



New South Wales

# **State Environmental Planning Policy Amendment (Macquarie Park Transport Oriented Development Precinct) 2024**

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

PAUL SCULLY, MP  
Minister for Planning and Public Spaces

## **State Environmental Planning Policy Amendment (Macquarie Park Transport Oriented Development Precinct) 2024**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of policy**

This policy is *State Environmental Planning Policy Amendment (Macquarie Park Transport Oriented Development Precinct) 2024*.

### **2 Commencement**

This policy commences on the day on which it is published on the NSW legislation website.

### **3 Repeal of policy**

This policy is repealed at the beginning of the day following the day on which this policy commences.

### **4 Maps**

The maps adopted by *Ryde Local Environmental Plan 2014* are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this policy.

## Schedule 1 Amendment of Ryde Local Environmental Plan 2014

[1] **Clause 1.8A Savings provision relating to development applications**

Insert at the end of the clause, with appropriate subclause numbering—

A development application made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Macquarie Park Transport Oriented Development Precinct) 2024* must be determined as if the policy had not commenced.

[2] **Land Use Table**

Insert “Data centres;” in appropriate order in Zone E2, item 4.

[3] **Clause 4.6 Exceptions to development standards**

Omit “(attached),” from clause 4.6(8)(cb). Insert instead “(attached).”

[4] **Clauses 4.6(8)(cc) and 6.9**

Omit the provisions.

[5] **Clause 6.13 Design excellence**

Insert after clause 6.13(4)(e)—

- (e1) for development on land identified as “Macquarie Park Precinct” on the Macquarie Park Corridor Map—
  - (i) whether the development detrimentally impacts any land protected by solar access controls specified in the *Macquarie Park Design Guide*, and
  - (ii) the requirements of the *Macquarie Park Design Guide*,

[6] **Part 6 Additional local provisions**

Insert at the end of the part, with appropriate clause numbering—

**Additional floor space and building heights for land at 3 Halifax Street, Macquarie Park**

- (1) This clause applies to Lot 102, DP 1224238, 3 Halifax Street, Macquarie Park.
- (2) A building on land to which this clause applies may have a height of up to 150m.
- (3) The floor space ratio of buildings on land to which this clause applies may be up to 12.36:1.
- (4) Subclauses (2) and (3) do not apply unless the consent authority is satisfied—
  - (a) at least 850m<sup>2</sup> of gross floor area on the site will be used for the purposes of affordable housing, and
  - (b) at least 3,000m<sup>2</sup> of the site area will be used for the purposes of a single recreation area.

[7] **Part 7**

Insert after Part 6—

## Part 7 Macquarie Park Transport Oriented Development Precinct

### Division 1 General

#### 7.1 Definitions

In this part—

*Macquarie Park Transport Oriented Development Precinct* means land to which this part applies.

*road infrastructure facilities* has the same meaning as in *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Part 2.3, Division 17, Subdivision 1.

#### 7.2 Land to which part applies

This part applies to land identified as “Macquarie Park Precinct” on the Macquarie Park Corridor Map.

#### 7.3 Design guide

Development consent must not be granted to development on land to which this part applies unless the consent authority is satisfied the development is consistent with the *Macquarie Park Design Guide*.

#### 7.4 Effect on neighbouring sites

Development consent must not be granted to development on land to which this part applies unless the consent authority is satisfied the development will not result in a neighbouring site becoming—

- (a) a site for which consolidation with an adjoining site is not—
  - (i) physically possible, or
  - (ii) reasonably feasible because of the nature of surrounding development, or
- (b) a site that has a reduced development potential because of its size, shape or location.

#### 7.5 Affordable housing contributions

- (1) The consent authority may, when granting development consent to development on land to which this part applies, impose a condition requiring an affordable housing contribution equivalent to the contribution specified in subclause (2) or (3).
- (2) The affordable housing levy contribution for development on land in an area specified in Column 1 of the following table is the percentage, specified in Column 2, of the gross floor area of the residential component of the development—

Column 1	Column 2
Area	Percentage of residential GFA
1	5%
5	5%
6	10%

Column 1	Column 2
Area	Percentage of residential GFA
9—	
(a) for a site that only comprises SP 64146, 1 Talavera Road, Macquarie Park	3%
(b) otherwise	4%
10	4%
11	4%
12	5%
13	10%

- (3) The affordable housing levy contribution for development not specified in subclause (2) is 3% of the gross floor area of the residential component of the development.
- (4) A condition imposed under this clause must permit a person to satisfy the condition by—
- (a) a dedication, in favour of the Council, of one or both of the following, and a monetary contribution, paid to the Council, for any remainder—
    - (i) land comprising 1 or more dwellings, each having a gross floor area of at least 50m<sup>2</sup>,
    - (ii) other land approved by the Council in accordance with the *Macquarie Park Affordable Housing Contribution Scheme*, or
  - (b) a monetary contribution, paid to the Council, of equivalent value to the relevant gross floor area specified in subclause (2) or (3).
- (5) The rate at which a dedication of land or monetary contribution is taken to be equivalent to floor area for the purposes of this clause must be calculated in accordance with the *Macquarie Park Affordable Housing Contribution Scheme*.
- (6) This clause does not apply to development for the purposes of boarding houses, community housing, group homes, hostels or public housing.
- (7) A reference in this clause to a numbered Area is a reference to land identified as an “Area” with that number on the Macquarie Park Affordable Housing Map.
- (8) In this clause—
- community housing** has the same meaning as in the *Community Housing Providers National Law (NSW)*.
- Macquarie Park Affordable Housing Contribution Scheme** means the *Macquarie Park Affordable Housing Contribution Scheme* published by the Department in November 2024.
- public housing** has the same meaning as in the *Housing Act 2001*.

## 7.6 Minimum non-residential floor space ratio for certain land

- (1) The objective of this clause is to ensure that a suitable level of non-residential floor space is provided to ensure the delivery and long-term protection of employment-generating floor space on certain sites in the Macquarie Park Transport Oriented Development Precinct.

- (2) Development consent must not be granted for development on land identified as “Minimum Non-Residential Floor Space Ratio” on the Non-Residential Floor Space Ratio Map unless the consent authority is satisfied the non-residential floor space ratio for buildings on the site will be at least the non-residential floor space ratio shown on the map for the land.
- (3) In this clause—  
***non-residential floor space ratio***, for buildings on a site, means the ratio of the gross floor area used or proposed to be used for a purpose other than the following purposes to the site area—
  - (a) car parks,
  - (b) residential accommodation,
  - (c) tourist and visitor accommodation.

#### **7.7 Additional requirements for increased building height and floor space ratios on land other than Key Sites**

- (1) The objective of this clause is to encourage additional commercial development in the Macquarie Park Transport Oriented Development Precinct coordinated with an adequate access network and recreation areas.
- (2) This clause applies to land to which this part applies that is not identified as an Area on the Key Sites Map under Division 2.
- (3) A building on land to which this clause applies may have a height of up to the building height shown for the land on the Macquarie Park Incentive Height of Buildings Map.
- (4) The floor space ratio of buildings on a site on land to which this clause applies may be up to the floor space ratio shown for the land on the Macquarie Park Incentive Floor Space Ratio Map.
- (5) Subclauses (3) and (4) do not apply unless the consent authority is satisfied the development includes adequate provision for one or both of the following—
  - (a) recreation areas that are configured and located in a way that is appropriate for the recreational purposes of the Precinct,
  - (b) an access network that is configured and located in a way that will allow a suitable level of connectivity within the Precinct.

### **Division 2 Development on key sites**

#### **7.8 Development on land in “Area 1”**

- (1) This clause applies to land identified as “Area 1” on the Key Sites Map.
- (2) The floor space ratio of buildings on a site on land to which this clause applies may be up to—
  - (a) the floor space ratio shown for the land on the Macquarie Park Incentive Floor Space Ratio Map, if—
    - (i) the site area is at least 49,000m<sup>2</sup>, and
    - (ii) the consent authority is satisfied that at least 23,975m<sup>2</sup> of the site area will be used for the purposes of a single recreation area and a riparian corridor, and
    - (iii) the consent authority is satisfied that there will be public access between Lot 15, DP 240110, 2A Cottonwood Crescent, Macquarie Park and Lots 1–9, CP/SP 47413, 6–8 Byfield Street, Macquarie Park, or

- (b) 3.3:1, if—
    - (i) the site only comprises Lots 1–9, CP/SP 47413, 6–8 Byfield Street, Macquarie Park, and
    - (ii) the consent authority is satisfied that at least 13,395m<sup>2</sup> of the site area will be used for the purposes of a single recreation area and a riparian corridor, and
    - (iii) the consent authority is satisfied that there will be public access between Lot 15, DP 240110, 2A Cottonwood Crescent, Macquarie Park and Lots 1–9, CP/SP 47413, 6–8 Byfield Street, Macquarie Park, or
  - (c) 3.3:1, if—
    - (i) the site area is at least 26,500m<sup>2</sup> and only includes land in Lots 41–43, DP 564302, 2 and 4 Byfield Street and 10 Lyonpark Road, Macquarie Park and Lot 62, DP 570271, 6–8 Lyonpark Road, Macquarie Park, and
    - (ii) the consent authority is satisfied that at least 10,580m<sup>2</sup> of the site area will be used for the purposes of a single recreation area and a riparian corridor.
- (3) If subclause (2)(a), (b) or (c) applies, a building on land to which this clause applies may have a height of up to the building height shown for the land on the Macquarie Park Incentive Height of Buildings Map.

#### **7.9 Development on land in “Area 2”**

- (1) This clause applies to land identified as “Area 2” on the Key Sites Map.
- (2) A building on land to which this clause applies may have a height of up to the building height shown for the land on the Macquarie Park Incentive Height of Buildings Map.
- (3) The floor space ratio of buildings on a site on land to which this clause applies may be up to the floor space ratio shown for the land on the Macquarie Park Incentive Floor Space Ratio Map.
- (4) Subclauses (2) and (3) do not apply unless the consent authority is satisfied that at least 7,310m<sup>2</sup> of the site area will be used for the purposes of a single recreation area.

#### **7.10 Development on land in “Area 3”**

- (1) This clause applies to land identified as “Area 3” on the Key Sites Map.
- (2) A building on land to which this clause applies may have a height of up to the building height shown for the land on the Macquarie Park Incentive Height of Buildings Map.
- (3) The floor space ratio of buildings on a site on land to which this clause applies may be up to—
  - (a) if the consent authority is satisfied that at least 5,300m<sup>2</sup> of floor area on the site will be used for the purposes of a single community facility—the floor space ratio identified on the Macquarie Park Incentive Floor Space Ratio Map, or
  - (b) otherwise—3.5:1.
- (4) Subclauses (2) and (3) do not apply unless the consent authority is satisfied at least 3,470m<sup>2</sup> of the site area will be used for the purposes of a single recreation area.

- (5) Floor area used for the purposes of the community facility is not included for the purposes of calculating a floor space ratio under subclause (3)(a).

#### **7.11 Development on land in “Area 4”**

- (1) This clause applies to land identified as “Area 4” on the Key Sites Map.
- (2) The floor space ratio of buildings on a site on land to which this clause applies may be up to—
- (a) the floor space ratio shown for the land on the Macquarie Park Incentive Floor Space Ratio Map, if—
    - (i) the site area is at least 17,500m<sup>2</sup>, and
    - (ii) the consent authority is satisfied that at least 3,260m<sup>2</sup> of the site area will be used for the purposes of a single recreation area, or
  - (b) 4.5:1, if—
    - (i) the site only comprises Lot 5, DP 1249920, 35 Waterloo Road, Macquarie Park, and
    - (ii) the consent authority is satisfied that at least 3,260m<sup>2</sup> of the site area will be used for the purposes of a single recreation area, or
  - (c) 3:1, if the site only comprises Lot 7, DP 851788, 404 Lane Cove Road, Macquarie Park.
- (3) A building on land to which this clause applies may have a height of up to—
- (a) if subclause (2)(a) or (b) applies—the building height shown for the land on the Macquarie Park Incentive Height of Buildings Map, or
  - (b) if subclause (2)(c) applies—65m.

#### **7.12 Development on land in “Area 5”**

- (1) This clause applies to land identified as “Area 5” on the Key Sites Map.
- (2) A building on land to which this clause applies may have a height of up to the building height shown for the land on the Macquarie Park Incentive Height of Buildings Map.
- (3) The floor space ratio of buildings on a site on land to which this clause applies may be up to the floor space ratio shown for the land on the Macquarie Park Incentive Floor Space Ratio Map.
- (4) Subclauses (2) and (3) do not apply unless—
- (a) the site area is at least 30,000m<sup>2</sup>, and
  - (b) the consent authority is satisfied that at least 5,380m<sup>2</sup> of the site area will be used for the purposes of a single recreation area, and
  - (c) the consent authority is satisfied that at least 100m<sup>2</sup> of the site area will be used for the purposes of road infrastructure facilities, and
  - (d) the consent authority has obtained the concurrence of Transport for NSW.
- (5) In deciding whether to grant concurrence, Transport for NSW must consider the location, size and configuration of access to the proposed bridge across Lane Cove Road.
- (6) For the Act, section 4.13(2A), the Act, section 4.13 applies to State significant development for which development consent is granted under this clause



### **7.13 Development on land in “Area 6”**

- (1) This clause applies to land identified as “Area 6” on the Key Sites Map.
- (2) A building on land to which this clause applies may have a height of up to the building height shown for the land on the Macquarie Park Incentive Height of Buildings Map.
- (3) The floor space ratio of buildings on a site on land to which this clause applies may be up to the floor space ratio shown for the land on the Macquarie Park Incentive Floor Space Ratio Map.
- (4) Subclauses (2) and (3) do not apply unless the consent authority—
  - (a) is satisfied that at least 3,025m<sup>2</sup> of the site area will be used for the purposes of a single recreation area, and
  - (b) is satisfied that at least 1,000m<sup>2</sup> of the site area will be used for the purposes of road infrastructure facilities, and
  - (c) has obtained the concurrence of Transport for NSW.
- (5) In deciding whether to grant concurrence, Transport for NSW must consider the location, size and configuration of access to the proposed bridge across Lane Cove Road.
- (6) For the Act, section 4.13(2A), the Act, section 4.13 applies to State significant development for which development consent is granted under this clause

### **7.14 Development on land in “Area 7”**

- (1) This clause applies to land identified as “Area 7” on the Key Sites Map.
- (2) A building on land to which this clause applies may have a height of up to the building height shown for the land on the Macquarie Park Incentive Height of Buildings Map.
- (3) The floor space ratio of buildings on a site on land to which this clause applies may be up to the floor space ratio shown for the land on the Macquarie Park Incentive Floor Space Ratio Map.
- (4) Subclauses (2) and (3) do not apply unless—
  - (a) the consent authority is satisfied that at least 1,175m<sup>2</sup> of the site area will be used for the purposes of a single recreation area, and
  - (b) the consent authority is satisfied that at least 500m<sup>2</sup> of the site area will be used for the purposes of road infrastructure facilities, and
  - (c) the consent authority has obtained the concurrence of Transport for NSW.
- (5) In deciding whether to grant concurrence, Transport for NSW must consider the location, size and configuration of access to the proposed bridge across Lane Cove Road.
- (6) For the Act, section 4.13(2A), the Act, section 4.13 applies to State significant development for which development consent is granted under this clause

### **7.15 Development on land in “Area 8”**

- (1) This clause applies to land identified as “Area 8” on the Key Sites Map.
- (2) The floor space ratio of buildings on a site on land to which this clause applies may be up to—

- (a) the floor space ratio shown for the land on the Macquarie Park Incentive Floor Space Ratio Map, if—
    - (i) the site area is at least 22,500m<sup>2</sup>, and
    - (ii) the consent authority is satisfied that at least 3,690m<sup>2</sup> of the site area will be used for the purposes of a single recreation area, or
  - (b) otherwise—3:1.
- (3) A building on land to which this clause applies may have a height of up to—
- (a) if subclause (2)(a) applies—the building height shown for the land on the Macquarie Park Incentive Height of Buildings Map, or
  - (b) if subclause (2)(b) applies—65m.

#### **7.16 Development on land in “Area 9”**

- (1) This clause applies to land identified as “Area 9” on the Key Sites Map.
- (2) The floor space ratio of buildings on a site on land to which this clause applies may be up to—
- (a) the floor space ratio shown for the land on the Macquarie Park Incentive Floor Space Ratio Map, if—
    - (i) the site area is at least 48,000m<sup>2</sup>, and
    - (ii) the consent authority is satisfied that at least 12,825m<sup>2</sup> of the site area will be used for the purposes of a single recreation area, or
  - (b) 2.7:1, if—
    - (i) the site area is at least 38,500m<sup>2</sup>, and
    - (ii) the site only comprises Part Lot 11, DP 1194057, 5 Talavera Road, Macquarie Park and Lot 11, DP 863244, 3 Talavera Road, Macquarie Park, and
    - (iii) the consent authority is satisfied that at least 12,825m<sup>2</sup> of the site area will be used for the purposes of a single recreation area, or
  - (c) 1.5:1, if the site only comprises SP 64146, 1 Talavera Road, Macquarie Park.
- (3) A building on land to which this clause applies may have a height of up to—
- (a) if subclause (2)(a) or (b) applies—the building height shown for the land on the Macquarie Park Incentive Height of Buildings Map, or
  - (b) if subclause (2)(c) applies—45m.

#### **7.17 Development on land in “Area 10”**

- (1) This clause applies to land identified as “Area 10” on the Key Sites Map.
- (2) A building on land to which this clause applies may have a height of up to the building height shown for the land on the Macquarie Park Incentive Height of Buildings Map.
- (3) The floor space ratio of buildings on a site on land to which this clause applies may be up to the floor space ratio shown for the land on the Macquarie Park Incentive Floor Space Ratio Map.
- (4) Subclauses (2) and (3) do not apply unless the consent authority is satisfied that at least 28,100m<sup>2</sup> of the site area will be used for the purposes of a single recreation area.

**7.18 Development on land in “Area 11”**

- (1) This clause applies to land identified as “Area 11” on the Key Sites Map.
- (2) A building on land to which this clause applies may have a height of up to the building height shown for the land on the Macquarie Park Incentive Height of Buildings Map.
- (3) The floor space ratio of buildings on a site on land to which this clause applies may be up to the floor space ratio shown for the land on the Macquarie Park Incentive Floor Space Ratio Map.
- (4) Subclauses (2) and (3) do not apply unless—
  - (a) the site area is at least 33,500m<sup>2</sup>, and
  - (b) the consent authority is satisfied that at least 9,700m<sup>2</sup> of the site area will be used for the purposes of a single recreation area.

**7.19 Development on land in “Area 12”**

- (1) This clause applies to land identified as “Area 12” on the Key Sites Map.
- (2) A building on land to which this clause applies may have a height of up to the building height shown for the land on the Macquarie Park Incentive Height of Buildings Map.
- (3) The floor space ratio of buildings on a site on land to which this clause applies may be up to the floor space ratio shown for the land on the Macquarie Park Incentive Floor Space Ratio Map.
- (4) Subclauses (2) and (3) do not apply unless the consent authority is satisfied that at least 3,000m<sup>2</sup> of the site area will be used for the purposes of a single recreation area.

**7.20 Development on land in “Area 13”**

- (1) This clause applies to land identified as “Area 13” on the Key Sites Map.
- (2) A building on land to which this clause applies may have a height of up to the building height shown for the land on the Macquarie Park Incentive Height of Buildings Map.
- (3) The floor space ratio of buildings on a site on land to which this clause applies may be up to the floor space ratio shown for the land on the Macquarie Park Incentive Floor Space Ratio Map.
- (4) Subclauses (2) and (3) do not apply unless the consent authority is satisfied that at least 1,500m<sup>2</sup> of the site area will be used for the purposes of a single recreation area.

**7.21 Additional requirements for increased building height and floor space ratios on Key Sites**

- (1) The objective of this clause is to encourage additional development in the Macquarie Park Transport Oriented Development Precinct coordinated with an adequate access network and recreation areas.
- (2) Development consent must not be granted for development on land identified as an Area on the Key Sites Map under this division unless the consent authority is also satisfied the development includes adequate provision for one or both of the following—
  - (a) recreation areas that are configured and located in a way that is appropriate for the recreational purposes of the Precinct,

- (b) an access network that is configured and located in a way that will allow a suitable level of connectivity within the Precinct.

**[8] Schedule 1 Additional permitted uses**

Omit “Key Sites Map” wherever occurring in clauses 17, 20, 21 and 22.

Insert instead “Additional Permitted Uses Map”.

**[9] Dictionary**

Omit the definitions of *Macquarie Park Corridor Precinct Incentive Floor Space Ratio Map*, *Macquarie Park Corridor Precinct Incentive Height of Buildings Map* and *Macquarie Park Corridor Precinct Map*.

Insert in alphabetical order—

*Additional Permitted Uses Map* means the Ryde Local Environmental Plan 2014 Additional Permitted Uses Map.

*Macquarie Park Affordable Housing Map* means the Ryde Local Environmental Plan 2014 Macquarie Park Affordable Housing Map.

*Macquarie Park Corridor Map* means the Ryde Local Environmental Plan 2014 Macquarie Park Corridor Map.

*Macquarie Park Design Guide* means the *Macquarie Park Design Guide* published by the Department in November 2024.

*Macquarie Park Incentive Floor Space Ratio Map* means the Ryde Local Environmental Plan 2014 Macquarie Park Incentive Floor Space Ratio Map.

*Macquarie Park Incentive Height of Buildings Map* means the Ryde Local Environmental Plan 2014 Macquarie Park Incentive Height of Buildings Map.

*Macquarie Park Transport Oriented Development Precinct*, for Part 7—see clause 7.1

*Non-Residential Floor Space Ratio Map* means the Ryde Local Environmental Plan 2014 Non-Residential Floor Space Ratio Map.

*road infrastructure facilities*, for Part 7—see clause 7.1.