

Sydney North Planning Panel

JRPP No	2016/SYE126
DA Number	LDA 2016/0448
Local Government Area	City of Ryde
Proposed Development	Amending DA to the approved Melbourne Building which will increase the maximum height of the building envelope by adding 10 levels of residential apartments comprising of 60 additional units.
Street Address	110-114 Herring Road Macquarie Park
Applicant	HSH Hotels (Australia) Ltd
Number of Submissions	7 Submissions
Regional Development Criteria (Schedule 4A of the Act)	General Development over \$20 Million – Cost of works: \$57,177,223 (for the whole Melbourne Building).
List of All Relevant s79C(1)(a) Matters	• Environmental Planning and Assessment Regulation 2000; • 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; • Ryde Local Environmental Plan 2014; and • City of Ryde Development Control Plan 2014.
List all documents submitted with this report for the panel's consideration	Attachment 1: Conditions of Consent Attachment 2: DCP Macquarie Park Compliance Table.
Recommendation	Approval
Report by	Sandra McCarry Senior Town Planner
Report date	6 February 2017

Summary of s79C matters	Yes
Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?	
Legislative clauses requiring consent authority satisfaction	Yes
Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	

Clause 4.6 Exceptions to development standards	
If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	N/A
Special Infrastructure Contributions	
Does the DA require Special Infrastructure Contributions conditions (S94EF)?	No
Conditions	
Have draft conditions been provided to the applicant for comment?	Yes

Assessment Report and Recommendation

1. EXECUTIVE SUMMARY

The following report is an assessment of a development application for amendment to Stage 2 of the approved development consent to amend the height for the Melbourne Building at 110-114 Herring Road, Macquarie Park.

The subject site was granted approval for construction of 7 mixed used residential, retail and commercial buildings in 2 stages.

Stage 1 Project Approval (MP10-113) was approved on 26 September 2012 by the Planning Assessment Commission. This application approved 4 buildings known as Adelaide, Darwin, Perth and Brisbane and comprised of residential, retail and commercial floor space and basement car parking. Stage 2 comprised of 3 buildings known as Sydney, Melbourne and Hobart Buildings. Stage 2 was approved by the Joint Regional Planning Panel on 28 October 2015 via LDA 2014/402.

It is now proposed to amend the Melbourne Building as follows:

- Increase the height of the Melbourne Building to 75m, from 12 storeys (RL 117.5 AHD) to 22 storeys (RL 147 AHD);
- Increase the GFA of the Melbourne Building by 4,943.5m² (a total GFA for Stage 2 of 29,663.5m²);
- Increase the total approved GFA of the site by 4,943.5m² (a total GFA for the whole development of 56,066.50m²);
- Increase the number of apartments in the Melbourne Building by 60 (a total for the whole development of 700). The apartment mix will be amended as a result to include 30 additional one bedroom apartments and 30 two bedroom apartments; and,
- Provide visitor parking in accordance with the DCP rates of 1 space per 10 apartments.

The application was placed on public notification from 14 October 2016 until 9 November 2016. During this time, Council received 7 submissions. The submissions raised concerns in relation to traffic, density, solar access, out of character, amenity and off the plans sales. The issues raised in the submissions are discussed in Section 11 of the report.

The proposal generally complies with the relevant planning requirements except for variation to the number of units not receiving solar access and number of lifts for the development. It should be noted that the development fully complies with the more substantive controls such as height and floor space ratio under Ryde Local Environment Plan 2014.

Clause 7 of SEPP 55 states that Council must not consent to carrying out of any development unless it has considered if the land is contaminated and if so whether it is suitable or can be suitable (after remediation) for the proposed use. The site has been the subject of a detailed investigation by Douglas Partners in the concept approval for the development with regard to site contamination. The report concluded that the site was suitable for residential use. In addition the application for Stage 2 included a Detailed Site Investigation Contamination Report which also concluded that the site was suitable for residential use. This application is for additional 10 storeys to an already approved building and no further works are proposed to the ground or basement area.

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. Assessment of the application against the relevant planning framework and consideration of various design matters by Council's technical departments has not identified any fundamental issues of concern.

Consequently this report concludes that this development proposal is sound in terms of design, function and relationship with its neighbours. This report recommends that consent be granted to this application in accordance with conditions provided in **Attachment 1**.

2. APPLICATION DETAILS

Applicant: HSH Hotels (Australia) Ltd
Owner: HSH Hotels (Australia) Ltd
Estimated value of works: \$57,177,223

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

3. SITE DESCRIPTION

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

The site is generally rectangular in shape with a north eastern boundary of 230m, a south eastern frontage to Herring Road of 80m, a south western frontage to Epping Road of 230m and north western boundary of 100m, providing a total site area of approximately 2.24 hectares. The site falls approximately 8m from the south eastern corner (RL 74.0 AHD) to the north western corner (RL 66.0 AHD). This application relates to the south eastern portion of the site, where the approved Melbourne Building is located.



Figure 1 provides an aerial view of the site (outlined in red)

The site was previously occupied by the Stamford Grand North Ryde Hotel which has since been demolished and construction works are currently being undertaken in accordance with the approved Concept Plan MP10-0112, Stage 1 Project Approval MP10-0113 and LDA 2014/402.

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.

Development in the vicinity of the subject site comprises a mixture of residential, commercial, retail and education uses. To the north east is a residential development that includes single storey villas and three storey residential flat buildings. Further to the north east is the Macquarie Park business park and Macquarie Shopping Centre. To the south east, on the opposite side of Herring Road, is a residential flat development. To the south west, on the opposite side of Epping Road is the Ranch Hotel (approval for a Dan Murphy Liquor store has also been granted on this site and is currently under construction).

To the north west is the Willandra Village Retirement Complex with one and two storey buildings. Further to the north and north west is the Macquarie University Campus.

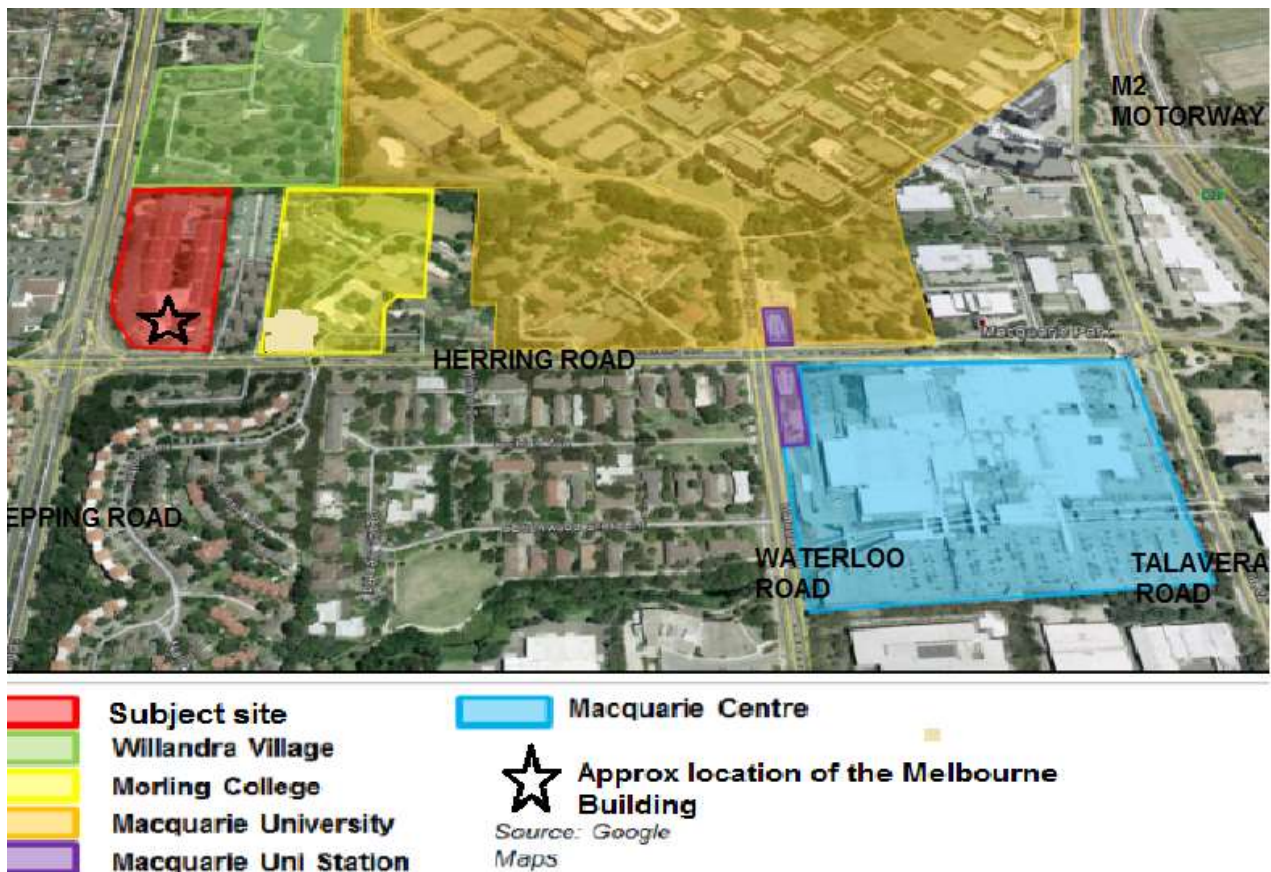


Figure 2: Locality Map – Site context within the surrounding area.

5. PROPOSAL

The application seeks Stage 2 Development Consent for an amended design for the Melbourne Building. The proposal will involve:

- Increase in height of the Melbourne Building to 75m, from 12 storeys to 22 storeys;
- Increase the GFA of the Melbourne Building by 4,943.5m² (resulting in total approved GFA of the site by 4,943.5m² (a total GFA for the whole development of 56,066.50m²);
- Increase the number of apartments in the Melbourne Building by 60 (a total for the whole development site of 700). The apartment mix will be amended as a result to include 30 additional one bedroom apartments and 30 two bedroom apartments. Indicative apartment layouts are provided;
- Provide visitor parking in accordance with the DCP rates of 1 space per 10 apartments and
- Modification to the approved façade design to ensure consistency for the entire building.



Figure 3: Additional storeys added to the approved Melbourne Building shown in pink.



Figure 4: Photomontage of amended Melbourne Building as viewed from corner of Epping and Herring Road.



Figure 5: Photomontage of amended Melbourne Building as viewed from Herring Road and Mooltan Avenue.

Below identifies the characteristics of the amended scheme.

Element	Melbourne Building (Approved)	Proposed Melbourne Building
Maximum RL	RL 117.5 12 storeys	RL 147 22 Storeys
1-bed	58	88
2-bed	38	68
3-bed	6	6
Total	102	162
GFA	9,118.5m ²	14,062m ²

6. BACKGROUND

6.1 Concept Approval

The redevelopment of the site for 7 mixed use residential, retail and commercial buildings and was considered by the Planning Assessment Commission (PAC) and the concept plan (MP10_0112) was subsequently approved on 26 September 2012.

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

There have been 7 modifications to the approved Concept Plan. MP10_0112 Mod 7 specifically relates to the Melbourne Building to allow for the additional height/storeys, as detailed below.

6.2 Stage 2 Approval

LDA 2014/402 for Stage 2 of the site was approved by the Joint Regional Planning Panel on 28 October 2015. This approval was for the detailed design of the Sydney, Melbourne and Hobart Buildings.

6.3 Section 75W Application (Mod 7)

On 1 November 2016 the Department of Planning and Environment approved MP10-0112 Mod 7 to increase the maximum height of Melbourne building from 12 storeys (RL 117.5) to 22 storeys (RL 147), increase the maximum GFA of the Melbourne building by 4,943m², and set provisions in respect of visitor car parking and affordable housing provision.

6.4 Consistency with the Concept Approval plans

The DA is consistent with the Concept Approval and the Statement of Commitments approved with the most recent Section 75W Application (Mod 7).

The amended Stage 2 Statement of Commitments applicable to this proposal is summarised below:

Approved Floor Space. The total floor area of the development shall generally be in accordance with the approved Concept Plan Modification 7 (MP10-0112 Mod 7) and shall not exceed 51,120 56,066m². The development shall contain a minimum 1,210m² non residential land uses.	The proposal will increase the GFA of the Melbourne Building by 4,943.5m² resulting in a total GFA of the site 56,066m². No changes to the non residential land use. The proposal complies with this requirement.
Car Parking For residential apartments – having a combined GFA of up to 46,420m², on site car parking must be provided at rates compliant with the Roads and Maritime Services(formerly Roads and Traffic Authority) Guide to Traffic Generating Development's requirements, which are as follows:	MP10-0112 Mod 3 & 5 capped the number of residential car parking that can be provided up to GFA of 46,420m². This caps the maximum level of residential parking for the development at 464 car spaces, therefore no additional residential car parking is proposed. However since the approval of the concept plan modification, the Macquarie University Station Priority Precinct and Part 4.5 Macquarie Park Corridor DCP specify a maximum visitor car parking rate of 1 space per 10 units. This has been modified in the latest Mod 7.

(a) 0.6 spaces per 1 bed apt; (b) 0.9 spaces per 2 bed apt (c) 1.4 spaces per 3 bed apt (d) 1 space per 5 apt for visitors and (b) For any residential apartments that cause the combined GFA of residential apartment on site to exceed 46,420m² there must be no provision for parking spaces other than visitor parking at the rate of 1 space per 5-10 apartments.	The current application do not provide for any additional residential car parking but provide for 6 additional visitor car parking spaces, as generated by the additional 60 units. The applicant has advised that the additional six spaces are accommodated within the approved basement levels. This is consistent with the approved Mod 7 and is considered satisfactory.
Affordable Housing The proponent will dedicate 4 6 appropriately sized and located dwelling units within Stage 1 and Stage 2 of the development to be administered as Affordable Housing.	The applicant has agreed (letter dated 12 December 2016) to dedicate two additional units of 1 x one bedroom and 1 x two bedroom units in Stage 2. The units will be located within the Melbourne Building on Levels 3 & 15 (1 x 2 bedroom & 1 x 1 bedroom, respectively). This is considered satisfactory.

6.5 Relevant Background for the Current Development Application

The Macquarie University Station Priority Precinct (Herring Road) was gazetted in October 2015 and the relevant planning controls for the site in RLEP 2014 were amended to allow for increased height to 75m (for the eastern portion of the site containing the Sydney and Melbourne buildings) and floor space ratio increased to 2.5:1 for the overall site.

The development application was submitted to Council on 12 September 2016. An Urban Design Review Panel meeting took place on 8 November 2016. A number of comments were made by the Panel primarily in regard to the building expression, increased storage, cross ventilation and use of the tops of the lower portions of the building for communal and private open space. Amended plans were submitted on 21 December 2016 to address the issues raised by the Panel.

The application was advertised in the Northern District Times on 19 October 2016 and adjoining property owners notified of the application and given until 9 November 2016 to make a submission. Seven (7) submissions objecting to the proposal were received and are discussed in detail in Section 11 of the report.

7. APPLICABLE PLANNING CONTROLS

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

- Environmental Planning and Assessment Regulation 2000;
- Environmental Planning and Assessment Act 1979;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX);
- Statement Environmental Planning Policy (State & Regional Development) 2011;
- State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development;
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- Ryde Local Environmental Plan 2014;
- City of Ryde Development Control Plan 2014 and
- Section 94 Contribution Plan

8. PLANNING ASSESSMENT

8.1 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 proposal is for an amendment to an approved building in Stage 2 of the development. The site has been the subject of a detailed investigation by Douglas Partners and the findings and recommendations of the 'Report on Detailed Site Investigation for Contamination' were submitted with the application for Stage 2. The report concluded that the site was suitable for residential use. Accordingly as this proposal is for additional 10 storeys to an already approved building no additional site contamination investigation is required.

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

The Policy seeks to ensure that new dwellings are designed to use less water and be responsible for fewer greenhouse gas emissions by setting energy and water reduction targets, which are based on the NSW average benchmark. The Policy also sets minimum performance levels for the thermal comfort of a dwelling.

This application as lodged was accompanied by BASIX Certificate No. 734306M_02 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 & 52**).

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

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

- Urban Design Review Panel
- The 9 SEPP 65 Design Quality Principles; and
- The Apartment Design Guide

Urban Design Review Panel

The proposal was reviewed by the Urban Design Review Panel on 8 November 2016 where the Panel identified a number of matters to be considered. Amendments were made to the proposal which addressed some of the issues raised by the Panel as discussed below:

- *The Panel notes the proposed massing of the new tower and its relationship to the approved building below lacks vertically in its expression. The result is a form bulkier than necessary, which does not maximise the opportunity to achieve elegance through the taller height and a vertical emphasis.*

The Panel would encourage the applicant to investigate the opportunity for greater vertical expression in the proposal on each of its elevations, but particularly where it is seen over the approved angled lower form and to Herring Road.

Comment

The applicant has amended the façade design to provide greater vertical expression. Figures 6 & 7 illustrate the comparison between the original proposal and the amended proposal to provide greater vertical expression. These changes include:

- Changes to the cladding to assist with verticality on the western elevation;
- Changes to balcony elements, spandrel panels and cladding to improve verticality and cohesion of the façade; and,
- Changes to the roof screening to conceal services.



Figure 6 – original proposal as viewed from Herring Road.



Figure 7 – Amended proposal.

The proposed amendments has provided a vertical continuity to the building which is considered satisfactory.

- *This amendment does not affect the public open space component of the existing approval. The applicant is encouraged to utilize the tops of the lower portions of the buildings for communal open space areas as well as private open space areas, and for a strong landscape concept to be developed for the program of these areas.*

Comment

It is not proposed to use the top of the approved lower levels as open space. The approved and proposed development provides compliant private open space to all apartments. The development achieves over 40% communal open space, including publicly accessible communal open space, private communal open space (for residents) and a community facility, and complies with the ADG. In this instance to provide additional communal open space is not warranted.

- *The floor plans appear to indicate that the new floor cantilevers beyond the upper floors of the approved building below. This is a concern as it will potentially impact the amenity of units below. This should be avoided where possible.*

Comment

The applicant has advised that the cantilevering impacts a single apartment, M1501 and have provided a sketch showing apartment M1501 with and without the offset cantilevered balcony profile, see Figures 8 & 9. The view shown is of the greatest cantilever dimension, which demonstrates the difference is barely noticeable, accordingly the cantilevered balcony overhead has no negative impact on the apartment amenity and does not require modifying. M1501 and the above stack is compliant with the ADG for natural ventilation, daylight access and apartment aspect.

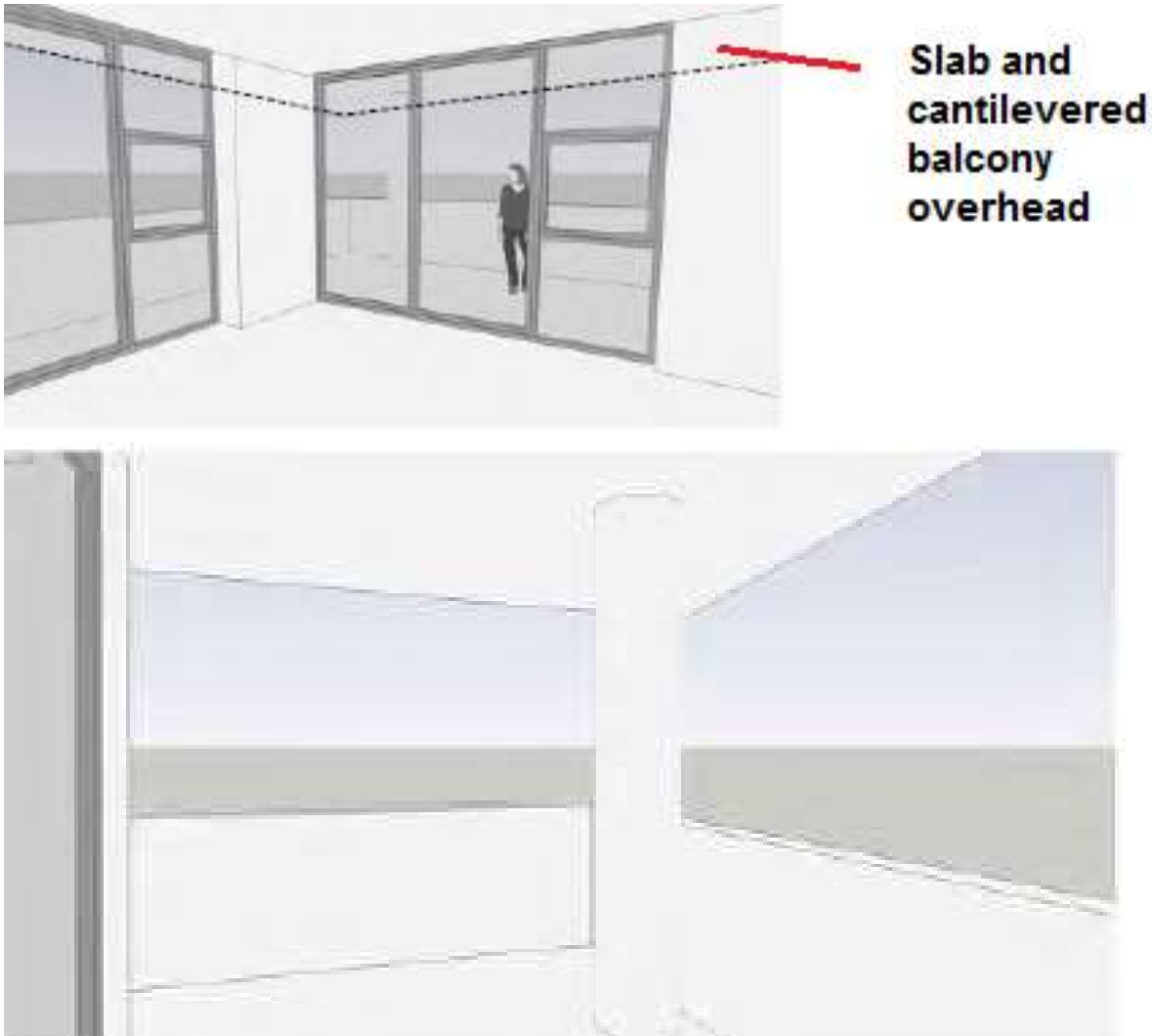


Figure 8: Apartment below the cantilever and slab.

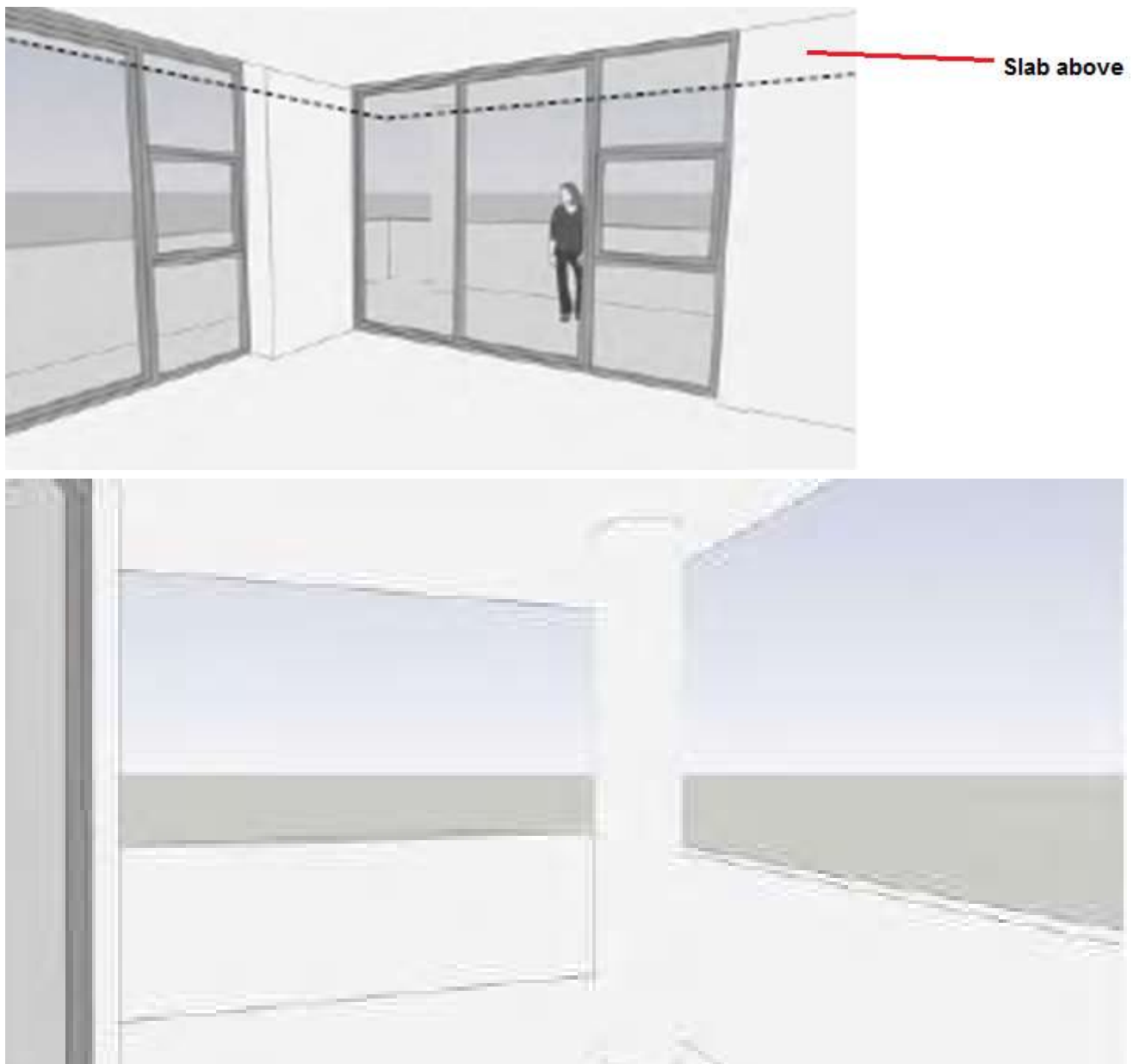


Figure 9: Apartment below without the cantilever with just the slab.

- *The storage drawings include in the calculation of the amount of storage required by the ADG:*
 - *cupboards that are poorly located and not reasonably accessible and*
 - *elements of furniture that a resident may bring into the apartment.*

This is not appropriate and such cupboards and furniture should not be included in the required area. The purpose of the storage requirement in the ADG is to provide storage space for items such as linen, towels, vacuum cleaners etc. and it is to be additional to any items of loose furniture that residents might use as an entertainment unit.

Therefore, the Panel considers that the proposal does not yet satisfy the requirement for adequate storage and the plans require redesign to achieve it.

Comment

The following changes have been made to comply with regard to storage:

- Increased storage provision for Levels 15-25, including base building joinery for cupboards.

Note: **Condition 30** has been imposed requiring compliant with storage requirement in accordance with the ADG.

Design Quality Principles

There are 9 design quality principles identified within SEPP 65. The following table provides an assessment of the development proposed against the 9 design principles of the SEPP.

TABLE 1: SEPP NO. 65 APARTMENT DESIGN GUIDE - DESIGN QUALITY PRINCIPLES	
Planning Principle	Comment
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 and environmental conditions. Responding to context 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.	The site is located within Macquarie Park Corridor and also The Macquarie University Station Precinct. The development has been assessed as appropriate by the Department of Planning and Infrastructure via Mod 7 of the Concept Plan Approval for MP10_0112. The development of this site is consistent with the future character for the area as identified by the Macquarie University Station Precinct. The proposal will provide increased residential density around existing infrastructure such as Macquarie University, Macquarie Shopping Centre and transport hub.
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 scale is consistent with the anticipated future form of development within this precinct. The proposal complies with the height and FSR controls and will not adversely impact on the streetscape or the amenity of the surrounding buildings. The bulk of the development is considered acceptable given that the development achieves compliance with most ADG and DCP requirements. The proposal has been modulated, articulated and amended to provide vertical elements to provide interest in the design and assist in providing the development with acceptable bulk.
Density Good design has a density appropriate for a site and its context, in terms of the number of units or residents.	The proposal complies with the FSR for the site with the overall bulk and scale of the building appropriate with relation to the anticipated future

TABLE 1: SEPP NO. 65 APARTMENT DESIGN GUIDE - DESIGN QUALITY PRINCIPLES	
Planning Principle	Comment
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.	density for the area. The density is also considered appropriate given its proximity to the train station and commercial area.
Sustainability Good design involves design features that provide positive environmental and social outcomes. Good sustainable design includes use of natural cross breezes 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 vegetation.	The applicant has provided BASIX Certificate which indicates that the residential component of the building will meet the energy and water use targets set by the BASIX SEPP. A Waste Management Plan for the building has been submitted and is considered acceptable by Council's Waste Officer.
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, co-ordinating 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, respect for neighbours' amenity and provides for practical establishment and long term management.	The redevelopment of the site made provision for deep soil planting and landscaping around the site. This proposal does not alter the approved landscaping for the site. The landscaping of the communal open spaces as well as other design features such as seating will ensure that these spaces provide useable areas for the residents. Each unit is also provided with a private balcony area sufficient for recreational use and amenity benefit.
Amenity Good design positively influences internal amenity for residents and external amenity for 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	The design of the units allows for sufficient level of amenity for occupants of the building and residents of surrounding properties. The development complies with the controls contained in the ADG in respect to apartment sizes, building depth, access to sunlight, ventilation, visual and acoustic privacy, storage layout and access requirements.

TABLE 1: SEPP NO. 65 APARTMENT DESIGN GUIDE - DESIGN QUALITY PRINCIPLES	
Planning Principle	Comment
and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.	All apartments are accessible with 20 adaptable units provided.
Safety 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 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.	The development is consistent with the CPTED principles as follows: The entrance to each apartment building will be clearly legible and well lit. Appropriate signage to be provided to the buildings' entrance with appropriate lighting. Lighting, both internal and external, will be provided in accordance with Australian Standards. See Conditions 47 to 51 .
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 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, providing opportunities for social interaction amongst residents.	The proposed development unit mix will result in an affordable range of housing which is highly accessible to public transport and nearby shops. As a guide the Housing NSW Centre for Affordable Housing suggests 1 and 2 bedroom apartments contribute towards achieving housing affordability. One and two bedroom apartments are well represented in this proposal.
Architectural Expression 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. The visual appearance of well designed apartment buildings responds to the existing or future local context, particularly desirable elements and rhythms of the streetscape.	The development has incorporated a variety of materials and finishes to assist in the massing of the buildings as well as providing differentiation between the uses and rhythmic elements within the development.

Apartment Design Guide

The SEPP requires consideration of the "Apartment Design Guide" (ADG) which supports the 9 design quality principles by giving greater detail as to how those principles might be achieved. Table 2 below provides an assessment of the proposal against the matters in the ADG:

TABLE 2: SEPP NO. 65 APARTMENT DESIGN GUIDE (DESIGN CRITERIA) COMPLIANCE TABLE		
DESIGN CRITERIA	PROPOSAL	COMPLIE S
Part 2: Development Controls		
Building Depth Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line	(Levels 15 to 25) Maximum 21.8m. The building depth is wider than 18m, however it is consistent with the Approval MP10_0112 Mod 7. The proposal complies with the cross ventilation requirement for the building.	No – consistent with Mod 7 for the Concept Approval.
Building Separation Minimum separation distances for buildings are: 9storeys and above (over 25m): 24m (Habitable rooms/balconies) 18m (habitable/non-habitable) 12m (non-habitable)	Building separation distances consistent with Concept Approval and Mod 7. The boundary setbacks and building footprints are consistent with Concept Plan Approval MP10_0112 as modified. The additional 10 storeys complies with the separation requirement for 9 storeys and above (over 25m) as shown in the Building Separation diagram on page 31 of the report. ADG requires a separation of 24m from habitable room to habitable room. The proposal has a separation of 25.9m between Sydney and Melbourne Buildings.	Yes
Street Setbacks Identify the desired streetscape character. In general, no part of the building should encroach into a setback area.	Consistent with Concept Plan Approval MP10_0112 & Mod 7.	Yes
Side and Rear Setbacks Relate side setbacks to existing streetscape patterns. These controls should be developed in conjunction with building separation, open space and deep soil zone controls. In general, no part of the building should encroach into a setback area.	Consistent with Concept Plan Approval MP10_0112 & Mod 7.	Yes
Floor Space Ratio Test the desired built form outcome against the proposed floor space ratio to ensure consistency with building height, building footprint, the three	Building setbacks, footprints, heights and floor space ratio are consistent with Concept Plan Approval MP10_0112 as modified.	Yes

dimensional building envelope and open space requirements.		
Part 3 Siting the development Design criteria/guidance		
<u>Communal and Public Open Space</u> Communal open space has a minimum area equal to 25% of the site. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)	The proposal will not alter the approved open space. The distribution of communal open space is consistent with site planning arrangements via the Concept Plan Approval (MP10_0112) and complies with the minimum requirement. The development will provide a total of 40% of the site area as common open space combining podium level common open space (1,757sqm) and roof garden areas of 124m ² and 45m. The principle area of open space receives >2hours sunlight in mid winter due to its northerly aspect.	N/a
<u>Deep Soil Zones</u> Deep soil zones are to meet the following minimum requirements: Site area greater than 1,500m ² = 7%	The deep soil areas are unchanged from what was approved (12% deep soil area).	N/a
<u>Visual Privacy</u> 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: 9 storeys and above (over 25m) – 24m b/w habitable rooms/balconies – 18m b/w habitable and non –habitable – 12m between non habitable rooms.	See above – consistent with concept plan approval and Mod 7.	Yes
<u>Car parking</u> For development in the following locations: on sites that are within 800m of a railway station; or within 400m of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre, the minimum	MP10_0112 Mod 3 & 5 capped the number of residential car parking that can be provided. Condition C5(a) of the Concept Approval requires car parking for residential use up to GFA of 46,420m ² . This caps the maximum residential parking for the development at 464 spaces (therefore no additional residents' car parking is required).	

parking for residents and visitors to be as per RMS Guide to Traffic Generating Developments, or Council's car parking requirement, whichever is less.	For any additional residential GFA C5(b) specifies that only visitor car parking may be provided. This is to be applied at a rate of 1 space per 10 units, therefore 6 additional visitor car spaces are proposed in the basement.	Yes
<i>Solar Access and Daylight</i> 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 in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas No more than 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid- winter.	Of the proposed 60 additional apartments, 50 will receive the minimum 2 hours sunlight. In total the Melbourne building achieved 71% solar access. 10 of the 60 new apartments do not receive direct sunlight to their primary living space between 9am and 3pm mid winter.	Yes No^{*1}
Natural Ventilation 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	(Levels 15 to 25). All of the apartments from Level 10 and above are cross ventilated and are in compliance with the ADG design criteria (balconies are not fully enclosed).	Yes
Ceiling Height Measured from finished floor level to finished ceiling level, minimum ceiling heights are: Habitable Rooms – 2.7m Non-habitable rooms – 2.4m If located in a mixed use area - 3.3m for ground and first floor to promote future flexibility	All habitable rooms have minimum 2.7m ceiling heights.	Yes
Apartment Layout Apartments are required to have the following minimum internal areas: Studio - 35m² 1 Bedroom - 50m² 2 Bedroom - 70m² 3 Bedroom - 90m² The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m²	Melbourne Building: 1B – min. 50m² – 63m² 2B – min. 74m² – 101m² 3B – min 105m² – 133m² Units with 2 bathrooms have the additional 5sqm	Yes Yes Yes Yes

each 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 Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space) Bedrooms have a minimum dimension of 3m (excluding wardrobe space) Living rooms or combined living/dining rooms have a minimum width of: 3.6m for studio and 1 bedroom apartments 4m for 2 and 3 bedroom apartments	Every habitable room has a window. Complies Complies	Yes Yes Yes
Private Open Space All apartments are required to have primary balconies as follows: Studio - 4m² 1 Bedroom - 8m² (Minimum depth of 2m) 2 Bedroom - 10m² (Minimum depth of 2m) 3 Bedroom - 12m² (Minimum depth of 2.4m)	Compliant or exceed minimum.	Yes
Common Circulation Space The maximum number of apartments off a circulation core on a single level is 8. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	(Levels 15 to 25) 6 apartments off a circulation core. The 3 lifts will serve 162 units (1 per 54 units). A Lift Traffic Analysis has been submitted which demonstrates the efficiencies achieved when multiple lifts acts as a group. The analysis concludes that three lifts will result in a high quality of service suited to owner occupiers and luxury type developments. The proposal is consistent with the approved S75W by DPE.	Yes No - variation acceptable.
Storage In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: Studio - 4m² 1 Bedroom - 6m² 2 Bedroom - 8m² 3 Bedroom - 10m²	Complies	Yes

At least 50% of the required storage is to be located within the apartment	Storage is provided within each unit and the basement levels.	Yes
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As indicated by the above ADG table, the proposed development does not meet the design criteria relating to the building depth and number of units that do not receive mid-winter solar access.

^{*1} **Solar access:** The ADG permits a maximum of 15% of units (9 of 60 units) to receive no direct sunlight mid-winter. Due to the orientation and shape of the site the layout aims to optimize the number of apartments oriented to the streets and communal open space thus the resulting number of units not receiving any direct sunlight between 9am and 3pm midwinter is 10 out of 60 units (16%).

Nevertheless, the proposal satisfies the objectives of optimising the number of apartments receiving sunlight to habitable rooms, primary windows and private open space. More than 70% (71%) of the apartments will receive 2 hours of solar access. The majority of the units will enjoy good solar access to their private open space, habitable rooms and primary windows. The proposal complies with the cross ventilation requirements. Internal amenity of south-facing apartments will be enhanced by outlooks to the open space and distance views.

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

8.4 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

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

The site is over 3km from the nearest point of Sydney Harbour. As such, it is not considered the proposed development will have a significant visual impact on Sydney Harbour and the catchment and there are no specific controls that directly apply to this proposal.

8.5 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 2.3 Zone Objectives and Land Use Table

The land is zoned B4 Mixed Use under Ryde LEP 2014.

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 a mixed use building within walking distance of bus services, commercial services and is therefore considered to be a suitable location for this development. The massing and scale of the development has been assessed by the Department of Planning & Environment 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

FSR

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

Height

Two height controls apply across the site – 45m and 75m. The 45m is effectively over the Stage 1 portion of the site with 75m for the Stage 2 portion of the site. The development is within the height limit and in accordance with the approved Concept Plan Approval & Mod 7 MP10_0112.

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

None applicable.

8.7 City of Ryde Development Control Plan 2014

Whilst this Plan applies to all land within the Ryde local government area, in this instance its provisions are not strictly applicable due to the site benefitting from the Concept Plan Approval (MP10_0112 & Mod 7 MP10_0112). The DCP has therefore been considered only where there is no direct conflict with matters resolved via that Approval. In that context, the following sections of the DCP are of relevance, being:

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

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

With regard to Part 4.5 – Macquarie Park Corridor, the proposal was approved under a Concept Approval & relevant modifications which set the parameters for the building which are generally in accordance with the concept approvals. The compliance table for Part 4.5 Macquarie Park Corridor is attached as **Attachment 2**.

8.8 Section 94 Development Contributions Plan 2007

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

Stage 2 was approved via LDA 2014/402. As part of this approval, a Section 94 contribution was imposed and the applicant has paid this money. The current DA results in increased S94 being required for the 60 extra apartments (30 x 1 bedroom and 30 x 2 bedroom). The required contribution is as follows:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$151,320.00
Open Space & Recreation Facilities	\$607,020.90
Civic & Urban Improvements	\$78,085.20
Roads & Traffic Management Facilities	\$83,804.70
Cycleways	\$10,795.80
Stormwater Management Facilities	\$9,556.80
Plan Administration	\$2,910.60
The total contribution is	\$943,494.00

Condition 19 requiring the payment of the above Section 94 contribution prior to the issue of amended Construction Certificate has been included in the recommendation of this report and which will further be indexed at the time of payment if not paid in the same quarter.

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 issues requiring further consideration are discussed below.

Context and setting

The proposed development is considered appropriate with regard to context and setting. The subject site is strategically located for high density development with Macquarie University and Macquarie Shopping Centre located further north of the site. The site is

also located close to public transport. The proposal is consistent with the approved Concept Plan & Mod 7 of the concept approval.

Built Form

The development is consistent with the height and scale of built form envisaged for the redevelopment of the area and as prescribed in the LEP provisions.

Traffic

A Traffic Impact Statement has been submitted with the application which assessed the impacts of the proposal with regard of the additional 60 units. The report states:

The relevant trip rates are as follows:

- *0.19 vehicle trips per unit during the morning peak hour; and*
- *0.15 vehicle trips per unit during the evening peak hour.*

The application of this rate to the additional 60 units yields the following expected traffic generation:

- *11 veh/hr (2 in, 9 out) during the morning peak hour; and*
- *9 veh/hr (7 in, 2 out) during the evening peak hour.*

This generation translates to approximately 1 extra vehicle every 10 minutes during the peak period, distributed across the network. This level of additional generation is considered negligible and will create no noticeable impact on the surrounding network.

The proposal was reviewed by Council's Traffic Engineer and RMS who raised no objections based on traffic generation or parking grounds. It should also be noted that the proposed density increase is consistent with the density control for the site.

10. REFERRALS

Internal Referrals:

City Works and Infrastructure – Public Works: 10 January 2016.

Traffic and Development Engineer: Raised no objections to the proposed additional 60 apartments.

Waste: Raised no objections to the proposed additional 60 apartments.

External Referrals:

Road & Maritime Services: 2 November 2016: The proposal was referred to Roads & Maritime Services who has advised:

Roads and Maritime has reviewed the submitted documentation and identified that proposed modification will create 6 additional visitor's parking and total of 11 veh/hr (2 in, 9 out) during the morning peak hour and 9 veh/hr (7 in, 2 out) during the evening peak hour.

Based on the above, Roads and Maritime raises no objection to the above application.

11. **PUBLIC NOTIFICATION AND SUBMISSIONS**

The application was notified and advertised in accordance with Part 2.1 (Notification of Development Applications) of DCP2014. The exhibition period was from 14 October 2016 to 9 November 2016. Seven submissions were received objecting to, or commenting on, the proposal. The majority of the issues raised have been addressed in the assessment report. Comments are however provided in relation to the following matters:

- *The proposal is “too high” – enough high rise apartments within the area, overdevelopment/overcrowding of the area.*

Comment:

The development complies with the height, density, bulk and scale provisions applicable to the site and as envisaged by the Macquarie University Station 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.

The development is also part of a Concept Approval issued on 26 September 2012 for redevelopment of the site comprising of residential and /retail commercial use. The proposal is also subject to a Section 75 Modification approved by the Department of Planning and Environment (DPE) to allow for the additional storeys to the Melbourne Building. The impacts of the proposed increase were assessed in the S75W for the additional height, which concluded:

“The proposed changes to building height and GFA will not result in any unacceptable environmental impacts and are consistent with current approved height and FSR controls for the site. In addition, the revised building envelope and indicative layout plans demonstrate the proposal is capable of compliance with SEPP 65 provisions and key ADG criteria.”

Accordingly, the additional storeys will not have any significant built and environmental impacts that would warrant refusal of the application.

- *Parking – the additional 60 households will result in 6 carspaces – this will place a burden on the local parking spaces. The deficiency of carspaces makes it an even greater problem.*

Comment:

The proposed parking is consistent with the requirements determined through the Concept Approval (MOD 5) which restricts car parking spaces for the residential component for any floor space over 46,420m². Therefore no additional car parking spaces is required for the residential component, which is capped at 464 residents car spaces. This is designed to maximise access to public transport and given that the development is a transit oriented development within walking distance to public transport, limiting car parking spaces to discourage ownership /dependency on vehicles.

The DCP and Condition C5 of Mod7 MP10_0112 requires visitor parking to be provided at 1 space per 10 units. Therefore, the proposal generates a demand for 6 additional visitor spaces, a total of 611 spaces (464 residential, 135 visitor and 12 commercial) for the whole site. These spaces are accommodated in the basement levels.

- *The traffic impact of the modification is calculated in isolation. The report should address the impact as generated by the development as original approved – in*

isolation the additional 60 units represent a negligible increase in traffic volume. Traffic already bad, what infrastructures put forward to solve the congestion.

Comment:

The issue of traffic was considered by DPE in the assessment of the S75 W and by Council's Traffic Engineer who raised no objections to the proposed increased on traffic generation grounds.

The relevant trip rates are as follows:

- *0.19 vehicle trips per unit during the morning peak hour; and*
- *0.15 vehicle trips per unit during the evening peak hour.*

The application of this rate to the additional 60 units yields the following expected traffic generation:

- *11 veh/hr (2 in, 9 out) during the morning peak hour; and*
- *9 veh/hr (7 in, 2 out) during the evening peak hour.*

This generation translates to approximately 1 extra vehicle every 10 minutes during the peak period, distributed across the network. This level of additional generation is considered negligible and will create no noticeable impact on the surrounding network.

With regard to the traffic impact of the whole development, it should be noted that the approve concept plan for the redevelopment of the whole site, was assessed prior to the release of technical direction TDT 2013/04a, which provides revised trip generation advice for high density residential. As such the concept design was previously approved based on a peak traffic generation rate of 0.29 veh/hr, resulting in a predicted generation of 155 veh/hr for the residential component. An assessment of the subject proposal, using the latest approved RMS rates listed above indicates the total residential component of the site (700 units) is expected to generate a peak of 133 units, 22 less than what was previously approved for this site.

- *The additional floors proposed will result in the building lacking direct sunlight and will deprive units in the Sydney Building of direct sunlight. Already non-compliance with the maximum 15% of the units with no direct sunlight between the hours of 9.00am to 3.00pm.*

The increased height of the Melbourne Tower will result in significant shadowing to the low rise residences on the other side (the eastern side) of Herring Road.

The addition will have an adverse impact on the natural ventilation and wind to the residents.

Comment:

Solar access analysis submitted with the modification demonstrated that, following the proposed increase in height, 71% of apartments in the Melbourne Building will receive daylight access, which complies with the 70% requirement of the ADG.

In addition, the DPE assessed the proposal and noted that the provided shadow diagrams, see Figure 10 below, demonstrate that the increased shadow will be relatively minor and will predominantly affect the roadway of the Epping Road/Herring Road intersection. It was noted that whilst there will be an increase in overshadowing to some units within the Sydney Building compared to the previously approved scheme, the DPE considered this to be acceptable as the modified Melbourne Building will comply with the

LEP 2014 height controls, and that the Sydney Building will continue to comply with ADG solar access requirements and impacted units within the Sydney Building will still receive a minimum of 2 hours of solar access.

The proposal complies with the number of apartment achieving cross ventilation, with across the Stage 2 development, 66% of the apartments are naturally cross ventilated.

A Wind Impact Assessment report has been submitted with the amended design. The report recommended treatments to the final design and with the inclusion of these treatments, the wind conditions for all outdoor trafficable areas will be suitable for their intended use. The recommended treatments are:

- *A full-height porous screen on the northern end of the through-site link connecting the façade on the west side with the column, or densely foliating vegetation. A 3.0m deep awning extending from the Level 02 slab over Ground Level on the western aspect and wrapping around the north-western corner.*
- *Retention of densely foliating tree planting on Ground Level to the east, south and west of the tower, as proposed.*
- *Impermeable balustrades for the north-eastern corner balconies on Levels 02 to 25.*
- *Impermeable balustrades for the south-eastern corner balconies on Levels 04 to 25.*
- *Impermeable balustrades for the north-western corner balconies on Levels 11 to 25.*
- *Impermeable balustrades for the south-western corner balconies on Levels 11 to 25.*
- *Full-height, impermeable screens on the southern edge of the north-eastern corner balconies on Levels 15 to 25.*

The report conclude “*with the inclusion of these treatments to the final design, the results of this study indicate that wind conditions for all outdoor trafficable areas within and around the proposed development are expected to be suitable for their intended uses*”

Condition 28 has been imposed requiring compliance with the recommendations contained in the Wind Impact Report.

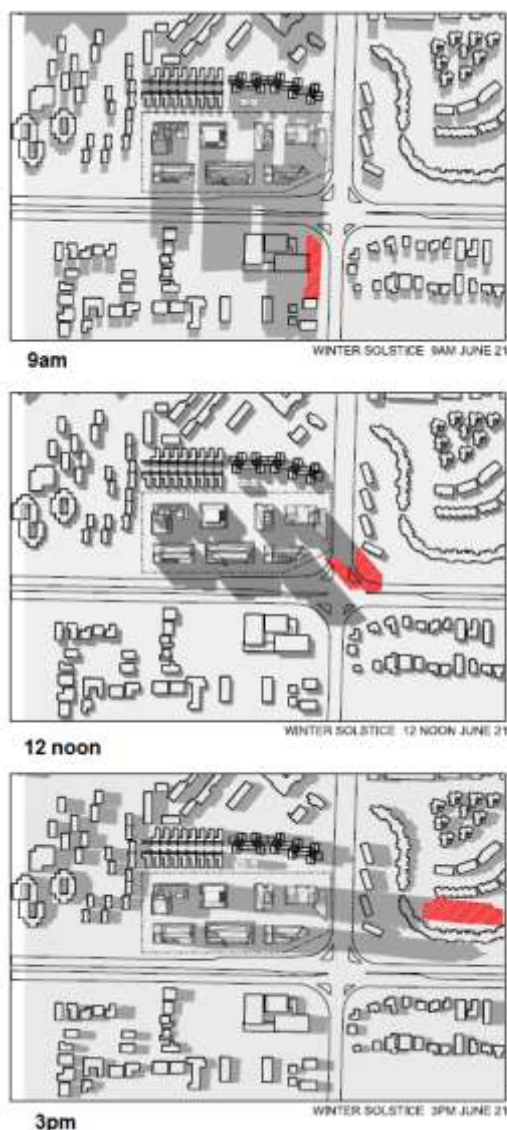


Figure 10: Additional shadow shown in red.

- *Makes no provisions for additional amenities required for the additional residents. Will result in deficiencies in open space, swimming pool, gym facilities of the complex.*

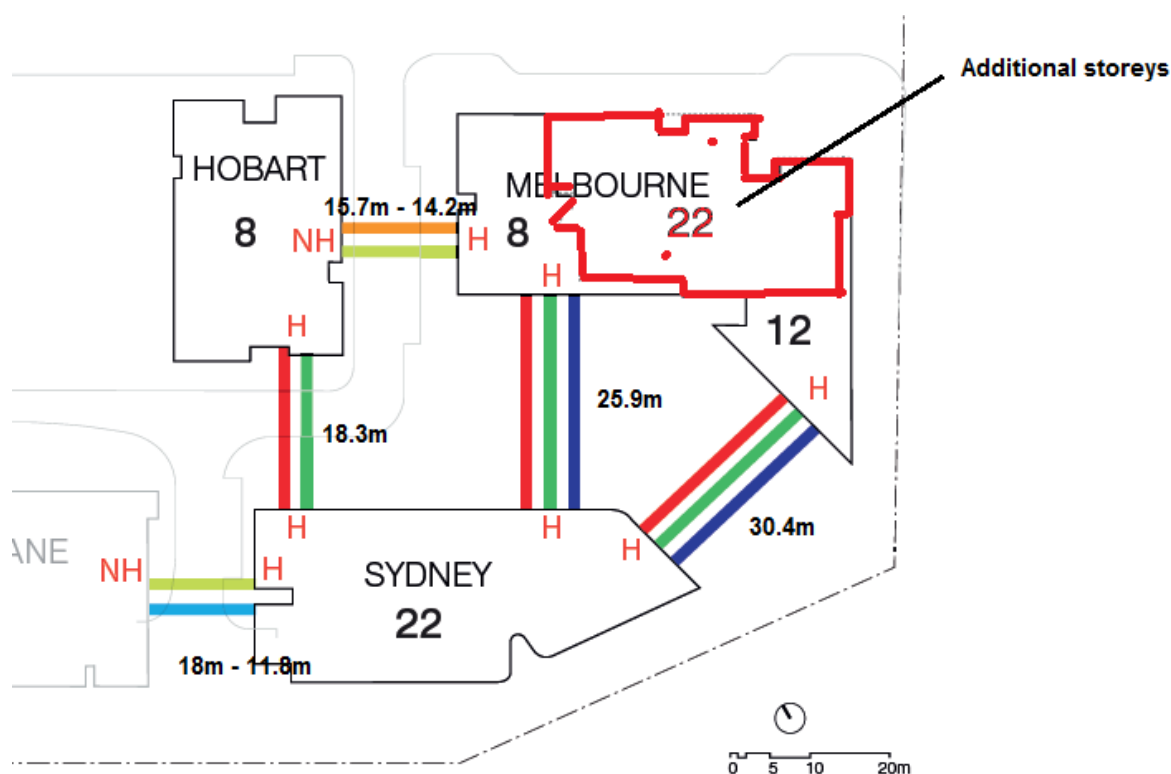
Comment:

The proposal complies with the open space requirement under the ADG however there are no requirements for provision of swimming pool or gym facilities under the ADG. The provisions of these facilities are at the discretion of the developer and are not a planning consideration in the assessment of the application.

- *Privacy to residents of the Sydney Building will be adversely affected.*

Comment:

The proposed additional 10 storeys is not considered to present any overlooking concerns. The proposal complies with the building separation required under the ADG, having a separation of 25.9m between the Melbourne and Sydney buildings, as approved by the Concept Approval.



8	building heights in storeys
H / NH	habitable / non-habitable area
H / H	habitable / habitable area
LEVELS 1-4	- min. 9 m bldg separation (NH - H) - min. 12 m bldg separation (H - H)
LEVELS 5-8	- min. 13 m bldg separation (NH - H) - min. 18 m bldg separation (H - H)
LEVELS 9 storeys +	- min. 18 m bldg separation (NH - H) - min. 24 m bldg separation (H - H)

Figure 11 – Building separation.

- *Stormwater, groundwater flow, waste management and increase in water use volume – not addressed as part of the application.*

Comment:

The proposed application relates to additional storeys for an approved building. It is not anticipated that the additional storeys will have any impact on the stormwater or groundwater flow. No changes in impervious areas are proposed.

A S73 Certificate will be required to be obtained to ensure that the provision of water and sewer services to the development is able to be satisfied.

An amended Waste Management Plan was submitted with the application and the proposal was referred to Council's Waste Officer who has reviewed the proposal and raised no objections.

- *Fails to meet the minimum requirement of 1 elevator per 40 units for the Melbourne Building.*

Comment:

As currently approved, three lifts within the Melbourne building will serve 102 units (1 lift per 34 units). The proposed total of 162 units will continue to be served by three lifts (1 lift per 54 units). A Lift Traffic Analysis has been submitted that demonstrates the efficiencies achieved when multiple lifts act as a group. The analysis concludes that three lifts within the Melbourne building for the modified development will result in a high quality of service suited to owner occupier and luxury type developments (based on Chartered Institute of Building Services Engineers criteria).

The S75W Modification report concluded that the applicant has provided sufficient information to demonstrate that three lifts will adequately service the modified development and that the proposal is capable of complying with ADG design criteria.

- *A significant premium was paid in the price of units in the Sydney Tower by us and other purchasers of units in levels 11-22. The premium was payable for the enjoyment of privacy, views, natural sunlight, natural ventilation and wind to be enjoyed by the units at those heights in the Sydney Tower. Accordingly, approval of the modification to the Melbourne Tower set out in the LDA will deprive these purchasers of benefits for which they have paid significant consideration.*

Comment:

This raises concerns about changes to the building and apartments following purchase off the plans. This is not a planning issue and is not a consideration in the assessment of the application.

With regard to loss of privacy, views, sunlight and ventilation to the Sydney building, the proposed additional 10 storeys is not considered to have such an unacceptable impacts to the amenities of adjoining residents as to warrant refusal of the proposal. It should be noted that there are sufficient separation between the two buildings to provide privacy, wind circulation and solar access to the Sydney building.

12. SUITABILITY OF THE SITE FOR THE DEVELOPMENT

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

13. THE PUBLIC INTEREST

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

14. CONCLUSION

This report considers an application for additional height and density for the Melbourne Building which was part of the Concept Approval comprising of mixed used residential, retail and commercial buildings in two stages.

The proposed building benefits from a Concept Plan Approval granted on 26 September 2012, and recently modified (Mod 7) approved October 2016. The development application is considered consistent with these approvals.

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

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

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

15. RECOMMENDATION

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

- A. That the Sydney North Planning Panel, as the consent authority, grant consent to development application LDA2016/448 to amend the approved Melbourne Building for an additional 10 storeys of residential apartments (comprising of additional 60 units of 30 x 1 bedroom and 30 x 2 bedroom) at 110-114 Herring Macquarie Park, subject to the conditions of consent in **Attachment 1** of this report; and
- B. That a copy of the development consent be forwarded to the Roads and Maritime Services; and
- C. That those persons making a submission be advised of the decision.

Report prepared by:

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