JRPP No:	2010SYE105
DA No:	LDA2010/0256
PROPOSED DEVELOPMENT:	Demolition of existing buildings and erection of a four-storey student housing development (Block E) to accommodate 104 students - 136 Herring Road, MACQUARIE PARK
APPLICANT:	Robert Menzies College
REPORT BY:	Bob Tillott, Ryde City Council

Assessment Report and Recommendation

1. EXECUTIVE SUMMARY

The following report is an assessment of a development application for the demolition of existing buildings and erection of a four-storey student housing development (Block E) to accommodate 104 students by Robert Menzies College at the Macquarie University.

As the application is a crown development (Macquarie University) and has a capital investment value in excess of $5 million, the development is of regional significance under the provisions of State Environmental Planning Policy (Major Developments) 2005. The consent authority for the purposes of determining the subject application is the Sydney East Region Joint Regional Planning Panel.

The development generally complies with the objectives of the planning controls and is unlikely to result in any unacceptable adverse impact on the amenity of the locality.

During the notification period no submissions were received in respect of the proposed development.

The development application is recommended for approval subject to appropriate conditions of consent.

2. APPLICATION DETAILS

Name of Applicant: Robert Menzies College

Owner of the Site: Macquarie University

Estimated value of works is: $9,941,546

Disclosures: No disclosures with respect to the Local Government and Planning Legislation Amendment (Political Donations) Act 2008 have been made any persons.

3. SITE DESCRIPTION

The subject site is known as 136 Herring Road, Macquarie Park and is located on the western side of Herring Road, just south of the intersection of Waterloo Road and Herring Road.

The site is described as being Lots 7 and 8, DP 569359.

Currently existing on site is Robert Menzies College which contains seven buildings ranging in height from one to three storeys. The College provides 200 student beds across four buildings.

The subject site comprises irregular shaped allotments with a total site area of 11,203m^2.

The following aerial photograph locates the subject site.

4. ASSESSMENT REPORT

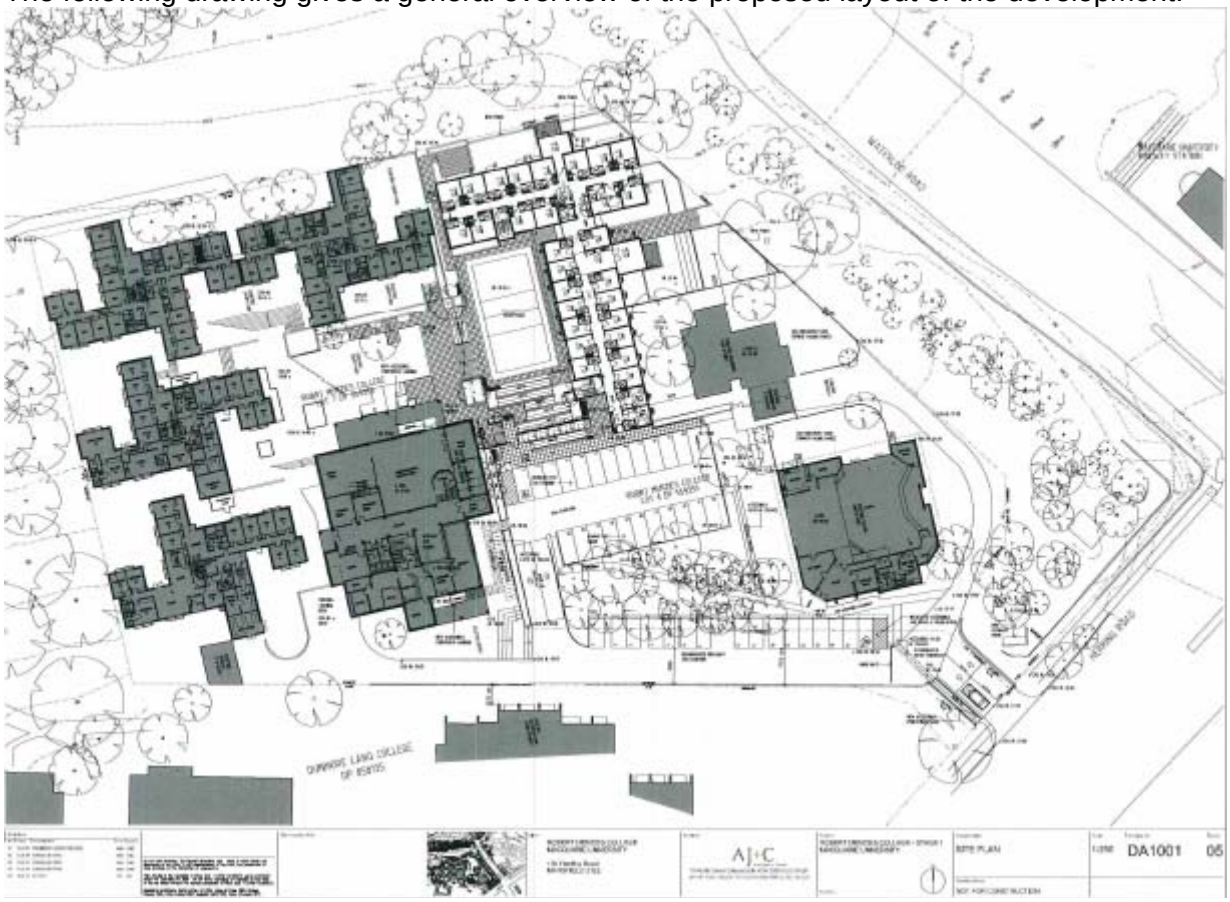
The assessment contained in this report is a summary of the matters deemed relevant to this development proposal and matters contained in the Department of Planning's Guide to 79C - Potential Matters for Consideration have been considered.

4.1 Type of Development:

- Demolition of the existing at-grade car parking area;
- Removal of 33 trees, retention of 28 trees and planting of 30 native trees;
- Erection of a four-storey student housing development (Block E) to accommodate 104 students;
- Provision of common areas, laundry facilities, seminar rooms and related services together with infrastructure;
- Construction of a central courtyard for recreation purposes;
- Access upgrades across the site ensuring accessible paths of travel to existing and new facilities;
- At grade parking for 43 cars, including two accessible parking spaces;

- 18 bicycle parking spaces;
- Landscaping and the retention of significant vegetation to maintain bushland setting; and
- Associated infrastructure works.

The following drawing gives a general overview of the proposed layout of the development.



4.2 HISTORY:

The application was lodged on 31 May 2010.

The application was immediately referred to a range of internal and external sources for comment.

Due to the immediate proximity of the RailCorp tunnels, the application was referred to RailCorop under the provisions of clause 86(2) of the ISEPP.

It was not until 20 October 2010 that RailCorp responded to Council's referral. This lengthy period of time taken for the RailCorp response has caused significant delay in reporting upon the application.

4.3 Zone:

B4 Mixed Use under Ryde Local Environmental Plan 2010

4.4 ANY COUNCILLOR REPRESENTATIONS:

Nil.

4.5 Referrals:

Internal:

Development Engineer, 11 August 2010: Council's Development Engineer has raised no objection to the application subject to 10 conditions of consent.

Environmental Health Officer, 15 July 2010: Council's Environmental Health Officer has raised no objection to the application subject to ten (10) conditions of consent.

Heritage Officer, 13 July 2010: Council's Heritage Officer has raised no objection to the application.

Traffic Engineer, 6 October 2010: Council's Traffic Engineer has raised no objection to the application.

External:

Railcorp:

The proposed development involves excavation in, above or adjacent to a rail corridor, and accordingly the application was referred to RailCorp for their necessary concurrence under Clause 88 of State Environmental Planning Policy (Infrastructure) 2007.

By letter dated 18 October 2010 RailCorp Property advises that they are prepared to issue concurrence for a deferred commencement consent, as there are a number of technical/engineering issues that still have not been resolved with the application.

Elton Consulting: (Disabled access arrangements)

Elton Consulting have commented upon the compliance for access with respect to persons with a disability. The report, dated August 2010, concludes that subject to identified conditions of consent, the proposal will comply with DCP 2010, Part 9.2. The recommended conditions of consent are, in the main, a repetition of the points identified in the applicant's Accessibility Report.

4.6 Matters for consideration pursuant to Section 79C EP&A Act 1979:

4.6.1 Relevant Environmental Planning Instruments

The following statutory planning controls are applicable to the proposed development:

- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Major Projects) 2005;
- State Environmental Planning Policy (Infrastructure) 2007;
- Macquarie University Campus Concept Plan prepared under the Major Projects SEPP; and
- Ryde Development Control Plan 2010.

Note: The provisions of the Ryde Planning Scheme Ordinance have been overtaken by the designation of the subject site as being a State Significant Site and the subsequent approval by the Minister of a Macquarie University Campus Concept Plan.

4.6.2 State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

SEPP 55 requires the consent authority to consider whether land is contaminated prior to granting consent for development. The consent authority must be satisfied that any necessary remediation has occurred before use of the land is permitted.

The site is currently occupied by the Robert Menzies College (RMC). Building associated with RMC cover the majority of the subject site. The college comprises seven separate buildings with range in height from one to three storeys. In addition, to the four student housing blocks, there are three ancillary buildings on the site including an administration building, a chapel and a free-standing Master's residence. There is also accommodation for 39 vehicles.

The existing buildings were erected circa 1965. On this basis it is considered reasonable to form the view that the subject site is not contaminated and as such is able to accommodate the proposed development.

4.6.3 State Environmental Planning Policy (Major Developments) 2005

On 11 September 2009, the then Minister for Planning declared Macquarie University Campus at North Ryde to be State Significant Site under Schedule 3 of Part 21 of the Major Developments SEPP.

Under clause 4 of Part 21 of Schedule 3 of this SEPP, the only instruments that apply to the Macquarie University site is this Policy as well as all other SEPPs, other than SEPP 1. Schedule 3 also sets out requirements in respect to development in the Macquarie University site. These matters are discussed below:

1. Objectives.

The objectives of this plan together with relevant comment on each objective follows:

(a) to provide a mixture of compatible land uses,
Comment:
The proposed development is classified as "ancillary to educational establishment", and as such contributes to the range of compatible land uses in the locality, and in particular to the Macquarie University precinct.

(b) to integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling,
Comment:
The proposed development provides for student housing in very close proximity to the Macquarie University campus. This will assist the accommodated students in gaining quick access to rail transport and the Sydney metropolitan rail network.

(c) to ensure employment and educational activities within the Macquarie University campus are integrated with other businesses and activities,

Comment:
This objective is not relevant to the proposal.

(d) to promote strong links between Macquarie University and research institutions and businesses within the Macquarie Park corridor,

Comment:
This objective is not relevant to the proposal.

(e) to promote the principles of ecologically sustainable development,

Comment:
The proposed development contains good opportunities for flow through ventilation thus minimising the use of air-conditioning units. The close proximity to the Macquarie University Railway Station will reduce the need for students to use motor vehicles. The design of the development ensures maximum mid-winter solar access thus minimising the reliance upon heating from non-renewable sources.

(f) to ensure an appropriate density, form, range, height and distribution of land uses and development.

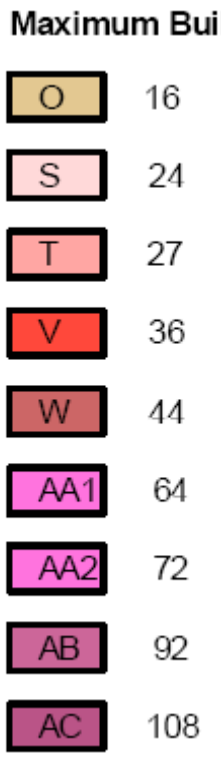
Comment:
The SEPP contains development controls relevant to height, gross floor area, car parking and public utility infrastructure. More detailed comments follow in respect of these controls.

2. Permisability

The proposal, classified as "ancillary to educational establishments" under the SEPP, is a permissible form of development within the B4 Mixed Use zone.

3. Height of Buildings

The SEPP contains the following height maps:



The subject site is partly in the AC (108m height limit) area and partly in the W (44m height limit) area.

The proposed development has an overall height of 14.5m. (RL 70.40 – 55.90 = 14.5)

Compliance is achieved to the height limits.

4. Maximum gross floor area

The SEPP identifies a maximum gross floor area of 85,000m² in respect of the subject site.

The proposed development has a gross floor area of 2,546m².

The proposal complies with the gross floor area control.

5. Car Parking

The SEPP identifies a maximum permissible car parking density of 1 car space per 80 square metres of gross floor area.

The proposal contains 43 car spaces, however, these spaces will be utilized by both the proposed development as well as the existing Robert Menzies College student accommodation. The existing accommodation contains 200 beds and the proposal contains 104 beds. The total floor area of the proposed development (2,546m²) and the existing student accommodation (4,800m² approx) is 7,346m².

The car parking rate generated in respect of the entire Robert Menzies College is 1 car space per 170m². This situation complies with the requirements of the SEPP.

6. Public utility infrastructure

Clause 16 of Schedule 3 states:

(1) Development consent must not be granted for development on land in the Macquarie University site unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

The principal item of public infrastructure considered necessary for student accommodation is that of public transport. The nearby Macquarie University Railway Station is considered to provide appropriate levels of public transport.

The development will also generate a demand for increased water and sewer facilities. Condition 20 of the draft report requires the developer to obtain a Section 73 Compliance Certificate under the Sydney Water Act from Sydney Water Corporation.

In summary, no areas of non-compliance with the SEPP have been identified.

4.6.4 State Environmental Planning Policy (Infrastructure) 2007 (I SEPP)

Clause 86 of the I SEPP contains provisions in relation to excavation in, above or adjacent to rail corridors and relevant referral requirements. Any excavation that is at least 2m in depth and is above a rail corridor or within 25 horizontal metres of a rail corridor or underground rail corridor must be referred to Railcorp for their comment. The application has been referred to Railcorp. By letter dated 18 October 2010, RailCorp Property advised that they were prepared to grant concurrence to the development only on the basis of a Deferred Commencement Consent being granted.

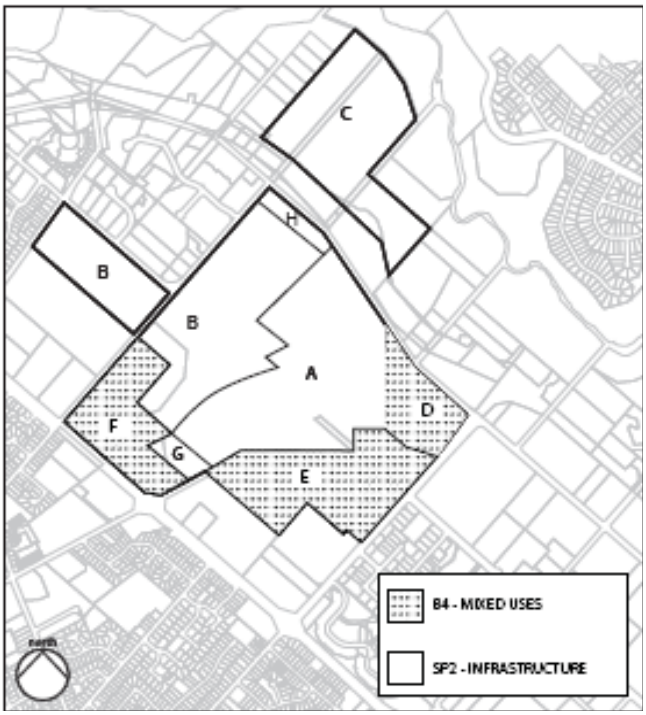
4.6.5 Macquarie University Concept Plan

As detailed in Paragraph 1.1.2 above, the Macquarie University Campus at North Ryde was declared as a State Significant site under Schedule 3 of State Environmental Planning Policy (Major Projects) 2005 (Major Projects SEPP). The proposed development is permissible under the State Significant Site listing which zones the RMC site as B4 Mixed Use.

Following the State Significant declaration, Macquarie University prepared the Macquarie University Concept Plan, which detailed, in respect of the subject site a range of high rise and high density commercial use in the future (400,000m² for commercial uses, 61,200m² for academic uses, 3,450 student housing beds and associated infrastructure, car parking and landscaping.

Nevertheless, the proposed development, is described by the applicant as “an interim use of the site” pending the ultimate high density redevelopment and therefore does not comply with the high rise, high density provisions of the Concept Plan that are detailed above. It is noted that the estimated cost of the development is approximately $10M and therefore the “interim” use is likely to carry past the short term future of the site.

The relevant aspects of the Concept Plan follow:



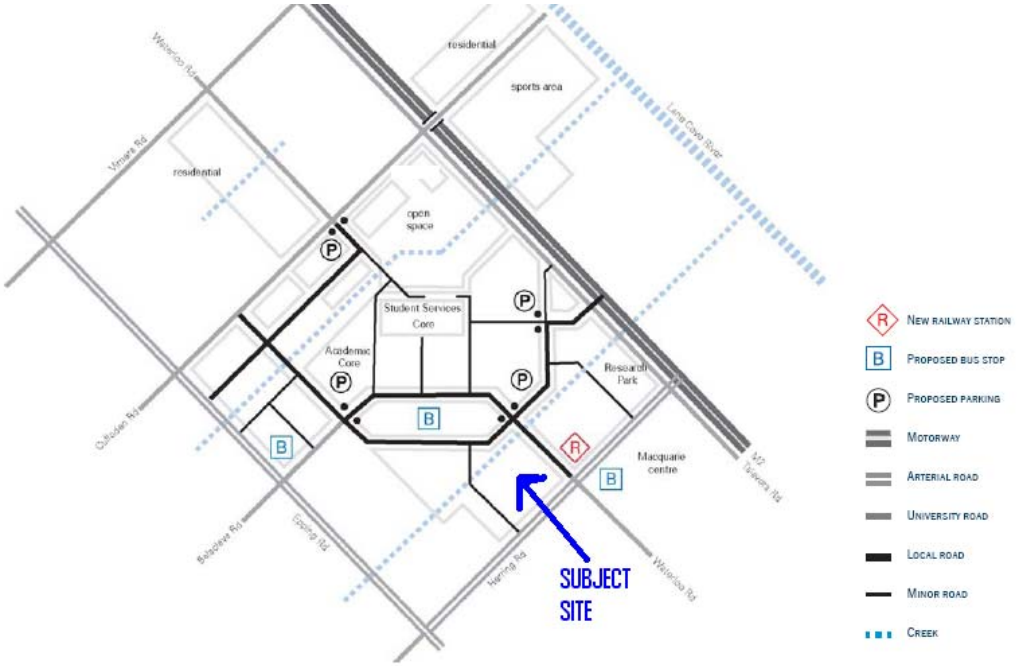
The proposed development falls within Precinct E.

The proposal (classified as "residential accommodation" under the State Significant Concept Plan) is a permissible form of development within the B4 Mixed Use zone (refer to the Development Precincts detail at page 36 of the Concept Plan).

Relevant components of the Macquarie University Concept Plan are:

(A) Internal road network.

The following diagram is taken from the Concept Plan and details the proposed internal road network. The subject site is not affected by any of the proposed internal roadways.



(B) Car Parking

The concept plan does not contain car parking generation rate for student accommodation.

The application included a Traffic Impact Statement which states in part:

The existing development provides a total of 39 spaces on-site for use by both staff and residents, however, these spaces are commonly used by commuters and students attending Macquarie University (illegally). To understand the current demand for student parking a survey of the existing 39 spaces was undertaken between 7.00am and 8.30pm on a typical day. As all staff and students with permission to park on-site are supplied with permits which are displayed on the vehicle it was therefore possible to ascertain the demand for student and staff parking in addition to identifying the number of illegally parked vehicles at any one time. The survey results are summarised below:

(a) A peak demand of 33 vehicles occurred at 3.30pm with:
- *16 students;*
- *7 staff; and*
- *10 illegally parked vehicles.*

(b) A peak student demand for 16 vehicles;
(c) A peak staff demand of 7 spaces at 3.30pm; and
(d) A maximum of 12 illegally parked vehicles at 4.00pm.

Based upon the above information, it is evident that the peak student demand associated with the site is in the order of 1 space/12.5 beds. Accordingly application of this rate to the proposed 104 beds would result in a requirement of 8 spaces to accommodate the future student parking requirements. Information provided by the client indicates that the additional 104 beds will also generate a need for 3 additional staff, which results in a requirement of 2 spaces when assessed at a rate of 1 space per 2 employees.

The above results in an overall requirement of 37 spaces to accommodate both the existing and future parking demands associated with the site.

Council's Traffic Engineer has raised no objection to the proposal.

4.6.6 Ryde Local Environmental Plan 2010 (RLEP)
4.6.7 Ryde Planning Scheme Ordinance (RPSO)

Under the provisions of Schedule 3 of the Major Projects SEPP, the above planning instruments have no effect. Notwithstanding this comment, it is interesting to note that an assessment of the proposal under these instruments has been carried out and full compliance has been achieved.

4.6.8 Section 94 Contributions Plan

Consideration of the relevant Section 94 contribution flowing from application of Council's Section 94 Development Contributions Plan has been based upon two elements, those being:

(a) The occupancy rate for the student accommodation; and

(b) Consideration of the Minister's determination in respect of an application for student housing in 2004.

(a) Occupancy rate:

Council's Section 94 Development Contributions Plan (CP) in respect of Studio or 1 bedroom flats/dwellings within the Macquarie Park Corridor requires a contribution of $11,380.31 per dwelling.

Whilst the CP does not specifically include a rate for student housing, in the subject application there are a lot of practical similarities with a studio apartment, particularly as all rooms have their own bathroom and many a small kitchen. Communal laundry facilities and kitchen facilities are also proposed. The CP does identify an occupancy rate of 1.5 persons/dwelling for studio accommodation. Given that student accommodation is based upon a single student per room, it is reasonable to discount the CP contribution by one third. The CP has a contribution for two-bedroom unit/dwelling with an occupancy rate of 1.8 persons. Therefore it is not proposed to discount the two-bedroom contribution rate.

The proposal includes:

- 102 one-bedroom student rooms; and
- 1 two-bedroom student room.

(b) Minister's determination in 2004

In 2004 a Development Application (LDA 1188/2001) for the erection of student housing at Macquarie University was referred to the Minister under section 116D of the EP & A Act. The area in dispute between Council and the applicant related to the level of Section 94 contributions.

The Minister subsequently decided that support was reasonable for the Section 94 contribution relevant to stormwater, but did not support Council requiring a contribution for open space proposes.

Utilising the reduction identified in point (a), the section 94 contributions are:

A contribution for the services in Column A and for the amount in Column B shall be made to Council prior to any works commencing on the site.

A	B
Community & Cultural Facilities	$137,830.45
Open Space & Recreation Facilities	$552,907.34
Civic & Urban Improvements	$71,123.68
Roads & Traffic Management Facilities	$76,333.38
Cycleways	$9,832.74
Stormwater Management Facilities	$8,704.73
Plan Administration	$2,651.66
The total contribution is	$859,383.97

Further, if the contribution for Open Space is deleted in line with the Minister's decision in respect of the 2004 application, the section 94 contribution becomes:

A	B
Community & Cultural Facilities	$137,830.45
Open Space & Recreation Facilities	$0
Civic & Urban Improvements	$71,123.68
Roads & Traffic Management Facilities	$76,333.38
Cycleways	$9,832.74
Stormwater Management Facilities	$8,704.73
Plan Administration	$2,651.66
The total contribution is	$306,476.63

The applicant makes the following comments regarding Developer Contributions.

Under the Contributions Schedule approved by the Minister as part of the Concept Plan, the rate applied to university housing is approximately 11% of the rate payable for a studio or 1-bedroom dwelling under Council's section 94 contributions plan. There is no suitable equivalent for student accommodation, or housing provided by not-for-profit organisations under the City of Ryde Development Contributions Plan 2007. As the proposed development forms part of the Macquarie University site, and the works are for the purpose of student housing rather than private residential dwellings, the rate approved under the Concept Plan should reasonably be applied to the development.

The Minister approved rate is also reflective of the contribution the University presently provides towards open space and social infrastructure to not only the University population, but the wider residential and worker populations of the Ryde LGA. Further, the future residents of the RMC will, in most circumstances, be using this existing infrastructure. Whilst the Robert Menzies College operates independently to the University, it performs an important, ancillary function, providing on-site housing for students. If Council's section 94 rates were applied to the proposal, the costs would be in the vicinity of $1.2 million, rendering the delivery of the development unviable. If the project does not proceed, there will be a number of negative consequences on the availability of on-campus student housing and the surrounding rental market, which is already under significant pressure. Under the Concept Plan's approved contributions schedule the potential contribution would be in the order of $135,000.

In respect of the applicant's reference to the Contributions Schedule approved by the Minister as part of the Concept Plan, the following comments are made:

(a) Macquarie University has submitted to Council a Contributions Schedule for development in the area of the Macquarie Park Concept Plan. This Schedule has not been considered by Council, nor has it progressed through the necessary public exhibition process prior to adoption. Accordingly, it has no legal standing.

(b) Further, there is no current VPA between Council and Macquarie University that would reflect the sought contribution figure.

(c) The proposed student accommodation is a welcome type of development as it will lessen the number of unauthorised boarding houses in the nearby area.

(d) The proposed development is not the type of development that is envisaged by the Concept Plan. It is accepted that the proposal is a short/medium term development that

in due course will be replaced by the high rise development identified in the Concept Plan.

(e) Council's Contributions Plan does not include any discount arrangement for not-for-profit organisations.

(f) Other than a comment identifying the possible financial implications of applying the full Section 94 Contribution Plan rate, the application is silent in respect of any other justification for Council to accept a contribution lesser than that identified in the Section 94 Contributions Plan, after the previously two identified discounts have been applied.

Further consultation has taken place with the applicant regarding the level of community and cultural facilities provided by Macquarie University to both its student population as well as the surrounding Macquarie Park community.

As the subject application is an application by the Crown, the draft conditions of consent, including the above Section 94 contribution of $306,476.63 was referred to the applicant for their agreement.

By letter dated 29 November 2010, the applicant objected to the imposition of the Section 94 condition, as detailed by Council, and proposed a contribution of $145,482.48.

Subsequent discussions between Council and the applicant revealed that Macquarie University held the view that it provided a lot of community and cultural facilities to both its student population as well as surrounding communities within the City of Ryde, and accordingly, the proposed contribution, relevant to community and cultural facilities, of $137,830.45 should not be enforced. This situation was confirmed in Council letter to the applicant dated 3 December 2010. The applicant was requested to detail the cultural and community facilities provided by the University.

By e-mail dated 7 December 2010, in respect of the community and cultural facilities provided by the University, the applicant states:

We confirm that the reduced contributions generally align with the position taken by the College, and thank the Council for further consideration of concessions. With respect to the reduced amount for Community and Civic infrastructure I can confirm that:

> The community and cultural needs of the College's tenants / students are substantially provided for by Robert Menzies College including a wide range of on-site support services;
> The tenants / students of the College are not full-time residents for the whole duration of the calendar year, and therefore the extent of need for services (already lesser than for residents and workers in the LGA) that may be provided by Council is a further fraction of that of full-time residents and workers within Ryde LGA; and
> The tenants / students of the College already (and will continue to) make use of the wide range of services, facilities and infrastructure already made available (and being upgraded) by the University, particularly as they reside on and undertake the majority of their day to day actions at the University, the very same land upon which the College is located.

In view of the applicant's clarification of the provision of community and cultural facilities, it is considered that the imposition of Section 94 contributions for community and cultural facilities, in respect of this application, is not necessary.

Accordingly, the proposed Section 94 contributions, as agreed by the applicant, are:

A	B
Community & Cultural Facilities	$0
Open Space & Recreation Facilities	$0
Civic & Urban Improvements	$71,123.68
Roads & Traffic Management Facilities	$76,333.38
Cycleways	$9,832.74
Stormwater Management Facilities	$8,704.73
Plan Administration	$2,651.66
The total contribution is	**$168,646.18**

This contribution is a contribution under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 adopted by City of Ryde on 11/12/2007.

Condition No. 16 refers to the above contribution.

4.6.9 Circular No. D6 from former Department of Urban Affairs and Planning & Section 89 of Environmental Planning and Assessment Act 1979.

The former Department of Urban Affairs and Planning on 21 September 1995, issued Circular No. D6, which relates to Crown Development Applications and Conditions of Consent. This Circular is still current.

The subject application is lodged by Robert Menzies College, a division of Macquarie University. Accordingly, the subject application is an application by the Crown.

Circular D6 provides an explanation of section 89(1) of the *Environmental Planning and Assessment Act 1979*, which states:

> ***89 Determination of Crown development applications***
>
> *(1) A consent authority (other than the Minister) must not:*
> *(a) refuse its consent to a Crown development application, except with the approval of the Minister, or*
> *(b) impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.*

In accordance with the provisions of section 89(1)(b) the draft conditions were provided to the applicant. By letter dated 29 November 2010, the applicant objected to three conditions that related to:

- Section 94 contributions;
- Stormwater and drainage; and
- Timing of Part 1 of the Deferred Commencement Conditions.

Concern in respect of the stormwater design related to the applicant's desire to modify the submitted design. Council's Development Engineer raised no objection to the modified design.

The applicant sought a period of 12 months to complete the items listed in Part 1 of the consent, in lieu of the proposed 6 months. This change is accepted.

The third issue related to Section 94 contributions. This matter has previously been discussed.

Subsequent to resolution of these three issues, the applicant by e-mail dated 7 December 2010, raised no objections to the imposition of the draft conditions of consent.

4.6.10 Relevant Development Control Plan/Council Code against which development has been assessed:

City of Ryde Development Control Plan 2010:

Part 4.5 of DCP 2010 – Macquarie Park Corridor

Control	Comments
s3.0 – Structure Plan	
Street Network 1. Provide new public streets as shown in the Street Network Structure Plan. 2. Refer to s5.1 for detailed information regarding required width, design & location of each street type. 3. New streets are to be dedicated to Council. 4. All major development shall utilise the Macquarie Park Integrated Traffic and Movement Study.	The site does not conflict with the new street network.
Open Space Network 1. Provide public open space as shown in Figure 4.5.06 Open Space Network. 2. Refer to s5.1 for detailed information regarding the design requirements for each park. 3. Parks are to be in public ownership.	The site does not conflict with the new open space network.
Built Form Network 1. Buildings are to be designed in accordance with s6.0. 2. Refer to City of Ryde LEP 2008 Amendment 1 for Building Height & Floor Space Ratio controls.	The proposed development is a short term and interim development of the site pending the high density and high rise development identified in the Macquarie University Campus Concept Plan.
s4.3 – Macquarie University Station Precinct	
4.3.2 – Public Domain	

Control	Comments
Open Space 1. New parks, plazas and public open spaces are to be provided where shown in Figures 4.5.32, 4.5.35 & 4.5.36. The minimum dimensions of public open spaces are to be provided as shown. 2. Public open spaces are to be designed according to Section 5.2 of the DCP, and according to the Macquarie Park Public Domain Technical Manual. 3. Existing trees are to be retained and protected, particularly within the College Creek corridor. 4. Public open spaces are to be dedicated to Council. Where a public open space is shown within private land, council should be consulted at an early stage of the design process. 5. Provide integrated stormwater management and enhanced pedestrian, landscape, accessibility and water sensitive urban design treatments to the overland flow path through Macquarie Shopping Centre.	No adverse impact upon location of proposed new parks and public open spaces.
Streets 6. Primary active and retail frontages are to be provided where shown in Figure 4.5.32.	Not applicable.
Pedestrian through-site links 7. Pedestrian through-site links are to be provided where shown in Figure 4.5.32.	Not applicable.
4.3.3 – Site & Building Design	
Building Heights 1. Development should comply with Figure 4.5.35 which indicates the maximum number of permissible storeys and supplements the height of buildings indicated on the Ryde LEP 2008 Amendment 1 – Incentive Height Controls.	The subject site is not included in the area covered by Ryde LEP 2010.
Setbacks & Building Zone 1. Ensure that the critical building alignments shown in Figure 4.5.36 are provided. Critical building alignments are to be determined by setting out the minimum setback from the closest point to the boundary	These controls do not apply to the subject site.

Control	Comments
along the street. This control is necessary to ensure a spatial consistency along streets in the context of irregular and unaligned property boundaries. At least 85% of the building frontage (on all levels) is to be built to this setback. 2. Provide street setbacks and build-to lines as shown in Figure 4.5.36. 3. Underground car parking is not permitted to encroach into setback areas unless it can be demonstrated that the basement is designed to support significant mature trees and deep root planting.	
Community Facilities 1. Provide community space of not less than 4000sqm within the Macquarie Park Shopping Centre (which may include a library, arts centre or other function to meet local demand). The community space must be directly accessible from the public domain and within a short walk of the station and bus interchange	Not located within Macquarie Park Shopping Centre.
4.3.4 – Public Domain Interface	
Vehicular Access & Parking 1. Driveways and vehicular crossings are not preferred along: • Herring Road north of Waterloo Road. • Herring Road for the block south of Waterloo Road. • University Avenue for the block east of Herring Road. • Waterloo Road north from Herring Road to the location of the existing driveway crossing (approx. 19m east of Herring Road). 2. Driveways and vehicular crossings are to be provided from the secondary streets wherever possible. 3. Vehicle access should not ramp along boundary alignments facing a street or public open space. 5. The shopping centre access ramp located in Herring Road shall be demolished and alternative access arrangements set in place. Access to	The existing vehicular crossing in Herring Road will be retained.

Control	Comments
the shopping centre shall have regard to the Integrated Transport and Movement Plan prepared by Council. 6. The outcomes of the Macquarie University Mast Plan in relation to elements such as the public transport interchange, pedestrian and vehicular movements are considered as part of any development in the precinct.	
Colonnades 1. Provide colonnade/active frontage along the Macquarie University Station Plaza. 2. Provide colonnades with a preferred minimum soffit height of 7.2m. 3. Provide under colonnade lighting to create a safe pedestrian environment at night. 4. Colonnade shall have a minimum width to height ratio of 3:2. 5. To activate the public domain, active ground level uses are required along the colonnade.	Not applicable.
s5.0 – Public Domain	
5.1 - Streets	
Type 2 Streets 1. Typically 20.4m road reserve (22.2m along active frontages) to Council satisfaction. 2. Existing Streets extend along existing alignment where possible. 3. New streets: provide new Type 2 streets where shown in Figure 4.5.44 & 4.5.56 of the Plan. 4. Secondary streets are typically defined by Landscaped street setbacks. Tree planting in landscape setbacks are to comply with the Street Tree Planting Key Plan in the Macquarie Park Public Domain Technical Manual. 5. Along active frontages a variation on Type 2 streets with a widened footpath is to be provided, accommodating increased pedestrian activity. 6. Lighting, paving, street furniture and street planting are to be provided as required in the Macquarie Park Public	Not applicable.

Control	Comments
Domain Technical Manual. 7. Cycle facilities are to be provided in accordance with Ryde Bicycle Strategy & Master Plan 2007. 8. New roads are to have shared service pits to reduce maintenance costs and reduce conflict with street plantings.	
5.3 – General Public Domain Controls	
Cycle Strategy 1. Provide dedicated cycle access in accordance with Ryde Bicycle Strategy & Master Plan 2007. 2. Provide cycle/pedestrian paths as shown in Figure 4.5.78 of the Plan. 3. Provide lockable bicycle storage and end-of-trip facilities at train stations and within development.	The development includes 18 bicycle location stations at the western end of the car parking area.
Street Furniture 1. Design and build streets in accordance with the details provided in the Macquarie Park Public Domain Technical Manual. 2. Utilise paving materials, furniture and lighting standards as identified in the Macquarie Park Public Domain Technical Manual.	The proposal does not include any public domain works.
Street Tree & Front Setback Tree Planting 1. Street trees and front setback must be provided in accordance with the Street Tree Key Plan in the Macquarie Park Public Domain Technical Manual, and their health guaranteed for a minimum of 5 years.	A condition of consent will be imposed to reflect this requirement.
Community Facilities 1. Community facilities are to be provided as required by the Ryde City Council's Section 94 Plan. 2. Community facilities are to be provided in accordance with the relevant documentation prepared by Council. 3. Community facilities are to be located around public open spaces and along active frontages, with entries	A condition requiring a Section 94 contribution has been included.
Public Art 1. Public art must be included in all new development on sites over 15,000sqm.	Not applicable.

Control	Comments
2. A site specific Arts Plan is to be included in a Stage 1 DA or Master Plan and submitted together with the DA.	
s6.0 – Site & Building Design	
6.1 – General Built Form Controls	
Height Controls 1. Building heights are to comply with the RPSO and Ryde LEP 2008, Amendment 1. 2. Council may consider a variation to the building height controls where the development is providing a public benefit such as detailed in the LEP 2008 Access Network or Environmental Excellence Provisions.	This issue has already been addressed in the report.
Floor Space Ratio Controls 1. Floor space ratios are to comply with the RPSO and Ryde LEP 2008, Amendment 1. 2. Council may consider a variation to the floor space ratio control where the development is providing a public benefit. 3. Additional floor space maybe permitted within the development where the building can demonstrate excellence in environmental sustainability.	This issue has already been addressed in the report.
Site Planning & Staging 1. Sites are to be planned to allow for the future provision of new streets and open spaces in accordance with Ryde LEP 2008 Amendment 1 – Access Network. 2. Buildings are to be sited to address existing and new frontages in the following order of precedence: a) Primary frontages: These are located along existing streets (typically Type 1 or 2 streets). b) Secondary frontages: these are generally existing, or new Type 2 or 3 streets. 3. Front door and street address is to be located on the primary frontage. Loading docks, vehicular access is not permitted to be located on the primary frontage unless it can be demonstrated that there is no	Not applicable.

Control	Comments
alternative. 4. Staged development frontages: these are new streets which may take a longer time to deliver due to the number of sites they traverse, and provide limited access and frontage opportunities in the short term.	
Street Setbacks & Built-To Lines 1. Minimum setbacks and build-to lines must be provided as shown in Figure 4.5.83 of the DCP. a) Where minimum setbacks are shown, buildings may setback further from the street according to specific site conditions. b) Where build-to lines are shown, 85% of the building frontage must be built to the specified street setback. 2. Underground parking is not permitted to encroach into the setback areas unless it can be demonstrated that the basement is designed to support significant mature trees and deep root planting. 3. Awnings, canopies, balconies, sun shading and screening elements can project forward of the street setback line. 4. Subject to negotiation with Council, single storey café structures may be located within the street setback. These structures must address the public domain and be or transparent construction. 5. <u>Zero setbacks</u> Where zero setbacks are shown, buildings are to address the street or public domain with building entries and active frontages. 6. <u>10m Green setbacks</u> 80% of the street setback area is to be soft landscaping. Existing mature trees are to be retained where possible, and additional trees planted. At grade car parking must not be located within this setback. 7. <u>10m Civic setbacks</u> The street setback area is to be paved to create a seamless transition	Not applicable.

Control	Comments
from the public footpath. Materials are to relate to the adjacent streetscape. At grade car parking must not be located within this setback. 8. <u>5m setbacks</u> 60% of the street setback area is to be soft landscaping. Existing mature trees are to be retained where possible. Paved areas are to relate to the materials and finishes of the adjacent streetscape. At grade car parking must not be located within this setback. 9. <u>Station Plaza setbacks</u> Building setbacks provide adequate pedestrian circulation space around train stations.	
Side & Rear Setbacks 1. Development is to comply with the side and rear setbacks of a special precinct within which it is located. 2. On other sites, buildings are to be setback 10m from a rear and 5m from a side site boundary. 3. Awnings, canopies, balconies, sun shading and screening elements can project into the side or rear setback zones. 4. Basement car park structures should not encroach into the minimum required side or rear setback zone unless the structure can be designed to support mature trees and deep root planting. 5. Natural ground level is to be retained throughout the side and rear setbacks, where possible.	Not applicable.
Building Separation 1. Provide a minimum 20m separation between buildings facing each other within a site. 2. Provide a minimum 10m separation between buildings perpendicular to each other within a site. This reduced building separation control only applies where the width of the facing facades do not exceed 20m.	Not applicable.
Building Bulk 1. All buildings must comply with	The proposed development contains four levels

Control	Comments
Section 6.1.15 of the DCP (Environmental Performance). 2. The floor plate of buildings above 8 storeys is not to exceed 2000sqm, unless it can be demonstrated that slender building forms are achieved through courtyards, atria, articulation or architectural devices. 3. Buildings above 8 storeys are to be slender in form. 4. The preferred distance of any point on a habited floor from a source of natural daylight is 12m. 5. Atria and courtyards are encouraged to promote access to natural light, pedestrian links and slender building forms. 6. Arrange courtyards and atria to respond to street and solar orientation. 7. The preferred height to width ratio is 3:1.	
Site Coverage & Deep Soil Areas 1. A minimum 20% of a site must be provided as deep soil area. 2. Deep soil must be at least 2m deep. 3. For the purpose of calculating deep soil areas, only areas with a minimum dimension of 20m x 10m may be included. 4. Where a site falls within a special precinct a minimum 15% of the developable area of a site must be provided as deep soil area.	32.3% of the site will be available for deep soil planting, although most will be paved. There is no basement to restrict deep soil planting. Due to the short term nature of the use and the irregular shape of the site as well as the retention of some existing student accommodation it has been necessary to include in the calculation all deep soil areas. Not within a special area.
Building Articulation 1. Facades are to be composed with an appropriate scale, rhythm and proportion, which respond to the building use and the desired character by: a) Defining a base, middle and top related to the overall proportion of the building. b) Expressing key datum lines in the context using cornices, a change in materials or building setback. c) Expressing the internal layout of the building, for example, vertical bays or its structure, such as	Not applicable.

Control	Comments
party wall divisions. d) Expressing the variation in floor to floor height, particularly at the lower levels. e) Articulating building entries with awnings, porticos, recesses, blade walls and projecting bays. f) Incorporating architectural features which give human scale to the design of the building at street level. These can include entrance porches, awnings, pergolas and fences using recessed balconies and deep windows to create articulation and define shadows thereby adding visual depth to the façade. 2. Façade design is to reflect and respond to the orientation of the site using elements such as sun shading and environmental controls where appropriate. 3. Important corners are to be expressed by giving visual prominence to parts of the façade (ie a change in building articulation, material or colour, or roof expression). 4. Building services such as roof plant and parking ventilation are to be coordinated and integrated with the overall façade and building design, and screened from view. Roof forms, building services and screening elements are to occur within the overall height control. 5. Ventilation louvers and car park entry doors are to be coordinated with the overall façade design.	
Ceiling Heights 1. Maximum ceiling heights are to be provided as follows: Minimum dimensions are measured from finished floor level to finished ceiling level: • Ground level – 3.6m • Upper levels – 2.7m 2. Upper levels which are predominantly plant or parking may vary the minimum floor to ceiling heights.	Ground floor has ceiling height of 3.2m, remainder of floors have a ceiling height of 2.7m.

Control	Comments
Active Frontages 1. Continuous ground level active uses must be provided where primary active frontages are shown in figure 4.5.94 of the DCP. 2. Active ground level uses are encouraged where secondary active frontages are shown in figure 4.5.94. 3. Active uses are defined as one or a combination of the following: a) shop fronts. b) Retail/service facilities with a street entrance. c) Café or restaurants with street entrance. d) Community and civic uses with a street entrance. e) Recreation and leisure facilities with a street entrance. f) Commercial or residential lobbies with a street entrance. g) Commercial and residential lobbies must not occupy more than 20% of the total length of the building's street frontage for primary active frontages and 30% for secondary active frontages. *Primary & Secondary Active Frontages*: 4. Entries to active frontage tenancies are to be accessible and at the same level as the adjacent footpath. 5. Active uses must occupy the street frontage for a depth of at least 10m. 6. On sloping sites, the maximum level change between ground floor tenancies and the adjacent footpath is 600mm. 7. A minimum of 90% of the building frontage is to be occupied by windows and glazed doors. 8. Clear glazing is to be provided to windows and doors. The sill height must be max. 600mm above the internal finished floor level. 9. Active frontage facades are to be punctuated by columns/vertical elements to provide vertical articulation. The maximum spacing	Not applicable.

Control	Comments
between columns must not exceed 20m. *Primary Active Frontages Only:* 10. Buildings with primary active frontages are to be built to the street alignment with zero street setbacks. 11. Continuous awnings are to be provided to primary active frontages. 12. Vehicular access points are not permitted where primary active frontages are shown in Figure 4.5.94 of the DCP. 13. Provide minimum one door per 20m in primary active frontages.	
Awnings & Canopies 1. Continuous awnings must be provided where primary active frontages are shown in Figure 4.5.94 of the DCP. Entry canopies and discontinuous awnings and entry canopies are permitted elsewhere in the corridor. *Continuous awnings:* 2. Awning width is to be 3m. 3. Provide awnings with a soffit height of 3.6m above the finished ground floor level. On sloping sites, awning soffit height may vary from 3.6m – 4.2m. 4. Awning heights are to be coordinated with adjoining properties. 5. Where the topography slopes along the street, awnings are to step to provide a regular height over the footpath. Steps in awnings should not exceed 600mm. 6. Stepped awnings must be detailed to provide continuous weather protection. 7. Glazing is not permitted in continuous awnings. 8. Under awning lighting is to be provided to achieve appropriate luminance levels for pedestrians. This should be recessed into the soffit of the awning. *Entry Canopies* 9. Entry canopies and discontinuous awnings may be provided to building	Not applicable.

Control	Comments
entries not located along active frontages. 10. Entry canopies may be glazed or solid, and are to be coordinated with the overall façade design. 11. Provide canopies with a soffit height of 3.6m – 4.2m.	
Topography & Building Interface 1. Level changes across sites are to be resolved within the building footprint. 2. Where buildings are built to the street boundary, a level transition must be provided between the building and the adjacent footpath. This level must be maintained for a minimum depth of 10m into the building. 3. Where buildings are setback from the street boundary, entries are to be provided at street level wherever possible. 4. An accessible path of travel is to be provided from the street through the main entry door of all buildings. 5. Where necessary, stairs and ramps are to be integrated with the landscape design of front setbacks. 6. Natural ground level is to be retained for a zone of 4m from the side and rear property boundaries. Retaining walls, cut and fill are not permitted within this zone. 7. The maximum height of retaining walls within the front, side and rear setbacks is not to exceed 1.2m. 8. Publicly accessible open spaces under private ownership must be provided at footpath level. Where level changes cannot be avoided due to topography, the finished level of the open space must not exceed 1.2m above the footpath level.	Not applicable.
Advertising Signage 1. Signage shall comply with Part 9.1 of the DCP. 2. Where active frontages are shown, a signage zone is allocated which may accommodate advertising signage below continuous street awnings. 3. Signage must: a) Contribute positively to the	Not applicable.

Control	Comments
identity and character of the Macquarie Park Corridor. b) Contribute to luminance levels and personal safety in the public domain. c) Communicate effectively and avoid confusion with directional and traffic signage. d) Avoid physical and visual clutter. e) Include way-finding and directional signage that assists pedestrians, cyclists and motorists navigate through Macquarie Park Corridor, if required by Council. 4. Community information signage may be permitted subject to the approval of Council.	
Environmental Performance 1. Commercial development is required to achieve a 4 Star Green Star Certified Rating. 2. Additional floor space may be permitted within a development where the building can demonstrate design excellence and environmental sustainability. For consideration of the additional floor space a minimum 5 Green Star – Green Building Council of Australia (GBCA) should be provided. 3. Residential development is to comply with BASIX requirements. 4. Development is required to comply with Section 6.1.7 of the DCP (Building Bulk).	Not applicable. **Note:** BASIX regulations do not apply to student accommodation.
Wind Impact 1. Buildings shall not create uncomfortable of unsafe wind conditions in the public domain which exceeds the Acceptable Criteria for Environmental Wind conditions. Carefully locate or design outdoor areas to ensure places with high wind levels are avoided. 2. All applications for buildings over 5 storeys in height shall be accompanied with a wind environment statement. For buildings over 9 storeys and for any	Not applicable.

Control	Comments
other building which may be considered an exposed building shall be accompanied by a wind tunnel study report.	
Noise & Vibration 1. An Acoustic Impact Assessment report prepared by a suitably qualified acoustic consultant is required to be submitted with all development applications for commercial, industrial, retail and community buildings, with the exception of applications minor building alterations. 2. Development is to comply with all relevant statutory regulations. 3. Where light industrial and commercial development adjoins residential development, the use of mechanical plant equipment and building services will be restricted and must have appropriate acoustic insulation. 4. Loading and unloading facilities must not be located immediately adjacent to residential development. 5. Retail premises must limit any spruiking and the playing of amplified music or messages so as not to disturb the amenity of other public and private places. 6. air conditioning ducts shall not be situated immediately adjacent to residential development.	Not applicable.
6.2 – Private & Communal Open Space	
Landscaping & Communal Courtyards 1. A minimum 30% of the developable area of the site is to be provided as Landscaped Area. 2. Solar access to communal open spaces is to be maximised. Communal courtyards must receive a minimum of 3 hours direct sunlight between 9am and 3pm on 21 June. 3. Appropriate shading is to be provided so that communal spaces are useable during summer. 4. Communal open spaces are to incorporate the primary deep soil area where possible. The landscaping of courtyard spaces is to	Only 8.0% of the site will be landscaped. Although, a possibility of 32.3% of the site could be landscaped. Given the use of the site as student accommodation it is reasonable that most of the site be paved, as there will be a high pedestrian load.

Control	Comments
provide for the growth of mid to large sized trees. 5. Landscaped areas are to incorporate trees, shrubs and ground covers endemic to the area where appropriate. 6. Landscaping is to contribute to water efficiency and effective stormwater management.	
Pedestrian Through-Site Links 1. Pedestrian through site links must be provided: a) Where Pedestrian Access Corridors are shown in the Ryde LEP 2008 Amendment 1 – Access Plan. b) Within special precincts. c) As determined by Council on a site-to-site basis. 2. Pedestrian through site links are to be a minimum of 3m wide and are to be dedicated to council where possible. Where they are to remain in private ownership, they are to be publicly accessible for at least 12 hours each week day between the hours of 6am and 10pm. 3. Pedestrian through site links are to be straight, with clear views from end to end. 4. Pedestrian through site links can either be open or enclosed. Enclosed pedestrian links must have a minimum ceiling height of 3.6m. 5. Where pedestrian through site links are adjacent to a courtyard or public space, the design of the pedestrian link is to be integrated with the design of the open space and access is provided between the two spaces. 6. Where pedestrian through site links are provided between buildings, a high level or transparency is to be provided between the internal ground floor space of the building and the pedestrian link. 7. Active ground level uses are encouraged along pedestrian through site links. 8. Provide access in accordance with	Not applicable.

Control	Comments
Part 9.2 of the DCP – Access for People with Disabilities.	
6.3 – Services & Site Management	
Floodplain Management 1. All stormwater leaving the site, at any time, up to a 1-in-20 year stormwater event, is treated/filtered in accordance with ANZECC Guidelines for Urban Stormwater management. 2. Development must not increase peak stormwater flows for rainfall events of up to 1-in-2 year storm. 3. At least 90% of the water requirement for landscape irrigation is to be sourced from on-site rainwater collection or recycled site water.	Council's Development Engineer has raised no objection to the proposal.
Stormwater Drainage 1. Development shall comply with the requirements outlined in the Stormwater Drainage Section of the DCP and is to provide a stormwater drainage system in accordance with the "major/minor" system concept set out in Australian Rainfall and Runoff. 2. The "major" system shall provide safe, well-defined overland flow paths for rare and extreme flood events. The "minor" street and trunk drainage system shall be capable of carrying and controlling flows up to the 1-in-50 year design average occurrence. 3. Stormwater drainage design and construction shall comply with the requirements of the DCP, Water Sensitive Urban Design (WSUD) DCP, Infrastructure Manual and Design and Construction.	(as above)
Waste Management 1. All applications for demolition and development must be accompanied by a Waste Management Plan that specifies the type of waste to be produced and the proposed arrangements for ongoing waste management, collection and disposal. 2. All Waste Management Plans shall be prepared in accordance with the relevant requirements of the Waste	A Waste Management Plan has been submitted to Council.

Control	Comments
Avoidance and Resource Recovery Act 2001, the Protection of the Environment Operations Act 1997 and the DCP. 3. Developments are encouraged to provide a compactor, crusher or composter to reduce the bulk of waste leaving the site.	
Soil Management 1. Development is to be designed and constructed to integrate with the natural topography of the site to minimum the need for excessive sediment disturbance and prevent soil loss. 2. Effective soil management and maintenance practices are to be followed to prevent soil loss. 3. Ensure that suspended solid concentrations in stormwater leaving the site do not exceed more than 50mg/litre. 4. An Erosion and Sediment Control Plan (ESCP), prepared by a suitably qualified environmental engineer, is required to be submitted in support of all development proposals requiring development consent under the RLEP including demolition, excavation, trenching and building. 5. The ESCP must make reference to the entire construction and post construction period, and all devices must be installed prior to the commencement of any demolition or construction works on-site.	Appropriate condition is recommended. (Condition No. 23 relates)
Site Contamination 1. Prior to the submission of subdivision and development applications, a suitably qualified environmental engineer on behalf of the applicant is to assess whether the subject land is contaminated.	No evidence has been provided to demonstrate the likely existence of any contamination on the site.
Site Facilities 1. Vehicular access to loading facilities is to be provided from secondary and tertiary streets where possible. 2. Rubbish and recycling areas must be provided in accordance with the DCP. These areas must:	Proposal will utilise the existing vehicular crossing in Herring Road. Waste removal will be incorporated with the systems used by the existing adjoining student

Control	Comments
a) Be integrated with the development. b) Minimise the visibility of the these facilities from the street. c) Be located away from openable windows to habitable rooms. 3. Barrier free access is to be provided to all shared facilities. 4. Provide at least one shower and changing facility that is accessible to the building users.	accommodation.
Vehicular Access 1. Vehicular access is not permitted along streets identified as 'Active Frontages'. 2. Where practicable, vehicle access is to be from secondary streets. 3. Potential pedestrian/vehicle conflict is to be minimised by: a) Limiting the width and number of vehicle access points. b) Ensuring clear site lines at pedestrian and vehicle crossings. c) Utilising traffic calming devices. d) Separating and clearly distinguishing between pedestrian and vehicular accessways. 4. The appearance of car parking and service vehicle entries is to improved by: a) Locating or screening garbage collection, loading and servicing areas visually away from the street. b) Setting back or recessing car park entries from the main façade line. c) Avoiding black holes in the façade by providing security doors to car park entries. d) Where doors are not provided, it is to be ensured that the visible interior of the car park is incorporated into the façade design and material selection and that building services pipes and ducts are concealed. e) Returning the façade material into	Car parking area is at grade. No basements are proposed. Access to the car parking area uses the existing driveway crossing.

Control	Comments
the car park entry recess for the extent visible from the street as a minimum. 5. The width of driveways is to be determined in accordance with the requirements of the DCP and Australian Standards.	
On-Site Parking 1. Safe and secure 24 hour access to car parking areas is to be provided for building users. 2. Parking areas must not be located within the front, side or rear setbacks. 3. Parking areas are to be screened from view from the street, public domain and communal open space areas, using site planning and appropriate screen planting or structures. 4. Provide safe and direct access from parking areas to building entry points. 5. Provide appropriate mature vegetation between parking bays to provide shade and enhance visual impact. 6. Basement parking areas should be located directly under building footprints to maximise opportunities for deep soil areas unless the structure can be designed to support mature plants and deep root plants. 7. Basement parking areas must not extend forward of the building line along the street. 8. Along active frontages, basement parking must be located fully below the level of the footpath. 9. Basement parking should be contained wholly beneath ground level along public streets. Where this cannot be achieved due to topography, the parking level must protrude no more than 1.2m above ground level for no more than 60% of the building frontage along the public street. 10. Ventilation grills or screening devices of car park openings are to be integrated into the overall façade and landscape design of the development.	The car parking area is open and in close proximity to the adjoining student accommodation buildings. This will permit good casual surveillance of the car parking area.

Control	Comments
11. Basement car parking may be located under roads and hard paved areas to Council satisfaction. 12. Along all street frontages, above ground parking levels are to be laminated with another use for a minimum depth of 10m. 13. Temporary above ground parking structures are to be designed to allow future adaptation to other uses. Ramps should be located internally rather than on the facades of parking structures to allow ease of adaptation of use.	
Work Place Travel Plan (WPTP) 1. A WPTP is required for all developments that exceed 15,000sqm floor space or 300 employees. 2. Large sites shall employ a suitably qualified workplace travel coordinator to implement the objectives and strategies of a WPTP.	Not applicable.

4.6.11 Draft Environmental Planning Instruments

There are no draft instruments applicable to this site.

4.6.12 Other matters prescribed by the regulations

There are no relevant matters prescribed by the regulations in relation to fire safety or demolition other than those detailed in this report.

4.6.13 The likely impacts of the development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality:

Built Environment

The proposed development involving the erection of additional student accommodation within the Robert Menzies College is not have any adverse impacts on the existing built environment or the amenity of the surrounding area. The development is consistent with other developments of a similar nature in the Macquarie University campus.

Natural Environment

There are 61 trees within or adjacent to the subject site. The proposed development involves the removal of 33 trees and the retention of 28 trees.

In respect of the likely impacts upon the natural environment, the applicant, within the submitted Statement of Environmental Effects states:

An Arboricultural Impact Assessment has been prepared by Footprint Green Pty Ltd to assess the condition and significance of 61 trees on and adjacent to the site, and the impact of the proposed development on these trees. Whilst the majority of the 33 trees proposed for removal have a medium to long safe useable life expectancy, only eight of the trees have a significant or high landscape value. The majority of the 33 trees that will be removed (25) are identified as having a moderate or low landscape value. Furthermore, as detailed in the Ecologicial Impact Statement, there will be no impact on any endangered ecological communities present on the University Campus as a result of the proposed tree removal.

Efforts have been made to minimise the footprint of the building and the extent of the car park in an attempt to reduce tree loss and maintain the bushland setting of the site. Whilst a number of trees are required to be removed, this will be off-set by the planting of 30 canopy and deciduous trees (as detailed in the Landscape Plan) meaning that there is a net loss of only three trees across the site. Given the context of the proposed development, and the need for student housing in the area, this tree loss is considered acceptable. Further, in order to maintain the site's bushland setting, 28 other trees will be retained. Generally, these 28 trees have a higher landscape value than those that will be removed, with 16 of the 28 trees identified as having a high or significant landscape value.

To ensure that the retained trees are protected during the construction process, a number of measures will be implemented including the installation of fencing and the ongoing monitoring of tree health. The report concludes that subject to the implementation of these and other tree protection measures, the proposed development will have no significant impact on the long-term health of trees identified for retention.

An Ecological Impact Statement has been prepared by LesryK Environmental Consultants to determine whether any species of the Sydney Turpentine-Ironbark Forest (STIF) are present on the site. STIF is a listed endangered ecological community under the Threatened Species Conservation Act 1995 and has been identified within the Macquarie University Site.

LesryK carried out a survey of flora and fauna within the RMC site in November 2009. The statement notes that generally, vegetation on the site is composed of landscape plantings including native trees, shrubs, groundcover species and lawn with limited value as a habitat for native fauna species. The survey identified the presence of STIF outside of, and approximately 120m south-west of the RMC site. In addition, remnant trees of this community were found to occur either side of University Creek, including a remnant Turpentine tree just outside the north-eastern boundary of the RMC site. The tree is identified as being degraded and isolated, and whilst the NSW Scientific Committee's definition of STIF as an endangered ecological community includes individual remnant trees, the Environmental Protection and Biodiversity Conservation Act (EPBC Act) states that remnant STIF must be greater than 1ha in size and must include characteristic components from all structural layers. Whilst the remnant Turpentine tree is part of an area of trees that is greater than 1ha, other structural layers are not present and so it does not represent a community for the

purposes of the EPBC Act. In addition, the tree will not be removed or significantly affected by the proposed development.

The above comments from the applicant's consultant planners are relevant, however, in need of some clarification. The Federal legislation (EPBC Act) does not apply as the site of the STIF is less than 1 hectare. Nevertheless, the state legislation of *Threatened Species Conservation Act 1995* (TSCA) does apply. On the basis of the STIF being located approximately 120m south-west of the subject site, and only one tree being identified, the preparation of a 7 part test, under the TSCA, was considered not to be warranted.

Notwithstanding the proposed removal of 33 trees, the proposal does involve the planting of suitable replacement trees and, the completed development should, over time, compliment the local natural environment. The submitted Ecological Impact Statement identifies that there are no likely adverse flora and fauna impacts flowing from the proposed development.

4.6.14 Suitability of the site for development:

The site is not classified as a heritage item, although there is a nearby heritage item, or subject to any natural constraints such as flooding or subsidence. In this regard, the proposal is considered to be suitable for the site in terms of the impact on both the existing natural and built environments.

4.6.15 Public submissions:

The proposal was notified in accordance with Council's DCP 2006: Part 2.1- Notification of Development Applications for a 14 day period ending on 8 July 2010. During this period no submissions were received objecting to the development.

4.6.16 Submissions from Public Authorities and the Public Interest:

Other than the submission from RailCorp which has previously been discussed, no other submissions have been received from any Public Authority. The proposal is not considered to adversely impact upon the interest of the public.

5.0 Conclusion:

The proposed development involves:

- Demolition of the existing at-grade car parking area;
- Removal of 33 trees, retention of 28 trees and planting of 30 native trees;
- Erection of a four-storey student housing development (Block E) to accommodate 104 students;
- Provision of common areas, laundry facilities, seminar rooms and related services together with infrastructure;
- Construction of a central courtyard for recreation purposes;
- Access upgrades across the site ensuring accessible paths of travel to existing and new facilities;
- At grade parking for 43 cars, including two accessible parking spaces;
- 18 bicycle parking spaces;
- Landscaping and the retention of significant vegetation to maintain bushland setting; and
- Associated infrastructure works.

The proposal has been assessed in terms of the provisions of the relevant statutory plans, including:

- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Major Projects) 2005;
- State Environmental Planning Policy (Infrastructure) 2007; and
- Macquarie University Campus Concept Plan prepared under the Major Projects SEPP.

In respect of the above statutory plans no areas of non-compliance have been identified. Further, public exhibition of the proposed development has not resulted in the submission of any objections.

In respect of Section 94 contributions, after removal of contribution for open space and recreational facilities in line with a previous Minister's direction, and the removal of community and cultural facilities contribution, the proposed final amount of $168,646 is acceptable to the applicant and Council.

Based on a merit assessment of the application, is considered that the application would be acceptable for granting of a Deferred Commencement Consent, subject to identified conditions.

As the applicant is a Crown Authority, it is appropriate that draft conditions of consent be forwarded to the applicant. By e-mail dated 7 December 2010, the applicant agreed to the draft conditions that had been provided to them by Council.

6.0 RECOMMENDATION:

Pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 the following is recommended:

(a) That the Sydney East Region Joint Regional Planning Panel grant a deferred commencement consent to development application LDA2010/256 for the construction of student accommodation at Robert Menzies College within Macquarie University, subject to the conditions of consent in Attachment 1 of this report.

(b) That RailCorp be advised of the decision.

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