

JOINT REGIONAL PLANNING PANEL (Sydney East Region)

JRPP No	2016SYE030
DA Number	LDA 2016/0020
Local Government Area	City of Ryde
Proposed Development	The application is for the construction of a 23 storey mixed use building. The development will contain 192 residential apartments, 107m² of ground floor retail tenancy and 3 levels of basement car parking for 171 car spaces. The development provides the following mix of apartment types: • 105 one-bedroom apartments, • 79 two-bedroom apartments and • 8 three-bedroom apartments.
Street Address	120 -126 Herring Road, Macquarie Park.
Applicant/Owner	Applicant: Toga Herring Road P/L. Owner: Baptist Union of New South Wales.
Number of Submissions	Three submissions received.
Regional Development Criteria (Schedule 4A of the Act)	General Development over \$20 Million (\$61,357,588).
List of All Relevant s79C(1)(a) Matters	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 Apartment Development; Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; SEPP (Major Development) Amendment (Ryde) 2015; State Environmental Planning Policy 65; Ryde Local Environmental Plan 2014; 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	Recommended Conditions of Consent (Attachment 1), including General Terms of Approval from Department of Primary Industries (Water).
Recommendation	Approval with Conditions
Report by	Sandra McCarry, Senior Town Planner
Date	August 2016

Assessment Report and Recommendation

1. EXECUTIVE SUMMARY

The following report is an assessment of a development application for the construction of a 23 storey mixed use building, comprising of a high rise tower building above an eight level podium form, and 3 levels of basement parking for 171 car parking spaces. The development will contain 192 residential apartments, 107m² of ground floor retail tenancy, a media room and gymnasium, waste storage room and an entry foyer with mail room.

The development provides the following mix of apartment types:

- 105 one-bedroom apartments,
- 79 two-bedroom apartments, and
- 8 three-bedroom apartments.

During the notification period (29 January 2015 to 24 February 2016) Council received two submissions objecting to the proposal. The application was renotified on 17 March 2016 to 22 April 2016 as the first round of notification did not include the information that the proposal is an integrated development (for a Dewatering Licence by Office of Water) and that the determination authority is the Joint Regional Planning Panel (Capital Investment Value over \$20 million). One additional submission was received in the 2nd round of notification. A total of three submissions were received.

The submissions raised the following concerns:

- Roads in the area already heavily congested;
- Insufficient infrastructure – hospital and school within the area;
- Traffic and insufficient car parking; and
- Area already overcrowded.

The matters raised in the submissions are discussed in detail further in Section 11 of the report.

As part of the original assessment a number of issues were identified in respect to:

- future subdivision of the site and the floor space relating to the subdivision,
- a master plan is required for the whole Morling College site; and
- design of the proposal and non-compliances with Council's Development Control Plan 2014.

To address the above concerns the applicant has:

- surrendered the existing subdivision consent to subdivide the Morling College site into two separated lots;
- a Masterplan for the whole of the Morling College site with the proposed building and future road shown;
- provided amended plans which:
 - deleted Basement 4 car parking area to comply with Council's car parking requirements
 - amend the front of the building to provide an entrance and accessible path from Herring Road

- deleted the two apartments facing Herring Road and replaced it with a media room and gym (for residents use only).

The development complies with the more substantive controls under Ryde Local Environment Plan 2014 with respect to height and floor space ratio however there are some variations to the Development Control Plan 2014 – Macquarie Park Corridor and Apartment Design Guide such as the building depth, number of apartments not receiving any direct sunlight, minimum internal and balcony area to some of the 2 bedroom apartments and number of apartments off a single corridor core. These non-compliances are considered to be acceptable in the context of the development as discussed in the body of the report.

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 that cannot be dealt with by way of conditions. Consequently this report concludes the proposal 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 conditions provided at **Attachment 1**.

2. APPLICATION DETAILS

Applicant: Toga Herring Road P/L

Owner: Baptist Union of New South Wales

Estimated value of works: \$61,357,588.

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 known as 120-126 Herring Road, Macquarie Park, legally described as Lot 18 DP 1187116 and is located approximately 250m from the intersection of Epping and Herring Roads. The site's frontage with Herring Road is of an irregular alignment, and incorporates a curved section of boundary adjacent to the roundabout on Herring Road. The site is 30,464m² in area with a maximum depth of 130m, extending from Herring Road back to Kikkiya Creek (also known as University Creek) at the rear of the property, where the site has a width of 104m.

The site is occupied by Morling College, a theological college campus which currently comprises around 19 separate, low scale buildings used for educational and religious purposes. Currently under construction is a recent approval for a 7 storey student boarding house at the north west corner of the site. These buildings are served by an internal access road and are sited amongst existing trees and landscaped open grounds.

An aerial photograph is provided at **Figure 1** showing the existing site and the location where the new mixed use building will be sited.

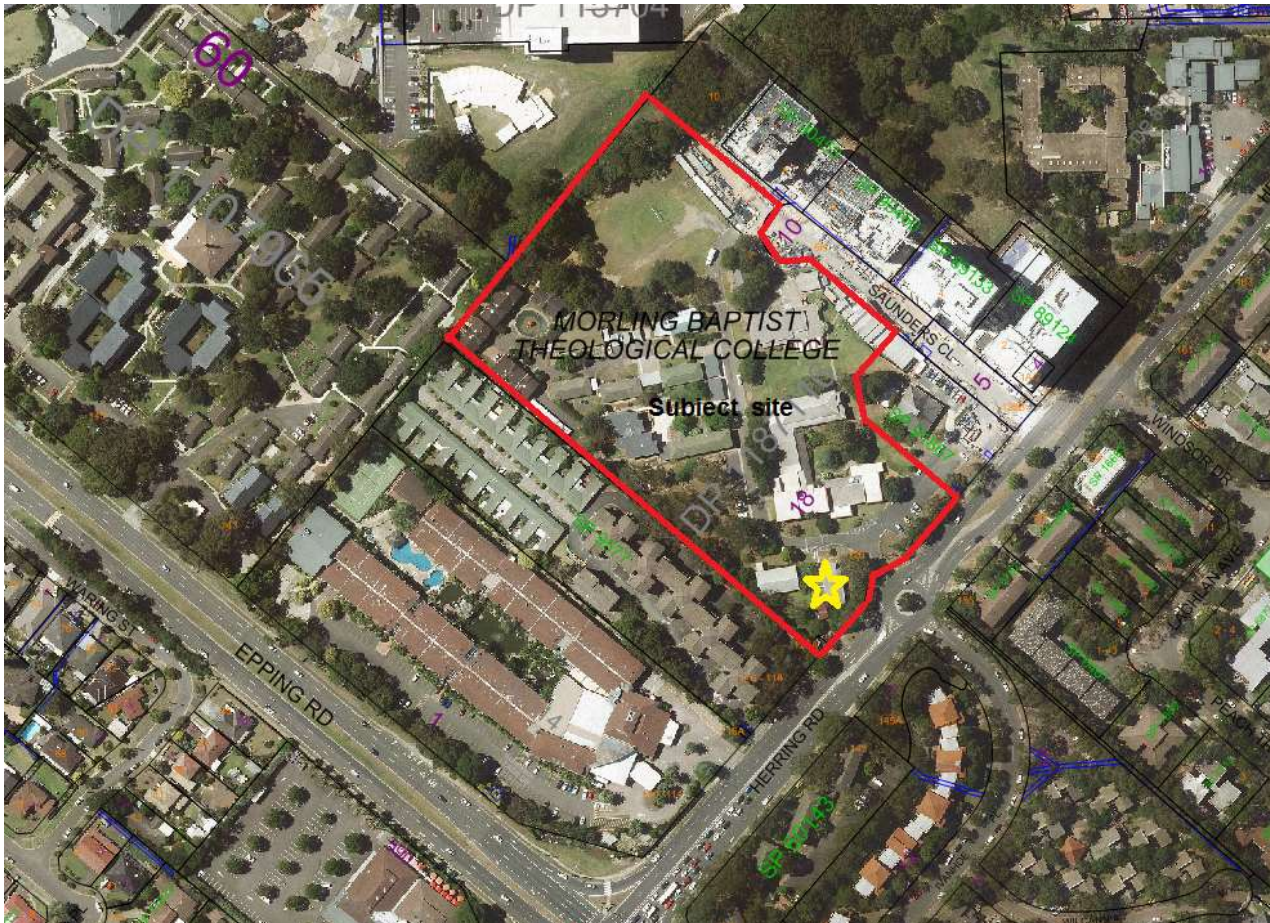


Figure 1: Aerial photo showing the existing site with the yellow star denoting the location of the new mixed use building.

4. SITE CONTEXT

The subject site is within the area identified as the Macquarie University Station Priority Precinct (formally known as Herring Road Urban Activation Precinct). The Precinct proposed the revitalisation of the area around Herring Road and adjacent to the Macquarie Business Park to provide for new housing, public spaces, shops and employment. New planning controls were implemented which facilitated amendments to the land use zoning, and increased maximum building height, maximum FSR and minimum lot size controls contained in the Ryde LEP 2014. The applicable controls for the site are detailed further in the report.

The site is located in the general vicinity of Macquarie University, Macquarie University Train Station and Macquarie Shopping Centre. Macquarie University occupies the land to the north-west, north and north-east of the site. The Macquarie Centre Shopping Complex is situated to the north-east of the site on the eastern corner of Herring Road and Waterloo Road and the Macquarie University Train Station is also located to the north-east of the site.

The land adjoining the Morling College site to the north has recently been subdivided and redeveloped for 5 x multi storey residential apartment buildings, known as the Toga Development at 120-128 Herring Road, in accordance with a Part 3A approval.

Adjoining part of the north-west boundary of the site, and on the other side of Kikkiya Creek is the Willandra Village Retirement Complex, which is operated by Baptist Care Services. Immediate to the south of the site is a 4 storey residential complex. To the east of the site and on the opposite side of Herring Road are residential areas generally characterised by 3 and 4 storey walk-up apartment buildings.

The Stamford site is located on the corner of Epping Road and Herring Road. The Stamford site is also being redeveloped in accordance with a Part 3A approval under the former Part 3A of the EP&A Act. This involves the construction of 7 separate buildings for residential, retail and commercial purposes and is currently under construction.

Figure 2 below illustrates the site context with surrounding properties.

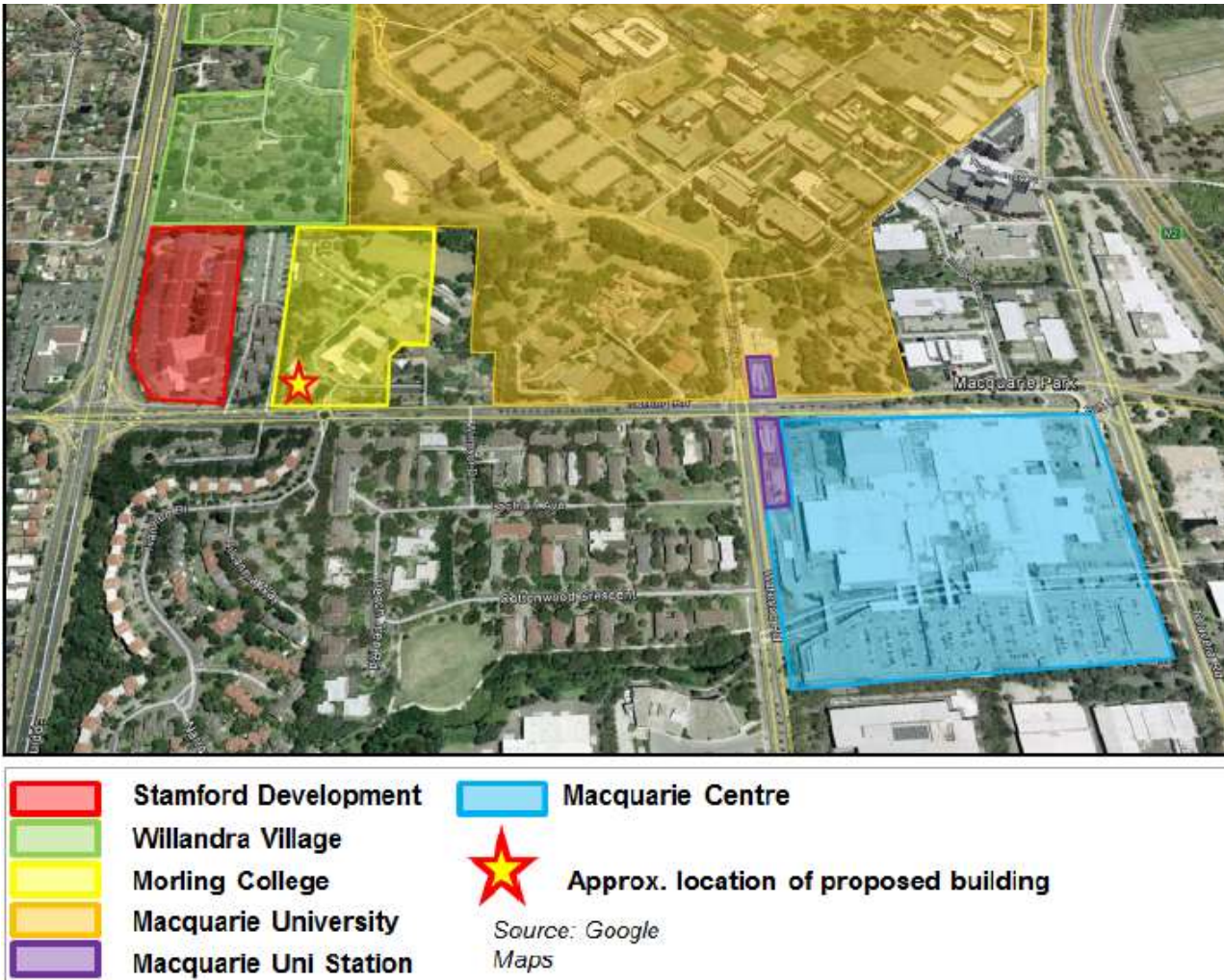


Figure 2: Locality Map – Site context within the surrounding area.

5. PROPOSAL

The development is for construction of a 23 storey mixed use building comprising a high rise tower building, maximum height 75m, above an eight level podium. **Figures 3 & 4** below includes photomontages of the building as viewed from Herring Road.

The site will be excavated to a depth of approximately 10m for the 3 basement levels which will accommodate 171 car parking spaces. The proposed building will consist of

192 apartments and 107m² of ground floor retail tenancy. The ground floor will also include a media room and gymnasium (for residents use only), waste storage room, fire control room and two lobby/reception areas.

The proposal will have 3 residential apartments on the ground floor, 11 apartments in each of the podium levels, 8 apartments per floor in tower levels 9-19, 7 apartments in tower levels 20-23 and 4 apartments in the top 'penthouse' level. The apartments are arranged off a single corridor with lift and stair access at the north-western end of the corridor and a second stair access point provided mid-way. The development will have a total gross floor area (GFA) of 15,527m².

It is also proposed that the development consent will allow for the staging of the Construction Certificates (to enable site preparation works (Early Works) to begin independently of the main building construction.

The proposed construction certificate staging is outlined as follows:

CC 1 – Early Works

This stage will comprise the following works:

- Shoring.
- Excavation.

CC 2 – Main Building Works (above ground works)

This stage will comprise the following works:

- Structure.
- Facades/ envelope.
- Public domain works.
- Services installation.
- Internal fit-out.

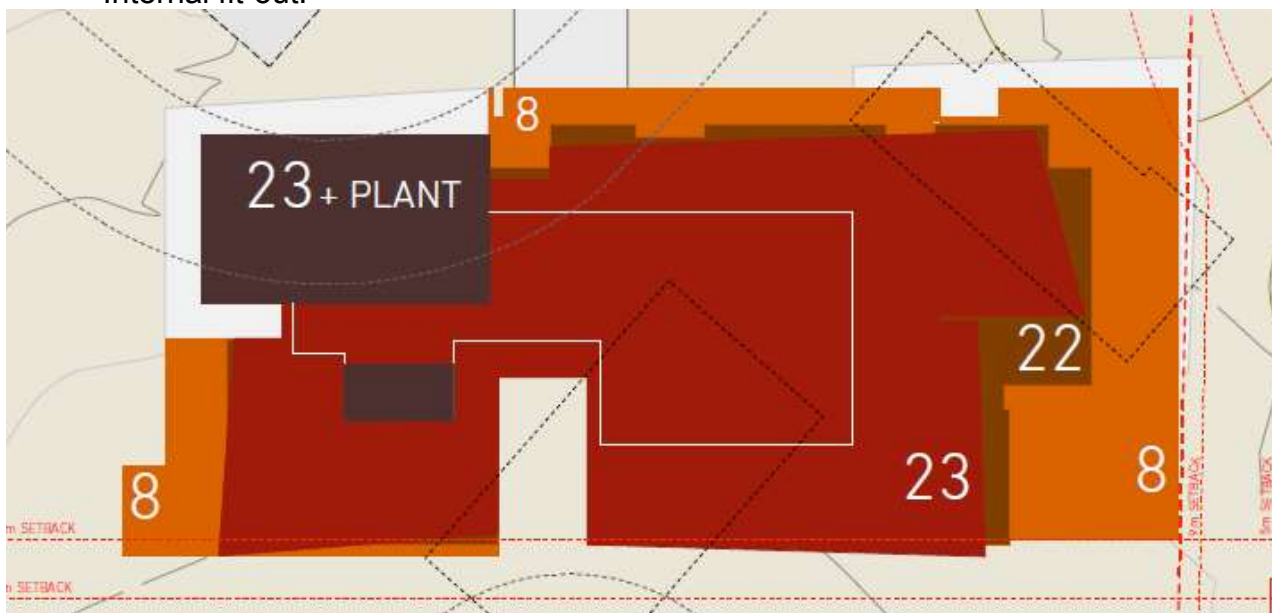


Figure 3: The levels (storeys) for the various parts of the proposed building with the 8 storey building podium and storeys above.



Figure 4: Photomontages of the proposed building as viewed from the north east and south west along Herring Road. These photomontages clearly illustrate the articulation in the building.

6. BACKGROUND

Relevant Background for the Current Development Application

- The application was submitted to Council on 14 January 2016 for the construction of 23 storey a mixed use building on the south eastern corner of the Morling College site. The site has an existing Development Consent for 2 lot subdivision approved by Council via LDA 2015/0086. The development, if approved, would result in the proposed building sited on Lot 181 approved under the above subdivision with an area of 3004m². This would result in a substantial non-compliance with Clause 4.4 of the RLEP 2014 – Floor Space Ratio. The proposal will then have a FSR of 5:1 which is double the maximum allowed of 2.5:1.
- A letter was sent to the applicant dated 2 February 2016 seeking written justification as to whether the extent of the variation to the floor space ratio development standard can be legally supported by virtue of the provisions of clause 4.6 of the Ryde Local Environmental Plan 2014.
- The applicant, via a letter dated 18th February 2016, advised that a Clause 4.6 variation is not required as the proposal complies with the FSR for the whole site (as currently proposed) and the disbursement of gross floor area for the future subdivision of the site can be dealt with by way of positive covenant on the residual lot, in accordance with Clause 4.5 (9) of RLEP 2014.

- Clause 4.5(9) of RLEP 2014 applies to 2 or more lots as such in order to rely on this clause, 2 lots are required to be in existence. The applicant was advised that the registration of the new lot is required before Council can place a condition for a covenant on the residue lot with regard to double dipping of floor space. However once the new lot is registered then the issue of floor space non-compliance applies and consequently submission of a Clause 4.6 variation for Council's consideration would be required.
- The Joint Regional Planning Panel (JRPP) briefing meeting was held on 1 June 2016. Following the briefing with the JRPP, the applicant was again advised that it is not possible to include a condition requiring a covenant on both lots as only 1 lot was in existence and it was not possible to include a condition on the consent relating to another consent being the two lot subdivision. The applicant was advised to withdraw the DA and submit a new DA which included subdivision. The applicant did not pursue this option but instead decided to surrender the existing subdivision consent. In doing this the development complies with the FSR and it is no longer necessary to include a covenant on the land in respect to FSR.

7. APPLICABLE PLANNING CONTROLS

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

- State Environmental Planning Policy (State & Regional Development) 2011
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX)
- State Environmental Planning Policy (Major Development) Amended (Ryde) 2015
- Deemed SEPP – Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Ryde Local Environmental Plan 2014
- Ryde Development Control Plan 2014
- Section 94 Development Contributions Plan

8. PLANNING ASSESSMENT

Integrated Development under S91A of the Environmental Planning and Assessment Act 1979.

Under the Water Management Act and Aquifer Interference Policy where the development intercept or extract groundwater the proposal is also required to be authorised under the Water Management Act. Due to the extent of excavation proposed, the development was referred to the Department of Primary Industries Water (DPI).

DPI Water has advised that the proposed development is deemed to be an aquifer interference activity requiring an authorisation under water management legislation. No objections have been raised with regard to the proposal and General Terms of Approval have been issued and are attached (Attachment B) in the draft conditions.

State and Sydney Regional Environmental Planning Policies

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 it is suitable, or can be made suitable, for the proposed use.

The site has been the subject of a detailed investigation by Coffey Geotechnical P/L which included a 'Contamination Assessment Report'.

The report provides a review of a Phase 1 Contamination Assessment report prepared in 2009 for the wider Morling College Campus by Douglas Partners. The report *“notes that the site is expected to be suitable, for the proposed development. Accordingly, the proposed development and use of the land is considered acceptable with regard to the requirements of clause 7 of SEPP 55.”*

Council's Environmental Health Officer has reviewed the proposal together with the submitted reports and 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 thermal comfort.

This application as lodged was accompanied by a BASIX Assessment Report and amended BASIX Certificate No. 593309M_07 dated 27 July 2016 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 & 92**.

8.4 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 is a deemed SEPP and applies to the subject site.

The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the above planning instrument. However, the site is not located on the foreshore or adjacent to the waterway and therefore, with the exception of the objective of improved water quality, the objectives of the planning instrument are not applicable to the proposed development. The objective of improved water quality is satisfied through compliance with the provisions of Part 8.2 of DCP 2014.

The proposed development raises no other issues and otherwise satisfies the aims and objectives of the planning instrument.

8.5 SEPP (Major Development) Amendment (Ryde) 2015

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

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

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

8.6 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

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

- Urban Design Review Panel;
 - The SEPP 65 Design Quality Principles; and
 - Apartment Design Guide.
- Urban Design Review Panel (UDRP)

Council’s Urban Design Review Panel (UDRP) conducted a review of the proposal for the second time on 22 February 2016, (the first review being prior to lodgement and before the gazettal of the Macquarie University Station Priority Precinct).

The following comments with regard to the 9 Design Quality Principles of SEPP 65 were made as detail below:

SEPP 65 – Design Quality of Residential Apartment Buildings	UDRP Comments
Context and Neighbourhood Character Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Responding to context	The site is within the Macquarie University Station (Herring Road) Priority Precinct, planned by the State government for significant renewal. Under this plan the site is zoned B4 Mixed Use with a 2.5:1 FSR and a height of 75m. A potential east-west road connecting to the roundabout on Herring Road is identified in both Council’s existing DCP and the Priority Precinct Finalisation Report. The site is located in the southern corner of the campus, adjacent a main entry to the campus and a 2 storey college building to the north. Herring Road is to the immediate south-east and 4 storey apartments are to the south-west. In the meeting the applicant explained that the college is currently preparing master plan for the campus which includes future

SEPP 65 – Design Quality of Residential Apartment Buildings	UDRP Comments
involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.	subdivision for the site. The information submitted to the Panel, both in the meeting and subsequently, does not adequately address how the proposed development and its interface with Morling College site is to be resolved both in the short term and long term. The following information is needed to adequately assess the design proposal: – A short term ground level plan showing extent of works beyond the future subdivision boundary that is required to facilitate development proposed in the DA. This includes: • Proposed subdivision boundary • Entry road alignment, extent, kerb line. The master plan and DA do not match. The road should be detailed as a part of the future road and the driveway as a separate element within the site boundary. For example the turning radius to the driveway is not appropriate as a short term solution as it will impact the future road alignment. – Plans of the Morling College building demonstrating alterations proposed to create an appropriate interface with the proposal. – Landscape works between the building face/car park line and the proposed site boundary. Tree planting should be included that can be retained with future road extension. – Extent of basement and relationship to Morling College Building/site boundary, meaningful deep soil zones and future street alignment. The basement appears to extend to the site boundary. – A long term ground level plan showing how the proposal will fit in the future master plan. – Future road and footpath alignments and streetscape elements. – Future Morling College context in relation to proposal. <u>Planner's Comments</u> • A ground floor plan with the outline of future boundaries and the road alignment has since been submitted. Council's City Works and Infrastructure staff have raised no objections to the "indicative" road layout subject to Condition 61 to ensure that the loading bay and the intersection with Herring Road are satisfactory. • Partial demolition of the Morling College Library and Administration Building (LDA 2016/169) has been submitted and approved by Council. • Updated landscaping plans have been submitted and reviewed by Council's Consultant Landscape Architect who raised no objections to the proposal. • The basement is setback 4.8m from the adjoining south western boundary with 116 Herring Road and 5m from the front boundary (Herring Road). Approximately 476m² of deep soil landscaping is proposed, which is 16% (taken from future proposed subdivision). The deep soil zone adjacent to the southern and front boundaries is sufficient to enable meaningful planting along these edges. Council's Consultant Landscape Architect supports the submitted Landscaping Plan. • A Masterplan has been submitted to illustrate the long and short term plan for the site:

SEPP 65 – Design Quality of Residential Apartment Buildings	UDRP Comments
	<u>Stage 1:</u> retention of existing site access from Herring Road and part demolition of Morling College Library and Administration Building (approved under LDA 2016/169). <u>Stage 2:</u> The new Boarding House located in the north western corner of the Morling College Street (LDA 2014/170 and is currently under construction). <u>Stage 3:</u> (a) Proposed building (b) New Library and Administrative Building for Morling College to be adjacent to the student housing. Once completed Morling College have no further plans for any additional development on the site. The Masterplan has been amended to show a 20m wide road reserve as required by Council's DCP. Council's Senior Coordinator - Strategic Planning is satisfied with the Masterplan and the provision of the 20m wide road reserve.
Built Form and Scale Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.	The boundary is not included in the drawings and it is difficult to interpret compliance with the DCP setbacks. Compliance with Council's DCP setbacks along north-eastern and north-western boundaries is required. Note the Panel interprets the north-east boundary as a street frontage. The lobby location at the north-western corner of the proposal is problematic, particularly in the short term context. The Panel strongly recommends the lobby be re-located at Herring Road where it will have a clear address and be legible from the public domain. The current building design in the coversheet rendering does not reinforce the legibility of the entry. The amenity of residential uses at ground level along Herring Road is impacted by noise and pollution from the busy road and has limited daylight due to south-eastern orientation. Swapping the lobby and residential units would improve both the legibility of the lobby and amenity of residential units. The basement protrudes above ground in the north-western corner and along the Herring Road frontage. This needs to be further resolved with the landscape design and future street interface to minimize the scale of blank walls. <u>Planner's Comments:</u> The applicant has responded to the above and has introduced a new lobby to the front facing Herring Road. The previous lobby in the north western part of the building will be retained. The new plans were shown to the UDRP on 17 May 2016 who were generally supportive of the new lobby area with the exception that it be lowered (to reduce the number of stairs required from the street to the entrance or relocate the lobby to the south (where the media room is located). The applicant took the advice of the UDRP and further plans were submitted on 16 June 2016 which lowered the RL of the front lobby area so it now has a clear and improved accessibility to the entry. The two front apartments along Herring Road have been deleted and replaced by a gym and media room. Council's Consultant Landscape Architect has reviewed the proposal and has advised: <i>the submitted landscape plan is considered to provide a high-quality landscape design with appropriate species</i>

SEPP 65 – Design Quality of Residential Apartment Buildings	UDRP Comments
	<i>selection, level of deep soil planting, communal and private open space areas.</i> <i>The topography of the site is to be slightly modified as part of the proposal so as to create flat useable open spaces, workable entries to the building and suitable grades etc. Retaining walls/ raised planters have been provided within the open space areas above the basement car park given the limited deep soil available. Whilst some retaining walls are over 1m in height, with the proposed landscaping, these will not be visible from the public domain or streetscape area and therefore are considered to be acceptable. It is noted that appropriate vegetative planting will be capable of providing visual relief to these walls. In addition an appropriate mix of native and exotic species have been utilised across the site which will provide effective screening and greening to the development whilst also softening the private open space areas and providing a buffer to the neighbouring allotment.</i>
Density Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.	The FSR calculation borrows land area from Morling College Campus site. This needs to be resolved with Council. <u>Planner's Comments:</u> This has been resolved as LDA 2015/0086 for the subdivision has been surrendered and the floor space calculation is across the whole site. The current proposal complies with the floor space control for the site. The maximum floor space ratio (FSR) permitted for the site is 2.5:1. The current gross floor area for the site is 8,840m². The proposed floor area for this building is 15,527m² which tally up to 24,367m² of gross floor area for the site. Based on a site area of 30,464m², the FSR is 0.8:1 which is well under the maximum permitted.
Sustainability Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and	More detailed solar access analysis is needed to demonstrate compliance with the ADG. <u>Planner's Comments:</u> Solar access drawings updated and submitted which demonstrate that 70% of the apartments will achieve at least 2 hours of solar access and 64% receive natural cross ventilation.

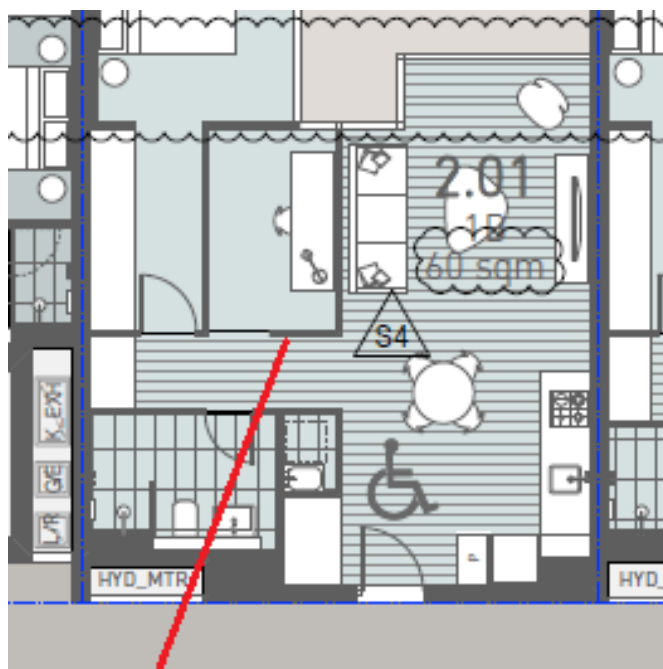
SEPP 65 – Design Quality of Residential Apartment Buildings	UDRP Comments
vegetation. Landscape Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, coordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks. Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, and respect for neighbours' amenity and provides for practical establishment and long term management.	-A landscape plans was not submitted to the Panel. A landscape plan should address both short term and long term streetscape. -Fire stairs and amenities in the western corner should be better integrated into the design of the communal open space. -Communal open space should be designed to cater to residential with a variety of spaces and seating for gathering and individuals, BBQ facilities, etc. -Better mediation of levels along the edges of the car park is needed to reduce impacts on streetscape to both Herring Road and the new road. -The proposed substation co-located with the existing substation needs to be carefully integrated into the landscape design to minimize impacts on the streetscape. -Deep soil zones should exclude underground structures including car parks, be consolidated and support significant tree planting. <u>Planner's Comments:</u> Amended Landscape Plans were submitted and reviewed by Council's Consultant Landscape Architect. The landscape plans provided detail for seating, shading and BBQ facilities within the communal open space area. The substation is located adjacent to the existing substation however to minimise impact to the streetscape, a condition will be imposed to minimise the visible impact of the substation by appropriate screening in accordance with Ausgrid requirements. See Condition 1(e). Landscaping has been employed to screen the protrusion of the basement car park which is considered acceptable by Council's Consultant Landscape Architect.
Amenity Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas	Large inboard studies (such as Unit G.03) are sufficient in size to be used as bedrooms. Studies are also defined as habitable rooms in the ADG and should have a window. Small studies (such as Unit 1.08) with a window and a wardrobe are likely to be used as bedrooms and are undersized. These should comply with the minimum areas in the ADG. <u>Planner's Comments:</u> The studies were reconfigured to have a window and shown to have a built in desk area. However there are still concerns about Units G.01, 1.01 to 1.05 & 1.08 and above (up to Level 9). Whilst there is a desk shown on the architectural plans and a condition will be imposed for built in joinery, nevertheless there is still space for a single bed and for the room to be closed off. Accordingly a condition of consent has been imposed to have the short wall facing the hall way deleted and replace with a half panel so that it is open and the area not capable of being closed off and used as a separate bedroom, as illustrates in the

SEPP 65 – Design Quality of Residential Apartment Buildings

UDRP Comments

and ease of access for all age groups and degrees of mobility.

diagrams below.



Wall to be deleted and replace with panel as shown below



APTS. 1.01-1.05, 1.08 (TYP) - VIEW FROM HALLWAY

Units 1.06 & 1.09 and above (up to Level 9) and Unit 10.07 and above

SEPP 65 – Design Quality of Residential Apartment Buildings	UDRP Comments
	(up to Level 23) are 2.6m x 2.8m and are all under the minimum bedroom size of 9m². However due to their configuration concern is raised that these rooms are capable of being closed off and used as a bedroom. Accordingly to ensure that this is not possible a condition will be imposed to rearrange the adjacent storage area to align with the wall and clear fixed panel provided, as illustrated below. This will allow the room to be opened up so that it is not capable of used as a 2nd bedroom. Realign storage cupboard and provide clear panel as shown below. APT. 1.06 (TYP) - VIEW FROM HALLWAY A condition is also recommended requiring internal joinery for a desk and storage area to be provided in all studies room. See Condition 1(a), (b) & (c).
Safety	

SEPP 65 – Design Quality of Residential Apartment Buildings	UDRP Comments
Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.	Building entry location is located away from main pedestrian routes and does not have a logical building address (particularly in the short term plan). <u>Planner's Comments:</u> <i>The plans have been amended to provide an additional lobby facing Herring Road. The UDRP reviewed this amendment on 17 May 2016 and advised that "the smaller eastern entry be redesigned to provide a more significant entry that can provide the interim 'front door'. The lobby should be redesigned so that it extends more to the south than the north as this is where the street level is higher. This would eradicate the extensive stair system shown on the plans and enable a better relationship between the lobby and the street. The majority of the lobby should be lowered to street level with the grade separation accommodated within the lobby itself and not within the verge setback. This will enable disabled access to be achieved and a direct address for the building to be provided. Other than this consider the Panel considers that the building offers a positive contribution to the context and is well designed"</i> The applicant has lowered the lobby from RL 70.7 to RL 69.350 and disabled ramp provided to the entrance.
Housing Diversity and Social Interaction Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.	Clarification of the mix is needed. <u>Planner's Comments:</u> The proposal provides 192 residential apartments, 107m² of ground floor retail tenancy, a gym and media room (for use by residents only) comprising the following mix: • 105 x 1 bed – (41 one bedroom and 64 for one bedroom with study) (55%) • 79 x 2 bedroom (41%) and • 8 x 3 bedrooms. The proposed mixed is considered satisfactory.
Aesthetics Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.	Refer to built form. Noted.

SEPP 65 – Design Quality of Residential Apartment Buildings	UDRP Comments
The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.	

- Apartment Design Guide (ADG)

The SEPP requires consideration of the Apartment Design Guide which supports the 9 design quality principles by giving greater detail as to how those principles might be achieved. Assessment of the proposal against the matters in the ADG is provided below.

Part 2 Development the controls		
	Considerations	Consistent
Building Depth Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line.	The building exceeds the maximum depth, being 20.6m to 22 for Levels 1 to 8 and then 20.6m for levels 9 to 23. Notwithstanding the proposed depth variations above 18m, the proposal provides for acceptable levels of cross ventilation (64% of units). 70% of the units will receive a minimum of 2 hours solar access in midwinter. The UDRP raised no concerns and the proposed building depth is considered reasonable.	No – variation acceptable.
Building Separation Minimum separation distances for buildings are: <i>Up to four storeys (approx 12m):</i> - 12m between habitable rooms/balconies - 9m between habitable and non-habitable rooms - 6m between non-habitable rooms <i>Five to eight storeys (approx. 25m):</i> - 18m between habitable rooms/balconies - 12m between habitable and non-habitable rooms - 9m between non-habitable rooms <i>Nine storeys and above (over 25m):</i> - 24m between habitable rooms/balconies - 18m between habitable and non-habitable rooms - 12m between non-habitable rooms	The building separation is provided as follows: <u>South- west (116 Herring Road)</u> Require: 12m for 1 st to 4 th floors and 18m for 5 th to 8 th floors and 24m for the 9 th storey and over. The proposed building is setback 11 to 12m from the boundary to 116-118 Herring Road which contain a 4 storey residential building. The 4 storey RFB is setback between 7m to 19m from the common boundary. The proposal provides the required setback and building separation. <u>North east (internal – 2 storey Administrative and Library building).</u> The proposed building is setback 7.4m from the 2 storey administrative and library building and will have a total building	Yes

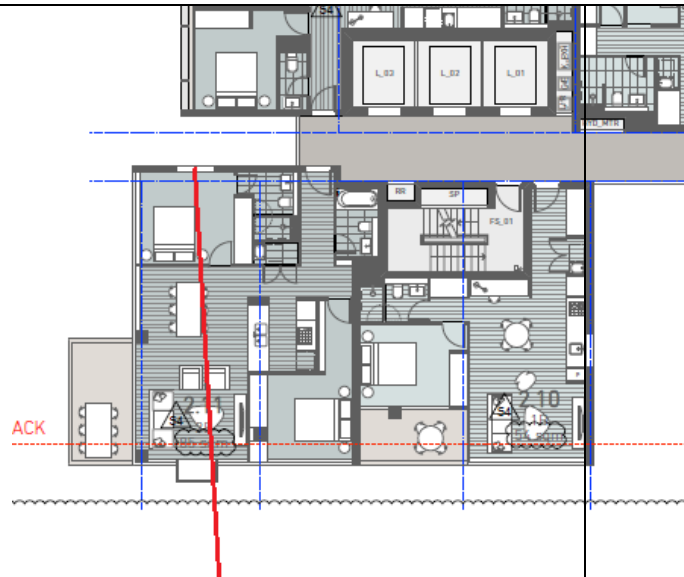
	separation of 8.9m, which is short of the 9m requirement by 0.1m. The variation is very minor and will have no overlooking impact as the elevation facing the subject building is a blank wall and the administrative building is non-residential. In addition, as part of the overall redevelopment for the whole site, this building will eventually be demolished and the administrative and library building relocated elsewhere on site.	No – variation acceptable.
Front, Rear & Side Setbacks See discussion under the relevant Development Control Plan.	As per building separation requirement	Yes
Part 3 Siting the development Design criteria/guidance	Consideration	compliance
3B Orientation Building types and layouts respond to the streetscape and site while optimising solar access and minimising overshadowing of neighbouring properties in winter.	Proposal has been amended to respond to the streetscape. The building is orientated on a south-east to north west alignment and is consistent with the siting of other redevelopment in the vicinity.	Yes
3C Public domain interface Transition between private & public domain is achieved without compromising safety and security and amenity of the public domain is retained and enhanced.	Proposal amended to delete the two front apartments facing Herring Road and replaced with a lobby, residents' gym and media room. A retail area is also proposed facing Herring Road. This will help to activate and enhance the quality of the public domain. The development has provided an appropriate transition between public and private domain.	Yes
3D Communal & public open space Provide communal open space to enhance amenity and opportunities for landscaping & communal activities. Design Criteria 1. Provide communal open space with an area equal to 25% of site; 2. Minimum 50% of usable area of communal open space to receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June.	As existing the entire site will provide significant amounts of communal open space. If the development was to be subdivided at some time in the future, the development would still be able to provide 1,508m ² of communal open space, which would be equivalent to 50% of the new site area. More than 50% of the communal open space will receive the required 2 hours of sun between 9am and 3pm during mid-winter	Yes
3E Deep Soil Zone Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.	Proposal complies with deep soil area for the entire site. As above, if the development was to be subdivided in the future, the new site area will have approximately 464m ² of deep soil planting, which is 15.4% of the new site.	Yes

Design criteria 1. Deep soil zones are to be provided equal to 7% of the site area and with min dimension of 3m – 6m.	The deep soil area will have minimum dimension of 3 to 6m.													
3F Visual Privacy Building separation distances to be shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy. Design Criteria Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows: <table border="1" data-bbox="140 869 636 1211"> <thead> <tr> <th>Building Height</th><th>Habitable rooms & balconies</th><th>Non habitable rooms</th></tr> </thead> <tbody> <tr> <td>Up to 12m(4 storeys)</td><td>6m</td><td>3m</td></tr> <tr> <td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr> <tr> <td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr> </tbody> </table> Note: • Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties. •	Building Height	Habitable rooms & balconies	Non habitable rooms	Up to 12m(4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	The proposed building achieves the following setbacks to shared site boundaries and the adjacent building:- • South-west – (116-118 Herring road) 11m to 12m The setback to the southern boundary provides the full building separation distances.	Yes
Building Height	Habitable rooms & balconies	Non habitable rooms												
Up to 12m(4 storeys)	6m	3m												
Up to 25m (5-8 storeys)	9m	4.5m												
Over 25m (9+ storeys)	12m	6m												
3G Pedestrian Access & entries Pedestrian Access, entries and pathways are accessible and easy to identify.	Two entries are provided, one from Herring Road and one from the internal road. The entries have clear pathways and are accessible and easy to identify.	Yes												
3H Vehicle Access. Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	Vehicular access to the basement car park is provided off Herring Road, along the site's internal frontage to a private access road. When the future 20m road is provided, vehicular access will be from this new road. A pedestrian lobby to the site is provided from Herring Road and also from the internal road. The pedestrian pathway along the western boundary provides safe and legible access to the Herring Road	Yes												

	entry point of the building. Council's Traffic Engineer and Senior Development Engineer have raised no objections to the proposed vehicle access.	
3J Parking Provisions. Car parking: For development in the following locations: • on sites that are within 800 metres of a railway station; or • within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre, The minimum parking for residents and visitors to be as per RMS Guide to Traffic Generating Developments, or Council's car parking requirement, whichever is less. RMS Guide states: The recommended minimum number of off-street visitor parking spaces is one space for every 5 to 7 dwellings. Councils may wish to reduce this requirement for buildings located in close proximity to public transport, or where short term unit leasing is expected.	The RMS and Council's DCP residents' car parking rate are the same except for the visitors' car parking rates. The RMS visitors rate is one per/ 5 unit whilst Council's DCP is 1 per/ 10 which is a lesser therefore Council's DCP rates applies. See discussion under Part 4.5 – Macquarie Park Corridor.	Yes
Bicycle Parking: Provide adequate motorbike, scooter and bicycle parking space (undercover).	24 bicycle parking spaces have been provided, which is in excess to what is required being 15 spaces. No motorbike parking has been provided however as the proposal is in excess of bicycle spaces, the excess can be converted for use as motorbike parking. In addition, the proposal can provide the required minimum parking spaces and residents can use the car parking spaces for motorbike parking. Condition 125 has been imposed requiring 15 bicycle spaces and 2 motor bikes spaces being provided.	Yes No – variation acceptable.
Basement Design for parking: • Basement car park not to exceed 1m above ground (use stepped/ split level).	Basement level 1 exceeds 1m above ground (worst point 1.4m) along the south east corner of the building. Although it exceeds the 1m maximum, there is a substantial landscape buffer including dense planting and earth mounding up to the building to reduce appearance of bland wall and overall height. Planters are also utilised and set down at the edge to	

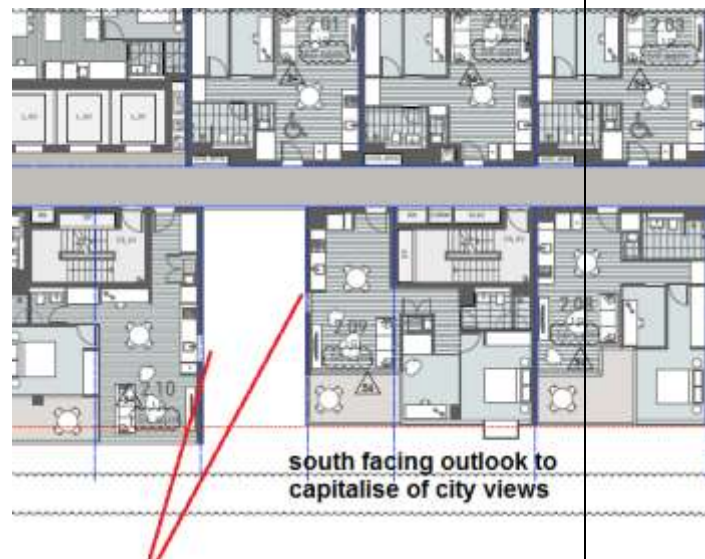
	reduce the wall height. The UDRP has reviewed the proposal and given that the variation is only along the southern section of the building and it is well landscaped, the proposed variation is considered acceptable. In addition, Council's Landscape Architect has advised that appropriate vegetative planting have been provided which will provide visual relief to these walls., as illustrate below. In addition, appropriate mix of native and exotic species have been utilised across the site which will provide effective screening and greening to the development, whilst also softening the private open space areas and provide a buffer to the neighbouring allotments.  Landscaping to screen the wall Landscaping proposed to help screen and soften the wall.	No – variation acceptable.
Natural ventilation to be provided for basement car parks. Any ventilation grills/ screening device to be integrated into the façade and landscape design.	Ventilation of the basement has not been shown on the plans. Condition 50 has been imposed.	Yes – subject to condition.
Part 4 Designing the building		
4A Solar & daylight access		
1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.	The proposal provides solar access to 134 apartments, representing 70% of the total apartments.	Yes

3. No more than 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid- winter.	134 apartments will receive direct sunlight to the apartments, however 58 apartments are not able to receive direct sunlight between 9am – 3pm. This is 30% of the development. Notwithstanding the non-compliance, the ADG recognises that full achievement of the design criteria may not be possible on some sites and in such instances, the design is required to demonstrate how the objective of optimising the residential amenity for future residents, including solar access, is being achieved. The applicant has advised that the non-compliance is primarily due to: ▪ The existing shape and orientation of the property, ▪ Alignment with the existing roundabout, ▪ The alignment of existing and proposed road connection. Whilst, more than 15% of apartments receive no direct sunlight, it should be noted that due to the orientation of the building on its south-east to north-west alignment some apartments will receive sunlight in excess of 3 hours. In addition the proposal is in accordance with the prescribed building envelopes identified in the UAP Planning Report for the Macquarie University Station Priority Precinct. The proposal also mitigates the impacts of the single aspect apartments by providing windows to the building slot on the south-west facing elevation thus increasing the number of apartments with a northerly aspect and improved light and ventilation into these apartments, as illustrated below.	No – variation acceptable.
---	---	-----------------------------------



Window on building slot to provide additional light and ventilation

Windows are also provided to the building slot to the south west facing apartments located on either side, improving natural light penetration and ventilation into these apartments.



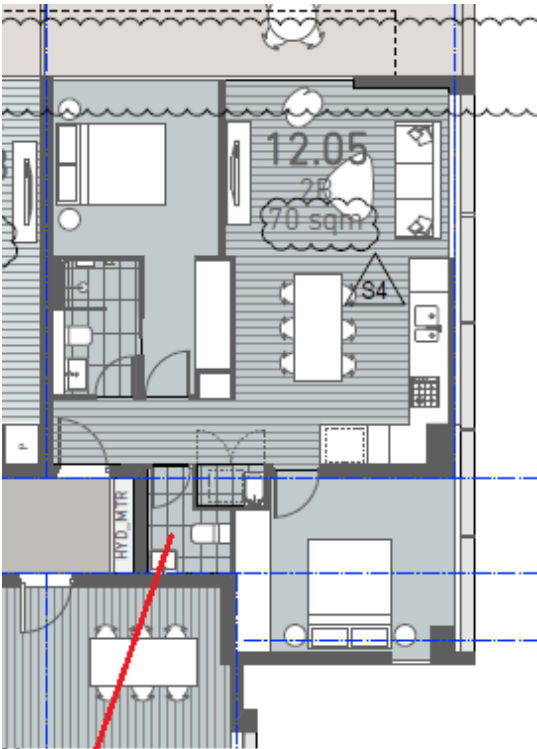
Windows on the building slot on the southern side to provide additional light and ventilation

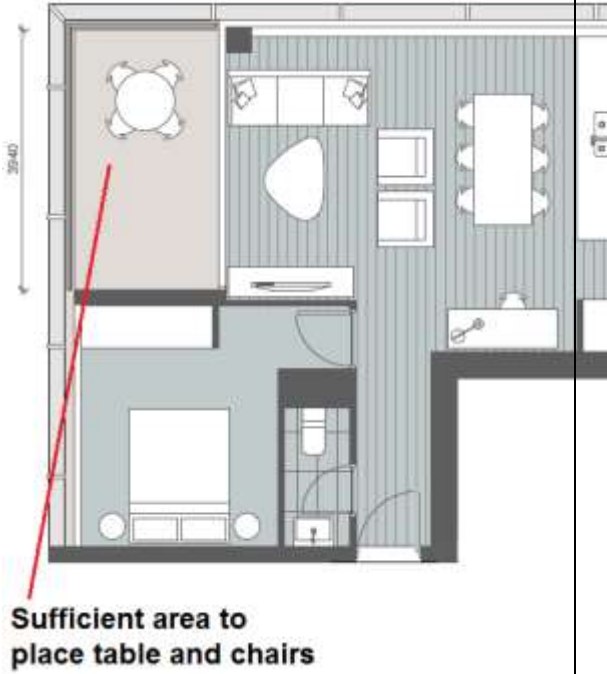
Windows to south building slot will help provide light and ventilation. Also south west facing to face city views, as shown above.

Those apartments that do not achieve direct sunlight have been provided with an

	open aspect to the south west including an opportunity to observe the city views available to the south, which enhances their amenity. The proposal will provide a minimum of 2 hours of sunlight to living areas of 70% (134/192) of apartments and therefore complies with this requirement under the ADG. Furthermore, due to the orientation of the building on its south-east to north-west alignment, some apartments will receive sunlight for well in excess of 3 hours. The cross-flow ventilation requirements of the ADG have been achieved, with 64% (56/88) achieving natural cross-flow ventilation. The proposed development is considered to generally comply with the numeric design criteria included in the ADG. Overall, the building provides a good standard of amenity for all apartments, accordingly the proposed variation can be supported.	
Design should incorporate shading and glare control, particularly for warmer months.	Design has incorporated eaves, balconies, external louvres to external walls.	Yes
4B Natural Ventilation		
All habitable rooms are naturally ventilated.	All habitable rooms have direct access to a window opening for natural ventilation.	Yes
Design layout of single aspect apartments to maximises natural ventilation.	The single aspect apartments have depths less than 8m, with a floor-to-ceiling height of 2.7m. This complies with the 2:1 width to depth ratio.	Yes
<u>Design criteria for natural cross ventilation:</u> 1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed. 2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	The proposal provides natural cross-ventilation to 64% of the total apartments in the first nine levels. No details have been provided as to whether the balconies can be enclosed from Level 10 upwards. Condition 9 has been imposed requiring that the balconies cannot be fully enclosed. There is no cross-through apartments proposed.	Yes N/A

4C Ceiling Heights Ceiling height achieves sufficient natural ventilation and daylight access. The following is required as a minimum: <table><tr><td colspan="2">Min ceiling height for apartment & mixed use buildings</td></tr><tr><td>Habitable rooms</td><td>2.7m (3.1m floor to floor)</td></tr><tr><td>Non Habitable</td><td>2.4m</td></tr><tr><td>2 storey apts</td><td>2.7m for main living area , 2.4m for 2nd floor</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room</td></tr><tr><td>Mixed used zone</td><td>3.3m for ground & 1st floor to promote future flexibility of use.</td></tr></table>	Min ceiling height for apartment & mixed use buildings		Habitable rooms	2.7m (3.1m floor to floor)	Non Habitable	2.4m	2 storey apts	2.7m for main living area , 2.4m for 2 nd floor	Attic spaces	1.8m at edge of room	Mixed used zone	3.3m for ground & 1 st floor to promote future flexibility of use.	A minimum floor to ceiling height of 2.7m and 2.4m is proposed in all residential levels to habitable and non-habitable rooms respectively. A higher floor to ceiling height of 3.3m is proposed at ground floor level to the retail tenancy.	Yes
Min ceiling height for apartment & mixed use buildings														
Habitable rooms	2.7m (3.1m floor to floor)													
Non Habitable	2.4m													
2 storey apts	2.7m for main living area , 2.4m for 2 nd floor													
Attic spaces	1.8m at edge of room													
Mixed used zone	3.3m for ground & 1 st floor to promote future flexibility of use.													
4D Apartment size and layout Apartments are required to have the following minimum internal areas with one bathroom: • Studio = 35m²; • 1 bedroom = 50m²; • 2 bedroom = 70m²; • 3 bedroom = 90m²; • 4 bedroom = 102m². Note: ➤ Additional bathrooms increase the minimum internal area by 5m²;	All of the 1 bedroom apartments comply with the minimum internal area. However, additional bathrooms are provided in the 2 & 3 bedroom apartments. This requires a minimum internal area of 75m² and 95m² for the 2 & 3 bedrooms apartments, respectively. 2 bedroom apartments range in size from 70m² to 84m². 24 of the 2 bedroom apartments are 74m², which is short of the required minimum by up 1m². This variation is relatively minor and considered acceptable. 15 of the 2 bedroom apartments are 70m², which is short of the required minimum by 5m². The ADG states that where minimum areas are not met, apartments need to demonstrate that they are well designed and demonstrate the usability and functionality of the space. The applicant states the 2nd bathroom is only a “powder room” with no shower/bath and that the apartment layouts are functional and the apartments provide adequate circulation spaces. The apartments have dual aspect with appropriate room shapes and window designs to provide daylight and sunlight, ventilation and visual privacy. Given the above and that no objection was raised by Council’s UDRP and that this non-compliance is only for 15 out of the 192 apartments, plus the added amenity of an	No – variation acceptable.												

	additional toilet, the benefits outweigh the dimensional shortfall and can be supported in this instance.  2nd bathroom - powder room only	
Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	All habitable rooms have direct access to a window opening that achieve minimum of 10% of the room area. No borrowed daylight and air is proposed.	Yes
Habitable room depths are limited to a maximum of 2.5 x the ceiling height. In open plan layouts – habitable room (where the living, dining and kitchen are combined) be maximum depth of 8m from a window.	Require 2.5 x 2.7 = 6.7m. Bedroom depths are less than 6.7m. Combined living dining and kitchen areas are less than 8m from a window.	Yes
Master bedrooms - minimum area of 10m ² (excluding wardrobe space).	Generally the master bedrooms are 10m ² or over.	Yes
Bedroom - minimum dimension of 3m (excluding wardrobe space)	All bedrooms have minimum dimension of 3m.	Yes
Living rooms or combined living/dining rooms have a minimum width of:	Minimum 4m width.	Yes

• 3.6m for studio and 1 bedroom apartments; • 4m for 2 and 3 bedroom apartments.																	
The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	No cross-through apartments.	N/A															
4E Private Open Space and balconies Apartments must provide appropriately sized private open space and balconies to enhance residential amenity. Design criteria 1. All apartments are required to have primary balconies as follows: <table border="1"> <thead> <tr> <th>Dwelling type</th><th>Minimum area</th><th>Min. depth</th></tr> </thead> <tbody> <tr> <td>Studio apartments</td><td>4m²</td><td>N/A</td></tr> <tr> <td>1 bedroom</td><td>8m²</td><td>2m</td></tr> <tr> <td>2 bedroom</td><td>10m²</td><td>2m</td></tr> <tr> <td>3+ bedroom</td><td>12m²</td><td>2.4m</td></tr> </tbody> </table>	Dwelling type	Minimum area	Min. depth	Studio apartments	4m ²	N/A	1 bedroom	8m ²	2m	2 bedroom	10m ²	2m	3+ bedroom	12m ²	2.4m	Generally most of the balconies comply with minimum size and depth requirements except for apartments 1.12 and above which are 8.8m², which is short of the required 10m² by 1.2m². These are north west facing balconies for Levels 1 to 23 and can provide suitable furniture (table and chairs) on the balconies, as illustrated below. Given that the variation are relatively minor and comply with the minimum depth of 2m and is only for 23 out of the 192 apartments, the proposed variation can be supported.  Sufficient area to place table and chairs	No – variation acceptable.
Dwelling type	Minimum area	Min. depth															
Studio apartments	4m ²	N/A															
1 bedroom	8m ²	2m															
2 bedroom	10m ²	2m															
3+ bedroom	12m ²	2.4m															
2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m.	The ground floor apartments have been provided with private open area that are equal or greater than the minimum balcony area stipulated in point 1 above.	Yes															

4F Common circulation and spaces.

Design criteria

1. The maximum number of apartments off a circulation core on a single level is 8.
2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.

Note:

Achieving the design criteria for the number of apartments off a circulation core may not be possible. Where a development is unable to achieve the design criteria, a high level of amenity for common lobbies, corridors and apartments should be demonstrated, including:

- sunlight and natural cross ventilation in apartments
- access to ample daylight and natural ventilation in common circulation spaces
- common areas for seating and gathering
- generous corridors with greater than minimum ceiling heights
- other innovative design solutions that provide high levels of amenity
- Where design criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level.

Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed. Visual and acoustic privacy from common circulation spaces to any other rooms should be carefully controlled.

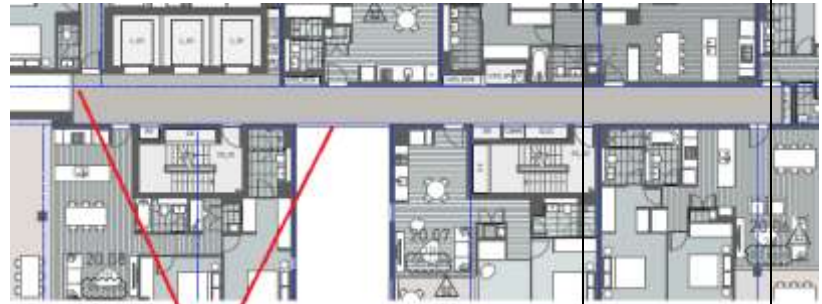
Daylight and natural ventilation should be provided to all common circulation space above ground. Windows should be provided at the end wall of corridor.

The number of apartments sharing a circulation core is summarised as follows:

Level	No. of apts.
Ground	3
Podium (8 levels)	11
9-19	8
20-23	7
Penthouse	4

While the proposal does not comply with the design criteria the ADG recognises that the full achievement of the design criteria may not be possible, a high level of amenity for the corridors and apartments should be demonstrated. The proposed variation is considered acceptable having regard to the following ADG design guidance:

- An end window and a large side window have been provided to the corridor to allow for light and ventilation access.



End and side windows along the corridor to provide light.

- The number of apartments off a single circulation core is not more than 12.
- The UDRP has reviewed the layout and have raised no objections to the corridor core.
- Primary living area or bedroom windows do not open directly onto the corridor.

No for the podium levels.

Yes for levels 9 and above.

No – for the number of apartments sharing a single lift. Variation acceptable.

Yes

4G Storage Adequate, well designed storage is to be provided for each apartment. Design criteria 1.In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided: <table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio</td><td>4m³</td></tr><tr><td>1 bedroom apt</td><td>6m³</td></tr><tr><td>2 bedroom apt</td><td>8m³</td></tr><tr><td>3 + bedroom apt</td><td>10m³</td></tr></table> At least 50% of the required storage is to be located within the apartment.	Dwelling type	Storage size volume	Studio	4m ³	1 bedroom apt	6m ³	2 bedroom apt	8m ³	3 + bedroom apt	10m ³	Storage areas inside the apartments have been shown on the architectural plans. Condition 44 has been imposed requiring compliance with the requirement in the ADG.	Yes
Dwelling type	Storage size volume											
Studio	4m ³											
1 bedroom apt	6m ³											
2 bedroom apt	8m ³											
3 + bedroom apt	10m ³											
4H Acoustic privacy Noise transfer is minimised through the siting of buildings, building layout, and acoustic treatments. Plant rooms, services and communal open space and the like to be located at least 3m away from the bedrooms. Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.	An Acoustic Assessment Report has been prepared by Acoustic Logic and accompanies this development application. This report provides that the proposed site is capable of complying with all relevant acoustic criteria through means of standard acoustic treatment and management. The acoustic treatment and management method as suggested in this report include: • Glazing, (windows and doors) • Mechanical Ventilation, and • Construction management. See Conditions 40 & 41.	Yes										
4K Apartment mix A range of apartment types with different number of bedrooms (1bed, 2 bed, 3 bed etc) should be provided.	A mix of 1, 2 & 3 bedroom apartments have been provided:- 1 bedroom – 105 (55%) 2 bedrooms – 79 (41%) 3 bedrooms – 8 (4%) This unit mix provides a range of apartment types spread throughout the building.	Yes										
4L Ground floor apartments Building facades to provide visual interest, respect the character of the local area and deliver amenity and safety for residents.	No below ground apartments. The ground floor level of the building, fronting Herring Road and the private access road, provides active, non-residential uses. These areas will provide an attractive, active and well supervised ground plane. The UDRP raised no objections to the proposed building.	Yes										

Building functions are expressed by the façade.	The building provides for a mixed use with 107m ² of retail on the ground and residential above. The design reflects the proposed use of the building with the retail wrapping around the northern corner of the building, activating the streetscape.	Yes
4N Roof design Roof treatments are integrated into the building design and positively respond to the street.	Roof elements are integrated into the building design.	Yes
Opportunities to use roof space for residential accommodation and open space are maximised.	Communal open space provided at the rear. The proposal incorporates significant open space areas which are integrated within the ground level plane and in excess of the minimum requirements.	Yes
Roof design incorporates sustainability features.	Roof has skylights to apartments below.	Yes
4O Landscape design Landscape design contributes to the streetscape and amenity. Landscape design is viable and sustainable	The proposal includes a landscape plan. Council's Consultant Landscape Architect has reviewed the plan and has advised that the plan generally is of a quality landscape design with appropriate species.	Yes
4P Planting on structures Appropriate soil profiles are provided.	To ensure that the soil provision complies with the recommended soil profiles, a condition on the consent has been imposed requiring compliance with the relevant soil depth. See Condition 47 .	Yes
4Q Universal design Universal design features are included in apartment design to promote flexible housing for all community members. A variety of apartments with adaptable designs are to be provided.	A minimum of 20 adaptable apartments are required to be provided. The proposal will provide 20 adaptable apartments. See Condition 43 .	Yes
4R Adaptive reuse New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place. Adapted buildings provide residential amenity while not precluding future adaptive reuse.	New building.	N/A
4S Mixed Use Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.	Active uses are proposed along the ground floor frontage to Herring Road to promote activation of the ground plane. There is a retail area (107m ²) with wrap around balcony area, pedestrian lobby and gym area (for residents only).	Yes
4T Awnings and signage Awnings are well located and complement and integrate with the building design.	An awning is provided along the front façade of the development at street level to provide for weather protection.	Yes

4U Energy efficiency Development incorporates passive environmental design measures – solar design, natural ventilation etc.	Complies with BASIX.	Yes
--	----------------------	-----

The development is considered to be satisfactory in terms of the Apartment Design Guide.

8.7 **Ryde Local Environmental Plan 2014**

The following is an assessment of the proposed development against the applicable provisions from the Ryde Local Environmental Plan 2014.

Clause 2.2 - Zoning

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.

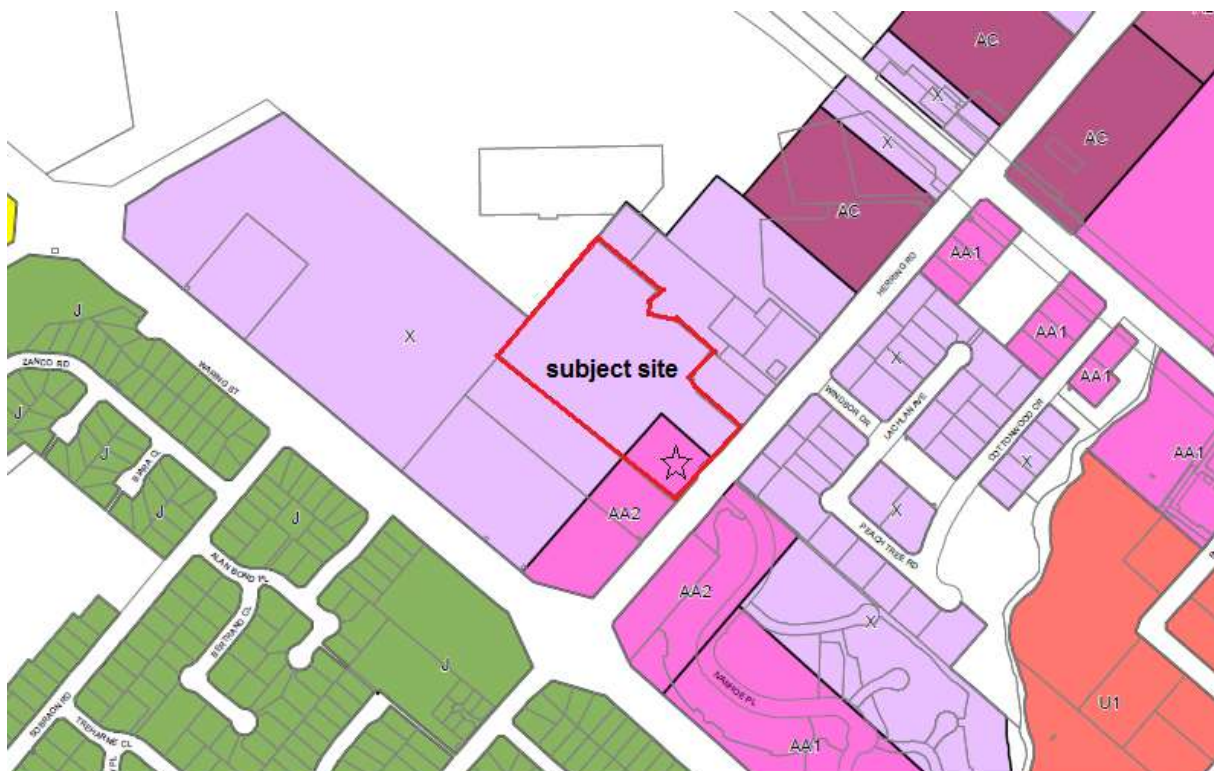
The development complies with the above objectives. It will be consistent with the desired future character for the precinct by introducing mixed use buildings consisting of residential and retail uses. The subject site is located within walking distance of bus services, retail and commercial services and is therefore considered to be a suitable location for this development. The massing and scale of the development has been assessed by the UDRP 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:

Height

Two height controls apply across the site – 45m and 75m. The 75m is effectively over the south east corner of the site with 45m for the rest of the site. The proposed building is to be located in the south east corner, within the 75m section, as shown in the Height Map below. The development is within the height limit.



Location of proposed building

Figure 6: Height Map – location of the building as shown by the star. Maximum height allowed within this area is 75m.

Floor Space Ratio

The FSR for the site is 2.5:1.

The applicant has provided an estimate GFA of the site as follows:

Existing buildings/proposed building works	GFA (m ²)
Existing Morling College Campus buildings (approximate GFA of 19 buildings)	6,200m ²
Recently approved Saunders Village development (LDA 2014/0170)	3,500m ²
Total existing and approved GFA	9,700m ²
Less the partial demolition of Library and Administration Building	60m ²
Less the demolition of three existing buildings (approximate GFA only)	800m ²
Total existing and approved GFA	8,840m ²
Proposed mixed use building	15,527m ²
Total of all building on completion of all current development proposals	24,367m²

The proposed GFA of 24,367m² on the existing site area of 30,464m² achieves a FSR of 0.80:1. The proposal development therefore complies with the maximum FSR development standard under clause 4.4 of the Ryde LEP 2014.

Other provisions

Provision	Comment
Clause 6.2 Earthworks. To ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	It is proposed to do extensive excavation to provide for the 3 levels of basement parking. A Geotechnical Investigation report has been submitted which outlines the level of excavation and measures to be undertaken during construction. In addition the proposal was referred to DPI as the proposed development is deemed to be an aquifer interference activity requiring an authorisation under water management legislation therefore General Terms of Approval have been provided by DPI Water. See full discussion under Referrals. Accordingly, the proposal satisfies the objective of the clause.

8.8 City of Ryde Development Control Plan 2014

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

- Note: Car parking is dealt with under Part 4.5 Macquarie Park Corridor.

With regard to Parts 7.1 to 8.3, 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.

Part 4.5 – Macquarie Park Corridor

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. The compliance table for Part 4.5 Macquarie Park Corridor is as follows:

Control	Comments	Comply
4.0 Access Network		
4.1 Streets Provide new public streets and pedestrian connections in accordance with Access Structure Plan New Streets are to be dedicated to the Council. New streets are to be maintained by the landowner	The Access Network Map identifies a new 20m wide road to be provided on the southern portion of the site. The road is to run from east to west from Herring Road to rear of the site and eventually connect to Balaclava Road. See Figure 7 below after the table.	N/A

Control	Comments	Comply
until dedicated to Council. 4.4 Sustainable Transport. A Framework Travel Plan. (FTP) is required to be submitted to Council for approval for all development that exceeds 10,000sqm new floor space. Parking Rates Bicycle parking in accordance with Ryde DCP 9.3 Parking. - In every new building, where the floor space exceeds 600m² GFA (except for dwelling houses and multi unit housing) provide bicycle parking equivalent to 10% of the required car spaces or part thereof. Car Parking within residential development to be provided in accordance with the following maximums: 0.6 space/1 bed 0.9 space/2 bed 1.4 space/3 bed 1 visitor space/10 dwelling 1 car share space per 50 parking spaces.	The application is not relying on any uplift in exchange for the road as such, it is not proposed to provide the road as part of this application. However, Council has requested the applicant to provide a Master Plan for the whole site showing how remaining FSR be distributed, circulation patterns and open space to meet Council's objectives. The Master Plan submitted shows a future 20m wide road corridor that links Herring Road across the site (west to east) and in the location indicated in the DCP. It is not proposed to provide the road as part of this application and the proposed building is setback the required 5m from the "indicative" road. Proposal has a floor space of 15, 527m². A FTP will be submitted to Council for approval prior to the issue of an Occupation Certificate. See Condition 121. Require: 15 bicycle parking spaces. Proposed: 24 spaces in Basement 1. • 192 apartments comprising of: 105 x 1 bedroom, 79 x 2 bedroom & 8 x 3 bedrooms. Retail – 107m² Required (residential): 0.6 x 105 = 63 0.9 x 79 = 71.1 1.4 x 8 = 11.2 = 145.3 (146 residents) 192/10 = 19.2 (20 visitors) <u>166 residential spaces</u> Retail: 107/25= 4.28 (5 spaces) Total = 171 spaces is the maximum. Proposed: 170 car spaces (excluding the car share spaces) comprising of: - 147 residential parking spaces - 20 visitor parking spaces - 2 service bays intended for	Yes - subject to condition. Yes Yes – under the maximum

Control	Comments	Comply
	residential services/ maintenance - 1 retail space - 3 car share spaces The proposed number of car parking spaces is under the maximum permitted in the DCP therefore the proposal complies with the car parking control. Whilst the proposal complies with maximum number of spaces allowed, the proposal does not satisfy the required number of spaces to be allocated for retail use. The applicant has only allocated one space for retail, however the proposed retail area of 107m² is calculated at a rate of 1 space per 25m², therefore requires 4.28 spaces,(round up to 5 spaces). Council's Senior Development Engineer has advised that it is possible to provide the required retail parking by redistributing the parking spaces. The two service bays and two of the residents space can be converted to retail. See Condition 125 and full discussion under Section 10 – Senior Development Engineer's comments.	allowed.
5.0 Public Domain		
<u>5.1 Open Space Network</u> Provide public open space as shown in Figure 5.1.1 Open Space Network. <u>5.8 Street Trees, Front Setback Tree Planting and Significant Trees.</u> Street trees and front setback must be provided in accordance with the Street Tree Key Plan in Macquarie Park Public Domain Technical Manual, and their health guaranteed for a minimum of 5 years. At grade parking is not permitted in the front setback <u>5.9 Community Facilities.</u> Community facilities are to be provided in accordance with the relevant documentation prepared by Council, particularly the City of Ryde: Social and Cultural Infrastructure Framework.	Not required to provide public open space. To provide details of road/public domain. See Conditions 53 & 54. No at grade parking is proposed within any of the setbacks. Section 94 contributions will be required to be provided. See Condition 29.	N/A Yes – subject to condition. Yes Yes

Control	Comments	Comply
Based on population growth statistics (available 2011) within Macquarie Park Corridor the City of Ryde. <u>5.10 Art in Publicly Accessible Place.</u> Art must be included in all new development with more than 10,000m² new floor space in the amount of 0.1% of the construction cost of the works capped at \$1,500,000. Art must be located within the site so as to be publicly accessible i.e. viewed or experienced from publicly accessible places.	No details provided with regard to Public Art for the site. Condition 37 has been imposed requiring a Public Art Plan to be submitted. See Condition 36.	Yes – subject to condition.
6.0 Infrastructure, facilities and public domain improvement.		
Floor space ratios and height are to comply with Ryde LEP 2014. Access Network and open space network being park are to be dedicated to Council, be design and constructed in accordance with the Macquarie Park Corridor Public Domain Technical Manual.	75m height line shown – proposal complies. FSR: 2.5:1 across the whole site Site area: 30,464m². The proposed GFA for the whole site, including the proposed building is 24,367m². Based on the above, a FSR of 0.8:1 is proposed. This application does not propose to provide the 20m wide road as part of this application. This may occur at a later stage.	Yes N/A
7.0 Built Form		
<u>7.1 Site Planning and Staging.</u> Sites are to be planned to allow for the future provision of new streets and opens spaces. <u>7.2 Activity Centres</u> Macquarie Park Station Macquarie University Station North Ryde Station <u>7.2.1 Active Frontage</u> Continuous ground level active uses must be provided where primary active frontages are shown in Figure 7.3.1	The building has been sited to allow for the future provision of the 20m wide road. A Masterplan has been submitted which show an indicative road as shown in the Access Network diagram. Not within any Activity Centre (outside of Macquarie University Station Activity Centre). Not an active frontage however the proposal has provided a sense of address to the building by providing an entrance and a retail area facing Herring Road.	Yes N/A N/A

Control	Comments	Comply
<u>7.3 Setbacks and Build to Lines</u> 5m to all new and existing streets.	Proposed: 10m setback to Herring Road. 5m setback to the internal road (future road location). Whilst the front setback is greater than the required 5m (the proposal will have a 10m setback), the proposal satisfies the intent of the setback control - to provide sufficient area for deep soil planting in front and enhance the existing character of the street and increase pedestrian amenity. The proposal satisfies the above objectives as sufficient setback is provided to enhance and provide sufficient tree planting. The proposal has incorporated a lobby area and retail space to face Herring Road which will provide pedestrian connection. UDRP has reviewed the proposal and no objections were raised with regard to the setbacks.	Yes
2m setback to pedestrian pathways. Underground parking is not permitted to encroach into the front setback areas unless it can be demonstrated that the basement is designed to support significant mature trees and deep root planting. 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. Figure 7.2.2 Parking is not permitted within required setbacks, allowing for deep soil landscaping along streets	No pedestrian pathway adjacent to the site. No encroachment into the Herring Road (front) 5m setback. Sufficient area for deep soil planting with no parking within this area.	N/A Yes
<u>7.4 Awning and Canopies.</u> Awnings must be provided where Primary Active Frontages are shown in Figure 7.2.1 Activity Centres Structure Plan and Active Frontage Control Drawing. Entry canopies and discontinuous awnings and entry canopies are encouraged elsewhere in	Not a primary active frontage.	N/A

Control	Comments	Comply
the Corridor.		
<u>7.5 Rear and Side Setbacks</u> Buildings are to be set back 10m from the rear boundary and 5m from a side boundary unless a proposed new road is shown on the site. Buildings are not to be constructed on the locations for proposed new roads. An allowance for a 5m setback from a proposed road should also be made. Awnings, canopies, balconies, sun shading and screening elements may project into the rear setback zones. Basement car park structures should not encroach into the minimum required rear or side setback zone unless the structure can be designed to support mature trees and deep root planting. Above ground portions of basement car-parking structures are discouraged and deep soil planting is promoted. Natural ground level is to be retained throughout side and rear setbacks, wherever possible. <u>Building Separation</u> Provide building separation as recommended by the ADG. <u>Building Bulk & Design</u> The floor-plate of buildings above 8 storeys is not to exceed 2000m², unless it can be demonstrated that slender building forms are achieved through courtyards, atria, articulation or architectural devices. Buildings are to address the	<u>Southern boundary:</u> • 7.5m to 8.5m on the ground floor. • 12m level 1 & above. <u>Rear boundary:</u> Greater than 10m from the rear boundary. An indicative plan showing where the proposed road will be located has been provided. This is in accordance with the location shown in the DCP. A 5m setback from the road has been provided. Pergola type structure over the rear courtyard area. Basement levels do not encroach into the rear or side setback zones. Due to the slope of the land the front south- east portion of the basement will be above ground. This is only for a small section of the front elevation and will be well screened by landscaping. Council's Consultant Landscape Architect has advised appropriate vegetative planting is proposed to provide visual relief to this elevation. See ADG compliance table. The proposal complies as the floor plate for Levels 9 & above is 612m² The building form of the building has been reviewed by UDRP and is considered satisfactory. An entry from Herring Road has been provided plus an entry from the internal	Yes Yes Yes Yes Yes No – variation acceptable. Yes Yes Yes

Control	Comments	Comply
street, and are to have a street address. Facade design is to: Reflect and respond to the orientation of the site using elements such as sun shading and other passive environmental controls where appropriate. Provide building articulation such as well design roof forms, expressed vertical circulation etc. Express corner street locations by giving visual prominence to parts of the façade (eg a change in building articulation, material or colour, or roof expression).	road, which when the new future road is provided, the building will also address this new road. The building addresses the street when view from Herring Road and is considered to provide a suitable streetscape presentation. The UDRP has reviewed the proposal and amendments have been made where required. The Panel is supportive of the final proposal.	Yes
Site Planning & Staging <u>Site Planning & staging</u> Sites are to be planned to allow for the future provision of new streets, pedestrian connections and open spaces in accordance with Figure 4.1.1 Access Network and Figure 5.1.1 Proposed Open Space Network. All sites 15,000m² or more in area should lodge a site-specific Master Plan and/or Stage 1 development application for approval <u>Site coverage, DS areas & POS</u> A minimum 20% of a site must be provided as deep soil area. Deep soil areas must be at least 2 m deep. For the purpose of calculating deep soil areas, only areas with a minimum dimension of 20 m x 10 m may be included. A minimum 20% of the site area is to be provided as	The proposed building is located on the south eastern corner of the site and an indicative Master Plan has been prepared with respect to the Access Network Structure Plan. The Master Plan features a future 20m wide road running from east to west. Council's Strategic Planner has reviewed the indicative Masterplan and it is considered satisfactory. See Figure 8 below. More than 20% of the site will be deep soil area. Note: The proposed building curtilage provides sufficient setbacks for deep soil provision for the future subdivision of the site (in accordance with the future site boundary indicated on the plans) Sufficient landscaped area is provided for the whole site.	Yes Yes Yes

Control	Comments	Comply
Landscaped Area. Solar access to communal open spaces is to be maximised. Communal courtyards must receive a minimum of 3 hours direct sunlight between 9 am and 3 pm on the 21st of June. Appropriate shading is to be provided so that communal spaces are useable during summer. Communal open spaces are to incorporate the primary deep soil area where possible. <u>Planting on Structures</u> Provide optimum conditions for plant growth by providing appropriate irrigation and drainage methods. Design planters to provide the largest possible volume of soil, in accordance with the recommended standards (contained in the DCP). <u>Topography and Building Interface</u> Level changes across sites are to be resolved within the building footprint. Where buildings are set back from the street boundary, entries are to be provided at street level wherever possible. An accessible path of travel is to be provided from the street through the main entry door of all buildings. Where necessary, stairs and ramps are to be integrated with the landscape design of front setbacks. Natural ground level is to be retained for a zone of 4 m from the side and rear property boundaries. Retaining walls, cut and fill are not permitted within this zone. <u>Site Facilities</u> <u>Commercial</u> Vehicular access to loading facilities is to be provided from secondary and tertiary streets	The communal open space faces north and will receive the 3 hours solar access. Pergola and shading provided. The communal open space is located at the rear of the building, over the basement parking. The deep soil area is primarily located adjacent to the southern boundary where tree planting is proposed. This will provide screening and will soften the development from the adjoining residential flat building. Where planting is proposed over a structure, the development is to achieve the minimum standards for soil provision as contained in the Residential Apartment Design Code. See Condition 47. Ground floor has been stepped to correspond with the topography. The building entry from Herring Road is accessed via a pathway and is generally at grade. An accessible path of travel is provided from Herring Road to the building's lobby. Natural ground levels are maintained within the 4m from the side and rear boundaries. Vehicular access and Waste collection from internal road off Herring Road.	Yes Yes No – variation acceptable. Yes – subject to condition. Yes. Yes. Yes. Yes

Control	Comments	Comply
where possible. Rubbish and recycling areas must be provided in accordance with Section 6.3 Waste Management. These areas must be integrated with the development; <u>Residential</u> Provide either communal or individual laundry facilities to each dwelling, and at least one external clothes drying area. The public visibility of this area should be minimised. Clothes drying is only permitted on balconies that are permanently screened from view from the public domain. Provide storage to dwellings as required by the NSW Residential Flat Design Code. Lockable mail boxes are to be provided in a location visible from the public domain. Mailboxes are to be integrated with the design of building entries and to Australia Post standards. <u>Vehicular Access</u> Vehicular access is not permitted along streets identified as 'Active Frontages' (refer to Section 7.2 Active Frontages). Where practicable, vehicle access is to be from secondary streets. Potential pedestrian/vehicle conflict is to be minimised by: limiting the width and number of vehicle access points ensuring clear site lines at pedestrian and vehicle crossings utilising traffic calming devices separating and clearly distinguishing between pedestrian and vehicular access-ways. <u>On site Parking</u> Safe and secure 24 hour access to car parking areas is	Council's Environmental Health Officers and Waste Officer have reviewed the proposal and raised no objections. Individual laundry facilities are provided in each dwelling. Each dwelling will have a balcony however clothes drying within balconies are not encouraged and Condition 9(b) have been imposed to prohibit clothes drying on balconies in the public view. Generally Body Corporate Management will outline rules/policies for clothes drying on balconies. Storage has been provided in accordance with the requirement. Condition 44 has also been imposed to ensure that this is complied with. No detail has been provided with regard to location of letterboxes and street/house numbering. Condition 143 has been imposed requiring all letterboxes and house numbering to be designed and constructed to be accessible from the public way. Herring Road is not identified as "Active Frontage" however vehicular access is provided from the internal road, off Herring Road. Council's Traffic & Development Engineer has reviewed the proposal and has not raised any objections to the proposal.	Yes Yes Yes Yes – subject to condition. Yes Yes

Control	Comments	Comply
<u>Noise & Vibration</u> 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. Development is to comply with all relevant statutory regulations. Loading and unloading facilities must not be located immediately adjacent to residential development. 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. <u>Soil Management</u> Development is to comply with the City of Ryde DCP 2014. Development is to be designed and constructed to integrate with the natural topography of the site to minimise the need for excessive sediment disturbance and prevent soil loss. Effective site management and maintenance practices are to be followed to prevent soil loss. Ensure that suspended Solid concentrations in stormwater leaving the site do not exceed more than 50 mg/litre. 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.	works) and if the proposal is found to create uncomfortable or unsafe wind condition, measures be undertaken to minimise any wind impacts. An Acoustic Assessment Report prepared by Acoustic Logic has been submitted which conclude that subject to the treatments and recommendations contained with the report, the proposal will comply with the requirements of the NSW State Environmental Planning Policy. The development will comply with all relevant noise and vibration criteria. See Conditions 40 & 41. The loading bay and service facilities areas are not located adjacent to any residential apartment. Condition 130 has been imposed to restrict any spruiking and the playing of amplified music or messages so as not to disturb the amenity of other public and private places. Appropriate conditions of consent will be imposed to require the submission of an Erosion and Sediment Control Plan that meets the Council's requirements See Condition 59.	Yes Yes – subject to condition. Yes – subject to condition.

Control	Comments	Comply
requiring development consent under the Ryde Local Environmental Plan, (other than for minor building modifications) including: Demolition; Excavation; Trenching and Building. The ESCP must make reference to the entire construction and post construction period, and all devices must be installed prior to commencement of any demolition or construction works on-site. h. The ESCP is to be prepared in conjunction with the Site Stormwater Management Plan and as a minimum contain the following information:		

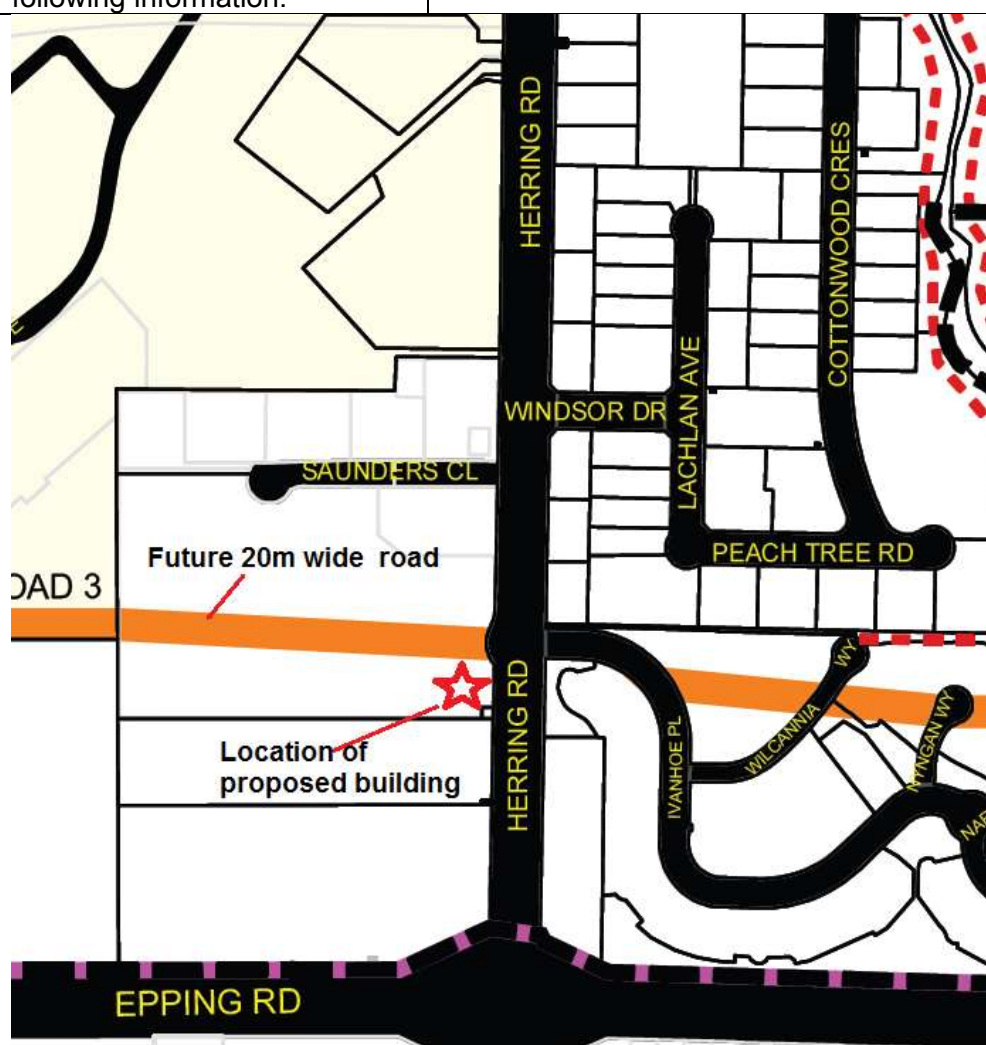


Figure 7: 20m wide road shown in the DCP Access Network Map. Red star denote the location of proposed building.

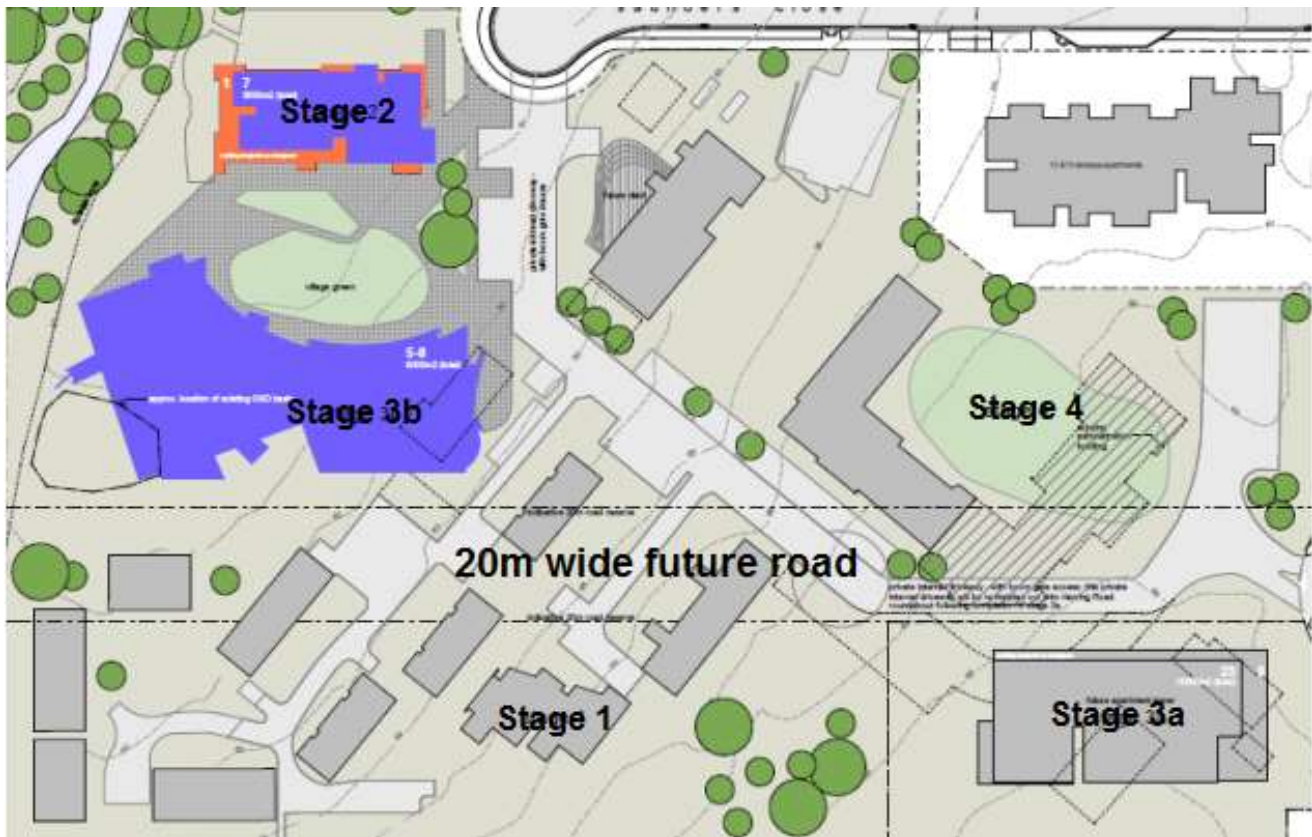


Figure 8: Indicative Master Plan showing the future development of the site.

Part 7.2 Waste Minimisation and Management

The application includes a Waste Management Plan which has been reviewed by Council's Senior Co-ordinator Waste. A garbage storage room is provided and waste and bulky good collection will be from the internal road, off Herring Road. Council runners will transport the bins for servicing and return to the bin room once servicing is completed. A loading bay is provided close to the garbage storage area and access to the bin room is within 15m. The loading bay is located on the private road and subject to **Condition 61** for refinement to the loading bay Council's City Works and Infrastructure have no objections to the proposed loading bay. **Conditions 62, 63 & 64** have been recommended with regard to the waste room.

Part 9.2 Access for People with Disabilities

The application includes an Access Compliance Report prepared by Accessible Building Solutions which states that the development can achieve compliance with the access provisions of the BCA, the Access to Premises Standards, and the requirements of AS4299 – Adaptable Housing. 20 adaptable units are proposed to be provided, which is in accordance with Council's requirements. **Conditions 42 & 43** have been recommended requiring compliance with the recommendations of the Access Compliance Report and for the required adaptable units, each with an allocated disable parking space to be provided.

Part 9.3 Parking

Whilst Part 4.5 Macquarie Park Corridor dealt with the maximum number of car parking within the residential component, Council's DCP Part 9.3 also require parking to be provided for the commercial component, being 107m² of commercial/retail area.

The commercial rate is:

- 1 space/25m² GFA retail. Note: Given that the commercial tenant fronts Herring Road, it is envisaged that the area will be principally used as retail.

Based on 107m² of retail use, 4.28 (5) commercial space is required to be provided. 5 retail spaces have been provided.

Only one retail parking space is provided however the development can be conditioned to comply with the required number of retail parking spaces. See Senior Development Engineer's comments with regard to the redistribution of car parking allocation. **Condition 124** has been imposed to ensure that the allocation of the car parking spaces is in accordance with Council's requirements.

20 of the units are to be adaptable in accordance with the minimum 10% requirement. Council requires that a disabled parking space be allocated to each of these units. 20 disabled parking spaces have been provided however the plans do not indicate specific unit allocations. **Condition 43** has been imposed requiring the residential disabled car spaces to be allocated to the adaptable units.

The DCP states that: *in every new building, where the floor space exceeds 600m² GFA (except for dwelling houses and multi-unit housing) provide bicycle parking equivalent to 10% of the required car spaces or part thereof.*

Based on the above, 15 bicycle spaces are required to be provided. 24 bicycle spaces have been provided. This is considered satisfactory. **Condition 125** also includes a requirement for a minimum of 15 bicycle spaces to be provided.

Section 94 Development Contributions Plan 2007

Development Contributions Plan – 2007 (Interim Update (2014)) 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.

Included in the recommendation is a condition requiring payment of the relevant contribution prior the issue of any Construction Certificate. See **Condition 29**. This contribution is based on:

- 105 one-bedroom apartments,
- 79 two-bedroom apartments,
- 8 three-bedroom apartments and
- 107m² of commercial area.

Note: The ground floor gym and media area is for residents only and not for commercial use. **Condition 129** has been imposed that the gym and the media room is not to be

used for commercial purposes accordingly this area has not been included in the S94 calculation.

Where a study has been provided, it is considered that subject to condition 1(a), (b), (c) requiring the opening to these rooms to be enlarged and for appropriate internal joinery for the construction of a desk and storage areas to be provided, it is considered that these rooms cannot potentially be used as bedrooms in the future. As such, they have not been considered as bedrooms for the purposes of Section 94 calculations.

The commercial tenancy on the ground floor is shown as “retail” on the architectural plans, accordingly this area has been charged the “retail” rate.

The required contributions have been calculated as follows:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$479,258.94
Open Space & Recreation Facilities	\$1,914,045.24
Civic & Urban Improvements	\$248,294.73
Roads & Traffic Management Facilities	\$268,620.36
Cycleways	\$34,328.23
Stormwater Management Facilities	\$30,643.06
Plan Administration	\$9,253.79
The total contribution is	\$2,984,444.35

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 located within the Macquarie University Station (Herring Road) Priority Precinct which aims to revitalise and transform the area into a vibrant centre that makes the most of the available transport infrastructure and the precinct’s proximity to jobs, retail and education opportunities within the Macquarie Park corridor. 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.

Built Form

The proposed development will not have any significant adverse impacts on the existing built environment or the amenity of the surrounding area.

The development is consistent with Council’s controls with respect to the height and scale envisaged for future redevelopment of the area. The proposed built form and character of the development will contribute to an attractive public domain. The front entry area (facing Herring Road) has been amended as recommended by UDRP who are satisfied with the proposal.

Access and Traffic

The application was accompanied by a Traffic and Parking Report prepared by Parking and Traffic Consultant. The report conclude that: *The traffic generated from the site is unlikely to have any detrimental impact on the overall performance of the surrounding road network.*

Council Traffic and Development Engineer has raised no objections with regard to traffic. See full discussion under “Comments from Council Departments”, Section 10 of the report.

Accordingly, from a traffic perspective the development will not result in any unacceptable traffic implications to the road network.

Overshadowing and Solar Access

The extent of overshadowing is an important consideration in terms of amenity to the proposed development as well as adjoining developments.

The overall development complies with 70% of apartments receiving the required three hours solar access as required by SEPP 65. The development will comply with the requirements of Council’s codes and the SEPP 65 requirements in terms of providing acceptable amenity within the development.

The development is unlikely to result in any significant increase in overshadowing onto the surrounding residential buildings or open spaces. The subject site has an east west orientation, thus overshadowing will occur on the southern side to the adjoining residential property at 116-118 Herring Road which contains a 4 storey residential complex. However, the proposal does not impact on the minimum 3 hours of sunlight that the adjoining residents will receive during the winter solstice. At 9am the front portion of the adjoining site will be in shade due to the proposed development, see **Figure 9** below. By 12 noon to 1pm the shadow will be predominantly over Herring Road and the property opposite at 143 Herring Road. By 3pm the shadow will be over Herring Road on the property opposite, See **Figures 10 & 11**. Accordingly the front portion of 116-118 Herring Road will receive solar access from 12 to 1pm onwards. The middle and rear of the site which contain part of the 4 storey residential apartment building will not be impacted by this proposal.

The property opposite at 143 Herring Road comprise of a row of 3 storey residential flat buildings. The two most northern most buildings will be partially in shade from this development at 12 noon however by 2pm will not be impacted on. Accordingly this property will receive the morning and late afternoon sun, as such complies with the 3 hours solar access requirement.

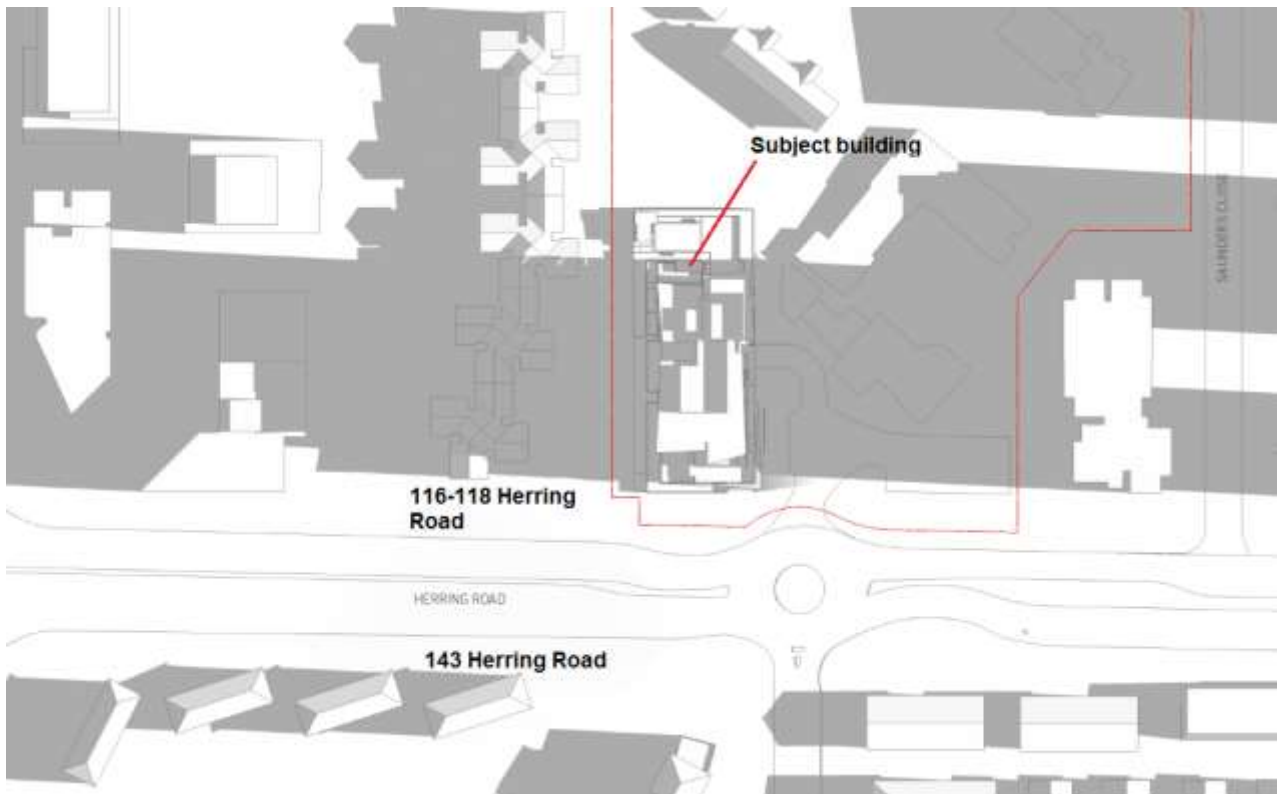


Figure 9: Overshadowing impact on June - 9am. The front portion of the adjoining southern property will be overshadowed in the morning.



Figure 10: Overshadowing impact on June - 12 noon.



Figure 11: Overshadowing impact on June - 3pm.

Visual Privacy

Visual privacy is another important consideration in respect of amenity.

The development is considered to provide adequate privacy between the proposed development and the adjoining properties.

Construction Impacts

Construction impacts are controlled by Part 8.1 of the Ryde DCP 2014. Council's standard conditions of consent have been imposed to control the impact of the construction activities. Similar to any major redevelopment work, some level of inconvenience/impact may result once the construction commences. However, to address the issue and to minimise traffic impact, a Construction Traffic Management Plan (CTMP) will be required to be submitted and approved by Council's Traffic and Development Engineer. See **Condition 60**

Public Domain

Council has a Public Domain Technical Manual that applies to Macquarie Park Corridor. This document specifies the landscaping, paving and street furniture required to be provided as part of an upgrade of the existing public domain. **Conditions 53 & 54** have been imposed to ensure that the public domain is upgraded as part of this development consent.

10. COMMENTS FROM COUNCIL DEPARTMENTS

Internal Referrals:

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

Stormwater Management

The development lot is noted to straddle a small ridge which peaks approximately 2/3 from the proposed rear boundary. To provide a fall to Herring Road, the development has slightly increased levels at the rear. Whilst the modification to the landform is not normally supported in the DCP, the arrangement is accepted on the following basis;

- *The level of fill is very minor, approximately 300mm.*
- *The point of discharge drains to the same catchment of the site and as such, the arrangement has no detrimental effects to downstream conditions.*
- *Raising of levels may have adverse implications for the upstream property however in this instance, the upstream property has access to a drainage easement at the rear of its lot in which flow can be directed to. Further the property is likely to undergo the same level of development and implement the same landform.*

Otherwise the submitted drainage plans are very conceptual, nominating the location of the OSD storage and a proposed point of discharge in Ivanhoe Place. Despite the poor standard of detail in the plans, a review of the proposal with respect to the drainage requirements notes;

- *The nominated point of discharge in Ivanhoe Place (100m away) is ludicrous. The development has inground drainage infrastructure and kerb inlet pits fronting the property and the discharge should be directed to this system.*
- *As noted in the comments above, the development generally falls to Herring Road. Notwithstanding the potential for a future road along the downstream boundary, the proposed surface levels are sufficient to collect and convey stormwater runoff back to Herring Road.*
- *Whilst the stormwater drainage plans do not detail the onsite detention storage, the architectural plans provide a footprint of the storage and indicative levels. Considering the probable level of the discharge point, the development could readily accommodate the level of storage required.*

*A standard condition requiring the submission of a detailed drainage plan prior to the issue of the construction certificate are applied. See **Condition 58**.*

Vehicle Access and Parking

As per the development yield presented in the most recent Traffic and Parking Report dated 8 June 2016 and the revised Architectural plans dated 16 June, the development will warrant the following parking requirements in accordance with the DCP Part 4.5 (Macquarie Park Corridor) & 9.3 (Parking).

Residential Component;

Unit Type	Quantity	Maximum Resident.	Visitor	Bicycle
1 Bedroom	105	63		
2 Bedroom	79	71.1		
3 Bedroom	8	11.2		
TOTALS	192	145.3	19.2	14.53

	(146)	(20)	(15)
Car share	1 per 50 proposed parking spaces, (146 spaces / 50)	= 2.92	(3)
Retail	107m ² @ 1 carspace per 25m ²	= 4.28	(5)

The proposed development provides:

- 147 residential parking spaces
- 20 visitor parking spaces
- 2 service bays intended for residential services/ maintenance
- 1 retail space
- 3 car share spaces

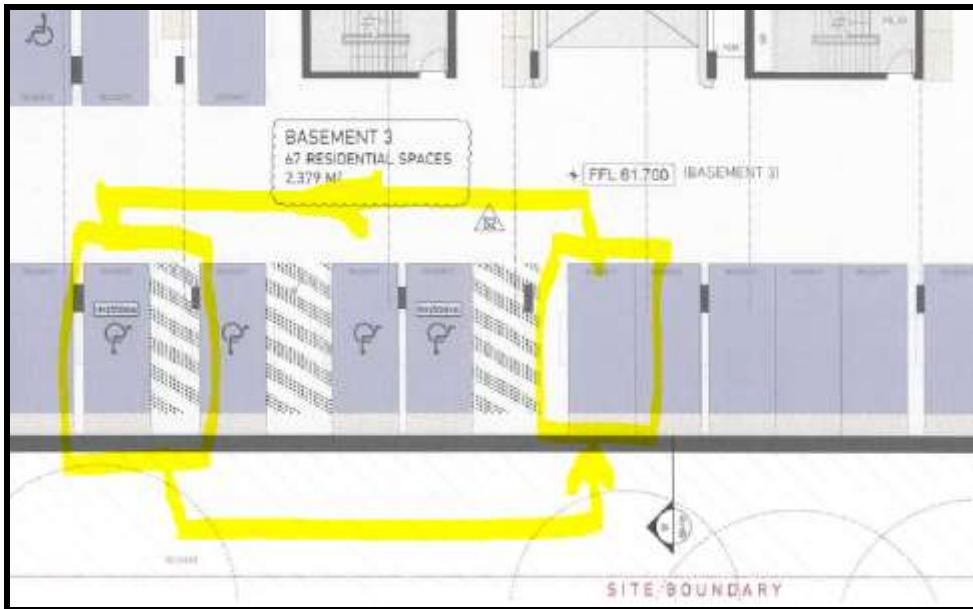
The following issues concerning parking allocation are noted and addressed as follows;

- The applicant has misinterpreted the application of commercial parking rates in the DCP /LEP. The Macquarie Park parking rates for commercial development apply to business / office use only. It is clear the proposed land use is prominently retail and could possibly be utilised as café/ restaurant use. Accordingly the retail parking rate is appropriate and should be applied. The shortfall of 4 spaces are addressed by reverting the 2 parking spaces allocated for “general maintenance vehicles” to retail and allocating a 2 resident spaces to the retail component.
- The development provides 1 resident space over the maximum permitted however this will be addressed by the reallocation of 2 resident spaces to retail as noted above.

Accordingly this is addressed by a condition of consent. See **Condition 125**.

A review of the parking area notes that it is mostly compliant with the DCP and Australian Standard. The following matters are noted;

- The development proposes an intercom mount on entry to the facility. The control point should be located such that vehicles can stand wholly in the future boundary of the property. This is addressed by condition of consent.
- There are two disabled spaces (one on each level) which are noted to have a “shared area” having a clear internal width of 1.8m to the adjacent column which is slightly less than the 2.4m required by the Standard. To address this, the spaces could be simply swapped with the resident space located at the base of the ramp has marked below;



*This is addressed by condition of consent. See **Condition 52.***

Public Domain and future sub-division

*Whilst this aspect is to be reviewed by Council's City Works & Infrastructure (Asset section), the development will require partial reconstruction of an access road to the property. The road / road space will eventually be dedicated as a public road in future development of the site as required by the DCP. It is therefore appropriate that the roadway, kerb and verge and driveway entry be constructed to public domain standards in terms of material and design. See **Conditions 53 & 54.***

Consultant Landscape Architect: 3 June 2016: Council's Consultant Landscape Architect on 22 March 2015 requested amended landscaping plans to details the location and number of replacement trees to be provided. Amended plans were received and Council's Consultant Landscape Architect has reviewed the proposal and has made the following comments:

With regards to tree removal, the amended plans appear to have remained consistent with the original plans in terms of the proposed tree removal and retention across the site. Given this was supported as part of the original landscape assessment, no issues are raised with the proposed tree removal and retention.

*With regards to the landscape component, changes are generally considered to be minor and supportable. A condition has been recommended which relates to provision of a private open space gate to restrict access for added security and safety of residents. See **Condition 105.***

Accordingly, the revised landscape proposal is supported however all conditions as part of the original landscape referral remain current and should be imposed. It is noted for reference the amended plans submitted do not reflect the request made as part of the original landscape assessment in terms of providing additional details of exact species numbers and locations across the site.

Condition 1(e) has been imposed requiring amended landscaping plan detailing the exact species number and locations of the replacement trees to be provided with the application for Construction Certificate. Landscaping **Conditions 81, 82 & 83** have been imposed to ensure compliance with other landscaping requirements discussed above.

Senior Traffic Engineer: Council's Senior Traffic has reviewed the proposal and has advised:

Traffic generation rate of the proposed development was based on RMS Guide to Traffic Generating Developments. Based on the proposed 192 residential units, the proposed development would generate about 37 (AM peak) and 29 (PM peak) trips per hour.

Development	AM Generation	PM Generation
Pre	-	-
Post	37	29

Intersection analysis at Herring Road/Epping Road, Herring Road/Ivanhoe Place and Herring Road/Waterloo Road was presented in the updated traffic report. The comparison of Level of Service for pre and post development indicates that increase in delays and queue length due to additional traffic generated by the proposed development is relatively minor.

From a traffic perspective there are no objections to the approval of this application subject to conditions.

Public Domain: From a public domain perspective there are no objections to approval of this application subject to conditions.

Waste Management Officer: Conditions have been recommended to address access to the main bin storage rooms and to the bulky waste storage room. See **Conditions 63 & 64**. From a waste perspective there are no objections to approval of this application subject to conditions of consent.

Environmental Health Officer: 17 May 2016: No objection has been raised to the development subject to appropriate conditions of consent.

External Referrals:

Roads & Maritime Services: 1 March 2016: In accordance with Schedule 3 of the State Environmental Planning Policy (Infrastructure) 2007 the proposal was referred to RMS. RMS has reviewed the proposal and raised not objections subject to a condition ensuring that the car parking areas is in accordance with Australian Standards. See **Condition 19**.

NSW Police: 16 February 2016: NSW Police have raised no objections to the development subject to conditions regarding surveillance, landscaping, lighting, territorial reinforcement, maintenance and access control. **Conditions 98 to 105** 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 3 February 2016 in the Ryde City View insert in the Northern District Times. Notification of the proposal was from 29 January until 24 February 2016. During this period two (2) submissions were received.

The application was renotified on 17 March 2016 to 22 April 2016 as in the first round of notification, the notification letter did not include the information that the proposal is an integrated development (for a Dewatering Licence by Office of Water) and that the determination authority is the Joint Regional Planning Panel (Capital Investment Value over \$20 million). One additional submission was received in the 2nd round of notification. A total of three submissions were received overall.

The issues raised in the submissions included the following:

- *My building is already surrounded by two major development sites in 110 Herring Road and 128 Herring Road, which already negatively impact on the convenience and quality of living of the residents in that building. If another 23-story high rise building is built just next door, it will inevitably further impact on the daily life of the residents.*
- *Depreciate the value of the property as a whole.*
- *Herring Road is already over-crowded and congested every day. Traffic along Herring Road is a nightmare in peak hour - morning and afternoon. The volume of traffic exceeds the capacity of the road.*

Assessment Officer's Comment:

The site is within the Macquarie University Station Precinct Priority Precinct which aims to revitalise the area and provide new homes within an area that is close to infrastructure, to jobs and is also well serviced by public transport.

Accordingly, the development is suitably located within the B4 zone which allows for this form of development. The development has been designed to respond to the opportunities provided under RLEP 2014 to utilise the land to its full economic potential while ensuring that any adverse environmental impact is minimised.

The development complies with the height, density, bulk and scale provisions applicable to the site.

The loss of property values is not a planning consideration under S79 of the Environmental Planning and Assessment Act.

A Traffic Report prepared by Parking & Traffic Consultant has been submitted and reviewed by Council's Traffic and Development Engineer who has advised that: *Traffic generation rate of the proposed development was based on RMS Guide to Traffic Generating Developments. Based on the proposed 192 residential units, the proposed development would generate about 37 (AM peak) and 29 (PM peak) trips per hour.*

Development	AM Generation	PM Generation
Pre	-	-

Intersection analysis at Herring Road/Epping Road, Herring Road/Ivanhoe Place and Herring Road/Waterloo Road was presented in the updated traffic report. The comparison of Level of Service for pre and post development indicates that increase in delays and queue length due to additional traffic generated by the proposed development is relatively minor.

Accordingly Council's Traffic & Development Engineer has no objections to the proposal with regard to the increase in traffic due to this development. In addition, the Macquarie University Station Finalisation Report by the Department of Planning states: *"It is considered that the precinct can support additional residential development without major upgrades to the regional road network because of the public transport infrastructure currently available and planned in the future, as well as the changes in travel behaviour whereby people are using private vehicles less for travel during the peak periods."*

12 CONCLUSION

After consideration of the development against section 79C of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the proposal is considered suitable for the site and is in the public interest. The proposal provides an opportunity to redevelop the site with a mixed use building that is considered responsive to the strategic intentions of the Macquarie University Station Priority Precinct and Council's RLEP2014 and associated planning controls that have been adopted for the locality. The proposed development was amended as per the recommendations of the UDRP and will provide a high degree of amenity for future occupants in terms of access to public transport, commercial uses and the shopping centre.

The application generally complies with the planning provisions. The issues raised in the submissions have been considered and have been adequately addressed through the assessment process. Refusal of the application is not warranted based on the reasons contained in the submissions.

In light of the above, it is recommended that the application be approved subject to conditions.

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 LDA2016/20 for construction of a mixed use development at 120-126 Herring Road, Macquarie Road subject to the conditions of consent in **Attachment 1 & Attachment B** of this report.
- b) That the objectors be notified of this decision.
- c) That a copy of the development consent be forwarded to DPI.

Report prepared by:

Sandra McCarry
Senior Town Planner

Report approved by:

Sanju Reddy
Acting Senior Co-ordinator
Major Development

Sandra Bailey
Acting Manager Assessment

Liz Coad
Acting Director City Strategy and Planning.

Date of Consent: