

JOINT REGIONAL PLANNING PANEL (Sydney East Region)

JRPP No	2015SYE083
DA Number	LDA 2014/0402
Local Government Area	City of Ryde
Proposed Development	Construction of three (3) mixed used buildings (known as the Sydney, Melbourne and Hobart Buildings) with residential, retail and commercial floor space. Completion of the basement car parking throughout the site, community gym facility on the ground floor of the Hobart Building, and landscaping associated with the Stage 2 development.
Street Address	110-114 Herring Road, Macquarie Park
Applicant/Owner	Stamford Property Services P/L Owner: HSH Hotels (Australia) Ltd.
Number of Submissions	One submission received.
Regional Development Criteria (Schedule 4A of the Act)	General Development over \$20 Million (\$82,297,504.30)
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979; • State Environmental Planning Policy (State and Regional Development) 2011; • State Environmental Planning Policy No. 55 – Remediation of Land; • State Environmental Planning Policy (Building Sustainability Index: BASIX); • State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development; • State Environmental Planning Policy (Infrastructure) 2007; • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; • SEPP (Major Development) Amendment (Ryde) 2015; • Draft State Environmental Planning Policy 65; • Ryde Local Environmental Plan 2014;

	<ul style="list-style-type: none"> • City of Ryde Development Control Plan 2014; and • Section 94 Development Contributions Plan 2007.
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> ➤ Concept Approval - Schedule 2, 3 & 4 (Attachment 1). ➤ Residential Flat Design Code – Compliance Table (Attachment 2). ➤ Part 4.5 Macquarie Park Corridor - Compliance Table (Attachment 3). ➤ Conditions of consent (Attachment 4).
Recommendation	Approval with Conditions
Report by	Sandra McCarry, Senior Town Planner
Date	14 September 2015.

Assessment Report and Recommendation

1. EXECUTIVE SUMMARY

The following report is an assessment of a development application for the construction of Stage 2 of the Concept Approval for three mixed used residential flat buildings, completion of the basement parking and associated landscaping at 110 – 114 Herring Road, Macquarie Park.

The redevelopment of the site for residential purposes was declared to be a Major Project under the terms of Part 3A the State Environmental Planning Policy (Major Development) 2005. Accordingly, the site has the benefit of Concept Approval MP10_0112 dated 26 September 2012 with subsequent Section 75W modifications approved on 3 June 2013 (Mod 1), 27 May 2014 (Mod 2), 21 November 2014 (Mod 3), 16 February 2015 (Mod 4), 13 May 2015 (Mod 5) and 5 June 2015 (Mod 6). The Concept Plan was approved by the Planning Assessment Commission.

The Concept plan approval and the subsequently modifications include:

- Use of the site for residential, retail, commercial and public open space.
- Indicative building envelopes for 7 separate buildings with a maximum height of RL 144.650.
- A maximum GFA of 51,139m².
- A minimum of 1,210m² of non-residential GFA.
- Residential apartments.
- Basement level and at grade car parking.

Stage 1 Project approval (MP10_113) was also issued on 26 September 2012 for: Mixed use residential, retail and commercial development incorporating:

- Demolition and excavation;

- Four residential buildings, retail and commercial floor space (Buildings Adelaide, Perth, Brisbane and Darwin);
- Construction of the entire basement car parking structure;
- Landscaping and public works around the buildings, including lift and stairs to Epping Road;
- Publicly accessible open space and through site links; and
- Internal roads and services connections.

This development application proposes the detailed design of Stage 2, being the Sydney, Melbourne and Hobart Buildings.



Figure 1: Photomontage of the development of the whole site. Stage 1 Buildings are shown ghost and do not form part of this application – they have been approved under Project Application MP10_0113).

During the notification period, Council received 1 submission objecting to the proposal. This submission raised the following concerns:

- roads already heavily congested and
- insufficient infrastructure – hospital and school within the area.

The issues raised will be discussed in more detail below under “Submission”.

The proposed development is generally consistent with the Concept Plan Approval and the relevant modifications. In addition, the relevant Statement of Commitments has been satisfied.

Assessment of the application against the relevant planning framework and consideration of various design matters by Council's technical departments has not identified any fundamental issues of concern. Consequently this report concludes this application is sound in terms of its design, function, and relationship with its neighbours.

This report recommends that consent be granted to this application, subject to draft conditions provided at Attachment 4.

2. APPLICATION DETAILS

Applicant: Stamford Property Services P/L.

Owner: HSH Hotels (Australia) Ltd.

Estimated value of works: \$82,297,504.30.

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

3. SITE DESCRIPTION

The subject site is located on the north western side of the intersection of Herring and Epping Roads and is known as 110-114 Herring Road, legally described as Lot 1 in DP 780314.

The site is generally rectangular in shape with a north eastern boundary of 230m, a south eastern frontage to Herring Road of 80m, a south western frontage to Epping Road of 230m and north western boundary of 100m, providing a total site area of approximately 2.24 hectares. The site falls approximately 8m from the south eastern corner (RL 74.0 AHD) to the north western corner (RL 66.0 AHD). This application relates to the south eastern portion of the site only. The remainder of the site has approval under Stage 1 - MP10_0113.



Figure 2: Aerial photo of the site – this application relates to Stage 2 of the development - at the south eastern portion of the site.

The site was previously occupied by the Stamford Grand North Ryde Hotel which comprised of a hotel ranging in height from one to three storeys, basement car park, gardens and recreational facilities including a pool and tennis court. These structures have been demolished and Stage 1 of the development is currently under construction.

- Construction of three (3) mixed use buildings, known as Building Sydney, Melbourne and Hobart, with a total of 297 apartments (of the approved 640 apartments).
 - Sydney Building: Ground floor services and retail/commercial with 21 levels of residential units above (22 storeys). The Sydney Building will have a frontage to both Herring and Epping Roads. The building will contain 156 apartments.
 - Melbourne Building: Ground floor retail/commercial and 11 levels of residential units above (12 storeys). The building will contain 102 apartments. The Melbourne Building will have an eastern frontage to Herring Road.
 - Hobart Building: Ground floor retail/commercial, community facilities (gym) and 7 levels of residential units above (8 storeys) with frontage to the internal road network. The building will contain 39 apartments.
- 24,721m² of the approved 51,139m² gross floor area (GFA). This includes 1,320m² non-residential GFA.
- Construction of a Stage 2 car park fitout for 265 carspaces.
- Detail Landscaping works to the podium level.

Below identifies the characteristics of the proposed three residential flat buildings.

Element	Building Sydney	Building Melbourne	Building Hobart
Height			
Maximum RL	RL Approved by PAC: RL 144.60.	RL Approved by PAC: RL 117.5	RL Approved by PAC: RL 101.60
The proposed building heights are below the maximum approved by the PAC.			
Dwellings			
1-bed	106	58	14
2-bed	42	38	22
3-bed	8	6	3
Total	156	102	39
Adaptable Dwellings	12	14	4
Gross Residential Floor Area	11,847	8,543	3,011
Commercial /retail Floor Area	259	657	404
Total	12,106	9,200	3,415

Photomontages of the proposed development are provided below.



Figure 4: North East view – new internal road in foreground.



Figure 5: Western view - Stage 1 buildings ghosted & Stage 2 behind.



Figure 6: View from Herring Road looking south west.



Figure 7: View from Herring Road looking north east.

6. BACKGROUND

6.1 Concept Approval

This project was declared to be the subject of Part 3A of the Environmental Planning and Assessment Act. A redevelopment of the site for a mixed use residential, retail and commercial development was considered by the Planning Assessment Commission (PAC) and the concept plan (MP10_0112) was subsequently approved on 26 September 2012.

Concurrently with the Concept Plan approval, the PAC approved the Stage 1 Project Approval for the detailed design of the Adelaide, Darwin, Perth and Brisbane Buildings. Only a Concept Plan was approved for the Sydney, Melbourne and Hobart Buildings.

There have been 6 modifications to the approved Concept Plan, as follows:

6.2 Section 75W Applications

1) A Section 75W Modification Application (s75W) was approved by the Director of the then Department of Planning and Infrastructure on 3 June 2013. MP10_0112 MOD 1 to allow the following modification to the Concept Approval:

- Modifications to increase maximum height and density;
- Reorient some building envelope; and
- Replace part of an internal road and its replacement with a pedestrian/cycle way and landscaping.

The modification effectively increased the maximum height to RL 144.650 and the maximum GFA to 51,139m².

2) A second s75W application (MP10_0112 MOD2) was approved by the Director of the Department of Planning and Infrastructure on 27 May 2014, the modification amended the internal layout, external elevations and corrected previous errors.

3) A third s75W application (MP10_0112 Mod 3) was submitted to amend Condition C5 of the Concept Approval to amend the car parking rates. The PAC on 21 November 2014 approved an amendment to decrease the commercial parking rate only from 1 space per 46m² to 1 space per 100m² of commercial floor space. The PAC did not support the requested increase in the residential car parking rate to one space per unit given that the site is well served by public transport and infrastructure and is considered to be a transit orientated development.

Condition C5 was amended to read as follows:

Future Development Applications shall demonstrate:

- (a) for residential apartments – having a combined GFA of up to 46,420m², on site car parking must be provided at rates compliant with the Roads and Maritime Services(formerly Roads and Traffic Authority) Guide to Traffic Generating Development's requirements, which are as follows:
- (a) 0.6 spaces per 1 bed apartment;

- (b) 0.9 spaces per 2 bedroom apartment;
 - (c) 1.4 spaces per 3 bedroom apartments;
 - (d) 1 space per 5 apartment for visitors and
- (b) For any residential apartments that cause the combined GFA of residential apartment on site to exceed 46,420m² there must be no provision for parking spaces other than visitor parking at the rate of 1 space per 5 apartments.
- (c) For commercial on-site car parking must be provided at 1 space per 46m² 100m² of commercial GFA.
- 4) A fourth modification was approved on 16 February 2015 (MP10_0112 Mod 4) for:
- amendments to the approved public domain plan including introduction of two new communal open spaces, changes to the internal road layout and other minor changes;
 - relocation of the residents' community room from the Sydney building to the Perth building and conversion of the former community room spaces and ground floor of 5 SOHO apartments for retail/commercial floor tenancies including minor changes to the ground floor plate;
 - deletion of the vehicular basement access at the Sydney Buildings; and
 - amendments to the Statement of Commitments.
- 5) A fifth modification was approved on 13 May 2015 (MP10_0112 Mod 5) for:
- reduction and amendment to basement footprints;
 - changes to car parking provision consistent with approved car parking rates; and
 - revised basement layout including provision of additional basement storage and changes to waste management arrangements.
- 6) A sixth modification was approved on 5 June 2015 for:
- modification of plans to increase building heights as a result of increasing the podium level which resulted in an overall increase in building height by 600mm;
 - modification to timing of affordable housing provision; and
 - changes to the Statement of Commitments.

6.3 Consistency with the Concept Approval plans

The subject application is based on Concept Plan MP10_0112 and subsequent modifications. The Concept Approval set out conditions, various matters to be satisfied by any future development applications and Statement of Commitment that are required to be satisfied.

Conditions of Consent and Statement of Commitments from the Approved Concept Plan (MP10_0112) are discussed in **Attachment 1**. The DA is generally consistent with the Concept Approval and the Statement of Commitments approved with the most recent Section 75W Application.

7. APPLICABLE PLANNING CONTROLS

The following planning policies and controls are of relevance to the development:

- Environmental Planning and Assessment Act 1979;
- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX);
- State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development;
- State Environmental Planning Policy (Infrastructure) 2007;
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- SEPP (Major Development) Amendment (Ryde) 2015;
- Draft State Environmental Planning Policy 65;
- Ryde Local Environmental Plan 2014;
- City of Ryde Development Control Plan 2014; and
- Section 94 Development Contributions Plan 2007.

8. PLANNING ASSESSMENT

8.1 State Environmental Planning Policy (State and Regional Development) 2011

This proposal has a Capital Investment Value of more than \$20million, and consequently the Joint Regional Planning Panel is the consent authority for this application.

8.2 State Environmental Planning Policy No 55 – Remediation of Land

The requirements of State Planning Policy No. 55 – Remediation of Land apply to the subject site. In accordance with Clause 7 of SEPP 55, the consent authority must consider if the land is contaminated and, if so, whether is it suitable, or can be made suitable, for the proposed use.

This proposal is for Stage 2 of the development and the site has been the subject of a detailed investigation by Douglas Partners. The findings and recommendations of the 'Report on Detailed Site Investigation for Contamination' have been submitted with the application. This report concludes that the site was suitable for residential use. In addition Stage 1 has been approved for excavation and no soil contamination has been identified.

Council's Environmental Health Officer has raised no objections to the proposed development subject to conditions of consent.

8.3 State Environmental Planning Policy (Building Sustainability Index: BASIX)

The Policy seeks to ensure that new dwellings are designed to use less water and be responsible for fewer greenhouse gas emissions by setting energy and water reduction

targets, which are based on the NSW average benchmark. The Policy also sets minimum performance levels for the thermal comfort of a dwelling.

This application as lodged was accompanied by BASIX Certificate No. 519246M_3 which confirmed that required targets would be met.

Appropriate conditions are to be imposed requiring compliance with the BASIX commitments detailed within the Certificate (see **Conditions 3 & 96**).

8.4 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

This Policy aims to improve the design quality of residential flat development. This proposal has been assessed against the following matters relevant to SEPP 65 for consideration:

- Urban Design Review Panel (prior to lodgement);
- The SEPP 65 Design Quality Principles; and
- The NSW Residential Flat Design Code guidelines.

Note: The application was submitted to Council on 4 September 2014. The Apartment Design Guide (used in conjunction with SEPP 65) did not come into effect until 17 July 2015 and the amended SEPP and the Apartment Design Guide does not apply to development applications that have been made but not finally determined before 19 June 2015. Accordingly the proposal is assessed under the Residential Flat Design Code.

Urban Design Review Panel

The Stage 2 proposal has been reviewed by Council's Urban Design Review Panel twice. The first time was on 10 October 2013 and the Panel identified a number of matters to be considered. Amendments were made to the proposal and a second Urban Design Review was undertaken on 13 October 2014.

The Panel reviewed the amendments and made the following comments:

- ***Separation, outlook and privacy issues***

The Panel considers that the amendments have not been sufficient to address the concerns regarding separation, outlook and privacy.

- *Hobart to Melbourne - Units H02 and above relative to Unit ME 203 and above. Both balconies are oriented to look into each other with insufficient separation for buildings of this size. The relationship of ME 203's balcony and its living area (and similar units above) is poor and should be redesigned. The Panel suggests that the applicant consider moving the living rooms to the corners of the buildings with the balconies oriented to look into the courtyard space and street rather than viewing*

across between buildings. Secondary highlight windows can be provided to the side facades for northern sun to living areas if required.

Comment:

The balconies on Units H201 and similar above and ME203 and above have been revised so as not to look into each other. The balcony of H101, H201, H301 and H501 has been relocated from east facing to south facing. East facing bedrooms in Hobart Building are fitted with privacy screens. Privacy between Hobart and Melbourne Buildings has been addressed by the relocation of the balconies and privacy screens.

Whilst the living rooms of ME 203 and above have not been moved as suggested, the balconies have been reoriented south so as to look into the courtyard space and direct access from the living room to the balcony is provided which will provide for a good connection between the two areas.

- *Melbourne internal corners - Unit ME 201 and ME 212 and the similar units in the floors above still have privacy issues between the balconies as does ME 202 and those above. Screens should be added to the balconies to deal with this issue. Unit ME 208 and ME 209 and those units above also have privacy issues. Screens should be added to the balcony edge facing east for unit ME 208 and those above to address this issue.*

Comment:

A fixed privacy screen is located on the northern side of the balcony of Unit ME 212 and similar above. Sliding privacy screens are provided on the south western side of the balcony. These screens will minimise privacy impacts on Units ME 201 and ME 202 and above. Between ME 208 & 209, side balcony louvers have been provided for ME 208 and above balconies, accordingly privacy between the apartments has been addressed.

- *Sydney to Brisbane Building (Stage 1) - Unit S303 and those above has their primary outlook into the side of the Brisbane Building. This does not achieve adequate amenity in terms of outlook. It is suggested that the living room balcony be relocated to look towards the street and that windows in the side elevation be used to achieve solar access.*

Comment:

The balcony of Unit S303 and similar above has been revised to have the primary outlook to the south, rather than into Brisbane Building (Stage 1). The revised balcony will look over the landscape buffer and road providing casual surveillance. The Brisbane Building includes fixed external screening to the eastern elevation which will help provide privacy between the two buildings.

• **RFDC solar access requirements**

The Panel acknowledges that overall the proposal complies with the RFDC when all buildings are considered together. However the Melbourne building is well below the ideal level of compliance when considered as a standalone building. The Panel notes that the

level of compliance is a direct result of the orientation of the building and that amalgamation of apartments would not improve the solar access even if it might numerically improve the performance of the building. On this basis the Panel is prepared to accept the lower performance of this building combined with the fact that the 5 units per floor without solar access benefit either from an outlook into the generous courtyard or are dual aspect with views to the east and south.

Comment:

Noted.

- **Architectural diversity and building identity**

The Panel does not consider the changes to the screened facades of the Sydney Building represent an improvement. The previous comments did not seek to result in a redesign of the screened facade but merely sought to ensure they were openable to deliver appropriate amenity and a 'lively' facade through the use of the screens by residents. The amended design seeks to create a busier facade through panel colours and sliding panel positions to the point that the facades are now overly 'fussy'. The Panel recommends that the original continuous horizontal joints between the screen panels be reinstated and that more of the original design intent be retained in these facades.

Comment:

The southern elevation of the Sydney Building has been revised:

- The operable screen treatment on the Sydney Building has been reinstated up to Level 13. No screen system is proposed from Level 15 upwards. This will maximise views from the upper levels to the south and east.

- **Dominance of the overhanging portion of the Melbourne Building**

The extent of the overhanging facade has been reduced however the Panel does not see the justification for any overhang as it still creates an overly heavy top to the building.

Comment:

The top heavy appearance of the Melbourne Building has been addressed by setting the parapet back.

- **Soho vs commercial suites - Sydney Building**

The Panel supports the deletion of the Soho uses and the inclusion of retail tenancies on the ground floor. These uses and their location will also assist in activating the new pocket park and the public link to the Bus Stop on Epping Road.

Comment:

Noted – modified by Mod 4. Proposal still complies with the requirement for 27 SOHO apartments across the site.

- **Location of the child care centre**

The Panel supports the removal of the child care centre and its replacement with retail tenancies. The design is now responsive to the location. The Panel supports the inclusion

of the child care centre elsewhere in the development as it is a positive community use. It is suggested that such a use could be appropriate in either the Hobart or Sydney Buildings adjacent to the pocket parks.

Comment:

Hobart Building will have retail and a gym on the ground floor. Sydney and Melbourne Buildings will have retail only. No child care is proposed. There is no requirement for the applicant to provide a child care centre on site.

- **Single aspect apartments**

The Panel is still of the opinion that more dual aspect units should be included, particularly given the issues with solar access for some apartments, the number of south facing apartments in the Melbourne Building, which is not compliant with the RFDC, and the reduced amenity available for single aspect units facing Epping Road in the Sydney Building.

Comment:

Non compliant - the number of single aspect and dual aspect apartments remains unchanged. SEPP 65 requires a maximum of 10% of units to have a single southerly aspect. The proposal will have 11% (33 out of 297) single southerly aspect. The single aspect apartments in the Sydney Building will have views to the south or north. In the Melbourne Buildings the single aspect apartments are the larger 1 bedroom apartment with sufficient sized balcony off the living area and will receive minimum 2hours of solar access to the living areas. Given the orientation of the building and the Design Review Panel is of the opinion that the overall proposal is acceptable, and that the units will be able to achieve acceptable amenity, the small variation to the percentage of single aspect apartment can be supported.

- **Further issues**

- *The lobbies for the residential uses in the Melbourne and Hobart Building are very constrained and are not of sufficient size to be the primary address of such large towers.*
- *Both should be increased in floor area to provide space for waiting by the lifts, manoeuvring room for passengers exiting the lifts and residents waiting to board the lifts, and sufficient width to allow furniture and other deliveries to be easily brought into the building.*
- *There are services, ducts and fire stairs shown on the northern corner of the ground floor of the Hobart Building adjacent to the park. The Panel considers that such services should be relocated to provide a more active corner and better design outcome in such a prominent location with outlook to the park.*

Comment:

The lobbies for the residential levels in Hobart and Melbourne Buildings have been revised and increased in size to improve access of these buildings. The services, ducts and fire stairs in the northern corner of the ground floor of Hobart Building have been relocated away from the swimming pool/open space interface.

Design Quality Principles

Part 2 of the Policy introduces 10 design quality principles. These principles do not generate design solutions, but provide a guide to achieving good design and the means of evaluating the merits of proposed solutions.

As required by the Environmental Planning and Assessment Regulation, this application is accompanied by a response to the design principles, as prepared by the project architect.

The following table provides an assessment of the proposal against the 10 design principles of the SEPP:

Planning Principle	Comment	Comply
Context Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area. Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.	<p>The site is located within Macquarie Park Corridor and also The Macquarie University Station Precinct (also known as Herring Road Precinct). On 1 October SEPP (Major Development) Amendment (Ryde) 2015 was notified. The SEPP applies to Macquarie University Station Precinct.</p> <p>The development has been assessed as appropriate by the Department of Planning and Infrastructure via the Concept Plan Approval for MP 10_0112, as subsequently amended. The DA is consistent with that Concept Plan approval.</p> <p>The redevelopment of this site is consistent with the future character for the area as identified by the Herring Road Urban Activation Precinct. The proposal will provide increased residential density around existing infrastructure such as Macquarie University, Macquarie Shopping Centre and transport hub as well as providing open spaces and retail uses.</p>	Yes
Scale Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future	<p>This proposal is for Stage 2 of the site which is for 3 of the approved 7 buildings. The buildings are in accordance with the approved Concept approval in terms of bulk, height and siting of buildings.</p> <p>The scale of the buildings is consistent with the desired future character of the area under the Herring Road UAP.</p>	Yes

Planning Principle	Comment	Comply
character of the area.		
Built Form Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.	The built forms of the three buildings are consistent with the Concept Approval. The proposed facades and form elements provides cohesion between the buildings with horizontal and vertical elements to break up the massing.	Yes
Density Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents). Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density.	The density of the development is consistent with the floor space ratio and height controls approved under the Concept Approval.	Yes
Resource, energy and water efficiency Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction. Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.	The applicant has provided a BASIX Certificate and energy and water efficiency targets under SEPP (BASIX) 2004 are achieved. A Site Waste Minimisation and Management Plan has been submitted and assessed as acceptable by Council's Public Works Section. The design is generally consistent with best practice 'rules of thumb' for cross ventilation. Solar access across the whole development site is compliant (70%) under the Residential Flat Design Code.	Yes
Landscape Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain. Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat	The landscape design is integrated with the overall development. Stage 2 landscaping plans have been submitted which provides for pedestrian links, open space area, and playground. As amended, the proposed landscape works within the site have been assessed as consistent with the Concept Plan approval and, subject to conditions, is satisfactory for SEPP 65 and RFDC purposes by Council's Consultant Landscape Architect. The tree and planting selection has been reviewed by Council's Consultant Landscape Architect who is generally	Yes

Planning Principle	Comment	Comply
<p>values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.</p> <p>Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.</p>	<p>satisfied with the landscaping plans, subject to conditions.</p>	
<p>Amenity</p> <p>Good design provides amenity through the physical, spatial and environmental quality of a development.</p> <p>Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.</p>	<p>The design and orientation of the buildings allows for sufficient level of amenity for occupants of the flat buildings. Whilst one of the building (Melbourne) does not achieve the required 70% solar access however the development will be able to achieve the required 70% across the whole site.</p> <p>The development generally complies with the controls contained in the Residential Flat Design Code in respect access to sunlight, ventilation, visual and acoustic privacy, and storage layout and access requirements. Units are practically laid out to minimise overlooking and noise impacts.</p>	<p>Yes</p>
<p>Safety and Security</p> <p>Good design optimises safety and security, both internal to the development and for the public domain.</p> <p>This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.</p>	<p>The application is accompanied by a Crime Prevention through Environmental Design (CPTED) report. NSW Police has reviewed the proposal and has advised that the factors of Crime Prevention through Environment Design within the development have been considered. Surveillance, lighting, territorial, maintenance, space management and access control have been considered. However the provisions of CCTV have not been considered. Retail spaces, open space and playground area will ensure that the public areas of the development will provide pedestrian activation. Passive surveillance over the public domain areas will be possible from the residential apartments. The development also provides secure access points to the site and car park entries.</p> <p>Conditions 80, 81, 82, 83, 84 & 85 have been imposed for CCTV and to reinforce the above requirements.</p>	<p>Yes</p>

Planning Principle	Comment	Comply																								
<p>Social Dimensions and Housing Affordability</p> <p>Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.</p> <p>New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.</p> <p>New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.</p>	<p>The proposed Stage 2 comprises 297 apartments as follows:</p> <table> <tr> <td></td> <td>Sydney</td> <td>Melbourne</td> <td>Hobart</td> </tr> <tr> <td>1 bedroom</td> <td>106</td> <td>58</td> <td>14</td> </tr> <tr> <td>2 bedroom</td> <td>42</td> <td>38</td> <td>22</td> </tr> <tr> <td>3 bedroom</td> <td>8</td> <td>6</td> <td>3</td> </tr> <tr> <td></td> <td>156</td> <td>102</td> <td>39</td> </tr> <tr> <td>Adaptable Dwelling</td> <td>12</td> <td>14</td> <td>4</td> </tr> </table> <p>Of those, 30 apartments (10%) will be adaptable.</p> <p>The development predominantly contains one and two bedroom apartments. The proposed range of apartments provides a suitable mix of housing in response to current housing demand and responds to the need for economic housing choice within an area with good public transport access, social and commercial facilities. Condition 37 has been imposed for 30 adaptable units to be provided.</p> <p>In addition, the public benefit claimed by the Stamford Concept Plan originally proposed dedication of roads. Later applications which sought to modify the proposal were determined on the basis that the roads would not be dedicated and the offer was replaced by a commitment to dedicate two units as Affordable Housing with conditions requiring a monetary contribution equivalent to the cost of the roads. MP10_0112 MOD 1 sought additional unit yield and was approved on the basis of an increased offer to dedicate four units as Affordable Housing. Criteria for the selection of the Affordable housing were established and an offer of individual apartments has been made and accepted by Council in accordance with the Concept Plan approval. Condition 103 has been imposed requiring the four nominated units to be dedicated to City of Ryde.</p>		Sydney	Melbourne	Hobart	1 bedroom	106	58	14	2 bedroom	42	38	22	3 bedroom	8	6	3		156	102	39	Adaptable Dwelling	12	14	4	Yes
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	156	102	39																							
Adaptable Dwelling	12	14	4																							
<p>Aesthetics</p> <p>Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable</p>	<p>The Urban Design Review Panel has provided comments with regard to the overall design of the buildings and was generally supportive of the proposal, subject to the original continuous horizontal joints between the screen panels in the Sydney Building be reinstated and that more of the original design intent be retained in these</p>	Yes																								

Infrastructure SEPP	Comments	Comply
<p>operation of the classified road will not be adversely affected by the development as a result of:</p> <ul style="list-style-type: none"> i. The design of vehicular access to the land, or ii. The emission of smoke or dust from the development, or iii. The nature, volume or frequency of vehicles using the classified road to gain access to the land. <p>(c) The development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</p>	<p>Application (M10_0113) approved vehicular access off Herring Road into a new internal road.</p> <p>Council's Traffic and Development Engineers have not raised objections to the proposed development and is satisfied with the submitted Traffic Report with the proposal considered satisfactory in terms of traffic impact.</p> <p>A Noise Impact Assessment has been prepared by Acoustic Logic. An accompanying letter from Acoustic Logic dated 27/08/2014 states: <i>The Noise Impact Assessment (Ref:20101139.1/0212A/R2/BW) and the information included within the Additional Acoustic Information letter(Ref:20101139.1/2411A/R0/BW) included all the relevant acoustic assessment and investigation which are required for the Stage 2 DA for the site.</i> <i>The assessments include all the required noise impact assessments into the proposed development (including required treatments to ensure noise levels are achieve) including the assessments with AS2107:2000 and Developments Near Major Roadways and Railway Lines as well as criteria for noise impact from noise generated on the site to nearby receivers.</i></p> <p>The recommendations contained in the report have been imposed as a condition. See Condition 33.</p>	<p>Yes</p> <p>Yes</p>
<p>Clause 102 Impact of road noise or vibration on non-road development</p> <p>This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transit way or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA) and that the consent authority considers likely to be adversely affected by road noise or vibration:</p> <p>(a) A building for residential uses.</p> <p>If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the</p>	<p>Epping Road is a State classified road and Herring Road is a local collector road. An Acoustic Report has been submitted as part of the Development Application. Condition 33 has been imposed requiring compliance with the Acoustic Report and Australian Standard AS 2107:2000 <i>Recommended design sound levels and reverberation times for building interiors</i>, when the windows and doors are closed and the Interim Guideline for Development near Rail Corridor and</p>	<p>Yes</p>

Infrastructure SEPP	Comments	Comply
<p>development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq measures are not exceeded:</p> <p>I. In any bedroom in the building – 35 dB(A) at any time between 10pm and 7am</p> <p>II. Anywhere else in the building (other than a garage, kitchen, bathroom or hallway) – 40dB(A) at any time.</p>	<p>Busy Road.</p>	
<p>Clause 104 – Traffic Generating Development.</p> <p>Apartment or residential flat building with 75 or more dwellings – with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road)</p> <p>Before determining a development application for development to which this clause applies, the consent authority must:</p> <p>(a) give written notice of the application to the RMS within 7 days after the application is made, and</p> <p>(b) take into consideration:</p> <p>(i) any submission that the RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RMS advises that it will not be making a submission), and</p> <p>(ii) the accessibility of the site concerned, including:</p> <p>(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and</p> <p>(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and</p> <p>(iii) any potential traffic safety, road congestion or parking implications of the development.</p> <p>(4) The consent authority must give the RMS a copy of the determination of the application within 7 days after the determination is made.</p>	<p>The Stage 2 proposal is for 295 apartments with access to Herring Road that connects to Epping Road, accordingly the proposal was referred to RMS for comment. RMS raised no objections subject to conditions (Conditions 15 & 17).</p> <p>The accessibility of the whole site was assessed in the Concept Approval with traffic and parking implications considered in the Concept Approval. This Stage 2 proposal is consistent with the Concept Approval.</p> <p>RMS will be notified of the determination.</p>	<p>Yes</p>

8.6 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

This Plan, now a deemed State Environmental Planning Policy, applies to the whole of the Ryde local government area. The aims of the Plan are to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.

Given the nature of this project and the location of the site, there are no specific controls that directly apply to this proposal.

8.7 SEPP (Major Development) Amendment (Ryde) 2015

On 1 October SEPP (Major Development) Amendment (Ryde) 2015 was notified. The SEPP applies to the previous Herring Road UAP (now known as “Macquarie University Station Precinct”). This plan makes amendments to Ryde LEP 2014 including:

- Amends zone objectives for B4 zone
- Allows certain additional uses under Schedule 1 for land within Macquarie University
- Rezones land in the precinct and amends height and FSR controls.

See discussion below under RLEP 2014 with regard to the applicable amendments, zone objectives and height and FSR controls.

8.8 Draft State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development

Draft SEPP 65 was placed on public exhibition on 23 September 2014 and incorporated changes to the SEPP itself and the RFDC. The revised SEPP was published on the NSW legislation website on 19 June 2015. Transitional arrangements for the amended SEPP state that for DAs lodged before 19 June 2015 and not determined before the amendment commenced on 17 July 2015, (this application was submitted to Council on 4 September 2014), the application must be determined under the version of the SEPP in force prior to 19 June 2015.

As such, this DA has been assessed under the provisions of the previous version of SEPP 65 (Design Quality of Residential Flat Development) and the associated Residential Flat Design Code (see previous consideration in Section 8.4 of this report).

In any event, the proposal is considered to be generally consistent with the provisions of the revised SEPP 65 and associated Apartment Design Guide.

8.9 Ryde Local Environmental Plan 2014

The site is zoned B4 Mixed Use under the provisions of the RLEP 2014. The development is permitted in this zoning.

Clause 2.3 – Zone Objectives

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives for the B4 Mixed Use are as follows:

- To provide a mixture of compatible uses.
- To integrate suitable business, office, residential, retail and other development in accessible location so as to maximise public transport patronage and encourage walking and cycling.
- To ensure employment and educational activities within the Macquarie University campus are integrated with other businesses and activities.
- To promote strong links between Macquarie University and research institutions and businesses within the Macquarie Park corridor.

The development complies with the above objectives. It will be consistent with the desired future character for the precinct by introducing mixed use buildings consisting of residential, retail and commercial uses. The subject site is located within walking distance of bus services, commercial services and is therefore considered to be a suitable location for this development. The massing and scale of the development has been assessed by the Department of Planning as appropriate in terms of the future built environment. The built form contributes to the character and public domain of the area.

Clause s 4.3 & 4.4 - Height of Buildings & Floor Space Ratio

The Height and FSR controls for the site as contained in the RLEP 2014 maps are amended by the maps approved in State Environmental Planning Policy (Major Development) Amendment (Ryde) 2015 which amended Height and FSR as follows:

FSR

The FSR for the site is 2.5:1. The proposal will have a FSR of 2.28:1 which complies with this control.

Height

Two height controls apply across the site – 45m and 75m. The 45m is effectively over the Stage 1 portion of the site with 75m for the Stage 2 portion of the site. The development is within the height limit and in accordance with the approved Concept Plan Approval.

The proposed building heights do not exceed the heights allowed under the maximum RLs specified in Condition A8 of Schedule 2 of the Concept Approval MP_0112 Mod 1 and floor space ratio specified in Condition A6 of the same modification.

Other provisions

The table below considers other provisions relevant to the evaluation of this proposal:

Provision	Comment
Clause 6.2 Earthworks	Council has approved a separate Construction Certificate for the excavation and earthworks for the whole site. Stage 2 does not involve extensive earthworks as the basement car parking levels have been approved under Stage 1.

8.10 Any proposed instrument (Draft LEP, Planning Proposal).

None applicable.

8.11 City of Ryde Development Control Plan 2014

Whilst this Plan applies to all land within the Ryde local government area, in this instance its provisions are not strictly applicable due to the site benefitting from the Concept Plan Approval (MP10_0112). The DCP has therefore been considered only where there is no direct conflict with matters resolved via that Approval. In that context, the following sections of the DCP are of relevance, being:

- Part 4.5 – Macquarie Park Corridor
- Part 7.1 - Energy Smart, Water Wise
- Part 7.2 - Waste Minimisation and Management
- Part 8.1 - Construction Activities
- Part 8.2 - Stormwater Management
- Part 8.3 - Driveways
- Part 9.2 - Access for People with Disabilities
- Part 9.3 - Car Parking

With regard to Parts 7.1 to 9.3, noting the advice received from the various technical departments within Council and the consideration of issues previously in this report, the proposal is satisfactory in relation to the above matters.

With regard to Part 4.5 – Macquarie Park Corridor, the proposal was assessed under the updated Macquarie Park Corridor DCP, effective 1 July 2015. The previous and updated controls both provide a framework to guide future developments in the Macquarie Park Corridor and specify built form controls. In this instance, the proposal was approved under a Concept Approval which set the parameters for the buildings which are generally in accordance with the concept approval. The compliance table for Part 4.5 Macquarie Park Corridor is attached as **Attachment 3**.

8.12 Section 94 Development Contributions Plan 2007

Development Contributions Plan – 2007 (2010 Amendment) allows Council to impose a monetary contribution on developments that will contribute to increased demand for services as a result of increased development density / floor area. That circumstance is not altered by the terms of the Concept Plan approval (MP10_0112). It is listed in the Statement of Commitments that appropriate contributions, commensurate with each stage will be payable prior to the issue of a Construction Certificate for that stage in accordance with the City of Ryde Section 94 Development Contribution Plan.

Included in the recommendation is a condition requiring payment of the relevant contribution prior the issue of any Construction Certificate (see **Condition 23**). This contribution is based on 178 x 1 bedroom, 102 x 2 bedrooms, 17 x 3 bedrooms, 28m² of commercial (strata office) and 1177m² of retail.

Note: The 115m² gym area is for residents only and not for commercial use so have not been included in the S94 calculation. **Condition 127** has been imposed that the gym is not to be used for commercial purposes

Where a study has been provided, an analysis of the plans indicates these cannot potentially be used as bedrooms in the future (amended to remove the doors to the study area and the reduced size), therefore have not been considered as bedrooms for the purposes of Section 94 calculations.

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$751,321.04
Open Space & Recreation Facilities	\$2,916,837.96
Civic & Urban Improvements	\$398,935.59
Roads & Traffic Management Facilities	\$451,450.46
Cycleways	\$55,155.31
Stormwater Management Facilities	\$51,598.94
Plan Administration	\$14,872.70
The total contribution is	\$4,640,172.00

In addition no concession is applied for Stage 2 S94 contribution. All concession for the Stamford Hotel has been calculated in the S94 contribution for Stage 1. Stage 1 S94 contribution required by Condition B3 of MP10_0113 (Project Application for Stage 1) requires payment prior to the determination of a Construction Certificate for above ground works.

It should be noted that the CPI for the June Quarter has been applied to the development. The CPI index for October quarter is likely be issued by Bureau of Statistics by 23 October 2014. Should a new rate be available prior to determination of this DA, the Joint Regional Planning Panel will be advised of the same via a separate memorandum with the revised Section 94 Contributions amount.

9. LIKELY IMPACTS OF THE DEVELOPMENT

Most of the impacts associated with the proposed development have already been addressed in the report. The additional impacts associated with the development or those requiring further consideration are discussed below.

Context and setting

The proposed development is considered appropriate with regard to context and setting. The subject site is strategically located for high density development with Macquarie University and Macquarie Shopping Centre located further north of the site. The site is also located close to public transport. The proposal is generally consistent with the approved Concept Plan.

Traffic

The Concept Plan application (MP10_0112 and Project Application MP 10_0113 for Stage 1) was accompanied by a traffic study that included an assessment of traffic impacts on the road network. The assessment was undertaken by modelling the cumulative traffic impact on the network as a result of the proposal. The Department calculated trip generations based on the RMS's Guide to Traffic Generating Developments for high density residential flat buildings in metropolitan subregional centres and found that the network can absorb the additional traffic generated by the development with no additional road infrastructure required to facilitate the traffic increases associated with the project. In addition the proponent has proposed measures to encourage other forms of sustainable transport such as a car share scheme, provision of bicycle vouchers, upgrades to the bus stop and travel access guide. Furthermore, the site is located within close proximity to public transport.

The development application is consistent with the Concept Plan approval, as modified.

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

Parking

Stage 2 parking is consistent with the requirements determined through the application of the PAC approved parking rates (MP10_0112 Mod 3 & 5) as outlined in the previous section.

It should be noted Condition E5 of the Project Application MP10_0113 Mod 5 imposed a condition restricting basement level storage spaces not to be used for the parking of motor vehicles or converted to be capable of parking motor vehicles. This requirement is enforced through a restrictive covenant. To ensure this is also applied to Stage 2

Condition 94 has also been imposed requiring the same.

Natural Environment

The proposed development will have no significant impacts on the natural environment.

10 REFERRALS

Internal Referrals:

Senior Development Engineer: 8 September 2015: Council's Senior Development Engineer has made the following comments:

Stormwater Management

The development site contains a localised ridge which traverses the property generally in a north-south alignment, dividing into two separate catchments draining to the east and west respectively. The larger of the development catchment area is located in the western part of the lot and drains to a natural creek via a new drainage easement to be formalised (this may have been completed). The Stage 1 Project Approval is noted to contain the bulk of the developments stormwater management system incorporating the central OSD unit and such. As the design of these components and formalisation of the easement has been addressed in Stage 1 project approval, these elements do not warrant further review under this proposal.

The following conditions require the applicant provide a detailed drainage plan, documentation and certification for the design of the drainage system treating Stage 2 development. Further to this, particular conditions requiring the certification of the system and formalisation of Positive Covenants (maintenance of the OSD and WSUD measures is also applied.

Vehicle Access and Parking

In terms of parking demand, the statement from Urbis Planning dated 17 August 2015 which summarises the parking requirements is noted. The concept approval stipulates a maximum of 605 parking spaces, Stage 1 is to provide 340 spaces and Stage 2 (this subject application) proposes 265 spaces.

The concept approval did not permit parking to be allocated for residential GFA greater than 46,420m². The applicant's Planning consultant has, as per the Traffic Report prepared by TRAFFIX as part of the Project Approval Modification 5, presented a parking allocation whereby the full residential component of Stage 1 is allocated parking however Stage 2 residential component is rationed on the portion of floor area under the maximum cap, presented as 81%. Considering the net parking capacity does not exceed the maximum permitted under the concept approval, the approach does not warrant further concern.

*The plans are unclear regarding the allocation of parking spaces (several spaces appear to be voids insufficient sized for a carspace) however a parking count indicated there to be 583 spaces on the revised layout. This is short of the 605 maximum indicated on the aforementioned traffic report. Given the ambiguity in the plans, it is essential that a condition be applied specifying the maximum number of spaces, maximum resident spaces and the minimum visitor and commercial spaces to be provided. **Condition 25** has been imposed requiring this.*

A review of the proposed basement parking area notes that the design and layout of parking, access aisle widths, clearance heights and internal ramp gradients are compliant with AS 2890.1.

Recommendation

There are no objections to the proposed development with respect to the engineering components, subject to the application of the following conditions being applied to any development consent being issued for the proposed development.

Consultant Landscape Architect: 14 July 2015: Council's Consultant Landscape Architect has reviewed the proposed development and has made the following comments:

Landscape Plan

Generally the Landscape Plan prepared by Site Image is considered acceptable however the following items are to be addressed prior to issuing a Construction Certificate.

Proposed trees

All proposed trees are to be located a minimum of 3m from the site boundary and installed clear of underground services. Planting details are to be provided at Construction Certificate on the installation of trees within the internal portion of the site. The majority trees will be located on podium (over the basement carparking) and will need to comply with the Ryde DCP - Part 4.5: Macquarie Park Corridor Section 6.2.3

Communal Open Space

The communal open space is to comply with the Ryde DCP - Part 4.5: Macquarie Park Corridor Section 6.2.1 Landscaping and Communal courtyards, Section 6.2.2 Pedestrian Through site links, Section 6.2.3 Planting on Structures. Planting details are to be provided at Construction Certificate on the installation of trees/plants within the internal portion of the site. The majority of plants will be located on podium (over the basement carparking) and will need to comply with the Ryde DCP - to ensure adequate soil volume, irrigation and drainage is provided to ensure their successful establishment.

Public domain/streetscape

The public domain/ streetscape treatment along Herring Road shall comply with the City of Ryde, Public Domain Technical Manual - Macquarie Park. (the Public Domain Manual reflects the objectives of the Ryde LEP 2014, and Ryde DCP - Part 4.5: Macquarie Park Corridor and should be read in conjunction with these instruments

Planting off-site

The large open space of council owned land located on the corner of Herring and Epping Roads currently has some Landscape planting/treatment which seems to be part of the Stamford Hotel development. The proposed landscape plan shows a single treatment to this area, but does not nominate any specifics.

It is recommended that the area be rectified post construction to meet into existing levels along the Herring and Epping Road frontage, follow the existing contours and match seamlessly into the proposed landscape works as part of the development.

Proposed playground

The proposed children's playground is to comply with the relevant Australian Standards which include; AS/NZS 4486.1:1997 Playgrounds and Playground Equipment, AS/NZS4422:1996 Playground Surfacing and AS4685.1-6:2014 Playground equipment and surfacing - General safety requirements and test methods (EN 1176-1:2008, MOD).

A copy of the Construction Documentation is to be reviewed and signed off by a fully qualified playground certifier prior to construction. A copy of the final certification is to be made available to the City of Ryde Council on completion of the project.

Comment

Conditions 24 & 95 have been imposed as required by the above.

Public Works Section:

Traffic Engineer: 27 August 2015: From a traffic perspective there are no objections to the approval of this application subject to conditions.

Assets: 27 August 2015: From a public domain perspective there are no objections to approval of this application subject to conditions.

Waste Management Officer: 27 August 2015: From a waste perspective there are no objections to approval of this application subject to appropriate conditions of consent.

Environmental Health Officer: 31 August 2015: No objection has been raised to the development subject to appropriate conditions of consent.

Community & Culture:

Senior Planner Community & Culture: 14 July 2015: The proposal was reviewed by Council's Senior Planner Community & Culture who has made the following comments:

The Public Art Proposal is well considered with a strong thematic framework and demonstration of how the work will be integrated into the landscape. The Proposal shows that two 'Screen Sculptures' are suggested, one each for the Eastern and Western Plaza (p11). More clarity is required on the scale. Similarly, it is unclear on the scale and scope proposed for the freestanding sculpture. As it is currently presented the concept looks underdone. More detail is required. At this concept stage it is understandable that this level of detail is not forthcoming. To provide an opportunity for the applicant to provide this additional information, a final public art plan should be provided which details the scale and scope of the proposed works.

No objections to the approval subject to a condition for submission for further details. This has been imposed as **Condition 48**.

External Referrals:

Roads and Maritime Services: 15 October 2014: RMS has reviewed the application and raised no objections to the proposed development subject to conditions. **Conditions 15 & 17** have been imposed.

NSW Police: 21 December 2011: NSW Police have raised no objections to the development subject to conditions regarding surveillance, landscaping, lighting, territorial reinforcement, maintenance and access control. **Conditions 80 to 85** have been imposed.

11. PUBLIC NOTIFICATION & SUBMISSION

The proposal was notified and advertised in accordance with Development Control Plan 2010 – Part 2.1, Notification of Development Applications. The application was advertised on 17 June 2015 in the Ryde City View insert in the Northern District Times. Notification of the proposal was from 17 June 2015 until 8 July 2015. During this period one (1) submission was received.

The issues raised in the submissions included the following:

- *Objections to the multi storey buildings proposed along Epping Road and the Delhi Road complex. I believe Ryde Council declined these for such high rise development so how can the Planning Commission now sanction these? The roads are already congested.*
- *Lack of infrastructure – I have waited 5 hours in emergency at Ryde Hospital. Primary schools have tripled in number – how will they cope? Where are the high schools?*

Assessment Officer's Comment:

The development is part of a Concept Approval issued on 26 September 2012 for redevelopment of the site comprising of residential and /retail commercial use. This application is for the final details of the buildings. At the time of the concept approval, the Department of Planning and Environment looked into the traffic generation from the proposed development and concluded that *the increase in traffic can be absorbed by the network with minimal impact and is satisfied that no additional road infrastructure is required to facilitate the traffic increases associated with this proposal. The applicant has also proposed measures to encourage other forms of sustainable transport, i.e. car share scheme, provision of bicycle vouchers and infrastructure and travel access guide.*

With regard to schools, information on the Department of Planning's website provided for the Herring Road Urban Activation Precinct (now known as the Macquarie University Station Precinct) states:

The Department of Education and Communities (DEC) is undertaking a detailed analysis of the impacts of the new development on the provision of school places in North Ryde. Whilst local schools can cope with demand in the interim, a short, medium and long term plan is being prepared by DEC to ensure that the provision of schools can meet the increase in population brought about by new development in North Ryde."

12. SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The suitability of the site to support a land use of this type and scale was determined through the consent granted to Concept Plan Approval MP10_0112. This application is consistent with that Concept Plan approval.

13. THE PUBLIC INTEREST

The development is considered to be in the public interest as it is consistent with the Concept Plan Approval (MP10_0112, as modified) and subsequent assessment of this application has not identified any issues of concern.

14. CONCLUSION

This report considers an application to construct Stage 2 of the Concept Approval comprising of 3 mixed used residential flat buildings.

The proposal is the subject of the transitional provisions of Part 3A of the Environmental Planning and Assessment Act, and benefits from a Concept Plan Approval granted on 26 September 2012, as most recently modified (Mod 6) on 5 June 2015. The development application is considered consistent with the modified Concept Plan approval.

Most of the 'high level' contextual, site suitability, planning issues and the like has been resolved through the Part 3A/Section 75W assessment and approval processes. Consequently, provided this associated development application is consistent with those underlying approvals, there are limitations upon the extent to which the consent authority is able to revisit those matters.

Given that circumstance, and noting the outcomes from the assessment, the proposal on balance is considered to be fundamentally sound in terms of its design, function and relationship with its neighbours.

It is recommended that the application be approved subject to conditions.

15. RECOMMENDATION

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

- A. That the Sydney East Region Joint Regional Planning Panel grant consent to development application LDA2014/0402 for the Stage 2 construction of three residential flat buildings with retail and commercial component at 110-114 Herring, subject to the conditions of consent in **Attachment 4** of this report; and
- B. That a copy of the development consent be forwarded to the Roads and Maritime Services; and
- C. That those persons making a submission be advised of the decision.

Report prepared by:

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Report approved by:

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