

9. Proposed documents do not accurately define effects of winds

9.1 Wind break was only calculated at pedestrian level (recent high-risk blown frame with glass on Block A building level 7 highlights the dangers of winds in large strata complex at 1-15 Fontenoy Road. This is actually third incident with whole window frame being blown out of sun-room in this complex – Unit 190 in Block A (first time it occurred around 1998, just three years after the complex was built, second one was in Unit 82 in 2011).



9.2 Insurance declined to cover this incident in Lot 190:

Maint Bldg–Insurance Repairs &/or Excess 169400

Date	Description	Contractor	Amount	Status	DE	Policy No	Excess
07/12/2020	U190 Replace Storm Damaged Balcony Facade	Palmers Glass & Carpentry Pty Ltd	11,000.00	Paid	DE	00073820	000995
12/01/2021	U190 Install Safety Rail	W & M Gordon Property Management	280.00	Paid	DE	2	001023
12/01/2021	U190 Install Temporary Ballustrade	Macquarie Maintenance Services	290.00	Paid	DE	1045	001019
12/01/2021	U190 Remove Temporary Ballustrade	Macquarie Maintenance Services	60.00	Paid	DE	1060	001019
22/01/2021	U190 Sunroom Ceiling	Macquarie Maintenance Services	640.00	Paid	DE	1071	001029

Strata Plan 52948

Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113

Details of Policies held


Renewal Date	Policy Number	Insurer	Premium Paid
21/09/2020	QUS S042715	QUS Pty Ltd	
Building	16/09/2019	Inactive	87,162.33

Details of Claims processed


Claim Date	Amount Claimed	Claim Status	Amount Received
09/02/2021	13,497.00	Refused	0.00
Building		Excess Details	

9.3 Wind along M2 motorway and across Lane Cove Road are already very significant.

In 2011, Unit 82 had identical problem and insurance company declined to pay for full repairs:

 Fri 29/07/2011 4:36 PM
Ron Sinclair
RE: SP52948 - Plans / Building Reinstatement Valuation / Insurance Premium for 2012

To: Simon Wicks

 You forwarded this message on 1/08/2011 11:58 AM.

Simon
I have arranged for 3 quotes with cover increased by 4% to be provided in time for you to include in the Committee meeting agenda.

With regard to para 4 the Broker has a strict fiduciary obligation to act in the best interests of the policy holders.

Claims

Unit 82	wind sucked out window	claim \$9190.50	excess \$2000	recvd. \$6355
	Lift power cable replacement	\$39,500		claim refused
Unit 84	burst pipe	\$12,260.50	\$2000	\$4683 Assessor appointed contractor \$7700 plus our contractors.
Unit 209	burst pipe	\$7000	\$2000	\$970 Assessor considered contractor's claim for drying out unit was excessive

at

\$3910. Contract for repair arranged by assessor and paid direct by insurer \$22,180 and loss of rent paid to unit owner \$14,000.

And in 1998, first incident of this kind occurred:

Subject: RE: SP52948 - Window damage
From: Lot 151
Date: 6/9/10, 5:49 pm
To: John Fry - strata manager

Thank you for the advice re fallen window.

I would bring to your notice there was a similar incident in approximately 1998 – shortly after my (late) husband and I purchased our unit on 21 August 1997. My husband was greatly concerned at the time as we regularly baby-sat our young grand- children – who spent much time in our large courtyard. He insisted to the then Strata Manager – Alistair Dunn - that all windows be checked. This was arranged to be done and we received a report (from the Strata Manager) that no further problems had been detected.

John, perhaps there might be some record of this incident.

From: John Fry [mailto: @bcms.com.au]
Sent: Monday, 6 September 2010 10:18 AM
To: EC members
Subject: SP52948 - Window damage

Dear Members

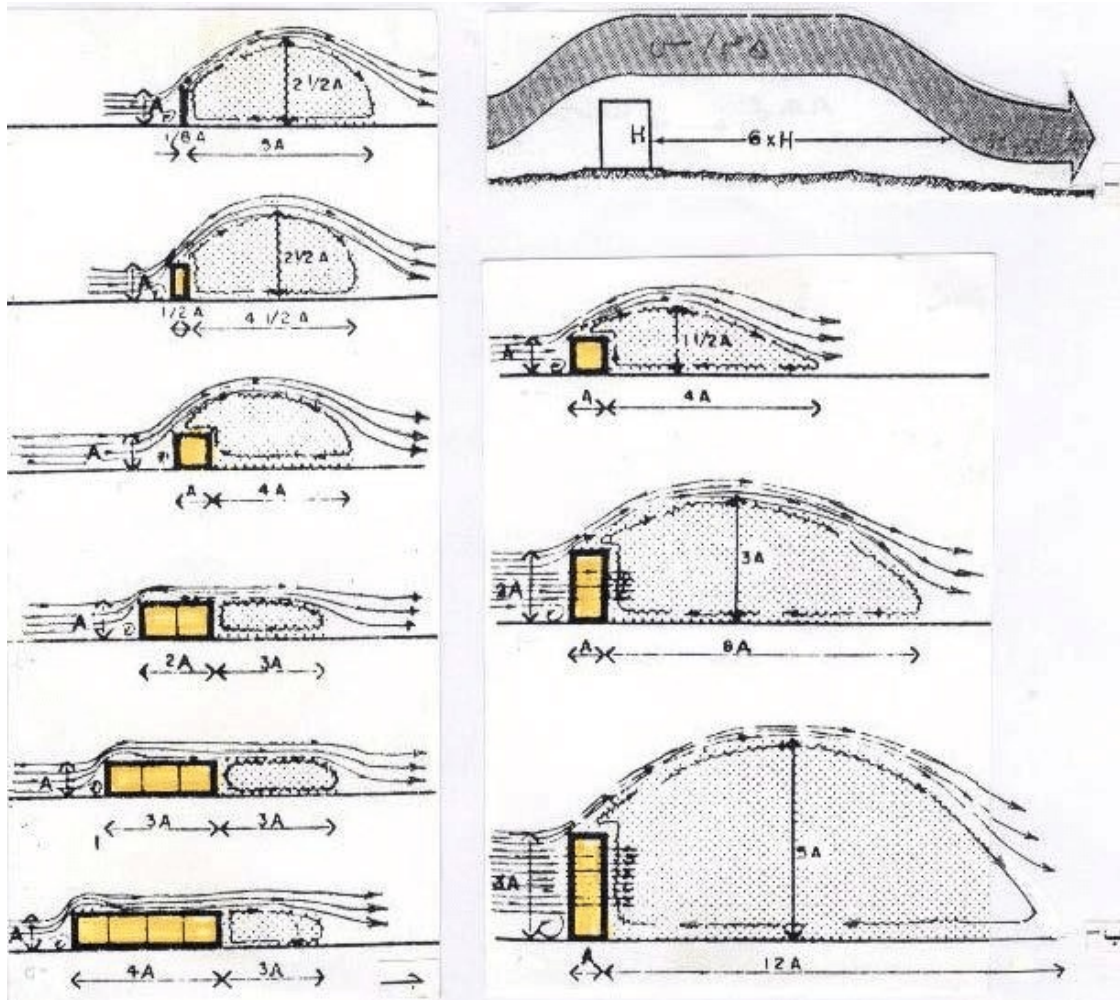
I need to update you on an event that occurred yesterday where a sunroom window and frame came away with the winds and landed in the courtyard area below. Fortunately no one was injured.
A window company has been out to measure up and the insurer has been notified. It will take about 2 weeks before the window can be replaced as they need to manufacture and powder coat to match.
I have requested Ruth to arrange for all sunroom windows to be inspected by the window company to ensure that there are no others that require attention.

Regards

John Fry
Raine & Horne Strata-Sydney
53 Beecroft Road Epping NSW 2121

9.4 Effects of shadow winds need to be thoroughly investigated. Example of one research:

https://www.researchgate.net/figure/Figure-4-relation-between-wind-shadow-with-building-height-and-their-depth-Source_fig2_309269820



10. Proposed seven-days-a-week late operating hours for restaurant and entertaining venues are of significant concern even after updated changes of operating hours are taken into account

10.1 Potential noise.

10.2 Overflow of parking onto Fontenoy Road and surrounding streets. As it is currently, Fontenoy Road is used as a "rat run" and it does take quite a while to access residences in peak periods. With the significant increase of hundreds of vehicles that would be entering Lane Cove Road, the traffic light phases will certainly have a flow-on effect to the whole area, amplifying the gridlock risks.

10.3 Higher number of tenants and visitors using two public parks in Fontenoy Road.

10.4 Crossings from residential buildings into two public parks in Fontenoy Road. Since Covid-19 events, these parks have become very busy and traffic on roads is a risk to safety. Use of public parks along the Fontenoy Road has increased massively. I regularly see small children crossing the Fontenoy Road on their own.

10.5 Speed of vehicles travelling in the area. Although the speed limits exist, they are regularly ignored. Numerous traffic incidents are recorded in Macquarie Park. Here is an illustrative evidence: From 17 January 2018 at 16:41 hours (Epping Road just past Lane Cove tunnel, truck breakdown) to 16 February 2023 at 14:37 hours (Epping Road just past Herring Road, two-car crash) 494 traffic accidents happened in Macquarie Park alone.

11. Concerns about closeness of Lane Cove National Park and bushfire risks for surrounding areas, and the need to evacuate significant number of people on very busy roads in case of emergencies

11.1 Reduction in enjoyment of the National Park as the adjoining green spaces will be overshadowed by a high-rise building.

11.2 Increased impact on waste services.

11.3 In March 2023, report by the Intergovernmental Panel on Climate Change (IPCC) warned that the world could cross the 1.5 degree global warming limit in about a decade. It is already at 1.1 degrees. The report “sets out in very, very stark terms where we are, but it also signals that there is still an opportunity with significant global effort to meet that 1.5 [degree] goal,” Simon Stiell, head of the United Nations Framework Convention on Climate Change (UNFCCC), told AFP in Copenhagen. “To be more specific, we know that 80 per cent of emissions are generated within the G20 [which includes Australia]. Adjusted for population size, Australia’s per capita emissions put it just outside the top 10 of the world’s worst polluters. Strip out smaller nations – which can skew results – and Australia is easily in the top 10 and ahead of the biggest overall emitters.

On January 4, 2020, Penrith, in Sydney’s west, became the hottest place on Earth at 48.9C.

11.4 CSIRO report on Australia’s climate, released in November 2022, forecast dangerous bushfires will rage for longer, torrential downpours will become more common and unrelenting heatwaves will devastate communities across Australia:

<https://www.news.com.au/technology/environment/climate-change/csiro-report-reveals-more-extreme-weather-hotter-days/news-story/f2184f9f03b1f70be329020825ebbe22>

The 2022 State of the Climate report, released by CSIRO and the Bureau of Meteorology, revealed the continent is 1.47C hotter than it was in 1910. In addition, sea surface temperatures have increased by an average of 1.05C since 1900, and sea levels are rising at an accelerated rate. And while Australia has experienced one of the most significant flood periods ever observed during the La Nina event over the last few years, overall there has been a decline in rainfall between April and October across southern Australia in recent decades. That’s contributing to longer fire seasons.

11.5 It appears only one entry and exit exist from the whole site (as is currently the status). If a major incident happen, potential for bottlenecks in evacuation is highly possible.

11.6 Historically, fires in this area have come down the valley from the northwest. In 1994, the fire crossed Lane Cove Road at De Burghs bridge near Eden Gardens and then reached homes in Albert Drive (Killara) only 11 minutes later. Ferocious bushfire threatened many suburbs, with a staggering 87 per cent of Lane Cove National Park going up in flames and destroying 13 homes in the region.

11.7 Some other examples of frequent dangers with fires in the area:

In 2002, the danger returned when a fire started by an arsonist ripped through 600ha of Lane Cove National Park, forcing several streets in North Epping to be evacuated.

On 27th of October 2008, six hectares were burned in Lane Cove National Park:

<https://www.smh.com.au/national/bushfires-in-lane-cove-national-park-20081027-59kr.html>

On 6th of September 2017, fire burning near Lane Cove Road at Macquarie Park:

<https://www.facebook.com/9NewsSydney/videos/macquarie-park-fire/537800559898978/>

On 24th of April 2018, grass fire in Lane Cove National Park forced the closure of all northbound lanes and one southbound lane of Lane Cove Road around lunchtime, and despite all lanes reopening by 17.30 hours, traffic issues continued until after the evening peak hour rush:

<https://www.canberratimes.com.au/story/6028527/grass-fire-at-macquarie-park-causes-traffic-chaos-on-lane-cove-road/>

On 7th of July 2022, another grass fire:

https://m.facebook.com/9NewsSydney/videos/macquarie-park-fire/537800559898978/?locale2=sw_KE

11.8 As a person with prior military and law enforcement background, with lot of experience, I am confident that evacuation of large number of people is not efficient unless regular drills are enforced. Ordinary people are not “programmed” for disciplined work at short notice or in emergency. Ordinary people are disorganised, slow, and typically care for own best interests only.

In a bushfire in catastrophic or severe conditions, Eden Gardens site would have to be evacuated very quickly, including children! In each fire over the years (controlled and uncontrolled) helicopters have been used for water bombing including using the airspace around Eden Gardens.

12. Statements of conflicts of interest incomplete

12.1 In a recent issue related to Australian judges accepting free Qantas upgrades, Geoffrey Watson SC, a former counsel assisting ICAC and the Police Integrity Commission and a Lecturer in Ethics, Law and Justice at the University of Technology Sydney said:

But conflicts of interests are tested by the potential perception, not by the result.

12.2 Do any of the 19 companies preparing professional assessments/reports have staff with business interest in site redevelopment?

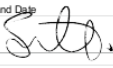
12.3 Do any of the 19 companies professional assessments/reports have staff with business interest in current Eden Gardens operations?

12.4 Do any employees of City of Ryde Council, or members of their families, have business interest in Eden Gardens or its site redevelopment?

12.5 The only person who provided a declaration was Mr. Simon Ainsworth in “307-lane-cove-road-political-donations-statement.pdf”:

POLITICAL DONATIONS AND GIFTS DISCLOSURE STATEMENT TO COUNCIL

If you are required under section 10.4(4) or 10.5(5) of the Environmental Planning and Assessment Act 1979 to disclose any political donations or gifts (see page 1 for details), please fill in this form and sign below.

Disclosure Statement Details						
Name of person making this disclosure statement Simon Ainsworth			Planning application reference (e.g. DA number, planning application title or reference, property address or other description) 307 Lane Cove Road, Macquarie Park NSW 2113			
Person's interest in the application (circle relevant option below)						
You are the APPLICANT <input checked="" type="radio"/> YES / <input type="radio"/> NO			OR			
			You are a PERSON MAKING A SUBMISSION IN RELATION TO AN APPLICATION <input type="radio"/> YES / <input type="radio"/> NO			
Reportable political donations or gifts made by person making this declaration or by other relevant persons						
<small>* State below any reportable political donations or gifts you have made over the 'relevant period' (see glossary on page 2). If the donation or gift was made by an entity (and not by you as an individual) include Australian Business Number (ABN).</small>						
<small>* If you are the applicant of a planning application state below any reportable political donations or gifts that you know, or ought reasonably to know, were made by any persons with a financial interest in the planning application, OR</small>						
<small>* If you are a person making a submission in relation to an application, state below any reportable political donations or gifts that you know, or ought reasonably to know, were made by an associate.</small>						
Donation or gift?	Name of donor (or ABN if an entity), or name of person who made the gift	Donor's residential address or entity's registered address or other official office of the donor; address of person who made the gift or entity's address	Name of party or person for whose benefit the donation was made; or person to whom the gift was made	Date donation or gift was made	Amount/ value of donation or gift	
NIL						
<small>Please list all reportable political donations and gifts—additional space is provided overleaf if required.</small>						
By signing below, I/we hereby declare that all information contained within this statement is accurate at the time of signing.						
Signature(s) and Date  26 February 2021						
Name(s) Simon David Hastings Ainsworth						

12.6 Without any prejudice, these are the caveats of this declaration:

- Covers short period: financial interest in the application within the period commencing two years before the application is made and ending when the application is determined:
Covers reportable political donations made to any local councillor of that council,
Covers gifts made to any local councillor or employee of that council,
Reportable political donations include those of or above \$1,000.00.

12.7 Based on public information, Thunderbirds Are Go Pty Ltd are both Mrs. and Mr. Anne and Simon Ainsworth who submitted plans to redevelop the site at 307 Lane Cove, Macquarie Park.

If that is the case, then political donation statement is missing from Mrs. Ann Ainsworth.

12.8 There are no donation statements from persons who have a financial interest in a relevant planning application.

12.9 There are no donation statements from persons who are associated with each other (refer to definitions on page 2 of Political Donations and Gifts Disclosure Statement, June 2018).

13. Missing comprehensive details of the expected time frame to deliver the project, including demolition, which should include assessment of noise, traffic, pollution, and others

13.1 Existing businesses on the site appears to be closed for the duration of the construction period. They expect this to be roughly two years starting in late 2023 or early 2024, depending on approvals. Two years assessment is a very optimistic view, considering many problems in the construction businesses.

13.2 Higher building costs will be a permanent part of Australian construction, especially in the atmosphere of regular construction company collapses due to rising material costs, labour shortages, and interest rates hikes. This can prolong the development of Eden Gardens and affect the whole area (traffic, noise, pollution, and so on).

13.3 Number of other developments are underway or planned in the area and they all affect noise, traffic, and pollution. An example is a new proposal for multi-storey industrial warehouse and distribution centre at 4-38 Talavera Road, Macquarie Park, just opposite strata complex SP52948 on the other side of M2 motorway:



Construction vehicle routes show significant overflow of traffic on Lane Cove Road towards Eden Gardens development site and strata plan SP52948:



14. No details and short biographies of the current owners of the project and the design

14.1 Common shareholdings and directorships of Mrs. and Mr. Anne and Simon Ainsworth, who are, in fact, Thunderbirds Are Go Pty Ltd.

It is of public interest to know this information, including any previous or current relationship with Ainsworth Game Technology Limited ACN 068 516 665 or other gambling enterprises.

15. Eden Gardens is undergoing the third change in rezoning for business activities since 2003

15.1 Eden Gardens were given development consent by Ryde Council on 3rd of June 2003 for the following existing uses: Retail Garden Centre, Garden related Retail Facilities, Café, Educational Facilities, Display Gardens, Outdoor “Green” Theatre and on-site car park.

15.2 In 2012 the site was rezoned to allow a function centre.

15.3 This proposal is the third request for changing the business plan for the location.

15.4 Eden Gardens is surrounded by Lane Cove National Park on three sides and Lane Cove Road to the west. The M2 is further away to the south. The only development nearby is on the western side of Lane Cove Road where the buildings are 6 to 8 stories and further south in Macquarie Park.

There seems to be an oversight in the zoning because there is actually no zoning for the site. The applicant has taken advantage of this and decided to have a go at getting approval for building a commercial tower significantly higher than any other building nearby.

16. The information about height of the new high-rise building is seriously conflicting (three different versions in the planning documents)

16.1 17 storeys on page 32 of "307-lane-cove-road-heriage-impact-statement.pdf":

The proposal entails the development of the site for commercial purposes. This would include the partial demolition of the existing retail building and function centre and the construction of a new 17-storey commercial tower, four storey car park and a restaurant.

16.2 Development proposal: 18-storey commercial building with height about 80 metres above the ground level in these documents (note the misspelled word “heriage” in “307-lane-cove-road-heriage-impact-statement.pdf”):

- “307-lane-cove-road-bca-and-access-statement.pdf”
- “307-lane-cove-road-bushfire-report.pdf”
- “307-lane-cove-road-crime-risk-assessment-report.pdf”
- ”307-lane-cove-road-crime-risk-assessment-report.pdf”
- “307-lane-cove-road-heritiage-impact-statement.pdf”
- “307-lane-cove-road-udrp-and-pre-da-minutes.pdf”
- “307-lane-cove-road-urban-design-report-reduced.pdf”
- “307-lane-cove-road-wind-report.pdf”

16.3 Pre-DA meeting with NSW Rural Fire Services on 7th of March 2019, the building was 16 storeys (page 15 of “307-lane-cove-road-bushfire-report.pdf”):

The RFS accepted:

- A Function/Conference centre to hold 400 people with attached restaurants and a garden bar.
- A child care centre which has been located the furthest distance from the bushland.
- Up to 16 – 20 story tower within the site.

The setback distances were discussed with RFS; It was accepted:

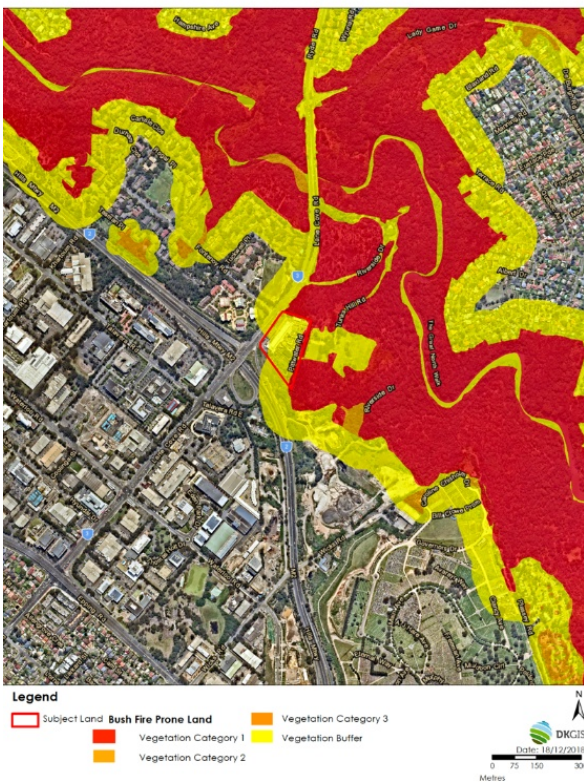
- Up to 16 story tower BAL 40

17. The site is identified as ‘bushfire prone land’

17.1 Bushfire prone land (BFPL) is land that has been identified by council, which can support a bushfire or is likely to be subject to bushfire attack.

17.2 The site has bushfire prone Category 1 vegetation to the north and south east (all off site) of the site. The site is affected by the 100m Category 1 buffer:

Bushfire Prone Land

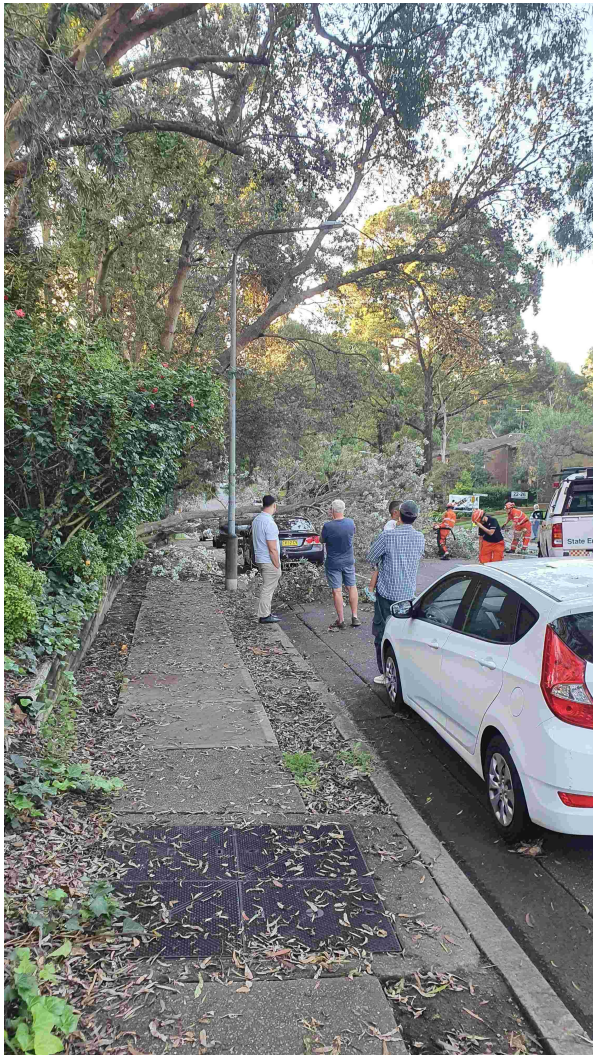


17.3 Third consecutive La Niña has officially ended. El Niño typically brings hot, dry conditions to Australia, often leading to drought and bushfires. "Long-range forecasts show there's an increased chance of below average rainfall for most of Australia during autumn 2023," Dr Andrew Watkins from the Bureau of Meteorology said on

14th of March 2023. The last time an El Niño was in effect was in 2019-20, when the Black Summer fires devastated the east coast.

17.4 In Fontenoy Road alone (which is straight opposite Eden Gardens), over the last several years I collected information about fallen trees, damages to property and risks to lives. It is a major disaster just waiting to happen. I personally raised concerns about overgrown trees and need to prune them with City of Ryde, to no avail. Question: how much then fire safety compliance can we trust if there are no strong laws:

<https://www.nswstratasleuth.info/SP52948-risks-with-fallen-trees.and-lack-of-their-proactive-maintenance.html>





18. Latest figures from the Property Council of Australia in July 2023 showed office buildings in Sydney (and Australia-wide) that supply additions and negative demand drove the vacancy increases in both the CBD and Non-CBD office markets - there is a significant amount of vacant or unused offices, highlighting the fact that the suburb already has strong signs of over-development

Some of recent and current development (2022 and 2023) activities in the area:

DEVELOPMENT ACTIVITY					
	Address	Stage	Estimated Value	Floor Area (sqm)	Description
1	67-75 Epping Road	DA Approved	\$85.69M	34,759	The site has received DA approval for two commercial office buildings, including Building A with 17,238 sqm GFA over 8 storeys and Building B with 17,521 sqm GFA over 10 storeys, making for a total GFA of 34,759 sqm.
2	40-52 Talavera Road	DA Approved	\$212.3M	37,542	The DA for three commercial buildings has been approved for the site. The total GFA is 37,542 sqm, this includes an 11,639 sqm GFA office building with a café.
3	11-17 Khartoum Road & 33-37 Talavera Road	Construction	\$80M	17,759	The development consists of three commercial office buildings at 11, 15 and 17 Khartoum Road as well as a data centre at 33 Talavera Road with an open park between the two sites. In May 2022, the site was in the excavation stage of the construction process.
4	396 Lane Cove Road, 36-42 Waterloo Road, 1 Giffnock Avenue & 2 Coolinga Road	Construction	\$170M	88,368	Currently in the construction stage, the site will consist of four buildings, MQX1 (16 storeys), MQX2 and MQX3, (8 storeys) and MQX4 (property 9A), a 9-storey building providing 3,800 sqm designated retail space including childcare centre and gym.
5	1 Eden Park Drive	Construction	\$52.651M	11,227	The site is currently under construction and will be an 8-storey mixed-use building with a GFA of 11,227 sqm. The building will comprise commercial and retail space, two levels of basement parking for 74 vehicles and have a floor plate of 1,600 sqm.
6	45-61 Waterloo Road	DA Approved	\$327.565M	124,000	An 11-storey mixed-use retail and office building has received approval for its DA and features over 2 basement levels. The estimated cost of the development is \$113,769,528.
7	63-71 Waterloo Road	DA Approved	\$198.197M	62,404	The DA for two commercial towers and a new road has been approved. Building A consists of 5,117 sqm of retail GFA and 36,112 sqm of commercial space over 13 storeys. Building B consists of 1,407 sqm of retail GFA and 19,768 of commercial space over 12 storeys.
8	85-91 Waterloo Road	DA Approved	\$281M	22,550	A new 15-storey commercial building of 22,550 sqm, including landscaping and parking, has received DA approval.

19. Macquarie Park is currently the third largest commercial office region in New South Wales after Sydney CBD and North Sydney, and is on track to becoming the nation's fourth largest CBD (behind Sydney, Melbourne and Brisbane) by 2030

19.1 By a similar time, the precinct is expected to create 40,000 more jobs, which does not seem to be the current trend as there are many unused office spaces in the area.

20. In 2016, public consultation highlighted three priorities for Macquarie Park

<https://www.planning.nsw.gov.au/~media/Files/DPE/Reports/macquarie-park-investigation-consultation-update-2016-09.ashx>

20.1 Top three priorities were:

- Reduced traffic congestion,
- More car parking, and
- More frequent train services.

20.2 Top three priorities for community services were:

- Schools,
- Entertainment, and
- Event spaces and community spaces.

20.3 Increased maintenance and loss of availability of parks for local residents. The development will introduce a high number of visitors (full expected occupancy of 1750 workers) which will increase the frequency of maintenance and litter in two public parks (Fontenoy and Tuckwell Park). The overflow of visitors will use Fontenoy Road, Tuckwell Place, and Tuckwell Park parking area for their visit, further adversely affecting and reducing the availability of amenity for local residents.

20.4 Australia has one of the largest obesity problems in the world and we need more recreational and exercise areas, not less. It does not seem logical to remove an existing outdoor facilities.

20.5 This proposal significantly decreases open space on the proposed site (open space ratio decreases). Here are a few photos taken On 19th of March 2023 showing tranquillity of the site. Whilst walking and enjoying Eden Gardens, I was able to see number of birds, lizards, and even a snake!





21. Macquarie Park/North Ryde have already been converted into ugly, architecturally poor, large number of high rises, taking more and more space from parklands

21.1 Some of current high-rise developments:

<https://www.connectmacpark.com/planning>

21.2 As a result of development trends, there are clogged roads, overcrowded schools, and busy trains and buses on every peak-hour route.

21.3 The Ryde local government area covers about 40 square kilometres, comprising 16 suburbs from part of Gladesville to Macquarie Park to Eastwood. The area is wedged between two arterial roads (Victoria and Epping) and has six train stations, two main shopping centres, university, hospital, and an ever-growing business park.

21.4 Ryde area has had some of Sydney's most significant house price falls. In 2022, North Ryde fell 17 per cent down to \$1.415 million. Ryde dropped 15.9 per cent to \$1.375 million, and in West Ryde fell by 14.1 per cent to \$1.375 million. Units prices recorded more modest declines: North Ryde fell 9.2 per cent to \$635,000, and West Ryde fell 7.1 per cent to \$595,000.

22. On the day of writing this report first time, 2 May 2021, on one website alone there were 386 apartments for sale

<https://www.domain.com.au/sale/macquarie-park-nsw-2113/apartment/>

22.1 On 17 February 2023, the same website reports 320 apartments for sale.

22.2 Adding another high-rise business building in the area is only going to have a negative effect on property prices.

23. On the day of writing this report first time, 2 May 2021, on one website there were 474 apartments for rent

<https://www.domain.com.au/rent/macquarie-park-nsw-2113/apartment/>

23.1 On 17 February 2023, the same website reports 226 apartments for sale.

24. According to this website, Macquarie Park in May 2021 ranked 505th on the list of best yielding suburbs for rental properties in NSW, so it is not achieving great results

<https://www.smartpropertyinvestment.com.au/data/nsw/2113/macquarie-park>

24.1 On 17 February 2023, the same website ranks Macquarie Park 522nd in NSW in terms of median property value increase and capital gains, based on year-to-date figures

24.2 On 17 February 2023, the same website ranks Maquarie Park 422nd on the list of best yielding suburbs for rental properties in NSW, posting a 3.08% return.

25. There was already a petition to stop over-development in this area

<https://www.change.org/p/council-of-ryde-marsfield-and-macquarie-park-need-to-stop-development?redirect=false>

25.1 And <https://rydedistrictmums.com.au/tag/overdevelopment-in-ryde/>

26. In 2018, Gladys Berejiklian ordered an urgent review into the over-development of Ryde, where more than 13,000 extra people were "jammed" in recent years

27. The existing traffic noise levels on the M2 and Lane Cove Road are more than 10dB above the recommended amenity noise levels (Day: 60dB(A), Evening: 50dB(A) and Night: 45dB(A)) for the area, and traffic noise is the dominant noise source in the area, the high traffic noise emission criteria must be applied to nearest sensitive residential receivers on the northwestern side (1-15 Fontenoy Road)

27.1 Page 11 of “307-lane-cove-road-acoustic-report.pdf” documents concerns about night-time noises, which will be of significant importance to high-density residential complex across the road at 1-15 Fontenoy Road:

Night-time noises, which occur infrequently and for short durations of time, have the potential to cause sleep disturbances. Such noise sources may include operation of loading docks, refuse collection and other activities.

27.2 I know of an owner in strata plan SP52948 who submitted the following in regards to this proposed development in 2021:

Being one of the residential areas with two parks just on Fontenoy Road alone suggests this is a family oriented road in this commercial dominated suburb. This is something to be proud of, and that should be preserved. Before COVID-19, Eden Gardens use to hold occasional parties during the weekends and are no stranger to the annual Christmas parties. I personally have sent several complaint emails to the premises for their excessive noise due to these occasions as it deeply interferes with my little one’s sleep during night time. I can safely say we are not the only household who experiences this inconvenience. Yet now there are going to be months of construction, even more frequent functions from these companies, meaning more sleepless nights and anxious families which may impact on our mental wellbeing!

27.3 Levels of expected noise during significant demolition works and new buildings has not been accounted for, which will be of significant importance to high-density residential complex across the road at 1-15 Fontenoy Road.

27.4 Page 11 of “307-lane-cove-road-acoustic-report.pdf” documents concerns that:

At time of writing, the design has not progressed sufficiently to be able to complete a mechanical plant and equipment noise emission assessment. It is anticipated that provision has been included in the current scheme to incorporate standard acoustic treatment, such as silencers, barriers, acoustically lined ductwork, acoustic louvres, etc. to meet the noise emission requirements.

27.5 The current annual average daily traffic volume in accordance with the NSW Government’s Roads and Maritime Services website is more than 40,000 vehicles, with allowances being made for a future increase in traffic volumes.

28. Traffic along Lane Cove Road, M2, and Fontenoy Road have become significantly worse over the years

28.1 21 years ago, on 17 October 2002, I provided concerns for Eden Gardens development about three year old data being used for noise assessment. At the time, I wrote:

<p>MG Planning Pty Ltd. uses RTA’s traffic conditions report conducted in 1999 (“Statement of Environmental Effects”, page 11).</p>	<p>Obsolete and outdated. High risk as traffic is much worse than in 1999.</p>
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28.2. It appears that the old data, which does not reflect the current state of traffic, is again used for this development. The data is four and a half years old and of insufficient quality.

28.3 Population in North Ryde has risen from 80,000 to 130,000 in the last 40 years, without any road significant infrastructure improvements (M2, exception) made in that time. Changes are happening too fast, but infrastructure and transport are not matching up with the change. There is no good link (bus or rail), for example, between Top Ryde and Macquarie Park that directly reaches Fontenoy Road.

28.4 I believe the development will place further strain on local infrastructure. The state government is pushing for public transport. They are hoping everyone will travel on public transport but unfortunately it is not the case - that is simply a wishful thinking.

The Guardian reported the following on 13 March 2023:

<https://www.theguardian.com/news/datablog/2023/mar/13/new-normal-sydney-and-melbourne-public-transport-use-still-at-80-of-pre-covid-levels>

Average weekday public transport trips in Sydney and Melbourne are still down around 20% from pre-Covid levels, and experts say this level of use may become the “new normal”. But the data shows that even as total numbers are down, there are differing patterns across modes of transport, regions and times of day.

“The peaks have been dropping, and the off-peaks have been increasing” says Prof David Hensher from the University of Sydney.

“Sydney [CBD] is pretty much at 80% recovery in terms of number of people at any one time working in offices. And we don’t think it’ll ever get any higher. Which raises pretty important questions about what to do with that excess capacity.”

28.5 In May 2021, the concern is the same (page 7 of “307-lane-cove-road-acoustic-report.pdf”):

Attended noise measurements were conducted on the proposed development site on Wednesday 24 October 2018 and Friday 16 November 2018 at locations A1 to A9, to quantify traffic noise levels in the area.

28.6 I know of an owner in strata plan SP52948 who submitted the following in regards to this proposed development in 2021:

My personal record of turning onto Fontenoy Road from the Khartoum Road intersection to get home was 25 minutes during peak hour traffic! All the cars and buses were trying to turn onto Lane Cove Road which consequently congested traffic in both directions. On top of that you have the frequent cars that turn into Eden gardens to make an illegal U-turn to drive onto Fontenoy Road. Talavera Road and Waterloo Road is even worse as it is mainly the commercial area over there. Trying to turn onto Lane Cove Road from Talavera Road or Waterloo Road during peak hour would see you taking at least 30 minutes.

28.9 Traffic congestion in Macquarie Park is getting worse and worse on all roads. Here is an example of traffic on Lane Cove Road at 19:10 hours recently:



28.10 On 19th of March 2023, I timed how long green light was on for pedestrians crossing Lane Cover Road from corner of Fontenoy Road to Eden Gardens. It took literally five-six seconds for green light to go amber, not even allowing pedestrians to properly cross the Lane Cove Road and bike riders were just a little bit luckier.

28.11 Photo taken on 4 April 2023 shows how bad the traffic typically is along Fontenoy Road. Photo was taken at around 18:21 hours, well after what would be called regular rush-hours



29. The emergency management and evacuation issues have not been completed yet

29.1 They will need to be addressed in a detailed bushfire evacuation plan for the site.

29.2 The RFS flagged not occupying the function centre on Catastrophic Fire Danger Rating days.

29.3 Development determination should include National Parks Authority, who are responsible for development adjacent to Lane Cove National Park – did they provide a formal statement on this proposal?

29.4 Over last five years, as a concerned citizen, I was involved in prevention of serious fire and OH&S non-compliance of strata complex SP52948 and raised number of cases with Fire NSW and City of Ryde:

FRN16/829 BFS19/749 (8000006616)

FRN16/829 BFS19/3235 (SRID 9030)

BSF16/666(10242)

FRN16/829 BFS20/252 (SRID 10317)

FRN16/829 BFS20/1014 (SRID 11059)

<https://www.nswstratasleuth.info/SP52948-continuous-delays-with-fire-and-OHS-problems.html>

29.5 Death of Connie Zhang in September 2012, forced to jump to her death from the building on West Terrace Bankstown when the fire in her unit became so ferocious it melted the aluminum window frames. Deputy NSW Coroner Hugh Dillon found that Connie's death could have been prevented if the developer of the unit block had installed a sprinkler system as required by fire safety laws. He found that this was just one of a litany of individual and systemic failures that contributed to the fire, including the building developer and strata manager's lax attitude to safety, the lack of resources in the compliance section of the local council, and failures in the process of fire safety checks and building certification: [inquest into the death of Connie Zhang due to fire at Unit 53, 4 West Terrace, Bankstown](#). Strata manager, Peter Poulos of RW Realty, allegedly failed to properly inform the owner's corporation about the breaches or effectively address many of them. The inquest heard that Fire and Rescue NSW and Bankstown Council had written to Mr. Poulos on multiple occasions prior to 2012 ordering that such defects be fixed, but that he did not give a copy of the written orders to the owners' corporation.

In July 2022, [international student, Raunak, 27, died after a blaze broke out in his Sydney unit in the Parramatta complex. Authorities revealed not one unit in the burning complex was fitted with a working smoke alarm.](#)

29.6 [Fines of up to \\$100,000 per week could be imposed for non-compliance.](#) But, how often is this enforced? In case of strata complex SP52948, in spite of serious issues, City of Ryde did not seemingly issue penalties, in spite of fact that OH&S and fire safety compliance has had problems for more than 12 years.

29.7 Strata complex SP52948 regularly breaches Development Approval Conditions and Building and Development Advisory Service at Ryde Council (Development Consent 288 of 1994 and A288 of 1994) by providing short-term letting. Short-term letting and holiday-style resources have stringent regulations for fire safety. Here is an example of how Waratah Strata Management and Uniqueco Property Services failed to comply with fire safety in Lot 93, where an unhappy visitors gave this rating on 1 April 2018:

<https://planetofhotels.com/en/australia/rydalmer/north-ryde-self-contained-two-bedroom-apartment-93font>

They stated, with special emphasis on faulty smoke detectors:

When we arrived the apartment was dirty, with urine splashes on the floor in bathroom etc. The smoke detector didnt work, There were no teaspoons, no toaster and egg stuck to the cupboard doors...

29.8 Agenda for Annual General Meeting 2021 showed numerous fire safety problems:

Fire safety inspections

As well as our annual fire safety inspections, Ryde Council responded to complaints from one owner by requiring a fire audit. As a result of this audit, building faults, many of which existed when the buildings were first approved, have been listed. The committee has sought a response from a fire engineer to make a response to council about what needs to be done and what can be exempted. This matter is underway and held up by Covid 19 restrictions. The Committee will need to report further to owners if the proposed solutions impose any financial burden beyond current budget capacity to absorb this work in the new financial year and beyond.

House rules

On the basis of "good fences make good neighbours" the committee has pursued the development of tighter and fairer house rules to assist all residents to work harmoniously with property staff and each other. This work included:

- the development of a Covid 19 plan for the gym/pool complex with closure during the extended lockdown and variations for the two and four square meter rules and including a lot number sign in.
- Clarification of the times for swimming lesson so that other residents are not disadvantaged
- Signs in lifts and other common indoor areas for the wearing of masks
- The clarification of responsibilities for residents and property staff for the acceptance of deliveries
- The moving of the smoking area away from the tennis courts
- Clarifying the keeping of animals by-law to include minding an animal and visitors wishing to bring an animal onto the property.

Assistance and communication

The committee decided that strata would replace, repair and maintain (batteries) smoke detectors with the responsibility of reporting faults lying with the owner/resident. Committee members, strata manager and property manager all wish to assist residents when issues arise. Please talk over any concerns or ideas to enhance our lives together with the relevant personnel.

John Gore
Chair

29.9 Agenda for Annual General Meeting 2022 showed fire safety problems still ongoing:

Macquarie Gardens Strata Plan 52948 Chairperson's report October 2022

Personnel

The strata committee acknowledges and commends the work of the Property Manager and his staff and Waratah Strata Management who have all worked hard to ensure the high standards of the property and services to owners and residents.

Kathryn Cutler and Ramesh Kamini joined the committee as elected members and I wish to personally acknowledge and thank all members of the strata committee for their ongoing commitment to sound decisions for the benefit of owners and residents.

Implementing requirements of the 2020 fire audit.

As well as our annual fire safety inspections, Ryde Council responded to complaints from the owner of Lot 158 by requiring a fire audit. As a result, building faults, most of which existed when the buildings were first approved, were uncovered. The committee sought a response from a fire engineer CORE Engineering to make a response to council about what needs to be done and anything that might be exempted. Progress was held up by Covid 19 restrictions in 2020.

In February 2021, the committee received a report from CORE highlighting the work that needed to be done and the inspections and assessments that would be required. As these matters have substantial financial implications, the committee became increasingly concerned by the lack of progress by CORE when in October 2021 it received a further report that indicated little progress. After several meetings with representatives of CORE earlier in 2022, the strata committee at its September 2022 meeting, decided to have the Strata Manager seek an agreement with CORE to scope the work and provide a timeline for the next three years leading to tenders being called. The Capital Works Fund has been accumulating funds in preparation for this work and, although the delay has helped financially, the work must be done and commenced as soon as possible. The unknown total cost of this work is a concern to the committee.

29.10 Minutes of committee meeting on 9 February 2023 showed that Waratah Strata Management and committee members still did not complete the orders:

3 FIRE ORDER

The Managing Agent received a call from Imran of Austech Engineering requesting instruction from the strata committee to resolve disputed elements of the initial compliance report prepared by XEL. Imran advised that both CORE and Austech are unsure of locations of the following compliance items:

- Item 7 - Exit Travel Distance (BCA Clause D1.4)
- Item 8 - Distance Between Alternative Exits (BCA Clause D1.5)

Imran proposes the Owners Corporation engage XEL to return and provide further advice on the above items or that CORE & Austech be engaged to produce another report to be submitted to Council.

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Resolved that CORE & Austech be engaged to prepare a new report.

29.11 Question: If Ryde Council and Fire NSW cannot enforce efficient compliance with fire safety of large strata complex near this new high-rise development for more than five years, how can anyone trust that the new development will satisfy all regulations?

30. "Energy Efficiency Report" documented number of requirement that have not been addressed yet

30.1 Provision of high-performing windows system to help reduce heat loss in winter and heat gain in summer,

30.2 Provision of appropriately placed external shading devices, horizontal shading fins to the east façade, and vertical shade fins to the north, west, and south facades of the commercial tower to reduce solar heat gains experienced during the day,

30.3 Provision of high levels of insulation to the external walls, roof, and exposed floorings that form part of any new elements of the building envelope,

30.4 An appropriate window-to-wall ratio for the east and west glazed facades of the office,

30.5 Passive solar design that not only maximises natural light to the space but aims to reduce reliance on artificial lighting and any associated energy expenditure,

30.6 Improved building fabric provisions for any new façade constructions of the neighbourhood shop and function centre to offset the existing constructions inefficient thermal performance.

31. "Geotechnical Assessment" reported number of concerns

31.1 Medium to high strength sandstone/shale may be encountered during proposed basement excavations. As rock excavations are likely to generate significant ground vibration, so it is recommend use a rock saw to achieve required excavations without excessive ground vibration.

31.2 Proposed excavation faces will have "Low" risk of instability provided the excavation faces are battered and/or retained with retaining structures designed in accordance with recommendations provided in this report. However, the risk is still present.

31.3 Proposed excavations are unlikely to encounter groundwater level. However, the risk is still present.

32. "Road, Traffic, and Parking Report" documented what amounts to serious concerns of additional traffic

32.1 Based on Table 4.1, the development is required a supply of 605 parking spaces, including 438 commercial staff spaces, 112 neighbourhood shop spaces, 15 nursery and 40 function centre spaces.

32.2 Eden Gardens' website makes a claim of different number of car spaces: 502. How does that relate to number 605 listed in some documents:

<https://www.307lanecoveroad.com.au/development>

32.3 Development proposal suggests that at full occupancy, 1750 workers would be on site during business hours Monday to Friday, and function/conference centre could hold 400 people with attached restaurants and a garden bar. How does that figure of potentially 2150 (plus visitors in other areas of the property) relate to proposed number of car spaces? What is the real shortage of car park spaces?

32.4 Table 5.1 indicates that the proposed development would generate an increase of 314 and 262 vehicle trips per hour in the morning and evening peaks, respectively.

32.5 The 10-year future base case has been determined by applying a 2.5% pa growth factor along Lane Cove Road. This growth factor has been based on the historical population growth of the 'City of Ryde' area which has seen an average population growth of 2.5% pa between 2015 and 2019.

32.6 Table 5.4 indicates that there would be an increase in delay to vehicles entering and exiting the site. Notably, there would be a resulting queue of up to 109m turning right into the site. The right turn bay into the site is approximately 35m long, which indicates that vehicles would overflow into the adjoining through lane. However, despite this overflow, the impact to delay for through traffic along Lane Cove Road is marginal with an increase of five seconds to the north approach through movement. It may however be necessary to extend this right turn lane both in the short and long term.

32.7 It is important to carry out the accurate studies for the last four years: 2020 to 2023.

33. 19 years ago, for the original Eden Gardens assessment, Sydney Water advised that local amplification/extensions may be required to provide the domestic water supply/fire-fighting requirements

33.1 It is not clear if this is still a concern and if this statement from "307-lane-cove-road-bushfire-report.pdf" on page 38 is sufficient:

The Site land is currently serviced by reticulated water. Reticulated mains will be located throughout the site servicing the proposed buildings.

The proposed developments will be located within 70 m of hydrants. The fire hydrant system (incorporating internal and external hydrant connections) will be designed to ensure coverage in accordance with AS 2419.1:2005 and NCC Clause E1.3. This complies with PBP 2019.

34. The proposed project appears to be considering these options without committing to them (page 8 of "307-lane-cove-road-energy-efficiency-report.pdf")

34.1 Solar Photovoltaic (PV) cells are proposed to be located on large, unobstructed roof areas across all buildings and to the proposed canopy umbrella structures of the carpark. We will explore the systems size and capacities that can be generated from specific orientations to the north, west and east to avoid overshadowing,

34.2 Opportunities to utilise the most appropriate PV solution and system. We will consider a combination of different options, layouts, and orientations to optimise performance whilst considering the constrained space, orientation, and aesthetics of the project,

34.3 Greenpower purchasing to assist with the development's 5.5 Star NABERS Energy target. The project has the opportunity to purchase eligible offset units to support certified carbon offset projects (such as the Yarra Yarra

Biodiversity Corridor) to compensate for emissions that cannot be completely reduced through energy efficient design or the generation of on-site renewable energy.

35. Traffic on Lane Cove Road and surrounding roads (including Fontenoy Road) has already been recognised as significant detriment (report in 2017)

<https://www.weeklytimes.com.au/lane-cove-road-is-one-of-australias-top-ten-worst/>

35.1 Lane Cove Road has been named among the ten worst roads in Australia for traffic jams. The findings, which were released in an AustRoad report on Friday, found the average speed on Lane Cove Road is 18.8 km/h, significantly slower than the average speed of 72.5km/h on Sydney's roads.

35.2 Traffic along Lane Cove Road, M2, and Fontenoy Road have become significantly worse over the years.

35.3 The infrastructure to cope with the traffic is yet to be delivered. Transport for NSW is starting work on the intersection of Lane Cove Road and Waterloo Road at Macquarie Park to improve bus travel through the intersection, reduce congestion and improve travel times, but that is just a small step in the right direction.

35.4 In 2018, an assessment was completed for Fontenoy Road and it was found that directional traffic flows exceeded 800 vehicles per hour per lane, travel speeds were 30km/h or below during peak periods, and the road was a strategic bus or freight transport corridor for moving people and goods. In 2023, conditions worsened not only in Fontenoy Road, but in surrounding streets and suburbs too.

36. Based on assessment in "307-lane-cove-road-arborist-report.pdf", 97 trees will need to be removed to accommodate needs of the site development

36.1 Development plan also suggest that they would plant 268 new trees, in display area of around 11,000 sqm.

36.2 Australian research shows that every year in Australia, nature grows 8 new trees per person ([https://fennerschool.anu.edu.au/research/research-stories/every-year-australia-nature-grows-8-new-trees-you-%E2%80%94alone-won%E2%80%99t-fix](https://fennerschool.anu.edu.au/research/research-stories/every-year-australia-nature-grows-8-new-trees-you%E2%80%94alone-won%E2%80%99t-fix)).

Biomass of forests and woodlands has been rising, but quality can be more important than quantity when it comes to our ecosystems.

Many things are required to make up a high quality forest, such as a rich understory of perennial species, including grasses and shrubs, and even logs and branches on the ground. These features provide important habitats for many native animals.

Large old trees are important too. Some trees take hundreds of years to reach their greatest size, towering up to 100 meters tall. These forest giants are an ecosystem in themselves, with birds and tree-dwelling mammals. Old growth forests also hold far more carbon than a new forest.

36.3 The success rate of planting tree is also of importance. We know from experience that not all planted trees survive. That applied to Eden Gardens too. Number of efforts to establish various plants failed in the past.

A 2017 study of mangrove forest restoration initiatives in Sri Lanka found that, at nine out of 23 project sites, not a single lanted tree survived. Just three sites had more than half the trees survive and, in the end, only about one-fifth of the more than 1,000 hectares (almost 2,500 acres) planted successfully recovered as healthy mangrove ecosystems.

36.4 Some research shows that planted trees on private land survived at around 65% while the public ones survived at around 40%.

36.5 Details of this report need to be clarified.

37. On page 63 of “307-lane-cove-road-arborist-report.pdf” highlighted risk of construction site using chemicals and materials that are possible contaminants and pose risks to existing trees if not managed carefully

The construction site will require the use of many chemicals and materials that are possible contaminants which if not managed will pose a risk to the existing trees. These possible contaminants include fuels, herbicides, solvents and the like. A site-specific Environmental Management Plan shall be provided, and this specific risk identified and addressed.

Do not store or otherwise place bulk materials and harmful materials under or near trees. Do not place spoil from excavations within the TPZs. Prevent wind-blown materials such as cement from harming trees. All possible contaminants are to be stored in a designated and appropriate area with secure chemical spill measures such as a bund in place.

Prevent damage to tree. Do not attach stays, guys and the like to trees. No personnel, plant, machinery or materials are to be allowed within the tree protection fencing.

37.1 Environmental damage during the construction and afterwards are serious concerns.

Undertaking construction works in an urban area can give rise to several significant environmental risks, especially as developments are often near waterways, such as major rivers or bays. Ground vibration from the works can trigger pollution liabilities, arising both from so-called “sudden and accidental” events, and from gradual pollution events.

37.2 How will these processes be monitored and enforced?

38. Document “307-lane-cove-road-bca-and-access-statement.pdf” reported number of BCA compliance issues which will need to be addressed in the detailed documentation for Construction Certificate

39. “307-lane-cove-road-bushfire-report.pdf” on page 26 confirms that no development in bushfire prone area can be safe from bushfires

While PBP 2019 is clear that no development in bushfire prone areas can be guaranteed to be entirely safe from bushfires (p. 1), the aim of the document is to utilise the planning system to provide for the protection of human life, while having due regard to development potential, on site amenity and protection of the environment. As such, a balance needs to be struck between the development potential of the site, environmental impact and the need to provide satisfactory bushfire protection.

39.1 How will these processes be monitored and enforced?

39.2 Development plans suggest that office building is located within 12.5 BAL (Bushfire Attack Level) zone. The car park building acts as bush fire safety barrier – which is a very risky proposition.

40. “307-lane-cove-road-bushfire-report.pdf” on page 16 reports provisional consent for function centre by virtue of not strictly being prohibited

The Ryde LEP is the primary environmental planning instrument applying to the site. Pursuant to the RLEP the site is zoned B7 Business Park as illustrated in Figure 4.

The proposed garden centre, office premises neighbourhood shops, restaurant and cafe are permissible with development consent in the B7 zone. Function centres are not specified in item 2 or 4, hence as permissible with consent by virtue of not strictly being prohibited in the zone. The proposed wellness and active rooftop is ancillary to the office building and the rock climbing wall to the garden centre.

40.1 Vague development without formal approvals?

41. “307-lane-cove-road-bushfire-report.pdf” on page 45 reports lack of evidence for child care centre special fire protection compliance with PBP 2006 section 4.2.7, function centre compliance with PBP 2006 section 4.2.6, and public assembly compliance with PBP 2018 section 6.1.1

Advice Provided

- No objection is raised in principle to the locations proposed for the commercial tower and the child care centre, given both buildings will be exposed to radiant heat levels of 10kW/m² or less.
 - Multi-storey buildings need to address the additional considerations set out in section 8.2.2 of *PBP 2018*.
 - Child care centre is a special fire protection purpose (SFPP) development and is therefore required to demonstrate compliance with section 4.2.7 of *PBP 2006* or chapter 6 of *PBP 2018* (whichever is applicable at the time of lodgement of the development application).
- Location of the proposed function centre needs careful re-consideration to demonstrate compliance with *PBP* as the requirements change significantly between the current and future versions.
 - The proposed function centre is not considered as a SFPP development under *PBP 2006* and is required to comply with section 4.2.6 of *PBP 2006* and NSW RFS Community Resilience Fact Sheet 2/14 *Places of public worship and other public assembly buildings on bush fire prone land*.
 - Buildings used for public assembly are considered as SFPP development under *PBP 2018* and are required to demonstrate compliance with radiant heat level exposure of 10kW/m² or less in accordance with section 6.1.1 of *PBP 2018*.
- Access provisions need to demonstrate compliance with the acceptable solutions or performance criteria of *PBP* to ensure safety of fire fighters and evacuating occupants during a bush fire emergency.
 - This may need to be supported by a traffic impact study detailing the capacity of the existing road infrastructure to facilitate evacuation from the subject site.
- An emergency management and evacuation plan needs to be prepared for the proposed facility consistent with *Development Planning- A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014*.

41.1 Incomplete submission.

42. “307-lane-cove-road-crime-risk-assessment-report.pdf” on page 13 reports data from the 2016 Census data from the Ryde Community Profile on ProfileID, which is obsolete and grossly inaccurate in April 2021 in regards to population figures in 2023

	Ryde LGA (2016)	Macquarie Park Suburb (2016)
Area	4,049 hectares	676 hectares
Population	121,250	8,106
Total dwellings	44,750	3,557
Population density	32.42 persons per hectare	13.72 persons per hectare
Total labour force	61,106	4,513

42.1 The same document predicts that Ryde LGA will reach population of 211,550 in 2041, with almost four times the number of households compared to 2016 (80,700 versus 22,800). Overcrowding is obvious problem.

43. “307-lane-cove-road-geotechnical-report.pdf” on page 4 raises concerns for potential geotechnical issues

- The subsurface profile across the site is likely to comprise a sequence of topsoil/fill and residual soils underlain by bedrock sandstone/shale and bedrocks are anticipated at depths of 1.0m to 2.0m from existing ground surface. Therefore, it is our recommendations that the footings for the proposed buildings are founded and/socketed into bedrock sandstone/shale.
- Medium to high strength sandstone/shale may be encountered during proposed basement excavations. As rock excavations are likely to generate significant ground vibration, we recommend use a rock saw to achieve required excavations without excessive ground vibration.
- Proposed excavation faces will have “Low” risk of instability provided the excavation faces are battered and/or retained with retaining structures designed in accordance with recommendations provided in this report.
- Proposed excavations are unlikely to encounter groundwater level. Therefore, proposed development will not impact on the groundwater and vice versa. The design of proposed development will ensure that the surface water flow within and across the site is not impacted.

44. “307-lane-cove-road-heriage-impact-statement.pdf” provides good summary of impact of development in period 1943 to 2021



Figure 20. 1943 aerial view of the site, outlined in red. (Source: NSW Land and Property Information, ‘Six Maps’, n.d., <http://maps.six.nsw.gov.au/>, annotated by Heritage 21).



Figure 26. Existing aerial view of the site, outlined in red. [Source: NSW Land and Property Information, 'SIX Maps', n.d., <http://maps.six.nsw.gov.au/>, annotated by Heritage 21].

44.1 The construction and opening of M2 motorway in the 1990s resulted in a drastic shift in the urban form and morphology in the region, with many high-rise residential and high-tech commercial offices.

45. On page 8 of “307-lane-cove-road-traffic-and-parking-report.pdf”

Fontenoy Road is a local road which intersects with Lane Cove Road to the west of the site and acts as the site’s access road. Fontenoy Road provides one traffic lane in each direction and intersects with Lane Cove Road. The intersection of Lane Cove Road and Fontenoy Road is a signalised intersection.

45.1 The fact is: bus lanes are in danger to be privatised in the area.

45.2 Page 15:

TTPP was unable to undertake traffic surveys of the site access or nearby intersections at the time of this assessment, due to the COVID-19 pandemic which has resulted in atypical traffic flows on the road network. Notably, traffic flows appear to significantly lower than typical.

On this basis, historical traffic data has been sourced from a traffic modelling report prepared by Traffix 1, for the signalised access to the development site. The survey data is understood to be from 2018. This report has been reviewed to obtain traffic flow data for the site access and generalised signal timing and operation information from the appended SIDRA output reports.

45.3 Page 18:

The roadway would also provide separate ramps to the upper car parking levels (level 1-4) and the lower ground car park.

The lower ground car park is existing and would be expanded to the north to retain 175 existing car spaces and provide additional new car spaces. The upper levels of car parking are proposed levels.

The total site car parking provision is expected to be 502 spaces.

Table 3.1: Hours of Operation

Use	Monday-Friday	Saturday	Sunday	Public Holiday
Centre Open Hours	6am – 12 Midnight	6am – 12 Midnight	6am – 12 Midnight	6am – 12 Midnight
Commercial Office	7am – 7pm Security access available after hours	Security access available after hours	Security access available after hours	Security access available after hours
Eden Gardens & Garden Centre	7:30am – 7pm (9pm on Thursdays)	7:30am – 7pm	7:30am – 6pm	7:30am – 6pm
Neighbourhood Shops & Cafe	7:30am – 7pm (9pm on Thursdays)	7:30am – 7pm	7:30am – 6pm	7:30am – 6pm
Restaurant	7:30am – 11pm	7:30am – 11pm	7:30am – 11pm	7:30am – 11pm
Function Centre	6:30am – 11pm	6:30am – 11pm	6:30am – 11pm	6:30am – 11pm

Source: Eden Gardens Site Plan of Management

The parking requirements for the proposed development is summarised in Table 4.1.

Table 4.1: Development Parking Requirements

Land Use	Size (m ² GFA)	Parking Rate	Parking Requirement
Commercial/ Office	17,516	1 space / 40m ²	438
Garden Centre	1,222	0.5 space / 100m ² or 15 spaces whichever is greater	15
Neighbourhood Shops	1,482	1 space / 25m ²	59
Restaurant and Cafe	1,328	1 space / 25m ²	53
Function Centre	995	1 space / 25m ²	40
Total	22,543	-	605

Based on Table 4.1, the development is required a supply of 605 parking spaces, including 438 commercial staff spaces, 112 neighbourhood shop spaces, 15 nursery and 40 function centre spaces.

46. There is already a significant number of function centres in the area, to list a few

46.1 Just a couple of hundred meters from 307 Lane Cove Road:

<https://www.hiddencitysecrets.com.au/sydney/lobby-bar-function-rooms-sydney-venue-hire-macquarie-park-venues/>

46.2 Macquarie University Graduate School of Management:

<https://www.executivecentres.mgsm.edu.au/macquarie-park>

Total number of meeting rooms: 47

Largest flat floor room capacity: 150 people

Largest tiered theatre room capacity: 70 people

Executive accommodation rooms: 40

46.3 The Quest Macquarie Park Hotel meeting room. Conference venue is ideal for meetings, training sessions, team building activities and product launches for groups of up to 40 guests:

<https://www.questapartments.com.au/properties/nsw/macquarie-park/quest-macquarie-park/meeting-and-conferences>

46.4 <https://www.weddingvenues.com.au/suburb/macquarie-park/>

46.5 Ryde Golf Club.

46.6 Massive development in Talavera Road – Macquarie Square, which will even have a microbrewery:



47. Installation of mobile phone and wireless antennae. Usually, high-rises are almost automatically (ab)used for mobile phone towers and wireless stations. This development does not list any mobile tower or wireless systems that might be erected on the roof of the 18-storey building and/or 4-storey carpark

47.1 Occasionally, even illegal wireless system runs, like Telecom Site R2MAC on Block C at 1-15 Fontenoy Road, which did not have approval in period from 31 January 2014 to June 2018, at which point it was finally removed:



Illegal antennae system was removed from strata plan SP52948 in 2018 (telecom site R2MAC on Block C at 1-15 Fontenoy Road, owners suffered huge financial losses due to strata managers' failure to enforce proper compensation for usage of common-property in period from 2004 to 2018):

<https://www.nswstratasleuth.info/NCAT-case-20-33352-SP52948-brief-log-of-events-related-to-BigAir-illegal-ISP-operation-for-four-years-huge-losses-to-owners-corporation-final-eviction-and-deed-of-settlement-without-owners-corporation-approval-Jun2018.pdf>

How inefficient Australian laws can be is proven by the fact that even Telecommunications Industry Ombudsman was unable to remove telecom site R2MAC, as shown in complaint 2014/10/03580:

https://www.nswstratasleuth.info/EPILOGUE-Telecommunications-Industry-Ombudsman-Complaint-2014_10_03580-finally-resolved-without-proper-action-by-TIO-in-June-2018.html

48. Large occupant numbers and long working hours: on page 5 of "Road Plan of Management" states on page 5 that "it is expected, at full occupancy, 1750 workers would be on site during business hours Monday to Friday"

48.1 The same document also states on page 4:

3 Hours of Operation

Use	Monday – Friday	Saturday	Sunday	Public Holiday*
Centre Open Hours	6am -12 Midnight	6am -12 Midnight	6am -12 Midnight	6am -12 Midnight
Commercial Office	7am – 7pm Security access available after hours	Security access available after hours	Security access available after hours	Security access available after hours
Eden Gardens & Garden Centre	7.30am – 7pm Thursday until 9pm	7.30am – 7pm	7.30am – 6pm	7.30am – 6pm
Neighbourhood shops	7.30am – 7pm Thursday until 9pm	7.30am – 7pm	7.30am – 6pm	7.30am – 6pm
Café	7am – 6pm Thursday until 9pm	7am – 7pm	7am – 6pm	7am – 6pm
Restaurant	7am – 11pm	7am – 11pm	7am – 11pm	7am – 11pm
Function Centre	6.30am- 11pm	6.30am- 11pm	6.30am- 11pm	6.30am- 11pm
Display gardens	Open hours	Open hours	Open hours	Open hours

48.2 The same document also states on page 10:

Special Event Parking In the case of special charitable events held on Site, such as HeartKids events, any overflow car parking will be co-ordinated with the City of Ryde Council's local car parks in Fontenoy Road if required.

48.3 How will these processes be monitored and enforced?

49. No clear reasoning for high-rise - "UDRP and Pre-DA Minutes" states on page 7

A significant commercial development brings with it a series of access challenges.

The Panel is concerned for relatively low pedestrian accessibility and amenity available to people arriving at the site by Metro. Visual and physical barriers between the site and the core area are likely to act as a disincentive to pedestrian access. Consequently, the site's location may encourage higher rates of private vehicle usage.

In its current form the bushland corridor creates the 'gateway' to Macquarie Park. The Panel is concerned that a commercial tower form may sit as an incongruous element distinct and separated from the built form elsewhere in the Macquarie Park development corridor.

The Panel notes that the existing tower form development on the opposite side of Lane Cove Road is residential and is therefore not an entirely relevant precedent when considering potential commercial uses.

The Panel notes the site is not governed by a maximum building height control.

The applicant is encouraged to provide an urban design justification to support a 18 storey, approximately 53 x 25m, 1,000sqm floor plate tower on the site given its strong landscape setting.

Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Little design material describing the tower expression and character was presented. The Panel is concerned that should a tower be located in a relatively prominent and isolated location that it needs a strong architectural identity, with depth

and substance introduced into the facade elements. As presented, the proposal appeared simplistic and as yet unresolved in comparison to other elements of the proposal.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook. No urban design information has been provided as part of the submission to demonstrate how the proposed building height responds to the desired future character for the corridor, or how it would integrate into the overall Macquarie Park corridor height strategy.

49.1 This is a significant and direct “attack” on the proposal in its current form.

50. Lack of any estimate on how many jobs will directly go to local community in Ryde Area, hence benefiting those who live near-by

50.1 It is, rightfully, expected that primary beneficiaries of this development should be locals. This is, by no means, guaranteed.

51. Concerns for the local environment, flora and fauna who call the Lane Cove National Park their home

51.1 Around 200 different native animal species, including more than 150 different types of birds have been observed in the bushland and gardens of the Lane Cove in 2020:

https://ecouncil.lanecove.nsw.gov.au/TRIM/documents_TE/863711972/TRIM_APPLIED%20ECOLOGY%20LANE%20COVE%20LGA%20FAUNA%20SURVEY%202019-2020%20FINAL_1480833.PDF

51.2 The report highlighted the following:

The key issue affecting the long term sustainability of fauna in many bushland reserves in the LGA (and the Sydney Basin more generally) is lack of connectivity between reserves. This is exacerbated by ongoing pro-development pressures, and in the Sydney basin the lack of long term strategic planning at appropriate scales coupled with community perceptions of what "nature" looks like. An understanding that urban bushland remnants are not self-sustaining must be foremost in dealing with their management issues and that they require a proactive mix of planning, science and on ground works to conserve or increase existing biodiversity values and maintain some ecological function.

52. Original owners – their full review missing, including liabilities for future litigation due to potential abuse of their lands

52.1 Lane Cove National Park is part of the traditional lands of Aboriginal people whose country extended from around Newcastle to Sydney Harbour. They lived primarily by the water; fishing and hunting in the waters and hinterlands and harvesting food from surrounding bushland.

52.2 Work with traditional custodians and knowledge holders.

52.3 Opportunities to include Aboriginal representation in Macquarie Park governance structures.

52.4 By pure accident, on 19th of March 2023, I met an Aboriginal representative at Eden Gardens at around 11:40 hours. She confirmed that her community had not been consulted on this development and she was going to attend Land and Environment Court Section 34 Conciliation Conference regarding development proposal at Eden Gardens (18-storey building and 4-storey car park) in the Land and Environment Court on 22nd of March 2023.

53. Concerns for compliance with Department of Planning, Industry and Environment Draft Macquarie Park Place Strategy 2021

https://shared-drupal-s3fs.s3.ap-southeast-2.amazonaws.com/master-test/fapub_pdf/GOVP1468_DPIE_MACQUARIE_PARK_STRATEGY_V8.pdf

Macquarie Park has successfully developed as one of Australia's largest non-CBD office markets, establishing a cluster of leading companies, a university and hospitals. Macquarie Park is home to Macquarie University, Macquarie University Hospital, Macquarie University Incubator and more than 180 large international and 200 small businesses.

However, new businesses require different modes of working. To continue to grow Macquarie Park's economic capacity, we can transform it as a place by restructuring movement across and within the area, making it easier for people to access and a perfect location for sharing, collaboration and innovation.

Macquarie Park is not currently set up for people and businesses to share ideas. It could be better connected to its traditional culture, nearby natural areas and wider Sydney. This draft Place Strategy intends to create opportunities to develop and enhance Macquarie Park, centred on attractive public spaces and connections within and around the area. This will boost its economic capacity and see it transition into a leading 21st century place to collaborate, innovate and do business.

The six big moves are key interventions that require coordination between, and resourcing from, multiple State agencies, Council and industry.



1. Drive transformation of Macquarie Park into an innovation district: pursuing talent and technology to create diverse economic and employment opportunities through collaboration and a recognised leadership network that can open up access to both private and public funding and effort.



4. Prioritise and enrich the pedestrian experience: improving the quality of natural features and attributes of Country and how people move around.



2. Scale and time new development to match infrastructure capacity: planning for the provision of physical and social infrastructure through a Strategic Infrastructure and Services Assessment that identifies 182 infrastructure and service proposals.



5. Create sustainable neighbourhoods within Macquarie Park, each with their own identity and role: defining the seven neighbourhoods, and considering how to bring about more cultural, social and visitor uses to spur on an 18-hour economy and, where suitable, new residential uses.



3. Rebalance transport uses: improving the quality of how people and goods move around Macquarie Park through a new movement and place framework that encourages walking, cycling and public transport use, rather than the prevalence of private car use that exists today.



6. Connect to Country and deliver improved quality open spaces: creating more quality public open space and connections within the unique setting of Wallumattagal Country and its history as a place of higher learning.

54. Why Eden Garden seemingly never notified everyday visitors about this proposal?

Question is presented, if current owners of Eden Gardens have benefits of society as a primary reason for the development, how can anyone exemplify the fact that most visitors do not have any information about it. I personally polled number of visitors on site during 2023 (last time it was four families who live locally and were on site with their children on 19th of March 2023) – none of them were aware of this proposal.

54.1 Number of times I visited Eden Gardens in 2021, 2022, and 2023 I never saw any development proposal prominently displayed. Indeed, whenever I spoke to visitors they were genuinely shocked by this proposal.



54.2 Photos taken at four entrances and exits at Eden Gardens on 19th of March 2023 confirm it:



54.3 Lack of having any details of the development proposal on any part of current Eden Gardens raises concerns about democratic and fair processes for proper consultation. What do current owners of Eden Gardens expect to achieve by hiding this information from current visitors and customers of the gardens? Additionally, as of March 2023, their website appears to still offer opportunity to public to have their say but the web link points to non-existent site:

<https://www.ryde.nsw.gov.au/haveyoursay/Lets-Plan/Development-Applications-on-Exhibition>

Public Exhibition

The development application will go on public exhibition from 15 April to 7 May 2021.

All relevant documents will be available at this link: <https://www.ryde.nsw.gov.au/haveyoursay/Lets-Plan/Development-Applications-on-Exhibition>

<https://www.307lanecoveroad.com.au/contact-us>

55. Volunteering work endangered?

Over the years, many members of public invested their time and efforts to work as volunteers for activities initiated by Eden Gardens. How much would that change when public finds out that Eden Gardens wants to become just another concrete monstrosity?

55.1 Eden Gardens supports Community Greening, an initiative of the Botanic Gardens Trust and NSW Department of Housing, by regularly providing plants and materials for communal gardening projects within disadvantaged communities. Since 2011 the Eden Foundation has donated \$600,000 to support Youth Community Greening, an off-shoot of Community Greening. Through this program Eden has helped established more than 120 school and community garden projects and reached more than 21,000 individuals living in communities in need.

55.2 Eden Gardens supports this local volunteer gardening service which helps elderly and disadvantaged people remain independent and stay in their homes longer.

55.3 From my complex alone, I know number of elderly people who enjoyed gardening work at Eden Gardens. With diminishing nursery on the property, this valuable offering to public will be affected negatively.

55.3 As of 17th of July 2023, 1423 reviews on Google Maps gave average rating of 4 (out of 5), highlighting the fact that community is very eager to have open-spaces such as Eden Gardens: and there is no mention of the development proposal:

[https://www.google.com/search?q=eden+gardens+volunteers+macquarie+park&ei=vmkWZMSKKpLaz7sP0vqxGA&ved=0ahUKEwjE4af47-b9AhUS7XMBHVJ9DAMQ4dUDCA4&uact=5&oq=eden+gardens+volunteers+macquarie+park&gs_lcp=Cgxnd3Mtd2l6LXNlcnAQAzIFCCEQoAEyCAghEByQHhAdMggIIRAWEB4QHTIICCEQFhAeEB0yCAghEByQHhAdMggIIRAWEB4QHToKCAAQRxDWBBCwAzoHCCEQoAEQCkoECEEYAFCljYImDWJGgCcAF4AIAB8wGIAcUUkgEGMC4xNC4xmAEAoAEByAEIwAEB&scient=gws-wiz-serp#lrd=0x6b12a7412621b3d9:0x95038c06bcd79d5.1,...](https://www.google.com/search?q=eden+gardens+volunteers+macquarie+park&ei=vmkWZMSKKpLaz7sP0vqxGA&ved=0ahUKEwjE4af47-b9AhUS7XMBHVJ9DAMQ4dUDCA4&uact=5&oq=eden+gardens+volunteers+macquarie+park&gs_lcp=Cgxnd3Mtd2l6LXNlcnAQAzIFCCEQoAEyCAghEByQHhAdMggIIRAWEB4QHTIICCEQFhAeEB0yCAghEByQHhAdMggIIRAWEB4QHToKCAAQRxDWBBCwAzoHCCEQoAEQCkoECEEYAFCljYImDWJGgCcAF4AIAB8wGIAcUUkgEGMC4xNC4xmAEAoAEByAEIwAEB&scient=gws-wiz-serp#lrd=0x6b12a7412621b3d9:0x95038c06bcd79d5.1,)

56. What about donations to charities and science research?

Many citizens joined Eden Gardens in support of valuable efforts, like donations to Cancer Council. It is obvious that their donations were primarily provided due to belief that Eden Gardens provides exceptional gardening facilities. I pose the question: how much would they feel betrayed when Eden Gardens moves towards 18-storey concrete jungle?



57. Shadow impact from high-rise proposal

57.1 Tall buildings can cast long shadows that block sunlight from reaching the streets and adjacent buildings.

57.2 Shadows might also hamper the ability of trees and plants to grow and can block light on rooftops that might otherwise be useful for solar panels.

57.3 Shadows on the streets may increase the likelihood of crime and may, more broadly, diminish the quality of urban life.

57.4 Studies have shown that the human body needs limited amount of sunlight to produce and use certain vitamins and minerals, plants require four hours to six hours of sunlight in a day for photosynthesis, and a building needs sunlight for preventing algal growth on the walls as well as to power premises if solar panels have been installed.

Plants require sunlight for photosynthesis, which is the process by which plants produce sugars and starches, or carbohydrates. During photosynthesis, carbon dioxide and water combine to produce glucose. The [Smithsonian Science Education Center](#) notes that this glucose is manufactured by plants to make their own food and used as an essential source of energy to sustain their growth.

Because water is a part of the photosynthetic process, without adequate water, photosynthesis is slowed or halted. Photosynthesis is carried out exclusively in green, chlorophyll-containing plants. The process is so important to plants that if the process is inhibited for extended periods, plants will die.

Kansas State Research and Extension defined six or more hours of direct sunlight daily in summer. Ample soil moisture can help compensate for the effects of the sun on plant growth:

<https://www.johnson.k-state.edu/lawn-garden/agent-articles/miscellaneous/defining-sun-requirements-for-plants.html>

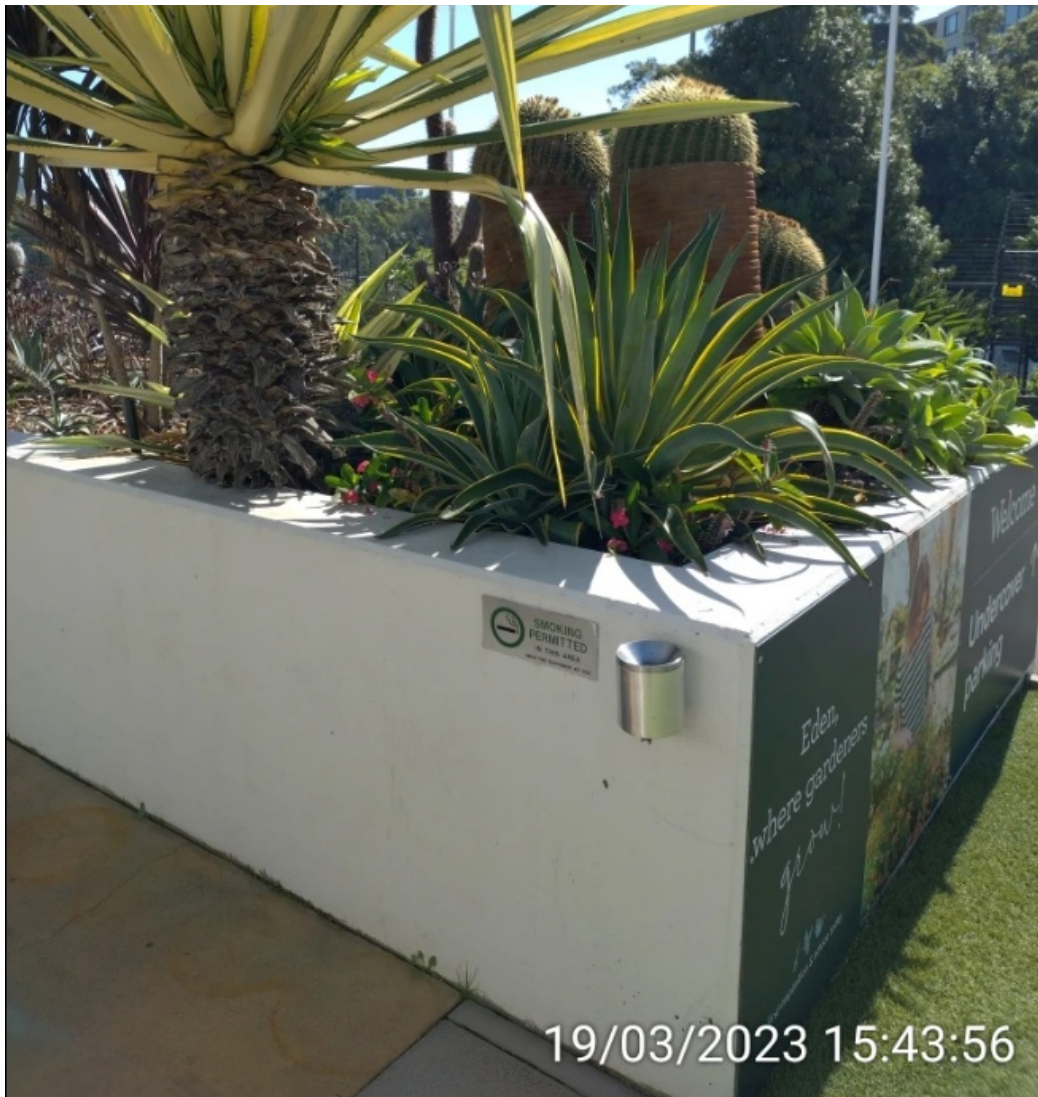
57.5 Effects of neighbourhood views of densely packed high-rise buildings on human perceptions of oppressiveness and noise annoyance:

<https://www.sciencedirect.com/science/article/abs/pii/S0169204622000287>

They conclude that the growth of building massing fuelled by relaxations in developmental control not only has degraded the quality of exposure to the sky but also aggravated the perception of built density among urban dwellers (Cheng & Steemers, 2010). Our findings further revealed that an increasing degree of closing-in of building fronts in a blocked view would make dwellers feel more oppressive and more annoyed by road traffic noise.

58. Risk of smoking accidents, EV car battery fire, and bush fire caused by negligence

Near one of the entrances to Eden Gardens is a designated area for smoking:



58.1 I pose a question for this scenario, when there are up to 400 people with attached restaurants and a garden bar, and at full occupancy, 1750 workers on site during business hours, what is the probability that at least one (just one is enough) of them might throw a cigarette butt towards Lane Cove National Park? Or a drunkard in the evening doing the same?

58.2 In late July 2023, Panama-registered Fremantle Highway was underway to its final destination in Singapore when the fire broke out near Danish coast. Twenty-five of the 3783 vehicles on board were EVs. The ship's Japanese owners, Shoei Kisen Kaisha Ltd, told Dutch broadcaster NOS, "there is a good chance that the fire started with electric cars."

58.3 On 12 September 2023, faulty lithium-ion battery was blamed for a fire near Sydney Airport that destroyed five cars in a holding yard:

<https://www.news.com.au/technology/motoring/motoring-news/battery-fire-destroys-five-cars-at-sydney-airport/news-story/b267d773c390f88cb7d2f640aaeab569>

59. Average lifespan of high-rise buildings in Australia is around 50 years, and question of their cost, and future maintenance

59.1 IIRC, the Australian Standards structural engineers use (AS 3600, AS 4100, and so on) assume a design life of around 50 years. That is significantly short period of time for property with high cost of developing.

Tearing down a tall building is a very costly process, which involves time and lot of pollution. How sustainable are high-rises in the current climate?

59.2 The standard lifespan for a commercial building is around 60 years, according to Herron Todd White Commercial Director Alistair Weir. Commercial buildings that are less than 10 levels high tend to have an even shorter lifespan.

59.3 Material used for buildings today have reasonable risk of being obsolete in years to come.

Throughout the 20th century, the use of asbestos and hazardous building materials such as Polychlorinated Biphenyls (PCBs), lead-based paints, Synthetic Mineral Fibres (SMF) and Ozone Depleting Substances (ODS) during the construction of buildings in Australia was widespread. Today, they would be strictly forbidden. Not only they are very dangerous for humans and the environment, but they are also very expensive and complex to dispose of safely.

Who can guarantee that the high-rise as proposed for this site today, might not be a headache for future generations in years to come?

59.4 Looking after a building is an essential part of owning an asset if you want to maximise its lifespan. This means carrying out regular inspections of the structure and its mechanical components and staying on top of general wear and tear. Maintenance is not cheap, but it plays a huge role in improving the longevity of the asset and ensuring it grows in value rather than declining.

Heat, rain, humidity, salt, sun and wind are all factors that will weather a building and contribute to its decay. Weather and climate can play a huge role in the life of a building.

These conditions can cause damp, cracking, rusted windows, deterioration of block work and stress on fittings, including pipes. Additionally, it is important to consider the effects of pollution, which can damage a commercial building long-term.

There is no information about future commitment to maintain 18-storey building, including items that have much shorter lifespan like elevators, pipes, and the air conditioning.

59.5 Investors want little to do with a commercial building sector which is heading for a serious dose of reality. Flexible working patterns, with significant amount of employees working from home regularly make predictions about occupancy of the proposed development far-fetched.

59.6 The commercial building sector is responsible for around 25% of overall electricity use and 10% of total carbon emissions in Australia:

<https://www.energy.gov.au/government-priorities/buildings/commercial-buildings>

59.7 Demolition costs for future generations. Not only they are high, but carry lot of additional concerns, for example, will demolition involve non-explosive method or implosive method.

60. Risk of failed project

60.1 In October 2020, nearly 2,500 sqm of North Shore land that was set to make way for an Adina Apartment hotel was put to the market by liquidators of Starin. Macquarie Park site at 388-392 Lane Cove Road was offered with a DA approval for a hotel and serviced apartments build with 158 apartments. The DA also included capacity for a café on the ground floor, conference and meeting rooms, gym and pool, and a three level basement with about 110 parking bays. Excavation for the basement was already complete, following a ceremony held in 2017 by Starin, a Sydney-based boutique funds manager. The hotel was slated for opening in 2017 with operation by TFE Hotels and as of 2023 it has not been completed yet.

60.2 Traditional challenges, such as logistical issues in terms of getting materials to site, and the difficulties around building in confined areas, have been compounded by a new generation of risks. These include the COVID-19 pandemic, changes to building regulations, workforce challenges, materials shortages, and the tightening of the construction insurance market. In some cases, the risks associated with constructing high-rises are not considered sufficiently until it is too late. Owners, developers, and contractors should give considerable attention to this specialised area of risk because if something does go wrong during the construction phase, it has the potential to be catastrophic, from a damage, liability, and delivery perspective. It is therefore critical at the outset of a construction project that the correct insurance advice is sought and a sound risk management strategy is adopted.

60.3 Such information has not been provided in the submission for this project.

61. 12% office market vacancy rate in Macquarie Park and North Ryde in H1 2022 increased to above 14% in H2 2023 (Property Council of Australia – Office Market Report July 2023)

<https://www.ciaustralia.com.au/media/3523/north-shore-office-market-report-h1-2022.pdf>

The office market in Macquarie Park and North Ryde experienced challenges in the six months to 2023, as reflected in the total vacancy rate of 11.89%. This is a 147 bps increase from the previous reporting period and above the historical average of 8.61%.

The Macquarie Park and North Ryde commercial leasing market has also been impacted by flight-to-quality movement where tenants are turning to higher quality spaces in traditional office locations such as North Sydney or the Sydney CBD as they become more affordable in this softer leasing market. Many occupiers have been able to lock in favourable gross effective rents in higher quality space as landlords offer higher incentives.

Other report claims vacancy rate of 12% in Macquarie Park as of February 2023:

<https://www.tenantrep.com.au/sydney-market-update-feb-2023/>

<https://www.planning.nsw.gov.au/sites/default/files/2023-03/employment-lands-commercial-office-report.pdf>

62. Lack of evidence of track record of Eden Gardens commercial success

62.1 It appears that main reason for the high-rise development proposal is the commercial failure in gardening business.

62.2 High-rise development at Eden Gardens must not be used as avenue for compensating commercial failures for gardening business. Public should not, and must not be held to ransom so that current owners of Eden Gardens achieve own successes.

62.3 Photos taken on 14th of June 2023 show that the gardening business is already shutting down and there is lot of unused space:



62.4 Based on photographs taken in late 2022, March and June 2023, it appears current owners of Eden Gardens have already started serious downsizing of gardening business. Large areas of the gardens are empty and lightly populated with pots and plants. This site is, in earnest, well suited to its present purpose of garden centre where traffic activity is mainly outside peak hours and visitors do not attempt to walk but use their car. The argument that garden centres were no longer a good use of land or viable is flawed. There are good garden centres in locations like Terrey Hills running successful business. The forecasts and research regarding the nursery sector in this proposal are flawed too. Eden Gardens has an excellent location with a large population in its catchment and could be a highly successful garden centre with proper business plan. Another concern: Current owners of Eden Gardens at 307 Lane Cove Road also own two other Eden Gardens centres. One of them is in Queensland, at 1657 Gympie Rd, Carseldine QLD 4034. It appears that business in Queensland has been permanently closed, as new centre called The Trellis operates now:



Katie Cullen
Local Guide · 248 reviews

★★★★★ 2 months ago

New owners have taken over the old Eden garden centre. The Trellis looks to have significantly more plants in stock, and of a much larger variety than the previous "Eden". The cafe/restaurant area has been expanded and there's a small kids play area there now too. Really impressed by the significant increase in plant selection. Very interested to see what other changes they make as it seems they're still setting up! Staff were friendly and helpful! Will definitely be back.

Eden Gardens

4.0 ★★★★★ (444) · \$\$

Permanently closed

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Garden centre restaurant offering seasonal modern Australian meals in a tranquil, leafy setting. >



1657 Gympie Rd, Carseldine QLD 4034



Permanently closed ▾

Confirmed by this business 2 weeks ago



edengardens.com.au

One customer said this on Google Map a month ago: "Please shut down this website as you are no longer trading. Waste of time and petrol !!!!!"