
*Section 4.55(2) Modification
Application to LDA2018/0506*

Urbis staff responsible for this report were:

Partner	David Hoy
Associate Director	Travis Lythall
Consultant	Mobina Shadi
Project Code	P0061042
Report Number	RFI Amendment – June 2026

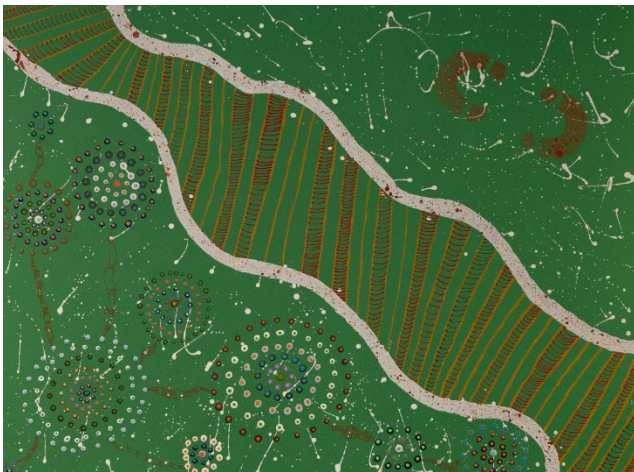
Acknowledgment of Country

Urbis acknowledges the Traditional Custodians of the lands we operate on.

We recognise that First Nations sovereignty was never ceded and respect First Nations peoples continuing

connection to these lands, waterways and ecosystems for over 60,000 years.

We pay our respects to First Nations Elders, past and present.



The river is the symbol of the Dreaming and the journey of life. The circles and lines represent people meeting and connections across time and space. When we are working in different places, we can still be connected and work towards the same goal.

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Introduction

- This modification report (**Report**) has been prepared by Urbis Ltd on behalf of Legacy Property (**the Applicant**) in support of an application to modify LDA2018/0506 (**the Consent**) under section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**). The consent proposed to be modified applies to 14-16 Cottonwood Crescent, Macquarie Park (**the site**).
- Consent was initially granted by the Sydney North Planning Panel on 4 November 2020 (LDA/2018/0506) for a mixed use development. The consent has been subsequently modified, Development Application Reference MOD2024/0012 which was approved on the 18 March 2025.
- The current modification application proposes:
 - Increase in building height and number of storeys
 - Increase in proposed Gross Floor Area (GFA) and Floor Space Ratio (FSR)
 - Revision of ground floor podium design and communal spaces
 - Redesign of retail spaces
 - Amendments to landscape design and water management
 - Redesign of penthouse and changes to apartment mix and sizes
 - Amendments to basement levels and layouts
- This report provides a comprehensive description and assessment of the development proposed to be modified in accordance with s4.55 (2) of the EP&A Act and the relevant matters for consideration listed in section 4.15 of the EP&A Act. This report is structured as follows:
 - **Section 1:** outline of the site and project history, including previous approvals.
 - **Section 2:** overview of the proposed modifications, including rationale and intended outcomes and assessment of the proposed modification in accordance with section 4.55(2) of the EP&A Act.
 - **Section 3:** assessment of the proposed modification in accordance with section 4.55(2) of the EP&A Act.
 - **Section 5:** detailed environmental, social and economic impact assessment in accordance with section 4.15(1)(b) of the EP&A Act 1979.
 - **Section 6:** conclusion
- This report should be read in conjunction with the supporting documentation outlined in **Table 1**.

Table 1 Supporting Documentation

Title	Prepared By	Short Reference
Survey Plan	Geosurv	Survey
Quantity Surveyor Cost Report	MBM	QS Report
Architectural Plans	RotheLowman	Plans
Landscape Plans	ARCADIA	LSP

Architectural Design Report	RotheLowman	DR
Traffic Impact Assessment	TTPP	TIA
Noise Impact Assessment Report	Acoustic Logic	NIA
Waste Management Plan	Elephants Foot	WMP
Arboricultural Impact Assessment	Heartwood Tree Consulting	AIA
Access Capability Report	Vallabh Baily Consulting	AC
Ecological Sustainable Development a BASIX Compliance Report	E-Lab Consulting	ESD & BASIX
Building Code Australia Compliance Report	Mckenzie Group	BCA
Stormwater Management Plan	TTW	SWP
Flood Impact Statement	TTW	FIS
Sydney Metro Protection Brief	TTW	SMPB
Geotechnical Peer Review	El Australia	GR
Fire Engineering Statement	Coreen Engineering	FS
Appendix A Housing SEPP and ADG Compliance Table	Urbis	ADG
Appendix B DCP Compliance Table	Urbis	DCP

1 Background

1.1 Site Description

- The site comprises two (2) separate allotments located at 14-16 Cottonwood Crescent, Macquarie Park (the Site) which is within the Ryde Local Government Area (LGA). The site is located at the southeastern corner of the Cottonwood Crescent and Waterloo Road intersection.
- The site comprises two (2) lots:
 - 14 Cottonwood Crescent, Macquarie Park (SP6262)
 - 16 Cottonwood Crescent, Macquarie Park (SP5906)
- The subject site has an area of approximately 2,499m² and forms an irregular 'L-shaped' allotment. It presents a 79.25m primary frontage to Cottonwood Crescent, a staggered rear boundary of 79.245m adjoining Shrimptons Creek Reserve, a 38.1m frontage to Cottonwood Reserve to the west, and a 25.91m secondary frontage to the east adjoining a Council reserve that connects to Waterloo Road.
- The site slopes from Waterloo Road towards Cottonwood Reserve to the south-west, with a more pronounced cross fall of approximately 5 metres from Cottonwood Crescent towards Shrimptons Creek.
- The two residential flat buildings previously occupying the site, each three storeys in height were demolished in December 2025. Vehicular and pedestrian access is provided from Cottonwood Crescent.

Figure 1 Aerial Photograph



Source: Urbis (Nearmap)

- The key features of the site are summarised in the following table.

Table 2 Site Description

Site Characteristic	Description
Address	14-16 Cottonwood Crescent, Macquarie Park
Country	Wallumedegal Clan of the Darug nation
Legal Description (Title Particulars)	SP 6262 SP5906
Site Ownership	Legacy Property
Zoning	MU1 Mixed Use
Site Area	2,499m ²

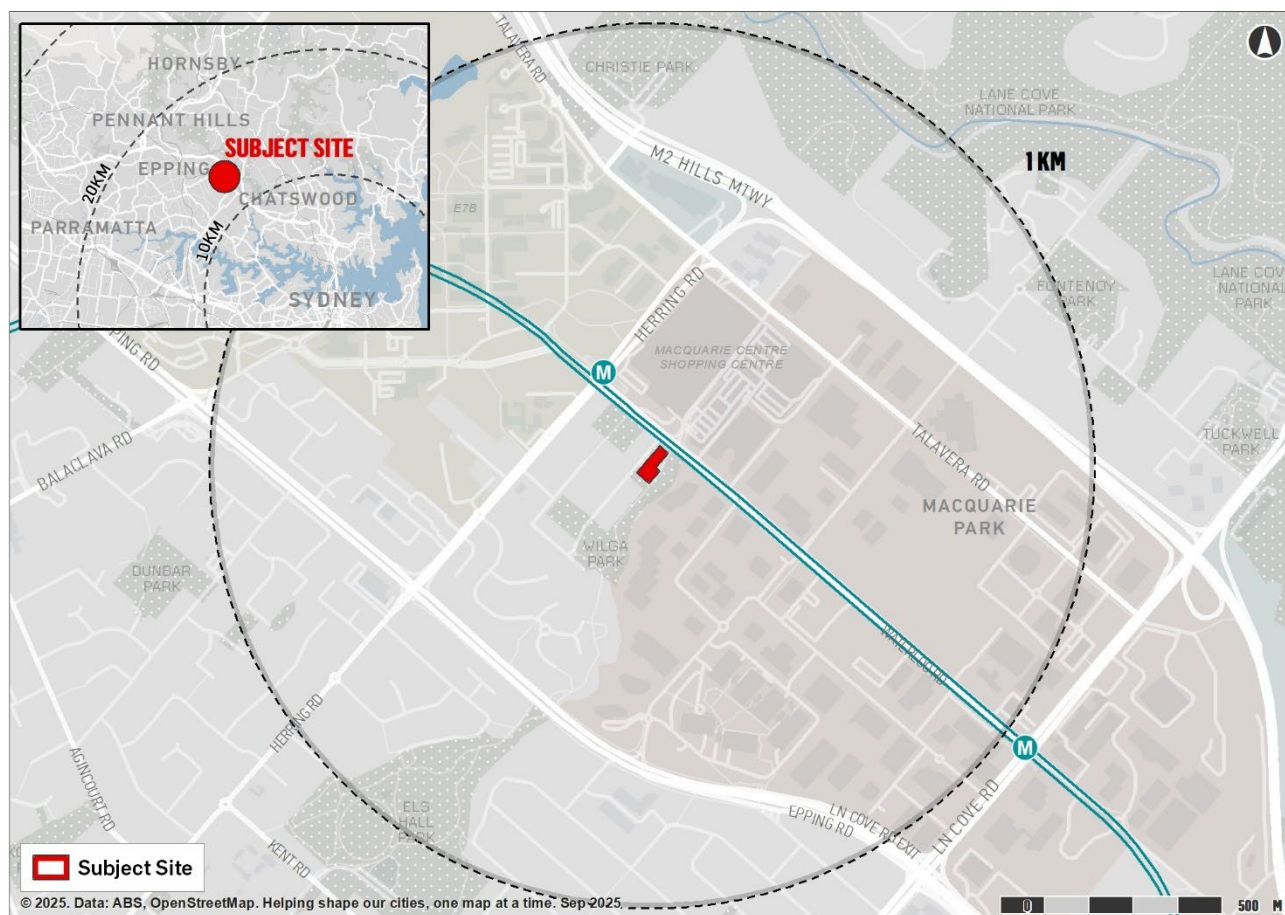
1.2 Surrounding Context

- The site is located within a well-established urban setting in Macquarie Park, characterised by a mix of residential, commercial, and recreational land uses. To the south, the site adjoins a public reserve that follows Shrimptons Creek, extending from Waterloo Road to Epping Road. This reserve includes a shared footpath that provides convenient pedestrian connectivity between Waterloo Road and Epping

Road. Further south lies the 'Natura' mixed-use development at 82 Waterloo Road, as well as an area of privately owned public open space situated on the southern side of Shrimptons Creek.

- To the west, the site adjoins Cottonwood Reserve, a local park that contributes to the area's network of open spaces. The land between Cottonwood Reserve and Quandong Reserve has been recently redeveloped for a large mixed-use development known as 'Vicinity Macquarie Park,' which includes residential and commercial components and enhances the precinct's urban character.
- Land on the northern side of Cottonwood Crescent has not yet undergone redevelopment and is currently occupied by four-storey brick residential flat buildings.
- To the east, the site is directly adjacent to the Macquarie Centre, a major regional shopping destination that provides a range of retail, dining, and entertainment facilities. The site is also located within close proximity to key public transport and educational facilities, being approximately 230 metres walking distance from the Macquarie University Metro Station and within walking distance of Macquarie University.

Figure 2 Site's Local Context



Source: Urbis

1.3 Original Development Consent

- On 4 November 2020, the Sydney North Planning Panel granted consent to Development Application LDA2018/0506 for the demolition of existing buildings, excavation and site preparation work, construction of a 20-storey (67m) mixed use building comprising retail uses on the ground floor and 132 residential units and five levels of basement parking and associated landscape, and public domain works at 14-16 Cottonwood Crescent, Macquarie Park.

- **Note:** LDA2018/0506 has physically commenced to ensure that the consent did not pass its lapsing period. Accordingly, a Complying Development Certificate (CDC) was issued to progress the demolition phase of the project.

1.4 Modified Consent

- The approved LDA2018/0506 was modified under MOD2024/0012 and determined on 18 March 2025.
- The details of the Section 4.55(2) modification pertaining to MOD2024/0012 are:
 - Increase in building height to 67.2m but a deduction from 20 storeys to 19 storeys.
 - Internal reconfiguration to include:
 - Relocation of lift cores,
 - Rearrangement of car parking spaces and access/egress in the basement,
 - Reconfiguration of ground floor retail space,
 - Reduction of the number of apartments from 132 to 101 units,
 - Change to apartment mix.
 - Provision of roof top open space areas.
 - Rearrangement and locating of communal open space areas.
 - Redesign of the façade treatment.

1.5 Pre-Lodgement Feedback

- On 12 August 2025, a pre-lodgement meeting was held with the City of Ryde Council. Council suggested that the proposal could proceed via a Modification Application under Section 4.55(2) of the EP&A Act.
- The key point raised by Council was that any increase in height and floor space ratio (FSR) would require a merit assessment, supported by a strong argument to justify the non-compliance. Furthermore, the Council suggested that the proposal required to be referred to WaterNSW, Sydney Metro and Transport for NSW (TfNSW).

2 Description of modification(s)

2.1 Overview of modification

- The subject modification seeks development consent to modify the approved development application under LDA2018/0506.
- The proposed modifications are described in more detail below:
 - Increase in building height and number of storeys
 - Increase in proposed Gross Floor Area (GFA) and Floor Space Ratio (FSR)
 - Revision of ground floor podium design and communal spaces
 - Redesign of retail spaces
 - Amendments to landscape design and water management
 - Redesign of penthouse and changes to apartment mix and sizes
 - Amendments to basement levels and layouts
- A summary of amendments is detailed in the Architectural Design Report and illustrated in the Architectural Plans prepared by ROTHELOWMAN, appended to this report.
- The proposed modifications are also described in more detail in **Section 2.5** below.

2.2 Detailed Description of Key Amendments

- A detailed description of the key amendments sought by this modification are described below:
- Increase in approved overall building height; FSR and Dwelling Mix
 - The proposed modification increases overall building height to 75.3m (where the original approved height was 67m). The number of proposed storeys increases to 21 (noting the original consent approved 20 storeys, the modified consent reduced this to 19 storeys, but with an associated increase in overall building height as described above).
 - Overall building FSR is proposed to increase from 4.5:1 to 5.56:1 under this proposed modification. Both original and modified consent FSR incorporated GFA that resulted in an FSR of 4.5:1.
 - The proposed modification proposes to alter dwelling yield to 126. The original consent incorporated 132 dwellings. The modified consent incorporates 101 dwellings.
- Residential Lobby Level Adjustment
 - The residential lobby has been raised by approximately 700 mm, providing a stronger relationship to the street, improving visual presence, and ensuring compliance with flood-related planning controls.
 - Note that Council's flood planning requirements have changed since the prior modification, increasing the requirements for flooding resilience for development on the site.
- Increased Floor-to-Floor Heights for Residential Dwelling

- Revising floor-to-floor heights (on average of 300–400mm across each floor – circa 8m across the site) to improve residential amenity, accommodate contemporary structural, acoustic, fire safety, building services and insulation requirements.
 - This proposed change across 21-storeys (including the lift overrun) contributes to the height variation and is the main component of the additional height now being sought).
- Retail Level and Landscape Integration
 - The retail floor level has been lowered to align more closely with the natural ground level along the north-east landscape edge. This reduces the extent of structured terraces, increases deep-soil planting areas, and significantly improves activation and visual connection to the adjoining public open space.
- Enhanced Pedestrian Access and Connectivity
 - Pedestrian entry points are reconfigured to take advantage of the natural topography, providing improved levels of access to the residential and retail areas.
 - A new communal walkway has also been introduced along the north-eastern edge to strengthen pedestrian connectivity and enhance site permeability.
- Communal Open Space Reallocation
 - The communal open space has been shifted away from the south-west boundary and relocated to the rooftop. This allows for the creation of a landscaped overland flow path at ground level while maintaining high-quality communal amenities for residents.
 - The lift overrun is required to the communal roof terrace to ensure equitable access, but without any adverse external impact, as is detailed later in this report.
- Infrastructure and Servicing Improvements
 - The internal substation has been redesigned as an external pad mount kiosk. This modification frees internal space, allowing for increased waste storage capacity and the introduction of car-share parking spaces at street level.
- Retail and Loading Dock Reconfiguration
 - Adjustments to the retail layout and waste management strategy have enabled a more efficient redesign of the loading dock.
 - The raised loading dock RL (increased by 500 mm) removes the need for a separate flood-protection crest, improving access and internal circulation.
- Terrace Consolidation and Outdoor Dining Opportunity
 - The change in the retail level allows terraces previously required for equitable access to be consolidated into a functional outdoor dining area, enhancing activation and improving the retail interface.
- Overland Flow Path Redesign and Building Setback Increase
 - The overland flow path has been redesigned as an external landscaped corridor instead of an internal chamber. This also allows an increased setback to the public park, providing a more generous landscape buffer.
- Waterloo Road Interface Improvements

- Raising the main building ground level RL assists in integrating the Waterloo Road retail frontage with new landscape treatments.
- Ground-level landscaping along Waterloo Road has been redesigned to maximise retail presentation and create a more cohesive urban edge.
- Improved Deep Soil and Security Along Shrimptons Creek Corridor
 - The removal of the access stair leading to the podium adjacent to the Shrimptons Creek corridor enables additional deep-soil landscaping and simplifies pedestrian movement, resulting in improved security and natural surveillance along this sensitive interface.

2.3 Proposed Amendments to Plans/Approved Documentation

- This section describes the proposed modifications to the Architectural Plans, including a summary of the key changes and intended outcomes. Proposed changes are in **red** text

Table 3 Plan modifications –Condition 1

Plan Number	Plan Name	Revision	Date	Prepared By
Architectural Plans				
DA00.00	Cover Sheet	C	06.12.2025	Rothelowman
DA00.01	Development Summary	C	06.12.2025	Rothelowman
DA00.04	Demolition Plan	C	06.12.2025	Rothelowman
DA00.05	Site Plan	C	06.12.2025	Rothelowman
DA01.00	Basement 5	C	06.12.2025	Rothelowman
DA01.01	Basement 3-4	C	06.12.2025	Rothelowman
DA01.02	Basement 2	C	06.12.2025	Rothelowman
DA01.04	Basement 1	C	06.12.2025	Rothelowman
DA01.05	Lower Ground	C	06.12.2025	Rothelowman
DA01.10	Ground	C	06.12.2025	Rothelowman
DA01.11	Level 1	C	06.12.2025	Rothelowman
DA01.12	Level 2	C	06.12.2025	Rothelowman
DA01.13	Level 3 –15 Level 3	C	06.12.2025	Rothelowman
DA01.14	Level 16–17 4–20	C	06.12.2025	Rothelowman
DA01.15	Level 18 21	C	06.12.2025	Rothelowman
DA01.16	Roof	C	06.12.2025	Rothelowman
DA02.01	North Elevation –Cottonwood Crescent	C	06.12.2025	Rothelowman

Plan Number	Plan Name	Revision	Date	Prepared By
DA02.02	South Elevation – Shrimptons Creek	C	06.12.2025	Rothelowman
DA02.03	East and West Elevation	C	06.12.2025	Rothelowman
DA03.01	Section A Section 1- Long	C	06.12.2025	Rothelowman
DA03.02	Section B Section 2- Cross Section Sheet 1	C	06.12.2025	Rothelowman
DA03.03	Section 3 – Cross Section Sheet 2	C	06.12.2025	Rothelowman
DA03.04	Section 4 – Long Section 2	C	06.12.2025	Rothelowman
DA05.10	Adaptable Plans	C	06.12.2025	Rothelowman
DA06.20	GFA	C	06.12.2025	Rothelowman
DA06.30	Communal Open Space & Deep Soil	C	06.12.2025	Rothelowman
DA06.31	Landscaped Area	C	06.12.2025	Rothelowman
DA06.40	Solar & Cross Ventilation Compliance	C	06.12.2025	Rothelowman
DA06.41	Solar & Cross Ventilation Compliance 2	C	06.12.2025	Rothelowman
DA06.50	POV Shadows Shadow POVs	C	06.12.2025	Rothelowman
DA06.51	Shadow POVs	C	06.12.2025	Rothelowman
DA06.52	Shadow Plans	C	06.12.2025	Rothelowman
DA06.53	Shadow Plans	C	06.12.2025	Rothelowman
DA06.60	Height Plane	C	06.12.2025	Rothelowman
DA06.70	Storage Plans	C	06.12.2025	Rothelowman
DA06.71	Storage Plans	C	06.12.2025	Rothelowman
DA07.01	Materials Schedule	C	06.12.2025	Rothelowman

2.4 Amended Conditions

- This section outlines the proposed replacement and/or rewording of the conditions of consent imposed by Council in accordance with the plan modifications outlined in **Section 2.3**.
- Where amendments are proposed to the wording of conditions, additions are shown in **red** and deleted text is shown in ~~strikethrough~~.

Table 4 Condition Amendments

Condition	Rationale for Amendment
3. BASIX Compliance with all commitments listed in BASIX Certificate(s) numbered 1826136M954768M-08, 1730305M-03 dated Friday 17 July 2020-22 July 2024 11 December 2025.	Updated the BASIX Certificate to align with the amended internal layout and apartment mix as sought by this modification application.
38. Provision of contact details/ neighbour notification. At least 7 days before any demolition work commences: a) Council must be notified of the following particulars: (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and (ii) The date the work is due to commence and the expected completion date b) A written notice must be placed in the letter box of each property identified in the attached locality plan or of each property within 100m of the site advising of the date the work is due to commence. 39. Compliance with Australian Standards. All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).	Demolition works have been approved under a separate Complying Development Certificate.
43. Waste Management Plan. Waste Management Plan. Demolition material must be managed in accordance with the approved waste management plan prepared by Elephants Foot (Revision E) dated 12/3/20.	A construction waste management plan will be provided prior to the issue of the relevant Construction Certificate.
53 Section 7.11 Macquarie Park Corridor Section 7.12 Contributions Plan 2025 A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council as follows:	Update Section 7.12 contributions to reflect the change in mix of residential apartments and reduction in commercial floor space sought by this modification application.
A – Contribution Type Community & Cultural Facilities	B – Contribution Amount \$ 772,948.86

Condition	Rationale for Amendment
Open Space & Recreation Facilities	\$1,490,469.77
Roads & Traffic Management Facilities	\$ 106,455.99
Plan Administration	\$ 35,548.08
The total contribution is	\$ 2,405,422.70

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$ 649,971.31
Open Space & Recreation Facilities	\$ 1,253,301.62
Roads & Traffic Management Facilities	\$ 89,420.26
Plan Administration	\$ 29,889.90
The total contribution is	\$ 2,022,583.09

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$
Open Space & Recreation Facilities	\$
Roads & Traffic Management Facilities	\$
Plan Administration	\$
The total contribution is	\$

These are contributions under the provisions of Section 7.11 of the Environmental Planning and Assessment Act, 1979 as specified in ~~Macquarie Park Corridor Section 7.12 Contributions Plan 2025~~ ~~City of Ryde Section 7.11 Development Contributions Plan 2020~~, effective from ~~1 July 2020~~ ~~2 May 2025~~.

65. Disabled access. The recommendations contained in the Access Review Report dated 05 December 2025 26 November 2018 as prepared by Morris-Goding Access Consulting are to be demonstrated on the Construction Certificate plans. Prior to the issue of the relevant Construction Certificate, a report is to be provided from a suitably qualified access consultant to verify that the Construction Certificate Drawings fully comply with the Building Code of Australia and Australian Standards AS1428.1, AS4299, AS1735.12 and AS2890.6. The report is to be provided to the PCA and Council (if Council is not the PCA).	An updated Access Report is provided with this Modification Application.
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Condition	Rationale for Amendment
66. Acoustic Requirements. The recommendations contained in the Acoustic Reports prepared by Acoustic Logic dated 30 November 2018 1 December 2025 (Doc. Reference: 20181291.1/3011A/R3/CC 20251033.1/0112A/R1/WY) Environmental Noise Impact Assessment prepared by ADP dated 20 December 2023 and all other relevant BCA acoustic requirements are to be demonstrated on the Construction Certificate plans. Details indicating compliance with these requirements are to be submitted to the PCA prior to the relevant Construction Certificate being issued. Prior to the occupation of the development, a suitably qualified acoustic consultant is to verify that the development complies with these recommendations in the above report.	The Noise Impact Assessment has been updated to reflect the proposed modifications.
76. Sydney Metro Requirements. <u>Noise & Vibration</u> The development must: (a) comply with State Environmental Planning Policy (Infrastructure) 2007 and the NSW Department of Planning & Environment's document titled "Development Near Rail Corridors and Busy Roads – Interim Guideline"(2008) and the Sydney Metro Underground Corridor Protection Guidelines (available from www.svdnevmetro.info); (b) be designed, constructed and maintained so as to avoid damage or other interference which may occur as a result of air-borne noise, ground-borne noise and vibration effects that may emanate from the rail corridor during rail construction and operations; and (c) not have any noise or vibration impacts on the rail corridor or rail infrastructure. The Applicant must incorporate as part of the development all the measures recommended in the acoustic assessment report DA Noise Impact Assessment-Rev 0-1 [Ref. 20200238.1/1103A/RO/CC 20251033.1/0112A/R1/WY] prepared by Acoustic Logic Consultancy Pty Ltd and dated 11 March 2020 1 December 2025. A copy of the acoustic assessment report is to be provided to the Certifier and Council prior to a Construction Certificate being issued by the Certifier. The Certifier must ensure that the recommendations of the acoustic assessment report are incorporated in the construction drawings and	The Noise Impact Assessment has been updated to reflect the proposed modifications. A review of Sydney Metro Letter has been prepared to reflect the proposed modifications.

Condition	Rationale for Amendment
documentation prior to issuing a Construction Certificate for the development.	
77. Flooding – Flood and Overland Flow Protection. The property has been identified as being susceptible to flooding and overland flow during large storm events. In accordance with the floodplain management controls started within Council’s DCP Part 8.2 (Stormwater and Floodplain Management), the following measures must be implemented in the development. A certificate from a suitably qualified Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent, shall be submitted to the Principal Certifying Authority stating compliance with this condition prior to the issue of the Construction Certificate for the following items: a) The applicant shall comply with the flood recommendations provided in the Flood Impact Assessment Report prepared by TTW Robert Bird, revision B, dated 15/07/2020 8 December 2025. b) The habitable floor levels of all dwellings encompassed under this approval must not be constructed less than the approved Flood Impact Assessment Report prepared by TTW Robert Bird, revision B, dated 15/07/2020 8 December 2025.	An updated Flood impact statement has been prepared for the modification proposed.
81. Stormwater – Drainage Design Submission. c) The location and as-built information (including dimensions and invert levels) of the existing Council kerb inlet pit as shown on Civil Works and Stormwater Management Plan by Robert Bird Group dated 15/07/2020, Project No. 20029C, Revision P4 is to be confirmed by a suitably qualified surveyor. This shall be incorporated into the drainage engineering drawings.	
93. Stormwater Management. Stormwater runoff from the development shall be collected and piped by gravity flow to the existing kerb inlet pit in Waterloo Road, generally in accordance with the plans by TTW Robert Bird Group, Job No. 20029C, drawings 80001-P3, 81001-P3, 81010-P3, 83005-P2, 83006-P2, 86001-P4, and 86010-P1 dated 14 July 2020 3 December 2025, subject to any variations marked in red on the approved plans or noted following; – Basement drainage plans are to be provided in accordance with the ‘Stormwater Management – Pump System’ condition.	An updated Stormwater Management Report and plans have been prepared by TTW to reflect the proposed modifications.

Condition	Rationale for Amendment
- A grated drain is to be placed on the driveway at the site boundary and connected to the in-ground drainage system. - Connection to the public drainage infrastructure will require the approval of Council's City Works (Stormwater) Department.	
94. Stormwater Management – Access to Basement. The ridge of the basement ramp must be set at the PMF level as per the Flood Impact Statement Assessment by TTW Robert Bird Group , Issue B dated 12 March 2020 3 December 2025 .	An updated Stormwater Management Report and plans have been prepared by TTW to reflect the proposed modifications.
101. Waste Management Plan. Compliance with the Waste Management Plan prepared by Elephants Foot dated 10/12/2025 12/3/20 07/06/2024 or 20190173 AD-SK3960-Rev K 5 plans which were utilized to evaluate the waste collection by Council. Any changes to the plan have to be approved by the Waste Department at the City of Ryde Council before the issue of a Construction Certificate to ensure the waste collection is not affected.	An updated Waste Management Report has been prepared to reflect the proposed modifications.
118. Project Arborist. A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained on the subject site and neighbouring allotments in accordance with AS4970-2009 Protection of trees on development sites and the Arboricultural Impact Assessment and Tree Protection Specification prepared by Heartwood Tree Consulting Version 2 dated 10 December 2025 Tree-iQ, Revision C dated 10th December 2018 . All trees are to be monitored to ensure adequate health throughout the construction period is maintained. Additionally, all work within the Tree Protection Zones is to be supervised by the Project Arborist throughout construction. Details of the Project Arborist are to be submitted to Council prior to the commencement of construction.	A new Arborist Reports has been prepared accompanying the Modification application
133. Stormwater Management – Construction. The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the in relation to the connection to the public drainage system Stormwater Management Plan by TTW Robert Bird Group , Job No. 20029C, drawings 80001-P3, 81001-P3, 81010-P3, 83005-P2, 83006-P2, 86001-P4, and 86010-P1 dated 3 December 2025 July 2020 , submitted in compliance to the	An updated Stormwater Management Report and plans have been prepared by TTW to reflect the proposed modifications.
137. Tree Retention. The following trees as referenced within the Arboricultural Impact Assessment and Tree Protection Specification prepared by Heartwood Tree Consulting Tree-iQ .	A new Arborist Reports has been prepared accompanying the Modification application

Condition	Rationale for Amendment
Revision C Version 2 dated 10th December 2018 2025 must be retained and protected: Trees 112, 114, AB, AD, AE, BI, BH, F, G, H, I, J, K, L, M, N, O, P, Q & R	
138. Tree Removal. The following trees as referenced within the Arboricultural Impact Assessment and Tree Protection Specification prepared by Heartwood Tree Consulting Tree iq Revision C Version 2 dated 10th December 2018 2025 are approved for removal: Trees 08, 109, 110, 111, 113, 115, 116, 117, 118, 119, 120 & AC.	A new Arborist Report has been prepared accompanying the Modification application.
141. BASIX. The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 1826136 954768M-08, 1730305M-03 dated 17 July 2020 22 July 2024 11 December 2025.	The BASIX Certificate has been updated to reflect the proposed modifications.
199. Parking Allocation. Both the owner and occupier of the development must provide and maintain the maximum parking allocation as follows; 115-114 136 residential spaces 14-12 13 visitor spaces • 3 car-share spaces, 2-4 1 retail spaces and 12-14 16 bicycle parking spaces. 10 Motorbike parking spaces 1 Carwash parking Space	The parking Schedule has been modified since the original DA.

S4.55 2(a) Substantially the Same Development

- The proposed modifications have been assessed using both a quantitative and qualitative assessment to determine whether the development to which the consent as modified relates is substantially the same as the development for which the consent was originally granted.
- It is important to note that this statutory test in s4.55(2)(a) of the Act requires that the comparison be undertaken as between the **original** Consent (i.e. 20-storeys, 67m in height, with 132 residential units) and the modified development now proposed (21 storeys, 75.3m in height, and 126 residential units included).

2.4.1 Quantitative Assessment

- **Table 5** provides a summary of the key elements of the approved and proposed development to demonstrate that the development remains substantially the same to that approved under LDA2018/0506.

Table 5 Modified development summary table - quantitative elements

Feature	LDA2018/0506	MOD2024/0012	Subject Proposal	Comment
Site Area	2,499.3 sqm	2,499.3 sqm	2,499.3 sqm	No change.
Development Description and Site Layout	Demolition of existing buildings, excavation and site preparation work, construction of a 20-storey mixed use building comprising retail uses on the ground floor and 132 residential units over five levels of basement parking, construction of a retail building at the Waterloo Road frontage known as the 'Cyclist Café' and associated landscape and public domain works.	Mixed use building comprising reducing the storeys from 20 to 19, internal reconfiguration, reducing the apartment from 132 to 101, provision of rooftop open space areas, rearrangement and locating communal open space areas and redesign of the façade treatment.	Mixed used building comprising 21 storeys, including 126 residential apartments, retail use along the Waterloo Road/ Cottonwood Crescent frontage, communal open space and associated landscaping	▪ Increase by 2 storeys from the previous modification ▪ (Note: only 1-storey increase from the original DA, being the relevant comparison required under s4.55(2)(a)). ▪ Decrease by 6 apartments from the parent DA and increase of 25 apartments from modified scheme. ▪ The amendments to the site layout and quantum of dwellings and land uses are considered consistent with of the approved use as a mixed use

				building for the purposes of residential accommodation and retail use for the purposes of a kiosk along the active frontage.
Building Height	20-storeys (67m)	19-storeys (67.2m)	21-storeys (75.3m)	10.3m increase (15.84% variation) to the 65m maximum building height control. Note: the proposal increases the proposed development from the approved development by 8.3m.
Gross Floor Area (GFA)	11,245m ²	11,243.5m ²	14,137m ²	Approximate increase of 2,892m² GFA since original DA.
Floor Space Ratio	4.5:1	4.5:1	5.66:1	1.16% increase (25.7% variation) to 4.5:1 maximum FSR control

Car Parking	134	133	155 139 residential spaces 13 visitor spaces 2 car share spaces 1 retail space	▪ Increase by 22 car spaces.
Bicycle Parking	14	14	16	▪ Increase by two (2) bicycle space
Motorbike Parking	-	6	10	▪ Increased by 10.
Carwash parking	-	-	1	▪ Increase by 1.
Solar Access	70.45% receive 2 hours of solar access to living rooms and private open spaces	70.3% receive 2 hours of solar access to living rooms and private open spaces	87.3% receive 2 hours of solar access to living rooms and private open spaces	▪ Increase by 17%, a significant improvement over and above the original Consent and well in excess of the minimum 70% requirement of the ADG
Cross Ventilation	66.67%	66%	63.5%	▪ Decrease by 3%; however, complies with minimum 60% requirement under ADG.
Communal Open Space	941m ²	630m ²	679m ²	▪ Decreased since the original DA

				however consistent with the approved Modification and complies with ADG requirements, also optimised in a qualitative sense through placement / location of rooftop communal space.
Landscaped Area	1,202m ² (48% of the site)	1,847m ² (73.9% of the site)	1,091 m ² (43.6% of the site – complies with the DCP)	Decrease by 4% of original consent since the original DA however still complying, noting that the Act (s4.15(3A)(a)) specifies that anything more onerous than DCP compliance shall not be required.
Deep Soil	438m ² (17.5% of the site)	515.9m ² (20.6% of the site)	837m ² (33.5% of the site)	- Proposed change as follows: - Increase by nearly double of original scheme.
Adaptable Apartments	10%	10.9%	10%	Same as the original DA.

Building Height

- The originally approved building envelope has a height of 67 metres and 20 storeys. The previously approved modification reduced the number of storeys to 19 albeit via a marginally increased overall building height. The proposed modification increases the height by approximately 15.9%, adding one (1) additional storey from that originally approved to create a 21-storey building. This is summarised in the table below.

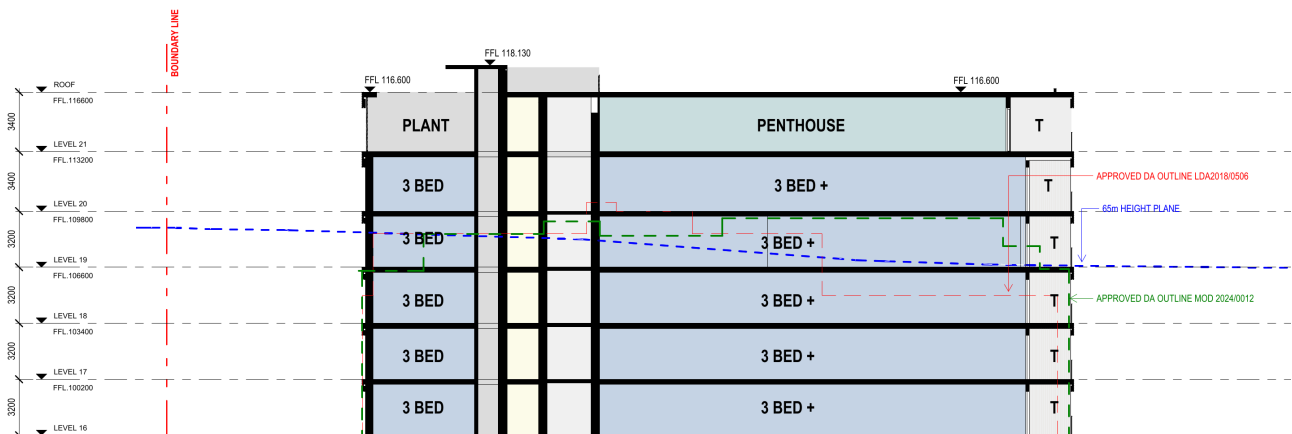
Table 6 Built Form Parameters

Application	Max Height (m)	Max Height (storeys)	Dwelling Yield
LDA2018/0506	67 m	20-storeys	132
MOD2024/0012	67.2m	19-storeys	101
MOD2025/0114 – Subject Modification	75.3m	21-storeys	126

Note: 10.3m increase (15.84% variation) to the 65m maximum building height control. The proposal increases the development from the approved (as modified) development by 8.1m (or 12.46%). The increase from the original Consent is 8.3m.

- This change is confined to the upper levels and does not alter the character of the development or its context within the area.

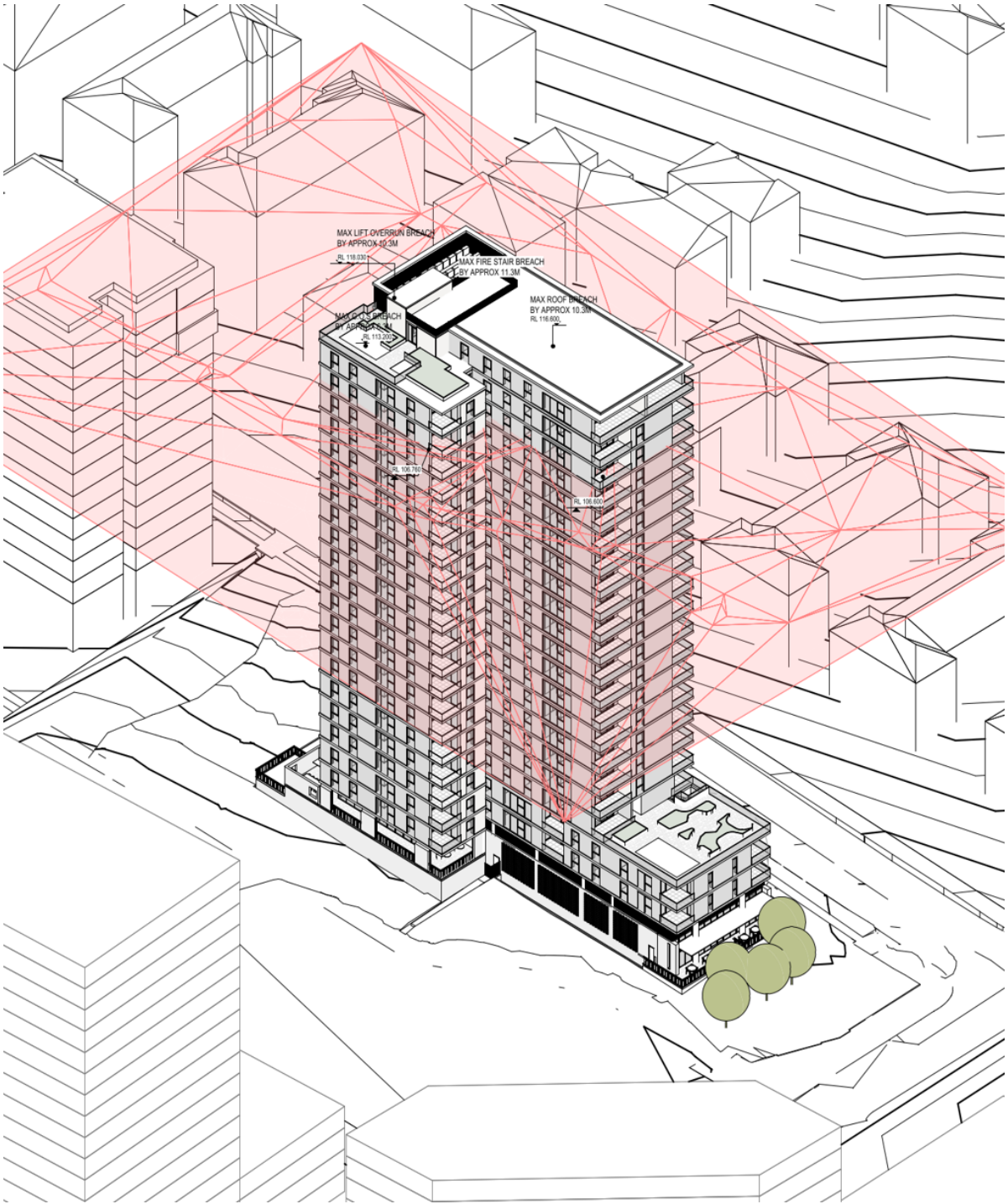
Figure 3 Section 1 of the Proposed Building Height illustrating the Approved DA and the Approved Modification Outline



Source: Rothelowman

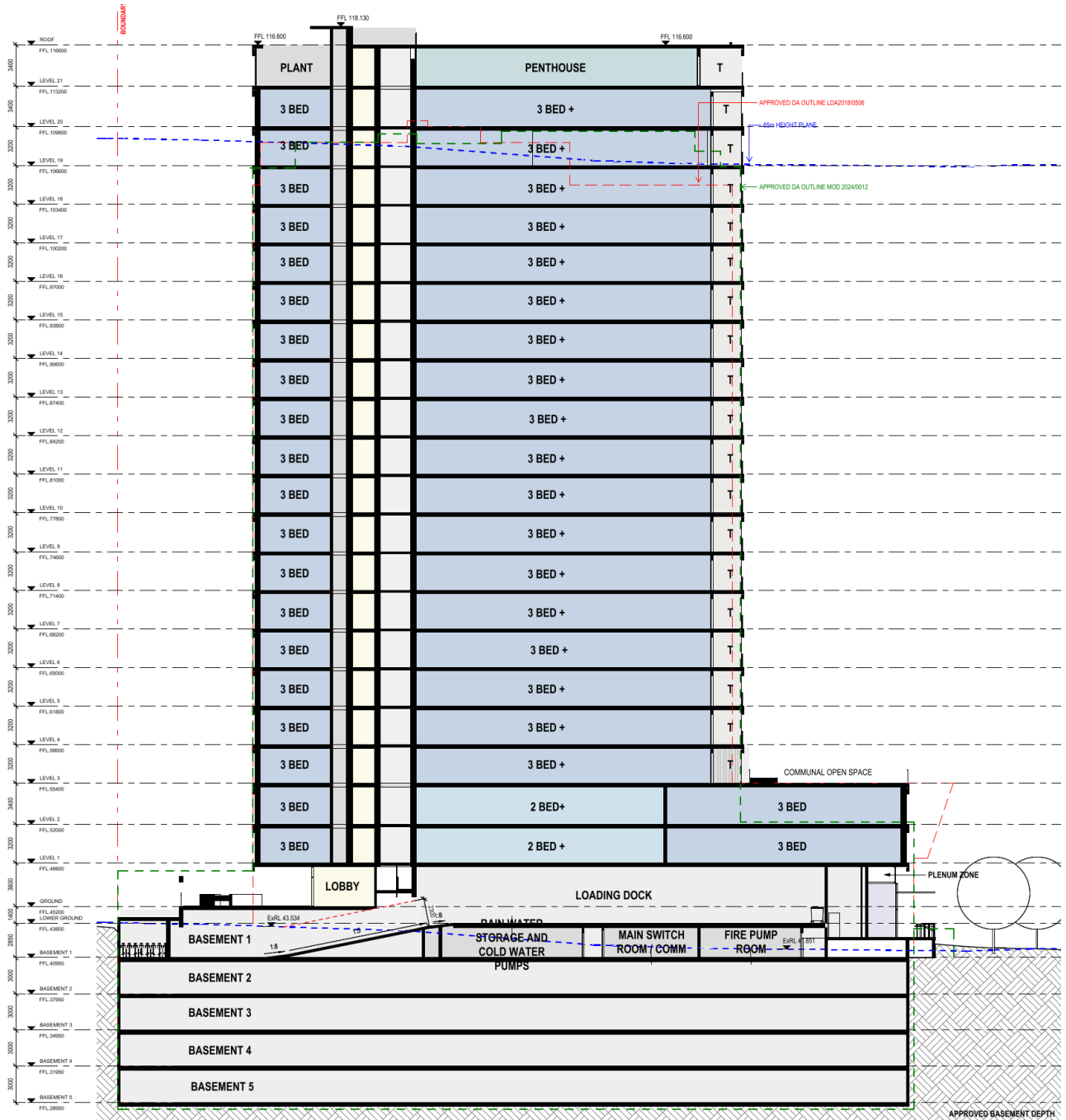
- The overall scale and relationship to surrounding buildings allows the development to remain consistent with that approved, and it is considered that the building's appearance will not fundamentally alter the character of the approved scheme. This consistency is considered to be supportable when it is considered that the change in number of storeys (and therefore changes to visible identifiers such as windows, balconies, openings and fenestration) is a change only from 20 stories to 21 stories. Its relative bulk and scale will therefore not perceptibly change when viewed from the street.
- The proposed changes to the building height are illustrated in the diagrams below which provide:
 - an isometric and plan view of projection above the height plane
 - comparison building cross section showing currently approved and proposed changes in floor-to-floor heights

Figure 4 Proposed Height Plane



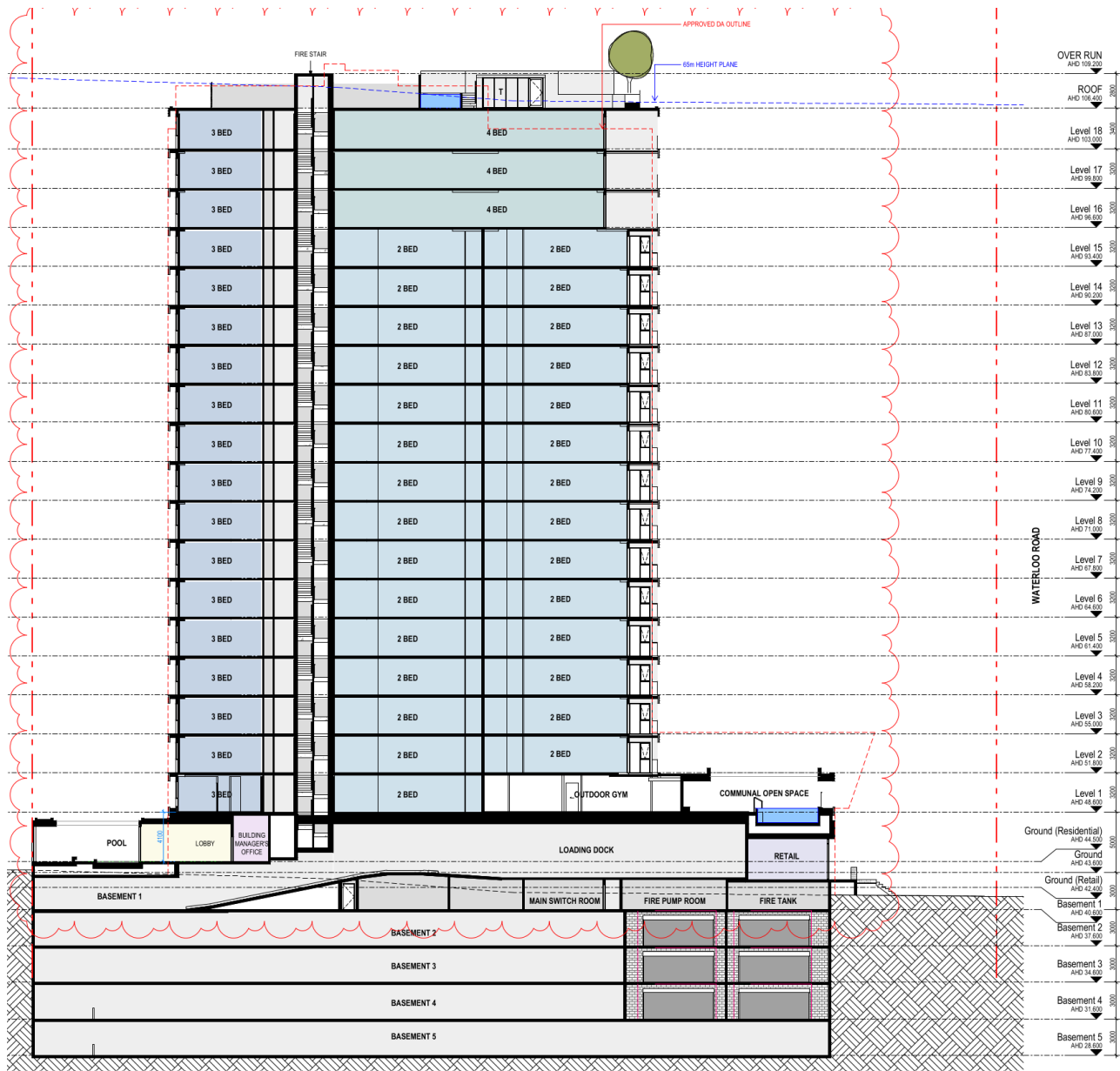
Source :Rothelowman

Figure 5 Proposed Floor to Floor Heights



Source: Rothelowman

Figure 6 Approved Modification MOD2024/0012



Source: Stamped PLANS Mod2024/0012 (Rothelowman)

Floor Space Ratio

- The increased height directly correlates with an increase in approved FSR. As highlighted above, the total number of dwellings is **reduced** compared to the original Consent but an increase on the current modified consent.
- This is due to enlarging apartment sizes, increasing the number of 3-bedroom units, and introducing new dwelling types including 3-bedroom plus, 4-bedroom, and 4-bedroom plus apartments on the additional upper levels. These changes respond to market demand for larger, family-oriented housing and enhance the diversity and functionality of the development. The additional residential GFA and larger dwelling typologies are a positive attribute of the current proposal by providing additional housing in a location particularly well serviced by public transport, being within walking distance of the metro station.

Solar Access

- Solar access has improved on-site (by 13.8% from the development as modified), and cross-ventilation performance remains largely unchanged (approximately a 3% variation but remaining compliant) compared to the approved scheme. Both continue to comply with the ADG requirements.

Communal Open Space

- The amended proposal results in a minor increase in communal open space which improves residential amenity and maintains compliance with ADG.
- As noted above, deep soil has increased markedly from the original Consent from 438sqm up to now 837sqm. This is also a significant improvement from the Modified scheme which was 515sqm.

Parking

- The modification application includes positive changes to the number of parking spaces (increase by 22 spaces) provided across the five basement levels. These amendments have been undertaken to improve the overall efficiency of the parking layout and to align the design with current operational and compliance requirements.

Noise

- An updated acoustic assessment has been carried out for the proposed modification, considering road traffic noise, rail vibration, and operational noise sources.
- The findings confirm that all predicted noise and vibration levels remain within the relevant criteria, with ground-borne vibration assessed as negligible and unlikely to be perceptible to occupants. Overall, the modification does not increase acoustic impacts, and the proposal remains substantially the same as the approved development in terms of acoustic performance.

2.4.2 Qualitative Assessment

Function and Use

- Once constructed, the development will continue to operate in accordance with the terms of the original approval under LDA2018/0506 (as modified), maintaining the same overall function, use and qualitative character.
- The proposed changes are designed to enhance the feasibility and market alignment of the project. This is reflected by increasing the number and size of residential apartments, consolidating retail space into a single tenancy, and enhancing communal and active open space along the Waterloo Road frontage. These outcomes can be achieved without generating any adverse impact on adjoining properties as discussed further below and throughout this report.
- The proposal seeks to modify the approved mixed-use building by increasing height and FSR to achieve greater efficiency, provide larger apartments, expand communal open space, and reduce retail GFA to one tenancy.
- The design shift places a greater emphasis on delivering housing, whilst increasing the landscaped frontage, while (importantly) managing any external impacts.
- The vertical expansion remains within the approved footprint, ensuring the consent and vision for the site can be delivered in a viable and orderly manner. The basement layout is largely unchanged, apartment sizes are increased, verticality is enhanced with negligible impacts on surrounding land uses, and communal open space is improved. Ultimately, the additional GFA presents itself in only one

additional storey, despite the overall height increase arising predominantly from the provision of greater floor to floor heights at all levels.

- The development will still deliver a retail-activated ground floor with residential uses above, supported by communal open space and landscaping. As detailed above, the revised scheme enhances and improves street-level connectivity and activation, including opportunities for dining.
- A key design move has seen a reduction in the retail component through provision of a kiosk only, which has been informed following review of existing and recent developments of similar nature operating along Waterloo Road, whereby the entire frontage is activated from a retail perspective; however, in reality, many of the tenancies remain vacant due to the proximity and desirability of residents accessing the Macquarie Centre.

Visual, Bulk and Scale

- The building will appear substantially the same as approved, with changes predominantly focussed on the upper levels, or the upper level, given that only one additional level arises (when compared against the original Consent). Additional open space will create a more active and visually engaging Waterloo Road frontage, delivering a positive streetscape outcome that meets DCP controls while accommodating retail, landscaping and active open space.
- The building's mixed-use character is retained, with retail at ground level and residential above. While the above-podium structure is extended and the façade adjusted to suit the revised internal layouts, the design intent remains consistent with the original approval.
- Colours, finishes and materials will match those previously endorsed, ensuring the modified building remains substantially the same in appearance.

Context

- During pre-lodgement discussions held with Council, Council acknowledged the evolving context of Macquarie Park with the gazettal of new controls across the Macquarie TOD precinct.
- These controls introduce significantly more intense built form controls, which when combined with opportunities for example to pursue uplift via the Infill Affordable Housing provisions of the Housing SEPP will result in a progressive change in urban character across the wider precinct within which the site sits.
- Council advised during pre-lodgement discussions that a modification under s4.55(2) of the EP&A Act would be an appropriate pathway for the subject site, particularly where the uplift sought is materially lower than what can be potentially achieved under alternative controls/planning pathways described above.
- On this basis, the proposed amendments represent a modest and proportionate refinement that maintains the approved land uses, building form, operational intent, and precinct character.
- The development therefore remains substantially the same as approved.
- In the event that it assists Council, we note that the Land and Environment Court has recently given additional guidance on the correct and lawful approach to s4.55 modification applications. In the matter of *Canterbury-Bankstown Council v Realize Architecture Pty Ltd* [2024] NSWLEC 31 the Chief Judge of the Court allowed the modification of a 9-storey mixed use development which included the addition of two storeys and a large increase in the number of 3-bedroom apartments. The total additional GFA allowed via the s4.55 was 2,368m². The addition of 2 storeys was essentially an increase in number of storeys by 20%. In that case the s4.55 application also made somewhat

significant changes to the way the development presented to the public domain **at ground level**, where the changes would be most visible. Nevertheless, the Court determined that a ‘macro’ approach was the appropriate way to assess the application, as what is required is an understanding of **the development as a whole**. This was despite the Council arguing that *“there’s not one wall in the same location when you compare what it [is] now to the original application”* (at [50]), and that there had been a *“redesign of almost all of the apartments”* (at [51]).

- Importantly, in that matter, all of the new GFA was above both the applicable height and FSR standards in the Council’s Local Environmental Plan (**LEP**). The application was nevertheless found to be ‘substantially the same as’ the original development consent, and was approved on its merits, particularly having regard to an assessment of **the environmental consequences or impacts of** the proposed modified development, which were found to be acceptable, despite numerical non-compliances with the applicable height and FSR controls in the LEP .

2.5 s4.55(2)(B) Consultation with Approval Bodies

Consultation with a Minister, public authority or approval body may be required noting prior concurrence requirements and General Terms of Approval provided by Sydney Metro and WaterNSW as part of the original approval. Notwithstanding, the subject modification has been designed to remain consistent with any conditional requirements from relevant public authorities previously provided.

2.6 S4.55 2(c)&(d) Public Notification and Submissions

- S4.55 2(c) requires the modification to be notified in accordance with any regulations.
- S4.55 2(d) requires that any submissions received by the consent authority during the prescribed period must be considered in the assessment of the proposed modification.
- The applicant will appropriately respond to any relevant submissions received during the prescribed period

3 Section 4.15 Assessment

In accordance with s4.55(3) of the EP&A Act 1979 this modification application has been assessed in accordance with the relevant matters for consideration listed in section 4.15 of the EP&A Act.

3.1 Environmental Planning Instruments

The Table 7 provides details of the applicable environmental planning instruments to the proposed modification.

Table 7 Applicable Environmental Planning Instruments (SEPPs and LEP)

Matter for Consideration – s4.15(1)(a)(i)	Consistency
State Environmental Planning Policy (Resilience and Hazards) 2021	- The approved LDA2018/0506 confirmed that the land could be made suitable for the approved development subject to implementing the recommendations outlined in the Preliminary Site Investigation Report. - The proposed modifications do not result in any additional excavation than that approved by LDA2018/0506 - Therefore, Council can be satisfied that the aims and objectives of the Hazards SEPP can be satisfied through the existing conditions of consent.
State Environmental Planning Policy (Transport and Infrastructure) 2021	Clause 2.99 Excavation in, above, below or adjacent to rail corridors - In accordance with the former clause 86 of SEPP (Infrastructure) 2007 (now the T&I SEPP), the original development application was referred to Sydney Metro as the relevant rail authority as the development is within 25 metres of a rail corridor. - Sydney Metro granted its concurrence to the development, subject to conditions (Conditions 15, 76, 127 and 139). - The provisions regarding excavation in, above, below or adjacent to rail corridors are now within section 2.99 of State Environmental Planning Policy (Transport and Infrastructure). - The proposed modifications do not involve any change to the extent of excavation and as such, no changes are required to the conditions recommended by Sydney Metro. Clause 2.122 Traffic-generating development - The proposed development (as modified) will continue to deliver more than 75 residential dwellings with access to a classified road and is therefore considered to be traffic-generating development in accordance with Schedule 3 of the Transport and Infrastructure SEPP. Under Chapter 2 of the SEPP, the modification is to be referred to TfNSW for comment. - The Traffic and Parking Assessment prepared by TTPP and submitted with this application confirms that the proposed modification is expected to

	reduce traffic generation from 46 to 40 vehicle trips per hour, a decrease of six trips compared to the approved development therefore expected to have less impact on the surrounding road network.
State Environmental Planning Policy (Sustainable Buildings) 2021	- In accordance with section 4.2 of State Environmental Planning Policy (Sustainable Buildings) 2022, the policy does not apply to an application for the modification of a development consent under the Act, section 4.55 or 4.56 submitted on the NSW planning portal on or after 1 October 2023, if the development application for the development consent was submitted on the NSW planning portal before 1 October 2023. - The development application for the development consent to be modified was lodged and determined before 1 October 2023.
State Environmental Planning Policy (Housing) 2021	
Chapter 4 Design of residential apartment development	- Chapter 4 of Housing SEPP 2021 applies to the residential apartment developments. - The Architect has verified that the proposed development meets the design quality principles outlined in Schedule 9 of SEPP (Housing) 2021 and has provided a comprehensive summary demonstrating how the scheme satisfies the objectives of Parts 3 and 4 of the Apartment Design Guide.
Schedule 9 Design principles for residential apartment development	- Schedule 9 of the Housing SEPP sets out design principals for residential apartment developments. - The Architect has verified that the proposed development meets the design quality principles outlined in Schedule 9 of SEPP (Housing) 2021 and has provided a comprehensive summary demonstrating how the scheme satisfies the objectives of Parts 3 and 4 of the Apartment Design Guide.
Ryde Local Environmental Plan 2014	
2.1 Land Use Zones	- The proposed development as modified is defined as mixed use development and is permissible within the MUI zone for the purposes of residential flat buildings and a commercial premises for the purposes of a retail premises (kiosk). - The proposed modification does not alter the approved land uses.

Figure 7 Land Use



Source: Urbis (NSW Spatial Viewer)

- The proposed development is consistent with the relevant objectives of the MU1 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 use is a mixed-use development with commercial spaces within the podium level with access from the Waterloo Road.
- The proposal enhances the active frontages to the roads and to the Quandong reserve. The proposal enhances both residential and commercial land use on the ground floor.

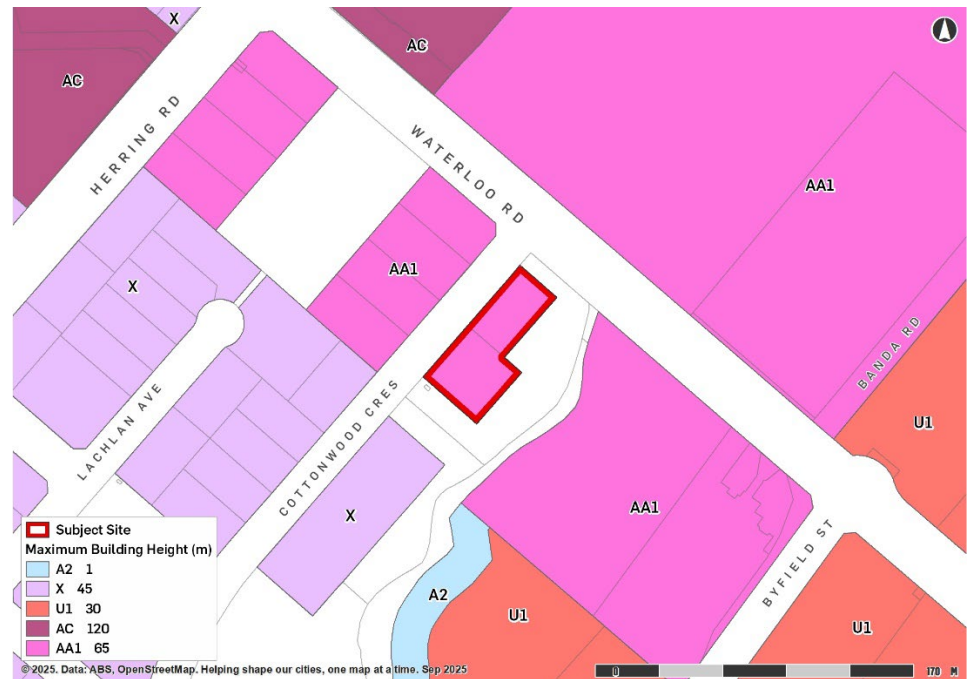
2.7 Demolition

- Consent is not sought for demolition. The demolition has been approved under a separate Complying Development Certificate. The development consent has been activated

4.3 Height of Buildings

- The proposed building height of 75.3m exceeds the maximum building height of 65m in the LEP.

Figure 8 Maximum Building Height

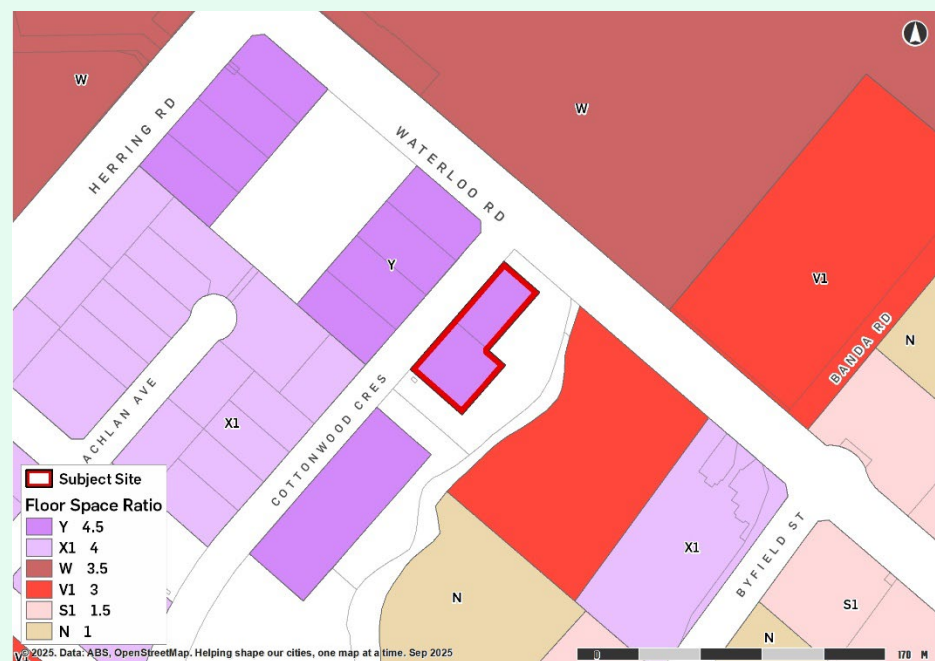


- Assessment of the height variation is discussed below (refer to **Section 3.1.1**).

4.4 Floor Space Ratio

- The proposal results in a FSR of 5.66:1 which exceeds the maximum FSR of 4.5:1.

Figure 9 Maximum Permissible FSR



- Assessment of the FSR variation is discussed below (refer to **Section 3.1.2**).

5.10 Heritage conservation	The subject site is not heritage listed, but it is located in the vicinity of land on which a heritage item is located. The proposed modifications to the development do not affect the importance and the value of the heritage developments in the surroundings, nor does the proposal cause any adverse impacts upon any listed heritage items.
5.21 Flood Planning	The site is affected by 1% AEP and PMF.

3.1.1 Ryde LEP 2014 – Proposed Height Variation

- There are four (4) key **environmental planning grounds** that are giving rise to the changes to building height, and which provide both a site response and design opportunity that render strict adherence to the height control being unreasonable or unnecessary in this instance. These grounds are:
 - The **Sydney Metro zone of influence** that impacts the extent of basement possible and subsequent building footprint.
 - The development is within 25 metres of the metro rail corridor, for which the basement must be positioned in a fixed, compliant location to satisfy Sydney Metro's requirements. It is acknowledged that this has always been a feature of the Site and the development. Nevertheless, it remains a relevant consideration in terms of how building mass and floor space may be positioned within the site boundaries.
 - TTW has reviewed the approved Metro assessment together with the proposed architectural plans and confirms that the proposed modification does not introduce any new excavation, foundation systems, structural loading or basement elements closer to the Sydney Metro corridor than those previously assessed and approved.
 - The approved Metro protection measures therefore remain valid and applicable to the proposed development.
 - The additional height has been accommodated through a continuation of the approved tower form rather than expansion of the approved footprint or further encroachment towards the rail corridor.
 - Revised flood planning levels** that have been implemented by Council since the originally approved development on the site which results in a 700mm increase in height at the basement level
 - Raising the ground floor level** by 500mm to improve accessibility and achieve a direct and functional interface with Cottonwood Crescent, which also assists with activation, and is a design improvement upon the original Consent.
 - The **design of the floor to floor heights** at all levels increases in height by 300–400mm per floor which in itself equates to an upper limit of 8.93m over 21-storeys. This change has been introduced to improve residential amenity, accommodate contemporary structural, acoustic, fire safety, building services and insulation requirements, and to achieve compliance with the current version of the BCA. These increased floor to floor heights assist to achieve design excellence, and enhanced amenity, and are being pursued in circumstances where they can be accommodated without having adverse external impacts. Relevantly, it is noted that the objects of the Act were expressly amended recently to add objective (g), namely:

“to promote good design, amenity and the proper construction and maintenance of built environments, including the protection of the health and safety of the occupants of buildings”.

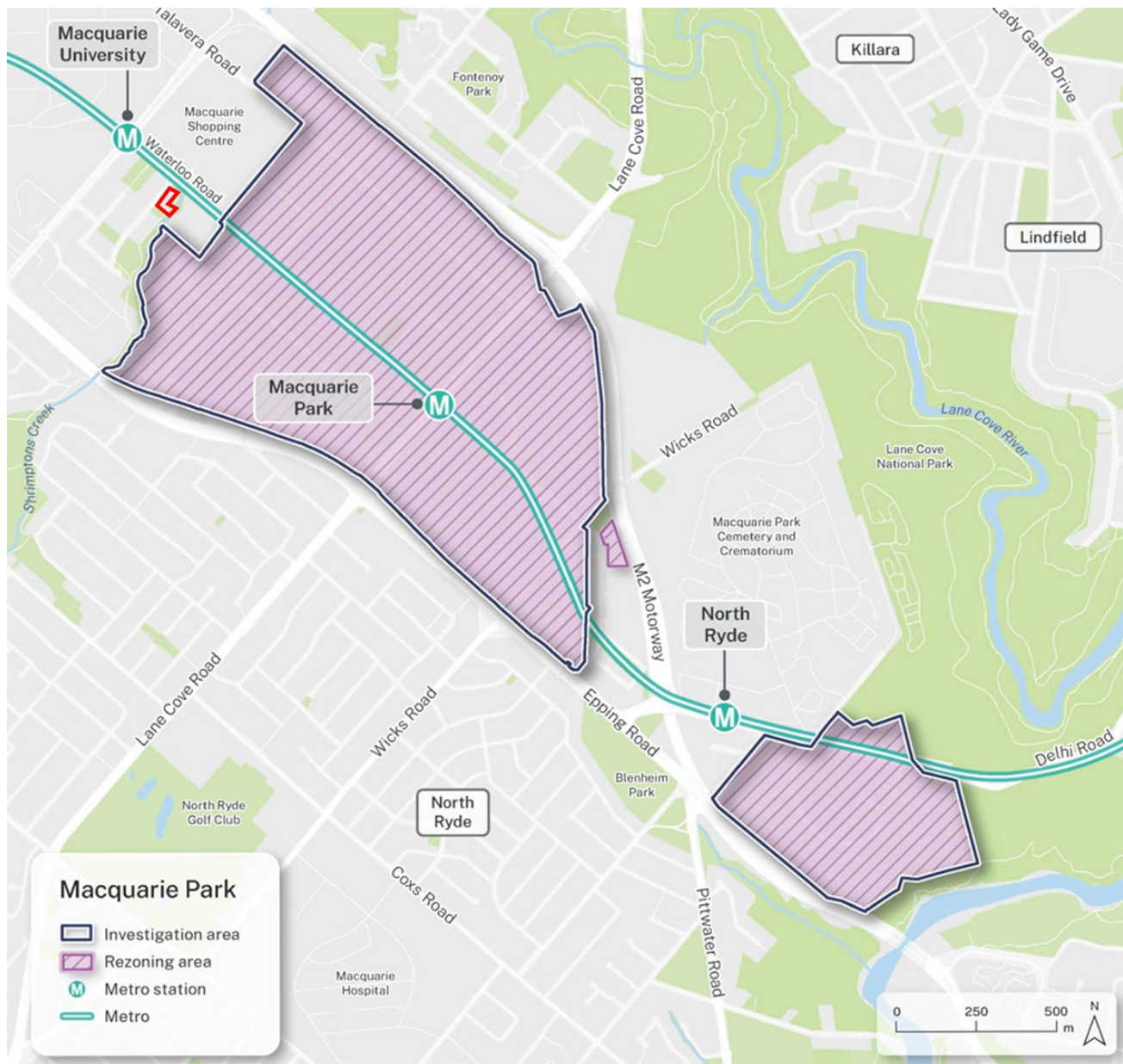
The revised floor to floor heights now proposed align squarely with that objective.

- The **underlying topography / slope of the site**, which results in the greatest variation to the height control not being aligned to the tallest point of the building (being the lift overrun) yet still enabling an orderly transition in scale having regard to the changing context of the locality.
- It is considered that the proposed increase in height is acceptable for the following reasons:
 - The development maintains the approved tower footprint, basement configuration, access arrangements and overall built form strategy. The modification does not introduce a fundamentally different development outcome, rather increases residential yield within a taller (and what may appear visually slenderer) building envelope.
 - The increase in height presents itself via only one additional storey (when compared to the original Consent), which will not be visually significant, jarring, or unacceptable. It is unlikely to be particularly noticeable to the eye at street level from anywhere within the immediate locality.
 - Review of the architectural plans confirms that the proposal would not materially increase overshadowing of adjoining properties, including 82 Waterloo Road, given the building's orientation and the shadowing already approved.
 - This absence of environmental impact or harm occasioned by the proposed additional height is an important consideration, as detailed by the Court in the *Realize Architecture* case referenced above (on page 39) but would be equally important in the context of a clause 4.6 variation, were one to be required. See for example the Land and Environment Court's recent approval (in May 2026) of four (4) clause 4.6 variations on one site in *El-Hazouri v Mosman Municipal Council* [2026] NSWLEC 1276, including a 72% exceedance of the FSR control and a 23% exceedance of the height control, which importantly were upheld by the Court precisely **because of the absence of environmental harm** caused by the additional height and FSR.
 - Does not create any adverse impacts on the amenity or sunlight access to any other nearby apartments or public open spaces (as per comments above re the absence of environmental harm).
 - Enhances internal amenity by increasing floor to floor heights within the apartments.
 - Provides for additional dwelling mix within an envelope that remains substantially the same
 - Increase in solar access provision (increase of 13.8% since the modified approval) for all dwellings during the winter solstice. A total of 87.3 per cent of apartments receive at least two hours of direct sunlight between 9.00am and 3.00pm at mid-winter, well above the Apartment Design Guide target of 70 per cent. This is an excellent result and significantly outperforms the **minimum** solar access guidance provided by the ADG. It is also a significant improvement from the originally approved Consent.
 - The approval of the original and subsequent initial modification relies upon the provisions of the Herring Road "priority precinct" controls that have been in place for well over 10 years. These controls pre-date major policy shifts which foreshadow a need for a much greater supply of housing in Ryde beyond that anticipated by the controls currently applying to the site. These changes include:
 - Ryde Local Strategic Planning Statement 2020
 - National Housing Accord and City of Ryde Housing Strategy

- The introduction of the Infill Affordable Housing provisions within the Housing SEPP which provide 30% density and height bonuses that could potentially be applied to the site and surrounding redevelopment sites in the “Herring Road Precinct”.
 - The gazettal of the Macquarie Park TOD Precinct (refer to Figure 10 below) in 2024 provides for building heights up to RL 243m and FSR up to 6.5:1 near the site.
- Given that the site sits within a short walking distance of the Macquarie University Metro Station, and the ability to provide some additional housing on a suitably located (transport-accessible) site, without causing adverse amenity impacts to neighbouring properties, is unquestionably a positive outcome, not a negative one.
 - Concurrently, and since COVID, there has and continues to be significant pressure on development viability arising from well documented escalation in construction costs. Whilst feasibility in of itself is not a planning consideration, it is impacting the orderly and efficient redevelopment of this site – a key objective of Act, and one which should in our opinion be given weight towards where impacts can otherwise be proven to be acceptable. Furthermore, it should be noted that the objects of the Act were expressly amended in early 2026 to add a new object (b), namely:

“to promote the supply, delivery and maintenance of housing, including affordable housing”.

Figure 10 Macquarie Park TOD Precinct



Source: Urbis

- The proposed modification to the Building Height is considered to be largely consistent with objectives of Clause 4.3 of Ryde LEP 2014. Whilst a clause 4.6 variation request is **not** legally required for a s4.55 modification application (*North Sydney Council v Michael Standley & Associates Pty Ltd* (1998) 43 NSWLR 468) the following consideration of the objectives of the height control is nevertheless provided to assist Council's assessment of the application

Table 8 Clause 4.3 Height Objectives

Objective	Assessment	Consistency
(a) to ensure that street frontages of development are in proportion with and in keeping with the character of nearby development,	▪ The proposed increase in height remains compatible with the evolving built form of the Macquarie Park Corridor. ▪ The surrounding visual context is defined by prominent towers along Waterloo	Consistent

	Road and the Shrimptons Creek open space corridor, including immediately east of the site. ▪ To the north, Macquarie Shopping Centre and the mixed-use development at 1 Macquarie Place present a combination of substantial 3–4 storey podiums and taller tower elements, establishing a varied but highly urbanised scale. ▪ The proposal maintains consistency with the setbacks required under RDCP 2014 for both Waterloo Road and Cottonwood Crescent, achieving a streetscape outcome that aligns with the intentions of the local planning framework.	
(b) to minimise overshadowing and to ensure that development is generally compatible with or improves the appearance of the area,	▪ The proposed development results in negligible additional overshadowing, and the minor extent of impact is considered acceptable within the context of the site. The built form remains compatible with the surrounding area and contributes to an improved visual appearance through high-quality architectural design, appropriate articulation, and consistency with the established character of the Macquarie Park Corridor. ▪ The Architectural Plans by RotheLowman incorporate Shadow Diagrams illustrating the extent of overshadowing generated by the proposed modifications compared to the approved modified scheme. ▪ The proposed modifications increase (by 13.8%) the solar access provision for the site during the winter solstice. ▪ Furthermore, when reviewing Drawing DA06.53 of the Architectural Plans, in relation to the potential overshadowing impacts on adjoining properties, it is clear that the extent of the variation would not ordinarily increase the overall overshadowing impacts at 82 Waterloo Road, noting the orientation of the existing building and the extent of the approved shadow along the site at 82 Waterloo Road.	Consistent

(c) to encourage a consolidation pattern and sustainable integrated land use and transport development around key public transport infrastructure,	▪ Section 4.4 of Part 4.5 of the Ryde Development Control Plan 2014 (RDCP 2014) encourages development that supports sustainable transport choices, including public transport. The site is well-positioned to achieve this outcome, being immediately adjacent to a bus stop serviced by multiple high-frequency routes and located within a comfortable walking distance of the Macquarie University Metro Station. ▪ Furthermore, the proposed modification will generate lower traffic impacts on the surrounding road network compared with the original consent, as the total number of dwellings has been reduced. The Traffic Impact Assessment accompanying this application provides a detailed analysis confirming these reduced impacts.	Consistent
(d) to minimise the impact of development on the amenity of surrounding properties,	▪ Section 3.3.2, which confirms that the proposal will not cause any unacceptable or adverse reduction in solar amenity to surrounding developments or public spaces. ▪ Section 3.3.5, which demonstrates that the development will not lead to any unacceptable decrease in acoustic amenity for nearby sensitive receivers. ▪ Section 3.3.4, which outlines the high-quality landscape design, façade articulation, and boundary treatments achieved through a carefully considered architectural approach.	Consistent
(e) to emphasise road frontages along road corridors.	▪ The proposed development emphasises its road frontages by delivering a strongly articulated and active interface along Waterloo Road and Shrimptons Creek Reserve. ▪ The ground floor design reinforces the prominence of these corridors through continuous activation, improved pedestrian connections, and a built form that directly addresses the street. ▪ The lowered retail level, enhanced outdoor dining area, and increased landscaping further strengthen the	Consistent

	development's visual and functional engagement with the public domain, ensuring that the road frontages remain a defining and high-quality element of the proposal.	
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3.1.2 Ryde LEP Proposed Floor Space Ratio Variation

- The same **environmental planning grounds** listed in 3.1.1 above which drive height are directly correlated to the proposed variation in FSR. Consistent with the findings of *Realise Architecture*; the suitability of the proposed FSR variation must therefore be assessed by looking at the development in its "macro" sense and in terms of overall impacts of the proposed modified revised envelope upon which FSR is calculated.
- The site area is 2,499.3sqm, equating to a maximum permissible GFA of 11,247sqm under the 4.5:1 FSR control. The approved DA and the approved modification both achieve an FSR of 4.5:1. The proposed scheme however results in a total GFA of 14,137sqm (increase of 2,890 sqm), corresponding to an FSR of 5.66:1 (increase in FSR of 1.16:1 or 25.8%).
- Noting the justifications provided earlier relating to the height, it is important to note, that from Floors 19-21 (which sit above the maximum permissible height), only 1,713 sqm (or 12%) of the total GFA sits above the height plane.
- While refinements to the tower design, including increased floor-to-floor heights, have resulted in a third storey projecting above the height plane, the additional GFA is attributable to these two storeys only whilst revised apartment configurations that optimise mix, size and orientation to improve future residential amenity throughout the development.
- A Traffic and Parking Assessment prepared by TTW confirms that the modified development is anticipated to generate approximately 41 vehicle trips per hour during both the AM and PM peak periods, compared with 46 vehicle trips per hour under the approved development. This represents a reduction of approximately 11% in peak hour traffic generation.
- The reduction in traffic generation is primarily attributable to the decrease in retail floor space and revised development yield when compared with the approved development (and as modified). The assessment also notes that the adopted traffic generation rates are conservative and that actual traffic generation may be lower having regard to the site's highly accessible location within the Macquarie Park precinct and proximity to the Macquarie University Metro Station.
- Notwithstanding the proposed increase in FSR the development does not result in a corresponding increase in traffic impacts and is expected to have a lesser impact on the surrounding road network than the approved development. This demonstrates that the proposed FSR uplift does not generate unreasonable transport or infrastructure impacts and remains acceptable from a traffic and transport planning perspective.
- The development reduces the originally approved total number of apartments by 6 but does so in a way which responds better to market demands for larger families to be accommodated on a site having excellent access to public transport. This additional total GFA being achieved without adverse impacts should be seen as appositive attribute, not a negative one.
- The proposed variation to FSR remains consistent with the objectives of the FSR control as detailed below

Table 9 Clause 4.4 FSR Objectives

Objective	Assessment	Consistency
(a) To provide effective control over the bulk of future development	- The proposal results in an FSR of 5.66:1 (14,137 m² GFA), representing a 25.7% uplift above the permitted 4.5:1 control. - The additional bulk is primarily accommodated within the extended tower form, reflective of the already approved building envelope at lower levels and which has been previously assessed as having minimal impact on views, solar access, and overall density. - The built form remains aligned with the approved setbacks, the established three-storey podium, and the anticipated bulk for the Macquarie Park corridor.	Consistent.
(b) To allow appropriate levels of development for specific areas	- The subject site is within the MUI Mixed-Use and within the Macquarie Park development corridor, an area identified for medium and high-density development, with excellent proximity to public transport and services - The proposed FSR supports the strategic intent of delivering additional housing, with 126 dwellings and 1 retail tenancy, that respond to demonstrated demand and neighbouring approvals. - The density is appropriate for the site's corner location adjoining Waterloo Road, Cottonwood Crescent, Cottonwood Reserve, and Shrimpton's Creek. - Furthermore, the proposed modifications are considered commensurate with the evolving context being developed within the Macquarie Park Corridor, for which the proposal is considered consistent with the character and landscape of built form typologies proposed.	Consistent.
(c) To consolidate development and encourage sustainable development patterns around key public transport infrastructure	- The site forms part of the Macquarie Park Centre and is located close to Macquarie University Station, major bus routes, and key employment areas. - The increased FSR provides increased opportunity to provide a variety of dwellings within a transport-rich environment, contributing to consolidated growth within a designated high-density precinct. - The building incorporates sustainability measures including passive solar design, natural ventilation,	Consistent.

	efficient energy systems, supporting a sustainable, higher-density development pattern.	
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Source: Ryde LEP 2014

Given that there are minimal impacts attributed to the variation to height, it is reasonable to also assume that there will be minimal to negligible impacts associated with the variation sought to FSR and accordingly it is both unnecessary and unreasonable to strictly adhere to the FSR control in this instance. The comments earlier above regarding the very recent Land and Environment Court decision on this point in *El-Hazouri v Mosman Municipal Council* [2026] NSWLEC 1276, which approved an FSR exceedance of 72% (and a height breach of 23%) in circumstances where the additional FSR could be achieved without environmental harm.

3.1.3 State Environmental Planning Policy (Housing) 2021

Chapter 4 Design of residential apartment development

- Chapter 4 of the Housing SEPP 2021 applies to construction and modification to the approved consent of Mixed-use development in New South Wales.

147 Determination of development applications and modification applications for residential apartment development

(1) Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—

(a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,

(b) the Apartment Design Guide,

(c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.

- Appendix A provides a compliance table documenting 9 design principles for residential apartments sets out in Housing SEPP 2021.

Apartment Design Guide

- Appendix A provides an assessment against key ADG considerations on built form, layout and functionality of the development.
- A detailed ADG assessment is provided by RotheLowman Architects in SEPP Housing Design Quality Principles Statement.
- The modified development broadly **improves** ADG compliance, particularly on solar access and deep soil.

3.2 Development Control Plan Considerations

The following sections of the Ryde DCP 2014 are relevant to the development on the site.

- Part 4.5 – Macquarie Park Corridor;
- Part 7.2 – Waste Minimisation and Management;
- Part 9.3 – Parking Control

Appendix B provides a compliance table that contains a detailed assessment against relevant DCP provisions.

3.3 Impacts Assessment

3.3.1 Flooding

A Flood Impact Statement has been prepared by TTW. The proposed building has been designed to comply with the flood planning levels established in the approved RBG Flood Impact Assessment, which is based on the endorsed RBG TUFLOW hydraulic model. Council has confirmed that these modelled flood levels are to be used for setting all relevant floor levels. The adopted flood planning requirements applied to the development are summarised in Table 10 below.

Table 10 Flood Planning Levels Applied

Area Type	Flood Planning Level
Habitable areas	1% AEP + 500 mm
Non-habitable areas	1% AEP + 100 mm
Commercial / retail	1% AEP + 300 mm
Basement carpark and all openings	PMF

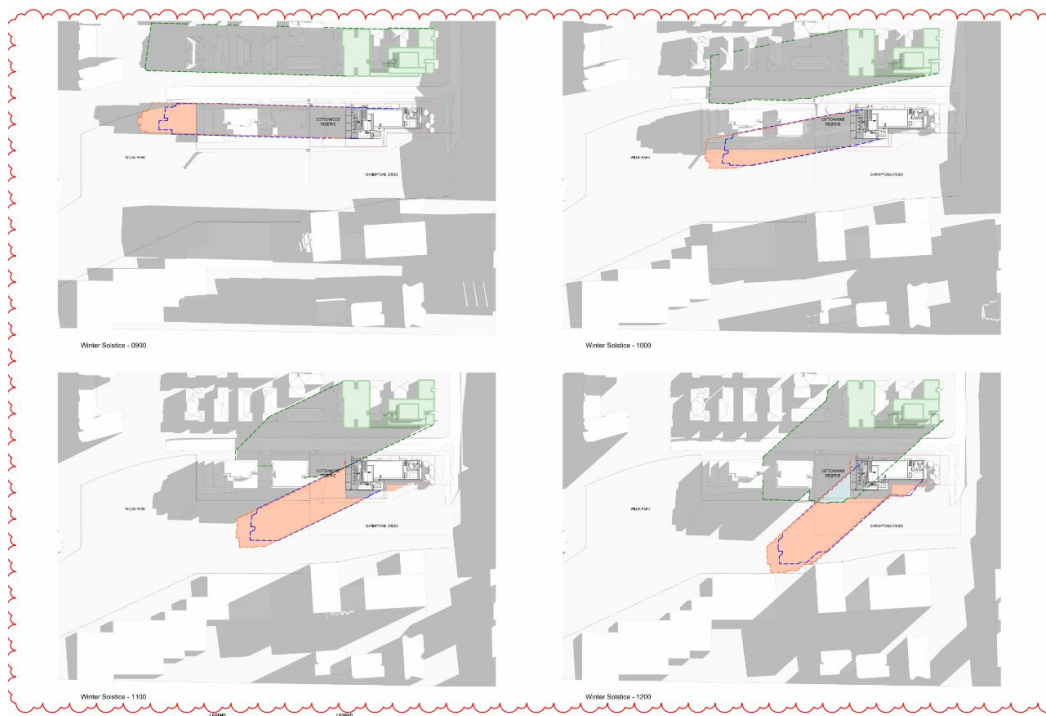
- The modelling shows that the PMF level at the basement entry is approximately 43.60 m AHD, while the crest and loading dock have been set at 43.80 m AHD, ensuring full PMF protection. The assessment relies on the approved RBG TUFLOW hydraulic model, which Council has agreed should form the basis for all flood planning analysis for the site.
- The following methodology was adopted:
 - Running pre- and post-development hydraulic modelling using the agreed TUFLOW inputs to assess impacts of the revised built form, adjusted ground levels and updated building footprint.
 - Testing 1% AEP and PMF events to identify changes to flood levels, velocities and hazard across the site and surrounds.
 - Assessing cumulative behaviour by comparing outcomes against existing overland flow paths, road corridors and nearby open space.
 - Conducting sensitivity testing to confirm the reliability of the model outputs and ensure no unacceptable off-site effects.
- Across both the 1% AEP and PMF events, the overall flooding pattern remains consistent with existing conditions. Overland flows from Cottonwood Crescent continue to move toward Shrimptons Creek, and removal of the existing building results in some additional shallow inundation at the northern frontage. Flow depths on the site remain generally low, with higher velocities and hazards confined to the road network and the Shrimptons Creek corridor—areas already subject to significant flooding.
- Post-development modelling shows only minor changes to flood levels. Most variations fall within 20–50 mm and occur in locations already heavily inundated, meaning they do not materially increase flood risk. Localised afflux near the new step-down terrace reflects its raised level, while several isolated spikes elsewhere relate to known limitations in Council’s baseline model rather than genuine impacts.

- No adjoining properties experience adverse effects. Increased flood levels are limited to road corridors and existing overland flow paths. The development also introduces additional onsite storage areas around the building edge and retains conveyance through the stepped terrace. DV products and hazard categories remain largely unchanged, with some reductions along Shrimptons Creek improving local bank stability.
- TTW confirm that the proposed modification does not increase flood risk to neighbouring properties or the wider area. The design maintains natural flow paths, keeps all new impacts within acceptable thresholds and upholds safe flood behaviour consistent with Council's expectations and the approved hydraulic modelling framework.

3.3.2 Overshadowing and Sunlight Access

- The Architectural Plans include Shadow Diagrams illustrating the extent of shadowing from the proposed development, with particular focus on Shrimptons Creek and the surrounding public domain.
- While the Design Report does not provide a written overshadowing analysis, the diagrams confirm that the proposed height increase (1-storey from the original DA; and, 2-storeys from the modified proposal) results in a shadow pattern that is largely consistent with the approved scheme. The approved development already establishes a high-rise form on the site, and the proposed uplift is modest in scale, ensuring that any change in shadowing is minimal and occurs in the least sensitive locations.
- The additional height is confined to the uppermost levels of the building, meaning any extra shadowing occurs later in the day, is short in duration, and limited in extent. Over Shrimptons Creek, the change is marginal and does not extend significantly beyond the approved envelope. This ensures the creek corridor retains adequate sunlight for ecological health, public enjoyment, and visual amenity throughout the day.
- The comparative shadow diagrams show that the incremental increase in shadow length and coverage is minor and largely imperceptible at ground level. The most noticeable change occurs during winter afternoons, but even then, the impact remains within acceptable limits and does not materially affect the usability or environmental quality of the creek corridor. Surrounding residential properties will also maintain acceptable levels of solar amenity, with no unreasonable loss of sunlight to sensitive areas.
- The building's massing strategy — including upper-level setbacks and articulation — reduces perceived bulk and limits shadow reach. By confining the height increase to the top of the building, overshadowing impacts are minimised and occur in locations where they have the least effect on public and private spaces.

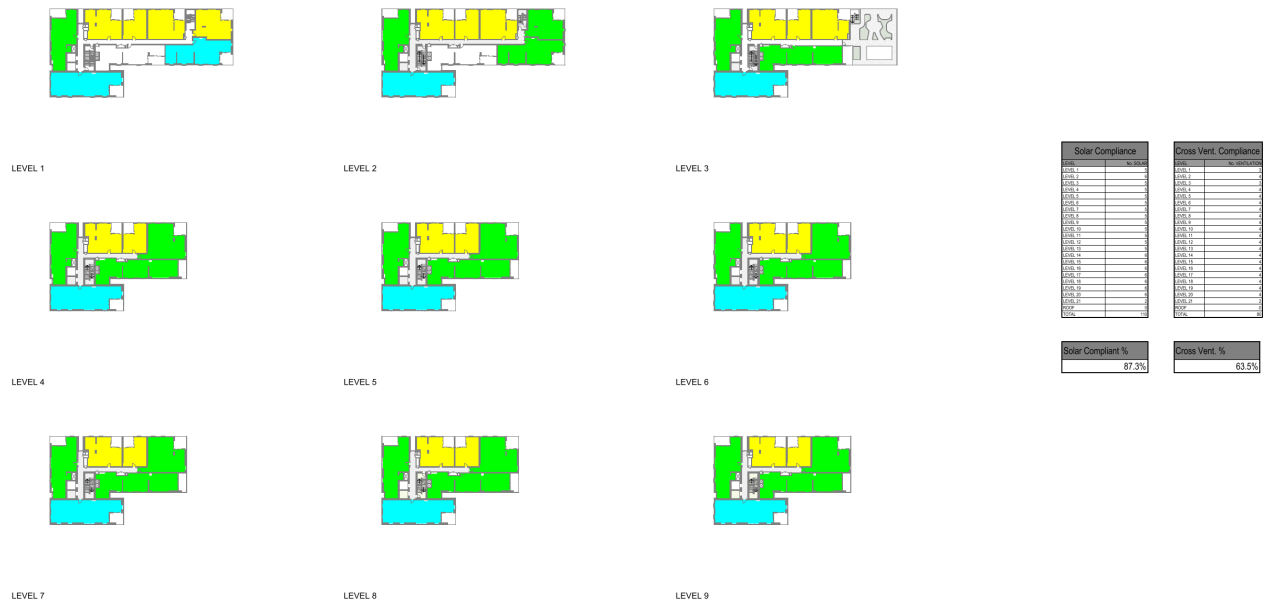
Figure 11 Overshadowing Impact



Source: RotheLowman

- The proposal achieves strong solar access outcomes in accordance with the Apartment Design Guide (ADG):
 - 87.3% of apartments will receive a minimum of two hours of direct sunlight between 9am and 3pm in mid-winter. This is an increase of 13.8% opposed to the previously approved design.
 - 100% of apartments will receive some direct sunlight during this period.
 - The proposal complies with the ADG's maximum allowance for apartments with no solar access.
- These results confirm that the proposed additional height does not compromise solar access for residents and maintains high levels of internal amenity.

Figure 12 Solar Access



Source: RotheLowman

- High levels of internal daylight amenity are maintained through:
 - Optimised apartment layouts to maximise light penetration and cross-ventilation.
 - Increased floor-to-floor heights to improve daylight distribution and spatial quality.
 - Façade articulation to manage glare, reduce summer heat gain, and enhance visual interest.
- These design measures ensure that apartments benefit from year-round comfort, with living spaces receiving ample daylight while avoiding excessive heat gain in warmer months.

3.3.3 Traffic and Parking

- The updated traffic and parking statement has concluded that the proposed development is supportable on the following grounds:
- The proposed parking provision—including residential, visitor, accessible, car share, bicycle and motorcycle parking—generally complies with the Ryde DCP 2014 rates for the revised dwelling mix.
- The modified car parking provisions generally complies with the Ryde DCP parking requirements of 153 car parking spaces. Given the small nature of the retail tenancy (71m²) only 1 space is proposed for the retail tenant (i.e. no customer parking). The proposed modification does not alter the approved vehicle access arrangements, with entry and exit continuing to operate as previously endorsed.
- A review of the modified car park layout confirms it can comply with AS2890.1, AS2890.2 and AS2890.6 with standard detailed design refinement.
- Swept path analysis demonstrates that service and delivery vehicles, including a 10.8 m Council waste truck, can manoeuvre safely and in accordance with the relevant standards.

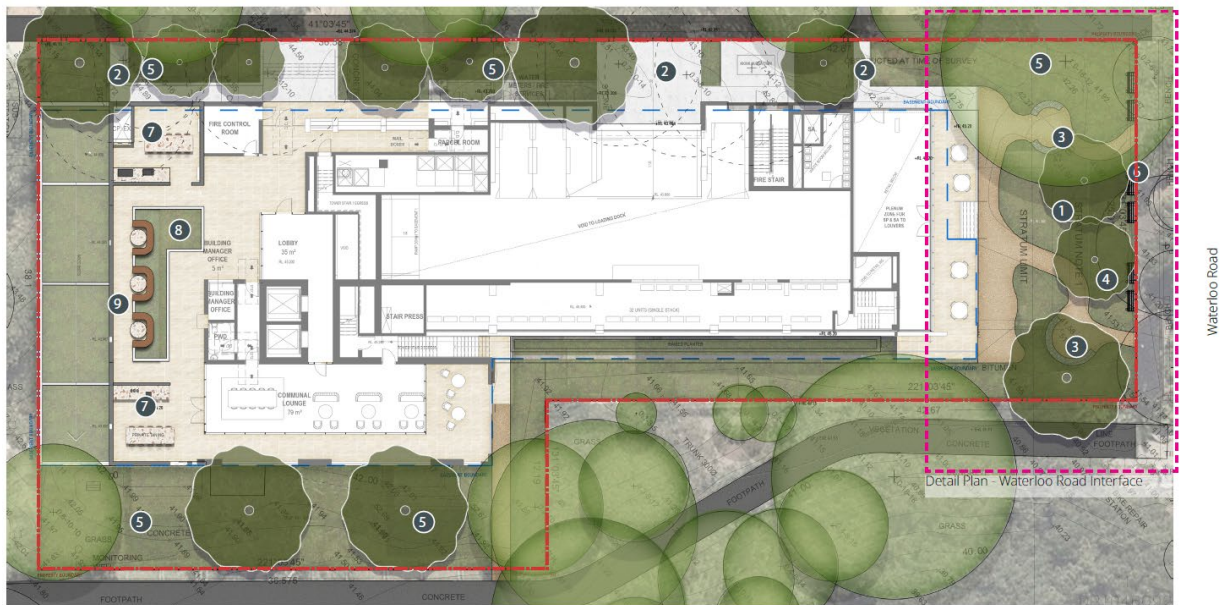
- The proposed modification generates fewer peak-hour vehicle trips than the approved DA, primarily due to reduced apartment numbers (compared to the original DA) and a reduced retail floor area (for the purposes of a kiosk).

3.3.4 Landscape and Public Domain

- The landscape design by Arcadia builds upon the existing approved scheme, enhancing it to reflect the character and identity of the country while improving amenity and streetscape quality. The design creates a welcoming and accessible interface along Waterloo Road and Shrimptons Creek, incorporating native tree planting to align with Green Grid targets and the Waterloo Road Active Street Master Plan.
- Key treatments include deep soil planting buffers, raised planters with native groundcovers, shrubs, and small trees to enhance biodiversity, and clumped bamboo for natural screening. Informal breakout spaces, an urban pocket park, and a variety of seating options – from timber elements with integrated tables to angled timber loungers – will support both passive recreation and social gatherings. Communal areas are designed to offer intimate meeting spaces, passive seating, and elevated dining zones positioned to maximise views and microclimate benefits.
- Hardscape elements will feature a transition between light beige sandstone paving and crazy paving to provide texture and character, while artificial turf and hammocks will create informal lounging zones. Low-lying, rooftop-appropriate planting and indoor planting features will ensure visual cohesion, environmental performance, and year-round amenity. Privacy screening and gates will maintain secure apartment access without compromising openness.
- The design focuses on amenity through the inclusion of key placemaking elements such as seating, terraces, and layered plantings that create a clear transition between public and private spaces. High-quality materials, simple design elements, and a balanced mix of native and introduced plant species will deliver a long-lasting, low-maintenance landscape that can adapt to a variety of uses over time.
- The landscape design maximises the amenity of communal open space by balancing planted areas with spaces for residents to relax, interact, and enjoy views. Streetscape planting is layered to provide visual interest and an appropriate transition between the public domain and private areas, contributing positively to the character and amenity of the precinct.

Figure 13 Landscape Detail plan

Detail Plan - Ground Floor



Source: ARCADIA

3.3.5 Noise and Vibration

- An updated Acoustic Assessment has been prepared for the proposed modification by Acoustic Logic (Reference: 2025I033.1/0112A/R1/WY). The acoustic assessment was undertaken considering noise from nearby roads, rail operations, and potential ground-borne vibration.
- Ambient noise monitoring and predictive modelling indicate that rooms facing Waterloo Road are exposed to elevated environmental noise. Without mitigation, internal noise levels could exceed recommended thresholds in certain bedrooms and living areas.
- Predicted ground-borne vibration and regenerated noise from nearby rail operations are below the preferred thresholds for human comfort, with estimated radiated noise at the most sensitive location being less than 30 dB(A) L_{max,s}. The vibration dose values are within the “low probability” tactile vibration category, and impacts are unlikely to be perceptible to occupants.
- Mitigation measures will ensure that internal noise and vibration levels comply with relevant criteria. These measures include acoustic treatment of the building envelope, appropriate façade design and glazing, and supplementary ventilation systems for bedrooms and living areas facing Waterloo Road. This will allow windows to remain closed while maintaining compliance with Building Code of Australia ventilation requirements, using mechanical ventilation, air conditioning, or attenuated outside air ducts. Operational noise from mechanical plant such as air conditioning and pool pumps will comply with City of Ryde DCP 2014 and EPA Noise Policy for Industry (NPfI 2017) limits.
- With the implementation of these measures, the development is expected to achieve acceptable acoustic amenity for future occupants. Noise and vibration impacts on surrounding properties are minimal, and no adverse acoustic impacts are anticipated from the proposed development.

3.3.6 Geotechnical Assessment

- EI Australia (EIA) have prepared a peer review of the Geotechnical Assessment Report to provide an impartial and unbiased assessment of existing geotechnical report and comment on adequacy.
- The geotechnical investigation at the site identified the following subsurface conditions:
 - Fill/Pavement: General fill and asphaltic concrete, typically 0.1–0.2 m thick.
 - Residual Sandy Clays: Soft to firm residual clay to a depth of 2.3 m BEGL.
 - Sandstone Bedrock: Encountered at depths ranging from 0.6 m to 2.3 m across boreholes, with Unconfined Compressive Strength (UCS) between 26–43 MPa.
 - Groundwater: No significant inflow observed during drilling. Standing water levels in monitoring wells ranged from 25.96 m to 33.76 m below top of casing post-development.
- Recommendations for the proposed development include:
 - Excavation to a maximum depth of 14.5 m (RL 29.6 m) will likely encounter fill and residual soil in the upper 1.5–2.5 m, underlain by medium- to high-strength sandstone.
 - Basement design should consider potential stress relief effects on adjacent structures, including Sydney Metro infrastructure and Waterloo Road.
 - Soldier pile construction will be used, socketed into Class III or better sandstone, with concrete/shotcrete infill panels to support excavation and minimise ground movement at edges.
- Overall, with these mitigation measures, excavation and basement construction can be undertaken safely, with minimal impact on surrounding infrastructure.

3.4 The Suitability of the Site for the Development

- The site is considered highly suitable for the proposed development as modified for these reasons:
 - The modified development remains consistent with the approved use of the site and maintains the mixed-use character of the site within close proximity to Metro Railway Station.
 - The proposed development continues to achieve design excellence and provides a high-quality built form approach with an appropriate relation to the surrounding sites.
 - The modified development does not result in adverse environmental impacts to the site or surrounding land uses than otherwise assessed under the original DA.

3.5 Any submissions made in Accordance with the Act or Regulations

- In accordance with s4.15(1)(d) of the EP&A Act, it is acknowledged that submissions arising from the public notification of this modification application will need to be considered by the Consent Authority in its assessment.
- The proponent will undertake to formally respond and attempt to resolve to any relevant issues relating to the proposed modifications.

3.6 The Public Interest

- The proposed development positively responds to the current and future character of Macquarie Park and will continue to provide a mixed use development within close proximity to transport infrastructure.
- The proposal generally complies with the requirements of the relevant planning controls in relation to DCP requirements and achieves a high level of compliance with the ADG. Albeit increased provision for height and FSR, the proposed modifications are seen as strategically vital for the changing demographic forecasted for the Macquarie Park Precinct, for which the site is more than capable of providing increased dwellings on a scheme ready for construction and delivery within the Housing Accord period.
- The modifications enhance the building's connection with the public open space corridor to the south. Relocating the basement access enables additional residential communal areas with outlook toward the open space, and the revised retail design introduces a direct pedestrian link that strengthens integration with the public realm further improving wider public benefit opportunities as a result of the proposal.
- Overall, the proposed modifications will not create additional environmental impacts than what were assessed under the original consent and will continue to provide a mixed use development within close proximity to public transport and other amenities.

4 Conclusion

The proposed modifications have been assessed in accordance with section 4.55(2) and section 4.15 of the EP&A Act and are considered appropriate as summarised below:

- **The proposal is substantially the same development:** the proposal retains the approved mixed use nature of the development and no additional land use is proposed. The changes to the form and scale of the towers, and amendments to the layout, quantity and mix of apartments remains within the bounds of Section 4.55(2) as alterations ‘without radical transformation’ and minimal environmental impact.
- **The proposal satisfies the applicable planning controls and policies:** the proposal satisfies the objectives of all relevant planning controls. With the exception of height and FSR, the modified development remains generally compliant with the Ryde LEP, including site specific unit mix provisions, and is able to comply with Housing SEPP and DCP with consideration of the controls for the site.
- **The impacts are acceptable:** the intention of the proposed amendments is to improve the amenity of the residential units and public spaces without causing significant or additional impact to the surrounding development.
- **The proposal remains suitable for the site:** the development as proposed to be modified is permitted within the MUI Mixed Use zone, is consistent with the zone objectives and is therefore suitable for the site.
- **The proposal is in the public interest:** as it will continue to provide a mixed use development within close proximity to public transport and other amenities within Macquarie Park, including enhanced benefits through modifications made to the ground plane which will serve a public benefit once delivered.

Having considered all relevant matters, it is concluded that the proposed development as modified is appropriate for the site and approval is in the public interest subject to appropriate consent conditions

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