# COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSNH – 384		
DA Number	LDA2023/0084		
LGA	City of Ryde		
Proposed Development	Adaptive reuse of an existing building and construction of a new 6 storey academic building for Physics, Astronomy and Engineering Faculty including refurbishment works.		
Street Address	Macquarie University 192 Balaclava Road Macquarie Park		
Applicant/Owner	Owner: Macquarie University		
	Applicant: Macquarie University		
Date of DA lodgement	30 March 2023		
Total number of Submissions	• Nil		
Number of Unique Objections			
Recommendation	Approval		
Regional Development Criteria (Schedule 6 of the SEPP (Planning Systems 2023)	Crown development with a capital investment value over \$5 million. The development has a capital investment value of \$49,654,000.00		
List of all relevant s4.15(1)(a) matters	<ul> <li>Environmental Planning and Assessment Act 1979;</li> <li>Environmental Planning &amp; Assessment (Savings, Transitional &amp; Other Provisions) Regulation 2017;</li> <li>State Environmental Planning Policy (Planning Systems) 2021;</li> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021;</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021;</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021;</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021;</li> <li>State Environmental Planning Policy (Sustainable Buildings) 2022;</li> <li>Ryde Local Environmental Plan 2014;</li> <li>Draft Remediation of Land State Environmental Planning Policy;</li> <li>Draft Environment State Environmental Planning Policy;</li> <li>City of Ryde Development Control Plan 2014; and</li> <li>City of Ryde Section 7.11 Development Contributions Plan</li> </ul>		

List all documents submitted with this report for the Panel's consideration	Attachment 1: Conditions of consent
Clause 4.6 requests	N/A
Summary of key submissions	N/A
Report prepared by	Niroshini Stephen, Senior Town Planner
Report date	11 September 2023

# 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? e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the	Yes
_	relevant LEP	
	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	Not applicable
_	assessment report?	
	Special Infrastructure Contributions	
	Does the DA require Special Infrastructure Contributions conditions (S7.24)?	
	Note: Certain DAs in the Western Sydney Growth Areas Special	Not applicable
	Contributions Area may require specific Special Infrastructure	
_	Contributions (SIC) conditions	
	Conditions	
	Have draft conditions been provided to the applicant for comment?	
	that draft conditions notwithstanding Council's recommendation be	Yes
	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 adaptive reuse of an existing building and construction of a new 6 storey academic building for Physics, Astronomy and Engineering Faculty including refurbishment works. The application is referred to the Sydney North Planning Panel for determination as the capital investment value exceeds \$5 million for Crown development.

The site presently accommodates two existing buildings, being 7 Wally's Walk and 9 Wally's Walk. The building at 9 Wally's Walk is three storeys and the building at 7 Wally's Walk is part three/part four storeys in height with a sub-terranean level and are constructed of brick and concrete, with aluminium windows. The buildings are currently used for teaching and theatre spaces largely by the Faculty of Science and Engineering and the Department of Physics and Astronomy.

The proposal is for the adaptive re-use of the southern portion of 9 Wally's Walk and construction of new building at 7 Wally's Walk and part new building at the northern portion of 9 Wally's Walk, to facilitate a new 6 storey building. Separate approval has been obtained for the full demolition of 7 Wally's Walk and full demolition of the north portion of 9 Wally's Wall through the review of environmental factors (REF).

The proposed building will have a total gross floor area (GFA) of 15,957m<sup>2</sup>. The proposal does not provide additional parking. No trees are proposed to be removed under the subject application. A total of one hundred and four (104) replacement trees are proposed to be planted to compensate for the tree removal as approved under early works through the REF.

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.

# Background

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.

A revised Design Excellence Strategy and Urban Design Guidelines was submitted to the Department via email on 10 August 2023.

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 A06 in Precinct A. The proposal is consistent with the objective of Precinct A. The proposal is largely consistent with the architectural principles and lot controls for Lot A06 as identified in the Concept Plan.



Figure 1: Diagram of site from Macquarie University Design Excellence Strategy and Urban Design Guidelines

#### Section 4.15 Assessment summary

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 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021, 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 Preliminary Site Investigation Report has been submitted which concludes that the site can be made suitable for the proposed development subject to recommendations within the report.

Part of the operations within the proposed building requires the storage and handling of Dangerous Goods. As Dangerous Goods are being stored, the site is subject to Chapter 3 of the State Environmental Planning Policy - Resilience and Hazards. A Resilience and Hazards SEPP assessment has been undertaken by Riskon Engineering dated 23 February 2023. The assessment concludes that the site would not be regarded as potentially hazardous under State Environmental Planning Policy - Resilience and Hazards. The proposal is considered acceptable in this regard.

Clause 3.58 of State Environmental Planning Policy (Transport and Infrastructure) 2021 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. 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 (Transport and Infrastructure) 2021. Sydney Metro have provided their concurrence for the proposal subject to conditions of consent.

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.

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.

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 on 3 October 2023. It is noted the conditions provided by internal and external referral officers made reference to a Construction Certificate, Occupation Certificate and Private Certifier. The conditions have been updated to make reference to the Crown Certifier and Crown Certificate.

#### 2. APPLICATION DETAILS

Applicant: Macquarie University

**Owner:** Macquarie University

Capital Investment Value: \$49,654,000.00

**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 70 within DP 1276815 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 proposed building will be located within the eastern portion of the University Campus, as shown in **Figure 2** and **Figure 3**.



Figure 2: Aerial Image of the site within Macquarie University



Figure 3: Close up aerial image of the existing buildings.

# **Existing Development**

The site has two main existing buildings, being 7 Wally's Walk and 9 Wally's Walk (**Figure 4** to **Figure 10**). The building at 9 Wally's Walk is three storeys and the building at 7 Wally's Walk is part three/part four storeys in height with a sub-terranean level and are constructed of brick and concrete, with aluminium windows. It is noted that 9 Wally's Walk is connected to 11 Wally's Walk by a pedestrian overbridge.

The buildings are currently used for teaching and theatre spaces largely by the Faculty of Science and Engineering and the Department of Physics and Astronomy. It is noted that 9 Wally's Walk also houses a data centre, comms room and other plant rooms within the lower ground level.

The site also contains demountable structures and a carpark to the south of the existing building. The existing car park includes eight parking spaces including three accessible parking spaces. Mature trees are located around the site.



Figure 4: Photo of the northern elevation of 9 Wally's Walk and 7 Wally's Walk taken from Wally's Walk



Figure 5: Photo of the eastern elevation of 7 Wally's Walk



Figure 6: Photo of the southern elevation of 9 Wally's Walk



Figure 7: Photo of the western elevation of 9 Wally's Walk taken from Eastern Road



Figure 8: Photo of the north western entrance taken from Eastern Road



Figure 9: Photo of the pedestrian overbridge connecting 9 Wally's Walk and 11 Wally's Walk



Figure 10: Photo of demountables located at the rear of 7 Wally's Walk

### **Surrounding Development**

The proposed building will be located within the eastern portion of the University Campus. The proposed building is surrounded by other University buildings and two car parking structures to the east. **Figure 11** shows the buildings in the immediate vicinity of the subject site.

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



Figure 11: Aerial Image showing buildings in the immediate vicinity of the subject site

# 4. PROPOSAL

Approval is sought for adaptive reuse of an existing building and construction of a new 6 storey academic building for Physics, Astronomy and Engineering Faculty including refurbishment works. The application is referred to the Sydney North Planning Panel for determination as the capital investment value exceeds \$5 million for Crown Development. The proposed works include:

# New building

The new building will be six (6) storeys. The lower ground level, ground level, Level 1 and Level 2 will be occupied by the School of Engineering and Australian Astronomical Optics (AAO). Level 3 and Level 4 will be occupied by the School of Engineering. The main building entrance is located off Wally's Walk. The loading area for the School of Engineering is located to the south. The loading area for the AAO is located to the south and includes a turning area.

# Proposed Works to Existing building (9 Wally's Walk)

- Lower ground level Demolition of external walls, removal of façade glazing and removal of raised access floor
- Ground level Removal of façade glazing, removal of fire stairs, demolition of external walls and removal of raised access floor
- Level 1 Removal of façade glazing, removal of fire stairs and demolition of external walls

- Level 2- Removal of façade glazing, removal of fire stairs and demolition of external walls
- Level 3 Removal of metal roof and make good slab for new plant and roof installation.

#### Other proposed alterations and additions

- No trees are proposed to be removed under the subject application. A total of one hundred and four (104) replacement trees to be planted to compensate for the tree removal as approved under early works through the REF;
- Site preparation works, including excavation;
- Vehicular access from Innovation Road for loading and servicing arrangements;
- Public domain, landscaping and associated infrastructure works; and
- Extension and augmentation of physical infrastructure and utilities as required.

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

**Table 1** below provides a numeric overview of the proposed building:

 Table 1: Numeric overview of building

Component	Proposed		
Height	23.13m (6 storeys)		
Gross Floor Area	• 13,267m <sup>2</sup> academic GFA for the School of		
	Engineering		
	• 2,690m <sup>2</sup> commercial GFA for the Australian		
	Astronomical Optics		
	Total GFA: 15,957m <sup>2</sup>		
Car parking and bicycle parking	No further car parking is provided on site.		
	Sixty four (64) bicycle parking spaces provided to the		
	south on the lower ground floor and ground floor.		
Tree removal	No tree removal is proposed as part of this application.		
	Tree removal has been undertaken as part of the REF.		
	A total of one hundred and four (104) replacement		
	trees are proposed to be planted to compensate for the		
	tree removal as approved under early works through		
	the review of environmental factors (REF). This is		
	discussed further below.		



Figure 12: Site plan showing proposed building in relation to surrounding buildings



Figure 13: Perspective of northern elevation of proposed building

# 5. BACKGROUND

# Site History

# Table 2 History of site

21 July 2022	A prelodgement (PRL2022/0021) meeting was held for
	engineering precinct. The following planning issues were raised:
	<ul> <li>Further details of AAO use to be provided;</li> <li>Assessment under Macquarie University Masterplan and Design Guidelines to be undertaken; and</li> <li>Amended plans addressing matters raised by the Urban Design Review Panel</li> </ul>
1 September 2022	A prelodgement (PRL2022/0030) meeting was held for
	development application for the new physics, astronomy and engineering precinct. The following planning issues were raised:
	<ul> <li>Concerns raised with the deviation from the approved masterplan for Macquarie University; and</li> <li>Amended plans addressing matters raised by the Urban</li> </ul>
	Design Review Panel
17 March 2023	A Review of Environmental Factors (REF) under Part 5 of the <i>Environmental Planning and Assessment Act 1979</i> has been prepared for a series of site preparation and early works activities including:
	Eull demolition of 7 Wally's Walk:
	<ul> <li>Full demolition of the north portion of 9 Wally's Walk;</li> </ul>
	<ul> <li>Full demolition of the pedestrian over pass connecting 9 and 11 Wally's Walk;</li> </ul>
	<ul> <li>Full demolition of the existing in ground services;</li> </ul>
	<ul> <li>Internal demolition and strip out of main body of 9 Wally's Walk;</li> </ul>
	<ul> <li>Demolition of existing heat rejection plant walkway east of 9 Wally's Walk, following Data Centre relocation;</li> </ul>
	<ul> <li>Installation of 3 new substation kiosks and retention of 1 existing substation kiosk;</li> </ul>
	<ul> <li>Removal of existing High Voltage (HV) cables along the eastern boundary and installation of new HV cables along Innovation Road and Research Park Drive;</li> </ul>
	<ul> <li>Minor works to Innovation Road as a result of the new HV cable and substation;</li> </ul>
	<ul> <li>A total of forty eight (48) trees are to be removed as part of the early works REF:</li> </ul>
	- Seven (7) trees will require removal due to the demolition of building 7WW.
	- Twenty-six (26) trees will require removal to facilitate the removal of existing HV cables.
	<ul> <li>Fifteen (15) trees will require removal due to the demolition of existing services and construction of new kiosk substations.</li> </ul>

	<ul> <li>Minor adjustments to existing stormwater infrastructure;</li> </ul>
	<ul> <li>Removal of existing demountables and associated in-ground services; and</li> </ul>
	<ul> <li>Relocation of parking spaces south of the site to East 3 carpark</li> </ul>
The	REF was approved by Macquarie University.

# Application History

Table 3 History	of develop	pment ap	plication
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30 March 2023	The application was lodged		
11 April 2023 to 11 May	Application advertised and notified to the community. No		
2023	submissions were received.		
25 May 2023	<ul> <li>The Application was considered by the Urban Design Review Panel (UDRP). The following concerns were raised:</li> <li>Pedestrian links deviating from the Concept Plan and Guidelines;</li> <li>The Concept Plan and Guidelines should be formally amended to relocate and adjust the future links to accommodate the current amended DA proposal and its impacts;</li> </ul>		
	<ul> <li>Internal changes required to improve internal connectivity and pedestrian experience;</li> <li>Amendments required to the internal east-west link, planned north-south pedestrian link and east-west pedestrian link;</li> <li>Sustainability targets for the proposal to be provided;</li> <li>Conflicts between the vehicle ramp and loading areas and the pedestrian connections to be addressed; and</li> <li>Façade changes to improve to improve character, amenity and passive surveillance</li> </ul>		
7 June 2023	<ul> <li>Council letter sent to the applicant outlining a number of key issues with the preliminary assessment of the proposal including:</li> <li>Urban Design Review Panel comments (full details of UDRP comments above)</li> <li>Planning matters: <ul> <li>Details of REF to be provided;</li> <li>Clarification of site address/legal description;</li> <li>Existing signage to be shown on plans;</li> <li>The service access and pedestrian connections do not comply with the lot controls. A revised Guidelines is to be submitted to the Department of Planning;</li> <li>Species and location of replacement trees to be provided;</li> <li>Student numbers and bicycle spaces to be clarified;</li> </ul> </li> </ul>		
	<ul> <li>Plans to be updated to be consistent;</li> <li>Updated Access report;</li> </ul>		

	<ul> <li>Details of existing and additional academic and commercial GFA; and</li> <li>Assessment against the Concept Plan conditions to be undertaken</li> </ul>	
	- Traffic matters:	
	<ul> <li>Clarification if the 19m long articulated vehicle will need to reverse down Innovation Road to access the site;</li> </ul>	
	<ul> <li>Concerns with the safety and efficiency of traffic flow on Innovation Road;</li> </ul>	
	<ul> <li>Applicant to liaise and coordinate with TfNSW to ensure the future design of this intersection can support the largest/longest vehicle that is required to access the Macquarie University site; and</li> <li>Updated Traffic and Parking Impact Statement to be provided</li> </ul>	
14 July 2023 – 18 July 2023	The applicant submits amended plans to address the RFI letter dated 7 June 2023	
10 August 2023	Applicant submits information in relation to amended façade design	

# 6. APPLICABLE PLANNING CONTROLS

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning & Assessment (Savings, Transitional & Other Provisions) Regulation 2017;
- State Environmental Planning Policy (Planning Systems) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Sustainable Buildings) 2022;
- 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

### <u>7.1 Environmental Planning & Assessment (Savings, Transitional & Other</u> <u>Provisions) Regulation 2017</u>

#### 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.

A revised Design Excellence Strategy and Urban Design Guidelines was submitted to the Department via email on 10 August 2023. The subject DA has been assessed under the revised Guidelines which was submitted to the Department via email on 10 August 2023.

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 A06 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 though 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. The building will be used for research and academic purposes for Physics, Astronomy and Engineering and will be co-operated by the School of Engineering and Macquarie Universities industry partner, Australian Astronomical Optics (AAO). The proposal incorporates commercial and research uses.

The Guidelines requires an indicative height of 12 storeys for Lot A06. The proposal is six (6) storeys and complies with height control contained within the Guidelines. The relocation of the existing parking spaces to the south of the site to East 3 carpark were approved under the REF. No additional parking will be provided as part of the proposed development.

The proposed development seeks approval for the relocation of the existing totem wayfinding signs to the new entrances of the building along Wally's Walk and Eastern Road. The design and content of the signage will be maintained and in accordance with the Macquarie University Signage Guidelines.

The addition of new planting and seating at the north western corner of Eastern Road and 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.

The main pedestrian entrances orientates towards Wally's Walk and Eastern Road 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.

Under the Guidelines, each development parcel within the campus has been assigned a lot number. The proposed development is identified as Lot A06, as shown in **Figure 1** on page 4.

Under the Guidelines, each lot contains control requirements. Figure 14 below outlines the lot control for Lot A06.

#### LOT A06

#### Architectural Principles

Lot A06 is located on the corner of Wally's Walk and Eastern Road, east of the Academic Core. The lot is situated above the rail corridor.

#### **Built Form**

- Indicative height 12 storeys.
- Reinforce street wall along northern frontage on Wally's Walk to a recommended height of 6 storeys.
- Built form to address Wally's Walk.

#### Access

- Primary address located indicatively on Wally's Walk along the northern frontage.
- Secondary address located indicatively on Eastern Road along the western frontage.
- Service access from Innovation Road along southern edge.

#### Landscape

- Significant trees along Wally's Walk to be retained.
- Review and retain significant trees if possible.
- Refer to the Wally's Walk and Faculty of Science Garden and Wally's Walk landscape guidelines in the Public Domain chapter.
- Pedestrian connection on the southern edge of Innovation Road as direct link between Research Park Drive and Eastern Road.

Figure 14: Lot controls for Lot A06

# Table 4 below sets out the controls applicable to the Lot.

 Table 4: Assessment against lot controls

Control	Proposed	Compliance
Architectural Principles		
Lot A06 is located on the corner of Wally's Walk and Eastern Road, east of the Academic Core. The lot is situated above the rail corridor.	Sydney Metro have provided their concurrence for the proposal subject to conditions of consent. This is discussed further below.	Yes
Built Form		
Indicative height 12 storeys.	The proposal is six (6) storeys.	Yes
Reinforce street wall along northern frontage on Wally's Walk to a recommended height of 6 storeys	The main entrance along the northern side of the building reinforces the street wall along Wally's Walk.	Yes
Built form to address Wally's Walk	The main entrance is located on the northern side of the building, facing onto Wally's Walk. The built form adequately addresses Wally's Walk.	Yes
Access		
Primary addresses located indicatively on Wally's Walk along the northern frontage	The main entrance will be located on the northern side of the building, facing onto Wally's Walk.	Yes
Secondary address located indicatively on Eastern Road along the western frontage.	A secondary entrance to the building is located on the western elevation, accessed from the pedestrian route on Eastern Road.	Yes
Service access from Innovation Road along southern edge	The service access is provided to the south along Innovation Road.	Yes

Landscape		
Significant trees along Wally's Walk to be retained.	Significant trees along Wally's Walk are proposed to be retained.	Yes
Review and retain significant trees if possible.	No tree removal is proposed under the subject application.	Yes
trees if possible.application.Refer to the Wally's Walk and Faculty of Science Garden and Wally's Walk landscape guidelines in the Public Domain chapterWall's Walk Interpret Public Not western corner 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 relationship with Mars Creek and University Creek. The main entrances orientates to Wally's Walk and reinforces active uses.Faculty of Science Garden No works are proposed to the Faculty of Science Garden.		Yes
	Wally's Walk and the Faculty of Science Garden meet the landscape guidelines in the Public Domain chapter	
Pedestrian connection on the southern edge of Innovation Road as direct link between Research Park Drive and Eastern Road	A pedestrian connection is proposed to the south along Innovation Road, providing a direct link between Research Park Drive and Eastern Road. The path of travel of the pedestrian connection deviates from the amended Guidelines. This is considered acceptable as a pedestrian link is still provided between Research Park Drive and Eastern Road.	No – justified

The above controls and statement of commitments were modified through Mod MP06\_0016 MOD 1, (dated 9 November 2018). The amendments as relevant to this application are discussed below with emphasis added in bold:

# Schedule 2

Requirement		Proposed	Compliance
<b>A1</b> (1)	Development Description Except as modified by this approval, Concept Plan approval is granted only to the carrying out of	The applicant has provided a numeric breakdown of additional commercial floor area and academic floor area on pages 4 & 5 of the RFI response letter dated 14 July 2023.	Compliance
	development solely within the Concept Plan area as described in the document titled "Macquarie University		

<ul> <li>(a) Commercial GFA undertaken/proposed since the Concept Plan approval: 32,039m<sup>2</sup>. This is well within the 400,000m<sup>2</sup> permitted.</li> </ul>	Yes
(b) Academic GFA undertaken/proposed since the Concept Plan approval: 46,545.58m <sup>2</sup> . This is well within the 157,000m <sup>2</sup> permitted.	Yes
(c) N/A	Yes
(d) N/A	Yes
(e) N/A	Yes
(f) N/A	Yes
See above for (1) and (2). (3) & (4) are not applicable.	Yes
	<ul> <li>(a) Commercial GFA undertaken/proposed since the Concept Plan approval: 32,039m<sup>2</sup>. This is well within the 400,000m<sup>2</sup> permitted.</li> <li>(b) Academic GFA undertaken/proposed since the Concept Plan approval: 46,545.58m<sup>2</sup>. This is well within the 157,000m<sup>2</sup> permitted.</li> <li>(c) N/A</li> <li>(d) N/A</li> <li>(e) N/A</li> <li>(f) N/A</li> <li>See above for (1) and (2).</li> <li>(3) &amp; (4) are not applicable.</li> </ul>

	campus must not exceed		
	400,000sqm.		
(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		
	Precinct D).		
(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		
	space ratio shown for the		
	land		
B1	Car Parking		
(1)	Car parking for commercial	N/A – car parking is not proposed	Yes
( ' )	uses shall not exceed a		
	maximum rate of 1 space per		
	80m <sup>2</sup> of gross floor area		
$(2)^{-1}$	The maximum car parking	N/A – car parking is not proposed	Yes
acro	oss 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		
(2)	Now car parking for	N/A car parking is not proposed	Voc
(3)	commorcial buildings shall be	N/A – car parking is not proposed	res
	located within basements		
	(part of which may be above		
	around 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.		
(4)	The existing at-grade and		X
	above ground car parking	N/A – the relocation of the parking	Yes
	areas within the site shall be	spaces south of the site to East 3	

(	consolidated into four car	carpark was approved under the	
1	parks around the perimeter of	REF. No additional parking proposed	
t	he Academic Core (Precincts		
	A and B). The design of any		
6	above ground car parks shall		
i	nclude architectural		
1	reatment of the elevations to		
1	reduce their visual impact and		
(	dominance.		
<b>B4</b>	Design Excellence and		
	Urban Design Guidelines		
(1)	The Design Excellence	Yes – (1) to (4) previously provided.	Yes
(-)	Strategy and Urban Design	(), (), p	
	Guidelines to be prepared		
	are to have regard to		
	Macquarie Park Corridor		
	DCP.		
(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 naths and		
	and patients and		
(3)	The Design Excellence		
(3)	Strategy and Urban Design		
	Guidelines for Provinct E are		
	duidennes for Frechict E are		
	to specifically address		
	Macquaria Bark railway		
	station to the Acadomic		
	Coro croating active		
	frontages around the station		
	nonlayes around the station		
	integration of station		
	sonvices buildings into		
	design of now buildings		
	around the station plaza		
(1)	The Design Eventioned		
(4)	Strategy and Urban Design		
	Guidelines are to indicate		
	the extent of esthecks		
	ine extent of setbacks		
	auidolinos to be prepared in		
	ligicon with the /PTA house		
	regard to the micro		
	inegalu lo line micro		
	simulation modelling and the		

e a i	extent of setback required to achieve additional capacity mprovements and bus		
(5) (5) (5) (5) (5) (5) (5) (5) (5) (5)	priority. The Design Excellence Strategy and Urban Design Guidelines are to be submitted for approval by to the Department of Planning when revised and include	(5) Yes – The Design Excellence Strategy and Urban Design Guidelines has been revised and submitted to the Department of Planning via email on 10 August 2023.	Yes
t a r t	that clearly documents and justifies changes made from the previous version prior to the or with the first application for new building works within each precinct		
(6) 1 5 1 1 1 1	The Design Excellence Strategy and Urban Design Guidelines are to be revised to: include overarching design principles in relation to	(6) The Design Excellence Strategy and Urban Design Guidelines has been revised and approved. The proposal is satisfactory as discussed above.	Yes
i i i i i i i i i i i i i i i i i i i	height, depth, building separation and horizontal dimensions; and requirements to address public amenity along		
e f s r	edges to the public forecourt of the railway station. The revisions must be submitted and approved by the		
	NSW within four months of approval of MP 06 0016 MOD 1.		
(7) /	An architectural design competition must be held in relation to proposed development on lots E10	(7) N/A	Yes
	and E11 where the Capital Investment Value of the development exceeds \$100 million, unless an		
i ( 	alternative design process is endorsed by the Government Architect NSW or Planning		
	Secretary. An architectural design competition means a competitive process		
0	conducted in accordance		

with procedures approved by the Planning Secretary		
from time to time.		
from time to time.C3Landscaping(1) TheLandscapeManagementPlanreferredtoin theStatementStatementofCommitmentsis to beintegratedwiththeDesignExcellenceStrategyandUrbanDesignGuidelinesreferred to in B4 of thisapprovaland is todemonstrate:(a) Maintenance of the bushland setting of the site.(b) AchievementofthelandscapeprinciplesarticulatedintheStatementofCommitments,andasshown in Figure 26 to theEnvironmental	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). A total of one hundred and four (104) replacement trees to be planted to compensate for the tree removal required by the early works REF. The replacement trees compromise of tree species from the vegetation community that occurs in the nearby area, that being Sydney Turpentine Ironbark Forest. Within the immediate vicinity of the site, a total of thirty one (31) trees are to be planted. The remaining seventy three (73) trees are to be planted along the Mars Creek which helps maintain a bushland setting.	Yes
<ul> <li>Assessment Report.</li> <li>(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.</li> </ul>	Landscape Management Plan is on the Macquarie University website.	Yes
each precinct.		
<ul> <li>(1) The Storm water</li> <li>(1) The Stormwater</li> <li>Management Plan and other various plans referred to in the Statement of Commitments are to be:</li> <li>(a) Integrated with the Vegetation Management Plan and Threatened Species Plan referred to in the revised Statement of Commitments.</li> <li>(b) Revised in accordance with any modifications undertaken as part of this approval. A copy of the</li> </ul>	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. Stormwater Management Plan is on the Macquarie University Website.	Yes

Stormwater Management Plan, as updated from time to time, must be published on the University's website.		
(2) A Stormwater Management Plan is to be submitted for approval with each application for new building works, as relevant.	A Civil Report has been submitted with the application. Council's Senior Development Engineer has reviewed the documents and has raised no objections.	Yes
C8 Environmental Management and Contamination		
(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	A Preliminary Site Investigation has been prepared by Douglas Partners which found the risk of contamination to be low. The Preliminary Site Investigation has recommended a Detailed Site Investigation to be completed and this has been included as a condition. Council's Environmental Health Officer has raised no issues with the proposal subject to conditions.	Yes
<b>C9 Heritage/Archaeology</b> (1) The Aboriginal Archaeology Strategy referred to <b>in</b> 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.	An Aboriginal Cultural Heritage Assessment was submitted. The subject application is not the first application to be lodged within Precinct A.	Yes
C10 Access, Traffic, Transport and Parking (1) The University Travel Plan (UTP) referred to <u>in at page 1 of</u> the Statement of Commitments is to be prepared in liaison with Council and the RTA, and approved by the Department of Planning, prior to or with the first submission of the first application for building works for academic/educational uses within the Academic Core.	N/A – The proposed development is not the first academic or commercial development	Yes

(2) The detailed micro-simulation model referred to <u>in</u> at page 2 of the Statement of Commitments is to be prepared in liaison with Council, the RTA and the Ministry of Transport and submitted to the Department of Planning for approval prior to or with the submission of the first application for new commercial floor space on the site.	N/A – The proposed development is not the first commercial development (2), (3) & (4) are not applicable.	Yes
(3) The micro simulation modelling is to be prepared on the basis that there will be no additional access to the M2 Hills Motorway.		
(4) The micro simulation modelling is to form the basis for discussion in respect of the agreement between the <b>Minister</b> <del>RTA</del> and the Proponent referred to at C15 below.		
(5) A Workplace Travel Plan referred to <u>in</u> at page 2 of the Statement of Commitments <u>is to</u> be prepared for each commercial development and submitted for approval prior to the occupation of that commercial development.	A condition has been provided by Council's City Infrastructure Traffic Engineer requiring a finalised Framework Travel Plan (FTP) is to be submitted to Council for review and approval prior to the issue of any Occupation Certificate.	Yes
C13 Construction Staging (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.	A Preliminary Construction Management Plan, a Civil Report which contains an Erosion and Sediment Control Plan and Geotechnical Investigation Report, have been submitted and Council's Development Engineer and Consultant Structural Engineer have raised no objection to the application. 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.	Yes

# Schedule 3 – Commitments

Subject	Commitments	Proposed	Compliance
Environmentally	<ul> <li>Commercial development</li> </ul>	The Architectural	Yes
Sustainable	on the site shall be capable	Design Report	
Development	of achieving the following	specifies a 5-star	
	targets:	Green Star target	
	<ul> <li>Buildings should achieve a</li> </ul>	rating for the	
	minimum 4-star Green Star	building.	
	rating.		
	<ul> <li>Buildings should achieve a</li> </ul>		
	minimum 4.5-star		
	NABHERS rating.		
	- Retail development will		
	comply with any		
	reasonable future rating		
	Looi provided by the		
	Australian Greenhouse		
	<ul> <li>Each dovelopment</li> </ul>	An Frasion and	Voc
	involving external works is	Sediment Control	163
	to provide measures to	plan has been	
	capture retain and	prepared and is	
	minimise litter, oil	considered	
	sediment, nutrients, and	acceptable by	
	pollutants prior to	Council's Senior	
	stormwater runoff	Development	
	discharge to the receiving	Engineer	
	creeks.	0	
	<ul> <li>Each development is to</li> </ul>		
	consider opportunities for	The proposal is	Yes
	water re-use to service	considered	
	non-potable uses such as	acceptable by	
	irrigation for landscape	Council's Senior	
	areas and for toilet	Development	
	flushing, as relevant to the	Engineer	
A second the ff is so al	scope of the proposal.		N
Access, traffic and	<ul> <li>A detailed micro-simulation</li> </ul>	As discussed	Yes
transport	Liniversity internal read	above this is not	
	network and surrounding	nronosed	
	"area of influence" will be	development is not	
	developed. The model will	the first commercial	
	be used to assess in detail	development.	
	proposed changes to the		
	internal road network and		
	review internal intersection		
	performance. The model will		
	be utilised for assessment of		
	project applications and to		
	determine staging of works.		
	The timing of the model		
	would be based on full		
	Operation of the Epping-		
Access, traffic and transport	<ul> <li>targets:</li> <li>Buildings should achieve a minimum 4-star Green Star rating.</li> <li>Buildings should achieve a minimum 4.5-star NABHERS rating.</li> <li>Retail development will comply with any reasonable future rating tool provided by the Australian Greenhouse Rating Scheme.</li> <li>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.</li> <li>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.</li> <li>A detailed micro-simulation transport model of the University internal road network and surrounding "area of influence" will be developed. The model will be used to assess in detail proposed changes to the internal road network and surrounding "area of influence" will be developed. The model will be used to assess in detail proposed changes to the internal road network and review internal intersection performance. The model will be utilised for assessment of project applications and to determine staging of works. The timing of the model would be based on full operation of the Epping-Chatswood rail link being</li> </ul>	Green Star target rating for the building. An Erosion and Sediment Control plan has been prepared and is considered acceptable by Council's Senior Development Engineer The proposal is considered acceptable by Council's Senior Development Engineer As discussed above this is not required as the proposed development is not the first commercial development.	Yes

	<ul> <li>realised and any major redevelopment of the Station South portion of Precinct E.</li> <li>Development on the site (academic and commercial) shall be consistent with the aim of the Macquarie Park Traffic Study which seeks a target of 40% non-car modal split overtime.</li> <li>Development on the site shall promote as far as practicable reduced use of private single occupant vehicles and promote public transport use, walking and cycling - including implementation of the Macquarie University Cycle Access Plan.</li> <li>Commercial developments will be required to prepare a Workplace Travel Plan (WPTP) for individual sites in accordance with City of Ryde DCP 2014 Part 4.5 (Section 4.4).</li> <li>All internal roads are to be designed and constructed consistent with the requirements of all relevant Australian Standards, and the requirements of Council and Austroads as applicable.</li> <li>The design facilities will permit effective, appropriate and safe use by all people, including those with disabilities in accordance with the Building Code of Australia and Australian Standard AS 1428.</li> </ul>	A condition has been provided by Council's City Infrastructure Traffic Engineer requiring a finalised Framework Travel Plan (FTP) is to be submitted to Council for review and approval prior to the issue of any Occupation Certificate.	Yes
Environmental Management & contamination	<ul> <li>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</li> </ul>	An Asbestos Report was submitted and concludes no asbestos containing materials were found present in buildings.	Yes

<ul> <li>exist on each development site.</li> <li>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</li> </ul>	An Asbestos Report was submitted and concludes no asbestos containing materials were found present in buildings.	Yes
<ul> <li>procedures.</li> <li>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 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 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</li> </ul>	A Preliminary Site Investigation has been prepared by Douglas Partners which found the risk of contamination to be low. The Preliminary Site Investigation has recommended a Detailed Site Investigation to be completed and this has been included as a condition. Council's Environmental Health Officer has raised no issues with the proposal subject to conditions.	Yes

	accordance with EPA guidelines, CLM Act (1997) and SEPP 55.		
Geotechnical and construction	<ul> <li>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.</li> </ul>	A Geotechnical Report prepared by Douglas Partners dated December 2022 has been submitted. No issues raised by Council's Consultant Structural Engineer.	Yes
	<ul> <li>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.</li> </ul>	A Preliminary Construction Management Plan has been prepared and submitted. It addresses the impact of noise, vibration, dust, soil and erosion and sediment control.	Yes
	<ul> <li>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</li> </ul>	A Civil Report which includes Erosion and Sediment Control measures has been prepared and submitted.	Yes
	<ul> <li>Buildings around the new rail station will be designed having regard to the Epping-Chatswood Rail Link Underground Infrastructure Protection</li> </ul>	Sydney Metro has reviewed the proposal and raised no issues subject to conditions of consent	Yes

	Guidelines (TIDC – May 2008), with future applications accompanied by appropriate engineering advice and design measures to protect TIDC infrastructure.		
Flora and fauna – Ongoing Management	<ul> <li>Where possible, endangered vegetation remnants will be retained and protected from further encroachment/degradation or supplemented with appropriate offsets at other remnants.</li> <li>Where possible, individual remnant trees outside remnant areas will be retained.</li> </ul>	No tree removal is proposed. The proposal has been reviewed by Council's Landscape Architect and no issues were raised.	Yes
	<ul> <li>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 nominated as potential endangered ecological communities (EEC).</li> </ul>		
	<ul> <li>Demonstrate consistency with the published Vegetation Plan, Threatened Species Management Plan and Weed Management Plan</li> </ul>	The proposal has been designed in accordance with these plans.	Yes
Trees – on going management.	<ul> <li>Demonstrate consistence with the published Landscape Management Plan</li> </ul>	The proposal has been designed in accordance with the Landscape Management Plan. No tree removal is proposed. Council's Landscape Architect has raised no objections to the proposed replacement trees.	Yes

		The replacement planting is a suitable species and within a suitable location.	
Design Excellence and Urban Design Guidelines – Ongoing application	<ul> <li>Demonstrate consistency with the published Design Excellence Strategy and Urban Design Guidelines</li> </ul>	The proposed design is generally consistent with the modified Guidelines. This is discussed in detail above.	Yes

# 7.2 State Environmental Planning Policy (Planning Systems) 2021

The proposal is categorised as a 'Crown Development over \$5 million' under Schedule 6 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 4.33 of the EP&A Act.

### 7.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021

### Chapter 2 Vegetation in non-rural areas

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.

Tree removal is not proposed as part of this application. A total of forty eight (48) trees are to be removed as part of the early works REF. Macquarie University Masterplan sets out a replacement ratio of 2:1 unless the tree is identified as having native habitat value or is connected to heritage of the local area. Of the 48 trees identified for removal, there are eight (8) trees which could be considered to have native habitat value as they are locally occurring species within the area. These eight (8) trees are to be replaced at a ratio of 3:1 with the remaining 40 to be replaced at a ratio of 2:1, resulting in a total of one hundred and four (104) replacement trees to be planted.

The subject DA proposes one hundred and four (104) replacement trees to be planted to compensate for the tree removal required by the early works REF. The replacement trees compromise of tree species from the vegetation community that occurs in the nearby area, that being Sydney Turpentine Ironbark Forest. Within the immediate vicinity of the site, a total of thirty one (31) trees are to be planted. The remaining seventy three (73) trees are to be planted along the Mars Creek which helps maintain a bushland setting.

The proposal has been considered acceptable by Council's Landscape Architect. It is considered that the proposed development does not unduly impact upon any existing biodiversity or trees or vegetation on the site.

### Chapter 6 Water Catchments

This Plan applies to the whole of the Ryde Local Government Area as the LGS is within the Sydney Harbour Catchment. Division 2 of Part 6.2 of this SEPP identifies controls on development in respect of water quality and quantity, aquatic ecology, flooding, recreation and public access and total catchment management.

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

### 7.4 State Environmental Planning Policy (Transport and Infrastructure) 2021

Clause 2.99 Excavation in, above, below or adjacent to rail corridors of the SEPP states:

- 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 (**Figure 15**).



Figure 15: Site plan with rail corridor overlay

In accordance with Clause 2.99, the development application was required to be referred to Sydney Metro. Sydney Metro granted concurrence to the development on 17 May 2023 subject to conditions of consent. These conditions have been incorporated into the draft conditions of consent in Attachment 1.

Clause 3.58 Traffic-generating development of the SEPP states:

(1) This section 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.

TfNSW has reviewed the proposal and has raised no objections to the proposal.

#### 7.5 State Environmental Planning Policy (Resilience and Hazards) 2021

#### Chapter 3 Potentially hazardous or potentially offensive development

Part of the operations within the proposed building requires the storage and handling of Dangerous Goods. As Dangerous Goods are being stored, the site is subject to Chapter 3 of the State Environmental Planning Policy - Resilience and Hazards. A Resilience and Hazards SEPP assessment has been undertaken by Riskon Engineering dated 23 February 2023. The assessment concludes the following:

"The proposed Macquarie University Engineering Building redevelopment at 7 & 9 Wallys Walk, Macquarie Park NSW 2109 has been assessed for the application of Chapter 3 of the State Environmental Planning Policy (Resilience and Hazards, SEPP-RH) based on the proposed storage of DGs at the site. The analysis conducted in this study included an assessment of the proposed DG storage volumes against generic threshold storage quantities outlined in Applying SEPP 33, an assessment of transport operations involved in the storage and handling of DGs, as well as a review of the potential for future growth requiring additional application of SEPP-RH.

The results of these assessments identified that the quantities of DGs stored at the site do not exceed any Applying SEPP 33 thresholds. The transport of DGs does not exceed the threshold levels, nor do any offensive operations occur at the site which may result in environmental emissions. Furthermore, the assessment accounts for future growth of the site operations and thus it would not be expected that the hazard posed by the site would significantly change in the future. Therefore, it is concluded that the site would not be regarded as potentially hazardous under the SEPP-RH policy."

Council's Environmental Health Officer has raised no issues with the proposal subject to conditions.

### Chapter 4 Remediation of land

The requirements of State Environmental Planning Policy (Resilience and Hazards) 2021 apply to the subject site. In accordance with Clause 4.6, 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 Preliminary Site Investigation has been prepared by Douglas Partners which found the risk of contamination to be low. The Preliminary Site Investigation has recommended a Detailed Site Investigation to be completed and this has been included as a condition. Council's Environmental Health Officer has raised no issues with the proposal subject to conditions.

# 7.6 State Environmental Planning Policy (Sustainable Buildings) 2022

On 1 October 2023, the State Environmental Planning Policy (Sustainable Buildings) 2022 comes into effect.

The SEPP includes increased sustainability standards for residential (BASIX) and non-residential development.

Planning Circular PS 23-001 published in September 2023 by the NSW Department of Planning states that the SEPP will apply only to development applications that are submitted on the NSW Planning Portal on or after 1 October 2023.

The application was submitted on 30 March 2023 and, therefore, the Sustainable Buildings SEPP does not apply.

# 7.7 Ryde Local Environmental Plan 2014

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

#### Clause 2.3 - Zone Objectives and Land Use Table

The subject site is identified as being within the MU1 Mixed Use zone under the provisions of RLEP 2014. The proposal is for adaptive reuse of an existing building and construction of a new 6 storey academic building for Physics, Astronomy and Engineering Faculty including refurbishment works.

The portion of the development comprising the School of Engineering is defined as an 'Educational Establishment', while the portion of the development comprising the Australian Astronomical Optics (AAO) is defined as a 'High Technology Industry'.

The below provides an excerpt of the relevant definitions:

educational establishment means a building or place used for education (including teaching), being—

(a) a school, or

(b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

*high technology industry* means a building or place predominantly used to carry out an industrial activity that involves any of the following— (a) electronic or micro-electronic systems, goods or components,

(b) information technology (such as computer software or hardware),

(c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,

(d) biological, pharmaceutical, medical or paramedical systems, goods or components,

(e) film, television or multi-media technologies, including any post production systems, goods or components,

(f) telecommunications systems, goods or components,

(g) sustainable energy technologies,

(*h*) any other goods, systems or components intended for use in a science or technology related field,

and includes a data centre, but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood.

#### Note-

High technology industries are a type of **light industry**—see the definition of that term in this Dictionary.

Educational establishments and high technology industries are permissible with development consent within the MU1 Mixed Use zone.

# Aims and objectives for the MU1 Mixed Use Zone:

- To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- 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 in the Macquarie Park corridor.

The proposed development satisfies the relevant objectives for development within the MU1 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 400 metres from the proposed building.



Figure 16: Location of the new building (circled in yellow) and heritage listed ruins (circled in red)

The item is of local significance, as outlined in Schedule 5 of RLEP 2014. Due to the distance between the proposed 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.

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 bulk earthworks plan shows excavation and fill is proposed within and outside the building footprint. The maximum extent of excavation is 7.0 metres and the maximum extent of fill is 3.0 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.

#### 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 1,500m<sup>2</sup> in GFA unless the consent authority is satisfied that development has had regard to a number of prescribed environmental outcomes.

The Architectural Design Report specifies a 5-star Green Star target rating for the building. Based on the detail provided in the report, the proposed development meets the requirements of this clause.

# 7.8 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.

### 7.9 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.

#### Part 9.2 – Access for people with disabilities

An Access Review Report has been provided which identifies the proposed drawings indicate that accessibility requirements, building access, common area access and sanitary facilities 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 contains a carpark to the south of the existing building. The existing car park includes eight parking spaces including three accessible parking spaces. The relocation of the existing parking spaces to the south of the site to East 3 carpark were approved under the REF. No additional parking will be provided as part of the proposed development. The development is consistent with the Concept Plan requirements.

### 7.10 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 proposal falls within Category 2 commercial and research (for commercial purposes) and business incubation and Category 3 academic use including research (for non-commercial purposes). It is noted Category 3 does not generate the need for any development contributions. The contribution that are payable are as follows:

#### Total contributions and fees

Infrastructure category	Unit	Development amount	Applied contribution rate	Total contribution (\$)
Civic & Urban Improvements - Commercial Office and Research and Business Incubation				
Commercial Office and Business Incubation	GFA (m2)	2718	\$11.09	\$30,142.62
Roads and Traffic Management - Monetary Contributions associated with Commercial and Research				
Roads and Traffic Management - Monetary Contributions associated with Commercial and Research	GFA (m2)	2718	\$36.37	\$98,853.66
Stormwater Management Facilities				
Commercial Office and Business Incubation	GFA (m2)	2718	\$4.07	\$11,062.26
Total contributions and fees				\$140,058.54

Condition on the payment of Section 7.11 Contribution of \$140,058.54 has been included in the draft notice of determination attached to this report.

# 8. LIKELY IMACTS 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. <u>REFERRALS</u>

### 9.1 Internal Referral Comments

### **Senior Development Engineer**

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

#### "Services vehicle access and loading/unloading

The applicant's RFI response has confirmed that Articulated Vehicle 19m is not required for the proposed development and the proposed development does not seek approval for the reversing of trucks from Herring Road to Innovation Road.

#### Previous comments to remain:

Stormwater Management and Water Sensitive Urban Design

The proposed stormwater management system for the development discharges to the existing onsite stormwater pit and incorporates an onsite detention system complying with Councils requirements.

A review of the plan has noted the following matters:

- The onsite detention system has been designed using detailed design method as per Council's DCP Part 8.2. The proposed OSD demonstrated compliance with Council's DCP which the level of runoff from the development during 100 year ARI (1%) AEP storm event with incorporation of onsite detention system is not greater than the post development discharge during 5 year ARI (20% AEP) storm event without OSD.
- DRAINS results files have been provided and the OSD storage is found to be adequate.
- Water sensitive urban design component of the development meets the WSUD targets as per Council's DCP Part 8.2. The proposed stormwater quality treatment measures generally comply with Council's requirements.

Vehicle Access and Parking

Parking: In the opening year of 2024 the buildings are only expected to accommodate existing staff and students. By the year of 2030 the development will result in additional 57 staff and 320 students. However, no further parking number is provided on site. This aligns 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. In addition, the traffic report by ARUP has recommended a green travel plan for the building which encourages a further reduction in private vehicle trips to the university to minimise the likelihood of adverse impacts to the transport network in the future.

#### **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."

#### Landscape Architect

The application was referred to Council's Landscape Architect who has raised no objection to the proposed development subject to conditions of consent.

### **Environmental Health Officer**

The application was referred to Council's Environmental Health Officer who provided the following comments:

#### **"CONTAMINATION**

The development of the site includes the demolition of an existing building on the Macquarie University Campus. A Preliminary Site Investigation has been prepared by Douglas Partners which found the risk of contamination to be low, but has recommended a Detailed Site Investigation, which has been appropriately conditioned.

#### NOISE

The Noise and Vibration Report completed by Arup assesses the impact of the construction of surrounding sensitive receivers. There will be some exceedances at sensitive receivers, however these will be managed through the development of a Construction Noise Management Plan, which has been appropriately conditioned.

# DANGEROUS GOODS STORAGE

The Dangerous Goods Assessment completed by Riskcon provides an assessment and recommendations for Dangerous Goods storage and handling in this proposed development. Compliance with the report has been included as a condition of consent.

**Recommendation:** 

# CONCLUSION

The proposal satisfies the requirements of Council's controls. Environmental Health has no objection subject the following conditions of consent."

# **City Infrastructure Traffic Engineer**

The application was referred to Council's City Infrastructure Traffic Engineer who provided the following comments:

"Based on the proposed number of students and staff in 2030 in the proposed building, and travel survey for staff and students of Macquarie University in 2020, the Traffic Report estimated a total of 97 additional daily car trips would be generated by the additional staff and students.

In view of cumulative GFA of developments in Macquarie University still within its approved Concept Plan, such an addition of vehicle trips is still regarded within the forecast vehicle trips generated by the approved Concept Plan.

Traffic Services Department therefore has no objection to the approval of this application subject to the following conditions."

# **Consultant Structural Engineer**

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

# **Urban Design Review Panel**

The application was referred to the Ryde Urban Design Review Panel for assessment. On 25 May 2023, the Urban Design Review Panel undertook a review of the application. The UDRP were generally supportive of the proposed design, with some concern raised in relation to the deviations from the Concept Plan. A desktop review of the amended plans submitted between 14 July 2023 and 18 July 2023 was completed by the Panel on 25 July 2023. On 10 August 2023 the applicant submitted an amended façade design. A desktop review of the amended façade design was completed by the Panel on 11 August 2023.

The following comments were provided by the Urban Design Review Panel on 25 July 2023 in response to the amended plans submitted between 14 July 2023 and 18 July 2023:

#### "Macquarie University Concept Plan:

The Panel has encouraged that the approved Concept Plan for the University be amended to reflect the detailed design proposal for 7-9 Wallys Walk. A draft of this amendment has been prepared and is considered to be acceptable. The Panel notes the reduced development capacity of Lots A05 and E12 as a consequence of realigning Innovation Road to the south.

The Panel also notes that the amended guidelines do not appear to include a commitment to ensure that the 'Year 2' public domain works which benefit the subject DA will be implemented by the adjacent future stages of work.

Council should satisfy itself that appropriate commitments are in place to have the amendments formally adopted and to achieve the completed public domain vision.

### Eastern Road presentation:

The Panel considers the proposed expression and treatment of the 'conduit' as it present to the Eastern Road is acceptable.

#### North-south link and future-proofing the further extension of the 'conduit':

The scheme has been amended to reconfigure the circulation stair at the intersection of the east-west and north-south internal pedestrian links. Amendments also serve to increase the prominence and visibility of the 'conduit' at its eastern extent. The general arrangement now proposed represent an improvement and are supported.

Although the applicant has resisted a number of the Panel's suggested amendments, on balance the relocated stair and extension of the 'conduit' serve to increase legibility, way-finding and pedestrian safety.

#### Sustainability:

A series of detailed sustainability principles and targets have been defined by the applicant and are supported. The Panel commends this suite of commitments and notes the embodied carbon represented by the adaptive reuse of existing building fabric.

Council should satisfy itself that these targets are appropriately reflected in any development consent.

#### Landscape:

The Panel notes and supports the tree replacement strategy set out by the applicant. The Panel also supports the amended landscape design proposal to improve legibility and safety along the extension of Innovation Road and in the vicinity of the kiosk substations.

#### Safety, security and passive surveillance:

The amendments evident at the intersection of the eastern end of the 'conduit' and the north-south link have all improved pedestrian safety. The proposed lighting and activation strategies along with clarification of the loading access ramp are supported.

# Aesthetics:

The architectural language of the proposal continues to be supported. Additional details have been provided within the architect's Design Report, however the Panel notes that the architectural drawing set is largely silent on these facade details, materials, fixings, junctions, services integration and drainage.

Council should satisfy itself that any development consent adequately describes the proposed architectural character and design intent sufficient to withstand the design development up to construction certificate stage, and to avoid excessive diminution of design quality."

The following comments were provided by the Urban Design Review Panel on 11 August 2023 in response to the amended façade design submitted on 10 August 2023:

"In summary, I'm satisfied that the amendment is capable of maintaining the high level of design quality, environmental performance and overall design intent that the Panel has supported to date.

Additionally, I offer the following points:

- The extent of the amendment is limited to the facade type applied to the Forum, which is a prominent, public-facing element within the scheme.
- The Forum is a particularly important emblem for the project and the research and teaching that occurs within it. Hence, the Forum warrants a facade solution that represents both high design quality, and which also performs well environmentally.
- I accept the rationale that has motivated the proposed amendment, which is for a more efficient, integrated facade system that eliminates the need for two separate framing systems, thereby reducing embodied carbon and also offering a simplified maintenance regime.
- The design intent for the Forum facade maintains the striking diagonally gridded geometry that evokes the refraction of light in a way that resonates with the astrophysics teaching and research functions occurring within the building. The singular organising grid also relies on a diverse pattern of second-order infill panel types.
- The pattern of both front-fixed and back-fixed glass panels is critical to achieving a sense of depth, shading and relief within the facade.
- The variety and arrangement of different facade panels, incorporating clear glazing, fritted glazing and glazing with a metal mesh interlay is critical to achieving a rich, characterful composition that also serves a meaningful environmental function.

On this basis, Council should satisfy itself that:

- The approximately 200mm deep glazing mullions which are critical to achieving the anticipated depth, shadow and relief should not be reduced in depth.
- The proposed metal mesh interlay which is used on approximately 25% of the triangulated facade panels should be maintained as a 'real' metal mesh and not be substituted.
- The proposed fritted glass panels which are used on approximately 50% of the triangulated facade panels - would benefit from some further variation (creating say two types) so as to further enrich the overall composition.
- The final developed design solution demonstrates sufficient flexibility in the composition of various facade elements to allow it to be responsive to the two key orientations of the Forum north (with high angle solar incidence) and west (with low angle solar incidence)."

### Assessing Officer comment:

The Panel raised concerns that the amended guidelines do not appear to include a commitment to ensure that the 'Year 2' public domain works which benefit the subject DA will be implemented by the adjacent future stages of work. To clarify "Year 2 Public Domain works" means the future public domain works. The lot controls for Lot A06 (subject site) and Lot A01 (lot east of the subject site) have been updated to show the north-south pedestrian connection can be achieved at a future stage when the adjoining site to the east gets rebuilt.

The subject application is generally consistent with the modified Guidelines. This is discussed in detail above. A revised Design Excellence Strategy and Urban Design Guidelines was submitted to the Department via email on 10 August 2023.

The Architectural Design Report specifies a 5-star Green Star target rating for the building. **Condition 1** has been imposed to ensure compliance with this report.

The Panel's comments provided on 11 August 2023 include façade specifications. A condition has been imposed to ensure the façade specifications are complied with.

#### 9.1 <u>External Referrals</u>

#### **NSW Police**

The application was referred to NSW Police who has raised no objection to the proposed development subject to conditions.

#### 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 T&ISEPP

Sydney Metro has reviewed the DA documents that were uploaded onto the NSW Planning Portal on 3 and 6 March 2023.

Sydney Metro has assessed the development proposed by the DA in accordance with the requirements of section 2.99(4) of the T&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."

#### 10. SUBMISSIONS

The application was notified and advertised in accordance with Part 2.1 of *Ryde Community Participation Plan* between 11 April 2023 and 11 May 2023. 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 adaptive reuse of an existing building and construction of a new 6 storey academic building for Physics, Astronomy and Engineering Faculty including refurbishment works. The development application is generally 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

- That the Sydney North Planning Panel grant consent to development application LDA2023/0084 for adaptive reuse of an existing building and construction of a new 6 storey academic building for Physics, Astronomy and Engineering Faculty including refurbishment works 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 Senior Town Planner

### Report approved by:

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