

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSNH - 227
DA Number	LDA2021/0169
LGA	City of Ryde
Proposed Development	Alterations, additions and adaptive reuse of the existing building to provide a new Law School building at the Macquarie University.
Street Address	Macquarie University 192 Balaclava Road Macquarie Park
Applicant/Owner	Owner: Macquarie University Applicant: CBRE Pty Ltd
Date of DA lodgement	21 May 2021
Total number of Submissions Number of Unique Objections	<ul style="list-style-type: none"> • 0 submissions • 0 unique submissions
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Crown development with a capital investment value over \$5 million. The development has a capital investment value of \$28,858,000.00
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979; • State Environmental Planning Policy (State and Regional Development) 2011; • State Environmental Planning (Vegetation in Non Rural Areas) 2017; • State Environmental Planning Policy (Infrastructure) 2007; • State Environmental Planning Policy No. 55 – Remediation of Land; • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; • State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017; • Ryde Local Environmental Plan 2014; • Draft Remediation of Land State Environmental Planning Policy; • Draft Environment State Environmental Planning Policy; • City of Ryde Development Control Plan 2014; and • City of Ryde Section 7.11 Development Contributions Plan 2020
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Attachment 1: Conditions of consent

Clause 4.6 requests	<ul style="list-style-type: none"> N/A
Summary of key submissions	<ul style="list-style-type: none"> N/A
Report prepared by	Niroshini Stephen, Assessment Officer
Report date	15 November 2021

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? Yes

Legislative clauses requiring consent authority satisfaction

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? Yes
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

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? Not applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions Not applicable

Conditions

Have draft conditions been provided to the applicant for comment? Yes
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

1. EXECUTIVE SUMMARY

This application seeks approval for alterations, additions and adaptive reuse of the existing building to provide a new Law School building at the Macquarie University. The application has been referred to the Sydney North Planning Panel constituted under the Environmental Planning and Assessment Act 1979 for determination as the capital investment value exceeds \$5 million for Crown development.

The site presently accommodates the existing Macquarie University Law Building. The existing building contains a basement level, ground level with internal courtyard, Level 1 and Level 2.

It is proposed to largely maintain the basement level except for the demolition of existing internal walls and stairs. Substantial demolition is proposed to the ground level. The existing ground level lecture theatre to the west is to be retained and existing lecture theatre to the east is to be partially retained. Demolition of existing columns, internal walls, frontage walls and internal stairs is proposed on Level 1. The existing Level 1 slab is proposed to be retained. Level 2 and roof level are proposed to be completely demolished and reconstructed. The proposal also involves the addition of Level 3.

The proposed building will have a total gross floor area (GFA) of 8,354m². The proposal will accommodate additional numbers of students and staff from 835 to 1324, resulting in an overall increase of 489. The proposal does not provide additional parking.

The proposal includes the removal of 13 trees within and adjacent to the building. Replacement planting will be provided at a ratio of 2:1 within the broader Macquarie University Site. Overall, twenty six (26) compensatory trees will be planted.

It is noted the subject application does not include fit-out of the building and will be subject to a separate application.

Community notification and advertisement

The application was notified and advertised in accordance with Part 2.1 of *Ryde Community Participation Plan* and no submissions were received. None of the amendments to the plans during the assessment period necessitated the renotification of the application.

Section 4.15 Assessment summary

On 13 August 2009, the Minister approved a Concept Plan for Macquarie University. The approved concept plan sets the planning regime and development framework for the campus. A campus wide Design Excellence Strategy and Urban Design Guidelines was required to be prepared and submitted to the Department as part of the Concept Plan.

A Section 75W (S75W) to modify the Concept Plan was submitted in 2017 to the Department of Planning & Environment (MP06_0016 Mod 1), which was approved on 9 November 2018. A revised Design Excellence Strategy and Urban Design Guidelines was submitted to the Department as part of the S75W for endorsement.

The area in which the proposed works will occur, (herein referred to as “the site”) is located within Precinct A, as defined by the Macquarie University Concept Plan 2009 and the Guidelines (as modified). The proposed development is identified as Lot A20 in Precinct A. The proposal is consistent with the objective of Precinct A and architectural principles and lot controls for Lot A20 as identified in the Concept Plan.

The proposal complies with the planning requirements under Ryde Local Environmental Plan 2014 (RLEP 2014) and Ryde Development Control Plan 2014 (RDCP 2014).

In accordance with Clause 7 of SEPP 55, Council must consider if the land is contaminated, if it is contaminated, is it suitable for the proposed use and if it is not suitable, can it be remediated to a standard such that it will be made suitable for the proposed use. A Detailed Site Investigation Report has been submitted which concludes that the site is suitable for the proposed development.

Clause 57 of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 applies to development for the purpose of an educational establishment that will result in the educational establishment being able to accommodate 50 or more additional students, and that involves an enlargement or extension of existing premises, or new premises on a site that has direct vehicular or pedestrian access to any road. The consent authority must give written notice of the application to Transport for NSW (TfNSW) within 7 days after the application is made. As the development will result in an additional 239 students on the site, the application was referred to TfNSW. TfNSW has reviewed the proposal and has raised no objections to the proposal.

It is noted that the Sydney Metro Epping to Chatswood rail corridor is located within proximity of the site, and concurrence is required under *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP). Sydney Metro have provided their concurrence for the proposal subject to conditions of consent.

After consideration of the development against section 4.15 of the EP&A Act and the relevant statutory and policy provisions, the proposal is considered suitable for the site and within the public interest.

Consideration of technical matters by Council's technical departments has not identified any fundamental issues of concern, with any matters of concern recommended to be addressed via conditions of consent.

The redevelopment of the Law Building will enhance the building's connections with the public domain and surrounding buildings. The building has been designed with an emphasis on adaptable internal spaces that can accommodate the ongoing growth of Macquarie University.

This report recommends that consent be granted to this application in accordance with conditions provided in Attachment 1. These conditions have been reviewed and agreed to by the applicant.

2. APPLICATION DETAILS

Applicant: CBRE Pty Ltd

Owner: Macquarie University

Capital Investment Value: \$28,858,000.00

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 & CONTEXT

The site is legally described as Lot 115 within DP1129623 and is part of Macquarie University. To the north of the main University campus is the M2 Motorway with the Lane Cove River and National Park beyond. Areas to the south and west of the campus are largely residential. The Macquarie Centre shopping centre is located immediately east of the campus across Herring Road, with the majority of the Macquarie Park corridor further to the east.

The Sydney Metro Epping to Chatswood rail corridor is located within proximity of the site.

The location where the proposed building will be sited is centrally within the University Campus, as shown in **Figure 1** and **Figure 2**.

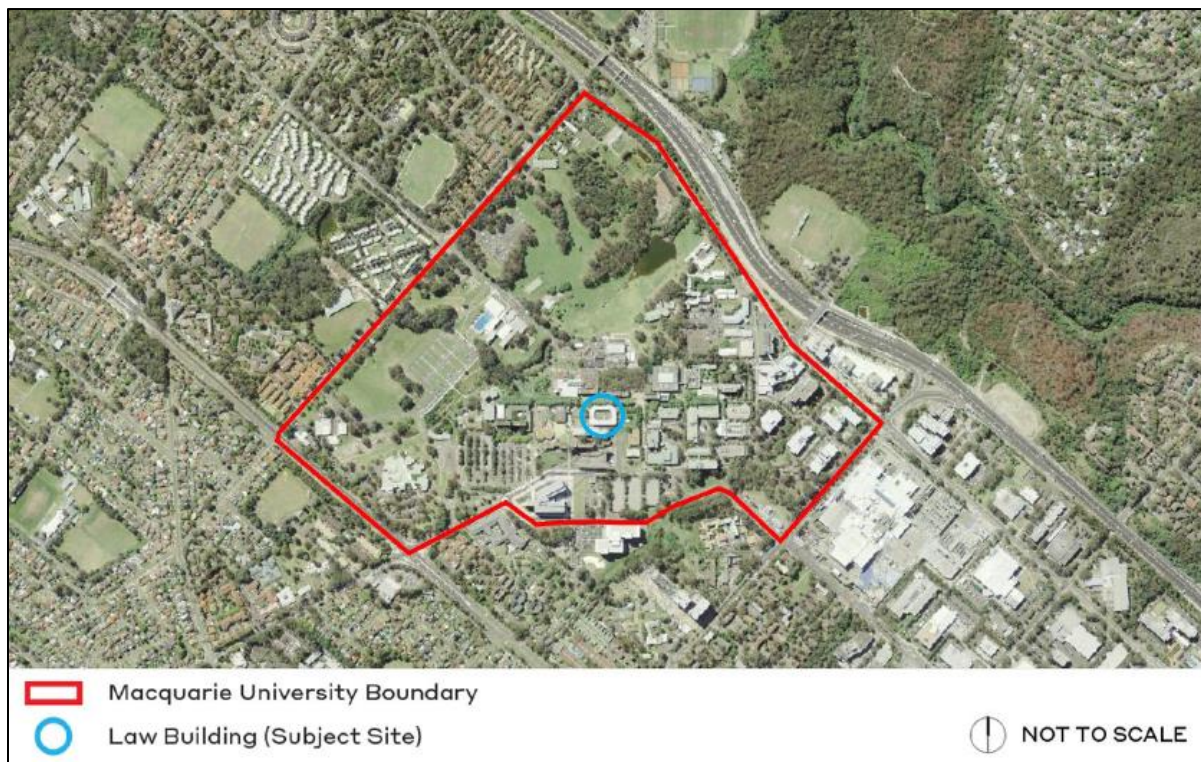


Figure 1: Aerial Image of the site within Macquarie University

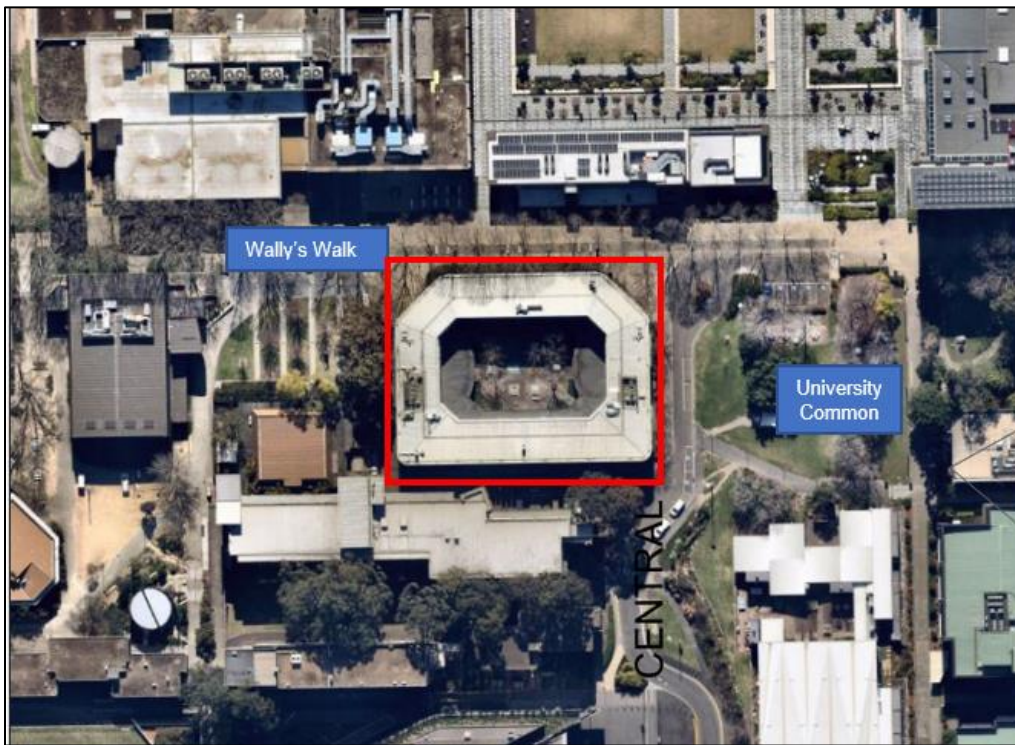


Figure 2: Close up aerial image of the law building

Existing Development

The site presently accommodates the Law Building (**Figure 3** to **Figure 9**). The existing building contains a basement level, ground level with internal courtyard, Level 1 and Level 2. The building contains multiple entrances along the ground floor. Mature tree planting is located across the site, predominantly to the north, east and west. No parking is currently provided on this section of the site.



Figure 3: Photo of the north western entrance taken from Wally's Walk



Figure 4: Photo of western elevation and existing trees located to the west of the site



Figure 5: Photo of southern elevation taken from Central Avenue



Figure 6: Photo of eastern elevation and existing trees to the east of the building taken from University Common



Figure 7: Photo of north eastern entrance taken from Wally's Walk



Figure 8: Photo of northern elevation taken from Wally's Walk



Figure 9: Photo of internal courtyard and existing trees

Surrounding Development

The location where the proposed building will be sited is centrally within the University Campus. **Figure 10** shows the buildings and open space in the immediate vicinity of the subject site.

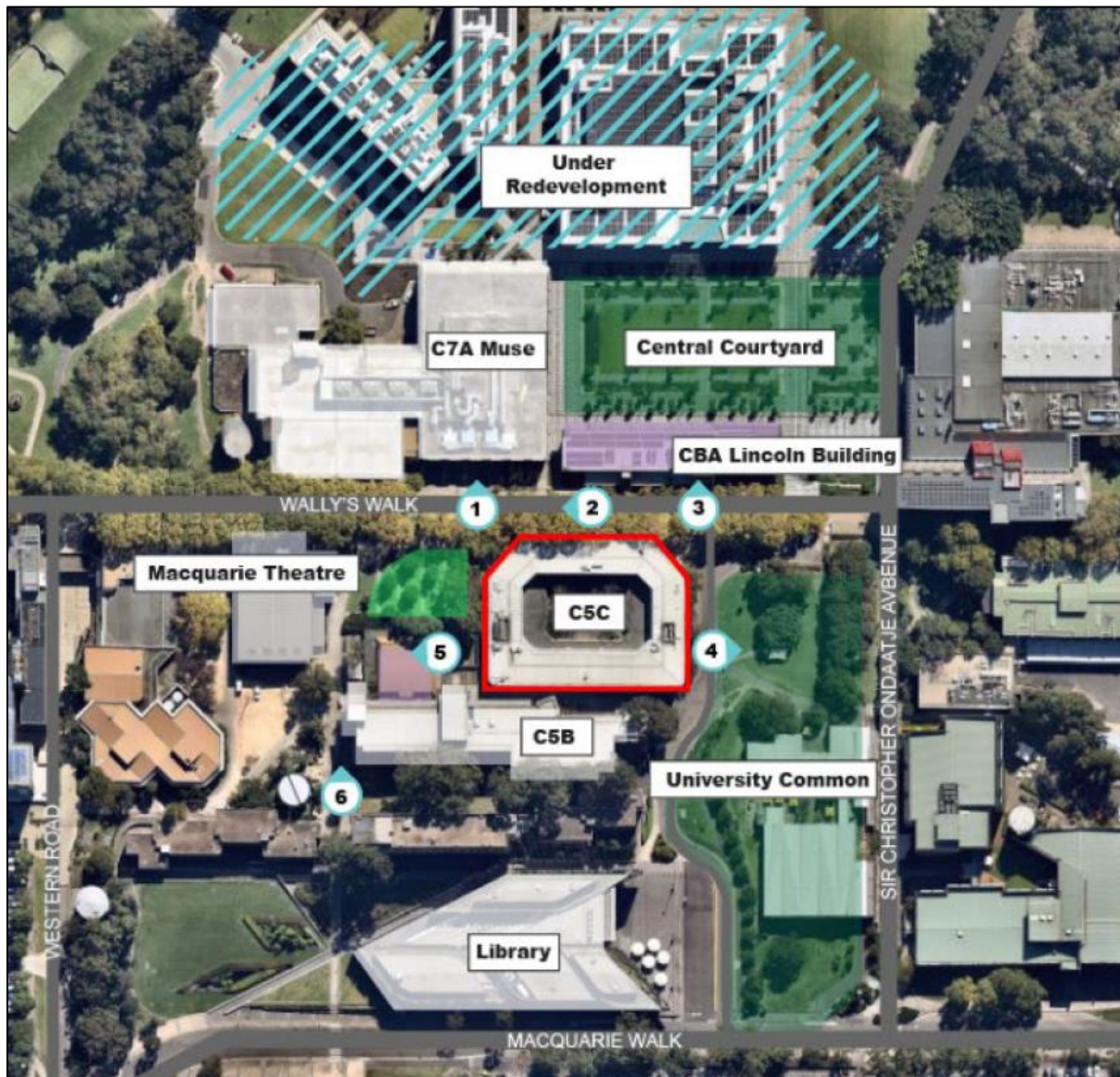


Figure 10: Aerial Image showing buildings and open space in the immediate vicinity of the subject site

Buildings and open space in the immediate vicinity of the subject site include:

- C7A Muse, CBA Lincoln Building and Central Courtyard located to the north of the site
- Macquarie Theatre and Macquarie Theatre Courtyard located to the west of the site
- Building C5A and Building C5B located to the south west and west of the site. Building C5A contains the Linguistics Department.
- Library located further south of the site
- University Common located to the east of the site

- Wally's Walk located to the north which is a pedestrian thoroughfare which provides an east-west link through the academic core of the campus
- Central Avenue is located to the east which is a shared zone and provides pedestrian and vehicular access

Nearby buildings and open space are shown within the images below at **Figure 11** to **Figure 18**.



Figure 11: Photo of Building C7A Muse located north of the site



Figure 12: Photo of CBA Lincoln Building located north of the site



Figure 13: Photo of Macquarie Theatre and Macquarie Theatre Courtyard located west of the site



Figure 14: Photo of Building C5A located to the south west and west of the site



Figure 15: Photo of Library located further south of site



Figure 16: Photo of University Common located to the east of the site



Figure 17: Photo of Wally's Walk facing east



Figure 18: Photo of Central Avenue facing north

4. PROPOSAL

Approval is sought for alterations, additions and adaptive reuse of the existing building to provide a new Law School building at the Macquarie University. The application will be referred to the Sydney North Planning Panel constituted under the Environmental Planning and Assessment Act 1979 for determination as the capital investment value exceeds \$5 million for Crown development. The proposed works include:

Basement level

- Lecture theatre to be retained
- Demolition of existing internal walls and stairs

Ground level

- Demolition of existing columns, internal walls, frontage walls and internal stairs
- Localised slab removal
- Existing lecture theatre to the west to the retained and existing lecture theatre to the east to be partially retained
- Reconstruction of the facade

Level 1

- Demolition of existing columns, internal walls, frontage walls and internal stairs
- Existing slab to be retained
- Reconstruction of Level 1

Level 2

- Complete demolition at this level and reconstruction

Level 3

- Addition of Level 3

Roof level

- Existing roof level to be demolished and reconstructed
- Proposed roof will cover the existing courtyard space

Other proposed alterations and additions

- Excavation and fill proposed within and outside the building footprint. The maximum extent of excavation is 3.0 metres and the maximum extent of fill is 2.0 metres
- Restorative landscaping works
- Modifications to existing turning circle
- Thirteen (13) trees are proposed to be removed within and adjacent to the building (**Figure 19**). The following trees are proposed to be removed:

Tree No.	Species "Common name"
821	<i>Eucalyptus microcorys</i> (Tallowwood)
822	<i>Eucalyptus microcorys</i> (Tallowwood)
875	<i>Triadica sebiferum</i> (Chinese Tallow Tree)
876	<i>Triadica sebiferum</i> (Chinese Tallow Tree)
877	<i>Triadica sebiferum</i>

	(Chinese Tallow Tree)
878	<i>Triadica sebiferum</i> (Chinese Tallow Tree)
879	<i>Triadica sebiferum</i> (Chinese Tallow Tree)
880	<i>Triadica sebiferum</i> (Chinese Tallow Tree)
881	<i>Acer negundo</i> (Box Elder Maple)
882	<i>Acer negundo</i> (Box Elder Maple)
883	<i>Acer negundo</i> (Box Elder Maple)
884	<i>Acer negundo</i> (Box Elder Maple)
2798	<i>Platanus x orientalis</i> (Oriental Plane)

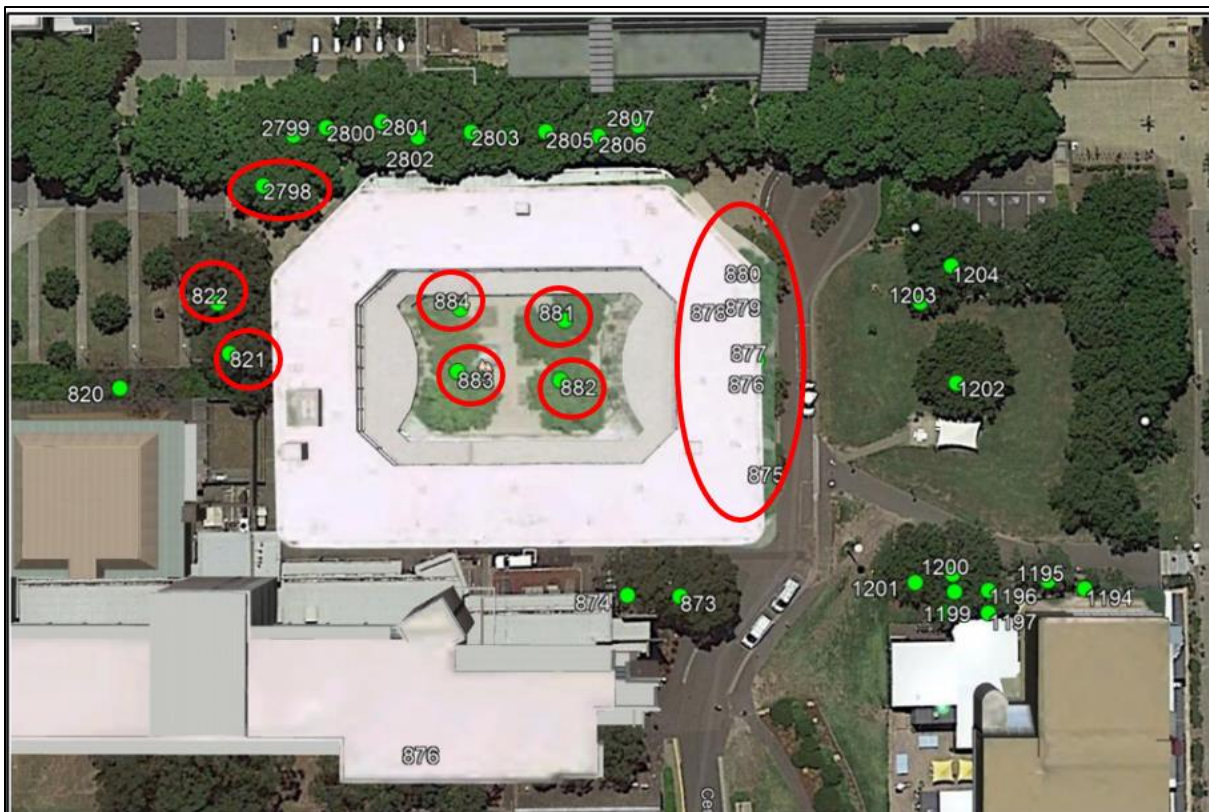


Figure 19: Trees proposed to be removed circled in red

- Replacement planting will be provided at a ratio of 2:1 (**Figure 20**). Overall, twenty six (26) compensatory trees will be planted (twenty four (24) trees will be planted adjacent to Kikkiya Creek and two (2) trees will be planted to the west of the site). The twenty six (26) compensatory trees comprise of the following:

Quantity	Common Name	Botanical Name	Planting locations
8	<i>Angophora costata</i>	Smooth Bark Apple	University Creek
5	<i>Eucalyptus pilularis</i>	Blackbutt	University Creek
7	<i>Syncarpia glomulifera</i>	Turpentine	Courtyard adjoining site and University Creek
3	<i>Eucalyptus resinifera</i>	Red Mahogany	University Creek
3	<i>Eucalyptus paniculata</i>	Grey Ironbark	University Creek
26			

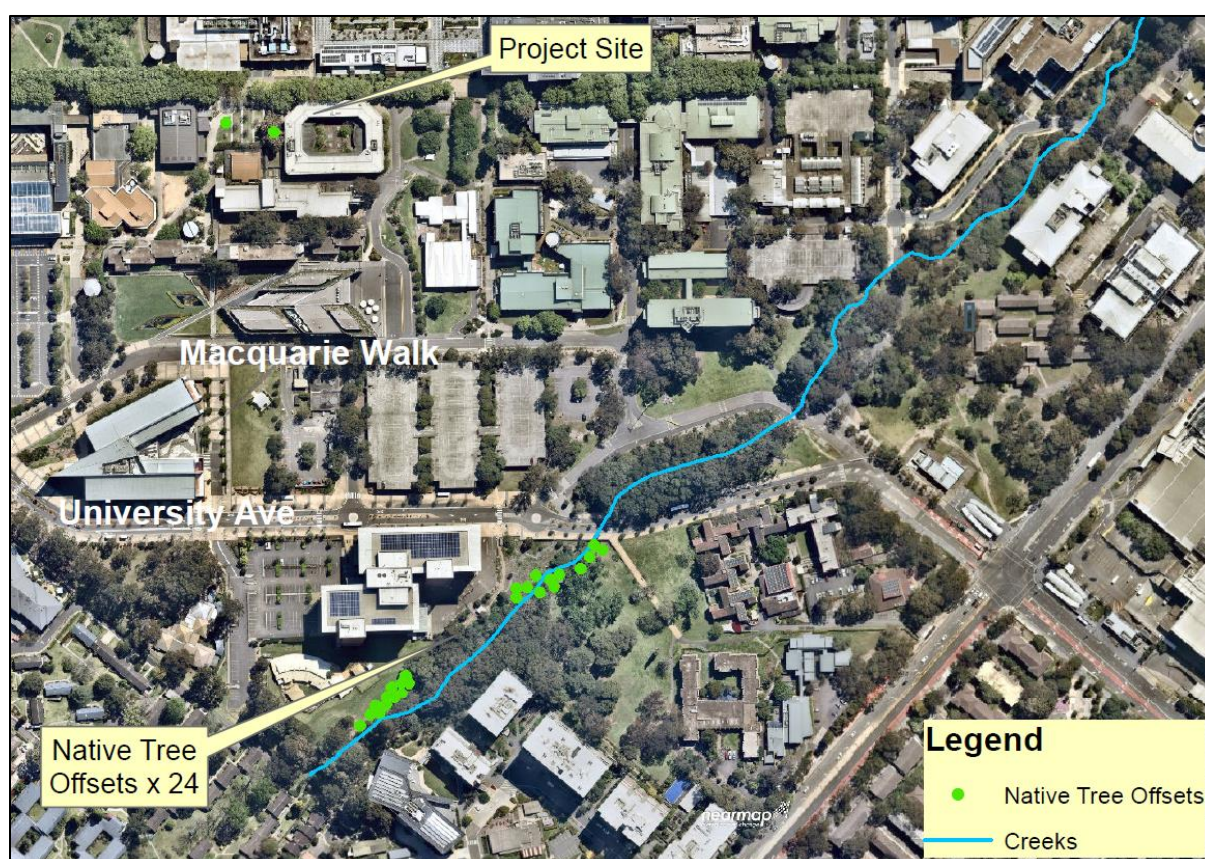


Figure 20: Location of tree offset planting (green dots represent proposed offset tree)

It is noted the subject application does not include fit-out of the building and will be subject to a separate application.

The proposal will accommodate additional numbers of students and staff from 835 to 1324, resulting in an overall increase of 489. Pedestrian access to the site from the

surrounding campus is primarily via Wally's Walk to the north and Central Avenue to the east.

Table 1 below provides a numeric overview of the proposed building

Table 1: Numeric overview of building

Component	Proposed
Height	20.8m (5 storeys comprising of basement level, ground level, Level 1, Level 2 and Level 3)
Gross Floor Area	8,354m ²
Parking	No additional parking is provided
Tree removal	13 trees proposed to be removed. Replacement planting will be provided at a ratio of 2:1. Overall, twenty six (26) compensatory trees will be planted

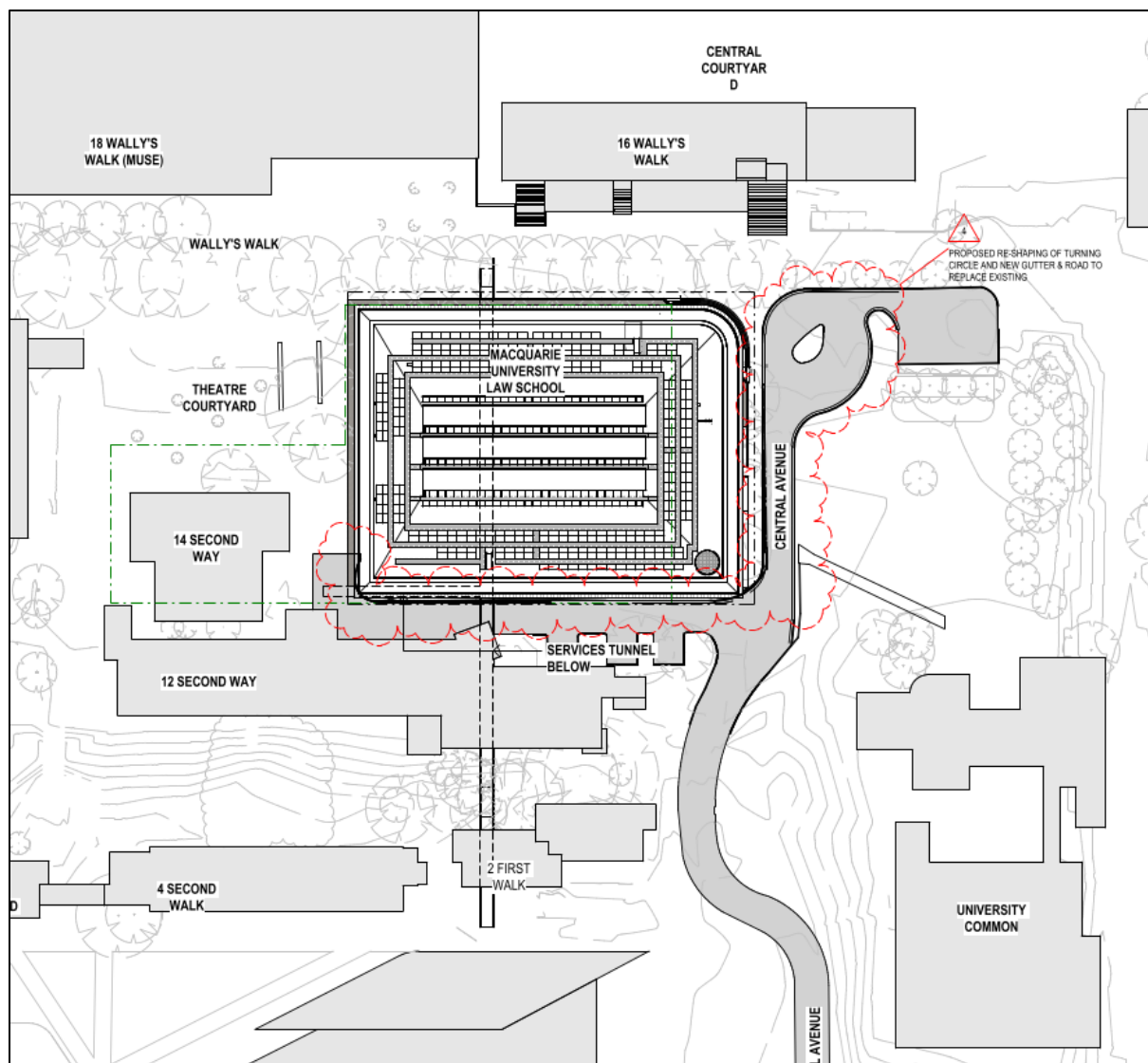


Figure 21: Site plan showing proposed building in relation to surrounding buildings

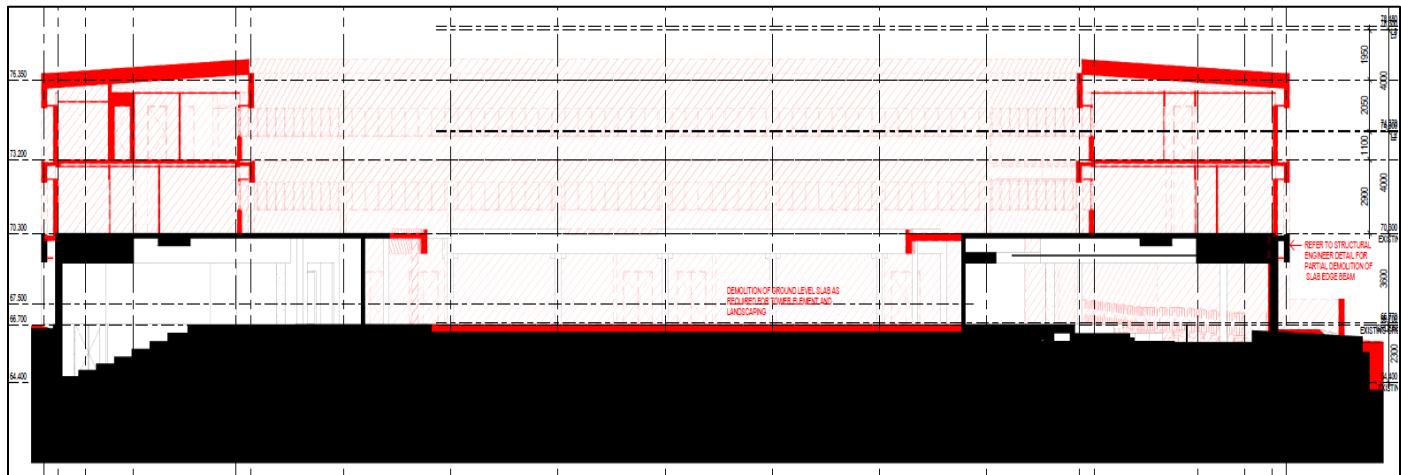


Figure 22: Demolition Section of existing building



Figure 23: Proposed Section C-C



Figure 24: Photomontage of north eastern corner of Law Building

5. BACKGROUND

Concept Plan Application No. MP06-0016

On 13 August 2009, the Minister approved a Concept Plan for Macquarie University. The plan included:

- The provision of an additional 400,000m² of commercial GFA and associated parking outside of the Academic Core.
- The provision of an additional 61,200m² of academic GFA within the Academic Core.
- The provision of an additional 3450 beds within the University Housing Precincts for university purposes only.
- Infrastructure upgrading and improvements to the road network as required.
- Rationalisation of university car parking locations.

The approved concept plan sets the planning regime and development framework for the campus. A campus wide Design Excellence Strategy and Urban Design Guidelines was required to be prepared and submitted to the Department as part of the concept plan.

A Section 75W (S75W) to modify the Concept Plan was submitted in 2017 to the Department of Planning & Environment (MP06_0016 Mod 1), which was approved on 9 November 2018. The modification to the Concept Plan approved the following:

- modifications to height controls and increase in floorspace provisions to ratify recent amendments to local controls (approved Herring Road Priority Precinct amendments)
- Increase academic floorspace from 61,200m² to 157,000m²
- removal of restrictions capping floorspace within certain precincts and redistribution of floorspace
- increase student population projections to the year 2036
- modifications to conditions and Statement of Commitments
- revised and consolidated Design Excellence Strategy and Urban Design Guidelines

A revised Design Excellence Strategy and Urban Design Guidelines was submitted to the Department as part of the S75W for endorsement. **Figure 25** below illustrates the requirements of the Design Excellence Strategy and Urban Design Guidelines applicable for the subject site. Full discussion in regard to compliance with the revised Design Excellence Strategy and Urban Design Guidelines is discussed further in the report.

Application History

Table 2 History of development application

21 May 2021	The application was lodged
26 May 2021 to 16 June 2021	Application advertised and notified to the community. No submissions were received.
1 July 2021	<p>The Application was considered by the Urban Design Review Panel (UDRP). The UDRP were generally supportive of the proposed design, with some concern raised in relation to the following:</p> <ul style="list-style-type: none"> - Architectural Statement to address Design Excellence Strategy and Urban Design Guidelines (DESUDG) - Facades to be refined to respond to orientation and different conditions around the building - Interface of the building with the existing and future public domain to be addressed - Further solutions to connect with the campus landscape - Further detail/commitments for the mechanical system and building services - A landscape/public domain plan to be submitted - Compensatory trees/vegetation to be provided in atrium - Compliance with DDA requirements - Additional architectural façade details
20 July 2021	Council letter sent to the applicant with additional information requested by Sydney Metro:

	<ul style="list-style-type: none"> - Detailed survey plan showing the relationship of the proposed development with respect to the rail corridor and rail infrastructure. - Cross sectional drawings to demonstrate that any new footings will be outside the Sydney Metro 2nd reserve. - Ground investigation plans showing location and depth of investigation boreholes in relation to the rail corridor and rail infrastructure.
27 July 2021	<p>Council letter sent to the applicant outlining a number of key issues with the preliminary assessment of the proposal including:</p> <ul style="list-style-type: none"> - Urban Design Review Panel comments (full details of UDRP comments above) - Planning matters: <ul style="list-style-type: none"> o Clarification of extent of excavation, number of trees to be removed and number of additional students resulting from the proposal o Lot boundary to be shown on the floor plans o Hourly shadow diagrams and shadow diagrams of existing building o A copy of documents or link should be provided to demonstrate compliance with Schedule 2 of the Concept Plan which identifies the conditions of consent - Environment matters: <ul style="list-style-type: none"> o A specific planting plan should be provided o Inclusion of a rainwater tank and other WSUD features to be provided
12 August 2021	<p>Council letter sent to the applicant outlining a number of key issues with the preliminary assessment of the proposal including:</p> <ul style="list-style-type: none"> - Landscaping matters: <ul style="list-style-type: none"> o The trees unaffected by the building footprint are to be retained. o A plan showing offset tree planting location <p>Slab removal:</p> <ul style="list-style-type: none"> o A slab removal plan should be submitted
17 August 2021	<p>The applicant submits amended plans to address the RFI letter dated 20 July 2021. The amended plans were referred to Sydney Metro to review.</p>

26 August 2021	<p>The applicant submits amended plans and further information to address the RFI letter dated 27 July 2021 involving the following:</p> <ul style="list-style-type: none"> - Amended architectural plans and shadow diagrams; - Addendum to the Architectural Design Statement; - Amended Ecological Review; - Access Statement letter; - Documents/links to demonstrate compliance with Schedule 2 of the Concept Plan; and - Clarification of number of additional students <p>The amended plans were referred to the Urban Design Review Panel for desktop review and relevant Council officers to review.</p>
27 August 2021	<p>An email was sent to the applicant with additional information requested by Sydney Metro. The additional information requested in the letter dated 20 July 2021 remained outstanding and a revised Rail Corridor Engineering Statement was required.</p>
2 September 2021	<p>The applicant submits amended plans and further information to address the RFI letter dated 12 August 2021 involving the following:</p> <ul style="list-style-type: none"> - Landscape and Public Domain Plans submitted. It is noted that the amended landscape plan reduced the number of trees being removed from 25 trees to 13 trees at the request of Council; - Updated Arboricultural Impact Assessment; - Amended Ecological Review; - Amended slab removal and demolition plans; and - Indicative Tree Offset Plan <p>The amended plans were referred to the Urban Design Review Panel for desktop review and relevant Council officers to review.</p>
10 September 2021	<p>The applicant submits an updated Rail Corridor Engineering Statement.</p>
11 October 2021	<p>Council letter sent to the applicant requesting further information, requesting:</p> <ul style="list-style-type: none"> - Matters raised by Urban Design Review Panel: <ul style="list-style-type: none"> o Consideration should be given to retaining the two trees on the western side of the building or providing replacement trees

	<ul style="list-style-type: none"> ○ Amended plans with consistent landscaping ○ More significant and/or consolidated planting within the courtyard. ○ Planting on the Level 3 southeast terrace is limited to 2 planter areas. A continuous planter along the terrace's edges is recommended ○ Sections to be provided for the other east, south and west facades. 3d cutaway views of the architectural digital model to be provided. <p>Environment matters:</p> <ul style="list-style-type: none"> ○ Updated offset planting schedule with species that match the nearby vegetation community, Sydney Turpentine Ironbark Forest. ○ The pot size for the offset trees be a minimum of 25 litre in size. ○ That a maintenance regime is in place for 4 to 6 weeks for the offset tree plantings to establish or the use of water crystals and mulch of at least 150mm deep during installation. <p>Planning matters:</p> <ul style="list-style-type: none"> ○ Clarification of proposed excavation required ○ The lot boundary established in the Design Excellence Strategy Urban Design Guidelines should be shown on the plans. ○ Plans to be updated to be consistent regarding landscaping, works to turning circle, location of lifts and floor RL Levels
25 October 2021	<p>The applicant submits amended plans and further information to address the RFI letter dated 11 October 2021 involving the following:</p> <ul style="list-style-type: none"> - Amended Architectural plans, Façade Sections and 3D Cutaways; - Amended Landscape Plan and Tree Offset Plans; - Amended Civil Plans showing extent of cut and fill; and - Amended Structural Statement <p>The amended plans were referred to the relevant Council officers and Council's Consultant Structural Engineer to review.</p>

4 November 2021	<p>An email was sent to the applicant requesting further information, requesting:</p> <ul style="list-style-type: none"> - Clarification of extent of earthworks and if excavation will impact existing services tunnel - Clarification of extent of demolition works to Level 1
8 November 2021	<p>An email was sent to the applicant requesting further information, requesting:</p> <ul style="list-style-type: none"> - Updated tree offset plan with species selected from the vegetation community that occurs in the nearby area. - Updated plans showing 26 replacement trees - Clarification regarding the intended landscape treatments for Level 3.
9 November 2021	<p>The applicant submits amended plans and further information to address the email dated 8 November 2021 involving the following:</p> <ul style="list-style-type: none"> - Updated tree offset plan and planting schedule; - Updated landscape plan
10 November 2021	<p>The applicant submits further information to address the email dated 4 November 2021 involving the following:</p> <ul style="list-style-type: none"> - Clarification of proposed earthworks - Confirmation no impact on services tunnel - Confirmation existing Level 1 slab is to be retained
12 November 2021	<p>An email was sent to the applicant seeking clarification of the proposed GFA and additional academic GFA of the amended proposal</p>
15 November 2021	<p>The applicant confirms the proposed GFA and additional academic GFA via email correspondence</p>

6. APPLICABLE PLANNING CONTROLS

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

- Environmental Planning and Assessment Act 1979;
- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;

- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017;
- Ryde Local Environmental Plan 2014;
- Draft Remediation of Land State Environmental Planning Policy;
- Draft Environment State Environmental Planning Policy;
- City of Ryde Development Control Plan 2014; and
- City of Ryde Section 7.11 Development Contributions Plan 2020

7. PLANNING ASSESSMENT

7.1 Environmental Planning and Assessment Act 1979

Section 1.7 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994

Section 1.7 of the Environmental Planning and Assessment Act states:

This Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994 that relate to the operation of this Act in connection with the terrestrial and aquatic environment.

An amended Ecological Review dated 23 August 2021 was submitted in respect of the removal of 13 trees and the impact that this will have on any threatened species, population and communities listed under the NSW Biodiversity Conservation Act, 2016. The report provided the following comments:

“Five areas of remnant native plant communities were identified over the University campus in the assessment, comprising three ecological communities (EDAW, 2006).

One of the ecological communities, Sydney Turpentine-Ironbark Forest (STIF) is listed as endangered under the TSC Act and critically endangered under the EPBC Act. Four stands of STIF are recorded in un-developed parts of the Campus in the assessment.

In line with the other external ecological studies cited above, remnant vegetation was not identified within the subject site of this project.

4.2 Threatened Species, Endangered Ecological Communities and Critical Habitats

The main habitat types occurring in the surrounding area are:

- *Mature to semi-mature planted canopy trees; and*
- *Intermittent food trees for fruit and nectar eating species such as Grey headed Flying Fox*

The trees within the site are not as yet of hollow-bearing age, but would form adequate habitat for forest and woodland bird species and common tree-

dwelling marsupials. No suitable habitat exists on the site for other threatened plant, animal and fungi species previously recorded within a 10 km radius.

Due to its relative isolation from native bushland, and a lack of the full range of resources needed to support native species, the site overall would be considered of low fauna habitat value.

*It is noted that the listed fauna species Grey Headed Flying Fox may have a transient presence on campus, as part of a wider feeding range. The site's trees have accordingly been reviewed against the published guidelines for preferred feed trees of this species. Of the planted varieties present on the, the species *Corymbia maculata* falls within the suitability thresholds of that guideline (refer Eby and Law 2008, Table 4.1).*

There are a number of mature and semi mature trees of the same species planted in the surrounds of the project site. The university's current tree survey records a population of 373 of this species across the campus grounds at a growth stage suitable for foraging by nectar-eating animals. A new cohort of the same species has also been planted in the past two years in a streetscape within 400 metres of the project site.

These nearby maturing stands would continue to provide an intermittent source of food for Grey Headed Flying Foxes whose range overlaps the area.

On the above basis, the threatened species provisions of the Biodiversity Conservation Act are deemed not to be triggered under the development impacts of this project."

The report concludes the proposed development does not trigger the threatened species provisions of the Biodiversity Conservation Act. The proposal has been considered acceptable by Council's Environment Officer.

7.2 Environmental Planning & Assessment (Savings, Transitional & Other Provisions) Regulation 2017

Consistency with the Concept Approval

Schedule 2 of the EP&A (Savings, Transitional & Other Provisions) Regulation 2017 provides transitional arrangements following the repeal of Part 3A. Clause 2 of Schedule 2 provides that a project that is the subject of an approved concept plan is a 'transitional Part 3A project'. Clause 3 of Schedule 2 provides that Part 3A continues to apply to, and in respect of, a transitional Part 3A project.

Clause 3B of Schedule 2 applies to a development for which a concept plan has been approved under Part 3A. Clause 3B(2)(a) provides that if Part 4 applies to the carrying out of the development, the development is taken to be development that may be carried out with development consent under Part 4. Clause 3B(2)(f) provides that the provisions of any environmental planning instrument or any development control plan do not have effect to the extent to which they are inconsistent with the terms of the approval of the concept plan.

As stated above, on 13 August 2009 the Minister approved a Concept Plan for Macquarie University. The approved concept plan sets the planning regime and development framework for the campus. A campus wide Design Excellence Strategy and Urban Design Guidelines was required to be prepared and submitted to the Department as part of the concept plan. The Design Excellence Strategy and Urban Design Guidelines, sets out the controls and detailed design measures for development on the campus.

A Section 75W (S75W) to modify the Concept Plan was submitted in 2017 to the Department of Planning & Environment (MP06_0016 Mod 1), which was approved on 9 November 2018. A revised Design Excellence Strategy and Urban Design Guidelines was submitted to the Department as part of the S75W for endorsement.

The site of the proposed works is located within Precinct A, as defined by the Macquarie University Concept Plan 2009 and the Guidelines, as modified. The proposed development is identified as Lot A20 in Precinct A. The objective of Precinct A and architectural principles and controls as contained within the Design Excellence Strategy and Urban Design Guidelines are discussed below.

Precinct A Academic Core

- Develop the new University Common on the new north-south spine as the main public open space in the Academic Core.
- Incorporate student housing and commercial/research uses.
- Establish a new north-south pedestrian corridor through the Academic Core adjoining the new University Common.
- Establish a predominant building height with taller buildings located at landmark locations.
- Consolidate existing low-rise multi-deck and on-grade parking into peripheral above and below ground multideck parking at the University's key entry points with no increase in car parking for academic uses.
- Upgrade and visually strengthen the arrival and entry points to the precinct with landscaping and signage.
- Improve legibility and permeability by maximising pedestrian links between buildings and introducing new cross-campus circulation and cycle routes.
- Continue to explore landscape themes that highlight and interpret the current and former uses and character of the campus.
- Adopt Crime Prevention through Environmental Design (CPTED) principles for new development.
- Activate pedestrian zones within the Academic Core with ground floor activities, cafes and shops where appropriate.
- Enhance the Mars Creek Valley area for use as passive open space whilst protecting the visual and environmental qualities of the woodlands and watercourse/ pond.
- Open up vistas from the Academic Core to the Mars Creek Valley area wherever possible.
- Retain significant native woodland areas in this precinct.

The proposal does not include any works to the University Common. Works are proposed to the existing turning circle to the existing access road and no issues have

been raised Council's Senior Development Engineer. Pedestrian access is maintained adjacent to the University Common.

The Guidelines requires an indicative height of 8 storeys for Lot A20. The proposal is five (5) storeys and complies with height control contained within the Guidelines. The site currently does not contain any parking and no additional parking will be provided as part of the proposed development.

The proposal does not include signage. The addition of planters and seating at the main entry and frontage to Wally's Walk contributes to the activity of the campus public domain. The alterations to the entrance points maximises pedestrian links between buildings. The proposed landscaping is consistent with the character of the campus. The proposed landscaping is considered acceptable by Council's Landscape Architect and Environment Officer.

The main pedestrian entrances and terraces orientate towards Wally's Walk and Central Avenue and promotes passive surveillance. Windows are also provided on all elevations which promotes passive surveillance.

The site is not located adjacent to Mars Creek Valley area and the proposal does not include works to the Mars Creek Valley Area. The proposal will not impact the native woodland areas in this precinct. The proposal is considered acceptable by Council's Landscape Architect and Environment Officer

Under the Guidelines, each development parcel within the campus has been assigned a lot number. The proposed development is identified as Lot A20, as shown in **Figure 25** below.

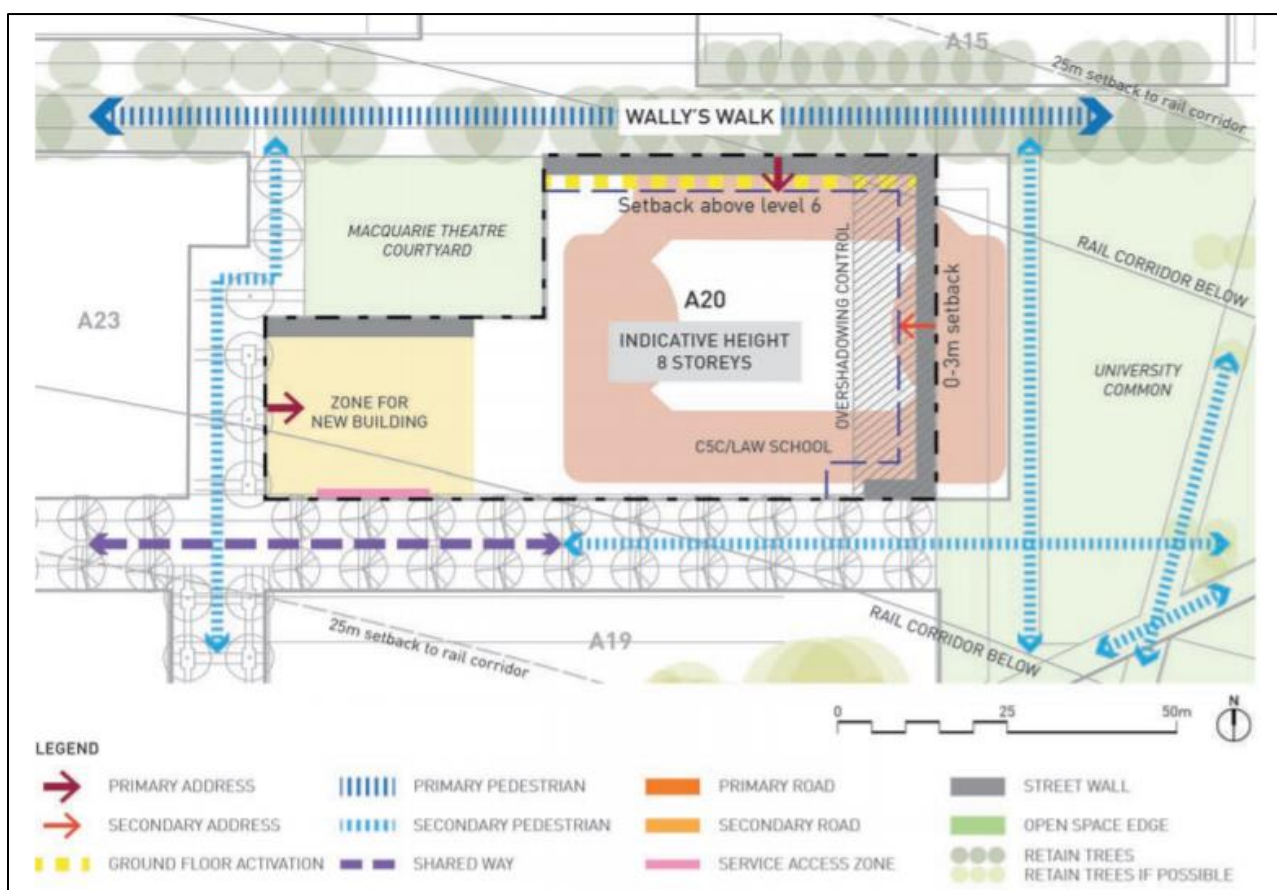


Figure 25: Diagram of site from Macquarie University Design Excellence Strategy and Urban Design Guidelines

Table 3 below sets out the controls applicable to the Lot.

Table 3: Assessment against lot controls

Architectural Principles	
Lot A20 is centrally located within the Academic Core. The lot has an existing building to be retained. In the event it is redeveloped, the setback is moved in line with the adjacent lot A19. There is room for a new building on the western side of the lot. The lot is situated above the rail corridor	<p>The lot controls for A20 specify that, in the event the site is redeveloped, the setback from the university common is to be moved in line with the A19 (see Figure 25).</p> <p>Substantial alterations and additions are proposed to the existing building. The setback has not been amended to be in line with the adjacent Lot A19. This is considered acceptable as the existing eastern setback is largely maintained. It is noted the pedestrian pathway to the east has not been shown accurately on the concept plan, and it is not feasible to move the setback in line with A19 without sterilising this section of the site. (See Figure 2 for a close up aerial showing the law building, A19 and the existing pathway).</p> <p>The proposal is five (5) storeys and is well below the allowable height limit of eight (8) storeys under the Guidelines. The</p>

	proposal does not substantially overshadow the University Common.
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Built Form		
Indicative height	8 storeys.	The proposal is five (5) storeys. The proposal consists of a basement level, ground level, Level 1, Level 2 and Level 3.
Reinforce street wall on the north along Wally's Walk		The main entrances at the north western and north eastern corners reinforce the interface of the street wall along Wally's Walk. The building setback to the north is largely maintained and the façade creates a wall along the walk.
Overshadowing control on the eastern frontage. Height to be determined to minimise shadows on western frontage of University Common between 11am and 2pm in mid-winter.		The development will not begin to cast shadow on the University Common until 1.30pm mid winter (See Figure 26). The extent of overshadowing is considered acceptable.

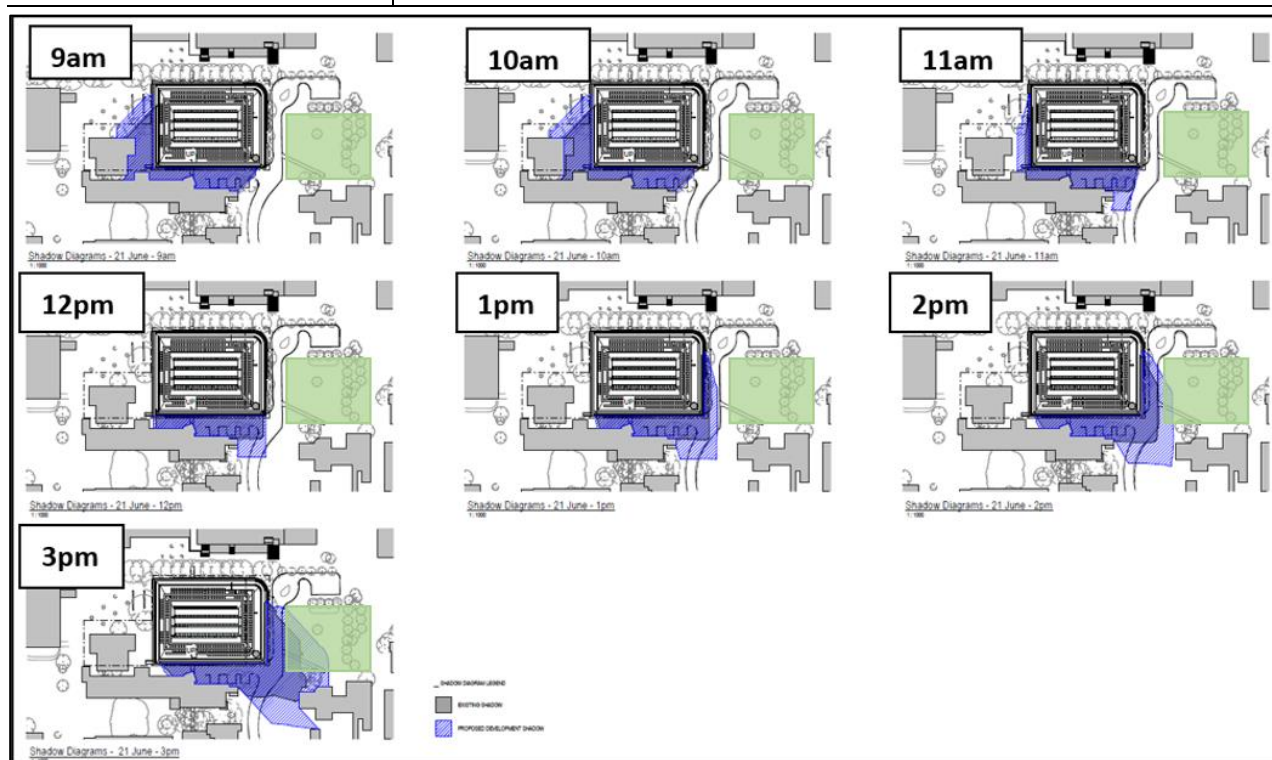


Figure 26: Shadow diagrams showing the extent of overshadowing and its impact to the University Common (University Common shaded in green).

Access		
Primary addresses located indicatively on Wally's Walk and the pedestrian route along the western frontage		The main entrance will be located in the north-eastern corner of the lot, facing onto Wally's Walk. Additional access points are provided on the north-western corner and western elevation.

Secondary address located indicatively on the pedestrian route along the eastern frontage.	A secondary entrance to the building is located on the eastern elevation, accessed from the pedestrian route on Central Avenue.
Service access from the shared way along the southern frontage.	No changes to the existing service access arrangements are proposed.
Landscape	
Interface with Macquarie Theatre Courtyard and University Common.	The main entrances at the north western and north eastern corners and entrances on the western and eastern elevations reinforce the interface with Macquarie Theatre Courtyard and the University Common.
Significant trees along Wally's Walk to be retained.	Significant trees along Wally's Walk are proposed to be retained.
Review and retain significant trees if possible.	<p>Thirteen (13) trees are proposed to be removed. The six (6) trees proposed to be removed to the east of the site are exempt as they are less than 4 metres from the building. The six (6) trees are Chinese Tallow Trees and are identified as a weed species by the NSW Department of Primary Industries. The four (4) trees proposed to be removed located within the internal courtyard are exempt weed species. Tree 2798 located to the north west of the site is required to be removed as the proposal will result in major encroachment into the canopy. Tree 821 and Tree 822 located to the west of the site are required to be removed as they are in close proximity of the building and it will not be possible to use machinery to demolish the building if the trees are retained.</p> <p>Replacement planting at a ratio of 2:1 is proposed resulting in twenty six (26) compensatory trees to be planted.</p> <p>The proposal has been considered acceptable by Council's Landscape Architect and Council's Environment Officer.</p>
Refer to the Macquarie Theatre Courtyard, Wally's Walk and University Common landscape guidelines in the Public Domain chapter	<p><u>Macquarie Theatre Courtyard</u></p> <p>The proposal retains the existing courtyard form and function. No works are proposed to the Macquarie Theatre Courtyard.</p> <p><u>Wally's Walk</u></p> <p>The proposal retains the <i>Platanus x acerifolia</i> London Plane Trees along Wally's Walk. Seating is proposed on the northern façade of the building which creates staying places along the edge of Wally's Walk and will not obstruct the flow of people. The proposal is located towards the centre of the walk and no works are proposed to each end of the Walk to enhance the</p>

	<p>relationship with Mars Creek and University Creek. The entrances to Wally's Walk on the north eastern and north western corner are maintained.</p> <p><u>University Common</u></p> <p>The proposal retains the University Common and no works are proposed in this area.</p> <p>The Macquarie Theatre Courtyard, Wally's Walk and University Common meet the landscape guidelines in the Public Domain chapter</p>
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Mod MP06_0016 Mod 1 amended Schedule 2, Parts A, B & C and Schedule 3 – Statement of Commitments as follows (only those conditions relevant to the development have been considered). The changes to the conditions are highlighted in Bold.

Schedule 2

<p>A1 Development Description</p> <p>(1) Except as modified by this approval, Concept Plan approval is granted only to the carrying out of development solely within the Concept Plan area as described in the document titled "Macquarie University State Environmental Planning Policy (SEPP) amendment and Concept Plan" dated April 2008, as amended by the "Macquarie University Concept Plan and SEPP (Major Projects) Amendment Preferred Project Report" dated March 2009, prepared by JBA Planning Consultants and Cox Richardson Architects and MP 06 0016 MOD1 including:</p> <p>(a) The provision of an additional 400,000m² of commercial GFA and associated parking</p> <p>(b) The Provision of an additional 157,000m² of academic GFA</p> <p>(c) The provision of an additional 3450 beds for University purposes only.</p> <p>(d) Infrastructure upgrading and improvements to the road network as required, and</p>	<p>The applicant has provided a numeric breakdown of additional academic floor area on pages 27 & 28 of the Statement of Environmental Effects.</p> <p>(a) N/A</p> <p>(b) Academic GFA undertaken/proposed since the Concept Plan approval: 31,856m². This is well within the 157,000m² permitted.</p> <p>(c) N/A</p> <p>(d) N/A</p>
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<p>(e) Rationalisation of University car parking locations.</p> <p>(f) A maximum of 171,000m² of GFA for Precinct D</p>	<p>(e) N/A</p> <p>(f) N/A</p>
<p>A3 Gross Floor Area</p> <p>(1) The maximum additional gross floor area for academic use across the Macquarie University campus must not exceed 157,000sqm.</p> <p>(2) The maximum additional gross floor area for commercial use across the Macquarie University campus must not exceed 400,000sqm.</p> <p>(3) The maximum total gross floor area for Precinct D must not exceed 171,000sqm. If the maximum gross floor area is not achieved in Precinct D, it can be redistributed elsewhere on the Macquarie University campus but Precinct D must not exceed a total of 171,000sqm (inclusive of existing gross floor area in Precinct D).</p> <p>(4) The maximum floor space ratio for any building on land identified within Macquarie University Concept Plan MP 06 0016 Floor Space Ratio Map 004 is not to exceed the floor space ratio shown for the land.</p>	<p>See above for (1). (2), (3) & (4) are not applicable.</p>
<p>B1 Car Parking</p> <p>(1) Car parking for commercial uses shall not exceed a maximum rate of 1 space per 80m² of gross floor area</p> <p>(2) The maximum car parking across the campus is 10,800 spaces, comprising a maximum of 5,000 car parking spaces for commercial uses and 5,800 car parking spaces for other uses</p> <p>(3) New car parking for commercial buildings shall be located within basements (part of which may be above ground due to the slope of the site) and generally contained within the footprint of the building above. The design of any above ground car parking shall include architectural treatment of the elevations to reduce their visual impact and dominance</p> <p>(4) The existing at-grade and above ground car parking areas within the site shall be consolidated into four car parks around the perimeter of the Academic Core (Precincts A and B). The design of any above ground car parks shall include architectural treatment of the elevations to reduce their visual impact and dominance</p>	<p>N/A – the proposal is not for a commercial use</p> <p>N/A – the site currently does not contain any parking and no additional parking will be provided</p> <p>N/A – the proposal is not a commercial building</p> <p>N/A – the site currently does not contain any parking and no additional parking will be provided</p>

<p>B4 Design Excellence and Urban Design Guidelines</p> <p>(1) The Design Excellence Strategy and Urban Design Guidelines to be prepared are to have regard to Macquarie Park Corridor DCP.</p> <p>(2) The Design Excellence Strategy and Urban Design Guidelines are to be prepared in consultation with Council and include provision for the accommodation of car parking in the basement of new buildings, including details in relation to the achievement of activated frontages, and details related to the provision of bicycle paths and associated facilities.</p> <p>(3) The Design Excellence Strategy and Urban Design Guidelines for Precinct E are to specifically address pedestrian crossing from the Macquarie Park railway station to the Academic Core, creating active frontages around the station particularly after hours, and integration of station services buildings into design of new buildings around the station plaza.</p> <p>(4) The Design Excellence Strategy and Urban Design Guidelines are to indicate the extent of setbacks required by the RTA. Such guidelines to be prepared in liaison with the /RTA, having regard to the micro simulation modelling and the extent of setback required to achieve additional capacity improvements and bus priority.</p> <p>(5) The Design Excellence Strategy and Urban Design Guidelines are to be submitted to the Department of Planning when revised and include a version control section that clearly documents and justifies changes made from the previous version.</p> <p>(6) The Design Excellence Strategy and Urban Design Guidelines are to be revised to: include overarching design principles in relation to height, depth, building separation and horizontal dimensions; and requirements to address public amenity along edges to the public forecourt of the railway station. The revisions must be submitted and approved by the Government Architect NSW within four months of approval of MP 06 0016 MOD 1.</p> <p>(7) An architectural design competition must be held in relation to proposed development on lots E10 and E11 where</p>	<p>Yes – (1) to (4) previously provided.</p> <p>(5) Yes – The Design Excellence Strategy and Urban Design Guidelines has been revised and approved by the Department of Planning.</p> <p>(6) The Design Excellence Strategy and Urban Design Guidelines has been revised and approved. The proposal is satisfactory as discussed above.</p> <p>(7) N/A</p>
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<p>the Capital Investment Value of the development exceeds \$100 million, unless an alternative design process is endorsed by the Government Architect NSW or Planning Secretary. An architectural design competition means a competitive process conducted in accordance with procedures approved by the Planning Secretary from time to time.</p>	
<p>C3 Landscaping The Landscape Management Plan referred to in the Statement of Commitments is to be integrated with the Design Excellence Strategy and Urban Design Guidelines referred to in B4 of this approval and is to demonstrate:</p> <p>(a) Maintenance of the bush land setting of the site. (b) Achievement of the landscape principles articulated in the Statement of Commitments, and as shown in Figure 26 to the Environmental Assessment Report.</p> <p>(2) The Landscape Management Plan is to be prepared for each precinct, and made publicly available on the University's website prior to or with the first application for new building works in each precinct.</p>	<p>A Landscape Management Plan has been prepared by Context as part of the Campus-wide Design Excellence Strategy and Urban Design Guidelines and submitted to the Department and demonstrates Points (a) & (b).</p> <p>Overall, twenty six (26) compensatory trees will be planted comprising of tree species from the vegetation community that occurs in the nearby area, that being Sydney Turpentine Ironbark Forest. Twenty four (24) of the compensatory trees will be planted adjacent to Kikkiya Creek which helps maintain a bushland setting. The other two trees will be planted on the western side of the law school building.</p> <p>Landscape Management Plan is on the Macquarie University website.</p>
<p>C4 Riparian Zone, Flooding and Storm water The Stormwater Management Plan and other various plans referred to in the Statement of Commitments are to be:</p> <p>(a) Integrated with the Vegetation Management Plan and Threatened Species Plan referred to in the revised Statement of Commitments. (b) Revised in accordance with any modifications undertaken as part of this approval. A copy of the Stormwater Management Plan, as updated from time to time, must be published on the University's website.</p> <p>(2) A Stormwater Management Plan is to be submitted for approval with each application for new building works, as relevant.</p>	<p>A Stormwater Management Plan has been prepared by TTW as part of the Campus-wide Design Excellence Strategy and Urban Design Guidelines. The Stormwater Management Plan integrates with the Vegetation Management Plan and Threatened Species Plan for the Campus.</p> <p>Stormwater Management Plan is on the Macquarie University Website.</p> <p>A Civil Report has been submitted with the application. Council's Senior Development Engineer has reviewed the documents and has raised no objections.</p>

<p>C8 Environmental Management and Contamination</p> <p>(1) The hazardous material audit, a Phase 1 contamination assessment and a targeted Phase 2 intrusive contamination assessment (if required) referred to in the Statement of Commitments is to be prepared and be submitted for approval with each application for building works, as relevant to the development</p>	<p>The applicant has submitted a Detailed Site Investigation Report which concludes that the site is suitable for the proposed redevelopment. Council's Environmental Health Officer has raised no issues with the proposal subject to conditions. (See Conditions 23, 78, 79, 80, 81, 82, 83, 84, 85 and 86)</p>
<p>C9 Heritage/Archaeology</p> <p>(1) The Aboriginal Archaeology Strategy referred to in the Statement of Commitments is to be prepared in liaison with the Metropolitan Local Aboriginal Land Council, and is to be submitted for approval prior to or with the first application for new building works within each precinct.</p>	<p>An Aboriginal Cultural Heritage Assessment was submitted. Council's Consultant Heritage Advisor has reviewed the document and raised no objections to the proposal.</p>
<p>C13 Construction Staging</p> <p>(3) A Construction Management Plan, an Erosion and Sedimentation Plan, and a report detailing the existing geological conditions of each development site and any potential geological impacts of development consistent with the Concept Plan must be submitted with any application for development and is to be integrated with any Vegetation Management Plan and Threatened Species Management Plan referred to in the Statement of Commitments.</p>	<p>A Preliminary Construction Management Plan, a Civil Report which contains an Erosion and Sediment Control Plan and Structural Report, have been submitted and Council's Development Engineer and Consultant Structural Engineer have raised no objection to the application.</p> <p>A campus-wide Vegetation Management Plan and Threatened Species Management Plan has been provided as part of the Campus-wide Urban Design Guidelines, which have been provided to the Department as part of the Concept Plan modification. The proposal is considered acceptable by Council's Landscape Architect and Environment Officer.</p>

Schedule 3 – Commitments

Subject	Commitments	
<p>Environmentally Sustainable Development</p>	<ul style="list-style-type: none"> ▪ Commercial development on the site shall be capable of achieving the following targets: <ul style="list-style-type: none"> - Buildings should achieve a minimum 4-star Green Star rating. - Buildings should achieve a minimum 4.5-star NABHERS rating. 	<p>N/A – not a commercial building. Nonetheless, the applicant has submitted an ESD report specifying a 5-star Green Star target rating for the building.</p>

		<ul style="list-style-type: none"> - Retail development will comply with any reasonable future rating tool provided by the Australian Greenhouse Rating Scheme. ▪ Each development involving external works is to provide measures to capture, retain, and minimise litter, oil, sediment, nutrients, and pollutants prior to stormwater runoff discharge to the receiving creeks. ▪ Each development is to consider opportunities for water re-use to service non-potable uses such as irrigation for landscape areas and for toilet flushing, as relevant to the scope of the proposal. 	<p>An Erosion and Sediment Control plan has been prepared and is considered acceptable by Council's Senior Development Engineer</p> <p>The proposal is considered acceptable by Council's Environment Officer and Council's Senior Development Engineer</p>
Environmental Management contamination	&	<ul style="list-style-type: none"> ▪ A hazardous material audit which will include sampling and identification of asbestos and Polychlorinated Biphenyls (PCBs) will be completed to determine the extent and integrity of the hazardous building materials which exist on each development site. ▪ Any demolition / removal of Polychlorinated Biphenyls (PCBs) and asbestos containing material will be conducted in accordance with current NSW EPA waste classification and disposal guidelines, and WorkCover occupation health and safety procedures. ▪ A Phase 1 contamination assessment is to be prepared for each Development Application involving ground works. If recommended by the Phase 1 contamination assessment, a targeted Phase 2 intrusive contamination assessment is to be prepared to assess 	<p>An Asbestos Management Plan was submitted. No issues raised by Council's Environmental Health Officer.</p> <p>An Asbestos Management Plan was submitted. No issues raised by Council's Environmental Health Officer.</p> <p>A Detailed Site Investigation Report has been provided. Based on the results of this assessment the site is suitable for the proposed development. The proposal is considered acceptable by Council's Environment Officer.</p>

	<p>whether any contamination, from potential sources outside the site, has migrated onto the property. This would involve the drilling and collection of soil samples as the installation of ground water wells. In addition, limited surface soil sampling as will be conducted across any sporting fields and open spaces which may have been treated with organochlorine / organophosphate pesticides. The result of Phase 2 soil and groundwater investigations will be assessed against the relevant land-use criteria stated by NSW EPA, NEPM and ANZECC guidelines. If concentrations of contaminants exceed the relevant land-use guideline, a remedial action plan will be developed, with remediation and validation works completed in accordance with EPA guidelines, CLM Act (1997) and SEPP 55.</p>	
Geotechnical and construction	<ul style="list-style-type: none"> ▪ A report detailing the existing geotechnical conditions of each development site and any potential geotechnical impacts of development consistent with the Concept Plan shall be submitted with future development applications. ▪ A Construction Management Plan will be submitted with subsequent applications to address issues related to construction impacts such as, but not limited to, noise, vibration, dust, soil and erosion and waste materials. 	<p>A Structural and Geotechnical Report prepared by TTW dated 22 October 2021 has been submitted. No issues raised by Council's Consultant Structural Engineer.</p> <p>A Preliminary Construction Management Plan has been prepared and submitted. It addresses the impact of noise, vibration, dust, soil and erosion and sediment control.</p>

	<ul style="list-style-type: none"> ▪ An Erosion and Sedimentation Control Plan will be developed to address the construction phase to ensure erosion and sedimentation controls will be put in place prior to any works beginning to ensure that any potential increase in run-off from removal of vegetation or leaf litter does not impact on downstream or off-site environments and development does not contribute to environmental damage of the waterways, bushland or air quality. ▪ Buildings around the new rail station will be designed having regard to the Epping-Chatswood Rail Link Underground Infrastructure Protection Guidelines (TIDC – May 2008), with future applications accompanied by appropriate engineering advice and design measures to protect TIDC infrastructure. 	<p>A Civil Report which includes Erosion and Sediment Control measures has been prepared and submitted.</p> <p>Sydney Metro has reviewed the proposal and raised no issues subject to conditions of consent (See condition numbers 11, 12, 13, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 89, 90, 91, 92, 93, 94, 95, 96, 105, 106, 107 and 108)</p>
Flora and fauna – Ongoing Management	<ul style="list-style-type: none"> ▪ Where possible, endangered vegetation remnants will be retained and protected from further encroachment/degradation or supplemented with appropriate offsets at other remnants. ▪ Where possible, individual remnant trees outside remnant areas will be retained. ▪ Detailed flora and fauna surveys and assessments will be undertaken as part of each future application where development is proposed that may impact upon flora and fauna and STIF remnants or areas 	<p>An Ecological Review report has been submitted. No issues raised by Council's Environment Officer.</p> <p>An Ecological Review report has been submitted. No issues raised by Council's Environment Officer.</p> <p>An Ecological Review report has been submitted. No issues raised by Council's Environment Officer.</p>

	<p>nominated as potential endangered ecological communities (EEC).</p> <ul style="list-style-type: none"> ▪ Demonstrate consistency with the published Vegetation Plan, Threatened Species Management Plan and Weed Management Plan 	<p>The proposal has been designed in accordance with these plans.</p>
Trees – on going management.	<ul style="list-style-type: none"> ▪ Demonstrate consistence with the published Landscape Management Plan 	<p>The proposal has been designed in accordance with the Landscape Management Plan. Council's Landscape Architect has raised no objections to the proposed tree removal and it is proposed to replace the removed trees at a ratio of 2:1. The trees being removed are not significant to the site or wider area, and the replacement planting is a suitable species and location.</p>
Design Excellence and Urban Design Guidelines – Ongoing application	<ul style="list-style-type: none"> ▪ Demonstrate consistency with the published Design Excellence Strategy and Urban Design Guidelines 	<p>The proposed design is consistent with the modified Guidelines.</p>

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

The proposal is categorised as a 'Crown Development over \$5 million' under Schedule 7 of the above planning instrument and as such the proposal is required to be determined by the Sydney North Planning Panel in accordance with Section 4.7 of the EP&A Act.

7.4 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The objective of the SEPP is to protect the biodiversity values of trees and other vegetation and to preserve the amenity of the area through the preservation of trees and other vegetation.

The proposal seeks to remove thirteen (13) trees (**Figure 19** above). The following trees are proposed to be removed:

Tree No.	Species "Common name"
821	<i>Eucalyptus microcorys</i> (Tallowwood)
822	<i>Eucalyptus microcorys</i> (Tallowwood)
875	<i>Triadica sebiferum</i> (Chinese Tallow Tree)
876	<i>Triadica sebiferum</i> (Chinese Tallow Tree)
877	<i>Triadica sebiferum</i> (Chinese Tallow Tree)
878	<i>Triadica sebiferum</i> (Chinese Tallow Tree)
879	<i>Triadica sebiferum</i> (Chinese Tallow Tree)
880	<i>Triadica sebiferum</i> (Chinese Tallow Tree)
881	<i>Acer negundo</i> (Box Elder Maple)
882	<i>Acer negundo</i> (Box Elder Maple)
883	<i>Acer negundo</i> (Box Elder Maple)
884	<i>Acer negundo</i> (Box Elder Maple)
2798	<i>Platanus x orientalis</i> (Oriental Plane)

The six (6) trees proposed to be removed to the east of the site (Trees 875, 876, 877, 878, 879 and 880) are exempt as they are less than 4 metres from the existing building. The four (4) trees proposed to be removed located within the internal courtyard (Trees 881, 882, 883 and 884) are exempt weed species. Tree 2798 located to the north west of the site is required to be removed as the proposal will result in major encroachment into the canopy. Tree 821 and Tree 822 located to the west of the site are required to

be removed as they are in close proximity of the building and it will not be possible to use machinery to demolish the building if the trees are retained.

Replacement planting will be provided at a ratio of 2:1. Overall, twenty six (26) compensatory trees will be planted.

The proposal has been considered acceptable by Council's Landscape Architect and Council's Environment Officer. None of the trees being removed are locally endemic to the Ryde Local Government Area. It is considered that the proposed development does not unduly impact upon any existing biodiversity or trees or vegetation on the site.

7.5 State Environmental Planning Policy (Infrastructure 2007)

Clause 86 Excavation in, above, below or adjacent to rail corridors of the SEPP states:

- (1) This clause applies to development (other than development to which clause 88 applies) that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land—*
 - (a) within, below or above a rail corridor, or*
 - (b) within 25m (measured horizontally) of a rail corridor, or*
 - (b1) within 25m (measured horizontally) of the ground directly below a rail corridor, or*
 - (c) within 25m (measured horizontally) of the ground directly above an underground rail corridor.*
- (2) Before determining a development application for development to which this clause applies, the consent authority must—*
 - (a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and*
 - (b) take into consideration—*
 - (i) any response to the notice that is received within 21 days after the notice is given, and*
 - (ii) any guidelines issued by the Secretary for the purposes of this clause and published in the Gazette.*
- (3) Subject to subclause (5), the consent authority must not grant consent to development to which this clause applies without the concurrence of the rail authority for the rail corridor to which the development application relates.*
- (4) In deciding whether to provide concurrence, the rail authority must take into account—*
 - (a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on—*
 - (i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and*
 - (ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and*
 - (b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.*

- (5) *The consent authority may grant consent to development to which this clause applies without the concurrence of the rail authority concerned if—*
- (a) *the rail corridor is owned by or vested in ARTC or is the subject of an ARTC arrangement, or*
 - (b) *in any other case, 21 days have passed since the consent authority gave notice under subclause (2)(a) and the rail authority has not granted or refused to grant concurrence*

The Sydney Metro Epping to Chatswood rail corridor is located underneath the site. In accordance with Clause 86, the development application was required to be referred to Sydney Metro. Sydney Metro granted concurrence to the development on 13 October 2021 subject to conditions of consent. These conditions have been incorporated into the draft conditions of consent in Attachment 1. (See condition numbers 11, 12, 13, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 89, 90, 91, 92, 93, 94, 95, 96, 105, 106, 107 and 108).

7.6 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, Council must consider if the land is contaminated, if it is contaminated, is it suitable for the proposed use and if it is not suitable, can it be remediated to a standard such that it will be made suitable for the proposed use.

The applicant has submitted a Detailed Site Investigation Report which concludes that the site is suitable for the proposed development.

Council's Environmental Health Officer has reviewed the proposal and raised no objections subject to conditions of consent. (See Conditions 23, 78, 79, 80, 81, 82, 83, 84, 85 and 86).

7.7 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

This Plan applies to the whole of the Ryde Local Government Area. The aims of the Plan are to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.

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

7.8 State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

Clause 57 Traffic-generating development of the SEPP states:

- (1) *This clause applies to development for the purpose of an educational establishment—*

- (a) that will result in the educational establishment being able to accommodate 50 or more additional students, and*
- (b) that involves—*
 - (i) an enlargement or extension of existing premises, or*
 - (ii) new premises,**on a site that has direct vehicular or pedestrian access to any road.*
- (2) Before determining a development application for development to which this clause applies, the consent authority must—*
 - (a) give written notice of the application to Transport for NSW (TfNSW) within 7 days after the application is made, and*
 - (b) take into consideration the matters referred to in subclause (3).*
- (3) The consent authority must take into consideration—*
 - (a) any submission that TfNSW provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and*
 - (b) the accessibility of the site concerned, including—*
 - (i) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
 - (ii) the potential to minimise the need for travel by car, and*
 - (c) any potential traffic safety, road congestion or parking implications of the development.*
- (4) The consent authority must give TfNSW a copy of the determination of the application within 7 days after the determination is made.*

As the development will result in an additional 489 students on the site, the application was referred to TfNSW for comment. TfNSW has reviewed the proposal and has raised no objections to the proposal.

7.9 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 (RLEP 2014).

Clause 2.3 - Zone Objectives and Land Use Table

The subject site is identified as being within the B4 Mixed Use zone under the provisions of RLEP 2014. The proposal is for alterations, additions and adaptive reuse of the existing building to provide a new Law School building at the Macquarie University. Educational establishments are permissible with development consent within the B4 Mixed Use Zone.

Aims and objectives for the B4 Mixed Use Zone:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *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 proposed development satisfies the relevant objectives for development within the B4 Mixed Use zone as it is a compatible land use. The proposal provides for a suitable development within an accessible location near Macquarie University Railway Station and will utilise public transport patronage, walking and cycling. The development ensures employment and educational activities within the Macquarie University Campus are integrated with other businesses and activities. The existing access corridors are unchanged and strong links are provided with other research institutions and businesses within the Macquarie Park Corridor.

Clause 4.3 – Height of buildings

The site is not subject to a height requirement. Accordingly height is not a consideration under the RLEP 2014.

Clause 4.4 – Floor Space Ratio

The site is not subject to a floor space ratio requirement. Accordingly floor space ratio is not a consideration under the RLEP 2014.

Clause 5.10 – Heritage Conservation

The Objectives of Clause 5.10 are as follows:

- (a) *to conserve the environmental heritage of Ryde,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) *to conserve archaeological sites,*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

The site is a Heritage item being:

- Item name: Macquarie University (ruins); Address: 192 Balaclava Road

The ruins are located approximately 250 metres from the law building (**Figure 27**).

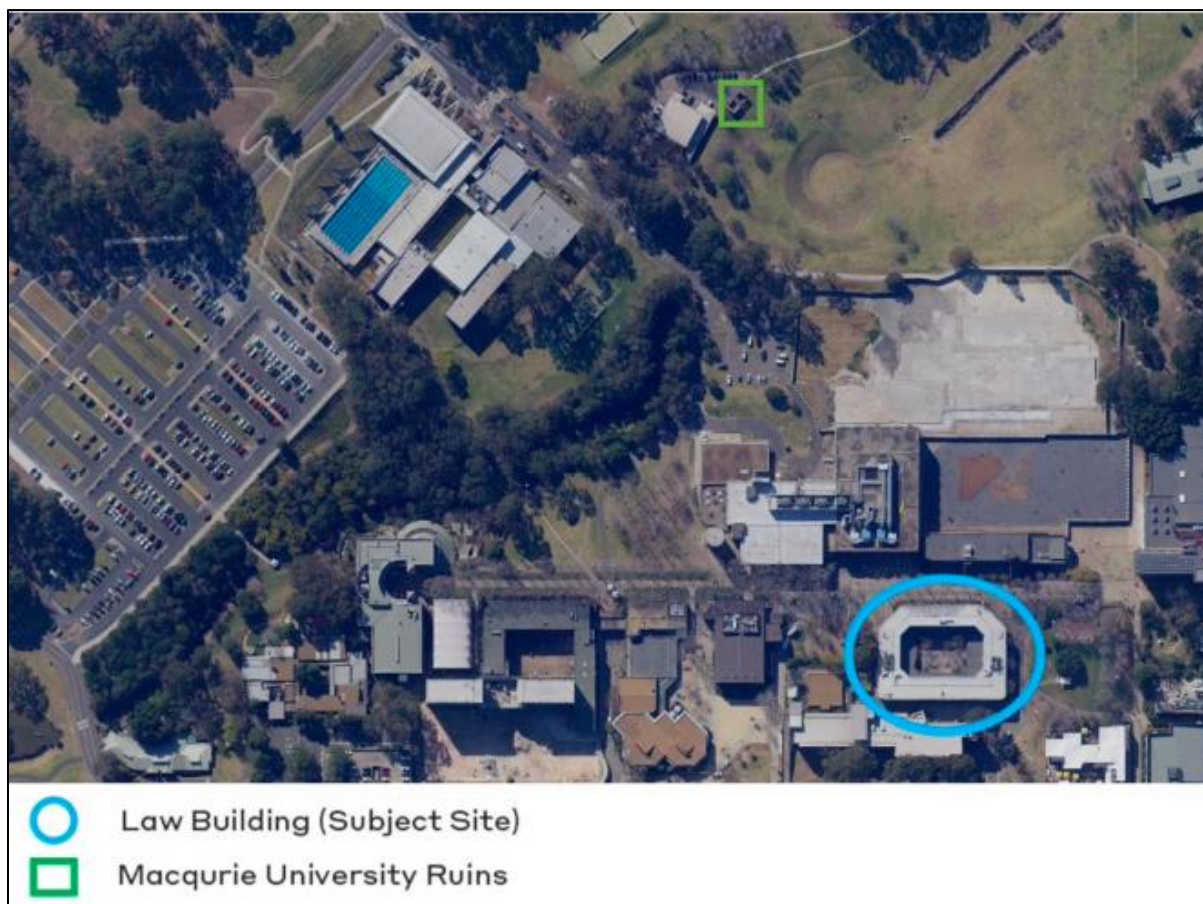


Figure 27: Location of the law building and heritage listed ruins (law building circled in blue and heritage listed ruins circled in green)

The item is of local significance, as outlined in Schedule 5 of RLEP 2014. The development was referred to Council's Consultant Heritage Advisor who made the following comments:

"General

Due to the distance between the law building and the heritage listed ruins, and the visual separation between the two sites, it is considered that there is no heritage impact arising from the proposed works.

LEP Heritage Controls

The proposal is considered to comply with the relevant objectives and controls of Clause 5.10 of the Ryde LEP 2014, in that the proposal will not have any adverse impact on the significance of the heritage listed ruins within the university grounds."

The proposal is considered to satisfy the objectives of Clause 5.10 of RLEP 2014 by conserving the heritage significance of the heritage item, including associated fabric, settings and views. The proposal does not result in any significant adverse impacts upon the environmental heritage of Ryde.

Clause 6.2 – Earthworks

The objective of this clause is 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.

The cut and fill plan shows excavation and fill is proposed within and outside the building footprint. The maximum extent of excavation is 3.0 metres and the maximum extent of fill is 2.0 metres. The proposed earthworks are not considered to result in any adverse detrimental impacts upon environmental functions and processes or neighbouring uses.

The proposal has been considered acceptable by Council's Consultant Structural Engineer. The proposal does not adversely impact the amenity of adjoining properties and is considered to be consistent with the provisions of Clause 6.2(3).

Clause 6.4 – Stormwater management

The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters. The proposal has been considered satisfactory by Council's Senior Development Engineer subject to conditions of consent. (See Conditions 9, 34, 35, 36, 76, 77, 100, 101, 102, 103, 104 and 110).

Clause 6.6 – Environmental Sustainability

The objective of this clause is to ensure that this development (being land in a business zone) embraces principles of quality urban design and is consistent with principles of best practice environmentally sensitive design.

This clause states that consent must not be granted to development on land in a business or industrial zone exceeding 1,500m² in GFA unless the consent authority is satisfied that development has had regard to a number of prescribed environmental outcomes.

An Environmentally Sustainable Design Report has been submitted and the following rating benchmark was set for the building:

Rating tool	Target
Green Star Design and As-Built v1.3 <u>or</u> Green Star Buildings	5 Star

Based on the above and detail provided in the report, the proposed development meets the requirements of this clause.

7.10 Draft Environmental Planning Instruments

Draft Remediation of Land State Environmental Planning Policy

The Draft SEPP is a relevant matter for consideration as it is an Environmental Planning Instrument that has been placed on exhibition. The explanation of Intended Effects accompanying the draft SEPP advises:

As part of the review of SEPP 55, preliminary stakeholder consultation was undertaken with Councils and industry. A key finding of this preliminary consultation was that although the provisions of SEPP 55 are generally effective, greater clarity is required on the circumstances when development consent is required for remediation work.

The draft SEPP does not seek to change the requirement for consent authorities to consider land contamination in the assessment of development applications. The conclusions made in relation to SEPP 55 are equally applicable to the draft SEPP.

Draft Environment SEPP

The draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018. The consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways and urban bushland areas. Changes proposed include consolidating SEPPs, which include:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The proposal is consistent with the provisions of the draft SEPP.

7.11 Ryde Development Control Plan 2014

The following sections of the Ryde DCP 2014 (RDCP2014) are of relevance:

- Part 4.5 – Macquarie Park Corridor;
- Part 7.2 – Waste Minimisation and Management;
- Part 9.2 – Access for People with Disabilities; and
- Part 9.3 – Parking Controls

Part 4.5 – Macquarie Park Corridor

This part of the DCP provides a framework to guide future developments in the Macquarie Park Corridor. The document specifies built form controls for all development within the Corridor and sets in place urban design guidelines to achieve the vision for Macquarie Park. The Macquarie Park Corridor vision is:

“Macquarie Park will mature into a premium location for globally competitive businesses with strong links to the university and research institutions and an enhanced sense of identity.

The Corridor will be characterised by a high-quality, well designed, safe and liveable environment that reflects the natural setting, with three accessible and vibrant railway station areas providing focal points.

Residential and business areas will be better integrated and an improved lifestyle will be forged for all those who live, work and study in the area.”

It is noted Section 1.3 states this part does not apply to the North Ryde Station Priority Precinct and the Macquarie University lands. Nevertheless, the development is consistent with this vision and no additional matters are raised in this part of the DCP.

Part 7.2 – Waste Minimisation and Management

A Site Waste Minimisation and Management Plan has been submitted with the development application. The proposal has been reviewed by Council's Environmental Health Officer and is considered acceptable subject to conditions. (See Conditions 113 and 114).

Part 9.2 – Access for people with disabilities

An Access Review Report has been provided which identifies the architectural plans indicate that compliance with statutory requirements pertaining to site access, paths of travel, access to common areas and sanitary facilities provisions can be readily achieved. **Condition 1** has been imposed to ensure compliance with this report.

Part 9.3 – Parking Controls

The provision of car parking is dealt with under the Concept Plan with the Concept Plan stipulating a maximum of 10,800 car spaces across the site.

Mod MP06_0016 amended the distribution of car parking by deleting the required number of car parking within each of the precincts to maximum 5000 for commercial uses and 5,800 spaces for other uses. The concept approval also requires existing at grade and above ground car parking to be consolidated into four car parks around the perimeter of the academic core.

The site currently does not contain any parking and no additional parking will be provided as part of the proposed development. The development is consistent with the Concept Plan requirements.

7.12 City of Ryde Section 7.11 Development Contributions Plan 2020

Council and Macquarie University have entered into a Voluntary Planning Agreement to provide development contributions in accordance with the conditions of the Concept Plan. Under the VPA, Section 7.11 of the EP&A Act are excluded. Macquarie University is required to make development contributions in respect to each approved building. The amount of the contribution is determined based on a rate for the development being a particular category.

The development category is Category 3 (Academic uses research including non-commercial research) which does not generate the need for any development contributions.

8. LIKELY IMPACTS OF THE DEVELOPMENT

The assessment demonstrates that the proposal will not have any significant adverse impacts upon any adjoining properties or the environment in general due to the nature of the development. All relevant issues regarding environmental impacts of the development are discussed elsewhere in this report. The development is considered satisfactory in terms of environmental impacts.

9. REFERRALS

9.1 Internal Referral Comments

Senior Development Engineer

The application was referred to Council's Senior Development Engineer who provided the following comments:

"Stormwater Management"

Despite the scope of development, the proposal will only have a relatively minor increase in hardstand area mostly associated with the widened turning circle on the eastern side of the building. The survey and aerial photos note that much of surrounding external area and the internal courtyard are currently paved and therefore the proposed roof over the courtyard will effectively be the same in terms of runoff.

A review of the Civil report notes;

- The OSD design methodology has been undertaken in accordance with Council's DCP Part 8.2. That is, the OSD system ensures the level of runoff from the site is no greater than the 5yr ARI (~20%AEP) storm event.*
- No DRAINS analysis has been provided with the proposal to verify the adequacy of the OSD storage. A quick analysis notes however that the peak 5yr AEP discharge from the net development site is some 210L/s and so the nominated PSD (permissible site discharge) at 173L/s accounts for the areas which are bypassing the system (the access road and turning circle to the east).*
- In regards to the appropriateness of the OSD storage, the design has been compared to Council's simplified procedure (which is conservative) and found to exceed the volume required. Accordingly the level of storage is considered adequate.*
- The system incorporates a proprietary device for the purpose of water filtration and this will then discharge to an artificial lake on the northern side of the university grounds. The development does not provide a rainwater tank and this is addressed by a condition of approval.*

Vehicle Access and Parking

The development will result in an additional staff and student numbers however no further parking is to be provided on site. This is aligned with the LEP and DCP objectives for the Macquarie Park corridor, which generally seek to reduce the reliance on motor vehicles as a primary form of transport.

It is noted there is some modification to the turning bulb being proposed (effectively increasing the diameter of the bulb) which is envisaged to improve manoeuvrability in this area however no changes are proposed in terms of service vehicle access to the development and therefore this aspect does not warrant further attention.

Recommendation

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

Conditions 9, 10, 34, 35, 36, 75, 76, 77, 100, 101, 102, 103, 104 and 110 have been imposed by Council's Senior Development Engineer.

Landscape Architect

The application was referred to Council's Landscape Architect who has raised no objection to the proposed development subject to **Conditions 59, 60, 61, 62, 63, 64, 71, 72, 73, 74, 98 and 99.**

Environmental Health Officer

The application was referred to Council's Environmental Health Officer who has raised no objection to the proposed development subject to **Conditions 23, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 111, 112, 113 and 114.**

Environment Officer

The application was referred to Council's Environment Officer who has raised no objection to the proposed development.

Urban Design Review Panel and Urban Designer/Strategic Planner

The application was referred to the Ryde Urban Design Review Panel for assessment. It is noted that the UDRP were generally supportive of the application, with minor amendments requested. A desktop review of the amended plans was completed by the Panel on 30 September 2021.

The amended plans received on 25 October 2021 and 9 November 2021 were reviewed by Council's Urban Designer/Strategic Planner.

The following comments were provided by the Urban Design Review Panel:

Table 4: UDRP comments

Design Principles	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	21 July 2021 comment: The proposal seeks to relocate the Law School into the heart of the campus at the junction of Wally's Walk and the future University Commons. This portion of the University is undergoing significant change with the recent redevelopment of the Central Courtyard to the north and development of the University Library to the south.

Design Principles	UDRP Comments
<p>they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>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.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>The subject site has four very different frontage conditions:</p> <ul style="list-style-type: none"> • To the north is Wally's Walk a major east-west pedestrian boulevard with a 3 storey brutalist building along the north side across from the site. The ground level falls from the east to the west by 1.4m. The existing building ground floor is level with the Walk at the north-western corner. • To the east is Central Avenue an existing access road and an open space. The Master Plan envisions the future University Commons defined by building frontages on the western edge in alignment with the north-eastern corner of the library. The University Commons is a future outcome of the Master Plan and will be delivered as a separate project after the Law School. • To the south is a service access road and existing university building. This building is planned for future redevelopment under the Master Plan as a part 6, part 8 storey building. The Guidelines show a new secondary pedestrian link/ shareway along the south side of the subject site leading to University Common. (Pg 80 of DESUDG) • To the west lies the Macquarie Theatre Courtyard, a green space that acts as a forecourt to the theatre. <p>The proposal seeks to adaptively reuse a relatively small portion of the existing building because development capacity is constrained by the rail corridor 25m below. For this reason, the building is unable to achieve the 8 storeys envisioned in the Guidelines. The proposition is to replace the existing concrete construction from level 1 and above with a lighter weight CLT structure, thereby enabling an additional storey with an equivalent structural load. The new construction retains the courtyard building form but encloses it as an atrium with a partially glazed roof.</p> <p>Modified drawings were tabled in the meeting with further design changes to the location of the terrace from on top of the Moot Court to the south-eastern corner; façade changes to the expression of the Moot Court and its adjoining facades; and changes of the roof profile to a saw tooth roof to better address heat gain and enable ventilation. The proposal seeks a 5-star Green Star rating.</p> <p>The DESUDG assumed the existing building would be demolished with the eastern facade setback 10m to align with a new building to the south and to enable expansion of the University Common. The Guidelines show Wally's Walk as the primary frontage with ground floor activation and the location of the main building entry.</p> <p>The Architectural Design Statement does not address how the retained building footprint is reconciled with the future Public Domain and the Lot Controls described in the Guidelines (Pg. 168 DESUDG).</p> <p>The Architectural Statement should be amended to address both the existing and future context and the Lot controls in the DESUDG.</p>

Design Principles	UDRP Comments
	<p>30 September 2021 comment:</p> <p>The Architectural Statement has been amended to address the interface of the building with existing and future context. The addition of a setback ground level entry in the south-east corner and the terrace at L3 acknowledges the relationship of the building to the Library. The more permeable façade to the Common and the inclusion of a public domain plan is also positive. The Panel support the changes to the building in reference to the context along the Commons and Wally's Walk.</p>
<p>Built Form and Scale</p> <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>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.</p> <p>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.</p>	<p>21 July 2021 comment:</p> <p>The proposed 4 storey building form, while within the planned height, complements the scale of the brutalist buildings to the north and defines a consistent scale to Wally's Walk.</p> <p>The proposal locates the main entry at the corner of Wally's Walk and the future University Commons and distinguishes this corner from the remaining building by expressing the Moot Court as a cylindrical element above the main entry.</p> <p>The architectural response is largely equivalent on all facades with the exception of this main entry corner. The proposed vertical timber screen consistently wraps the perimeter of the building. The Panel recommends these various facades could be refined to respond to orientation and the different conditions around the buildings, whilst retaining a general consistency.</p> <p>The change in building alignment between the planned setback set out in the Guidelines and the existing buildings means that the south-eastern corner of the building will be visually prominent onto the Common when viewed from the library to the south. The relocation of the upper terrace from the Moot Court to this corner, as tabled in the meeting, presents an opportunity to further address and better resolve the alignment change in the architectural form/expression, and to signal a secondary building entry along the desire line from the library.</p> <p>The interface of the building with the existing and future public domain is not yet addressed or resolved. The change in level from the eastern edge to the ground floor is 1.4m. A ramp from the western end to the main entry at the eastern corner is proposed along the frontage of Wally's Walk. The edge of the walk is shown as a retaining wall with a glass balustrade with limited permeability and activity along the Walk. A switchback ramp, proposed on the eastern frontage along the future Common, tends to segregate the building frontage from the Common. This frontage to the Commons has the potential to be as prominent and important as the northern frontage to the Walk, and should better address this space with a more integrated design solution, including physical access to the building's central courtyard, the public domain, and the façade design.</p> <p>The principles in the Architectural Statement to 'connect with the campus landscape' is supported and the proponent is encouraged to explore further solutions to achieve this principle meaningfully.</p> <p>30 September 2021 comment:</p>

Design Principles	UDRP Comments
	<p>The Public Domain Plan principles to define the entry, green the core and soften the public domain interface contribute to the project objective to 'connect with the campus landscape' and are supported.</p> <p>The addition of planters and seating at the main entry and on the stairs is positive and contributes to the habitation of the space and activity of the campus public domain.</p> <p>Similarly, the addition of planting and seating along the frontage to Wally's Walk and planting along the frontage of Central Avenue and the Future Commons grounds the building in the landscape setting of the campus and helps to mediate between the existing ground level and ground floor of the building. Planting also improves integration of the DDA ramps along both facades.</p> <p>The intent to refine the facades to reflect different orientations and context for each elevation is supported. A 1:50 facade detail is provided for the north façade. No sections were provided for the other facades. It is difficult to interpret the 3D outcome for the different facades and their response to orientation, particularly for the glazed portion of wall. 3D cutaway views of the architectural digital model would assist Council's assessment and demonstrate the stated performance and design intent of each façade.</p> <p>Assessing Officer comment: Façade Sections and 3D cutaways were submitted on 25 October 2021 and considered acceptable by Council's Urban Designer/Strategic Planner.</p>
<p>Density</p> <p>Good design achieves a high level of amenity, resulting in a density appropriate to the site and its context.</p> <p>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.</p>	<p>21 July 2021 comment: The permissible density and development capacity is not explained in the summary. It is likely that the density is below the 8 storey envelope assumed in the Guidelines. The applicant should confirm the applicable density control, if any.</p> <p>30 September 2021 comment: The amended Architectural Statement explains the built form intent for four storeys in relation to the University's Guidelines and indicative 8 storey height.</p>
<p>Sustainability</p> <p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and and passive thermal design for ventilation, heating and cooling reducing</p>	<p>21 July 2021 comment:</p> <p>The proposal is targeting a 5 star Green Star rating.</p> <p>The proposal adopts a number of design solutions that contribute to the sustainability of the proposal including:</p> <ul style="list-style-type: none"> • adaptive re-use of the existing building in part, • Cross Laminated Timber (CLT) structure, • photovoltaics on the roof,

Design Principles	UDRP Comments
<p>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.</p>	<ul style="list-style-type: none"> • cross ventilation using a chimney effect, and • passive self-shading façade. <p>These measures are supported in principle. Further detail and commitments for the mechanical system and building services are encouraged.</p> <p>30 September 2021 comment:</p> <p>Additional information was provided on the sustainability initiatives in relation to mechanical performance and the inclusion of solar panels. This is supported by Council's Environment Officer and Assessing Officer.</p>
<p>Landscape</p> <p>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.</p> <p>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, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p>21 July 2021 comment:</p> <p>The Panel did not receive a landscape/public domain plan with the proposal. The proposal needs to describe a considered interface with the public domain and to show how the proposal sits within the existing and planned future public domain on all its frontages.</p> <p>The existing courtyard includes trees, presumably in deep soil. Opportunities for future trees or compensatory vegetation in the atrium could be considered, including investigation of the prospect of utilising deep soil.</p> <p>30 September 2021 comment:</p> <p>Two trees on the western side of the buildings are proposed to be removed. A tree offset plans has been submitted. While the proposed offset tree planting along Link Ave is positive, the strategy to replace canopy outside the core of the campus is a concern, particularly the trees in the Theatre Courtyard. The University's Urban Design Guideline identify this space as an existing and future open space. These trees should be retained or replaced with new trees in the Theatre Courtyard.</p> <p>The architectural drawings show a planter along the northern façade at Level 3, while the north elevation and the 1:50 section in the architecture packages shows intermittent planters. These are not consistent and are also in contrast to the landscape plans, which show this space as a gravel maintenance path. The Architectural Statement says the setback is intended to soften the edge. The proponent should clarify the intent for the area and explain how planting will be sustained with appropriate soil depths and continuity to contributes to the landscape aims of the proposal.</p> <p>The size and distribution of the 'decorative small trees' in the three planters in the courtyard seem lost in the space and do not benefit from the existing deep soil opportunity. It is not clear in the drawings how the space is intended to be used and how the planter location and design facilitate the intended use. The proposal should seek to deliver the landscape principle for a 'green core' and demonstrate a commitment to more significant and/or consolidated planting within the courtyard.</p>

Design Principles	UDRP Comments
	<p>Planting on the Level 3 southeast terrace is limited to 2 planter areas. A continuous planter along the terrace's edges would contribute more to the façade design, be better integrated with the building edge and be more visible from the public domain.</p> <p>Assessing Officer comment: Two (2) trees (Tree 821 and Tree 822) located to the west of the site are required to be removed as they are in close proximity of the building and it will not be possible to use machinery to demolish the building if the trees are retained. The proposal has been considered acceptable by Council's Landscape Architect. Two (2) replacement trees are proposed to the west of the site within the Theatre Courtyard.</p> <p>The amended plans and documents submitted on 25 October 2021 were referred to Council's Urban Designer/Strategic Planner to review. Council's Urban Designer/Strategic Planner provided the following comments:</p> <p><i>Internal planting in atrium</i></p> <p><i>The UDRP pointed out that the distribution of the 'decorative small trees' in the three planters seem lost in the space and it is not clear how the space is intended to be used and how the planter location and design facilitate the intended use. The UDRP also expects the delivery of a 'green core' with more significant and/or consolidated planting within the courtyard. The response has not addressed this comment by the UDRP.</i></p> <p><i>Attached are mark-ups indicating how internal planting can be increased to create defined space and facilitate social interaction without encumbering access for staff and students. Given that the landscaping opportunity on Level 3 is lost, it is even more important to increase indoor planting to achieve the proposed 'green core' concept. As a suggestion, planters may be arranged in a circular form to echo the language of the building forecourt.</i></p> <p><i>Inconsistency with architectural plans</i></p> <p><i>The landscape plan for Level 3 indicates a gravel maintenance access path on the northern side of the building, whereas the architectural plan and the response letter indicate a balcony will be provided in this location</i></p> <p>An amended landscape plan was submitted on 9 November 2021 to be consistent with the Architectural Plans. Council's Urban Designer Strategic/Strategic Planner provided written confirmation on 11 November 2021 the updated landscape plan is satisfactory.</p> <p>The applicant submitted plans and written justification for the proposed internal planting in the atrium on 23 November 2021. The proposed internal planting in the atrium is considered acceptable.</p>
Amenity	21 July 2021 comment:

Design Principles	UDRP Comments
<p>Good design positively influences internal and external amenity for workers and pedestrians. Achieving good amenity contributes to positive environments and well-being.</p>	<p>The path of universal access at the main building entry does not signal equitable and dignified access, and does not appear to comply with the DDA requirements.</p> <p>Assessing Officer comment: An Access Statement was provided on 26 August 2021 confirming that dignified and equitable access has been provided and that this design satisfies the performance requirements of NCC Performance Requirement DP1 in that accessible access has been provided to the degree necessary to access this building.</p>
<p>Safety</p> <p>Good design optimises safety and security within the development and the public domain. It provides for quality public and semi -private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>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.</p>	<p>21 July 2021 comment: Refer to comments about public domain interface.</p>
<p>Aesthetics</p> <p>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 a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>21 July 2021 comment: The Panel encourages the provision of additional architectural facade details, with a full description of the design intent at 1:50 demonstrating the proposed strategies, material and details for the façade, the roof eave and the interface between the building and the adjacent public domain.</p> <p>Assessing Officer comment: Façade Sections and 3D cutaways were submitted on 25 October 2021 and considered acceptable by Council's Urban Designer/Strategic Planner.</p>

Consultant Structural Engineer

The application was referred to Council's Consultant Structural Engineer to review and no objections were raised.

Consultant Heritage Advisor

The application was referred to Council's Consultant Heritage Advisor to review and no objections were raised.

9.2 External Referrals

NSW Police

The application was referred to NSW Police who has raised no objection to the proposed development subject to **Conditions 14, 115 and 116**.

Transport for NSW

The application was referred to Transport for NSW who raised no objection to the proposal.

Sydney Metro

The application was referred to Sydney Metro who provided the following comments:

"Assessment requirements under the ISEPP

Sydney Metro has reviewed the DA documents that were uploaded onto the NSW Planning Portal on 1 June 2021.

Sydney Metro has assessed the development proposed by the DA in accordance with the requirements of clause 86(4) of the ISEPP.

In this regard, Sydney Metro has taken into account:

- (a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:*
 - (i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and*
 - (ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and*
- (b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.*

Concurrence granted subject to conditions

*Sydney Metro has taken the above matters into consideration and has decided to grant its concurrence to the development proposed in the DA, subject to the consent authority imposing the conditions at **Attachment A**.*

Should the consent authority determine not to impose the conditions provided in Attachment A in the form provided, then concurrence from Sydney Metro has not been granted to the DA.

The consent authority is also advised that Sydney Metro's concurrence is not to be amended, replaced or superseded by any concurrence which may be issued by any other authority, without further agreement from Sydney Metro."

Assessment Officer's Comments: The amended plans and documents received on 25 October 2021 were referred to Sydney Metro. Written confirmation from Sydney Metro was received that no changes to the concurrence/conditions are required.

10. PUBLIC NOTIFICATION & SUBMISSIONS

The application was notified and advertised in accordance with Part 2.1 of *Ryde Community Participation Plan* between 26 May 2021 and 16 June 2021. During the notification period, no submissions were received to the proposal.

11. CONCLUSION

After the consideration of the development against section 4.15 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 is for alterations, additions and adaptive reuse of the existing building to provide a new Law School building at the Macquarie University. The redevelopment of the Law Building will enhance the building's connections with the public domain and surrounding buildings. The building has been designed with an emphasis on adaptable internal spaces that can accommodate the ongoing growth of Macquarie University.

The development application is consistent with the Macquarie University Campus Concept Plan, as modified and the updated Design Excellence Strategy and Urban Design Guidelines. The proposal complies with the planning requirements under RLEP 2014 and RDCP 2014. As the development is a Crown development, the applicant has agreed to the attached conditions of consent.

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

12. RECOMMENDATION

- 1) That the Sydney North Planning Panel grant consent to development application LDA2021/0169 for Alterations, additions and adaptive reuse of the existing building to provide a new Law School building at the Macquarie University at 192 Balaclava Road, Macquarie Park subject to the conditions of consent in Attachment 1 of this report.
- 2) That Transport for NSW and Sydney Metro be advised of the decision.

Report prepared by:

Niroshini Stephen
Assessment Officer

Report approved by:

Madeline Thomas
Senior Coordinator Development Assessment

Sandra Bailey
Manager Development Assessment

Liz Coad
Director City Planning and Environment